

SIR EDWARD HERTSLET  
AND HIS WORK AS LIBRARIAN AND KEEPER OF THE PAPERS OF THE FOREIGN OFFICE FROM  
1857-1896

by

Shirley Hall

Thesis submitted in partial fulfilment of the  
requirements for the degree of Master of Arts  
in the University of London  
1958

ProQuest Number: 10097238

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 10097238

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

## ABSTRACT.

This study deals with the evolution of the office of librarian and keeper of the papers during Edward Hertslet's tenure and with his part in the deliberations which influenced the political decisions of the Secretaries of State he served. Some reference is made to the work of his predecessor and father, Lewis Hertslet, whose "tradition" he carried on.

Hertslet's tenure of office is marked by two main features : a significant change in the character of the duties performed by the librarian and a consequent improvement in his status; and an increase in the number of publications issued. Hertslet published authoritative treaty maps of Europe and Africa, separate collections of treaties on trade, as well as continuing the famous series begun by his father - the British and Foreign State Papers and the Commercial Treaties.

The change in the character of the librarian's duties applied in particular to the supplying of memoranda. Apart from treaty questions which had been the Hertslets' special province since 1823, the memoranda were originally of a purely historical character, dealing with British relations with foreign powers in former times. The aptitude shown by the Hertslets, however, and the increasing pressure of business during the middle decades of the century, caused the political departments to devolve more and more of the work which was theirs by right on to the librarian, who produced an ever growing number of memoranda with immediate bearing on current issues.

Hertslet's contribution to the conduct of policy has been considered in relation to diplomatic issues in the Near East, the treaty claims of the powers in Africa and the Pacific, and the boundary dispute between Britain and the Netherlands in North Borneo.

The thesis is for the most part based on the official archives of the Foreign Office, supplemented wherever possible by collections of private papers.

TABLE OF CONTENTS

	Page
PART I : HERTSLET AND HIS ANTECEDENTS.	
(i) The Hertslet "Tradition"	1
(ii) Hertslet the Man	37
PART II : THE LIBRARIAN'S DEPARTMENT; ITS GROWTH AND DEVELOPMENT THROUGHOUT THE NINETEENTH CENTURY.	
(i) The period of growth, 1801-1871	68
(ii) The librarian's department, 1871-1900	103
PART III : AN ANALYSIS OF HERTSLET'S MEMORANDA.	
Introduction	117
(i) The Eastern Question	121
(ii) The Partition of Africa	154
(a) The Berlin West African Conference	156
(b) Hertslet and the interpretation of the Anglo-French agreement of 1862 concerning the independence of Zanzibar	177
(c) The problem of control on the Red Sea and the Somali coast	188
(iii) Britain's acquisition of islands in the Pacific	209
(iv) The boundary dispute between Britain and the Netherlands in North Borneo	233
PART IV : FOREIGN OFFICE PUBLICATIONS.	
(i) Continuation of Lewis Hertslet's work	258
(ii) Breaking new ground	281
CONCLUSION	304

TABLE OF CONTENTS (ctd)

	Page
APPENDICES	
A. The Librarian's department, 1801 - 1896	306
B. Duties of the librarian's department with the dates when they originated	311
C. Memorandum as to the origin of the right of the Sultan of Turkey to exclude ships-of-war and to restrict the passage of foreign merchant vessels through the Dardanelles and the Bosphorus and to close the Black Sea trade to foreign nations; as well as to the present state of these questions	313
D. Memorandum respecting the British and French engagements of 1862 to respect the independence of Muscat and Zanzibar	320
E. List of Pacific Islands belonging to Great Britain or under British Protection	322
F. Memorandum on the Dutch frontier on the North-East coast of Borneo	327
 BIBLIOGRAPHY	 331

PART I

HERTSLET AND HIS ANTECEDENTS.

"Hertslet carried on his father's tradition. He was long a main pivot of the Foreign Office work. Preliminary memoranda by him focussed the history, geography, or international law incident to the chief public questions which came before the government while he held office."<sup>1</sup>

---

1. Sir Charles Alexander Harris, Dictionary of National Biography, Second Supplement, 1901-1911, p. 258

(i) The Hertslet "Tradition".

It is accepted without question that an attempt to assess and evaluate the nature of a man's life-work will present problems. What is not expected is that such problems should, in the last resort, defy solution. In the case of Sir Edward Hertslet, however, if the remark made by one commentator is to be believed, the problems do defy solution. No other interpretation could be placed upon his remark: "What England and the Empire owe to Sir Edward Hertslet.....none will ever be able to calculate."<sup>1</sup>

Nevertheless, foolhardy though the attempt may prove to be, it is the purpose of this thesis to assess what those incalculable services were. Leaving aside for a while the question as to whether the attempt will prove worthy of the effort, it is possible to say from the start that no estimate of the man's work would get very far without some reference first to that of his predecessor and father, Lewis Hertslet. For as Sir Charles Alexander Harris stated:

"Hertslet carried on his father's tradition. He was long a main pivot of the Foreign Office work. Preliminary memoranda by him focussed the history, geography, or international law incident to the chief

---

1. Richmond and Twickenham Times, August 9, 1902.



public questions which came before the government while he held office." <sup>1</sup>

The key word there is "tradition". One could call it the Hertslet "tradition", for the family was connected with the Foreign Office in some way or another for four generations, spread over a period of a hundred and seven years. Sir Philip Currie recognised this when, in 1890, he appeared before the Royal Commission appointed to inquire into the Civil Establishments of the different offices of state at home and abroad.

"The appointment has become rather hereditary. Sir Edward Hertslet and his father have been librarians, and his uncle sub-librarian, and they have shown an extraordinary aptitude and capacity for the work." <sup>2</sup>

The retirement of Sir Edward Hertslet in 1894 invited a similar remark from the Daily Chronicle as to the facility with which this family of Swiss extraction had taken root in the official life of England. <sup>3</sup> Its origin could not be traced by Godfrey, youngest son of Edward Hertslet, beyond his great-grandfather, born June 11, 1749, at La Russille, near Lignerolle, in the parish of Les Clées, Cercle Romainmôtier, Canton de Vaud, Switzerland. The Hertslet Coat of Arms, however, preserved at Milan, led him to surmise that the family had been of some importance before the eighteenth century. <sup>4</sup> A drawing of it

---

1. Dictionary of National Biography, Second Supplement, 1901-1911, p. 258.

2. Parliamentary Papers, 1890, XXVII, [c. 6172], p. 7, q. 26, 158.

3. Quoted in the Richmond and Twickenham Times, February, 10, 1894.

4. G.E.P. Hertslet, "Notes on the Hertslet Family", Genealogical Tracts, 1896-1913, [London, 1913], p. 2

was brought from Milan in 1803. It was evidently quite different from that since recognised as the Coat of Arms of the family. To be sure the motto - Fato fortior Virtus - was the same, but the lion, instead of being debruised by a fess sable, was transfixed by a sword and was also passant, thus illustrating the motto in a much more striking manner.

When Jean Louis Pierre Hiertzelet obtained an appointment under the Foreign Office, dating from May 24, 1797, as Messenger in Ordinary to King George III, the name was anglicised to Hertzlett. This was the messenger, who, on a return journey from Petersburg to London in 1799, was, owing to the large quantities of ice afloat, detained at Cuxhaven for twenty-eight days. He then spent seven days making the passage and was actually in the saddle for fifty-two days all told.<sup>1</sup>

Lewis Hertslet,<sup>2</sup> the King's Messenger's eldest son, entered the librarian's department, to serve as an assistant to the librarian, on February 5, 1801. He became librarian in 1810 and held office until 1857, when he was succeeded by his son Edward. His brother, James Hertslet, served under him as assistant librarian from January 5, 1811. Godfrey Hertslet<sup>3</sup>

1. Sir Edward Hertslet, Recollections of the Old Foreign Office, [London, 1901], p.160.

2. Note: it is not clear when the spelling "Hertslet" originated. Lewis was the first of the family to adopt it.

3. Note: he also served in the librarian's department as clerk, as staff officer from September 19, 1900, and as third in the department from January 1, 1913. The connection was also extended for a short time through the person of one of Edward Hertslet's other sons, Reginald Henry Hertslet.

comments on the fact that the office of sub-librarian must have been on a very different footing from what it was in his own time.<sup>1</sup> What prompted this remark was the extremely early age at which appointments were made at that time, especially in the case of his grandfather, Lewis Hertslet, who was little more than fourteen years when appointed in 1801, the entire absence of experience in those selected, the lack of any kind of qualifying examination. He could have said the same about the office of librarian, the librarian's department, and in fact the Foreign Office as a whole. The Foreign Office as such was only set up as a separate establishment in 1782, on the discontinuance of the separate offices of the Secretaries of State for the Northern and Southern departments. It had no librarian's department previous to January, 1801, when Mr Richard Ancell of the State Papers Office was appointed librarian and keeper of the papers. The nature of the work of that office bore no relation, either in scope or importance, to what it was to attain later. It was indeed a rudimentary beginning - one man helped by a boy of fourteen. From it, however, was to develop the department which, later, Lord Granville was to speak of as the "pivot on which the whole machinery of the Foreign Office turned."<sup>2</sup>

The question as to how this came about will be dealt with

---

1. op. cit., p.27.

2. Cited in a memorandum by Edward Hertslet, June 30, 1874, F.O. General, librarian's department, 1868-78.

later. The facts given above, however, would seem to indicate that the transformation which was ultimately effected, was on the whole, due to the initiative and diligence shown by the Hertslets. Lewis Hertslet, in no way given to underestimating his abilities or the importance of his work, made such a claim on his own behalf. On February 14, 1853, in a letter to Lord John Russell, he requested that a more suitable sitting room should be assigned to him, as the one he had at the time was not at all commodious or suitable, and indeed positively unhealthy:

"It is a matter of comparatively little importance to myself - as my official career must be near its termination; but the amour propre which is naturally felt by me - who have made the librarian's department what it is, compared with what it was when I entered it - makes me anxious that everything under my Superintendence should pass out of my hands in as perfect a state as possible." <sup>1</sup>

It remains to see what justification there is for making such a statement. The retirement of Ancell in 1810 and his own appointment as librarian, gave him his opportunity; the "new dispensation" may be said to date from that time. The first innovation was the introduction of a system of registering and indexing the manuscript correspondence. There was none in existence before that date and many papers had been lost as a result. An incident related by Edward Hertslet will suffice to illustrate this.<sup>2</sup> It happened in the days of the old

---

1. F.O. General, librarian's department, 1801-1854.

2. op. cit., p.253.

Foreign Office. A labouring man called there one day bringing with him an original numbered despatch from one of Her Majesty's ministers abroad, written in the eighteenth century. It had fallen from the coat pocket of one of the passengers on a City omnibus. On inquiries being made it was found that this particular despatch was missing from the series of that minister's correspondence at that date. Fortunately the despatch related to no matter of public interest at the time.

It was no ordinary register. The variety and nature of the important questions required as precedents ensured that. Every name mentioned in each despatch was first entered in it. Each entry was then analytically indexed under every variety of heading, so as to facilitate reference. Everything depended on it. Without it, the reports, which as Hammond stated in 1870: "no Secretary of State, no Under Secretary of State, and no senior clerk, could carry on the business of their respective divisions,"<sup>1</sup> could not have been furnished. The great value the register proved to have in making researches in the office, was probably the reason why it was adopted by other foreign governments.<sup>2</sup>

The register and index did not exhaust the fertility of Lewis Hertslet's mind in thinking out new projects which would

---

1. In evidence before the Select Committee on the Diplomatic and Consular Services, Parliamentary Papers, 1870, VII, 382, p.115, ¶.1661

2. See Sir E. Hertslet, *op.cit.*, p.29.

provide further oil for lubricating the wheels of the Foreign Office machine. Many were the extra services begun by him, every one of which was founded upon official utility or public benefit. There was, for instance, a compilation begun by him in 1813 called the Public Documents Book. This was a newspaper scrap-book, containing many cuttings, extracted from trustworthy journals, which recorded important facts and engagements. These, after binding, were carefully indexed. The idea occurred to Hertslet, when, as a result of the reverses of Bonaparte in 1813 and the important changes these effected in Europe, he saw that the newspapers were more than usually full of foreign intelligence, to which, in his opinion, it was desirable to be able to refer. This could not be done without a great sacrifice of time. His idea was welcomed, therefore, as a good means of getting round the difficulty, and he was paid £100 per annum for doing it. The series commenced in 1796 and was carried on until 1873, when it was discontinued, owing to the impossibility of continuing it without additional help. As his son remarked, it supplied a new and abundant source of useful information at a time when, contrary to later practice, such documents and facts were not normally published.<sup>1</sup>

In 1820 a much more ambitious undertaking was first proposed. It was that he should compile and edit, in his

---

1. Ibid, p. 148.

leisure hours, the work which later became known as Hertslet's Commercial and Slave Trade Treaties. It came about in this way. Hertslet had been ordered to prepare a list of commercial treaties for the use of Sir William A Court, British Minister at Naples. The latter had written on December 20, 1819,<sup>1</sup> urging that copies of these treaties should be sent out to him. His need was urgent as the treaties were frequently cited by merchants as well as by the Neapolitan government and commercial questions were becoming increasingly important. He felt it imperative, therefore, for him to become master of the letter as well as the spirit of the treaties.

On looking into the matter, Hertslet observed that many of these ancient commercial treaties were still in force, but that for general purposes they were very difficult of access as they were more or less divided and interspersed with other treaties in various collections which had at different times been published. In a memorandum, submitted to Hamilton, the Permanent Under Secretary, on January 15, 1820,<sup>2</sup> he proposed, therefore, to remedy this inconvenience and to afford the government at home, British ministers abroad, and the mercantile world at large, the means of an immediate reference to such important documents, by forming and reprinting in a concise manner, a complete collection of all existing commercial

- 
1. Docketted H.H.(amilton) : "Mr Hertslet will prepare them as well as he can and let me have a list." F.O. 83/636
  2. Ibid. cf. Memorandum by Hertslet, January 5, 1850, in particular Appendix A, F.O. General, librarian's department, 1801-1854

engagements between Great Britain and foreign powers, including those relative to the slave trade. It was, he thought, all the more necessary as, apart from the practical difficulty of inaccessibility, many doubts and differences of opinion frequently arose, as to whether or not, or how far, British commercial relations with different powers had been affected by the extraordinary events and changes, which had taken place during the course of the French Revolutionary War in which Great Britain had been so generally involved. Hamilton promptly replied that he would be very glad to see Hertslet undertake the work and promised to give him all possible assistance.<sup>1</sup> Four months later, he made good his promise by undertaking on behalf of the office, providing the work was not produced in an expensive style, to buy three hundred copies, as requested by Hertslet, to help defray the expense of publication.<sup>2</sup> Two volumes appeared in 1820. The demand was such that in 1828, a second edition had to be prepared. The reason why these two volumes were found to be of especial value was because they contained copies of or extracts from all the old treaties which had been concluded between Great Britain and foreign powers, conferring commercial and other benefits, and had been specially renewed, or were actually in force at the termination of the French Revolutionary War in 1815. Of the undertaking as a whole Edward Hertslet

---

1. January 15, 1820, endorsement on Hertslet's memorandum January 15, 1820, Ibid.

2. Minute April 20, 1820, Ibid.



stated:

"This was a herculean task, and one of no little responsibility, which could only have been undertaken by one who was thoroughly master of the subject; and to his great credit, be it said, the accuracy of the opinions which he formed on treaty questions has never been contraverted, either in this country or abroad." <sup>1</sup>

This was no doubt a partial opinion. It was nevertheless true. As stated above, the Foreign Office, on the strength of its faith in Hertslet's capacity to undertake such a work, ordered three hundred copies. Eighty of these were sent to the Admiralty for circulation to naval officers on foreign stations, and forty to the Colonial Office for transmission to the governors of the colonies. The rest were distributed to various other government departments, cabinet ministers, law officers, slave trade commissioners, ministers and consuls abroad. The official instructions for consuls, in fact, included an injunction to the effect that every principal consulate should be furnished with Hertslet's Commercial Treaties. This was probably why the work, although a strictly private undertaking, came to be regarded as an official publication, in which light it was long admitted as evidence in Equity and other courts. The fact that the contents of the work were officially certified by the Foreign Office to consist of accurate and authentic documents, may also have had something to do with it.

High store was set upon the work by the individuals to whom it was distributed. In May 1847, for instance, Ferrier, British

---

1. Sir E. Hertslet, op.cit., p.146.

consul at Tunis, urgently requested that the first volume should be sent out, "as we cannot well dispense with that useful book";<sup>1</sup> Bergne of the treaty department in November, 1851, asked that a copy of volume eight should be given to him to complete his set, "as it is an article of prime necessity with me";<sup>2</sup> finally, Hammond on April 18, 1854, wrote saying that he could not get on without a set of the Commercial Treaties at his house.<sup>3</sup>

This must have been very gratifying to Hertslet, for his reward in purely monetary terms was but slight. Originally, it had been the intention that the purchase of three hundred copies by the Foreign Office would defray the expense of publication. In the case of the later volumes, however, this failed to work out, for a new practice sprang up, whereby the Foreign Office, instead of ordering a fresh supply and consequently bearing a portion of the expense, began to order one or more volumes at a time, as the wants of the public service required. This meant that the expense of reprinting was born entirely by Hertslet. Any profit from the work consequently derived from the two hundred copies supplied to the Admiralty. As these were supplied at trade price, it was only a moderate compensation for the labour that went into the work.<sup>4</sup>

---

1. May 17, 1847, F.O. 83/636.

2. November 26, 1851, Ibid.

3. Ibid.

4. Memoranda by Lewis Hertslet, May 19, 1855, August 24, 1855, Ibid.

Hertslet had better luck in this respect with his next undertaking, a work which soon became universally well known and appreciated, the British and Foreign State Papers. First proposed in 1822, its object was to collect together the principal treaties concerning the political and commercial affairs of nations, and their relations with one another, from the termination of the war in 1815 onwards. It also included a careful selection of the most important despatches laid before parliament by the British government, or by foreign governments before their own legislatures. From time to time, as Temperley and Penson point out,<sup>1</sup> other documents were also included. They cite two occasions when this happened. In each case the documents in question had already seen the light of day in a way the government considered irregular. The first time was when papers were published in Paris in 1830, under the title of "Exposé des Droits de sa Majesté Très Fidèle", concerning the relations between Great Britain and Portugal. The second instance occurred when papers were published by the Argentine government, relating to the correspondence between the British government and Buenos Ayres, relative to the Falkland islands. An earlier practice had been to publish such papers as Blue Books. This happened in the case of papers relating to Greece, which were published in the sessional papers of 1828.

---

1. H. Temperley and L.M. Penson, A Century of Diplomatic Blue Books, 1814 - 1914, [Cambridge, 1938], preface p.xiii, p.46.

There can be no doubt as to the need for such a work.

Once published "these comprehensive and exhaustive works were the most exact and accurate accounts of diplomatic and commercial transactions then extant in the world."<sup>1</sup> Before that there was nothing. The annual collection of parliamentary papers printed under Mr Rolleston's superintendence terminated in 1823 and was very limited in scope, containing no Foreign State papers. As for other works of a similar kind, such as Martens' Recueil de Traités, it was the general opinion that they were not worth consulting. If they were consulted, it invariably necessitated extra work. As Monsieur Amyot, Editeur des Archives Diplomatiques said : "it is rare that I am not obliged to refer to the State Papers to correct Martens and tuti quanti."<sup>2</sup> To turn from one to the other brought its due reward, however. As one commentator stated, it was "perfectly refreshing to turn from the dreary intricacies of Martens to the well-ordered, explicit exhaustive, and indispensable series of British and Foreign State Papers."<sup>3</sup> Sir William Harcourt's comment reveals the reason why this was so :

"Anyone who has attempted to trace events in the labyrinth of Martens, with its double-title pages, parenthetical supplements and incomprehensible index, will agree with me that, next to Bradshaw's Railway Guide, it is the most

- 
1. H. Temperley, The Foreign Policy of Canning, 1822-1827, [London, 1925], p.261
  2. Amyot to Hertslet, April 29, 1865, F.O. 83/287.
  3. Review of the General Index to the British and Foreign State Papers, Vols. 1 - XLIII, 1865. A copy of it is to be found in F.O. 83/287.

perplexing book of reference in the world." <sup>1</sup>

There was one person who took a different view. This was Hammond, head of the Turkish department, who in 1853, in the course of a sharp altercation with Lewis Hertslet, said of the State Papers : "the sooner they were got rid of the better - that they were of no use - and that I (Hertslet) had better publish a second edition of Martens instead of them." <sup>2</sup> Hertslet sensibly took this with a pinch of salt. As he said he :

"could only smile at such remarks, more especially at the last of them - coming as it did from one who had complained more than I have ever heard any other person complain ( and I have heard many ) of the inaccuracies and of the difficulty, not to say **the** impossibility of referring to the contents of that work, to supply which defect I had as he well knew made a general Index to the numerous volumes of which it consists." <sup>3</sup>

The proposed compilation, therefore, filled a serious gap. It would have done so in any event, at whatever time it had been made. It is always important that members of the government, officials, ministers and consuls, should have easy access to the different acts and documents, both political and commercial, on which the relations of states are based. At that particular time, it was imperative. The world had seen such kaleidoscopic changes as a result of the French Revolutionary wars that it must have been an ever present problem to the statesmen and diplomats of the time to remember, to the precise detail required, which state

1. Letter to the Times, April 25, 1865.
2. Cited in a memorandum by Lewis Hertslet, April 30, 1853, F.O. General, librarian's department, 1801 - 1854.
3. Ibid. Note : Hammond changed his opinion later. In a minute (undated) on a memorandum by Edward Hertslet, April 7, 1865 he stated: "the work is most useful and well executed." F.O. 83/287.

held what, on what terms and why. It must have been a god-send for the government to find some-one willing and bold enough to face without qualms the monumental task of placing these things on record. As Professor Temperley said ; "it seems difficult to suppose that Canning, with his passion for accuracy and diffusion of knowledge of State Papers, did not encourage the venture."<sup>1</sup> There is direct proof that this surmise was right. In a memorandum dated April 1865,<sup>2</sup> Edward Hertslet stated that the work had been compiled under the direct orders and with the express sanction of successive Secretaries of State. Canning's name headed the list he gave. Canning also afforded help in a more concrete way, for in 1826, he sanctioned the appointment of a certain Mr Wilson as assistant clerk to Hertslet to help him in the work.<sup>3</sup>

In fact, Canning's replacement of Castlereagh at the Foreign Office in 1822, was probably the reason why Hertslet took it into his head to make the proposal at this time. Whereas Castlereagh had been very chary of giving information to parliament and the public at large, Canning made extensive publication an integral part of his policy, a means of obtaining support for it from his countrymen. The proposal was certainly in keeping with the general tendency of the times, for, with Hansard at work on parliamentary papers and debates and the extraordinary development, despite the heavy paper and stamp duties, of the periodical and

---

1. H. Temperley, *op.cit.*, p.261.

2. F.O. 83/287.

3. Memorandum by Lewis Hertslet, August 14, 1841, F.O. General, librarian's department, 1799 - 1867, 1801 - 1854.

newspaper press, it may be said to have been an era of publication. Whatever the reason, however, as seen above, Lewis Hertslet's assumption that such a work would prove extremely useful, particularly to the members of the government and the diplomatic servants of the Crown at foreign courts, was not allowed to pass by unnoticed. Official countenance and support was given to the work and Hertslet was paid £150 for each volume he brought out.

This was as well, for, as his son pointed out, the fact that the work was done by Hertslet on behalf of the government in his official capacity as librarian, operated greatly to his disadvantage.<sup>1</sup> It was simply stated on the title-page of each volume that the work was compiled by the librarian and keeper of the papers of the Foreign Office. The name Hertslet never appeared. Consequently, although it was generally known in official circles who the compiler was, Hertslet never received the general recognition, which was his due as the author of this valuable publication. This would not have mattered so much if he had had no public from which to receive this recognition. But that was not the case, as, although the original intention had been to keep the work exclusively for the use of Her Majesty's Government and diplomatic agents, the general interest which attached to the work induced the government in 1831 to authorise its sale to the public.

---

1. Sir E. Hertslet, *op.cit.*, p.145.

This was a novel step. It was again, however, wholly in keeping with an age which from 1825 onwards saw the gradual disappearance of all restrictions on the popular press, until in 1861, the repeal of the paper duty finally removed all "taxes on knowledge" and which, in 1835, saw the establishment of regular machinery for the sale of parliamentary papers. Recognition and appreciation of it, if somewhat belated, came eventually. The publication in 1865, of the General Index to the first forty-three volumes of the State Papers by Edward Hertslet, who in 1857 took over the compilation of the work from his father, provided the occasion. During the course of his review of the Index, one critic made much of the decision.<sup>1</sup> It had, in his opinion, removed all ground of complaint by historians, who had regretted the lack of a well-collated and authenticated series of state documents, and deplored the callousness of the government in such matters. Whereas such works were formerly printed exclusively for the use of the government, and none, except the highly favoured, had been able to refer to "the hoarded experiences of diplomacy, and to the treaties, petitions and mandates that lay covered with cobwebs and venerable dust; now they were brought forth from their dingy recesses and placed in a complete form before the general public."

Welcome and necessary though such a step might be, the critic was carried away by too great an enthusiasm, when he went on to say that admission was provided by the State Papers to the secrets

---

1. A copy of the review is to be found in F.O. 83/287.



of every administration, and to the information concerning the merits of any case, on the bare facts of which the national councillors had themselves depended and by which they were stimulated to adopt a given course of action. For, although the State Papers, together with the Commercial Treaties, Blue Books and other papers on foreign affairs laid before parliament were of inestimable value for the study of British foreign policy, and indispensable to the historian, lawyer and student, as well as to the politician and diplomat, they suffered from one great drawback. This was their incompleteness. It will be remembered that they contained, as a rule, only a select body of documents relating to particular questions and to a limited period of time. An important stage had been reached; the critic was right to acknowledge that. It was to be a long time, however, before a more liberal policy was adopted as regards the provision of "admission to the secrets of every administration." Until 1892, no Foreign Office papers later than 1802 could be seen, even with a permit. From 1892 to 1903, a permit was necessary to see papers prior to 1830, and from 1903 onwards for those dated before 1850.

Provided this is taken into consideration, one can agree that otherwise the content of the work left nothing to be desired. One can join in his praise of the full and indispensable information included relating to the slave trade; the opportunity given to follow the documentary history of the United States throughout the whole of its existence; the inclusion of the leading documents

relating to the Spanish marriages question; the good representation of France and Belgium and of the lesser powers, in particular the full record concerning Portugal; and finally, the quota of general knowledge unearthed from the archives of every petty principality or kingdom, from Monaco to Africa, the Swiss cantons to the Indian Empire. As he said, hardly anything relating to the political and social ferments, which had disturbed the continental nations, was left unnoticed. There was much to teach the modern statesman in matters of practical wisdom, and it was not improbable that the publication would have some effect in deepening the channels of political knowledge and generally diffusing a spirit of broader sympathy with all that concerned the national existence.

There was one sense in which this same critic did find the work inadequate. This was the earlier part of the work. Too little space, in his opinion, was devoted to the preservation of the more ancient documents. Since the purpose of the work, however, as clearly stated on the title page, was to comprise the principal documents relating to the affairs of nations from the termination of the war in 1815 to the latest period, complaint can hardly be justified on that score. Also, as the critic himself remarked, the earlier papers included treaties and engagements which were still in force at the conclusion of the general peace, or which were referred to in the documents of a later period. It must be noted too, that in 1841 a volume was published dealing with the years 1812 to 1814, thus carrying the work back some little time

beyond what had been the original intention.

It remains to say something of the form and the way in which the work was executed. Here, judging by the high praise which this called forth, we are on safer ground. There is no necessity for any qualification. Sir William Harcourt, as good an authority as any on these matters, stated that he knew "no book of reference in the whole range of modern literature to compare with it in the scope of its subject, the carefulness of its execution, and the utility of its practical arrangement."<sup>1</sup> No-one, in his opinion, "who had not had himself to attempt the task of digesting and condensing the enormous accumulation of modern state papers could be at all entitled to pass judgment on the character of such a performance."<sup>2</sup>

He was not alone in holding such opinions. Others who had occasion to use the work, were not slow to enthuse in a similar sense on this theme. J.T. Abdy, for instance, Regius Professor of Laws at the University of Cambridge, valued the work "not less on account of the immense amount of information it contained, than on the accessible shape in which that information was presented to its readers."<sup>3</sup> What Amyot, Editeur des Archives Diplomatiques admired was the art and tact with which it was made. Here, as he said, was no compilation of

---

1. Letter to the Times, April 25, 1865.

2. Ibid.

3. Letter to the Times, April 28, 1865.

"isolated and unconnected documents, but a plan well carried out, and with such care that there was not a political question which could not be followed and entered in completely from its rise to its completion".<sup>1</sup>

Such testimonies to the value of the work show more than anything else the modesty of Lewis Hertslet's assumption in 1822, that such a work would prove extremely useful. For they afford proof of how highly it was appreciated, not only by the class of people for whom it was originally designed, but by the outside world as well : the legalistic world, as represented by Harcourt, an eminent lawyer, who had learned from long acquaintance to value the State Papers as "one of the most important and indispensable resources of the library of a lawyer;"<sup>2</sup> the world of scholarship, as represented by Professor Abdy. Further indications of this may be seen in the requests for volumes of the work which poured in from such places as the Houses of Parliament, Chambers of Commerce, public libraries at home and abroad, foreign governments, etc. Well might the Times, in recording Lewis Hertslet's death, which took place on March 15, 1870, state that the State Papers, together with the Commercial Treaties "would ever remain a lasting monument of his intelligence and industry."<sup>3</sup>

The process did not stop there. It was the knowledge gained from compiling these works which resulted in the preparation

1. Amyot to Hertslet, April 29, 1865, F.O. 83/287

2. Letter to the Times, April 25, 1865.

3. Cited in Sir E. Hertslet, op.cit., p. 147.

of memoranda by the librarian for official use: "Mr Ancell never prepared any such memoranda, nor had Mr Hertslet before he became a compiler of Treaties and State Papers."<sup>1</sup> This was a natural development for no other pursuit could have been guaranteed to make Hertslet more familiar with the foreign relations of Great Britain in both past and present times. The first one was prepared in 1823.<sup>2</sup> Its subject was the origin of the British alliance with Portugal, its progress and its then existing state. It was prepared on Canning's orders, as he wished to be accurately informed about the alliance, in view of the expedition it was proposed should be sent for the defence of Portugal against Spain. The memorandum must have given Canning immense satisfaction, as he ordered that Hertslet should receive £50 as a reward.<sup>3</sup>

From this time onwards, Hertslet often received such emolument, for once the first memorandum had been prepared, the demand for them gradually increased, until the duty of preparing them became the librarian's most important task. As his son Edward stated:

"In consequence of this deep research into treaties, Lewis Hertslet soon became the standing authority on all subjects involving international, historical, or geographical points which affected British interests,

- 
1. Memorandum by Lewis Hertslet, January 5, 1850, F.O. General, librarian's department, 1801-1854 .
  2. April 10, 1823. A copy of it is to be found in F.O. 97/301.
  3. Memorandum by Lewis Hertslet, February 1, 1825, F.O. General, librarian's department, 1801-1854.

and the numerous reports which he prepared from time to time for successive Secretaries of State are carefully preserved in the archives of the Foreign Office, and fully indexed, where they will be available for future reference for a long time to come. So valuable were his reports considered that he was dubbed by one Secretary of States as the 'Walking State Paper'." <sup>1</sup>

Professor Temperley, indeed, even went so far as to say that : "Ultimately, in view of his immense knowledge, Hertslet extended the activities of the librarian, and, not seldom, exercised a powerful influence on policy."<sup>2</sup> The question as to whether that statement can be substantiated or not, will be dealt with later. Suffice it to say, for the moment, that it was this mine of information stored up in his head, which, as Lord John Russell told him in 1853, "rendered his absence the more felt and his attendance more necessary."<sup>3</sup>

By rendering himself thus practically indispensable, Lewis Hertslet had travelled a long way from the days of 1801, when the duties of his office had been confined to the custody and arrangement of the correspondence. He had, therefore, fully justified his claim of 1853 to have made the librarian's department what it was. The effects of this resourcefulness in thinking out new projects and of his capacity for putting them into action, was not confined to the librarian's department. It made itself felt in the Foreign Office as a whole, affecting

1. Sir E. Hertslet, *op.cit.*, p.147.

2. H. Temperley, *op.cit.*, p.261.

3. Minute February 12, 1853, F.O. General, librarian's department, 1801-1854.

its routine and bringing greater efficiency to the conduct of its business. It was a process which was to go on throughout the century, for the librarian was "an official whose importance in the office, partly on account of growing duties and partly of individual diligence, rose steadily throughout the century."<sup>1</sup>

This must have been very gratifying. It was exploitable too, as Lewis Hertslet was not slow to realise, for it presented, ready made, a handle which he could use in his efforts to raise the status and standing of his department, and with which he could extort increases in salary, the necessary concomitant of any such process. This can be seen from his applications to the various Secretaries of State under whom he served. They all run to a pattern, the constantly recurring theme being that it was his just due in face of the great alteration which had taken place in the number and degree of responsibility of the duties which devolved upon himself and his department, as compared with the situation when he took office.

A comparison of the original librarian's salary and status in the office with what it became, once Hertslet's appointment as librarian in 1810 enabled him to put his own ideas into practice, will show that the applications made on such a basis did not, on the whole, fail to achieve their purpose. The first librarian

---

L. A Cecil, "The Foreign Office", The Cambridge History of British Foreign Policy, 1783 - 1919, III, Ch. VIII, Cambridge, 1923, p. 558

was appointed in January, 1801, with a salary of £200 per annum, paid out of the contingent fund of the office. This meant that he was entirely dependent on the pleasure of the Secretary of State for any increase, not being entitled, as were the clerks whose salaries were borne on the permanent establishment of the office, to a progressive advance in salary proportionate to a fixed period of service. It may have been coincidence, but in January 1812, a year after Hertslet introduced the new system of registration, the principle of augmentation in proportion to length of service was extended to the librarian also.<sup>1</sup> Similarly, in 1815, two years after he had launched the Public Documents Book, his salary was increased to £300, "in consequence of the very satisfactory manner in which he had performed the duties of his office."<sup>2</sup> The two combined ensured that by 1821 his salary had reached £700 per annum. The facts speak for themselves; no comment is necessary. Ancell had held office for nine years, and during that time his salary stayed put at £200 per annum. Hertslet, after eleven years service, had obtained an increase of £500.

In view of this, it was only natural that his status should be raised accordingly. His commencement of work on the Commercial Treaties and the State Papers may also have had something to do with the decision. But whatever prompted it, it was taken in 1822, when Hertslet was placed on the same footing as the clerks of the

---

1. Treasury January 6, 1812, in reply to F.O. September 1811 and December 20, 1811, F.O. 366/373, F.O. General, librarian's department, 1801-1854, 1799 -1867.

2. Treasury June 26, 1815, in reply to F.O. May 19, 1815, Ibid.



second class, from which date his salary was ordered to be paid out of the permanent establishment of the office.<sup>1</sup> During this time, he was also, it must be remembered, receiving £100 and £150 respectively out of the contingent fund of the office for his services in compiling the Public Documents Book and the State Papers.

When in 1824, therefore, Hertslet was also appointed Superintendent of the New Messengers' Establishment, with a salary of £350 per annum<sup>2</sup> as indemnification for the income he had received formerly as private agent to the messengers<sup>3</sup>, it meant that the aggregate amount he received annually was in the region of £1,300. This was a maximum which far exceeded that of the senior clerks of the first class. And when, in 1827, he received a further £100 per annum in token of the excellent manner in which he was carrying out his duties as Superintendent of the Messengers<sup>4</sup>, his annual income did in fact equal the maximum of the Chief Clerk. Not that he did not deserve it, for, as seen earlier, every one of his extra services was

- 
1. Memorandum by Addington, February 28, 1844, F.O. 366/374.i.e. £350 x 15 to 545.
  2. Ibid. i.e. £150 from the Foreign Office, £100 from the Colonial Office, £100 from the Home Office.
  3. He had acted in this capacity since 1810, when he took over the job from Ancell. The latter had jumped at the opportunity, when it offered in 1801, as a good means of enlarging his meagre income.
  4. Memorandum by Addington, February 28, 1844, F.O. 366/374. Note: in 1837 the Corps of the Queen's Foreign Service Messengers presented him with a silver candelabra, and a bust of himself, beautifully modelled in wax, see G.E.P. Hertslet, op.cit., p.5.

founded on official utility and public benefit and absorbed much of his leisure time. He also continued to acquit himself well as Superintendent of the Messengers. Lord Clarendon's letter to the Treasury of March 9, 1854<sup>1</sup> affords proof of this. It praised the considerable reductions, which Hertslet had effected in the general cost of the Establishment, and the good order he had introduced into the accounts.<sup>2</sup> The "Walking State Paper" obviously had a very good head for business.

It was not surprising, in view of this, and also the fact that Hertslet's salary, as distinct from his other emoluments, had been obtained by such rapid augmentations, made at early periods after his first appointment, that Palmerston, in 1837, rejected a further application from Hertslet that his rank and salary should be raised to the same footing as the clerks of the first class.<sup>3</sup> Incredible though it may seem, however, Hertslet was not just trying to milk the cow dry; he really did have a case. As Backhouse, then Permanent Under Secretary, pointed out to Palmerston, there were many considerations to be taken into account, which spoke in Hertslet's favour.<sup>4</sup> There was,

1. F.O. 366/407.

2. cf. Lewis Hertslet's own claim to have effected on an average a saving of £12,000 p.a., Memorandum, January 1833, F.O. General Librarian's department, 1801-1854.

3. May 19, 1837 in reply to Hertslet November 19, 1836. F.O. General Librarian's department, 1801-1854.

4. January 1837 in reply to Palmerston December 26, 1836, Ibid.

in the first place, a great disparity between his rank and salary and the nature of his services, and those of his corresponding number in the Colonial Office. Secondly, it was his due because of the great increase in the business of his department. Then there was the fact that a considerable amount of time had elapsed since his last increase. Finally, the greater part of his emoluments would not be available to him when the question of his pension came to be considered. These were probably the arguments which induced Palmerston to think again. At any rate a month or so later he modified his decision and ordered that the allowance of £100, received by Hertslet as an extra contingent allowance for his service in compiling the Public Documents Book, should henceforth be paid out of the establishment of the office as part of his regular salary.<sup>1</sup> This raised it to £300 per annum, the maximum of the second, third and fourth clerks of the Senior class, with which his rank was henceforth to be assimilated. Hertslet, therefore, had the satisfaction of seeing half of his request granted, and, although there was no immediate and visible gain as regards his total income, the long term effect was beneficial as the decision would stand him in good stead when the time arrived to pension him off. It also meant that he continued to receive the money when, as happened a few years later, the pressure of business necessitated his relief from the service of compiling the Public Documents Book and its transfer to the clerks

---

1. Minute by Palmerston, July 22, 1837, F.O. General, librarian's department, 1801-1854, 1799-1867.

in his department.

In contrast to this, a further application, made in 1843, failed completely. Hertslet, on the basis of the decision just referred to, had asked that the increase in salary, granted (by the Order in Council of 1841) to the clerks of the Senior class, to which he now belonged, should be extended to him.<sup>1</sup> This met with the reply from Lord Aberdeen, based on advice received from Backhouse, that, although owing to the ambiguity of its wording the 1837 minute could be interpreted both ways, in actual fact its real intent had been, while giving the librarian the rank and status of that class, to leave his salary at a maximum of £800.<sup>2</sup> The real objection, however, as before, was that the librarian, unlike the other senior clerks, could supplement his income by extra emoluments. This he did to such a degree that his aggregate income was already in excess by £250 of the maximum of £1000 of the class of clerks to which he belonged. To grant such a claim would, therefore, be to give him an income in excess, not only of the salary of the Chief Clerk and those of the Superintendents of the Consular and Slave Trade departments, but even that of the Second Under Secretary.<sup>3</sup>

The application was not rejected out of hand, however; on

1. Hertslet to Aberdeen, November 1, 1843, F.O. 366/374, F.O. General, librarian's department, 1801-1854.
2. February 29, 1844, Ibid. cf. also F.O. General, librarian's department, 1799-1867.
3. Memorandum by Addington, February 28, 1844, F.O. 366/374. i.e. if the claim had been granted his income would have been £1450-1550.

the contrary, it narrowly missed being successful. This can be seen from the existence of a draft statement, dated December, 1843,<sup>1</sup> which recorded the decision that the £150 which Hertslet received for each volume of the State Papers, should from January 5, 1842, henceforth be paid out of the establishment of the office as part of his regular salary, from which time his salary was to increase on the footing of the Senior class at £25 per annum, until it reached £1000, the maximum of that class.

Hertslet had his own idea as to why this suggestion was never acted upon. It was, in his opinion, due to the malign influence of someone operating behind the scenes. This person, to make matters worse, was his junior in the office by twenty years, and knew nothing, beyond what elicited from himself, as regards the origin, development and then existing state of the Librarian's department, in whose affairs he nevertheless insisted on meddling.<sup>2</sup> There can be no doubt that the person here referred to was Edmund Hammond, for the main factor in the latter's growing ascendancy in the office during the period 1841 to 1854 was the rein given to his assertive nature, when Backhouse, an experienced officer, who had known Hammond as a junior, was, in 1841, replaced by Addington. This gave Hammond the opportunity to transfer his attention outside his own immediate province, the Turkish department,

1. F.O. General, Librarian's department, 1801-1854.

2. Memoranda by Lewis Hertslet, April 30, 1853, F.O. General, Librarian's department, 1801-1854, December 31, 1853, 1799-1867.

to the office as a whole, in the business of which he interfered whenever and wherever he could.<sup>1</sup> The extent of it and the degree to which it was justifiable as regards the librarian's department, will be dealt with later. As far as the refusal of Hertslet's application of 1843 is concerned, it does not appear to have had any bearing at all, for, as already seen, that had been based on Backhouse's interpretation of Palmerston's minute of 1837. Yet, as Edward Hertslet pointed out later, "Backhouse was queer in the head at the time and had forgotten everything about the affair. I remember his private letters were stopped by this office as they contained absurd orders for expensive pictures from Paris."<sup>2</sup>

Certainly Backhouse had changed his stand since 1837, when the arguments he had put forward on behalf of Hertslet had been responsible for the fact that there was a minute by Palmerston to refer to in the first place. But whoever was responsible, the fact remains that the decision was not as unjust, in view of his aggregate income, as Hertslet made out. It was not as if, as happened later, his income from the State Papers, because of a decrease in output, had begun to fluctuate. Even when it did, and the losses sustained by him over a period of fifteen years amounted to a total of £1,500,<sup>3</sup> the refusal, yet again in 1853, to do

- 
1. See M.A. Anderson, unpublished thesis on Edmund Hammond, Ph.D. 1956, pp.47-48.
  2. Annotation (undated) on Aberdeen February 29, 1844, F.O. General librarian's department, 1799-1867.
  3. Memorandum by Lewis Hertslet, January 5, 1850, F.O. General, librarian's department, 1801-1854.

anything about the matter, was not really unjust. His aggregate income, quite apart from what he derived from the State Papers, amounted to £1,250. That it was still possible, despite his other pressing duties, to ensure a good output can be seen by a glance at his son's record. Edward Hertslet, on taking over the publication in 1857, when he became librarian, had by 1865 brought up seven out of the fourteen years of arrear, and had, at the same time, not allowed the rest to fall into further arrear.<sup>1</sup> It may just have been that the years were beginning to tell on him, for the time was drawing near when he would retire. That was no doubt the reason for his insistence and the strongest justification for it, as on retirement, the income he received as Superintendent of the Messengers would cease, and he would be left with his bare salary. This did in fact happen.<sup>2</sup>

It predisposes one from the start, therefore, to look more favourably at his other grievances. These he recorded in a memorandum, dated April 30, 1853.<sup>3</sup> The main one, from which all the others sprang was the lack of consultation, the most pronounced feature of the new regime. Whereas, up to the time of Backhouse's mental failing, he had invariably been consulted on every question which related to his department, and every official encouragement

1. Memoranda by Edward Hertslet, March 20, 1865, April 7, 1865, F.O. 83/287.
2. Treasury December 9, 1857, F.O. 366/407.
3. F.O. General, librarian's department, 1801-1854.

had been extended to him, since that date, it was little less than a mockery to assume that he was possessed of the power and authority which usually belonged to the head of a department. He had in fact been treated merely as the nominal head. The responsibility for this rested with Hammond, whom Addington consulted instead, and who had, in effect, superseded him.

The charge was serious. There can be no doubt as to its truth. The question is, whether the situation warranted the adoption of such an unjust and unorthodox course of action. If it had not, Hammond and Addington were placed in rather a tight corner. On the other hand, if they had just cause for acting as they did, the situation reflected badly on Hertslet, as it raised the whole question of his competency, the underlying implication being that he was not worth consulting. That is the reason why it is necessary to go into the matter, as, if this was in fact the case, it tends to take the gilt off the nature of his achievement, which as seen, was considerable. It is also necessary in order to depict the sort of situation his son Edward was faced with when he succeeded his father.

The evidence is of such a partial nature it is almost impossible to sort out the respective merits of the case. Both parties were probably equally as much to blame. It is more than likely that the whole affair was caused by personal antipathies, pique and pride more than by anything else. Certainly the personalities involved provided all the elements for a first class bureaucratic feud, with Addington, a man of little mark,



dominated by Hammond, capable, assertive, but hardly noted for his charm of manner, combining against Hertslet, justly proud of his achievements, and not unnaturally, resenting any interference with or reflection cast upon them.

It is the latter fact, namely Hertslet's previous record, which makes it the more difficult to believe that the charge would be feasible. Addington himself, on introducing Hertslet to Lord Wodehouse, stated that he was the "the hardest working man in Europe."<sup>1</sup> There is no escaping the fact, however, that it was the irregularities existing in his department, in particular the neglect of duty and absence without leave on the part of some of his subordinates, which had from time to time necessitated the regulations, each more stringent than the last, which Addington had drawn up, in an attempt to put an end to them.<sup>2</sup> Of these, however, it must be noted that the ones dated June 10, 1843, had been drawn up as a result of Lewis Hertslet's own charges against Sasse, one of the clerks in his department.<sup>3</sup> Also, those embodied in the minute of February 2, 1853, were cancelled almost immediately afterwards.<sup>4</sup> Two of Hertslet's subordinates were, in addition,

- 
1. Minute by Lewis Hertslet, February 2, 1853, F.O. General, librarian's department, 1801-1854.
  2. Minutes by Addington July 21, 1842, June 10, 1843, F.O. 366/374, F.O. General, librarian's department, 1799-1867, February 2, 1853, F.O. General, librarian's department, 1801-1854.
  3. February 23, 1843, F.O. 366/374.
  4. Minute by Lord John Russell, February 12, 1853, F.O. General, librarian's department, 1801-1854.

eventually dismissed from the service for offences entirely outside his control : one for drunkenness and neglect of duty, the other for frequent and long continued absence without leave. This would seem to indicate that any faults in the conduct of the business of his department arose rather from defects arising out of the system itself, especially with regard to first appointments, than to any laxity of discipline on his part. For although in general the system worked well, it often, as Sir Charles Trevelyan and Sir Stafford Northcote pointed out,<sup>1</sup> provided a loop-hole whereby all sorts of undesirable characters could gain entry into the service. Finally, there is the outcome of the dispute of April, 1853. As already seen, Hertslet had been driven to enlist his grievances in a memorandum which he proposed to submit to Lord John Russell. The memorandum was never sent in, however. This was due to the intervention of Hamilton. As he said,<sup>2</sup> the memorandum placed the defendant so much in the wrong that if it were sent in, it would be difficult to reconcile their differences "without a regular blow-up". He advised Hertslet, therefore to inform Addington that he had decided to withdraw the charge in the hope that he (Addington) would reflect on what he had said, and that, as a result of this, all cause for complaint would cease.

---

1. Report on the Permanent Organisation of the Permanent Civil Service, November 23, 1853, Parliamentary Papers, XXVII, 1854, [1713], p.4.

2. Minute May 20, 1853, F.O. General, librarian's department, 1801-1854.

Hertslet acted on this, with the result that there was no further recurrence of the controversy in any shape or form. It may be assumed from this that, as hoped, all cause for complaint had ceased. This in itself affords proof that the measures which had provoked it had never been justified in the first place.

Having established the fact that the bickerings, from which even the sacred precincts of the Foreign Office were not immune, did not seriously affect the nature of his father's achievement, it remains to see what success attended the efforts of Edward Hertslet to carry on the "tradition", and in what ways, if any, he developed it by making his own innovations. The one was known as the "Walking State Papers", a phrase which speaks volumes. It will be interesting to see whether the nature of the son can likewise be summed up in a word or two. These things at least it should prove possible to do. For that reason it is worth continuing the study, although, if it be true that what England and the Empire owe to him none will ever be able to calculate, this thesis should by rights stop here.

---

(ii) Hertslet the Man.

Before carrying out the proposal made at the end of the last chapter, it would be as well - bearing in mind the title of this dissertation, which is concerned with Sir Edward Hertslet, as well as with his work as librarian and keeper of the papers - to say something of his official career, character and personal life, to depict Edward Hertslet, the man.

The fifth and youngest son of Lewis Hertslet by his first wife Hannah, daughter of George Cooke, Edward Hertslet was born on February 3, 1824, at 16, Great College Street, Westminster. He was educated privately near Hounslow. As a result of the untiring efforts of his father he received on March 23, 1840, at the age of sixteen, a temporary appointment as assistant in the librarian's department, with a daily allowance of ten shillings and sixpence.

Since 1830, Lewis Hertslet had been busily engaged with the problem of securing appointments for his sons; <sup>1</sup> first unsuccessfully, on behalf of his eldest son, whom he tried to place in the Slave Trade department, and then with more luck, when the death in 1839 of Mr Wilson, assistant in the librarian's department, gave him the opportunity to renew the application on behalf of his son Edward. He reinforced his argument by stressing the undoubted advantage which would result to the office, owing to the peculiar nature of

---

1. Lewis Hertslet to Lord Aberdeen, December 22, 1841, F.O. General, librarian's department, 1801-1854.

his duties, some of which occupied him early and late at his own home, if one at least of the clerks in his department could be at all times under his immediate control, as had been the case with the deceased Wilson. He was referring here to his work on the British and Foreign State Papers and the Commercial Treaties. It would seem that the sons of a Hertslet were hard worked. Edward Hertslet's eldest son, Edward Cecil, was in turn, later roped in as an assistant for volumes sixty-five to eighty-two of the State Papers, volumes seventeen to nineteen of the Commercial Treaties and as an assistant for many years on the Foreign Office List. Similarly, his younger brother Godfrey had his quota to do.

There was certainly an ominous note in Lewis Hertslet's letter to Lord Palmerston, dated August 17, 1841,<sup>1</sup> when in a further application on behalf of his son Edward - this time to secure his appointment on a more permanent basis as one of the three supernumerary clerks about to be appointed to the librarian's department - he stressed the fact that such an assistant would be more subservient than official persons usually were, and could for that reason be called upon to put in extra time once the regular hours of business at the office were over.

One gets a vivid picture of the young Edward, tied to his desk early and late, confronted with a mass of papers procured from many different sources, helping his father select, collate and prepare in readiness for printing; condemned to such a lot merely

---

1. F.O. General, librarian's department, 179901867.

because, as the son of his father, more hours of labour could be exacted from him than could be expected from any other individual. A forbidding prospect for a youth of sixteen. Apparently, however, it was not unusual in those days. Edmund Hammond, likewise imbibed the Foreign Office atmosphere at an early age being "cradled midst cyphers, protocols, drafts of despatches and projects of treaties."<sup>1</sup>

The picture may be exaggerated. Lewis Hertslet may well have been a typical Victorian father, who, as the tone of his applications imply, ruled his children with a rod of iron, but the very fact that resort was made twice to this same argument leads one to surmise that he was probably using it merely as an excuse to secure his son's promotion. This would afford a convenient explanation as to why, in a memorandum,<sup>2</sup> written three days previous to his application to Palmerston, he forestalled the obvious comment that the appointment of his son in 1840 had been for that purpose, by stating that the latter had been employed almost entirely at the office on the ordinary duties of the librarian's department.

Although in all probability this was only too true, for the librarian's department was notorious for its constant shortage of staff, it should not have prevented the use of his son's services at home, once the day's work at the office was over, or even before it began. There was really no justification for using the same argument to secure his son's promotion in 1841. Be that as it

---

1. Morning Post, September 25, 1861, quoted in Miss M.A. Anderson's thesis on Edmund Hammond, Ph.D., 1956, p.5.

2. August 14, 1841, F.O. General, librarian's department, 1801-1854.

may, he obtained what he wanted, when on January 8, 1842, Edward Hertslet was appointed as the junior of the three supernumerary clerks.

This was, of course, just the sort of thing against which Northcote and Trevelyan were later to launch their long, vigorous and ultimately successful campaign. It was one of their main charges as regards the appointment of junior clerks, that, as their character and abilities were not likely to produce any immediate effect on the office, their duties in the first instance being of an unimportant nature, involving no responsibility, the chief of the department tended to regard their selection as a matter of small moment. The result was, that more often than not he chose to fill the vacant place with the son or dependent of someone with personal claim on him, or the son of some meritorious public servant, without instituting any very minute inquiries as to the merits of the young man himself.<sup>1</sup>

Even in those days, however, when that sort of procedure was prevalent, a clerk's subsequent career, whatever the initial circumstances of his appointment, depended on his capacity and zeal. Edward Hertslet may have been launched on his career by his father, but once embarked, he had to make good for himself. This he did. On August 28, 1844, for instance, he was chosen to fill the place left empty by the death of Mr Quick, second clerk in the librarian's

---

1. Report on the Organisation of the Permanent Civil Service, November 23, 1853, Parliamentary Papers, 1854, XXVII, (1713), p.6.

department. Two years' showing had been sufficient to ensure this promotion from his position as junior of the three supernumerary clerks to the second of the two permanent clerks.

This time there was no question of the appointment following as a result of personal solicitation; it arose solely from Addington's knowledge of the youth's fitness for the place, in consequence of the report which had been made to him of the latter's good conduct and intelligence.<sup>1</sup> A few months later he became senior permanent clerk. Eleven years then elapsed before his next promotion on April 1, 1855, as successor to his uncle James Hertslet. In actual fact he was probably second in command long before that. On October 13, 1849, in a letter to Lewis Hertslet about the latter's extension of his leave of absence, Addington stressed the great inconvenience from which he was suffering in consequence of the absence of both him and his son at the same time.<sup>2</sup> There was no reference to James Hertslet, yet, presumably, he was not also absent from the office at that time. It seems, therefore, that the vigour and zeal of the young nephew had already put him well on the way to being more indispensable than his uncle.

There was certainly nothing to marr the recommendation, which secured the appointment for him, when his uncle finally retired. On

---

1. Addington to Hertslet, August 28, 1844, F.O. General, librarian's department, 1801-1854; 1799-1867.

2. Ibid.



bringing him to the notice of Lord Clarendon, Hammond stated that he was in every way qualified to succeed, being the one of whom Mr Hornby had spoken so highly.<sup>1</sup> The allusion here is to the great advantage Mr Hornby had derived from Hertslet's assistance during the sittings of the commission for the settlement of British and American claims. This had led him to express his appreciation of the zeal and intelligence with which that assistance had been rendered.

In 1857, therefore, when his father retired from office, Hertslet's appointment to the vacancy, as third occupant of the office, was a foregone conclusion. His previous record and training ensured that. Head of a department at the age of thirty-four, his official career did not end there; the high lights were still to come. Three times in his career he was singled out as worthy, in view of his services, to receive special honours. On February 21, 1874, he was made a Companion of the Bath for his work on the British and Foreign State Papers and the Commercial Treaties, "distinction soit dit en passant qu'on ne prodigue pas en Angleterre."<sup>2</sup> On August 20, 1892, he was made a Knight Commander of the same order for his work on the same series of publications which constituted his "fair footprints in the sands of time". Several years previous to that, on July 30, 1878, he had been knighted for his services

---

1. February 21, 1855, docketed by Clarendon "I concur". F.O. 366/407

2. L'Union, November 30, 1875.

at the Congress of Berlin.

