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INWARDS
To Governor
Feb 1921 to
Dec 1924

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FALKLAND ISLANDS
MISCELLANEOUS

Downing Street,

22 February, 1921.

Sir,

With reference to my predecessor's
Miscellaneous despatch of the 25th November last, I
have the honour to transmit to you the accompanying
copies of an official report of a judgment delivered in
the Prize Court in this country on the 19th ultimo
relating to the cases of the detained German ships
"Blonde", "Hercules" and "Prosper".

I have the honour to be,

Sir,

Your most obedient

humble servant,

Herbert Churchill

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.,
&c., &c., &c.,

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In the High Court of Justice.

PROBATE, DIVORCE, AND ADMIRALTY DIVISION.
(ADMIRALTY.)

(IN PRIZE.)

ROYAL COURTS OF JUSTICE,
Wednesday, 19th January, 1921.

BEFORE

THE RIGHT HON. SIR HENRY DUKE
(President).

S.S. "BLONDE,"
S.S. "HERCULES,"
S.S. "PROSPER."

19 January 1921.

THE ATTORNEY-GENERAL (The Right Hon. Sir Gordon Hewart, K.C., M.P.), THE SOLICITOR-GENERAL (The Right Hon. Sir Ernest Pollock, K.C., M.P., K.B.E.), and Mr. WYLIE (instructed by the Treasury Solicitor) appeared for the Procurator-General on behalf of the Crown.

MR. R. H. BALLOCH (instructed by Messrs. Botterell and Roche), appeared for the Claimants.

(Transcript from the Shorthand Notes of C. E. Barnett & Co., 23 and 24, Eldon Chambers, 30, Fleet Street, E.C. 4, and C. C. Norman, Official Shorthand Writer to the Admiralty and Prize Courts.)

JUDGMENT.

The PRESIDENT: The three vessels which are in question here—the "Blonde," the "Hercules," and the "Prosper"—are three vessels of no very considerable tonnage which were seized in ports of Great Britain upon the outbreak of the war. The "Blonde" was a vessel of 613 tons gross, the "Prosper" a vessel of 759 tons gross, the "Hercules" a vessel of 1,095 tons gross. At the time of seizure they were the property of a German Corporation which had its business seat in the Port of Dantzig, and they were registered in the Port of Dantzig, and necessarily were

19 January 1921. vessels under the German Flag. As is admitted, they were, for all the purposes relative to the consideration of a question of Prize in this Court, German ships. The vessels have met with varying fates. One has been lost at sea by stranding, one has been sunk by the enemy when she was in use under requisition, and one of them is still afloat in the employment of persons who hold her under an order of this Court for requisition. As to the vessel which is afloat, there is on the part of the claimants—the Corporation I have mentioned, who remain in the City of Dantzic—a claim for the restoration of that ship. The same Claimants claim with regard to the other two ships their value; and, so far as any one of the three ships has been applied to profitable uses under process of requisition during the war, the ascertainment and payment of a reasonable reward for such use.

Various questions of much interest and of very considerable importance have been raised in the argument of the case, and the arguments have not been much restricted in scope by reason of the fact that some time since, in a Judgment which was delivered immediately after the Vacation, the Court determined the fate of one German vessel seized at the outset of war in like manner with the vessels which are here in question, and determined that a vessel so seized, in the circumstances in which that vessel was seized, must be held to be good and lawful Prize. That was the decision in the "Marie Leonhardt." This case has proceeded upon lines to which, so far as I need refer to them, the Judgment in the "Marie Leonhardt" does not relate. In the first place, the Claimants for the "Marie Leonhardt" were German subjects at the time of the Claim. They had been German subjects at the time of the seizure. They remained within the German State at all material times. In the present case, on the contrary, the Claimants are a corporation situate at Dantzic. They have become, as they properly state in their affidavits, the citizens of a Free City, and they claim to have considered, with regard to their three ships, the question whether upon the transfer of the territory of Dantzic, and the allegiance of the citizens of Dantzic, from the German State to a new State created by the Treaty of Peace, rights accrued to the present Claimants which differentiate their position favourably from the position in which the Claimants stood against whom Judgment of condemnation was given in the case of the "Marie Leonhardt." They desired also to have argument advanced upon certain questions which the Claimants in the case of the "Marie Leonhardt" elected not to argue.

In the claim of the Crown for condemnation of the "Marie Leonhardt" three propositions were advanced for the Procurator-General. One was that by the ancient law of Prize enemy vessels seized in the port of a belligerent at the outbreak of war and not made subsequently the subject of convention for release are subject to condemnation as Prize. The second was that although this country had been ready to enter into terms with the German Empire such as are set forth in Convention No. 6 of the Hague Convention, no Convention had been effectually concluded between His Majesty's Government and the Government of the German Empire which rendered the terms of Convention 6 operative in favour of the owners of the "Marie Leonhardt." The third question upon which the Crown submitted there should be Judgment against the then Claimants was the question which arose with regard to an alleged agreement through diplomatic agencies during the war, an agreement subsequent to the Hague Convention but with regard to the provisions of the Hague Convention. The Crown submitted that, owing to conduct of deliberate inhumanity and the repudiation of all the obligations of International Law on the part of the late Government of the German State, the citizens of the German State had been deprived of any right to set up against citizens of the Allied

States, or against the Allied States themselves, any rights which, without such conduct, might be deemed to have accrued to them by Convention and Prize law. 19 January 1921.

The questions as to nationality of Claimants, as to the effect of the Treaty of Peace upon the property of German subjects, and upon the property of subjects whose allegiance was transferred by the Treaty of Peace from Germany to some other State, did not arise in the case of the "Marie Leonhardt."

Counsel for the Claimants in the case of the "Marie Leonhardt" elected to treat the Hague Convention No. 6 and the diplomatic correspondence which took place through neutral agencies in the autumn of 1914, between His Majesty's Government and the then Government of Germany, as not affording any ground of claim to the owners of the "Marie Leonhardt." Having regard to the course then taken the only question which was before the Court for decision in the case of the "Marie Leonhardt" was the question of whether by what one may call the common law of Prize (that is the law of Prize which depends on immemorial or universal usage) there was in 1914 the right on the part of owners of an enemy vessel if it was in the port of a belligerent at the outbreak of war to have a reasonable period for withdrawal. I came to the conclusion that there was no such right—that the law as it was expounded by Lord Mansfield in the well-known case of *Lindo and Rodney* is still the law of Prize in this country, and that failing some agreement upon reciprocal terms on the part of the belligerents concerned, vessels found in port, and seized in port in this country, being the property of an enemy subject at the time, were subject, during the war, or at the close of the war, to be condemned as Prize. No question has been raised with regard to that decision in the "Marie Leonhardt," so I propose to say nothing more on that subject. The questions that have been raised are the other questions to which I have referred.

I allude now, first, to the contention which Mr. Balloch has advanced that by virtue of the Treaty of Peace citizens of the State of Dantzic are exempt from those consequences of Prize Law, and of liability to condemnation in Prize, which the rules of International Law and the provisions of the Treaty of Peace brought about with regard to the citizens of Germany as a body. Mr. Balloch contended that the Court should differentiate the case of the citizens of Dantzic from the case of German nationals who after the Treaty of Paris had come into operation remained German subjects. I have to consider that contention first of all with regard to International Law, apart from the Treaty of Peace, and secondly with regard to the state of affairs resulting from the Treaty of Peace. As a consequence of the victory of the Allied and Associated Powers in the war, the territory which is now the territory of the Free City of Dantzic was surrendered by the German State to the collective body described as the Allied and Associated Powers. It ceased to be German territory, and it ceased to be German territory upon the terms that the Allied and Associated Powers would proceed to erect the community who were the occupants of that territory into a free and independent community, having its own international status.

Mr. Balloch said, and, as it seemed to me, with some natural force, it might be the Treaty would involve a hardship upon the German citizens who were so erected into a new community, if they were held bound by the penal obligations which the Treaty, as a whole, imposed upon the subjects of the late German Empire. That is a matter which might be fairly raised in argument, but looking at the question as a question of International Law, apart from any express provisions of the Treaty, I find it difficult to discover any point of time at which the condition of the citizens of Dantzic can be differentiated from the condition of the general body of the citizens

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of Germany so as to vest in the State of Dantzig any property of which, by reason of the results of the war, they had become divested. The state of the case, apart from particular provisions in the Treaty, was this, that during the war German citizens residing in Dantzig had been lawfully deprived of certain moveable property of theirs, namely, steamships, which had been found in the ports of Great Britain under such conditions that unless during the war the rulers of the German State came to terms with the Government of Great Britain as to those ships, those ships were subject to condemnation. During the war no terms were made with regard to those ships and they at all points of time during the war were, applying as I must the Judgment in the case of the "Marie Leonhardt," subject to condemnation. I have to consider the fact that the transfer of the allegiance of the citizens of Dantzig was made by the Treaty, and came into existence notionally the moment after the conclusion of the war, that is upon the conclusion of the war. Can it be said there was then re-vested in the citizens of Dantzig any property of which in the course of the war they had been deprived? I have not been able to discover any grounds upon which, apart from any express agreement, it can be said that those citizens would have rights which other German citizens would not have immediately upon the conclusion of the war. Immediately upon the ratification of the Treaty of Peace the citizens of Germany were in amity with this country, and immediately on the operation of the Treaty of Peace the citizens of the Free City of Dantzig were in amity with this country. They were in each instance the subjects of foreign friendly Powers. I cannot find any ground upon which I could admit the citizens of Dantzig, apart from express provision in the Treaty, to have acquired rights in these ships without setting up the proposition that citizens of Germany (except so far as they were expressly divested by Treaty) acquired by the conclusion of Peace similar rights. It may be that I have overlooked some consideration to which I ought to have regard, but at any rate no ground was pointed out to me upon which it could be said that the citizens of Dantzig, by the operation of the Treaty, were put into a privileged position, as compared with the general body of the former citizens of the German State. In the absence of authority (no authority was submitted to sustain the proposition, and my own recollection of the authorities is on the whole adverse to the proposition), and in the absence of any argument founded upon reason, upon which I could come to the conclusion that under the ordinary Law of Prizes, that is by usage, the citizens of Dantzig were privileged to recover these ships, although the citizens in other parts of Germany would not have been, I come to the conclusion that, apart from any express term in the Treaty, the Claimants are in no better position than were the owners of the "Marie Leonhardt."

I have to consider then what the case is with regard to the clauses of the Treaty. Certain clauses were read to me. The relevant clauses are those in section XI. of the Treaty, which deal with the constitution of the Free State of Dantzig. I have looked through them as a body, and it seems to me (not pronouncing a concluded opinion in the matter in case it should arise in any other action) that the general effect of section XI. is to constitute a new Sovereign Power, namely, a Free City, such as was exceedingly well known during some hundreds of years in the history of Europe. The territory is defined, provision is made for the adoption of a Constitution under which the citizens of that territory are to live, and provision is made for the international recognition of the Sovereign character of the new State so constituted. By Article 104 the principal Allied and Associated Powers undertook to negotiate a Treaty between the Polish Government and the Free State of Dantzig with regard to certain matters. So that there is constituted the Free State of Dantzig; it is

separated from the German State, and is not subjected to any of the Allied and Associated Powers. That last conclusion seems to me to be a material one, because, when I come to section IV. of the Treaty, which deals with property, rights, and interests, I find in Article 297 (b) a provision which deals with private property and German nationals throughout the German State: "Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right"—*reserve the right*—so that the right is asserted to have existed at the making of the Treaty, and it is declared to be "reserved"—"to retain and liquidate"—that is to hold and dispose of—"all property, rights, and interests belonging at the date of the coming into force of the present Treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions, and protectorates, including territories ceded to them by the present Treaty. The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the German owner shall not be able to dispose of such property, rights, or interests, nor to subject them to any charge without the consent of that State." So that the property of the German nationals within the territory of the free State of Dantzig—which is a territory ceded to the Allied and Associated Powers by the Treaty—is retained to, and is to be liquidated by, the Allied or Associated States in accordance with their Laws. There is a proviso at the end of subsection (b) to this effect: "German nationals who acquire *ipso facto* the nationality of an Allied or Associated Power in accordance with the provisions of the present Treaty will not be considered as German nationals within the meaning of this paragraph." The Article includes the German nationals within the free State of Dantzig in its general operative words, and they are not within the excepting words of the proviso, because they are not German nationals who acquire *ipso facto* the nationality of an Allied or Associated Power by the terms of the Treaty. That being so, it appears to me that—International Law without the Treaty not creating any privilege in the citizens of Dantzig in respect of the matters here under consideration—the Treaty itself shows that it was the intention of the contracting parties upon the conclusion of the Treaty to leave the citizens of Dantzig in the same position internationally as were the citizens of Germany as a whole, that is, to leave them subject to the right of the Allied and Associated Powers to retain and liquidate their property, rights, and interest—to deal with them in fact (so far as International Law was concerned) as though they had been German subjects and were remaining German subjects.

I come to the conclusion upon this part of the case that under International Law without the Treaty, and under the Treaty, the Claimants in the present set of claims are in no better position than were the Claimants in the case of the "Marie Leonhardt."

Now as to any convention or compact. It is not contended on the part of the Claimants that they derive a right to these ships from the Hague Convention No. 6. What is said is that in the course of the period which elapsed between the declaration of war and the end of October 1914, His Majesty's Government concluded an agreement with the then Government of the Empire of Germany whereby enemy ships seized in port at the outbreak of war in this country were agreed to be delivered up to their German owners when the war should cease, with compensation at some rate for the use of the ships during the war. That has been the main subject of discussion upon the argument. Other questions have been considered, but not in the same detail. It is said on the part of the Crown that if (which was denied) there were any agreement with regard to the property in these ships—any reservation of right in these ships—in favour of German subjects which left them in a more favourable position than they would

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have been in at International Law without such agreement, the agreement was subject to a condition that the German State should give benefits corresponding to the benefits it claimed. It was said further for the Crown that if there had been such an agreement by correspondence through diplomatic channels during the war, as was alleged by the Claimants, the German Government had shown by its conduct at an early stage in the war, and consistently afterwards, that it repudiated that agreement. Some reference was also made to a matter which was seriously raised in the case of the "Marie Leonhardt," and which was seriously raised here, namely, that by reason of the acts of inhuman atrocity perpetrated under the authority of the Imperial German Government during the war, citizens of Germany were outside the protection of International Law, and could not be heard to make claims to the benefits of International Law in matters where their Rulers repudiated the obligations of International Law. That last-mentioned subject was not necessary for determination in the case of the "Marie Leonhardt," nor do I think that it is necessary for determination in this case. When it comes up to be judicially determined, if it ever should, the observations of Chief Justice Marshall and Mr. Justice Johnson in the case of the "Nereide," to which Mr. Balloch referred, will, I doubt not, receive the consideration to which they are entitled by reason of the great eminence of the authorities from whom they proceeded and the tremendous gravity of the principles which those learned Judges enunciated. I say no more on that topic. I am glad to be at liberty to deal with this case upon much narrower grounds.

I have to ascertain, first of all, whether there was an agreement, and whether, if there was an agreement, it was a term of it that Germany should get as she gave. A very elementary principle of law which originated before English law was formulated is embodied in the very simple formula *do ut des*, and that was, in substance, the formula to which the Crown resorted in the argument of the question which has been considered here. On general grounds it seems very sound, though it may be defeated in some cases. It may be conceivable that with a clearly concluded agreement flagrant departure on the part of one of the parties from the terms of the agreement might operate to effect a rescission and renunciation of his rights under the agreement. I do not think that question arises in this case. I have to ascertain from the terms of the correspondence here whether, in fact, there was such an agreement as is alleged, and, if so, what it was. The correspondence was a correspondence which was conducted through various neutral agencies in neutral countries and, ultimately, through the Department of State at Washington by the agency of the American Ambassador in London. It was correspondence which related to the whole subject of the treatment by the respective belligerents of enemy ships their cargoes and their crews, and it was based upon the efforts which had been made at the Hague Conferences to arrive at a Convention on such subjects. It is only in that respect, for the purpose of furnishing a sort of glossary for the interpretation of the language of the correspondence, that the Hague Convention No. 6 is material here. It is not suggested that that Convention was concluded so as to confer upon these Claimants the rights which are asserted on their behalf. The correspondence deals with the three matters to which I have referred—ships, cargoes, crews. By the ordinary law of Prize—the old law of Prize—it was recognised, as it seems to me, that ships were subject to detention and condemnation as Prize, or, at any rate, that that was a possible, if not probable, view of the Law of Nations as it then stood; that cargoes were subject to be dealt with in the same way; and that crews might be interned and treated as prisoners of the enemy State, at the mercy of their captors, subject to such humane restrictions as International Law might impose. Those were the topics to which this correspondence

related. It begins quite early in August 1914, and from time to time during August and during September the German Government on the one hand, and His Majesty's Foreign Office on the other, stated what they were willing to do. Language is used in some communications which treats particular matters as though they were concluded matters, that is, it is language which is capable of that construction. There is the phrase, for instance, that "His Majesty's Government will do," this or that. There is the phrase that "the Imperial Government agrees, or is ready to do," such and such things. To determine the true construction the whole correspondence must be looked at. That, I think, is as sound a principle in questions of International Convention as it is in relation to questions with reference to agreements of individuals. Now, there being correspondence of that kind on these matters during August, at the end of August the Secretary of State at the Foreign Office lays great emphasis upon the fact that whatever His Majesty's Government is ready to do it will be only upon the terms that the German Government shall be ready to do the same things. That is material upon both questions—whether there was a concluded agreement—and, if so, what that agreement was. On the 25th August the American Ambassador submitted to the Foreign Office a message received from the German Ambassador at Berlin. In that message the German Government desired to be informed whether, if the British Government rejected the proposals of the German Government which had then been under consideration, they would confiscate all German ships which had been seized, without compensation, or whether, in accordance with certain provisions of the Hague Convention No. 6 they would hand back the ships and their cargoes at the end of the war; or, in case they requisitioned them, would at once give compensation. They desired also to know whether the British Government were prepared to liberate the crews of interned German vessels, and stated what the German Government was ready to do with regard to the crews of interned British vessels. Sir Edward Grey, His Majesty's Secretary of State, replied to that communication. He referred to the Hague Convention, by which he said the procedure of His Majesty's Government was governed, and then proceeded as follows: "As stated in my note of the 14th ultimo, His Majesty's Government will grant to German ships the benefits of Articles 2, 4 (first paragraph), and 5 of the Convention, but not those accorded by Articles 3 and 4 (paragraph 2) to which Germany is not a party. The decisions of the Prize Court in such cases will proceed upon this basis." First of all with regard to the forecast in this letter of the decision of the Prize Court I make this observation in reading that phrase, that it was impossible that any Minister should declare, in advance, what would be the decision of a court which is a Court of Law, and that the employment of that phrase was no more than a forecast which might prove to be right or wrong. It was only the more likely to be right in that the person from whom it proceeded was a person of eminence with means at his command of being properly advised upon the subject. It was nevertheless a declaration which did not bind the Prize Court. With regard to the other part of the matter, which is the material part here, I say only this, that when the Secretary of State says His Majesty's Government will grant to German subjects certain benefits, he is not making an actual grant of benefits but declaring what is the attitude of His Majesty's Government towards the proposals of the German Government, and stating the readiness of His Majesty's Government to include certain terms in any agreement they may make. That letter, I think, is not relied upon as evidence of a concluded agreement. There is a subsequent communication on the 2nd September 1914, in which the German Government sets forth again its demand for release at the close of the war of detained ships with compensation during

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the war—"de suite" is the expression employed—for the use of requisitioned ships, and its proposals as to the treatment of crews of interned ships, and the writer goes on to say that those terms being conceded the German Government will adopt in this matter a similar process to that for which it has asked. There is an answer to that letter on the 20th September from the Foreign Office in London. In that reply the Secretary of State accepts generally "the interpretation placed by the German Government on my two notes of the 14th ultimo," and His Majesty's Government points out that the demand for payment, pending the war, is not a demand which is well founded by any proper construction of the Hague Convention, and requests that the German Government may be so informed. When the case for the Claimants was opened this morning that document of 20th September was relied upon as evidence of a concluded agreement. I take the view that it shows only a step in the negotiations. It is a step by which the Foreign Office made clear the position of His Majesty's Government with regard to one particular topic among the several questions which were under discussion. The negotiation was carried on to the 24th September, and it was owing to the observations which the Attorney General made upon the suggestion that there was an agreement concluded before that time that this matter came to be considered. The German Government stated on 24th September its appreciation of the proposals of the British Government as they then stood. It used a phrase to this effect—perhaps I had better read the passage—"German Government understands that British Government . . . will retain ships and will compensate the owners thereof." The main contention in the major part of Mr. Balloch's argument with regard to the alleged agreement was that the passage I have summarised in the despatch of the 24th September was an acceptance by the German Government of a separate proposal of the British Government with regard to the detained ships. I cannot take that view. I read the whole of that letter, and I see that the question of compensation is still the subject of discussion. More than that I see that the German Government is demanding to be informed as to what will be the course of the British Government with regard to the crews of interned ships. The letter concludes with a passage which seems to me to be very material to the matter in question as to whether the passage to which I have referred is proof of a concluded agreement. The despatch ends with these words: "German Government assume as a matter of course, that the above understanding should apply to merchant ships in the ports of the Colonies of the two countries as well as of those in the ports of the Mother Country." That is the end of that message, but the sender of it, Mr. Bryan, Secretary of State, at Washington, adds this, "communicate substance of this telegram to British Government." It seems to me that that was not a communication which closed the discussion with regard to the ships, and left the other matters to be dealt with separately. That appears to be shown also by a German telegraphic message of the 24th September which, at a later date, was communicated by the Ambassador at Washington. It appears further by some subsequent events. The date of that communication to which I have just referred is the 24th September 1914. That is the date at which it was forwarded from Washington. Now it is said there was a concluded agreement at that time. On the 10th October 1915, however, the German Imperial Government was giving instructions to its representatives in various foreign capitals, including, among others, its representative at Madrid, and it sent out instructions to the German Embassy at Madrid, that German vessels in use by the British Government, in process of requisition without condemnation, might be detained and brought into the Courts of neutral countries, for the purpose of release from British control. The Attorney-General points out that that communication is directly in conflict with any suggestion that the

British Government had acquired, by agreement, the right to requisition ships paying for their use. The Attorney-General said, and, as it seemed to me, said with much force, that that is to be treated as an honest message, and that treated as an honest message, it demonstrates that the German Government, in 1915, did not suppose that in 1914 there had been a concluded agreement to the effect of that which is relied upon by the present Claimants. I should have come to the conclusion upon the correspondence, as it stood, that it showed only an interrupted negotiation—that it showed not a concluded agreement. With regard to a particular matter the parties were *ad idem*, but with regard to other questions which were the subject of the one negotiation they were at issue, and their differences never were concluded. But, if I were able to give greater weight than I can to the arguments which Mr. Balloch has advanced as to the possible meaning of the terms to which he referred in the correspondence which took place in the autumn of 1914, so as to found a possible claim by the present Claimants on what they allege to be the construction of the documents, it seems to me that the despatch of October 1915 puts an end to any possibility that it could be contended that there was in October 1914 the concluded agreement which is now set up.

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For various reasons, which I have mentioned at greater length than I had expected would be necessary, I have come to the conclusion that these three ships were good and lawful prize, and must be condemned. Accordingly they are condemned as good and lawful prize, and as droits of His Majesty in His Office of Admiralty.

Mr. WYLIE: Then I ask your Lordship for costs. There will be freight in two of them. There was cargo in the "Blonde" and in the "Hercules," and I ask for condemnation of the freight.

The PRESIDENT: Yes. With regard to the costs, Mr. Wylie, what do you say about them? Do you say that this is outside of the general rule with regard to condemnation of the unsuccessful owner in the loss of his goods?

Mr. WYLIE: I do not want to press for costs. In fact, I am instructed that we have no desire to press for costs.

The PRESIDENT: Very well. I think it better, at any rate here, that there should be no costs in this case. It was a matter that the owners might properly raise. It is true that it was raised after the war, but it must be treated as arising in Prize and arising under the conditions which obtain as to the ordinary rights of claimants in Prize who come forward with an honest claim.

Mr. WYLIE: If your Lordship pleases.

Mr. PRICE: My learned friend, Mr. Balloch, has asked me to make an application on behalf of the Claimants. The Claimants feel that this is a matter where they may desire to apply to your Lordship to admit an appeal, and such an application should be made within seven days in the ordinary way.

The PRESIDENT: What time do they want?

Mr. PRICE: I suggest that a reasonable time would be a month.

The PRESIDENT: And what security do you offer?

Mr. WYLIE: My suggestion there is that 400*l.* would be reasonable in this case. There are three ships concerned here. There is a very considerable property at stake, and there will be a pretty heavy printing bill.

Mr. PRICE: I am asked to apply to your Lordship for an extension of time in which we may make an application to your Lordship to admit an appeal.

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The PRESIDENT: If you put the Procurator to the expense of instructing Counsel on an application which you ought to be able to make now I am not sure that you ought not to pay the costs of it.

Mr. PRICE: I should have thought that an application for an extension of time would have been the more convenient course.

The PRESIDENT: I will adjourn it, but if the Procurator asks for costs when it comes on you must not be surprised.

Mr. PRICE: No, my Lord Then I may have an extension of a month.

The PRESIDENT: Yes.

Mr. PRICE: If your Lordship pleases.

I hereby certify the foregoing to be a true and correct transcript of the Judgment herein.

CLARENCE CHARLES NORMAN,
Official Shorthand Writer to the
Admiralty and Prize Courts.

In the High Court of Justice.

PROBATE, DIVORCE, AND
ADMIRALTY DIVISION.

(IN PRIZE.)

ROYAL COURTS OF JUSTICE,

Wednesday, 19th January, 1921.

BEFORE
THE RIGHT HON. SIR HENRY DUKE
(President).

S.S. "BLONDE,"
S.S. "HERCULES,"
S.S. "PROSPER."

JUDGMENT.

THE TREASURY SOLICITOR,
276, Royal Courts of Justice,
Strand, W.C. 2.

EYRE AND SPOTTISWOODE, LTD., EAST HARDING STREET, E.C. 4.

4a

FALKLAND ISLANDS
MISCELLANEOUS

Downing Street,
26 February, 1921.

Sir,

With reference to my Miscellaneous despatch of the 22nd instant, I have the honour to transmit to you the accompanying copies of an official report of the Arguments in the Prize Court in this country on the 19th ultimo in connection with the cases of the S.S. "Blonde" "Hercules" and "Prosper".

I have the honour to be,

Sir,

Your most obedient

humble servant,

Arthur H. Churchill

21.

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.

etc.

etc.

etc.

In the High Court of Justice.

PROBATE, DIVORCE, AND ADMIRALTY DIVISION.
(ADMIRALTY.)

(IN PRIZE.)

ROYAL COURTS OF JUSTICE,
Wednesday, 19th January 1921.

BEFORE
THE RIGHT HON. SIR HENRY DUKE, PRESIDENT.

Steamship "BLONDE."
" " "HERCULES."
" " "PROSPER."

The ATTORNEY-GENERAL (the Right Hon. Sir Gordon Hewart, K.C., M.P.), THE SOLICITOR-GENERAL (The Right Hon. Sir Ernest Pollock, K.C., M.P., K.B.E.), and MR. WYLIE (instructed by the Treasury Solicitor) appeared for the Procurator-General on behalf of the Crown.

MR. R. H. BALLOCH (instructed by Messrs. Botterell and Roche) appeared for the Claimants.

(Transcript from the Shorthand Notes of C. E. Barnett & Co., 23 and 24, Eldon Chambers, 30, Fleet Street, E.C. 4, and C. C. Norman, Official Shorthand Writer to the Admiralty and Prize Courts.)

ARGUMENTS.

The ATTORNEY-GENERAL: My Lord, these are applications for the condemnation of these three ships, the "Blonde," the "Prosper," and the "Hercules," each of which was requisitioned after seizure. All three ships were registered in the port of Dantzic: they were seized upon the outbreak of war in British ports, and decrees for detention in the form of the Chile Order were made about each of them. 19 January 1921.

My Lord, the "Blonde" is a ship of 613 gross tons register. She was seized by the Customs in London on the 5th August 1914, with a cargo of timber, and that timber was released after investigation. Appearances had been entered by Mr. Bennett, as mortgagee, by Cory & Son, Limited, who claimed for necessaries, and by the Dantzic Rhedeiri Company, who are, or were, the owners. On the 11th September 1914 the late learned President, Sir Samuel Evans, struck out the appearances on behalf of the owners upon the ground that the affidavit was defective, and he thereupon made the Chile Order. On the 5th February 1915 an Order was made for temporary requisition without appraisal, and

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afterwards the ship was lost by stranding whilst she was under requisition. Those are, very shortly, the facts with reference to the "Blonde." In the case of the "Prosper," that is a vessel of 759 tons gross register. She was seized by the Customs in London on the 5th August 1914, and she had no cargo. Appearances were entered by the owners, as in the case of the "Blonde," and by Cory & Sons, Limited, for, I think, coal supplied. On the 16th September 1914 the owners' appearance was struck out because it was defective, and an Order for detention was made as in the case of the "Blonde." On the 22nd December 1914 an Order was made for temporary requisition without appraisalment, and that vessel is still afloat. With regard to the last of the three, the "Hercules," she is a vessel of 1,095 tons gross register. She was seized by the Customs at Liverpool on the 8th August 1914. Her cargo was released and appearances were entered by four different parties—the owners, as before; secondly, Glover, Clayton, & Co., Limited, in respect of repairs; thirdly, G. R. Brace, for survey fees; and, finally, by Reut & Company, as parties interested. On the 18th January 1915, the owners' appearance was struck out and the Order for detention was made. On the 13th February 1915 she was made the subject of temporary requisition without appraisalment, and afterwards sunk by the enemy while under requisition. The claims in the case of the ships are not quite the same. In the case of the "Blonde" and the "Hercules" they are for restoration of the value, or compensation for the loss, and for use of the ships, costs, and damages. In the case of the "Prosper" what is claimed is restoration, &c. The difference between this group of three cases, and the case with which your Lordship dealt a little time ago—the "Marie Leonhardt"—is this, that these ships were registered in Dantzig, in the port of Dantzig, and as your Lordship is well aware the port of Dantzig was renounced by Germany in favour of the principal Allied and Associated Powers who undertook to establish that town as a free city. The relative Articles in the Treaty of Peace are Articles 100 and 101, and they appear at pages 59 and 60 of the print. I do not think I need read them all. Article 100 says: "That Germany renounces in favour of the principal Allied and Associated Powers all rights and title over the territory comprised within the following limits," and then the limits, which are carefully set out, were of course the limits of what is to be the free State of Dantzig. Then by Article 101, at page 60, it is agreed as follows: "A Commission composed of three members appointed by the principal Allied and Associated Powers, including a High Commissioner as President, one member appointed by Germany, and one appointed by Poland, shall be constituted within 15 days of the coming into force of the present Treaty for the purpose of delimiting on the spot the frontier of the territory as described above, taking into account as far as possible the existing communal boundaries," and then by Article 107, at page 61, it is further agreed that: "All property situated within the free city of Dantzig belonging to the German Empire or to any German State shall pass to the principal Allied and Associated Powers for transfer to the free city of Dantzig or to the Polish State as they shall consider equitable."

Now, my Lord, my submission is, if that point be raised—I do not know whether it will be or not—but if any point upon those Articles is raised my submission is that the provisions do not affect in the smallest degree the right of the Crown to condemn all these ships. These ships are not "property situated within the territory of Dantzig" within the meaning of the Treaty, nor are they property "belonging to the German Empire or to any German State" within the meaning of the Treaty. The liability to condemnation depends, as has been so often held, and as is now, I imagine, well settled, on the state of circumstances at the time of the seizure.

Now, my Lord, there is another argument which I gather may be about to be used. 19 January 1921.

The PRESIDENT: Who appears for the owners?

Mr. BALLOCH: I appear for the owners.

The ATTORNEY-GENERAL: I gather that because of certain correspondence which has passed between the solicitors who instruct my learned friend, Mr. Balloch, and the Treasury Solicitor. May I very shortly recall the points upon which the decision of your Lordship in the "Marie Leonhardt" turned. May I very shortly remind your Lordship of the argument that was addressed to the court in that case. It is reported, and if I may say so, most faithfully reported at page 3 of 1921 Probate in the Law Reports. My Lord, that is the January part. If I may refer to the argument which was presented to your Lordship it was said that: "Under the ordinary rules of International Law the belligerent was entitled at the outbreak of war" (*the learned Counsel read to the words*) "the legal validity of the custom which has grown up in recent years."

