

The Influence of Parliament upon the Foreign Policy  
of the Gladstone Government, 1868 - 1874.



THE INFLUENCE OF PARLIAMENT  
UPON THE FOREIGN POLICY OF THE GLADSTONE GOVERNMENT  
1868 - 1874

---

Sheila Lambert

Thesis  
submitted for  
the degree of M.A.  
in the University of London

1949

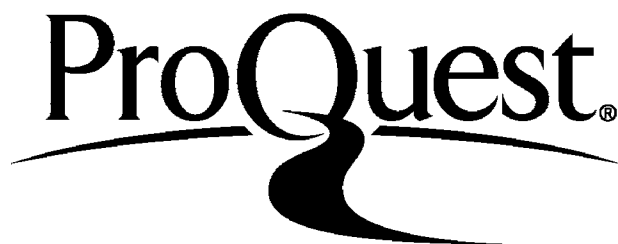
ProQuest Number: 10107204

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent upon the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed a note will indicate the deletion.



ProQuest 10107204

Published by ProQuest LLC(2016). Copyright of the Dissertation is held by the Author.

All rights reserved.

This work is protected against unauthorized copying under Title 17, United States Code  
Microform Edition © ProQuest LLC.

ProQuest LLC  
789 East Eisenhower Parkway  
P.O. Box 1346  
Ann Arbor, MI 48106-1346

CONTENTS.

|   |       |
|---|-------|
| Abbreviations .....   | p. iv |
| Introduction .....  | 1     |
| Chapter I: Parliamentary Procedure .....  | 4     |
| Chapter II: The Information available to Parliament .....   | 37    |
| Chapter III: The Possibility of Influence through Debates .....   | 61    |
| Chapter IV: Parliament and the Executive ....   | 111   |
| Conclusions .....   | 127   |
| Appendix I: Analysis of Diplomatic Blue Books returned to address, 1828-1914, arranged by administrations ..... | 134   |
| Appendix II: Nominal and Actual Dates of Circulation of Blue Books .....  | 135   |
| Appendix III: Biographical Notes on some Members of Parliament .....  | 137   |
| Bibliography .....  | 143   |

Abbreviations.

- B.M. - British Museum
- C.J. - Journals of the House of Commons
- Hans. - Hansard, 3rd Series
- Hans. (New Series) - Hansard, New Series
- incl. - inclosure
- L.J. - Journals of the House of Lords
- May - T. Erskine May, A Treatise on the Laws, Privileges, Proceedings, and Usage of the House of Commons
- P.R.O. - Public Record Office, London
- S.O. - Standing Orders

Documents at the P.R.O. are referred to by the call numbers there in use, which are fully explained in the bibliography.

## INTRODUCTION.

---

The history of the relations between Parliament and the Executive as regards the conduct of foreign affairs is an important aspect of the diplomatic history of the nineteenth century. In their survey of the material, Professors Temperley and Penson came to the conclusion that detailed investigation of individual administrations was necessary to provide a definite answer to the problem,<sup>1</sup> and this thesis is an attempt to do this for the First Gladstone Administration.

It is generally accepted that the year 1868 marks the revival of party government. It may be questioned whether it was really a revival or not rather an innovation, but however that may be, it is certain that this year marks a break in the history of Parliament. It seemed obvious that the 1867 Reform Act was bound to affect constitutional practice, and for that reason the choice of this administration seemed likely to be profitable. The present thesis is, of course, concerned with only one aspect of Parliament's activity: the part it played in the Government's conduct of the country's foreign policy; as will be seen, detailed study has led to

---

1. H. Temperley and Lillian M. Penson, A Century of Diplomatic Blue Books, p. X. The Parliamentary Papers referred to in this work and also in the present study comprise both Blue Books and White Papers, but for the sake of convenience the term Blue Book is used throughout.

2

the conclusion that the Parliament of 1868 was, at least in this respect, the first of the modern Parliaments.

The framework of Parliament's action is its procedure, and it therefore proved necessary to investigate this point before Parliamentary influence could be studied. Secondly, Parliament cannot act in matters of which it is ignorant; thus it became essential to determine the amount of information available to it. But, as Erskine May says, "it is in debate alone that a minority can hope to compete with a majority",<sup>1</sup> and whatever influence Parliament possessed must therefore be sought in the debates. This has been done by setting the debates on foreign affairs within the context of a number of the diplomatic events of the period.

Among these diplomatic events four questions obviously stand out as being of the greatest diplomatic importance, and since a selection had to be made, detailed study has been confined to them. They are the issues involved in the Black Sea and Central Asian questions, the negotiations concerning the Treaty of Washington, and the Franco-Prussian war. Between them, they provide a reasonably full picture of the interrelation of Government foreign policy and Parliamentary criticism.

The sources for this study and the use made of them are

---

1. May (8th ed.), 1879, p.286.



fully discussed in the bibliography. They consist of Parliamentary material, Foreign Office papers, and the private correspondence of the leading Ministers involved. I wish to acknowledge my indebtedness to Miss A. Ramm, of Bedford College, London, who very kindly permitted me to see the typescript of her forthcoming volume, The Political Correspondence of Lord Granville and Mr. Gladstone (Camden Series), from which I obtained the references to Private Gladstone Papers in the British Museum, and one or two references to the Private Granville Papers in the Public Record Office.

## Chapter I.

PARLIAMENTARY PROCEDURE.

The extent to which any elected assembly can influence the actions of its executive depends very largely on how far its forms of procedure permit it to do so. A study of the state of Parliamentary procedure at the time of this administration is therefore the essential preliminary to a discussion of the influence of Parliament on foreign policy. The rules of the House of Commons at this time provided seven methods which might have been utilised to influence foreign policy. Some of these applied also to the House of Lords, but in general the flexibility of procedure in that House makes a study of the rules there of less importance. Two of the seven methods were means of obtaining information, namely questions and motions for addresses for papers. When the information had been obtained there were three ways open to the private member to raise debate. These were amendments to the motion for Committee of Supply, motions tabled on the days allotted to private members, and debate on the address in answer to the Queen's Speech at the opening of each session. There was another method which might have been used in this way, namely the debates on the holiday adjournments, but a study of the debates shows that this opportunity was not in

fact used for the discussion of foreign affairs in the period under review. Finally there was the procedure which in theory embodied the ultimate Parliamentary control over policy, by the right of refusing supply - the discussion of the Foreign Office Estimates. These seven methods will be examined in turn, beginning with the two designed to obtain information.

(a) Questions.

The practice of putting questions to Ministers before the House proceeded to the business of the day was well established in 1868, although it was still to some extent regarded as an innovation and frowned upon as such. The Committee on Public Business of 1861 had treated it as a new development and while admitting that "there is convenience in this course" yet expressed the opinion that "to prevent this license degenerating into an abuse, it is most important that both the questions and answers should be as concise as possible and not sustained by reasoning which might give rise to debate".<sup>1</sup> By 1886 the "supplementary" had made its appearance, the question "thereby becoming a sort of speech and involving a great waste of time of the House".<sup>2</sup> In 1868 the practice of putting questions was still confined within reasonable limits and questioners were liable to frequent interruption if they showed any tendency to

---

1. A. and P., XI.431, qu.56.  
2. Sir Henry Selwin-Ibbetson, in Hans., CCCIII.697.

transgress the rules and indulge in argument. This of course applied only to the Commons. The House of Lords always used a much more flexible procedure and enjoyed greater latitude as to the manner of asking questions. The subject matter of questions, with the allowance necessary because of their different composition, was similar in both Houses. A fairly large proportion of the questions on foreign affairs asked in the Commons concerned individual British subjects. That is, members used this method to act on a restricted view of their function as representatives of their constituents, as distinct from their wider function of helping to mould the policy of the nation. This type of question became increasingly frequent in later years as all branches of the Government took more and more responsibility for the welfare of individual citizens, and at times it threatened to overrun the notice paper to the exclusion of other subjects. In 1868, however, at least as far as foreign affairs were concerned, such questions were only a proportion of the whole, and concerned the various issues which affected the interests, activities, or safety of individuals or groups of British subjects abroad. For instance, H.S.P. Winterbotham asked for information on the case of Mr. J. Cassells who, it was alleged, had been expelled from Portugal on religious grounds.<sup>1</sup> F.S. Corrance asked what steps had been taken to

---

1. Hans., CXCV.125.

secure the rights of British subjects in the territory of San Juan, recently awarded to the U.S.A. as a result of the arbitration by the German Emperor.<sup>1</sup> On an issue of more general interest, many questions were asked about the welfare of British subjects during the siege of Paris.<sup>2</sup> Some topics which bear a resemblance to these turned out to have a wider diplomatic importance: such were the 'Tornado' case which concerned the imprisonment of British seamen by the Spaniards,<sup>3</sup> and the massacre of British subjects by Greek brigands.<sup>4</sup>

The second main group of questions when divided according to subject-matter, as might be expected, is concerned with commercial and financial questions. Information was requested concerning our commercial relations with China<sup>5</sup> and France;<sup>6</sup> our payments under various arrangements to Greece,<sup>7</sup> Portugal,<sup>8</sup> and Brazil;<sup>9</sup> the Suez Canal;<sup>10</sup> and the annexation or purchase of colonial territory.<sup>11</sup>

Finally, about half the questions on foreign affairs asked in the House of Commons concerned what may be called the general policy of the Government, that is the state or development of

- 
- |   |                               |
|---|-------------------------------|
| 1. <u>Hans.</u> , CCXIV.597.  | 2. <u>Ibid.</u> , CCVI.1254.  |
| 3. <u>Ibid.</u> , CXCVI.742; CC.2109; CCI.7.                          |                               |
| 4. <u>Ibid.</u> , CC.1730; CCI.464,1192; CCII.264.                    |                               |
| 5. <u>Ibid.</u> , CC.1602; CCX.594; CCXIV.544.                        |                               |
| 6. E.g., <u>ibid.</u> , CCVII.67,1289; CCIX.649,1390; CCXIII.450,696. |                               |
| 7. <u>Ibid.</u> , CXCIV.1869.   | 8. <u>Ibid.</u> , CXCVI.1243. |
| 9. <u>Ibid.</u> , CCXII.428.  |                               |
| 10. <u>Ibid.</u> , CXCVII.1167,1664; CCXII.101; CCXIII.642.           |                               |
| 11. <u>Ibid.</u> , CCI.1842; CCV.657; CCVIII.556; CCXIV.597.          |                               |

British diplomatic relations with various powers. The three major issues under this head about which questions were asked were Anglo-American relations and the Treaty of Washington; relations between France and Germany and the Franco-Prussian war; and Russian activities in Central Asia. Other minor questions aroused the interest of the House, such as British relations with Spain and Mexico, and maritime relations with various powers.

Questions in the House of Lords belong mainly to the last category, although a few were asked about individuals and about such things as missionary activities. Within the limitations imposed by the rules governing Parliamentary questions, the answers, where notice had been given, were usually full and satisfactory, but it is obvious that the method was not very useful for complex or general topics, where the answer to one question tended to raise another, while giving the government no real opportunity to explain their position. This applied even to the House of Lords, where speakers at question time had far greater latitude than in the Commons.<sup>1</sup> Thus at the outbreak of the Franco-Prussian war Granville pleaded after frequent questions "that for the future it would be more con-

---

1. The absence of formality is illustrated by a discussion which took place on 22 May 1871. It is clear from the speeches that there was no certainty as to whether the rule that notice should be given before asking a question was binding or not (Hans., CCVI.1101-8).

venient to your Lordships, and more advisable in other respects, that these communications should not be carried on by daily Questions and Answers, but that I should be permitted to make them to your Lordships at the fitting time".<sup>1</sup> In fact, even so early in the system, Ministers found question time embarrassing and were consequently extremely reticent lest they should be trapped into some disclosure. This point is, of course, important, since the Ministerial attitude to the methods of procedure employed greatly affected the relative usefulness of each method.

(b) Addresses for Papers.

It has been stated that "the House of Commons has long maintained as a principle of its customary law that it is entitled to demand the use of every means of information which may seem needful, and, therefore, to call for all documents which it requires".<sup>2</sup> The method by which the demand should be made varies according to the type of information called for, and the department responsible. Because of the connection of foreign policy with the royal prerogative the correct mode of obtaining papers relating to foreign affairs is by a humble address to the Crown.<sup>3</sup> In theory, this is a method whereby either House of Parliament can compel a Ministry to

---

1. Hans., CCIII.1153.

2. J.Redlich, Procedure of the House of Commons, ii.39.

3. Ibid., pp.40-2; May (8th ed.), pp.576-7.

give information which it would prefer to withhold, since "when an address for papers has been presented to the Crown, the parties who are to make the return appear to be within the immediate reach of an order of the House".<sup>1</sup> This element of pressure make the Address of greater importance to our study of Parliamentary influence than any other aspect of procedure.

The fact that a paper was laid in Response to an Address, however, does not necessarily mean in practice that it represented successful pressure placed upon the Government by Parliament. A large proportion of Addresses were not debated at all, and appear only as formal entries in the Journal of either House. It seems clear that there was a distinction, well understood in Parliament, between tabling a motion for an Address as an unopposed return and giving notice to move an Address in either House. The two procedures were quite different and would find a place on separate parts of the Order Paper. In the former case the member desiring a return would discover, either privately or by means of a question in the House (and many instances of this may be adduced)<sup>2</sup> whether the Government had any objection to the production of the papers he required. If they had not, he would move for an unopposed return. If an objection was raised, however, the only course left open to him was to give notice of a motion to be taken in

---

1. May (8th ed.), p.577.

2. E.g., Hans., CXLIII.323-9; CLV.31; CLIX.2229-30.



the time available to private members, such as on supply or adjournment.

The existence of this distinction is clearly demonstrated by an incident which took place in the House of Commons in 1860.<sup>1</sup> A private member, A.W. Kinglake, had given notice of a motion for papers relating to the question of Savoy and Nice. When the time came for him to move for these papers, Lord John Russell rose and appealed to him to withdraw the motion, on the ground that it was desirable that the House should not debate the subject until the papers had been laid. Russell explained that he was quite ready to produce the papers if Mr. Kinglake liked to move for them. Since the motion was an address for papers, and Russell asked for its withdrawal and yet assured Mr. Kinglake that he might move for papers, it seems clear that there must have been two methods and Russell wished him to use the one that did not involve debate - that is, to move for the papers as an unopposed return.

The distinction between the two was not, perhaps, always strictly adhered to - this is a complication to be found in almost every part of Parliamentary procedure. In addition, both types of motion altered considerably in the course of the century, but the distinction must be borne in mind if the amount of Parliamentary pressure represented by a paper "Returned to

---

1. Hans., CLVI.1933.

an Address" is to be assessed. From the list of papers given in A Century of Diplomatic Blue Books it would appear that the number of papers laid each year increased steadily from 1813 to 1859 and then remained fairly stable until 1914, although the number laid in any one administration might be greater or less according to the Blue Book policy of the Government. The percentage of these papers which were laid in Response to Addresses, on the other hand, remained fairly uniform until 1859 when there was a sharp rise, and after 1868 an equally sharp decline.

For the purpose of this discussion it will be convenient to take as the starting date, not 1813, but 1839 when the modern practice of distinguishing between sessional and command numbering began;<sup>1</sup> since before that date the practice was complicated by the absence of regular numbering and by the publication of new documents in British and Foreign State Papers instead of in Blue Book form. Between 1839 and 1859

---

1. Temperley and Penson, op.cit., p.xiv. It should be noted that only those "address" papers which were laid in MS and subsequently Ordered to be Printed by either House have a sessional number. 'Command' papers sometimes have a sessional number for the same reason. Both types of papers, however, seem to have been laid in print from an early period. The reason for the distinction is that papers laid in MS are printed by the House and numbered by the Vote Office, others by the Stationery Office (May, 14th ed., p.258).

papers laid in Response to an Address make up about one-fifth of the total number of papers on foreign affairs.<sup>1</sup> Only twenty six or about a quarter of the Addresses appear in Hansard. This number is further reduced by the fact that two papers resulted from the same Address in one case;<sup>2</sup> and in another, although the motion was formally moved in the House, there was no debate.<sup>3</sup> This leaves twenty four Addresses which were debated, ten of them in the Lords, and there is no case of a division being taken against the government.

The second period, 1859-1868, is distinguished by the sudden increase in the number of papers laid, the high proportion returned to Addresses, and the even higher proportion of debated Addresses as compared to the earlier period. 421 papers were laid, 113, or more than a quarter, in Response to Addresses. Eighteen of these came from the Lords, ninety one from the Commons, and four from both Houses. Nearly a third of these Addresses were debated. This period is also remarkable for the only case of a governmental defeat on a motion for an address for papers which took place in the whole period 1839-1914.

After 1868 the percentage of papers laid in response to

- 
1. 509 laid, 106 R-A.
  2. Syria, Part I [661], H.C.(1845), LI.545ff.;  
Syria, Part II [662], H.C.(1845), LI.665ff.;  
both returned to an address H.L., 18 July 1845.
  3. H.C., 15 Apr.1858, resulting in Correspondence on Constantinople-Bussorah Telegraph [2377], H.C.(1857-8), LX.281-8.

an address drops sharply. During the first Gladstone administration thirty nine papers or about one-sixth were laid in this way out of a total of 241. Seven addresses were tabled in the Lords, producing eight Blue Books, and six of them were debated. There was no debate on the remaining thirty one which were returned to Addresses in the Commons. Thereafter an average of only three percent of the total number of papers were returned to addresses. There are no cases of debate in the Commons, and only five in the Lords, at least one of which was on a ministerial motion.<sup>1</sup>

A picture of the history of addresses emerges clearly from these figures. Before 1859 they played a constant and regular part in the procedure of Parliament; between 1859 and 1868 there are signs of change in the great number of debated addresses and the occurrence of a government defeat; after 1868 the debated address loses its place as a regular part of active procedure and becomes formal, while the unopposed motion becomes very rare. If, in addition, we examine the debates which took place in each period, the development becomes even more clearly marked.

The first point which emerges from a study of the debates on Addresses in the period 1839-1859 is that motions were for the most part 'real' and not 'formal'. That is the motions were designed to obtain the papers called for, as well as

---

1. Cf. Appendix I for an analysis of diplomatic Blue Books, 1828-1914.

discussion of the subject. Sir Robert Peel had stated in 1828 that "the usage of that House (the Commons) forbade discussion on moving for papers which a Minister had officially announced beforehand would be unresistingly granted",<sup>1</sup> but this principle was by no means always adhered to. It may be surmised that the Government insisted on it only when debate was inconvenient to itself. In 1843, for instance, the Lords seemed to suspect that this was Aberdeen's motive for agreeing to the production of papers concerning the Treaty of Washington of August 9, 1842, but he disclaimed any such intention.<sup>2</sup> If Peel's principle had been strictly observed, it would mean that the Government had refused papers in every case where debate actually took place on a motion for an address.

This was not so, and here we have the second distinguishing characteristic of the first period. Government spokesmen frequently avowed in debate that they had no objection to the production of the papers called for.<sup>3</sup> Governments were quite as willing to lay papers in Response to Address as by Command. Even when the Government found it difficult to prepare a Blue Book on the Sicilian question in 1849, Lansdowne nonetheless expressed their willingness to receive a motion for further papers.<sup>4</sup> Even more striking is the case of Hume's motion for

---

1. Hans. (New Series), XXV.186.

2. Hans., LXVIII.312-7.

3. Ibid., LIV.685; XCIV.606.

4. Ibid., CIV.922.

papers concerning the Ionian Islands in 1852. He made a short speech, violently attacking the administration, yet Sir John Parkington replied that "He was perfectly ready and willing to produce the papers moved for, and had the hon. Gentleman asked him for them privately he should have been just as ready and <sup>as</sup> willing to have placed them at his disposal. The hon. Gentleman, however, could not forego the opportunity which the motion gave him of repeating those attacks on Sir Henry Ward" and the administration of the Islands.<sup>1</sup> It is clear that at this time the address procedure did not represent real pressure placed upon the Government by Parliament. It did represent Parliamentary initiative, which the governments of the day did not discourage.<sup>2</sup>

Before going on to consider the second period it will be convenient to note here that although motions were for the most part 'real', and used by members as a convenient means of obtaining both information and discussion, there were one or two cases which resembled the later 'formal' practice. Two such cases occurred in Palmerston's first administration<sup>3</sup> and one in the period 1839-1859. This was in 1842 when Mr. Gally

---

1. Hans., CXXIII.827.

2. There were even cases of Ministerial motions for papers (cf. Temperley and Penson, op.cit., p.299 note): Hans. (New Series), XXV.184-90; Hans., VI.877-80; CXXXIV.640-71.

3. (a) Ibid., IX.799-808 (24 Jan.1832);  
 (b) Ibid., XIII.1115-52 (28 June 1832).

Knight moved for copies of Russian Ukases concerning Poland. Since he quoted these papers in his speech his sole object seems to have been to draw attention to the miseries of Poland.<sup>1</sup>

In the period 1859-1868, as we have seen, there was an exceptionally large number of 'Address' papers and there were thirty four debates. Some of these debates show a practice similar to that of the early period. It is clear from the debate on Kinglake's motion that the Government did not at first object to Addresses being moved.<sup>2</sup> Nor did they always object to debate, several cases occurring of a motion being debated and agreed when the Government had no objection to the production of papers.<sup>3</sup>

The distinction between the opposed and unopposed motion remained the same also, and at least four papers were produced as unopposed returns after a question in either House.<sup>4</sup>

1. Hans., LXIV.800-29.

2. Supra, p. II.

3. E.g., (a) Hans., CLXX.276-301;

(b) ibid., CLXXIII.618-35. This address was in three parts, but only one of the papers was nominally returned to it, the other two being laid by command (v. 96 L.J., pp.701-2; North America Nos.2,6, and 11 (1864));

(c) Hans., CLV.31.

4. (a) Ibid., CLVII.751-61, resulting in Papers relating to Savoy [2650] and [2650-I], H.C.(1860), LXVII.7-32,33-8.

(b) Hans., CLIX.2229-30, resulting in Despatches relating to Disturbances in Syria [2734], H.C.(1860), LXIX.447-552. These papers are listed as No.581 in A Century of Diplomatic Blue Books with a footnote to the effect that an Address for them was defeated in the Lords after a similar motion had been agreed in the Commons (Temperley and Penson, op.cit., p.172 note). It is clear from the debate, however, that the papers moved for in the Lords on 3 Aug. were not the same as those requested by the Commons. Wodehouse, in resisting Lord

There were, however, innovations. Between 1859 and 1868 there is evidence of very real pressure upon the Government to produce papers. Indeed, the Government was once defeated, and this is the only case of an Address being carried against the wishes of the Government which took place in the whole period 1839 to 1914. The first of these instances of pressure, in point of time, took place in 1860 on the question of Savoy and Nice. Granville, pleading that the motion should not be made, claimed that "it was almost without precedent, if not irregular, to call for the production of Correspondence which the Government had stated it would not be for the public service at present to produce".<sup>1</sup> Malmesbury challenged this extraordinary statement, and insisted on Normanby's right to move for papers because the Government "has imparted to us no information, at least only by bits and scraps; ----- and out of this confused mass we have to try to extract something like the truth".<sup>2</sup> No division took place, but the Government were compelled to accept Normanby's motion. Again in 1864 a motion for papers concerning Poland was refused outright by Russell, who finally had to give way before the insistence of the House.<sup>3</sup>

---

Stratford de Redcliffe's motion, clearly distinguished between the two sets, and after debate the motion was withdrawn in the usual manner (Hans., CLX.615-27).

(c) Ibid., CLXXI.1226-8, resulting in Correspondence respecting Brazilian Slave Trade [3189], H.C.(1863), LXXIII.365-74.