Edward Hertslet was nothing if not master of his job. Sir Philip Currie had no doubts on that score. When asked in 1890 whether it was necessary to employ a person with the rank of Sir Edward Hertslet in the position of Foreign Office librarian rather than adopt the elaborate system of indexing which sufficed in the offices of the other Secretaries of State, he replied emphatically :

"Very much so; I would rather have Sir Edward Hertslet than all the indexes that could be made; unfortunately we are not likely to have another man of such universal knowledge; therefore, it is very necessary to have the indexes. He is an index in himself." <sup>1</sup>

Similarly, when asked to state what principle governed the way in which papers were dealt with in the division of work between the librarian's department and the political departments, he replied that if it were a question requiring reference to treaties and matters of that sort, he would generally refer it to the librarian. The reason for this was, as he said, that : "We happen to have in Sir Edward Hertslet a very exceptional man, who is wonderfully conversant with every treaty and every past question."<sup>2</sup> But there was in fact no absolute rule. Hertslet was "a man of very special knowledge", therefore, naturally Currie and his colleagues were glad to utilise it whenever they could.<sup>3</sup>

1. In evidence before the Royal Commission appointed to inquire into the Civil Establishments of the different offices of state at home and abroad. Parliamentary Papers, 1890, XXVII, (C.6172), p.37, q.26, 936.
2. Ibid. p.4, q. 26,052.
3. Ibid. p.37, q. 26,933.

In the opinion of the Times, however, "a more intimate knowledge of the literature of diplomacy than perhaps any other man living" was not the sum of Hertslet's value. In addition to this was the advantage derived from his "long experience and judgment, which lent more than a technical value to the advice he was constantly called upon to give to his chiefs at the Foreign Office in connection with the most important international negotiations, as well as with the more formal and ceremonial business of his department."<sup>1</sup>

It can be seen from this why the honours referred to above were conferred upon Hertslet. Those concrete and material tokens more than any other evidence, lead one to believe that Salisbury's remark on Hertslet's retirement in 1896 was made in all sincerity, not just as a matter of form. This was that the "loss of his services was very serious and much to be deplored."<sup>2</sup> This was not always the case. Many were the highly placed officials, who, after hearing with satisfaction on their retirement, that the loss of their services was irremediable, discovered later, to their chagrin, that this was not so at all. Hertslet himself tells how one such official paid him a visit after retirement, in the course of which he inquired of Hertslet how the Foreign Office got on without him. To this Hertslet could but reply, "Oh, pretty

---

1. August 5, 1902.

2. On Sanderson February 1, 1896, F.O. General, librarian's department, 1890-1918; F.O. 366/394.

well."<sup>1</sup> The same reply no doubt would have been made to Hertslet. Oakes succeeded him as librarian in 1896, with Streatfield as assistant. Life at the Foreign Office carried on regardless. Nevertheless one cannot help feeling that it was life with a difference. Quite apart from anything else, Hertslet had been a pivot of the Foreign Office work for so long, his presence was bound to be missed. Oakes no doubt performed his duties well and efficiently. There is no evidence to show that he did not. On the other hand, apart from his order of the Bath, there is also no evidence to show that honours were conferred on him such as were conferred on Hertslet. Presumably, therefore, his services were not of a nature to warrant such distinction. Oakes was also found more easily dispensable than Hertslet, whose tenure of office had been extended for five years beyond the normal retiring age of sixty-five, and then for a further two years, from 1894 to 1896. This was an unprecedented step and was in direct contravention of the Order in Council on the subject. Consequently the breach had to be answered for before the Committee of Public Accounts in 1895. The reply made to the charge was that it had been done in the interest of a national object which could not otherwise be attained, as no-one was able to understand treaties past and present as Hertslet did.<sup>2</sup>

Admittedly, there was little enough opportunity left for

---

1. Sir E. Hertslet, *op.cit.*, p.137.

2. Fifth Report from the Committee of Public Accounts, Parliamentary Papers, 1895, VII, (348), p.6, q. 2090, p.8, q. 2116.

Oakes to make his mark. The Hertslets, in particular Edward Hertslet, whose name "in the annals of the Foreign Office library stands foremost"<sup>1</sup>, had seen to that. But at least he could have established a reputation for himself on a par with that won by Hertslet. There are, however, no references to his intellect being "singular at once for its breadth and its acuteness;"<sup>2</sup> to his habits of industry; to his thoroughness and capacity for close application to his work for long hours at a stretch. Far from being a civil servant who, like the fountains in Trafalgar Square, played from twelve to four, Hertslet was often at his desk by six a.m. and he, like Lord Palmerston, was a great believer in the principle that hard work did not kill a man half so frequently as idleness, and that no man had enough to do until he had too much.<sup>3</sup> Nor are there any incidents recorded in the case of Oakes which reveal, even if no-one saw fit to refer to them, the existence of such qualities as Hertslet displayed in the midst of the crisis of 1878, when Beaconsfield startled the Cabinet by a "dissertation of exceptional profundity" on the difference between a truce and an armistice, the substance of which had been supplied to him by Hertslet, whom he had summoned for that purpose.<sup>4</sup> Another incident is typical of the man. A suggestion

---

1. Algernon Cecil, op.cit., p. 591.

2. Richmond and Twickenham Times, August 9, 1902.

3. Ibid, November 15, 1890.

4. Algernon Cecil, op.cit., p.591; cf Sir E. Hertslet op.cit., pp. 199 - 203.

had been made to Lord Salisbury by Sir H.D. Wolff, British Minister in Persia, that a volume of treaties concluded by Persia with European and American states should be compiled.<sup>1</sup> Hertslet accepted the work. Although Wolff was instructed to obtain a complete list of such treaties, Hertslet proceeded in the meantime to compile his own list. When Wolff's list was eventually forwarded to him, he was, therefore, in a position to pass the following judgment:

"This list is very imperfect, and where the dates of the Treaties are given they are generally incorrect.

I have collected together from various sources (during my holidays) no less than 80 treaties which Persia has concluded with foreign powers whereas this list only embraces 37."<sup>2</sup>

A better indication could not be given as to his industry, zeal, and almost uncanny knack of being able to ferret out just what he wanted, to the precise degree required. If everyone else was at a loss, Hertslet could always be relied upon to furnish some information which would throw light on the problem, or to give some advice as to how to further its solution. It seemed impossible ever to catch him out. Sir Henry Elliot, British Minister at Constantinople, recognised this somewhat ruefully on May 16, when in reply to the usual circular sent out with Hertslet's treaties on trade, in this case the Turkish volume, he wrote to

---

1. January 21, 1889, F.O. 60/500

2. September 23, 1889 on Mr Kennedy's No. 122 of June 12, 1889, F.O. 60/501.

Hertslet : "You were right in your criticism of my remark on your Austrian volume and I expect you will prove to be so again in the present instance - though I hope not."<sup>1</sup>

In the case of the Austrian volume, Elliot had drawn attention to the omission of article V of the Treaty of Carlowitz of 1718, which should have been included because of its bearing on British interests.<sup>2</sup> Hertslet, in reply had first put Elliot right about the facts, namely, that the treaty concluded on July 27, 1718, was the treaty of Passarowitz, and that the date of the treaty of Carlowitz was January 20, 1699. He had then explained that the clause alluded to of the treaty of 1718 was not given in the Austrian volume as it had no reference to British interest in Austria, but it would be found in the volume on Turkey at p. 124.<sup>3</sup> Elliot's hope that in the other instance he might not be proved wrong turned out to be wishful thinking, for again Hertslet's explanation proved valid.<sup>4</sup> The only matter on which he obtained satisfaction was with regard to his conviction that no countenance should be given to the notion that the Treaty of Kutchuk-Kainardji still subsisted. The treaty was accordingly taken out. The reason

1. May 16, 1875, F.O. 83/2087.

2. March 13, 1875, Ibid.

3. Minute (undated) on Elliot March 13, 1875, Ibid.

4. Minute (undated) on Elliot May 16, 1875, Ibid.

for this was, as Elliot stated, because its retention might cause inconvenient questions to be raised later as to Russia's right of protection over Christians in Turkey.

Small details no doubt, but detail is important, especially where diplomacy is concerned. Such details, more than anything else, reveal the extent to which it was true to say that Hertslet's mind was a "vast storehouse of well-assimilated information, regarding all that appertained to the weal of the realm concerning the history of its foreign relations."<sup>1</sup> It was knowledge which could be relied upon and reliance was indeed placed upon it. That was why Hertslet was called upon to place it at the disposal of those engaged in shaping and caring for the destinies of the realm. In 1878, he was among those singled out to accompany Disraeli and Salisbury to the Congress of Berlin. In 1884, he was thought by some<sup>2</sup> to have again visited that capital, this time as a member of the British delegation to the Conference on West Africa, which resulted in the Berlin Act of February 26, 1895. Finally, in 1889, he was asked to serve with Sir Philip Currie on the commission appointed to settle the British and Netherlands claims to territory in Borneo.

It was the opinion of the Echo that Hertslet's appointment in 1878 was unique in being dictated by common sense, without a suspicion of courtly favour. There was, according to that paper, a very good reason for this. It was that Hertslet knew more about

---

1. Richmond and Twickenham Times, August 9, 1902.

2. R.B. Mowal, The Life of Lord Poncefote, (London, 1929), p.107; Lord Edmund Fitzmaurice, Life of Lord Granville, 1815-1891, (London, 1905), II, p.375.



European treaties and the Eastern question than the rest of the Embassy put together.<sup>1</sup> It was a good thing somebody did. Beaconsfield, on his own admission, had to rely on notes supplied by an official, who was not even in attendance at the Congress.<sup>2</sup> If that statement cannot be taken at its face value, there is Salisbury's own testimony as regards his chief: "What with deafness, ignorance of French and Bismarck's extraordinary mode of speech, Beaconsfield has the dimmest idea of what is going on - understands everything sideways - imagines a perpetual conspiracy."<sup>3</sup> Salisbury himself had his "mauvais quart d'heures". On one occasion a defective memory and the loss of his notes got him into difficulties.<sup>4</sup> Of his showing during another phase of the negotiations, it was said, that even he "betrayed such weakness ! such ignorance ! always trying to make some deep combination, out of which nothing ever came."<sup>5</sup>

More of this later. Suffice it to say for the moment that what was said of the British delegation to the Berlin West African Conference probably applies equally well to the Congress of Berlin. This was that the measures taken to ensure the adequate treatment

1. Quoted in the Richmond and Twickenham Times, June 15, 1878.
2. Beaconsfield to Tenterden, July 2, 1878, F.O. 363/1.
3. Lady Gwendolin Cecil, Life of Robert Marquis of Salisbury, II, 1868-1880, (London, 1922), p.287.
4. Algernon Cecil, British Foreign Secretaries, 1807-1916, (London, 1927), p. 301.
5. W.N. Medlicott, The Congress of Berlin and After, (London, 1938), p.57.

of the details of the geographical questions, and of the juridical questions arising in connection with them, was far more important than the choice of the principal negotiators.<sup>1</sup> For, although the outlook for Britain because of the salutary effect the Salisbury Circular had on the powers of Europe and of the fact that the ground had already been well prepared before the Congress began, was not by any means so black in 1878 as it was just before the sittings of the Berlin Conference on West Africa in 1884, that the battle was by no means won, and that it was often a chancy business, only effected at times by the skin of the teeth, is revealed by a study of the negotiations. In the case of the Berlin West African Conference there can be no doubt that it was the presence of the strong team of experts which ensured that: "A mission which triumphant critics in Berlin had begun by describing as an English pilgrimage to Canossa, was rescued from opprobrium and converted into something like victory."<sup>2</sup>

In any event the choice of Hertslet was a good one. Sufficient has been said in a general way of how his previous experience in his official capacity fitted him for the role. In another sense, too, he filled the bill, as he had been a Fellow of the Royal Geographical Society since 1858. That this was a factor of some use is illustrated by his services on the commission

---

1. Lord E. Fitzmaurice, *op.cit.*, p. 374

2. *Ibid*, p. 375.

appointed in 1889 to settle the dispute regarding the British and Netherlands territory in Borneo. Among the papers, maps etc., used in connection with the settlement of these claims is to be found a paper read at one of the meetings of the Society, by William M. Crocker, a resident of Sarawak.<sup>1</sup> Hertslet must have had many such papers in his custody, especially with regard to the explorations which were being carried out in Africa.

At the Congress of Berlin he must have made a fair contribution to warrant the knighthood which was later bestowed upon him in recognition of his services. In the opinion of the Echo,<sup>2</sup> not one of the honours conferred that day at Osborne was more honestly earned. The paper's only wonder and regret was that Her Majesty had not been advised to award him a Knight Commandership of the Civil Division of the Bath, especially as he was already a Civil Commander of the Order. That, as already seen, was to come later.

The fact that Hertslet was a conservative in politics, serving under a conservative administration does, of course, give food for thought. There is a possibility that the grant of his knighthood was all in the day's work; part of the game whereby loyal supporters are rewarded, regardless of the true merit of their services. This does not seem likely. In the first

---

1. February 14, 1881, F.O. 12/86. The paper provided data concerning the general configuration of the country, especially with regard to the sources of the rivers.

2. Cited in the Richmond and Twickenham Times, August 3, 1878.

place, Hertslet was the only one who served as a member of the British delegation to receive such an award.<sup>1</sup> In the second place, there is the fact that he was awarded his previous distinction, his Order of the Bath, as a result of the recommendation of Gladstone. This affords proof that politics had nothing to do with it. Gladstone, in fact, in singling out Hertslet for the honour, made a point of referring to his well-known high character and devotion to duty and work. The Times, in recording this, as if to stress the fact that it had been conferred on the ground of merit alone, took care to mention that Mr Hertslet was a conservative in politics.<sup>2</sup>

Hertslet himself cannot be relied upon for a true testimony as to what precisely was the nature of the services which merited the award of such an honour. In view of all the fuss which was made of him on his return home, he was more inclined to make light of the part he was supposed to have played. It sufficed for him to know that on being asked for information he had not been found wanting.<sup>3</sup> The citizens of Richmond, where Hertslet had lived since 1852, had other ideas. It was moved at a special meeting of the Select Vestry that Hertslet should be congratulated on the great honour conferred upon him. The speaker

---

1. Of the others Montague Corry and Philip Currie were awarded the C.B.; the rest, A.H. Turner, F. Bertles, E. Barrington, Charles Hopwood received no award.

2. February 20, 1874.

3. Richmond and Twickenham Times, August 10, 1878.

in putting forward the motion stated that the award had not been lightly earned, but was the result of a great deal of hard work and a great amount of information and learning employed in the service of his country. There was, in his mind, no doubt that Hertslet had been "largely relied upon by Her Majesty's plenipotentiaries in the work they had recently gone through in bringing about the happy result which followed the Congress."<sup>1</sup> Albeit on a very much smaller scale, therefore, Hertslet had his own share in the triumphant reception which awaited Beaconsfield and Salisbury on their return to London, for his fellow townsmen, at this meeting, arranged a banquet in his honour, which was attended by many of his colleagues of the Foreign Office.

Master of his job, an index in himself, an exceptional man, wonderfully conversant with every treaty and past question, he seems a paragon of all the virtues. He appears a forbidding person to meet, except perhaps out of curiosity, tinged with some trepidation; a living fossil, ensconced in his room at the Foreign Office, working with remorseless energy, forever compiling treaties and pouring over the knotty problems assigned to him by his chiefs.

A visit to the man himself is the only way to find out whether this was the whole picture. Let us imagine for a moment that, unlike White, Her Majesty's minister at Bucharest, who on occasion longed for the prospect of paying the dear country another visit and enjoying some more chats in the library,<sup>2</sup> there are no obstacles in the way.

1. Richmond and Twickenham Times, August 3, 1878.

2. White to Hertslet, February 3, 1880. F.O. 83/636.

We could perhaps take some work to be vetted by Hertslet before it could go forward to the printers. Or, not aspiring so high, go with a request to see certain documents.

What would we find? That would vary according to the timing of the visit, but at all times during his career, it would have been a man of great stature, possessed of an "old world grace and dignity of bearing and address" which, it was said, could not fail to impress everyone with whom he came into contact.<sup>1</sup> Had it been towards the end of his career, he would have been a man with snow-white hair, strong features, high forehead, heavily scored by two deep furrows. His would not, however, have been a harassed face; the eyes were too kindly to give such an impression.

Kindly - that would have been the nature of the reception. Pleasant too, for all communications with him were as pleasant as they were profitable.<sup>2</sup> That is the nature of his Recollections of the Old Foreign Office, "a pleasant volume of kindly reminiscence and anecdote,"<sup>3</sup> in which it was his endeavour throughout to avoid touching on any events, political and personal, the recording of which might be considered injudicious to the public interest, or in the least degree painful to any individual.

A reading of the book serves to show the measure of his

- 
1. Richmond and Twickenham Times, August 9, 1902.
  2. March 23, 1890, congratulations to Hertslet from the office on completing 50 years service, F.O. General, librarian's department, 1890-1918.
  3. The Times, August 5, 1902.

success in this. It affords a glimpse too into the more human, personal side of the life of the inmates of the Foreign Office, and therefore, indirectly of Hertslet himself, for a man who had time to notice and jot down such incidents for his own amusement was one who had time for other things besides his work. His writing shows his interest in people for their own sake, his awareness of and capacity for sharing their joys and sorrows. His leniency towards the frolics of the "Nursery" that "juvenile abode of bliss" can be explained no doubt by the fact that he had not forgotten his own participation in such activities in his earlier days. That he was game enough can be seen from his account of his visit to Woolwich Arsenal with his friend A.S.G. Other characteristics revealed by the book are his fairness in giving credit where credit was due, his humour, capacity for friendship and his known willingness and readiness to help others.

This last quality on one occasion led to his presentation by the Japanese government with two handsome bronze vases, inlaid with gold. These were a token of its appreciation of the courtesy Hertslet had always shown to their countrymen, particularly on the occasion of a visit by a Japanese Naval Commissioner in 1875.<sup>1</sup> As a consul's wife said to the Secretary of State:

"When you want to know how anything cannot be done you are quite right to consult that brute (whom she greatly disliked); but when you want to know how a thing can be done, take my advice and send for.....(mentioning Hertslet's name)."<sup>2</sup>

---

1. Sir E. Hertslet, op. cit., pp. 198-9.

2. Ibid, p. 223.

A prejudiced opinion, no doubt, aired by one of the "pretty little crocodiles", this time a very piqued and spirited one, with whom Hertslet often had dealings, not, on occasion, without considerable embarrassment to himself.<sup>1</sup> It was true none the less. As Lister said of one incident : "Hertslet is always willing and obliging and is constantly having extraneous work put upon him."<sup>2</sup> He was not to be put upon, however. His obliging nature would, if the occasion demanded, lead him into endless trouble on behalf of others; but it was not so patient and long suffering as to allow him to exert himself without expecting some expression of gratitude. This side of Hertslet's personality is well illustrated in an incident which arose in connection with a consul for whom he was acting as agent.<sup>3</sup> Hertslet records it to show that the Agency System was, as he said, by no means always a bed of roses, although on the whole it worked well, often resulting in the formation of lasting friendships.<sup>4</sup>

Hertslet's handwriting, forward sloping, angular, often carelessly formed, indicates a certain vigour and impatience. This often came out in his dealings with others. When he considered injustice was being done, he was not given to mincing his words.

---

1. Ibid, pp. 225-6.

2. June 1870, F.O. General, librarian's department, 1799-1867.

3. Note : Hertslet acted as agent for the diplomatic and consular services as well as for the Messengers. When the Agency System was abolished in December 1870, he received a compensation allowance of £349.13s.8d.

4. Sir E. Hertslet, op.cit., pp. 226-229.



A good illustration of this is provided by his altercation with Grey of the Stationery Office in March, 1876. It shows his determination to do his job to the best of his ability, regardless of rules and regulations. The point at issue was Hertslet's employment of King, a parliamentary bookseller in King Street, Hertslet did this when papers were required immediately, as it was a much quicker method than applying to the Stationery Office through the Speaker, the normal mode of procedure. Agreement had been reached between the two the previous year.<sup>1</sup> This did not prevent Grey from taxing Hertslet with the matter again on March 13, 1876.<sup>2</sup> Hertslet's reply a few days later was most indignant. He refused absolutely to admit the justice of the censure and answered the several charges exhaustively in turn.<sup>3</sup> Such was the effect of this on Grey that he apologised immediately, fully admitted the validity of Hertslet's defence and, at the same time, disclaimed any idea of interfering any more with the latter's employment of King in urgent and pressing cases, particularly with reference to the confidential papers obtained from him.<sup>4</sup> On the latter point Hertslet had been very fierce. With reason, for King had time and again acted fairly and honourably towards the government by not parting with papers of a confidential nature, which, through

---

1. Hertslet to Grey, February 19, 1875, Grey to Hertslet, February 22, 1875, F.O. 83/499

2. Ibid.

3. March 25, 1876, Ibid.

4. March 28, 1876, Ibid.

the carelessness of cabinet ministers, unfortunately passed so frequently into his hands, and on which he could have realised a large sum of money if he had sold them to foreign governments. Only a few weeks previously, a copy of a confidential paper, relating to the views of the government on the proposed exchange of territory between Great Britain and France on the Gambia, had accidentally come into King's hands. This was of such a confidential nature that Pauncefote had refused to let his copy be taken out of his confidential box. King, however, had immediately returned to the government the copy he had acquired, charging only sixpence for it on his bill. As Hertslet declared:

"Would any other Tradesman in London have done so? I answer emphatically No! and I am quite sure of this that if we ride our Red Tape Horse to death, we shall disgust King and he will find a more welcome Market for his treasures."<sup>1</sup>

This is little to the credit of one of the cabinet ministers. There is no doubt that the paper in question was one of the many confidential papers which they gaily threw into their respective waste paper baskets and which were then sold as parliamentary waste.<sup>2</sup> The habit at one stage became so much of a good thing that on April 1, 1881, Hertslet wrote a memorandum on the subject, urging that something should be done about it.<sup>3</sup> The matter was

---

1. Hertslet to Grey, March 25, 1876, Ibid.

2. Hertslet, February 11, on Lord Carnarvon's request for a set of confidential papers on Turkey, F.O. 78/2887.

3. PRO 30/29/143, Cabinet Opinions.

accordingly brought before the cabinet.<sup>1</sup>

To leave the Foreign Office atmosphere and turn to another aspect of Hertslet's life, namely his active participation in the local affairs of the borough of Richmond; here the forthrightness revealed in the above incident was shown to an even greater degree. As one commentator said :

"Of course Sir Edward's policy did not in every case please all; that could not be expected of a gentleman whose manly and straightforward individuality left him no alternative but to think for himself regardless of the minor considerations of party, or the petty influences which make captive men of lesser minds. " <sup>2</sup>

Hertslet became a resident of the borough in 1852, where he lived for a time at 10, Cambridge Villas, Park Road. In 1856 he purchased Belle Vue House on the riverside, where he lived until August 4, 1902, when, in his seventy-ninth year, he died after the shock caused by an operation for an internal complaint.

A visit to his house in the earlier part of his career would have found him surrounded by children, for his wife Eden, daughter of John Bull, clerk of the Journals of the House of Commons, produced the annual child typical of all good Victorian wives. All told they had a family of ten, eight sons and two daughters, one of whom died in infancy. Had the visit taken place at a certain Christmas-time, Hertslet would have been found impersonating a dwarf for the amusement of his children and their

1. Minutes by Tenterden April 4, 1881 and by various cabinet ministers, Ibid.

2. Richmond and Twickenham Times, March 29, 1879.

little friends. His costume would have been decorated with Orders, including the Portuguese Order of the "Tower and Sword", which he had taken with him from the office for that purpose."<sup>1</sup>

During the 'seventies and 'eighties, however, it would have been difficult to catch him at all, for in addition to his keen interest in the proceedings of the Royal Geographical Society, he was, as indicated above, very active in the local affairs of the borough. Among other things he served on the Select Vestry, and on many of the committees of various local societies, such as the rowing and cricket clubs, the conservative association, the horticultural and Selbourne societies. He also acted for a time as churchwarden and was in attendance at the most important social functions. Were he at home, he would probably have been otherwise engaged, drilling on the hearthrug in his dining room. For when the Richmond and Rifle Volunteers Corps was established in 1859, he became a keen and enthusiastic member. Keen enough, that it, to pay a non-commissioned officer of the militia to teach him his drill, an undertaking in which he was joined by some of his friends; but not sufficiently keen, when the weather grew colder, to carry on his drill in the hall. Hence the adjournment to the dining room.<sup>2</sup>

This shows how far it is erroneous to say that his life was

---

1. Sir E. Hertslet, *op.cit.*, pp. 189-191.

2. Richmond and Twickenham Times, November 29, 1873.

devoted wholly to his work. The welfare of Richmond indeed owed much to his zeal and interest. He was always ready to take the lead in any movement for the improvement of the town and the preservation of its wonderful scenery, rights and amenities. True enough, in later years, he bulked less largely in the eyes of his fellow townsmen, but in the 'seventies and 'eighties his services were very freely rendered. He must have given an immense amount of time to mastering some of the important problems that affected the town.

This applied in particular to the water question, concerning which his voice, as a result of his large information and acute judgment, helped materially to shape the policy of the town. As the Echo commented, on this matter alone, Richmond ought to elect a monument to his memory as her liberator from the thralldom of the Southwark and Vauxhall Waterworks Company, and the creator of her supply of pure water.<sup>1</sup> On February 26, 1876, Hertslet had put the issue in no uncertain terms : "pure water at a very low rate instead of filfth at a very high rate."<sup>2</sup> His resolution, as usually proved to be the case, was carried unanimously and a campaign was accordingly launched to prevent the bill, which was about to be presented to parliament by the Company, from being passed. The outcome, after a long and protracted fight before the local government board and the law courts was a victory for

---

1. Quoted in the Richmond and Twickenham Times, August 3, 1878.

2. Richmond and Twickenham Times, February 26, 1876.

the Vestry. It then proceeded to make plans for its own water works. Here again the borough was indebted to Hertslet, for on approaching the government as regards the reservoir in the Park, the water committee, which had been elected to deal with the matter, found that he had already gone before them to prepare the way.<sup>1</sup> That no doubt was the reason why the Vestry elected him as one of its representatives to the Lower Thames Valley Main Drainage Board, where his presence must soon have made itself felt, as he was elected to two very important committees. These necessitated his attendance twice a week, however, and at times which meant his absence from London at the busiest hours of the day. For these reasons he decided to resign. He was not allowed to go out without a struggle, for the Board made every effort to induce him to remain. This was because he "was looked upon as a man of influence, and what he did, he did so thoroughly", it was felt that his absence would be a serious loss.<sup>2</sup> It was of no avail. He was not the sort of man to undertake such a duty without being able to do the work.

Although his services could not be had on that occasion, he made up for it at other times, for he continued his fights on behalf of Richmond. In 1883, he moved that a committee should be appointed to get in touch with the Thames' Conservators

---

1. Richmond and Twickenham Times, January 13, 1877.

2. Ibid, February 2, 1878.

as regards the early construction of a suitable weir and lock below Richmond. In view of the fact that the Conservators were the legally constituted authority to control the Thames, it may be wondered why he did this. His action sprang from his conviction that it was the duty and trust of all the residents in the neighbourhood of the river, likewise to do what they could to keep it in a proper state.<sup>1</sup>

Similarly, in 1886, it was his evidence before the Committee appointed to consider whether the application by the Vestry to the local government board, for power to borrow £30,000 for the purchase of the Buccleugh Estate, should be granted, which was in part responsible for the fact that the application was granted. The refusal of the application, in his opinion, would have ruined the town.<sup>2</sup>

It was mainly due to the combined efforts of Hertslet and his brother-in-law, Major J.B. Bull, in face of the most violent opposition, that the Terrace Gardens were saved from the hands of the builders and opened to the public, free and for ever, in 1887.<sup>3</sup> When the Park itself was threatened in 1888, as a result of a proposal that the annual meetings of the National Rifle Association should be held there, it was Hertslet's insistence that the Park

---

1. Ibid, October 13, 1883.

2. Ibid, August 28, 1886.

3. G.E.P. Hertslet, op.cit., p.16.

should be handed down to posterity in the same condition as it had been received, which ensured that the Volunteers did not set foot there. In accordance with his advice a joint committee was formed, representing the various parishes surrounding Richmond, to wait as a deputation on the first Commissioner of Works concerning the matter.<sup>1</sup>

Hertslet's fierceness on these matters sprang from his strong sense of trusteeship for that part of the world. He regarded it in fact as the property of the universe, as visitors came to it from all parts of the country and indeed from every corner of the earth. This was not surprising in view of its great beauty, to which any visitor can testify. It was reinforced by the fact that he was a keen nature-lover. That was why he had supported a resolution that a branch of the Selborne Society, the purpose of which was to preserve the natural charms of the Thames Valley, should be established in the Lower part of the Valley.<sup>2</sup>

The town was not slow in expressing its appreciation of these services. When the choice of a candidate for the provisional mayoralty was under consideration, at the time when Richmond received its charter, the public eye at once turned to him, as the one who most fitly combined the dignity and abilities which the office demanded. It was especially fitting that the Royal

---

1. Richmond and Twickenham Times, June 30, 1888, July 14, 1888.

2. Thames Valley Times, July 18, 1888.



Borough should start on its corporate existence under his auspices, for apart from the many other claims his services had made upon the gratitude of his townsmen, Hertslet had also been one of the strongest supporters of the movement for incorporation, as opposed to the division of the town into wards under the Vestry. His reasons for adopting such a policy were, as might be expected, sound and convincing. In the first place, he felt that the town would gain considerably in importance. Secondly, he was of the opinion that the presence of a Mayor and Town Council would add to the public spirit and representative feeling. Finally, and most important, a Charter would confirm the possession of the privileges Richmond already had under local acts, but which she might lose in the midst of the changes about to take place in London on the one side and in the county on the other.<sup>1</sup>

The grand day finally came in July, 1890, when Hertslet in his capacity as Provisional Mayor, fetched the Charter from London in a carriage drawn by four greys with postillions, which was met at the boundary of the borough by an escort of the Middlesex Yeomanry Cavalry.<sup>2</sup> During the remainder of his short term in office he continued to acquit himself well. This prevailed to the very end, as can be seen from the remark made by an admirer of Hertslet's when he stated of his hero's performance of one of

---

1. Ibid, July 11, 1888.

2. Richmond and Twickenham Times, Charter Day Supplement, July 26, 1890

his final duties - the announcement of the result of the municipal elections - that he looked as "BRISK AS BOTTLED ALE and fit to do the Berlin Congress over again."<sup>1</sup> By doing so, and by proving ready to assume the duties in the first place, Hertslet established yet a further claim to the gratitude and remembrance of his townsmen.

Not without good reason was it said that "no good cause of public importance in the place ever lacked his sympathy and assistance."<sup>2</sup> The beneficial results of his services were not confined to the Richmond of his day. They are operative still in the Richmond of the present day. Had it not been for him and others with a like sense of responsibility and trusteeship, the beauties of Richmond would not perhaps still be such as to draw the crowds. In the final assessment of what England and the Empire owe to him, his services on behalf of the borough should not, for that reason, be overlooked.

---

1. Thames Valley Times, November 5, 1890

2. Richmond and Twickenham Times, August 9, 1902.

## PART II

### THE LIBRARIAN'S DEPARTMENT;

### ITS GROWTH AND DEVELOPMENT THROUGHOUT THE NINETEENTH CENTURY.

"There remains to be mentioned an official whose importance in the Office, partly on account of growing duties and partly of individual diligence, rose steadily throughout the century - the Librarian." <sup>1</sup>

---

1. A. Cecil, op. cit., p. 558.

(i) The period of growth, 1801 - 1871.

Edmund Hammond once stated concerning the date of formation of the Foreign Office library : "I suppose it has been there ever since the office existed; there must always have been a library."<sup>1</sup> This was a somewhat vague supposition, of little value as evidence of the genesis of the librarian's department. Its insistence is the point to note. Hammond was obviously unable to conceive a time when the Foreign Office had been without its library. Such an insistence was surely quite uncalled for in the case of a place committed to the care of books. The same stress is apparent, however, as regards the librarian. He was "a very important officer indeed in the Foreign Office."<sup>2</sup> It was not possible to get on at all without his assistance.<sup>3</sup> That was why, no doubt, special arrangements were made concerning his appointment. To ensure the selection of the person most suited for the post, the Secretary of State for foreign affairs had the power, if he saw fit, and if no-one from inside the office was forthcoming, to appoint someone from outside.<sup>4</sup> As for the calibre of the men employed in the library,

- 
1. In evidence before the Select Committee on Foreign Office Re-Construction, Parliamentary Papers, 1857-1858, XI, [417], p. 15, q.182.
  2. Otway in evidence before the Select Committee on the Diplomatic and Consular Services, Parliamentary Papers, 1871, VII, [238], p.55, q.1118
  3. Ibid, q. 1119.
  4. Parliamentary Papers, 1890, XXVII, [C.6172.], p.7, q.26,158-168, p. 37, q.26,935, 26, 939.

they had to pass the same examination as those appointed to the diplomatic establishment.<sup>1</sup>

Enough has already been said to give some indication as to why it was that the Foreign Office library was no ordinary library and why the title of librarian and keeper of the papers, applied to the officer in charge of it, was a misnomer, which gave not the least idea of the nature of the work he did. It was the cause of much misapprehension. A letter to the Morning Post in 1833<sup>2</sup> reveals the depths of contemporary ignorance. Admittedly the person who wrote it knew of the existence of the library. He knew too, that it professed to have for librarian a gentleman "known in other respects, to be of great intelligence, activity and zeal; to whom the public were indebted for very useful and valuable communications of existing treaties." These facts he had discovered from the Court Calendar. That was as far as his knowledge went, however. He knew nothing of the register and index, the preparation of memoranda by the librarian, his participation in the preparation of blue

---

1. Ibid, p. 2, q. 26,007, p. 38, q. 26,948 - 50.

2. January 10, 1833.

books<sup>1</sup> or his various other activities. Such vagueness was perhaps understandable at that early stage. There was less

---

1. The earliest evidence of this is an order by Canning that the librarian should receive £25 for the extra time he had put in, particularly with regard to the preparation of papers for parliament during the previous and present sessions. Canning to Rolleston, July 23, F.O. 366/438. This was repeated in 1825. Canning to Rolleston, July 6, 1825, Ibid. It was not until 1828, however, that the duty was listed in a memorandum as part of the work of the department. June 28, 1828, F.O. 366/386, F.O. General, librarian's department, 1801-1854, 1799-1867. The librarian was reluctant to accept the work, ostensibly because of the labour and length of time involved. The real reason was probably the desire to make capital out of the fact by stating that it had never been established as a general rule that it was the librarian's business to prepare papers for parliament. See Lewis Hertslet, June 26, 1829, November 26, 1829, April 22, 1830, F.O. General, librarian's department, 1801-1854. The question is what did it all amount to. As described in a memorandum dated February 27, 1861, it does not appear to go beyond the mechanical work of searching the register, marking and extracting from the volumes the papers required, reinserting them when printed and preparing the manuscript titles. F.O. 366/675, F.O. General, librarian's department, 1799-1867. That was no more than was expected of any other department, the labour being divided generally. It seems unlikely that the work would involve more, especially at such an early period when Foreign Secretaries trusted almost entirely to their own powers of work and little, if at all, to the assistance which could be afforded by a well-organised department. That, however, could well be a reason why it should involve more, for the growth of the political departments was a later development. It is worth noting in this connection that the only other recipients of the remuneration referred to above, were the Chief Clerk and his assistant, the deputy librarian and the translator. Lewis Hertslet in his application of June 26, 1829 also stated quite definitely that the duty involved selection. But whatever it consisted of, after 1833 (see F.O. memorandum January 1833, F.O. General, librarian's department, 1801-1854) the duty was not mentioned again until 1861. It was a phenomenon confined to the early 'twenties and 'thirties and probably arose in consequence of the mass of Slave Trade papers which were published at that time. These at any rate were what Hertslet was primarily concerned with. During the intervening period advice was given by the librarian on odd occasions on addresses moved in the House for correspondence and the addition of information to previous collections. On one occasion he was also responsible for laying a collection of treaties relating to guarantees. F.O. 83/287. These, however, concerned matters which one would naturally expect to be referred to the librarian, relating that is, to correspondence long past and to treaties on which he was the acknowledged expert.

justification for it in 1850. A question asked in the House of Commons as to why there were two librarians<sup>1</sup> indicates that the same ignorance was prevalent then, however, That applies too, to the reply which was made, for it was merely stated that "they" were employed to arrange and index the despatches and records of the office.<sup>2</sup> This was misleading on several grounds. In the first place it was wrong to perpetuate the idea that there were two librarians. The reply instead should have made it clear that there had never been more than one librarian and that he had at that time a staff of six, one of whom acted as sub-librarian. Secondly, the reply was wrong in stating that the librarian was employed to arrange and index the despatches. That particular duty had long since passed from his hands to the clerks in the registry department. Finally, the reply was inadequate in that it gave no real idea of the work of the department. By that time it embraced a far wider scope.<sup>3</sup> A more motley collection of jobs would be difficult to imagine. As one would expect, the library was the treasure-house in which reference could be made to the manuscript correspondence and treaties, to printed works on historical and geographical matters and on international law, to newspapers, maps, confidential print and Law Officers' reports. It was also the centre from which information was supplied in the form of abstracts and memoranda, for the political

---

1. May 27, 1850, Hansard's Parliamentary Debates, 3rd Series, CXI, p.406.

2. Ibid.

3. See appendix pp. 311 - 312.

Departments had not the time, nor always the inclination, to undertake the work for themselves. In addition it may be regarded as the watchdog of the Foreign Office, always on the alert to prevent the publication, sale or even examination, however, cursory, of papers and books best kept within the sacred precincts. Finally, it was the odd job man, seeing to messengers, providing certificates of verification of official signatures and guidance as to procedure and ceremonial, appearing in courts of law and conducting correspondence with all sorts of public and private bodies concerning the interchange of books and papers. These were functions, some to a greater, some to a lesser degree, which were of importance in ensuring the smooth and efficient conduct of business. They were often perhaps of a nature taken for granted, but their absence, none the less, would have been felt acutely.

Nevertheless it was the general opinion that the work of the library consisted only of the custody of books and correspondence. Only a little research, such as a comparison of its duties with those of libraries in other public offices, would have been necessary to correct this misconception.<sup>1</sup> It would soon have established the fact that the work embraced almost everything<sup>2</sup> and approached more nearly that of a general intelligence department.<sup>3</sup> But no-one saw

---

1. Hertslet did this on one occasion. He failed to discover in either the Treasury, Home Office, Colonial Office, Board of Trade, British Museum or the Public Record Office a department which could be compared to the F.O. library. See Parliamentary Papers, 1871, VII [238], Appendix No. 3, p. 105.

2. Parliamentary Papers, 1890, XXVII [C.6172], p. 18, q. 26, 420.

3. Ibid, 6th. recommendation, p. 6.



fit to undertake such an inquiry. That was why, as late as 1871, Hertslet could state that the majority of people still held the view that the librarian of the Foreign Office had no higher or more important duties to perform than those assigned to a librarian in any other office of the Crown, who as a rule simply had the care of books.<sup>1</sup>

This failure to obtain credit for the work they did naturally caused great discontent among the members of the department. It was not the only bone of contention. There was also - far more important - the way it operated to their disadvantage as regards their status and standing in the office, and, therefore, on their salaries. Hertslet, like his father before him, was unremitting in his efforts to rectify this state of affairs. In 1861 and again in 1867 he made representations.<sup>2</sup> Hammond's recalcitrant attitude was responsible for their failure.<sup>3</sup> By 1870 the discontent in the department had reached such a pitch that the juniors were making every effort to obtain transferment elsewhere, and the question was forcibly brought to the notice of the office as a whole. When Hertslet reopened the campaign<sup>4</sup>, therefore, he found

---

1. Parliamentary Papers, 1871, VII [238], Appendix No.3, p. 110.

2. February 21, 1861, October 26, 1867, F.O. General, librarian's department 1799 - 1867.

3. March 9, 1861, November 5, 1867, Ibid.

4. Hertslet to Hammond, December 17, 1870, F.O. General, librarian's department, 1868-1878.

that he was no longer conducting the battle practically single-handed, but was supported on all fronts. Lister's comment after he had read Hertslet's representation to the Treasury,<sup>1</sup> showed that he had lost none of the zeal he had formerly displayed in taking up the cudgels on behalf of the librarian's department. "Many thanks", he wrote, "for your excellent memorandum. You know my sentiments upon the subject and that I have always tried to fight for the librarian's department whenever I had a chance."<sup>2</sup> There were besides many new converts to the cause. A joint letter was addressed to Lord Granville by the Senior and Assistant clerks of the political departments. Their object was to get him to authorise a covering letter, couched in the strongest terms, for Hertslet's representation, and they justified their request in the following way : "it is scarcely possible to overestimate the important nature of the duties devolving upon the head librarian of the Foreign Office, which are certainly second to none appertaining to the political departments of the office."<sup>3</sup> The strength of this combination, together with the nature of the

- 
1. Memorandum January 18, 1871, printed for the use of the F.O. January 20, 1871, Parliamentary Papers, 1871, VII, [238], Appendix No 3, pp. 104 -113.
  2. January 24, 1871, F.O. General, librarian's department, 1868-1878.
  3. Ibid. January 27, 1871. Signed by Wylde, Bidwell, Gifford, Woodford, Currie, Anderson, Tenterden, Bergne, Sanderson, Vivian.

arguments employed by Hertslet himself,<sup>1</sup> was no doubt the reason why even Hammond, who had vowed in 1867 that he would never recommend any increase in the scale of salaries assigned to the librarian's department, was induced to give his support. At any rate he also stated that he would be glad to see the salaries of the whole department placed on a different footing.<sup>2</sup>

Nothing could be done, however, until the Committee on the Diplomatic and Consular Services, then in session, made its report to the House. When the field was at last clear, the ground had been so well prepared that there was no difficulty in persuading Lord Granville to send the necessary recommendation. This he did in a letter, which, among other things, testified to the fact that the library "was taxed from day to day, from hour to hour, for references, reports and historical memoranda without which the business of the office could not be carried on."<sup>3</sup> The impression made on Wilson, financial secretary to the Treasury, by this united front was such that he, in a further effort to prevent any hasty decision, urged their Lordships to give the matter serious consideration.

1. Tenterden thought Hertslet's memorandum was "most forcible and fairly drawn up", minute January 24, 1871, Ibid. cf. Lister January 24, 1871, Ibid : "Your statement like all that you write is a model for clearness and fairness and the case is so strong that the moderate request at the end is a fine specimen of bathos." Otway on handing in the memorandum to the Select Committee stated : "it describes his duties very well, and I read it with great interest and attention; and, although I always had a great opinion of his department, I must say this memorandum has led me to form a higher opinion than I had before." Parliamentary Papers, 1871 VII, 238, p. 55, q.1121.
2. Minute on Hertslet's memorandum, F.O. General, librarian's department, 1868-1878.
3. December 2, 1871, F.O. General, librarian's department, 1868-1878, T1 7126 /18726.

In support of his contention he stated that the library had hitherto occupied a separate and subordinate position, but that for this there was no good reason, as an enquiry would show that "the work performed by the librarian and his assistants was on a par as regards both quality and quantity with that transacted in the other departments of the office."<sup>1</sup>

It was to no avail, for, as he had anticipated, the application was rejected.<sup>2</sup> But although its reception by the Treasury officials was caustic,<sup>3</sup> one of them had the grace to admit - which was all he could do in view of the evidence before him - that the duties of the librarian himself seemed at least of equal importance with those performed by the Senior clerks of the political departments.<sup>4</sup> This was small comfort to Hertslet, however. The conclusion was obvious and he was not long in drawing it. However confidential or responsible might be the work of his department, or however highly attested, a higher rate of remuneration could never be paid. The librarian's department was to remain the exception to the general rule, whereby salaries were assigned in proportion to the importance of the work which was done. His anger at the injustice provoked him to make a

---

1. Minute December 5, 1871, TL 7126<sup>A</sup>/18726.

2. Treasury December 29, 1871, F.O. 366/432.

3. See minutes and memoranda on Lord Granville, December 2, 1871, TL 7126<sup>A</sup>/18726.

4. Minute December 14, 1871, Ibid.

further application.<sup>1</sup> As before this was backed by Lord Granville, whose covering letter again bore testimony to the important nature of the work done, which "enabled the librarian's department to be as it is now, one of the most valuable branches of this office."<sup>2</sup> This finally brought the desired result. In June, 1872, the Treasury revised its verdict and consented to raise the salaries of the librarian and the sub-librarian.<sup>3</sup>

Right to the end, therefore, there was never any abatement in the stress and insistence, which had been apparent throughout the whole episode. No better proof could be afforded of the fact that, whatever was the opinion which prevailed generally concerning the work done by the librarian's department, it did not apply in the quarters which really mattered. As indicated, however, this was something new. Earlier campaigns had never obtained such whole-hearted support and cooperation. It remains to see what factors were responsible for the change of front which took place on the part of Hammond, for one. Even if, as may well be the case, it was merely an outburst of departmental loyalty, there must have been some reason why Hertslet was able to inspire it at that particular time.

---

1. Hertslet to Granville, March 9, 1872, printed for the use of the F.O. March 19, 1872. F.O. General, librarian's department, 1868-1878, F.O. 366/677.

2. Draft Treasury May 16, 1872, F.O. General, librarian's department, 1868-1878.

3. Treasury June 10, 1872, T12/6. i.e. 700 x 25 to 1000, the scale assigned to the Senior clerks of the political departments, and 550 x 20 to 650 for the sub-librarian.

That it was no such thing is indicated by the fact that Hertslet had sufficient faith in his case to bring his representation before the Select Committee on the Diplomatic and Consular Services. The publicity attendant on this was no doubt another factor responsible for the ultimate successful outcome of the campaign. It had never been done before, or at least only to a slight degree. As Hertslet stated to Hammond,<sup>1</sup> the evidence laid before the committee the previous year had given a very imperfect insight into the nature of the work of his department. Hertslet's faith in his case sprang from its strength. This is revealed by the memorandum he submitted to the Select Committee. It reflects a much better organisation; and as regards format, the nature of the arguments employed and supporting evidence, excels anything which had been written on the subject before either by Hertslet or his father. The question is how and when did this come about. The 'sixties must have been the operative period, for otherwise Hammond would not have looked with such disfavour on Hertslet's representations in 1861 and 1867.

Since 1861 there had been a marked increase in those duties of the department which concerned parliamentary business. In the first place the librarian had again begun to participate in the preparation of blue books and returns. Mention of this first occurs in the memoradnum submitted by Hertslet to the Select Committee

---

1. March 13, 1871, F.O. General, librarian's department, 1868@1878.

in 1871.<sup>1</sup> The examples cited include blue books prepared by him relating to the Abyssinian difficulty, Mr Grenville-Murray's case and consular establishments. These were of a recent date.

Obviously, therefore he had prepared others on previous occasions. But the practice must have arisen some time after 1861 as it was not listed in the Foreign Office memorandum of February 27, 1861<sup>2</sup> as part of the librarian's work, nor in Hertslet's representation of February 21, 1861.<sup>3</sup>

Secondly, by 1871, the librarian was also supplying answers to parliamentary questions. When Otway, the Parliamentary Under Secretary, stated before the Select Committee that he would not have been able to get on without the librarian at all, this was one of the things he had in mind. He went on to say :

"For instance, if a question is put to any Parliamentary Under Secretary on a foreign subject which goes beyond a year, it is useless to tell the Members of this Committee that the Parliamentary Under Secretary cannot carry the facts in his head, nor has he the time, if had the means of getting at them; he is entirely dependent upon the memorandum supplied him by the office, and the gentleman who furnishes him with that memorandum, and who in many cases would have to search many volumes, would be the librarian, or his assistant." 4

Again it seems probable that the practice arose during the 'sixties, as it had never before been listed among the duties of

1. Parliamentary Papers, 1871, VII [238], Appendix No. 3, p. 111.

2. F.O. 366 /675, F.O. General, librarian's department, 1799-1867.

3. Ibid.

4. Parliamentary Papers, 1871, VII, [238], p. 55, q.1119.

the librarian's department. This is the more likely as in 1861 it became the duty of the library to take note of everything which passed in parliament relating to the Foreign Office.<sup>1</sup> The object of this was to enable the library to draw the attention of the Secretary of State, the Under Secretaries and the heads of departments to every notice of its being the intention of a member to ask a question in parliament relating to foreign affairs. On the other hand the fact that it was not listed as a separate duty could have been because the material supplied formed a category of the memoranda drawn up by the librarian. If this were the case, presumably the practice began in 1823 when the first memorandum was written. In this connection it is worth noting that in 1850 the library was sorely taxed for information for a full dress debate.<sup>2</sup> But whatever the date of origin, it is likely that the practice became more pronounced in the 'sixties and, therefore, of greater importance.

That at any rate is what happened at this period concerning the memoranda supplied by the librarian. There was a great increase in the demand for them and, even more important, a change in their character. It is proposed first to deal with the former development. This had its origin in the 'thirties. It arose out of the great

---

1. See appendix p. 312

2. Sir E. Hertslet, *op.cit.*, p. 72.



increase which took place at that time in the correspondence which passed through the office, for, inevitably, the greater the number of papers, the more frequent were the references required. Important events in Europe were partly responsible. It was also the result of the increasing amount of correspondence between Great Britain and the new states of America, of the transfer of our relations with Persia, China and the Barbary states to the Foreign Office, a progressive extension of commercial relations with all parts of the world, an increase in the number of consular officers and, finally, a more active correspondence with the mixed commission courts and our consuls abroad for the suppression of the slave trade.<sup>1</sup>

It will be remembered that the librarian at this time had a staff of only two. It was no wonder that he failed to cope successfully with the increasing demands made upon him for memoranda. It was no wonder, too, in view of the fact that the correspondence had doubled, that the register and index fell into arrear. By 1840 the effects of this on the efficient despatch of business in the office had become so serious that Palmerston was compelled to ask the Treasury to authorise an increase in staff, and two additional clerks with three temporary assistants were appointed to bring up the arrears. Palmerston's letter reveals the high demands which were made by the Foreign Office on its register. "It will," he

---

1. Draft Treasury, May 9, 1840, F.O. 366/372, T1 4210 .

wrote, "be obvious to Your Lordships that in an office like this, in which references going back to several years are continually required for purposes connected with the current business of the day, it must be of great importance that such Register should be accurately kept and should be brought up to the latest possible date."<sup>1</sup>

It was the first serious attempt to combat a problem, which as Palmerston foresaw, was from that time to be ever present. Henceforth queries by one Under Secretary of State after another concerning the state of the register and the arrangements which were being made for working off the arrears, became the regular order of the day. In 1854 the problem again became acute. The three clerks appointed on a temporary basis in 1841 were, therefore, placed on the permanent establishment of the office. They were also offered more pay as an inducement to put in extra hours.<sup>2</sup> It was in response to a suggestion made by the head of the political divisions that Lewis Hertslet drew up the memorandum<sup>3</sup> which resulted in these new arrangements. They were the ones who were suffering most from the fact that the librarian's department was under-manned. Their insistence may be compared to Palmerston's in 1841. "It is impossible," they stated, "to overrate the importance of the librarian's department being kept up in the most efficient

---

1. Ibid.

2. F.O. memorandum, dated 1854, F.O. Confidential General, 1844-1932.

3. January 16, 1854, F.O. General, librarian's department, 1799-1867.

state - for time in this office is most valuable and every minute that can be gained by facilitating the means of referring to the correspondence is of the greatest importance as regards the efficiency of the whole office."<sup>1</sup> They united, therefore, in opposition to the Chief Clerk,<sup>2</sup> who alone refused to believe that the library needed an establishment of seven. Even he, however, admitted that if the arrears accumulated to such a degree that further assistance had to be called in, it would be better to bring in any number of people than to go on with any amount continually in stock.<sup>3</sup>

The termination of the Crimean War did not, as might be expected, bring any relief. Rather if anything the reverse was true, for the development of relations with foreign powers, in particular with the East, offset any reduction in that quarter. There was, in addition, a general increase caused by the greater and growing facilities for communication.<sup>4</sup> In 1858 a Foreign Office memorandum stated that the position was no better and predicted that it was likely to become worse. The position was such that six years of departmental diaries had to be searched

---

1. Memorandum January 6, 1854, F.O. 366/449.

2. See the minutes by the various heads of departments, dated February 1854 on Chief Clerk, February 3, 1854, F.O. 366/392.

3. Minute February 6, 1854, Ibid.

4. Draft Treasury, January 13, 1857, F.O. 366/386.

through for the information necessary to reply to the questions submitted to the library. The only remedy for this was that five men should henceforth be employed on the register.<sup>1</sup>

This is a convenient point to indicate the distinction between the diaries prepared in the political divisions<sup>2</sup>, which were handed over every year, together with the correspondence to which they related, and the register and index done in the library. The reason why the process of searching through the diaries was so slow and by no means sure was because the entries were so brief and many names and subjects were necessarily omitted. The register compiled in the library was in contrast much fuller and more descriptive. It also included a general index to each country, which was of infinite value and importance as a means of tracing rapidly the various questions which were constantly arising. The following example should illustrate this.