Your Lordship may recollect that after an argument which took place upon a certain day in July of last year your Lordship heard Counsel upon the one side and upon the other on a day in the Long Vacation, that is the 21st day of September last year, because it had been mentioned that there was in existence certain duplicate correspondence. My Lord, on that day in the Long Vacation we came before your Lordship, and at the end of a submission on the part of the Crown which consisted of two parts—first that that the diplomatic correspondence did not ripen into an agreement, and secondly, that even if it had done, that agreement would not have been an agreement of superior force to the force of Convention No. 6—your Lordship asked the learned Counsel who appeared for the Claimants in that case whether he proposed to found himself upon anything outside of Convention 6, and he answered no, and so the matter was in that case left. Then upon the 19th October, your Lordship delivered Judgment, and, if I may, I will read that Judgment. Your Lordship said this: "This is a motion on behalf of His Majesty's Procurator General for condemnation of a German steamship, 'The Marie Leonhardt,'" &c. (*The learned Attorney-General read the Judgment in extenso.*)

Now, my Lord, I found myself in the three applications which are at this moment before your Lordship upon that Judgment—the conclusion, namely, that the law on this subject remained in 1914, and is now, as it was in the time of Lord Mansfield. If it be said: "Yes; but these cases are differentiated from that case by reason of the fact that these vessels were registered in the Port of Dantzic, and there are specific provisions in the Treaty of Peace (namely, Article 107) with regard to property situated within that territory," then my answer is, my Lord, the answer that I have already suggested, that that Article does not cover such a case as this. And, secondly, if it be said—if my learned friend, Mr. Balloch, thinks it right to go beyond the argument that was advanced by my learned friend, Mr. Lewis Noad, in the case of the "Marie Leonhardt"—then I have two observations to make. It is apparent from the Judgment—a considered Judgment—that notwithstanding that the Counsel who appeared for the Claimants in that case was not disposed to allege a claim going beyond what he represented to be the general state of the law, your Lordship thought it right to examine—and if I may respectfully say so, to examine with minute care—both the antecedents, and the meaning, of the Hague Convention as well as the antecedents, the meaning, and the history of the diplomatic correspondence of the early months of the War, and your Lordship in giving Judgment not only disposed of the legal argument submitted in that case on the part of the Claimant, but also disposed of the legal argument which was faintly suggested, but not relied upon, derivable

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from the Hague Convention on the one hand, and the diplomatic correspondence on the other hand. In these circumstances, I do not propose to take your Lordship's time up by reading what has been read and considered already—the diplomatic correspondence—but I submit these two observations upon it; in fact, my Lord, I submit three observations upon it. First of all, that in fact that diplomatic correspondence did not ripen into an agreement; secondly, that even if it had done so, the agreement so arrived at could not have been of force superior to the force of Hague Convention No. 6; and, thirdly (this rather is a postscript to No. 1 than a separate submission) that Germany by her own conduct showed in the clearest possible way that which took place in the way of correspondence after the War commenced was not regarded by her as amounting to an agreement. My Lord, I have in my hand, and it was before your Lordship on a previous occasion, a confidential note in French addressed from Berlin under the date of the 10th October 1915, to the Ministry at Madrid and to German Consuls in Spain.

The PRESIDENT: Let me have a copy, Mr. Attorney. I have a general recollection of that correspondence.

(Bundle of correspondence handed to the learned President.)

The ATTORNEY-GENERAL: Your Lordship sees that it is sent to the Embassy at Madrid, and it is intended for the German Consuls in Spain. I need not trouble about the first paragraph, but the second paragraph goes on to refer to German vessels which have been seized—"so that if you find " German vessels which have been seized at the beginning of the War in " enemy ports you have to understand that they changed the names of " certain of those vessels." My Lord, it is interesting to observe that there is, appended to that document, a list of vessels seized. The names of every one of these three vessels appear there—the "Blonde," the "Prosper," and the "Hercules."

The PRESIDENT: They were in the schedule which is referred to in paragraph 2.

The ATTORNEY-GENERAL: Yes, my Lord. So that really leaving out the phrases that may be employed, Germany is saying there, in a confidential message from her Foreign Office to the German Embassy at Madrid, for the information of German Consuls throughout Spain, that German vessels have been seized in ports of the enemy; that in certain cases their names have been changed, and asking those German Consuls to take appropriate steps, if those ships should come into Spanish ports, to seize them on behalf of Germany, and to communicate forthwith with the German owners. That, I think, is a fair summary of the effect of this confidential document. Fortunately (of course no copy of that was sent to us, that was no part of the diplomatic correspondence, but I am revealing no secrets when I say at this stage) that document was intercepted by the French Secret Service, and a copy of it therefore by that means reached our Foreign Office. So that we have it, over the hand of the German Foreign Office, upon the 10th October 1915, that that is their attitude in this matter. One provocative instance is as good as many; and if anything further were needed beyond what was said in your Lordship's Judgment in the "Marie Leonhardt" (as I submit nothing further was needed) a document of that kind would supply it.

The PRESIDENT: The claimants of these vessels were German subjects; that is to say, were a German Corporation throughout the War?

The ATTORNEY-GENERAL: Yes, my Lord.

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The PRESIDENT: And till the conclusion of Peace. They are now, I take it—I do not know whether they are or not—whether they claim to be subjects of a friendly State other than Germany, or whether they claim to retain their German nationality, and whether it is said it makes any difference that they are subjects of a reconciled Germany or are subjects of a friendly Power which was neutral during the War.

The ATTORNEY-GENERAL: I do not know how that may be; I do not know whether they do put forward that kind of claim to which your Lordship alludes, or whether it would make any difference if they did. In my submission, either in the one case or in the other, the matter which is of importance is, so far as condemnation is concerned, that those ships were seized at the dates at which they were seized. The condemnation relates practically to the date of seizure. Of course, the question whether condemnation should be prevented might depend upon events subject to the date of seizure. If, for example, it had really been the case that, by diplomatic correspondence or otherwise, we had come to a firm agreement with Germany to treat her ships in a certain way upon the terms that she treated our ships in a certain way, why then other considerations would prevail. You would then have, in the phrase of Lord Mansfield in *Lindo & Rodney*, a reciprocal agreement.

The PRESIDENT: I can see that a treaty subsequent to seizure might operate, but would a diplomatic agreement subsequent to capture have divested the right of a captor when the beneficial fruits of capture belonged to the captor?

The ATTORNEY-GENERAL: My Lord, I should have thought not. The effect of such an agreement, if it were made, would rather have been not indeed to invalidate the seizure, nor to prevent the seizure from being followed by the appropriate consequence (namely, condemnation), but to affect the destination of the vessel after the decree of condemnation had been made. In other words, if a reciprocal agreement of that character had been made, it would still have been open to ask for condemnation; but, when a vessel was condemned, then the Powers would have been bound in honour, and as the result of the agreement, to deal with such vessel in the manner provided in that agreement.

The PRESIDENT: But, as I understand, you say that some legislative Act would have been necessary to divest the vested interests of the captor.

The ATTORNEY-GENERAL: Yes, it might have been in the Treaty of Peace.

The PRESIDENT: It might be treaty, and I have no doubt that treaty in many States would be effective. Whether treaty would be effective without statute in this country would depend upon the nature of the Sovereign right. You do not desire to add anything, Mr. Solicitor?

The SOLICITOR-GENERAL: Not at this point, my Lord.

The PRESIDENT: Yes, Mr. Balloch.

Mr. BALLOCH: May it please your Lordship. On behalf of the Claimants the points I am going to raise are not those that were raised in the "*Marie Leonhardt*." If I might quite shortly indicate the points that I intend to make, and then put before your Lordship such evidence as must be put before your Lordship, and then deal more fully with the points. My contention is this—and this is really the basis of my claim—that in September 1914 an agreement was come to between the Imperial German Government and His Majesty's Government with regard to the treatment of merchant ships (which did not show by their construction that they were capable of being converted into ships of war) not at the time of the outbreak of war but at the end of the war, and that the agreement that was come to was this: that at the end of the war such ships as I mentioned should be either restored to their owners, or, if they had been requisitioned and the ships themselves not restored, that compensation should be paid.

19 January 1921. With regard to the position of these Claimants as distinguished from the position of German claimants in similar circumstances, my contention with regard to the effect of the Treaty of Peace is a defensive contention. If it be argued on behalf of the Crown—as it appears to be argued by my learned friend—that even assuming that a clear and definite agreement was come to between the Government of this country and the German Government with regard to the treatment of merchant ships, that the conduct of Germany has been such as to show that she did not intend to abide by the agreement, her conduct apart from that has been such as to show that she disregards treaties by the sinking of enemy ships, by the sinking of neutral ships, by the sinking of hospital ships, and all the other matters set forth in the affidavit of the Crown, and that, therefore, this Court is to be invited to say: “We will not abide by an agreement made in such circumstances”—if that is the contention, then I say with regard to that, if that were a sound contention with regard to German nationals, it is not an argument which can be put forward against the citizens of a free City and State so created by the Treaty of Peace.

And, secondly, I say with regard to that contention—and I will cite authority with regard to it—that if it be right for the Government of this country to meet illegality with illegality, that is a matter for the Sovereign, and not for the Court. And, quite shortly, with regard to the “Marie Leonhardt,” I say this, that your Lordship, as I understand the matter, has not decided any question that I am going to raise. There was one point, and one point only, as I understand it, made by Mr. Noad, and that was that there was established by custom immunity from capture in respect of vessels found in the ports of the belligerents at the outbreak of war. That was one point he raised; he did not apparently rely on the Hague Convention; he did not apparently rely on the effect of the diplomatic correspondence as constituting an agreement. If it be true that your Lordship, having read all the correspondence I am going to read, came to a decision upon it and upon the point that I am going to contend for—that is to say, on the question of the treatment of enemy vessels—then I would respectfully bow to that when I make my contention. That is the outline of the case as I propose to put it before your Lordship.

Now if I might refer to the evidence in support of the case.

The PRESIDENT: Where shall I find it?

Mr. BALLOCH: There is an affidavit of Mr. Waldemar Sieg. He is a citizen of Dantzig. He says he is a citizen of Dantzig “where I reside and carry on business as a partner in the firm of Behnke and Sieg, ship-owners. Dantzig has an independent national status under the Treaty of Versailles.” That is provided for in the sections that my learned friend read, and also in section 102, by which the principal Allied and Associated Powers undertake to establish the town of Dantzig together with the rest of the territory described in Article 100 as a free city to be placed under the protection of the League of Nations:—“2. I am a director of the Danziger Rhederei-Aktiengesellschaft, hereinafter called the Company, which is a joint stock company registered in Dantzig in the year 1895. The other directors of the company are persons residing in Dantzig. The business of the company is that of steamship owners. 3. At the outbreak of the war in August 1914 the company had three steamers owned or partly owned by it lying in England.” And the names and particulars are then given, and there they are set out as my learned friend has stated: “All the said ships were registered in the port of Dantzig. 4. I am informed that all the said steamers were seized as prize. Claims for their release were made,” and so forth. Then paragraph 5: “I am informed and believe that on the 20th December 1915 the ‘Blonde’ while being navigated by persons for whom I submit the British Admiralty are responsible, grounded

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“ off Flamborough Head and became a total loss. To the best of my belief
 “ the loss of the ship was due to the negligence of those in charge of her.
 “ 6. I am informed and believe that the ‘Hercules’ was torpedoed on the
 “ 26th March 1918, and became a total loss. 7. To the best of my belief
 “ the ‘Prosper’ is still being used by a British firm under the directions of
 “ the British authorities. 8. In the event of an order being made for the
 “ restoration of the ‘Prosper’ and of the value of the ‘Blonde’ and
 “ ‘Hercules,’ and of the profits earned by the said ships, the benefits thereof
 “ will accrue to the said company, which has never parted with its interest
 “ in the ships, and to no other person or persons whatsoever; and the
 “ ‘Prosper’ will come automatically under the flag which is flown by all
 “ Dantzig ships, viz., the old historical flag of Dantzig, which is red with
 “ two white crosses and a yellow crown. 9. I further declare that the
 “ capital of the Dantzig Rhederei Aktiengesellschaft is M. 1,000,000,
 “ divided in 12 shares of M. 1,500 each, 40 shares of M. 1,200 each, 934
 “ shares of M. 1,000 each, issued to bearer. I cannot state in whose hands
 “ all these certificates are, but I know for certain that in August 1914 the
 “ great majority of the shares were in the hands of Dantzig citizens or
 “ Dantzig companies, and I can also declare that the majority is also at present
 “ in such hands. To my knowledge some share certificates were also in
 “ possession of British subjects. Of steamer ‘Blonde’ belonged only
 “ 1/31th shares to the Dantzig Rhederei Aktiengesellschaft, 2/31th shares
 “ belonged to British subjects.” I cannot help thinking that 2/31ths
 must be a typist’s error for 3/31ths.

The PRESIDENT: Yes. Were ships of German corporations held in 64ths in the same manner as British ships?

Mr. BALLOCH: I do not happen to know that. It is very likely they were. It is a very old-established custom, the holding of 64th shares in ships.

The PRESIDENT: What I had in my mind was whether there was anything which ought to lead me to treat this corporation as anything other than, at the outbreak of war, German owners of these ships?

Mr. BALLOCH: No, I do not think so.

The PRESIDENT: You see there are serious questions, but I do not want to complicate the matter with questions which you do not regard as serious. May I take it that at the outbreak of war these ships were German owned within the meaning of the authorities.

Mr. BALLOCH: I think so, with the exception of the 1/31ths.

The PRESIDENT: That is not enough.

Mr. BALLOCH: That is not enough; it seems to me that these were at the outbreak of war properly treated as German ships.

The PRESIDENT: I do not press you: but, with an advocate like yourself, I need not waste time chasing shadows. I will treat the vessels then as having been German owned at the outbreak of war.

Mr. BALLOCH: I think so. Then the Articles of Association are set out. I do not need to refer to them at any length. They are called General Statutes.

The PRESIDENT: I have not got those, have I.

Mr. BALLOCH: It is Part C., I am told. Paragraph 1: “The limited company founded on the 27th June 1895 under the title ‘Dantzig Shipping Company,’ is domiciled in Dantzig, has for its object the carrying on of the shipping industry and is unlimited as to duration. Paragraph 2.—1. The capital of the company amounts to one million marks divided into 12 shares of M. 1,500 each, 40 shares of M. 1,200 each, and 934 shares of M. 1,000 each. 2. The validity of the shares is attested by the signatures of the management of the three members of the Board of Directors. This regulation is to be inscribed in the Share

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“ Register. *Paragraph 5.*—Dividend warrants not presented for payment within four years of their becoming due are forfeited in favour of the company. *Paragraph 6.*—1. The management of the company shall consist of one or more Directors elected by a bare majority of the Board of Directors. The terms of their appointment shall be determined by the Board. 2. If the management is composed of several Directors”—then *paragraph 7:* “1. The Board of Directors shall consist of from three to seven members who must reside or have their business establishment in Dantzig. They shall be elected by a bare majority of votes”—that is all I need read. They are to reside or have their business in Dantzig. That is all I need refer to in these Statutes. Then there is only one other matter, and that is an affidavit of Mr. Ball, who sets out the documents that he has received. That affidavit is dated the 28th January 1921. Then there is a document dated the 5th August from Behnke and Sieg to the Board of Trade Reparation Claims Department, and I do not need to go into that now except to put it in.

The PRESIDENT: Where shall I find it?

Mr. BALLOCH: That states the values of the vessels. That is dealing with figures, and it is a matter with which I do not propose to trouble your Lordship.

The PRESIDENT: This is a claim made by your clients' agents to the Board of Trade Reparation Claims Department.

Mr. BALLOCH: Yes, my Lord; it is not a matter I would ask your Lordship to deal with on this hearing, because it goes into figures. I do not propose to trouble your Lordship with that.

The PRESIDENT: I wish you would tell me, so that I may put it out of my mind otherwise, what the effect of this act of your clients was—what does it amount to?

Mr. BALLOCH: It is not for that purpose I put it forward; it is simply as an indication of their statement of what the ships were worth and what their time was worth. We have got claims here for the return of the vessel which still exists, and for compensation in respect of the vessels which are lost—first of all, compensation in respect of their capital value; secondly, compensation for the use to which they were put by His Majesty's Government. It was only as an indication of what my clients considered the vessels were worth from the point of view of captor value, and also from the point of view of use, that I put that document before you. It is not a matter that your Lordship could decide on this hearing.

The PRESIDENT: No.

Mr. BALLOCH: Now, my Lord, that brings me to the diplomatic correspondence, and I am going to read that, as I intimated to your Lordship, with a view of showing that by the 20th September 1914 there was a clear and definite agreement between the two Governments with regard to the treatment of merchant ships at the end of the war. May I just refer to the Hague Convention, not because I say that there was a binding agreement, treaty, or convention created by the Hague Convention under which I am entitled to relief; but with a view to show that there was there the foundation on which such an agreement as I contend for could very easily be built up by belligerents who wished to make such an agreement. And the two conventions that are material are the 6th first, and the 11th second. Your Lordship has decided against Mr. Noad's contention, and, although I desire to keep the point open, I do not propose to say a word about it to-day.

The PRESIDENT: What point?

Mr. BALLOCH: The point argued by Mr. Noad that there was any binding agreement, or that the Hague Convention amounted to an agree-

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ment. I do not put it in that way. I submit that there was the foundation upon which an agreement might be built, and the relative articles are these: Article 1: "When a merchant ship belonging to one of the belligerent Powers is at the commencement of hostilities in an enemy port, it is desirable that it should be allowed to depart freely, either immediately, or after a reasonable number of days of grace, and to proceed, after being furnished with a pass, direct to its port of destination or any other port indicated to it." That is the question of treatment of the vessels seized at the outbreak of war, and there it is stated to be desirable that such vessels should not be seized; that they should be allowed to depart freely. That is not a right that I claim. I do not claim that any agreement was come to carrying into effect what was said to be desirable in that. I do not claim that there was a right at the outbreak of war for these vessels—the "Blonde," the "Prosper," and the "Hercules"—to depart freely, and I do not contend that they were not properly seized and brought before this court for adjudication, nor do I contend that they were not properly ordered to be detained until further order. The second part of the Article—"applies in the case of a ship which has left its last port of departure before the commencement of the war and has entered a port belonging to the enemy while still ignorant that hostilities have broken out." Then Article 2: "A merchant ship which, owing to circumstances beyond its control" ("circonstances de force majeure") "may have been unable to leave the enemy port within the period contemplated in the preceding article"—now these words are important—"or which was not allowed to leave may not be confiscated. The belligerent may merely detain it, on condition of restoring it after the war, without payment of compensation, or he may requisition it on condition of paying compensation" ("indemnité"). Now, I say that both Governments—the German Government and the British Government—not having come to an agreement carrying into effect what was said to be "desirable" in Article 1, did come to an agreement to apply this treatment in Article 2 to ships that were detained, and they agreed that vessels which had not been allowed to leave should not be confiscated, but probably restored after the war without indemnity, or, if requisitioned, that an indemnity should be paid. That is the substance of my case. Then Article 3 is important, in order that your Lordship might understand the correspondence. Article 3 provides for vessels which are met at sea in ignorance of hostilities at the outbreak of war. Germany never agreed to that Article, and your Lordship will find that, although an agreement was come to in the sense of Article 2, in the cases provided for, in Article 3 there was no agreement. But those are not material in the present case. Then, my Lord, Part 3 of the 11th Convention does not affect these ships, but it does arise in the correspondence, and is discussed. That is a chapter which contains regulations—"regarding the crews of enemy merchant ships captured by a belligerent." Article 5 provides that: "When an enemy merchant ship is captured by a belligerent, such of its crew as are subject or citizens of a neutral State are not made prisoners of war." Then Article 6 is: "The captain, officers, and members of the crew, if subjects or citizens of the enemy State, are not made prisoners of war, provided that they undertake, on the faith of a written promise, not to engage while hostilities last in any service connected with the operations of the war."

The PRESIDENT: Do you say that Great Britain and Germany entered into a convention to that effect?

Mr. BALLOCH: No, that is not part of my case. It may very well be that there was no agreement come to with regard to that. What I desire to say with regard to that is that that is an entirely different matter. It is a matter which arises under Convention 11, as to how the personnel

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With regard to the Hague Convention, I only wish to say this, that the Powers that were parties to it were the Powers that were concerned in the war at any material time. Dr. Pearce Higgins's book, at page 530, has given a table of the signatures to the Hague Convention; and, with regard to the signatures, Germany signed and ratified.

The SOLICITOR-GENERAL: There were reservations.

The PRESIDENT: So long as there were reservations by any of the negotiating parties, Mr. Balloch, was there any concluded Convention?

Mr. BALLOCH: Yes, my Lord.

The PRESIDENT: As regards negotiation upon the basis of an offer of acceptance in the terms of the Hague Convention tendered by one of the parties, can anything except a new treaty make that effective to bind both parties?

Mr. BALLOCH: No, my Lord, that is not the way I put my case, nor was it the way, as I understand it, in which this correspondence was conducted. It was not a question of adopting or ratifying the Hague Convention at all. It was a question of discussing one of the points that is provided for in the Hague Convention and agreeing or not agreeing with regard to it—that is all.

The PRESIDENT: I follow that observation. I understand you put it in this way: you say that the Hague Convention was a mere basis for negotiation—is that it?

Mr. BALLOCH: Yes, my Lord.

The PRESIDENT: And that, there being the Hague Convention by which the parties might have bound themselves if they had thought fit, the parties selected certain matters and came to an independent agreement about them—is that it?

Mr. BALLOCH: Yes, my Lord. As I put it, my Lord, the Hague Convention was a foundation on which it was very easy to build an agreement.

The PRESIDENT: I do not like "foundation" in matters of this kind. The question is whether there was a Convention.

Mr. BALLOCH: I am not claiming any right under the Hague Convention.

The PRESIDENT: Then you must start *de novo*.

Mr. BALLOCH: I must.

The PRESIDENT: And you must produce to me a concluded agreement.

Mr. BALLOCH: I must—I recognise that.

The SOLICITOR-GENERAL: May I tell your Lordship—it may help my learned friend—that I have sent for the table that we used in the "Marie Leonhardt" in which we showed what were the countries that had signed and ratified, and what reservations had been made. My impression is, but I speak with all reservation, that at the time the book was written that my learned friend has got there, I am not sure that ratifications took place to the same extent as the signatures might have led one to hope.

The PRESIDENT: Mr. Solicitor, I think this point will not affect the conclusion. What Mr. Balloch says is: "I do not found myself on the Hague Convention: I treat the Hague Convention as a step in the history of the case; and, I say, there being a Hague Convention which has not taken effect as a concluded Treaty, in that state of things there was an

“ agreement made for the period of the war by Great Britain and Germany.” 19 January 1921.

The SOLICITOR-GENERAL: Quite; I am obliged to my learned friend, only I thought my learned friend was using the table as if it were accepted, and that is why I thought we might have a more accurate table.

The PRESIDENT: No, I think he puts the Convention aside and founds himself upon the agreement.

Mr. BALLOCH: My learned friend is quite right; Dr. Pearce Higgins does write at a time when he is unable to state that the Powers which had signed and ratified, but I have supplemented his table with a statement of the countries which ratified the Convention, and if my notes are right—as I think they are—I find that Germany, Austro-Hungary, Belgium, France, Great Britain, and Japan all ratified the sixth Hague Convention.

The PRESIDENT: Well, ratified parts of it.

Mr. BALLOCH: Subject to this, that there were reservations—yes.

The PRESIDENT: Mr. Balloch, I do not want to spend time in pronouncing opinions about matters of this kind, which are very delicate matters, and where opinions are both superfluous and mischievous.

Mr. BALLOCH: Yes, quite so. Your Lordship remembers the Order in Council which was made on the 4th August, 1914?

The PRESIDENT: Yes, that was a mere offer to Germany to treat German ships with certain privileges.

Mr. BALLOCH: Yes, quite.

The PRESIDENT: Do you say that that was accepted?

Mr. BALLOCH: No, my Lord, I cannot. I only read this because it is referred to in the correspondence.

The PRESIDENT: Very well, give me the reference.

Mr. BALLOCH: It is at page 138 of the first volume of Pullen. I will hand up your Lordship a copy. Paragraph 5 of that is in these terms: “ His Majesty reserves the right recognised by the said Convention to requisition at any time, subject to payment of compensation, enemy cargo on board any vessel to which Articles 3 and 4 of this Order apply.” And Section 9—this is material—“ If no information reaches one of His Majesty’s Principal Secretaries of State by the day and hour aforementioned to the effect that the treatment accorded to British merchant ships and their cargoes which were in the ports of the enemy at the date of the outbreak of hostilities, or which subsequently entered them, is, in his opinion, not less favourable than that accorded to enemy merchant ships by Articles 3 to 8 of this Order, every enemy merchant ship which, on the outbreak of hostilities, was in any port to which this Order applies, and also every enemy merchant ship which cleared from its last port before the declaration of war, but which, with no knowledge of the war, enters a port to which this Order applies, shall, together with the cargo on board thereof be liable to capture, and shall be brought before the Prize Court forthwith for adjudication.” I refer to that because your Lordship will see in the correspondence that the interpretation placed upon those words by His Majesty’s Government was this—not that these ships shall be liable to capture and condemnation, but that they shall be brought before the Prize Court for adjudication; and they treat that provision in the Treaty as being quite consistent with an obligation to restore the vessel at the end of the war, or to pay compensation in the event of requisition. That, I think, my Lord, is all.

The SOLICITOR GENERAL: Will your Lordship look at page 141 at the heading: “ Notification of the Secretary of State for Foreign Affairs as to the treatment accorded to British merchant ships and their cargoes in German ports.”

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Mr. BALLOCH: I only did not read that because I thought my Lord was familiar with that.

The PRESIDENT: Yes, I remember it.

Mr. BALLOCH: "On the night of August 4th, 1914, the Secretary of State received the following notice from the German Ambassador"—And the result of that notification was that days of grace were not granted in pursuance of the Order in Council, but the vessels were detained and were brought before the Court for adjudication in pursuance with the concluding words of section 9 of the Order in Council.

The PRESIDENT: What does "adjudication" mean?

Mr. BALLOCH: It may mean little or it may mean much.

The PRESIDENT: You have a capture, and thereupon a duty on the part of the captor to proceed in Prize. What does he proceed for—release or condemnation? Does he proceed for anything but release or condemnation?

Mr. BALLOCH: He may proceed for condemnation, or he may proceed for a number of things. He may, for example, proceed for detention. For instance, under the Reprisals Order.

The PRESIDENT: The Reprisals Order was not thought of, I think, then?

Mr. BALLOCH: I say adjudication may mean condemnation, it may mean release.

The PRESIDENT: For what could a captor proceed to adjudication in the Prize Court except for either release or condemnation?

Mr. BALLOCH: He might wish that there should be detention. For instance it would be quite clear that that would be so if a binding agreement had been made mutually to grant days of grace. Then a ship is brought up before the Court for adjudication in order that the seizure might be pronounced to be valid, and that ship might be ordered to be released. For instance, taking the case of a ship where the question arises whether she is properly designed to be converted into a ship of war. Then that might be a matter to be considered by the Court—was she properly seized, or was she not? That is brought before the Court for adjudication, and the Court would decide whether she came within the terms of the agreement as to days of grace or not. I submit that adjudication is not at all necessarily confined to the two alternatives—condemnation or release—and certainly I think I am well founded in saying that these words were not so regarded by those who wrote the letters that I am going to refer your Lordship to.

The PRESIDENT: You say that they may not at that time have taken a view which was taken in the case of the "Marie Leonhardt" with regard to the intention of Prize Law?

Mr. BALLOCH: It looks as if they regarded the matter in this way in this correspondence—no agreement for days of grace, therefore a right to detain on terms—on terms of restoration at the end of the war, or an indemnity in case of requisition, but a right to detain.

The PRESIDENT: Supposing the judgment in the "Marie Leonhardt" was right—as I am bound to suppose it was—and that the writers of this correspondence did not take the view which that judgment takes of International Law, would their views as to International Law create any right in your client?

Mr. BALLOCH: I do not think there is in the correspondence any indication of any understanding as to International Law other than your Lordship has set forth in your judgment in the "Marie Leonhardt"—not at all. It is assumed in the correspondence that no days of grace were granted. There is no agreement as to days of grace, no right as to days of grace, and therefore, that enemy ships in our ports were properly seized.

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The whole point of the correspondence is that although that was right-- although the seizures were right--yet there was an agreement that though detained they should not be confiscated, but should be restored at the end of the war. Has your Lordship the bundle of correspondence which has been kindly supplied to us by the Crown? I think I can say this with regard to this question (I have already said it) that if your Lordship had really considered this point in the correspondence I would not be so discourteous as to argue it again.

The PRESIDENT: Mr. Balloch, this point is open to your clients upon the judgment in the "Marie Leonhardt"; that is all I can tell you, and you must use your right of arguing it as you think fit.

Mr. BALLOCH: Yes, it is only because my learned friend, the Attorney-General, stated that your Lordship had very carefully considered this correspondence. I do not know whether your Lordship considered it from this point of view?

The PRESIDENT: If I did not give judgment about it I am bound, according to your view, to give judgment now about it.

Mr. BALLOCH: It only seems to me that my learned friend, Mr. Noad, cannot have had the advantage that I and my clients have had of seeing this correspondence and considering it, because it does not seem to have occurred to him to raise the contention that I raise upon it, and that I raise at the desire of my clients, because the same point of view occurred to them as the one which I am going to submit to your Lordship, and the same understanding of the correspondence which they have, and which I am going to submit, was the same understanding as that at which the Imperial German Government arrived.

The SOLICITOR-GENERAL: I have got the shorthand notes of the proceedings in the "Marie Leonhardt," and they show that I read these letters, and I cannot help feeling that I must have given my learned friend a copy of them.

The PRESIDENT: As I say in my judgment after the first hearing I became aware of this correspondence, and I therefore appointed the second hearing in order that the correspondence might have its proper effect, if there were any force in the argument of counsel.

The SOLICITOR-GENERAL: Quite, but it did not even stop there, because at the first hearing I read a number of those letters, and in particular the letter of the 10th October addressed to the German Embassy in Madrid. I read that on the 30th.

The PRESIDENT: Yes; but it was after that that a complete copy of the correspondence was procured.

The SOLICITOR-GENERAL: Quite, but I had selected the correspondence, not read all of it, and I read some important letters, and afterwards a complete copy was produced and considered.

The PRESIDENT: The claimants had it. Mr. Balloch, I do not think it could be suggested that your clients were bound by the decision of the claimants in the "Marie Leonhardt" not to argue that matter.

The SOLICITOR-GENERAL: No, my Lord, and I should not suggest it.

Mr. BALLOCH: I was only trying to understand how it happened that so good a point was not made.

The PRESIDENT: No question was raised; but you are fully entitled now to argue that matter, Mr. Balloch.

Mr. BALLOCH: I am obliged to your Lordship. Then the first letter is a letter of the 10th August 1914, from the Embassy of the United States of America in London to Sir Edward Grey--the Embassy of the United States at that time was protecting the interests of Germany in this country:

9 January 1921. "Sir, I have the honour to transmit hereto attached a copy of an open telegram I have just received from the Chargé d'Affaires at Stockholm touching His Majesty's Order in Council of the 4th instant regarding enemy merchant ships which you were so good as to transmit to me with your Note of the 5th instant sending the translation of a Note from the German Ambassador. I venture to add for your information that a copy of this Note together with the copy of the Order in Council was handed to Prince Lichnowsky on the night of the 5th instant, and that the substance of the Note was telegraphed the next day to Washington," and a copy of the telegram received at the American Embassy, London, from the Chargé d'Affaires at Stockholm is as follows: "August tenth forwarded at request German Government accepts British proposition in release merchant ships in note of August fifth and Order in Council of August fourth German Government in spite of expiration of time allowed by Article two of this Order"—which provided that an intimation should be received from the German Government by August 7th—"for receipt of information that Germany gives like treatment will stand by proposition since it reached Foreign Office, Berlin, only August eighth a rumour having been current here about the Order in Council I cabled August sixth at the request of the German Government to get confirmation but received no reply." Then on the next page from the Embassy of the United States of America: "The American Ambassador presents his compliments to His Majesty's Secretary of State for Foreign Affairs and with reference to Mr. Page's note of the 10th instant enclosing a copy of a telegram from the Chargé d'Affaires at Stockholm touching His Majesty's Order in Council regarding enemy merchant ships, has the honour to transmit herewith enclosed a corrected copy of the telegram which was received yesterday." And then there is a corrected copy.

The PRESIDENT: The gist of it is that the German Government supposes that the British Government will stand by the proposition—that is, will extend the time?

Mr. BALLOCH: Yes, because the information was not received in time.

On August 14th, 1914, Sir Edward Grey writes to the United States Ambassador; "Your Excellency, I have had the honour of receiving your note of the 10th instant in which Your Excellency was so good as to forward to me a copy of a telegram received in Stockholm from the United States Embassy in Berlin notifying the reply of the German Government to the offer made to them through the medium of Your Excellency, with respect to the release, subject to certain exceptions, of German merchant vessels in the ports of the British Empire at the moment of the outbreak of war or which subsequently entered them,"—that includes Article 3, which deals with merchant ships found at sea in ignorance of the outbreak of war, and the second part of Article 4 which depends upon that. "H.M.G. will abide by the provision of Article 2, by the provisions of Articles 2 and 4"—

The PRESIDENT: "provided that the German Government also abide by those provisions"?