1. Hans., CLVI.1011.

2. Ibid., CLVI.1017.

3. Ibid., CLXXV.1230, resulting in Papers relating to the arrest of Rev. F. Anderson [3361], H.C.(1864), LXVI.595-606.



In 1865 Russell refused papers relating to the imprisonment of British subjects in Abyssinia, on the ground that the disclosures would result in the prisoners being treated with greater severity.<sup>1</sup> Lord Chelmsford held that Russell "was not justified in his refusal", and the House supported him on a division being taken, by a majority of one. Thereupon the Government questioned the validity of the vote of a peer who had entered the House after the question had been put, but they were unable to obtain a reversal of the result.<sup>2</sup>

These are undoubtedly cases where the motion for an address for papers was given its full scope as a Parliamentary weapon to obtain information which the House desired and the Ministry wished to withhold, but the period 1859-1868 saw also a great increase in the use of the formal motion, which was very occasionally used in the earlier period. In 1860 the Marquess of Clanricarde moved for a despatch to the Duke of Wellington in 1815, as a vehicle for declaring his present opposition to a conference on the question of Savoy and Nice.<sup>3</sup> In 1861 Earl Grey explained in moving for papers relating to China that if "there should be the slightest objection, on the part of Her Majesty's Government to produce any despatches they might have received, I shall not press my motion; indeed my principal

---

1. Hans., CLXXIX.738.

2. Ibid., cols.739-40, resulting in Papers relating to Abyssinia [3536] and [3575], H.C.(1865), LVV.959,974,975ff.

3. Hans., CLIX.1925-44.

object in making it is that it will give an opportunity of calling your attention to the general subject of our relations with China".<sup>1</sup>

A third instance shows the estimate of the value of an address made by one member of the Lower House. John Pope Hennessy, moving for papers on Poland in 1861, concluded a long speech by saying: "Probably on another occasion, some Member of greater influence and position than I have the honour to hold, will make a more important Motion on this subject... At present, with the double object of endeavouring to obtain information and of calling attention to a subject so disgraceful to British diplomacy in the past, ...I content myself with moving" an address.<sup>2</sup> The papers for which he asked were then thirty years old and it may be assumed that discussion, rather than information, was his aim.

After 1868 the address procedure had become formalised. Papers were still laid in 'Response to an Address' but there is no case of a debate in the Commons resulting in the carrying of a motion for an address. In the Lords the procedure retained some reality for a little longer but even there, there was no successful motion after 1892. The procedure for unopposed motions also dropped out of use and it became usual for a private member who desired papers to ask a question to which the reply, when there was no objection, was no longer "you may

---

1. Hans., CLXI.546.

2. Ibid., CLXIV.222-3.

move for them" but "we will lay them by Command". The Address had become an ordinary motion, an opening for debate, and an inconvenient one at that, since it was impossible by this method to obtain a straight vote on the issue involved. In 1877 Mr. Gathorne Hardy complained of the conduct of the Marquess of Hartington because "instead of asking Parliament to censure by vote the Government which has been guilty of such conduct" he had "concluded by moving for certain papers".<sup>1</sup>

Thus it appears that the first Gladstone administration falls at the beginning of the formal period in the history of the Address for Papers. Thirty-one papers were moved for by the Commons but none of these motions were debated. The Lords still clung to the old procedure and all but one of the four motions were debated. In the case of papers returned to both Houses, three of the four motions were debated by the Upper House. The evidence for the use still made in practice of the address procedure, therefore, must come from unsuccessful motions in the Lower House, and from both types in the Lords. There were five motions debated and agreed in the Lords, since in one case two papers were returned to the same Address.<sup>2</sup> Such was the conservatism of their Lordships' House that four of these five debates can be seen to be firmly rooted in the

---

1. Hans., CCXXXIII.1079-1178.

2. Treaties of Guarantee [275] and [275-II], H.C. (1871), LXXII. 449, 555.

early practice. Two of them took place on genuine motions for papers, debated without government opposition, as had been the case in the period before 1859.<sup>1</sup> The third was also agreed without difficulty but Granville objected to the motion, because of the other questions annexed to it, and because, since there was no opposition to the production of papers, debate would have been more convenient after they had been laid.<sup>2</sup> The principle laid down by Peel was still here acknowledged.

Nor did the Ministry always object to papers being laid in Response to an Address rather than by Command. On 22 February, 1872, Stanhope asked if there would be any objection to the production of the American case which was to be submitted to the Geneva tribunal, concluding: "If there be not, I would move for it as an unopposed return." Granville agreed that it would be produced and said: "It will be laid on the Table if my noble friend moves for it."<sup>3</sup> There remains the important debate on Salisbury's motion for a return of Treaties of Guarantee which took place on 6 March, 1871.<sup>4</sup> This Blue Book was certainly of some political value to those groups which held the 'doctrine of non-intervention' but it contained nothing new. Granville defended himself against the attack made by Salisbury but made no objection to the motion.<sup>5</sup> Consequently the fact

---

1. (a) Hens., CCVIII.10-11; (b) ibid., CCXVII.290-301.  
 2. Ibid., CCIV.562-72.                      3. Ibid., CCIX.681-2.  
 4. Ibid., CCIV.1360-80.                      5. Ibid., col. 1375.

that the motion was carried scarcely justifies its being regarded as an instance of Parliamentary pressure. Rather is it similar to that motion of which Peel spoke in 1832, saying "he could not help expressing his satisfaction that the Motion shortly to be put from the chair was of a character so different from the tone of the debate", and that "it pledged the House to no particular line of conduct".<sup>1</sup> In this respect the debate on Guarantees was unlike one on the same subject which occurred in 1872 and which will be discussed in its proper place.<sup>2</sup>

Such were the papers moved for in the traditional manner in the House of Lords. The remaining motions reveal some peculiarities but there is <sup>no</sup> case of a 'formal' motion; that is a motion whose "withdrawal at the end of the debate was foreseen from the beginning".<sup>3</sup> There were four motions in all. One of them was debated and carried in due form, but the papers were laid by Command.<sup>4</sup> This may have been an oversight, since there is evidence in a correspondence which took place between R.E. Welby of the Treasury and Hertslet, Librarian of the Foreign Office, in 1871,<sup>5</sup> that departments were not always certain what the correct procedure was, and had become lax about distinguishing between papers laid by Command and those returned to Act

---

1. Hans., XIII.1148.

2. Infra, p. 120.

3. Temperley and Penson, op.cit., p.xii.

4. Hans., CCV.545-64, resulting in China No.5 (1871) [C.389], H.C.(1871), LXX.125-612.

5. Welby to Hertslet, 27 July 1871; Hertslet to Welby, same date; Welby to Hertslet, 5 Aug.1871; (F.O.83/329).

or Address. Another motion which was carried in the Lords seems never to have been complied with at all, perhaps because it came on very late in the session.<sup>1</sup> There were two opposed motions, one of which was withdrawn when Granville promised that the papers should be laid as soon as it was possible to make them public.<sup>2</sup> On the other occasion, however, Lord Campbell moved for "any consular reports of the steps which the Russian Government are taking to form the maritime and military Arsenals which Clause XIII of the Treaty [of Paris, 1856] had prohibited"<sup>3</sup> in a long speech attacking British policy in relation to the Gortchakov circular. When Granville replied that no such papers existed, Campbell pressed his motion to a division, when it was defeated.<sup>4</sup> It may also be noted that on one occasion, when papers on the Alabama claims were laid, anticipating a notice which had been given to move for them, Lord Stratford de Redcliffe still spoke to his motion when the appointed day arrived, but only in the form of brief 'observations'.<sup>5</sup>

In the House of Commons, during the first Gladstone Ministry, some trace still existed of the old procedure. There was a case of question leading to a motion for an unopposed return.<sup>6</sup> There were two cases of a straight motion for papers being

- |  |                                  |
|--|----------------------------------|
| 1. <u>Hans.</u> , CCXVI.1245-7, 23 June 1873, concerning the ship "Murillo". |                                  |
| 2. <u>Ibid.</u> , CCV.1778.  | 3. <u>Ibid.</u> , CCVI.788.      |
| 4. <u>Ibid.</u> , col.802.   | 5. <u>Ibid.</u> , CXCVI.1227-35. |
| 6. <u>Ibid.</u> , CCIX.869-70.   |                                  |

defeated,<sup>1</sup> and two more being withdrawn when the Government refused to produce the information.<sup>2</sup> On the other hand, there were five formal motions. These related to subjects so diverse as the Treaty of Washington,<sup>3</sup> the Chinese slave trade,<sup>4</sup> the position of Jews in Roumania,<sup>5</sup> and the boundaries of Afghanistan.<sup>6</sup> In each of these cases, the motion was for papers which might well have been genuinely desired by the House, but debate took place on the subject itself and sometimes the papers were not even mentioned. The motions were withdrawn as a matter of course, without any governmental request in the House. Indeed in one case the papers were laid by Command ten days after a motion for them had been debated and withdrawn,<sup>7</sup> and here we can see the changed attitude of the Government to debated addresses. In a case like this, earlier governments would have had no hesitation in accepting the motion and returning the papers to the address.

Since the address procedure had thus become formal in the House of Commons, members began to find ingenious ways of using it to serve their own personal or political ends. There was a motion concerning the property of British subjects lost during the Napoleonic war, for which they had not been com-

---

1. (a) Hans., CCIV.646-58; (b) ibid., CCXIV.440-8.  
 2. (a) Ibid., CXCVII.1779-1801; (b) ibid., CCXIV.771-2.  
 3. Ibid., CCVIII.861-925. 4. Ibid., CCIX.529-48.  
 5. Ibid., CCX.1585-1604. 6. Ibid., CCXV.818-77.  
 7. Ibid., CXCVII.1779-1801. The papers concerned were China No.12 (1869) [4097-XI], H.C.(1868-9), LXIV.285-96.

pensated.<sup>1</sup> The Government spokesman maintained that it was not really an address for papers at all. On another occasion there was a motion for a reprint of the Treaties excluding the Bonaparte family from the throne of France which was refused because it "might be open to misconstruction".<sup>2</sup>

The history of the use of the address procedure between 1839 and 1914 is now clear. From 1839 to 1859 it was constantly used to obtain papers and discussion, without any Ministerial jealousy of this instance of initiative on the part of private members. The second period was transitional. Only then was the address given its full weight as a Parliamentary weapon to be used against the Government, which naturally brought a reaction and caused later governments to discountenance the procedure and look upon the carrying of addresses as defeats.

It may be tentatively suggested that the constitutional background to these changes is as follows: In the first period, the connection of the address procedure with the royal prerogative, deterred governments from interfering with the right of members to approach the Crown in this manner. A writer in 1859 declared that the Foreign Office had "to a certain extent, escaped the constitutionalising process" which had affected all the other departments of government except the armed services.<sup>3</sup>

---

1. Hans., CXCVI.1445-8.

2. Ibid., CCIII.1668-9.

3. Saturday Review, 1859, VIII.62/2.



If this was so, it seems likely that the Foreign Office felt the traditional procedure by address to be more correct than governmental initiative in the matter of papers.

In the second period governments were becoming more independent. The Palmerston Government had to face severe criticism of their foreign policy in both Houses, and consequently the carrying of an address for papers which they did not wish to give was as much a defeat as a vote of censure.

After the Reform Act of 1867 there was a strong government majority and very little chance of an opposed address being carried, so the procedure in its real form fell out of use and the address became simply an opening for debate. Successive governments, based on a democratic franchise, took upon themselves the task of issuing by Command such papers as they considered necessary for the enlightenment of the public.

(c) Amendments to Supply and Substantive Motions.

Information having been obtained from questions, Blue Books, or other sources, various methods were open to members to obtain discussion of questions of foreign policy. The method most frequently used in the period 1868-1874 was that of amendment to the motion for going into Committee of Supply. In 1868 the rule of the House was that "the Committee of Supply and Ways and Means...may be appointed for any day on which the

House shall meet for the despatch of Public Business".<sup>1</sup> Whenever these Committees were to take place, members were free to move any amendment to the question that "the Speaker do leave the Chair" and the normal rules of the Commons as to relevancy were completely disregarded on these occasions. This practice was sanctioned by the Committee on Procedure of 1861.<sup>2</sup> The third recommendation of this Committee was that the discussion on the motion for the weekend adjournment should be prohibited, but as compensation to the private member entered a proviso 'that while the Committee of Supply and of Ways and Means are open, the first Order of the Day on Friday shall be either Supply or Ways and Means and that on that Order being read the motion shall be made "that the Speaker do leave the Chair"'.<sup>3</sup> The views of the Committee were accepted by the House and embodied in the Standing Orders of 3 May, 1861.

Erskine May considered the practice of amendment to the motion for Supply "most inconvenient",<sup>4</sup> because it detracted from that certainty in the arrangement of business which was so desirable if the government was to administer efficiently. Days might pass in which the House would consider the motions of private members, and the government would have made no progress towards obtaining their supply. This defect was

---

1. S.O., 3 May, 1861. 116, C.J., p.185.

2. A. and P. (1861), XI.431.

3. Ibid., p.442.

4. May (8th ed.), p.613.

remedied to some extent in 1872 on the recommendation of the Committee of Procedure of 1871.<sup>1</sup> The Committee suggested that except on Thursdays and Fridays the Speaker should leave the Chair, when the Order for the Committee had been read, without putting the question.<sup>2</sup> The Standing Order embodying this principle also restricted amendments on going into Committee of Supply on Mondays to matters which were relevant to the class of Estimates about to be considered, and further restricted these amendments to the first day on which it was proposed to go into Committee on each class of Estimates.<sup>3</sup>

It may be noted that even these changes did not meet Erskine May's wishes. He said, when giving evidence before the 1878 Committee on Procedure:<sup>4</sup> "I think that opportunities for discussion on going into Committee of Supply have become a great evil and an evil which requires to be corrected and corrected vigorously, in some form or other."<sup>5</sup> He went on to suggest that Friday should be a notice day<sup>6</sup> - maintaining that discussion "could be more effectively carried on, on Notices of Motions than on amendments on going into Committee of Supply because members are often shut out from bringing on their amendments on going into Committee of Supply in consequence of

---

1. A. and P. (1871), IX.1.

2. Ibid., p.3.

3. 127 C.J., p.66. This order was agreed only after a long debate and in face of considerable opposition in the House (Hans., CCIX.1058-99).

4. A. and P. (1878), XVIII.1ff.

5. Ibid., p.26, qu.7.

6. Ibid., p.27, qu.17.

the rule that if the first is negatived all the others are merely reduced to observations, not amendments".<sup>1</sup> This was indeed the case, but the use of this procedure had advantages also, because since the House was sometimes enabled to discuss different topics without being tied to a formal motion, they obtained on these occasions a freedom of discussion usually to be found only in the House of Lords.

The increasing volume of business dealt with by the House of Commons led in a quarter of a century to changes more far-reaching than any Erskine May could have proposed or foreseen. These are fully set out in the new edition of Parliamentary Practice<sup>2</sup> - we need refer to them only briefly. The House found it impossible to deal in detail with the strictly financial aspects of the Estimates, and under the Standing Orders of 1902<sup>3</sup> the Government permitted opposition criticism in the Committee itself on the days allotted to supply, having ensured that the supply would be passed in good time by a system of closures. This full discussion in the Committee caused amendments to the motion that the Speaker leave the Chair to be reduced to negligible proportions.

In the period 1868-1874, the amendment on going into Committee of Supply was freely used by private members on both

- 
1. A. and P. (1878), XVIII.24, qu.19.
  2. May (14th ed.), pp.287-8,690-1.
  3. 157 C.J., pp.629-35.

sides of the House to discuss questions of foreign policy. Apart from the motions for papers moved in this way they were eight in number and included 'full-dress' debates on <sup>the British</sup> ~~our~~ attitude to the Franco-Prussian war,<sup>1</sup> and on international law, in connection with the 'Three Rules' of the Treaty of Washington,<sup>2</sup> Particular questions, such as slavery in Cuba,<sup>3</sup> <sup>British</sup> ~~our~~ policy in West Africa,<sup>4</sup> as well as very general questions such as the policy of non-intervention in the affairs of other states<sup>5</sup> and the submission of treaties to Parliament before ratification<sup>6</sup> were all fully discussed at different times on going into Committee of Supply. It was indeed a very convenient method of raising debate, which was freely open to the private member.

There were four other methods of challenging the Government open to the private member, but one of them, the motion of the holiday adjournment, was not used for the discussion of foreign policy in this period. The other type of adjournment motion, however, which later became an 'urgency' motion, was once used to bring in a discussion of the Belgian neutrality question.<sup>7</sup> The Queen's Speech contained references to foreign policy at the beginning of every session except that of 1870 but whether or not the speech actually referred to such questions, members were at liberty to discuss them during the

---

1. Hans., CCIV.387-455.

3. Ibid., CCX.1550-73.

5. Ibid., CCX.1151-83.

7. Ibid., CCIII.1738-45.

2. Ibid., CCXIV.1963-2055.

4. Ibid., CCVI.1806-23 (counted out).

6. Ibid., CCXIV.448-90.

debate on the Address. Finally, any private member could give notice of a motion on the day allotted to such business (in this period Tuesday) and this method was used for foreign policy three times in this period.<sup>1</sup>

In addition to these opportunities for initiation of debate by private members the Government could always 'give a day' for a vote of censure, and this was the case with Sir Charles Dilke's motion on the Black Sea question.<sup>2</sup>

(d) Foreign Office Vote.

Parliament had opportunities for obtaining information and discussion but in theory the ultimate means of Parliamentary control over the administration lay in voting the estimates, since the Commons had the right to refuse supplies for any purpose which they did not approve.

It has been mentioned in connection with amendments to the motion for Committee of Supply<sup>3</sup> that a practice later developed of criticising policy rather than the estimates themselves, and this practice grew to such an extent that in the 1914 Committee on Public Business, a member complained that the recent discussion on the Foreign Office vote was "very likely all [the time] we will have this year".<sup>4</sup> In the period we have to consider, this practice had not yet begun, although experiments

---

1. Hans., CCIX.319-29; CCXIV.1309-19; CCXVII.52-90.

2. Ibid., CCV.894-976.

3. Supra, p. 30.

4. A. and P. (1914), VII.693, qu.3005.

had been tried earlier in connection with other branches of the Civil Service Estimates which pointed the way to the later development. The first of these took place on 11 June, 1857, when the Secretary to the Treasury, James Wilson, gave notice that he intended to make a general statement in moving the first vote of the Civil Service Estimates. This was already the established practice with regard to the Army and Navy Estimates, but the propriety of introducing it for the Civil Service Estimates was questioned by several members.<sup>1</sup> The next evening when Wilson made his statement he met severe criticism of the course he had pursued.<sup>2</sup> The difficulty arose because with the permission of the House he made a general statement referring to several votes, but when other members rose to speak they were precluded by the rules of the House from referring in detail to votes which were not yet before the Committee.<sup>3</sup> The debate became desultory and as a member said, the House was "proceeding in a very unsatisfactory manner".<sup>4</sup> This experiment was not repeated in 1877 when a similar statement was made on the Civil Service Estimates, not in Committee but on the motion that "the Speaker do leave the Chair".<sup>5</sup> This innovation passed without comment, but three months later when it was proposed to make a similar statement on the education

---

1. Hans., CXLV.1566-8.

3. May (8th ed.), p.627.

5. Ibid., CCXXXIII.651.

2. Ibid., cols.1689-1727.

4. Hans., CXLV.1724.

votes, the Government was compelled, by protests from the House, to postpone it until the House was in Committee.<sup>1</sup> When this was done there was, in fact, neither debate nor opposition to the vote;<sup>2</sup> it therefore appears that the protests were directed against Government appropriation of the motion for the Speaker to leave the Chair when several private members wished to move amendments. None of these experiments were really successful, because they took place under the ordinary procedure, which was not well adapted to general discussions of policy. It was not until the procedure was altered in 1902 that general discussion became possible.

During Gladstone's first administration, therefore, Parliament confined itself to criticising the details of the estimates. The salaries of the Queen's Messengers was a subject frequently discussed;<sup>3</sup> so, also, was Secret Service money.<sup>4</sup> It is notable that the independent Liberal member Peter Rylands was the prime mover in all the attempts at economy which took place during this Parliament, the rest of the House evincing little interest. In 1873 indeed, the Foreign Office Estimates were passed without any amendment or debate.<sup>5</sup>

---

1. Hans., CCXXXV.1047-53.

2. Ibid., cols.1079-84.

3. Ibid., CXCVII.1677 (1869); CCII.394-7 (1870); CCVI.1385-9 (1871).

4. Ibid., CCX.841-8 (1872); CCXI.1543 (1872).

5. Ibid., CCXV.1008.



### Conclusion.

It is, of course, unwise to take too technical a view of Parliamentary procedure. Although it is to **some** extent true that procedure governs the amount of influence which Parliament could exert, it is also partly true that procedural changes merely mirror constitutional development. Procedure is, after all, only a means to an end, an instrument of which Parliament has complete control and which may be altered at will by a simple resolution. A strong government may take any step it pleases to minimise or even abolish Parliamentary influence.

Yet it is possible to describe Parliamentary procedure at any given time and to assess its usefulness for influencing the executive. The procedure for the time being inevitably affects to some extent the character of the debates, and limits Parliament's power of discussing a subject. In addition, even those forms of procedure which appear to be the most technical, and the most divorced from practical politics, often retain some element of reality. In the period under discussion this can be seen particularly in the Address for Papers and even more in the Foreign Office Vote. The constitutional implications of this financial procedure seem quite inapplicable to modern constitutional development - Parliament can turn out a government, but is not likely to starve it out - and yet the

principle was appealed to on occasion. In the course of discussion of the Geneva arbitration, an appeal was made to the House to refuse to vote money to pay any award made against Britain, and again in a debate on our treaty obligations, the principle was reaffirmed that Parliament held the purse strings, and could prevent the country going to war in fulfilment of such an obligation.

Because of these factors the technical details of procedure are of real importance to an assessment of Parliamentary influence and it is clear that, theoretically, procedure was adequate to enable Parliament to influence the executive. The use made of these opportunities in a House dominated by a strong party majority remains to be considered. This state of affairs was something of a new development in 1868, and was ultimately to result in changes in procedure, and it is in this sense that procedure provides a reflection, if belated, of constitutional history.

## Chapter II.

THE INFORMATION AVAILABLE TO PARLIAMENT.  
-----

When the Gladstone Government took office, full and efficient newspaper reporting had become an established feature of English life. Several papers had grown up since the 'fifties as rivals to the Times, and the development of reporting by the telegraphic agencies, particularly Reuter's, enabled the public and Parliament to receive information on foreign affairs in advance of official pronouncements.<sup>1</sup>

During the negotiations with the United States, particularly on the question of the indirect claims, documents published in the American press and transmitted by telegraph to the British press, reached Parliament long before the British Government was ready to give information.<sup>2</sup> The Franco-Prussian war was 'covered' far more efficiently than any previous conflict. Not only in the military, but also in the diplomatic aspects of this question, Parliament received the news first from the papers, in many cases.<sup>3</sup> Particularly remarkable as an example of previous newspaper information is the communication of the Benedetti Treaty to the Times by the Russian Minister in London.<sup>4</sup>

---

1. History of The Times, ii, chs. 4, 13, 14.

2. Infra, pp. 69, 86, 87-9, 94.

3. Infra, pp. 103.

4. History of The Times, ii. 424-8.

Notwithstanding these facts, Parliament would not be content with information from the press. Members were jealous of earlier information being given to, or obtained by, the newspapers, and insisted on having official information as a basis for their debates. Two examples will serve to illustrate this attitude. On June 4, 1869, Lord Stratford de Redcliffe spoke to his Motion for Papers on the negotiations with the United States, explaining that he had "had no desire to provoke a premature or inconvenient discussion...but only to obtain information which the Press already had".<sup>1</sup> Again, on July 25, 1870, Disraeli complained of the delay in the presentation of the promised papers on the Franco-Prussian war, saying, "It seems to me somewhat absurd that the peace of Europe should be broken on a scale so vast...and that Parliament should really have no conception of the causes of such an event".<sup>2</sup> In fact, members had reasonably full and detailed information from the press, but there had been no Blue Book.