1861	<u>Entry in the Diary</u>	<u>Entry in the Register</u>
	Porte's right of search. French wish further opinion concerning.	Concurrence in view of Great Britain as to right of Turkey to prevent passage of ships laden with arms etc. Query as to right of Turkey to search vessels suspected of conveying arms. <sup>3</sup>

It was not merely a question of registration, but of registration which was adequate. As Hertslet stated in 1895 : "a bad

1. F.O. General, librarian's department, 1799-1867.

2. The system dated from 1817. See F.O. memorandum September 2, 1864, Ibid.

3. Cited in the above memorandum.

index is worse than no index at all."<sup>1</sup> The deplorable state of the indexes to the African registers caused him to make such a comment. Formerly made in the librarian's department, in 1890 the African department took over the job. The object was to save the library trouble. The reverse happened as the indexes could no longer be relied upon<sup>2</sup> and this necessitated wading through the registers. The importance African affairs had attained by this time rendered it all the more necessary that the register and index of its correspondence should be trustworthy and accurate. One of Hertslet's own clerks had, therefore, to be spared to undertake the revision of the African indexes for the period 1891 to 1894.<sup>3</sup>

To return to the year 1858. Despite the stress laid by the Foreign Office memorandum of that year on the importance of full and adequate registration to obviate the need to search through unindexed departmental diaries, the request that five men should be employed on the register was not granted. Hammond, who became Permanent Under Secretary in 1854, was no doubt responsible for this. He certainly was the one who turned down a similar application

1. Minute June 5, 1895, F.O. 84/1379.
2. See for instance one of the examples cited by Hertslet, namely that there was no trace in the index under the heading of either coolies, India, Zanzibar or labour, of the correspondence which passed during 1891-1892 concerning Indian coolies in Zanzibar.
3. Minutes by Hill, June 11, Hertslet June 12, 1895. Ibid.

from Hertslet in 1861.<sup>1</sup> He justified his decision by stating that more work could be done. He was probably motivated rather by his habitual concern for economy and his dislike of approaching the Treasury to sanction expenditure. But whatever prompted his refusal, force of circumstances soon caused him to change his attitude. Four years later he stated that it would be the duty of the Permanent Under Secretary when the new Foreign Office was fit for occupation, to call the attention of the Secretary of State, and through him of the Treasury, to the need to provide adequate means of working up the arrears which - and this is the point to note - had accumulated through no fault of the librarian's department.<sup>2</sup> By thus recognising that the root of the problem was the limited registering staff and houseroom, he tacitly admitted that the suggestion made by him in 1861 for the more efficient running of the department had been impracticable. In view of the fact that the correspondence had doubled<sup>3</sup> since the last real increase in the librarian's department, it seems incredible that he should have failed to see this before. Admittedly, towards the end of 1861 one addition had been made to the librarian's department<sup>4</sup>, but that was

1. On grounds which were justifiably designated by Hertslet as "Simply Bosh" "Impossible", etc. See annotations on Hammond March 9, 1861, F.O. General, librarian's department, 1799-1867. cf. also Hertslet's memorandum of March 16, 1861, Ibid.
2. Minute January 28, 1865, F.O. 366/433.
3. cf the following samples taken from the returns of correspondence 1826-1869, F.O. 366/432; 1841:24,047, 1854: 48,850, 1857: 59,703. During the period 1858-1867 the figures never dropped below the 'forties and 'fifties
4. Treasury December 31, 1861 in reply to F.O. June 12, 1861, F.O. General librarian's department, 1799-1867. The appointment was renewed annually until the job was completed in 1865.

for the purpose of cataloguing the printed library and did nothing in itself to relieve the pressure as regards the main problem. Hammond made good his earlier lack of understanding, however. Towards the end of 1867, just before the Foreign Office moved to its new premises in July 1868 he saw to it that the library obtained additional assistance. Two increase were made in its permanent staff and five men were appointed on a temporary basis to bring up the arrears.<sup>1</sup>

As already seen, however, in 1867, Hammond still proved adamant with regard to the salaries assigned to the librarian's department. Other developments must have been responsible for the fact that, four years later, he again changed his stand. The different character of the memoranda drawn up by the librarian must have had something to do with this. Apart from treaty questions, which had been his special province since 1823, they had previously been of a purely historical nature, dealing with British relations with foreign powers in former times. More and more, however, they came to deal with current issues and ultimately, like the memoranda prepared in the political departments, contained observations as to possible solutions and invariably stressed the

---

1. Treasury December 6, 1867, in reply to F.O. November 8, 1867, F.O. 366/676. The services of the man who had been appointed in 1861 to catalogue the printed library were also retained. On completing the job in 1865 he had been employed on the task of registering and indexing the correspondence from 1760 to 1810, especially that relating to France and America to which references were constantly required, but not a single part of which had been docketted. Treasury February 16, 1865 in reply to F.O. February 9, 1865, F.O. 366/433

facts likely to be of importance. This again was the result of the increase in the correspondence, for it meant that the political departments were so pressed for time that they began to pass on to the library work which previously they had dealt with themselves.

The earliest evidence of this development occurs in 1853. Lewis Hertslet was the first to draw attention to it in a minute for Addington, the Permanent Under Secretary, which, surprisingly enough, took the form of a complaint. Usually he was in favour of anything which tended, as this did, to increase the importance of his department. At the time, however, he had other things to think about, especially the difficulties caused by his perpetual shortage of staff, which worrying and pressing as it was, the new development only accentuated. Addington concurred in Hertslet's view of the matter. As he stated :

"If the librarian were called upon to prepare all Memoranda of occurrences new and old he would have neither the time nor hands for the work. Historical Memoranda especially of matters involving reference to old treaties ought alone to fall to the share of the librarian exceptis excipiendis of course; for exceptional cases may always arise." <sup>1</sup>

Consequently he stipulated that memoranda of recent date ought to be worked out in the department concerned and that the librarian was in such cases, merely responsible for furnishing the volume of papers, which were wanting in the department itself. Much ink then flowed in an effort to reach some agreement as to the mode to be pursued in working out references and memoranda, in order that

---

1. Minute June 2, 1853, F.O. General, librarian's department, 1799-1867.



a uniform system might be adopted. This was in some measure due to the mis-apprehension which prevailed as to the real purpose of Hertslet's complaint,<sup>1</sup> for many of the heads of departments took his protest as an affront. Murray, for instance, felt that the only inference which could be drawn from it was that the Senior clerks were evading the due performance of their duties. This charge he repudiated.<sup>2</sup> Hammond and Mellish maintained that the librarian could be called upon to undertake any research and to answer any inquiry, the papers relating to which were to be found in the custody of his department.<sup>3</sup> That was how the misunderstanding arose, for as Addington pointed out in consequence, the question at issue had nothing to do with books or papers, searches or researches, but as to the drawing up of Memoranda.<sup>4</sup> It must have come as a relief to him to find that one person at least, namely Oom, got the gist of the matter. At any rate he seized upon the latter's opinion as correct, founded upon a right reading of his minute of June 2. Oom had thrown his weight on Hertslet's side by stating that it was the business of the librarian to prepare memoranda only on cases of old date. On

---

1. Minute by Stavely, June 4, 1853, Ibid.

2. Minute June 4, 1853.

3. Minutes (undated), Ibid.

4. Minute June 6, 1854, Ibid.

all other occasions his duty was confined to furnishing such papers, properly marked out, as might be asked for.<sup>1</sup>

Agreement having been reached on that score, the question remained what determined whether a case was "old" or "recent." Addington was of the opinion that the word recent would embrace a space of twenty years at least, unless historical references of an older date were mixed up with the question under discussion.<sup>2</sup> Whether that was the solution ultimately adopted is not clear, for he went on to state that he would willingly sanction whatever arrangement met with the general approval, provided it was understood that any memorandum ordered by the Secretary of State must be prepared by the person and in the manner indicated by him. And the only other evidence is a comment by Stavely,<sup>3</sup> which refers back to Addington's minute of June 3 as the one which, in his opinion, put the question of the relative duties of the librarian's and the political divisions of the office on a proper footing. The minute of June 3, however, merely stated that "memoranda of historical research and of not recent date except they be of a mixed character, partly recent and partly ancient ought alone to be thrown upon the librarian."<sup>4</sup>

---

1. Minute June 4, 1853, Ibid.

2. Minute 6, 1853, Ibid.

3. Minute June 7, 1853, Ibid.

4. Ibid.

This failure to define more clearly what was meant by the terms "recent" and "old" was perhaps the reason why things carried on much the same as before. During the year immediately succeeding no less than 85 memoranda were prepared in the library. The total for the years 1859 and 1860 was 196.<sup>1</sup> In view of the fact that two crises were occupying the attention of the government at this time, the Crimean War and the American Civil War, it can be seen that the increase was caused more by the exigencies of the situation than any other factor. It was a case of pressure in the rest of the office resulting in corresponding pressure in the librarian's division.

The use of the term "librarian's division" as opposed to "librarian" on this occasion is deliberate, for during this period other members of the department began to participate in the preparation of memoranda. This had not hitherto been the case, as the duty had formerly been performed by the librarian alone. The earliest evidence that the sub-librarian was giving assistance in this respect occurs in December 1858. It was decided that month not to confirm the conditional appointment of the new sub-librarian, who had been appointed at the end of 1857 when Lewis Hertslet retired from office.<sup>2</sup> The reason given was that, although qualified in every way for the ordinary duties of this office, he did not give satisfaction in the way he prepared

---

1. Comparative statement of the memoranda drawn up in the librarian's department, F.O. General, librarian's department, 1799-1867.

2. December 31, 1858, F.O. 366/394.

memoranda. Consequently the office had no confidence in his reports. The clerk next in turn in the department was then placed on trial for a year and as he gave every satisfaction in the way he drew up his reports he was confirmed in the appointment.<sup>1</sup> That the practice originated then is confirmed by Edward Hertslet's reference in 1871 to the fact that the late sub-librarian had never been called upon to prepare memoranda and that it was only in consequence of the great increase in the work of the office that the sub-librarian was now constantly called upon to assist in the performance of the duty.<sup>2</sup>

Three or four years later the senior clerk in the librarian's department also began to participate in the work. In February, 1861, Irving, senior clerk of the department applied for an increase in salary.<sup>3</sup> He justified his application on the ground that his position had changed as a result of his more onerous and responsible duties. He was of course referring to the preparation of memoranda for which work he too, had "lately" been roped in. This was the year Hertslet himself drew attention to the lapse of the system whereby the librarian prepared reports solely on international and treaty questions and only on such other general topics as were contained in the correspondence of more than ten

---

1. January 13, 1860, F.O. 366/675.

2. Parliamentary Papers, 1871, VII, [238], Appendix No. 3, p. 112.

3. Irving to Russell, February 16, 1861, F.O. 366/675.

years old. The extent to which practice differed from theory could be seen, as he said, from the fact that the librarian was then furnishing reports on all questions according to the need, even though the papers were not more than one year old.<sup>1</sup> Far from bringing the result hoped for, namely, an increase in staff and salary, as seen earlier, Hammond merely stated that more work could be done, and drew up a plan for the rearrangement of the work in the library.<sup>2</sup> This included an order that only memoranda on subjects going back further than ten years should be prepared in the library. In accordance with Lord John Russell's wishes this was altered to fifteen years.<sup>3</sup> It seems difficult to see why Hammond had not seen fit to broach the subject before himself. Certainly it was his duty to have done so, for he thought it "a most mischievous practice in every respect." He had several reasons for holding such a view. In the first place the system threw upon the librarian's department an amount of work which it was not calculated to undertake. Secondly, it impaired the efficiency of the clerks in the political divisions by enabling them to shake

---

1. Memorandum February 21, 1861, F.O. 366/675, F.O. General, librarian's department, 1799-1867. See also his statement that whereas before the various divisions had retained two years' correspondence as well as the papers of the current year, now they kept only one.

2. See above, pp. 85-86.

3. See endorsement on minute by W(ylde), March 13, 1861; cf final minute March 16, 1861, F.O. General, librarian's department, 1799-1867.

off a very valuable mental exercise. Worse still, it had injurious effects on the conduct of business generally, as the librarian's department could not possibly have sufficient knowledge of the current business of the office for the carrying on of which such memoranda were required. To be of real use they had to be framed with special reference to the particular point under discussion.<sup>1</sup> Nevertheless the fact remains that Hammond did nothing until Hertslet's application compelled action of some sort. Again therefore, the evidence suggests that Hammond was motivated rather by his concern for economy than by any real concern about this "mischievous practice."

In this connection it is worth noting that there is no evidence of any opposition by Hammond when his ruling concerning the preparation of memoranda by the library, like its predecessor of 1853, remained a dead letter. A statement made by Hertslet in 1871 clearly indicates that this is what happened.

"But it is now admitted that this order has not been carried into effect, nor would it appear to be desirable, even if it were possible, to give effect to it, and for this reason : it is now only 15 years since the Crimean War ended, and therefore, every "abstract" and "memoranda" on European questions should be prepared in the Political Departments; but, with their other arduous and pressing duties, this would not be possible; but it was stated before the Committee of the House of Commons, in April last, that although there was this "standing rule" respecting the preparation of "abstracts" and "memoranda" being done in each department, provided the question did not

---

1. This provoked such indignant asides from Hertslet as : "Too bad---- This is really too bad ---- Ask anyone in the department if they concur in this" see annotations on memorandum by Hammond, March 9, 1861, F.O. General, librarian's department, 1799-1867.

go back more than 15 years, that it was not generally acted upon." <sup>1</sup>

Hammond on the contrary may be said to have changed his stand completely, as he did about most things concerning the librarian's department at this period. In 1870 he said that without the memoranda supplied by the library "no Secretary of State, no Under Secretary of State and no Senior Clerk could carry on the business of their respective divisions."<sup>2</sup> The support he gave the following year on the matter of salaries was but the natural outcome of this recognition by him of the importance of the work done by the library. Force of circumstances had compelled him to change his attitude. Even he could no longer close his eyes to the fact that the development which gave Hertslet the right to claim, as he did, that the country held some of its possessions abroad solely in consequence of his reports,<sup>3</sup> was for good or ill there to stay. However desirable it was that the heads of the political departments should master the history of British relations with the countries under their supervision and of all related subjects, the hard fact remained, as Tenterden pointed out,<sup>4</sup> that this was impossible if their official memories were to

1. Parliamentary Papers, 1871, VII [238], Appendix No. 3, p. 110.

2. Referred to above, p. 6.

3. Hertslet to Granville, March 9, 1872, printed for the use of the F.O. March 19, 1872, F.O. 366/677, F.O. General, librarian's department, 1868-1878.

4. January 24, 1871, F.O. General, librarian's department, 1868-1878.

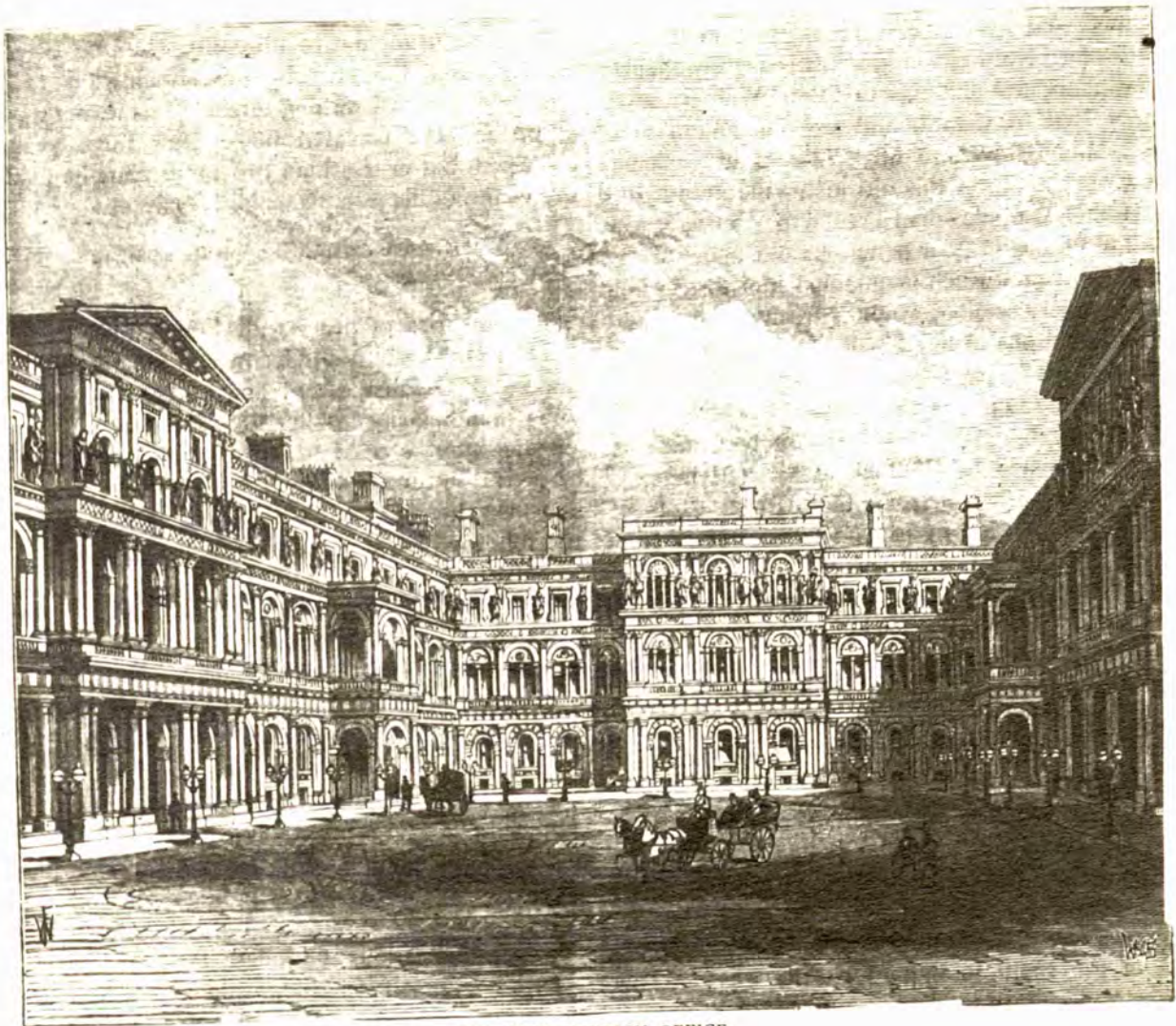
be clipped every first of January, as happened on the transfer of the correspondence to the library. As it was an axiom of Edward Hertslet, at any rate, that he and his staff should be well-versed in current events as well as those which had occurred during the previous half-century, the department was not, presumably, so ill-equipped on that score as Hammond had considered to be the case. No untoward event seems to have occurred in consequence of the operation of the system.

It remains to see what bearing another development had on the general change in attitude which took place at the turn of the 'sixties with regard to the librarian's department. The reference here is to the effects of the move in July 1868 to the new Foreign Office. A former diplomat regretted the passing away of the old Foreign Office which "dingy and shabby to a degree, made up of dark offices and labyrinthine passages - four houses at least, tumbled into one, with floors at uneven levels, and wearying corkscrew stairs that men cursed as they climbed - a thorough picture of disorder, penury and meanness", had yet known the sway of Castlereagh and Canning.<sup>1</sup> Nevertheless it was no fit quarter for the conduct of a business which was always increasing and becoming ever more complex in consequence. The "stately palace", "of massive proportions, costly in material, ambitious in design, with lofty halls, monumental staircase and wide, echoing corridors" may, in his opinion, have

---

1. Sir Horace Rumbold, Recollections of A Diplomatist, [London, 1902], I, pp. 109-110.





THE NEW FOREIGN OFFICE.



The New and Old Foreign Office

been somewhat of a failure,<sup>1</sup> but it provided the only solution to problems which - the cause of inconvenience even in the 'thirties and 'forties<sup>2</sup> - by mid-century had become so serious that it would not be too strong a term to say that they amounted to a positive evil. By 1859 Hammond for one was completely overcome by the situation. "But I know not what can be done," he wrote. "I give up in despair the idea of a new Foreign Office which none of the present holders of office will live to see." <sup>3</sup>

A short summary of the memorandum which evoked such a pessimistic response indicates why some people at least did not allow their nostalgia for the good old days to prevent them from seeing the need for change. It reveals the extent to which the ramshackle and inconvenient structure which housed the Foreign Office at that time, proved unable to cope with the pressure caused by the heavy and yearly increase of correspondence. Nothing could have been more chaotic. The correspondence was scattered all over the building. If it were extended the privilege of a shelf, it was arranged in rows two or three deep. so that only the front volumes were visible. Space was so limited, however, that large numbers of volumes, which it was essential to have on the premises,

---

1. Ibid.

2. See the First recommendation of the report on Foreign Office Re-Construction, which testifies to the fact that the Committee of the House had had conclusive evidence on that score since 1839, Parliamentary Papers, 1857-1858, XI, [417], p. iii.

3. Minute December 21, 1859, F.O. General, librarian's department, 1799-1867.

4. Memorandum by Edward Hertslet, December 20, 1859, Ibid.

had perforce to be deposited at the State Paper Office.<sup>1</sup> This was a serious matter, as it was the habit of the Foreign Office to keep in its custody as much correspondence as possible. It was not just the result of an inevitable caution, to prevent documents from becoming accessible to the general public until they had become a matter of history. The crying inconvenience which arose from not having ready access to such papers in the Foreign Office itself was the main reason.<sup>2</sup> References, to quote an admittedly rare and extreme case, were sometimes required as far back as the thirteenth and fourteenth centuries.<sup>3</sup> During the American Civil War references were constantly made to the correspondence of the previous century.<sup>4</sup> This was not all. Printed books also invaded every nook and cranny - kitchens, passages and attics - and hundreds of volumes were often piled in heaps or left on the floors of different rooms completely without order, let alone entry in a catalogue. The resultant difficulty in obtaining access to both the manuscript correspondence and the printed library seriously affected the efficient discharge of business, especially with regard to the preparation of memoranda,

---

1. The whole correspondence up to 1830 had been sent away.

2. Parliamentary Papers, 1857-1858, XI, [417], p.13, q.154.

3. *Ibid*, p.13, q.150.

4. See above p. 87, n.1.

by the librarian's department. The memorandum written by the Senior clerks of the political departments in 1854 bears witness to this.<sup>1</sup> It drew attention to the imperfect accommodation assigned to the library and stated that the whole office from the Secretary of State downwards was daily and hourly suffering as a result of it.

There was another very serious aspect of the problem. Life and property were endangered in consequence of carrying on business of such importance in buildings not fire-proof and in a state of hopeless disrepair.<sup>2</sup> It was not surprising, therefore, that steps were eventually taken to rectify matters. A Select Committee was appointed on Foreign Office Re-Construction. This resulted in the decision to erect a new building. It could not be built overnight, however, A temporary abode had to be found in the meantime, for the old Foreign Office buildings were fast giving out. Truly was it said that :

"In the meantime the question was in the way of one settlement by the fact that some of the old barns in Downing Street, and the Foreign Office especially, were on the eve of tumbling down. By the elegant and decorative aid of beams and girders the walls were secured for a time; but at length even this standfast system was found insufficient to prevent the crumbling to pieces of the mortar and brickwork, in consequence of which the business of our diplomacy was temporarily transferred to Pembroke House

1. January 6, 1854, F.O. 366/499.

2. 1st recommendation of the Report on Foreign Office Re-Construction, Parliamentary Papers, 1857-1858, XI, [417], p. iii.

in Whitehall Gardens."<sup>1</sup>

The move to Pembroke House took place in 1861, when the arrangements for pulling down the old Foreign Office to make room for the new buildings were finally made. Albeit a makeshift, it afforded sufficient accommodation in the form of a large kitchen, cellars and adjoining rooms for some headway to be made in getting at least the printed library into shape and also for registering the correspondence prior to 1810.<sup>2</sup> Even before the move to the new Foreign Office took place in 1868, therefore, some part of the work of organising the department on a proper basis had been carried out. The greater space afforded by the new buildings completed the process. The evidence given by Hammond in 1870 before the Select Committee affords a glimpse of the finished picture.

"----- we have now, for the first time, access to a library of very valuable books, which fills rooms above 110 feet long, and are piled up nearly to the ceiling, and all through the rooms. These books are very valuable both for their own worth and for daily reference, for our own purposes; and it is only since we have got into the new offices that we have had ready access to them; -----

Now we have got a proper library, and certainly I was never more surprised in my life (and I believe the librarian was equally surprised) when I found the vast accumulation of valuable books which we possessed, but never before had any means of access to."

- 
1. W. Thornbury and E. Walford, Old and New London : a Narrative of its History, its People and its Places, /London, undated/, III, p. 392.
  2. See above, pp. 86-87.
  3. Parliamentary Papers, 1870, VII [383], p. 116, q. 1669.

This may be compared with Hertslet's account, given before the Select Committee in 1871.<sup>1</sup> He also referred to the printed library, consisting of approximately 30,000 volumes, in glowing terms, as one for which no pains had been spared to make it unique for the object required. Not the least of its merits was a complete and analytical catalogue which filled a volume of nearly seven hundred pages. A revolution in miniature had taken place. What before had been "comparatively useless"<sup>2</sup> was now one of the most valuable assets the Foreign Office possessed.

This was not the only benefit which resulted from the change-over. Another, equally important, was that the entire correspondence from the year 1783 could now be kept on the premises.<sup>3</sup> This again did much to increase the value of the services performed by the librarian's department. It could now make its own references to the earlier correspondence instead of having to apply to the State Paper Office when any doubtful point arose. Its references to the rest of the correspondence could be made more easily and with greater

- 
1. Parliamentary Papers, 1871, VII [238], Appendix No.3, p. 110; cf. memorandum March 9, 1872, in which he again refers to **it**, F.O. General, librarian's department, 1868-1878, F.O. 366/677.
  2. 1st recommendation of the Report on Foreign Office Re-Construction, Parliamentary Papers, 1857-1858, XI, [417], p. iii
  3. Parliamentary Papers, 1870, VII, [383], p. 116, q. 1668

surety, no longer marked by tedious and sometimes fruitless searching, with the consequent endless delays. It had not been in vain that Hammond and Hertslet had taken full advantage of every opportunity afforded them to state their requirements.<sup>1</sup> Their delight as a result of at long last being properly organised affords final proof of this.

The transformation described above would alone have surely produced a change in attitude concerning the librarian's department. Combined with the increase in its duties, the greater demand upon it for memoranda and above all the change in their character, there should no longer be any doubt as to why the early 'seventies may be regarded as the period when the librarian's department had at long last really emerged and firmly established its position on a par with that of the political departments.

---

1. See Hammond's evidence before the Select Committee on Foreign Office Re-Construction, Parliamentary Papers, 1857-1858, XI, [417], especially pp. 13-14, q.144,155-7. cf. memorandum by Edward Hertslet, January 30, 1861, F.O. General, librarian's department, 1799-1867.

(ii) The librarian's department, 1871-1900.

It remains now to see whether there was any further development after 1871, or whether, if that failed to be the case, the department succeeded in keeping the position it had already obtained. It must be admitted from the start that the evidence concerning the librarian's participation in the preparation of blue books, remains somewhat elusive. Examples are, as before, difficult to find. Nevertheless although they occur rarely, it is less difficult to find instances after the 'sixties than before. In May, 1873, for instance, Hertslet was asked for advice concerning the feasibility of executing such a large order as that involved in replying to an address for papers relating to consular establishments in Africa.<sup>1</sup> In June 1874 he gave advice on Lord Stratheden's motion for papers concerning Turkey.<sup>2</sup> Early in 1878 he was at work on a return, the object of which was to give copies or extracts of all treaties and other public documents in the possession of the Foreign Office, whether British or foreign, showing the political conditions established at different times with regard to the navigation of the Black Sea, the Bosphorus and

---

1. F.O. minute, May 12, 1873, F.O. 83/500

2. Memorandum by Hertslet, June 16, 1874, Ibid.



the Dardanelles.<sup>1</sup> It goes without saying that if any doubt arose as to procedure, Hertslet was the one to whom reference was invariably made. Examples of this include advice given in 1876 relating to certain Slave Circulars about which there was some doubt as to which government department should lay them,<sup>2</sup> advice as to the laying of treaties to which Britain was not a party,<sup>3</sup> as to the best time for laying papers<sup>4</sup> and concerning the procedure adopted by the Foreign Office in laying papers before parliament.<sup>5</sup>

The same may be said of parliamentary questions. The evidence as to the way they were answered remains elusive, no settled practice having been adopted as to the filing of them until 1890. Again, however, the examples in this later period

- 
1. Minutes by Tenterden, January 30, Hertslet, January 31, February 16, 1878, docketed by Tenterden: "Hertslet has taken a great deal of trouble; it will be a valuable compilation." Derby: "I quite agree." F.O. 83/591.
  2. Minutes by Hertslet, May 11, Tenterden, May 11, Hertslet May 13, 1876, F.O. 83/500.
  3. Minute by Hertslet, March 11, 1878, F.O. 83/591.
  4. Minute by Hertslet, November 4, 1878, endorsed by Salisbury, "Proceed as proposed". Ibid.
  5. Minute by Tenterden November 18, memorandum by Hertslet, November 19, minutes by Salisbury (undated), Tenterden, November 19, draft Hertslet November 29 to Lords and Commons, minutes by Howard, November 29, Hertslet, December 5, Tenterden December 6, 1878, Hertslet, February 10, Pauncefote, February 27, 1879. Ibid.

occur much more frequently.<sup>1</sup> There is also a reference in 1890 by Bryze, who served for some time as Parliamentary Under Secretary, to the fact that when formerly he had occasion to get memoranda from the library, he was "very much struck by the extraordinary knowledge and readiness which Sir Edward Hertslet displayed, and the very valuable services that the librarian's department rendered."<sup>2</sup>

As in the previous period the correspondence continued to increase. By 1880 it was double what it had been in 1868 when the last increases were made to the librarian's staff. Consequently references to it were even more numerous and pressing than before. That was why when Goschen, British ambassador in Constantinople, suggested that one of the clerks from the library should be sent to arrange and catalogue the despatches there, Hertslet, not unnaturally, refused to entertain the suggestion for one moment.<sup>3</sup> Never in fact had his department been so undermanned. Never for

1. See for instance F.O. 83/591. cf Memorandum by Hertslet, December 10. 1887, Questions concerning Cyprus by Sir Henry Holland, Memoranda librarian's department, Vol. 11, 2272. Also minute by Hertslet, June 24, 1890 on Mr Baumann's question concerning sphere of influence, F.O. 84/2084. Examples of questions answered by other members of the department are to be found in F.O. 83/1181, F.O. 84/2075.
2. Parliamentary Papers, 1890, XXVII [C.6172], p.76, q.27,911. cf Bourke July 11, 1895, F.O. 366/391 - request that heads of departments would cause answers to parliamentary questions to be prepared on the day on which they appeared in the notices and forwarded to him via the superintending Under Secretary. It was circulated to Hertslet as well as the other heads of departments.
3. Minute July 21, 1880, F.O. 78/3171.

that reason had the problem received such serious consideration. The correspondence which went on between the Foreign Office and the Treasury during the period 1883 to 1889 testifies to this.<sup>1</sup> A memorandum by Villiers, Private Secretary to Pauncefote, dated November 10, 1883,<sup>2</sup> shows that it was warranted, for it stressed the fact that the inadequacy of the staff in the librarian's department meant that it was no longer able to cope. It is borne out too, by Hertslet's statement, that if the additional assistance he required was not soon given, the efficiency of his department could not be maintained for much longer.<sup>3</sup>

The reaction of the Permanent Secretary to the Treasury, Sir Robert Lingen, to the former missive, although sympathetic,<sup>4</sup> was hardly, in view of the great discrepancy between the amount of work done and the number of men employed on it, what one would have expected. It can scarcely be regarded as indicative of a burning desire to put things right. Nevertheless he was not

- 
1. It was all part of a general campaign waged on behalf of the F.O. as a whole. The correspondence is to be found in F.O. 97/505.
  2. Ibid. Also F.O. General, Librarian's department, 1879-1899. By this time the number of unregistered letters totalled 500,000 or 600,000.
  3. Memorandum January 12, 1884, printed for the use of the F.O. January 15, 1884, Ibid. Also PRO 30/29/365.
  4. Sir Robert Lingen to Lord E. Fitzmaurice, December 22, 1883, F.O. 97/505. He wrote : "He would be a senseless and ungrateful minister who did not sympathise with Sir Edward Hertslet in the just pride he feels in his department; nor even in the Philistine Treasury does he lack appreciation."

without justification. One reason for his scepticism was his failure to understand why the Foreign Office could not, like other departments, destroy the larger part of its documents after a comparatively early date. This would reduce the bulk and render the problem less acute. As Hertslet pointed out, however, although this might be done with regard to such papers as returns, statements as to leave of absence, quarterly accounts and commercial reports, the greater part of the papers, namely the political and commercial correspondence, would still remain and that could on no account be destroyed.<sup>1</sup>

Nothing also could have been more natural than Lingen's other reaction, which was, as he confessed, to feel that if such an accumulation of papers had not already and indeed long ago, brought the Foreign Office to a standstill, its continued growth must be a less formidable danger than it looked. The pertinence of this is obvious. Possibly it was, after all, just a lot of fuss about nothing, of exalted theory which the facts did not bear out. Certainly no higher claim was ever put forward concerning the need for adequate registration than Salisbury's when, the battle still raging over the same issue four years later, he stated in a letter to the Treasury :

"An emergency may at any moment arise in which the gravest issues may depend on the full information possessed by the Foreign Office with respect to the transactions which have

---

1. Memorandum January 5, 1884, F.O. General, librarian's department, 1879-1889. cf. memorandum by Villiers January 7, 1884 on Lingen December 22, 1883, Ibid, F.O. 97/505. He wrote : "Such a complete revolution of the existing system, much as it might benefit us in some ways, would create many difficulties, some indeed of quite minor importance, others forming serious obstacles to the adoption of Sir Robert Lingen's proposal."

passed during the last dozen years. A failure of exactitude in this respect may carry with it results of the gravest importance. It may be that the miscarriage of a negotiation may be determined by the absence at the important moment of information with respect to the diplomatic papers that have recently been issued from, or been received by, the Foreign Office. From such a mishap and from all the possible consequences which might flow from it, the Foreign Office are, at present, preserved, not by precaution, but by pure chance." <sup>1</sup>

Although Lord Salisbury spoke of "pure chance", nothing fatal had happened since 1867, which was the last occasion the library had received any increase in staff. Obviously Dame Fortune had been working overtime on behalf of the Foreign Office at this period. The matter was not so simple as that, however. In this same letter, Salisbury provided an explanation as to why such mishaps had not hitherto befallen the Foreign Office: "the current business of the office depends entirely upon the memory, fortunately extensive, of Sir Edward Hertslet and his staff." Hertslet himself was well aware that it was a case of long experience giving inspiration where to find the necessary materials. For many reasons it was not safe to continue to rely upon this resource. No matter how familiar Hertslet and his small band made themselves with the papers, the day was bound to come when they would be proved fallible. A minute by Salisbury, dated November 1895,<sup>2</sup> reveals that this did in fact happen. "What took place about Trinidad", he wrote, "shows that the indexes are not too voluminous and that your librarian's department is not overmanned."

---

1. Draft Treasury, June 4, 1888, F.O. 97/505.

2. F.O. 366/386.

Also, as Hertslet said to Lord Roseberry, "when those gentlemen who have this knowledge retire where will you go to for your information. You will naturally say 'to your registers and indexes.' But how will you feel when you are told that these registers and indexes are not kept up; then what will become of the Foreign Office." <sup>1</sup>

It was several years before the Foreign Office obtained satisfaction on the matter. Not until July 9, 1888 did the Treasury sanction an increase of four in the permanent staff of the library, together with ten temporary clerks to bring up the arrears on the register.<sup>2</sup> It must be admitted, however, that once the increases were made, they were on a generous scale, which fully faced up to the fact that by this time the correspondence was four times what it had been in 1841.<sup>3</sup> The repeated representations of the Foreign Office had not in the long run been in vain. Ironically enough the increase came too late. The whole question came under the consideration of the Ridley Commission which made its report two years later. It was only natural in view of the seriousness of the situation that the commissioners should refuse to let well alone and that they should accordingly express their strong conviction

1. In evidence before the Royal Commission appointed to inquire into the Civil Establishments of the different offices of state at Home and Abroad. Parliamentary Papers, 1890, XXVII [C.x 6172], p.64, q. 27,588.
2. F.O. 97/505.
3. Parliamentary Papers, 1890, XXVII, [C.6172], p.18, q.26,432.  
By 1888 the number of unregistered letters was approaching 1,000,000 there being no register for the ten years immediately preceding. See Draft Treasury, June 4, 1888, F.O. 97/505.

that a system which produced such results stood self-condemned. Hence their recommendation that the registers in the library should be discontinued and done in the several departments. These were to be kept up and indexed daily. At the expiration of two years the papers with the registers and indices complete were to be handed over to the library for custody and eventual binding.<sup>1</sup>

This did not mean that the services of the ten additional clerks appointed to bring up the arrears were dispensed with. It resulted, however, in the paradoxical situation that, as regards the four new permanent increases, no reappointments were made when vacancies occurred. As an undertaking was given to the Treasury about this, the policy was adhered to,<sup>2</sup> even though it proved impossible to carry out the departmental system of registering and indexing as suggested by the Royal Commission. For the pressure of business caused the indexes to fall into arrear<sup>3</sup> and the registers after a short while differed but little from the cursory diaries maintained in the political divisions prior to 1890. The duty of

---

1. 10th recommendation of the Royal Commission appointed to inquire into the Civil Establishments of the different offices of State at Home and Abroad. Parliamentary Papers, 1890, XXVII [C.6172], p.6.

2. See F.O. memorandum June 27, 1892, F.O. 366/392.

3. See above, p.85 for what happened to the African registers.

indexing had again, therefore, to be entrusted to the librarian's department, which started the work with heavy arrears.<sup>1</sup> This necessitated the appointment of two further clerks in 1898 and again the following year.<sup>2</sup> As the index had to be made from the departmental registers, the system for this period is not for that reason comparable to the more carefully compiled registers and indexes which had been maintained in the library from 1810 to 1890.

It was this continued increase in the correspondence which ensured that the librarian's department kept the position it had attained by 1871. The demands made upon it had never been so numerous or pressing. It was no wonder that Granville stated that the library was the pivot on which the Foreign Office machinery turned.<sup>3</sup> Having the register and index in its possession, the keystone to the arch, it was the source to which and from which everything flowed. The system as much as anything else was responsible for the traditional continuity of the country's foreign policy.

The references were not only numerous and pressing; they continued to deal with current issues. For, inevitably, the increased pressure of business as before caused the political divisions to devolve even more work, which was theirs by right,

---

1. F.O. memorandum <sup>1894</sup>, F.O. General, librarian's department, 1848-1905.

2. F.O. memorandum June 1900, F.O. 366/392.

3. See above, p. 4.



on to the library. In 1875 there was an attempt to stop the process.<sup>1</sup> Like the previous ones of 1853 and 1861, it was a failure from the start. It must be noted, too, that it was dictated by considerations other than any bad results which might ensue from the operation of the system. The department was even more short-handed than usual in consequence of Hertslet's absence on leave and the fact that the sub-librarian was ill. Even if this had not been the case, force of circumstances would have caused the attempt to fail. The reopening of the Eastern Question immediately afterwards ensured that the number of memoranda prepared in the library rose to a greater height than ever before.<sup>2</sup> The problems arising out of its settlement in 1878, events in Africa and other extra-European issues put the seal on this.<sup>3</sup> Hence the authority with which Hertslet could state in 1884 that, since he had become librarian, the order of 1861 concerning the preparation of memoranda in the librarian's department, notwithstanding its renewal by Lord Derby in 1875, had never been generally acted upon with reference

---

1. See minutes by Tenterden, August 17, 1875, Derby, November 13, 1875, F.O. 366/677

2. The total for 1875 was 20; the following year it rose to 125. F.O. General, librarian's department, 1879-1889.

3. The average for the years 1875 to 1887 was 241, the total for 1888 was 250 and for 1889 over 300. A considerable number of these were printed for the use of the Cabinet and the Foreign Office. The increase was no doubt the reason why by 1884 the library had a department specially devoted to the preparation of memoranda. See memorandum by Hertslet, January 12, 1884, printed for the use of the F.O. January 15, 1884, F.O. General, librarian's department, 1879-1889.

to papers of more than two years old, much less with regard to those of fifteen years. That had been true twenty-two years ago. How much more was it so then ! He therefore requested that the minute should be cancelled and no longer remain in the Domestic Book of the Office.<sup>1</sup> This was done<sup>2</sup> and no further references were made to an antiquated ruling which did not bear out the facts. On the contrary, people went to the other extreme. Sir Philip Currie's evidence before the Royal Commission in 1890 was bespattered with comments concerning the fact that there was no absolute rule.<sup>3</sup> It was generally recognised and accepted in the Foreign Office that expediency was the guiding principle. Admittedly, there was still some kicking against the pricks in other quarters. The commissioners obviously disliked the idea that the work of the library should approach that of a general intelligence department. As they stated in their sixth recommendation :

"Various causes, and perhaps to a great extent the personality of the present librarian, have led to this state of things but we are of the opinion that the librarian's department should be confined as far as possible to the custody of papers for purposes of reference. The preparation of memoranda in the various departments is their own proper duty, and constitutes of itself a valuable means of education for the staff of the office."<sup>4</sup>

---

1. Ibid.

2. See F.O. memorandum, March 31, 1886, concerning the system under which the business of the British Foreign Office was conducted, F.O. General Confidential Generaly 1844 - 1932, of the earlier versions of this memorandum of 1854 and 1869, Ibid.

3. Parliamentary Papers, 1890, XXVII [C 6172], p.37, q. 26,932-3.

4. Ibid, p. 6.

Nothing could be done about it, however. At any rate the position remained the same. It was not long before it became as frequent a practice for the library to call for current papers, as for the political departments to call for papers of an older date.<sup>1</sup> This expediency was extended to the drafting of despatches. Alston, the Chief Clerk, had stated before the same commission that "no despatches are prepared in the librarian's department; it is not a correspondence department."<sup>2</sup> That was not so. Just before that date, it can be shown that despatches were being prepared by the librarian.<sup>3</sup> It is conceivable that the examples found may come under the category which Alston mentioned as appertaining to Hertslet's province, namely, the drafting of despatches on matters with which he was specially conversant. This does not seem likely, however, as Alston went on to quote as his example business relating to the librarian's department about which Sir Edward Hertslet might say: "I understand the case better than you and I will write it for you."<sup>4</sup> It must be admitted that examples have been found only on one issue. But that does not preclude the possibility that there were others. In any event

---

1. Parliamentary Papers, 1914-1916 XI, [Cd. 7749], p. 49, q. 37,879-882, p. 51, q. 37,946.

2. Parliamentary Papers, 1890, XXVII, [C. 6172], p. 16, q. 26,389

3. See below, p. 246.

4. Parliamentary Papers, 1890, XXVII, [C. 6172], p. 16, q. 26,390.

it is surely time to state that the librarian was exercising the "powerful influence on policy" which Professor Temperley dated back to Lewis Hertslet's time.<sup>1</sup> It is significant to note in this respect, that the year 1889, the date when the despatches drawn up by Hertslet occur, saw the greatest number ever of memoranda prepared in the library, over three hundred in fact.<sup>2</sup> This is perhaps giving undue weight, however, to something which, although of importance, was not absolutely vital. Surely the point to establish is not who drew up the despatches, but on whose work they were based. This can be done much earlier as regards Hertslet's memoranda, for on many occasions previously they had formed the basis of despatches drawn up in the political departments. An examination of certain concrete issues will bear out the truth of this and perhaps throw further light on the working of the system.

It can be seen, therefore, that the continued development of the library during this later period also bears witness to the fact that the early 'seventies were the years when the department, so to speak, attained its majority. The striking testimony which was given at that time concerning the importance of the work done by the department had not been unwarranted. For what happened later served to confirm and consolidate what had already been achieved. The pressure of business caused by the ever-increasing

---

1. See above, p. 23.

2. See above, p. 112 n. 3.

correspondence, the willingness of the Hertslets to cooperate in this process, in particular their aptitude and capacity for the work, were the motivating forces. It was in addition, the tendency of the age, all part of the complex changes which shaped the political history of the second half of Victoria's reign. As one writer pointed out :

"The character of government was changing with the increasing importance in the administration of the reforming intellectual, such as Lowe, and of the expert. This latter tendency was reflected perhaps in the increasing use of the cabinet committee and the increasing frequency of references to the Law Officers." <sup>1</sup>

She might well have added to this list, the increasing frequency of references to the librarian of the Foreign Office. Memoranda drawn up by him and subsequently sent to the Law Officers for their information and opinion were as frequent as their transmission to other government departments and Her Majesty's representatives abroad.

---

1. A. Ramm, The Political Correspondence of Mr Gladstone and Lord Granville, 1868-1878, I, Camden Third Series, LXXXI, p. xv.

PART III

AN ANALYSIS OF HERTSLET'S MEMORANDA.

"The librarian furnishes us with all the information on which we really act. " 1

---

1. Otway in evidence before the Select Committee on the Diplomatic and Consular Services, Parliamentary Papers, 1871, VII, [238], p. 55, q. 1119.

### Introduction.

The sources for the early history of the Foreign Office library, as for the Foreign Office as a whole during the first half of the nineteenth century, are scattered and fragmentary. In contrast there is evidence in abundance concerning the memoranda produced by the librarian's department. Not only are they most plentiful but there is no difficulty in finding them. The arrangement in fact is most convenient, for they fill one manuscript volume after another and form the greater part of the collections of memoranda which are included in the Foreign Office Confidential Print. They are of the utmost value in throwing light on such questions as the division of work between the library and the political departments of the office. They also constitute all the evidence that could be wished for concerning the problems which were exercising the mind of the Foreign Office at this period. Full treatment is given to all such familiar themes as the Eastern Question, the partition of Africa, the rivalry of the powers in the Pacific and the Russian advance to central Asia. Other favourite topics are Persia, the Far East and boundary questions in Central America. There is in addition much discussion of questions of procedure and of treaties relating to peace, commerce and the slave trade. Finally, there is a vast general category of memoranda relating to such matters as the navigation of rivers, maritime law, conferences, blockades, belligerency, contraband and declarations of

war, arbitration, aliens and the rights and privileges of British subjects abroad. It would be no exaggeration to say that there is no question with which they do not deal.

Nevertheless the memoranda present a problem of a most difficult and tantalising nature. It has been said of Sir Gerald Portal's report on the future of Uganda, that a historical detective is needed to unravel the mystery about the writing and printing of it and to discover what the Foreign Office and especially Rosebery did to it.<sup>1</sup> The same could be truly said of nearly all the memoranda produced by the librarian's department. Great difficulties have been experienced in finding the relationship between them and the current correspondence. There is in the first place the problem of discovering why they were written, for the useful minute which would indicate their genesis is not often forthcoming. There is also the poser <sup>e</sup>presented by the fact that the further valuable minute, which would reveal what action, if any, was taken as a result, is again usually absent.

A further difficulty is presented by the very nature of the memoranda. As indicated they cover everything which had once fallen within the scope of British relations with foreign powers. Inevitably, the greater the range, the more scattered the material, and the more difficult the task of piecing it together into a coherent story.

---

1. M. Perham, Lugard, The Years of Adventure, 1858-1898, [London, 1956] p. 448.



Admittedly, concentration on particular issues only and a study of Hertslet's memoranda alone, as opposed to those drawn up by other members of his department, does something to solve these problems. But this is only in so far as it cuts down the area under survey. Such tactics do nothing to facilitate the search for the pegs without which it is impossible to hang out the washing or to obviate the need to fill in the gaps along the line.

Diffusion of effort did not, as it might imply, affect quality. Hertslet on one occasion gave a full account of the way he set about the task of preparing his memoranda. He put it in this way :

"A question arises, say, about the recognition of Corea; they send to the library and ask, can we treat with Corea as an independent State. They send the paper to me, and I look through all available printed information to see whether Russia, for instance, has recognised Corea as an independent State. I look to see what view France has taken; I then look to see what China claims, whether she claims Corea as a tributary state; and what Japan thinks of it. Having collected all the information together from printed works, I thne look over our manuscript correspondence, and see what the French have done; so with the Chinese, so with the Japanese, and so with the American. Having collected all this information together I proceed to draw up a memorandum, and I give an historical account of all that has happened for a century with regard to Corea. To that memorandum I attach a map, to show how far Russia is interested, how far Japan is interested, and how far China is interested. That is put into print, and partly upon that information the Secretary of State acts and decides whether he will treat with Corea as an independent State or not." <sup>1</sup>

---

1. Parliamentary Papers, 1890, XXVII, [C.6172], p.62, q. 27,552. The memorandum in question is dated December 19, 1882. It was printed for the use of the F.O. January 9, 1883 and is to be found in PRO 30/29/363, Printed Memoranda, Vol. 27, 656.

His statement reveals the thoroughness with which the work was done, the judgment required as to what to include and what to leave out, the responsibility of ensuring that nothing of vital import was missed. It indicates also the powers of analysis necessary to draw from the frequently complicated and contradictory language, a true state of the case. An examination of the memoranda bears this out. It also makes it clear why they were held in such high regard by the political departments. For only then does their value, for those who had forgotten, failed or never had the chance to read the relevant despatches on the subject under discussion, become fully apparent. As Hertslet stated, far from having an ephemeral value, when they were put into print the memoranda formed standing records for the guidance of not only one but of future Secretaries of State. If any question arose in later years concerning the matters to which they related, they would be given out as the documents upon which the government had partly acted.<sup>1</sup>

Having stated the problems and given some idea of the nature and value of the memoranda, it remains to proceed to an examination of certain specific issues to see whether it confirms what has just been said. The examples taken are diverse in character and illustrate the type of influence for which the memoranda were responsible.

---

1. Ibid, p. 62, q. 27,556.

(i) The Eastern Question.

Reference has already been made to Hertslet's attendance at the Congress of Berlin. He was thus singled out, it will be remembered, because he knew more about European treaties and the Eastern Question than the rest of the delegation put together. An examination of the memoranda he wrote prior to his visit to Berlin bears this out.

There can be no doubt that he knew all there was to know about the provisions and intended meaning of the treaties of 1841, 1856 and 1871 relating to Turkey. In October 1876 he furnished a report on the conclusion of the Tripartite Treaty of April, 1876.<sup>1</sup> Early the following year he drew up a memorandum on the Paris conferences and the Hatti Humaioun.<sup>2</sup> Finally, in March 1878 he surveyed all the operative treaties in a memorandum,<sup>3</sup> the purpose of which was to show that the British government was still bound by their stipulations despite the fact that Russia and Turkey had released themselves from many of them by the Treaty of San Stefano.

Hertslet's knowledge of the bearing earlier treaties had on the Eastern Question applied in particular to the problem of the

---

1. October, 26, 1876, Memoranda, librarian's department, Vol. 1, 117; cf. Memorandum March 22, 1877, F.O. 78/2664.

2. February 7, 1877, F.O. 78/2663.

3. March 27, 1878, printed for the use of the F.O. April 5, 1878, F.O. 78/2889, Printed Memoranda, Vol. 18, 443.

Straits. In November 1877, he produced an exhaustive and most detailed survey of the whole question.<sup>1</sup> Its purpose was to draw attention to the questions which he thought, once peace was proclaimed, would engage the serious attention not only of the Russian and Turkish governments, but of all the European powers which were in any way interested in the trade of the Black Sea and the passage of the Straits. With this end in view, he set out to show when and under what circumstances the Black Sea and the Straits of the Dardanelles and Bosphorus were first closed by Turkey to the ships-of-war and merchant-vessels of foreign nations. Then he indicated when, to what degree, and under what circumstances they were thrown open. Finally he gave an analysis of the state of those questions at that time.

It applied too, to the previous crisis of 1870, caused by Russia's repudiation of the Black Sea clauses. That was why, no doubt, in 1877 Hertslet was asked to report on the effect Russia's actions had on the great powers.<sup>2</sup> Several times during the course of that crisis reference was made to him in connection with matters arising out of it. In November 1870 he was called upon for a memorandum on Prince Gortchakoff's Circular of October 9/31 concerning the infractions he alleged had taken place in the treaty

---

1. November 12, 1877, printed for the use of the F.O. November 1877, Printed Memoranda, Vol. 17, 421.

2. February 20, 1877, Memoranda, librarian's department, Vol. 2, 162.

of March 30, 1856.<sup>1</sup> As these infractions were used to justify Russia's action in repudiating the Black Sea clauses, the need for such a report is obvious. The same applies to two further memoranda<sup>2</sup> of the same date, also drawn up by Hertslet. His reason in fact for writing them was because he found the statements whereby Russia sought to justify her action "so exaggerated and so far from the true description of what has taken place", that he felt it best to deal with them separately and in much greater detail than he had in his previous preliminary and more general examination of the grounds on which Russia based her case.

It was probably his reading of Hertslet's memoranda which prompted Gladstone the following day, to propose that the next move should be to challenge Russia concerning the facts on which she based her action.<sup>3</sup> There are several reasons for supposing that this might be so. In the first place Gladstone, like Granville,<sup>4</sup> had copies of the memoranda in his possession<sup>5</sup> and

- 
1. November 18, 1870, printed for the use of the F.O. November 18, 1870, Printed Memoranda, Vol. 9, 212.
  2. November 18, 1870, On the changes which have taken place in the principalities of Wallachia and Moldavia since 1856 and the views of Russia thereupon, printed for the use of the F.O., November 18, 1870, Ibid, 213; November 18, 1870, Passage of foreign ships-of-war through the Straits of the Dardanelles and the Bosphorus, printed for the use of the F.O. November 18, 1870, Ibid, 214.
  3. Minute November 19, 1870, PRO 30/29/58.
  4. See PRO 30/29/254.
  5. See B.M. Add. MS. 44, 615.

the heavy scoring he inflicted upon them shows that he made full use of the material they contained. Secondly, as they were printed the same day that they were written, it is not unlikely that they were circulated that day also, or at least the following morning. Gladstone may well have had time, therefore, to give them at least a preliminary survey before he made his suggestion. Finally, the content of the memoranda indicates that Gladstone could well afford to make such a challenge. Taken together, a more complete refutation of the case put forward in Prince Gortchakoff's circular would be difficult to find. This applies in particular to the changes which had taken place in the Principalities. Far from being infractions of the Treaty of 1856, Hertslet showed that they had been effected by common consent of all the powers, Russia herself included. The Russian delegate had in fact declared openly at the first meeting of the Conference on May 22, 1858, his approval of the union of the two provinces under a foreign prince and Russia had subsequently recognised the election of the house of Hohenzollern in the following words:

"Le Cabinet Impérial ne peut qu'approuver à un résultat aussi conforme aux traditions de sympathie qui unissent la Russie à ces populations co-religieuses qu'à son constant désir de voir l'Empire Ottoman se consolider par la satisfaction des vœux et des besoins légitimes des races Chrétiennes qui l'habitent."

Gladstone singled this passage out for special mention. There are grounds for concluding, therefore, that of all the evidence cited by Hertslet, it formed the basis of his opinion, expressed on November 21, 1870 : "The case seems perfect as to the Principalities in form

and substance."<sup>1</sup> Gladstone was not so sanguine about the other half of the Russian case, the passage of ships-of-war through the Straits, which Russia also alleged to be infractions of the treaty of 1856. He continued : "as to the ships in substance only - there was blameably neglect on the part of somebody in tampering with the letter of the Treaty and so giving Russia a shade of plausibility for her complaints." Again, however, it appears safe to conclude that he based his judgment on what Hertslet had to say on the matter.

It may seem difficult to see why Gladstone laid such stress on these matters, as his objection was to the arbitrary nature of the Russian action, rather than to the act itself. Britain, however, was in a difficult position. Russia could not be allowed to act with impunity, yet no other power was likely to stop her. For that reason anything had to be seized upon as a handle to enable the British government to strike home and obtain a conference. Article XIV of the Treaty of Paris, which provided that the annexed convention relating to the Black Sea, could not be annulled or modified without the consent of the powers signatory to the treaty was one such handle. The speciousness of the arguments employed by Russia in justification of her action was another. These combined produced the desired result and the Conference assembled in London on January 3, 1871.

Gortchakoff's second note to Lord Grnaville, dated October 20,

---

1. PRO 30/29/58.

1871, indicated that this was not effected without a struggle on the part of Russia. In an effort to prevent the summoning of the conference he not only denied that such meetings ever proved satisfactory, but went on to state that all previous European conferences had without exception proved failures. Hertslet found it impossible to take this contention seriously, or to believe that Gortchakoff meant it to be taken seriously.<sup>1</sup> It was inconceivable, he thought, that Gortchakoff could be unaware that, since the conclusion of the peace of 1856, no less than nine conferences had been held between the principal powers on questions, the non-settlement of which would have had serious consequences for Europe. To deny this was to imply that Britain and other powers had unwisely and repeatedly set their faces against such meetings. This was misleading as Britain, provided the basis of discussions was clearly defined beforehand, had invariably consented to join in such deliberations and Russia herself had admitted that without such a basis it would not be desirable for the European powers to meet in conference. It had in fact been generally agreed that such meetings would be more likely to complicate matters and perhaps provoke war than result in the preservation of peace.

Prussia had also to be convinced, if not of the necessity for a conference, at least of her obligations under the treaty of

---

1. December 30, 1870, Memorandum On that part of Prince Gortchakoff's 2nd note to Earl Granville, of October 20/November 1, 1870, which alludes to the meeting of European conferences, printed for the use of the F.O. January 3, 1871, Printed Memoranda, Vol. 9, 221, PRO 30/29/254.



Paris. There was some doubt about this as she had been excluded from many of the deliberations of the Paris conferences, only coming in on them at a later stage in view of her having been a signatory power of the 1841 convention. A further memorandum by Hertslet<sup>1</sup> established the fact that Prussia was nevertheless a contracting party. She was, therefore, together with the other signing or contracting parties, bound to respect the independence and integrity of the Ottoman Empire, to consider any act tending to its violation a question of general interest, and to ensure that the separate convention relating to the Black Sea - an integral part of the treaty - was not annulled without the consent of the powers.