Mr. BALLOCH: Yes, that is an offer. Therefore your Lordship sees that with regard to the question of days of grace as the days of grace within which they are limited to depart, that is treated as past history. They are to be brought before the Prize Court for adjudication. Now they are dealing with other matter referred to in the Hague Convention, Article 6 (2), and that is the treatment of vessels that are not allowed to depart. Article 2 is to the effect that vessels which may not have been allowed to leave may not be confiscated but may be detained, "On condition of restoring the

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“ vessel after the war without payment of compensation, or the belligerent
 “ may requisition it on condition of paying compensation.” That is the
 subject of discussion now. Then Article 4, first paragraph, deals with
 enemy cargo on board such ships, and His Majesty’s Government say that
 they will abide by that, provided that the German Government will abide
 by the same provisions. That is an offer “inasmuch as the German
 “ Government is not a party to Article 3 of that Convention the provisions
 “ of that Article and of the second part of Article 4, will not be applied by
 “ H.M.G. to German vessels. I enclose herewith a notice published in a
 “ Supplement to the London Gazette of the 7th instant, and should be
 “ grateful if Your Excellency would kindly cause it to be transmitted to the
 “ German Government.” Then there is a memorandum from the United
 States Embassy to the Foreign Secretary: “The American Embassy has the
 “ honour to submit the following copy of a telegram from the Secretary of
 “ State at Washington relating to the attitude of the British Government
 “ towards merchant vessels and their cargoes under the present conditions:
 “ (Ascertain and report the attitude of the British Government towards
 “ belligerent and neutral merchant vessels and their cargoes on the high
 “ seas or in enemy ports at date of declaration of war.”) That is August 17th,
 and then, on the next page, there is a communication from the United States
 Embassy—another memorandum. “The German Minister has received the
 “ following telegram from the German Foreign Office which he asks to
 “ transmit textually to you for communication to the British Foreign
 “ Office:—‘1. (*translated*) At the wish of the Imperial Government the
 “ ‘ American Ambassador here addressed, on August 9th, the following
 “ ‘ telegram to the American Legation at Stockholm for communication to
 “ ‘ the British Government:—For American Embassy, London’” and then
 it sets it out. Then it goes on: “Reply not yet received here. Kindly
 “ ascertain by the now usual way, through the American Embassy in
 “ London, whether the British Government received our proposal, and,
 “ if so, what answer, if any, they have returned. 2. (*translated*) In the
 event of Great Britain rejecting our proposal, they should be asked
 “ whether, in accordance with No. 9 of their Order in Council, they will
 “ confiscate all German ships without compensation, or whether in ac-
 “ cordance with Article 2, paragraph 2, and Article 4, paragraph 1, of the
 “ Sixth Hague Convention of 1907, respecting the treatment of enemy
 “ merchant vessels on the outbreak of hostilities, they will hand back
 “ German ships and their cargoes at the end of the war or in the case of
 “ requisition will at once give compensation.” That is what our Govern-
 ment had intimated its willingness to agree to, provided the German
 Government would agree. “Germany is ready to fulfil treaty obligations,
 “ but in view of the British Order in Council must first require a similar
 “ promise from Great Britain. 3. (*translated.*) Kindly answer the question
 “ of the British Government transmitted in your telegram 112 by informing
 “ them that we are prepared to liberate the crews of the interned British
 “ vessels if Great Britain will observe not only Articles 6 and 7 of the
 “ Eleventh Hague Convention of 1907 respecting certain restrictions in the
 “ right of capture in maritime warfare, but also Article 2, paragraph 2,
 “ and Article 4, paragraph 1, of the above-mentioned Sixth Hague Con-
 “ vention.” On September 2nd, Sir Edward Grey writes to the American
 Ambassador, Mr. Page, “Your Excellency, I have the honour to acknowledge
 “ the receipt of the memorandum of the 17th ultimo, in which you com-
 “ municate a copy of the telegram from the United States Government towards
 “ inquiring as to the attitude of His Majesty’s Government towards
 “ belligerent and neutral merchant vessels and their cargoes on the high
 “ seas or in enemy ports at the date of declaration of war. It is assumed
 “ that by the expression ‘enemy ports,’ British ports is meant. In reply,

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“ I have the honour to inform Your Excellency that, so far as enemy merchant ships and enemy cargoes are concerned, the procedure followed by His Majesty’s Government is governed by the Hague Convention (No. VI.) of 1907 (Convention relative to the Status of Enemy Merchant ships at the outbreak of Hostilities) which has been ratified by Great Britain. As regards German ships, I would refer your Excellency to my note of the 14th ultimo, in which the attitude adopted by His Majesty’s Government was fully explained. I take this opportunity, with reference to the last two paragraphs of the telegram from the United States Chargé d’Affaires at Copenhagen, communicated to me in a memorandum from your Excellency on the 25th ultimo, to explain that the Order in Council of August 4th does not provide in paragraph 9 for the confiscation of such vessels, as understood by the German Government, but only for their capture, without which preliminary step it is not possible under English law for the Prize Court, whose function it is to order the appropriate treatment of the vessel, to take any action. As stated in my note of the 14th ultimo, His Majesty’s Government will grant to German ships the benefits of Articles 2, 4 (first paragraph), and 5 of the Convention, but not those accorded by Articles 3 and 4 (paragraph 2), to which Germany is not a party. The decisions of the Prize Court in such cases will proceed upon this basis.”

The PRESIDENT: That seems to be a prophetic anticipation of what might be decided by a Judge in Prize.

The SOLICITOR-GENERAL: Your Lordship will observe that is written in reference to the last two paragraphs of the document of the 25th on page 9. I will read the last paragraph of all, “ Kindly answer the question of the British Government transmitted in your telegram 112 by informing them that we are prepared to liberate the crews of interned British vessels if Great Britain will observe not only Articles 6 and 7 of the Eleventh Hague Convention of 1907 respecting certain restrictions in the right of capture in maritime warfare.” That is quite a wide question which is put, and then this question is answered not in relation merely to paragraphs 2 and 4, but in reference to the question of maritime capture as a whole.

The PRESIDENT: Yes.

Mr. BALLOCH: That deals with Articles 6 and 7, whereas the one I read to your Lordship deals with the treatment of crews. Article 7 is another, providing that the names of the persons obtaining their liberty are to be notified.

The PRESIDENT: All I desire to point out, Mr. Balloch, is that it is impossible that even a Minister should forecast what would be the law of prize, that is all, and that the Court cannot be bound in advance by a ministerial declaration of what is the law of prize.

Mr. BALLOCH: No; but what I understand this letter is doing is to meet what the Foreign Secretary considers is a misunderstanding on the part of the German Government of the last part of Article 9. They read the bringing forward for adjudication as meaning discussion. He says, No, it means for an order. The communication goes on “ I should be grateful if your Excellency would take the necessary steps to convey the above explanation to the German Government, who will, I trust, realise from it that His Majesty’s Government are loyally fulfilling their treaty obligations in respect of German merchant vessels.” Then he goes on to deal with the matter of the crews. Then in the last paragraph but two he says “ I shall be grateful, however, if your Excellency will ascertain whether the Government of the Dual Monarchy of Austro-Hungary ”; then that refers to Austro-Hungary. The next is on September 9th from Mr. Page to

Sir Edward Grey, "I have the honour to transmit herewith enclosed a communication from the German Minister at Copenhagen, dated the 2nd instant, relating to the reciprocal restitution of merchant vessels, which I have received from the American Minister at Copenhagen," and then that follows. "The Imperial Government of Germany has the honour of bringing to the knowledge of the Legation of the United States of America the following interpretation of the two Notes of the Foreign Office addressed on the 14th August to the Embassy of the United States of America at London: the British Government has definitely rejected our proposition relative to the reciprocal restitution of merchant ships." That, as I understand, was their immediate release, "on the contrary it is disposed (1) to return at the end of the war all German ships—with the exception of those destined by their construction to be turned into ships of war—which were found at the outbreak of hostilities in the ports of the British Empire, including the Colonies, or which entered such ports without having knowledge of the outbreak of hostilities, as well as their cargoes, or to compensate in case of requisition the owners immediately in money"; secondly—that it deals with the treatment of the crews. That is the understanding that the German Government have of the proposed arrangement. Then on the 20th September 1914 comes a letter from Sir Edward Grey to Mr. Page on behalf of the German Imperial Government, which, I say, shows the conclusion of an agreement between the two, "Your Excellency, I have the honour to acknowledge the receipt of your Excellency's Note of the 9th instant forwarding a communication from the German Minister at Copenhagen regarding the interpretation placed by the German Government on my two Notes of the 14th ultimo to your Excellency on the subject of the reciprocal treatment to be accorded to merchant vessels which were in the ports of the two belligerent powers on the outbreak of hostilities, or which subsequently entered them in ignorance of hostilities, and to the crews of captured merchant vessels. I have the honour to state in reply that in accepting generally the interpretation placed by the German Government on the above-mentioned Notes His Majesty's Government feel bound to adhere strictly to the wording of the Articles of the Hague Convention governing this matter. In particular, I would point out that there is nothing in Articles 2 or 4 (first paragraph) of the Convention relative to the status of enemy merchant ships at the outbreak of hostilities which obliges a belligerent to pay the indemnities therein referred to before the conclusion of the war. I should be greatly obliged if your Excellency would cause the German Government to be so informed." Then on the next page, on September 22nd—

The PRESIDENT: He acknowledges that on the 24th. He sends on another German communication and that communication is at page 20?

Mr. BALLOCH: At page 20, my Lord, your Lordship will see German Government understand that the British Government pursuant to Article two, four paragraph one and five of Sixth Hague Convention, 1907, will restore after the termination of the war all German merchant ships with their cargoes whose build shows that they are not intended for conversion into war-ships which were in British ports without knowledge of the outbreak of hostilities, or if such ships and cargoes are requisitioned will compensate the owners thereof. The German Government will treat British merchant ships and cargoes in the same way. German Government would like to learn when, and according to what principles, the British Government will compensate German owners in cases calling therefore in order that they may adopt similar procedure. British Government have stated that they will liberate on parole the crews of captured German merchant ships." I do not think I need read that.

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The PRESIDENT: No, I have read that.

Mr. BALLOCH: Then I rather think that is all. The last page deals with the telegram received at the American Embassy, London, from the Department of State, Washington, on October 26th, 1914. That states that "Department has received no reply to its 189 of September 23rd, and is in receipt of a telegram from Berlin relating to second paragraph thereof, stating that German Government desires reply to its representations concerning liberation, on parole, of crews of interned merchant vessels. Telegram also states that as regards treatment of vessels and cargoes there appears now to be understanding between Germany, Great Britain, although Germany contended that compensation for requisitioned vessels should be paid promptly." Apparently that is given up.

The PRESIDENT: This is from the American Department of State to the American Embassy at London, and it says that as regards the treatment of vessels and cargoes "there appears now to be an understanding between Germany, Great Britain, although Germany contended that compensation for requisitioned vessels should be paid promptly." Where is the document which concludes the bargain, Mr. Balloch?

Mr. BALLOCH: I say that it is a document of the 20th September, 1914, that there was a concluded bargain then.

The PRESIDENT: Where is the acceptance by the German Government of what Sir Edward Grey states to be the intention of the British Government?

Mr. BALLOCH: I say, my Lord, that there was an acceptance by the British Government of a German offer by the letter of the 20th September 1914, which is at page 16. I say then there was a concluded bargain. If I am wrong about that, that is enough, of course.

The SOLICITOR-GENERAL: I think my learned friend has overlooked that in that note of the German Government the suggestion was that the compensation should be made "*de suite en argent*"?

The PRESIDENT: "Forthwith"?

The SOLICITOR-GENERAL: Forthwith. Then the letter of the 29th deals with that and says, "There is nothing in the Articles which obliges a belligerent to pay before the conclusion of the war," so that point is still open.

Mr. BALLOCH: It is still open.

The PRESIDENT: Mr. Balloch, tell me if I am right: the German Government telegraphs on the 22nd September and says that the British Government has rejected our proposals, but appears on the contrary to be disposed to do certain things, one of which we understand to be to concede the principle of compensation "forthwith." Is not that the effect of the telegram?

Mr. BALLOCH: Yes, well—there are two points. The main one is restoration, the second point is compensation.

The PRESIDENT: Is not the substance of the letter this, that the German Minister telegraphs to his colleagues in the United States a statement that the German Government supposes the British Government is disposed to do certain things?

Mr. BALLOCH: That is the 2nd September, yes.

The PRESIDENT: Is not that it?

Mr. BALLOCH: That is a point about when compensation was to be paid; it does not seem to have arisen until a later stage.

The SOLICITOR-GENERAL: But the point had been definitely taken because in the document which was received on the 25th August you will see "In the event of Great Britain rejecting our proposal they should be asked whether in accordance with No. 9 of their Order in Council they

“ will confiscate all German ships without compensation, or whether in accordance with Article 2, paragraph 2, and Article 4, paragraph 1, of the Sixth Hague Convention of 1907 respecting the treatment of enemy merchant vessels on the outbreak of hostilities they will hand back German ships and their cargoes at the end of the war, or in the case of requisition will at once give compensation. Germany is ready to fulfil treaty obligations, but in view of the British Order in Council must first require a similar promise from Great Britain.” So that the two points raised by Germany on the 25th August were both these points.

The PRESIDENT: Then you come at a later stage to this very *démarche* (as the diplomatists call it) of the German Government that the German Government says the British Government has rejected our proposal. On the other hand it appears to be disposed to do certain things, including the giving of compensation for detained ships which are used. Is that it?

Mr. BALLOCH: “Has rejected”; what does “proposal” refer to? The “proposal” was for the mutual release of the vessels, as I understand it.

The PRESIDENT: I quite follow, Mr. Balloch, but does it not say that at the time of this message the British Government has not closed with any German offer, but only appears to be disposed to do certain things?

Mr. BALLOCH: Yes.

The PRESIDENT: Including payment forthwith for compensation of requisitioned vessels?

Mr. BALLOCH: Yes.

The PRESIDENT: It is upon that, as I understand it, that Sir Edward Grey makes his communication of the 20th?

Mr. BALLOCH: Yes, I am afraid the words had not caught my eye, and I do not attach very much importance to this question of the time when compensation should be paid, only to the fact that it had got to be paid.

The PRESIDENT: But the materiality of it is, Mr. Balloch, that the parties were not at one as to what were the respective demands—is not that it?

Mr. BALLOCH: I understand that the point may be made that, until there was an agreement, first of all that vessels which were *in specie* should be restored at the end of the war, and, secondly, that compensation should be paid, that it is going to be suggested that although those two points were agreed it was not agreed when compensation should be paid.

The PRESIDENT: They were not, as I understand, separate agreements. As I understand they were separate proposals in the same negotiation, and in the course of that negotiation there is a misunderstanding—or apparent misunderstanding—as to what the British Government was ready to do. Is not that it?

Mr. BALLOCH: I shall have to follow it out—having had my attention more particularly directed to these words—to see whether that point even was not agreed. Now the position stands that Germany is willing in this document at page 14—in the letter of the 9th September—to come to an agreement that vessels in existence shall be restored at the end of the war, that compensation shall be paid, and that her desire is that compensation shall be paid “forthwith.” That is forwarded to Great Britain. Then comes the answer on page 16 of the 20th as follows: “Your Excellency, I have the honour to acknowledge the receipt of your Excellency’s Note of the 9th instant forwarding a communication from the German Minister at Copenhagen regarding the interpretation placed by the German Government on my two Notes of the 14th ultimo to your Excellency on the subject of the reciprocal treatment to be accorded to merchant vessels which were in the ports of the two belligerent powers on the outbreak of

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“ hostilities, or which subsequently entered them in ignorance of hostilities, and to the crews of captured merchant vessels. I have the honour to state in reply that in accepting generally the interpretation placed by the German Government on the above-mentioned Notes His Majesty’s Government feel bound to adhere strictly to the wording of the articles of the Hague Convention governing this matter. In particular, I would point out that there is nothing in Articles 2 or 4 (first paragraph) of the Convention relative to the status of enemy merchant ships at the outbreak of hostilities which obliges a belligerent to pay the indemnities therein referred to before the conclusion of the war.”

The PRESIDENT: It does not matter whether that is correct or not, no. Now let us see how far you get. The German Government says, through the American Ambassador, on the 9th September: “ We understand the British Government to mean certain things, including the payment of compensation for requisition forthwith,” and it begs the American Government to ascertain whether that is so. Then in the last three lines of the telegram “ Le cas ”—what is the third word?

Mr. BALLOCH: “ échéant.”

The PRESIDENT: Does that mean “ the case being so ”?

Mr. BALLOCH: “ If that should happen.”

The PRESIDENT: So I thought—“ that happening the German Government will proceed as the British Government proceeds.” That is the effect of it?

Mr. BALLOCH: Yes, my Lord.

The PRESIDENT: Very well. Now thereupon Sir Edward Grey says: “ That is not as you supposed.” Does not he say so?

Mr. BALLOCH: Yes, he says: “ We are standing by the terms of the Hague Convention.”

The PRESIDENT: He says: “ What we are offering is what the Hague Convention provided for, which we say is this and this.” Now where is the letter in which the British Government accepted some new proposal?

Mr. BALLOCH: Assuming for the moment that there was no agreement we must go on to see what the next communication was, and that will be found on pages 19 and 20: “ Department has received following telegram from American Ambassador at Berlin. German Government understands that the British Government pursuant to Article two, four paragraph one and five of Sixth Hague Convention 1907 will restore after the termination of the war all German merchant ships with their cargoes whose build shows that they are not intended for conversion into warships which were in British ports without knowledge of the outbreak of hostilities, or if such ships and cargoes are requisitioned will compensate the owners thereof.” The words “ de suite ” are omitted. “ The German Government will treat British merchant ships and cargoes in the same way. German Government would like to learn when, and according to what principles, the British Government will compensate German owners in cases calling therefor in order that they may adopt similar procedure. British Government have stated that they will liberate on parole the crews of captured German merchant ships.” I am obliged.

The PRESIDENT: That is communicated by a letter of the 26th October at page 26.

Mr. BALLOCH: Yes, my Lord, “ Department has received no reply to its 189 of September 23rd, and is in receipt of a telegram from Berlin relating to second paragraph thereof, stating that German Government desires reply to its representations concerning liberation on parole, of crews of interned merchant vessels. Telegram also states that as regards treatment of vessels and cargoes there appears now to be understanding between

“ Germany, Great Britain, although Germany contended that compensation for requisitioned vessels should be paid promptly.” 19 January 1921.

The PRESIDENT: That is from the American Embassy in London, and has reference to the communication to the British Government of October 27th.

Mr. BALLOCH: Yes, I appreciate that. I think one is entitled to say that this question of compensation—whether compensation is to be paid at once or at the end of the war—is a matter of really trifling importance. What is of importance is that the vessel should be restored at the end of the war, or that compensation should be paid at some time, the whole matter really comes to this, in my submission—a complete agreement as to the two main matters. Germany asking for payment of money forthwith “in the event of requisition,” Sir Edward Grey points out “I will not go a step further than Articles 2, 4, and 5 of the Sixth Hague Conference. Look at that and you will see nothing about cash payment.” Which is quite true. Then in answer to that Germany says: “Well, that is as far as Great Britain will go.” What do they do? In my submission, my Lord, Germany accepts that and says: “Well, this is really a trifling matter, kindly ascertain the method of procedure that the British Government means to adopt, and we will do the same.” That is mere machinery for carrying the matter out, in my respectful submission.

The PRESIDENT: No, it is not “Kindly ascertain what the British Government will do, and we will do the same.” It is “If the British Government accepts our proposal we will be bound by it.”

Mr. BALLOCH: With respect, I submit not.

The PRESIDENT: Is not that so?

Mr. BALLOCH: No, my Lord. Your Lordship recollects that after the two views have been put forward—that of Germany asking for prompt payment, and that of Great Britain saying “No, we cannot do that,” then Germany, on page 19, no longer asks for payment “*de suite*,” or in cash.

The PRESIDENT: Page 19 is Mr. Page’s letter—the American Ambassador’s letter?

Mr. BALLOCH: Not in my copy, my Lord. The document is: “Telegram received September 24th, 1914, American Ambassador, London.” It is identified on the previous page by a letter from Mr. Page to Sir Edward Grey: “I have the honour to transmit herewith, under instructions from my Government, the enclosed copy of a telegram to the Secretary of State from the Ambassador at Berlin regarding German merchant ships and cargoes.” So that this is a communication from Berlin to the United States Ambassador in London who is looking after German interests, for communication to the Foreign Secretary. Then they say this: “German Government understand that the British Government, pursuant to Article 2, 4, paragraph 1, and 5 of Sixth Hague Convention, 1907”—now they know the interpretation there is nothing about English payment there—will restore after the termination of the war all German merchant ships with their cargoes whose build shows that they are not intended for conversion into warships which were in British ports without knowledge of the outbreak of hostilities, or if such ships and cargoes are requisitioned will compensate the owners thereof.” Now, nothing about time. They have given up their demand for prompt payment, and they accept the British view. They have put it forward; that is not met with acceptance; and they are not pressing it. The German Government will treat British ships and cargoes in the same way.

The SOLICITOR-GENERAL: What are you reading?

Mr. BALLOCH: My page 19.

The PRESIDENT: It is page 20 in my copy.

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The SOLICITOR-GENERAL: I am much obliged.

Mr. BALLOCH: "The German Government will treat British merchant ships and cargoes in the same way."

The SOLICITOR-GENERAL: My learned friend must read on—it is the next sentence that is of importance.

Mr. BALLOCH: I am going to, but I wish to make my observations on this. That, I say, is a perfectly clear agreement. Great Britain has said "We stand by the terms of Article 2 and Article 4 of the Sixth Hague Convention." Then Germany says, that they understand that the British Government will restore vessels in accordance with those terms. Very well, those terms are incorporated into this letter by reference. Look at the terms and you will find what they are. I have read them and I do not need to read them again. There is nothing about time.

The PRESIDENT: Mr. Balloch, do you say that the German Government there has accepted one of the proposals of the British Government, and then continues to negotiate with regard to the others?

Mr. BALLOCH: No, my Lord, I say there is an acceptance.

The PRESIDENT: I will tell you why I ask you that. If you look at the foot of page 20—which is page 19 of yours—it says "German Government assume, as a matter of course, that the above understandings apply to merchant ships in the ports of the colonies of the two countries as well as those in the ports of the mother countries." You see merchant ships are the subject of the first part of the matter, and the "understanding" is as to the merchant ships which shall be requisitioned, and as to the crews of captured ships, which are to be dealt with in a particular way. That does seem to treat the whole thing as one of negotiation.

Mr. BALLOCH: I am trying to follow your Lordship, "the above understanding apply to merchant ships in the ports of the colonies of the two countries as well as to those in the ports of the mother countries." Yes, I should think that that probably applied to both.

The PRESIDENT: It does seem to apply to both.

Mr. BALLOCH: Yes, I should think so.

The PRESIDENT: It seems to put forward as one entire proposal.

Mr. BALLOCH: It is an understanding as to two proposals, that is my suggestion. Your Lordship will see whether my submission is right with regard to it. Then, my Lord, reading down only as far as the letter on page 19 "the German Government will treat British merchant ships and cargoes in the same way." My contention is that the German Government will treat British merchant ships and cargoes in the same way, by reference to the provisions of Article two and Article four paragraph one of the Sixth Hague Convention. Now reading that you find there is an obligation to pay an indemnity if there is a requisition, or if there is no requisition then to restore. That is a complete bargain, in my submission—an agreement to restore in specie, or an agreement to pay compensation and an indemnity where there has been a requisition. Nothing more is wanted to make a complete and binding bargain, because the method, the manner, and the time, are all questions that can be dealt with. Once you have got the right to compensation you can assert it at some time. As between belligerents presumably you would assert it at the end of the war when a state of war is over, when a belligerent claims the right to appear before the Prize Court of this country and assert his claim, a right which he has not got during war. Therefore I say there is a complete concluded bargain. Now then I was going on to read the words to which my learned friend attaches importance: "German Government would like to learn when, and according to what principles, the British Government will compensate German owners in cases calling therefor in order that they may adopt similar procedure." It is mere machinery; it is a courteous intimation

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to this effect: "Tell us the way you are going to work this with regard to the time and so forth and the tribunal, and we will adopt similar machinery." But I submit, my Lord, it could not be contended that if there were an agreement as to the substance—that if apart from these words there were an agreement as to the substance, there is no agreement as to the way in which in the future this matter is going to be worked out when war is over, when the parties are at peace, because that is left a matter for discussion. It would be rather like saying where relief is given by a statute "The statute is not made effective until the rules of Court have been made and worked out." That is all machinery, I submit, and that here is a most definit and binding agreement. There are only two other documents that I wish to refer to in this connection, and those are exhibited to the affidavit of Mr. Ball—they are exhibits A and B, "Berlin, 4th December 1920"—this is addressed from the Foreign Office at Berlin to the claimants, "According to the conception of the Foreign Office the English Prize Court has based its decisions concerning the German embargo vessels upon wrong arguments. At once upon the outbreak of the war negotiations have been made with the British Government in regard to the treatment of the merchant vessels of both nations which at the commencement of hostilities were in belligerent port which have led to an understanding at the end of September 1914. Both the Governments have taken upon themselves to return the vessels and cargoes upon the termination of the war, or in the event of any requisitioning to compensate the owners."

The PRESIDENT: Mr. Balloch, that means that your argument has the support of the Foreign Office at Berlin?

Mr. BALLOCH: That is exactly what it does mean. The other document is B. That is dated the 18th December 1920. This is from the Imperial and State Commissioner Woester at Dantzig, for communication to the Claimants: "Please immediately inform firm of Behnke and Sieg of your city, in reply to their inquiry of the 11th December with regard to the treatment of Prize Courts of German ships under embargo in England, that the decisive clause of the pertinent German Memorandum of the 21st October 1920 reads as follows."

The PRESIDENT: Where is that "pertinent German Memorandum"?

Mr. BALLOCH: They then proceed to set it out.

The PRESIDENT: To be effective it must be a memorandum between the high contracting parties. You do not find in the documents any transaction of the 21st October?

Mr. BALLOCH: No, my Lord, I cannot see that this memorandum was ever communicated to Great Britain.

The PRESIDENT: I do not see the least indication of it. It is simply the understanding of Germany at the time, on the 21st October. I do not see that I can receive a private memorandum of one of the parties made as it were in his diary. It must be a diplomatic communication, to be received at all, I think?

Mr. BALLOCH: Well, my Lord, it does not add anything to it. It really only sets forth the position.

The PRESIDENT: Mr. Solicitor, shall I read this or not?

The SOLICITOR-GENERAL: I am sorry, but I have not quite got the document that my learned friend is proposing to read. (*The document was handed to the learned Solicitor-General who perused the same.*) No, I do not think so, my Lord. It is a little difficult to understand what the document means.

The PRESIDENT: It probably is. You see there are limits to these things with regard to the reception of evidence in this Court. The substance of the matter is that in the absence of any indication of a communication to

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the British Government on the 21st October, the Court is entitled to consider some internal memorandum.

The SOLICITOR-GENERAL: Quite, and on an examination of it I can see nothing of a diplomatic nature at all in it, taking that term in the widest possible sense, and therefore I ask your Lordship not to receive it.

Mr. BALLOCH: Very well, then I will say nothing more about that.

The PRESIDENT: Then, Mr. Balloch, I shall not consider B.

Mr. BALLOCH: If your Lordship pleases. That is all I wish to say with regard to that.

I think I have indicated what my point is with regard to these claimants being citizens of the free city of Dantzig. My point is this, if it were right not to enforce this bargain (if it be a bargain), because of the behaviour of Germany to this country during the war, and if it were right to meet behaviour that was not approved of in this Court by withholding from German nationals the advantages of a bargain so made, then that consideration would not apply in the case of these particular claimants. Your Lordship has got to consider this question whether you will now (and it means now) uphold this agreement. They are not citizens of the peccant State. That is all I wish to say with regard to the position of these claimants as citizens of Dantzig. I do not propose to address any argument such as my learned friend, the Attorney-General, seemed to anticipate I would do on the provisions of Article 107 of the Treaty.

The PRESIDENT: You do not found yourself upon a claim of Treaty right?

Mr. BALLOCH: No, it did not seem to me that this was property that passed to the Allies; it was private property.

The PRESIDENT: Mr. Balloch, have you anything to say upon the question of whether the effect of the Treaty—differentiating your claimants from the general mass of the subjects of the late German Empire—is operative to vest property in which would otherwise not vest in you?

Mr. BALLOCH: No, I do not think so, my Lord.

The PRESIDENT: You see the matter to which I am addressing my mind at the moment, do you?

Mr. BALLOCH: Yes, as I read the provisions they deal with public property and not private property. No such argument had occurred to my mind, my Lord.

The PRESIDENT: I follow, Mr. Balloch.

Mr. BALLOCH: Then there is another point that I want to deal with, and that is one I have indicated—on the question of reciprocal treatment. And what I say is this, that that is not a matter for this Court at all.

It may be a thousand times true that Germany had broken International treaties, or had offended against the principles of International law. It has been recognised in this country that she did commit offences against International law, and for that reason, and because of her breach of International law, steps were taken by way of reprisals. They were by His Majesty, and you have the first reprisals order of March 1915, and the second one, the more severe one, of the 17th February 1916. In both cases it was the Sovereign belligerent who was exercising the right of reprisals, and he was exercising it because he is the best judge of the offences; he is the best judge of the means to be taken to meet it, and he takes steps, mild steps by the first reprisals order, more severe steps by the second reprisals order, because the mild steps were not sufficient. But my submission to the Court against that is—

The PRESIDENT: You say that that is belligerent action, and that this Court does not exist to take belligerent action?*

Mr. BALLOCH: No—how could it? How could this court do it? As was pointed out in a case in the Privy Council, the Sovereign is the only

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judge of the proper measures, and can be the only judge of the proper measures, to be taken by means of reprisals. What has this Court to do? Is it to say: "Here is a breach of the Treaty by a belligerent, which offends against the rights of neutrals—not only against the rights of enemy citizens in the courts of this country, but of neutrals" in order that there may be reciprocal treatment? Or is this Court to say: "Well, that is not a very great offence, it is only the breach of some comparatively unimportant stipulation in the Treaty; we will not enforce something else which is commensurate with that"? Or where do you stop short? How can this Court consider a matter of that nature? It would be driven—must be driven to this, I submit, that once you get offence against International law it will not enforce the recognised rights of belligerents and neutrals, but this Court could not adopt that position and it was no part of its functions to do so. I have the authority not of any decision in the courts of this country, but of a decision to which your Lordship will give very great respect, I know, and that is the decision of the Supreme Court of the United States of America in the case of the "Nereide," a tribunal of which at the time Chief Justice Marshall was the President, and Mr. Justice Johnson sat with him, and also gave Judgment. The reference is 9 Cranch's Reports of the United States Supreme Court, at page 388, and if I might give your Lordship the references to the pages where this matter is dealt with, Chief Justice Marshall on page 422 said: "as would enable it to decide certainly either on their permanent existence, or on their application to the United States. But be that as it may, the Court is decidedly of opinion that reciprocating to the subjects of a nation, or retaliating on them, its unjust proceedings towards our citizens, is a political not a legal measure. It is for the consideration of the Government not of its Courts. The degree and the kind of retaliation depend entirely on considerations foreign to this tribunal. It may be the policy of the nation to avenge its wrongs in a manner having no affinity to the injury sustained, or it may be its policy to recede from its full rights and not to avenge them at all. It is not for its Courts to interfere with the proceedings of the nation and to thwart its views. It is not for us to depart from the beaten track prescribed for us, and to tread the devious and intricate path of politics. Even in the case of salvage, a case peculiarly within the discretion of Courts, because no fixed rule is prescribed by the law of nations, Congress has not left it to this department to say whether the rule of foreign nations shall be applied to them, but has by law applied that rule. If it be the will of the Government to apply to Spain any rule respecting captures which Spain is supposed to apply to us, the Government will manifest that will by passing an Act for the purpose. Till such an Act be passed, the Court is bound by the law of nations, which is a part of the law of the land." Then Mr. Justice Johnson, on page 431, also deals with this subject in the last paragraph: "Nor does the argument founded on reciprocity stand on any better ground. There is a principle of reciprocity known to Courts administering International law; but I trust it is a reciprocity of benevolence, and that the angry passions which produce revenge and retaliation will never exert their influence on the administration of justice. Dismal would be the state of the world, and melancholy the office of a judge, if all the evils which the perfidy and injustice of power inflict on individual man, were to be reflected from the tribunals which profess peace and good will to all mankind. Nor is it easy to see how this principle of reciprocity, on the broad scale by which it has been protracted in this case, can be reconciled to the distribution of power made in our constitution among the three great departments of Government. To the legislative power alone it must belong to determine when the violence of other nations is to be met by violence. To the judiciary, to administer law and

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Then there is only one other remark that I wish to make, and that is with regard to the note which was intercepted through the help of the French police. I have not seen it; but my learned friend appeared to be somewhat shocked at its contents. I do not quite appreciate why he should have been. What it apparently came to was this: Here are German ships seized by right of war by Great Britain. Their names have been changed; you will not know them; if you can get them back, get them back. I do not know whether I ought to be shocked, but at present I do not understand the reason why I should be. That would amount to a case of recapture, and to something which would entitle the recaptor to salvage.

The PRESIDENT: It is saying: "If you can find in a neutral port a German ship which has not been condemned, claim her."

Mr. BALLOCH: Get her back, and no doubt you will get prize salvage from the owners.

The SOLICITOR-GENERAL: I will make the point clear, if my learned friend does not understand it. He says it was held by the Hague Convention that the Hague Convention laid down that it would be possible to requisition a ship, and, after requisition, such ship was to be dealt with under the Hague Convention. What the Germans had done by their communication to Madrid was to set aside the suggestion of carrying out the terms of the Hague Convention, and to suggest that if you find her take her and recapture her. I do not think my learned friend will be able to say that that is in accordance with the Article of the Convention No. 6.

Mr. BALLOCH: I do not quite appreciate it—it does not seem to me to be bad.

The PRESIDENT: They are dealing with the Common Law of Prize, and they are saying: "If these vessels have not been condemned and are found in a neutral port, behave as you would in the case of vessels seized and not condemned."

Mr. BALLOCH: It means this, in effect, that a great many things may happen to these ships, and, if there is an opportunity to retake them, retake them. That is all I wish to say upon that.

(Adjourned for a short time.)

Mr. BALLOCH: Then I would like to make a few further observations first with regard to the argument that is put forward on the ground of the note from the German authorities to the Ambassador in Spain and their Consuls. I shall submit that that was quite consistent with the right of recapture. I would like to put it also in this way: under the second Article of the 6th Hague Convention—which I say was adopted in the agreement which was made—or that the agreement was made in the terms of that Article—there is a right recognised for the belligerent in whose port such vessels are found, to requisition on payment of an indemnity. Now, a requisition may be of different kinds; there are temporary requisitions, as I mentioned to your Lordship only this morning. There are permanent requisitions, and it might very well be that the true view of that is this: the belligerent who is going to requisition, instead of keeping the vessel until the end of the war is going to requisition it absolutely, as they requisition goods on board ship—copper, oil, and many other substances that are required to be used, and in such cases there is an absolute expropriation of the property. Here the requisition of the ship may be intended to be such an absolute expropriation of the property, leaving an obligation to pay an indemnity as the result. If that is what happened, is not this the probable conclusion, these vessels have been requisitioned absolutely;

they were German vessels with German names, and their names have been changed, I presume, into the names not of neutral ships but of British ships. Whether or not they were entered in the British registers as British ships or not, I do not know. I do not think those registers were published during the war; I do not know about that. But, if that is so, and if, under the power of requisition, the Crown takes these ships and makes them its own, they become British ships, and as such then they would be liable to capture by the belligerent.

The PRESIDENT: Do you see what the note says: "German ships interned since the outbreak of war which the British Government is employing in its commerce."

Mr. BALLOCH: Yes, I submit on any view of that the recapture or re-seizing of these ships is not in the least inconsistent with the undertaking that was entered into.