The Parliament of 1868-74, then, considered it had a right to official information, and although the Address procedure had become inoperative by this time as a practical means of exercising pressure, yet pressure from members in the course of debate was so strong that, had the government wished to refuse

- 
1. Hans., CXCVI.1227. The papers for which notice of the motion had been given had already been produced by Command on 31 May, as North America No.1(1869).
  2. Hans., CCIII.881-2.

all information, it could not long have survived. The general principles of the Blue Book policy of the Gladstone Government will be considered later;<sup>1</sup> for the moment it may simply be stated that Blue Books were forthcoming on each of the major questions of policy, as the list of papers given in A Century of Diplomatic Blue Books shows.<sup>2</sup>

The practice of the Foreign Office when compiling a Blue Book, however, provided a subtler method of concealing information, since it allowed the frequent publication of extracts from documents without any indication of what kind of material was omitted. The usual form of a motion for papers was for "Copies or Extracts" from a correspondence. On one occasion Gladstone refused to accept a motion which was not so worded.<sup>3</sup> In addition to this use of the extract form, private letters, not being official documents, were never published.

To establish whether Parliament had adequate and accurate information on which to base its judgement, it is therefore necessary to compare the Foreign Office Blue Books with the documents from which they were compiled, and also to study the private correspondence conducted by the Foreign Secretary. For the purpose of estimating the amount of information which was omitted from Blue Books in this period, four major diplomatic

---

1. Infra, pp. 52-60.

2. Temperley and Penson, op.cit., pp.222-50.

3. Hans., CCIV.649-50; cf. Temperley and Penson, op.cit., p.217.

questions which also received considerable Parliamentary attention have been studied.

These were the negotiations with America, including the Treaty of Washington and the Geneva Arbitration; the Franco-Prussian war and the diplomatic issues involved in it, including the question of Belgian neutrality; the Black Sea question, arising from the Gortchakov circular; and the Central Asian question. In addition, some reference will be made to the 'Tornado' case. This was not an issue of any very great importance, and indeed was almost concluded when the Gladstone Government took office, for which reason it falls outside the scope of this thesis. It is valuable, however, as an illustration of almost every aspect of Blue Book policy, and will therefore be incidentally mentioned. Some general principles upon which omissions from Blue Books were made may be deduced from a comparison of these topics.

In the first place it should be noted that telegrams were never published in the form in which they were received. Presumably this was done to safeguard the cypher, for if the cyphered version had been intercepted, publication in the original form would immediately provide the key to it. Occasionally a summary or paraphrase of a telegram appeared in a Blue Book, but more usually only the despatch recording it was published. Since there was often no indication that the information had

41

been previously received by telegraph, this often had the effect of making it appear that the Foreign Office received a given piece of information much later than was actually the case; but it seems unlikely that anyone was misled by this practice.

Apart from this there were several other groups of what may be described as 'routine' omissions. For instance, reports of debates in foreign assemblies and cuttings from foreign newspapers, regularly sent home by ambassadors,<sup>1</sup> were never published except when, as during the Franco-Prussian war, the press was used by both belligerents for governmental announcements affecting European diplomacy.<sup>2</sup>

Another type of omission was information obtained by private enquiry or volunteered by private individuals. Of this the 'Tornado' case is a good example. Many individuals connected with the firms involved sent what information they had concerning the antecedents of the ship and her crew to the Foreign Office, whose attitude was affected thereby to a considerable extent, but very little of this information was published.<sup>3</sup>

- 
1. E.g., Buchanan to Clarendon, No.60, 24 Feb.1869 (F.O.65/870);  
Buchanan to Clarendon, No.66, 2 Mar.1869 (F.O. 65/870);  
Thornton to Clarendon, No.88, 28 Feb.1870 (F.O.5/1331);  
Thornton to Clarendon, No.143, 19 Apr.1869(F.O.5/1329).
  2. Franco-Prussian War No.1 (1870), LXX.26, No.6 incl.  
ibid. p.19, No.29 incl.  
ibid. p.38, No.62 incl.  
Franco-Prussian War No.3 (1870), LXX.2, No.3 incl.  
ibid. p.32, No.32 incl.  
ibid. p.33, No.33 incl.
  3. E.g., Garrett to Stanley, 12 May 1867 (F.O. 72/1295);

Also regularly omitted were actual private letters which passed between ambassadors and members of the Foreign Office, but of course only a few of these appear in the official records. When the information they contained was to be made public, the letters were usually altered and made official.<sup>1</sup>

It was a recognised principle that Parliament had no right to call for the production of the opinions of the Law Officers of the Crown on any subject.<sup>2</sup> Inter-departmental correspondence was also frequently omitted although it was of considerable importance in the 'Tornado' case, and also in the Central Asian question.<sup>3</sup>

The last group of routine omissions included any part of a despatch which could be considered in any way derogatory to a nation or an individual. For instance, Consul Dunlop thought

Playne to F.O., 1 Mar. 1867 (F.O. 72/1293);

Anon. to F.O., 9 May 1867 (F.O. 72/1296);

Holmes to F.O., 5 Mar. 1869 (F.O. 72/1298).

It is scarcely possible to describe as a group the omission of many more letters of good advice from individuals. These were received in connection with every question of foreign policy and described by Tenterden as "fools' rubbish". Tenterden memo., 17 Feb. 1872 (F.O. 5/1394).

1. Hammond to Thornton, 16 Jan. 1869 (F.O. 5/1329).
2. But ministers were permitted to cite them in debate if necessary (May, 14th ed. (1946), pp. 434-5). The only reference given by May for the origin of this principle is to a statement made by Palmerston on 17 Feb. 1865. The reason he gave was that "The Law Officers would be more cautious in expressing an opinion if they knew that it was to be laid before Parliament and the public" (Hans., CLXXVII.354).
3. E.g., I.O. to F.O., 6 July 1869 (F.O. 65/870);  
B. of T. to F.O., 7 May 1867 (F.O. 72/1296);  
AdmY. to F.O., 10 Sept. 1866 (F.O. 72/1289).



the Cadiz police "an ill-conditioned set of ruffians";<sup>1</sup> the Spanish officials on the spot "jealous and touchy";<sup>2</sup> and that the Spanish Government "may not know much about the laws of Spain, and still less about International Law".<sup>3</sup> Sir Edward Thornton was of opinion that "General Schenck certainly did not understand the nature" of Mr. Fish's objections to a British proposal,<sup>4</sup> and on another occasion that "Mr. Fish has made the most of, and even distorted what I said to him".<sup>5</sup> A Russian statesman described the Khan of Bokhara as "little better than a savage", but thought Shere Ali "a more civilised ruler".<sup>6</sup> This group naturally includes the omission of Bismarck's reference to the French as "a band of robbers" in the famous Loftus despatch of 13 July 1870.<sup>7</sup>

The omission of these classes of information was for the most part not of any very great importance. Press and Parliamentary reports from foreign countries were in any case available to the public through the newspapers. Members of either House of Parliament probably had their own views on the characters of diplomatic personalities, or the best epithets to

- 
1. Dunlop to Crampton, No.8, 13 Feb.1867, in Crampton to Stanley, No.49, 15 Feb.1867 (F.O.72/1292).
  2. Dunlop to Stanley, No.8, 20 Jan.1867 (F.O.72/1291).
  3. Dunlop to Crampton, No.29, 31 Dec.1866, in Dunlop to Stanley, No.65, same date (F.O.72/1291).
  4. Thornton to Granville, No.296, Confidential, 13 May 1872 (F.O.5/1399).
  5. Thornton to Granville, No.309, 17 May 1872 (F.O.5/1399).
  6. Buchanan to Clarendon, No.104, Confidential, 2 Mar.1870 (F.O.65/872).
  7. Loftus to Granville, No.27, Confidential, 13 July 1870 (F.O.64/688).

describe the policies of foreign nations. Information obtained by the Foreign Office from individuals was only of real importance on the 'Tornado' affair, which was a very minor matter. The inter-departmental correspondence was the only category whose omission was of significance.

Probably this information was withheld because it was necessary for the Foreign Office to take responsibility in these matters even when they had received advice or assistance from other departments. The most important instance of the suppression of this type of information, however, was in the case of the Central Asian question, where the India Office was concerned. Since that Office was notoriously secretive about its proceedings, the principle of withholding inter-departmental correspondence may not have had a general application. Whether or not this was the case, the effect of the omissions in this instance was to conceal how much the British Government were doing to try to keep things quiet on the frontiers of India, and to prevent trouble with Russia in that area.

It may be assumed that the decision to make these 'routine' omissions did not have to be taken at a very high level in the Foreign Office hierarchy, but omissions of greater significance sometimes occurred. In the first place opinions on, or reports of the policies of foreign governments were not generally published. For instance, Lord Bloomfield sent home his views

on Count Beust's policy since his appointment as foreign minister, suggesting that he had reversed the policy of his predecessors and desired "a connection with France in preference to any other country".<sup>1</sup> On 10 July, 1870, Granville wrote that he believed "the French Government are determined to have an immediate solution of the [Hohenzollern] question... and it would be useless to attempt to influence them" in the direction of waiting for a meeting of the Cortes.<sup>2</sup> Shortly before the despatch of the Gortchakov circular Granville told the Turkish ambassador in London that he "was inclined to believe that the Porte need not now feel any unusual suspicion of any designs on the part of the Cabinet of St. Petersburg hostile to the independence or integrity of the Turkish Empire". This statement was omitted from the Blue Book, and as it happened Granville was wrong, but as he had pointed out "it was impossible for Her Majesty's Government to answer for the possible views of any Foreign Power".<sup>3</sup> This was the reason for this class of omissions, as was clearly stated by Gladstone in the House of Commons on 20 February, 1871. Lord John Manners asked why the despatches referred to by Sir Andrew Buchanan on page 13 of the Blue Book on the Black Sea question had not been included in that volume. These referred to Buchanan's

- 
1. Bloomfield to Granville, No.27, Secret and Confidential, 20 July 1870 (F.O. 7/767).
  2. Granville to Loftus, No.9, 11 July 1870 (F.O.64/681).
  3. Granville to Elliot, No.207, 6 Oct.1870 (F.O.78/2120).

opinion "that a proposal on the part of Russia for the revision of the Treaty (of Paris) would not be long delayed". Gladstone replied that they were confidential despatches "expressive of the surmises and anticipations of Sir Andrew Buchanan, and we do not think it would be desirable to produce them".<sup>1</sup> Similarly, it was considered inexpedient to publish despatches which referred to the internal difficulties of a foreign government, such as one which described the party influences which might induce Italy to join France in the war against Prussia.<sup>2</sup>

It sometimes happened that papers were withheld as the result of a direct request from a foreign government. This was the case with the negotiation of the Treaty of Washington. In answer to an enquiry, the Commissioners reported to Granville that "it was determined at the first conference that no detailed account of the proceedings of the High Commission should be given in the Protocols which must be submitted to the Senate of the United States at the close of the negotiations, together with any Treaty which may be concluded".<sup>3</sup> Opinion in the Foreign Office was that there would be "a frightful row" in Parliament about the meagreness of these protocols,<sup>4</sup> but the

---

1. Hans., CCIV.494-5.

2. Paget to Granville, No.52, 1 Aug.1870 (F.O.45/165).

3. Commissioners to Granville, Secret, 4 Mar.1871 (F.O.5/1300).

4. Minute by Hammond on Protocol III enclosed in Commissioners to Granville, No.14, 8 Mar.1871 (F.O.5/1300).

Commissioners maintained their attitude.<sup>1</sup> Similarly, Prince Gortchakov dwelt a great deal on the essentially confidential and private nature of the communications that had passed "between Clarendon and himself on the subject of Central Asia",<sup>2</sup> with the result that, although ultimately most of the despatches were published, this did not take place until more than three years had passed.<sup>3</sup>

In cases where the government required considerable freedom of action, documents were often necessarily omitted. On the one hand, in the course of the delicate negotiations which preceded any important international transaction, documents were often produced which it was impossible, for reasons of policy, to publish. The negotiations concerning the Black Sea question are a good example of this.

Despatches to and from each country connected with the negotiation were omitted from the Blue Books, and in almost every case they represented attempts to obtain support in the forthcoming conference, or allies should it not be successful. In the course of these exchanges an attempt was made to obtain the accession of Prussia to the Tripartite Treaty, but was unsuccessful and remained secret.<sup>4</sup> Similarly the French tried

- 
1. Infra, p. 53.
  2. Humboldt to Clarendon, No.68, Confidential, 2 June 1869 (F.O. 65/870).
  3. Central Asia No.2 (1873), [C.704], H.C.(1870), LXXV.713ff.
  4. Franville to Odo Russell, No.35, Most Confidential, 7 Dec.1870 (F.O.64/737);

to obtain a close understanding with England, which fell through because England refused to recognise the provisional government.<sup>1</sup>

On the other hand, when a negotiation was in progress, it was inevitable that there should be a certain amount of confidential discussion of expedients between diplomatists, often of a very vague character. Even when these conversations were embodied in a written form, they were not suitable for publication. There was, for instance, Lord Augustus Loftus' plan of trying to prevent any action being taken by France or Prussia in the Hohenzollern affair before the Spanish Cortes met, so that it might be possible to arrange for an adverse vote, or the submission of a new candidate, in the hope that this would remove any pretext for war.<sup>2</sup>

Omissions of this nature occurred even more frequently in the case of the American negotiations. When the difficulty over the indirect claims arose, General Schenck, the American Minister to London, frequently discussed the situation with Granville in an unofficial manner and without instructions,<sup>3</sup>

---

Granville to Elliot, No.277, Confidential, 17 Dec.1870 (F.O. 78/2120);

Elliot to Granville, No.369, 20 Dec.1870 (F.O.78/2126);

Granville to Elliot, No.282, 24 Dec.1870 (F.O.78/2120).

1. Lyons to Granville, No.7, Confidential, 3.Jan.1871 (F.O. 27/1854);

Granville to Lyons, No.66, 20 Jan.1871 (F.O.27/1850).

2. Granville to Loftus, No.6, 10 July 1870 (F.O.64/681);

Bloomfield to Granville, No.5, Confidential, 11 July 1870 (F.O.7/767).

3. Granville to Thornton, No.65, Most Confidential, 16 Feb.1872 (F.O.5/1394);

Tanterden to Granville, tel., Private, 15 Apr.1872 (F.O. 5/1396).

and indeed carried this practice to such lengths that Granville protested against it.<sup>1</sup> Thornton, too, had frequent 'confidential' conversations with Fish, which reached a stage where the Foreign Office feared they might become dangerous and Hammond wrote to Granville: "I fear that unless you put a peremptory stop to Thornton's discussing expedients with Fish, the latter will be encouraged to hope that he may still find a way of escape or at all events go on writing the matter out indefinitely till the 15 of June" (the date fixed for the presentation of counter cases to the Tribunal of Arbitration at Geneva).<sup>2</sup> The American Secretary, however, very much preferred this mode of communication and made it very difficult for Thornton to obtain information which he could call official, as he explained: "He [Fish] has always expressed his wish that foreign ministers should visit him at the State Department only once a week - on Thursday, so that unless I can make a pretext for going there on some other day, I have but few opportunities of speaking to him at his Office. At his own house and elsewhere, I meet him often enough, but on these occasions his remarks must be considered, according to his theory, as confidential and in no way binding."<sup>3</sup> Clearly, unofficial information could be a handicap

- 
1. Granville to Thornton, No.181, Confidential, 7 May 1872 (F.O. 5/1398).
  2. Hammond memo., 27 Apr.1872 (F.O.5/1397).
  3. Thornton to Granville, No.232, Confidential, 16 Apr.1872 (F.O.5/1397).

to the Foreign Office for information so obtained could not be published and a foreign government which wished to procrastinate could not be pinned down. At other times, of course, it could be a very useful weapon.

The desire for greater freedom of action can also be seen in the other large group of omissions from Blue Books which occurred in this administration. The negotiations which led to the signing of the Treaty of Washington were opened by a secret mission undertaken by Sir John Rose, a Canadian banker. The initial scheme, drawn up by Tenterden, exists in the form of a confidential print, dated November 21, 1870, and states that relations are "unsatisfactory" at a time "when England stands on the verge of a Russian war"; yet "any direct approach for the purpose of dealing with the Alabama claims... is open to the objection that it might be looked upon as a surrender of the English case and a bid for securing American neutrality in the event of a Russian war".<sup>1</sup> Another print gives Sir John Rose's comments on this draft and agrees that "It is important to prevent another failure in negotiations".<sup>2</sup> Thus because Britain needed some flexibility in the machinery of negotiation, but also because the government feared the responsibility of initiation with the prospect of another

---

1. Tenterden memo., 21 Nov. 1870 (F.O.5/1331).

2. Rose memo., 5 Dec. 1870 (F.O.5/1331).



rebuff as had happened in the case of the Clarendon-Johnson Treaty, Sir John Rose set out in January 1871. His instructions stated that Her Majesty's Government were "very desirous of obtaining a correct insight into the state of public feeling in the United States towards this country generally and more specifically with regard to the questions which are still pending between the two countries", in regard to which "Her Majesty's Government would gladly find means of removing any causes of difference...and you will not go beyond their intentions if, though professing to speak only your own private sentiments, you freely express your conviction that any fair or reasonable opening which the United States should afford, would be readily met in a corresponding spirit by the government of Her Majesty".<sup>1</sup> By 3 February, 1871, the arrangement was complete and passed into official channels, but throughout the proceeding Sir John had been treated as an envoy by the United States Government.

All the information given to the public concerning this negotiation was contained in four notes which passed between the British Ambassador, Sir Edward Thornton, and the American Secretary Hamilton Fish.<sup>2</sup> These notes were written strictly for publication and were worked out after the negotiation was

---

1. Granville to Rose, No.1, Confidential, 19 Dec.1870 (F.O. 5/1298).

2. North America No.1 (1871), [C.262], H.C.(1871), LXX.3-5.

concluded. Thornton even went so far as to predate them, on his own responsibility, since he hoped that the negotiation would thereby be speeded up.<sup>1</sup> The result of these manoeuvres was that the notes bore no relation to the negotiations which had taken place, but were simply a summary of the conclusions reached.

On the whole the Ministry felt it incumbent upon them to produce information. When important issues arose they were sensitive to the demands of Parliament and the country. At the outbreak of the Franco-Prussian war, Lyons wrote that "Above all things we must try to keep as much as possible out of Blue Books",<sup>2</sup> but Granville replied: "Blue Book is absolutely necessary, and promised - and the public will be impatient of delay - Please look over our correspondence so as to be prepared when a proof arrives for your observations. Use your own discretion as to consulting Gramont but don't let him object to anything that may be material."<sup>3</sup> In the event very little was omitted from this first Blue Book on the Franco-

- 
1. Thornton to Granville, No.52, 6 Feb.1871 (F.O.5/1297). When it became necessary to produce the Blue Book, Hammond, always concerned with constitutional propriety, wrote to Granville: "The cooking of dates between Thornton and Fish will, I fear, give occasion for much comment by ingenious hole-pickers; for Jan'y. 26 Thornton says he acted on instructions which were only sent on Feb'y.1." Hammond therefore suggested a despatch to cover the situation which became No.2 of the Blue Book.
  2. Newton, Life of Lord Lyons, i.300.
  3. Granville to Lyons, 17 July 1870 (F.O.362/4); Pte. Granville Papers.

Prussian war,<sup>1</sup> and somewhat to Lyons' surprise, the French Government did not object to it.<sup>2</sup> The second Blue Book on this subject and the one on the Benedetti Treaty were laid before the recess, and as early as October 1870 the third was printing. Hammond made the selection, "throwing out all the fighting and trash, and keeping to the political only".<sup>3</sup> It was obviously intended to inform Parliament as soon as it met, since he went on to say that "the papers must be hastened" if there were any idea of an autumn session.

In the course of the American negotiations, the British Government were placed in some difficulty by the attitude of the United States Government which was alternately indiscreet and over-secretive. When it became necessary to compile a Blue Book on the Washington Conference the British Government were somewhat disturbed to find that the United States Commissioners adhered to their first intention not to publish anything except the Protocols.<sup>4</sup> Hammond declared that "it would be an insult to Parliament" to publish the Protocols alone, and finally some modifications were agreed to by the United States with the result that the final Protocols contained a 'statement' or summary of the negotiations.<sup>5</sup>

- 
1. Franco-Prussian War No.1 (1870), [C.167], H.C.(1870), LXX.17-100.
  2. Lyons to Granville, Private, 29 July 1870 (G.&D. 29/85).
  3. Hammond to Granville, Private, 17 Oct.1870 (G.&D. 29/104).
  4. V. supra, p. 47.
  5. North America No.3 (1872), [C.346], H.C.(1871), LXX.34-41.

This recognition of the necessity of giving adequate information was modified by the practice of leaving out the different types of material which have been mentioned, and also on one or two occasions by questions of policy. The first Blue Book on the Alabama question, for instance, contains as its first entry a despatch from Stanley to Thornton of 15 February, 1868.<sup>1</sup> Considerable correspondence took place in the Foreign Office, concerning the publication of the despatch, since it recorded a conversation with the American Ambassador Adams, who had not completely fulfilled the instructions given by the American Secretary in the despatch which he communicated. Hammond wished to suppress the despatch since it seemed to imply that Adams had not fulfilled his instructions, but Abbott,<sup>2</sup> Clarendon, and Stanley agreed that consideration for his position should give way to the question of policy since the passages of the despatch which had not been communicated (by comparison with papers published

- 
1. North America No. 1 (1869), [4144], H.C. (1868-9), LXIII.739.
  2. Charles Stuart Aubrey Abbott entered the Foreign Office as a clerk in 1854. He was précis-writer to Lord Stanley from 1866-8 and during that time was in attendance on the Royal Commission on Neutrality Laws and served as secretary to the Royal Commission on Naturalisation. He succeeded to the title of Baron Tenterden on 10 April, 1870, and was subsequently secretary to the High Commission at Washington and British Agent at the Geneva tribunal. He became Permanent Undersecretary for Foreign Affairs on 10 October, 1873. (Foreign Office List, 1882, p.

in the United States) contained a very strong demand for indemnification of individual citizens as compensation for the national wrong inflicted by our behaviour during the war.<sup>1</sup>

Abbott insisted it should be made clear that because of the non-communication of the extract Stanley could not appreciate the position which Mr. Seward had taken up.

Secondly the well-established practice of consulting foreign governments before laying papers could be used to advantage by the British Government when necessary. Having prepared the Blue Book on the Black Sea question, omitting considerable quantities of material of a vague character which had been suggested at one time or another in the course of the negotiations, Granville telegraphed to Bloomfield: "In answer to a possible charge of cooking the papers, I wish to be able to say that I have omitted nothing but what you were of opinion ought to be omitted. Inform me if you think any are omitted which ought to be retained."<sup>2</sup> This Blue Book was the only one to be violently attacked in Parliament, because of the use of extract form. The attacks were possible because the index had not been altered to suit the omissions from the despatches.<sup>3</sup>

- 
1. Abbott memo., 22 May 1869 (F.O.5/1330);  
Hammond to Clarendon, 23 May 1869 (F.O.5/1330);  
Clarendon to Hammond, 23 May 1869 (F.O.5/1330);  
Abbott memo., 24 May 1869 (F.O.5/1330).
  2. Granville to Bloomfield, 30 Jan. 1871 (F.O.362/2); Pte. Granville Papers.
  3. Temperley and Penson, op.cit., p.218.

A note by Granville which seems to be the draft of a Parliamentary answer is in the Gladstone Papers, dated 30 March, 1871, the day of the debate. This explains that the Protocols of the Conference "give only a faint idea of the difficulties of the negotiation. It is not usual to produce the correspondence of a negotiation which is successful. Otherwise a mass of papers would show how difficult it was to come to an exact agreement upon the most important points." On the charge of "garbling papers" Granville wrote: "None of the Turkish and Austrian correspondence was omitted from the Blue Book excepting after communication with our Ambassadors at Vienna and Constantinople, and after the expressed opinion of the Austrian and Turkish Ambassadors here in favour of the omission."<sup>1</sup> In the event this statement was not used in the debate, the details of which will be discussed later, but it seems that consultation with foreign governments was in this case, at least partly, a pretext. It was scarcely necessary since the Houses were almost always willing to accept the statement that papers were 'confidential'.