It can be seen, therefore, that during the course of this earlier crisis, Hertslet afforded assistance in two ways. He provided the government with a stand both on treaties and on the field of history. Throughout, whatever the subject under discussion, it was a case of "They say ..... the facts are....." . His assistance at this period was not confined to matters arising out of the actual crisis, however. He also furnished reports on various other aspects of the Eastern question. Affairs in Greece, in particular, commanded his attention during the period 1867 to 1874. The Greek constitution, Greek loans and finances proved

---

1. November 29, 1870, On the non-admission of Prussia to all the Paris conferences in 1856: and on the extent to which Prussia is bound by the Treaty of Paris, printed for the use of the F.O. November 30, 1870, Printed Memoranda, Vol. 9, 216, PRO 30/29/254.

favourite topics.<sup>1</sup> April of 1872 was also a fairly busy month. At that time, in response to a minute by Granville<sup>2</sup>, he put the Foreign Office au fait with the state of the relations between Montenegro and the Porte.<sup>3</sup> He also furnished reports on the condition of the Jews in Moldavia, Wallachia and Servia.<sup>4</sup> A month later, again in response to a request by Granville,<sup>5</sup> he prepared a statement concerning the conditions attached to the evacuation of the fortress of Belgrade.<sup>6</sup>

A great part of his knowledge of the Eastern question, however, was acquired during the two and a half years immediately preceding the Congress of Berlin. As already seen, this is the period when he furnished reports on the bearing of earlier treaties on the question. He was in addition asked to report on various other matters. Some of these arose out of the war itself, which raged between Russia and Turkey from 1877 to 1878. They included memoranda on contraband of war,<sup>7</sup> the power of British consular

- 
1. The total number is seven. The memoranda are to be found in F.O. 78/ Memoranda, librarian's department, Printed Memoranda for the relevant years.
  2. On Lord Augustus Loftus, No. 68, April 3, 1872, F.O. 78/2250.
  3. Memorandum April 12, 1872, printed for the use of the F.O. August 1875, Ibid, Printed Memoranda, Vol. 14, 341.
  4. April 18, 1872, Printed Memoranda, Vol. 47, 1154-5.
  5. See endorsement on Mr Rumboldt, No. 55, March 13, 1872, F.O. 78/2251.
  6. May 1, 1872, printed for the use of the F.O. April 1877, Ibid, Printed Memoranda, Vol. 17, 405.
  7. May 1, 1877, printed for the use of the F.O. May 3, 1877, F.O. 78/2665, Printed Memoranda, Vol. 20, 485.

courts in Turkey to punish British subjects for violating the Foreign Enlistment Act<sup>1</sup> and the occupation of a foreign country with a military force in time of peace.<sup>2</sup> In the same category may be included Hertslet's reports on debts in ceded countries,<sup>3</sup> the days of grace allowed before entry into an enemy port after a declaration of war<sup>4</sup> and finally, the appointment of British consuls to foreign states previous to the formal recognition of the independence of such states.<sup>5</sup> There were in addition three further memoranda. These may be treated in greater detail, as although, like the above, the titles speak for themselves, they were written at the very height of the crisis, when it was touch and go whether Great Britain herself would enter the war, and when, as a result, the Cabinet "was really sitting en permanence."<sup>6</sup>

---

1. August 29, 1877, F.O. 78/2670.
2. February 26, 1878, printed for the use of the F.O. December 6, 1878, Printed Memoranda, Vol. 19, 460.
3. March 25, 1878, printed for the use of the F.O. March 1878, docketed by Tenterden: "This memorandum was prepared on the question of the Ottoman loans to which certain revenues of Roumelia etc. are specifically pledged. Qy. Circulate to the Cabinet, Lord Lyons." F.O. 78/2889, Printed Memoranda, Vol. 18, 442.
4. April 8, 1878, Memoranda, librarian's department, Vol. 2, 285.
5. April 9, 1878, on Mr Layard's No. 379, March 20, 1878, F.O. 78/2889.
6. W.E. Monypenny and G.E. Buckle, The Life of Benjamin Disraeli, [London, 1929], II, p. 1088.

The concern of the operative one was with the general question as to the steps which a neutral power might with propriety take, short of mediation, when desirous of bringing about peace between two belligerent powers and the particular point whether the Commanders-in-Chief of the contending armies had the power to conclude an armistice.<sup>1</sup> The other two were complementary, furnishing further illustrations of the same point.<sup>2</sup> A telegram from Lord Augustus Loftus, British ambassador at St Petersburg, dated December 29, 1877, provided the occasion. Loftus, as instructed, had urged the Russian government to cease hostilities. His telegram recorded Gortchakoff's reply, which was that the Porte must address itself to the Imperial Commanders-in-Chief in Europe and Asia, as only they could state the terms on which an armistice could be granted. Hertslet's verdict, however, after a consideration of past instances in which a neutral power had taken steps to bring about the peace between two belligerent powers, was that :

"although great latitude is sometimes allowed to Commanders-in-Chief of armies in the Field, it is the governments which eventually agree upon the terms on which an armistice should be concluded and that it is their representatives and not the contending generals, who sign the convention for the temporary suspension of hostilities."

There were very good reasons for this. In the first place the

- 
1. January 2, 1878, printed for the use of the F.O. January 25, 1878, Printed Memoranda, Vol. 18, 427, F.O. 78/2886.
  2. January 4, 1878, On the circumstances which led to the conclusion of an armistice between France, Sardinia and Austria in July 1859, printed for the use of the Cabinet, January 8, 1878, F.O. 78/2886, Printed Memoranda, Vol.17, 423, January 5, 1878, On the circumstances under which a cessation of hostilities was brought about between Russia and Turkey in September 1829, printed for the use of the Cabinet, January 14, 1878, *Ibid.*

power to conclude such a convention was vested in the executive. To bestow it, therefore, on a subordinate agent would be tantamount to a surrender by the government of its prerogative. Quite apart from such considerations, however, there was the military and tactical aspect. The conclusion of an armistice affected operations in all parts of the Empire, therefore, if the power to conclude it were vested in a Commander-in-Chief, the movements of one of his colleagues, say in Asia, or some other part of the world, might be seriously compromised. Only the sovereign or executive power was in a position to avoid making such a blunder, as only he was fully aware of the circumstances attending the operations of the war and of the political events with which they were surrounded. A truce was a somewhat different proposition. It was usually concluded for such purposes as burying the dead, and effecting exchanges of prisoners. It could, therefore, be concluded without danger by the respective commanders of the belligerent forces without special authority from their governments.

Disraeli's delight after a preliminary perusal of the memorandum knew no bounds. "You have done," he said, "just what I wanted you to do; you have touched upon every point I wished touched upon, and, what's more, you have done it well, as you always do everything."<sup>1</sup> Hence his animation at the Cabinet held immediately afterwards. Such was the vigour with which he held forth and so authoritative was his

---

1. Sir E. Hertslet, *op. cit.*, p. 202.

manner that later, someone was sent running to Hertslet to find out what had been afoot.<sup>1</sup> It was of course the memorandum to which the anecdote, alluded to earlier,<sup>2</sup> refers. A further comparison of it with Disraeli's report to the Queen<sup>3</sup> and finally, the reply which was sent to the Russian government<sup>4</sup> leaves no doubt about this.

When steps were taken to bring about a settlement, the question of procedure became all important. The government was anxious to secure a hearing for some of the Balkan states to the Constantinople Conference. Just before the Conference met, therefore, Hertslet was kept busy supplying reports on such matters as the attendance of representatives from vassal states at European conferences<sup>5</sup> and the channel through which a country not represented at a European conference might bring to the knowledge of the powers assembled in Conference any matters which might affect its interests.<sup>6</sup> This applied in particular to Greece. Hertslet accordingly furnished a report which had specific reference to the course adopted on

1. Ibid, pp. 203 - 4.

2. See above, p. 46.

3. W.F. Monypenny and G.E. Buckle, op. cit., II, p. 1084.

4. Derby to Loftus, January 4, 1878, Parliamentary Papers, 1878, LXXXI, [C.1906.], pp. 8 - 9, No. 16.

5. December 9, 1876, docketed by Derby : "Copy for Lord Salisbury for his confidential information," F.O. 78/2538.

6. December 14, 1876, printed for the use of the F.O. March 19, 1878, Printed Memoranda, Vol. 18, 437.

former occasions with regard to that country.<sup>1</sup> His memoranda do not seem to have stood the Foreign Office in good stead, for it failed in its attempt. The question continued to form part of the British programme, however, with the result that at the Congress of Berlin, representatives from Greece and Roumania were allowed to attend certain of the meetings. The principle of not being bound by majority vote was also adopted at the Congress. A report furnished by Hertslet in March, 1878,<sup>2</sup> drawing attention to what had been done at the Congress of Vienna may have had something to do with this. When the question of the neutralisation of Bulgaria came up, a report by Hertslet also served the useful purpose of providing a precedent.<sup>3</sup>

The supply of precedents with regard to questions of procedure was to be expected. The same cannot be said of the proposal to send the fleet to Besika Bay and later to the Dardanelles. Yet on each of these occasions Hertslet was asked

- 
1. December 14, 1876, On the admission of Greece to conferences between the European powers on the Greek question in 1868-9 with a "voix consultative." F.O. 78/2538.
  2. March 16, 1878, On the declaration made by Castlereagh at the Congress of Vienna, docketed by Derby : "Show to Lord Lyons." F.O. 78/2888.
  3. March 22, 1878, On the guarantee of the neutrality of Chablais, Faucigny and part of Savoy, printed for the use of the F.O. April 1, 1878, docketed : "Founded on Sir A. Paget's No. 197, confidential, March 11, concerning the proposed neutralisation of Bulgaria." F.O. 78/2888.

to report on the line taken by previous governments.<sup>1</sup> It seemed that the government could not move without first ensuring that its policy was in accordance with what had been done before. This was perhaps understandable with regard to the sending of military transports and ships-of-war through the Suez Canal, concerning which Hertslet also provided reports.<sup>2</sup> The same applies to Hertslet's report on Little Zvornik,<sup>3</sup> a strategic point on the Drina, long coveted by Serbia. It was all to the good in such a case to know something of the history of the question and what had been the view taken by the British government on former occasions. On the whole, however, such backward looking tactics were but a further manifestation of the timorous attitude of the government. Resort was made to them in the absence of anything more constructive.

- 
1. May 10, 1876, Besika Bay and concerning British ships-of-war going to Constantinople to protect the lives and property of British subjects, printed for the use of the F.O. June 1, 1876, F.O. 78/2531, Printed Memoranda Vol. 15, 370. cf. May 10, 1876, As to the steps required by treaty with regard to ships-of-war going to Constantinople, printed for the use of the F.O. May 31, 1876, Ibid, 369. Copies of these were sent to the Admiralty, see Draft Admiralty, May 13, 1876, Pressing and very confidential, F.O. 78/2531. Also October 28, 1876, On the instructions given to Lord Stratford de Redcliffe and Colonel Rose, concerning the sending of the British fleet into the Dardanelles, Bosphorus and Black Sea, prior to the destruction by Russia of the Turkish fleet at Sinope, printed for the use of the F.O. October 30, 1876, docketed by Derby : "This may be of great use shortly." F.O. 78/2534, Printed Memoranda, Vol. 16, 363.
  2. May 5, 1877, Right of military transports and ships-of-war to pass through the Suez Canal, Memoranda, librarian's department, Vol. 2, 197. cf memorandum with slightly altered title, F.O. 78/2666.
  3. December 21, 1876, printed for the use of the F.O. January 12, 1877, docketed : "For Lord Derby who asked for a printed copy of this memorandum." F.O. 78/2687- archives of Lord Salisbury's special mission - Printed Memoranda, Vol. 16, 390.



Other reports furnished by Hertslet prior to the Congress concerned the Island of Crete. One of these dealt with the proposals which had been made from time to time for the union of Crete to Greece.<sup>1</sup> When the government was considering whether to secure a possible "place of arms" in the Near East, it may, therefore, have had some bearing on the decision to rule out Crete. It is worth noting in this respect that the island was rejected on the ground that its people had always sought union with Greece and, therefore, its occupation by Britain would result in political trouble.

It remains now to see whether and in what ways Hertslet's experience of the Eastern question served him at the Congress of Berlin. Serious obstacles immediately place themselves in the way of such an attempt. As one writer stated :

"No real history of the Congress of Berlin has as yet been written, and it may well be doubted whether an entirely satisfactory documentary account can ever be put together, for the simple reason that almost all the principles were actually present in person, conducted the most essential bargaining orally and in the coulisses, and did not find it necessary to write the full details to their colleagues at home." <sup>2</sup>

If this is the case as regards the actual negotiators, obviously it must apply even more to the priming which went on behind the scenes. Express reference was made, however, to the "able assistance" received from Mr Hertslet,<sup>3</sup> as a result of which he was knighted. Some attempt

1. June 27, 1877, printed for the use of the F.O. June 30, 1877, F.O. 78/2668, Printed Memoranda, Vol. 17, 409, cf. February 5, 1878, Island of Crete, Memoranda, librarian's department, Vol. 4, 526. Also March 6, 1878, People of Candia, Ibid, 527.
2. R.W. Seton-Watson, Disraeli, Gladstone and the Eastern Question, [London, 1935], p. 431.
3. Lord Salisbury, No. 114, July 19, 1878, F.O. 78/2900.

must be made, therefore, to show what he did to warrant such an honour. Bulgaria headed the list of topics to be debated by the Congress. The first of the private meetings held on this question took place at 12 noon on June 18 at the British embassy. It lasted for four hours, "nearly the severest four hours I can well recall,"<sup>1</sup> wrote Disraeli, and was of the utmost importance in the history of the Congress.<sup>2</sup> Hertslet, together with Ardagh, had to go along to it.<sup>3</sup> He was told to take maps as the question of boundaries would be gone into and also statistics concerning population. It is not much to go on. Nevertheless it is sufficient to establish the fact that Hertslet was on the spot should his advice be required on those matters. Concerning the commercial engagements adopted with regard to Bulgaria, the evidence is more forthcoming. The Italian delegate was to move, in the name of Austria-Hungary, France and Italy, that Bulgaria should undertake to adopt the commercial engagements of Turkey. Hertslet was, therefore, referred to for an opinion whether British commercial engagements with Turkey were as favourable as those of other nations and for information concerning the arrangements adopted when the Principalities and Servia became autonomous.<sup>4</sup> He reported on these matters immediately. His memoranda<sup>5</sup> obviously set to rest

---

1. W.F. Monypenny and G.E. Buckle, op. cit., II, p. 1195.

2. W.N. Medlicott, The Congress of Berlin and After, [London, 1938], p. 57

3. Minute by Currie, June 18, 1878, F.O. 78/2909.

4. Minute by Currie, June 23, 1878, Ibid.

5. June 24, 1878, On the commercial treaties between Great Britain and Turkey and On the conclusion of separate treaties of commerce between Roumania and foreign states, Ibid.

any doubts which had been entertained on the question for Corti's proposal went through without substantial modification.<sup>1</sup> This was only to be expected, as it provided an ample safeguard against the danger to which, in his preliminary memorandum of March 27, 1878, Hertslet had drawn attention :

"The clause," he had written, "which relates to the reciprocal treatment of British commerce in that portion of Turkish territory which is to be erected into the Principality of Bulgaria will probably be repudiated by the Bulgarians and possibly the Russian tariff introduced, which would be a serious injury to British trade."<sup>2</sup>

Apart from the task Hertslet had later, of looking through the draft articles of that part of the proposed treaty which concerned Bulgaria, his remarks on which were to be communicated to Lord Salisbury<sup>3</sup> that marks the end of Hertslet's connection with the question. To return, therefore, to June 18. It was a busy day for Hertslet as, besides attending the meeting on Bulgaria, he also, in response to a request by Lord Salisbury, examined the protocols of 1871 to see if any obligations were thrown upon Great Britain by the conversations which passed at the London Conference of 1871.<sup>4</sup> He expressed his

1. Cf Parliamentary Papers, 1878, LXXXIII, [C.2083], Protocol No. 5, Sitting of June 24, 1878, pp. 63-4, with article VIII of the Treaty of Berlin, July 13, 1878, Ibid, [C.2108], p. 4.
2. See above, p. 121, n. 3.
3. Minute by Currie, July 5, 1878, F.O. 78/2909. This was done for other parts of the treaty. Hertslet also supplied the proper styles and titles in French of the British plenipotentiaries, see minute by Currie, July 9, 1878, 9. p.m. docketed : "Done 12 p.m. and returned to Lord Odo Russell 8½ a.m. June 10, Ibid.
4. Minute June 18, 1878, docketed by Hertslet : "Answered at once." Ibid.

verdict - that no obligation was accepted by Great Britain beyond that embodied in the treaty of March 13, 1871 - in a memorandum<sup>1</sup> which, like his previous one of November 12, 1877,<sup>2</sup> pointed out that the concluding passage of article XI of that treaty needed revision, as questions had more than once arisen concerning the meaning of the phrase "in time of peace". He also, as before, urged that it should be clearly understood whether the Sultan could admit the vessels of war of one of the European powers through the Straits without giving offence to the other "friendly and allied powers" and whether His Majesty might do so for any other purpose than to "secure the execution of the stipulations of the Treaty of 1856." There is an obvious connection between these suggestions and Salisbury's public declaration at the Congress on July 11, 1878, that the obligations of Her Britannic Majesty did not go further than an engagement with the Sultan to respect in this matter His Majesty's independent determination. The question is did the idea originate with Hertslet. There are several reasons for supposing that this might be the case. As already seen, Hertslet first brought the matter up for consideration in his memorandum of November 1877. It was not until February of the following year that the ease with which Russia frightened the Sultan into using his powers against the friendly approach of the British fleet impressed the point on Lord Salisbury's mind. It is

---

1. June 18, 1878, Obligations of Her Majesty's government in regard to the Straits of the Dardanelles and the Bosphorus in treaty of March 13, 1871, F.O. 78/2901.

2. See above, p. 122, n. 1.

interesting also to note that on June 24, 1878, two days before Salisbury drew up for the consideration of the cabinet his long memorandum on the Straits, together with the draft statement he proposed to make to the Congress if Russia decided to retain Batoum, he asked for Hertslet's memorandum.<sup>1</sup> It is not clear which memorandum he had in mind. It may well, however, have been the earlier one of November 12, 1877, that dealt much more fully with the questions which, in Hertslet's opinion, should not be lost sight of when the time arrived for revising the treaties which regulated the passage of foreign vessels through the Straits. Memoranda drawn up in the librarian's department accompanied the British delegation to Berlin<sup>2</sup> and it is unlikely - in view of the importance of the Straits question - that Hertslet's exhaustive survey of its history should have been left behind. If it had been overlooked and not included among the papers selected, it could easily have been sent for.<sup>3</sup> The question, however, is not of paramount importance, for with regard to the point at issue, as already seen, Hertslet repeated in his later memorandum what he had said previously. And as the earlier memorandum was printed

- 
1. Minute by Currie, June 24, 1878, F.O. 78/2909.
  2. See memorandum by Oakes, Negotiations which took place between the great powers in 1856-7, both prior and subsequent to the conclusion of the Treaty of Paris, in so far as they relate to the question of the Bessarabian Boundary, docketted: "Keep with the Congress materials." F.O. 78/2891.
  3. Hertslet to Oakes (undated) for 12 copies of confidential paper 3635 by this night's messenger; cf. Hertslet to Tenterden, June 27, 1878 for copies of Consul Holmes' confidential reports on Turkey in Europe and on Asia Minor, also Captain Clarke's report on Albania and Greece. F.O. 78/2905.

for the use of the Foreign Office it is unlikely that Salisbury had not, at some point, seen a copy of it.

The same might be said of the arguments Lord Salisbury employed to justify his declaration.<sup>1</sup> He stated that the stipulations of the treaty of Paris, to secure the execution of which power had been vested in the Sultan, by article II of the treaty of London, to open the Straits to vessels of war of allied powers, would be materially modified by the treaty of Berlin. The precise circumstances in which the Sultan would be justified in opening the Straits would accordingly be left in some ambiguity, as the proposed article - that the treaties of Paris and London should be maintained in all such of their provisions as were not abrogated by the treaty of Berlin - would not furnish a complete solution. Already in his memorandum of the previous March, Hertslet had focussed attention on this :

"it may be asked", he wrote, "whether, now that peace has been concluded between Russia and Turkey, the Sultan has still the right to open the Straits to the vessels of war of friendly and allied powers in order to secure the execution of any of the stipulations of the Treaty of Paris, and if so, to which stipulations it now applies."<sup>2</sup>

This was also printed for the use of the Foreign Office, therefore, it is likely that a copy had at some stage been sent

---

1. Salisbury to Her Majesty's Principal Secretary of State, July 11, 1878, Parliamentary Papers, 1878, LXXXIII, [C.2083], p. 214, No. 35

2. See above, p. 121, n. 3.

to Lord Salisbury for his perusal. Again, however, it is only possible to surmise. Supposing the surmise to be true, it was fitting that Hertslet should be asked to comment on the proposed draft declaration.<sup>1</sup>

As seen, the Russian decision to retain Batoum was the real reason why Salisbury determined to go through with his plan concerning his declaration on the Straits. When the matter came before the Congress on July 6, 1878, both Disraeli and Salisbury stressed the strong opposition its acquisition by Russia would rouse among the mussulman inhabitants of the area.<sup>2</sup> There can be no doubt that they based their arguments on a memorandum drawn up by Hertslet on June 29, 1878.<sup>3</sup> This provided statistics concerning the population of both Batoum and its hinterland the Lazistan, stressed its strong Mohammedan element and also drew attention to the various representations which had been made to the British government from April to June 1878 against their proposed annexation to Russia. Unfortunately Lord Salisbury lost his notes at one point during the discussion, therefore, he did not benefit as much as he might have done from the priming he received from Hertslet. His vague reference to the interests of a valiant mussulman nationality, which strongly opposed Russian domination, was pounced upon by Schouvaloff.

---

1. See F.O. 78/2909 for two drafts of the declaration (undated) one in Salisbury's and one in Hertslet's hand.

2. Parliamentary Papers, 1878, LXXXIII, [C.2083], Protocol No. 14, Sitting of July 6, 1878, pp. 208-9.

3. F.O. 78/2907.

His notes having been recovered by Lord Odo Russell, however, it transpired that he had in fact meant the Lazi of Lazistan. After that things proceeded more smoothly and Salisbury showed himself well equipped to participate in the discussions which ensued concerning the total number of the population of the area. This was only terminated by Bismarck's intervention to insist that the opposing sides should continue their discussions of "cette interessante tribu" between themselves. His suggestion was adopted with the result that Britain obtained a settlement far less favourable than had originally been promised to her. According to Lord Salisbury his chief's short-sightedness and ignorance of detail<sup>1</sup> was responsible for this. It is difficult to resist the temptation to state that Hertslet would not have slipped up on such a matter. Nor, with his knowledge and understanding of the subtleties of the language of diplomacy, would he have been persuaded, as Disraeli was,<sup>2</sup> to believe that the two phrases "essentiellement commercial" and "exclusivement commercial" as applied to the port of Batoum meant one and the same thing.

The Danube was the next question on which Hertslet was consulted. In his memorandum of March 27, 1878,<sup>3</sup> Hertslet had commented on the provision of the Treaty of San Stefano concerning

1. Lady Gwendolin Cecil, *op. cit.*, II, p. 293.
2. *Ibid*, p. 292.
3. See above, p. 121, n. 3.



the retrocession of Bessarabia to Russia. Its effect, he stated, would be to deprive Turkey of a voice in the management of the river. Her place would be taken by Russia, whom the powers had been so anxious to debar in consequence of the impediments she had thrown, prior to 1856, in the way of its free navigation. It may well be that Disraeli had a copy of this before him when, on June 29, 1878, he delivered the speech<sup>1</sup> which prepared the way for the elaborate Austrian programme. The arguments he employed followed closely on those lines. But whether or not this was so, there can be no doubt that Hertslet was closely concerned with the matter at the Congress. The Austrian proposition received its first reading on July 2, 1878. In response to a suggestion made by Lord Salisbury, discussion of it was deferred until a later sitting. The Austrian representatives were asked at the same time to "extract from it the chief principles, the only ones susceptible of being voted by the Congress."<sup>2</sup> This was not surprising for the Austrian programme was somewhat formidable in character. It constituted complete legislation on all such matters as the extension of the competency of the European commission, the neutrality of the river, the island of Serpents, the duration of and the representation of Roumania on the commission, the navigation and policing of the Upper Danube and finally, the removal of

---

1. Parliamentary Papers, 1878, LXXXIII, [C.2083], Protocol No. 9, Sitting of June 29, 1878, p. 136.

2. Ibid, Protocol No. 11, Sitting July 2, 1878, pp 167-8.

obstructions at the Iron Gate. The delay gave Salisbury time to refer the matter to Hertslet,<sup>1</sup> a procedure, it seems, which was often adopted. The memorandum Hertslet produced as a result<sup>2</sup> kept him up until the small hours of the morning, until 1.30 a.m. to be exact. His verdict was that the proposal on the whole<sup>3</sup> contained nothing detrimental to British interests. Many of its proposals in fact were fully in accordance with the views expressed on former occasions by British statesmen. That was probably the reason why no effort was made by the British representatives to modify the Austrian proposal when, on July 4, the abridged version was presented to the Congress.

Apart from two inquiries Hertslet answered on June 14,<sup>4</sup> the first day of the Congress, a request for information concerning the date of formation of the Sandjaks, in particular the Sandjak of Sofia<sup>5</sup>, and a memorandum, dated June 26, 1878, on the tribute due from Roumania, Servia and Samos<sup>6</sup>, religious liberty was the

- 
1. Minute July 3, 1878,  $\frac{1}{4}$  - 6 p.m. Immediate, F.O. 78/2909.
  2. July 3, 1878, On proposition No 22. respecting the navigation of the Danube, Ibid.
  3. Apart, that is, from a stipulation that provision should be made for a lighthouse on the Island of Serpents and for placing the delta of the river under the European Commission of the Danube. This was done, see article LVI of the Treaty of Berlin, Parliamentary Papers, 1878, LXXXIII, [C.2108], p. 26.
  4. See minutes concerning the revenue of the vilayets, docketed by Hertslet : "Answered at once", and La Loi des vilayets, docketed by Hertslet : "Sent at 7.30 p.m." F.O. 78/2909.
  5. Minute June 24, 1878, Ibid.
  6. Ibid.

other question with which Hertslet was concerned. It was Lord Salisbury's intention to propose that provision should be made in the states newly created by the Congress for the same amount of religious liberty to be enjoyed as had previously been granted by Turkey. Hertslet was accordingly set to work on the subject. On June 21 he was asked for information concerning the religious liberty granted to Jews and Roman Catholics in Servia and also for something which would show that full religious liberty was enjoyed by all the sects in Turkey.<sup>1</sup> He reported on these questions the same day in a memorandum<sup>2</sup> which gave the most important documents relating to religious liberty in Turkey and the two provinces. As this dealt only in general terms with the complaints made in recent years concerning the ill treatment of Jews in the provinces, he spent the morning of the next day compiling two further memoranda<sup>3</sup> which dealt with the matter more specifically and in greater detail. In accordance with his intention Salisbury brought the matter up for discussion at the Congress on June 26<sup>4</sup> and again on July 4 when he urged that provision should be made for complete equality of

1. Minute by Currie, Ibid.

2. On religious liberty in Turkey, Servia and Roumania, Ibid.

3. June 22, 1878, Of instances in which Jews have been persecuted in Roumania; On the treatment of Jews in Serbia, on minute by Currie, Saturday 9 $\frac{1}{2}$  a.m., docketed by Hertslet: "Two memoranda sent June 22 at 12 noon." Ibid.

4. Parliamentary Papers, 1878, LXXXIII, [C.2083], Protocol No 7, Sitting of June 26, 1878, p. 93.

rights for all the inhabitants of the Ottoman Empire in Europe.<sup>1</sup> At the same time he stipulated that the monks of Athos should be maintained in their possessions and former advantages and that they should enjoy without any exception whatsoever an entire equality of rights and prerogatives.<sup>2</sup> This bore fruit in article LXII of the Treaty of Berlin.<sup>3</sup>

It can be seen, therefore, that there was not much concerning which Hertslet's advice was not asked at the Congress. As he also went over much of the treaty when it reached the draft stage, he was well qualified to prepare a report summarising the alterations made by the Congress in the Treaty of San Stefano. This he did<sup>4</sup> on the last day of the Congress, when all that remained to do was to affix the signatures. There is nothing to indicate why or for whom it was drawn up. Possibly Hertslet did it on his own initiative for his own personal satisfaction. It is tempting to think, however, that it may have been asked for by Disraeli and used by him as the basis of his speech in

1. Ibid., Protocol No. 12, Sitting of July 4, 1878, p. 184.

2. This was in response to representations made by a certain Greek gentleman to Wyndham. See enclosure in Wyndham to Currie, June 13, 1878, docketed by Salisbury : "Have we any accessible information as to the amount Prince Couza seized and the time and circumstances under which it was done." The matter was then referred to Hertslet. See memorandum June 28, 1878, On the confiscation by Prince Couza of the properties belonging to the monasteries in Roumania, F.O. 78/2909, Printed Memoranda, Vol. 21, 504.

3. Parliamentary Papers, 1878, LXXXIII, [C.2108], pp. 13- 14.

4. July 13, 1878, Memoranda, librarian's department, Vol. 2, 350.

the House of Lords five days later.<sup>1</sup> Certainly the latter may well have felt the need for some such analysis for, as his biographers testify,<sup>2</sup> he concentrated his attention on two issues only, Bulgaria and Armenia. All other questions he left to Salisbury's charge. But whatever the genesis of the memorandum it probably stood Hertslet in good stead later, for here was yet another treaty to add to his stock, which he would be called upon to interpret and reconcile with earlier ones bearing on the subject.

This applied right from the word go. Only a week after his return home, Hertslet was at work examining for Lord Salisbury the treaties and capitulations by which Britain, as the inheritor of the Sultan's obligations in Cyprus was bound to foreign powers.<sup>3</sup> December of the same year<sup>4</sup> and January of the following year<sup>5</sup> found him at work on the same question. As late as 1887 in fact

1. W.F. Monypenny and G.E. Buckle, op.cit., II, pp. 1221-1226.

2. Ibid, p. 1204.

3. July 22, 1878, On the treaties between Turkey and foreign powers, so far as they affect the transfer of the Island of Cyprus to the British Crown printed for the use of the F.O. February 3, 1879, Printed Memoranda, Vol. 19, 469.

4. December 16, 1878, Showing how the capitulations with the Porte affect Cyprus :- in respect of criminal law, civil law, exemption from taxation etc., Printed Memoranda, Vol. 19, 470.

5. January 11, 1879, Cyprus: are we bound by the treaties concluded before cession by the Porte, copy, F.O. 78/3027.

he was supplying material on this theme.<sup>1</sup> Memoranda on Cyprus did not complete his quota. In addition Hertslet supplied reports on questions arising out of the war, such as the payment of expenses of an army of occupation,<sup>2</sup> and of civil commissioners,<sup>3</sup> on matters deliberately left over by the Congress for settlement later, such as the delimitation of the frontiers of Greece,<sup>4</sup> on the proposed East Roumelian loan,<sup>5</sup> article VIII of the Treaty of Berlin,<sup>6</sup> proposed changes in that treaty, such as the abolition of the capitulations in Roumania<sup>7</sup> and finally, on two questions which were always, at some time or other, on the agenda, the

- 
1. December 10, 1887, see above, p. 105, n. 1.
  2. December 4, 1878, F.O. 78/2897.
  3. December 6, 1878, Ibid.
  4. May 22, 1879, On the proposed cession of Epirus and Thessaly to Greece printed for the use of the F.O. June 10, 1879, Printed Memoranda, Vol. 21, 494, cf. July 17, 1880, On the perpetual neutrality of the Ionian Isles, Printed Memoranda, Vol. 23, 553, Also July 15, 1880, On the presence of an Albanian emissary at Athens in 1847, PRO 30/29/341.
  5. January 14, 1879, printed for the use of the F.O. February 3, 1879, F.O. 78/3027, Printed Memoranda, Vol. 19, 471.
  6. November 24, 1883, Memoranda, librarian's department, Vol. 7, 1285.
  7. December 8, 1883, Printed Memoranda, Vol. 35, 852.

Straits<sup>1</sup> and the Danube.<sup>2</sup>

It remains now to give a final assessment of the nature of Hertslet's contribution. His chief function, as seen, was to furnish information concerning the earlier history of all the issues which combined, made up what was known as the Eastern question. An important part of this work was the provision of advice concerning matters of procedure and on the bearing and intended meaning of the operative treaties. On several occasions in the course of such reports he focussed attention on matters which later formed the subject of serious consideration by the government. These services were important. It would not be true, however, to say that they were sufficient. Admittedly this does not apply to the crisis of 1871. Then his provision of a stand on treaties and on the field of history proved singularly effective in helping the British government to restore order. What had been a source of strength in 1871, however, by 1878 was merely a manifestation of weakness. Then the government resorted to the past in the absence of anything more constructive. What was worse, it did this at a time when, more than ever before, the circumstances

- 
1. Hertslet produced 8 memoranda on this question during the period 1879- 1889. These are to be found in F.O. 78/, Memoranda, librarian's department, Printed Memoranda for the relevant years.
  2. Hertslet's contribution to the flow of the "river of ink" consisted of 3 memoranda produced during the period 1880-1886. They are to be found in PRO 30/29/ , Memoranda, librarian's department; Printed Memoranda for the relevant years.

demanding a drastic reorientation of policy. Since the risings in 1875 the whole of the Near East had been aflame. The two principles which formerly had been the basis of British policy - the independence and integrity of the Ottoman Empire and some measure of reform for the Balkan Christians - had become diametrically opposed. By failing in its treatment of the problem to make any attempt to resolve this dilemma, the government throughout missed the fundamental issue. Hertslet could perhaps have done something to rectify this. The files in his possession must have contained evidence in abundance concerning the deplorable state of affairs which prevailed in the Turkish provinces. Had he furnished a series of reports on this theme, it would have given the Foreign Office a greater insight and understanding of the initial and fundamental cause of the whole problem. But of all the memoranda Hertslet wrote, there is not one to be found on such a topic.

It is necessary to qualify that last statement. Hertslet did write one memorandum<sup>1</sup> the concern of which was with Roumanian grievances as laid down in Cogalniceano's Circular to Roumanian agents abroad. During the course of it he listed the demands made by the Roumanian government and dealt with them each in turn. The conclusion arrived at, however, shows the spirit in which the

---

1. July 28, 1876, printed for the use of the F.O. August 5, 1876, F.O. 78/3532, Printed Memoranda, Vol. 15, 375.



examination was conducted :

"It will, therefore, be seen, that however willing Turkey might be to accede to the various demands now made upon her by the various principalities each of those demands must be considered with reference to the existing state of things as sanctioned by Treaty, and that the Sultan is prevented from granting any concessions which would alter the existing relations of those provinces to the Porte, without the previous consent of the Guaranteeing Powers."

Obviously it was not on the merits of the case, but, as ever, in relation to what had gone before. What had gone before was to determine what came to pass in the here and now and, moreover, for the same reasons, especially with regard to the demand made by the Roumanian government for the recognition of its diplomatic agents. When that question came under the consideration of the Sultan and the guaranteeing powers in 1869, the British government had stated that such recognition could not be granted as it would be the first step in the disintegration of the Turkish Empire for Servia would not be backward in asserting a similar claim which, if admitted as regards Roumania, could hardly be refused to her.

A negative attitude was not enough, however, the government must needs throw its weight on the other side. Although there are no memoranda to be found say on Bulgarian grievances, there are memoranda<sup>1</sup> depicting in a favourable light the Circassians

---

1. July 29, 1876, Circassian Emigrants, F.O. 78/3532, Memoranda, librarian's department, Vol. 1, 96. cf. January 23, 1877, Circassian Emigrants in Turkey, docketted : "Enter in the department. Has Lord Derby seen this ?" Tenterden : "Yes". F.O. 78/2663, Printed Memoranda, Vol.16,397.

who were partly responsible for the Bulgarian atrocities. These highlight the circumstances of their emigration, provoked by harsh treatment on the part of Russia in despite of their heroic efforts to preserve their national independence. This was tantamount to saying that the heroism shown by them in the past rendered them incapable of participating in the perpetration of such outrages. In this connection it is interesting to note that Disraeli at this time warmly defended the Circassians against the name of "irregulars" - "the men, or the descendants of the men, who twenty years ago commanded the sympathy and admiration of the House of Commons" and who had "lived peaceably for twenty years" on their farms.<sup>1</sup>

Such were the methods to which the government had to resort in its efforts to preserve a "tradition" and such was the contribution Hertslet made. Truly was it said that it would be advantageous if the men of the political departments were to pass first through the librarian's department, as in no other place would they gain a more intimate knowledge of the traditions and general history of the work on which they were engaged.<sup>2</sup> Of all the issues Hertslet dealt with, the Eastern question is the example par excellence of the working of that. The government having

---

1. R. W. Seton-Watson, op.cit., p. 54, n. 3.

2. Parliamentary Papers, 1890, XXVII, [C.6172], p. 76, q.27, 912.

decided which tradition should prevail, it was Hertslet's job to scour the records for the precedents which would give body and weight to it, to provide the examples which might clinch the argument and help carry the day. It can hardly be regarded as a determining influence on policy, but it was certainly an intrinsic part of the method by which policy was carried out and, therefore, a factor in determining the measure of its success or failure. As indicated, however, the only pity is that, for the sake of all concerned, Hertslet had not also made it part of his job to see that the tradition adopted was not more in accordance with the circumstances of the time. The fact that he was a conservative in politics was not an insuperable obstacle. The man who during the course of the crisis became his chief was also a conservative. That did not, however, prevent him from realising and admitting that :

"The commonest error in politics is sticking to the carcasses of dead policies. When a mast falls overboard you do not try to save a rope here and a spar there, in memory of their former utility; you cut away the hamper altogether. And it should be the same with a policy. But it is not so. We cling to the shred of a policy after it has been torn to pieces; and to the shadow of the shred after the rag itself has been torn away."<sup>1</sup>

Unfortunately he came on the scene too late to do anything but continue to supervise Hertslet's work of "saving the rope here", and the "spar there."

---

1. Lady Gwendolin Cecil, *op. cit.*, II, p. 145.

(ii) The Partition of Africa.

Only a cursory glance at the memoranda written by Hertslet on African issues is necessary to see that they form an entirely different category from the ones just dealt with. Their primary concern is no longer with the action taken by previous governments as a guide to current policy, but with territorial claims. Some such scrutiny of the title-deeds by which each foreign power maintained its right to the possessions it held, or to the territory it occupied, or claimed influence over, was essential at a time when disputes were rife as to which power had the better claim. It was necessary both to ensure that the government had a satisfactory legal basis for any action it decided to take and to prevent other powers from pulling the wool over its eyes.

It was stated earlier that developments in Africa were responsible for the continued increase, during the 'eighties, in the number of memoranda produced by the librarian's department. A survey of Hertslet's output alone is all the evidence required to substantiate this contention. His total for a period extending roughly from 1863 to 1894 is approximately 164. A few of these were written in the 'sixties, a greater proportion in the 'seventies; the bulk, however, were drawn up in the 'eighties and early 'nineties. Their range is great. The claims of the powers to the west coast of Africa rivalled but never ousted Egypt as the favourite topic for

discussion.<sup>1</sup> Tunisia and the Red Sea and the Somali coast tied for third place.<sup>2</sup> In comparison the rest of Africa received short shrift. Among the topics debated, however, were Abyssinia, Muscat and Zanzibar, Madagascar, Portuguese claims to the east coast of Africa, the navigation of the Zambesi and Shire rivers, the north-west coast of Africa, Liberia and finally, Tripoli.<sup>3</sup>

It would not have been feasible to attempt to discuss all these issues. Consequently a limit of three has been imposed. The wide choice made the problem of selection somewhat difficult. The Berlin West Africa Conference was soon fixed upon, however, because Hertslet was thought by some writers to have attended it. Zanzibar, the second issue, was chosen because of the interesting way Hertslet's contribution to the settlement of its problems hinged on the interpretation of a treaty. The Red Sea and the Somali coast was selected because Hertslet participated in the drafting of the Anglo-Egyptian Convention of 1877, the idea of which most likely originated with him. The three issues combined cover the various ways in which Hertslet's influence was exercised with regard to Africa as a whole.

- 
1. During the period 1869 to 1894 Hertslet wrote 41 reports on Egyptian affairs. His reports on the claims of the powers on the west coast of Africa totalled 38 during the period 1878 to 1885.
  2. Hertslet furnished twenty reports on each of these issues. The operative period for Tunisia was 1867 to 1893 and for the Red Sea and the Somali coast 1869 to 1892.
  3. Hertslet's output for each of these issues was as follows: Abyssinia; six, 1863 to 1869; Muscat and Zanzibar: six, 1871 to 1890; Madagascar: five, 1878-1895; Portuguese claims on the east coast of Africa: four, 1875-1892; the navigation of the Zambesi and Shire rivers: three, 1888 to 1890; the north-west coast of Africa: three, 1891. Liberia: one; Tripoli: one.

(a) The Berlin West African Conference.

A study of the relevant correspondence<sup>1</sup> soon revealed that Hertslet did not attend the Berlin West African Conference, despite the assertions of Mowat and Lord Edmund Fitzmaurice to the contrary.<sup>2</sup> It is likely that Mowat's lack of accuracy on this point arose from confusing the conference with the Congress of Berlin, which Hertslet did attend. It is more difficult to see why Lord Edmund Fitzmaurice should be guilty of such an error as he was at that time serving as Parliamentary Under Secretary. Hertslet, however, although not in attendance at the conference, was vitally concerned with it. Reference was made to him constantly both before the Conference took place and during the whole time it was sitting. The result may well have been to impress upon Fitzmaurice's mind that Hertslet had in fact formed part of the British delegation.

There is no doubt that Hertslet would have been a good and fitting choice. He was well acquainted with the circumstances attendant upon the signing of the Anglo-Portuguese treaty of February 26, 1884, the breakdown of which was responsible for the summoning of the Conference. His connection with the question dates from the end of 1875 when a sudden attempt by Portugal to make good her claim over

---

1. See for instance Sir E. Malet to Count Hatzfeldt, November 8, 1884, Parliamentary Papers, 1884-5, LV, [C.4360], p.1.

2. See above, p. 49, n. 2.

the territories of Cabinda and Molembo lying between 5° 12' and 8° south latitude brought the whole issue to the fore again. There was much dissension in the Foreign Office as to whether the Portuguese claim should be recognised. Hill, one of the officials in the Slave Trade department, failed to see on what ground Britain could dispute the claim and although he thought there might be reasons of expediency, in connection with the slave trade or commercial interests, for preventing an occupation by Portugal, his verdict on the whole was that it would be better to acquiesce.<sup>1</sup> On the other hand, Lister, the Assistant Under Secretary, felt that whether Britain had any rights or not, all Portuguese encroachments should be resisted. "It is far better", he wrote, "to have to deal with the worst savages than with the best intentioned Portuguese. The Portuguese stop all progress and legitimate trade and either connive at the Slave Trade or are powerless to prevent it. The savages can be made to behave themselves wisely and to do good."<sup>2</sup> Lord Derby adopted a more impartial attitude. All he wanted to know was whether Portugal could make out a right to the territory. If she could that was the end of the matter so far as he was concerned. If not the whole question was open.<sup>3</sup> As he said: "You can't keep a man out of his estate because you do not think him likely to be a good

---

1. Minute January 25, 1876, F.O. 63/1116.

2. Minute January 29, 1876, Ibid.

3. Minute January 25, 1876, Ibid.

landlord."<sup>1</sup>

It was Hertslet's job to sort out the rights and wrongs of the matter. In his first two reports of December 15, 1875,<sup>2</sup> and March 2, 1876<sup>3</sup> he kept strictly to the facts. It was clear from his examination that while Portugal's right of exclusive sovereignty over the territory lying between 8° and 18° south latitude had been recognised by the British government, the same could not be said of the territory immediately to the north between 5° 12' and 8° south latitude. The only exception to this was the town and fort of Ambriz, situated on the south bank of the River Loge, which had been recognised as belonging to Portugal since 1856. These reports, however, dealt with the question only in general terms. Hertslet's third report, dated March 23, 1876,<sup>4</sup> was an exhaustive survey of the history of the whole problem. He established the fact that Portugal for the most part based her claim on the ground of priority of discovery and the treaties of 1810, 1815 and 1817. Britain on the

1. Minute January 30, 1876, Ibid.
2. On the Portuguese territorial possessions on the west coast of Africa, Memoranda Librarian's department, Vol. 1, 11. For the genesis of this see C.O. December 7, 1875, F.O. 84/1801. It formed the basis of a despatch to the C.O. December 17, 1875, Ibid.
3. On the Portuguese possessions on the west coast of Africa, printed for the use of the F.O. March 9, 1876, Ibid, Printed Memoranda, Vol. 15, 361. For the genesis of this see Mr Jervoise, January 20, 1876, No. 12, docketed by Lister : "Is the Librarian preparing a memorandum on the subject ?". Copies of it were sent to the C.O. on March 4 and 11, 1876, F.O. 63/1116.
4. On the claims of Portugal to sovereignty over the territories of Cabinda and Molembo on the west coast of Africa lying between 5° 12' and 8° south latitude, printed for the use of the F.O. March 30, 1876, Printed Memoranda, Vol. 15, 364, F.O. 63/1116.



other hand, while she had never put forward any counter-claim, had invariably resisted the Portuguese contention on the ground that the Portuguese rights had long since lapsed because they had never been followed by occupation. In addition she contended that the treaties quoted *did not* bear the construction which the Portuguese government had put upon them. Her object in doing this was twofold. In the first place she was well aware that the establishment of Portuguese authority in the area would result in a revival of the slave trade which she had been at such pains to stamp out. Secondly, she wished to retain her right to free and unrestricted intercourse with the tribes inhabiting the coast, whom she had always regarded as independent and with many of whom she had concluded treaties. Hertslet in no way decried the importance of these interests to Britain. As he stated : "To allow the Portuguese, therefore, now to occupy these territories would seriously interfere with the trading interests of British subjects and others in that important district." Nevertheless he felt they should not be allowed to overshadow the main question which was, he thought, whether the British government's objections were sufficient to justify it in resisting by force an attempt on the part of Portugal to acquire possession of territory over which she had so repeatedly asserted her claim to a right of sovereignty. He made no secret of the fact that, in his opinion, they were not sufficient. As he pointed out, the British government had no counter-claim to advance. If

arbitration were, therefore, considered as a solution of the difficulty, the verdict would go against it. But in any case he felt that the Portuguese claim was a very strong one.

According to Lord Derby, this should have settled the matter. Nothing was done, however, and eventually the discussions petered out. Early the following year a memorandum communicated by Count Bylandt, the Dutch ambassador, brought the question up again. Reference was made to Hertslet to see if there was anything new in the paper submitted by the Dutch government.<sup>1</sup> He reported that his memorandum of March 23, 1876, had already dealt with the ground it covered.<sup>2</sup> The position had in fact again reached stalemate. There could be no resolution of the difficulty until force of circumstances caused one side or the other to give way. For the time being, therefore, the Portuguese continued to assert their claim and the British the invalidity of inchoate rights founded on prior discovery but not perfected by possession.<sup>3</sup>

By the end of 1882, the movements of other powers, in particular the territorial acquisitions made by de Brazza on behalf of France, caused the government to reconsider its verdict. It was decided that Portugal, however bad a neighbour, was to be preferred to France with her restrictive commercial practices. Negotiations were set

---

1. Minutes by Pauncefote, January 10, 1877 and Wylde (undated), F.O. 63/1117.

2. Minute by Hertslet, January 15, 1877, Ibid.

3. See minute by Pauncefote (undated) on Count Bylandt's memorandum, Ibid.

on foot, therefore, for the conclusion of a treaty. Britain was to recognise the Portuguese claims in return for the cession of the fort of Whydah and certain commercial and other concessions. It must be noted that this implied no alteration in the British government's attitude concerning the Portuguese right to the territory. Lord Granville made this quite clear to the Portuguese government in his communication of March 15, 1883 and right from the beginning of the negotiations the same point was stressed. "Her Majesty's government", he wrote, "have never receded, and do not now recede, from their contention that the claim of Portugal is not established."<sup>1</sup>

In spite of his difference of opinion from the government on the question, Hertslet's services were continually in demand. There were a number of reasons for this. In the first place the British government was obviously using its previous refusal to recognise the Portuguese claim as a bargaining counter. Lister admitted as much when he stated that the British objections were not sufficiently strong to justify the risk of complications with Portugal.<sup>2</sup> Secondly, it was a point on which Hertslet had always laid much stress even in the memorandum in which he had expressed the opinion that the Portuguese claim was a very strong one. He was in a stronger position than anyone else to provide the material

---

1. Earl Granville to M. d'Antas, March 15, 1883, Parliamentary Papers, 1884, LVI, [C. 3885], p. 13.

2. Lister to Herbert, November 25, 1882, PRO 30/29/267.

on which the government took its stand. Just before the commencement of the negotiations he reiterated that the British government had never recognised the Portuguese claim.<sup>1</sup> When the Portuguese retaliated by stating that other powers had done so,<sup>2</sup> a further memorandum by Hertslet effectively disproved their contention. It was obvious from his report that neither France, Germany, Holland or Belgium had ever recognised the Portuguese claim to sovereignty over the Congo district. To make doubly sure an enquiry was made of the French government.<sup>3</sup> The reply confirmed Hertslet's verdict. The matter was important, for, as Anderson pointed out, if Britain recognised the Portuguese claim, France would still be free to do as she liked.<sup>4</sup> The next British note, therefore, joined issue with the Portuguese government on the matter.<sup>5</sup>

The difficulties which arose during the course of the negotiations were not confined to the general question of the Portuguese right to the territory in dispute. Once the more detailed discussions began other problems soon presented themselves for consideration. These concerned some of the concessions Portugal

- 
1. November 24, 1882, On the Portuguese definition of the province of Angola, Ibid.
  2. Senhor Serpa to M. d'Antas, March 24, 1883, (communicated to Earl Granville by M. d'Antas, March 29), Parliamentary Papers, 1884, LVI [C. 3885], pp. 17-18.
  3. Draft Lord Lyons, May 15, 1883, enclosing copy of Hertslet's memorandum of March 23, 1876, F.O. 84/1805.
  4. Minute May 25 on Lord Lyons May 23, 1883, Ibid.
  5. June 1, 1883, Parliamentary Papers, 1884, LVI, [C. 3885], p. 19.

was called upon to make in return for the British recognition of her claim. Portugal first made difficulties concerning her cession of Whydah, a fort on the "Slave Coast" of Africa to which she laid claim. The arguments employed by Hertslet in a memorandum, dated January 12, 1883,<sup>1</sup> may have played some part in overcoming the Portuguese opposition. He contended that nothing had happened in the interim to change the view he had expressed earlier in his memorandum of March 2, 1876, that there was no proof that Portugal had ever possessed any rights of sovereignty over it. He also pointed out the inconsistencies in the Portuguese attitude. The fort was now by all accounts one of their prize possessions. In December, 1878, however, during the course of a conversation with Morier, the Spanish minister for foreign affairs had stated that this "miserable fort of Whydah" had long been an eyesore to him and that he had always wished to wipe it out from amongst the possessions of Portugal.

The article Britain proposed to insert concerning the slave trade proved to be the next bone of contention. The Portuguese contended that the insertion of such an article was unnecessary because Britain already had all she wanted in the protocols of 1847 and 1850. Reference was once more made to Hertslet. As before he provided the Foreign Office with a handle to use in its discussions

---

1. On the supposed Portuguese possessions on the "Slave Coast" of Africa, docketed copy C.O. January 20, 1883, F.O. 84/1803, PRO 30/29/267.

with the Portuguese minister. His memorandum<sup>1</sup> revealed that the protocol of August 12, 1847 had been concluded for a term of three years only. On November 19, 1850 the Portuguese government had consented to its renewal for a further three years. Ever since that date it had persisted in refusing to renew the protocols. Orders had, therefore, been given to the commanders of Her Majesty's ships employed in the suppression of the slave trade, to continue to enter the bays, ports, creeks etc. on the east coast of Africa where no Portuguese authority was established, just as if the protocols were still in existence. The argument continued. A memorandum drawn up by Hertslet in April 1883, was probably decisive in finally overcoming the opposition of the Portuguese. It provided ample evidence of their failure to carry out their obligations with regard to the suppression of the slave trade.

The work of drafting the treaty had begun the previous month. Anderson, head of the African department, was the first to suggest that a beginning should be made.<sup>2</sup> He included Hertslet among those with whose assistance, he thought, the task could be completed within a short time. A minute by Lister, written three weeks later, indicates that this was no inaccurate forecast: "Anderson, Hertslet, Kirk and I had a long conference yesterday upon this subject and drew

- 
1. February 1883, On the refusal of Portugal to renew the protocols of 1847 and 1850 concerning the entrance of Her Majesty's ships into the bays etc. on the east coast of Africa. F.O. 84/1803.
  2. Minute (undated) on M. d'Antas to Earl Granville, March 29, 1883, docketted by Lister : "I should propose to join in this work." F.O. 84/1804.

up a draft treaty which is being put into print."<sup>1</sup> There is unfortunately no evidence to show their respective contributions. All that is known is that it was a joint effort. There can be no doubt, however, that Hertslet pulled his weight.