The PRESIDENT: You mean that if the vessels were being employed upon the terms of the Convention, by virtue of requisition, that it would be open to the belligerent whose vessels they had been before the outbreak of war to interrupt their use under the requisition?

Mr. BALLOCH: I would say that that view was open to me, yes, my Lord, I should say so.

The PRESIDENT: I see.

Mr. BALLOCH: Then another matter I wish to put before your Lordship is this: if, as I understand, the view that is put forward on behalf of the Crown is right—that there was no bargain concluded at all—that there were no negotiations for a bargain and no concluded bargain (that is the argument that is put forward) then I say the conduct of the Crown in regard to these ships has been quite inconsistent with that. Because, if there were no concluded bargain, these vessels were liable not only to be seized and detained, but also to be confiscated and condemned as enemy merchant ships. They are either within the protection or they are not. If they are not within the protection they are enemy ships liable to capture and condemnation as such. In the case of every one of these ships on the 5th February 1915, after this correspondence and negotiation, the Crown applied not for condemnation—as they were entitled to if they were right—but for leave to requisition. Such an application is entirely inconsistent with the view that they had a right to condemn, and that there was not a binding bargain. Therefore, apart from the actual terms of the correspondence, I say that it was recognised by the action of the Crown. To conclude the matter with regard to the correspondence, there is just this further material that I should put before your Lordship, and it consists of some communications that we have received from the German Government. The documents are exhibited and comprise exhibit D to the affidavit of Mr. Ball. Your Lordship is in doubt as to whether your Lordship ought to look at the Memorandum of the 21st October 1914?

The PRESIDENT: Yes.

Mr. BALLOCH: Now, my Lord, on the 12th January 1921, the Imperial Government Commissioner at Dantzig, writes to the Claimants and says: "Further to my letter of the 18th of December, Gr. 4931, I am sending you by order of the Foreign Office, in answer to your inquiry dated the 3rd of January 1921, addressed to the Foreign Office, copy enclosed herewith of the notes which have been exchanged at the time with the British Government, and would call your attention to the fact that no answer was received from the British Government to point 1 of the last German Memorandum, dated the 21st of October 1914."

The PRESIDENT: Which document is this?

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Mr. BALLOCH: It is marked "D" and is exhibited to the affidavit of Mr. Ball. Now it would appear that this Memorandum was communicated to the British Government. It is in these terms: "(1) According to the letter of the British Government, dated September 20th 1914, there now exists between the German Empire and Great Britain an understanding as to the treatment of merchant ships of either nationality which in consequence of their construction are not capable of being converted into warships, which at the outbreak of the hostilities happened to be in enemy ports or which, due to the fact of their ignorance of such outbreak of the hostilities, may have arrived or may yet arrive at such enemy ports. Such ships and their cargoes shall be either returned after the end of the war or compensation shall be paid for same according to the claims made by their respective owners. Compensation shall be paid to the owners—contrary to the interpretation of the German Government—not until after the end of the war." That is unique, and that is the attitude adopted by the British Government and states what they were willing to agree. Germany says: "This understanding exists, and that includes even this disputed term as to when compensation should be paid, and it is not necessary that there should be an answer to that because that is acceptance of an agreement." Now, if that be right, I submit that that makes it more clear if possible than it was before that this agreement was concluded and binding on all parties.

The PRESIDENT: In reading the Memorandum from Berlin to Washington in the correspondence which the Procurator-General has produced, I have to take account of the communication of the American Embassy, which was the last document in the Procurator-General's correspondence.

Mr. BALLOCH: Yes, I was going to refer that.

The PRESIDENT: You see what happened, apparently, was that the State Department at Washington had no reply to its communication of September 23rd, and on the 26th October was in receipt of a telegram from Berlin relating to the second paragraph of the communication of September 23rd, saying that the German Government desired a reply as to its representations concerning the remuneration of crews, and that as regards the treatment of vessels and cargoes there appears now to be an understanding.

Mr. BALLOCH: I was going to suggest that this further document makes clear that which I have already referred to as produced by the Crown.

The PRESIDENT: Substantially the question upon this part of the case seems to be whether these were two independent negotiations about separate subject matters, or whether they were one negotiation about a subject matter which comprised several branches.

Mr. BALLOCH: Quite; and your Lordship has my contention that they are two separate matters.

The PRESIDENT: I follow.

Mr. BALLOCH: Dealt with by two separate Conventions of the Hague.

The PRESIDENT: Yes.

Mr. BALLOCH: I think there are only one or two other matters that I wish to refer to. The first is in answer to a point suggested by your Lordship when my learned friend was arguing, and that was this: If the captors have certain rights in the seizure of this vessel could they have been abrogated by an agreement of this sort, and I say, yes, because the captor is Sovereign. That is well established now. He is the fountain of prize, and during this war he is the captor. Certainly at the beginning of the war he

had not parted with any of his belligerent rights to capture crews of enemy vessels. Therefore, he remains the captor. That question was considered in the case of the "Zamora," and that decision recognised that the King is the captor. If there were any rights at the time of the seizure they were rights of the Crown, and the King had the power either to abrogate or to forego those rights. Therefore I submit no difficulty arises from that. Those are all the considerations I desire to put before your Lordship, and I ask for the release of the vessel which is in existence, and for an indemnity with respect to the captured values of the two vessels requisitioned and lost, and for compensation for their use. I have not discussed that matter because it is a matter which would arise, if compensation be granted, most conveniently on a reference. I could give your Lordship such assistance as there is—which is not very much—with regard to that matter when the time arrived.

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The SOLICITOR-GENERAL: May it please your Lordship. If your Lordship will just allow me to say a few words on my friend's two points; and, first of all, that there was in fact an agreement come to with regard to the treatment of these vessels. My Lord, I can put my point quite shortly upon that. Reading these despatches as my learned friend has read them, two observations arise: first of all, taking the letters as he has taken them, I submit that it is quite clear that the Germans raised the point of when the compensation was to be paid as a very vital point. I am not sure that I have got the same notation in my documents as your Lordship has, but the matter that I am referring to will be found in the letter received from the United States Embassy on August 25th. I think that is at page 8. It is headed "Received August 25th; that does not mean its date. At the bottom of that your Lordship will see: "In the event of Great Britain " rejecting our proposal they should be asked whether in accordance with " No. 9 of their Order in Council they will confiscate all German ships " without compensation or whether in accordance with Article 2, paragraph " 2, and Article 4, paragraph 1, of the Sixth Hague Convention of 1907 " respecting the treatment of enemy merchant vessels on the outbreak of " hostilities they will hand back German ships and their cargoes at the end " of the war, or in the case of requisition will at once give compensation. " Germany is ready to fulfil treaty obligations, but in view of the British " Order in Council must first require a similar promise from Great Britain." That is an integral part of the proposal. When one turns to the Convention to see if this agreement be in accordance with it, the second portion of Article 2 on page 443 of the Red Book, states that the vessel shall be detained on condition of it being restored after the war, or the belligerent may detain it on condition of pay compensation. Without dwelling on the point, that would appear to be paying compensation after the acquisition, after the user of the ship, which would appear also—upon the collocation of the sentence—to be after the war. Hence Germany is now putting forward a definite term which is, I will not say wholly inconsistent, but is certainly divergent, from the original Article 2 of the Convention, which was the subject-matter of discussion, and she is asking that the compensation should be paid at once. Then she affirms that in the document I have got in French on page 14 by asking for the payment *de suite en argent comptant*. So that she is insisting on this term as an integral term. The reply of the Foreign Office on the 20th September is this, reading the last clause: "In " particular, I would point out that there is nothing in Articles 2 or 4 (first " paragraph) of the Convention relative to the status of enemy merchant " ships at the outbreak of hostilities which obliges a belligerent to pay the " indemnities therein referred to before the conclusion of the war. I should " be greatly obliged if your Excellency would cause the German Govern-

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“ment to be so informed.” There is, therefore, a definite refusal up to that time, and I want to make this comment. My learned friend suggests that this is a matter of slight importance, and, indeed, a detail in working out an agreement which was otherwise come to. My Lord, was it? At that time if Germany could have secured a payment by way of indemnity for these ships in 1914, we should have added to her resources for the purposes of carrying on the war, and there is no question that the amount which might have been decided to be paid by her in respect of the vessels detained, not only in Great Britain but only the Dominion Courts would have amounted to a very large sum. One can quite well see why it was that Germany was endeavouring to impose this particular term as one of the conditions of the agreement. The next document I want to refer to is on my page 19; that is a telegram received on September 24th, signed “Bryan, Secretary of State, Washington.” I read it for the purpose of showing what was the condition of the inchoate agreement at that time: “The German Government will treat British merchant ships and cargoes in the same way. German Government would like to learn when, and according to what principle, the British Government will compensate German owners in cases calling therefor in order that they may adopt similar procedure.” So that the point is still open at that time. The questions that are asked really to-day are, when, and according to what principles, the agreement has got to be founded. Then, as your Lordship has pointed out, the last sentence is one which will lead me to make a comment in a moment. So far as I can find, there is nothing that indicates the answer of the British Government on these points, although it is affirmed by an answer received at the American Embassy from the Department of State at Washington that there appears to be an understanding between Germany and Great Britain, although Germany contended that compensation for requisitioned vessels should be paid promptly. I do not see either in documents before your Lordship, or in the document recently produced by my learned friend—which if I follow it aright, is a document which passed between Germany and the United States, but which is not a document which issued from the Foreign Office in London—that there is on any point an answer by the British Foreign Office as to what should be the date of payment, or as to what should be the principles on which this compensation should be paid. Putting the last documents that are placed before your Lordship by my learned friend at their highest value, they amount to no more than this; that in communications passing between the United States and Germany it was supposed that Great Britain had agreed. But my learned friend cannot at any point produce the assent, which was still awaited and asked for, of the British Government to the points which he has raised. The matter really does not stop there, because my Lord, as your Lordship pointed out, these “understandings,” as they are called, in the passage to which attention was directed, were all grouped together, and those “understandings” were understandings in relation to the treatment of the crews as well as the ships and compensation for the ships. So far as I can see, it is impossible for my learned friend to find that there was an agreement on all those matters. He has tried to say that there was an agreement that the ships should be returned at the end of the war, and then to subrogate all the other terms to a minor place, and say, that because there was agreement on that major condition, as my learned friend would put it, it may be taken that the minor propositions were of no more importance. Finally, upon the question of agreement, I want to call your Lordship’s attention to the very first letter which introduced a very serious and important proviso into the whole of this correspondence. In the letter of the 14th August, which I have got on page 5, from our Foreign Office, it was said—I am reading the last

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paragraph on page 5—"H.M.G. will abide by the provisions of Articles 2, 4 (first paragraph) and 5 of the convention relative to the status of enemy Merchant ships at the outbreak of hostilities, signed at the Hague on October, 18th, 1907, provided that the German Government also abide by those provisions." Let me assume for the moment, by way of hypothesis, than an agreement had ultimately been reached at the conclusion of this diplomatic correspondence, is that proviso to be included— "provided that the German Government also abide by those provisions." Is not that an intentional proviso inserted, and governing the whole agreement? If it be so, as I would with great confidence submit to your Lordship that it is, your Lordship will see the double effect of the correspondence now intercepted between the German Foreign Office, and their Embassy in Madrid. Because, whatever point of view you may take as to the final meaning, it is quite clear that that despatch was intended to do this—to secure that the German Embassy in Madrid—in a neutral country—with vessels properly requisitioned (because the hypothesis is that an agreement had been reached under the terms of an agreement made between Germany and Great Britain) when these vessels came into a neutral port, where no question could arise of capture or of any belligerent action, that at that time the German representatives were to take steps to communicate with the owners of the vessels—for what purpose? For the purpose of securing a demand for their arrest before the tribunals of the neutral country! The document says "I would ask your attention particularly to the movement of the vessels so as to give an opportunity to take these necessary steps." In other words, on the 10th October 1915, this document is written, and I use it for two purposes. First, giving the benefit of the doubt to Germany (I mean not questioning for the moment her honesty of purpose) I am saying that that document shows that she did not believe that an agreement had been reached, because she is suggesting to her own representatives that action should be taken in a neutral port, which was quite contrary to what would have been taken, if the terms of the Convention had been agreed between the parties to be adopted and adhered to. And, secondly, I call your Lordship's attention to that for the purpose of saying that the original proviso—which was the very basis of this whole diplomatic correspondence—namely, that the German Government should also abide by this provision—was violated by the conduct of Germany in 1915.

On those grounds, I submit that your Lordship was right in coming to the conclusion—it is quite true a conclusion that was not necessary for the Judgment in the case but a conclusion which a further investigation of the documents justified,—and that your Lordship was right in saying, on page 11, as your Lordship sees, at about the middle of the page, in your Lordship's Judgment in the "Marie Leonhardt": "During August, September, and October of 1914, diplomatic communications continued with the object of obtaining agreement between Great Britain and Germany of terms upon which ships and their crews should mutually be released, but no such agreement was arrived at. Nowhere does any assertion appear in the correspondence that leave to depart at the outbreak of war was a right," and so on. So that your Lordship, having carefully examined that correspondence came to the conclusion—and I submit that the re-examination to-day before your Lordship also leaves it in the same position—that in fact no agreement was reached, and that even if there were an agreement reached, under the proviso it was not binding upon this country.

I do not think I need say more, because, as I understand it, my learned friend's first point is based upon the fact that there was this agreement, and if your Lordship holds—as your Lordship held in giving Judgment in the other case—that there was no such agreement, or that the proviso is

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operative, then my learned friend cannot rely in any way upon the terms of the Convention.

The PRESIDENT: He does not set up the Convention.

The SOLICITOR-GENERAL: No, my Lord; but the agreement as to the manner in which these ships should be dealt with. But, if that be so, as he does not establish the Convention, I do not think I need trouble your Lordship with an argument by way of reply upon the question of whether the Convention—not upon the question whether the Convention is binding, because my learned friend does not set it up—whether or not if an agreement had been made we should still have been bound by it. What has been said in similar cases is this, and it may arise for decision at some time, that the subsequent conduct of Germany was such as to show that she was not holding herself bound by any agreement made by Conventions or Treaties, or otherwise, and that therefore this country was also discharged from agreements. I leave aside Treaties and Conventions, and I confine myself to the question of agreement. I do not think I need trouble your Lordship more than to say this; that it is quite clear that, in the case of the agreement which my learned friend suggests was made, that was subject to the condition that Germany should abide by it, and, therefore, the agreement is not binding. If there is a question on which I ought to say more, it may have to be argued at some time in some other case, but I submit not in this. It is not a question of reprisals such as was dealt with in the case of the "Nereide" by Chief Justice Marshall. One is not suggesting that there is a right in the Prize Court; but whether there be a right or not on the part of one of the belligerents to enforce penalties against the other, in respect of an agreement, if it can be shown that by her conduct Germany has treated the agreement as non-existent, it is not a question of reprisals, but a question of whether or not the agreement remains standing as between the parties.

The next point that my learned friend made was that in this case the argument—if an argument there be—on the question of the conduct of Germany cannot be put forward as against the citizens of this free town of Dantzic. I think I ought just to call your Lordship's attention to the terms of the Treaty for a moment, because I think there are other clauses which indicate how this matter was intended to be dealt with.

The PRESIDENT: That seems to be rather an argument based upon ethical considerations than upon considerations of law, Mr. Solicitor, bearing in mind that Mr. Balloch has not suggested that the Dantzigers gained as citizens of a free state any advantage upon the conclusion of the Treaty other than they would have gained if they had remained citizens of Germany, and had so come to be in peace with this country.

The SOLICITOR-GENERAL: True, my Lord; but then, my Lord, it is important to point out what, as citizens of Germany, they have lost—Dantzigers or not—because there are sub-clauses in the Treaty which are not unimportant upon this point. However, I will deal with that in a moment—it will take me but a very short time to deal with it. But I want to try to come to grips with my learned friend's argument. He says that Germans would be entitled to be released from this burden of requisition, and to have the vessels released. Your Lordship will remember that in the "Marie Leonhardt" we pointed out that in the Writ by which the proceedings were commenced condemnation was asked for. It became material in the "Marie Leonhardt," and we pointed it out. The order that was originally made was the "Chile" Order, which avowedly, and in its terms, is an interim order. We are only asking now that the original claim made in the Writ should be awarded to us, not forgetting that in the long period of the war the ship has been requisitioned and used under the "Chile" Order. But it still goes back to this; that at the very date of the Writ, when the

proceedings were commenced, this condemnation that we are asking for now was originally claimed and sought. At that time the Germans were enemies, and these ships, therefore, were the property of enemies. My learned friend used an argument, which I did not quite appreciate, as to the Crown being captors, and so on. If he does not pray in aid that the property has passed to some persons in a superior position to enemies, the property in these vessels at the time which is material to your Lordship's consideration, namely, at the time when the Writ was issued in August, 1914 (that is the time we have to consider) was in enemies, and there could be no transfer or alteration from that. I do not think the cases are worth citing. Your Lordship remembers that that has been quite recently considered in the Privy Council—as to whether or not a transfer is at all effective. The cases that were there cited were cases where territory has been ceded between the Dutch and the English, and that although it had been ceded to the English it did not make any difference to the condemnation which was pronounced by Lord Stowell.

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The PRESIDENT: You might give me the reference to that case you are just referring to; I had it in my mind, but I have not the name of it.

The SOLICITOR-GENERAL: The judgment that deals with this matter is the judgment in the "Hilding." There are a great number of other cases; but that which I am referring to is the judgment in the "Hilding," which was pronounced on the 17th December 1920.

The PRESIDENT: You were referring to some older cases where there was property or surrender of territory during the war, and the question arose whether prize made antecedent to such surrender or capture remained good prize. There is a decision on that subject, unless I am mistaken.

The SOLICITOR-GENERAL: Yes, it is the "Danekebaar African," reported in 1, Christopher Robinson, at page 107, which is put shortly in the judgment I am reading: "where the question was whether the capitulation of the Cape of Good Hope, which had taken place after the ship sailed but before her capture, and had made British subjects of the Dutch owners, had not also entitled them to claim their ship on arrival at the Cape as prize on the ground that there had been in fact a capture of British property. So strict was the rule even then that the claimants, though British subjects themselves at the time of capture, could not be heard to assert that title against the presumptions arising when the ship sailed. Shortly afterwards it was accepted in 'The Vrouw Margaretha' (1 C. Rob., 336) that there was no recorded instance of a claim being sustained for goods purchased of an enemy in transit in time of war, for the practice of the Prize Court to look only to the time of shipment was already invariable." I need not trouble with that; but it was "The Danekebaar African" which I had in mind.

The PRESIDENT: Yes, but there are other cases. That, you see, was on the question of a transfer of property at sea; but I feel sure there is at least one case where surrender or capture of territory had taken place after capture of the ship at sea; and thereupon the question arose whether the surrendered or the captured property having carried with it the protection of the Crown, the property captured at sea might be reclaimed by the owners previous to condemnation in court.

The SOLICITOR-GENERAL: Yes, I think there is such a case.

The PRESIDENT: I thought it was with reference to one of the islands on the American coast that the question arose there.

The SOLICITOR-GENERAL: Yes, quite, my Lord. On the question of the Treaty, I think it is important to call your Lordship's attention to a

January 1921. few sections, because, quite apart from the clauses which refer to Dantzic (with which I need not trouble), there are passages in the Treaty which are, I think, of importance. If your Lordship has got the book, the first clause to which I should like to call your Lordship's attention is at page 112 in Annex III., clause 1. That is the clause under which the transfer of ton for ton is arranged: "Germany recognises the right of the Allied and Associated Powers to the replacement, ton for ton (gross tonnage) and class for class, of all merchant ships and fishing boats lost or damaged owing to the war." And then "The German Government on behalf of themselves and so as to bind all other persons interested, cede to the Allied and Associated Governments the property in all the German merchant ships which are of 1,600 tons gross and upwards; in one-half, reckoned in tonnage of the ships which are between 1,000 and 1,600 tons gross; in one quarter, reckoned in tonnage of the steam trawlers; and in one-quarter, reckoned in tonnage of the other fishing boats." Then clause 2: "The German Government will, within two months of the coming into force of the present Treaty, deliver to the Reparation Commission all the ships and boats mentioned in paragraph 1." Then I may go to paragraph 8 on page 114: "Germany waives all claims of any description against the Allied and Associated Governments and their nationals in respect of the detention, employment, loss or damage of any German ships or boats, exception being made of payments due in respect of the employment of ships in conformity with the Armistice Agreement of January 13, 1919, and subsequent agreements. The handing over of the ships of the German mercantile marine must be continued without interruption in accordance with the said Agreement." Let me put it in this way: Supposing the Conventions had been adopted and were of full validity at the outbreak of war, and supposing under that Convention there were a sum to be paid for the employment of ships. We have got a provision under paragraph 8 under which Germany, having that account open between the victors and the vanquished, waives all claims of any description—"in respect of the detention, employment, loss or damage of any German ships or boats." Then, it does not stop there, because if your Lordship will turn to page 146 at (b): "Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights and interests belonging at the date of the coming into force of the present Treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions and protectorates, including territories ceded to them by the present Treaty."

The PRESIDENT: The territory which forms the free port of Dantzic was ceded to the Allied and Associated Powers by the Treaty.

The SOLICITOR-GENERAL: Yes, my Lord.

The PRESIDENT: So that 297 (b) applies?

The SOLICITOR-GENERAL: 297 (b) applies; and, at any rate, it is exegetical, so to speak, of the Dantzic clauses, because it could not be contended, having regard to this clause, that the passage which my learned friend the Attorney-General read out as to property at Dantzic covered the question of the property in these vessels.

The PRESIDENT: Mr. Balloch seems to concede that it relates to public property. Now, you see that the Allied and Associated Powers reserve the right to retain and liquidate property, rights, and interests belonging at the date of the coming into force of the present Treaty to German nationals, including territories, and so on—which include the Free Port of Dantzic.

The SOLICITOR-GENERAL: Quite.

The PRESIDENT: So that you say that the express provisions there is that the property of those who were German nationals in Dantzic at the date of the coming into operation of the Treaty is left subject to the right of retention by the Allied and Associated Powers? 19 January 1921.

The SOLICITOR-GENERAL: Quite—indeed it is not a *casus omissus* from the Treaty; if you look at these sections they are correlative, and the point has already been made. There is one passage in Article 440 on page 212 of the Treaty of Peace that I thought I ought to refer to: “Germany accepts and recognises as valid and binding all decrees and orders concerning German ships and goods and all orders relating to the payment of costs made by any Prize Court of any of the Allied or Associated Powers, and undertakes not to put forward any claim arising out of such decrees or orders on behalf of any German national.” Your Lordship observes the next paragraph is: “The Allied and Associated Powers reserve the right to examine in such manner as they may determine all decisions and orders of German Prize Courts.” All that does is that it accepts the statutes as existing at the time of the Treaty in relation to any Orders which had then been made by the Prize Courts, and does not claim that Germany has any right to question the Orders or the effect of them. Summarising, therefore, the two points which my learned friend has made, I submit that no agreement was reached in September. Even upon the hypothesis that any agreement was reached, that agreement was subject to a proviso or condition which has never been kept. Therefore, my learned friend must fall within the decision, or, rather, the conclusion, which your Lordship reached with regard to the question of that agreement in the “Marie Leonhardt.” On his second point, with regard to the position of my learned friend’s clients as German owners, those German owners are in no better position than any other German owners, whether they belong to Dantzic or not, and in the Treaty it is recognised that all claims of this sort have gone. There is no right here on the part of an enemy to put forward a claim in respect of ships for compensation in respect of them, or in respect of the requisition which was ordered. In other words, that the order must be made in this case as in the case of the “Marie Leonhardt.” When the “Marie Leonhardt” was before your Lordship I handed up to your Lordship a little table of those countries whose representatives had signed and ratified the Convention.

The PRESIDENT: Is that material having regard to the line taken by Mr. Balloch?

The SOLICITOR-GENERAL: No, I think not. I do not know whether it may arise again; but we gave your Lordship a short table—I remember using it myself—to indicate what the position was. Perhaps it is only worth while saying as a matter of opinion that my learned friend forgot what a destructive effect ratification or non-ratification had on what apparently looked like a matter of agreement when my learned friend was reading out who were the signatories to the Convention.

The PRESIDENT: I do not think I will occupy my time in giving Judgment with respect to the Convention.

Mr. BALLOCH: May I just say a word on this new matter, on the passage cited from the Peace Treaty at page 114? My learned friend relies on the provision that Germany waives all claims against the Allied and Associated Governments in respect of the detention, loss, or damage of or to any German ship or boats. My first observation is that that certainly does not exclude a claim for the return of a vessel which is still in existence, if it is otherwise well founded—a claim for employment. That might be important with regard to my claim for the usufruct or benefit arising from the user of the vessel. With regard to damage, that might be held to cover

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improper loss or damage of the vessel, but the words are not sufficient to exclude either the return of the vessel or payment of compensation under the agreement, so that that, I submit, does not help my learned friend.

The PRESIDENT: Mr. Balloch, you will tell me whether you dissent from the construction the Solicitor-General puts upon Article 297 (b)?

Mr. BALLOCH: I was going to that now. Taking them in order, Article 297 (b) provides this: "The Allied and Associated Powers reserve the right to retain or liquidate all property, rights and interests belonging at the date of the coming into force of the present Treaty to German nationals"—then there is a provision as to the way in which it is to be carried out: "German nationals who acquire, *ipso facto*, the nationality of an Allied or Associated Power in accordance with the provisions of the present Treaty will not be considered as German nationals within the meaning of this paragraph." I submit, my Lord, that the intention of that certainly was not to include the property of German nationals who ceased to be German nationals at the date of this Treaty. It deals with the case of those who become automatically Allied and Associated nationals.

The PRESIDENT: You may illustrate that by two prominent cases, that of Alsace Lorraine and the Tyrols—the Italian and the Austrian Tyrols. In those cases the nationals, who acquired French and Italian nationality, were excepted from the class of nationals described in the first paragraph. That is so, is not it?

Mr. BALLOCH: Yes, my Lord.

The PRESIDENT: Are the Dantzigers within that exception?

Mr. BALLOCH: I should submit they were.

The PRESIDENT: Which Allied or Associated Power received them as its subjects?

Mr. BALLOCH: There was not any existing Allied or Associated Power.

The PRESIDENT: Allied or Associated Power is a term of definition; here it relates to the Powers who were allied and associated in the war.

Mr. BALLOCH: I do not remember whether the term "Allied and Associated Powers" is defined in the Treaty. This point is new to me.

The PRESIDENT: It cannot be said, I think, that the Free Port of Dantzig was either an Allied or Associated Power.

Mr. BALLOCH: Before it became a Free Port, certainly not. But whether Dantzig did become an Associated Power on the conclusion of the Peace Treaty, I am afraid, my Lord, I cannot say.

The PRESIDENT: It is like ascertaining whether a child became a parent.

Mr. BALLOCH: I do not want to fight a false point.

The PRESIDENT: Where is the definition?

The SOLICITOR-GENERAL: Your Lordship will find it at page 1: "The United States of America, The British Empire, France, Italy, and Japan, these Powers being described in the present Treaty as the principal Allied and Associated Powers." Then it goes on to the second category: "Belgium, Bolivia, Brazil, China, Cuba, Ecuador, Greece"—I will not go through the whole list; but it goes down to Uruguay: "these Powers constituting with the principal Powers mentioned above the Allied and Associated Powers." I am afraid we cannot put Dantzig in among those.

Mr. BALLOCH: I am obliged to my learned friend—the point is new to me.

The PRESIDENT: I must ask you, Mr. Balloch, do you contend that the citizens of Dantzig, who were constituted a Free State, are within the exception of clause (b) in Article 297?

19 January 1921.

Mr. BALLOCH: It seems difficult, in view of the definition—the description of the Associated Powers—to say that it is so. If they are not included, then the question is this, what is the meaning of the first paragraph of subsection (b)? That prescribes that the Allied and Associated Powers preserve the right to retain and liquidate all property, rights and interests belonging at the date of the coming into force of the present Treaty to German nationals. Then the question is, did this ship belong at the time of the coming into force of the Treaty to German nationals? At the date of the coming into force, as soon as the Treaty comes into force, every citizen of the Free State of Dantzig ceases automatically to be a German citizen.

The PRESIDENT: That is quite true; but does he acquire the nationality of one of the Allied or Associated Powers, or does he become independent?

Mr. BALLOCH: The first branch of that seems to me to be difficult to contest.

The PRESIDENT: Then must I take it he has become a citizen of the Free State created by the Treaty?

Mr. BALLOCH: Yes, my Lord.

The PRESIDENT: Very well.

Mr. BALLOCH: Therefore I say that at the date of the coming into force—that is when it is in force—a citizen of Dantzig is no longer a German national, and therefore his property is not liable to be dealt with under this Article 297 at all. I think your Lordship has dealt with vessels seized in Prize under that Article, and therefore it is not open for me to contend that this Article 297 does not apply at all to property that has been seized in Prize, so I cannot argue that. But I say that this property is not the property of a German national at the time of its coming into force, and indeed it would be a most extraordinary thing, when your Lordship remembers that the property which is liquidated under Article 297 of the Treaty becomes liable for the debts of every German, of every Austrian, I think, of every Turk, and of every enemy of Great Britain or of any one of its Allies in any part of the world, and is confiscated until all those debts are paid—which I suppose will be never—it would be a most extraordinary thing if the Allies, in setting up a free city, freed the city and the surrounding territory from the German yoke, but were doing it on the terms that they were going to confiscate all the citizens' property to pay for the debts of the German citizens, and, not only that, but render them liable for the compensation which Germany has to pay for damage done in the war. It is inconceivable, it seems to me, and a little difficult to understand why, if there is no such right, it should be pressed before your Lordship. That is what I say with regard to that. Then there was only one other passage referred to at page 212.

The PRESIDENT: That is recognising the decrees of the Prize Court. I do not think you are challenging any decrees of the Prize Court, Mr. Balloch.

Mr. BALLOCH: No, my Lord, I am not; if your Lordship pleases.

In the High Court of Justice.

PROBATE, DIVORCE, AND
ADMIRALTY DIVISION.

(ADMIRALTY.)

(IN PRIZE.)

ROYAL COURTS OF JUSTICE,
Wednesday, 19th January 1921.

BEFORE

THE RIGHT HON. SIR HENRY DUKE,
PRESIDENT.

Steamship "BLONDE."
" " "HERCULES."
" " "PROSPER."

ARGUMENTS.

THE TREASURY SOLICITOR,
705, Royal Courts of Justice, Strand, W.C.

Page missing 28/05/08

FALKLAND ISLANDS.

Miscellaneous.

Downing Street,

16 March, 1921.

Sir,

With reference to my predecessor's Circular despatch of the 1st March, 1919, on the subject of the half yearly returns required to be rendered under Section 12 of the Naval Prize Act, 1864, I have the honour to inform you that the Lords Commissioners of the Admiralty have stated that further returns need not be sent in respect of Prize Courts in which no proceedings have been instituted or where the proceedings have been completed and fully entered in the returns already rendered.

2. I have to ask that you will inform me when the returns of the proceedings in the Prize Court in the territory under your administration may be regarded as complete and that you will report without delay if any proceedings should take place thereafter.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

(for the Secretary of State)

J. Amery

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.

etc. etc. etc.

$\frac{A}{2}$

Falkland Islands.
No. Miscellaneous.

Downing Street,

10 June 1921

Sir,

I have the honour to call your attention to the despatch noted below, which still remains unanswered.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Christ Church

The Officer Administering

the Government of the
Falkland Islands.

No.	Date.	Subject.
Circular.	1920. 27th August.	Sanitary Regulations in force in all ports in regard to ships arriving from abroad.

12a

FALKLAND ISLANDS
MISCELLANEOUS

Downing Street,
15 June, 1921.

Sir,

With reference to my Predecessor's despatch Miscellaneous of the 27th November last, I have the honour to transmit to you, for communication to the Proper Officer of the Crown in Prize cases, the accompanying copy of an Order which has been made in the Prize Court in this country in regard to goods detained under the Orders in Council of the 11th March 1915 or 10th January 1917 and claimed to be enemy property.

2. I understand that in cases in which it is clear that goods or securities are enemy owned, His Majesty's Procurator General applies for the appropriate order without necessarily awaiting the re-opening of the proceedings by a claimant. Where an appearance has been entered on behalf of the claimant notice of the application is given.

I have the honour to be,

Sir,

Your most obedient
humble servant,

Ernest Churchill

GOVERNOR,

J. MIDDLETON, ESQ., C.M.G.

etc. etc. etc.

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IN THE HIGH COURT OF JUSTICEADMIRALTY DIVISIONIN PRIZEBEFORE THE RIGHT HON. SIR HENRY DUKE, President

THE STEAMSHIP "HELLIG OLAV"
 Claim of John B. Stetson Company.

On the 23rd day of November 1920

The President having considered the evidence, and having heard Counsel for the Crown, the claim of John B. Stetson & Company not being proceeded with, pronounced the part cargo of 87 parcels Felt Hats, as specified in the Schedule hereunder, to have been enemy property and to have belonged to Koller Jozsef and C.W. Borchert, and he ordered the Marshal to hand the proceeds of sale thereof to the Custodian of Enemy Property to be dealt with in accordance with the Treaties of St. Germain and Versailles.

SCHEDULE

<u>Packages</u>	<u>Contents</u>	<u>Consignor</u>	<u>Consignee</u>
87	Felt Hats	John B. Stetson and Company Philadelphia	Ove Haugsted, Copenhagen.

(3)

CS. 556/21

14A

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2

Falkland Islands.

No. Miscellaneous.

Downing Street,

1 July, 1921.

Sir,

I have the honour to call your attention to the despatch noted below, which still remains unanswered.

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering

Ernest Churchill

the Government of

the Falkland Islands.

No.	Date.	Subject.
ular:	26 November, 1920	Anglo-German Mixed Arbitral Tribunal.

16a

 $\frac{A}{2}$

Falkland Islands.
 No. Miscellaneous.

Downing Street,

14 July, 1921.

Sir,

I have the honour to call your attention to the despatch noted
 below, which still remains unanswered.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Winston Churchill

The Officer Administering

the Government of
 the Falkland Islands.