The use of private correspondence naturally precluded any possibility of presentation to Parliament. This correspondence falls into two main groups, that of the Foreign Secretary with British ambassadors abroad and that of the Foreign Secretary

---

1. B.M., Add.MS 44168, fos.87-89.

with ambassadors in London. The former class seems to have had, as its chief purpose, the maintenance of closer relations between the Secretary of State and British representatives abroad than was possible through the formal medium of despatches. Clarendon and Granville carried on an extensive correspondence with ambassadors, but since this was by 1868 part of the normal routine, these letters do not usually add very much to the information which can be derived from the official correspondence.

Occasionally, however, the private letter could be very useful, and Clarendon used this method for the delicate disarmament negotiations which preceded the Franco-Prussian war.<sup>1</sup> The French wished to make these negotiations public in order to discredit Prussia, but Clarendon insisted that secrecy was more likely to get results. The long-term effect of the use of private letters was that when Granville succeeded Clarendon in office there was no means whereby he could have any official knowledge of what had passed,<sup>2</sup> and therefore no reason why the negotiations should have reached the light of day, even if Clarendon had been succeeded by a secretary who wished to

---

1. Newton, Life of Lord Lyons, i, ch.7.

2. On 19 July 1870 Granville wrote to Lyons: "I remember Clarendon saying something to me about the subject" (disarmament). "The less I know about it the better, further than I know Clarendon was always looking out for opportunities to promote disarmament." (F.O.362/4; Pte. Granville Papers).

discredit him by publication.

Correspondence between the Foreign Secretary and ambassadors resident in London usually concerned the details of some part of a negotiation. This was especially the case with the Black Sea question where the details of what was to be done at the Conference were arranged beforehand in private correspondence between Granville and Brunnow.<sup>1</sup>

On the whole, it cannot be said that the omissions from Blue Books, or the use of private papers, misled Parliament in any vital particular. Their general tendency was to conceal the difficulties of negotiation, and thus put the Ministry in a worse light than might otherwise have been the case. The omission of the general despatches, those which dealt broadly with the policy or attitude of foreign governments, was not such as to mislead anyone genuinely interested in foreign affairs, since these factors could almost always be deduced from the course of events. For instance, diplomatic speculation as to whether there was an alliance between Russia and Prussia, giving rise to the Gortchakov circular, was omitted from the Blue Book, yet the idea was freely canvassed in both Houses.

The debate on the Black Sea question clearly shows that the power of omission which the government possessed was a

---

1. Granville to Brunnow, (G. & D. 29/115; Pte. Granville Papers); Brunnow to Granville, (G. & D. 29/98; Pte. Granville Papers).



weapon easily turned against the user. Sir Charles Dilke criticised the extensive use of extract form, but the examples he gave in the House, and the deductions made from them, were erroneous and unfair to the government. For instance, referring to an "extract five lines long", indexed as "rumours and opinions at St. Petersburg", Dilke asserted that the government were afraid to print Buchanan's views on "what was said or thought in Russia". He went on to say: "I can tell the House what was the opinion at St. Petersburg, and that was that England had agreed to a Conference in order that it might attempt to save its honour by a farcical formality."<sup>1</sup> The despatch actually read: "The first impression apparent in Society here is not favourable to the step which has been taken, and people talk freely of Prince Gortchakoff's having been indiscreet and clumsy in his treatment of the question." Dilke's reference to the "ridiculous abortion", No.101 of the Blue Book, was equally astray.<sup>2</sup> The seconder of the motion, S.A. Beaumont, suggested two expedients which the government should have tried, namely to obtain some equivalent to the neutralisation satisfactory to Turkey; or to obtain the accession of Prussia to the Tripartite Treaty.<sup>3</sup> Attempts had been made

---

1. Hans., CCV.899.

2. Ibid., 911. As the Blue Book extract indicated, Austria in fact refused to encourage unofficial requests for help from the Porte. Bloomfield to Granville, No.203, Confidential, 24 Nov.1870; and No.219, Confidential, 4 Dec.1870 (F.O.7/769).

3. Hans., CCV.916-8.

to obtain both these objects, but they had failed and were therefore excluded from the Blue Book. Having once omitted these pieces of information, however, the Government could not defend themselves, and so were placed in a false position.

The position of Parliament was that, as a rule, they knew very little about the genesis of a diplomatic transaction, and very little about the influences which moulded its course, but they did have a reasonably full and accurate outline of the decisions actually taken from time to time.

## Chapter III.

THE POSSIBILITY OF INFLUENCE THROUGH DEBATES.

On the whole it cannot be maintained that Parliament was precluded from exercising an influence on the conduct of foreign policy by the insufficiency of Blue Book information. The real limiting factor was that of time. By 1868 two general principles had been evolved concerning the stage of a diplomatic transaction before which a Blue Book should not be produced. Firstly it was the practice not to lay papers describing the course of a negotiation until it had been concluded. Secondly, a treaty was not laid until it had been ratified. The Foreign Office had these rules at its disposal whenever it seemed advisable to prevent Parliamentary interference.

If the rules had been strictly observed, the result in every case would have been the postponement of informed debate until Parliament had been presented with a fait accompli. Parliament's influence over the executive in such internal matters, however, was still strong enough to prevent this being invariably the case.

The probable consequences of rigid adherence to the rules were illustrated by the collapse of the debate on Sir Charles Dilke's motion on the Black Sea question. Two Blue Books were produced. The first, containing the correspondence

preceding the meeting of the London Conference, was laid on the first day of the session (10 February, 1871).<sup>1</sup> The conference was then in progress and concluded on 14 March, the Treaty having been signed the previous day. On the 16th a Blue Book was laid containing the protocols of the conference, and although the Treaty itself, not having been ratified, was not produced, the text of it was embodied in the protocols and available to members.<sup>2</sup>

Sir Charles Dilke's motion was debated on the 30th of March. Although, in form, the motion was an attack on the action taken by the Government in November 1870,<sup>3</sup> Dilke's speech made it clear that he considered the result a foregone conclusion, the conference having once been agreed to. The motion therefore really represents an attack on all the policy up to the signing of the new treaty, which was of comparatively recent date. Yet Dilke's motion received very little support, the general feeling being that there was no chance of altering the result, and that the whole matter should be allowed to drop as quickly and quietly as possible. Granville's memorandum,

- 
1. Correspondence respecting Treaty of Paris (1856) [C.245], H.C.(1871), LXXII.1-114.
  2. Protocols of London Conferences [C.267], H.C.(1871), LXXII.119-164.
  3. "That this House regrets that Her Majesty's Government accepted a proposition for the assembling of a Conference under the circumstances disclosed in the Papers relating to Prince Gortchakof's Circular note, which have been laid before Parliament" (Hans., CCV.918).

written on the day of the debate, was not used.<sup>1</sup> The Government had no need to defend the Blue Books, since the House took no notice of Dilke's attack. Gladstone did not find it necessary to take any part and left Enfield to reply for the Government.

It is always a little difficult to judge from Hansard what the 'feeling' of the House in fact was. This debate is perhaps not quite such a clear illustration of the Commons' attitude to ex post facto criticism as might appear at first sight. Various factors contributed to the resounding defeat of the motion, which were actually unrelated to it. In the first place, in order to bring on the motion, it had been necessary to postpone the Licensing Bill and other legislation which members had much at heart. Secondly the mover's speech did not seem to strike the right note, and Sir Robert Peel particularly attacked his frequent use of long quotations from Russian newspapers.<sup>2</sup> Finally, as Sir Charles Dilke himself admitted,<sup>3</sup> he made an error of judgement in attempting to withdraw his motion. The House was incensed at this trifling with a motion which had been brought forward as a vote of censure. Dilke was attacked from all sides, and Bernal Osborne seems to

---

1. Cf. supra, p. 56.

2. Hans., CCV.953.

3. Cf. S. Gwynne and G. M. Tuckwell, Life of Sir Charles Dilke, i. 115-22: "I ought to have divided, even if I had been in a minority of one, for the proposal to withdraw my motion brought a hornet's nest about my ears, and was a parliamentary mistake."

have expressed the feeling of the House when he declared: "I have never been called on to come down and give a vote under a greater sham, or upon a greater pretence than I have been called upon on this occasion... Why have we been called down here on the Eve of the Easter holidays to preside at a dead horse being flogged?"<sup>1</sup>

It is somewhat difficult to determine how much of the opposition to the motion arose from a feeling of exasperation arising from one or other of these three factors, yet it seems likely that, had the House felt any real interest in the subject, the errors made by Dilke would not have prevented the motion receiving reasonable consideration. However that may be, the result for the Foreign Office was the same. Two days after the debate, Granville wrote to Lyons: "Our foreign office debates have ended well for us. The Speaker wrote to me that he never remembered such a storm of scorn and contempt as that in which Dilke's motion was snuffed out."<sup>2</sup>

---

1. Hans., CCV.973-4.

2. Granville to Lyons, 1 Apr. 1871 (F.O.362/2, Pte. Granville Papers). Cf. Speaker Denison to Granville, 31 March 1871 (G. and D. 29/75): "You will hardly make out by the newspaper reports how signal was the defeat of Sir C. Dilke last night. The noise was just upon a par with the presumption of the mover. The thing ~~ended~~ under a storm of scorn and contempt wh. I have never seen equalled.

"I had a slight hand in this. Disraeli came by my chair at 11 and I said, Cannot you help me to bring this to an end. He said - We were all brought here to hear a speech from Mr. Otway. I said - But Mr. Otway tells me he has such a bad headache that he cannot speak tonight. Then why should we not finish at once with Ld. Enfield's speech said Disraeli - I don't wish to speak unless Mr. Gladstone makes it necessary.

"When Enfield sat down, who spoke well and shortly, Otway

It seems probable that a similar impatience would have been the normal result of debate in any case where the issue was, in fact, closed, and Parliamentary speeches could no longer have any effect. But very few issues were so sharply defined as the Black Sea question. The general questions of British policy towards Turkey and Russia were not in dispute, the point at issue being simply the neutralisation of the Black Sea. Indeed, in the Foreign Office view, the question was not even as broad as that, but was concerned merely with the form in which the issue had been raised.

The strict rule of laying papers only after the conclusion of a negotiation was adhered to in only one other case, which was quite different. This was in connection with the Central Asian question, where general questions of policy had been raised and left open. The Granville-Gortchakov negotiations on Central Asia concluded with agreement on 5 February, 1873, and the Blue Book was laid the next day.<sup>1</sup> Thereafter, a few questions were asked in the Commons on points of detail, and a second Blue Book was laid on 10 March, including all the

---

moved the adjournment. The House wd. not hear of it. Then Dilke wanted to back out, down came Osborne on his back, his motion was negatived without a Division, under such [a] storm of scorn and contempt as he won't get over very soon.

"The Quicksilver of the Foreign Office had been rising steadily through the evening and now stands at Set Fair."

1. Central Asia No. 1 (1873) [C.699], H.C.(1873), LXXV.693-712.

previous correspondence from 1868-1873.<sup>1</sup> Even then, no debate took place until 22 April, presumably because it was necessary for E.B. Eastwick to give notice of his motion for a private members' night. In this respect, there was likely to be a greater delay before debate took place if the negotiation had been generally satisfactory to the House than if it had not, for in the latter case, notice would have been given of a vote of censure, which would always come on earlier than a private member's motion moved according to the ordinary rules.<sup>2</sup>

The lapse of time in this case had no adverse effect on the interest of the subject, and a long debate took place on general questions concerning the North-West Frontier, and British relations with Russia in Central Asia.<sup>3</sup> In general, members approved in outline the policy of the Government, and the effect of such a debate must have been to strengthen the hand of a government engaged on the continuation of such a

---

1. Central Asia No.2 (1873) [C.704], H.C.(1873), LXXV.713ff.

It seems that this was laid in response to Parliamentary request, since on 14 February Enfield explained that certain papers asked for by Dilke "would form part of the Papers relating to the Question of the hon. Member for Penrhyn (Mr. Eastwick)" (Hans., CCXIV.439), but I have been unable to discover any question or motion to which this statement could refer.

2. This was the usual practice, but in 1872 Gladstone claimed some discretion in the matter and refused "to be bound...to the doctrine that every Motion to be made in this House which the Government may regard as involving a Vote of Censure is therefore to receive precedence of all other business" (Hans., CCXI.1282).

3. Ibid., CCXV.818-77.



policy.<sup>1</sup>

The more usual practice of the Foreign Office was to lay Blue Books at stages of a negotiation, as in the case of the long negotiations with the United States, and the rapidly-moving, concentrated negotiations arising from the Franco-Prussian war. In many cases, the stages at which Blue Books were laid were not conclusive, and Parliament was then in a better position to exert influence on the next steps to be taken.

The Blue Books on the Franco-Prussian war are not good examples of this practice of laying by stages. Events moved too quickly, and the first Blue Books were out of date before they reached the hands of members. The negotiation of the Washington Treaty, and the events arising from it, <sup>on the other hand,</sup> resembled in many cases a series of separate negotiations.

The first two Blue Books in this period, North America No. 1 of 1869<sup>2</sup> and North America No. 1 of 1870,<sup>3</sup> covered the two unsuccessful attempts at reaching agreement on the questions arising from the civil war, made by Lord Clarendon and the

1. The fact that the House was satisfied with policy in Central Asia can be seen from a comparison of this debate with one which took place on 9 July, 1869 (Hans., CXCVII.1544-82). Both were opened by the same member with an address for papers. Then the same members spoke in the same order (although a few more took part at the end of the debate in 1873 than in 1869). The speeches were very similar, too; in 1873 Graht Duff, Under-Secretary for India, even quoted about 400 words from the speech he had made in 1869.
2. [4144] H.C.(1868-9), LXIII.735-96.
3. [C.22] H.C.(1870), LXIX.439-62.

American Minister in London, Reverdy Johnson. The failure of the negotiations in each case caused public opinion to become more embittered than it had been before the attempt was made. As a result of this, both Houses refrained from debating the issues involved, at least partly at the request of the Government, in order to allow tempers to calm.

The negotiations conducted by Sir John Rose, which resulted in the appointment of Commissioners to agree to a treaty prescribing methods for reaching a settlement of the questions at issue between the two countries, took place during recess in 1870. When Parliament met on 10 February, 1871, they were informed that this agreement had been reached, and the Thornton-Fish correspondence was laid on 23 February.<sup>1</sup> Thereafter, presumably influenced by the earlier failures, the Government refused to allow discussion in Parliament. On 20 April, Granville declared bluntly, in answer to a question, that it had been agreed "to keep the negotiations secret until some result - one way or the other - is obtained".<sup>2</sup>

On 8 May, 1871, the treaty was signed at Washington. Next day, the House of Commons was informed of this fact, but no further information was given,<sup>3</sup> and Granville telegraphed to the Commissioners to ask when the United States Government

---

1. North America No. 1(1871) [C.262], H.C.(1871), LXX.1-8.  
 2. Hans., CCV.1382.  
 3. Ibid., CCVI.471.

intended to publish the Treaty.<sup>1</sup> Lord Tenterden, the secretary to the negotiating commission, replied the same day that he had "seen Mr. Fish who says that the U.S. Government will not publish either Treaty or Protocols until after the Senate have come to a conclusion on the subject; but it is possible that when once the treaty is in the hands of the Senators it may get into the newspapers. If it does I will telegraph to your Lordship at once. The substance is pretty well known now but it would not be advisable for you to publish anything officially at present."<sup>2</sup> The British Government therefore continued to refuse information to Parliament,<sup>3</sup> but on 11 May the Treaty was published in the New York Times,<sup>4</sup> and the next day in the British press.<sup>5</sup>

Granville promptly wrote a disapproving despatch, saying that "Her Majesty's Government were scarcely prepared for the premature publication of the Treaty in the 'New York Times' of yesterday, as stated in your telegram received this morning. Her Majesty's Government presume that after the assurance given to you by Mr. Fish that the U.S. Government would not publish the Treaty until after the Senate had come to a conclusion on

- 
1. Granville to Commissioners, Tel. No.105, 9 May 1871 (F.O.5/1299).
  2. Commissioners to Granville, Tel. Private No.1, 9 May 1871, (F.O.5/1304).
  3. Hans., CCVI.620-1,698-701.
  4. De Grey to Granville, Tel.-Private No.3, 11 May 1871 (F.O.5/1304).
  5. Times, 12 May, 5c.

the subject, the publication has not been made with the authority of the government, but it places Her Majesty's Government in a position of no small embarrassment, since they have not received a complete copy of the Articles of the Treaty and are therefore unable to answer the enquiries almost daily made to them in Parliament for information on the subject of its contents. In order to save time, which was represented to be important, Her Majesty's Government were content to receive, in the imperfect shape in which it could be conveyed by telegram, the general purport of the Articles which were to be embodied in the Treaty, but they certainly had expected to have in their possession a textual copy of the Treaty before publicity was given to it in the United States, and, through the American newspapers, in England."<sup>1</sup>

Amongst Granville's private papers is a note from Hammond dated 13 May, 1871, which explains that "the standing rule is that a Treaty cannot be properly presented as such till the ratifications are exchanged - for in point of fact it is not a Treaty till that has been done. We have occasionally, as, specifically, in the case of the late Chinese Convention, and that of the Black Sea, published the articles agreed upon, but there were special considerations in those cases; and similar circumstances apply to the present case; for the Treaty has

---

1. Granville to Commissioners, No.115, 12 May 1871 (F.O.5/1299).

been published in the U.S. and we could not reasonably refuse to publish it here".<sup>1</sup> A Cabinet was held the same day,<sup>2</sup> and whether or not this matter was discussed, Gladstone afterwards informed the Commons that the Treaty would be laid immediately it arrived, without waiting for ratification.<sup>3</sup>

On 19 May, Earl Russell postponed his motion, at the request of the Duke of Richmond, in order to give time for the papers to be laid.<sup>4</sup> Thereupon Salisbury asked whether the Government intended to proceed with ratification before the motion was called, claiming that Gladstone's statement amounted to "a constructive pledge" to await the decision of Parliament. Granville refused to answer this question without notice,<sup>5</sup> and Salisbury repeated it on Monday, the 22nd. Granville then denied that Gladstone's answer could be interpreted as a pledge to accept any decision of the House.

The fact remains that Earl Russell's motion was debated on June 12th before the Treaty was ratified. In form, the

- 
1. Hammond to Granville, 13 May 1871 (G. and D. 29/104), Pte. Granville Papers.
  2. Times, 13 May, 90f.; 15 May, 44f.
  3. Monday, 15 May 1871. It is curious that this Question and Answer are not reported in Hansard. There is a report in the Times, 16 May, 7a, but when Granville quoted Gladstone's statement, it was rather different from the Times report.
  4. Times, 20 May, 6a. There is no indication whether Richmond was acting in the interests of the Opposition or upon a request from the Government.
  5. This incident does not appear in Hansard or the Times, but its history was given in the Lords on the 22nd (Hans., CCVI. 1101-8).

motion was a direction to the Government not to agree to any treaty under which Britain would be judged by rules of international law which had not actually been in force when the 'Alabama' sailed.<sup>1</sup>

There seems little doubt that, in spite of the undoubted right of the Crown to ratify treaties without reference to Parliament, the passing of such a vote would have resulted in the abrogation of the Treaty, had it been supported by both Houses. This power of influencing the executive by a direct vote had been won by Parliament from the Crown. On the other hand, the development of party politics by this time had again removed this power from Parliament and returned it to the hands of the Ministry. The Earl of Derby summed up the situation in the course of the debate in these words: "I apprehend it is almost certain, in the existing state of political parties, that a question of this kind being vital to the existence of a Ministry, and being treated, as this undoubtedly would be, as one of confidence in the House of Commons, not only this

---

1. "That an humble Address be presented to Her Majesty, praying that Her Majesty will be pleased not to sanction or to ratify any convention for the settlement of the Alabama Claims by which Her Majesty will approve of any conditions, terms, or rules by which the arbitrator or arbitrators will be bound other than the law of nations and the municipal law of the United Kingdom existing and in force at the period of the late civil war in the United States when the alleged depredations took place" ( Hans., CCVI.1838).

Treaty but any Treaty would obtain the approval that was asked from that Assembly. The only effect of our Resolution, if carried, would be that it would serve as a protest, but as a protest without result, while the House of Commons would have been compelled to give, at least in appearance, its express approval to an arrangement of which probably the majority of its Members think much as the noble Earl [Russell] does."<sup>1</sup>

Lord Cairns reinforced the conclusion that the motion could not be accepted, on the ground that the form of "full powers" given to the Commissioners made the Treaty already "in honour and honesty, as binding upon the country as if the ratifications had been actually exchanged".<sup>2</sup>

The consequence of these opinions was that although the Lords used the opportunity of the motion to criticise past policy, they were precluded from affecting the future, which at that time appeared to be a simple issue of the ratification or non-ratification of the Treaty. Granville was satisfied with the tone of the debate and telegraphed to Thornton: "Debate in House of Lords last night was long but satisfactory. No serious objection was made by the opposition and the feeling was general that Lord Russell's motion against the ratification of the Treaty with the rules was out of place."<sup>3</sup>

---

1. Hans., CCVI.1855-6.

2. Ibid., col.1882.

3. Granville to Thornton, Tel. No.150, 13 June 1871 (F.O.5/1296).

It was not until 4 August that debate took place in the Commons. Then it may be said to have arisen directly from the last Blue Book, North America No.3, which had been laid on 2 June, containing the Instructions to the Commissioners and the Protocols of the Conference.<sup>1</sup> The motion was for the Correspondence with the Commissioners, which had been omitted as the result of a specific agreement with the United States. The motion itself was firmly opposed by Sir Stafford Northcote and withdrawn at the end of the debate. The motion was, however, an opportunity for general criticism, and of this aspect the mover, Sir Charles Adderley, said he "greatly regretted the delay which had occurred in that House having an opportunity of expressing its opinion on the Washington Treaty. It was, however, better that the House should express an opinion on that Treaty even now, than that it should express no opinion upon it at all. If the House were to take no notice whatever of the late Washington Treaty" it would appear that "the House of Commons had apparently given its perfect satisfaction by total silence".<sup>2</sup> This state of things was avoided, but at that stage in events, the House had no opportunity for

---

1. North America No.3 (1871) [C.346], H.C.(1871), LXX.25-44.

2. Hans., CCVIII.862. Disraeli explained the next session that the opposition had remained silent because "they could not interfere with any effect" and did not wish to indulge in "captious criticisms" (Hans., CCIX.65).



suggesting future lines of action, and immediately afterwards came the adjournment for the summer recess.

When Parliament reassembled in 1872 it was known that the United States had put forward the indirect claims which Britain considered inadmissible. These were claims for damages in respect of the increased premiums on insurance, the prolongation of the war, and the loss of carrying trade, alleged to have been caused by the activities of the 'Alabama'. The 'Cases' drawn up on behalf of both governments had been sent to the Times on 1 January<sup>1</sup> and had been frequently discussed in its columns. By the end of the month public criticism was such that Hammond wrote to Granville: "I am getting anxious about the American business, and I judge from the Papers that the question which at the meeting of Parliament, [the] Government will be expected to answer will be, - what notice ~~you~~ have taken of the exaggerated American demands. Sooner or later you will have to declare that they are beyond the reference to arbitration and you will not go to arbitration on them or submit to an adverse award. It seems to me that the sooner this is done the better, - you will stand clearer with Parliament and the Country, and you will cut from under the Americans any ground for the assumption that by abstaining up to the meeting of the arbitrators from protesting, you had in some way admitted

---

1. Tenterden memo., 1 Jan. 1872 (G. and D. 29/106; Pte. Granville Papers).

that the question might be entertained by them... If the Americans insist then we should at once withdraw from the arbitration and it would be much better to do so at once, than reject an award, if adverse, when made."<sup>1</sup>

Tenterden opposed Hammond's view on the ground that such a declaration at the opening of Parliament would stir up trouble in the United States, where a presidential election was imminent. He feared that anti-British feeling would be magnified into a 'cry' during the election and result in a worsening of Anglo-American relations.<sup>2</sup> He followed up this argument in a letter to Granville the next day, saying: "It will no doubt have occurred to you that if anything is written now the opposition will say that the Government have incurred the imputation of neglecting to take any steps in regard to the American claims until aroused by the newspapers. Whereas if notice is given hereafter through the means of the Arbitration Agent, the Government can say that that was the policy determined upon from the first, when the case was received at Geneva."<sup>3</sup>

Tenterden maintained this view during the next two days, attempting to prevent a diplomatic move, or any suggestion that Britain would withdraw from the arbitration, because in this

- 
1. Hammond to Granville, 30 Jan. 1872 (G. and D. 29/105; Pte. Granville Papers).
  2. Tenterden to Granville, 30 Jan. 1872 (G. and D. 29/106; Pte. Granville Papers).
  3. Ibid., 1 Feb. 1872.

way he thought Britain might put America in the wrong.<sup>1</sup>

It seems therefore that the "friendly communication" of 3 February, 1872,<sup>2</sup> was written as a sop to public opinion. It represents a compromise between the views of Hammond and those of Tenterden, in that it contained a protest against the insertion of the indirect claims into the American case, but no mention of Britain's intentions as to future action.