It was not until February of the following year that the treaty was signed. It was never ratified, however, as the news of its conclusion aroused so much opposition among the other powers. France was the power most concerned. For some time prior to the conclusion of the treaty she had been active in the same region and also in the Upper Niger. As indicated, it was the British anxiety concerning these activities which induced the government to come to terms with the Portuguese. The conclusion by France of a treaty with the Sultan of Segou provided the first cause for alarm. It gave them the right to establish a protectorate on the Upper Niger, with a concession of land on both banks. Hertslet was accordingly asked by Tenterden to report on British treaty rights or engagements with the native chiefs, France or any other country in the Upper Niger and the interior of Africa generally. Tenterden's alarm may be seen in his question: "Can any nation go into Africa and buy a Protectorate for £1000 a year and some flint lock muskets?"<sup>2</sup> Hertslet's report established the fact that Britain had no treaty with

1. April 21, 1883, F.O. 84/1805.

2. Minute May 29, on Mr Hutton, May 19, 1881, F.O. 84/1612.

the Sultan of Segou or with France whereby British subjects could claim to enjoy whatever advantages France might obtain from chiefs in central Africa. He pointed out, however, that it was debatable whether France would have the right to exclude British trade from that part of the Niger within the territory of the Sultan, especially as part of the river north-east of Segou belonged to the "Emperor of Messina" and was, therefore, not within the right of the Sultan to cede. His report also summarised the French movements on the Congo in so far as they were then known, assessed their implications and listed the treaties Britain already had with chiefs holding authority on both banks of the Congo, together with the names of the chiefs and of the signatories and witnesses, so that they might be compared with the French treaty when it arrived.<sup>1</sup>

When the treaty was communicated a further memorandum by Hertslet disputed the French contention that it had been concluded with a chief who claimed to be "le Souverain du Congo". Hertslet had never heard of any such chief nor did he think it would be possible for one chief to exercise authority over the whole of that very extensive region. Britain's own engagements, which recognised the jurisdiction of various local chiefs over different portions of the Congo, testified to this.<sup>2</sup> The report formed the basis of the

- 
1. June 11, 1881, French proceedings on the Upper Niger and Congo, docketted: Lord Lyons in original, July 2, 1881, F.O. 84/1612, PRO 30/29/362, Printed Memoranda, Vol. 27, 664. cf. further memorandum by Hertslet, June 23, 1881, Basin of the River Congo, Ibid.
  2. November 21, 1882, Treaty engagements with the Congo, PRO 30/29/267.



reply which was sent to the French government.<sup>1</sup>

France was not the only power which had to be watched. The activities of Stanley on behalf of King Leopold of Belgium were also causing much anxiety to the Portuguese government. On December 3, 1883, a communication from the Portuguese foreign minister called the attention of the British government to the contracts which had been concluded.<sup>2</sup> Hertslet was accordingly asked to report on the matter. His verdict was that the so-called contracts were in fact treaties. As there was nothing on the face of them to show that the Belgian negotiators were authorised by the King of the Belgians to enter into such important engagements they were, therefore, entirely illegal. The Belgian constitution was quite clear on that point. Consequently he was of the opinion that they would have no binding effect either on Belgium or any other nation unless the King assumed responsibility and ratified them with the consent of the Chambers.<sup>3</sup>

The interest of the British government in the activities of the Belgian company was only secondary, however. What touched it more nearly was the action taken by British traders in the area in consequence of the French acquisition of points between the Gaboon and latitude 5° 12'. In anticipation of the arrival of the French the traders had made many contracts with the natives for the cession

---

1. Granville to Lyons, November 25, 1882, Ibid.

2. F.O. 84/1808.

3. Minute January 6, 1884, Ibid.

of land, the object being to force the hand of the British government concerning the French annexations or, failing that, to resell to the French at a profit. Instances in point were treaties concluded by Evans on April 15 and April 29 with the chiefs of Mamby and Majumba and by Messrs Edwards on September 7, 1883, with the chiefs of Sette Canne. These the British consul had refused to certify on the ground that they were inconsistent with the position of traders, as they all without exception contained the provision that such "cession was made absolutely and for ever, subject only to the authority and dominion of Her Majesty the Queen of Great Britain, her heirs and successors." On June 29, 1883, however, when asked by Evans, the consul had certified an amended cession of part of Majumba which contained the offending clause. The question to be decided, therefore, was whether the treaties were valid and if so, what was the effect of the refusal of Consul Cohen to certify them. As Anderson pointed out, it was necessary to be quite clear on the matter as otherwise the traders might take the silence of the government as approval, which would increase the likelihood of complications with the French.<sup>1</sup>

Once again Hertslet was consulted.<sup>2</sup> As no question of sovereignty was introduced he thought that these "deeds of cession" stood on an entirely different footing from the treaties concluded

---

1. Minute January 6, 1884, Ibid.

2. He had already reported on the treaty concluded by Consul Cameron with the chiefs of Coango and Majumba. See memorandum December 27, 1882, Ibid. cf. his later report of November 15, 1884 on the private engagements concluded by Messrs Hutton and Cookson with the Kinsembo chiefs whose territory lay just above the River Loge between Ambriz and Ambrizette. F.O. 84/1692.

by the Belgian company. Admittedly "aid and protection" was promised but it was promised by the chiefs to the British traders to whom they had sold the land and not, as in the case of the Belgian treaties to the chiefs who had parted with it. He too, was at a loss, however, concerning the meaning of the clause which had caused Consul Cohen such misgivings. Possibly, he thought, it had been inserted for the purpose of enabling the British government to acquire possession of the territory should it wish to do so at some later date. Provided, however, it was made clear to the traders that the land ceded carried with it no rights of sovereignty and no power to levy duties on British commerce, he saw no reason why the validity of the deeds should not be recognised.<sup>1</sup>

Anderson concurred with this view. "Sir Edward Hertslet", he wrote, "seems to be clear that these deeds are valid as cessions of land to British subjects, that is, if France becomes sovereign of Majumba, the title deeds of the lands would be good as to that part of Majumba which has been ceded to him (Evans), but which he would hold under French sovereignty."<sup>2</sup> Pauncefote, the Permanent Under Secretary, also saw no reason to object. A reply was made, therefore, in the sense of Hertslet's memorandum to the people concerned.<sup>3</sup>

---

1. January 16, 1884, Private treaties with African chiefs, F.O. 84/1808

2. Minute January 18, 1884, Ibid.

3. Minute February 9, 1884, docketted : "Explain this to Consul Cohen and Messrs Edwards, Done February." Ibid.

No further evidence is needed to show that Hertslet was fully conversant with the issues at stake on this part of the west African coast. Such knowledge would have stood him in good stead had he been chosen to attend the conference which met at Berlin towards the end of 1884. It was not wasted, however, for although Hertslet did not form part of the British delegation his services were nevertheless much in demand. Bismarck first approached Britain on the subject of a conference at the beginning of October 1884. Such was the tone of his letter and so scanty was the information he deigned to supply that, while accepting the conference "in principle"<sup>1</sup>, the British government was compelled to ask for further details. The arguments employed by the government in justification for its request<sup>2</sup> were based upon a memorandum written by Hertslet<sup>3</sup>, which was drawn up in response to a request by Lord Granville.<sup>4</sup> The following is a summary of what was said. Far from its being unusual that explanations should be given to powers invited to take part in a conference, it had not infrequently been thought advisable to go further and reach a preliminary agreement both as to matter and form. In 1878 Bismarck

- 
1. Hertslet's memorandum of October 17, 1884, Of recent instances in which proposals for a conference have been accepted "in principle", had an obvious bearing on this decision. PRO 30/29/270, Printed Memoranda, Vol.49, 1335. For the genesis of it see minute by Hamilton, October 16, 1884, F.O. 84/1690.
  2. Granville to Malet, October 17, marked to go to the Queen and Mr Gladstone, F.O. 84/1813.
  3. October 14, 1884, As to the necessity of a defined basis being agreed upon before the meeting of a European Conference, Ibid, Memoranda, librarian's department, Vol. 8, 1494.
  4. Minute (undated), F.O. 84/1813.

himself had suggested that discussions should be held, prior to the meeting of the Congress proposed to be held at Berlin, concerning the programme to be submitted to the Congress. Although fully aware that the work of a conference had often been most successful in proportion to the amount of agreement reached in such preliminary discussions,<sup>1</sup> Her Majesty's government were not in the present instance asking as much as that. They merely wanted further details so that proper instructions could be sent to their representatives.

The next report furnished by Hertslet was drawn up in response to a request by Lister : "The German government have invited us to a Conference on African affairs which is to decide among other things upon the formalities necessary for the effective annexation of territory. This will require one of your admirable memoranda."<sup>2</sup> It dealt with such questions as the generally recognised form for taking possession of an uninhabited island or district; the extent inland of annexations proclaimed on the coast; and whether the formalities should take place on the coast and, if so, at how many points along a long line of coast. Such matters as the lapse of an annexation by default of the exercise of any act of sovereignty, and the necessity of obtaining the consent of natives who were themselves de facto rulers of the

---

1. This part of the argument was founded on Hertslet's memorandum of December 30, 1870, which was also trotted out on this occasion. It was alluded to earlier, see above, p.

2. Minute (undated), F.O. 84/1813.

territory they were ceding, were also considered. In view of the varying practices then prevalent, Hertslet on the whole found it impossible to give a clear-cut and definite verdict,<sup>1</sup> which was all to the good so far as Britain was concerned. For of all the powers she was the one who stood to lose most by the acceptance of an extensive and rigid definition of what constituted effective political control, without which all claims were henceforth to be considered invalid. Only Lord Selborne, however, the Lord Chancellor, was fully aware of the importance to Britain of avoiding such dangerous definitions. In spite of the hostility of opinion both in the Foreign Office and the Cabinet, he seized upon the distinction made by Hertslet between annexation and protection<sup>2</sup> and stated that the provisions formulated by the conference with regard to effective occupation should apply only to the former category. Protectorates although perfectly legitimate were a much less complete form of government and were, therefore, to be exempt from the obligations imposed on occupying powers.<sup>3</sup> Sir Edward Malet's final report on the proceedings of the conference indicates the measure of the Lord Chancellor's success in this.

- 
1. October 18, 1884, On the formalities necessary for the effective occupation of territory, printed for the use of the F.O. December 17, 1884, Ibid, Printed Memoranda, Vol. 30, 750.
  2. In an earlier memorandum, dated April 24, 1883, On the Protectorate of States, F.O. 84/1818. Hertslet defined annexation as "the direct assumption of territorial sovereignty" and protection as "the recognition of the right of the aboriginal or other actual inhabitants to their own country, with no further assumption of territorial rights than is necessary to maintain the paramount authority and discharge the duties of an occupying power."
  3. See S.E. Crowe, The Berlin West African Conference, 1884-1885,/London,/1942, p. 179.

"No attempt", he wrote, "was made at the conference to interfere with existing maxims of international law. Dangerous definitions had been avoided, and international duties on the African coast remained such as they had hitherto been understood to be."<sup>1</sup>

Although Hertslet did not attend the conference himself, he had some say in the choice of one of the delegates, a Mr Bolton, the map expert who had been recommended by the Royal Geographical Society. The Foreign Office was not only doubtful whether the services of an expert were necessary, but also whether Mr Bolton was the right man for the job.<sup>2</sup> Hertslet, however, was all in favour of Mr Bolton, whom he had employed on many occasions on behalf of the Foreign Office, and who had always shown himself thoroughly capable. At that very moment he was at work on the preparation of a map of the west coast of Africa and he also already had in his possession some very good and detailed maps which would be sure to come in useful at Berlin.<sup>3</sup> It was, therefore, decided to act on this recommendation, and Hertslet contacted Mr Stanford in whose service Bolton was employed and obtained the necessary permission.<sup>4</sup>

Apart from a memorandum, dated November 10, 1884, on the British

- 
1. February 21, 1885. Cited in S.E. Crowe, *op. cit.*, p. 191.
  2. Minute by Anderson (undated). F.O. 84/1814.
  3. Minute October 30, 1884, *Ibid*, docketted by Lister : "This seems to be an admirable suggestion. Shall we try to engage Mr Bolton's services ?" *Ibid*
  4. Minute by Hertslet, November 1, 1884, *Ibid*.

expeditions to the Niger<sup>1</sup>, this action marked the end of Hertslet's contribution to the discussions which took place immediately prior to the conference. The advice he gave subsequently was on matters arising out of the questions debated at the conference. His first task was to check the draft the Foreign Office intended to send to Sir Edward Malet concerning the declaration proposed to be made at the conference with regard to the Slave Trade.<sup>2</sup> He then drew up a memorandum on the neutrality of rivers during war,<sup>3</sup> which was made necessary as the result of a suggestion made by Sir Travers Twiss that the proposed neutrality clause for the Congo should also be extended to the Niger.<sup>4</sup> Hertslet cited in his memorandum the articles from the treaties referred to by Sir Travers Twiss which regulated the navigation of the rivers Parana and Uruguay, and which had been concluded on July 10, 1853 between the Argentine Confederation and France, Britain and the United States. He also provided references from any other treaties which had any bearing on the matter. Among these was the Convention concluded between Britain and the United

- 
1. F.O. 84/1692. The material in this may well have been used to substantiate the British claim to the right to control the navigation of the lower Niger. Hertslet concluded it by asserting the undoubted truth of a statement made in 1871 by Mr Simpson, that "probably with the exception of the Arctic Regions in no portion of the globe has the British government and British enterprise devoted so much persistent energy and so much life and treasure."
  2. Minute by Pauncefote, November 18, 1884, F.O. 84/1815.
  3. December 3, 1884, F.O. 84/1816, PRO 30/29/270.
  4. Sir Travers Twiss, November 29<sup>m</sup> 1884, docketted by Pauncefote, December 1, 1884: "This is an interesting letter from Sir Travers Twiss this morning, Qy. Print, Refer to Sir E. Hertslet for treatment." F.O. 84/1816.



States of April 19, 1850, concerning the establishment of a ship canal between the Atlantic and Pacific Oceans. Hertslet singled this out for special mention because it contained a provision that the neutrality should extend beyond the two ends of the canal to any such limit as it might thereafter be found necessary to establish. In the event of the neutrality of the Congo being declared, Hertslet thought this precedent should not be overlooked. "It is well known", he wrote, "what trouble was caused in former days by the use of the phrase 'jusqu'a la mer' in the Regulations of the Congress of Vienna for the Navigation of the Rhine."

Pauncefote concurred with this opinion. On referring the memorandum, together with the correspondence which had occasioned it, to the Lord Chancellor he suggested, therefore, in his covering letter that the proposed neutrality should extend three miles seawards from the mouths of the rivers and also from the neutralised coasts.<sup>1</sup> Lord Selborne was doubtful concerning the feasibility of extending the declaration to the coasts but otherwise he also was in favour of the suggestion.<sup>2</sup> Instructions were accordingly telegraphed in that sense to Sir Edward Malet.<sup>3</sup>

Apart from a memorandum on treaty stipulations for the

1. December 4, 1884, Ibid.

2. December 4, 1884, Ibid.

3. Telegram Sir E. Malet, December 4, 1884, PRO 30/29/270.

sale of spiritous liquors<sup>1</sup> and a question of a purely technical nature which arose towards the end<sup>2</sup>, the remainder of the advice given by Hertslet also had to do with the navigation of the Congo and the Niger. On December 3, 1884, for instance, he was asked to comment on the Draft Act relating to the navigation of these rivers. Lister had already pointed out the objections, so far as the River Congo was concerned, to each power having only one vote. It was, as he said, manifestly unjust that countries with little or no interest in the trade and navigation of the river should have the same voice in the commission as England or France. He had accordingly suggested that the votes given to the delegates of each country should be proportional to the amount of shipping represented.<sup>3</sup> Hertslet in reply provided a convenient precedent concerning the course adopted when the Sound duties were redeemed.<sup>4</sup> This settled the matter and Malet was, therefore instructed to propose that the commission should consist only of representatives of the great powers, together with Holland, Belgium and Portugal who also had an interest in the Congo trade. Fresh delegates could be added subsequently as new interests arose.<sup>5</sup>

- 
1. December 10, 1884, docketed : "Print conference". F.O. 84/1817, PRO 30/29/270. Its purpose was to remind the British delegation of previous stipulations on the subject which was, as a result of British initiative, then under the consideration of the conference. Nothing came of the proposal as there were too many vested interests involved.
  2. See minutes by Bergne, Anderson, Pauncefote and Hertslet on Mr Vivian, February 28, 1885, F.O. 84/1822.
  3. Minute December 1, 1884 on Sir E. Malet, No. 154, November 29, 1884, F.O. 84/1816.
  4. Minute December 3, 1884, Ibid.
  5. Draft Sir E. Malet, December 3, 1884, Ibid.

When the final draft was transmitted for observation, Hertslet was again called upon for a memorandum as there was some doubt concerning the accuracy of the allusion in the draft to the American rivers.<sup>1</sup> Although his memorandum<sup>2</sup> established the fact that nothing had indeed been said in the operative treaties concerning the regulations of the Congress of Vienna being applicable to American rivers, nothing was done to correct the error.<sup>3</sup> As Hertslet pointed out, the article otherwise appeared to have been well considered and discussed at the fifth and sixth meetings of the conference. In any case, even if it were thought advisable to raise any objections, it was already too late.

(b) Hertslet and the interpretation of the Anglo-French agreement of 1862 concerning the independence of Zanzibar.

Hertslet's real connection with Zanzibar dates from 1882. When he was called upon to write memoranda on problems relating to any area, it was usually a sign that they were becoming pressing. The present case proved to be no exception. A communication from Sir John Kirk, British Consul-General in Zanzibar, dated October 10, 1881, suddenly faced the British government with the problem whether to accept the offer of the Regency over the Sultan of Zanzibar's

- 
1. See minutes by Lister (undated) and Pauncefote, February 14, 1885, F.O. 84/1821.
  2. February 16, 1885, On the application to American rivers of the Regulations of the Vienna Congress of 1815, F.O. 84/1822, Printed Memoranda, Vol. 44, 1339.
  3. See minute by Pauncefote, February 16, 1885 and cf. telegram to Sir E. Malet No 25, February 17, 1885, F.O. 84/1821.

dominions. This would have been a grave undertaking at any time. It was accentuated by the fact that the Sultan's eldest son, in whom the succession was vested, was then only six years old. This meant that the Regency would in all probability be of a very long duration. An acceptance by the British government, therefore, would be tantamount to an assumption of responsibility for the government of the country and for the maintenance of its independence.

The matter was accordingly considered first in all its aspects. Yet despite the realisation of the grave implications an acceptance would carry with it, the general consensus of opinion in the Foreign Office was in favour of that course. The temptation was great. As Sir John Kirk stated, "if we assent to the desire of the Sultan in this matter it will give us a great hold over himself during his life-time and place the power in our hands in the event of his death."<sup>1</sup> In an effort to persuade the government to accept the offer, he stipulated that such a decision could in no way be regarded as an annexation, but only as a means whereby England would obtain paramount influence without risk or expense over the Zanzibar territories. The Foreign Office, however, needed little persuasion. It was fully aware of the importance of the area to Britain and the need to ensure that it did not fall into the hands of any other power.

---

1. Kirk to Granville, October 10, 1881, F.O. 84/1601

The reaction of Hill was typical :

"Politically", he wrote, "it is important that the East Coast of Africa, with its large trade, great grain producing power and increasing resources should not pass into the hands of any nation but ourselves, or one devoted to our interests. An English naval officer is at the head of the Sultan's army with another as second in command; we can, therefore, count upon the army, tho' I believe it would never be required, to secure the execution of the Sultan's will if we accept the proposed trust. It is a question of policy but I believe we should do wisely to accept." <sup>1</sup>

Lister also stressed the importance of Zanzibar from the Egyptian, Indian, slave trade and commercial points of view<sup>2</sup>, and, therefore, implicitly expressed his concurrence. Dilke, the Parliamentary Under Secretary, held a similar view. As the country paid its way and had no very dangerous neighbours, he therefore felt that the government might properly accept.<sup>3</sup> Finally Tenterden, the Permanent Under Secretary, who appears to have taken a more serious view of the question than his colleagues, was nevertheless in favour of considering the offer.<sup>4</sup>

No action could be taken immediately, however, for in accordance with a suggestion made by Dilke<sup>5</sup>, reference was first made to the India Office. This involved a delay of several months. The reply, when it came<sup>6</sup>, put a damper on the proceedings. Although they were

1. Minute October 11, 1881, Ibid.

2. Minute (undated), Ibid.

3. Minute November 10, 1881, Ibid.

4. Minute November 7, 1881, Ibid.

5. Minute November 10, 1881, Ibid.

6. India Office, April 15, 1882, F.O. 84/1629.

of the opinion that the matter was one for the Imperial, rather than the Indian government, they were in agreement with the view taken by the Government of India. By doing so, they took their stand on the opposing side; for while admitting the advantages to British and especially to British Indian interests, of the maintenance of a stable and well-ordered government at Zanzibar, the Government of India saw the matter in an entirely different light from the Foreign Office. In the first place, as they stated, it had always been against their policy to interfere in the internal affairs of Muscat and Zanzibar. Any such interference, if it was to have any real effect, would involve an expenditure of money and a display of strength out of all proportion to the advantages to be gained from the proposal under discussion. In the second place, and quiet apart from these strategic considerations, they pointed to an agreement made twenty years previously which altered their whole view of the situation. This was the agreement made between Britain and France in 1862 to respect the independence of Zanzibar. There was every prospect, therefore, that France might regard a secret treaty, such as had been proposed on behalf of the Sultan by Sir John Kirk, as implying an encroachment on the independence of Zanzibar.<sup>1</sup>

The first set of considerations had already been weighed in the balance and discounted, but it was the second factor which

---

1. March 7, 1882, No. 22, Secret, enclosure in India Office, April 15, 1882, Ibid.

caused the Foreign Office to reconsider its verdict. This is where Hertslet came in, as he was immediately called upon for a memorandum on the Anglo-French agreement,<sup>1</sup> and it was upon his interpretation that the final decision depended. Hertslet began his memorandum<sup>2</sup> by citing in full the wording of the declaration, before going on to assess its implications. This was necessary, for although, as Hertslet commented, the declaration did not state in so many words that neither party would seek territorial advantages, it had been signed with that understanding. Therefore, if a secret treaty were concluded with the Sultan of Zanzibar with regard to the succession of the throne without the knowledge of the French government, Britain would be accused of violating the spirit, although perhaps not the letter, of the declaration of 1862. For that reason, he suggested instead that the Sultan's son should be publicly proclaimed, during his father's life-time, as successor to the throne, and that this nomination should be officially recognised by Great Britain. This would be far less likely to lead to any misunderstanding with France than awaiting the death of the present Sultan and then producing a document showing that a secret agreement had been made sometime beforehand, between Great Britain and Zanzibar in anticipation of

- 
1. See endorsement on Indai Office, April 15, 1882, Ibid.
  2. May 8, 1882, concerning the British and French engagements to respect the independence of Muscat and Zanzibar, seen by Granville and Lister, F.O. 84/1630.

the event. Finally - and this, in his opinion, clinched the matter - a precedent could be cited for adopting the former course, which could not, so far as he knew, be done in support of the latter policy.

His verdict settled the matter as far as the Foreign Office was concerned. A despatch was accordingly sent to the Sultan<sup>1</sup> rejecting his offer, stating the grounds on which the decision was based, and advising the adoption of the alternative plan suggested by Hertslet. This, it must be noted, was done with the full concurrence of Sir John Kirk, who, as it concerned his life-work had naturally been the strongest proponent of the policy of acceptance, and consequently the one most likely to offer opposition should rejection prove to be the order of the day.

"Having read," he wrote, "Sir Edward Hertslet's memorandum of May 8, 1882 on the origin and meaning of the Anglo-French agreement of 1862, I concur in the opinion that the course proposed by the Sultan in so far as it relates to the guardianship by us in the event of a minority might be taken by France to be against the spirit of the neutral agreement. ----- The case quoted by Sir Edward Hertslet will serve to show in what way the difficulty may now be got over." <sup>2</sup>

Two years later, a further memorandum by Hertslet also played some part in influencing the course of events of Zanzibar. The circumstances which necessitated a report from him were as follows. Negotiations on West African affairs were at this time in full swing

1. Draft Sultan of Zanzibar, June 19, 1882, marked to go to the Queen, Mr Gladstone, India Office and Colonel Miles, docketed: "Sir John Kirk has seen and approved this draft." Seen by Hertslet, June 8, 1882, F.O. 84/1631.

2. Memorandum May 19, 1882, F.O. 84/1621.



at the Berlin conference. Zanzibar, although remote from the areas under discussion was indirectly, like the whole of Africa, nevertheless affected because conditions were being formulated at the conference on the formalities necessary for the effective annexation of territory, both as regards the coasts and the extent inland of coastal possessions.<sup>1</sup> The British delegates at the conference were not sufficiently aware of the implications of this, and the unfavourable way it would react on Britain, who of all the powers, stood to lose far more than she would gain by any rigid definition of what constituted effective political control.

So far as the affairs of Zanzibar were concerned, however, the significance of what was happening and the possibility that it might react unfavourably on Britain's position there did not pass unnoticed. Two memoranda written by Hill at this time,<sup>2</sup> show that he at any rate was fully alive to the dangers inherent in the situation. He therefore urged that Kirk should press the Sultan to renew the offer of the Regency he had made two years previously, or make any other arrangements which would secure the consolidation of Britain's position in Zanzibar to which her undoubted and hitherto unrivalled influence entitled her. It can be seen that he was already suffering from pangs of regret that the offer of 1882

---

1. See above, pp. 171 - 173.

2. October 20 and November 13, 1884, F.O. 84/1884.

had not been taken up. Lister did not join him in this. His reaction was to bring forth the skeleton in the cupboard: the existence of the 1862 engagement with France.<sup>1</sup> As before, this is where Hertslet came in, for he was referred to for a way out of the dilemma. He suggested that the Anglo-French agreement could be circumvented by a declaration from the Sultan that he would never cede any of his rights or territory to another power without first consulting Britain. In an attempt to adhere to the spirit of the Anglo-French agreement, which as can be seen, was wearing a bit thin, he took care to insist on a "spontaneous" declaration. This, he thought, was a less objectionable document than an engagement, such as the one concluded with Socotra on June 23, 1876. For although that was the type of thing required and had been called a "Bond", a monetary payment having been given in return for it, as both parties had signed, it was in fact a treaty.<sup>2</sup>

A telegram was accordingly sent to Kirk instructing him to obtain from the Sultan a spontaneous declaration that he would accept no protectorate from and cede no sovereign rights or territory to any association or power without the consent of Britain.<sup>3</sup> Just over a week later, this was successfully obtained by Sir John.<sup>4</sup> Again, therefore, a memorandum by Hertslet decided what course should

---

1. Minute (undated) on Hill, November 13, 1884, Ibid.

2. Memorandum November 26, 1884, Ibid.

3. Telegram Sir J. Kirk, November 27, 1884, Secret, F.O. 84/1692.

4. December 6, 1884, See R. Coupland, The Exploitation of East Africa [London, 1939], p. 388.

be taken. But, as before, the solution proved to be very short-lived. Two years later, Britain's difficulties elsewhere, and, consequently, the need to stand well with Germany, compelled the British government to acknowledge that power's claim to a "sphere of influence" within the Sultan of Zanzibar's dominions. This was a concession which it had been the very purpose of the 1884 declaration to avoid. It was also, in both spirit and letter, a violation of the Anglo-French agreement of 1862, which Britain had been at such pains to prevent. Ironically, the matter was settled easily enough so far as France was concerned; her account being squared by the British recognition of her protectorate over the Comoro Islands.<sup>1</sup>

This was not the last which was heard of the agreement, however. Four years later, in 1890, the question arose whether Britain should consolidate her position in Zanzibar by converting the "sphere of influence" she had acquired in 1886 into a protectorate. Once again this gave rise to discussions concerning the Anglo-French engagement of 1862, and once again Hertslet's advice was sought. The content of the two memoranda<sup>2</sup> in which he expressed his verdict constitutes a complete reversal from the stand he had taken previously in 1882. That year he stressed the tacit understanding that

1. R. Coupland, *op. cit.*, p. 476.

2. July 7, 1890, On the independence of Zanzibar, Memoranda, librarian's department, Vol. 13, 3032; July 14, 1890, On the circumstances which led to the signature of the declaration with France concerning the independence of Zanzibar, F.O. 84/2086, Memoranda, librarian's department, Vol. 13 3041.

neither power would seek territorial advantages under which the agreement had been concluded. His interpretation in 1890 was purely literal. He stated that the declaration of 1862 had been confined to a reciprocal engagement to respect the independence of the Sultans of Muscat and Zanzibar. There was nothing said about neither government seeking territorial advantages, nor was there a self denying clause concerning the non-establishment of a protectorate. It would be no violation of the engagement, therefore, if Britain established such a protectorate. It is not clear from the memoranda how the establishment of a protectorate over a state could possibly be reconciled with the continued maintenance of its independence, for the worthlessness of the proviso : "provided the Sultan expressed his readiness to be placed under the protection of this country", goes without saying.

This volte-face was by no means due to the fact that there was no longer any need to fear trouble from France. Hertslet himself had pointed out a few days previously the danger that, in the event of the establishment of a British protectorate, France might retaliate by establishing a protectorate over Muscat, considered by the India Office to be under British protection, but as to which he knew of no treaty conferring such a right.<sup>1</sup> Whereas in 1882, however, the fear of causing offence to France had been the overriding and indeed the only consideration, by 1890 it was either a case of acting regardless of France, or standing aside and allowing Germany

---

1. Minute by Currie (undated), F.O. 84/2080

to take the whole of the spoils. It was this change of circumstances which necessitated a corresponding change in the emphasis of Hertslet's interpretation of the only operative treaty.

Nothing could indicate more the extent to which his opinions were determined by the ruling policy of the day. The purpose of these memoranda were obviously merely to provide the statement of the case on which the Foreign Office acted. Hertslet is not to be blamed for that, however, since he was only acting in accordance with the realities of the situation. If he had put forward arguments similar to those employed by him in 1882 he would have been wasting his time. Also France had already lost any case she had by allowing the Anglo-German agreement of 1886 to go through. She must have known that the delimitation by Britain and Germany that year of their respective "spheres of influence" was but the preliminary stage before the establishment of a protectorate for which she had, it must be stated again, exacted her price. By doing this she had herself acquiesced and participated in a violation of the spirit of the 1882 agreement. It was open to Hertslet, therefore, to do the same in 1890. For there can be no doubt that, interpreted literally, the agreement of 1862 constituted no bar to the establishment of a protectorate. Interpreted literally it meant nothing at all, as the Sultan of Zanzibar knew to his cost.

(c) The problem of control on the Red Sea and the Somali Coast.

Throughout the century the control of the Red Sea and the Somali coast was of vital concern to Britain. Its strategic importance as a route to the east and the lead and responsibilities Britain had assumed with regard to the suppression of the Arab Slave Trade ensured this. Hertslet's connection with the question, however, dates only from the 'seventies. Up to that date the traditional Palmerstonian policy<sup>1</sup> had held good and British influence in the Gulf of Aden had remained supreme. There had been sporadic attempts on the part of France, the power most to be feared, to gain a foothold on the coast. In 1862 she secured from the Sultan of Tajourrah the grant of territorial rights over Obokh. As no occupation had followed, however, it could not be regarded as a serious challenge.

During the 'seventies there was a revival of the attempt to oust Britain from her unrivalled position. The first challenge came in 1870 when an Egyptian ship-of-war called at the ports of Berbera and Bulhar on the Somali coast. It was all part of a general advance southwards, the object being to assert Egyptian sovereignty over these places. Naturally these proceedings met with a protest from

---

1. It had three components : (i) unrelenting opposition to any suspected attempts by foreign powers to acquire suitable naval bases as distinct from purely commercial settlements; (ii) maintenance of influence over native authorities on both shores of the Gulf; (iii) resistance to Turkish claims of suzerainty over the Arabian shore, in order to safeguard Britain's absolute control of Aden.

Sir Edward Russell, the British Commandant at Aden. The Egyptian commander, however, refused to give way and the dispute was accordingly referred to their respective governments.<sup>1</sup> As far as the British government was concerned this resulted in a reference to Hertslet. The Egyptian commander had based his claim to sovereignty on a firman, which he stated had been granted to his government by the Sultan. Hertslet, however, was of the opinion that the Sultan had no right to make any such cession in the first place. He justified this contention in the following way :

"The fact of the Sultan's laying claim to the coast can hardly be sufficient to justify his right of sovereignty over the territory. There is nothing to show that he has ever occupied any portion of the territory by his troops; nor is there any proof that the various Chiefs pay him tribute, but, on the contrary, it would appear from accounts given by those who have visited the country that these Chiefs consider themselves independent, and recognise no other sovereign over them."<sup>2</sup>

In accordance with the suggestion he made in the course of his memorandum, the India Office was consulted next to see if they could throw further light on the subject.<sup>3</sup> Their reply confirmed what had already been said by Hertslet and supported Sir Edward Russell's proposal that Britain should protest against the Egyptian action.<sup>4</sup> The Foreign Office failed to respond, however. Action was accordingly delayed and ultimately the matter was allowed to drop.

- 
1. Colonel Stanton, June 3, 1870, No. 60, docketed : "This had better be examined and reported on," F.O. 78/3186.
  2. Memorandum July 14, 1870, On the Turkish claim to sovereignty over the Somali territory, printed for the use of the F.O. July 18, 1871, Ibid.
  3. Draft India Office, July 28, 1870, enclosing Colonel Stanton's No. 60 and Hertslet's memorandum. Ibid.
  4. India Office August 5, 1870, Ibid.

The explanation for this negative attitude may be found in the fact that at the time the Foreign Office was under the control of a liberal foreign minister. Throughout its tenure of office, the Liberal government of 1868 showed itself comparatively indifferent to the fate of this part of the African coast. Even the simultaneous development of the opening of the Suez Canal and navigation by steamship, which for obvious reasons enhanced the importance of this route to the east and made it all the more imperative that it should remain under British control, did nothing to rouse the government from its lethargy and induce it to secure the protection of the route on a more lasting basis. The outcome of the above episode is as good an illustration as any of the attitude of the government to the whole question of the Suez area.

Egyptian proceedings at Berbera four years later brought a revival of the discussion. These again attracted the attention of the India Office<sup>1</sup>, which showed itself more determined than ever to induce the Foreign Office to make some declaration with regard to its policy. The urgency of the India Office sprang from its conviction that serious complications might at any moment arise, which in the absence of instructions would place British officers in a position of considerable embarrassment.<sup>2</sup> Hertslet was again called upon for a memorandum. Whereas his previous report dealt only with the particular question of the Egyptian claim to Berbera

---

1. See India Office, October 6, 1873 and February 3, 1874, F.O. 78/3187

2. India Office March 7 and May 12, 1874, Ibid.



and Sulhar, this time he surveyed the whole question of the Turkish and Egyptian claims to sovereignty on the Red Sea and Somali coast. Obviously, therefore, the government was taking a more serious view of the matter than before. The increasing weakness of the Ottoman Empire during these years and the imminent recovery of France were responsible for this. It was in consequence all the more imperative to safeguard the route by some other means than the maintenance of British influence at Constantinople.

Nevertheless events may have taken a similar course to that of 1870. The liberal government may well have persisted in its negative attitude. This did not arise, however, for a change of government in 1874 soon brought a more constructive policy to bear upon the matter. The conservative ministry decided to solve the problem of control by using the Egyptian expansionist movement for its own ends. The ultimate outcome of this was the Anglo-Egyptian Convention of September, 1877, which established Egyptian jurisdiction along the whole African shore of the Red Sea and the Gulf of Aden beyond the coast as far as Ras Hafoun. By this means a regular and settled administration was established and at the same time the problem of control was settled.

It is likely that the memorandum prepared by Hertslet<sup>1</sup> under the

---

1. March 5, 1874, On the Turkish claim to sovereignty over the Eastern shores of the Red Sea and the whole of Arabia; and on the Egyptian claim to the whole of the Western shores of the same sea, including the African coast from Suez to Cape Guardafui, printed for the use of the F.O. March 10, 1874, Ibid, Printed Memoranda, Vol 12, 299.

previous government's orders had something to do with the adoption of this decision. He had in no way gone back on his previous verdict that Britain had never recognised the Egyptian claim to any portion of the African coast outside the Straits of Babelmandeb, even as far as Zeyla let alone Cape Guardafui; or of the Sultan to Arabia outside the same Straits and not at all as regards the interior. As he said : "If the Cliphah claim were to be listened to for one moment as conferring any right of sovereignty it would include nearly half the world, whilst the Pope, on the same ground, could claim a large portion of the remaining half." Nevertheless in the meantime he had come to realise how impracticable it was to continue a policy of resistance. He therefore questioned whether it might not be preferable for Britain to allow Turkey and Egypt to share absolute sovereignty over the whole of Arabia and the east coast both inside and outside the Red Sea than for France, Germany or any other nation to obtain a footing there.

There are several reasons for assuming that Hertslet's observations formed the starting point for what ensued in 1877. In the first place Hertslet's memorandum was the preliminary survey which focussed attention on the problem. The only evidence which has been found of anyone else holding a similar view is of a later date. Three months passed before Tenterden expressed the opinion that "a policy of barren protests and constant antagonism to the Egyptian Government can lead to no useful purpose and the alternative seems to be between letting matters take their course, and a timely

understanding which might be arrived at when the Commercial Treaty is under negotiation next year with Egypt."<sup>1</sup> This was the time when the India Office was informed of the new proposal.<sup>2</sup> Admittedly Colonel Stanton's views were the ones which carried the day.<sup>3</sup> He, however, only gave the casting vote to something which had already been more or less decided upon and the germ for which appears to be the observations made in Hertslet's memorandum. It must be noted also that when the Colonel was asked to report on the matter, he was at the same time sent, among other papers, copies of Hertslet's memoranda of 1870 and 1874.<sup>4</sup>

This again suggests that the government based its decision on what Hertslet had to say. It would certainly be difficult to imagine a better source of information and guidance than Hertslet's report of 1874. Besides providing an analysis of the Turkish and Egyptian claims, it traced the course and outcome of French activities and the unsuccessful endeavour by Italy to obtain a footing at Assab Bay. Britain's own treaties with the independent chiefs on the western shores of the Red Sea received some consideration and also Abyssinia's interest in portions of territory claimed by Egypt. Finally, there was a general analysis of all the interests involved

---

1. Minute (undated) on India Office, August 7, 1874, F.O. 78/3187.

2. Draft India Office, August 21, 1874, Ibid.

3. See minutes by Tenterden and Derby on Stanton, September 15, 1874, No. 78 marked to go to the Queen and Mr Disraeli. cf. minute by Tenterden on India Office, September 25, 1874, Ibid.

4. Draft Stanton August 20, 1874, No. 34, Ibid.

in a settlement of the question, the political and commercial considerations and those connected with the suppression of the slave trade.

It was no wonder, therefore, in view of its exhaustive character, that this was by no means the last which was heard of the memorandum. In April 1876 it was sent to Lord Lyons, British ambassador in Paris, so that he would have all the facts at his disposal concerning the occupation of Perim by the British government and the French proceedings on the opposite coast.<sup>1</sup> In December 1879 two further uses were found for it. On the first occasion an extract was taken from it in connection with Italian activities in Assab Bay.<sup>2</sup> Towards the end of that month the question of the French claim to Adulis was referred to Hertslet.<sup>3</sup> Again his task was an easy one, for all he had to do was to give a further extract.<sup>4</sup> When the question of Adulis came up later in 1884, together with that of the right of sovereignty over the island of Disseh, Hertslet's original memorandum was once more the one to which reference was made.<sup>5</sup> Finally in 1887 Hertslet alluded

- 
1. Enclosure in draft Lord Lyons, April 13 in reply to his April 6, 1876, F.O. 146/1868.
  2. December 2, 1879, On the Italian activities in Assab Bay, F.O. 78/3191, PRO 30/29/297.
  3. Sir E. Malet, December 13, 1879, No. 675, marked to go to the Queen and Lord Beaconsfield and docketted: "The French claim Obokh which is near Tajourrah, but I am not aware of their having any right to Adulis which is in Annesley Bay, Refer to Sir Edward Hertslet for a memorandum on both points." F.O. 78/3191.
  4. See minute by Hertslet, December 26, 1879, Ibid.
  5. See endorsement on Sir E. Baring, December 11, 1884, No. 1127, F.O. 78/3728.

to it in his memorandum on the sovereignty of the Island of Disseh.<sup>1</sup>

No better proof could be cited in support of his statement that when printed these papers were standing records for the guidance of successive Secretaries of State.<sup>2</sup> It affords a striking testimony not only to the thoroughness with which the work was done in the first place, but also of his knowledge and grasp of the issues at stake, in particular of the things which were of importance and were likely to remain so. No doubt these were the reasons why he was asked on May 2, 1877 to attend the preliminary conference which took place between Pauncefote, Wylde and March on the proposed convention with the Khedive concerning the recognition of his jurisdiction over the Somali coast.<sup>3</sup> As there is a strong possibility that the idea of such a convention originated with Hertslet in the first place, it was especially fitting that he should participate in these discussions. By the end of May the four had drawn up the first draft of the proposed agreement.<sup>4</sup> Unlike the Anglo-Portuguese treaty, there is, in the case of this convention, more evidence concerning the contribution Hertslet made. Duplicate copies of the draft were circulated among the people

---

1. April 16, 1887, on Sir E. Baring March 31, 1887, No. 196, F.O. 78/4079.

2. See above, p. 120.

3. Minute by Pauncefote, May 2, 1877, F.O. 78/3189.

4. See minutes by March May 31 18/7 and Pauncefote (undated), Ibid.

concerned for the addition of any further observations they might have to make. Apart from minor alterations with regard to wording and phrasing Hertslet as a result effected an important change in the article on which the whole success or failure of the project depended. Article III of the first draft had stated:

"His Highness the Khedive engages for himself and his successors that no portion of the territory to be thus formally incorporated under his hereditary rule shall ever be ceded to any foreign power."<sup>1</sup>

Hertslet felt that this was not satisfactory, for he failed to see how the Khedive - a vassal of the Sultan - could bind his suzerain by entering into such an engagement. Also the Khedive had no power of his own to dispose of any portion of the Ottoman territory. The whole article was accordingly redrafted. After the first attempt it read as follows :

"Her Majesty's Government engages to intimate to the Sublime Porte that it is prepared to recognise the sovereignty of the Sultan over the coast in question upon receiving from His Imperial Majesty an assurance that it shall be placed under the hereditary administration of His Highness the Khedive of Egypt with an express provision on the part of His Imperial Majesty that no foreign power shall be permitted to hold or acquire any territory on the said coast.

Her Majesty's Government further engages on receiving from the Sultan an assurance to the above effect to recognise the jurisdiction of His Highness the Khedive under the suzerainty of the Sublime Porte, over the Somali coast as defined in the preamble of this Agreement."<sup>2</sup>

It emerged in its final form as :

"The present agreement shall come into force as soon as His Imperial Majesty the Sultan shall have taken the necessary steps for placing the territory in question under the administration of His Highness the Khedive of Egypt and shall have given an

1. 1st duplicate copy, article III, F.O. 78/3189.

2. 3rd duplicate copy, article I, Ibid.

assurance to Her Majesty's Government that no foreign power shall be permitted to hold or acquire any territory on the said coast." <sup>1</sup>

The Sultan never gave the required assurance and therefore the Convention was never ratified. Consequently some alternative way had to be found of stabilising the position on the coast. The activities of other powers had not ceased. Italy, for instance, was untiring in her efforts to obtain a hold over Assab Bay. On December 2, 1879, an extract was taken from Hertslet's memorandum of 1874 in connection with these activities.<sup>2</sup> The following June he provided a further report,<sup>3</sup> which was ultimately passed on to Lord Granville, together with one drawn up in the India Office.<sup>4</sup> Its purpose was to refute the Italian government's contention that the British government did not recognise Turkish sovereignty over the Red Sea. Possibly it played some part, therefore, in determining Lord Granville to act as his predecessor, Lord Salisbury, had done in opposing the establishment by Italy of a naval station at Assab.

In July 1881 the efforts of the King of Abyssinia to obtain

1. Final copy, article V, Ibid.

2. See above, p. 194

3. June 9, 1880, On the Italian claims to sovereignty over Assab Bay, printed for the use of the F.O. June 10, 1880, PRO 30/29/261, Printed Memoranda, Vol. 22, 549. For the genesis of this see endorsement on Paget, April 21, 1880, marked to go to the Queen and Mr Gladstone, F.O. 78/3192 and also on General Menabrea, May 13, 1880, F.O. 78/3193.

4. Minute by Tenterden, June 11, 1880, F.O. 78/3195.

a port on the coast, necessitated a further memorandum from Hertslet.<sup>1</sup> Looking at the question purely from a commercial point of view, he expressed the opinion<sup>2</sup> that British trade interests would be sufficiently provided for if free transit were secured over the territory between Abyssinia and the Red Sea. Tenterden, however, was convinced that Britain's true policy should be to recognise only Turkish and Egyptian sovereignty along the Red Sea and the Somali coast. All other rivals, he thought, were a menace to our commerce with India.<sup>3</sup> Malet was also strongly impressed with the danger from a political point of view of giving a port to Abyssinia.<sup>4</sup> Nevertheless Hertslet's view of the matter was the one which ultimately prevailed.<sup>5</sup>

These were minor problems, however, compared with that posed by the revival and increase of French activities on the coast. The accession of Jules Ferry to power proved to be the starting point. A minute by Tenterden, dated October 2<sup>nd</sup> 1880, indicates that the Foreign Office continued, with regard to this aspect of the problem

- 
1. July 7, 1881, On the desire of the Kings of Abyssinia and Shoa to obtain a port or ports, on the African coast within or without the Red Sea, with draft to Sir J. Walsham, June 27, 1881, No. 294, F.O. 78/3365, PRO 30/29/297, Printed Memoranda, Vol. 47, 1186.
  2. Probably in his conversation with Anderson, for there is no reference to it in the memorandum. See minute by Anderson, July 8, 1881, F.O.78/3365.
  3. See endorsement on Hertslet's memorandum, Ibid.
  4. Minute by Anderson, July 8, 1881, Ibid.
  5. See endorsement on above, Ibid.



also, to rely upon Hertslet for its knowledge and information. "If I recollect rightly," he wrote, "when the French brought Obokh we bought, but have never since occupied the adjacent Island of Mussa. Was this so ? Hertslet knows all about it."<sup>1</sup> When the departure of a French expedition from Aden the following year caused the matter to become pressing, Hertslet was accordingly asked for a report concerning Britain's right to reassert her claim to the islands of Mussa and Aubad as a counter-measure.<sup>2</sup> Copies of this were sent to Malet, the India Office, Constantinople and Rome, and it was referred to again in July 1881 when the Foreign Office received news of the formation of a French company for the purposes of occupation.<sup>3</sup>

Each subsequent development resulted in a further report from Hertslet. The arrival of M. Paul Solleillet in the steamer "Obokh" at the Sebah Islands, nine miles south of Perim, provided such an occasion.<sup>4</sup> Hertslet in his report<sup>5</sup> took care first to give the position of the islands, which was necessary as Foreign

1. On India Office October 1, 1880, F.O. 78/3193.
2. July 5, 1881, F.O. 78/3365, PRO 30/29/297, Printed Memoranda, Vol. 47, 1182. For the genesis of it see Malet, June 30, 1881, docketed by Tenterden, July 2, 1881 : "Sir Edward Hertslet as to Obokh, Mussa and Ivat", F.O. 78/3364.
3. India Office, July 8, 1881, docketed : "See memorandum by Sir Edward Hertslet." F.O. 78/3365.
4. See Malet, February 8, 1882, No.58, docketed by Tenterden : "Do we know about these islands ? Were they ceded to France with Obokh ?" Ibid.
5. February 22, 1882, Isles of "Sebah" or "Jezirat Sebah" printed for the use of the F.O. March 10, 1882, marked to go to the India Office and Admiralty, F.O. 78/3496, PRO 30/29/363, Printed Memoranda, Vol. 26, 619.

Office notions on such matters were often extremely hazy.<sup>1</sup> He then went on to show the inaccuracies in the description of the extent of French jurisdiction near Obokh which had appeared in a French newspaper. The offending article, entitled Que le sort favorise, had claimed that the Sebah islands were already French on the ground that the concession obtained by France in 1862 extended from Tajourrah as far as Ras Dumeirah. Hertslet, however, failed to see why such a claim had never been made before. On a former occasion, as he pointed out, the French had practically admitted that this long stretch of coast was not included in their concession. In December 1880 a statement had appeared in the French Journal Officiel concerning the uncertainty which existed with regard to the boundaries of Obokh. Great care was accordingly taken by the British government not to recognise Obokh as French territory. On March 3, 1882, the reply made to a question in the House of Commons simply alluded to the French "claim" and when the French government protested and affirmed that Obokh had long been a French possession, the British reply was again non-committal in character.<sup>2</sup>

The question was what measures should be taken by the British government to combat the French action. In a further memorandum Hertslet put forward the suggestion that Britain should neutralise the French occupation of Obokh and Sebah by occupying the

---

1. See for instance Malet, June 25, 1881, docketed by Tenterden : "Ask Sir Edward Hertslet to mark on a map places which the Italians have purchased or sought to acquire along the coast." Also further minutes by Hertslet June 27 and Tenterden June 28, 1881, F.O. 78/3364.

2. Draft Lord Lyons, March 10, 1882, F.O. 78/3496.

islands of Mussa and Aubad.<sup>1</sup> This was in contrast to the live and let live attitude of the Admiralty<sup>2</sup> and rivalled the other alternative put forward by the India Office, which was that Britain should again try to get the Porte to ratify the Anglo-Egyptian Convention of 1877.<sup>3</sup> Before reaching a decision the Foreign Office referred the matter to Lord Lyons.<sup>4</sup> As a result it was decided to adopt the India Office suggestion<sup>5</sup>, for Lord Lyons opposed Britain's occupation of the islands on the ground that France would retaliate by making further acquisitions.<sup>6</sup>

Apart from a memorandum on French movements in the Persian Gulf,<sup>7</sup> also drawn up by Hertslet in March 1882, that was the end of the matter for a while so far as he was concerned. It was not until two years later that he was again called upon to report on French

- 
1. March 6, 1882, On the French and Italian designs in the Red Sea and its immediate neighbourhood, printed for the use of the F.O. March 1882, F.O. 78/3497, PRO 30/29/298, Printed Memoranda, Vol. 25, 620.
  2. Admiralty, March 4, 1882, in reply to F.O. February 24 and March 8, 1882, : secret, enclosing Hertslet's memoranda on the Isles of Sebah and his report on the French and Italian designs in the Red Sea, F.O. 78/3496.
  3. India Office, March 13, 1882 in reply to the same, Ibid.
  4. Granville to Lyons, March 15, 1882, No. 282, confidential, enclosing copy of Hertslet's memorandum on the French and Italian designs in the Red Sea, F.O. 146/2415.
  5. See Granville to Dufferin, March 21, 1882, telegram No.80, F.O. 78/3496.
  6. Lyons to Granville, April 7, 1882, No. 294, Very confidential, marked to go to Mr Gladstone, Sir E. Hertslet, India Office, Cairo, F.O. 78/3497.
  7. March 21, 1882, F.O. 78/3476, PRO 30/29/298, Printed Memoranda, Vol. 47, 1200.

islands of Mussa and Aubad.<sup>1</sup> This was in contrast to the live and let live attitude of the Admiralty<sup>2</sup> and rivalled the other alternative put forward by the India Office, which was that Britain should again try to get the Porte to ratify the Anglo-Egyptian Convention of 1877.<sup>3</sup> Before reaching a decision the Foreign Office referred the matter to Lord Lyons.<sup>4</sup> As a result it was decided to adopt the India Office suggestion<sup>5</sup>, for Lord Lyons opposed Britain's occupation of the islands on the ground that France would retaliate by making further acquisitions.<sup>6</sup>

Apart from a memorandum on French movements in the Persian Gulf,<sup>7</sup> also drawn up by Hertslet in March 1882, that was the end of the matter for a while so far as he was concerned. It was not until two years later that he was again called upon to report on French

- 
1. March 6, 1882, On the French and Italian designs in the Red Sea and its immediate neighbourhood, printed for the use of the F.O. March 1882, F.O. 78/3497, PRO 30/29/298, Printed Memoranda, Vol. 25, 620.
  2. Admiralty, March 4, 1882, in reply to F.O. February 24 and March 8, 1882, : secret, enclosing Hertslet's memoranda on the Isles of Sebah and his report on the French and Italian designs in the Red Sea, F.O. 78/3496.
  3. India Office, March 13, 1882 in reply to the same, Ibid.
  4. Granville to Lyons, March 15, 1882, No. 282, confidential, enclosing copy of Hertslet's memorandum on the French and Italian designs in the Red Sea, F.O. 146/2415.
  5. See Granville to Dufferin, March 21, 1882, telegram No.80, F.O. 78/3496.
  6. Lyons to Granville, April 7, 1882, No. 294, Very confidential, marked to go to Mr Gladstone, Sir E. Hertslet, India Office, Cairo, F.O. 78/3497.
  7. March 21, 1882, F.O. 78/3476, PRO 30/29/298, Printed Memoranda, Vol. 47, 1200.

activities. The position in the meantime had remained much the same. The French were still claiming that their concession of 1862 included a seaboard seventy miles long. As a token of this, early in 1884, the French flag was hoisted at Alatela, where the Turkish flag had hitherto flown. When the matter was referred to Hertslet he repeated his earlier verdict that the 1862 concession of Obokh could not possibly have included the whole of the coast from Tajourrah to Ras Dumeirah, and again pointed out that the French government's own notification of 1880 bore testimony to this.<sup>1</sup> In addition he provided a map to show that if France were allowed to make good her claim, she would, quite apart from the question of Obokh, acquire a most important position opposite Perim. The Egyptian government had suggested that Britain should recognise Alatela as forming part of the Obokh concession without making any reference to its alleged seventy mile extent. Hertslet's memorandum probably confirmed Lord Granville in his determination to repudiate this facile solution, the adoption of which would have involved a partial recognition of the French claim.

Some concession to France, however, had to be made. It was accordingly decided to settle once and for all the terms of the 1862 concession, and then to see that France kept within the specified bounds. It must be noted that the Cabinet had already decided, at the same time as the Sudan was evacuated, to withdraw

---

1. February 4, 1884, French proceedings at Obokh and in the Red Sea, F.O. 78/3725, Memoranda, librarian's department, Vol. 8, 1341.

Egyptian troops from the Somali coast. The responsibility for the entire coast of the Gulf of Aden beyond Tajourrah was henceforth to be assumed by Britain herself. She could well afford, therefore, not to raise difficulties concerning the French possession.

This decision had not been reached without much preliminary discussion. The withdrawal of the Egyptian troops meant that the Somali coast would revert to a nominal Turkish control. This Britain could no longer deny, for she had herself virtually recognised the Turkish claims in pressing the Porte to ratify the Anglo-Egyptian Convention of 1877. Unless a way could be found to get round the difficulty, she was not free to carry out her arrangements. Reference was first made to the India Office. Their reply pointed out the distinction between the tribes east of Zeila which had always claimed to be independent and had never recognised Turkish sovereignty and those to the west where Egyptian officials were based, whose authority ultimately derived from the Porte. Britain could, therefore, go ahead with her plans for the coast east of Zeila, while giving the Sultan the opportunity to assert his rights at Zeila and Tajourrah to the north-west. If, as was likely, the Porte did not make any effort to assert Turkish rights, Britain could then occupy Zeila herself.<sup>1</sup> Hertslet was then applied to for an opinion as to whether Britain had in fact admitted the sovereignty of the Sultan

---

1. India Office, May 8, 1883, F.O. 78/3725.

over the coast from Zeila to Ras Hafoun since 1877.<sup>1</sup> The argument of the memorandum he drew up as a result<sup>2</sup> revolved round the question whether the non-ratification by the Porte of the Somali Convention invalidated it. His verdict was that, although the British government as late as April 1882 had been prepared to and even anxious to recognise the Sultan's rights in return for certain formal assurances, as these were never given, the Somali Convention of September 7, 1877, which contained a recognition of those rights but only conditionally, could no longer be appealed to as an international engagement. At this time Hertslet also drew up a further memorandum<sup>3</sup> which viewed the question from another angle. Its concern was with the question whether Britain's application to the Porte for an exequatur for Captain Hunter as consul on the Somali coast constituted a formal recognition of Turkish sovereignty over that district. Again his report put to rest any doubts which had been entertained on the matter. The government was thus able to proceed with its plan of action.

As indicated, the prospect of its forthcoming campaign led the government to compromise with France concerning her possession

- 
1. Minute by Currie (undated), Ibid. It was understood that before that time Britain had denied it.
  2. May 24, 1884, Ibid, Memoranda, librarian's department, Vol. 8, 1414. It formed the basis of a despatch to Dufferin, May 29, 1884, No. 178, marked to go to the Queen and Mr Gladstone, F.O. 78/3725.
  3. June 25, 1884, As to how far the appointment of a consul to a foreign port or ports constitutes a recognition of the right de iure of the power which confers upon such consul an Exequatur to act, marked to go to Lords Kimberley and Northbrook, F.O. 78/3660, Memoranda, librarian's department, Vol. 8, 1415.

of Obokh. The same probably applied to the government's decision, early in 1885, to refrain from establishing its sovereignty over the Island of Bab. The arguments put forward by Hertslet in a memorandum written at that time suggest that this was the case. Lord Kimberley, Secretary of State for colonial affairs, had already expressed the view that the importance of the island was not such as to incur the risk of irritating France by an assertion of British sovereignty. Hertslet in an attempt to convince Lord Granville of the soundness of this view, enlarged upon the theme.<sup>1</sup> There were several reasons, he thought, why it would be inadvisable for Britain to annex the island. In the first place such an act would give offence to France, for within the last few days she had announced her acquisition from the Sultan of Tajourrah of territory in the immediate neighbourhood of the island. Secondly, the treaty, stated by the India Office<sup>2</sup> to be the deed whereby the island was sold to Britain, was a most unsatisfactory document. Finally, even if that had not been so, it would be difficult to prove that the island had since been looked upon as British territory as other powers had not been publicly notified of the cession. In view of the importance of the island which commanded the entrance to Goobut-Kherab, he suggested instead that the French government should be informed that the island had been purchased by Britain in 1840. This would have the double advantage of warning her

---

1. February 20, 1885, British rights over the Island of Bab, on India Office, February 4, 1885, F.O. 78/3858.

2. India Office February 4, 1885, Ibid, in reply to Draft India Office January 16 based on minute by Hertslet, January 13 on India Office January 9, 1885. F.O. 78/3857.



off and yet at the same time not rouse her anger in view of her own recent acquisitions in the immediate neighbourhood. The Foreign Office concurred with this view.<sup>1</sup> Lord Kimberley, however, after reading the memorandum, maintained that it was better to say nothing at all to the French government about the island and therefore the matter was allowed to drop.<sup>2</sup>

From this date British action in strengthening her position along the coast both politically and militarily continued apace. The government also concluded many treaties with the chiefs in the interior to prevent any infiltration by France across the hinterland. Two years later the process was complete. A British protectorate was accordingly established and an agreement was concluded with France as to their respective boundaries. This, however, did not mean that Hertslet's connection with the question ceased. In 1889 he was referred to for a precedent in connection with the establishment of Italian authority in Massowah.<sup>3</sup> The following year he provided a report concerning the right of the British government to annex the island of Socotra.<sup>4</sup> He also

---

1. See endorsement on Hertslet's memorandum.

2. Minutes by Kimberley, February 24 and Pouncefote, February 25, 1885, F.O. 78/3858.

3. Minute by Hertslet, July 26 on M. Catalan July 19, 1888, F.O. 78/4167. Two years previously, in response to a minute by Salisbury, Hertslet prepared a memorandum on the Island of Massowah, January 13, 1886, FO 78/3791.