No.	Date.	Subject.
Miscellaneous	11 August, 1919.	Naval Prize Funds.

18a

FALKLAND ISLANDS

Downing Street,

MISCELLANEOUS

6th August, 1921.

Sir,

I have the honour to acknowledge the receipt of Mr Martin's despatch No. 36 of the 9th September last on the subject of the prize vessels "Josephina", "Bangor", "Pax" and "Edna", and to transmit to you the accompanying copy of a letter from the Treasury discussing the accounts which were forwarded in Sir Douglas Young's despatches Nos. 33, 34, 35 and 36 of the 6th March 1917.

25 July, 1921.

2. It will be noticed that the Lords Commissioners of the Treasury have arranged for a payment of £56.0.10 on account of the claims in respect of fees and that a refund of the expenditure upon telegrams has also been authorised.

3. I am in communication with the Lords Commissioners of the Admiralty in regard to other items in the accounts and I will address you again upon the receipt of a reply from Their Lordships.

I have the honour to be,

Sir,

Your most obedient,

humble Servant,

Herbert A. Churchill

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.,

&c., &c., &c.,

End filed in 999/21



FALKLAND ISLANDS.

MISCELLANEOUS.

Downing Street,

17 August, 1921.

Sir,

£183.8.2.

With referenceto my despatch Miscellaneous of the 6th instant, I have the honour to inform you that the sum of one hundred and eighty three pounds eight shillings and twopence has been paid to the Crown Agents for the Colonies for credit of the Account of the Government of the Falkland Islands in refund of the cost of telegrams sent to the Secretary of Stats for the Colonies during 1915, in regard to the Prize Vessels "Josephina", "Bangor", "Pax" and "Edna" as indicated in the Statements which accompanied Sir Douglas Young's despatches Nos. 33, 34, 35 and 36 of the 8th of March 1917.

I have the honour to be,

Sir,

Your most obedient.

humble servant,

Ernest Churchill

GOVERNOR,

J. MIDDLETON, ESQ., C.M.G.,

etc., etc., etc.,

22a



FALKLAND ISLANDS
MISCELLANEOUS

DOWNING STREET,

27 August, 1921.

Sir,

With reference to my predecessor's miscellaneous despatch of the 11th August, 1919, relating to the Prize Court, I have the honour to inform you that the Lords Commissioners of the Treasury have asked that the accounts in respect of the condemned prizes which have not been adjudged to the Naval Prize Fund, and in regard to the Prize actions in which no Order for condemnation has been made, may now be completed so far as is possible and forwarded to this country.

2. Any outstanding claims for the repayment of legal expenses, which should be submitted apart from the other accounts, should also be forwarded as soon as possible.

3. It is desired that separate accounts may be rendered for each Prize Court cause, any items of expenditure relating to more than one cause being apportioned between the causes concerned, and that transactions involving the application of a balance in one cause to meet expenditure in another cause shall be recorded apart from the accounts for the particular causes.

4. It is also desired that the available balances, including

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.,
&c. &c. &c.

including accrued interest, may be remitted to this country for payment into the Exchequer, and that particulars shall be furnished as to the causes in respect of which the sums are due and as to the manner in which the sums are calculated.

5. In regard to the question of audit, Their Lordships ask that Prize accounts may be audited locally in the manner in which the Court accounts are ordinarily audited, and that the Auditor should be required not only to satisfy himself as to the correctness of the accounts but to see that all properties seized, according to the Prize Court writs, are accounted for by sale, requisition or release.

6. In the event of the completion of the accounts in any Prize cause being delayed owing to the necessity for further action in the cause, I have to ask that particulars of the action yet to be taken may be reported in order that the position may be explained to the Lords Commissioners of the Treasury.

I have the honour to be,

Sir,

Your most obedient

humble Servant,

Winston A. Churchill

24a

$\frac{A}{2}$

Falkland Islands.
No. Miscellaneous.

Downing Street,

23 September, 1921.

Sir,

I have the honour to call your attention to the despatch noted below, which still remains unanswered.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Winston Churchill

The Officer Administering

the Government of
the Falkland Islands.

No.	Date.	Subject.
ular:	2 February, 1921.	Pensions of Colonial Officers.

260


FALKLAND ISLANDS.

Downing Street,

MISCELLANEOUS.

// October, 1921.

Sir,

26 Aug

With reference to my despatch Miscellaneous of the 17th August, I have the honour to transmit to you the accompanying copy of a letter from the Admiralty in connection with the accounts which have been rendered in respect of the prize vessels "Josephina", "Bangor", "Pax" and "Edna".

2. The Lords Commissioners of the Treasury are being requested to arrange for a settlement of the items which are held to be for the account of the Oversea Prize Disposal Committee.

3. I should be obliged if you would forward the vouchers which are desired by the Lords Commissioners of the Admiralty in regard to items relating to the S.Ss. "Josephina" and "Bangor".

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Winston Churchill

GUBERNOR,

J. MIDDLETON, ESQ, C.M.G.,

etc., etc., etc.,

No.14A (F)N.P.(2) 2668/10191

266

ADMIRALTY

26th August 1921.

Sir,

With reference to your letter of the 6th instant No.37159 and to previous correspondence relating to the accounts of the Prize Court in the Falkland Islands, I have to inform you that of the balances remaining after the adjustments and payments authorised by the Treasury (as shown on the accompanying sheet) the Naval Prize Fund appears liable for the sum of £753.10.3 on the information at present available and a draft for this amount will be sent to the Crown Agents for the Colonies.

The items still outstanding are then as follows

"Josephina". Registration and re-marking £4.6.8.

The renaming and re-registration of this vessel were authorised by the Overseas Prize Disposal Committee who appear liable for this amount.

Pilotage £6.3.0, Anchor Swivel £5, cleaning Engines etc. £7.5.5. The dates of these services are not given and it is not possible to say whether they were incurred in the vessel's capacity as a prize or in connection with her requisition for Crown use. It is requested that vouchers (or copies) may be supplied.

"Bangor". Advance on account of wages of crew £123. The homeward voyage of this ship was arranged by the Overseas Prize Disposal Committee who would be liable for this charge.

Repairs and incidental expenses £19.7.0. No details are given, and it is requested that vouchers may be supplied.

"Edna"

Under Secretary of State,

Colonial Office S.W.

260

"Edna" Marshal's fees £5.5.0. The incidence of these will depend on the ultimate decision in this case.

"Pax" The advance to the crew and charge for repairs etc. has been accepted against the Naval Prize Fund as it appears that the vessel was sent home for immediate sale on behalf of the Court and not for Crown use.

I am etc.,

(Sd) J.D. James

for Accountant General of the Navy.

26d

Prize Court.
Falkland Islands

Case	Claim by Government of Falkland Islands	Settled under Treasury letters (S. 7717 etc)						Payable by Naval Prize Fund
		Charge on Vote for Colonial Services (Telegrams)	Fees dis-allowed	Fees charge-able to Colony	Fees paid by Treasury	Balance		
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
Josephina	430. 19. 1	61. 4. 6	38. 7. 0	10. 0. 18	1. 8. 31	215. 11. 290	0. 10	
Bangor	480. 18. 11	54. 12. 6	30. 17. 0	- - -	11. 9. 0	384. 0. 5	241. 13. 5	
Pax	304. 2. 3	48. 3. 7	20. 12. 0	10. 0. 13	0. 8. 22	1. 16. 0	221. 16. 0	
Edna	41. 19. 1	19. 7. 7	3. 17. 0	-	13. 9. 6	5. 5. 0	-	
<hr/>		<hr/>		<hr/>		<hr/>		
	1,257. 19. 4	183. 9. 2	93. 13. 0	1. 0. 0	56. 0. 10	923. 17. 4	753. 10. 3	

Sums payable by Naval Prize Fund

	£.	s.	d.	£.	s.	d.
Josephina	Guarding Vessel.....	130.	0.	10		
	Marshals Fees.....	5.	10.	0		
	Fee 49.....	154.	10.	0	290.	0. 10
Bangor	Guarding Vessel.....	237.	3.	5		
	Marshals Fees.....	4.	10.	0	241.	13. 5
Pax	Guarding Vessel.....	2.	6.	3		
	Marshal's Fees.....	2.	0.	0		
	Fee 49.....	55.	8.	9		
	Advance to crew.....	142.	7.	0		
	Repairs and incidental.....	19.	14.	0	221.	16. 0
					753.	10. 3

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1

Reference to previous correspondence :-

~~Secretary of State's~~ } Despatch No.
~~Governor's~~

FALKLAND ISLANDS .

Miscellaneous.

Downing Street,
12 October, 1921.

Sir,

I have the honour to transmit to you

for your information,

~~the papers noted below on the subject of~~

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering

the Government of

the Falkland Islands.

Christie Churchill

Date.	Description.
-----	A booklet entitled "The Dairy Farm, Ice and Cold Storage Co., Ltd., Hong Kong.

FALKLAND ISLANDS.

Miscellaneous.

Downing Street,

11 November, 1921.

Sir,

I have the honour to inform you that the Board of Trade have paid to the Belgian Finance Minister the sum of 22,930.10 francs - sterling equivalent £434.13s.10d. - in respect of outstanding contributions and a special contribution for the current year of the Colonies which contribute to the International Customs Tariff Bureau. The amount of 22,930.10 francs is made up as follows:-

Arrears for 6 years 1915-16 to 1920-21	
Basic contribution	2143 francs
Pension fund.	<u>214.3 "</u>

2357.3 x 6 = 14,143.80 francs.

Contributions for year 1921-22	
Basic contribution	2143 francs
Special contribution	6429 "
(3 x 2143)	
Pension fund	<u>214.3 " 8,786.30 "</u>

22,930.10

2. The Crown Agents have been instructed to pay the sum of £434.13s.10d to the Board of Trade. The share of this to be borne by your Government is £18.18s.

3. I have to explain that, owing to the war, the annual subscriptions of His Majesty's Government and the Colonies adhering to the International Convention of

1890

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.,

&c., &c., &c.,

30b

1890 have not been paid during the last six years, 1915-16 to 1920-21. In response to representations made through the Belgian Ambassador His Majesty's Government agreed to pay the arrears due, together with a special contribution equal to three times the normal contribution in addition to the normal contribution for the year 1921-22. I did not consider it necessary to consult you before undertaking to pay contributions on the same basis on behalf of the Colony under your Government.

I have the honour to be,

Sir,

Your most obedient

humble servant,

Winston Churchill

32a

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2

Falkland Islands.
No. Miscellaneous.

Downing Street,

30 November, 1921..

Sir,

I have the honour to call your attention to the despatch noted below, which still remains unanswered.

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering

Ernest Churchill

the Government of
the Falkland Islands.

No.	Date.	Subject.
Circular.	3rd February, 1921.	Administration of the estates of deceased European officers in the Colonies and Protectorates.

34a



FALKLAND ISLANDS

Downing Street,

Miscellaneous

12 December, 1921.

Sir,

I have the honour to acknowledge the receipt of your despatch No.70 of the 22nd of August, regarding the difficulty experienced in receiving the British official wireless messages sent out from Horsea.

2. The transmission of these messages has been undertaken by the General Post Office, and they are now sent out from the new station at Leafield on a wave-length of 8,750 metres at the same times as previously sent from the Admiralty station at Horsea.

I have the honour to be

Sir,

Your most obedient

humble Servant,

Herbert Churchill

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.,

etc., etc., etc.

36a

FALKLAND ISLANDS.
MISCELLANEOUS.

DOWNING STREET,
16 December, 1931.

Sir,

I have the honour to acknowledge the receipt of your despatch No.98 of the 18th of October, regarding the information required by the League of Nations on the subject of the traffic in opium and other dangerous drugs.

2. In order that the information for the League of Nations might be available on uniform lines in respect of all the territories to which the questionnaire was addressed, it would have been more convenient if you had submitted a detailed reply to the questionnaire and had caused the forms to be completed with such information as was available; or, if, where the information required was not available, a statement to that effect had been made on the form.

5. I shall be glad to receive at an early date a detailed reply to the questionnaire and the forms completed as far as possible in the light of the foregoing observations.

I have the honour to be,

Sir,

Your most obedient

humble servant,

Winston Churchill

GOVERNOR,

J. MIDDLETON, ESQ., C.M.G.,
etc., etc., etc.

38a


FALKLAND ISLANDSMiscellaneous

DOWNING STREET,

21 December, 1921.

Sir,

With reference to my Circular despatch of the 10th September, I have the honour to transmit to you a copy of a telegram to the Officers Administering the Governments of various Colonies and Protectorates with regard to the disposal of liquidated German property.

2. The telegram was not sent to you as I understand that there is no liquidated German property in the territory under your administration.

I have the honour to be,

Sir,

Your most obedient,

humble Servant,

Herbert Churchill

GOVERNOR

J. MIDDLETON, ESQ, C.M.G.

&c. &c. &c.

20th December.

386

COPY 52428/1921.TELEGRAM

From the Secretary of State for the Colonies to all Colonies and Protectorates etc. (except Bahamas, Barbados, Bermuda, Cyprus, Falklands, Gambia, St. Helena, Weihnachts and Tanganyika).

(Sent 1.25 p.m. 20th December, 1921).

20th December.

My despatch 10th September Circular on assumption that action already taken to make vested property subject to charge immediate steps should be taken to credit Germany under Article 257 H Treaty of Peace with proceeds of liquidation of German property in Colony under your Government. For this purpose if not sent already send by mail as soon as possible list on form T 32 see my despatch 29th December 1920 Circular of German property in respect of which credit can be given forthwith. If return already made but it is expected that some of items therein will have to be released or otherwise disposed of amended return should be furnished in such case stating whether money held locally or invested by Crown Agents. In former case necessary remittance should be made. Cases where liquidation not completed ^{yet} (or German nationality of owner doubtful should be excluded. In case of liquidated businesses liquidation cannot be regarded as complete until all claims by or against business finally disposed of. Claims against such properties or business of persons who were enemies should be dealt with in same way as claims of other persons subject to any order of priority provided by local law, amounts found due to nationals of enemy or ex-enemy State being credited by means of T 32 sheets in name of creditor and not debtor and amounts found due to those who were not nationals of such State or have acquired new nationality ipso facto under Treaty of Peace being paid direct.

400

NEWLAND ISLANDS.
SCALLANIGUS.

DOWNING STREET,

18 January, 1922.

Sir,

With reference to my despatch Miscellaneous of the 11th of October last, I have the honour to inform you that the sum of £5.5.0. in respect of the claim for fees 42 and 48 in the case of the S.S. "Edna" has been paid to the Colonial Government, through the Crown Agents, by the Admiralty Marshal.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Winston Churchill

OVERHOF

J. MIDDLETON, ESQ., C.M.G.,

etc., etc., etc.

~~1891~~
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1

42a

Reference to previous correspondence:—

Secretary of State's } Despatch No.
Governor's

Falkland Islands

Miscellaneous

Sir,

Downing Street,

18 January, 1922.

I have the honour to transmit to you

the papers noted below on the subject of Mr W. Atkins services in the
Falkland Islands Police Force.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Ernest. Churchill

The Officer Administering

the Government of the

Falkland Islands.

Date.	Description.
5 December 1921 16 January, 1922	} Letters from to Mr W. Atkins

COPY.

352, Fishponds Road,
PRISTOL.

December 5th, 1921.

Dear Sirs,

I beg to enquire whether a record of my services in the Police of the Falkland Islands has been forwarded to the Colonial Office, and whether this record would qualify me, as being eligible for the Long Service Police Medal.

Awaiting a reply at your convenience,

I have, etc.,

(Sgd.) W. ATKINS.

To

THE CROWN AGENTS FOR THE COLONIES,

4, Millbank,

LONDON.

42c

61334/1921.

Downing Street,

6 January, 1922.

Sir,

With reference to your letter to the Crown Agents for the Colonies of the 5th of December last, I am directed by Mr. Secretary Churchill to inform you that no Long Service Medal available generally for members of the Civil Police Forces in the Colonies has been issued, and that he is not aware of any Long Service Police Medal to which you are entitled in respect of your services in the Falkland Islands Police Force.

I am,

Sir,

Your obedient servant,

(Sol) *H. J. Read*

MR. W. ATKINS.

44a



FALKLAND ISLANDS.

Downing Street,

Miscellaneous (Claims)

21 January, 1922.

Sir,

I have the honour to transmit to you a claim under Article 296 of the Treaty of Versailles against a resident in the Falkland Islands, which has been received from the German Clearing Office.

2. As no local Clearing Office has been established in the Falkland Islands you should entrust some suitable officer with the duty of investigating this claim in accordance with the enclosed memorandum and inform me in due course whether it is admitted or contested. You will observe that a reply is required by the 1st June and, if time does not permit of one being sent by mail so as to arrive by that date, it should be sent by telegraph.

I have the honour to be

Sir,

Your most obedient
humble servant,

Ernest Churchill

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.

etc., etc., etc.

K/RAES

416

Procedure for dealing with attached claim by Carlos Neckelmann against the late Charles Williams of Port Stanley, Falkland Islands.

In accordance with the provisions of Article 296 Section III Part X paragraph (d) of the Treaty of Versailles, the claim must be expressed in the currency in use in the country of the debtor i.e. sterling, whatever the currency in which the debt was incurred. The calculation of the debt in sterling, as entered on the D.R. List, has been made by the German Clearing Office and checked by this Department.

The alleged debtor must have been resident in the Falkland Islands on the date of the ratification of the Treaty i.e. 10th January 1920, and the claimant in German territory at, and on, that date to render the claim effective under the terms of the Treaty, unless the alleged debtor was in a state of bankruptcy or had given formal indication of insolvency before the war (see paragraphs 1 and 2 and (b) of Article 296, also paragraph 4 of the Annex to Section III).

Attention is also invited to paragraph 10 of the Annex to Section III.

If the claim is admitted interest as provided for in paragraph 22 of the Annex to Section III is due on the whole debt, or such portion of it as may be admitted, and must be paid by the debtor up to the date on which he makes payment of the principal debt.

It is observed that interest at the rate of 6%, as from the 1st July 1914, is being claimed. If no specific contract as to this rate or date existed at the time the debt was incurred interest is only payable under the terms of the Treaty at 5% as from the 4th August 1914, unless by contract, law or custom it was due at a later date, in which case it will be payable as from such date.

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ack.

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The full amount of interest due must be calculated by the Central Clearing Office (see penultimate sub paragraph to paragraph 22 of the Annex) and consequently no calculation need be made locally of the amount so due. The Clearing Office is liable for the interest for the period subsequent to the payment of the debt until it is credited to the German Clearing Office.

To enable the Clearing Office to calculate the total amount of interest due, details as to the date on which interest first commenced to run, and the rate at which it is payable, should be furnished.

If the debt, or any portion of it, is not admitted the Clearing Office should be advised fully of the alleged debtors' reasons for repudiating it.

If the alleged debtor was, or his successors, executors or heirs were, not resident in the Colony on the 10th January 1920 the fact should be stated, and if this was due to death or departure the date of such death or departure should be given together, in the latter event, with any information available as to present address or whereabouts.

On receipt of the information, which should reach the Clearing Office as soon as possible, but not later than the 1st June 1922, the necessary action with regard to the preparation of the requisite schedules will be taken by the Clearing Office, and any monies collected in respect of the claim should be remitted to that Department in due course.

Jan

46a

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Reference to previous correspondence :-

Secretary of State's
Governor's } Despatch No. 90 of the 14th
of October, 1921.

Falkland Islands.

Miscellaneous.

Downing Street,

23 February, 1922.

Sir,

I have the honour to transmit to you

for your information, copies of

the papers noted below on the subject of the application of the
Maintenance Orders (Facilities for Enforcement) Act, 1920,
to the Falkland Islands.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Winston Churchill

The Officer Administering

the Government of

the Falkland Islands.

Date.	Description.
6th February, 1922.	An Order in Council. (One sealed and six plain copies).

AT THE COURT AT BUCKINGHAM PALACE,

The 6th day of February, 1922.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY
IN COUNCIL.

WHEREAS by the Maintenance Orders (Facilities for Enforcement) Act, 1920, provision has been made for the enforcement in England and Ireland of maintenance orders made by a Court in any part of His Majesty's Dominions outside the United Kingdom to which the said Act extends :

AND WHEREAS by the said Act it is amongst other things provided that where His Majesty is satisfied that reciprocal provisions have been made by the Legislature of any part of His Majesty's Dominions outside the United Kingdom for the enforcement within that part of maintenance orders made by Courts within England and Ireland, His Majesty may by Order in Council extend the said Act to that part, and thereupon that part shall become a part of His Majesty's Dominions to which the said Act extends :

AND WHEREAS His Majesty is satisfied that the Legislatures of the parts of His Majesty's Dominions outside the United Kingdom hereinafter mentioned have made reciprocal provisions for the enforcement within those parts of maintenance orders made by Courts within England and Ireland :

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers by the above recited Act in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

The Maintenance Orders (Facilities for Enforcement) Act, 1920, shall apply to the parts of His Majesty's Dominions outside the United Kingdom hereunder mentioned :—

Basutoland.

The Falkland Islands.

AND the Right Honourable Winston Spencer Churchill, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

Almura F. Roy

Printed by HIS MAJESTY'S STATIONERY OFFICE PRESS,
11-17, Hare Street, E.2.

Falkland Islands.

MISCELLANEOUS.

Downing Street,

9 March, 1922.

Sir,

With reference to my Circular Despatch of the 19th April, 1913, I have the honour to transmit to you herewith a Certificate of the amount standing to the ^(credit)~~(debit)~~ of your Government in the books of the Crown Agents for the Colonies on the 30th September, 1921, and four Returns showing the variation during the quarter ended on that date in the cash balances and securities held in trust on behalf of your Government.

These statements have been prepared by the Crown Agents and verified by the Comptroller and Auditor General, whose Certificate is appended.

It will not be necessary for you to reply specially to this dispatch unless the particulars shown in the Agents' Statements should differ from the accounts which they have sent direct to the Colony. In case of any discrepancy, it is indispensable that an immediate advice showing the details of the differences should be sent to me.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Herbert Churchill

The Officer Administering

The Government of

the Falkland Islands.

50a



FALKLAND ISLANDS.

Downing Street,

Miscellaneous.

14 March, 1922.

Sir,

With reference to my predecessor's
Miscellaneous despatch of the 25th November 1920, I
have the honour to transmit to you the accompanying
copies of an official report of a judgment delivered
by the Lords of the Judicial Committee of the Privy
Council on the 10th ultimo relating to certain detained
German ships.

I have the honour to be

Sir,

Your most obedient
humble servant,*Christie Churchill*

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.

etc., etc., etc.

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Reference to previous correspondence:—

~~Secretary of State's~~
Governor's } Despatch No. 58 of the
9th of August, 1921.

Falkland Islands.

Miscellaneous.

Downing Street,
3rd May, 1922.

Sir,

I have the honour to transmit to you

for your information,

the papers noted below on the subject of the International Potato
Conference, 1921.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Herbert A. Churchill

The Officer Administering

the Government of the Falkland Islands.

Date.	Description.
-----	<p>Report of the Conference by the Royal Horticultural Society. (one copy only available).</p>

54a

FALKLAND ISLANDS
MISCELLANEOUS.

DOWNING STREET,

6 May, 1922.

Sir,

I have the honour to transmit to you the enclosed copy of a letter from the War Office regarding the supply of copies of revised editions of Training Manuals. I have accepted the Army Council's offer to furnish copies of the latest publications of this nature, and a copy of each will be forwarded to you when received. Any further copies that may be required should be ordered in the usual way through the Crown Agents for the Colonies.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

WINSTON S. CHURCHILL.

THE OFFICER ADMINISTERING
THE GOVERNMENT OF
THE FALKLAND ISLANDS.

~~Fr. W. O.~~
~~4th April.~~

W.O./8334(C.2.c.)

War Office.

London, E.W.1.

4th April, 1922.

Sir,

I am commanded by the Army Council to inform you that reports have been received from some of the Colonies that they do not get copies of the latest Training Manuals for the use of their Local Forces. To obviate this it is proposed, with your concurrence, on the publication of a revised edition of any Training Manual, to forward to you for issue to the various Colonies sufficient copies to provide one copy for each, any further copies required being obtained in the usual manner from His Majesty's Stationery Office. If you concur and will be good enough to say to whom they should be addressed, complete sets of those revised (Provisional) Training Manuals already published will be supplied at once.

I am, etc.,
(sd) B.B. Cubitt.

The Under Secretary of State.

Colonial Office.

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Falkland Islands.

MISCELLANEOUS.

Downing Street,

18 May, 1922.

Sir,

With reference to my Circular Despatch of the 19th April, 1913, I have the honour to transmit to you herewith a Certificate of the amount standing to the ^{credit}~~debit~~ of your Government in the books of the Crown Agents for the Colonies on the 31st December, 1921, and five Returns showing the variation during the quarter ended on that date in the cash balances and securities held in trust on behalf of your Government.

These statements have been prepared by the Crown Agents and verified by the Comptroller and Auditor General, whose Certificate is appended.

It will not be necessary for you to reply specially to this dispatch unless the particulars shown in the Agents' Statements should differ from the accounts which they have sent direct to the Colony. In case of any discrepancy, it is indispensable that an immediate advice showing the details of the differences should be sent to me.

I have the honour to be,

Sir,

Your most obedient, humble servant,

WINSTON S. CHURCHILL.

The Officer Administering

The Government of the Falkland Islands.

58a



FALKLAND ISLANDS.

MISCELLANEOUS.

DOWNING STREET,

30 May, 1922.

Sir,

With reference to my Circular despatch of the 24th of May, 1921, I have the honour to transmit, for your information, printed copies of a judgment of the Naval Prize Tribunal which was delivered on the 7th of April last.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Herbert Churchill

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.,

etc., etc., etc.

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Reference to previous correspondence :—

Secretary of State's
Governor's } Despatch No.FALKLAND ISLANDS.MISCELLANEOUS. (CLAIMS).Downing Street,
12th June, 1922.

Sir,

I have the honour to transmit to you

for transmission to the Controller, local Clearing Office,

*the papers noted below on the subject of admitted German claims.**I have the honour to be,*

Sir,

Your most obedient, humble servant,

The Officer Administering

the Government of the
Falkland Islands.*Winston Churchill*

Date.	Description.
25th May, 1922.	From the Clearing Office (Enemy Debts).

EI/IS

Office open to the Public from 10 a.m. to 4 p.m.
(1.0 p.m. on Saturdays.)

Telegrams:—Enemidets, London.

Telephone:—Hop 6820.

Any reply should be addressed to the
Secretary.

The following reference should be
quoted:— X.2323/

THE CLEARING OFFICE (ENEMY DEBTS),
CORNWALL HOUSE,

STAMFORD STREET,

LONDON, S.E.1.



.....25th..May.....192.2.



Sir,

...

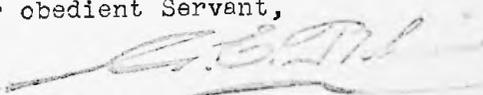
I am directed to forward the accompanying A.G.
Schedule on which has been entered the date of receipt
by the German Clearing Office.

ACK List No.1. Serial No. 1040001.

I have the honour to be,

Sir,

Your obedient Servant,


Secretary.

The Controller,
Clearing Office (Enemy Debts)
Falkland Islands.

u.f.s.Colonial Office.



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FALKLAND ISLANDS

MISCELLANEOUS

Downing Street,

21 June, 1922.

Sir,

I have the honour to acknowledge the receipt of your despatch No.41 of the 4th of March and to inform you that the accounts transmitted therewith, relating to the prize vessels "Josephina" "Bangor" "Edna" and "Pax" are being forwarded to the Lords Commissioners of the Admiralty.

2. I have to invite your attention to my predecessor's despatch of the 16th April, 1920, and to my despatches of the 6th August, 17th August, 11th October and 18th January last on the subject of these accounts, and to state that I shall be glad to be informed as to the additional sum which is claimed by your Government in discharge of the accounts.

3. I note that the fee charged for attending the delivery of 900 tons of coal ex the s.s. "Josephina" is now entered as £5, an increase of £1 on the entry in the statement which was communicated in Sir W.D.Young's despatch No.53 of the 8th March, 1917, and also that the new account includes an item of £4 in respect of an overtime payment in connection with the delivery of coal.

4. I understand that the sum of £1387.10.0 to which you refer in the second paragraph of your despatch was retained by the Oversea Prize Disposal Committee. I am enquiring of the Lords Commissioners of

GOVERNOR,

J.MIDDLETON, ESQ., C.M.G.

etc.

etc.

etc.

626

of the Admiralty whether that amount has since been transferred to the Naval Prize Fund.

I have the honour to be,

Sir,

Your most obedient

humble servant,

Wm. Churchill



FALKLAND ISLANDS

MISCELLANEOUS

Downing Street.

26 June, 1922.

Sir,

With reference to your despatch No.41 of the 4th of March, relating to the Prize Court, I have the honour to inform you that enquiry has been made for the vouchers in respect of the item of £4.6.8. in connection with the registration and remarking of the S.S."Josephina" and the item of £123 on account of the wages of the crew of the S.S."Bangor".

2. I shall be obliged if you will forward the vouchers in these cases.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Ernest Churchill

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.,

&c., &c., &c.

64a



FALKLAND ISLANDS.

Downing Street,

Miscellaneous.

24 July, 1922.

Sir,

With reference to your despatch No.24 of the 23rd of March last year, I have the honour to transmit to you three British War Medals and three Mercantile Marine War Medals, together with the necessary quantity of riband in each case, for issue to Messrs. M.Owen, C.P.Peters and G.A.Herklots.

I have to request that you will acknowledge the receipt of the medals and riband.

I have the honour to be

Sir,

Your most obedient

humble servant,

Christie H. Churchill

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.

etc., etc., etc.

66a



FALKLAND ISLANDS.

Downing Street,

Miscellaneous.

29 July, 1922.

Sir,

With reference to my despatch Miscellaneous of the 21st of June, I have the honour to transmit to you a copy of a letter from the Admiralty notifying the payment to your Government, through the Crown Agents, of a further sum of £22. 8. 5. in respect of the Steamship "Josephina" and of a sum of £19. 7. 0. in respect of the Steamship "Bangor".

4th July.

2. The Treasury letter of the 12th March, 1920, to which reference is made in the second paragraph of the enclosed letter, communicated a copy of the report by the Admiralty Registrar which was transmitted in my predecessor's despatch Miscellaneous of the 16th April 1920.

I have the honour to be

Sir,

Your most obedient

humble servant,

Luisthu. Churchill

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.

etc., etc., etc.

COPY.

No.14A(P)N.P.(2)1764

Admiralty, S.W.1.

4th July, 1922.

Sir,

With reference to your letters of the 17th ultimo No.17929/22 and the 3rd May, No.17918/22, respecting accounts relating to Prize Cases in the Falkland Islands, I am commanded by my Lords Commissioners of the Admiralty to inform you that payment will be made from the Naval Prize Fund to the Crown Agents in respect of the items previously under question shown on the attached sheet, and of the additional claim of £4 for overtime in connection with the delivery of coal.

It is observed that the accounts now forwarded do not show any amendment in consequence of Treasury Letters of 12th March, 1920, and 25th July, 1921, and as the fee for delivery of coal was amongst those disallowed by the Admiralty Registrar, no action appears necessary with regard to the increase in the entry for this fee.

The payment now made, with the £5. 5. 0. paid by the Admiralty Marshal in the case of the "EDNA", appears to close the account as regards this Prize Court, if the sums of £4. 6. 8. and £123 referred to in Admiralty letter of 26th August have been recovered from the Overseas Prize Disposal Committee.

I am to add that the sum of £1,387. 10. 0. in respect of coal sold to the Falkland Islands Company has been collected by this Department from the Overseas Prize Disposal Committee on behalf of the Naval Prize Fund.

I am etc.,

(Sgd) Charles Walker.

The Under Secretary of State,

Colonial Office,

S.W.1.

OPY.

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PRIZE COURT

FALKLAND ISLANDS.

Additional sums payable from Naval Prize Fund.

"JOSEPHINA".

	£.	s.	d.
Pilotage.....	6.	3.	0.
Mooring swivel.....	5.	0.	0.
Cleaning ship and laying up boilers.....	7.	1.	9.
Stores for cleaning.....		3.	8.
	18.	8.	5.
Additional claim. Overtime, delivery coal.....	4.	0.	0.
	22.	8.	5.

"BANGOR".

Pilotage.....	11.	11.	0.
Recall fee.....	1.	0.	0.
Stores supplied.....	6.	16.	0.
	£19.	7.	0.

Total payment £41. 15. 5.

680

FALKLAND ISLANDSMISCELLANEOUS

DOWNING STREET,

4 August, 1922.

Sir,

With reference to my Miscellaneous despatch of the 29th of July, I have the honour to transmit, for your consideration and report, a copy of a letter from the Treasury relating to the accounts in respect of the prize vessels "Josephina", "Bangor", "Pax", and "Edna".

29th July, 1922.

2. * The accounts forwarded to the Admiralty on the 17th of June were those which accompanied your despatch No.41 of the 4th of March last, while the accounts which were referred to the Treasury on the 16th February 1920 were those which were received with Sir Douglas Young's despatches Nos.33, 34, 35 and 36 of the 8th March, 1917.

I have the honour to be,

Sir,

Your most obedient

humble servant,

Ernest A. Churchill

GOVERNOR

J.MIDDLETON, ESQ., C.M.G.,

&c., &c., &c.,

686

S.16353.

Treasury Chambers,
29th July, 1922.

Sir,

With reference to your letter of the 23rd ultimo (No.17929/22), I am directed by the Lords Commissioners of His Majesty's Treasury to request you to inform Mr. Secretary Churchill that They have now received a Report on the accounts of the Falkland Islands Prize Court from the officers jointly examining Overseas Prize accounts on behalf of this Department and the Naval Prize Fund.