It is clear that the Government were worried by the widespread criticism of the American action and of the diplomatic situation generally. Particularly they were concerned about the effect this criticism might have on Anglo-American relations. On 4 February, Granville telegraphed to Thornton: "What impression in America has been produced by the outbreak of indignation here at the American case? And what in your opinion will be the result of the protest of which I sent you notice?"<sup>3</sup> Thornton replied: "The general impression here has been that the tone of the press in England and elsewhere in Europe has been inspired by Her Majesty's Government, in order to influence the minds of the Arbitrators with a view to the greatest possible reduction of the amount of damages." As to the "friendly communication" Thornton felt that the "U.S. Government would

---

1. Memos., 1 Feb., 2. Feb., 1872 (G. and D. 29/106).  
 2. North America No. 7 (1872) [C. 545], No. 1, H.C. (1872), LXIX. 655.  
 3. Recorded in Thornton to Granville, No. 60, 4 Feb. 1872 (F.O. 5/1393).

positively refuse to reform its case or enter upon a fresh negotiation. The U.S. arbitrator would be withdrawn, the treaty would be at an end, and there would be great soreness and a bitter feeling against us in this country."<sup>1</sup>

In spite of this, Hammond was still concerned with the Parliamentary position, and pressing for a more determined attitude to satisfy public opinion. With the opening of Parliament only two days away, apparently the Queen's Speech on this point had not yet been decided, for he wrote to Granville on 4 February: "I trust that if the Queen's Speech alludes to the arbitration difficulty, it will do so in more precise and distinct terms than it is alluded to in the note to Schenck... I fear that neither Parliament nor the country will be satisfied with the mere expression of an opinion on the part of Her Majesty's Government that it is not within the province of the Tribunal of arbitration at Geneva to decide upon the claims for indirect losses. As far as I can gather from the newspapers, what is expected of [the] government is that they should distinctly state they will not go on with the arbitration if these preposterous claims are laid before the Tribunal."<sup>2</sup>

**Hammond** failed to carry his point. The Speech from the Throne stated simply that "in the case...submitted on behalf of

- 
1. Thornton to Granville, No.61, 4Feb.1872 (F.O.5/1393).
  2. Hammond to Granville, 4 Feb.1872 (G. and D. 29/105; Pte. Granville Papers).

the United States large claims have been included which are understood on my part not to be within the province of the Arbitrators. On this subject I have caused a friendly communication to be made to the Government of the United States."<sup>1</sup>

The debate on the Address went off quietly enough in the House of Lords, but in the Commons, Disraeli justified all Hammond's fears. He not only attacked the inadequacy of the paragraph,<sup>2</sup> but also took up Tenterden's point about the date of the British note of 3 February.<sup>3</sup> The other speakers in the debate, however, both on 6 February and the next night on the Report of the Address, did not take up these points, but confined themselves to criticism of the Treaty, and to the ratification question. Possibly, this was the result of the reply made by Gladstone to Disraeli's criticisms. His defence was that the despatch of 3 February and the paragraph in the Speech were "adequate to the emergency, in the sense of being adequate to the time at which, the circumstances under which, and the persons by whom, it is offered",<sup>4</sup> and later he said: "I believe that declaration to be adequate for the first word in this matter, but I am far from saying that it will also be adequate for the last word."<sup>5</sup>

Having survived the debate on the Address, the Government

---

1. Hang., CCIX.4.

3. Ibid., cols.68-9.

5. Ibid., col.85.

2. Ibid., col.60.

4. Ibid., col.78.



American case was refused on technical grounds, but the British case was laid as North America No.1 on 15 February, 1872. Meanwhile on the 13th, Lord Redesdale raised a legal point which he thought might offer a way out of the claims difficulty. Granville replied to this because it was not of the same type as the general discussions which it had seemed to be the "unanimous feeling...on both sides of the House, that it would be better not to discuss...in the present state of the negotiations on the subject".<sup>1</sup> Lord Oranmore and Browne then asked for information concerning the British note of 3 February, because in spite of the Lords' agreement to observe reticence the subject had been so freely debated on the Address in the Commons.<sup>2</sup> Granville refused to answer. Then Malmesbury made a few remarks, chiefly criticising the 'amateur' character of the Commissioners, and also objecting to the freedom allowed to the Commons after the Lords had kept silence, and with this the conversation closed.<sup>3</sup>

The same day G. Dixon asked for further papers in the Commons, and Gladstone refused to give them.<sup>4</sup> Except for two discussions between Disraeli and Gladstone, raised by the former in a purely tendentious spirit, as to the exact date of the arrival of the American case in this country,<sup>5</sup> there was no

---

1. Hans., CCIX.280.

3. Ibid., cols.285-7.

5. Ibid., cols.529,654.

2. Ibid., cols.280-4.

4. Ibid., col.294.

further reference to the matter in either House until 22 February when it was agreed that Addresses should be moved for the American case, which had been presented to the Senate on the 13th.<sup>1</sup> The case was laid on 26 February as North America No.2 of 1872.<sup>2</sup>

On 1 March, after twice being questioned on the subject, Gladstone informed the Commons that the American reply to the "friendly communication" was on its way.<sup>3</sup> On the 14th, in answer to a further question, Gladstone denied that it had already been received.<sup>4</sup> The next night he was again questioned and replied that the Cabinet would consider the matter the following day.<sup>5</sup> At the same time he appealed to Peter Rylands to postpone his motion on laying of treaties before ratification because "it would not be possible for that important and difficult question to be so fully discussed as it deserves in the present state of these important negotiations with America, out of which the desire for the discussion had proceeded".<sup>6</sup> The postponement was agreed to, without difficulty since the motion was not really hostile to the Government, Rylands being a Liberal.

On 18 March Malmesbury asked for the production of the American despatch and for a statement of the position of the

---

1. Hans., CCIX.861(H.L.), 869(H.C.).

2. North America No.2(1872) [C.476], H.C.(1872), LXIX.173-330.

3. Hans., CCIX.1220.

4. Ibid., col.1950.

5. Ibid., CCX.49-50.

6. Ibid.



negotiations, but Granville refused information.<sup>1</sup> Gladstone was a little less secretive in the Commons and volunteered the information that the American despatch "does not come up to our view" and "it requires an answer". He refused to produce papers and pleaded for the forbearance of the House.<sup>2</sup>

Next day, however, E. Horsman asked for an assurance that "no proposal shall be submitted by the British Government...to be binding upon this country, until Parliament has had knowledge of the proposal and has had an opportunity of expressing an opinion on it".<sup>3</sup> Gladstone refused to answer without consulting the Cabinet,<sup>4</sup> and the next day refused to entertain the proposal, although he admitted that "Parliament ought to be informed of the spirit, aim, and direction of the policy of the Government".<sup>5</sup> This was sufficiently vague, since the House of Commons knew nothing about the "spirit, aim, and direction" of the Government's policy except that they were trying to find means to maintain the Treaty. That same day, the British reply was sent to General Schenck.<sup>6</sup> It consisted of a long despatch, accompanied by a nineteen-page memorandum, reasserting the British position, but certainly not justifying Horsman's fears that Britain would put forward "new proposals".

On the 22nd, Derby, taking up Gladstone's point, claimed

1. Hans., CCX.105-6.

2. Ibid., cols.127-8.

3. Ibid., col.249.

4. Ibid., cols.249-50.

5. Ibid., col.323-6.

6. North America No.7 (1872) [C 545] No.4, H.C.(1872), LXIX. 659-83.

that although " the details of a negotiation are wisely and necessarily left in the hand of the Government who are conducting it, the general principles on which that negotiation is or ought to be based, are a fair subject of Parliamentary criticism, at the time when alone such criticism can have any practical result".<sup>1</sup> Granville, in reply, claimed that he did not think the Government had been "unduly reticent" and expressed a desire "to discuss this question in the fullest and most complete manner". Nevertheless he again produced the stock excuse that it was "not for the public interest" to go into "a discussion of this sort at the present moment".<sup>2</sup> He did not quite succeed in preventing debate, for some remarks were made as to the manner in which Britain ought to treat the American claims, but these observations were brief and restrained.<sup>3</sup>

Thereafter both Houses were silenced by the advent of the Easter recess, and when they reassembled it had been decided to submit a Countercase, an exchange of notes with General Schenck having established that Britain could do so "without prejudice" to the position she had taken up.<sup>4</sup> When Parliament was informed of this, on 12 April, the strain of enforced silence was beginning to tell, and the Lords were not satisfied

---

1. Hans., CCX.489-90.

2. Ibid., cols.492-3.

3. Ibid., cols.495-501.

4. North America No.3 (1872) [C.505], H.C.(1872), LXIX.331-6.

with a statement which gave no indication as to what was to be done about the indirect claims. Several speakers indicated that the Government should state outright that unless these claims were withdrawn Britain would not proceed with the arbitration.<sup>1</sup> In the Commons, Disraeli confined himself to a request for papers, which Gladstone evaded.<sup>2</sup>

On 15 April, the Countercases were presented at Geneva, and next day the British Countercase was laid before both Houses, with the correspondence which had taken place concerning it, as North America Nos. 3, 4, and 5 of 1872.<sup>3</sup> On the 18th, Gladstone again refused to answer a question on the proposed actions of the Government, but once again the Upper House was more difficult to handle.

On the 22nd, the Duke of Richmond, leader of the Opposition, gave notice to ask whether the Government would give an assurance that the arbitration would be suspended unless the indirect claims were withdrawn.<sup>4</sup> Then Lord Oranmore moved an Address for the correspondence on the Countercase, but Granville maintained that North America No. 5 contained all that could be given.<sup>5</sup> When Richmond's question came up the next evening, Granville refused to answer it, using a form of words agreed

- 
1. Hans., CCX.1134-42.
  2. Ibid., cols.1144-9.
  3. H.C.(1872), LXIX.331-638.
  4. Hans., CCX.1619.
  5. Ibid., cols.1619-24.

between himself and Gladstone or perhaps in Cabinet.<sup>1</sup> The chief point of the reply was that the Government could make no answer, until the United States reply to the 20 March despatch was received. But Gladstone was uneasy about taking this ground and had written to Granville the same day in the following words: "I feel the force of what you said yesterday about the almost certain necessity of much disclosure after the receipt of the U.S. dispatch if it is unsatisfactory.

"Now they have already made more than a half-confidence through the newspapers; and query whether if we do nothing before getting the answer and a great deal then they may accuse us of a surprise?"<sup>2</sup>

To safeguard themselves against this charge, Granville spoke to General Schenck the next day, and warned him that when the American reply was received the Government would be bound to make a full statement about the development of the situation, and the course they intended to pursue.<sup>3</sup>

On 29 April Russell postponed the motion for an Address to have the arbitration suspended, of which he had given notice

- 
1. Hans., CCX.1876-7. Granville to Gladstone (undated in G. and D. 29/61) suggested the latter part concerning reliance on Parliamentary support, in addition to the words "which we agreed last night". Granville to Gladstone (23 Apr. 1872, G. and D. 29/61) transmits the first part, docketed "proposed answer to the questions of the Duke of Richmond and Disraeli".
  2. Gladstone to Granville, 23 Apr. 1872 (G. and D. 29/62) Pte. Granville Papers.
  3. Granville to Thornton, No. 157, 24 Apr. 1872 (F.O. 5/1397).



of Russell's motion, but only after he had made a very violent speech attacking the Government and the United States in the most forthright terms.<sup>1</sup> Gladstone wrote next day: "Lord Russell last night offered a spectacle melancholy to those who have known and admired him when he was himself. I presume you will say a few words to Schenck, to prevent his taking the speech as that of 'a representative man'."<sup>2</sup> This was done, and also Derby had done much to neutralise the impression made by Russell's attack in a restrained and statesmanlike speech.<sup>3</sup>

In the House of Commons the Government statement passed off quietly enough, with a few words from Disraeli on the duties of Parliament with which Gladstone was delighted. His letter to Granville concludes with the following words: "Dizzy was perfect. I understand he was much pleased with my having called to inquire after Lady Beaconsfield a few days ago. Perhaps this helped a little."<sup>4</sup>

Both Houses adjourned immediately, and only three days later, on the 16th, the text of the Supplemental Article was published in the Times.<sup>5</sup> Next day, North America No.7 had to be hurriedly published in the London Gazette as a result of

---

1. Hans., CXXI.642-7.

2. Gladstone to Granville, 14 May 1872 (G. and D. 29/61; Pte. Granville Papers).

3. Hans., CXXI.647-8.

4. Gladstone to Granville, 14 May 1872 (G. and D. 29/61; Pte. Granville Papers).

5. 16 May, 5a.

publication in America. This Blue Book contained the correspondence on the indirect claims arising from the "friendly communication" which had just been refused to the Commons. In this case, the Government could not claim that they had been taken by surprise, by publication in the United States. Thornton had telegraphed on the 14th that Mr. Fish "asked me this evening whether there would be any objection to the publication of the four notes on the indirect claims between you and the American Minister. I said I thought not. But he begged me to ask you as he does not wish to do anything which might embarrass Her Majesty's Government."<sup>1</sup> Granville replied the same day: "We have thought it better not to present the papers, but we do not wish to restrict the liberty of action of the United States in this particular and only ask, that they should let us know what they do."<sup>2</sup> It is clear that the British Government withheld the papers for motives of their own, and there is no indication in the records or private papers of what these motives were.

The leakage of the documents comprising North America No.7 was not nearly so important as the publication of the Supplemental Article, however. The exchange of despatches following the "friendly communication" had already been superseded by the

- 
1. Thornton to Granville, No.295, 14 May 1872 (F.O.5/1399).
  2. Recorded in Thornton to Granville, No.299, 14 May 1872 (ibid.).

negotiation of the Article, and it was the publication of the Article and the reports of the state of the negotiation while it was under consideration by the Senate which were the chief targets for criticism after the recess.

When the Upper House reassembled on 31 May, the negotiations were at a critical stage, since the United States Senate had agreed to one form of words for the Article and the American Government were unwilling to consider any amendment, while the British Government refused to accept the Article as it stood.<sup>1</sup> By this time, the House of Lords were unwilling to listen to pleas for restraint. Grey, Westbury, and Cairns<sup>2</sup> all insisted that the House should be given information and permitted to debate. Cairns said: "I am one of those who recognise a considerable amount of the advantage of our constitutional principle that the Sovereign, through her Ministers, is entitled to negotiate and conclude treaties with Foreign Powers; but I must say that Her Majesty's Government are straining that principle on the present occasion to a degree to which I think it never was strained before, and which, I venture to say, if carried much further, will go far to subvert the principle altogether."<sup>3</sup> It was in these circumstances that Earl Russell's motion, so often postponed, was finally

- 
1. North America No.9 (1872) [C.566], Nos.8-15,21-47, H.C.(1872), LXIX.721-31,733-47.
  2. The first two were Liberal peers.
  3. Hans., CCXI.903.



announced for 4 June.

This was the end of Parliamentary reticence. Yet Lord Russell's motion when it came on could not have any effect on immediate Government policy. The form of the motion was a 'prayer' "that all proceedings on behalf of Her Majesty before the Arbitrators appointed to meet at Geneva pursuant to the Treaty of Washington be suspended until the claims included in the case submitted on behalf of the United States, and understood on the part of Her Majesty not to be within the province of the Arbitrators, have been withdrawn".<sup>1</sup> The long debate hinged almost entirely on the fact that throughout the correspondence on the Supplemental Article which had been published in the press Mr. Fish had repeatedly stated that America could not consent to withdraw the indirect claims. The Lords were therefore unable to see how the Supplemental Article, however worded, could achieve the British purpose.

The debate was quite out of touch with the reality of the situation, however, because the Lords did not know that the negotiations had reached a stage where it was almost certain that the Article could not be agreed to. The discussions between the two Governments for more than a week<sup>2</sup> had been concerned with the possibility of agreeing to an adjournment

---

1. Hans., CCXI.1107.

2. Since 28 May; North America No.9 (1872) [C.566], No.32, H.C.(1872), LXIX.739.

of the arbitration in order to give time to devise some other means of avoiding a decision on the indirect claims.

When the Lords' debate was resumed after adjournment, on 6 June, these facts did not deter Granville from effectively silencing the House by continuing to conceal the information that there was little or no hope of a successful conclusion to the negotiation while reading a despatch from General Schenck<sup>1</sup> stating definitely that the indirect claims were excluded by the Supplemental Article.<sup>2</sup> Derby<sup>3</sup> and Russell<sup>4</sup> expressed their satisfaction with the statement, and the motion was promptly withdrawn.

By this means the Government concluded the first real attempt at interference by the Lords which had taken place that session. It is clear from a letter of Gladstone to Granville that the motion had caused the Government some embarrassment. Gladstone wrote from the Commons on 4 June: "Speaking roughly, the idea here is that, though we could probably array a majority of this House in support of a defensive motion on the Treaty of Washington, it is very doubtful whether a balance of advantage would arise. A large minority in this House would be arrayed against us, with a majority perhaps of independent and effective speakers. The Opposition Bench, which has

---

1. North America No.9 (1872) [C.566], No.39, H.C.(1872), LXIX. 39-40.  
2. Hans., CCXI.1262-4. 3. Ibid., cols.1264-5.  
4. Ibid., col.1266.

hitherto been nearly silent, would be almost compelled to support their friends in the <sup>House of</sup> Lords. The mere preponderance of numbers there would be, but I doubt whether it would tell so much as the steady abstinence of the entire House of Commons and **its** implied approval in a general way of the objects and policy, if not of all the precise steps, of the Government. I send this as expressing the impression of a few at the moment."<sup>1</sup>

There had in fact been several exchanges in the Commons since that House had reassembled on 27 May. Usually these had taken the shape of demands for information, but on 3 June Viscount Bury gave notice of a motion on the lines of that made by Earl Russell.<sup>2</sup> Since Gladstone refused to give a day for this motion, the debate did not take place. Disraeli had taken part in these exchanges from time to time, but had confined himself to brief statements and questions, doing nothing which might embarrass the Government. It appears from the debates that the members Gladstone had in mind when he wrote his note to Granville were Bouverie, Horsman, Osborne, Bury, and Wyndham. All but the last of these were Liberals, although Horsman and Bouverie were opposed to Gladstone personally and Bury actually became a Conservative in 1875. They were not

---

1. Gladstone to Granville, 4 June 1872 (C.R.D. 29/61; See Granville Papers).  
 2. Hans., CCXI.1048.

much to be feared in the House so long as they were not supported by the official Opposition and Gladstone succeeded on the whole in keeping them fairly quiet.

In a very few days, Parliament discovered the device by which ~~it~~ had been silenced. On 11 June, Granville's despatch suggesting an eight months' adjournment of the arbitration,<sup>1</sup> was published in the Daily News, apparently as a result of having been telegraphed en clair from the American Legation. Fish's telegram in reply refusing this proposal was also published.<sup>2</sup> Granville made a statement in the House of Lords that night, which added little to the facts to be obtained from the newspapers. He was followed by Cairns, whose violent attack was deprecated by the Lord Chancellor and Kimberley, who accused Cairns of being pro-American.<sup>3</sup>

In the Commons Gladstone's statement was even less satisfactory. He explained that there was no hope of concluding the Supplemental Article before the Arbitrators were due to meet on the 15th, and that negotiations were in progress to obtain a postponement of the meeting. He refused to say what steps would be taken if the negotiations for postponement failed.<sup>4</sup> The absence of any reference to the Daily News report produced a feeling of "mute astonishment" in Bernal Osborne,

---

1. North America No. 9 (1872) [C.566], Nos. 32 and 64, H.C. (1872), LXIX. 739, 753.

2. Ibid., No. 68 incl. (p. 755).

3. Hans., CCXI. 1562-82.

4. Ibid., cols. 1589-90.

but did not prevent him attacking "this humiliating despatch" in the strongest terms.<sup>1</sup> Several other members criticised the Government's action but once more the Opposition Bench remained silent.<sup>2</sup>

Thereafter, the Houses received very little information, and asked for it only occasionally. The Government were left free to get out of the difficulty as best they might. On 15 June, both parties proceeded to the arbitration, where the British agent asked for the postponement.<sup>3</sup> This resulted in a delay of four days, while the American agent awaited instructions. During this time a 'gentlemen's agreement' was reached between Adams and Palmer who together drafted the Declaration made by the Arbitrators, that the indirect claims did not constitute a "good foundation for an award of compensation or computation of damages between nations, and should upon such principles be wholly excluded from the consideration of the Tribunal in making its award".<sup>4</sup> This declaration was made on 19 June and subsequently accepted by both Governments.<sup>5</sup>

The result was announced to the Houses on the 27th and was greeted with almost complete silence. As Granville wrote: "Il n'y a rien qui réussit comme le succès."<sup>6</sup> No further

- 
1. Hans., CCXI.1590-2.
  2. Ibid., cols.1594-1614.
  3. North America No.10 (1872) [C.570], Nos.1-6, H.C.(1872), LXIX.785-8.
  4. Ibid., No.8 incl. (pp.768-9).
  5. Ibid., Nos. 9 and 10 incl. (pp.770-1).
  6. Granville to Gladstone, 28 June 1872 (B.M. Add.MS 44162, f. 279; Mr. Gladstone Papers).

reference to the matter was made that session, and during the recess the Tribunal concluded its work and awarded damages against Great Britain. By the time Parliament met in February 1873, the question was closed, and received little comment. Granville wrote: "Parliament is hardly as sore as might be expected at the result of the two awards. I do not think we shall hear much more in the Houses about the question, of which people are rather tired."<sup>1</sup>

The history of these three issues - the Black Sea, Central Asian, and American questions - amply illustrates how the action of Parliament was hampered and the possibility of influence greatly reduced by the practice of withholding a Blue Book until a negotiation was concluded. It also shows how the effect of this principle was increased by two other factors. The first of these was the unwillingness of Parliament, acting from a consideration of its own interests and dignity, to debate before papers had been laid. The second was the convention that, in any case, debate ought not to take place while a negotiation was still in progress since this would, in a sense, render Parliament a party to the negotiation.

Through fairly strict adherence to these conventions, Parliament was deprived of any possibility of affecting the course

---

1. Granville to Thornton, 8 Feb. 1873 (F.O.362/1; Pte. Granville Papers).

of both the Black Sea and the Central Asian negotiations. The same may be said of the Treaty of Washington up to the beginning of 1872. Gladstone indeed on one occasion carried the convention of not debating during a negotiation to extreme lengths. On 8 June, 1869, he appealed to Sir Henry Bulwer to withdraw a motion to call attention to the contents of the last Blue Book. The ground on which he claimed that withdrawal was that, although the rejection of the Clarendon-Johnson treaty by the American Senate "had the aspect of the cessation of the subject...Her Majesty's Ministers had no reason to believe that the United States Government regarded the question as having been definitely dropped". Therefore, he said, the case must be considered as "still substantially pending between the two Governments".<sup>1</sup> In fact no negotiations were in progress and the question was not revived until October of that year when, it may be noted, Parliament was not in session.