4. October 23, 1889, Memoranda, librarian's department, Vol. 12, 2777.

prepared two memoranda on the question of the Abyssinian church<sup>1</sup> and gave advice concerning the treaty about to be concluded with Italy and Abyssinia.<sup>2</sup> In 1890 the question whether a reply should be sent to a letter from the King of Abyssinia was referred to him.<sup>3</sup> Finally, in 1892, he expounded the whole question of British agreements with tribes on the Somali coast and considered whether the establishment of the Italian protectorate over Abyssinia would in any way affect Britain's treaty with Abyssinia of June 3, 1884.<sup>4</sup>

It can be seen, therefore, that for a period of twenty-two years, Hertslet was connected with problems arising out of this area. His services had been rendered in a variety of ways. He provided preliminary surveys concerning the previous history of whatever aspect of the question was under consideration. He participated in the drafting of any agreements which were concluded. He analysed and passed judgement on the conflicting rights and claims of the powers interested. On occasion he offered the

- 
1. April 6, 1889 on Count Deym's April 9, concerning the "Abouma" or the High Priest of Abyssinia; April 26, 1889, On the Dogma of the Abyssinian Church, F.O. 78/4260, Printed Memoranda, Vol. 50, 1441, 1443.
  2. Minute November 18, 1889, F.O. 78/4261.
  3. Minute February 6, 1890, seen by Salisbury, on India Office January 29, 1890, F.O. 78/4324.
  4. March 3, 1892, Memoranda, librarian's department, Vol. 14, 3485.

cautionary word of warning and several times put forward constructive suggestions as to possible lines of action. Admittedly these were only taken up if circumstances were propitious; if, that is, the government in power were inclined to the pursuit of an active policy and the general European situation was favourable. That, however, is not to decry their value, since the same applied to any advice proffered, whatever the source, even if it was from the Secretary of State himself.

---

(iii) Britain's acquisition of islands in the Pacific.

So numerous were the reports Hertslet wrote on islands that they constitute a distinct and separate category. Islands in the Pacific form the largest group within that category, which includes memoranda on islands in the West Indies and the Caribbean, in the East Indies, the Indian Ocean, and the Far East. Like his memoranda on African issues they afford an explanation why the increase in the number of reports supplied by the librarian's department, initially caused by the Eastern crisis of 1875 to 1878, never eased off. Apart from one solitary memorandum on the French occupation of certain islands in the Pacific, dated June 23, 1863,<sup>1</sup> the majority of his memoranda were written during the years 1874 to 1893, the peak occurring between 1883 and 1893. It was not surprising that they ceased after that date as, by the early 'nineties, the greater part of the island world had been divided amongst the European powers, or failing that, made the subject of a joint agreement precluding annexation.

The vast number of reports furnished by Hertslet indicates that his participation in this process was considerable. No doubt that was why he included a Map of the Pacific by Treaty among the various other "Maps" he proposed should be compiled<sup>2</sup>, for, such

1. B.M. Add. MS. 39, 106.

2. See below, p. 292, n. 3.

were the demands made upon him, he must have felt the need more acutely than anyone else. Pressure of business never gave him an opportunity to execute this project. Consequently he had to be content with a small Atlas sheet, which he endeavoured to keep up to date in manuscript by jotting down on it, as they occurred, the various changes which took place in the Pacific during these years.<sup>1</sup> This proved to be most useful later for, as the annexations by the powers became more frequent, it became imperative for the Foreign Office to have in its possession a good, handy and accurate map of the Pacific. The Intelligence Division of the War Office was therefore asked to undertake the work and Hertslet's map was lent to them to ensure that their own was fully complete before its examination by the Foreign Office.<sup>2</sup> No better illustration could be given to substantiate the contention that Hertslet was the acknowledged expert in the Foreign Office on all matters which related to the Pacific. This is borne out by an examination of his memoranda. As was the case with the African issues it would not have been feasible to deal with them all. One aspect of his work only, therefore, has been selected for treatment: his contribution to Britain's acquisition of islands in the Pacific.

It must be remembered, however, that Hertslet also had much to say concerning the sharing out of the rest of the spoils, for Britain was by no means the only power with interests in the area.

---

1. Minute by Hertslet, February 15, 1892, F.O. 83/1285.

2. Minute by Pauncefote, February 15, 1892, Ibid.

France in particular was very active and Hertslet was consulted frequently on such questions as the limits of the French settlements in New Caledonia and the New Hebrides, which she was always trying to extend.<sup>1</sup> He also reported on the Pacific Leeward islands - comprising Borabora, Huahine and Raiatea - which France aimed to include within her protectorate over the Tahiti group, despite the Anglo-French declaration of 1847 which recognised their independence.<sup>2</sup> Finally, Hertslet advised on such matters as the right of the French government to annex the islands of Gambier and Rapa,<sup>3</sup> Wallis and Futuwa.<sup>4</sup> Other powers interested in the area included Germany, Spain and the United States. Whenever questions arose, therefore, with regard to the German interest in such places as New Guinea, the Spanish contention that the Caroline and Pellew islands were dependencies of the Philippines which had long been in her possession, and the American pretensions to the Hawaiian and Navigators' islands, Hertslet was again the one to whom

- 
1. Hertslet's memoranda on New Caledonia are to be found in F.O. 83/1079, 1080. See Memoranda, librarian's department, Vols 7 and 12, Printed Memoranda, Vol. 27, PRO 30/29/321, 364, F.O. 83/1089, F.O. 27/2720-1, 2844, 3376 for his memoranda on the New Hebrides.
  2. Memoranda, librarian's department, Vol. 3, Printed Memoranda, Vol. 47, F.O. 83/10, 80 - 1, F.O. 27/2610, 2843.
  3. Memoranda, librarian's department, Vol. 5, F.O. 83/1082.
  4. Memoranda, librarian's department, Vol. 10, Printed Memoranda, Vol. 49, F.O. 83/1085 - 6.

reference was invariably made.<sup>1</sup>

The clearest and simplest method of illustrating how far the British participation in this activity was taken as a result of Hertslet's advice is to take the confidential list<sup>2</sup> drawn up for the use of British consular and other officers in the Pacific, and to go through it systematically. For it affords as complete and full a record of the nature of Britain's achievement as would be possible to find. It lists not only the islands which were annexed or placed under British protection, but also those which were leased to British subjects for the extraction of guano and other purposes. The list was originally drawn up in the Foreign Office in 1891, but final shape was given to it by the Admiralty and the Colonial Office, which alone were in possession of the complete records, a revised copy being eventually sent on to the Foreign Office in November, 1893. It must be understood that even this list is not exhaustive. A statement to that effect is made on the face of it, and my own research also indicates that Hertslet furnished reports on other islands which never appeared on it, usually because they were acquired as dependencies of groups such as the Tongan, which Britain already had in her possession.

---

1. Hertslet's memoranda on New Guinea are to be found in PRO 30/29/321, F.O. 64/1144. See F.O. 83/1083, F.O. 72/1588, 1666, 1807-9 for his memoranda on the Caroline and Pellew islands, and Printed Memoranda, Vols. 27, 47, PRO 30/29/364, F.O. 83/1584, F.O. 58/210, 279, 309 for his memoranda on the Hawaiian and Navigators' islands.

2. See Appendix E, p.p. 322 - 326.

A glance at the list indicates that most of the islands Britain decided formally to annex were acquired during the late 'eighties. It was then that they became of importance in connection with the Transpacific cable proposed to be built between Vancouver and New Zealand, for the intention was that they should serve as landing stages. The islands of Christmas, Fanning and Penrhyn (Tongareva) were first considered as possibilities. In the autumn of 1887, the Colonial Office proposed that they should be occupied by Her Majesty's government.<sup>1</sup> The Foreign Office in reply sent a copy of a memorandum drawn up by Hertslet some years previously which indicated that Christmas island had, since 1858, been in the possession of the United States.<sup>2</sup> Undeterred by this the Colonial Office urged that the United States government should be asked whether it claimed the three islands, and if so, whether it would be prepared to relinquish its claim.<sup>3</sup> Hervey, head of the Western department, was prepared to sanction this.<sup>4</sup> Pauncefote, however, doubted the wisdom of such a direct approach and thought it better for Britain to find out for herself what was the American attitude to the islands.<sup>5</sup> Hertslet also agreed that such a step

---

1. C.O. August 18, 1887, F.O. 83/1085.

2. Draft C.O. October 21, 1887, Ibid, enclosing memorandum by Hertslet, December 31, 1878, Christmas Island, printed for the use of the F.O. October 19, 1887, Ibid, Memoranda, librarian's department, Vol.2, 383.

3. C.O. December 23, 1887, F.O. 83/1085.

4. Minute (undated) on C.O. December 23, 1887, Ibid.

5. Minute (undated) on Hervey, Ibid.



would be unwise for, although he felt sure that the United States government had never taken advantage of its rights, he was certain that it would never admit to this and thereby forgo its claim. All that Britain would gain, therefore, by such an enquiry, was an inconvenient delay. He accordingly advised that the proposed annexations should be carried out without further ado. There was no real danger in this for, as he pointed out, whatever claim the United States had over the islands it was, by the Act of Congress of 1856, confined exclusively to the extraction of guano. Provided, therefore, this right was secured, he felt that no valid protest could be made by the United States against the transfer of the sovereignty of one or more of the islands by the natives to the British Crown, in the event of their being found to be unoccupied.<sup>1</sup> It was accordingly decided to sanction the proposed annexations<sup>2</sup> and by the following April this had been successfully accomplished. There can be no doubt that it was the effective way in which Hertslet put the case which finally carried the day. The Colonial Office, Admiralty, the Canadian government and Sir John Thurston, Governor of Fiji, had all in turn expressed the opinion that the islands should at once be taken possession of by Her Majesty's government.<sup>3</sup>

- 
1. Minutes January 10, 1888, Ibid. cf. memorandum January 19, 1888, On the proposed British occupation of Christmas, Penrhyn and Fanning Islands in the Pacific Ocean, printed for the use of the F.O. January 25, 1888, F.O. 83/1086, Printed Memoranda, Vol.34, 845.
  2. Draft C.O. January 30, 1888, enclosing copy of Hertslet's memorandum of January 19, 1888, F.O. 83/1086.
  3. Hertslet's memorandum of January 19, 1888 had specific reference to Admiralty April 7, 1885, January 16, 1886, October 19, 1887, C.O. December 23, 1887 and Sir J. Thurston, December 24, 1887, in which such views were expressed.

It was not, however, until Hertslet concurred with this view that the appropriate action was taken. Pauncefoot certainly based his verdict on Hertslet's report :

"This memorandum by Sir Edward Hertslet", he wrote in a minute for Lord Salisbury, "explains very clearly the points now submitted for Your Lordship's decision.

I can see no reason why the three islands should not at once be put under the British flag as they are deemed so important to us. They are in the centre of a straight line drawn from Vancouver to New Zealand." <sup>1</sup>

No doubt that is why Hertslet was called upon to defend the decision when, the news of the British occupation having reached the United States government, it made some form of protest.<sup>2</sup> The substance of what he said, after an amendment of his own making,<sup>3</sup> formed the basis of the reply sent to the United States government.<sup>4</sup>

Towards the end of 1888 the Colonial Office, again in connection with the laying of the cable, urged the annexation of a further batch of islands in the Pacific.<sup>5</sup> Once more Hertslet was consulted and once more his report<sup>6</sup> proved decisive in determining

1. January 26, 1888, docketed by Salisbury : "I agree". F.O. 83/1086.

2. See minute by Hertslet, May 22, on Mr White, May 14, 1888, Ibid.

3. Supplementary minute by Hertslet, May 22, 1888, Ibid.

4. Draft Mr White, May 24, 1888, Ibid.

5. C.O. August 2, 1888, enclosing Admiralty, May 16, 1888, F.O. 83/1087.

6. January 4, 1889, As to the right of Her Majesty's government to annex certain islands in the Pacific Ocean. F.O. 83/1088, Printed Memoranda, Vol. 36, 388.

the action taken. It was clear from his examination that five only of the list of fourteen islands submitted to him for consideration could be safely occupied by Her Majesty's government. These were the islands of Jarvis, Suwarrow, Phoenix, Union and Washington or New York Island, which formerly had been the perquisite of American guano companies, but the rights to which had since been sold to British subjects. Six of the remaining islands - Palmyra, Malden, Starbruck, Humphrey, Rokanga and Danger - he thought it would be risky to occupy as they had been bonded by the United States government as guano islands under its Act of Congress of 1856. He advised against asking the American government whether it had formally abandoned its claim to any of the islands for, as before, he felt that the reply would be unsatisfactory and might in addition make the British tenure of Christmas and other islands rather an awkward one. The three islands of Nassau, Gente Hermosa and Nine or Savage island he felt the government would have no justification whatever in annexing.

Impressed by these views and by Lord Salisbury's insistence that the annexations should be confined to the strict necessities of cable communication,<sup>1</sup> the Colonial Office and Admiralty modified their former programme to coincide with Hertslet's verdict.<sup>2</sup> The only exception they proposed to make was with regard to the island of Palmyra which they wished to annex, although placed by Hertslet

---

1. Draft C.O. January 17, 1889, enclosing copy of Hertslet's memorandum of January 4, 1889, F.O. 83/1088.

2. C.O. March 6, 1889, enclosing copy Admiralty February 14, 1889, Ibid.

in the category of islands the occupation of which would be attended with some risk. Otherwise they proposed only to annex the five islands Hertslet considered might be safely occupied. Bearing in mind what Hertslet had stated in his memorandum, Hervey thought it unwise to sanction the occupation of Palmyra.<sup>1</sup> Hertslet, however, won the day for the two departments by showing that, in the event of a protest by the United States government against the establishment of a British protectorate, a satisfactory reply could be concocted without much difficulty.<sup>2</sup> It was decided, therefore, to annex the island of Suwarrow and to establish a British protectorate over the islands of Jarvis, Palmyra, New York or Washington island, the Phoenix and Union groups.<sup>3</sup>

It was not long before most of the other islands placed by Hertslet in his second category were either annexed or placed under British protection. In the case of the islands of Monahiki (Humphrey) and Rokanga (Rierson) the natives themselves were initially responsible for reversing the original decision for, prompted by their fear of annexation by France who was very active in the immediate neighbourhood, they hoisted the British flag in anticipation of the arrival of the French.<sup>4</sup> Hertslet was accordingly

---

1. Minute March 6, 1889, Ibid.

2. Minute March 7, 1889, seen by Salisbury, Ibid.

3. Draft C.O. March 14, 1889, Ibid.

4. Minute by G.W. B(uchanan), May 23, 1889, Ibid.

asked for a second opinion as, in view of the importance of the islands in connection with the cable project, the Admiralty was most anxious that the protectorate should be accepted.<sup>1</sup> His verdict was that the action of the natives made it unlikely that any objection would be raised by the United States government if a British protectorate were established. He was confirmed in this view by the fact that British missionaries had stations on both islands and because of the difficulty the American government would have in proving that it had ever availed itself of its right to occupy and extract guano.<sup>2</sup> The Colonial Office was informed of this and as they concurred<sup>3</sup> it was decided to incorporate the islands within the British protectorate.

A similar change in attitude took place in 1890 concerning Starbruck island. The circumstances were as follows. In April of that year Hertslet was asked for advice with regard to an application to extract guano from the island.<sup>4</sup> During the course of the inquiry he set on foot as a result of this application, it was discovered that the island had in fact been taken possession of by Her Majesty's Ship "Mutine" in December 1866.<sup>5</sup> The Foreign

---

1. Hydrographic department to Sir Edward Hertslet, May 21, 1889, Ibid.

2. Minute May 22, 1889, Ibid.

3. C.O. June 5 in reply to F.O. May 30, 1889, Ibid.

4. April 21, 1890, Hull, Gardner and Starbruck Islands, on C.O. March 25, 1890, F.O. 83/1128, Printed Memoranda, Vol. 51, 1473.

5. C.O. June 19. 1890 enclosing copies of correspondence with Admiralty, in reply to F.O. April 30, 1890, F.O. 83/1128.

Office had been notified of this action at the time, but no acknowledgment had ever been sent. As Hertslet suggested that the omission should be rectified<sup>1</sup>, the Colonial Office was informed that the annexation was recognised by the government and that the island was henceforth to be considered British.<sup>2</sup>

Finally, in 1892, the islands of Danger and Nassau were placed under British protection. The annexation of the first Hertslet had considered risky; he had found no justification at all for annexing the second. Nevertheless when the question came up again early in 1890, Hertslet was once more responsible for reversing the decision which had been taken in response to his original verdict.<sup>3</sup> His reason for thinking that there was now no reason why the islands should not be acquired by the British government was that new information had in the meantime come to light which served to show that the British had as good a claim to the islands as could be put forward by the United States. After first consulting the Colonial Office and the Admiralty, the Foreign Office concurred<sup>4</sup> and a British protectorate was accordingly established. This met with an immediate protest on the part of the United States government which claimed that it had already established a protectorate over the island of Nassau.<sup>5</sup> Having spoken

---

1. Minute June 24 on C.O. June 19, 1890, Ibid.

2. Draft C.O. July 9, 1890, Ibid.

3. Memorandum February 18, 1890, Danger, Nassau and Palmerston islands, Ibid, Printed Memoranda, Vol. 51, 1471.

4. Minute by Hervey (undated) on C.O. May 6, 1890, F.O. 83/1128.

5. Consul General Smith June 22, 1892, F.O. 83/1285.

in favour of the British occupation, it was inevitable that Hertslet should be called upon to make out a case for the British Foreign Office. The United States government asserted that an American citizen by name of Ellicott visited and took possession of the island in 1873, and that on April 7, 1874 he registered his name at the United States consulate at Tahiti. Hertslet countered this by reiterating that there was no proof that the Americans had ever occupied the island for the purpose of extracting guano, despite the fact that years ago it had been included in their list of guano islands. He also pointed out that the certificate granted to Mr Ellicott on April 7, 1874 had not authorised him to hoist the United States flag on Nassau island, and that when Captain Gibson of the Her Majesty's Ship "Curaçoa" had declared the establishment of the British protectorate, he had met with no protest, it not being known at Nassau island that a United States protectorate existed. Careful inquiries had in fact been made by the Captain, but he had found no documents or evidence relating to the establishment of a prior protectorate.<sup>1</sup> This did not settle the question, for as late as 1894 the United States government was still claiming that its claim to the island was superior to that of the British government.<sup>2</sup> Hertslet, however, continued to insist that the fact that the island was bonded under the United States Act of Congress of 1856 was not sufficient proof that the

---

1. Minute July 22, 1892, Ibid.

2. Sir J. Pauncefote, May 9, 1894, No. 109, F.O. 83/1339.

American government had an indisputable title to it. As he pointed out, Pedro Cays and Morant Cays were also included on the American list of guano islands but were nevertheless dependencies of Jamaica. Also, even if it were true that American citizens had visited the island to extract guano, the fact remained that they had ultimately abandoned it. Provided therefore the right to extract guano was reserved to American citizens, it was open to other governments to occupy the island, as the United States Act of Congress itself provided for such a contingency.<sup>1</sup> This at last seems to have put an end to the matter for no further action was taken by the British Foreign Office and the American government made no attempt to renew the discussion.

It can be seen, therefore, that Hertslet's initial report of January 4, 1889 was throughout the touchstone which determined the action taken by the British government. It ensured not only the acquisition by Britain of the islands of Jarvis, Suwarrow, New York of Washington island and the Phoenix and Union groups, but also that no attempt was ever made to bring the islands of Gente Hermosa and Nine or Savage islands under British jurisdiction. Admittedly protectorates were established over many other islands in despite of Hertslet's original verdict. Invariably, however, he was asked for a second opinion before any decision was taken and,

---

1. Minute June 2, 1894, docketed by Sanderson : "No further action seems necessary at present. Wait." Ibid.



in the light of new facts, was himself usually the first to modify what he had said previously.

In contrast to the islands just dealt with, which were annexed or placed under British protection as a result of the initiative of the home government, most of the remaining islands which eventually became British were occupied in response to outside pressure, usually in deference to the view of colonies or dependencies which Britain had already in her possession. What Lord Derby said of Australia's agents applied generally :

"I asked," he wrote, "whether they did not want another planet all to themselves? and they seem to think it would be a desirable arrangement, if only feasible. The magnitude of their ideas is appalling to the English mind. -----"

It is hardly too much to say that they consider the whole Southern Pacific theirs *de iure*; the French possession of New Caledonia they regard as an act of robbery committed on them. It certainly is hard for four millions of English settlers to have only a country as big as Europe to fill up." <sup>1</sup>

In 1880 the island of Rotumah was annexed as a portion of the British colony of Fiji; in 1886 the Kermadec islands were annexed to New Zealand, and in 1888 the islands of Trobriand, Woodlark, D'Entrecasteaux and the Louisiade Archipelago were annexed as dependencies of New Guinea over which British sovereignty was proclaimed at the same time. In 1889, albeit unnecessarily, as it was discovered later that the island had been a dependency of Tasmania since 1825, the island of Macquarie was also annexed by the Governor of New Zealand. Nevertheless as was the case with the other islands Hertslet was almost invariably consulted before the Foreign Office

---

1. Earl of Derby to Sir H. Ponsonby, June 29, 1883, Letters of Queen Victoria, Second Series, III, pp. 432-3.

sanctioned the annexations,<sup>1</sup> and only if his reports were favourable was the necessary permission given.

The Cook and Hervey groups were also placed under British protection in response to pressure from outside, for French activities in the vicinity roused Australian opinion, and caused the native chiefs to petition for annexation by Britain. Even the strength of this double combination, however, was not sufficient to impel the Foreign Office to act without first consulting Hertslet. It was only when he reported<sup>2</sup> that Britain had no treaty obligations which would preclude her from establishing a protectorate, and cited evidence in addition to that supplied by him in a previous memorandum, dated November 18, 1885,<sup>3</sup> showing that France had no claim, that the decision was taken to occupy the islands. In view of the urgency of the matter, French intervention being expected any minute, the protectorate was established immediately without waiting first to inquire whether New Zealand would be prepared to bear the cost of it.<sup>4</sup>

- 
1. See for instance Hertslet's memorandum of October 11, 1879 on Rotumah or Granville island and the question of its annexation by Britain, Memoranda, librarian's department, Vol. 4, 484. cf. minutes by Hertslet, February 8, 1886 on C.O. February 4, 1886, urging annexation of the Kermadec islands, F.O. 83/1084, and March 30, 1889 on C.O. March 23, 1889, urging annexation of the Macquarie island, F.O. 83/1088.
  2. July 19, 1888, Hervey or Cook's Archipelago, F.O. 83/1086, Memoranda, librarian's department, Vol. 11, 2432.
  3. Cook's Islands, F.O. 83/1083, Printed Memoranda, Vol. 49, 1302.
  4. Draft C.O. July 21, 1888, based on minute (undated) by Salisbury, F.O. 83/1086.

For some reason the flag was not hoisted over the Hervey group. Hertslet thought this was because Acting Consul Exham's Proclamation of September 20, 1888, which declared the establishment of the protectorate, had not stated in so many words that it applied also to the Hervey islands. There was no doubt in his mind, however, that the islands were within the radius described by the protectorate and he accordingly urged that the omission should be rectified and the flag hoisted.<sup>1</sup> As the Admiralty wished to postpone action until a suitable opportunity arose, Hertslet, while not objecting, took care in the meantime to stress the fact that when the time arrived it should be explained to the natives that a protectorate only was established.<sup>2</sup> It was a case of once bitten, twice shy, for when the British flag had been hoisted over Cook's islands, instead of simply placing them under British protection, Captain Bourke of Her Majesty's Ship "Hyacinth" had declared that they were henceforth part of the British dominions.<sup>3</sup> After discussing the matter the Foreign Office decided against approving these proceedings. Consequently the original declarations had to be withdrawn and others substituted which made it quite clear that the annexation had been a mistake.<sup>4</sup>

---

1. Minute January 30, 1889, F.O. 83/1088.

2. Minute February 23, 1889, docketted : "Draft Admiralty February 28, 1889, " Ibid.

3. Minute by Hertslet February 11, 1889 on C.O. February 5, 1889, Ibid.

4. Minute by Pauncefote, February 13, 1889, docketted by Salisbury : "Draft C.O. February 19, 1889," Ibid.

When, therefore, a convenient moment occurred to establish the protectorate over the Hervey group, the Admiralty, anxious not to repeat the mistake, asked for precise instructions concerning the wording and procedure to be used.<sup>1</sup> This necessitated a further report from Hertslet<sup>2</sup> who was in favour of the adoption of some general form of announcement. In the first place, as he pointed out, there had hitherto been no unanimity on the subject and protectorates had been assumed and annexations proclaimed by naval and consular officers, governors of colonies, as the case might be, each using whatever language he thought best suited to the occasion. Secondly as it was no longer usual to make notifications to other governments, it was all the more necessary that some such stereotyped formula should be adopted. He cited the case of New Zealand as a good case in point for the annexation of an island, and favoured, if amended, the formula adopted in the case of Hervey and Cook's islands, for the declaration of a protectorate. In all cases, however, he thought it advisable to head the proclamation with the words : "In the name of Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland, Empress of India." There was some further discussion, but by August 1889 the formulae were finally settled upon.

Three other groups of islands were placed under British protection : the Gilbert and Ellice groups and the Southern Solomon

---

1. Admiralty, April 3, 1889, Ibid.

2. Memorandum June 12, 1889, On the forms of proclamation to be issued when establishing protectorates and annexing territory, Printed Memoranda, Vol. 50, 1445.

islands. In 1886 a report appeared in certain newspapers concerning the annexation by Britain of the Ellice islands. It was clear from Hertslet's examination, however, that, if the rumour had in fact been true, there would have been no other claimants to oppose the British action.<sup>1</sup> When Sir John Thurston, therefore, proposed in 1892 that the British protectorate about to be proclaimed over the Gilbert group should also include the Ellice islands<sup>2</sup>, Hertslet's report of 1886 formed the basis of the Foreign Office decision to sanction that step,<sup>3</sup> for nothing had happened in the meantime to alter the verdict Hertslet had given then.

Although placed within the British sphere of influence by the Anglo-German declaration of April 6, 1886, the Southern Solomon islands were not placed under British protection until 1893. The Colonial Office had wished to act earlier in 1889, when it also proposed that the Santa Cruz group and other islands in the vicinity of the New Hebrides should be placed under British protection.<sup>4</sup> Hertslet saw no reason why Britain should not take possession of the islands as it would, he thought, be difficult for France to make out a claim to any of them. Nevertheless he urged that an inquiry should first be made concerning the French designs in the area and, if possible, as to what precisely she included within her definition of the New Hebrides. For although he was sure that France had no

---

1. August 23, 1886, Ellice Islands, F.O. 83/1084, Printed Memoranda, Vol. 49 1396.

2. C.O. June 21, 1892, F.O. 83/1285.

3. See minutes on C.O. June 21, 1892 and cf. draft C.O. June 27, 1892, Ibid.

4. C.O. October 7, 1889, F.O. 83/1089.

claim, he was fully aware that she looked on the islands with a jealous eye and was most anxious to acquire them for herself.<sup>1</sup> Lord Salisbury was also strongly impressed by the need to tread warily : "Great caution", he wrote, "will be necessary on this point. If France hears what we are doing she will lose no time in claiming the islands."<sup>2</sup> Lord Lytton was accordingly instructed to conduct his inquiry on the subject of the French designs and intentions with the utmost care.<sup>3</sup> His verdict, after much probing by means of private and unofficial sources, confirmed Hertslet's view that France had no rights over either the Solomon or the Santa Cruz group and that Her Majesty's government would accordingly be fully entitled to annex. Nevertheless unless the government had strong and urgent reasons for doing so, he advised against the annexation of the Santa Cruz islands as, like Hertslet, he felt this would give serious offence to France, who had always been interested in the group and was constantly being called upon to annex it together with the other islands adjoining her settlement in the New Hebrides. In contrast to Hertslet, however, he was in favour of the establishment of a British protectorate in the Solomon islands, as he considered that the silence maintained by France on the subject of the Anglo-German agreement of 1886 meant that she

---

1. Memorandum October 10, on C.O. October 7, 1889, Ibid.

2. Minute (undated), Ibid.

3. Draft Lord Lytton, October 15, 1889, Secret, enclosing memoranda by Hertslet of June 15, 1886 and October 10, 1889, together with one by Oakes of September 30, 1889, Ibid.

recognised its validity.<sup>1</sup> He failed to carry this argument, for Hertslet in a further report, pointed out that the Anglo-German declaration was not a boundary agreement, but simply a line of demarcation between two spheres of influence which gave Britain no rights whatever either over the Solomons, the Santa Cruz or any other islands in the Pacific. Whether France recognised its validity or not was therefore quite beside the point.<sup>2</sup> Guided by this advice the Foreign Office accordingly decided not to press the matter.

When the question came up again towards the end of 1892, Hertslet in a report dated September 29, 1892, reminded the Foreign Office of the outcome of Lytton's inquiry, and stated that the position of France had undergone no change since then. Nevertheless in the meantime he had come round to Lord Lytton's view that if the southern Solomons were placed under British protection, France would not by any means be so likely to protest as she would against an attempt to establish a protectorate over the Santa Cruz group. For whereas the proximity of the latter group to the New Hebrides meant that she could claim them as dependencies, it would not be possible for her to put forward such a claim on behalf of the Solomon islands as they formed a quite distinct and separate group.<sup>3</sup> The urgency of the fresh application from the

---

1. Lord Lytton, November 5, 1889, No. 490, Secret, Ibid.

2. Memorandum November 10, 1889, Ibid.

3. Memorandum September 29, 1892, Solomon Islands, F.O. 83/1287, Printed Memoranda, Vol. 52, 1517.

Colonial Office was probably responsible for Hertslet's change in attitude, for it stressed the strong feelings the annexation of any islands in the so-called British sphere of influence by a foreign power would arouse in both Australia and Britain itself.<sup>1</sup> The same urgency was no doubt the reason why the Foreign Office, after first consulting Dufferin,<sup>2</sup> Lytton's successor, decided to take its cue from Hertslet and authorise the establishment of a British protectorate.<sup>3</sup>

The islands on the list which were annexed or placed under British protection have now for the most part been dealt with. Three only remain : the islands of Lord Howe, Norfolk and Pitcairn. It is not proposed to discuss them for they were occupied long before Hertslet's time, during the late eighteenth and the first half of the nineteenth century, and for that reason do not come within the scope of this survey.

It remains now to say something of the islands which were leased to British subjects for the extraction of guano and other purposes. As in the case of the islands which were occupied by Britain, it was just as important, before any decision was taken with regard to the applications which poured in, to ensure that no prior claim had been asserted. There is no evidence in the

---

1. C.O. September 24, 1892, F.O. 83/1287.

2. Draft Marquis of Dufferin, October 25, 1892, enclosing copy of Hertslet's memorandum of September 29, 1892, Ibid.

3. Draft C.O. November 15, 1892, F.O. 27/3113.



files as to who was responsible for the grant of a lease to a Mr Arundel to plant cocoa-nut trees in the islands of Caroline and Flint. In every other instance, however, Hertslet was invariably consulted. On his verdict depended whether the reply returned to the various applicants was favourable, negative, or non-committal in character. It was, for instance, in accordance with his advice that the licenses already granted with regard to the islands of Sydney, Malden and Hull were renewed.<sup>1</sup> Gardner island was, he thought, a somewhat different proposition as it was included in the list of guano islands bonded under the United States' Act of Congress of 1856. He accordingly advised that the license granted should be restricted to the planting of cocoa-nut trees, and that it should be subject to the same condition adopted with regard to Sydney island, valid only, that is, until challenged by another power and a superior claim in the matter established.<sup>2</sup> An application to extract guano from Starbruck island presented an even trickier case for, as Hertslet pointed out, there was a difference between planting cocoa-nut trees on islands claimed by the American government as guano islands, but found to possess none, and extracting guano from an island claimed by the United States and on which guano actually did exist. In an attempt to avoid an unpleasant dispute with the United States government he therefore urged that a further

---

1. See minutes by Hertslet, March 3, 1882, August 16, 1882, F.O. 83/1082. Also memorandum April 21, 1890, Hull, Gardner and Starbruck Islands, F.O. 83/1128, Printed Memoranda, Vol. 51, 1473.

2. Memorandum April 21, 1890, op. cit.

inquiry should be made before any decision was reached.<sup>1</sup> Palmerston island was already in the possession of the British government when the question arose as to which of the various applicants the lease should be granted. Hertslet, therefore, felt that the matter was quite outside his province and left it to the Colonial Office to decide on the merits of the claims which were put forward.<sup>2</sup> Much the same course had been followed earlier with regard to the grant of a lease to extract guano from Suwarrow island for, in accordance with Hertslet's advice,<sup>3</sup> the Foreign Office on that occasion also left the decision to the Colonial Office.<sup>4</sup> When a lease was granted for general purposes in 1892, it was not necessary to consult Hertslet as by that time the island had been annexed by Britain. The same applied to Phoenix and Christmas islands which were leased at the same time. As regards Christmas island, however, Hertslet in an earlier report had advised that an inquiry should first be made of the United States government as the island was included on its list of guano islands.<sup>5</sup> As the United

---

1. Ibid.

2. Minute by Hertslet, July 7, 1890, F.O. 83/1128.

3. Memorandum October 15, 1879, On the application of a British subject (Mr Brown) for an application to extract guano from Suwarrow island, F.O. 83/1081, Memoranda, librarian's department, Vol. 4, 486.

4. Minute by Pauncefote, February 26, 1880, F.O. 83/1081.

5. December 31, 1878, Christmas Island, Memoranda, librarian's department, Vol. 2, 383.

States government asserted in reply that they had not abandoned their claim<sup>1</sup>, the application had not been granted on that occasion.

That completes the survey of the list. When Hertslet stated that Britain held many of her possessions abroad solely in consequence of his reports,<sup>2</sup> he must have had in mind his memoranda on islands in the Pacific for, as it has been shown, his contribution to the process whereby Britain gradually obtained possession of the greater part of the island world was not inconsiderable. That was not all, however. Of equal importance is the fact that his reports were also largely responsible for the comparative smoothness by which this process was effected. Throughout, whether it was the comparatively minor problem of granting a lease, or wholesale annexation, he always took great care, before advising on a course of action, to ensure that it rested on a sound basis. This was by no means being over cautious as the rush for islands in the Pacific was so great that, if the Colonial Office had been allowed to annex to the degree it would have liked, regardless of whether it could put forward a good title to the islands in question, trouble would have arisen both in parliament and with the various European powers with interests in the Pacific. As this survey has indicated, when it was a matter of imperial interest and advantage that an island should belong to Britain, Hertslet did his best to concoct a good case even when the odds were not wholly favourable.

---

1. Sir E. Thornton, April 7, 1879, No 84 in reply to F.O. January 9, 1879, F.O. 83/1081.

2. See above, p. 95.

(iv) The boundary dispute between Britain and the Netherlands in  
North Borneo.

Reference has already been made to Hertslet's appointment, in June 1889, as a member of the Commission established to settle the boundary dispute relating to the Netherlands territory in Borneo and that under British protection. He was an obvious choice, for, as Sir Philip Currie stated,<sup>1</sup> he was as well acquainted with the question as anyone could be who had not actually visited the locality and there was no-one at the Colonial Office with sufficient knowledge to undertake the task. An examination of Hertslet's memoranda endorses this opinion for it reveals that there was no aspect, either of the boundary dispute, or the affairs of Borneo in general, on which Hertslet had not at some point been consulted.

The boundary dispute was a complicated one. It arose out of the concessions granted by one of the native rulers of Borneo, the Sultan of Sulu, to two British subjects, Dent and Overbeck, on December 29, 1877 and January 22, 1878. The British government intervened initially to protect the rights of its subjects against the Dutch, and so became involved in a protracted struggle which was not settled satisfactorily until 1891. Implicit reliance was placed throughout on Hertslet's ability to deal with the question, for, as will be shown, not only did he see much of the incoming correspondence,

---

1. Minute June 6, 1889, docketted by Salisbury : "I think the selection of Sir Edward Hertslet will be very judicious." F.O. 12/82.

but the greater part of the outgoing correspondence was largely based on his suggestions, and the draft despatches in some instances were drawn up by him.

Hertslet's first report on the question is dated November 4, 1879.<sup>1</sup> It may be compared with the memorandum he had written some years previously, on the subject of the Turkish and Egyptian claims to sovereignty over the Red Sea and the Somali coast, in its detailed and exhaustive treatment not only of the particular question of the boundary dispute, but also of the wider implications. In it Hertslet refutes the Dutch contention concerning the invalidity of the Dent and Overbeck concessions on the following grounds. In the first place he maintained that the British government had always insisted that the only operative treaty, that concluded on March 17, 1824 with the object of putting an end to Anglo-Dutch rivalry in the Eastern Seas, did not apply to Borneo and provided that no injury was thereby inflicted on the trade of the Netherlands, there was accordingly nothing to prevent Britain from concluding treaties with the native rulers. The Dutch had in fact admitted as much, not only by acquiescing in the cession of Sarawak by the Sultan of Brunei to a British subject in 1842 and the island of Labuan to the British government in 1845, but also, on their own admission, by themselves making encroachments on the territory of the Sultan of Sulu. Having established the general right of British subjects to make a settlement

---

1. On the Political, Strategical and Commercial Advantages to Great Britain of the Northern part of Borneo; as well as on the right of Holland under the treaty of 1824 to oppose the occupation of any part of that territory by Great Britain, printed for the use of the F.O. November 13, 1879, F.O. 12/86, Printed Memoranda, Vol. 21, 509.

on the island, Hertslet then went on to consider the question of the boundary between that settlement and the Dutch possessions on the north-east coast of Borneo. The Dutch government was claiming that its territory extended as far north as Batu Tinigat in  $4^{\circ} 20'$  north latitude, a few degrees to the north of the Sibuco river which ran within the territory ceded to Dent and Overbeck. Hertslet, however, contended that the Dutch had hitherto claimed territory extending only as far as the river Atas in  $3^{\circ} 20'$  north latitude, and cited as evidence the Netherlands official decree of February 28, 1846 and the map published at Breda in 1857. For that reason he regarded the new Dutch claim as suspect, following so closely on the heels of the Dent and Overbeck concessions as to look like a bit of sharp practice.

Undeterred by such arguments the Dutch continued their encroachments and occupied Tawao on the northern bank of the river Sibuco. This token of the Dutch intention to claim both sides of the river made it all the more imperative to come to some arrangement with them, for, as Hertslet pointed out,<sup>1</sup> the Sibuco river had never been explored and although it was supposed by some geographers to run in a westerly direction, it was thought by others to turn northwards in which case it would run into the very heart of the territory ceded to Mr Dent. Alarmed by these activities, the liberal government agreed, towards the end of 1881, to make what Sir Charles Dilke termed a "curious exception to a general rule"<sup>2</sup> by granting

---

1. Memorandum April 7, 1881, on the Tawao River, on Mr Lees, February 17, 1881, F.O. 12/56, 86.

2. The Problems of Greater Britain, /London, 1890/, p. 447.

the Charter requested by Mr Dent, a director of what now became the British North Borneo Company. There can be no doubt that the government was influenced in its decision by the arguments employed by Hertslet in his memorandum of November, 1879. In the first place the memorandum was constantly referred to during the course of the discussions, especially with regard to the speciousness of the Dutch contention that they had a better claim to the territory in dispute.<sup>1</sup> Secondly, as the memorandum by Pauncefote, dated July 3, 1880,<sup>2</sup> indicates, fear of action by other powers was the overriding consideration, a subject on which Hertslet had waxed eloquent. Hertslet had stressed not only the strategical importance and value as a coaling station of Labuan and the need to ensure that no other nation ever acquired harbours in too close proximity to it, but also the importance of extending this "hands off" doctrine inland over the whole of the rest of North Borneo, for the establishment of political ascendancy by any other nation would result in the introduction of restrictive trade practices, or, even worse, the permanent exclusion of British trade. There was a real danger that this might happen as not only was the Netherlands government anxious to acquire all the islands in the immediate vicinity of Sumatra, Java and Borneo, a good many of which she had already annexed, but Spain also had lately shown a renewed thirst for colonial power by her annexation of various islands belonging to the Sultan of Sulu. Only the pressure exerted by the British government had prevented her from pursuing a similar

- 
1. See F.O. minutes on Mr Dent, August 25 and Admiralty October 6, 1880. cf. Admiralty December 23 in reply to F.O. November 18, 1880 enclosing copy of Hertslet's memorandum of November 4, 1879, F.O. 12/55.
  2. PRO 30/29/336.

course on the mainland. Consequently, if the Dutch and Spanish governments were allowed to acquire fresh territory in Borneo, and Britain refrained from doing so for fear of infringing the treaty of 1824, the whole of the islands in the Eastern Seas, extending 2,000 miles in one direction and 2,500 miles in the other, would, with the exception of Labuan and the Stratis settlement on the mainland be virtually the monopoly of those two countries, it being open to them to enter into some sort of commercial Zollverein and thereby exclude British trade entirely from those seas.

Admittedly it was only after much discussion in the Cabinet that the project was allowed to go through, for opinion was greatly divided. Apart from Gladstone and Granville, only Kimberley and Selborne were in favour of the grant of the Charter; Bright's approval was qualified and Harcourt, Chamberlain and Childers all opposed it on the ground that it might lead to disputes with foreign powers.<sup>1</sup> Nevertheless the fact remains that ultimately it was granted and the arguments which carried the day were substantially the same as those employed by Hertslet in his memorandum. Pauncefote's report of January 19, 1882,<sup>2</sup> which lists the circumstances under which it had been deemed expedient to grant the Charter, affords proof of this. In it he referred several times to Hertslet's memorandum of November 1879, which, he stated, fully demonstrated the

---

1. Cabinet Opinions, PRO 30/29/143.

2. Notes on the North Borneo Charter, PRO 30/29/363.



political, strategical and commercial importance of North Borneo to Britain. The government's object in granting the Charter was to secure this new and important field for British trade and enterprise, without entailing for the country the burden of annexation or the responsibility of a protectorate. But above all the decision was, as Pauncefoot said, based on grounds of political expediency.

"It is," he wrote, "a measure of precaution against the adoption into the exclusive commercial system of Spain and Holland of territories to which neither the Dutch treaty of 1824 nor the Protocol of Madrid apply, and also against the occupation by a foreign power of a country lying in the fairway of the immense maritime trade between China, the United Kingdom and Australia, and the possession of which by an enemy, in time of war, would be fraught with grave peril to our shipping, and would necessitate the employment of a great naval force for its protection."

As expected, the British government's decision to grant the Charter roused the opposition of the Dutch, who, convinced that it was but the prelude to an assumption of sovereignty by Britain, reiterated that any such act would constitute an infringement of the treaty of 1824.<sup>1</sup> The British reply<sup>2</sup> was based on an abstract made by Hertslet from his memorandum of 1879 which, as Lord Granville commented, gave Britain "the last word with the Dutch, showing where they are wrong, reserving our rights, but courteously repeating our assurances."<sup>3</sup> This was small comfort to the Dutch who, therefore,

---

1. Count de Bylandt, December 16, 1881, marked to go to the Queen and Mr Gladstone and docketed: "Sir Edward Hertslet as to Dutch pretensions under the treaty of 1824", F.O. 12/58

2. Draft Count Bylandt, January 7, 1882, Ibid.

3. Minute (undated) on Hertslet, December 30, 1881, Ibid.

seized the next convenient opportunity to renew the charge. The occasion was provided by the British government in May 1882, when as noted on the face of a map annexed to papers relating to Borneo and Sulu laid before parliament, it stated that the Netherlands official decree of February 23, 1846 delineated the latest boundary of Dutch territory on the east coast of Borneo. Count Bylandt, in his note of May 31, 1882,<sup>1</sup> countered this by stating that the decree had been superseded by a modified description of the Dutch frontier, published in the Journal Officiel Indien of 1849, in which all mention of the frontier at 3° 20' north latitude was suppressed, and that an announcement to that effect had been made by the Dutch Colonial Minister to the Second Chamber on June 18, 1850. It was clear, however, from Hertslet's examination of the evidence<sup>2</sup> that the resolution published in the Journal Officiel contained no such modification, and that no decree had been issued in 1850 superseding the boundary proclaimed by the decree of 1846. Hertslet's conclusion was supported by the fact that the most recent map of the Netherlands' possessions in India, published at Breda in 1857, showed the boundary line extending only as far as the river Atas in 3° 20'. Finally, with regard to Count Bylandt's assertion that the disputed territory belonged to the Chief of Boelongan with whom the Netherlands had concluded a "Contrat de Vassalité" on June 2, 1878, Hertslet pointed

---

1. Ibid. Docketted : "Sir Edward Hertslet for observations".

2. June 20, 1882, On the Dutch North-East frontier of Borneo, printed for the use of the F.O. July 19, 1882, and docketted by Pauncefote : "This is a valuable memorandum. I think a reply should be prepared to Count Bylandt's note of 31 May founded on it." Ibid. See appendix, p.

out that Her Majesty's government was not notified of the existence of any such contract until January 17, 1880, and that, in any case, it was concluded subsequent to the Dent and Overbeck concessions of December 29, 1877 and January 22, 1878. Therefore Hertslet stated in conclusion :

" .....Her Majesty's Government were perfectly justified in stating on the face of the Map which was laid before parliament with the Borneo and Sulu papers, that they only recognise as belonging to the Dutch, territory on the north-east coast of Borneo as far as  $3^{\circ} 20'$ ; and that, although the Dutch claimed that their frontier extended as far as  $4^{\circ} 20'$ , that boundary had not been recognised by Her Majesty's Government.

In fact, to have recognised the Dutch right to the latter boundary would have been to deny the right of the Sultan of Sulu to cede territory as far as the Sibuco river to Messrs Dent and Overbeck, and thereby to have pronounced an opinion, if not a decision, on the disputed boundary question, which will have to be settled hereafter between the Dutch government and the British North Borneo Company."

Once again Hertslet's memorandum formed the basis of the reply sent to the Dutch government and again, nothing daunted, Count Bylandt addressed a further note to Lord Granville on the subject, in which he alluded to the difficulty of ascertaining the position of the Sibuco river, claimed by the Company as its southermost boundary.<sup>1</sup> As no positive information could be produced on that point, the British government thought it advisable to drop the discussion, and suggested instead that commissioners ~~shou~~ should be appointed to examine the question on the spot, with access to all the documents and maps. A joint report should then be drawn up by the commissioners for presentation to their

---

1. The following summary is based on Hertslet's memorandum of December 20, 1888, On the disputed boundary between the British North Borneo Company and the Dutch possessions on the North-East coast of that island, F.O. 12/79, Printed Memoranda, Vol. 49, 1390.

respective governments and, should the adoption of this course not result in an agreement, recourse might be had to arbitration. This proposal was made to the Netherlands government on January 13, 1883, but as no reply was returned by the following March and news had arrived that the Dutch flag had been hoisted at Batu Tinigat in 4° 19' north latitude, a point on the coast north of the Sibuco river claimed by the Company, the British ambassador at the Hague was instructed to propose the adoption of a compromise settlement. The Dutch, however, refused to consider the proposal submitted for their consideration as they could only see in it a request for the cession of territory to which their title was indisputable. There the correspondence rested for a time but in January 1884 Her Majesty's government renewed the proposal for a joint survey or a reference to arbitration. On March 17, 1884, however, the Dutch government in its reply, merely reiterated that the Dutch claim was clearly established by Count de Byalndt's notes of December 1, 1882 and May 25, 1883, which, they observed, had never been answered. They also recounted the reasons why arbitration was not acceptable, and why a commission of enquiry on the spot would be superfluous. No reply was returned by the British government as it was considered useless to answer seriatim, the arguments put forward in the Dutch notes until documentary proofs were forthcoming showing the exact limits of the territory which was said to have been ceded by one native Sultan to the Company and by another to the Dutch.

By 1886, therefore, the questions had been allowed to sleep for

so long that the Foreign Office was at a loss as to how to pick up the thread of the discussions. Hertslet accordingly was asked to examine the box of papers, which had been left standing, to see what action was required.<sup>1</sup> He was obviously as tired of the question as everyone else, for he suggested<sup>2</sup> that the Company should be informed that Her Majesty's government could no longer dispute the right of the Dutch to the territory on the coast which they had formally occupied and that, provided an assurance was given by the Dutch government that this marked the full extent of their claim, the boundary marked on the new map issued by them in the interim period and communicated to the British government in November, 1885, would be accepted. The Netherlands government, Hertslet thought, should be reminded at the same time, of Count Bylandt's statement in his communication of March 17, 1884, that when the question of the littoral was established, the Netherlands government would co-operate with the Company in marking the internal boundaries.

Again, however, the question was allowed to stand over, for Pauncefote thought it was better to wait until some decision was reached concerning the project, then under consideration, to establish a protectorate in North Borneo.<sup>3</sup> Two years passed before the British government finally announced its intention to take this step. Hertslet's

---

1. Minutes by Pauncefote (undated), received by Hertslet June 7, 1886, F.O. 12/72

2. July 26, 1886, on the Boundary between the Netherlands and the British North Borneo Company, Ibid, Memoranda, librarian's department, Vol. 10, 1946.

3. Minute August 27, 1886, F.O. 12/72.

contribution to the discussions consisted of a memorandum, dated January 12, 1888,<sup>1</sup> which considered the bearing of the treaty of 1824 on the question. The first part of his argument follows closely on the lines of his earlier report of 1879, that neither the terms of the actual treaty, nor the actions of either the Dutch or the British government subsequent to its conclusion, bore out the Dutch contention that the treaty of 1824 applied to Borneo. The discussions which had taken place at the time of the grant of the Charter in 1881 afforded further confirmation of this. For, whereas Dutch opinion had been greatly divided on the subject of the interpretation of the treaty, the British government had had no such doubts. When pressed by Count Bylandt to give a positive assurance that the undertaking would always remain strictly private in character, with no question of establishing British sovereignty, Lord Granville had made it quite clear that if in fact any treaty arrangements for that purpose had been contemplated, the Dutch government, as a matter of international right, would have no ground whatever for objecting.

Despite his conviction that the British government would be fully justified in establishing a protectorate over Sarawak and the territories administered by the British North Borneo Company, Hertslet nevertheless suggested that the blow should be softened by the omission in the agreements of the words "under the protection of Great Britain"

---

1. On the treaty with the Netherlands of the 17th March, 1824, and its bearing on the question of British rights in Borneo, printed for the use of the F.O. January 25, 1888, F.O 12/79, Memoranda, librarian's department, Vol. 11, 2428.

for, although a protectorate would be implied, it would not be stated in so many words and the Dutch would be less likely to take serious offence. He also considered it advisable to include Brunei within the protectorate, for there was a danger that the Sultan of Brunei, fearing the absorption of his country by his neighbours (Sarawak and the British North Borneo Company) might conclude a treaty with some other power, and thereby jeopardise the whole scheme.

These suggestions were acted upon and, in November 1888, all the arrangements being complete, the Dutch government was informed of the project. It was asked at the same time to negotiate a settlement of the boundary dispute, the principal object of which, so far as the British government was concerned, was to secure to the Company free transit on both the Sibuco and any other rivers which flowed to the sea from the Company's territory through the district claimed by Holland.<sup>1</sup> The tactful wording of the agreements, amended in accordance with Hertslet's suggestion, and the prospect that the British government, in return for the free navigation of the rivers, might be prepared to forgo its right to the territory in dispute, together produced the desired result for the Dutch government accepted the decision almost without question.<sup>2</sup> It insisted, however, that before the British protectorate was established,

---

1. Memorandum by Hertslet, December 20, 1888, op. cit.

2. Hartsen to Bylandt, December 22, 1888, communicated by Wount Bylandt, January 3, 1889, F.O. 12/79.

the boundary between it and the Dutch possessions should first be clearly defined, and again made its views on the question known to the British government. As the agreements had already been signed, the British government was not prepared to delay their publication to satisfy this condition on the part of the Dutch and, therefore, adopted a more stringent attitude on the boundary question.

Hertslet was accordingly asked to examine the Dutch notes of December 1, 1882 and March 13, 1884, which the Dutch in their latest communication, stated had never been answered, to see if they contained any new facts in support of the Dutch claim to territory extending as far north as Batu Tinigat.<sup>1</sup> This he did<sup>2</sup> with his customary skill for, as Pouncefote stated in a minute for Lord Salisbury :

"Sir Edward Hertslet has shown very clearly that the complaint of the Dutch government that their letters remained unanswered is unfounded, and that the Dutch encroachments were carried on pending the negotiations of the British Company for the concession from the Sultan of Sulu and even after the date of those concessions and comprise territories therefore admitted by Holland to belong to the Sultan."<sup>3</sup>

Hertslet's memorandum, together with his report of December 20, 1888, formed the basis of the despatch which was then sent to Sir H. Rumboldt for communication to the Dutch government.<sup>4</sup> It was left

1. Minutes by Hervey and Pouncefote, January 4, and January 5, 1889, Ibid.
2. January 9, 1889, Further memorandum on the Disputed Boundary between the British North Borneo Company and the Dutch possessions on the North-East coast of that Island, printed for the use of the F.O. January 1889, F.O. 12/81, Printed Memoranda, Vol. 36, 885.
3. Minute January 16, 1889, F.O. 12/79.
4. Draft Sir H. Rumboldt, February 5, 1889, No. 17, F.O. 12/81.



to Hertslet to draft the despatch which, a few days later, he submitted for Pauncefote's approval.<sup>1</sup> He concentrated his attention on the arguments and observations contained in the Dutch notes of December 1, 1882, and March 17, 1884, as he rightly concluded that the British refusal to refrain from establishing the protectorate until the boundaries were defined would form the subject of a separate despatch.<sup>2</sup>

Again deadlock seemed to have been reached for the Dutch foreign minister refused to change his stand and continued to insist that the proclamation of the protectorate should not take place until after the demarcation of the boundaries.<sup>3</sup> He was not so divorced from reality, however, that he could not see the futility of carrying on the argument in further correspondence, and he accordingly suggested that the two governments should remit the boundary question for consideration and advice to a small committee.<sup>4</sup> Ostensibly the reason for his insistence on a small committee was because it would have the advantage of being composed of persons thoroughly cognisant with the issues at stake, and because much inconvenience would arise from referring to arbitration what were practically the rights of third parties for the Dutch claims were based on agreements concluded with

---

1. Minute by Hertslet, January 23, 1889, Ibid.

2. See draft Sir H. Rumboldt, February 5, 1889, No. 18, which was also drawn up by Hertslet in response to a minute by Hervey, January 23, 1889, Ibid.