2. It appears that all charges properly incurred by the Government of the Falkland Islands in respect of Prize Court cases have now been met by payments by this Department, the Admiralty, the Board of Trade and the Admiralty Marshal, and that the values of vessels requisitioned by the Crown are being collected on behalf of the Naval Prize Fund direct from the requisitioning Departments. The proceeds of the coal ex "Josephina" sold to the Falkland Islands Company have also been received by the Naval Prize Fund.

3. I am to point out that the accounts forwarded to the Admiralty with your letter of the 17th ultimo are substantially the same as those sent to this Department with Colonial Office letter of the 16th February 1920, no adjustment having been made in consequence of the observations in the letters from this Department of the 12th March 1920 and 25th July 1921 (S.7717) although
certain

The Under Secretary of State,
Colonial Office.

68c

certain disallowances of fees were accepted by the Administrator in his despatch of the 9th September, 1920, when he stated that the Local Treasurer's accounts would be adjusted accordingly.

4. Of the additional charges in the latest accounts, it is understood that the item of £4 in respect of overtime for the delivery of coal has now been paid by the Admiralty, but I am to state that as the original fee of £2 charged for attendance on the delivery of 900 tons of coal ex "Josephine" was amongst those disallowed, the claim for the increased amount of £3 cannot be admitted.

I am etc.,

(Sd) G.L. BARSTOW.

FAKLAND ISLANDS
Miscellaneous.

Downing Street,

5 August, 1922.

Sir,

I have the honour to invite your attention to my Circular despatch of the 6th of October last on the subject of the Imperial Education Conference to be held in 1923, and to inform you that I shall be glad to receive an early reply.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Luistant Churchill

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.

etc.. etc., etc.

72a

FALKLAND ISLANDS.

Downing Street,

Miscellaneous.

11 August, 1922.

Sir,

I have the honour to acknowledge the receipt of your telegrams of the 19th and 20th of July, regarding the representation of the Government of the Falkland Islands on the West Indian and Atlantic Group Committee in connection with the British Empire Exhibition.

On receipt of the latter telegram I assumed that you desired that Mr. Vere Packe should be asked to serve on the Committee in addition to Mr. W.A. Harding, and, as it is very desirable that the various Committees should be constituted at as early a date as possible, I invited Mr. Packe to represent the Government of the Falkland Islands. He has consented to do so, and has stated that he will be pleased to do anything he can to promote the interests of the Falkland Islands at the Exhibition.

I shall be glad if you will request Mr. Harding to get into touch with Mr. P.H. Ezechiel, one of the Crown Agents for the Colonies and the representative of the Colonial Office on the Managing Committee of the Exhibition,

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.

etc., etc., etc.

72b

Exhibition, as soon as he arrives in this country.

I have the honour to be

Sir,

Your most obedient

humble servant,



Wm. Pitt. Churchill

740

FALKLAND ISLANDSMISCELLANEOUSDOWNING STREET,
1st September
~~1st August~~ 1922.

Sir,

I have the honour to acknowledge the receipt of your despatch No.48 of the 22nd of March, 1922, enclosing copies of the new Standing Rules and Orders of the Legislative Council of the Falkland Islands. These Rules and Orders, which, I gather, are based almost entirely upon the corresponding Rules and Orders of the Colony of the Gambia appear to be generally suitable for their purpose, but various provisions in the Standing Orders enclosed in Sir W.Grey Wilson's despatch No.61 of the 31st of July, 1900, have been omitted; and before tendering my advice to His Majesty in regard to the new Rules and Orders, I should wish to receive any observations you may have to offer as to the reasons for such omissions. I would invite your attention more especially to the old Order No.10 in regard to the publication of Bills, which, although also provided for by Ordinance, was, in my opinion; appropriately included among the Standing Orders. You will also observe that Instruction XXV of the Royal Instructions of the 28th of February, 1920, directs the adoption of a Standing Rule providing that "before the passing of any Ordinance intended to affect the interests of private persons, due notice of the same is given

GOVERNOR,

J.MIDDLETON, ESQ., C.M.G.

etc., etc., etc.

74b

given to all persons concerned therein" but I do not observe that any such Rule has been adopted. The incorporation in the Rules of Instruction XXIX in so far as it affects proceedings in the Legislative Council in regard to Private Bills, would have rendered such Rules more complete in themselves, but the publication of this Instruction with the Rules will doubtless ensure that the provisions of the former are not overlooked.

2. With regard to Instruction XXXII, I take this opportunity of informing you that it was obviously not intended that the minutes of the Legislative Council for the preceding half-year should be sent home as soon as possible after each meeting, but only the minutes of that particular meeting. A note has been made that the words "for the preceding half-year" should be deleted when necessity arises for amending the Royal Instructions in other respects, and you may desire to make a corresponding note in connection with the "Rules and Proceedings" that this will be done.

I have the honour to be,

Sir,

Your most obedient

humble servant,

Eriskent Churchill

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Falkland Islands.

MISCELLANEOUS.

Downing Street,

23 September, 1922.

Sir,

With reference to ~~my~~ Circular Despatch of the 19th April, 1913, I have the honour to transmit to you herewith a Certificate of the amount standing to the ^(credit)~~(debit)~~ of your Government in the books of the Crown Agents for the Colonies on the 31st of March, 1922, and three Returns showing the variation during the quarter ended on that date in the cash balances and securities held in trust on behalf of your Government.

These statements have been prepared by the Crown Agents and verified by the Comptroller and Auditor General, whose Certificate is appended.

It will not be necessary for you to reply specially to this despatch unless the particulars shown in the Agents' Statements should differ from the accounts which they have sent direct to the Colony. In case of any discrepancy, it is indispensable that an immediate advice showing the details of the differences should be sent to me.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Lieut. Churchill

The Officer Administering

The Government of *the Falkland Islands.*

78



FALKLAND ISLANDS.

MISCELLANEOUS.

DOWNING STREET,

27 November, 1922.

Sir,

I have the honour to inform you that in connection with the revision of Chapter XXIII of the Consular Instructions, His Majesty's Consul-General at Paris has raised the question whether he should not be empowered to afford immediate relief in urgent cases to distressed British subjects from the Colonies and Protectorates pending the receipt of authority from the Colonial Government concerned.

2. As you are no doubt aware the general rule is that no expenditure shall be incurred by a Consular Officer on behalf of a distressed British subject who is a native of a Colony or on behalf of a native of a Protectorate without prior reference to the Government of the Dependency concerned, and strict observance of this rule leads to distress pending the receipt of a reply to enquiries. It is therefore suggested that Consular Officers might be given discretion to afford relief in urgent cases sufficient for the necessaries of life where there is sufficient evidence that the distressed person is a native of a particular Colony or Protectorate pending the

GOVERNOR,

J. MIDDLETON, ESQ., C.M.G.,

etc., etc., etc.

78b

the receipt of a reply to the enquiry addressed to the Government concerned.

3. This rule is already in force as regards most Colonies in the West Indies and I shall be glad to learn whether you agree to its adoption as far as the territory under your Government is concerned in cases where it is established that the distressed person is in fact a native of that territory.

4. As you will observe from paragraph 9 of Chapter XXIII of the Consular Instructions the suggested arrangement would not normally apply to distressed seafaring persons in whose case the Board of Trade instructions apply.

5. As the revision of the Consular Instructions is rather urgent I should be glad to receive a reply to this despatch by telegram.

I have the honour to be,

Sir,

Your most obedient,
humble Servant,

Devonshire.

80a

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Reference to previous correspondence :-

Secretary of State's } Despatch No. ---
Governor's

FALKLAND ISLANDS.

Miscellaneous (Claims)

Downing Street,

14 December, 1922.

Sir,

I have the honour to transmit to you

the papers noted below on the subject of claims.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Devonshire.

The Officer Administering

the Government of the

Falkland Islands.

Date.	Description.
5th December, 1922	From the Clearing Office (Enemy Debts) with enclosures.

EI/AWH.

806

3th December, 2.

A. 3323/85

Sir,

I am directed to forward the accompanying A.A.G. and C.G. Schedules on which has been entered the date of receipt by the German Clearing Office.

A.A.G. List No. 2 Serial No. 1040001

C.G. " No. 1 " " 1040001

I have the honour to be,

Sir,

Your obedient servant,

Secretary.

The Controller,
Clearing Office (Enemy Debts)
PARISIAN HOUSE.

H. F. S. Colonial Office.

82a

FALKLAND ISLANDS

Downing Street.

MISCELLANEOUS

16 February 1923.

Sir,

I have the honour to transmit to you a copy of a letter from the General Post Office regarding a sectional map of the world which is being prepared by the International Bureau of the Telegraph Union, Berne, showing wireless stations and the principal lines of navigation.

2. Section 2 covers the area between Longitude 35° West and Longitude 100° West of Greenwich, and between Latitude 10° North and Latitude 55° North.

3. Should your Government desire to purchase copies they should be ordered through the Crown Agents for the Colonies.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Devonshire.

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.

&c., &c., &c.

106464/22

General Post Office

London E.C.1.

16th January 1923.

Sir,

I am directed by the Postmaster General to say, for the information of the Secretary of State, that a map of the world showing wireless stations and the principal lines of navigation is being prepared by the International Bureau of the Telegraph Union, Berne. As indicated in Radio Circular No.161 issued by the International Bureau on the 28th October last, the map will be divided into 5 sections, namely :-

1. North Atlantic (Eastern portion) and Mediterranean
2. North Atlantic (Western ")
3. Indian Ocean
4. South Atlantic
5. Pacific Ocean.

Lists of additions and amendments to the map will be published every six months, and the cost of each Section including amendments will be approximately 2 francs 50 (Swiss) plus postage.

A limited supply of prints of Sections 1 and 2 is on hand, and copies of these Sections will be sent to you under separate cover in the course of the next few days. Copies of the remaining Sections will be sent to you as they are received from Berne.

The Postmaster General will be glad to learn as soon as possible how many copies in all of each section of the map will be required by the Colonial Office.

I am, etc.

(Signed) J.I. de Wardt.

for the Secretary.

Under Secretary of State
Colonial Office.

Sua

FALKLAND ISLANDS.
MISCELLANEOUS.

DOWNING STREET,

27 February, 1923.

Sir,

I have the honour to inform you that the Admiralty have had under consideration facilities for the medical treatment of Admiralty officials employed at Naval Depots abroad, as distinct from Dockyard Stations, and have enquired whether it would be possible to arrange in the Falkland Islands for the treatment of Admiralty officials, either in Colonial Hospitals or by the Medical Services maintained by your Government and under what conditions such treatment could be offered.

I shall be glad if you will discuss this matter with the Admiralty on your arrival in this country.

I have the honour to be,

Sir,

Your most obedient,
 humble servant,

Devonshire.

GOVERNOR,

J. MIDDLETON, ESQ., C.M.G.,

etc., etc., etc.

86A

A
1

Reference to previous correspondence :-

Secretary of State's } Despatch No. Miscellaneous (Claims)
Governor's }
of 14th December, 1922.

FALKLAND ISLANDS. —
Miscellaneous (Claims)

Downing Street,
3 March, 1923 .

Sir,

I have the honour to transmit to you , for
transmission to the Controller, local Clearing Office,
the papers noted below on the subject of claims.

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering
the Government of the
Falkland Islands.

Devonshire.

Date.

Description.

7th February, 1923

From the Clearing Office (Enemy Debts) with enclosure.

EI/AWN.

Office open to the Public from 10 a.m. to 4 p.m.
(1.0 p.m. on Saturdays.)

Telegrams:—Enemidets, Lamb. London.

Telephone:—HOB 5820.

Any reply should be addressed to the
Secretary.

THE CLEARING OFFICE (ENEMY DEBTS),

CORNWALL HOUSE,

STAMFORD STREET,

LONDON, S.E.1.

27th February, 1923.

The following Reference should
be quoted:—

N. 2323/85

Sir,

I am directed by the controller to forward
herewith the undermentioned Schedule:—

A.G.A. List No. 1. Serial No. 1040001

I have the honour to be,

Sir,

Your obedient servant,


Secretary.

The Controller,
Clearing Office (Enemy Debts)
FALKLAND ISLANDS.

u. f. s. Colonial Office.



880

A
1

Reference to previous correspondence:—

Secretary of State's } Despatch No. Miscellaneous of
Governor's } the 15th of September, 1920.

Falkland Islands.

Miscellaneous.

Downing Street,

7th March, 1923.

Sir,

I have the honour to transmit to you ,

for your information,

the papers noted below on the subject of the War Contributions of the Colonies.

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering

the Government of the Falkland Islands.

Devonshire.

Date.	Description.
21st February, '23.	Certificate of the National Debt Commissioners showing the application of the contribution of the Falkland Islands.

Falkland Islands War Contribution.

Statement showing the Application of the Contribution.

Date.	Sums received.		Date.	5% War Stock cancelled.	Price.	Sums paid.	
1923 Feb. 16	8,945	15 4	1923 Feb. 19	8,857 3 10	101	8,945	15 4
	8,945	15 4		8,857 3 10		8,945	15 4

R. F. Smith

Asst. Comptroller.

National Debt Office,
London,

21st February 1923.

88

A
1

Reference to previous correspondence:—

Secretary of State's } Despatch No. ----
Governor's

FALKLAND ISLANDS

Miscellaneous (Claims)

Downing Street,
14 March, 1923 .

Sir,

I have the honour to transmit to you, for
transmission to the Controller, local Clearing Office,
the papers noted below on the subject of claims.

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering
the Government of the
Falkland Islands.

Devonshire.

Date.	Description.
7th March, 1923	From the Clearing Office (Enemy Debts) with enclosures.

El/AWN

Office open to the Public from 10 a.m. to 4 p.m.
(1.0 p.m. on Saturdays.)

Telegrams - Envidets, Lamb, London.

Telephone - H 6820.

Any communication should be addressed to the Secretary.



THE CLEARING OFFICE (ENEMY DEBTS),

CORNWALL HOUSE,

STAMFORD STREET,

LONDON, S.E.1.

7th March, 1923.

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The following Reference should be quoted :-

X. 2323/85

Sir,

I am directed to forward herewith further documents in support of claims previously transmitted, particulars of which are given in the attached list, in duplicate, and to request that one copy of the letter may be signed and returned to this Office as an acknowledgment of the receipt of the documents in question.

I have the honour to be,

Sir,

Your obedient Secretary,

Secretary.

The Controller,
Clearing Office (Enemy Debts)
FALKLAND ISLANDS.

u.f.s. Colonial Office.



BI/AWH.

900

901

SCHEDULE OF DOCUMENTS.

X. 2325/85

FAULKLAND ISLANDS.

GCO.

DR.

Enclosures.

2.

94562

1

Letter from GCO. dated 5. 2. 23.

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s

Reichsausgleichsamt.

Berlin W, den 5. Februar

192 3

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Haa./F.

Bei der Antwort die Betr.-Nr. angeben!

Betr.: F Liste Nr.

Karten-Nr. 194562 Falkland Islands

Laufende deutsche Nr.

Falkland Islands DR 1

Auf Ihr Schreiben v. 20.11.22.

Glaubiger: Carlos Neckelmann Nachf. Hamburg

Schuldner: Succession late Charles Williams, Port Stanley

F - Mitteilung:

Dem Wiedergutschriftsantrag des Britischen Ausgleichsamt

über den Betrag von £ 4.17.11. wird stattgegeben werden.

Derselbe wird auf nächsten A.G.A.-Bogen gesetzt.

I.A.

W. Math.

An den Herrn Vorstand

des Britischen Ausgleichsamtes
in L O N D O N

92a

FALKLAND ISLANDSMISCELLANEOUS

Downing Street,

7 April, 1923.

Sir,

With reference to Mr. Churchill's despatch Miscellaneous of the 11th of November, 1921, I have the honour to inform you that the Board of Trade have paid to the Belgian Finance Minister the sum of 8,786.30 francs - sterling equivalent £103.10.5. - in respect of the contributions for 1922-23 of various colonies to the International Customs Tariff Bureau. The amount of 8,786.30 francs is made up as follows:-

Basic contribution	2,143
Special " (3 x 2,143)	6,429
Pension fund	<u>214.30</u>
	<u>8,786.30</u>

2. I have to explain that His Majesty's Government agreed to increase the contribution for 1922-3 by a Special contribution equal to three times the amount of the ordinary annual contribution, and that I agreed on behalf of your Government that payment on the same basis should be made in respect of the contribution due from the Colonies.

3. The Crown Agents for the Colonies have been instructed to make the necessary repayment to the Board of Trade and the share to be borne by your Government is £4.10.0.

I have the honour to be,
Sir,
Your most obedient,
humble servant,

Devonshire.

GOVERNOR,

J. MIDDLETON, ESQ., C.M.G.,

etc., etc., etc.,

94a

FALKLAND ISLANDS
MISCELLANEOUS

Downing Street,
10 May, 1923.

Sir,

I have the honour to refer to my predecessor's Circular despatch of the 15th of July last, and to enquire whether there is any objection to notice being given of the extension to the territory under your administration of the Convention between the United Kingdom and France, respecting Legal Proceedings in Civil and Commercial matters.

2. Should you see no objection, I shall be glad if you will inform me without delay of the designation of the local authority to whom judicial and extra-judicial acts and "commissions rogatoires" should be transmitted, and the language in which communications and translations should be made.

I have the honour to be,

Sir,

Your most obedient
humble servant,

Devonshire.

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.

etc., etc., etc.

96a

PAKLAND ISLANDS.

MISCELLANEOUS.

Downing Street,

17 May, 1923.

G.P.O. 6th Jan.

Sir,

I have the honour to transmit to you a copy of a letter from the General Post Office regarding a sectional map of the world which is being prepared by the International Bureau of the Telegraph Union, Berne, showing wireless stations and the principal lines of navigation.

Section 4 covers the area between Longitude 60° W. and 30° E. of Greenwich and between Latitude 20°N. and 40° S.

Should your Government desire to purchase copies they should be ordered through the Crown Agents for the Colonies.

I have the honour to be,

Sir,

Your most obedient,

humble Servant,

Devonshire.

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.,

&c., &c., &c.

Copy.

GENERAL POST OFFICE,
LONDON, E.C.1.,

6th January, 1923.

Sir,

I am directed by the Postmaster General to say, for the information of the Secretary of State, that a map of the world showing wireless stations and the principal lines of navigation is being prepared by the International Bureau of the Telegraph Union, Berne. As indicated in Radio Circular No. 161 issued by the International Bureau on the 28th October last, the map will be divided into 5 sections namely:-

1. North Atlantic (Eastern portion) and Mediterranean.
2. North Atlantic (Western ")
3. Indian Ocean
4. South Atlantic
5. Pacific Ocean

Lists of additions and amendments to the map will be published every six months, and the cost of each section including amendments will be approximately 2 francs 50 (Swiss) plus postage.

A limited supply of prints of sections 1 and 2 is on hand, and copies of these sections will be sent to you under separate cover in the course of the next few days. Copies of the remaining sections will be sent to you as they are received from Berne.

The Postmaster General will be glad to learn as soon as possible how many copies in all of each section of the map will be required by the Colonial Office.

(Signed) I am &c.
J.I. de Wardt.
for the Secretary.

THE UNDER SECRETARY OF STATE,
COLONIAL OFFICE.

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18

98a

Falkland Islands.

MISCELLANEOUS.

Downing Street,

29 May, 1923.

Sir,

With reference to my Circular Despatch of the 19th April, 1913, I have the honour to transmit to you herewith a Certificate of the amount standing to the ^{credit}_{debit} of your Government in the books of the Crown Agents for the Colonies on the 31st December, 1922, and five Returns showing the variation during the quarter ended on that date in the cash balances and securities held in trust on behalf of your Government.

These statements have been prepared by the Crown Agents and verified by the Comptroller and Auditor General, whose Certificate is appended.

It will not be necessary for you to reply specially to this dispatch unless the particulars shown in the Agents' Statements should differ from the accounts which they have sent direct to the Colony. In case of any discrepancy, it is indispensable that an immediate advice showing the details of the differences should be sent to me.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Devonshire.

The Officer Administering

The Government of the Falkland Islands.

100a


FALKLAND ISLANDS
MISCELLANEOUS

Downing Street,

31 May, 1923.

Sir,

I have the honour to refer to your despatch No. 62 of the 9th August 1921, respecting the annual contribution of the Colonies and Protectorates to the funds of the British Engineering Standards Association, and to inform you that the first triennial period for which contributions have been approved will close about the end of this year, and that it is desirable to consider the position in order that the Association may be advised in good time of any modification in the scale of contributions to be expected for the next period of three years.

2. I shall be glad to learn whether your Government is prepared to continue its contribution of £2 per annum for a further triennial period, and if so, whether the Crown Agents may be given a standing authority for its payment as it becomes due each year.

I have the honour to be,

Sir,

Your most obedient
humble servant,*Devonshire.*

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.

etc., etc., etc.

1006



The Under Secretary of State for the Colonies presents his compliments to the Officer Administering the Government of the Falkland Islands, and with reference to his note of the 25th of August, is directed to enclose a duplicate of the Secretary of State's Miscellaneous despatch of the 31st of May last, and to express regret that the despatch was not received.

9 October, 1923.

Your most obedient
humble servant,

(Signed) DEVONSHIRE

GOVERNOR

J. MIDDLETON, ESQ., C.M.G.

etc., etc., etc.

100c

FALKLAND ISLANDS
MISCELLANEOUS

Downing Street,

3/ May, 1923.

Sir,

I have the honour to refer to your despatch No.62 of the 9th August 1921, respecting the annual contribution of the Colonies and Protectorates to the funds of the British Engineering Standards Association, and to inform you that the first triennial period for which contributions have been approved will close about the end of this year, and that it is desirable to consider the position in order that the Association may be advised in good time of any modification in the scale of contributions to be expected for the next period of three years.

2. I shall be glad to learn whether your Government is prepared to continue its contribution of £2 per annum for a further triennial period, and if so, whether the Crown Agents may be given a standing authority for its payment as it becomes due each year.

I have the honour to be,

Sir,

Your most obedient
 humble servant.

(Signed) DEVONSHIRE

GOVERNOR

J. WIDOLSTON, ESQ., C.M.G.

etc., etc., etc.

102a

FALKLAND ISLANDS

Downing Street,

MISCELLANEOUS

5th June, 1923.

Sir,

I have the honour to acknowledge the receipt of Mr. Middleton's despatch No. 26 of the 22nd of February, in which he asked that one copy of the Government Telegraph Code, 1922, be sent to the Magistrate, South Georgia, and to inform you that one copy will be transmitted to him direct.

I have the honour to be,

Sir,

Your most obedient

humble servant,

Devonshire.

THE OFFICER ADMINISTERING
THE GOVERNMENT OF THE
FALKLAND ISLANDS.

104a

203

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Reference to previous correspondence:—

Secretary of State's } Despatch No. 133 of 29th November, 1922.
~~Governor's~~

FALKLAND ISLANDS.

Miscellaneous.

Downing Street,

// June, 1923 .

Sir,

I have the honour to transmit to you, for your information, copies of

the papers noted below on the subject of the application of Part II of the Administration of Justice Act, 1920, to the Falkland Islands.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Devonshire.

The Officer Administering

the Government of

Falkland Islands.

Date.	Description.
1923.	
4th May.	Order-in-Council.

AT THE COURT AT BUCKINGHAM PALACE,

The 4th day of May, 1923.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY
IN COUNCIL.

WHEREAS by Part II. of the Administration of Justice Act, 1920, provision has been made for the reciprocal enforcement of judgments in the United Kingdom and in other parts of His Majesty's Dominions :

AND WHEREAS by the said Act it is amongst other things provided that where His Majesty is satisfied that reciprocal provisions have been made by the Legislature of any part of His Majesty's Dominions outside the United Kingdom for the enforcement within that part of His Dominions of judgments obtained in the High Court in England, the Court of Session in Scotland, and the High Court in Ireland, His Majesty may by Order in Council declare that the said part of that Act shall extend to that part of His Dominions and that on any such Order being made the said part of that Act shall extend accordingly :

AND WHEREAS on the 6th day of December, 1922, the Irish Free State was established under the provisions of an Act of Parliament shortly entitled the Irish Free State Constitution Act, 1922 (Session 2) :

AND WHEREAS His Majesty is satisfied that the Legislatures of the parts of His Majesty's Dominions outside the United Kingdom hereinafter mentioned have made reciprocal provisions for the enforcement within those parts of judgments obtained in the High Court in England, the Court of Session in Scotland, and the High Court in Ireland :

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers by the above-recited Act in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows :—

1. Part II. of the Administration of Justice Act, 1920, shall extend to the parts of His Majesty's Dominions outside the United Kingdom hereunder mentioned :—

The Falkland Islands
Fiji
The Colony of the Gambia
The Colony of Kenya.

104c

2. Nothing in this Order shall affect the registration or enforcement in the Irish Free State of any judgment in pursuance of Part II. of the said Act.

AND the Most Noble the Duke of Devonshire, K.G., G.C.M.G., G.C.V.O., one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

Almeric Fitzroy

106a

FALKLAND ISLANDS.

DOWNING STREET,

MISCELLANEOUS.

19 June, 1923.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 63 of the 4th of May, and to state that the Director of the Imperial Institute has been informed that the Falkland Islands is not prepared to make any contribution towards the Institute.

I have the honour to be,

Sir,

Your most obedient,

trouble service,

Deane

1923

1923

1923

108a

MISCELLANEOUS

DOWNING STREET,

23 June, 1923.

Sir,

I have the honour to refer to the Marquess of Crewe's Circular despatch of the 13th of April, 1909 in which he requested that a List of Medical Officers in the service of each Colony or Protectorate, together with statements of additions and removals, should be sent annually to the Registrar of the General Council of Medical Education and Registration of the United Kingdom.

2. I have recently received some communications from the Council from which it appears that the List, no doubt owing to the discontinuance of Returns during the war, has been delayed or omitted, and I should be glad if arrangements could be made to ensure its prompt transmission each year.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

DEVONSHIRE

THE OFFICER ADMINISTERING

THE GOVERNMENT OF SALKLAND ISLANDS

110a



FALKLAND ISLANDS

Downing Street

MISCELLANEOUS

7 July 1923.

Sir,

I have the honour to acknowledge the receipt of Mr. Middleton's despatch No.71 of the 12th of May relating to the Prize Court.

2. The balance of £127.6.8. mentioned in the second paragraph of the despatch would appear to represent the items forming the subject of your despatch No.105 of the 15th of September last, and I understand that a settlement of those items was arranged by a payment by the Board of Trade to the Crown Agents for the Colonies on the 5th of April last.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Devonshire.

THE OFFICER ADMINISTERING

THE GOVERNMENT OF

THE FALKLAND ISLANDS.

112a

FALKLAND ISLANDS

Downing Street,

MISCELLANEOUS

3, July, 1923.

Sir,

I have the honour to transmit to you, for your information and for such action as may be considered desirable, copies of the Circular despatches and enclosures noted in the margin, relating to examinations of the University of London, together with copies of the new edition of a pamphlet containing information as to the conditions and special regulations for these examinations held in the Colonies and Protectorates.

Circular 8th FebCircular 13 JunePamphlet

2. I would explain that it is the intention of the University that the pamphlet enclosed in the circular despatch of the 8th of February shall be issued in response to all ordinary enquiries regarding such examinations; and that the pamphlet "Conditions and special regulations relating to examinations held in the Dominions and in the Colonies" shall be issued to students and other unofficial enquirers only if their enquiries relate to special syllabuses or other matters specially dealt with in it.

I have the honour to be,
Sir,
Your most obedient,
humble servant,

Devonshire.

THE OFFICER ADMINISTERING

THE GOVERNMENT OF

THE FALKLAND ISLANDS.

114



FALKLAND ISLANDS.

MISCELLANEOUS.

Downing Street,

/ August, 1923.

Sir,

I have the honour to invite your attention to Mr. Churchill's Circular despatch of the 25th of March, 1922, on the subject of the measures to be adopted for the relief and repatriation of distressed native seamen, and to enquire whether you are yet in a position to furnish your observations on the points raised in that despatch.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

Devonshire.

THE OFFICER ADMINISTERING
THE GOVERNMENT OF
THE FALKLAND ISLANDS.

116a



FALKLAND ISLANDS

Downing Street,

31 August, 1923.

MISCELLANEOUS 2

Sir,

I have the honour to inform you that the Minister of Pensions has recently had under consideration the arrangement under which the Governments of the Colonies and Protectorates, etc., undertake the payment of pensions and other incidental charges in respect of Imperial pensioners resident overseas.

2. I understand that it has been the practice to forward periodically schedules of payments made locally supported by vouchers and other documents to enable the Ministry of Pensions to carry out the necessary verification. In many cases this has entailed considerable correspondence, and requests for further information, before the accounts could be finally cleared; moreover, the time taken in these investigations has often rendered the result abortive.

3. As a result of representations on the subject it has now been agreed that:-

- (1) Further investigation of accounts in respect of payments made prior to 31st March, 1921, should be waived and that the accounts should be passed as they stand at present.

(2)

THE OFFICER ADMINISTERING
THE GOVERNMENT OF THE
FALKLAND ISLANDS.

1160

(2) Special arrangements be made by the Ministry of Pensions to clear the accounts submitted for years 1921/22 and 1922/23 provided a test check proves satisfactory.

(3) In each Colony, etc., the appropriate Government Audit Department should be approached with a view to carrying out, as from the 1st April, 1923, a local audit, and that the claims should be certified by the local Audit Department as correct, before transmission to the Ministry of Pensions, London.

4. This arrangement will render it unnecessary for the Governments concerned to take any further action on any outstanding questions relating to the accounts for the period prior to 31st March 1921. With reference to (3) above, I should explain that all new or amending awards will be examined and confirmed by the officials of the Ministry of Pensions in this country, and the duty of the Colonial Audit Departments will be limited to ensuring that payments are not continued on awards not confirmed by the Minister of Pensions. It will be necessary, however, that all claims for repayment made against the Ministry of Pensions should be verified completely by the local Audit Department, both as regards arithmetical accuracy and the basis of the claims.

5. So far as the examination of detailed payments made by the Colonial Governments on behalf of the Ministry of Pensions is concerned, it is desired that the following points should be covered:-

(i)

116c



(i) regularity

(a) to ensure that pension payments are in accordance with the rules and regulations of the Ministry of Pensions e.g., that pension payments are authorised by an award confirmed by the Ministry.

(b) To ensure that medical charges are in respect of treatment for a disability accepted by the Minister of Pensions as attributable to or aggravated by Service in the Great War.

(c) To ensure that miscellaneous payments - e.g., travelling expenses, subsistence &c., - are within the scale and conditions agreed by the Minister of Pensions.

(ii) Life certificates - to ensure that properly completed life certificates are furnished periodically as required by regulations.

(iii) Arithmetical accuracy of claims.

It is considered that in order to meet these requirements a detailed examination of not less than 10% of payments should be made, but the Ministry of Pensions would rely on the local Audit Department extending its examination wherever the test check indicated that further scrutiny was desirable.

6. It is proposed that vouchers and other documents should now be retained in the Colony; on the understanding however, that should the Comptroller and Auditor General in England deem it necessary to carry

out

116d

out further audit, the necessary facilities would be afforded him, and if required the appropriate documents transmitted for the purpose. Notifications of awards medical history sheets and other records essential for reference during the lifetime of a pensioner, should of course be retained permanently, but other records - e.g., paid vouchers and documents supporting payments - need only be retained for a period of two years.

7. It is considered that the procedure now proposed while possibly entailing some small addition to the work of the local Auditors will expedite and facilitate considerably the work incidental to these accounts.

I shall be glad if you will make the necessary arrangements for ensuring that the recommendations outlined above are adopted as far as the territory under your administration is concerned.

I have the honour to be,

Sir,

Your most obedient

humble servant,

Devonshire.

118a

Reference to previous correspondence :—

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~~XXXXXXXXXXXXXXXXXXXX~~
Governor's

} Despatch No. 106 of the 8th of
August, 1923.

FALKLAND ISLANDS.

Miscellaneous.

Downing Street,

19 October, 1923.

Sir,

I have the honour to transmit to you , for your

information, a copy of

pamphlet
the ~~XXXXX~~ noted below on the subject of the Convention between the
United Kingdom and France respecting Legal Proceedings in
Civil and Commercial matters.

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering

the Government of

D. Oushire.

Falkland Islands.

Date.	Description.
Treaty Series.1922. No.5.	Command Paper 1661.

120a

FALKLAND ISLANDS.MISCELLANEOUS.

DOWNING STREET.

29 October, 1923.

Sir,

I have the honour to inform you that the Battle Cruiser Squadron, consisting of His Majesty's Ships "Hood" and "Repulse", and the 1st Light Cruiser Squadron, comprising His Majesty's Ships "Delhi", "Danae", "Dauntless", "Dragon" and "Dunedin", are proceeding on a world cruise leaving Devonport on the 27th of November.

2. The programme of the cruise includes visits to various places in Africa, the Far East, Australasia, and the American Continents. The ships are due at San Francisco on the 7th of July 1924; and while the Battle Cruiser Squadron passes through the Panama Canal and visits Jamaica, the Light Cruiser will proceed via Cape Horn. A visit will be paid to the Falkland Islands in August next, by the whole squadron or by part of the Squadron, according to the weather.

I have the honour to be,

Sir,

Your most obedient,
humble servant,

Devonshire.

THE OFFICER ADMINISTERING
THE GOVERNMENT OF
THE FALKLAND ISLANDS.

122a

 $\frac{A}{18}$

FALKLAND ISLANDS.
MISCELLANEOUS.

Downing Street,

8th November, 1923 .

Sir,

predecessor's

With reference to my Circular Despatch of the 19th April, 1913, I have
the honour to transmit to you herewith ^{two} ~~one~~ Certificate ~~of~~ the amount standing to
the ^(credit) ~~(debit)~~ of your Government in the books of the Crown Agents for the Colonies
on the 30th of June, 1923, and four
Returns showing the variation during the quarter ended on that date in the cash
balances and securities held in trust on behalf of your Government.

These statements have been prepared by the Crown Agents and verified
by the Comptroller and Auditor General, whose Certificate is appended.

It will not be necessary for you to reply specially to this dispatch unless
the particulars shown in the Agents' Statements should differ from the accounts
which they have sent direct to the Colony. In case of any discrepancy, it is
indispensable that an immediate advice showing the details of the differences
should be sent to me.