The position of the negotiation concerning the indirect claims, and its bearing on the British attitude to the Geneva Tribunal in 1872 was somewhat different. Publication of authentic documents in the press, and announcements to Parliament, greatly reduced the significance of the Blue Books. The nature of the negotiations, too, contributed to this result, because of the speed with which their direction changed. The

---

1. Hans., CXCVII.1425-7.

absence of Parliamentary influence on these negotiations is therefore not attributable to the time when Blue Books were laid, but to other factors. The first of these was the rapid changes in direction which have been mentioned. From time to time these changes led Parliament to attempt debate from a false assessment of the diplomatic position.

The second and perhaps more important factor was the rule of silence during negotiations, which was almost completely maintained throughout the Parliamentary session of 1872. Twelve Blue Books on the American negotiations were laid during that time, and even though the information they contained was not new to the House, it was usually accepted that the presentation of papers was in some sense an invitation to comment. Few debates took place, however, because the House took a more realistic view of the situation, and allowed themselves to be bound by the fact that the negotiations continued, that the papers marked no logical stage or stopping point in the diplomatic transactions.

Gladstone implied that the silence of the House of Commons indicated agreement with the policy of the Government. This view seems to be borne out by Disraeli's statement in favour of continued reticence on 20 June, 1872.<sup>1</sup>

The Blue Books on the Franco-Prussian war had even less

---

1. Hans., CCXI.1986.



connection with the possible amount of Parliamentary influence, than those on the indirect claims. This was perhaps an inevitable result of the speed at which events moved, but the Blue Book policy of the Government may have contributed to it. The first papers dealt with the attempts to prevent war and the assurances of the belligerents that they would respect the neutrality of Belgium, Holland, and Luxembourg, taking the course of the negotiations up to 25 July, 1870, the date of the publication of the Benedetti Treaty.<sup>1</sup> Nominally, the Blue Book was laid on 22 July, but it contained despatches received on the 25th and it is clear from the debates that it was not in fact circulated until late in the evening on that day, at the earliest. This is a factor always to be borne in mind when dealing with Blue Books. Very rarely were they in the hands of members on the day on which they were nominally laid.<sup>2</sup>

In this particular case, it may be conjectured that the Blue Book was deliberately delayed. This may not have been the case, and there is no evidence either way, but it is significant that it was on 22 July that Gladstone and Granville were secretly informed of the existence of the Benedetti Treaty, and that the first Blue Book was practically ignored in the storm which followed the Treaty's publication. Gladstone's

---

1. Franco-Prussian War No.1 [C.167], H.C.(1870), LXX.17-100.  
 2. See Appendix II for a list of dates of circulation.

excuse in the House was that "it was obviously necessary in conformity with usage and obvious motives of policy, that we should give opportunities of communication with our chief representatives abroad" but there is no trace of such communication in the Foreign Office records, except with Lord Lyons, the Ambassador at Paris.

In these circumstances, therefore, there was no major debate in the Commons, after the Blue Book had been laid, on the efforts made by the British Government to prevent war. On 23 July, the subject received some consideration in a short debate in the Lords, but events were moving so rapidly that this was no longer an issue of any real importance.

The second Blue Book, laid on 29 July, contained the despatches on the Benedetti Treaty,<sup>1</sup> but this did not directly concern the British Government and would not in any case have been taken into consideration by Parliament in the same way as an ordinary transaction.

The third Blue Book, of which the most important contents were the papers on the negotiation of the new Belgian Treaty, was laid on 10 August,<sup>2</sup> the day of the prorogation of Parliament, so there was no time to discuss its contents.

Only after the recess were papers laid which were subse-

- 
1. Franco-Prussian War No.2 (1870) [C.189], H.C.(1870), LXX. 101-14.
  2. Franco-Prussian War No.3 (1870) [C.210], H.C.(1870), LXX. 115-220.

quently taken into consideration by Parliament in a manner likely to influence future policy. These were the papers concerning the preservation of neutrality and the possibility of mediation, which had passed during the recess.<sup>1</sup> The Belgian Treaty was laid at the same time,<sup>2</sup> but this was no longer a live issue, its provisions having been published before the recess. The last Blue Book, describing British efforts to obtain a reduction of the indemnity imposed on France by Germany,<sup>3</sup> passed without comment.

These were the Blue Books, and according to the usual conventions, the first three were laid in a manner which would have prevented Parliamentary comment. The Franco-Prussian war was an exceptional case, however, and in the six weeks preceding the recess in 1870 Parliament was far from silent.

The Hohenzollern candidature was reported in England on 5 July, 1870. The next day Granville wrote a despatch to Loftus, outlining British policy in view of the agitation in France. This policy was to remonstrate against precipitate action by France and to apply pressure without dictation to Prussia and Spain in an attempt to obtain the withdrawal of the candidature.<sup>4</sup> On the 11th Granville outlined this policy

- 
1. Franco-German War No. 1 (1871) [C.244], H.C.(1871), LXXI.1-284.
  2. [C.240], H.C.(1871), LXX.75-80.
  3. Franco-German War No. 3 (1871) [C.266], H.C.(1871), LXXI.321-8.
  4. Franco-Prussian War No. 1 (1870) [C.167], No.5, H.C.(1870), LXX.25.

in answer to a question of Malmesbury, and in the Commons Gladstone answered the House that the "Government have exercised, and will exercise, all the legitimate and friendly influence they may be supposed to possess" in order to prevent war.<sup>1</sup> Two days later, the withdrawal of the Hohenzollern candidature was obtained,<sup>2</sup> but the same evening Loftus telegraphed a report of his conversation with Bismarck, which indicated that Prussia was not <sup>satisfied</sup> with the French attitude.<sup>3</sup> Later the same evening a telegram from Lyons declared that France was not prepared to accept the withdrawal as a final settlement.<sup>4</sup>

The Government expected questions in Parliament on the evening of the 14th, and Gladstone considered using the opportunity to make another effort to influence France. He suggested that Granville might telegraph to Lyons "to signify that we think it probable questions may be put in Parliament today: that having been called in by France itself we cannot affect to be wholly outside the matter: and that it will be impossible for us to conceal the opinion that the cause of quarrel having

---

1. Hans., CCIII.3-4,33.

2. Gladstone was at this time considering a trip to Scotland on family business, but Granville dissuaded him, saying: "The Spanish question however is up to this time still unsettled, the P.M. and the F.O. Secretary are responsible to the Cabinet for the conduct of pressing and important details. Questions may be asked in the Commons on very delicate matters" (Granville to Gladstone, 13 July 1870, B.M. Add. MS 44167, fos.84-6; Pte. Gladstone Papers).

3. The despatch was printed as No.53 of the Blue Book, Franco-Prussian War No.1 (1870), pp.54-5.

4. Printed as No.41 of the Blue Book, ibid., pp.48-9.

been removed France ought to be satisfied".<sup>1</sup> This suggestion was not adopted and before the Commons met, the news of the effect of the Ems telegram in France<sup>2</sup> caused Gladstone to abandon the form of words he had previously suggested for the Parliamentary answer. He confined himself to the statement that "the communications between France and Prussia have not been brought actually to a close, and I need scarcely add that we shall continue to do all that depends upon us for the removal of difficulties and the continuance of peace".<sup>3</sup>

Up to this point both Houses were pretty well informed, through the press, of the course of events as between France and Prussia. They did not know with equal certainty what steps had been taken by the British Government. On the 15th, however, their information was brought up to date in this direction also, when Gladstone indicated, although he did not directly state, that Britain had appealed to the Twenty-third Protocol of the Paris Conference.<sup>4</sup>

Parliament adjourned for the weekend, and on Monday, 18 July, Russell asked for a general statement as to what British

1. Gladstone to Granville, 14 July 1870 (C. & D. 29/58; Mr. Granville Papers).
2. Franco-Prussian War No. 1 (1870), no. 60, pp. 57-8.
3. Hans., CCIII. 255.
4. Ibid., col. 347; Franco-Prussian War No. 1 (1870), No. 57, p. 57. The Protocol stated: "Les Plénipotentiaires n'hésitent pas à exprimer, au nom de leurs Gouvernements, le voeu que les Etats entre lesquels s'éleverait un dissentiment sérieux, avant d'en appeler aux armes, eussent recours en tant que les circonstances l'admettraient, aux bons offices d'une Puissance amie" (Treaty of Paris [2072], p. 107, H.C. (1856), LXI. 145).

policy had been, but Granville asked him to wait until papers had been laid.<sup>1</sup> On the 21st Gladstone repeated this request to the Commons, but in answer to further questions informed the House that Britain had received assurances from the belligerents that they would respect the neutrality of Belgium, Holland, and Luxembourg.<sup>2</sup>

The delayed publication of the first Blue Book, and the publication of the Benedetti Treaty, drew a short speech from Disraeli on the 25th, but Gladstone again asked for postponement of debate until the papers were laid.<sup>3</sup> It seems that they were actually circulated the same evening, but interest was by then centred on the developments which would arise from the Benedetti Treaty. Explanations from France and Prussia arrived during the next four days and were immediately communicated to both Houses.<sup>4</sup>

The effect of the Benedetti Treaty on opinion in Parliament was two-fold. In the first place, it aroused great anxiety about the maintenance of Belgian neutrality. This is indicated by members' eagerness for information about the Treaty. Further evidence comes from a note written by Otway, the Parliamentary

1. Hans., CCIII.379-82.

2. Ibid., cols.637-40,644-6. These assurances had been completed the previous day. (Franco-Prussian War No.1 (1870), Nos.64,84, 94,104,105).

3. Hans., CCIII.879-85.

4. Franco-Prussian War No.2 (1870), Nos.2-8. H.C.: Hans., CCIII. 955,988-9; H.L.: ibid., cols.924-6,1143-56.

Under-Secretary for Foreign Affairs, to Granville on the 26th. He wrote: "The Project of Treaty was the universal topic of conversation in our House last night and many doubts expressed as to the possibility of our preserving neutrality in the event of the document proving to be what the Times declares it."<sup>1</sup> In the House of Lords, both Russell and Malmesbury implied by their speeches on the 28th that Britain should take steps to maintain the neutrality of Belgium.<sup>2</sup>

By that time, the Cabinet and the Foreign Office were themselves considering ways and means. The steps to be taken had evidently been discussed on or before the 29th, since a note from Granville to Gladstone on that date says: "I had begun a note desiring Hammond to put down his views in writing when I got the enclosed, with which I do not agree."<sup>3</sup> The enclosure was a memorandum suggesting that Britain should confine herself to expressing satisfaction with the declarations of the belligerents respecting Belgian neutrality, and containing Hammond's opinion that any new treaty would be harmful rather than otherwise.<sup>4</sup>

- 
1. Otway to Granville, 26 July 1870 (G. and D. 29/107) Pte. Granville Papers. This does not refer to debate but to private conversation in the House.
  2. Hans., CCIII.1057-64.
  3. Granville to Gladstone, 29 July 1870 (G. and D. 29/104; Pte. Granville Papers).
  4. Hammond memo. (ibid.; Pte. Granville Papers).

On the 30th, at a Cabinet, it was decided to propose a new treaty, whereby Britain would join with either power if the other violated the neutrality of Belgium, and this decision was immediately embodied in despatches to Berlin and Paris.<sup>1</sup> Next evening, there was a long and important debate in the House of Commons, initiated by Disraeli.<sup>2</sup> He maintained that an expression of opinion by the House would be of great value as a support to the Ministry in whatever steps they were taking. The character of his speech did not conduce to this object, because he raised the question of the state of British armaments with the result that the debate became a party wrangle on the state of the defences.<sup>3</sup> Except for a few words from Osborne, who deplored the fact that the debate was degenerating into one on the Navy Estimates,<sup>4</sup> it was not until Sir Henry Lytton Bulwer spoke that the diplomatic aspects of the question were again mentioned. Thereafter, Graves, Fawcett, and Beaumont agreed with Bulwer that Britain must take some definite action to safeguard Belgian neutrality, while O'Brien, Gilpin, and Guest took the opposite view.

Gladstone refused to say more than that the Government "had taken the steps which, in their judgement, were best calculated to secure the establishment of confidence and security".<sup>5</sup>

---

1. Franco-Prussian War No.3, No.63, p.175.

2. Hens., CCIII.1286-1300.

4. Ibid., col.1321.

3. Ibid., cols.1301-54.

5. Ibid., col.1361.



A week later he explained to the House that the reason for his reticence was that he thought he might inadvertently give utterance to words that "might be held to import obligations almost unlimited and almost irrespectively of circumstances".<sup>1</sup> The only result of the debate seems to have been to bring home to Gladstone the necessity of making an announcement to the House as soon as possible.<sup>2</sup>

This debate was important, because it brought out, in a general way, the views of the House on the three most important questions of the moment: Belgian neutrality, the localisation of the war, and British armaments. The House had no real information as to the intentions of the Government on any of these points. On the other hand, there is no indication that the Ministry paid any attention to the opinions expressed on the first two in the course of debate on 1 August. The last point was in a different category.

To obtain increased armaments it was necessary to have the agreement of the House of Commons, and the second result of the

1. Hans., CCIII.1705.

2. Gladstone to Granville, 2 Aug. 1870: "There is an intense desire in the House that we should say or they should know something about Belgium. We are sure to be pressed again unless we speak and every time we are pressed the demand for confidence will seem more exacting and supercilious... I am very anxious to keep things straight in the House of Commons versus Osbornes and Bulwers, both of whom did mischief."  
(G. & P. 29/58; Mr. Granville Papers).

Benedetti Treaty was that this agreement was immediately forthcoming. The Chief Whip had reported to Gladstone on 29 July that feeling in the Commons was "much altered. Those who were strongly opposed to any measures are now disposed to confide in the Government with respect to them - those who before would have confided in the Government and been silent are now speaking decidedly for measures to augment our force in one shape or another".<sup>1</sup> This statement was borne out in the course of debate on 1 August.

Throughout the first week of August, the Government refused to give information as to their actions concerning Belgium.<sup>2</sup> The policy which was pursued was influenced to some extent by Parliamentary considerations.<sup>3</sup> It was clear to the Government that Parliamentary feeling was in favour of some action being taken, but the details of the new treaty were worked out entirely on ministerial initiative. On 8 August, before the Treaty had been signed, its provisions were communicated to both Houses, but Richmond and Disraeli both replied that discussion was impossible on the basis of a verbal communication.<sup>4</sup>

- 
1. Gladstone to Granville, 29 July 1870 (G. and D. 29/104; Pte. Granville Papers).
  2. Hans., CCIII.1576-7.
  3. Gramont appreciated this (Lyons to Granville, 5 Aug. 1870; F.O.27/1809), but his statement to this effect was omitted from No.100 of Franco-Prussian War No.3. Granville himself defended the treaty to Lyons on Parliamentary grounds (Granville to Lyons, 4 Aug. 1870; F.O.362/4, Pte. Granville Papers).
  4. H.L.: Hans., CCIII.1871-6; H.C.: ibid., cols.1699-1706.

On the 10th the Treaty was debated in both Houses, and, contrary to Granville's expectation, generally well received. This perhaps would not have been the case if the Houses had known that the statement that Russia and Austria favoured the Treaty was fallacious. Nor did Parliament have any information concerning the plans for "combined neutrality" which were already afoot when it was prorogued on 10 August.

Osborne had declared during the first Belgian debate: "I can easily understand, Sir, that it is for the interest of the Cabinet to take away that 'bauble' now lying before you and get rid of Parliament as fast as they can."<sup>1</sup> There is certainly an air of anticipatory relief about Granville's note to Lyons of 6 August: "We shall have to make a statement on Foreign Affairs on Monday - I trust the last, and on Wednesday Parliament will be prorogued. On Thursday the seat of Government will be moved by Gladstone and me to Walmer..."<sup>2</sup>

After the recess a Blue Book was laid which described the agreement arrived at by the neutral states, and the discussions which had taken place from time to time as to the possibility of mediating between the two belligerents.<sup>3</sup> The speeches made on the subject during the debate on the Address were not of any great importance, perhaps because members knew of a notice of

---

1. Hans., CCIII.1323.

2. Granville to Lyons, 6 Aug. 1870 (F.O. 362/4; Pte. Granville Papers).

3. Franco-German War No. 1 (1871).

motion which had been given for 17 February, 1871. On that day Auberon Herbert attempted directly to influence governmental action by moving that "it is the duty of Her Majesty's Government to act in concert with other neutral powers, to obtain moderate terms of peace". His speech was based directly on the information given in the latest Blue Book.<sup>1</sup> After a long debate, in which the unusually large number of thirteen members took part, Gladstone obtained the withdrawal of the motion on the ground that otherwise its defeat would wrongly indicate hostility to France.<sup>2</sup> The defeat of the motion was quite inevitable since the speakers in the debate were almost all Liberals and the Opposition front bench took no part in the proceedings.

This is a significant point. Although the Blue Book policy of the Gladstone Government seems to have been to give full information, yet they rarely gave it in time to permit Parliamentary influence. In the few cases where information was given in time, specifically in the case of the text of the Treaty of Washington and the negotiations concerning the Franco-Prussian war, debate was useless because the party majority could prevent any vote with which the Government did not agree.

---

1. Hans., CCIV.387-96.

2. Ibid., cols.447-55.

## Chapter IV.

PARLIAMENT AND THE EXECUTIVE.

There is no evidence that the Parliament of 1868-1874 ever influenced the details of governmental action at any stage.

There is no case of a motion being carried in either House which was subsequently embodied in a diplomatic move by the Government, nor is there a case of action being taken as a result of specific expressions of opinion in debate.

It is well-known that Parliament had a negative influence on foreign policy in certain cases. That is, with regard to certain issues, there were some things which a British Parliament would never tolerate. There is, for instance, the case of Gibraltar. Clarendon wrote to Layard, British Ambassador at Madrid, on 15 March, 1870: "I need not tell you that the cession of Gibraltar is a matter that cannot be trifled with, and that our public would be uproariously indignant if it thought the Government was going to commit that sort of treason. For my own part, I fully sympathize in the Spanish feeling on the subject and don't believe we should suffer from the loss of the place, except as a smuggling depôt of which we make scandalous use, but pray explain to Prim that it is not a question of generosity or magnanimity but of political necessity for

the Government."<sup>1</sup> The number of questions which, at any time, were a matter of 'political necessity' for a Government in this way was small. In this period the alienation of any important British territory was probably one, and the neutrality of Belgium, perhaps, another. In these matters the Government had to be careful not to offend Parliamentary opinion, even if they thought it to be merely prejudice.

In the period 1868-1874, Parliamentary influence was not confined entirely to the negative approach. There are indications that debates influenced the general form of some of the negotiations. Particularly this was the case with various aspects of the Franco-Prussian war. The Government seems to have been responding to Parliamentary pressure, although not actually acting on suggestions made in Parliament, in taking steps to safeguard the neutrality of Belgium, in forming the neutral association, in offering mediation, and in attempting to obtain moderate terms of peace. Each of these developments had been previously advocated in debate in a general way, and received support particularly from Liberal members.

It is only in connection with Belgian neutrality that evidence exists that the Government was aware of the necessity of responding to Parliamentary and public pressure. Lyons was opposed to the formation of a new treaty, and Granville in his

---

1. Clarendon to Layard, 15 Mar. 1870 (F.O. 361/1; Pte. Clarendon Papers).

private letters defended the Government's action entirely on the ground of Parliamentary and public opinion.<sup>1</sup> Gladstone, too, thought some positive step necessary because "a declaration of our displeasure against any offender" was not likely to "really satisfy Europe, or even this country after the first few days".<sup>2</sup>

The constitutional convention with regard to foreign policy placed the conduct of the details of negotiation entirely with the Government, but occasionally Parliament interfered in minor diplomatic questions. Lord Lyons was violently attacked in Parliament, particularly by Sir Robert Peel, on account of his action in leaving Paris during the siege and basing the Embassy with the provisional government at Tours.<sup>3</sup> Again, in connection with Gramont's statement that the powers of Europe recognised the justice of the French cause, Granville had cause for irritation at Parliamentary interference. Gramont made the statement on 11 July in the Corps Législatif,<sup>4</sup> and although it was immediately contradicted by Granville,<sup>5</sup> Gramont repeated it on the 15th in conversation with Lord Lyons.<sup>6</sup> Next day, Lyons wrote to Granville expressing the hope that the matter might be allowed to drop, for the sake of future British relations with

- 
1. Granville to Lyons, 1 and 4 Aug. 1870 (F.O. 362/4; Pte. Granville Papers).
  2. Gladstone to Granville, 3 Aug. 1870 (G. & D. 29/58; Pte. Granville Papers).
  3. Hans., CCIV. 398-9, 1296-1326, and Franco-German War No. 2 (1871) [C. 263], H.C. (1871), LXXI. 305-20.
  4. Franco-Prussian War No. 1 (1870) [C. 167], No. 29 incl., H.C. (1870), LXX. 42.
  5. Ibid., No. 61 incl. 3, p. 60.      6. Ibid., No. 63, p. 62.

France.<sup>1</sup> Granville replied: "I am afraid others will not let me drop the wrangle with Gramont. Lord Russell will allude to it tomorrow in asking me what are the causes of the war."<sup>2</sup> In the event Granville evaded the issue as well as he could.<sup>3</sup>

In the more general sphere of British relations with other powers, too, expressions of opinion in debate could sometimes cause embarrassment. Particularly this was the case in the course of the negotiations with the United States,<sup>4</sup> and the Government were careful to ensure that the effect of violent speeches was counteracted through the diplomatic channels.<sup>5</sup>

On the other hand, Parliament had its uses. The Government could use Parliamentary opportunities to publish its actions or opinions to the world, either through debate or in Blue Book form. During the negotiation concerning the indirect claims, Hammond at one time suggested such a step if the American answer was unsatisfactory.<sup>6</sup> But this aspect of the relations between Government and Parliament is perhaps more frequently illustrated in the opposite way - that publication to Parliament, however desirable in itself, was impossible because it meant

---

1. Newton, Life of Lord Lyons, i.299; Life of Lyons, 27  
 2. Granville to Lyons, 17 July 1870 (F.O.362/4; Pte. Granville Papers).  
 3. Hans., CCIII.379-82. 4. Supra, p. 22.  
 5. Granville to Thornton, 13 May 1872 (F.O.5/1399); Gladstone to Granville, 14 May 1872 (G. and D. 29/61; Pte. Granville Papers).  
 6. Hammond memo., 2 Mar.1872 (G. and D. 29/105; Pte. Granville Papers).



publication to a wider audience. As Gladstone said with reference to Belgian neutrality: "The reason we restrained our own wish and the wish of the House last Monday [the 1 August debate] by not making any general declaration on our part as regards Belgium, was that we thought much danger might arise from such a declaration, that we might inadvertently give utterance to words that might be held to import obligations almost unlimited and almost irrespectively of circumstances."<sup>1</sup>

Parliament could also be used to demonstrate the feeling of the 'nation'. Again the American question provides the best example.<sup>2</sup> Granville was as careful to make sure that a favourable debate was immediately reported, as he was to see that the effect of an unfavourable one was counteracted.

Apart from one occasion, at the outbreak of the Franco-Prussian war, which has been mentioned,<sup>3</sup> there are no other illustrations of the use of Parliament as a diplomatic excuse or means of coercion in connection with major issues in this period. The 'Tornado' case, however, illustrates what could be done in this way, if one was dealing with a small and weak power such as Spain.

This case was covered by the foreign secretaryships of both Stanley and Clarendon, and it is interesting to observe

---

1. Hans., CIII.1705; cf. supra, p. 107.

2. Supra, p. 73.

3. Supra, pp. 102-3.

that their methods were rather different. Stanley's practice when laying a Blue Book was either to wait until he had achieved some success, and conclude the papers with the despatch recording it;<sup>1</sup> or to conclude them with a 'strong' despatch, demanding action, and lay the papers without giving Spain time to reply.<sup>2</sup> Clarendon's method was more subtle. He regularly telegraphed that there was shortly to be a debate or a Blue Book on the 'Tornado' question, with such phrases as "Her Majesty's Government will be at a loss to explain the silence observed by the Spanish Government",<sup>3</sup> or "I should be very glad to learn before that time that the Spanish Government was disposed to act liberally towards the crew".<sup>4</sup>

This is an illustration of the realistic attitude of the Government to its Parliamentary obligations. The impression which emerges from private papers and from the debates is that the Government accepted the fact of Parliamentary interference from time to time, and was confident of its ability to 'manage' Parliament. This object was achieved in various ways; partly through the working of the party machine, and partly through the influence of personality.