3. Sir H. Rumboldt, February 18, 1889, marked to go to the Queen, F.O. 12/81.

4. Draft Sir H. Rumboldt, March 27, 1889, concerning the visit of Count Bylandt and reply left by him to F.O. February 5, 1889, No. 17, Ibid.

native chiefs who were under Dutch sovereignty. This insistence implied a lack of confidence in his country's case. Such at any rate was Pauncefote's opinion, for he had stated earlier that the Dutch were unable to face arbitration because they were fully aware that their proceedings in advancing their boundary line from 3° 20' to 4° 20', over territory which had just been ceded to British subjects, had been highly unorthodox.<sup>1</sup> Despite his personal preference for recourse to arbitration, Lord Salisbury acceded to the Dutch desire for a small committee.<sup>2</sup> He refused, however,<sup>3</sup> to accept the reservation made by the Dutch government in its communication of April 6, 1889 :

"que dans ses pourparlers le gouvernement du Roi ne saurait abandonner la position des devoirs que lui imposent vis à vis de ses vassaux des cotés orientales et occidentales de Bornéo, les traités conclus avec eux de longue date et ne saurait admettre comme points de départ de la frontière, d'autres points sur les deux cotés que ceux déjà indiqués." <sup>4</sup>

In this he was probably guided by Hertslet's advice, for the latter had already pointed out the great force of the British North Borneo Company's objection that any such restriction deprived the committee of all *raison d'être*, as the whole contention centred round the question of the validity of those treaties "de longue date."<sup>5</sup>

1. Minute January 16, 1889, F.O. 12/79.

2. Draft Sir H. Rumboldt, March 27, 1889, op. cit.

3. Draft Count Bylandt, May 20, 1889, F.O. 12/82.

4. Count Bylandt, April 6, 1889, Ibid.

5. Minute May 11, 1889 on British North Borneo Company, May 2, 1889, Ibid.

Determined to retain some loophole, the Dutch therefore insisted that the discussions should involve no obligation, but should serve simply as a basis "pour une entente definitive."<sup>1</sup>

In the meantime discussions had been going on between the Foreign Office, the Colonial Office and the British North Borneo Company concerning the appointment of the British team of delegates. Having no direct interest in the matter and no knowledge of the circumstances, the Colonial Office did not wish to be represented and suggested instead that someone with local or professional knowledge, possibly a naval officer, should be appointed.<sup>2</sup> Hertslet also favoured the idea of a naval officer, preferably one who had actually visited the Sibuco river, as this would counter the employment of experts by the Dutch.<sup>3</sup> Once his own appointment was confirmed, he immediately began to arrange preliminary meetings with Captain Johnstone, the naval officer chosen, and Sir Rutherford Alcock, who was to represent the Company.<sup>4</sup> Hertslet was responsible for most of the arrangements for he saw to the question of maps,<sup>5</sup> and at the

1. Count Bylandt , June 3, 1889, Ibid.

2. Colonial Office, April 17, 1889, Ibid.

3. Minute April 22, 1889, Ibid.

4. See Alcock to Hertslet, June 14, 1889, Johnstone to Hertslet, July 13, 1889, Ibid.

5. June 19, 1889, Maps of the North Borneo Boundary , Ibid, Printed Memoranda, Vol. 50, 1446, (1).

same time set to work to outline the programme to be discussed by the commission.<sup>1</sup> As Sir Philip Currie stated<sup>2</sup>, the vagueness of County Dylandt made it desirable that a basis should be laid down beforehand, restricting discussion to the point really at issue between the Dutch government and the British North Borneo Company. Hertslet's agenda was accepted by the Dutch government and was ultimately debated by the Commission which first met on July 16, 1889.

The first meeting of the Commission convinced Hertslet that the Dutch would not willingly accept the compromise he had suggested earlier in his memorandum of June 19, 1889,<sup>3</sup> as it marked the boundary south of the island of Sebattik at 4° 10' and, therefore, involved the cession by the Dutch government of Batu Tinigat and the river Tawao, which they maintained had been ceded to the Netherlands by the Sultan of Boelongan. During the two day interval between the first and second meetings of the Commission he busied himself, therefore, drawing up a further proposal.<sup>4</sup> Despite his realisation that the Company would prefer not to have the Dutch in such close proximity, he suggested that they should surrender Batu Tinigat and the river Tawao on which the Netherlands set so much store, surrounded by a clearly defined zone approximately three miles in extent. For he attached little importance to either of these places and considered that if, in return, the Company secured the island of Sebattik and free

---

1. June 19, 1889, Proposed bases for a joint commission on the North Borneo boundary, Printed Memoranda, Vol. 50, 1446.  
 2. Minute June 6, 1889, F.O. 12/82.

3. Suggested compromise as to the North Borneo boundary, F.O. 12/82,

4. July 17, 1889, Further proposal for a compromise on the British North Borneo boundary, F.O. 12/86.

access to all the rivers which ran into the heart of their territory, they would be making a good bargain.

Hertslet's fear of Dutch intransigence was justified, for it was only after much discussion at the second meeting of the Commission,<sup>1</sup> held on July 19, that the Dutch representatives agreed even to consider the idea of a compromise on the coast. And when, on July 27, 1889, Currie put forward the compromise suggested by Hertslet, they tried to evade the issue by diverting the attention of the Commission to the question of the inland boundary which, it had been agreed at the first sitting, should not be discussed until the coastal boundary was settled satisfactorily. In the end, however, the Dutch agreed to refer the British proposal to their government. The reply when it came was most disappointing for the Dutch government insisted not only that the Sultan of Boelongan should first be consulted, but made their acceptance of the British proposal conditional on the simultaneous settlement of the inland boundary.<sup>2</sup> Hertslet advised against allowing the Dutch thus to override the original understanding, for he thought it would be prejudicial to British interests to discuss the inland boundary before the 4° 10' line of division on the coast had been obtained.<sup>3</sup>

Several months passed before the Dutch government was in a

---

1. The proceedings of the commission are to be found in F.O. 12/82, 86.

2. Hartsen to Bylandt, September 3, 1889, F.O. 12/82.

3. Memorandum September 11, 1889, Ibid.

position to pass judgment on the British proposal. Surprisingly enough the only modification it proposed was that the Netherlands should receive the island of Sebattik in return for the cession of its claim to Batu Tinigat. It also asked that the internal boundary should follow the watershed of the rivers.<sup>1</sup> This, as Currie stated, was a considerable improvement on their former demands.<sup>2</sup> Hertslet, too, felt that the Dutch proposal was on the face of it a very fair one as he thought the Company might fairly be expected to give up the island of Sebattik in return for Batu Tinigat. Nevertheless he urged that it should not be accepted without great caution for he doubted the wisdom of accepting the watershed as the boundary between the Dutch possessions and the British North Borneo Company. As he pointed out, the rivers had never been thoroughly explored, and it might later be found that they turned in a northerly and not a westerly direction as marked on the Dutch map.<sup>3</sup> In accordance with his advice, therefore, the Company was first consulted on the matter. It became clear during the course of the discussions that the Company not only shared Hertslet's dislike of the Dutch proposal that the internal boundary should be determined by the watershed, but also objected to the Dutch request that it should give up the island of Sebattik. Currie and Hertslet considered, however, that the Company should meet the Dutch half-way and suggested,

---

1. Memorandum communicated by Count Bylandt, April 2, 1890, F.O. 12/84.

2. Minute April 22, 1890, Ibid.

3. Minute April 9, 1890, Ibid.

therefore, that it should cede the island in return for a Dutch concession concerning the inland boundary, which the Company desired should follow a parallel of latitude.<sup>1</sup> This proposal was accordingly submitted for Count Bylandt's consideration. The result was most satisfactory as the Count, in return for the cession of Sebattik and an official recognition by the British government of the existing boundaries of Brunei and Sarawak as dividing those states from the Dutch possessions, agreed to extend into the interior the parallel of latitude already fixed upon as the line of division for the coast. The Count, moreover, was confident that his government would accept this arrangement, which Hertslet also considered could be safely approved by the British government. As he pointed out, neither the Sultan of Brunei nor the Rajah of Sarawak was likely to question such a settlement for the Sultan had already stated that he did not know what were his boundary lines and the Rajah had declared that they were determined by the watershed.<sup>2</sup>

The Company, however, had still not given up hope of retaining the island of Sebattik or, failing that, of obtaining an agreement which would divide the island equally between it and the Dutch. Hertslet was of the opinion that the government should not support the Company in this, for his conversations with Count Bylandt had convinced him that the Netherlands government would not agree,

---

1. Minute by Currie, April 22, 1890, Ibid.

2. Memorandum July 17, 1890, Ibid.

especially as it had already consented to withdraw from Batu Tinigat where the Dutch had a small fort with their flag flying over it. Also the Dutch were willing to lease the island to the Company in perpetuity, and he felt that this was as much as the Company could reasonably expect considering that by the settlement of the boundary now agreed upon, it would get far more than it originally expected. Finally, quite apart from these considerations, he thought it was a pity to raise any questions which would prevent the settlement, apparently so near at hand, of a dispute of such long standing. The only question, to his mind, which was still in doubt was whether the British government could lawfully conclude an agreement with the Dutch concerning the boundaries of the states of Brunei and Sarawak, without first consulting their rulers. Unless the Law Officers considered it essential, he advised against asking the consent of the Sultan and the Rajah as this would involve a delay of several months.<sup>1</sup> The Law Officers, however, were of the opinion that the consent of the rulers was necessary<sup>2</sup> and the draft despatches were accordingly drawn up and sent off without further ado.<sup>3</sup>

It happened that the delay was not wholly one-sided for Count Bylandt had been over optimistic in assuming that his

---

1. Memorandum July 27, 1890, Borneo boundary dispute between Netherlands government and British North Borneo Company, Ibid.

2. Minute by Currie, August 30, 1890, Ibid.

3. Drafts Consul Trevenen (Brunei), Rajah of Sarawak, September 3, 1890, seen by Hertslet, Ibid.



government would agree to determine the inland boundary by the same parallel of latitude fixed for the coast. Bylandt spent the interim period, therefore, trying to overcome the preference of the Dutch Foreign Office for the watershed boundary. His efforts were not unsuccessful for Hertslet found little to object to in the new Dutch proposals which were submitted for consideration to the British government on February 2, 1891.<sup>1</sup> In return for the cession by them of half the island of Sebattik the Dutch proposed to carry the boundary line upwards in a slanting direction from latitude  $4^{\circ} 10'$ , so as to include the whole of the river Simengaris instead of only its lower waters within Dutch territory, bringing it back to the original line when it reached the watershed which separated the territories of the Company from those of the Sultan of Brunei. Pleased at the prospect of obtaining half the island which they coveted, the Company agreed to deflect the line to  $4^{\circ} 26'$ ; they stipulated, however, that it should return to  $4^{\circ} 10'$  before it reached the watershed.<sup>2</sup> Although Hertslet thought this request moderate, he was of the opinion that the point was not worth fighting for.<sup>3</sup> The Foreign Office decided, therefore, not to press the matter, and the Company was accordingly informed that the government would close with the latest Netherlands proposal.<sup>4</sup> Count Bylandt was informed of the British government's decision immediately<sup>5</sup>

---

1. Memorandum February 4, on Count Bylandt, February 2, 1891, F.O. 12/87.

2. British North Borneo Company, February 21, 1891, Ibid.

3. Memorandum February 26, 1891, Ibid.

4. Draft British North Borneo Company, March 4, 1891, Ibid.

5. Draft Count Bylandt, March 11, 1891, Ibid.

for, as the Netherlands government and the Rajah of Sarawak had both let it be clearly understood that they claimed the mountain range forming the watershed to be their boundary, Hertslet was of the opinion that the same could be claimed for the Sultan too. He thought the Sultan could not fairly expect more in view of the fact that he had earlier disclaimed all knowledge as to where his boundary lay.<sup>1</sup>

The next few months were taken up with the drafting of the actual agreement. Even here the discussions did not proceed entirely without hitches. Although Hertslet, as before, insisted that whenever difficulties arose the whole should not be sacrificed for the sake of a part, it was not until June 20, 1891 that the convention was signed. The ratifications were exchanged on May 11 of the following year.

It now remains to assess the nature of Hertslet's contribution to the ultimately successful settlement of this long-drawn-out dispute. That a settlement was reached at all was a wonder in view of the general ignorance concerning the topography of the island, and the hazy and unreliable views of the native chiefs as to their right to cede the territory in dispute. There can be no doubt, however, that it was largely due to Hertslet that settlement was reached, and moreover one satisfactory to both parties. The history of the negotiations reveals that not only did he do all the

---

1. Memorandum February 26, 1891, Ibid.

spadework - dealing with maps and papers, and making arrangements to see people - but that it was his mastery of the intricacies of the problem which enabled him to put the issue clearly and to be ever

resourceful in suggesting solutions to the difficulties which arose during the course of the discussions. He was the one who drew up the basis for discussion, and his was the compromise which, after some modification, usually with his approval and often in response to his own suggestions, was ultimately adopted. Both sides had cause to be grateful to him, particularly the Company, as, apart from the services he had rendered on their behalf with regard to the boundary dispute, it was in part due to advice tendered by him that they were initially granted a charter.

The question is did the end justify the effort. Sir Hugh Low evidently thought it did, for he praised the energy and liberality which distinguished the administration of the Company as a result of which peace and security succeeded the piracy, slave dealing, head hunting and oppression which had been the rule previously; an utterly unknown territory was explored, mapped and opened by roads, railways, and telegraphs; and finally, the public revenues became more than equal to the expenditure.<sup>1</sup> It must be noted, however, that what to Low was a "magnificent and valuable dependency" has also been esteemed a region of insignificant commercial importance, remote from the main sphere of British trade interest.<sup>2</sup> That may well be true. Nevertheless the fact remains

---

1. The British Empire Series, I, [London, 1906], p. 467.

2. A.P. Newton, A Hundred Years of the British Empire, [London, 1940], p. 33

that the latter evaluation could not have been realised at the time. As was the case with many of these places which the powers were so busily annexing at this period, ignorance concealed the true value of a considerable number of them. Fear of rivals was the operative factor; the value of anything being enhanced when there is a danger of its being lost to another. The discussions which took place at the time of the grant of the charter to the British North Borneo Company indicated that in this case the fear was real. Pauncefote's opinion, expressed in December, 1881, was that the government had woken up only just in time.<sup>1</sup> Apart from such considerations, however, there was the question of prestige. Most of the difficulties arose in fact because neither side was prepared to lose face by ceding territory to which it thought its right was indisputable. Finally it was good in itself that peace, prosperity and security should have been established at least in one part of the island, for the Dutch did little to develop their share of it.

---

1. Pauncefote to Granville, private, December 12, 1881, PRO 30/29/194.

PART IV

FOREIGN OFFICE PUBLICATIONS.

"In these monuments of patient research repose the rich materials of the future. When the marvellous story of the growth and development of modern Europe comes to be written, when the "scramble for Africa" is over, and the steps by which it was accomplished come to be examined and described it is to the storehouses stocked by Sir Edward Hertslet that the sober investigators of the future will resort for the materials of the edifice they design to rear."<sup>1</sup>

---

1. The Times, February 8, 1895.

(i) Continuation of Lewis Hertslet's work.

As editor of the Foreign Office publications, no less than as librarian, Hertslet continued to work along the lines laid down by his father. Lewis Hertslet, as already seen, was the originator of the two works : the British and Foreign State Papers and the Commercial Treaties. It is proposed first to see how his son Edward fared as the editor of the former publication. To undertake the responsibility of compiling such a series of documents is no easy task. The nature of the work presupposes the existence of certain qualities in the man who is to attempt it. In the first place it involves great patience and almost superhuman industry. Secondly, it requires an iron control because of the close application for long hours at a stretch. Thirdly, there is the need for absolute accuracy and finally, for the exercise of a sound, critical judgment, which could in turn spring only from extensive knowledge and absolute mastery of the vast amount of material.

It seemed to be the general opinion of his contemporaries that Hertslet was preeminently suited for such work. Sir William Harcourt "knew of no man in Europe, except Mr Hertslet, at all capable of executing such a work in a manner equally satisfactory."<sup>1</sup> J.T. Abdy, Regius Professor of Laws at the University of Cambridge

---

1. Letter to the Times, April 25, 1865.

was of the same opinion : "there is no man better fitted than Mr Hertslet to edit such a treatise."<sup>1</sup>

There can be no doubt about Hertslet's industry and zeal. Apart from his own testimony that he was frequently at his desk at 6.0 a.m. and devoted on average four hours a day to the compilation of the State Papers,<sup>2</sup> there is Sir William Harcourt's reference to the incredible efforts which had been made to bring up the arrears in the work. Sir William Harcourt indeed found it, as he said, difficult to understand how sufficient time had been found forexecuting such laborious work in the midst of the ordinary occupations of his office.<sup>3</sup>

Judging by the way the work was censured in the House of Commons in 1865, Hertslet seems nevertheless to have been entirely lacking in the other qualities necessary and to have failed miserably in his efforts to follow his father's example. His detractors condemned the work in no uncertain terms. H.D. Seymour, M.P. for Poole, went so far as to say that a great portion of the work was "perfectly valueless" and ought never to have been printed at the public expense,<sup>4</sup> and J. White, M.P. for Brighton, spoke of the "absolute worthlessness" of the State Papers for all practical

1. Letter to the Times, April 28, 1865.

2. Memorandum by Edward Hertslet, March 20, 1865, F.O. 83/287.

3. Letter to the Times, April 25, 1865.

4. April 6, 1865, Hansard's Parliamentary Debates, 3rd Series, CLXXVIII, pp. 789-90

purposes.<sup>1</sup>

The ground of censure was threefold : delay in publication, high price, content. The first can easily be dealt with. It was one of several years standing. In 1857 the House of Commons moved that the volumes should be brought out more quickly,<sup>2</sup> and in July 1862 Berwick Beckfield, M.P. made a similar move as the later papers were very much wanted.<sup>3</sup> This was a serious charge but one that was bound to arise in view of the nature of the work, the scant assistance the librarian received, and the fact that his numerous other duties necessitated that it should be done at home in his leisure time.

The renewal of the charge in 1865 might lead one to suppose that matters had gone from bad to worse. This was not so, for considerable efforts had been made in the intervening period to rectify matters. As a result of the attempt in 1857 to hasten publication, two volumes from that time onwards were brought out every year as opposed to one every two years. Similarly, that of 1862 raised the yearly total to three volumes. Far from failing, therefore, in his efforts to follow his father's example, Hertslet had in fact, since taking over the work in 1857, when he also became librarian, done much to rectify<sup>4</sup> a state of affairs which

1. Ibid. p. 791.

2. February 12, 1857, Hansard's Parliamentary Debates, 3rd Series, CXLIV, p. 595.

3. Cited in Memorandum by Edward Hertslet, March 20, 1865, F.O. 83/287.

4. To the extent of seven out of the fourteen years of arrear. See memoranda by Edward Hertslet, April 7, 1865; March 20, 1865. F.O.83/287.



had arisen during the latter years of his father's tenure of office, while at the same time not allowing the rest of the work to fall into any further arrear. He deserved credit rather than blame for having succeeded in working up so much of the arrears. Seymour and White were obviously expecting the impossible, which Hertslet could not and, quite rightly, refused to make any attempt to perform :

"for it is physically impossible for me to do more than I do. I spend many hours every day throughout the year (including my holidays) in working at the State Papers and the assistance I have already had (and which I could not possibly do without) has been paid for out of my own pocket."<sup>1</sup>

The question remained, once the arrears had been worked off, whether the work should be brought up to the most recent time, like the French collection. In Hertslet's opinion this was impossible, for the French collection was of quite a different nature. Whereas the State Papers were carefully edited, the French collection was very hastily brought together; an attempt, therefore, to produce more than two or three volumes a year would be to destroy the accuracy and value of the work. Many of the documents, moreover, were not made public until four or five years after the events they recorded were closed; therefore, the nearest he could come to complying with the request was after a lapse of five years.<sup>2</sup> Obviously he was the best judge of this

---

1. Memorandum by Edward Hertslet, May 4, 1865, Ibid.

2. Memorandum by Edward Hertslet, July 21, 1864, Ibid. cf. Layard in reply to a question by Seymour, July 21, 1864, Hansard's Parliamentary Debates, Third Series, Vol. CLXXVI, p. 1791.

but he was not alone in thinking it. Sir William Harcourt gave him strong support. In his view, to bring the book up to date with the immediate events of the day would be to defeat its utility, as it was much better, in a permanent work of reference, that sufficient time should elapse to consolidate the documents bearing on particular transactions. It was, as he said, the function of a daily newspaper to do the rest.<sup>1</sup>

With regard to the second charge, that of high price, it may well be asked why, if the work was as worthless as the detractors asserted, they thought it necessary to make such a complaint at all. In any case their complaint on that score had already been removed, for, in response to a request made the previous year, the government had reduced the price of the work for members of parliament from thirty shillings to ten shillings a volume.<sup>2</sup> Layard, the Parliamentary Under Secretary, reminded them of this when, on April 6, 1865, he acted as spokesman for the government in defence of the publication. As he said, this sum did little more than repay the cost of production and was very little for a volume of 1,400 pages.<sup>3</sup> In a minute, dated July 12, 1865, Lord John Russell gave his consent to the reduction of the

1. Letter to the Times, April 25, 1878.

2. Note : Hertslet himself had been of the opinion that the price of thirty shillings, fixed by Lord Palmerston in consultation with Messrs Langman was too high and might be reduced with advantage. See memorandum by him, July 21, 1864, F.O. 83/287.

3. Hansard's Parliamentary Debates, 3rd Series, CLXXVIII, pp. 790-91

price to ten shillings for the general public also.<sup>1</sup>

No reduction could be made in the cost of production, for the simple reason that such a small pittance was expended on it in the first place. It was in fact printed at 25% less than the House of Commons allowed for the printing of parliamentary papers. In Harcourt's opinion, there was no sum more well spent.<sup>2</sup> Causidicus<sup>3</sup> found it scarcely conceivable that, instead of directing their energies and attention to any one of the many objects justly open to censure on the ground of extravagant expenditure, Seymour and White should seek to enforce "a miserable and most pernicious economy in respect of a work of immense labour and positively invaluable to the student of history and international law."<sup>4</sup>

This gives more than a hint as to the way some people reacted to the final and most serious charge of all : that of the content of the State Papers. Seymour stated baldly that five-sixths of the State Papers were not State Papers at all.<sup>5</sup> Among the list he singled out for censure in the volume published in 1864 were : the whole of the finance accounts of 1853,

1. F.O. 83/287.

2. Letter to the Times, April 25, 1865.

3. Nom de plume of a correspondent to the Morning Star.

4. Letter to the Morning Star, May 6, 1865.

5. April 6, 1865, Hansard's Parliamentary Debates, 3rd Series, CLXXVIII, p.789.

correspondence of fourteen years previous relating to the slave trade, the French budget of an equally ancient date, foreign correspondence of 1852 relating to obscure British subjects, correspondence on Italian affairs, treaties made with Indian chiefs by the American government.

White was equally sweeping in his judgment as to what would have been better left out.<sup>1</sup> The work, in his opinion, did not contain many important state documents. On the contrary it was "stuffed with details of palavers and agreements in reference to the slave trade made ten years previously with certain illustrious personages such as King Will, Sam Tory, Black Foobra, Old Jack Brown, and other petty chiefs on the West Coast of Africa; not one of whom was able to write his own name." White's experience in fact had taught him that for special treaties made by Great Britain, it would be a waste of time to find them in our own State Papers,<sup>2</sup> and he habitually referred for such documents either to Martens' Recueil de Traités, a German work of deservedly high reputation, published at Göttingen, or to the Archives Diplomatiques, an admirable French periodical, which furnished, by authority, the very latest information with respect to all international treaties, conventions or correspondence.<sup>3</sup>

---

1. Ibid, p. 791.

2. Note : earlier he had cited the fact that in 1863, he could not find the treaty of 1852 relating to the Danish succession.

3. See above p. 13 for evidence that and the reasons why others held a different view.

This must have been a blow to Hertslet. It was the worst charge which would have been made against him, calling in question his power of judgment and discrimination. It is only fair, therefore, to record his defence.<sup>1</sup> He believed that on no account could a careful selection of correspondence on foreign affairs laid before parliament be omitted, for it related to questions of vast political importance. This applied also to Acts of Parliament relating to treaties, marriages,abroad, aliens, copyright, fisheries etc., for they were all matters in which the Foreign Office took a direct interest and were, therefore,an essential part of the collection. As for the finance accounts, he laughed to scorn the statement that the whole of them for the year 1853 had been given in the State Papers. The period in question as laid before parliament had occupied more than 129 pages of folio print, but not more than 14 pages had ever been inserted in any one volume of the State Papers. In any case the practice did not originate with him; it had been done by previous compilers of the work under the direct orders of the Under Secretary of State. The same, he thought, might be said of the slave trade correspondence, for not one tenth of what was laid before parliament on the subject was ever inserted in the State Papers. Lord Palmerston, moreover, had attached the greatest importance to the inclusion of a portion of it. The wisdom of this had been seen on many occasions. A dispute, for instance, had at one time arisen with regard to the

---

1. As recorded in a memorandum dated April, 1865, F.O. 83/287.

sovereignty of Bulama. The arguments used by the British government in support of its claim were to be found in the State Papers and in no other work. They had originally been extracted from the slave trade papers. As for "obscure British subjects", it was, he felt, inconceivable that any case of actual imprisonment or ill treatment of a British subject abroad, which had involved diplomatic correspondence, and perhaps an angry discussion with a foreign government could be considered by the Foreign Office as unimportant, however "obscure" the individual in question might be. To take the case of the engineers, Watts and Parks. Were they not "obscure British subjects" and yet had not their imprisonment aroused the indignation of the British public? Again, it was not as if the whole correspondence were given, only the most important despatches bearing on the subject. Finally, there was Seymour's complaint about the insertion of treaties between the United States government and Indian tribes. Hertslet thought this was made because Seymour was unaware that, in the treaty between Great Britain and the United States of 1794, the treaties between the Wyandols, Delawares, Shawnees, Ottowas, Chippewas, Kiekapoos, Kaskaskias and various other Indian tribes were expressly mentioned, as bearing in a most important measure upon the question of the boundary trade and intercourse between the two countries.

White was disposed of in much the same way. The insertion of slave trade treaties concluded with personages with such ridiculous names as King Will, etc., was not, as White's criticism

implied, done from the sheer love of massing together material which no one was ever likely to use. A good case in point was that a commission recently appointed to revise instructions to naval officers for the suppression of the slave trade, had found it necessary to have at its disposal, and as quickly as possible, a collection of all the treaties in force with African chiefs. With the aid of the State Papers and Hertslet's Commercial Treaties, a perfect collection was, to the surprise of the commissioners themselves, expressed in writing, produced in a very short space of time. The only other alternative, as Hertslet pointed out, would have been a laborious and tedious search through the Blue Books of the past fifty years. It had not been thought necessary in the State Papers to publish more than a few of the singular names of the witnesses attached to those treaties. The commissioners, however, were of the opinion that these formed a very important part of the treaties and consequently, the full title of Chief "Bottle of Beer", "Standard Jack" and hundreds of other names still more quaint had to be added in every case to the treaties. These had been reprinted later in a separate volume for the convenience of admirals on the West Coast of Africa. As for not being able to find the treaty of 1852 relating to the Danish succession, if White could not find it in 1863, he would have found it in 1865 when he made the speech, or even in 1864, for the volume containing the treaty had been in the library of

the House of Commons for many months, and if he had turned to it, he would have found not only the treaty itself, but the accessions of other powers thereto and many other valuable documents connected with its conclusion. It had not been possible to publish these earlier, as they were not made public until 1864, although dated 1852. In any case he would not have found the treaty in the admirable French periodical he so much revered, as it did not appear in that work until 1864, the very same year when it appeared in the State Papers.

It would be difficult to imagine a more different picture. It must be admitted, however, that Hertslet's side of it carries more conviction because of the reasonableness of the arguments employed, backed by ample illustration. He recorded in the State Papers the things which mattered to him, the stuff of which diplomacy is made, the great and the small, the obvious and the not so obvious. There can be no doubt that he was right in this, for nothing is of so little importance where the difficult art of diplomacy is concerned that one can afford to ignore it. His evidence suffers none the less from the obvious defect of being drawn from a partial source. Unless, therefore, it can be shown that others saw eye to eye with him, he cannot be regarded as completely vindicated.

Here he was fortunate to receive the backing of several people, two of whom at least, Sir William Harcourt and Professor



Abdy, had "more authority to give an opinion than all the Seymours and Whites of the world."<sup>1</sup> This was because they could speak from experience of the value the work had proved to have for them. The State Papers for Sir William Harcourt in particular constituted the gold mine from which he dug the material for the many fights he waged during his career on one issue after another, especially with regard to international law. It was fitting, therefore, that he should employ the medium - a letter to the Times, one of his famous "Historicus" series - he used for the conduct of his campaigns, in defence of one of the instruments, which had been so vital to their success. It is of significance to note in this respect, the example he cited in defence of the inclusion of the seemingly trivial. This was the instructions issued by the Confederate government to the commanders of its cruisers, authorising them to seize and dispose of neutral ships and property without adjudication in a Prize Court. The State Papers, in his opinion, supplied a precedent exactly in point, which shortly and decisively disposed of the whole matter, namely, the reply to very similar instructions issued by the Mexican government in 1828.

"If Mr Benjamin had been 'up' in the British and Foreign State Papers he would have learned by anticipation what must be the answer of the English Government to his 'Instructions to Cruisers', and that document would probably have never seen the light. If Captain Wilkes had made that valuable publication part of his studies we might have been spared the controversy about the Trent."<sup>2</sup>

---

1. Amyot to Hertslet, May 27, 1865, F.O. 83/287.

2. Letter to the Times, April 25, 1865.

This, he thought, was all that was necessary to establish the fact that what may or may not ultimately prove of importance was precisely where the most practical skill and experience was required : "That which to an ordinary person may seem at present trifling may at some future time supply a very useful and weighty precedent." <sup>1</sup>

Although there is further evidence that Hertslet obtained support on the same issue,<sup>2</sup> as the arguments on the whole, and therefore the conclusions, more or less reflect his own and those of his doughty champion, Sir William, no purpose would be served by recording it. It was indeed the general opinion that the fullness of detail did not arise from a mere recording of trifling minutiae; on the contrary, it was here that Hertslet's nice decision was most apparent and his absolute mastery of his mass of material best in evidence; there was not a paper which could be omitted without leaving an hiatus. The moral was pointed out by Amyot : "a book, however well made it may be requires nevertheless a certain degree of intelligence from its readers, which evidently failed to your detractors."<sup>3</sup>

All this must have been balm to Hertslet and in the light

1. Ibid.

2. cf. for instance Causidicus, letter to the Morning Star, May 6, 1865; Review to the general index to the British and Foreign State Papers, Vols. I - XLIII, F.O. 83/287.

3. Amyot to Hertslet, April 29, 1865. Ibid.

of it, it is conceivable to believe that he was perhaps in no way exaggerating when he voiced the opinion that the whole business was in the nature of a conspiracy, got up by an "obscure Jew" for whom Seymour and White were merely acting as a mouthpiece.<sup>1</sup> In this respect it is noteworthy, that the earlier moves for greater expedition in publishing the volumes had been confined solely to that, and involved no criticism of the work as such, but, on the contrary, stressed the value of it as the reason for hastening on the job.

It was this spirited rallying to his defence which inspired Hertslet's new determination to strive his utmost to bring the work up to as late a date as might be thought advisable and to produce an index, which might make even Messrs Seymour and White acknowledge its utility; had no notice been taken of the attack he would never have continued what seemed at that time such a thankless task, or if he had, his heart would no longer have been in the work. This can be seen from a letter he wrote to Harcourt, thanking the latter for his splendid defence, which had restored his spirits and without which he could not have

---

11 Hertslet to Harcourt, April 25, 1865; cf. Hertslet to Eastwick, April 29, 1865, where he again expressed the view that the attack was at the instigation of others; Amyot to Hertslet, April 29, 1865 - he also expressed surprise at the suddenness of the attack and attributed it to local and personal causes. Ibid.

found the strength of mind to let it pass by "as the idle round".<sup>1</sup>

The promised index was not long in coming and, judging by the comments of one reviewer, it should certainly have fulfilled its author's intention of making Seymour and White sit up and take notice. For it was referred to as a "masterpiece of indexes", bearing favourable contrast in method and distinctness with Hansard and many similar benefactors.<sup>2</sup> Its distinctive features were : exhaustive references to all the articles in its forty-two predecessors, which enabled the reader to put his finger without much effort on the desired paragraph, no confusion of paging and sub-paging, chronological and alphabetical treatment. The same applied to the general index to the first sixty-three volumes which came out in 1879, and was also chronologically and alphabetically arranged.

The charges, therefore, were not only "not proven" at the time, but no opportunity was given for anyone to bring them up again at a later date in any shape or form. Even the problem of arrears seems to have been settled satisfactorily, for there is no evidence of any further discussion relating to it. That provides an additional argument in vindication of the work and of Hertslet's capacity to edit it.

But the most striking vindication was to come later. Indeed

---

1. Hertslet to Harcourt, April 25, 1865. Ibid.

2. Review of the general index to the British and Foreign State Papers, Vols. I - XLIII, 1865, Ibid.

the process is still going on. The State Papers are still used extensively by all students of history and law and the value attached to them by governments of the present day is such as to ensure their continuation. The job of editing them is now in fact a task entrusted to one man especially appointed for the purpose. This shows the extent to which Hertslet's declared purpose of leaving "a really useful and valuable collection of works of reference behind to be available for the use of Her Majesty's government for all time"<sup>1</sup>, attained fulfilment.

He was referring there, however, to all the works he ever published. It remains still to be seen what these consisted of and also how he fared as editor of his father's other publication, the Commercial Treaties. This publication too was singled out for attack by Seymour and White in 1865, and received, like the State Papers, its due share of derogatory comment. Hertslet, however, concentrated all his efforts and attention on his defence of the State Papers. The reason for this was, as he stated, because the latter publication was a public work, compiled for the use of Her Majesty's government by the librarian as one of the regular duties which devolved on the occupant of that office; whereas the Commercial Treaties was a purely private undertaking compiled by his father, in which he, the then occupant of the office of librarian, had no interest whatever, nor had the

---

1. Memorandum by Edward Hertslet, March 18, 1877, F.O. General, librarian's department, 1868-1878.

government further than subscribing for a certain number of copies for distribution among Her Majesty's ministers and consuls abroad. Certainly he had enough on hand at that time to justify him in feeling that it was not incumbent on him to take on anything else.

Once the responsibility really became his, however, when his father's death in 1870, at the advanced age of eighty-two, resulted in the work being committed to his care, he rose to the challenge immediately. No pains were spared to publish a new volume as soon as possible, to offset the delay which had arisen in consequence of his father's long illness. He also set to work to complete the general index to the whole series as planned by his father, which again his illness had prevented him from doing, and which, as the Morning Post commented, was a striking illustration of the indomitable energy which distinguished him when already advanced in late years.<sup>1</sup>

The measure of Hertslet's success in attaining these two objects can be seen from the fact that they were ready for publication by the end of 1871. But the speed with which this was done involved no lowering of standards. The glowing terms in which the new volume was reviewed testifies to this. It also reveals the extent to which he succeeded in fulfilling his professed

---

1. February 1, 1872.

intention of not allowing the high reputation which the work had hitherto enjoyed, to suffer from want of diligence or care on his part.<sup>1</sup> In fact the Morning Post stated this in so many words. It said of the index of subjects which accompanied the volume, that it was the best proof which could have been afforded of the fact that the high merit which had characterised the publication from the moment of its inception until then, would suffer no diminution at the hands of the new editor :

"Like his father, he appears to have contracted a profound interest in the subject matter of all the archives of the department, with which he was more or less familiar, and like him, too, he has formed a desire to place them in a convenient form for reference at the disposal of all whom they may concern." <sup>2</sup>

As it stated with truth, the index epitomised the whole collection and was the necessary key, indispensable for the study of its contents. Well might Hertslet's friends read the article with pleasure and take care to make it known to Hertslet.<sup>3</sup> It was indeed a promising beginning. This was perceived by the higher authorities. Lord Granville, for instance, commented on the excellence of the plan and the careful way in which it was worked out.<sup>4</sup> One of Lord Derby's remarks is worth quoting in

1. Hertslet's Commercial Treaties, [London, 1905], XII, preface, p. iv.

2. Morning Post, February 1, 1872.

3. Atkinson to Hertslet, February 9, 1872, sending on "Uncle Dick's" letter of February 7, 1872, F.O. 83/636.

4. January 8, 1872, cited in a memorandum by Hertslet, dated May 11, 1883, F.O. 83/1274.

full because of its general application and its appreciation of one of the greatest values of all works of this nature:

"Only those who have occasion to search among public documents know how the multiplicity of those in modern times produces almost the same effect as the absence of them in old days. Without some such guide, as you have provided, it would be well nigh hopeless to try<sup>1</sup> and find what one might want among the old treaties."

The question was whether he could maintain these standards.

In the opinion of the Treasury, as expressed somewhat late in the day in 1883, he could not. So strongly were they convinced of this, they even went to the length of suggesting that a similar work should be reprinted on behalf of the government. This gave their game away completely, as it can be seen immediately that they were not attacking the work as such, or they would never have suggested the reprinting of a "similar" work. The question of cost was the operative factor,<sup>2</sup> or not so much that even, as the fact that a large number of copies had just been ordered for the public use<sup>3</sup> and the demand was on the increase. This in itself, as Hertslet rightly pointed out, was a strong argument in favour of the continuance of the work on the same plan as it had hitherto been compiled.<sup>4</sup>

1. January 13, 1872, Ibid.

2. Note : Hertslet was by no means the only sufferer. See Lady Gwendolin Cecil, op.cit., II, p.316; Lord E Fitzmaurice, op.cit., II, p.341.

3. Hertslet to Alston, August 21, 1883, concerning the Admiralty order for 500 copies, F.O. 83/1274.

4. Memorandum May 11, 1883 on Treasury May 5, 1883, Ibid; PRO 30/29/364.



That was the opinion of the Foreign Office. A reply was accordingly sent to the Treasury, stating that no change could be made with any advantage to the public service as regards the arrangements whereby Hertslet's valuable work was supplied to the public,<sup>1</sup> a decision in which the Treasury had perforce to acquiesce.

No further evidence is needed to show the high value and esteem in which the work was held by those best qualified to judge. Nevertheless, it gives not the slightest indication as to what the office felt about the attitude of the Treasury. This is worth going into for its own sake, quite apart from its bearing on the main argument, as it gives such an inside glimpse as to the force with which the battles on occasion raged between the various departments.

Alston, Chief Clerk of the Foreign Office, set the tone right from the beginning when, on handing over to Hertslet the Treasury missal, he referred to it as another "nasty" letter.<sup>2</sup> The comments of Lister, Assistant Under Secretary of State, did nothing to cool the temperature, for he regarded the letter as such an insult that he urged no reply should be sent at all, and went so far as to recommend that Lord Granville should bring the matter before the Cabinet, where Hertslet was better known and

---

1. June 6, 1883, F.O. 83/1274.

2. Minute by Hertslet for Lister, May 17, 1883, Ibid.

appreciated than among the private secretaries of the Treasury.<sup>1</sup> Finally, Pauncefoot, the Permanent Under Secretary, kept the kettle boiling with a vengeance when, after pointing out that it was no part of Hertslet's duties to bring out the work and that the government was fortunate to get it at the price, he stated that it would be piracy to reprint them, as suggested by the Treasury in order to get the benefit of Hertslet's skill and labour at a cheaper rate. He had never heard of such a shabby proposal from the Treasury or any other public body: "It is bad enough to scrape the incomes of public servants, but to endeavour to make a profit of scraping their brains is a refinement of economy not hitherto attempted."<sup>2</sup>

Comforting though this must have been to Hertslet's self-esteem, it was but a poor exchange for the material loss of £500, which is what the withdrawal of the Admiralty order amounted to.<sup>3</sup> For although the Treasury had to succumb to the Foreign Office decision with regard to the continuation of the work on the same lines as before, both then and in 1885<sup>4</sup> when the attack was renewed - the object being this time to upset the long-standing arrangement whereby the Foreign Office took three

---

1. Minute May 23, 1883 for Lord Granville, Ibid.

2. Minute (undated) Ibid.

3. Hertslet to Alston, August 21, 1883 on Admiralty August 20, 1883, Hertslet to Alston, August 30, 1883, Alston to Sanderson, September 1, 1883, Memorandum by Hertslet, October 16, 1885, Ibid.

4. See Treasury November 18, 1885 in reply to Foreign Office November 2, 1885, F.O. 83/1274.

hundred copies - they got satisfaction as regards the issue which had evoked the whole discussion in the first place.

That, such as it is, is the only evidence of criticism of the work or of Hertslet's management of it. In 1897 in fact, just after Hertslet's retirement, the Treasury may be said to have swallowed its verdict of the previous decade, when it provided the wherewithal for the government to purchase the copyright and remaining stock of the work.<sup>1</sup> This involved no change in the nature of the compilation, however, which continued to be produced on the same lines as before, until in 1925, the process began of incorporating it with the State Papers. This was not from want of any attempt on the part of the Stationery Office. In July 1898, the proposal was made by them that any volumes of the work in need of reprinting should first be revised and that all the treaties not actually in operation should be omitted.<sup>2</sup> Oakes, Hertslet's successor, pointed out the folly of this. Great confusion would, he thought, arise from the consequent alteration in the paging of the volumes revised, especially as the work was copiously quoted and referred to in official memoranda and other documents, in innumerable printed works on international law, treaties etc., both English and foreign. There was also the need to take into consideration the fact that reference was by no means exclusively

---

1. Hertslet to Sanderson, July 1, 1897, F.O. 83/1585.

2. Stationery Office, July 18, 1898, F.O. 83/1719.

confined to documents actually in force. Obsolete material was often referred to, sometimes for historical purposes, for elucidating later instruments or explaining an existing state of things, for which reason it was vital that such material should be retained.<sup>1</sup>

Nothing further needs to be said. It can be seen that, despite a few ups and downs, both publications continued to flourish in Hertslet's capable hands, and to hold the same high repute they had always done, previous to his taking over. Concerning the criticisms which did take place, one can only regard it, as Hertslet himself was compelled to do, as part of the general round. The moral this time was drawn by Sir William Harcourt :

"Those who labour with unwearied and disinterested assiduity in preparing the materials which other minds are enabled to work up seem to me among the most meritorious, but the least rewarded among the toilers in the vineyard of literature. They bear the burthen and the heat of the day, while others step in at the eleventh hour and reap a more than equal reward. The civil service in England is full of men who may scan sic vos non nobis in all its variations, and no men know their merits better than those who profit by their labour." <sup>2</sup>

---

1. Memorandum by Oakes, July 21, 1898, docketed by T.H.S. (anderson) : "The history contained in the obsolete material is valuable"; cf. Draft Stationery Office, July 26, 1898, Ibid.

2. Letter to the Times, April 25, 1865.

(ii) Breaking New Ground.

That is by no means the whole story. Hertslet was not content merely to continue his father's work. It was not long before he began to strike out from the base established by his father on to a new path of his own making. He does in fact afford living proof of Sir Charles Trevelyan's statement concerning certain Foreign Office officials : that work them as much as you will, some of them will find time for more exertion.<sup>1</sup>

Before his father retired from office in 1857, Hertslet was busy with new schemes. In 1852 Francis Cavendish, at that time Precis writer to the Earl of Clarendon, launched the Foreign Office List. In 1854, at Cavendish's request, Hertslet brought his experience to bear on it by joining him in the undertaking. For nine years it was published by them jointly, until the severe accident which Cavendish met with in 1863 compelled his retirement from the Foreign Office and necessitated the continuation of the publication by Hertslet alone, Cavendish's name having been withdrawn from it at his written request.

Cavendish has been hard put to it in the beginning to convince others of the need and value of such a work.<sup>2</sup> Even after the publication of the list as a private undertaking had received

---

1. Quoted in F.W.H. Cavendish, Society, Politics and Diplomacy, 1820-1864, [London, 1913], p.236.

2. *Ibid*, pp. 234-6.

official sanction difficulties were still experienced, for so strong were the objections from certain quarters that much information was deliberately withheld. The opposition sprang from a deep-rooted prejudice against anything which would place in the possession of the general public, information considered better withheld. The fact that, three years after its inauguration, the Daily News used the Foreign Office List as a peg on which to hang a series of most abusive articles relating to consuls and their work,<sup>1</sup> probably served only to strengthen this attitude.

Great care had to be taken, therefore, to avoid giving offence. This manifested itself in several ways. All mention, for instance, of official salaries and pensions was at first omitted. The work was also more or less strictly confined to returns showing the corps of the Foreign Office according to the respective ranks and dates of appointment of each of its members. This arrangement was adopted for the diplomatic and consular corps. Any statement of services had perforce to be of the briefest, in so far as it was obtainable at all from the office archives. Such being the perversity of human nature, however, once the idea caught on, it was this last fact which induced the objectors to cooperate and supply the necessary information. The statements, from that time onwards, were admitted to be as complete and accurate as it was

---

1. Ibid, p. 342.

possible to make them.

Even then it was not always easy. The compilers still had to cope with one or two outbursts. In 1862, for instance, the issue for that year created quite a stir. Reference to the parentage or relationship of such members of the service as was known, was inserted in the statement of their services. This called forth strong objections from some gentlemen in the office. Consequently the edition was withdrawn and a new one issued omitting those details. This nearly ruined the sale of the book, as repeated applications were made to the publishers for the "suppressed" edition, and no inducement could persuade the applicants to accept the "revised" one.

Still, as Hertslet commented, the work outlived that little outburst of popular irritation and disappointment and came to be acknowledged as "a most useful annual vade mecum."<sup>1</sup> Lord Odo Russell, Her Majesty's minister at Washington found it so : "The changes in diplomacy are really difficult to follow nowadays, and we should be completely at sea were it not for the 'F.O. List.' "<sup>2</sup> So did White, Her Majesty's minister at Bucharest, who on one occasion thanked Hertslet for clearing up the doubt as to his "proper place in the Book. I hope Rowland will send on my copy at once as soon as it comes out, for there will be so many interesting changes in it."<sup>3</sup>

---

1. Sir E. Hertslet, op. cit., p. 248.

2. Quoted in F.W.H. Cavendish, op. cit., p. 342.

3. White to Hertslet, February 5, 1880, F.O. 83/636.

Other officials and members of the diplomatic corps held a like regard for it, and by showing a similar interest in its contents, paid in their own way a just tribute to Cavendish and Hertslet, the "pioneers of a dictionary of diplomatic biography."<sup>1</sup>

It also won the approval of those higher up in the hierarchy, including among others Lords Malmesbury, Palmerston, Stanley, Granville, Bloomfield and Westmorland.<sup>2</sup> A concrete token of this was the grant of monetary assistance.<sup>3</sup> This was necessitated in the earlier stages by the fact that, despite the increasing popularity of the work, its sale did not always cover the cost of publication. Also, the compilers felt it was their just due, especially when the practice arose of submitting portions of the work to the Secretary of State before its publication, which implied that it was under official supervision.<sup>4</sup> The practice of granting such sums of money continued, despite occasional remonstrances from the Treasury,<sup>5</sup> at least until the beginning of 1876. If the spirited replies from the offices concerned are anything to go by,<sup>6</sup> it is likely that it went on after that date.

---

1. A. Cecil, *op.cit.*, p. 591.

2. F.W.H. Cavendish, *op.cit.*, pp.235-6.

3. *Ibid*, pp.342-3; cf.F.O. memorandum June 2, 1858, Lord John Russell, August 5, 1859, F.O. 366/392.

4. Memorandum June 2, 1858, *Ibid*.

5. Treasury December 29, 1869, *Ibid*, F.O. 366/432; Treasury December 29, 1875, F.O. 366/392.

6. Colonial Office to Treasury, January 26, 1876, Foreign Office to Treasury, January 26, 1876, F.O. 366/392.



The work had in fact become a necessity and a model for similar works, such as the Colonial and India Office Lists. This development shows more than anything else how right Cavendish had been, when on entering the Foreign Office, he deplored the non-existence of a work giving information as to the past services and present situations of diplomats, such as the Monthly and Hart's Army Lists provided for army officers.<sup>1</sup>

The above reveals Hertslet's readiness to avail himself of opportunities which others put in his way; the proposal he made, shortly after the close of the Crimean War in 1856, to compile the work, which later became known as the Map of Europe by Treaty,<sup>2</sup> shows that he was not lacking in ideas of his own. The lack of ready access to the documents which recorded the political and territorial changes that had taken place in Europe between the fall of Bonaparte in 1814 and the termination of the war with Russia in 1855, was his chief reason for making such a proposal. Great difficulties, as a result, were constantly being experienced by all persons connected with the Foreign Office. He himself felt the need for such a work as much as anyone, owing to the frequency of the occasions on which he was called upon to report at a moment's notice on difficult and important questions for the Secretary of State and parliament. Official support was forthcoming. Hammond's

---

1. F.W.H. Cavendish, op.cit., p. 234.

2. Memorandum December 19, 1859, F.O. 83/1655.

reaction to the proposal : "I should think this would be useful",<sup>1</sup> was echoed by Lord John Russell's "Very useful".<sup>2</sup> The order was, therefore, given for the work to be done.

It was not until 1875, however, that the work was completed, for there was so much other work on hand to be attended to.<sup>3</sup> The delay had its advantage, for it enabled Hertslet to bring the contents of the work down to 1875 instead of ending with the Treaty of Peace of 1856 as was originally proposed. It was worth waiting for. One testimony after another as to its value poured forth from Hertslet's superiors, colleagues and friends. The Queen expressed her thanks and pleasure in being able to add so valuable a work to her library;<sup>4</sup> Lord Beaconsfield his high appreciation of the work to which he would refer as he always did to Hertslet's writings with a confidence which had never been deceived;<sup>5</sup> and Sir William Harcourt, with heartfelt gratitude, spoke of the way Hertslet's labour was making the work of posterity comparatively easy.<sup>6</sup>

Of Hertslet's colleagues, Lister was astounded at the work's

1. Endorsement on above.

2. Ibid.

3. Note: It will be remembered that Hertslet was very busy at this time bringing up the arrears of the State Papers.

4. December 2, 1875, cited in a memorandum by Hertslet, February 10, 1892, printed for the use of the Foreign Office, February 10, 1892, F.O. 83/1718.

5. November 1875, Ibid.

6. Ibid.

magnitude and completeness and thought it eclipsed all Hertslet's other useful enterprises;<sup>1</sup> Lord Augustus Loftus thought it a marvellous work, which would give Hertslet an imperishable name;<sup>2</sup> and Tenterden felt that no words of his could add to the satisfaction Hertslet must feel at having succeeded in compiling a work of such importance : "It seems a maximum opus. A most valuable work. -----It is fortunate for the Foreign Office and for the country that there should be a public servant thus zealous and able."<sup>3</sup>

A veritable hymn of praise. There was in fact no dissenting voice. The press had still to play on the same theme. When it did so, the proportions swelled and the simple hymn was transformed into a truly magnificent chorus. The French paper L'Union was so struck by it all, that it made the following comment:

"La presse anglaise qui prise si fort l'exactitude, a salué l'apparition de livre de M. Hertslet par un chœur d'éloges qui vont parfois jusqu'au lyrisme.

Le Daily News, le Globe, l'Atheneum, peu prodigues de compliments en général ne marchandent pas la louange à l'auteur de la "Carte d'Europe", quant au Morning Post, il s'écrie dans son enthousiasme : Exegit monumentum perennius aere."<sup>4</sup>

It then proceeded to make its own contribution : "Voilà certes un ouvrage dont le besoin se faisait sentir. -----La place de ce

1. Ibid.

2. Ibid.

3. July 8, 1875 on Hertslet to Tenterden July 2, 1875, docketted by Lord Derby, July 15 : "I think the work useful and valuable: Mr Hertslet deserves much credit for bringing it out." Ibid.

4. November 30, 1875.

précieux ouvrage est marquée dans toutes les chancelleries, dans tous les cercles politiques et surtout dans le cabinet de rédaction de tous les journaux sérieux." <sup>1</sup> Not the least reason for this was the reliance which could be placed upon the work for authenticity and accuracy. All Hertslet's works in fact carried such an assurance because : "sa position officielle comme gardien des papiers d'État la mis à même de puiser des documents aux sources authentiques et l'a investi d'une sorte d'infaillibilité." <sup>2</sup>

This was the reason perhaps why no-one had the temerity to put forward any adverse comment. The only criticism in fact of which evidence has been found was more in the nature of a compliment. It had to do with the Saturday Review's objection to the title. <sup>3</sup> This, in that paper's opinion, failed to do justice to the contents of this "universal concordance of diplomacy", which gave the text of the preparative articles of all the treaties which had in any degree changed the political and territorial condition of Europe over a period of sixty years, together with the date, place of signature, the object for which they were signed and finally, a summary showing in a concise, though when necessary, full manner the effect of the treaties concluded.

Surely, however, it was far rather because there was no possible ground for criticism of that nature. For not only was

1. Ibid.

2. Ibid.

3. December 25, 1875.

the work conceived on a large and generous scale, ranging freely and exhaustively over every imaginable topic, but it spared no pains to facilitate reference to meet the demands of the most exacting reader. That was Hertslet all over. In his determination to obviate the necessity of plodding laboriously and painstakingly through numberless Blue Books and State Papers, he had set out to provide a guide. Such was his way of doing things, however, he had also undertaken to see that the guide performed its duties efficiently and with care, as a labour of love, not indifferently, in a perfunctory and dilatory manner. He, therefore, seized on every conceivable device to ensure that the tour would be conducted in as satisfactory a manner as possible, with ease, profit and despatch.

A glance at the index, one of the most important parts of the work gives some indication of this. It has references not only to every name of town, village or river mentioned in each respective treaty, but also to subject matter, the arrangement being such that it can easily be ascertained how any question stood at a particular moment. It shows too, the treaties concluded with the object of maintaining the balance of power in Europe, the treaties of guarantee, the states declared neutral, the treaties in which reference was made subsequently to the Vienna Congress Treaty as forming the chief title deed upon which all European kingdoms and states were based, the treaties entered into between

Great Britain and foreignpowers for the maintenance of the peace of Europe and the specific European engagements contracted by Great Britain in such treaties. Another valuable asset is the liberal supply of carefully drawn maps, by which Hertslet illustrated the operation of the treaties.

Work of this nature needed a large and generous spirit to conceive it; courage to put the plan into action; patience, perseverance and stamina to carry it to a successful issue. Hertslet had these qualities in full measure. He had offered himself without stint; hence the unstinting praise which flowed freely and spontaneously. Hence too, the reason why, almost immediately after the work had been released, an article on Russia and Turkey in the Edinburgh Review took up a suggestion made by the Saturday Review among others.<sup>1</sup> This was that the work should be regarded as something more than a mere book of reference, but should instead be the object of systematic political study. The preface of the article reads as follows:

"We propose, therefore to take as our guide and companion in this modest attempt Mr Hertslet's excellent and exhaustive compendium of the diplomatic engagements now in existence, which are supposed to regulate by what is called the public law the territorial relations of the Powers of Europe. No work can be more useful to those who wish to rest their political opinions and conduct on some firmer basis than the prevailing sentiment of the day, for it contains in a commodious form all the results of the great transactions of the last sixty years, and these are arranged with great perspicuity and judgment by the accomplished librarian of the Foreign Office." <sup>2</sup>

---

1. December 25, 1875.

2. Edinburgh Review, 1877, CXLV, p. 266.

The story did not end there. The work was found to be of such use and value that it was continued, until, in its completed form, it consisted of four volumes. Trouble arose over the fourth volume. In the first place, the great stumbling block was the necessity to await the satisfactory conclusion of questions arising out of the 1878 settlement. By 1884, however, agreement had been reached concerning the Greek, Montenegrin, Servian and other boundaries, together with such problems as the navigation of the Danube. As there was no telling when a settlement of such matters as reform and tribute would be effected, Hertslet suggested that the volume should be published with all speed.<sup>1</sup>

Application was accordingly made to the Treasury in August, 1884, to sanction the expense attending the publication of the volume.<sup>2</sup> It was not until October 1885, however, that their Lordships deigned to reply and even then they were full of fears and forebodings. But although their consent was grudgingly given, it was given, their Lordships not being able to "resist the strong testimony born by successive Secretaries of State to the usefulness of the work and the importance of continuing its publication."<sup>3</sup> Pauncefoot, therefore, expressed the hope that Hertslet, undeterred by the annoying tone of the Treasury letter, would be disposed to proceed with the work. There was a tinge of malicious delight in

---

1. Memorandum by Hertslet, March 27, 1884, F.O. 83/1655.

2. Draft Treasury August 23, 1884, Ibid.

3. Treasury October 15, 1885, Ibid.

his comment : "They are still writhing in agony at the cost, but we are better able than they are to appreciate the great value of these works, especially at the present time."<sup>1</sup> Salisbury entirely concurred in this opinion.<sup>2</sup> Hertslet, in face of such encouragement, could not do otherwise than fall in with their wishes and carry on with the preparation of the fourth and final volume.