I have the honour to be,

Sir,

Your most obedient, humble servant,

Devonshire.

the Officer Administering
The Government of

the Falkland Islands.

124a

FALKLAND ISLANDS

Miscellaneous.

Downing Street,

December, 1924

3 January 1925.

Sir,

I have the honour to acknowledge the receipt of your despatch No. 125 of the 1st of October forwarding draft regulations relating to the Colonial Auxiliary Forces Long Service Medal.

It is considered desirable on general grounds that the Regulations issued in the various Colonies and Protectorates dealing with the award of the Medal should be as nearly as possible on uniform lines. I enclose a copy of the Southern Rhodesia Regulations in the form which has been approved, and I should be glad if the Regulations enclosed in your despatch could be re-issued on the lines of the Southern Rhodesia Regulations.

I have the honour to be

Sir,

Your most obedient,

humble servant,

Devonshire.

OFFICER ADMINISTERING

THE GOVERNMENT OF

THE FALKLAND ISLANDS.

1246

Southern Rhodesia Regulations.

Issued in pursuance of the Royal Warrant of the 25th January, 1923, as to the issue, surrender, forfeiture and restoration of the "Colonial Auxiliary Forces Long Service Medal" (hereinafter referred to as "the Medal").

Persons Eligible.

1. Members of the Auxiliary Military Forces of all ranks having 20 years service which need not be continuous.

Qualifying Service.

- 2.(a) Service rendered wholly in the Auxiliary Forces of one or more Dominion, Colony or Protectorate; or partly in the Auxiliary Forces of one or more Dominion, Colony or Protectorate; partly in the Territorial Army of Great Britain, or partly in any Naval or Military Volunteer Force of any part of the Empire (except service since 4th August, 1914, in the Volunteer Force of Great Britain raised under the Volunteer Acts 1863-1916); service on the West Coast of Africa counting two-fold.
- (b) Service on the permanent staff by members of the Permanent Forces shall not be reckoned as qualifying service for the Medal.
- (c) An officer who has served in the ranks of the Territorial Army of Great Britain or of the Auxiliary Forces of a Dominion, Colony or Protectorate but who is not qualified for the Colonial

124c

Colonial Auxiliary Forces Officers Decoration shall, on completion of 20 years service in all, be eligible to receive the Medal, but should the Colonial Auxiliary Forces Officers Decoration subsequently be conferred upon him, he shall not be called upon to surrender the medal, but shall not be permitted to wear it until such time as he shall have completed the full periods required for both Decoration and Medal.

- (d) A member of the Auxiliary Forces who was serving on the 4th August, 1914, and did before the 11th November, 1918, actually serve or sign a written agreement to serve beyond the borders of Southern Rhodesia, may reckon all embodied service on the active list two-fold as qualifying service towards the requisite 20 years, whether such service was in the Naval Forces, Military Forces or Air Forces
- (e) No service shall count more than two-fold towards the award of the Medal.

Applications.

3. Applications for the medal shall be made in writing by Officers Commanding Volunteer Units through the usual channel of correspondence to the Administrator and they shall in each case be supported by a statement of the applicant's service on Form D.

Nominal Rolls.

4. Officers Commanding Volunteer Units will forward with Form D a nominal Roll arranged alphabetically
on

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on Form E. This roll will be prepared in duplicate, one copy being retained by the Officer Commanding and the other forwarded with Form D to the Administrator through the usual channel of correspondence.

Publication.

5. The grant of the Medal will be published in the Government Gazette.

Surrender.

6. Any officer who is subsequently awarded the "Colonial Auxiliary Force Officers Decoration" will not be required to surrender the Medal, but will not be permitted to wear both except as provided for in paragraph 2 sub-paragraph (c).

Forfeiture.

7. A recipient of the Medal who suffers death by sentence of a Military Court or who is dismissed or removed from his Corps or Regiment for misconduct, or who is convicted by the Civil power shall forfeit the Medal unless the Administrator shall otherwise direct.

Restoration.

8. A medal forfeited by a member of the Auxiliary Forces under the provisions of paragraph 7 may be restored to him by the Administrator and notice of forfeiture or restoration shall in every case be published in the Government Gazette.

Loss.

9. When a Medal has been lost and it is desired to replace

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replace it, a declaration shall be made before a Magistrate stating the circumstances under which the loss occurred, and the rank, name and unit of individual to whom the Medal belonged. The declaration will be forwarded to the Administrator through the usual channel of correspondence in the case of an individual who is still serving, and direct to the Administrator in the case of one who was retired. The Medal will be replaced on payment if the explanation as to the loss is considered satisfactory.

10. The Medal shall be worn after all British War Medals in such order as may from time to time be assigned to it, suspended from the left breast by a green riband of one inch and a quarter in width.

124g

FORM "E"

NOMINAL ROLL OF OFFICERS, WARRANT OFFICERS, NON-COMMISSIONED
OFFICERS AND PRIVATES RECOMMENDED FOR THE COLONIAL AUXILIARY
FORCES LONG SERVICE MEDAL.

Number	Rank	Name.		Total Service.
		Christian	Surname	

Approved and Recommended

.....Commissioner of Police
and Commanding Volunteer
Forces of Southern Rhodesia.

.....Headquarters.

Date.....

1260

 $\frac{A}{2}$

FALKLAND ISLANDS.
 No. Miscellaneous.

Downing Street,

22nd February 1924 .

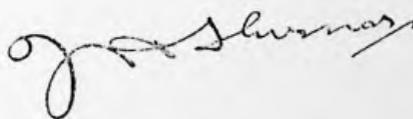
Sir,

I have the honour to call your attention to the despatch noted below to which I have received no reply.

I have the honour to be,

Sir,

Your most obedient, humble servant,



The Officer Administering

the Government of Falkland Islands.

No.	Date.	Subject.
Circular Despatch.	24th July, 1923.	Traffic in Women and Children. Information for the League of Nations.

A
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FALKLAND ISLANDS.

MISCELLANEOUS.

Downing Street,

26th February, 1924 .

Sir,

predecessor's

With reference to my Circular Despatch of the 19th April, 1913, I have the honour to transmit to you herewith ^{two} Certificates of the amounts stranding to the ^{credit}~~{debit}~~ of your Government in the books of the Crown Agents for the Colonies on the 30th September, 1923, and three Returns showing the variation during the quarter ended on that date in the cash balances and securities held in trust on behalf of your Government.

These statements have been prepared by the Crown Agents and verified by the Comptroller and Auditor General, whose Certificate is appended.

It will not be necessary for you to reply specially to this dispatch unless the particulars shown in the Agents' Statements should differ from the accounts which they have sent direct to the Colony. In case of any discrepancy, it is indispensable that an immediate advice showing the details of the differences should be sent to me.

I have the honour to be.

Sir,

Your most obedient, humble servant,

The Officer Administering
The Government of

Falkland Islands.

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FALKLAND ISLANDSMISCELLANEOUS

Downing Street,

28th February, 1924.

Sir,

I have the honour to acknowledge the receipt of your despatch No.94 of the 31st of July last stating that no action is contemplated in the Falkland Islands in regard to the recommendations contained in the report of the Imperial Customs Conference.

2. I have to point out that it is necessary for the authorities in this country to be in a position to advise British exporters in regard to any formalities to be observed in respect of goods to be imported into any of the Colonies, particularly in regard to the precise form of invoice and of Certificate of Value (or value and origin in the case of a Colony which grants a customs preference to British goods) required. It was with a view to the unification of forms used for different parts of the Empire that those recommended by the Customs Conference were devised. As import duties on certain articles are levied in the Falkland Islands, some form of invoice and of Certificate of Value (though not of origin as no preferential treatment is given to British products) is presumably required.

3. Since the Duke of Devonshire's Circular of the 25th of April 1923 was written, however, the question has received consideration by the Imperial Economic Conference at which a modified form of invoice and certificate of value was drawn up for use in the case of Colonies

THE OFFICER ADMINISTERING
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Colonies and Protectorates in which import duties are based on "invoice price".

4. The revised form is published in the record of the Proceedings of the Economic Conference Cmd.2009 (see pages 277-280), and in the summary of conclusions of the Conference. I take this opportunity of enclosing, for convenience of reference, a copy of the relevant section of the Proceedings of the Conference. The only difference between the new form and the form recommended in the Circular of 25th April, is the omission from the second paragraph of the certificate of value of the words "that no different invoice of the goods mentioned in the said invoice has been or will be furnished to anyone and"

Commercial Fac.
ets. Section

5. I wish to lay stress upon the fact that minor variations by individual Colonies tend to nullify the whole object in view, which as will be seen from the record of the discussions at the Conference is to secure absolute uniformity and render it unnecessary for British exporters to maintain stocks of varying forms of invoices and certificates for use with goods consigned to the different parts of the Empire. It is very desirable therefore that both the invoice and the certificate, and also the explanatory memorandum prepared for the guidance of exporters using them should be adopted in toto without any modification.

6. I shall be glad therefore, if you will arrange for the adoption of the latest revised form of invoice and Certificate of Value in the Falkland Islands, and
inform

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inform me at the earliest possible date in order that
British exporters may be notified.

I have the honour to be,

Sir,

Your most obedient

humble servant,

A handwritten signature in cursive script, appearing to read "J. S. S. S. S.", written in dark ink.

B2a

 $\frac{A}{1}$

Reference to previous correspondence :-
 Cmd. 8234 enclosed in

Secretary of State's Library
~~Governor's~~ Despatch No. of the 8th June, 1916.

FALKLAND ISLANDS. —

Miscellaneous.2.

Downing Street,

28th February, 1924 .

Sir,

I have the honour to transmit to you, for

your information, a copy of

the papers noted below ~~of the subject of~~

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering

the Government of

Falkland Islands.

Date.	Description.
"The Organisation and Work of the British Prize Court,	London."

132b

THE
ORGANISATION AND WORK

OF THE
BRITISH PRIZE COURT,
LONDON.

1914-1923.

LONDON:
PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE.

To be purchased through any Bookseller or directly from
H.M. STATIONERY OFFICE at the following addresses:
IMPERIAL HOUSE, KINGSWAY, LONDON, W.C. 2, and 28, ABINGDON STREET, LONDON, S.W. 1;
YORK STREET, MANCHESTER; 1, ST. ANDREW'S CRESCENT, CARDIFF;
or 120, GEORGE STREET, EDINBURGH.

1923.

Price 1s. 9d. Net.

PREFATORY NOTE.

THE object of the following Report is that there may exist a record of the working of the Prize Court in London during the War which began in 1914 and during the years when the Court was in operation. Although, in subsequent statements, there may be some slight changes in the figures contained in the annual statement of accounts for the year ending March 31st, 1923, they will in no respect alter the form of this statement, which will also sufficiently indicate the financial results of the Prize Court. Further delay in the publication of this Report is therefore unnecessary.

E. S. ROSCOE.

November 1923.

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APPENDICES.

- I. STAFF OF THE ADMIRALTY REGISTRY ON AUGUST 4th, 1914.
- II. Do. do. do. JANUARY 1st, 1918.
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- IV. BALANCE SHEET TO MARCH 31st, 1923.

REPORT ON THE LONDON PRIZE COURT.

I.—THE PRIZE COURT—CONSTITUTION AND PROCEDURE.

By the Judicature Act, 1891 (54 & 55 Vict. c. 53, s. 4 (1)), the High Court of Justice in England was constituted a Prize Court within the meaning of the Naval Prize Act, 1864. By s. 4 (2), all causes and matters within the jurisdiction of this Act as a Prize Court were assigned to the Probate, Divorce and Admiralty Division of the High Court; by statute became the principal British Prize Court, as the High Court of Admiralty had been, before the Act of 1864, by virtue of a commission issued by the Crown under the Great Seal. A commission to the Lords of the Admiralty in the usual form was, however, issued on the 6th and 20th August, 1914, and a warrant to the Judges of the High Court from the Lords of the Admiralty was issued on August 20th.

The judicial work of the Prize Court was performed entirely by the President for the time being of the Probate, Divorce and Admiralty Division,* whose judicial decisions are fully chronicled in various publications.†

The practice of the Court was regulated by the Prize Court Rules, 1914. These Rules were authorised as "Provisional Rules" by Order in Council, 5th August, 1914. They were subsequently confirmed as permanent rules by Order in Council of 17th September, 1914. The Orders in Council were made in pursuance of the Naval Prize Act, 1864 (27 & 28 Vict. c. 5, s. 5). By the Prize Courts (Procedure) Act, 1914 (4 & 5 Geo. 5. c. 13), the sections in the Naval Prize Act, 1864 relating to procedure were repealed. By the Order in Council of 5th August, 1914, the Prize Court Rules authorised by Order in Council of the 18th July, 1898, and 20th October, 1898, were repealed. The Rules of 1898, formulated the old practice and procedure of the High Court of Admiralty acting as Prize Court so far as could be definitely ascertained.

* Judges of the British Prize Court, the Prize jurisdiction being solely exercised by the President of the Division.

The Rt. Hon. Sir Samuel Evans, G.C.B., 4th August, 1914–13th September, 1918.

The Rt. Hon. Sir William Pickford, Baron Sterndale, 17th October, 1918–29th October, 1919.

The Rt. Hon. Sir Henry Duke, 29th October, 1919.
Registrar, E. S. Roscoe. Marshal, H. W. Lovell.

† The reports of Prize Cases only were (1) The British and Colonial Prize Cases. 3 Vols., Stevens and Sons, and Sweet and Maxwell. (2) Lloyds' Reports. Prize cases were reported in the general reports among the cases in the Probate, Divorce and Admiralty Division and in the Privy Council.

The Rules of 1914 owed their being to a Departmental Committee* appointed by the Admiralty in September, 1909, "to supervise the preparation of the legislation, and the revision of the Prize Court Rules, which are rendered necessary by the Convention for the establishment of an International Court of Prize, signed at The Hague in 1907, and the Declaration of London in 1909."

In paragraph 13 of the Report of the Committee (24th March, 1910), it is stated "the preparation of a revised set of Prize Rules has been taken in hand. The existing Rules embody a practice which is, in our opinion, quite unsuited to modern conditions. In revising these rules we aim at bringing the practice of the Prize Court into line, so far as possible, with that of the Admiralty Court. There will be only one set of rules for all Prize Courts, whether in England or the Colonies, and the rules in appeals to the Supreme Prize Court will be found in the same volume."

The Committee, with some slight changes and under the chairmanship of Mr. Butler Aspinall, K.C., was re-appointed in December, 1912, and a sub-Committee, consisting of the Chairman and the Admiralty Registrar, was appointed to revise the existing draft rules and report to the Committee. The rules after such report were subsequently revised by the whole Committee. The revision was completed early in 1913, and the draft Rules were ready for publication on the outbreak of War in August, 1914.

It is not proposed to offer any criticisms or observations on the working of these rules in these pages.†

II.—STAFF OF THE PRIZE COURT, ADMIRALTY REGISTRY AND LEGAL WORK.

1. *Staff of the Prize Court and Admiralty Registry.*

At the beginning of the War, 4th August, 1914, the staff of the Admiralty Registry was fourteen in number (*see Appendix I.*). The numbers were arranged with the Treasury in 1903, entirely from the point of view of the ordinary civil business of the Court, and of the Registry (Treasury Letter 10617/99) and Order in Council, 4th July, 1903.

* The Committee consisted of—

Lord Gorell, Chairman.

Mr. A. H. Dennis, Senior Assistant to the King's Proctor.

Mr. E. S. Roscoe, Admiralty Registrar.

Mr. C. H. L. Neish, C.B., Registrar of the Judicial Committee of the Privy Council.

Mr. W. Graham Greene, C.B., Assistant Secretary to the Admiralty.

Mr. C. J. G. Hurst, C.B., Assistant Legal Adviser to the Foreign Office.

Mr. E. Ll. Gibbon, Secretary.

† Reference may be made in this relation to the Memorandum to the United States Government of 21st April, 1916, p. 22 (Miscellaneous No. 15, 1916, Cd. 8,234) and to the British Year Book of International Law, 1921-1922, p. 90.

The staff was after the War began increased as the exigencies of the Prize work demanded, the work of the Admiralty and Prize Courts being carried on by the enlarged staff. A statement of this staff on 1st January, 1918, when the work was at its height is contained in Appendix II.

The Prize work fell into three divisions, which caused the permanent and temporary staff to become in fact three departments :—

- (a) The Legal department.
- (b) The Marshal's department.
- (c) The Accountant's department.

The clerks who attended to (a) and (b) were interchangeable, but generally the work of the two departments was kept distinct in regard to the staff.

2. Legal Work.

The general legal work of the Prize Court, as already stated, was regulated by the Prize Court Rules, 1914 (statistics of this work will be found in Appendix III.).

As regards interlocutory applications, summonses were usually heard by the President on one fixed day a week, at first Monday and later Tuesday, but for special reasons and by special leave summonses could be heard on another day. Summonses were heard by the Registrar at first on two days a week, later one day in a week, and on other days on special application.

There was on the whole little interlocutory work, as understood on the Instance side, and as compared with the number of causes instituted. Summonses before the President were at first in regard to discovery, but when the general practice was settled these cases for the most part were heard by the Registrar. Some of the more important summonses in regard to the hearing of causes were taken by the President.

In addition as on the Instance side there were some appeal summonses.

Most of the applications to the Registrar were to fix the amount of bail on the release of cargoes or portions of a cargo, for security for costs, for discovery and in regard to time for filing claims and evidence.

The practice as to hearing in Court was for the Treasury Solicitor to arrange the cases—some days beforehand—for such days as the Court had fixed on to sit. The list was sent to the Registry, and was then issued to the public as in Instance cases.

When either the Procurator General or a claimant had reason for desiring a case to be tried at a particular time or on a particular day, a special application by summons was made for this purpose.

The official shorthand-writer attended the hearing of Prize cases.*

* The following rule as to fees payable to the Shorthand-writer in Prize cases was approved by the President: "For attending and taking notes in Court whether witnesses be called or not, for the whole or part of a day, 2l. 2s." (23rd June 1917.)

Bills of costs were taxed by the Registrar with the representatives of the parties, but bills of costs in Prize Bounty motions which were submitted to him under the Naval Prize and Distribution Act (27 & 28 Vict. c. 24, s. 13), were perused by him from the point of view of the client, and any amounts disallowed were deducted from the total which was certified on the bill itself, and on this sum under the Schedule of Court Fees a taxation fee was paid. The Ship's Agent subsequently under the above Act, s. 19, applied to the Registrar for authority to receive from the Admiralty the amount of the taxed costs and his commission.

III.—THE MARSHAL'S DEPARTMENT.

This department was concerned with the custody and sale of ships and goods. The majority of the enemy vessels after condemnation were requisitioned by the Crown and therefore were not sold. In 1920, the requisitioned vessels, which were Droits of Admiralty, were, by Order of Court, handed over to the Crown in place of being sold by the Marshal. Any expenses which had been incurred by the Marshal in respect of these vessels were paid into Court by the Crown. In the case of vessels which had to be sold, Messrs. C. W. Kellock and Company and Messrs. Lachlan were the brokers who conducted the sales. The Marshal's agents in London and other ports were the Collectors of Customs, and in consequence of the additional work which fell upon them in connection with the supervision and care of ships and cargoes, the Treasury in 1920 made a grant for distribution according to the amount and responsibility of the work done.

Messrs. Churchill and Sim, of 29, Clement's Lane, E.C., wood brokers, which firm acted as brokers to the Marshal during the Crimean War, were at the beginning of the War entrusted by the Marshal with the arrangements for the sale of goods. They were not concerned with the sale of ships, which were entrusted, as already stated, to Messrs. Kellock and Company, and to Messrs. Lachlan. Messrs. Churchill and Sim were allowed the use of a room in the Registry, and, when an order for sale was made, the Marshal instructed Messrs. Churchill and Sim, and the sale was then in their hands. They were in fact his agents. They instructed special brokers or auctioneers, according to the character of the goods to be sold, and the commission which the actual selling broker would, in the ordinary course of his business have received, was charged by Messrs. Churchill and Sim, who received their remuneration out of this charge by an arrangement with the selling brokers or auctioneers. This arrangement had two useful results. It saved the expense of a larger official staff, and it enabled the sale of the goods to be carried out by persons with commercial knowledge and acquainted with commercial firms.

Messrs. Churchill and Sim had, however, some further duties beyond those of the ordinary selling brokers. When it was necessary for goods in the custody of the Marshal to be inspected by qualified brokers in reference to their condition, this work was done through Messrs. Churchill and Sim, without further remuneration than the share of commission on the sale of the goods.

Messrs. Churchill and Sim were sometimes consulted by the Marshal and the Accountant as to the propriety of various mercantile charges, such as warehousing and landing cargoes.

A large number of Account Sales were brought before the Registrar for review by the auditor (*see post*, p. 6). The Registrar, after taking the advice of the Merchant Assessors or obtaining information from persons with a knowledge of the terms of particular businesses, allowed or varied the commissions.

In the beginning of March, 1917, the arrangement with Messrs. Churchill and Sim ceased and the work of instructing brokers, arranging rates of commission, etc., was undertaken in the Marshal's department of the Prize Registry.

The following system was adopted for recording Prize seizures :—

Three types of loose leaf ledger sheets were ruled and printed.

(1) Seizure Sheets—showing Name of Vessel, Port of Seizure, Date, Writ No., Date of Condemnation and showing the nature of the goods seized, quantity, marks, etc.

(2) Release Sheets—showing Date of Order, Description of Goods, Quantity, Marks, etc., Name of Release, Date of Delivery.

(3) Sale Sheets—showing Dates of Order and Sale Authority, Nature of Goods, Quantity, Marks, etc., Date of Delivery.

The above sheets when filled were placed in a ledger in alphabetical order.

When the ledgers were filled, sheets relating to cargoes entirely disposed of by release and/or sale were transferred to Dead Ledgers of which eleven were used.

With regard to the Sales Department, the system adopted was as follows :—

Decrees and orders of Court for sale were noted and verified and the necessary sale authorities were then issued to the brokers.

Authorities for sale were numbered consecutively and entered in a special book, which showed date of order, name of ship, Writ No., description and quantity of goods, name of brokers, etc. The authorities were placed in large specially printed envelopes with spaces thereon for the consecutive Nos. of the orders, etc. Each step in the sale was subsequently recorded in the appropriate space and the relative documents, contracts of sale, etc., were placed inside, when

a sale was complete and the cash received the envelope with its contents was transferred to the Accountant's Department.

To July 31st, 1923, 4,369 orders for the sale of goods were recorded as above stated.

IV.—THE ACCOUNTANT'S DEPARTMENT.

The work of the Accountant's Department was carried on under the immediate supervision of the Accountant in rooms specially allotted for this work.

The financial business of the Admiralty Registry in peace time consists only of accounts in respect of ships and cargoes sold by the Marshal in default proceedings, these are of a comparatively limited character, and the book-keeping in respect of them is in the hands of a clerk, under the supervision of the Marshal.

The financial arrangements suitable for the ordinary civil work were clearly inadequate for prize work, and accordingly on August 23rd, 1914, a qualified Accountant was appointed with the status of a temporary clerk, to take charge of the financial business of the Prize Court, and an assistant was engaged at the same time.

A semi-official arrangement in connection with the Accountant's department should here be mentioned, viz., the appointment of an auditor or examiner. An official from the Board of Trade, a First Grade Examiner under the Companies Winding Up Act, was appointed by the President but was actually nominated by the Treasury. He may be regarded as appointed in the interest both of the Prize Court and of the Treasury. His appointment was sanctioned by the Treasury on February 27th, 1915 (Letter 5846/14).

Mr. W. J. Saunders, a Merchant Assessor to the Registrar and a Director of the Union of Canton Insurance Company, at the beginning of October, 1914, took charge of the arrangements for conducting the insurance work. His appointment was authorised by the Treasury on October 27th (Letter 22364/14). He carried on this work until December 31st, 1914, when the work was entirely entrusted to a clerk, who had worked for a time under Mr. Saunders' superintendence. This clerkship was placed in the Accountant's department and under his control on November 20th, 1915.

The detailed work of the Accountant's department is set out in the following memorandum of the Accountant:—

The Accountant's department was opened on the 23rd August, 1914, in charge of Mr. J. W. Allen, a qualified Accountant, with instructions—

(a) To open and organise the new department and to inaugurate a system of book-keeping suitable for the particular transactions.

(b) To supervise and advise on all questions of accounts with a view to the prevention of fraud and speculation.

(c) To employ suitable staff and effect economies.

It was apparent from the first that numerous interests were bound to be involved through the seizure of cargoes and it was not difficult to foresee from a point of view of account many of the difficulties which would arise. In order to combat these, many hours were spent in the early days in imagining possibilities and gleaning information for the purpose of designing books of a sufficiently elastic nature to meet all possible requirements. These books have proved in every way satisfactory, and it was possible in a few minutes to ascertain what had become of any cargo seized, and, if sold, what that particular cargo realised. The success of the books arose from their simplicity, every effort having been made to eliminate everything out of date, whilst the method of control over moneys received was so secure that the chances of fraud or speculation were remote.

The work of the department consisted of :—

1. Receiving, checking and recording all sums of money received by the Admiralty Marshal in respect of the sale of vessels and cargoes.

2. Checking and paying all accounts in connection with

Sale of vessels.
Sale of cargo.
Upkeep and expenses on vessels during their detention.
Warehousing and discharging and removal of cargo.
General charges.

3. Checking, preparing and paying of freight claims.

4. Preparing and paying out claims to claimants who may become entitled to the release of proceeds.

5. Preparation of accounts for collection of moneys from any department of H.M. Government who may have requisitioned cargoes or vessels.

6. Keeping of Accounts with the Collectors of H.M. Customs at all ports, dealing with Prize cargo, reimbursing them for all sums paid by them in respect of expenses on vessels and cargoes.

7. Correspondence on all matters of account.

8. Filing all vouchers and papers relating to accounts.

9. Rendering of accounts to underwriters of value of every item of cargo for the purpose of the payment of premiums of insurance and collecting the premiums from all parties taking release of cargo in kind.

10. Preparation of all figures of accounts in connection with the Naval Prize Fund for the information of the department or for any department requiring same.

11. The preparation of a complete manifest of each seizure—ascertaining that all goods comprised in such seizure are sold and that the money has been received.

12. Checking accounts received in respect of services rendered and obtaining reduction where considered possible.

For the purpose of dealing with the volume of work the department was divided in the following manner :—

(a) Deals with Cash Receipts and Payments, the recording of all transactions in the ledgers and the filing of all papers relating to Accounts.

(b) Deals with claims in the nature of expenses on ships and cargoes.

(c) With claims made by claimants for proceeds of sale.

(d) With the insurance of all cargo and the recovery of premiums when cargo is released.

(e) With correspondence and calculations.

(f) With the supervision of all books of Account and the thorough investigation of each seizure.

Books of Account and Method of Accounting.

The Books of Accounts as designed allowed for plenty of elasticity and were developed as the peculiarity and detail of work grew. The staff was increased from time to time. As each new member was employed, he or she was taught the objects and purposes of the first book of account required to be kept, whilst the older member of the Staff was taken a step further in the development of the organisation, the work being passed along by the older member as the staff increased.

The principal Books of Account used have consisted of :—

- (1) Cash Receipts Book (analytical).
- (2) Cash Payments Book (analytical).
- (3) Cash Summary (incorporating monthly totals of Cash received and paid).
- (4) Customs Journal.
- (5) Insurance Journal.
- (6) Transfer Journal.
- (7) Ledgers.
- (8) Account Sales Settlement Book.
- (9) Register.

The ordinary purposes of such Books are as follows :—

The Cash Receipts Book and Cash Payments Book have as the name denotes been used for the purpose of recording all sums received and paid, every item entered in these books is numbered, no cash is accepted from anyone without some written evidence accompanying it, showing the reason that such sum is forwarded, and vouchers are received for all sums paid away, both the evidence of sums received and the vouchers for sums paid away bear their Cash Book numbers to enable

them to be traced back to their original book of entry at any time and are filed in the accounts file of the ship to which they relate.

The Cash Books were kept on the analytical system, and the items entered therein were analysed under the various headings in respect of which they were received or paid away.

Cash Summary.—This book was more useful in the earlier years than at the present time and its importance becomes less as time goes on. The monthly total of the analysis of the cash received and cash paid were posted to this book and it was possible to tell immediately in referring to it the amount of cash received for the sale of cargoes, vessels, freight or to ascertain how much had been paid away in respect of numerous headings of expenses such as commission, etc., and enabled replies to be given to questions raised from time to time by other departments of H.M. Government.

The Customs Journal was necessary to record all sums paid away by H.M. Collector of Customs on vessels detained in the different ports. The collectors made daily payments, advised this department and the accounts were settled monthly.

The Insurance Journal.—All cargo seized was automatically insured under a policy arranged by the Marshal. The values of cargo sold, and the values of cargo released were declared to the underwriters, the premiums were agreed between them and this department and paid, the insurance on condemned cargo was charged to the goods to which it related, whilst the premiums on the released cargo were recovered from the parties taking release, the Insurance Journal was necessary in order to transfer the premiums paid to the underwriters to the individual items to which they related. Incidentally, a profit of 23,000*l.* to 31st March, 1922, has been made, as the underwriters allowed a discount of 10 per cent. on all premiums paid.

Transfer Journal.—This book dealt with transfers from one account to another.

The Ledgers used have been of the loose leaf principle, which allowed for the insertion of extra leaves as the accounts required it. No other ledgers would have been of any use, for the reason that when an account was opened no one could foretell how much of the cargo would be sold, consequently how much space to reserve. The accounts relating to a simple vessel have occupied anything from one to a hundred folios.

A ledger account was opened in respect of every writ and given the name of the vessel and the writ number under which the goods were seized. In cases where a writ incorporated the seizure of goods in respect of more than one vessel, the goods on each vessel have been given a separate account, the number of writs issued has amounted to about 2,000, whilst the number of accounts opened in the ledgers amounted to over 3,516.

which differs from the actual number of writs issued in Prize by reason of the above fact. All details in the various books kept are posted to the Ledger Account to which they relate.

Where applicable each Account was subdivided in the Ledger into sub-accounts relating to :—

- (1) The Vessel.
- (2) Freight.
- (3) Cargo.
- (4) Expenses of cargo.
- (5) Release Fees on cargo released in kind to claimants.
- (6) Insurance paid and recovered on cargo released in kind to claimants.

As cash was received for cargo sold the details were entered on a ledger sheet and inserted in its proper place in the Ledger a separate sheet being used for each Account Sale, and as expenses on goods were paid they were charged to the Account Sale to which they related.

The expenses on Cargo Accounts were used for entering all the charges paid on goods, such as Sampling, Tallying, Discharging, Weighing, Rent and Warehousing, and charges paid before goods were sold or expenses paid on cargo in respect of which there was no account sale.

A Buff sheet was inserted in front of every account which gave particulars of items comprised in the writ.

When a cargo was completely disposed of, all moneys received for sale of goods and all expenses paid in respect of the sale of those goods were transferred to a summary, the charge of 1 per cent on gross proceeds under Rule 49 was made and the balance brought down representing the amount available for :—

- A. Payment to a Claimant.
- B. Transfer to Naval Prize Fund or the Exchequer; or
- C. Detained until further order of Court.

When a cargo, which has been sold, was released to claimants the detail work of allotting to each claimant the actual proceeds of his goods and charging those goods with their correct expenses and fees was dealt with in the Account Sales Settlement books. The goods in which one claimant was interested may have been disposed of in a dozen account sales, and the Settlement Books group the sales together and show the total gross proceeds of the goods of each claimant and the details of all expenses chargeable against those goods.

When a claimant was paid, a statement was rendered to him giving full details showing how the net balance was arrived at. Claimants and their solicitors have on a few occasions attended at this department for the purpose of verifying their statements, on these few occasions the method and system has been explained to them, and in no case has an interested party left feeling dissatisfied, for he has perceived that his interests were being

protected and his claims being dealt with in an impartial manner. An important example was the Swedish Settlement which consisted of 1,600 claims, proceeds of sale of cargo to the value of 2 $\frac{3}{4}$ million pounds and payments out to the extent of over 1 $\frac{1}{4}$ millions. The representatives of the Swedish Government attended for the purpose of ascertaining the method of accounting with a view to appointing a firm of accountants to represent their numerous claimants and interests, the system was explained to them and solely upon the assurance that their matter would be dealt with in the ordinary way and in the usual manner, no supervision or examination of accounts was made and there is a personal as well as a departmental satisfaction in the fact that no complaint has ever been received.

Audit and Closing the Account of each Seizure.

The essence of the Prize Accounts is to ascertain that all prizes which have been seized have been either disposed of by sale or released in kind.

Each writ (and in cases where seizures on several vessels are incorporated under the same writ number—every seizure) was treated as a distinct "corpus" and when a seizure has been completely sold and the decree of the Court acted upon, an investigation of the whole writ was made with the object of ascertaining that all goods seized had been accounted for, *i.e.* had either been sold and the proceeds are on hand or the proceeds had been released, or goods released in kind. The Account Sales and letters relating to sums received and vouchers in connection with payments made were examined or placed in a filing envelope designed for the purpose, on the outside of these files short particulars were written which include details as to seizures, the gross proceeds, the deductions and the net balance relating to the particular writ.

The investigation being complete, a transfer was made from the Ledgers to a Register, which, ruled up in tabular form, showed in respect of each writ finally examined and closed—

1. The total gross proceeds and other receipts.
2. The various expenses and deductions from proceeds.
3. The net balance.

The Register is subdivided according to Decrees of the Court as between the following categories:—

1. Releases.
2. Retaliatory.
3. Condemned: (a) Droits of Crown.
(b) Droits of Admiralty.

When the account of a writ reached this stage the Ledger Account being closed, the sheets were removed into the "Dead Ledger covers."

Eventually the Register will supply, when the Accounts of the Admiralty Registry are finally closed, a complete list of sums received and paid away in respect of each individual writ, subdivided into the various categories.