In a more general sphere, the Government kept control of

- 
1. Tornado Pt. VIII (1866-67) [3874], H.C. (1867), LXXV. 551-84.
  2. Tornado Pts. I and II [3772] and [3801], *ibid.*, pp. 161-412.
  3. Clarendon to Crampton, Tel., 8 May 1869 (F.O. 72/1299).
  4. Clarendon to Crampton, Tel., 2 Apr. 1869 (F.O. 72/1299).

Parliament by three different methods. The first was, obviously, to avoid giving offence to the House in matters such as premature publication. Then, occasionally the Government would defer to the Houses, associating them with its actions and claiming their support. This was Gladstone's reply to Osborne's attempt to persuade the House of Commons to exercise its right of refusing supply. He said: "Although...the House of Commons is the body which really has the exclusive power of giving ultimate effect to this treaty [of Washington],...yet it must be borne in mind that in the present case, we have proceeded on the full and perfect knowledge that this question of arbitration was not a new question... we assumed, and had a right to assume, that we were already in virtual possession of the judgement of Parliament."<sup>1</sup> This may also be considered as an example of Gladstone's mastery of the art of confusing the House by the style of his statements, and another is provided by the meaningless statement that the House must be informed of the "spirit, aim, and direction" of the Government's policy, which has already been mentioned.<sup>2</sup> This device of deferring to Parliament could also be used to prevent discussion while a negotiation was in progress, as in the case of the statement, made during the American negotiations, that the Government "have no doubt of the support which they will receive

---

1. Hans., CCLIX.117.

2. Supra, p. 33.

from Parliament".<sup>1</sup> Granville from time to time employed the same tactics in the Lords.

Gladstone occasionally went further and referred to constitutional principles, of greater or less obscurity, in his management of the House of Commons. The two most striking instances of this are to some extent contradictory. On one occasion he said that "this House is the only judge of the degree in which...it shall maintain reserve and rely upon the Executive, or demand information and claim to itself an immediate share in the conduct of affairs. On these matters the House is supreme."<sup>2</sup> Two years later he stated that "whatever responsibility rests with Parliament...is between the Members of the House of Commons and their constituents. It is for the constituencies, and not for us, to establish Parliamentary responsibility, if it is to be established at all."<sup>3</sup>

For the most part, the House of Commons was not particularly interested in foreign affairs. When the international scene was quiet, such questions were occasionally referred to by some member with a particular interest,<sup>4</sup> but there was little enthusiasm for them in the House as a whole. In times of activity, on the other hand, the House considered its advice of

---

1. Supra, p. 26, n.1.

2. Hans., CCIII.1300.

3. Ibid., CCIX.80.

4. E.g., E.B. Eastwick who initiated both the debates on Central Asia in this period (Hans., CXCVII.1544-82; CCXV.818-77).

value and resented neglect.

The diplomatic upheaval which took place in the middle of the administration, involving the three important, inter-related questions of the Franco-Prussian war, the Black Sea question, and the American negotiations, led the House to give some consideration to its position with regard to foreign affairs.

The movement was given an impetus by the presence in the House of a group of Liberals with definite ideas on the subject. It does not seem that the group was particularly well defined, but each could be relied upon to raise the subject of Parliamentary control from time to time, and received the support of the others.

The line they took was that Parliamentary indifference on questions of foreign policy arose from a feeling of impotence. They complained of the "false position in which the House of Commons is so apt to find itself placed on questions of foreign policy... While the diplomatists are busy we are told that discussion would be prejudicial to the public interest; when negotiations are at an end we are told that discussion would be idle on accomplished facts. Pending negotiations the time is too soon; at the close of negotiations it is too late. And thus it almost invariably happens that Parliament is compelled

to abdicate its highest function...".<sup>1</sup>

They maintained that the doctrine of Ministerial responsibility was an illusion, because a vote of censure after the event could not remedy a diplomatic situation, to which the country was already bound.<sup>2</sup> Therefore they contended that Parliament should have some real measure of control over the conduct of diplomacy.

Horsman first attempted to obtain an assurance that Parliament would be consulted on the specific question of action on the indirect claims.<sup>3</sup> On 12 April, 1872, Sir Wilfred Lawson brought forward a motion which, as the seconder, Rylands, said, "called upon the Government to reverse the traditional policy of the Foreign Office".<sup>4</sup> The motion arose from the Blue Book return of Treaties of Guarantee, made the previous year,<sup>5</sup> and required the Government to withdraw from all such obligations.

Next year the question of Parliamentary control was again raised on the Address,<sup>6</sup> and on 14 February Rylands brought forward a motion that treaties should be submitted to Parliament before ratification.<sup>7</sup> This is another instance of the

- 
1. Horsman, 6 Feb. 1873 (Hans., CCXIV.85). Similarly, Sir Wilfred Lawson, 14 Feb. 1873 (ibid., col.480).
  2. Sir W. Lawson, 12 Apr. 1872 (ibid., CCX.1166) and 14 Feb. 1873 (ibid., CCXIV.480). Sinclair Aytoun, 4 Mar. 1873 (ibid., cols.1310-1).
  3. 19, 20 Mar. 1872 (ibid., CCX.249, 324-7).
  4. Ibid., cols.1151-83.
  5. Lawson had intended to bring it forward the previous session, but was unable to do so and had withdrawn the notice on 4 Aug. (ibid., CCVIII.885-6).
  6. Ibid., CCXIV.85, 155.
  7. Ibid., cols.448-90.

way in which a debate could be affected by outside influences, although in this case they were not the same as those which wrecked Sir Charles Dilke's motion. The 14 February, 1873, was a Friday, and therefore, under the rules of procedure adopted in 1872, Supply was first order, private members were at liberty to propose amendments, and the Government were bound to 'keep a house'. Keeping a house, however, did not, of course, mean keeping more than the statutory forty members in attendance, and Rylands spoke to half-empty benches, as was usual on a Friday evening. Also, his was the second motion on the paper, and since the first had gone to a division, the motion for Supply had already been carried, and Rylands was prevented from taking the sense of the House on his motion.

There was a third factor which reduced his chances of success, and that was that the motion referred specifically to the French commercial treaty. Since commercial treaties were, in any case, in a different category from those of a purely diplomatic kind, this confused the issue. Rylands explained that the question "naturally arose during the two past sessions in connection with the Treaty of Washington", and had he been able to have brought the subject forward on 14 June, 1872, as he intended, he might have obtained more support.<sup>1</sup>

---

1. He withdrew the notice at Gladstone's request (Hans., CCXI. 1694).

Since the only result of the motion was a long speech from Gladstone, without any sign of enthusiasm on the part of the House, it is little wonder that Enfield's tone was disgruntled when, only a week later, Sinclair Aytoun brought forward a similar motion and supported it with similar arguments.<sup>1</sup> As might be expected, he received no support at all.

Enfield's reply was significant, for he expressed the opinion that the motion should not have been pressed "after the exhaustive reply" given by Gladstone to Rylands' motion, "especially as the feeling expressed on both sides of the House on that occasion was decidedly adverse to so great an innovation in the Constitution".<sup>2</sup>

This was the crucial point. The handful of Liberals who were intent on the reform of procedure received no support from the rest of their own party, and very little from the Opposition. Occasionally, when the diplomatic situation was at a crisis, or in the heat of an important debate, Disraeli would speak, as he did at the beginning of the Franco-Prussian war, in favour of greater participation by the House in the conduct of foreign policy.<sup>3</sup> Again, during the debate on the Queen's Speech in 1873, he went so far as to mention the right of Parliament to consider treaties before they were ratified,<sup>4</sup>

---

1. Hans., CCXIV.1309-14.

2. Ibid., col.1314.

3. 25 July 1870 (Hans., CIII.4878); 1 Aug.1870 (ibid., cols. 1286-7.

4. Ibid., CCXIV.80.



but he was very far from advocating the revolutionary measures which would have been necessary to make Parliamentary control a reality.

Gladstone replied to Rylands' motion very largely on the grounds that there was no way of setting up machinery to make useful Parliamentary criticism possible, but he was on safer ground when he relied upon the absence of opposition on foreign questions.<sup>1</sup> On 17 February, 1871, when Auberon Herbert, another member of the reforming group, attempted to move a direction to the Government to take a definite step in connection with terms of peace for France, the Opposition remained completely silent,<sup>2</sup> and were castigated next morning by the Times because they had "abdicated altogether their proper functions as watchful and persistent critics of the Administration of the day".<sup>3</sup>

Gladstone seems to have been in closer touch with the situation, however, when he maintained "that there has never been that radical opposition of opinion in the policy of one party or another, or in the policy of one Government and another, with respect to foreign affairs, which may upon particular questions, at least, be traceable occasionally with regard to home affairs; and although an opinion may be very usefully

- 
1. Hans., CCXIV.469-79.
  2. Ibid., CCIV.387-455.
  3. Times, 18 Feb.1871, 9a.

expressed in this House with reference to a modification of the course of our foreign policy at a particular time, an attempt to revolutionize that policy would not, I am sure, receive from Parliament any degree of countenance."<sup>1</sup>

This statement is borne out by Disraeli's description of the function of the House during the negotiations concerning the indirect claims. On 13 May, 1872, he said: "I think there have been two duties for Parliament to fulfil. The first was to give fair play to the Government, constituted of whatever party or materials, placed in such a situation... we have given them that constitutional support which they <sup>had</sup> a right, I think, in their difficult position, to look forward to. Our second part has been at the same time, consistently with ~~that~~ line, to assert the policy with respect to the matters in question on which I believe the great majority of the people of this country are decided."<sup>2</sup> In fact, the Government rarely had much difficulty in meeting Opposition criticism in the House of Commons.

The House of Lords was in a rather different position. In the first place, the members saw more clearly than the Commons the implications of the state of parties in the Lower House, and the implications of their own position in the face of the strong party majority there. They possessed, too, a

---

1. Hans., CCX.1178.

2. Ibid., CCIII.663.

stronger sense of responsibility than the Commons, and with it a feeling that they had a right to discuss the great affairs of state when it seemed necessary. Of course, there were exceptions. Granville's particular antagonist in the Lords was Cairns, whose attacks on Government policy were a constant source of annoyance, but for the most part, the Conservative majority in the Lords knew that it was useless for them to move when the party in the Commons was impotent, and debates in the Lords could therefore be carried on with greater freedom than in the Lower House.

It is curious that the Commons did not seem altogether to realise the new state of things created by the existence of a really strong party majority. Private members were aware that their actions would come to nothing if they were opposed by the Government. Yet those members on the Liberal side who wished to raise questions of foreign policy, were somewhat troubled by the practice of regarding such motions as Votes of Censure. It was ~~this~~ tactic which contributed to Sir Charles Dilke's downfall, and Sir Wilfred Lawson implied that the moving of a Vote of Censure was an expedient that should be used only in extreme cases. He certainly did not appreciate that it was to be the stock-in-trade of the strong party government. It was a device which the independent member frequently discussed thereafter, but which no Committee of Procedure ever found

means to counteract, even when Governments reached the stage of saying: "If the slightest thing is carried against us - if we are told to clean the place or to open the windows - , we shall be compelled to resign."<sup>1</sup>

---

1. T. Lough in evidence before the Committee on Procedure, 1914. A. & P. (1914), VII., qu.134.

### CONCLUSIONS.

As this investigation has shown, the study of Parliamentary influence has a twofold basis. The first is the constitutional question of the general relations between Parliament and the Executive, and the second the question of the effect of these relations on diplomacy. As far as the first aspect is concerned, it seems that the Parliament of 1868-1874 was in many ways the first of the modern Parliaments. It was based upon a new franchise, of a type which was bound in the end to revolutionise the relations between the Executive, Parliament, and the electorate, and it was during this administration that fears were expressed which have since proved well-founded. In 1872, Walter Bagehot feared "that both our political parties will bid for the support of the working man; that both of them will promise to do as he likes if he will only tell them what it is; that as he now holds the casting vote in our affairs, both parties will beg and pray him to give that vote to them. I can conceive of nothing more corrupting or worse for a set of poor ignorant people than that two combinations of well-taught and rich men should constantly offer to defer to their decision, and compete for the office of executing it. Vox populi will be vox diaboli if it is worked in that manner."<sup>1</sup>

---

1. W. Bagehot, The English Constitution, 2nd ed. (1872), pp. xxii-xxiii.

In procedure, this Parliament saw the end of the Address procedure, the curtailment of debate on Supply, the growth of questions. These three points developed into the characteristics of the modern procedure, for they represent respectively the abandonment of coercion and the disappearance of the Royal prerogative, the revolutionising of the financial procedure, and the evolution of a new check, as the last bastion of Parliamentary independence. The Speaker appointed in the middle of the life of this Parliament was the first to be given the power of closure - another characteristic of the modern system.

This Parliament, too, was the first which had a modern party majority. This majority enabled the Government to give information and permit debate, without fear of Parliamentary reprisals. They did not even need to give their supporters the trouble of walking through the division lobbies, since they need only point out that a motion should be withdrawn, otherwise it would certainly be defeated.

Although a detailed study of the successive Parliamentary Committees on Procedure, which were appointed from time to time between 1852 and 1931, is beyond the scope of this thesis, the impression gained from them is that the members at any one time did not realise the changes which were taking place in the position of the House of Commons and the balance of the Constitution. The Parliament of 1868-1874 certainly did not

realise the extent to which it marked an innovation which was to have far-reaching implications. The Government were probably more aware of the reality of the situation, since they were engaged on using the machine and in a better position to realise the changes which were taking place in the material they had to manipulate.

To turn to the diplomatic aspect of the question. The opinion was frequently expressed before the Procedure Committees that Parliament, and especially the House of Commons, did not take sufficient interest in, or devote sufficient time to, questions of foreign policy. Various suggestions were put forward to account for this. Some believed that it was simply due to the insular outlook of members, others that it was due to a feeling of impotence caused by a knowledge that effective intervention was impossible. Bagehot<sup>1</sup> took up a point made by Bernal Osborne<sup>2</sup> and put it down to the working of the party system. He maintained that the official Opposition did not criticise because they knew they would one day have to face similar criticism themselves. Thus only independent members were free to speak in these matters, and the continuity of British foreign policy became an arrangement of convenience between the two chief parties. Probably all three factors contributed to Parliamentary reticence.

---

1. Op.cit., p.xliv.

2. Hans., CCIX.94.

In any case, the tendency to leave the conduct of foreign affairs to the Executive, which became more marked as the century advanced, was already evident in the Parliament of 1868-1874, although the Lords, and to a lesser extent the Commons also, still occasionally offered criticism. When they did so, the value of the criticism was reduced by the fact that few members had a capacity for thinking in terms of diplomatic possibility. The attitude most usually advocated was one of firm and open speaking in British dealings with other countries, or suggestions that "a shrewd practising attorney" should have been sent to make the Treaty of Washington.<sup>1</sup>

The Government was very little inclined to listen to or accept Parliamentary criticism. Gladstone had a convenient illustration to hand for the purpose of combating pleas for frankness and Parliamentary discussion. He regularly cited the influence of the French Chambers at the outbreak of the Franco-Prussian war, and subsequent events have amply justified his hesitancy in accepting the intervention of a public elected assembly.

There may have been more than coincidence behind the occurrence of several major diplomatic events in the Parliamentary recess. It is impossible to be certain, but in the

---

1. Hans., CCIX.97.



case of Central Asia, Granville admitted that he wanted the question concluded before Parliament met.<sup>1</sup> Although he can scarcely have influenced the date of the Gortchakov Circular, the conference was hurried on so as to be in session before Parliament reassembled. The Rose mission was also concluded in recess.

The attitude of the permanent staff of the Foreign Office seems to have been more formal. This applies particularly to the older members. Hammond's memoranda are full of concern for Parliamentary opinion, and Hertslet, the Librarian, was always careful to maintain the strictest constitutional precedents when dealing with Parliamentary affairs.<sup>2</sup>

The attitude of the Ministry itself seems to have been one of unconscious cynicism. When Granville reported Thiers' lecture on Parliament to Gladstone, the latter replied: "When they talk to us about the House of Commons, there is a reply

1. And was foolish enough to let the statement be printed, Central Asia No.1 (1873) [C.899], No.3, H.C.(1873), LXXV.707.

Gladstone was subsequently challenged on the subject in the House of Commons (Hans., CCXV.848).

2. For Hammond, cf. supra, pp.75-8. Hertslet's attitude is exemplified by his reply to a request from the Speaker that he should certify the number of copies of a Blue Book to be circulated before it was printed: "I fear this order, if enforced, will be productive of very great inconvenience; not so much to this office or to the Public, as to the House of Commons itself: for it frequently happens that, on the eve of an important debate on Foreign Affairs, Papers are laid before Parliament by this office in great haste, so that members may be put in possession of the correspondence which has passed on the Subject before the Debate takes place, but if such Papers could not be received in future until the Speaker's sanction had been obtained, and after an official

which but for the proprieties would be best: 'teach your grandmother to suck eggs'."<sup>1</sup> In the face of this light-hearted confidence it is not surprising that the Government did very much as it pleased in matters of foreign policy. At some points during the negotiations connected with the Franco-Prussian war the Government's action seems to have been hastened by Parliamentary pressure; but on the whole it cannot be maintained that the Parliament of 1868-1874 had any real influence upon the policy of the Government.

---

correspondence had passed on the subject, the object which the Secretary of State had in view in presenting the papers would be entirely frustrated..." (memo. of 16 June 1872, F.O.83/329).

1. Gladstone to Granville, 18 Sept. 1870 (G. & D. 29/53, Pte. Granville Papers).

APPENDICES.

Appendix I.

ANALYSIS OF DIPLOMATIC BLUE BOOKS RETURNED TO ADDRESS, 1828-  
1914, ARRANGED BY ADMINISTRATIONS.

Key to Columns:

- A: Date of Administration.  
 B: Numbers assigned to the Papers in Temperley and Penson, A Century of Diplomatic Blue Books.  
 C: Total number of Papers laid in each Administration.  
 D: Number of 'C' which were Returned to Addresses.  
 E: Number of 'D' which were returned to addresses in the Commons.  
 F: Number of 'E' which were debated in the Commons.  
 G: Number of 'D' which were returned to addresses in the Lords.  
 H: Number of 'G' which were debated in the Lords.

| A. Dates  | B. Nos     | C. Tot          | D. RA | E. HC | F. Deb | G. HL | H. Deb |
|-----------|------------|-----------------|-------|-------|--------|-------|--------|
| 1828-30   | 165-182c   | 30              | 17    | 15    | 10     | 4     | 4      |
| 1830-34   | 183-209    | 34 <sup>+</sup> | 12    | 10    | 3      | 2     | 2      |
| 1835-41   | 210-285    | 118             | 26    | 23    | 10     | 3     | 1      |
| 1841-46   | 286-353a   | 103             | 19    | 14    | 5      | 5     | 4      |
| 1847-52   | 354-437    | 150             | 38    | 36    | 2      | 7     | 3      |
| 1853-58   | 438-539    | 164             | 33    | 29    | 2      | 6     | 3      |
| 1858-59   | 540-557    | 38              | 8     | 8     | 3      | 0     | 0      |
| 1859-66   | 558-710    | 353             | 100   | 82    | 11     | 22    | 21     |
| 1866-67   | 711-749    | 68              | 13    | 13    | 1      | 0     | 0      |
| 1868-74   | 750-860a   | 241             | 39    | 35    | 0      | 8     | 7      |
| 1874-79   | 861-1005a  | 310             | 33    | 32    | 0      | 1     | 0      |
| 1880-85   | 1006-1177  | 446             | 12    | 8     | 0      | 4     | 4*     |
| 1886      | 1178-1198a | 44              | 0     | -     | -      | -     | -      |
| 1887-92   | 1199-1363  | 265             | 14    | 13    | -      | 1     | 1      |
| 1892-95   | 1364-1419  | 103             | 0     | -     | -      | -     | -      |
| 1895-1900 | 1420-1558  | 249             | 5     | 5     | -      | 1     | 0      |
| 1900-05   | 1559-1695  | 225             | 1     | 1     | 0      | 0     | 0      |
| 1905-14   | 1696-1969b | 452             | 5     | 5     | 0      | 0     | 0      |

<sup>+</sup> Excluding three Papers published in British and Foreign State Papers.

\* One on a Ministerial motion.

Appendix II.

NOMINAL AND ACTUAL DATES OF CIRCULATION OF BLUE BOOKS.

| No.*                          | Description   | Nominal Date | Actual Date       | Evidence  |
|-------------------------------|---|--------------|-------------------|---|
| <u>Franco-Prussian War.</u>   |   |              |                   |   |
| 782                           | <u>No.1(1870) [C.167],</u><br>H.C.(1870), LXX.17-<br>100.     | 22 Jul 1870  | c.25 July<br>1870 | Contains despatches dated 25th and had not been received by HC on 25th. ( <u>Hans. CCIII.880-1</u> ).     |
| 782a                          | <u>No.2(1870) [C.189],</u><br>H.C.(1870), LXX.101-<br>114.    | 29 Jul 1870  |                   | Contains despatch communicated on 30th.   |
| 782b                          | <u>No.3(1870) [C.210],</u><br>H.C.(1870), LXX.115-<br>220.    | 10 Aug 1870  |                   | Contains despatch sent on 11th.   |
| 803                           | <u>No.1(1871) [C.244],</u><br>H.C.(1871), LXXI.1-<br>284.     | 10 Feb 1871  | 13 Feb 1871       | <u>Hans.</u> , CCIV.<br>171.  |
| <u>Black Sea.</u>             |   |              |                   |   |
| 808                           | [C.245], H.C.(1871)<br>LXXII.1-114.                           | 10 Feb 1871  |                   | Same day Gladstone "hoped they would be very shortly in the hands of Members" ( <u>Hans.</u> , CCIV.124). |
| <u>American Negotiations.</u> |   |              |                   |   |
| 774a                          | <u>N.A.No.1(1870) [C.</u><br>22], H.C.(1870),<br>LXIX.439-62. | 10 Feb 1870  | 14 Feb 1870       | <u>Hans.</u> , CXCIX.<br>240.   |

\* These are the numbers assigned to the papers in Temperley and Penson, A Century of Diplomatic Blue Books.

| No.   | Description   | Nominal Date | Actual Date | Evidence  |
|-------|---|--------------|-------------|---|
| 822b  | <u>N.A.No.3(1872)</u> [C. 505], H.C.(1872), LXIX.331-6.   | 15 Apr 1872  | Possibly 13 | <u>Hans.</u> , CCX. 1330.   |
| 822c  | <u>N.A.No.4(1872)</u> [C. 506], H.C.(1872), LXIX.337-438. | 16 Apr 1872  | Possibly 17 | Statements on 16th that it would be circulated "tomorrow" ( <u>Hans.</u> , CCX. 1330, 1335).                          |
| 822e  | <u>N.A.No.5(1872)</u> [C. 523], H.C.(1872), LXIX.629-38.  | 18 Apr 1872  | 16 Apr 1872 | <u>Hans.</u> , CCX. 1330.   |
| 822ij | <u>N.A.No.9(1872)</u> [C. 566], H.C.(1872), LXIX.709-62.  | 14 Jun 1872  |             | Same day, Gladstone hoped they would be circulated before the next meeting of the House ( <u>Hans.</u> , CCXI. 1742). |

Appendix III.

BIOGRAPHICAL NOTES ON SOME MEMBERS OF PARLIAMENT.

The purpose of these notes is to indicate the background and interests of private members of the House of Commons mentioned in the text. No attempt has been made to give full biographies. Except in a few cases indicated below, the sources used are Dod, Parliamentary Companion, and the Dictionary of National Biography. The constituency and party given after the name are those which applied in 1868 or on first entering the House after that date. In a few cases where these details changed during the administration this is indicated at the appropriate point in the member's career. Dates of seats held are not given. Where a full-length biography is known to exist it is cited with reference to each member.

mentioned on pp.