In the previous paragraphs an endeavour has been made to give a simple outline of the methods adopted in dealing with the ordinary detail work, which aimed at eventually bringing the final accounts into one book, viz., the Register, in such a form as will give the maximum amount of information, permit of easy reference and be of use in the compiling of returns required from time to time.

Difficulties and Complications of Accounts.

In keeping the accounts of an ordinary concern, it is invariably known when sums of moneys are paid and received, the particular department or category to which such moneys relate, with the result that transactions can, from the time they are paid or received, be recorded in an ordinary manner and for the purpose of showing at any given time the position of each particular department or category.

In dealing with the accounts of the Naval Prize Fund such a state of affairs has not been possible for the reason that prizes have been sold before the President of the Court gave his decree, and at the time the money was received or paid away, it was not known to which category such moneys belonged, namely:—

- i. Release.
- ii. Detention.
- or iii. Condemnations, and if condemned whether

- (a) Droits of Crown.
- (b) Droits of Admiralty.

All funds are therefore thrown into hotchpot and, as has been explained, finally become scheduled in the Register in their proper quarter. This method has not in any way delayed the daily routine work of the department, but when accounts of the department have been required for Treasury purposes such as the ascertaining of the amounts in Court in respect of Droits of Admiralty, the only way of obtaining the information has been to analyse each account in the various ledgers. As there have been as many as 35 large ledgers in use at one time, the amount of detail and the time expended on such work can be easily imagined.

There have been many difficulties and complications which have had to be dealt with most of which have been in connection with proceeds released to claimants. Where a prize is wholly condemned it can be dealt with as a whole and many calculations are avoided.

In dealing with Releases, however, it is necessary to trace the correct gross proceeds of a claimant's goods and charge those proceeds with the actual expenses incurred on those goods.

in cases where the cargo consists of grain and is sold at one time and price, the total charges can be apportioned either as to quantity or value, but where the cargo is of a miscellaneous nature, the various kinds of goods are sold at different times by different people and the charges for warehousing and selling the different class of goods are all different—it is necessary in such cases to allocate each item of expense for landing, warehousing, sampling, delivery, etc., to the particular item to which it relates.

It may easily happen that the proceeds of one small consignment is the only item released and it is necessary to work out the whole seizure in order to arrive at the net proceeds of that one parcel.

The following examples will serve to explain how complications arise :—

I. At the commencement of War, seven vessels were loading up grain in the Black Sea. The cargo was shipped on the vessels at the ports of Novorovissk and Nicholaloff and consigned to Hamburg. The captains of the vessels hearing that war was declared and that Turkey was about to participate, and realising that the Dardanelles would be closed, passed through the Straits before their cargoes were completely loaded.

The vessels were seized in the English Channel and sent into Falmouth where part of the cargo was sold, the brokers then advised that a better price would be obtained for the grain in Bristol, so the balance of the cargo was shipped to Bristol and there sold.

The cases in due course came before the President, who decided that portions of the proceeds of these cargoes were to be released to the claimants and that portions were to be condemned.

There were no manifests.

Some bills of lading showed poods, some chetwerts and some kilos of grain as being shipped.

The cargo was sold in quarters of 400 lbs.

The freight was payable at varying rates per 1,000 kilos and there was a large shortage as between the Bills of Lading quantities and the actual grain landed and sold.

The problem was to ascertain the amount due to each claimant.

II. Another instance is where a part cargo of coffee consisting of 50,000 bags was seized. In connection with this coffee there were bills of lading, "B" a claimant was interested in one bill of lading of 250 bags.

The sales of this coffee took place periodically, say over a period of 10 months. Only 25 bags of "B's" Coffee were included in each sale.

The problem in this case was to arrive at the net proceeds of "B's" 250 bags of Coffee, each of the 25 bags having realised a different price and bearing in mind the fact that the charges on each 25 bags are different by reason of the fact that whilst the first 25 bags may have been in warehouse only for a short period the last 25 bags will have been in 9 months longer.

The time occupied in working out the accounts of a single seizure varied—it might entail only one hour's work or might occupy a man for weeks, and in the case of large cargoes where proceeds were released to claimants, summaries have been prepared and settlements were made from time to time as the proceeds were received from the sale of the goods. Instances could be given where half a dozen summaries were drawn up in connection with one seizure—each of which group together formed a series of Account Sales, in order that a claimant's net proceeds may be ascertained and paid to him. There are instances in the ledgers where the sales of cargo commenced in 1917 and the cargo was not completely disposed of for years. Much time has therefore been unavoidably wasted in repetition work which could only have been obviated had it been possible to continually sell the goods of one vessel until they were disposed of—such a procedure was however impossible.

These examples are quite common and will serve to illustrate the problems which have been undertaken, and when one takes into account the fact that in one single writ consignments are sold and

- (a) Condemned.
- (b) Released.
- (c) 50 per cent. released and 50 per cent. condemned.
- (d) 40 per cent. released and 60 per cent. condemned.
- (e) Two-thirds released and one-third condemned.
- (f) Other proportions released and condemned;

and consignments only partly sold and ordered by the Court to be dealt with as above, some idea of the complications and details which have had to be dealt with can be realised. Such instances will also show how difficult it was to supply accounts of the money received, etc., showing how much has related to condemned goods and how much of those condemned proceeds relate to Droits of the Crown and Droits of Admiralty respectively.

It will be seen from the foregoing that there was much detail work to be done which included work of a highly technical nature requiring initiative and responsibility by almost every member of the staff.

The work entailed in the examination of accounts for the purpose of closing an account or making a payment to a claimant consisted of a thorough investigation of each case, commencing from the time the goods were seized, tracing the sale, checking quantities, weights and expenses and charging each portion of the cargo sold with its proper expenses leaving the net balance in the Prize Fund or paying some out to a claimant.

The books of Account were checked and balanced every three months, and although there were fifteen large ledgers in use, the balance was always completed by the third or fourth day after each quarter.

A yearly balance sheet ending 31st March was prepared, and was sent by the Registrar to the Treasury. It was examined by the Controller and Auditor General, and the Registrar attended annually before the Public Accounts Committee of the House of Commons to give any explanation required by the Committee. The balance sheet to March 1923 will be found in Appendix IV.

V.—THE BANKING SYSTEM.

As regards the banking arrangements—as they may be termed—of the Prize Court, the Prize Fund was in the form of a Deposit Account in the hands of the Paymaster General under the title of "The Supreme Court Prize and Deposit Account." All receipts on account of Prize, such as the proceeds of sale of ships and cargoes, were carried to this account and all payments were made from it.

Cheques or cash in respect of payment received by the Marshal, after having passed through the Accountant's department for entry in the books of the Prize Court, were sent on by that department to the Paymaster General for the credit of the above-mentioned account. Payments into Court as security for costs were, however, paid into the Bank of England (Law Courts Branch) as in an ordinary civil suit, as the security, if forfeited, did not form part of the Prize Fund.

Payments out of the Prize and Deposit Account were made by order of the Judge or Registrar, a copy of the Order was the authority of the Paymaster General to pay the stated sum out of the Account. The Form under S.C.F.R. 1815 R. 28 was not used. R. 28 did not make the Form No. 72 obligatory and this form was inconvenient and unsuitable for a large amount of business. This copy of the order as in the case of payment into the Account, passed through the Accountant's department for entry and for the purpose of being verified in regard to the amount and was remitted by this department to the Paymaster General.

Final payments out of the net proceeds were made after a decision of the Naval Prize Tribunal, (1) in the case of Droits of Admiralty to the Exchequer and (2) in the case of Droits of the Crown to the Naval Prize Fund in compliance with the Naval Prize Act, 1918 (8 & 9 Geo. 5. c. 30, s. 1 (1)).* Each payment

* As to the old practice see Prize Droits—Report to H.M. Treasury by H. C. Rothery, C.B., Registrar of the High Court of Admiralty, revised and annotated by E. S. Roscoe, Admiralty Registrar. Printed under the authority of H.M. Stationery Office, 1915.

was made on an Order of the President or Registrar. The Orders were in the following forms:—

“ Upon the application of the Lords Commissioners of H.M. Treasury, it is ordered that the sum of _____ as Droits of Admiralty, pursuant to the Decree No. _____ of the Naval Prize Tribunal dated _____, be transferred to the credit of the Exchequer at the Bank of England in respect of the proceeds of sale of _____ ”

(2) “ Upon the application of the Lords Commissioners of H.M. Treasury and the Admiralty, it is ordered that the sum of _____ as Droits of the Crown, pursuant to the Decree No. _____ of the Naval Prize Tribunal dated _____, be transferred to the credit of the Naval Prize Fund in respect of the proceeds of sale of _____ ”

VI.—APPEALS.

Under the provisions of the Naval Prize Act, 1864 (27 & 28 Vict. c. 25, s. 5), the Judicial Committee of the Privy Council is constituted the Court of Appeal in Prize from all Prize Courts within the Empire, and by the Judicature Act, 1891 (54 & 55 Vict. c. 53, s. 4 (3)), it is directed that an appeal from the High Court acting as a Prize Court shall be only to the Privy Council.

The procedure is governed by Order XLIV. of the Prize Court Rules, 1914.

The Judicial Committee sat in Prize Appeals arising out of the late war for the first time on the 18th June, 1915, and the last cases were disposed of in 1922.

The Judges who, at different times during that period composed the Board for Prize Appeals, were the following:— Viscount Mersey and Lord Parker of Waddington, Lord Sumner, G.C.B., Lord Parmoor, Lord Wrenbury, Lord Sterndale, also the Rt. Hon. Sir Edmund Barton, G.C.M.G. (Judge of the High Court of Australia), the Rt. Hon. Charles Scott Dickson (the Lord Justice Clerk), the Rt. Hon. Sir Arthur Channell, the Rt. Hon. Sir Samuel Evans, G.C.B., and the Rt. Hon. Sir Henry Duke.

When the Board was first constituted, Viscount Mersey presided; subsequently Lord Parker of Waddington, and, after his death, Lord Sumner, except in a few cases when Lord Sumner, being engaged on other public duties, Lord Parmoor was in the chair.

Mr. Charles Neish, C.B., was the Registrar.

The following table gives the number and particulars of Appeals disposed of. It should be noted that it is confined to

Appeals from the British Prize Court, London, and does not include 43 Appeals from other Prize Courts.

Year.	Judgment affirmed.	Judgment reversed.	Judgment varied.	Appeals withdrawn, settled, &c.	Total.
1915 -	3	—	—	—	3
1916 -	3	3	—	1	7
1917 -	11	2	—	3	16
1918 -	5	3	—	3	11
1919 -	15	1	—	—	16
1920 -	22	1	6	10	39
1921 -	27	3	1	—	31
1922 -	—	1	1	—	2
	86	14	8	17	125

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APPENDIX I.

STAFF OF THE ADMIRALTY REGISTRY ON DECLARATION OF WAR,
4TH AUGUST, 1914.

Registrar.	Three Second Class Clerks.
Assistant Registrar.	Four Third Class Clerks.
Chief Clerk and Marshal.	One Writer.
Two First Class Clerks.	One Shorthand Typist.

APPENDIX II.

STAFF ON 1ST JANUARY, 1918.

Registrar.	Two First Class Clerks.
Assistant Registrar.	Three Second Class Clerks.
Chief Clerk and Marshal.	

One Second Class Clerk was killed on active service,
Three Third Class Clerks were serving in the Army.

TEMPORARY STAFF.

Accountant.	Ten Clerks.
	9 Typists.

APPENDIX III.

STATISTICS OF THE WORK OF THE PRIZE COURT FROM 4TH AUGUST
1914. TO 31ST JULY, 1923.

No. of Writs issued.	Orders on Summonses.	No. of Motions including Prizo Bounty Motions.	No. of Decrees.	No. of Days Court sat.	No. of References.	No. of Bills Taxed.
2,185	9,243	249	5,086	663	37	1,019

ABSTRACT ACCOUNTS of the RECEIPTS AND PAYMENTS of the ADMIRALTY
with VESSELS, FREIGHT and CARGOES Condemned, Detained or Released

DROITS OF CROWN.

<i>Vessels.</i>		£	s.	d.	£	s.	d.
Proceeds of sale, less Court Fees	-	746,061	2	9			
" " ships' stores	-	3,141	3	5			
Expenses of detention recovered	-	5,225	18	11			
<i>Freight.</i>							
Collected	-	60,642	11	11			
Discharging expenses recovered	-	3,584	8	2			
<i>Cargo.</i>							
Proceeds of sale, less Court Fees	-	6,302,163	0	11			
Expenses recovered	-	51,206	19	2			
Bail recovered	-	2,979	1	2			
Investments sold	-	28,235	13	2			
Voto of credit	-	311	0	0			
					7,203,550	19	7

DROITS OF ADMIRALTY.

<i>Vessels.</i>		£	s.	d.	£	s.	d.
Proceeds* of sale, less Court Fees	-	653,317	1	9			
" " of ships' stores	-	4,454	18	4			
Expenses of detention recovered	-	567	18	8			
<i>Freight.</i>							
Collected	-	15,439	9	11			
<i>Cargo.</i>							
Proceeds of sale, less Court Fees	-	3,559,621	10	10			
Expenses recovered	-	49,046	14	10			
Investments sold	-	11,657	8	3			
Bail recovered	-	19,707	17	9			
Transfer from Treasury	-	24,000	0	0			
					4,337,813	0	4

CONDEMNATIONS UNADJUDICATED UPON
BY NAVAL TRIBUNAL.

<i>Cargo.</i>		£	s.	d.	£	s.	d.
Proceeds of sale, less Court Fees	-	145,521	13	2			
Expenses recovered	-	509	6	6			
					146,030	19	8

SEIZURES UNDER ORDER IN COUNCIL,
11TH MARCH, 1915.

<i>Cargo.</i>		£	s.	d.	£	s.	d.
Proceeds of sale, less Court Fees	-	554,954	15	10			
Expenses recovered	-	4,543	5	6			
Investments sold	-	7,851	17	9			
					567,349	19	1

DETAINED BY ORDER OF COURT.

<i>Vessels.</i>		£	s.	d.	£	s.	d.
Proceeds of sale, less Court Fees	-	206,109	8	6			
" " of ships' stores	-	15,527	19	1			
Expenses of detention and sale recovered	-	2,384	2	1			

Carried Forward £224,021 9 8 12,254,744 18 8

* These Proceeds include the sum of

DIX IV.

DIVISION OF THE SUPREME COURT OF JUDICATURE, IN PRIZE, in connection for the Period from the 4th August, 1914, to the 31st March, 1923.

DROITS OF CROWN.					
<i>Vessels.</i>		£	s.	d.	£ s. d.
Sale expenses	- - - - -	7,151	5	0	
Expenses of sale of stores	- - - - -	92	2	10	
" detention	- - - - -	28,382	6	0	
Mortgages paid off and proceeds invested	- - - - -	13,959	4	5	
<i>Freight.</i>					
Discharging expenses	- - - - -	23,601	13	1	
<i>Cargo.</i>					
Expenses of sale, including warehousing, discharging and freight	- - - - -	563,270	7	2	
Proceeds released on bail	- - - - -	2,876	12	6	
Proceeds invested	- - - - -	24,001	0	7	
Transfers to Naval Prize Fund	- - - - -	6,300,427	3	4	
					6,972,761 15 8

DROITS OF ADMIRALTY.					
<i>Vessels.</i>		£	s.	d.	£ s. d.
Expenses of sale	- - - - -	3,907	2	4	
" " of ships' stores	- - - - -	485	15	4	
" detention	- - - - -	24,068	7	3	
<i>Freight.</i>					
Discharging expenses	- - - - -	6,640	7	6	
<i>Cargo.</i>					
Expenses of sale, including warehousing, discharging and freight	- - - - -	499,206	5	9	
Proceeds invested	- - - - -	10,309	12	9	
<i>Ex Gratia</i> payments	- - - - -	6,355	8	1	
Proceeds released on bail	- - - - -	16,435	16	10	
Transfers to Treasury	- - - - -	3,835,979	16	9	
					4,403,388 12 7

CONDEMNATIONS UNADJUDICATED UPON BY NAVAL PRIZE TRIBUNAL.					
<i>Cargo.</i>		£	s.	d.	£ s. d.
Expenses of sale	- - - - -				14,548 7 7

SEIZURES UNDER ORDER IN COUNCIL, 11TH MARCH, 1915.					
<i>Cargo.</i>		£	s.	d.	£ s. d.
Expenses of sale, including warehousing, discharging and freight	- - - - -	58,784	14	10	
Proceeds invested	- - - - -	6,532	0	0	
Proceeds paid to Claimants	- - - - -	301,693	2	10	
					367,009 17 8

DETAINED BY ORDER OF COURT.					
<i>Vessels.</i>		£	s.	d.	£ s. d.
Sale expenses	- - - - -	1,428	0	11	
Expenses of sale of stores	- - - - -	74	13	1	
Expenses of detention	- - - - -	10,875	5	4	
Proceeds paid to Claimants:—					
Vessels A/c.	- - - - -	112,902	14	5	
S/Stores	- - - - -	352	16	3	

Carried forward £125,633 10 0 11,757,708 13 6
320,000*l.* received from the Egyptian Prize Court.

DETAINED BY ORDER OF COURT—*cont.*

	£	s.	d.	£	s.	d.
Brought forward	224,021	9	8	12,254,744	18	8
<i>Freight.</i>						
Collected	4,644	18	5			
<i>Cargo.</i>						
Proceeds of sale, <i>less</i> Court Fees	137,244	14	11			
Expenses recovered	1,156	19	6			
				367,068	2	6

PROCEEDS RELEASED BY ORDER
OF COURT.

<i>Cargo.</i>						
Proceeds of sale, <i>less</i> Court Fees	7,689,509	2	5			
Expenses of sale recovered	211,149	2	6			
Vote of Credit	1,343	5	10			
Investments sold	13,468	2	11			
Proceeds released to Claimants and refunded	1,882	12	4			
Bail Bonds collected and recovered	8,982	0	0			
				7,926,334	6	0

CASES NOT ADJUDICATED UPON BY
COURT.

<i>Cargo.</i>						
Proceeds of sale, <i>less</i> Court Fees	150,639	19	4			
Sale expenses recovered	1,944	9	3			
Freight	15,321	8	4			
				167,905	16	11

OTHER RECEIPTS.

Court Fees	169,026	19	9			
Insurances recovered on released cargo	108,562	10	0			
Insurance premiums returned	459	5	4			
Sundry receipts	748	19	6			
				278,797	14	7
				£20,994,850	18	8

RECEIPTS.

Pending final adjustment and closing				6,446	14	6
--------------------------------------	--	--	--	-------	----	---

£21,001,297 13 2

DETAINED BY ORDER OF COURT— <i>cont.</i>						
	£	s.	d.	£	s.	d.
<i>Freight.</i>						
Brought forward . . .	125,633	10	0	11,757,708	13	6
Discharging expenses . . .	2,381	13	6			
<i>Cargo.</i>						
Sale expenses	15,504	5	10			
Proceeds paid to Claimants . . .	86,034	11	7			
				209,554	0	11
PROCEEDS RELEASED BY ORDER OF COURT.						
<i>Cargo.</i>						
Expenses of sale, including warehousing, discharging and freight . . .	775,852	4	7			
Bail Bonds refunded	8,979	3	11			
Proceeds invested	10,827	19	4			
Proceeds released to	£	s.	d.			
Claimants	7,110,564	6	10			
Less, A.M.P.*						
Suspense A/c.	6,491	2	4			
				7,104,073	4	6
				7,899,732	12	4
CASES NOT ADJUDICATED UPON BY COURT.						
<i>Cargo.</i>						
Expenses of sale, including warehousing, discharging				11,299	10	4
OTHER PAYMENTS.						
Release fees returned	41	10	0			
Sundry expenses	10,753	15	5			
Insurance on cargo released . . .	91,668	14	1			
" " unallocated	883	0	10			
Fees transferred to " Fees on Proceedings A/c."	168,750	0	0			
Investment	700	0	0			
				272,797	0	4
				£20,151,091	17	5
PAYMENTS.						
Pending final adjustment and closing				2,682	0	1
				£20,153,773	17	6
Balance in hands of Assistant Paymaster-General				847,523	15	8
				£21,001,297	13	2

* American Meat Packers' settlement.

134a

FALKLAND ISLANDS.
MISCELLANEOUS.

Downing Street,
3rd April, 1924.

Sir,

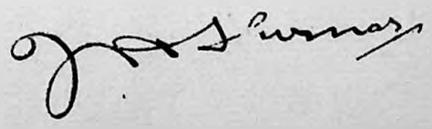
With reference to the Duke of Devonshire's Miscellaneous despatch of the 7th of April, 1923, I have the honour to inform you that the Board of Trade have paid to the Belgian Finance Minister the sum of 6,643.30 francs. - sterling equivalent £67.13.0. - in respect of the contributions for the year 1923-24 of various Colonies to the International Customs Tariff Bureau. The amount of 6,643.30 francs is made up as follows:-

Basic contribution.....	Frs.	2143
Special "	"	4286
Pension Fund	"	214.30
		<u>6643.30.</u>

2. The Crown Agents for the Colonies have been instructed to make the necessary repayment to the Board of Trade, and the share to be borne by your Government is £2.12.10.

3. I have to explain that the contributions of the various Governments to the Bureau for 1923-24 were fixed at three times the normal contribution, and that His Majesty's Government agreed to pay on that basis. My predecessor accordingly undertook to authorise payment on the same basis on behalf of the Colony under your Government.

I have the honour to be,
Sir,
Your most obedient,
humble servant,



THE OFFICER ADMINISTERING
THE GOVERNMENT OF
THE FALKLAND ISLANDS.

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Reference to previous correspondence:—

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The late Viscount Harcourt's Circular Despatch of
~~Secretary of State's~~ Despatch No. the 19th April, 1913.
Governor's

FALKLAND ISLANDS.

Miscellaneous.

Downing Street,

4th May, 1924.

Sir,

I have the honour to transmit to you

the papers noted below on the subject of Cash Balance and Assets in the hands
of the Crown Agents for the Colonies on the 31st December, 1923.

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering

the Government of

Falkland Islands.

Date.	Description.
28th April, 1924.	Two Certificates and four Returns.

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FALKLAND ISLANDS
MISCELLANEOUS

DOWNING STREET

June, 1924.

Sir,

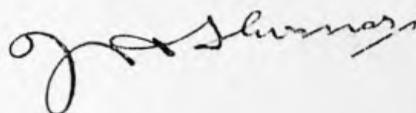
I have the honour to acknowledge the receipt of Mr. Henniker Heaton's despatch No. 31 of the 17th of March last, forwarding copies of regulations dealing with the award of the Colonial Auxiliary Forces Long Service Medal, and to inform you that His Majesty the King has been pleased to approve of these regulations.

I have the honour to be,

Sir,

Your most obedient

humble Servant,



GOVERNOR

J. MIDDLETON, ESQ., K.C.B.E., C.M.G.,

&c.

&c.

&c.

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1

Reference to previous correspondence:—

Secretary of State's
Governor's } Despatch No. 73 of the 25th. May,
1923.

FALKLAND ISLANDS.MISCELLANEOUS (CLAIMS)

Downing Street,
29th. July, 1924.

Sir,

I have the honour to transmit to you, for
communication to the Controller of the local Clearing Office,
the papers noted below on the subject of the claim of Carlos Neckelmann,
Hamburg, against C. Williams.

I have the honour to be,

Sir,

Your most obedient, humble servant,

The Officer Administering

the Government of the
Falkland Islands.

Date.	Description.
12th. July, 1924	From the Clearing Office (Enemy Debts) with enclosures.

ACK/AWN.

Office open to the Public from 10 a.m. to 4 p.m.
(1.0 p.m. on Saturdays.)

Telegrams:—Enemidets, Lamb, London.

Telephone:—HOP 5820.

Any reply should be addressed to the
Secretary.



THE CLEARING OFFICE (ENEMY DEBTS),
CORNWALL HOUSE,

STAMFORD STREET,

LONDON, S.E.1.

.....12th July,.....1924.



The following Reference should
be quoted:—

FALKLAND ISLANDS
DR.1.

Sir,

1 am directed by the Controller to refer to the claim for £90.7.1. by Carlos Neckelmann, Hamburg, against C. Williams, and to subsequent correspondence, ending with Falkland Islands despatch No.73 of the 25th May, 1923, regarding it, and to transmit the accompanying copy of a letter of today's date requesting the German Clearing Office to withdraw the contested portion of the claim viz: £4.17.11.

2. It is presumed that you have collected from the debtor the balance of the debt, namely £85.9.2, together with Treaty interest thereon at 5% from the 4th August 1914 to the date upon which it was paid to you, and I am to request that the sum in question may be remitted to the Crown Agents for the Colonies for payment to this Department.

3. I am also to request you to furnish a cash statement regarding the transaction, and enclose copies of the form used for that purpose by this Office, one set of which should be completed and returned to me.

I have the honour to be,
Sir,
your obedient servant,

C. E. P. Williams
Secretary.

The Controller,
Clearing Office (Enemy Debts)
FALKLAND ISLANDS.
u. f. s. Colonial Office.



E/AM.

V.100

12th July, 1921.

FALKLAND ISLANDS
S.M.I.

Sir,

I am directed by the Controller to refer to your communication No. 27 of the 5th February, 1921, regarding the claim by Charles Heekelmann Machf. Hamburg, against Charles Williams, Port Stanley, Falkland Islands, and A.S.A. Serial 214001, recording 24.17.11. on account of the principal debt and am to request that a formal notification, by means of a S.I. sheet of the withdrawal of that portion of the claim may be furnished as soon as possible.

I have the honour to be,

Sir,
Your obedient servant,

(Sgd.) G.E. ROBINSON.
Secretary.

An dem Herrn Präsidenten
des Reichsausschusses,
Berlin W.,
Wilhelmstrasse 94/96.

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FALKLAND ISLANDS.

No.
Miscellaneous.

Downing Street,

20th September 1924 .

Sir,

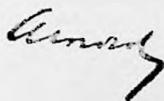
I have the honour to call your attention to the despatch noted below to which I have received no reply.

I have the honour to be,

Sir,

Your most obedient, humble servant,

(for the Secretary of State)



The Officer Administering

the Government of Falkland Islands.

No.	Date.	Subject.
ular atch	27th March, 1923.	Legislation governing the issue of Passports.

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FALKLAND ISLANDS.
Miscellaneous.

Downing Street,

28th October 1924 .

Sir,

I have the honour to call your attention to the despatch noted below to which I have received no reply.

I have the honour to be,

Sir,

Your most obedient, humble servant,



The Officer Administering

the Government of
Falkland Islands.

No.	Date.	Subject.
Circular despatch	25th August, 1923.	British Motor Export trade with the Colonies and Protectorates.

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Reference to previous correspondence :-

Secretary of State's } Despatch No.
Governor's

FALKLAND ISLANDS.

Miscellaneous.

Downing Street,

20th November, 1924 .

Sir

I have the honour to transmit to you, for

your information, a copy of

the papers noted below on the subject of

I have the honour to be,

Sir,

Your most obedient, humble servant,

J. S. Amery

The Officer Administering

the Government of

Falkland Islands.

Date.	Description.
100 copies supplied	<p>Regulations governing the sanitary handling and control of hides, fleshings, sheepskins etc.</p> <p>Issued by the United States Department of Agriculture.</p>

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AND ISLANDS.

MISCELLANEOUS.

Downing Street,
15th December, 1924.

Sir,

With reference to my predecessor's Miscellaneous despatch of the 3rd of April last, I have the honour to transmit to you, for your information the accompanying copy of a note from the Belgian Ambassador regarding the payment of the contributions to the International Customs Tariff Bureau.

Belgian Ambdr.
13.12.23.

2. I have agreed on behalf of your Government to the payment of the contribution for 1925 and 1926 on a gold franc basis, provided that the United Kingdom contribution is paid on the same basis, and I have informed the Board of Trade that payments for future years will be made under similar conditions, provided that notice of withdrawal from the Convention is not given in the meantime by any of the Colonies concerned.

3. I have to add that further contributions will extend for a period of seven years from 1st April 1926 and notice of withdrawal would require to be conveyed to the Belgian Government before 31st March next.

I have the honour to be,

Sir,

Your most obedient,

humble servant,

J. Amery

GVERNOR,

J. MIDDLETON, ESQ., K.B.E., C.M.G.,

etc.,

etc.,

etc.,

1486
Ambassade de Belgique,

Londres,

le 13 décembre 1923.

MILORD,

Le Gouvernement Belge s'est vu dans le cas de solliciter, à plusieurs reprises, des Etats faisant partie de l' "Union Internationale pour la Publication des Tarifs Douaniers", le paiement d'une cotisation spéciale, nécessitée par les charges supplémentaires que le Bureau de Bruxelles a eu à supporter, depuis la guerre, du fait du relèvement considérable du prix des choses, exprimé en francs-papier.

En résulte, une majoration du chiffre des cotisations n'a dû être réclamée que parce que celles-ci étaient payées en francs-papier.

La Convention du 5 juillet 1890, en fixant à 125.000 francs le Budget annuel de l'institution, n'a pas fait de distinction entre le franc-papier et le franc-or; lorsque la Convention est intervenue, cette distinction n'avait d'ailleurs pas de raison d'être, puisqu'il y avait parité entre les deux monnaies.

Dans ces conditions, il a paru qu'il serait à la fois plus pratique et plus conforme à l'esprit de la Convention de 1890 de substituer désormais au système d'une majoration des versements en francs-papier, à fixer en vue de chaque exercice, la formule du versement en francs-or, sur la base du chiffre statutaire. Ainsi la

The Marquess Curzon of Kedleston,

K.C., G.C.S.I., C.C.I.D.,

etc. etc. etc.

cotisation serait fixe et resterait, pour chaque Etat, celle qui résulte des dispositions de la Convention même.

Bien que le prix des choses, même exprimé en monnaie-or, ait subi une augmentation sensible depuis la guerre, le Gouvernement du Roi a la confiance que la cotisation ainsi établie d'une manière permanente suffira à couvrir les charges de l'institution. M. le Ministre des Affaires Étrangères de Belgique, sous le contrôle duquel fonctionne le Bureau International de Bruxelles, a chargé son délégué auprès de celui-ci de veiller à ce que les services soient assurés dans le plus grand esprit d'économie. Il est permis d'ailleurs d'affirmer que le Bureau exerce son office, sous le rapport des charges financières, dans des conditions plus avantageuses que celles que l'on pourrait rencontrer ailleurs; cette constatation s'applique à la fois à l'installation matérielle du Bureau (local et charges y afférentes), aux traitements du personnel et aux frais d'impression.

La question des cotisations se rattache à un autre objet auquel la Conférence pour la simplification des formalités douanières qui s'est tenue récemment à Genève et à laquelle participaient la plupart des pays faisant partie de l'Union, donne un caractère d'actualité tout particulier: j'ai en vue la diffusion à assurer, dans les différents pays, aux tarifs douaniers publiés par le Bureau International.

Les nombreuses demandes de tarifs dont le Bureau est saisi et qui émanent de Chambres de Commerce, d'associations ou de particuliers appartenant à de multiples pays, sont de nature à faire croire qu'en général, les Etats de l'Union ne prennent pas toutes les mesures désirables pour mettre leurs ressortissants en situation de se procurer les exemplaires du "Bulletin des Douanes" qu'ils reçoivent comme contre-valeur de leur cotisation. Le

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nombre des exemplaires ainsi fournis aux Gouvernements est assez élevé, puisque, pour le pays de la première classe, il atteint de chiffre de 456.

Il n'est pas douteux que par la vente aux particuliers des collections dont ils disposent, les Etats pourraient récupérer le presque totalité de la somme versée par eux comme contribution aux frais de l'institution. Je constaterai à ce propos qu'en Belgique les abonnements annuels servis au moyen des exemplaires que reçoit le Gouvernement se paient 45 francs, prix qu'il est d'ailleurs question de majorer en raison du développement acquis par le "Bulletin des Douanes".

Si les mesures que prendraient certains Etats pour assurer la diffusion du "Bulletin" devaient provoquer des demandes dépassant le nombre des exemplaires disponibles, le Bureau International ferait le nécessaire pour procurer des exemplaires supplémentaires aux Gouvernements intéressés, exemplaires qu'il leur céderait au prix coûtant. Il suffirait qu'il fût informé de leur désir quelque temps avant le commencement de l'exercice.

De même, comme les tarifs de certains pays, intéressant spécialement le commerce international peuvent faire l'objet, de la part des hommes d'affaires, de demandes particulièrement nombreuses, le Bureau n'hésiterait pas à prendre les mesures appropriées pour majorer, dans la proportion voulue, le tirage de ces tarifs, s'il était informé en temps utile des besoins supplémentaires qui se font jour.

Il est à peine besoin de faire ressortir, à ce propos, les avantages que doivent valoir, aux Etats associés, la traduction et l'impression, à frais communs, de tarifs tirés à un grand nombre d'exemplaires pour l'usage de tous les contractants. Si pareilles publications

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devaient se faire aux frais d'un Etat déterminé, elles entraîneraient des charges considérables, et leur prix de vente devrait être porté à un chiffre extrêmement élevé.

Les échanges de vues qui se sont produits au sein de la Conférence de Genève et au cours desquels - le Gouvernement du Roi a été heureux de la constater - les appréciations les plus élogieuses ont été formulées à l'égard des travaux du Bureau de Bruxelles, ont engagé M. le Ministre des Affaires Etrangères de Belgique à appeler l'attention des Gouvernements associés sur la question dont je viens d'avoir l'honneur d'entretenir Votre Seigneurie et qui a des liens étroits, je le répète, avec celle du chiffre des cotisations, envisagée au début de la présente lettre.

Je constaterai, en terminant, que le montant de la cotisation à payer en monnaie-or à partir du 1er. Avril prochain sera, en vertu de la Convention du 5 juillet 1890, pour l'Angleterre, de 6833 francs et pour l'Inde Britannique de 4970 francs.

Je saisis cette occasion pour renouveler à Votre Seigneurie, les assurances de la plus haute considération avec laquelle j'ai l'Honneur d'être.

Son très humble et

obéissant serviteur,

(Signé) B. Moncheur.