- ADDERLEY, Sir Charles (N.Staffs, Cons.) 74  
 1814-1905. Entered Parliament 1841;  
 President of Bd. of Health and ~~Vicer~~-  
 President of Bd. of Educ. 1858-9; Un-  
 dersecretary for Colonies 1866-8;  
 President of Bd. of Trade 1874 till  
 his retirement in 1878 when he was  
 raised to the peerage as 1st Baron  
 Norton.  
 Biog.: W.S.C.Pemberton, Life of Lord Norton.
- AYTOUN, R.Sinclair (Kirkcaldy, Lib.) 120n., 122  
 b. 1823. Entered Parliament 1862.
- BEAUMONT, Somerset Archibald (Wakefield,  
 Lib.) 106  
 b. 1835. Entered Parliament 1860.  
 Had been supporter of Palmerston's  
 foreign policy. Brother of Wentworth  
 Blakett Beaumont, M.P. for Northum-  
 berland S.
- BOUVERIE, E.Pleydell (Kilmarnock, Lib.) 93  
 1818-89. Précis-writer to Lord Pal-  
 merston Jan.-June 1840; called to Bar

mentioned on pp.

1843; entered Parliament 1844; Under-Sec. Home Office 1850-2; Chairman of Committees 1853-5; ~~Vice~~-President of Bd. of Trade Mar.-Aug. 1855; President of Poor Law Bd. 1855-8.

2nd son of Earl of Radnor. A Liberal of the "old whig school" (D.N.B.) and frequent disagreements with Gladstone resulted in complete break in Mar. 1873. Corresponded with the Times over the initials E.P.B.

BULWER, Sir William Henry Lytton Earle (Tamworth, Lib.) 97, 106, 107n.

1801-72. Attached to Mission to Berlin 1827-9; at Vienna 1829-30; at the Hague 1830. Entered Parliament 1830; elected for Coventry as "advanced Liberal" 1831; attached to Mission at Paris 1832; secretary of legation at Brussels and M.P. for Marylebone as "radical reformer" 1835-7; secretary of embassy at Constantinople 1837-9; at Paris 1839-40; Amb. at Madrid 1843-9; at Washington 1849-52; at Tuscany 1852; at Constantinople 1859-65; M.P. for Tamworth 1865 until raised to peerage as Baron Dalling and Bulwer, 21 Mar. 1871.

BURY, Viscount (Berwick-on-Tweed, Lib.) 93

1832-94. Priv. Sec. to Lord John Russell 1850-1; entered Parliament 1857; Treas. of Household 1859-66; became Conservative 1875; Raised to peerage as Baron Ashford 1876; Under-Sec. at War 1878-80 and 1880-85; succeeded his father as Earl of Albemarle 1891.

CORRANCE, F.S. (E. Suffolk, Cons.) 7  
b. 1822. Entered Parliament 1867.

DILKE, Sir Charles Wentworth (Chelsea, Rad.) 59, 62, 63, 64  
1843-1911. Entered Parliament 1868; (and n.), 66n.,  
Under-Sec. for Foreign Affairs 1880-2; 121, 125  
Pres. of Local Gvmt. Bd.; in retirement  
owing to divorce case 1886-92; re-elected



mentioned on pp.

for Forest of Dean 1892 and held the seat until his death.

A Republican, and though a radical, "a convinced and well-informed imperialist" (D.N.B.). The author of Greater Britain and other pamphlets. He favoured a policy of "non-intervention in foreign politics" (Dod).

Biog.: Gwynn and Tuckwell, Life of Sir Charles Dilke.

- DIXON, George (Birmingham, Lib.) 81  
 1820-98. Mayor of Birmingham 1866.  
 Entered Parliament for Birmingham 1867.  
 An "advanced Liberal" (Dod).
- EASTWICK, Edward Backhouse (Penrhyn, Lib.-Cons.) 66(and n.), 118n.  
 1814-83. Asst.-Sec. to India Office 1858-60; Sec. of Legation, Persia, 1860-2; Chargé d'Aff. Tahrán, Dec. 1862-Jan. 23, 1863; Priv. Sec. to Cranborne 1866-7. Entered Parliament 1868, retired 1874.
- FAWCETT, Henry (Brighton, Lib.) 106  
 1833-84. Professor of Polit. Econ., Cambridge, 1863-84; entered Parliament 1865; ceased to receive Liberal whip 1868; P.M.G. 1880-4.  
 He was blind throughout his Parliamentary career. Known as "Member for India".  
 Biog.: Leslie Stephen, Life of Henry Fawcett, 1885.
- GILPIN, Charles (Northampton Bor., Lib.) 106  
 b. 1815; entered Parliament 1857; Parl. Sec. to Poor Law Bd. 1859-65.  
 An "earnest and thorough Liberal" (Dod).
- GOLDSMID, Sir Francis H. (Reading, Lib.) 80  
 1803-78. Entered Parliament 1860.  
 Q.C.

mentioned on pp.

- in Sybil, 'Waldershare' in Endymion.  
 Biog.: Charles Whibley, Life of Lord John Manners.
- NORTHCOTE, Sir Stafford Henry (N.Devon, Cons.) 74  
 1818-87. Entered Parliament 1855; Fin. Sec. to Treasury 1859; Pres. of Bd. of Trade 1866-7; Sec. of State for India 1867-8; Member of Washington Commission 1871; Chanc. of Exch. 1874-80; Leader of Opposition 1880-5; First Lord of Treasury (not P.M.) 1885. Raised to peerage as 1st Earl of Iddlesleigh, 6 July 1885. Foreign Sec. 1886.  
 Biog.: Andrew Lang, Life of the Earl of Iddlesleigh, 1890.
- O'BRIEN, Sir Patrick (Kings Co., Cons.) 106  
 b.1823; entered Parliament 1852.
- OSBORNE, Ralph Bernal (Waterford, Lib.) 63, 64 (and n.),  
 80, 93, 94, 95,  
 106, 107, 109,  
 117.  
 1808-82. Entered Parliament 1841; Sec. to Admiralty 1857-8.  
 A "licensed jester" (T.B. Atlay, Lives of the Victorian Chancellors, ii.304).  
 Biog.: Atlay.
- PEEL, Sir Robert (3rd Bart.) (Tamworth, Lib.) 63, 113.  
 1822-95. Attaché at Madrid; Sec. of Legation, Switzerland, 1846; Chargé d'Aff. Switzerland 1846-50. Entered Parliament 1850; Lord of Admiralty 1855-7; Sec. for Ireland 1861-5. Lib.-Cons. 1850-5; Lib. 1855-74; Lib.-Cons. 1874-80; Cons. from 1880.  
 "The want of moral fibre in his volatile character, an absence of dignity, and an inability to accept a fixed political creed, prevented him from acquiring the confidence of his associates or of the public" (D.N.B.).
- RYLANDS, Peter (Warrington, Rad.) 34, 82, 120-1,  
 123  
 1820-87. Mayor of Warrington 1853-4; entered Parliament 1868.  
 Biog.: L.Gordon Rylands, Correspondence and Speeches of Peter Rylands.

mentioned on pp.

- SELWIN-IBBETSON, Sir Henry John (W. Essex, Cons.) 5  
1826-1902. Entered Parliament 1865;  
Under-Sec. to Home Office 1874-8; Parl.  
Sec. to Treas. 1878-86; raised to peerage  
as 1st Baron Rookwood 1892.
- WATERBOTHAM, Henry Selfe Page (Stroud, Lib.) 6  
1837-73. Entered Parliament 1867;  
Under-Sec. to Home Office 1871 until his  
death.  
Liberal but sat below the gangway. Leader  
of nonconformists in the House of Commons.
- WYNDHAM, Hon. Percy Scawen (W. Cumberland, Cons.) 93  
1835-1911. Entered Parliament 1860.  
2nd son of 1st Lord Leconfield.

The first of these is the fact that the  
 number of cases of this disease is  
 steadily increasing. This is true  
 in all parts of the world, and  
 the rate of increase is  
 particularly rapid in the  
 tropics. The second fact is  
 that the disease is becoming  
 more and more common in  
 the temperate zones. This is  
 due to the fact that the  
 disease is being introduced  
 from the tropics by  
 the migration of man and  
 animals. The third fact is  
 that the disease is becoming  
 more and more common in  
 the industrialized countries.  
 This is due to the fact that  
 the disease is being introduced  
 from the tropics by  
 the migration of man and  
 animals.

**BIBLIOGRAPHY.**

---

1. *Journal of Tropical Medicine and Hygiene*, 1910, 13, 1-10.  
 2. *Annals of the Entomological Society of America*, 1911, 4, 1-10.  
 3. *Proceedings of the Entomological Society of London*, 1912, 1, 1-10.  
 4. *Journal of the Royal Sanitary Institute*, 1913, 53, 1-10.  
 5. *Journal of the Royal Society of Medicine*, 1914, 7, 1-10.  
 6. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1915, 9, 1-10.  
 7. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1916, 10, 1-10.  
 8. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1917, 11, 1-10.  
 9. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1918, 12, 1-10.  
 10. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1919, 13, 1-10.  
 11. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1920, 14, 1-10.  
 12. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1921, 15, 1-10.  
 13. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1922, 16, 1-10.  
 14. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1923, 17, 1-10.  
 15. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1924, 18, 1-10.  
 16. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1925, 19, 1-10.  
 17. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1926, 20, 1-10.  
 18. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1927, 21, 1-10.  
 19. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1928, 22, 1-10.  
 20. *Journal of the Royal Society of Tropical Medicine and Hygiene*, 1929, 23, 1-10.

Note.

A list of sources arranged in the conventional manner cannot describe the use made of them, or the methods necessary, in a study of this kind. It is therefore proposed to describe the manner in which the material has been used, and then to append a classified list.

As the whole study divides into Parliamentary and diplomatic sections, the material will be discussed in the same way, beginning with the former. Erskine May's Parliamentary Practice is the essential technical handbook for a Parliamentary study. It is not a secondary work in a strict sense. A distinction must be made between the contemporary and later editions. The contemporary editions, that is the seventh and eighth, represent the manual of procedure actually in use in the House at the time of this Parliament. The later editions, especially the most recent, the fourteenth, are more valuable as histories of procedure. The actual rules of procedure of the House can be found in the Standing Orders, printed in the Journals and periodically bound as separate volumes.

The information on procedure given by Erskine May can be supplemented from the reports of, and evidence given before, the Select Committees on Procedure appointed from time to time. The most important of these Committees from a general point of

view were those appointed in 1914 and 1931. These contain a certain amount of historical material, while the others are chiefly valuable as giving the background to changes in procedure. None of them are particularly reliable as to facts.

The general constitutional histories are not particularly valuable for this type of study. They are not usually sufficiently detailed. Though they commonly realise that practice is governed by custom as well as by definite rule, they do not allow for the extent to which even custom is variable. This can only be worked out by reference to what actually happened. The most useful are J. Redlich, Procedure of the House of Commons, Alpheus Todd, Constitutional History of England, and the contemporary history, Walter Bagehot, The English Constitution.

The Journals of both Houses, which are the authentic record of Parliamentary action, are of little use for this purpose because they record simply the actions and not the opinions of Parliament. Hansard is, of course, the primary source for this study, but it should be noted that at this period it was not always accurate. It is clear from the debates that members at the time relied on the Times reports, but since these are too cumbersome to use for the purposes of detailed study they can only be employed to check or supplement Hansard.

The basis for the study of the diplomatic aspect of the question, and also the link between the two sections, is provided by Temperley and Penson, A Century of Diplomatic Blue Books. This work is invaluable as an index to Blue Books, particularly since the general indexes to Parliamentary Papers are inconvenient for purposes of reference. It contains prefatory notes which offer a useful initiation into the Parliamentary aspects of each administration, and to the Blue Book policy of successive Governments.

The Blue Books have to be used in conjunction with Foreign Office material because this material is primarily of importance for this study in as far as it is omitted from Blue Books. The private correspondence of the Foreign Secretaries with British representatives abroad and foreign ambassadors in London have also been studied from this point of view, but in general the private papers of Clarendon, Granville, and Gladstone have been primarily useful in throwing light on their attitude to Parliament. The biographies of Lyons, Granville, and Gladstone have served the same purpose.

Apart from the constitutional histories already mentioned, and the valuable monographs listed below, there is very little secondary material of any significance. Although many authors have purported to deal with this field, their work - though sometimes stimulating - has usually not been based on detailed research and is correspondingly less useful.

List.A. Bibliographical.

H. Temperley and Lillian M. Penson, A Century of Diplomatic Blue Books, Cambridge, 1938.  
Indexes to Parliamentary Papers, 1801-52, 1852-99; 1900-9, 1910-19, 1920-9; thereafter annual indexes.

B. Manuscript Sources.

## 1. British Museum

Add. MSS 44167-9

44538

Private Gladstone Papers

44541

## 2. Public Record Office

(a) Foreign Office Papers

F.O.5, vols. for 1869-73, United States of America

F.O.7/762-9 Austria, 1870-May 1871

786-8

F.O.10/303-10 Belgium, 1870

F.O.27/1791-6 France, June 1870-May 1871

1805-21

1850-1

1854-9

F.O.45/160 Italy, June-Dec. 1870

164-9

F.O.64/681-3 Prussia, 1870-Apr. 1871

688-97A

714

716-9

737-9

Prussia, Special mission of Mr. Odo Russell, vols. 1-3

F.O.65/797-806 Russia, 1870-Mar. 1871

819-20

870-9 Russia, Central Asia case vols. 4-13

F.O.72/1289-1301 Spain, Tornado case vols. 1-13

1231

Spain, June-Dec. 1870

1234-8

F.O.78/2120 Turkey, July 1870-May 1871

2123-6

2171

2173-4



- (b) Foreign Office, Miscellaneous  
 F.O.83/207 . Parliamentary and Domestic  
 329  
 500
- (c) Private Clarendon Papers  
 F.O.361/1 1867-70
- (d) Private Granville Papers  
 Gifts and Deposits 29/  
 vols.57-62 to and from Gladstone  
 67 to and from Sir Roundell Palmer and Lord  
 Westbury  
 75 to and from the Speaker  
 79 to and from Earl Russell  
 80 from British Embassy in Washington  
 81 to and from American Embassy in London  
 82 to and from Austrian Embassy in London  
 85-7 from Lord Lyons  
 89 to and from French Embassy in London  
 90-1 to and from Lord Loftus  
 92-3 to and from Odo Russell  
 94 to and from Prussian Embassy in London  
 97 from Sir Andrew Buchanan  
 98 ~~to and~~ from Russian Embassy in London  
 104-5 to and from Hammond and Odo Russell  
 106 to and from Tenterden  
 114 to Sir Andrew Buchanan  
 115 to Brunnow  
 F.O.362/  
 vols.1 to Sir E.Thornton and General Schenck,  
 1870-4  
 2 to Bloomfield and Buchanan, 1870-3  
 3 from Bloomfield and Buchanan, 1870-3  
 4 to Lord Lyons, 1870-1

### C. Printed Sources.

#### 1. Diplomatic Blue Books and White Papers

##### America

- North America No.1 (1869) [4144] H.C.(1868-9), LXIII.735-96  
 2 (1869) [4144-I] *ibid.*, 797-800  
 1 (1870) [C.22] H.C.(1870), LXIX.439-62  
 1-3 (1871) [C.262] [C.344] [C.346] H.C.(1871),  
 LXX.1-44  
Treaty of Washington (1871) [C.386] H.C.(1871), LXX.45-58  
Naturalisation Convention (1871) [C.345] *ibid.*, 59-64

|                                   |                 |                          |
|-----------------------------------|-----------------|--------------------------|
| <u>North America No. 1 (1872)</u> | [C. 462]        | H.C. (1872), LXIX. 1-174 |
| 2                                 | [C. 476]        | 175-330                  |
| 3                                 | [C. 505]        | 331-6                    |
| 4                                 | [C. 506, I-VII] | 337-498                  |
|                                   |                 | (VII: 499-628)           |
| 5                                 | [C. 523]        | 629-38                   |
| 6                                 | [C. 531]        | 639-52                   |
| 7                                 | [C. 545]        | 653-704                  |
| 8                                 | [C. 548]        | 705-8                    |
| 9                                 | [C. 566]        | 709-62                   |
| 10                                | [C. 570]        | 763-78                   |
| 11                                | [C. 571]        | 779-876                  |
| 12                                | [C. 594]        | 877-end                  |

Add. Article to Tr. of Washington (1872) [C. 736] H.C. (1873), LXXIV. 1-4

|                                   |          |                           |
|-----------------------------------|----------|---------------------------|
| <u>North America No. 1 (1873)</u> | [C. 683] | H.C. (1873), LXXIV. 9-418 |
| 2                                 | [C. 689] | 419-680                   |
| 3                                 | [C. 690] | 681-726                   |
| 4                                 | [C. 691] | 727-64                    |
| 5                                 | [C. 692] | 765-820                   |
| 6                                 | [C. 693] | 821-68                    |
| 7                                 | [C. 694] | 869-80                    |
| 8                                 | [C. 695] | 881-910                   |
| 9                                 | [C. 696] | 911-26                    |
| 10                                | [C. 735] | 927-32                    |
| 11                                | [C. 771] | 933-end                   |
| 12                                | [C. 775] | 5-8                       |

#### Belgium

Treaties with France and Prussia [C. 240] and [C. 241]  
H.C. (1871), LXX. 75-86

#### Franco-Prussian War

Correspondence No. 1 (1870) [C. 167] H.C. (1870), LXX. 12-100

|   |          |         |
|---|----------|---------|
| 2 | [C. 189] | 101-14  |
| 3 | [C. 210] | 115-220 |

Franco-German War No. 1 (1871) [C. 244] H.C. (1871), LXXI. 1-284

|    |          |         |
|----|----------|---------|
| 2. | [C. 263] | 305-320 |
| 3  | [C. 266] | 321-8   |

#### Paris, Treaty of (1856)

Correspondence [C. 245] H.C. (1871), LXXII. 1-114

Odo Russell's Despatches [C. 265] 115-8

Protocols of London Conf. [C. 267] 119-64

Treaty of London, 13 Mar. 1871 [C. 314] 165-78

#### Spain, 'Tornado'

Correspondence Pts. I-IX, H.C. (1867), LXXV. 161-596

Correspondence 1867-8 [3993] H.C. (1867-8), LXXIII. 791-end

Tornado Nos. 1 and 2 (1869) [4126 & I] H.C. (1868-9), LXIV. 669-726

Correspondence (1870) [C.34] H.C.(1870), LXX.825-68

Russia, Central Asia

Correspondence Nos.1 and 2 (1873) [C.699] and [C.704]  
H.C.(1873), LXXV.693-end

2. Parliamentary Material

(a) Journals of the House of Commons  
Journals of the House of Lords

(b) Hansard (Parliamentary Debates), New Series, vols. 1-25, 1820-30.  
ibid. 3rd Series, vols. 1-356, 1831-91.

(c) Reports of Select Committees of House of Commons on Procedure. (These are all sessional papers, and where a sessional number is given in the index, this is listed before the date).

Parliamentary Papers 1854, VII.11  
1857, IX.47  
1861, XI.431  
1868-9, VII.171 (Joint Committee  
of Lords and Commons)  
1871, IX.1  
1878, XVIII.1  
1886, XI.219  
(378) 1902, VII.321  
(261) 1905, VII.1  
(89, 181) 1906, VIII.531  
(112) 1908, VI.733  
(246) 1913, VII.15  
(378) 1914, VII.593  
(257) 1920, VIII.293  
(137) 1924-5, VII.21  
(102) 1927, VI.713  
(12) 1929-30, VII.333  
(161) 1930-1, VIII.203  
(129) 1931-2, V.487

(d) Reports of Select Committees on Printing  
Parliamentary Papers 1822, IV.401  
1828, IV.481  
1835, XVIII.161  
1837, XIII.97  
1825, V.21

(e) Standing Orders of House of Commons (H.M.S.O., 1925)  
contains a list of the dates at which all the orders  
then in force were passed.

### 3. Newspapers and Periodicals

Times  
Saturday Review  
Annual Register

### D. Secondary Material.

#### 1. Biographies

Atlay, J.B., Lives of the Victorian Chancellors, London, 1906 (2 vols.)  
 Fitzmaurice, Edward, Life of Granville George Leveson Gower 2nd Earl Granville 1815-91, 1905 (2 vols.)  
 Gwynn, S.L. and Tuckwell G.M., Life of Sir Charles Dilke, London, 1917 (2 vols.)  
 Morley, John, Life of W.E. Gladstone, 1903 (2 vols.)  
 Newton, Thomas Wodehouse Legh, Baron, Life of Lord Lyons, 1913 (2 vols.)  
 O'Connor, T.P., Gladstone's House of Commons, London, 1885.  
 White, William, Inner Life of the House of Commons, London, 1897 (2 vols.)

Dictionary of National Biography, 21 vols. and Supplements, London and Oxford, 1908-37  
 Dod, R.P. (ed.), Dod's Parliamentary Companion, 1865-  
Foreign Office List, ed. F.W.H. Cavendish and E. Hertslet, 48 vols., 1852-1947

#### 2. Constitutional and Parliamentary History

Bagehot, Walter, The English Constitution, 2nd ed., 1872  
 Blackmore, E.G., Decisions of the Rt. Hon. E. Denison, London, 1892  
 Ilbert, Sir Courtenay, Legislative <sup>Methods</sup> and Forms, London, 1901  
 May, Thomas Erskine, A Treatise on the Laws, Privileges, Proceedings, and Usage of the House of Commons, 14 eds., 1844-1946.  
 May, Thomas Erskine, The Constitutional History of England, 3rd ed., 1871 (3 vols.)  
 Redlich, J., The Procedure of the House of Commons, a study of its history and present form, tr. A.E. Steintal, London, 1908 (3 vols.)  
 Todd, Alpheus, Parliamentary Government in England, 1st ed., 1867 (2 vols.)

#### 3. General

Carroll, E.M., French Public Opinion and Foreign Affairs 1870-1914, New York and London, 1931.

- Chou, Kêng-Shêng, Le contrôle parlementaire de la politique étrangère en Angleterre, en France et aux Etats-Unis, Paris, 1920.
- Flournoy, F.R., Parliament and War; the Relation of the British Parliament to the Administration of Foreign Policy in connection with the initiation of war, 1927
- Hewart, Gordon Lord, The New Despotism, 1929.
- Knaplund, P., Gladstone's Foreign Policy, 1935
- Lippmann, Walter, Public Opinion, 1922
- Lord, R.H., Origins of the War of 1870, Harvard Historical Studies vol.28, 1924
- Michon, Louis, Le traités internationaux devant les Chambres, Paris, 1901
- Muir, J.R.B., Government under the Three Party System, 1929
- Muir, J.R.B., How Britain is Governed, 4th ed., 1940
- Ponsonby, A.A.W.H., Democracy and Diplomacy, London, 1915
- Poole, De Witt Clinton, The Conduct of Foreign Relations under Modern Democratic Conditions, Newhaven, 1924
- Raymond, Dora N., British Policy and Opinion during the Franco-Prussian War, New York, 1921
- Thomas, J.A., "An enquiry into the change in the character of the House of Commons 1832-1901", unpubl. Ph.D. thesis, London, 1926

#### 4. Monographs

- Bellot, H. Hale, "Parliament Printing 1660-1837", Bull. of Inst. of Hist. Res., ~~xx~~ xi(1933-4).85
- Temperley, H., "Lord Acton on the origins of the war of 1870, with some unpublished letters from the British and Vienna archives", Camb.Hist.Journal, ii(1926-8).68
- Temperley, H., "British secret diplomacy from Canning to Grey", Camb.Hist.Journal, vi.(1938).1
- Temperley, H. and Henderson, Gavin B., "Disraeli and Palmerston in 1857, or, the dangers of explanations in Parliament", Camb.Hist.Journal, vi(1941-3).115