The principle on which the Map of Europe was based, was of course one which could be extended. This was realised from the start, for as soon as it made its appearance in the House of Commons, questions were asked as to the possibility of compiling similar works. Bourke, the Parliamentary Under Secretary, showed no surprise at this and stated in his reply that the government would be glad to see this done, as there were treaties with China and other Asiatic countries, between European countries and the semi-civilised states of Africa which often gave rise to complicated questions, and the same might equally be said of North and South America.<sup>3</sup>

In a memorandum dated March 18, 1877, Hertslet used these assertions to back his own view as to the necessity for compiling other "Maps".<sup>4</sup> Every day the strength of his conviction increased.

1. Minute for Lord Salisbury, October 16, 1885, Ibid.

2. Endorsement Pauncefote, October 16, 1885, Ibid.

3. August 4, 1876, Hansard's Parliamentary Debates, 3rd Series, 231, p. 517. Note : the Pacific was also suggested as a possibility on one occasion.

4. Memorandum by Hertslet, March 18, 1877, F.O. General, librarian's department, 1868-1878.



Only thus was it possible for successive Secretaries of State to see at a glance how any political <sup>or</sup> boundary question was settled by treaty in any part of the world. He could too, see the way to carrying out these projects, for during his search for material for the Map of Europe by Treaty, he had come across a mass of information concerning other parts of the globe of which he had made a careful note. If the Foreign Office concurred in this view and if Treasury sanction and support were forthcoming, he proposed that the next work of the kind to be undertaken should be America.

America was singled out for priority of treatment for the following reasons. The boundary between British possessions in North America and the United States had been defined by the treaty of Ghent in 1814. Commissioners had been appointed at various times since then to mark the boundary lines but, with the exception of the Alaska territory, which had still to be defined, these were now complete. Various questions were sure to arise from time to time, and for that reason, it was very important that the treaties and the results of the labours of the commissioners, together with outline maps of the territories referred to, should be accessible.

It was not for many years, however, that any of these works got under way. And in the end, the Map of Africa by Treaty proved to be the first and only one to reach the printer's hands.

It had first been proposed in December 1876.<sup>1</sup> In 1877, as seen above, it had to take a back-seat in favour of the proposed Map of America by Treaty. After that, all the proposed "Maps" were relegated to the background until the final volume of the Map of Europe by Treaty was completed. By June 1891 the field was clear. Currie, the Permanent Under Secretary, on informing Lord Salisbury that the work on the European treaties had now been brought up to date, therefore, requested that Hertslet should be authorised to add Africa to the series.<sup>2</sup> Like his predecessors, none of whom had ever allowed such a golden opportunity to go by, Salisbury replied :

"I am very glad to receive the fourth and concluding volume of Sir Edward Hertslet's 'Map of Europe by Treaty'. It brings to a close a work most valuable in its character and a remarkable monument of the learning and assiduity of its author. All who are acquainted with the subject will be much rejoiced to know that Sir Edward Hertslet contemplates a similar work for Africa. It will be exceedingly useful and there is scarcely any other man who is capable of undertaking it."<sup>3</sup>

Salisbury in fact was probably as keen on the project as anyone, for he had a close personal interest in Africa and its affairs and was fully acquainted with the geography of the continent, maps of which hung in his room at the Foreign Office and at Hatfield.

During the years immediately preceding, African issues had played a rapidly growing part in foreign policy. That was all the

1. Memorandum by Hertslet, December 13, 1876, F.O. 83/1718.

2. Minute, June 17, 1891, Ibid.

3. June 18, 1891, Ibid.

more reason why the developments which had taken place there should be placed on record, especially as great difficulty was often experienced in stating with any degree of certainty how matters stood. When it was possible to do this, the conclusions formed were frequently far from satisfactory. The reason for this was that it could only be done after much searching which was often of a feverish nature, as the information was usually required in a hurry. Consequently, there was the risk that papers might be overlooked. The possibility of this happening was increased by the fact that the material searched through often consisted of manuscript volumes without indexes, inaccurate and incomplete maps, and long treatises, with nothing to denote the contents of each article. This, quite apart from anything else, constituted a waste of valuable public time.<sup>1</sup>

The order was, therefore, given for the work to be done. One member of parliament at least awaited its publication with impatience. On June 2, 1894, J.W. Lowther asked whether the work was not likely soon to appear. Grey, the Parliamentary Under Secretary, made the reply that, although he could not give an exact date, when the work did appear, it would be one of the most useful books of reference ever placed in the library of the House.<sup>2</sup> This prediction was not proved false. When the book was published, a year later, a welcome as vociferous as any given to the earlier works awaited it.

---

1. See Memorandum by Hertslet, December 13, 1876, Ibid.

2. Recorded in the Times, June 2, 1894.

It must be noted that much assistance had already been given to the students of African problems, as well as to the student of all other diplomatic questions by Hertslet's other collections : the British and Foreign State Papers and the Commercial Treaties. But, as the Times pointed out,<sup>1</sup> even those collections, admirably classified and indexed though they were, constituted a formidable mass of material from which to extract full and precise information on any particular point, and exacted a considerable amount of time and labour if the examination were to be sufficiently adequate to serve as the basis of a deliberate judgment. The publication of the Map of Africa by Treaty removed all such impediments. Now the field was clear. All those interested in the partition of Africa, whether as statesmen, diplomats or publicists on the one hand, or as students of contemporary history on the other, could examine for themselves the "title-deeds" by which each foreign power maintained its rights in that continent.

There was one drawback, however, The fact that many important questions still remained to be determined, meant that the work was incomplete. As the Atheneum pointed out,<sup>2</sup> the greater portion of Africa had been occupied during "the Scramble" and the agreements concluded to effect this object had been in most cases recognised only by one or two powers. Great Britain's view of nearly all these

---

1. February 8, 1895.

2. February 23, 1895.

arrangements was accordingly disputed by some other power. The limitation of the subject matter was responsible for this, however. Hertslet himself was well aware how powerless he was in this respect.<sup>1</sup>

Provided it is taken into consideration, it may be said that the work, otherwise, left nothing to be desired. Of the quantity of valuable materials supplied, the Morning Post singled out for special mention the author's notes on diplomatic agreements relating to the early settlement by European powers in Africa.<sup>2</sup> It goes without saying that the layout of the work came up to Hertslet's usual high standard. The Times made a point of singling this out for notice :

"Nobody conversant with the literature of diplomacy will need to be told that Sir Edward Hertslet's book is distinguished by a masterly system of arrangement. That is the characteristic mark of all his work. It is recognised throughout Europe by connoisseurs as the distinctive feature of all he does, as clearly and generally as the colouring or the tone of a great painter or a great musician are recognised by his brother artists. The Librarian of the Foreign Office has devoted his official life reaching back over more than half a century to the diligent pursuit of the qualities of lucidity and accuracy. He has attained both in a measure which is a source of constant marvel to those best able to judge."<sup>3</sup>

Only a brief reference to the work serves to show that this was no case of enthusing without cause. Like the Map of Europe, it was equipped with every sort of contrivance to make the task of reference as easy and as quick as possible. Each document had

---

1. Map of Africa by Treaty, [London, 1894], I, preface p. xvii.

2. March 23, 1895.

3. February 8, 1895.

a special number by which it was known and referred to in other documents throughout the work. Numbers were printed on the territories to which the documents related, on the general map given in the first volume. There was in addition a list of maps, table of contents, and a list of the documents, two hundred and eight in all, with their date and short particulars as to each, dealt with in the body of the work. But it was the indexes which caught the attention of the Times, and to which it drew particular attention. They would in its opinion :

"arouse at once the delight of the politician in hasty quest of a half-remembered fact and the gratitude and admiring wonder of the student. Sir Edward Hertslet has a taste for indexes. Indeed it may be said without exaggeration that he has raised the construction of indexes of public documents to something like the level of a fine art. In preparing the present work he has indulged his taste and given us first an "alphabetical index" and secondly a "chronological list", both admirably full and lucid." <sup>1</sup>

The preparation of such a work, as the Times pointed out, involved labour of no uncommon kind, which none but an intellect of great natural perspicuity, carefully and painfully disciplined, was capable of performing. The benefits it conferred on Great Britain and the whole European community were proportionately great. For these reasons, the Times, as Sir William Harcourt had done earlier over the State Papers, lamented the limited nature of the circle by which these benefits were appreciated at their real worth. A small number of diplomats in all countries valued the services,

---

1. Ibid.

which the librarian of the British Foreign Office had rendered to a very special and important branch of history, as those services deserved to be valued. But this was a mere drop in the ocean compared to the vast numbers, including even the majority of his own countrymen, to whom the works were practically unknown.<sup>1</sup>

This never acted as a deterrent to Hertslet. At any rate, his output never diminished. Mention must now be made of yet another undertaking of his : the compilation of separate collections of treaties on trade. These were done concurrently with his various "Maps" and other collections of treaties. Much headway had already been made when, on March 18, 1877, Hertslet submitted a memorandum on the subject.<sup>2</sup> In 1875, for instance, he had published an analysis of our treaties with Austria, showing what our privileges were at that moment under treaty, and what benefits we could enjoy under the most favoured nation treatment; a similar one for Turkey that very same year; one for Italy in 1876; and at the very moment of writing he was at work on the Spanish volume. Other countries were to be undertaken as they might be more immediately required, his great desire being to publish an analysis of every country in the course of time.

It may be wondered why he embarked upon the project at all, in view of the fact that the Commercial Treaties already fulfilled all the necessary requirements. Anything else was surely somewhat

---

1. Ibid.

2. F.O. General, librarian's department, 1868 - 1878.

superfluous, an unnecessary duplication of what had become the standard work on the subject. The London Illustrated News, however, in its review of the first volume of the new series, regarded it as a valuable supplement to that work.<sup>1</sup> Hertslet in the preface gave the following explanation as to the need for it :

"It is well known that a desire has recently been publicly expressed by Austria, Turkey and other foreign powers to revise their commercial treaties not only with this country but with other states. No work, however, exists giving in a convenient and accessible form, in one volume the treaties which are in force at the present date between this country and foreign states, so that, in the event of information being required with regard to any particular state, it would necessitate a very careful search through many volumes published in a variety of languages, to ascertain it.

To obviate this inconvenience in future, and to save others the labour and trouble which such a research would inevitably entail, I have undertaken to compile the present work."<sup>2</sup>

Like the Commercial Treaties, it was a purely private undertaking, financed by Hertslet out of his own pocket, although like them it received government sanction and copies were invariably taken for the use of the Office and sent out to the legations concerned.

The Spanish volume was followed in 1879 by one on Japan. This brought the total to five, which all followed, as can be seen, in close succession. For some reason there was then a time-lag of twelve years, the next volume of the series, on our treaties with

1. January 23, 1875.

2. Treaties regulating trade between Great Britain and Austria, /London, 1875/, p. iii.



Persia, not appearing until 1891. Finally, in 1896, Hertslet published a volume of treaties with China. Here, as in the case of the Persian volume,<sup>1</sup> the initial suggestion came from the one most conscious of the need, Mr O'Connor, British Minister at Peking.<sup>2</sup> His reasons for making his request that Sir Edward Hertslet, "whose compilations are so invaluable" could perhaps be induced to publish such a volume, were as follows. The only book of reference containing treaties between China and foreign powers was one composed in 1877 by Mr W.F. Mayers, Chinese Secretary to Her Majesty's Legation. This was incomplete even so far as it went, and in any case was out of print. To make matters worse, there was only one copy in the legation, which was used by the Chinese Secretariat and himself to the inconvenience of both parties. Even at that late stage in his career, Hertslet rose to the occasion, and, Lord Roseberry having given his sanction, he set to work. By the end of 1895 the volume was ready for printing.

Needless to say, all the volumes were executed with Hertslet's usual care and ability, marked by the clear comprehensive style characteristic of all his other works. As they invariably received a good press, what was said of the final volume may, therefore, be taken as applicable to them all. The Times regarded it as another important chapter to the invaluable work already done in the collection and compilation of the international treaties and

---

1. See above, pp. 46 - 47.

2. November 23, 1893, F.O. 83/2087.

agreements, which governed the political and commercial relations of the world at that time.<sup>1</sup> The Morning Post's final and considered verdict was :

"Sir Edward Hertslet has certainly enriched our diplomatic literature by his latest publication, which is a worthy successor of his widely-read works on our Commercial Treaties with foreign powers and Treaty maps of Europe and Africa."<sup>2</sup>

To the very end, therefore, Hertslet's efforts continued to meet with success. Nothing happened to mar the high order of his achievement or the great regard in which it was held. In his role as editor of the Foreign Office publications, he had, as in every other aspect of his life, whether as librarian, as citizen or as a man, shown himself as he really was, ever willing to expend himself to the utmost. The reason why it was true to say : "in the annals of the Foreign Office library, that name (Edward Hertslet) stands foremost,"<sup>3</sup> only now becomes fully apparent. The statement provides the sum total of Hertslet's achievement. It was not just a question of the son carrying on what the father had begun, but of the son making his own mark in such a way that the father was outstripped in the race. Moreover, the nature of the work done ensured that the name will for ever stand foremost in those annals, for once done, it was for all time, forever serving a continuing need. What was predicted by the Times on

1. July 31, 1896.

2. November 23, 1896.

3. See above, p. 46.

February 8, 1895, has come to pass. It would not be out of place here to make the same prediction again : "it is to the storehouses stocked by Sir Edward Hertslet that the sober investigators of the future will resort for the materials of the edifice they design to rear."

---

### CONCLUSION

This thesis began by presenting a challenge. It is for the reader to judge whether the attempt to answer it has proved worthy of the effort. Possibly he may feel that the writer of Hertslet's obituary notice still has the last word, and that it was indeed somewhat foolhardy to attempt an assessment of services which were stated to be incalculable. That would be to ignore, however, the stress which has been placed throughout on the invaluable work done by Hertslet during his tenure of office. Admittedly certain aspects only of his work have been dealt with. Sufficient has been said, however, to illustrate the truth of what was said earlier - that his mind was a vast storehouse of well assimilated information, regarding all that appertained to the weal of the realm concerning the history of its foreign relations. Ample illustration has also been given of the ways in which for half a century he placed this great store with unwearied diligence at the disposal of every minister engaged in shaping and caring for the country's foreign policy.

Hertslet's work on the authoritative collections of treaties which bear his name, and the reports he furnished for the guidance of the Secretaries of State he served, constitute the chief reasons why England and the Empire have cause to be grateful to him. His publications were the most exact and accurate accounts of diplomatic and commercial transactions then extant in the world and as such

formed indispensable text-books for all those engaged in the conduct of international relations. His memoranda provided the statement of the case on which the political part of the Foreign Office acted and were, therefore, of the utmost importance in determining the success or failure of the battles waged with foreign governments all over the world, and with the opposition in parliament or press. As the writer of his obituary notice went on to state :

"He it is who has acted as the patient solicitor in a hundred 'cases' of international importance, wherein the Minister of the Crown for the time being has posed as the brilliant advocate and has won thereby the applause of the multitude, not unworthily, yet in a way that would have been impossible to him but for the unfaltering diligence and unerring memory and knowledge with which his 'brief' has been prepared by Sir Edward Hertslet." <sup>1</sup>

---

1. Richmond and Twickenham Times, August 9, 1902.

## APPENDICES

## APPENDIX A

The Librarian's Department, 1801 - 1896.

	Librarian and Keeper of the Papers.	Sub-librarian	Clerks
1801	Richard Ancell	Lewis Hertslet	
1810	Lewis Hertslet	James Hertslet	
1826	"	"	Mr Wilson
1840	"	"	Edward Hertslet (pro tem)
1841	"	"	Mr Seale Mr Quick 3 supernumerary clerks, including Edward Hertslet
1842	"	"	Mr Seale Mr Mann 3 supernumerary clerks
1844	"	"	Edward Hertslet F.R. Sasse 3 supernumerary clerks
1854	"	"	Edward Hertslet F.R. Sasse A.S. Green F. Irving A. Walmisley
1855	"	Edward Hertslet	F.R. Sasse A.S. Green F. Irving A. Walmisley Mr Hunt

	Librarian and Keeper of the Papers	Sub-librarian	Clerks
1857	Edward Hertslet	F.R. Sasse	A.S. Green F. Irving A. Walmisley Mr Hunt
1858	"	"	A.S. Green F. Irving A. Walmisley Mr Hunt A.H. Oakes
1861	"	A.S. Green	F.R. Sasse F. Irving A. Walmisley A.H. Oakes D. Robertson P. Carpenter (pro tem)
1868	"	"	F.R. Sasse F. Irving A. Walmisley A.H. Oakes D. Robertson E.A.J. Bagot F.H.T. Streatfield 6 supernumerary clerks including P. Carpenter
1872	"	"	F.R. Sasse F. Irving A. Walmisley A.H. Oakes D. Robertson F.H.T. Streatfield R.W. Brant 6 supernumerary clerks
1873	"	"	F.R. Sasse A. Walmisley A.H. Oakes D. Robertson F.H.T. Streatfield R.W. Brant T.W. Crawley 6 supernumerary clerks.



	Librarian and Keeper of the Papers	Sub-librarian	Clerks
1874	Edward Hertslet	A.S. Green	F.R. Sasse A. Walmisley A.H. Oakes P. Carpenter* D. Robertson F.H.T. Streatfield R.W. Brant T.W. Crawley
1875	"	A. Walmisley	F.R. Sasse A.H. Oakes P. Carpenter D. Robertson F.H.T. Streatfield R.W. Brant T.W. Crawley
1876	"	"	F.R. Sasse A.H. Oakes D. Robertson P. Carpenter F.H.T. Streatfield R.W. Brant T.W. Crawley M.R. Carden
1878	"	"	F.R. Sasse A.H. Oakes D. Robertson P. Carpenter F.H.T. Streatfield R.W. Brant T.W. Crawley M.R. Carden G.T.V. de Bernhardt
1879	"	"	A.H. Oakes D. Robertson P. Carpenter F.H.T. Streatfield R.W. Brant T.W. Crawley M.R. Carden G.T.V. de Bernhardt N.A. Ball

\* Appointed on a permanent basis as Superintendent of the Printed Library.

	Librarian and Keeper of the Papers.	Sub-librarian	Clerks
1888	Edward Hertslet	A. Walmisley	A.H. Oakes D. Robertson F.H.T. Streatfield P. Carpenter R.W. Brant M.R. Carden G.T.V. de Bernhardt N.A. Ball
1889	"	"	A.H. Oakes D. Robertson F.H.T. Streatfield P. Carpenter R.W. Brant M.R. Carden G.T.V. de Bernhardt N.A. Ball  G. Badrick E. Parkes H.A. Slade J.H. Gray 10 supernumerary clerks
1890	"	A.H. Oakes	D. Robertson F.H.T. Streatfield R.W. Brant P. Carpenter M.R. Carden G.T.V. de Bernhardt N.A. Ball E.G. Wetherall G.E.P. Hertslet  G. Badrick E. Parkes H.A. Slade J.A. Gray 10 supernumerary clerks.

	Librarian and Keeper of the Papers	Sub-librarian	Clerks
1892	Edward Hertslet	A.H. Oakes	F.H.T. Streatfield R.W. Brant P. Carpenter M.R. Carden G.T.V. de Bernhardt N.A. Ball E.G. Wetherall G.E.P. Hertslet  G. Badrick E. Parkes H.A. Slade J.A. Gray 10 supernumerary clerks
1893	"	"	F.H.T. Streatfield R.W. Brant M.R. Carden G.V.V. de Bernhardt N.A. Ball E.G. Wetherall G.E.P. Hertslet  G. Badrick E. Parkes H.A. Slade J.H. Gray 10 supernumerary clerks
1896	A.H. Oakes	F.H.T. Streatfield	R.W. Brant G.T.V. de Bernhardt N.A. Ball M.R. Carden G.E.P. Hertslet  G. Badrick E. Parkes H.A. Slade J.H. Gray 10 supernumerary clerks

## APPENDIX B

Duties of the librarian's department with the date when they originated.

- 1801 Ancell on appointment spent his time arranging the manuscript correspondence from 1780 onwards.  
References to the correspondence and printed books
- 1810 Register and Index.  
Correspondence with the State Paper Office and other Offices.  
Assortment for binding of manuscript correspondence, and its arrangement in such order as might enable the librarian or his assistant to produce at all times for the information of the Cabinet Council, Houses of Parliament, or the Under Secretary such papers as might be required.  
Cheque Book <sup>1</sup>  
Lord Castlereagh's private papers.  
Newspaper Book.  
Messengers
- 1814 Public Documents Book
- 1815 Treaties with foreign powers.
- 1816 Memoranda on relations with foreign powers in former times.  
Returns to parliamentary requisitions.  
Fair copying of memoranda prepared by the librarian.
- 1822 Certificates of verification of official signatures.
- 1823 Memoranda on questions relating to treaties with foreign powers.
- 1826 British and Foreign State Papers
- 1828 Assistance in arranging and preparing for printing such papers as were to be laid before parliament.
- 1830 MS tabulated catalogue of original treaties.
- 1840 Collect and arrange for binding (as well as correspondence of office) votes, reports and papers printed by parliament.  
Perusal of and memoranda on correspondence selected by historians.  
Superintend correspondence with Treasury and other public departments concerning honours, exemptions, privileges etc. accorded by Law and Custom of Great Britain to foreign ministers and foreigners of distinction visiting England.
- 1842 Classified list of parliamentary papers.

---

1. Entries of all papers and books withdrawn and returned to the librarian's department. Note was also made in it of any subject of importance or of any information which was thought likely to be required at some future date.

- 1844 Circulars to ministers and consuls.
- 1845 Papers presented by Command.  
 Notifications of blockades.  
 MS tabulated catalogue of printed books.
- 1847 Diplomatic and consular appointments.
- 1848 Catalogue of maps.  
 MS tabulated catalogue of printed works not in the office.
- 1849 Confidential correspondence.
- 1850 Daily list of parliamentary papers.  
 Acts of parliament.  
 Circulation of State Papers and Bulletins.  
 Superintendance of Bulletins.  
 Catalogue of ancient and modern treaties.  
 Correspondence concerning interchange of documents with foreign powers.  
 MS index to each collection.  
 Preparation of statistical list of all British and foreign treaties.
- 1853 Correspondence with Speaker of the House.
- 1856 Preparation of weekly, monthly, printed tables, etc. showing arrivals and departures of mails and messengers.
- 1861 Examination of catalogues of all public sales of printed books or papers belonging to the Foreign Office put up for sale.  
 Mark Lords and Commons notices during sitting of parliament daily for Secretary of State and Under Secretaries. Enter all parliamentary papers and acts of parliament daily as delivered and keep them in order for reference. To prepare MS titles to papers laid before the House, keep register of all papers and treaties laid before the House and to see that copies sent to Queen's Advocate and others, to correspond with Houses of Lords and Commons on such subjects when necessary.

## APPENDIX C

Memorandum as to the origin of the right of the Sultan of Turkey to exclude ships-of-war and to restrict the passage of foreign merchant vessels through the Dardanelles and the Bosphorus and to close the Black Sea Trade to foreign nations; as well as to the present state of these questions.<sup>1</sup>

F.O. November 12, 1877.

Confidential (3364)

Printed for the use of the Foreign Office November 1877.

Table of Contents   iii - viii

Index of subjects   viii - xvii

It has been stated that when the terms of peace come to be discussed between Russia and Turkey, with the view of putting an end to the present war, Russia will demand that her ships-of-war may at all times, and under all circumstances, have a free passage through the Straits of the Dardanelles and Bosphorus, both from the Black Sea to the Mediterranean, and vice-versa; and it has been said to the exclusion of ships-of-war of other nations.

This paper is therefore prepared with the object of showing :-

1. When and under what circumstances, the Black Sea, as well as the Straits of the Dardanelles and Bosphorus, were first closed by Turkey, not only to the ships-of-war, but also to the merchant vessels of all foreign nations;
2. When, and under what circumstances, they were thrown open, under certain restrictions; and
3. How the question of the navigation of the Black Sea, and the passage of the Straits, both by ships-of-war and by merchant vessels, stands at the present day.

In order to do this satisfactorily, it will be necessary first to give a short account of the commerce of the Black Sea in ancient times, as well as a very brief historical account of the territorial acquisitions which were made by Turkey as far back as the beginning of the thirteenth

---

1. Printed Memoranda, Vol. 17, 421.

century, and then to describe the various Treaty engagements which have been entered into between Turkey and foreign powers, from the time of the Venetians on the subject of the navigation of the Black Sea, and the passage of the Dardanelles and Bosphorus.

But before proceeding to give these details, it may be useful to give a short account of Constantinople, the Bosphorus and the Dardanelles...

∟ The subsequent pages relate to the following matters :-

pp 2 - 102	Constantinople The Bosphorus The Dardanelles Black Sea
1200-1514	Turkish Aggressions
1535-1737	Commercial Treaties with Foreign Nations
1736-1771	Russia obtains right to Navigate the Black Sea in Turkish Vessels
1770	Passage of the Dardanelles forced by Russian Ships-of-War
1774-1799	Russia obtains right to Navigate the Black Sea and the Straits under her own Flag.
1802-1806	English Merchant-Vessels first allowed to trade in the Black Sea.
1807-1823	Passage of the Dardanelles forced by British Ships-of-War
1823	Commercial Grievances
1823-1824	Passage of the Bosphorus forced by a British Merchant-Vessel
1823	A British Merchant-Vessel, of large size, and resembling a Ship-of-War refused a passage through the Dardanelles
1826-1829	Black Sea trade opened to Russia
1829	Black Sea Trade secured to Russian Vessels; Russian Merchant-Vessels to be allowed to pass through the Dardanelles without being visited; Merchant-Vessels of all Nations at Peace with the Porte allowed to pass through the Straits
1830	Cruise of Her Majesty's Ship "Blonde" in the Black Sea.
1831-1833	Egyptian revolt against Turkey. Appeal made by Turkey to Russia for aid.
1833-1835	Secret Article to the Treaty of Unkiar Skelessi
1835	Towing of vessels through the Straits.
1837	Passage of an Unarmed British Ship-of-War through the Straits into the Black Sea. Passage of Russian Ships-of-War through the Straits (1) Bosphorus 1836 (2) Dardanelles 1833-1836 List of merchant-ships through Bosphorus six months ending December 31, 1836.
1838-1840	Commercial Treaties
1839-1840	Affairs of Syria
1840	Defence of Constantinople by Allied Powers against Mehemet Ali Allied Forces withdrawn at request of Sultan

- 1840-1842 Entrance of Straits of Dardanelles and Bosphorus for Defence of Constantinople. Exceptional Rule prohibiting Foreign Ships-of-War to enter Dardanelles and Bosphorus to be maintained.
- 1844 Passage of Merchant-Vessels and Ships-of-War through Straits prohibited at Night.
- 1846 New Commercial Treaty between Russia and Turkey
- 1847-1849 Regulations respecting Treatment of Vessels of War and Merchant Vessels in Turkish Ports.
- 1852 Passenger Steamers on the Bosphorus  
Passage of a French Ship-of-War through the Bosphorus
- 1853 The Crimean War
- 1855 Conferences at Vienna in 1855
- 1856 Peace of Paris, 1856
- 1857 Passage of Packet-Vessels through the Dardanelles by Day and Night  
Ships-of-War off the Danube  
Turkish Pilot Flag.  
Passage of Merchant-Vessels through the Dardanelles at Night  
Passage of Russian Ships-of-War through the Straits for service in the Black Sea.
- 1857-1859 Passage of Ships-of-War of various Foreign States through the Dardanelles
- 1860 As to number of Ships-of-War authorised to be situated in the Bosphorus for use of Foreign Embassies
- 1862 Russian complaint of Passage into the Black Sea of Turkish Vessels of War of greater dimensions than those sanctioned by Treaty. Charge unfounded.  
Passage into the Black Sea of Ships-of-War ("Stationnaires") attached to Foreign Embassies at Constantinople
- 1861 New Commercial Treaties
- 1861-1865 Quarantine Laws and Health Regulations
- 1864 Russian Expedition to Circassia
- 1865-1866 Passage of American Ships-of-War through the Dardanelles
- 1865-1867 Passage of Straits by Merchant-Vessels at Night
- 1867 Health Regulations applicable to Ships passing through the Straits
- 1868-1869 Passage of Foreign Ships-of-War through the Straits  
Firmans for the Dardanelles
- 1869 Tax on Vessels navigating the Black Sea
- 1870 International Commission on Sanitary, Fiscal and Police Questions  
Passage of Straits by night by Merchant-Vessels outward bound from Constantinople - Firmans etc.
- 1870-1871 Repudiation by Russia of the Treaty of 1856, limiting her Naval Forces in the Black Sea.
- 1871 Passage of the Straits by Night - Firman Fee increased  
Further Health Regulations  
Passage of a Russian Ship-of-War through the Bosphorus without a Firman  
New Regulations and Firmans for the Straits  
Passage of the Straits by Unarmed Ships-of-War ]



pp 122 -127 .....As soon, then, as peace is proclaimed the following questions will no doubt engage the serious attention, not only of the Russian and Turkish governments, but also of all the European Powers which are interested, both politically and commercially, in the trade of the Black Sea, and, politically, in the passage of the Straits.

The questions which will chiefly have to be considered will be these :-

1. The navigation of the Black Sea by ships-of-war;
2. The passage of ships-of-war through the Dardanelles and Bosphorus;
3. The navigation of the Black Sea by merchant-vessels; and,
4. The passage of Merchant-Vessels through the Straits of the Dardanelles and Bosphorus.

#### 1. With regard to the Navigation of the Black Sea by Ships-of-War .

The navigation of the Black Sea by ships-of-war is now regularised by the Treaty between the Six Powers and Turkey of the 13th March, 1871. By the Treaty of Paris of the 30th March, 1856, the number and force of the Russian and Turkish ships-of-war to be maintained in the Black Sea was limited, but by the Treaty signed at London on the 13th March, 1871, the clauses of the Treaty of 30th March, 1856, as well as the Special Convention concluded between Russia and Turkey on the same subject, and which was annexed thereto, were abrogated; so that Russia and Turkey are now at liberty to have as many vessels of war as they please in the Black Sea without any restriction as to their dimensions.

The navigation of the Black Sea by vessels of war of other foreign nations is still restricted both as to their number and size, although Article XI of the Treaty of 30th March, 1856, by which the flags of war of foreign states, other than Russia and Turkey, were interdicted in the Black Sea, was annulled by the Treaty of 13th March, 1871, for the number and size of those vessels which are allowed to pass through the Straits for service of the Embassies at Constantinople, and to be stationed off the mouths of the Danube, is regulated by the Treaty of 13th March, 1871, which restricted them to vessels of small size.

It is not improbable that the Russians will endeavour to maintain, as they did at the Conference of Vienna in 1855, that the Black Sea is a mare clausum and that as such only Russian and Turkish vessels of war have a right therein, but if this principle were admitted, and Turkey were no longer able to resist the naval and military forces of Russia, she would probably soon find herself in the same position as Persia is at the present moment with regard to the Caspian Sea (Persian ships-of-war being excluded therefrom by the Treaty of 22nd February, 1828), and as Turkey herself is with regard to the Bocche di Cattaro and the Adriatic - the Austrians not allowing her to pass the forts in order to gain access to the Turkish strip of land (Sutorina) situated within the mare clausum, or to pass the guard-ship without her permission, in order to have access to the Turkish strip of land at Klek.

2. With reference to the Passage of Ships-of-War through the Dardanelles and Bosphorus.

The "ancient Rule" of the Ottoman Empire relating to the closing of the Straits of the Bosphorus and of the Dardanelles has frequently been referred to in Treaty engagements with the Porte.

It was specially alluded to in the Convention between Great Britain and Turkey of the 9th January, 1809.

In 1823, Lord Strangford reminded Mr Canning that the Sultan and his Government believed the safety of Constantinople to depend upon the measures of precaution which had been established from time immemorial to prevent foreign vessels from passing through the Bosphorus without the knowledge and permission of the Government.

The right was also acknowledged and European sanction given to it, by the Convention between the Four Powers and Turkey of the 15th July, 1840; by the Convention between the Five Powers and Turkey of 13th July, 1841; as well as by the Treaty of Paris of 30th March, 1856 (Article X).

It was also alluded to in the Preamble of the Special Convention between the Six Powers and Turkey of that same date; and lastly, the principle of closing the Straits was maintained by the Treaty of 13th March, 1871.

The Duke of Wellington, in 1829, declared the Straits to be a mare clausum in the possession of the Porte, over which that Power had always exercised, and must always exercise, a dominion; and the Russian Government has been among those who have protested against the passage of ships of war through the Straits, on the ground of its being an infringement of the "ancient rights of the Sultan" but it should nevertheless be remembered that in 1807, in 1829, and again in 1833, the Russians endeavoured to force the Porte to grant them the exclusive right of passing through the Straits at all times and under all circumstances.

But so long as the existing Treaties remain in force the "ancient rule" of the Turkish Empire is preserved.

The following is a brief recapitulation of these engagements :-

By the Treaty of 13th July, 1841, the Sultan declared that, so long as the Porte was at peace, he would admit no ship-of-war into the Straits, although His Highness reserved to himself the right, as in times past, to deliver Firmans of passage for light vessels under flag-of-war to be employed in the service of Missions of foreign powers at Constantinople.

By the Special Convention of the 30th March, 1856, the Sultan engaged to admit no foreign ship-of-war into the Straits so long as the Porte was at peace, and the Six Powers engaged (as they did in 1841) to

respect his determination, and to conform themselves thereto, the Sultan reserving to himself not only the same right as was reserved to him by the Treaty of 13th July, 1841, with regard to the Firmans for light vessels for service of the Missions, but also for a limited number of similar vessels to be stationed off the mouths of the Danube to secure the execution of the regulations relative to the liberty of that river.

By Article XI of the Treaty of 13th March, 1871, it was declared that "the principle of the closing of the Straits of the Dardanelles and Bosphorus, such as it had been established by the separate Convention of 30th March, 1856, was maintained, with power to His Imperial Majesty the Sultan to open the Straits in time of peace to vessels of war of friendly and allied powers, in case the Sublime Porte should judge it necessary in order to secure the execution of the stipulations of the Treaty of Peace of 30th March, 1856."

But the concluding passage of the Article would appear to require revision, as questions have more than once arisen as to the meaning of the phrase "in time of peace". And it would also appear to be desirable to have it clearly understood whether the Sultan may admit the vessels of war of one of the European Powers through the Straits without giving offence to the other "friendly and allied Powers" and whether His Majesty may do so for any other purpose than "to secure the execution of the stipulations of the Treaty of 1856."

### 3. The navigation of the Black Sea by Merchant-Vessels.

The treaty of 30th March, 1856 (Article XI) declared the Black Sea to be neutral, and its waters and its ports to be thrown open to the mercantile marine of every nation.

It also declared (Article XII) that, "freed from every impediment the commerce in the ports and waters of the Black Sea should be subject only to regulations of health, customs, and police, framed in a spirit favourable to the development of commercial transactions."

Article XI of the Treaty of 30th March, 1856 (which also related to vessels of war in the Black Sea), was abrogated by the Treaty of 13th March, 1871; but this Treaty confirmed the commercial provisions of the Treaty of 1856 in the following words (Article XII) :- "The Black Sea remains open, as heretofore, to the mercantile marine of all nations." Still the fact must not be overlooked that the navigation of the Black Sea by any other Powers than Russia or Turkey, and the Riverain States of the Danube, depends entirely upon the will of the Sultan as to allowing merchant-vessels to pass through the Bosphorus, and that in 1823, when a merchant-vessel passed through the Straits without waiting for a Firman, the Sultan thought seriously of enforcing his rights by totally suspending all commercial relations with foreign states.

4. Passage of Merchant -Vessels through the Straits of the Dardanelles and Bosphorus.

The regulations now in force with regard to the passage of neutral vessels through the Straits are as liberal and as little irksome to commerce as possible in time of peace. Nevertheless, they are entirely dependent upon the will of the Sultan, who has, during the present war with Russia, greatly hindered the trade of foreign powers by extinguishing the lights in the Dardanelles and Bosphorus, so as to prevent the passage of vessels through the Straits between sunset and sunrise. This was one of the grievances of which foreign nations had to complain for many years prior to the issue of the Regulations of 1867.

But there are a variety of other questions which are alluded to in the body of the Memorandum, which should not be lost sight of when the time arrives for revising the Treaties which at present regulate the passage of merchant-vessels through the Straits of the Dardanelles and Bosphorus.

E. Hertslet.

F.O. November 12, 1877.

## APPENDIX D

Memorandum respecting the British and French engagements of 1862 to respect the independence of Muscat and Zanzibar.<sup>1</sup>

F.O. May 8, 1882.

The following is the wording of the Declaration signed between the British and French governments to respect the Independence of Muscat and Zanzibar.

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and His Majesty the Emperor of the French, taking into consideration the importance of maintaining the Independence of His Highness the Sultan of Muscat, and His Highness the Sultan of Zanzibar, have thought it right to engage reciprocally to respect the Independence of these Sovereigns".

It was then declared that their said Majesties in consequence took, reciprocally that engagement.

The proposal came from the French government; which also suggested that the Declaration should go on to say that the two countries guaranteed the territories of those sovereigns in case they should be threatened or invaded by neighbouring Chiefs, but Lord Russell informed Lord Cowley that Her Majesty's government did not think it expedient to give that guarantee, as they did not consider themselves called upon to protest against such aggression.

Lord Russell then explained that what Her Majesty's government proposed was that they should join the French government in a Declaration pledging themselves, mutually, to respect the independence of the Two Sultans, which, his Lordship said, would naturally infer a pledge from both governments that they would seek no Territorial advantages in the Dominions of the Sultans of Muscat and Zanzibar.

Lord Cowley does not appear to have made any communication, embodying these views to Mr Thouvenal; but on the 10th March, following, the above mentioned Declaration was signed in the language above stated, and although nothing was said therein about either party not seeking "Territorial advantages", it was evidently signed under that understanding, as the conclusion of an arrangement upon the subject arose out of the contemplated erection by the French of certain buildings at Zanzibar.

Moreover Lord Palmerston observed in a "Minute" :-

"Is it enough to acknowledge and agree to respect the Independence of these two Rulers, should there not be some engagement not to make any acquisition of Territory from either of them."

---

1. F.O. 84/1630.

But although "Territorial Acquisitions or Advantages" only were then disclaimed, I think, if a Secret Treaty was concluded with the Sultan of Zanzibar, with regard to the Succession to the Throne, without the knowledge of the French government, the British government would be accused of violating the spirit, although perhaps not the letter, of the arrangement of 1862.

Cases could be cited in which the British government have recognised Successors to Thrones in other countries, but they have done so openly and not by a Secret Treaty.

For instance, on the 3rd November, 1853, Sultan Selim of Johanna declared his eldest son Abdallah Heir to his Throne; when he was publicly proclaimed future sovereign of Johanna and saluted by Her Majesty's ship "Penguin"; and a record of the event with 101 Signatures of the principal people attached, was at the same time deposited in the Archives of the British Consulate.

There were then 5 or 6 aspirants to the Chief Authority in Johanna and Consul Sunley had informed the Commodore in Command of Her Majesty's Ships of War on that station, 6 months previously that unless the right of Succession was settled in the life-time of the then reigning Sultan there would probably be a Civil War on his decease, and that as the Interest and Commerce of British subjects would be greatly promoted by a continuance of Peace he had thought it right to encourage a measure so calculated to preserve it.

He therefore asked the Commodore to back his assurance to the Sultan that any attempt to disturb the proposed Succession would be discouraged by Her Majesty's government by ordering a Ship of War to be present on the occasion of the proclamation of Prince Abdallah as Successor to the Throne on the death of his Father, which was done.

I should, therefore, think that if in the case of Zanzibar, the Sultan's son was publicly proclaimed, during his father's life-time, as Successor to the Throne, and such nomination was officially recognised by this country, it would be far less likely to lead to any misunderstanding with France than awaiting until the present Sultan died and then producing a Document shewing that a secret arrangement had been made between this country and Zanzibar some time beforehand, in anticipation of the event.

At any rate a precedent, as has been shown, could be quoted for adopting the former course, but none could be produced, to my knowledge, in support of the adoption of the latter policy.

E. Hertslet

F.O. May 8, 1882.

## APPENDIX E

List of Pacific Islands belonging to Great Britain or under British Protection. <sup>1</sup>Confidential

Printed for the use of the Colonial Office.

No guarantee is intended to be conveyed that this list is exhaustive.

Australia, No. 157.

## A. BRITISH ISLANDS FORMALLY ANNEXED.

Name of Island	Remarks
Starbruck Island	Taken possession of by Commander Wm. Swinburn, Her Majesty's Ship "Mutine", December, 1866.
Kermadec Islands	British flag hoisted at Sunday Island on 31st July, 1886, by Captain F.S. Clayton, Her Majesty's Ship "Diamond", and a Proclamation read, proclaiming the Queen's sovereignty over the Kermadec Group. <sup>2</sup>
Christmas Island	Taken possession of by Captain Sir W. Wiseman, Her Majesty's Ship "Caroline", 17th March, 1888.
Fanning Island	Taken possession by Captain Sir W. Wiseman, Her Majesty's Ship "Caroline", 15th March, 1888. This island had been in the possession of Mr Grieg since 1857.
Tongareva (Penrhyn Island)	Taken possession of by Captain Sir W. Wiseman, Her Majesty's Ship "Caroline", 22nd March, 1888.
Suvarov (Suwarrow Island)	Annexed on the 22nd April, 1889, by Captain W. McF. Castle, Her Majesty's Ship "Rapid".
Macquarie Island	Specified as a dependency of Tasmania in the Commission of the first Governor of the Colony, 1825.
Rotumah Island	Annexed as a portion of the British Colony of Fiji in 1880.
Trobriand Islands Woodlark Islands D'Entrecasteaux " Louiade Archipelago	British Protectorate proclaimed over these islands, January 1885. Queen's sovereignty proclaimed over New Guinea, including Trobraind and these islands by the Administrator at Port Moresby on the 4th September 1888.

1. F.O. 85/1287

2. Annexed to New Zealand.

Lord Howe Island	First occupied in 1883 or 1834. No record of hoisting of the British flag, but is specifically mentioned in the Constitutional Acts, and in various proclamations and Governors' instructions as a dependency of New South Wales.
Norfolk Island	Discovered on October 10, 1774, by Captain Cook. Is a dependency of New South Wales, to which it was annexed, and the Governor of that Colony appointed Governor by Order in Council of 24th June, 1856.
Pitcairn Island	Settled by the mutineers of the "Bounty", 1879. No record of the hoisting of the British flag or of its having been declared British territory, but so considered.

#### B BRITISH ISLANDS UNDER LEASE OR LICENSE

Name of Island	Remarks
Caroline Island and Flint Island	Leased for planting cocoa-nut trees to Mr J. Arundel till 1st February 1915.
Sydney Island (Phoenix Group)	Leased for planting cocoa-nut trees to Mr J. Arundel till 1st February, 1915.
Malden Island	Leased for exportation of guano to Messrs Grice, Sumner and Company of Melbourne, for seven years, from the 1st January, 1888.
Hull Island and Gardner Island (Phoenix Group)	Leased for planting cocoa-nut trees to Mr J. Arundel till 1st February, 1915.
Starbruck Island	Leased to Mr J. Arundel for exportation of guano for three years, from 1st February 1891; and for planting cocoa-nut trees for 21 years from 1st February, 1894.
Palmerston Island	Leased for the purpose of cultivation to Mr Marston for 21 years from the 1st January, 1892.
Christmas and Suwarrow Islands	Leased to Mr J. Ewart for general purposes for 21 years from the 10th August, 1892.
Phoenix Island	Leased for planting cocoa-nuts to Mr J. Arundel for 21 years from 1st May, 1892



## C. BRITISH PROTECTORATES

Name of Islands	Remarks
Cook Islands, <sup>1</sup> viz:-	British flag hoisted by Captain E.G. Bourke, Her Majesty's Ship, "Hyacinth" on:
Raratonga	October 26, 1888.
Mangaia	October 28, 1888
Aitukaki	November 4, 1888
Aitu	October 30, 1888
Mauki	November 1 1888
Mitiero	October 31, 1888.
	(These islands were declared to be annexed by Captain Bourke, but it was decided not to approve his action, and to consider the islands as under British protection, with the exception of Aitukaki, the annexation of which is upheld.)
Hervey Islands,viz:-	
Manuai	British flag hoisted by Commander J.E.T. Nicolls, Her Majesty's Ship "Cormorant", June 1889
Auotu	
Takutia	
Monahiki (Humphrey) Rakahanga (Rierson)	British protectorate declared and flag hoisted by Commander A.C. Clarke, Her Majesty's Ship "Espiegle", August 9, 1889. British Protectorate declared by Commander J.E.T. Nicolls, Her Majesty's Ship "Cormorant" on :
Palmyra	May 28 1889
Washington or New York Island	May 29 1889
Jarvis Island	June 3, 1889
Union Group, <sup>2</sup> viz:-	British flag hoisted and protectorate declared by Commander C.F. Oldham, Her Majesty's Ship "Egeria" on:-
Fafaofu	June 20, 1889
Nuku-nono	June 21, 1889
Atafu	June 22, 1889
Phoenix Group, <sup>3</sup> viz:-	British flag hoisted and protectorate proclaimed by Commander C.F. Oldham, Her Majesty's Ship "Egeria"
Phoenix Island	
Birnie Island	June & July 1889
Hull Island	
Sydney Island	
Gardner Island	Protectorate proclaimed by Captain H.W.S. Gibson, Her Majesty's Ship "Curaçoa", 28th May, 1892.

1. Administered by Resident appointed by Governor of New Zealand.

2. Under special supervision of Governor of Fiji

3. Canton Island which forms part of the Phoenix Group, was visited by HMS "Egeria" on the 1st July, 1889, but a protectorate was not declared in consequence of a notice-board found, declaring that Canton Island was the property of C.A. Williams Esq., of New London, U.S.A.

Name of Islands	Remarks
Danger Islands, viz :-	
Puka Puka, Motukoe, Motukavata	Protectorate proclaimed by Captain H.W.S. Gibson, Her Majesty's Ship "Curaçoa" on 2nd June, 1892.
Nassau Island	Protectorate proclaimed by Captain H.W.S. Gibson Her Majesty's Ship "Curaçoa", on 3rd June, 1892.
Gilbert Group, including :-	
Arorai, Tamana Onoatoa, Peru Nakunau, Taputeuea Nomuit, Aranuka, Kuria, Apanama Maiana, Tarawa, Apaiang, Maraki Taritari, Makin and islands depending on them.	Protectorate proclaimed by Captain E.H.M. Davis, Her Majesty's Ship "Royalist", 27th May, 1892.
Ellice Group, including:-	
Vaitupu or Tracey Island Niutao or Lynx " Nanomana or Hudson " Nanomea or St Augustine I Nui or Netherland Nukufetau or De Peyster Funafuti or Ellice Nukulailai or Mitchell I Nurakita or Sophie Island	Protectorate proclaimed by Captain H.W.S. Gibson, Her Majesty's Ship "Curaçoa", September, 1892.
Southern Solomon Islands, lying within the British sphere of influence as arranged by the Declaration signed at Berlin on 6th April, 1886, including :-	
Mono or Treasury Island Narovo or Eddystone " Ronongo, Gizo, Vella Lavella, Kulambangra, New Georgia, Wana Wana Randova Montgomery or Prince I. Murray or Buraku Island Russell or Pavuvu Islands Savo Island	Protectorate proclaimed by Captain H.W.S Gibson, Her Majesty's Ship "Curaçoa" in June - July, 1893.

Name of Islands	Remarks
Guadalcantar	
Florida	
Buena Vista Islands	
Malaita	
Ulawa	
Three Sisters	
San Christoval	
Ugi	
And the rocks and islets adjacent to the larger islands	

## APPENDIX F

Memorandum on the Dutch Frontier on the North-East coast of Borneo. <sup>1</sup>

F.O. June 20, 1882.

Confidential (4647)

Printed for the use of the Foreign Office, July 19, 1882.

COUNT DE BYLANDT says, in his note of the 31st ultimo, that it was incorrect to quote the Indian Arrê<sup>te</sup> of the 28th February, 1846, as was done on the face of Map No. 2 annexed to the papers relating to Borneo and Sulu recently laid before Parliament, as marking the latest boundary of the Dutch territory on the east coast of Borneo, since (Count de Bylandt states) a modified description of the Dutch frontiers was published in the "Journal Officiel Indien" of 1849, No 40, in which the mention of the frontier at 3° 20' north latitude was suppressed; and that an announcement was made by the Dutch Colonial Minister to the Second Chamber on the 18th June, 1850, that the Arrê<sup>te</sup> of 1846 had been rectified.

The Arrê<sup>te</sup> of the 28th February, 1846, referred to, was forwarded to this Office by Sir E. Disbrowe, Her Majesty's Minister at the Hague, in his despatch No. 65 of the 9th April, 1849.

Sir E. Disbrowe had in May 1846, forwarded home an extract from a Decree of the Governor-General of Netherland India establishing a new Governor in Borneo, and fixing the limits of what Sir E. Disbrowe described as "those assumed possessions"; but in his despatch of the 9th April, 1849, he said that, from the circumstances which had since come to his knowledge, and from hints that had been thrown out since he had officially communicated the Treaty between the British Government and the Sultan of Borneo of 1847, he was induced to believe that the limits which the Governor-General of Netherland India included in this new government contained a very extensive part of the interior of the island, and probably portions which were included within the frontier of Borneo Proper; and he therefore sent home a copy of the "Staats Courant", or Official Gazette (together with a translation by a sworn translator), containing the Arrê<sup>te</sup> of the 28th February 1846, in full, which claimed as Dutch boundary territory situated as far as "the Kampong Atas, forming the boundary of the State Boelongan, belonging to Berou, with the Tidoeng countries, and situated about 3° 20' north latitude"; but no further.

This is the Arrê<sup>te</sup> which was alluded to in the Map laid before Parliament, and to the notice of which Count Bylandt now takes exception.

But it may be mentioned that, as soon as Sir E. Disbrowe's despatch of the 9th April, 1849, reached this Office, a copy of it, together with the Arrê<sup>te</sup> of 1846, fixing the limits of the possessions to which the Netherland Government laid claim in Borneo, was sent to Sir James Brooke, with instructions to furnish Lord Palmerston with a Report as to the

limits therein set forth.

In his Report of the 3rd October, 1849, Sir J. Brooke said :-

"The geography of Borneo is so imperfect, and boundary-lines of the petty States so irregular, so vague and of so little consequence to the native Rulers, that it can scarcely be maintained by the Netherland Government, as stated in the extract from the Register of Resolutions, 'that the general knowledge obtained of the geographical and political affairs of Borneo afford an opportunity of fixing the circumscription of a territorial division of the island.' "

And with reference to the boundary in 3° 20', he said :-

"The claim of Gunong Tabou and Bulungan has recently been set up, as Sir E. Belcher visited these places in the year 1845, and formed Treaties with the Sultans of those two countries, after convincing himself that they were independent Soveriegns;" adding :- "I am not acquainted whether the Treaties formed by this officer have been ratified, but they are of so simple a nature that it might still be deemed advisable to use them, in order to save these rich countries from the sway of Holland."

He also said :- "A second ground may be taken for this purpose, as should the British Treaty with the Sultan of Sulu be ratified, his claim on Gunong Tabou and Bulungan, as tributary States, may be maintained, and the claim of Holland repudiated on that ground."

No objection was, however, offered to the extension of the Dutch territory in Borneo on the north-east coast, as far as 3° 20'; but nothing beyond that, to the north, has ever been recognised by this country as belonging to the Dutch.

Count de Bylandt says, in his present communication, that this boundary was altered in August 1849, by a "Resolution", published in the "Journal Officiel Indien" in which the frontier at 3° 20' north latitude was suppressed.

A copy of that document has been procured from the British Museum, as it was not communicated to this Office in any official despatch, either from the Hague or from Borneo; and it will be seen from a perusal of it that it was not stated therein that the Dutch frontier was advanced beyond 3° 20', although it spoke in vague terms of "the entire river district of Berou:" and so far from Her Majesty's Government having any reason to suppose that any claim was at that date set up to an extension of territory beyond 3° 20', Sir E. Disbrowe, in that same month, August, 1849, forwarded to Lord Palmerston a Map of a part of the Island of Borneo, published under the direction of Lieutenant Melville Carnebec, of the Royal Netherland Navy, "showing the limits which the Netherland Government claimed in that island, in virtue of the Proclamation of the Governor General of Netherland India, M de Rochussen;" and Sir E. Disbrowe assured his Lordship that, although it was not an original boundary map, and not perfectly official, it

indicated correctly the Netherland pretensions.

A copy of that Map is in the archives of this Office, and the Atas River, in latitude  $3^{\circ} 20'$  is marked as the limit of the Dutch possessions.

The Map bears the following title :-

"Carte de l'Ile de Bornéo, par le Baron P. Melville de Carnebec, 1848, graveé par D. Heyse, à la Haye."

But Count Bylandt further states that it is recorded in the Proceedings of the Second Chamber of the Netherlands of 1850 that the Minister of Finance then announced that "les dernières enquêtes ont appris que des Chefs Boelongans sont établis sur les territoires riverains de quelques petites rivières jusqu'au  $4^{\circ} 20'$  de latitude nord": but he does not say that any Arrêté was issued by the Dutch authorities in the East Indies altering the boundary ~~as~~ proclaimed by the Arrêté of 1846, and in proof that no such Arrêté was issued, it may be stated that eleven years after the date when the alteration in the boundary is said to have been made (1849), that is to say, in November, 1857, the British consul at Bavaria forwarded to Lord Palmerston a copy of the latest Map of the Netherland possessions in India, published at Breda in that year (1857), and which he pronounced to be "extremely correct in its details".

The following is a translation of the title of this Map :-

"General Land and Sea Map of the Dutch Ultramarine Possessions, with the Kingdom of the Netherlands in Europe. By A.J. Bogaerts. Dedicated to Major-General J.W. Walther, Governor of the Royal Navy and Military Academy, - Breda, 1857."

This Map has been considered to be so valuable, as showing what the Dutch really claimed as their boundary in 1857, that that portion of it which comprises the north-east coast of Borneo has been lithographed, and a copy of it is sent herewith.

It will be seen that the boundary line is marked as extending as far as the Atas River, in  $3^{\circ} 20'$ , and no further; the territory above that line being marked as belonging to Sulu.

In conclusion, Count de Bylandt says that it was officially announced in the "Journal Officiel Indien" of 1877, No. 31, that the territories of Tidong, with the islands of Terrakan, Neuvekan, and Sebattik and the small islands adjacent thereto, were included in the vassal State of Boelongan, and that the description of that vassal State was given in the "Contrat de Vassalité" concluded with the Sovereign of that State on the 2nd June, 1878; and he then points out that the announcement made in the "Journal Officiel Indien" of 1877 was before the Dent and Overbeck Concessions; but, as those Concessions were signed on the 29th December, 1877, and 22nd January, 1878, the "Contrat de Vassalité" of the 2nd June, 1878, was not concluded until after those Concessions were granted. No document has been produced to

show that the territory belonging to the Chief of Boelongan was ceded to the Dutch before the 2nd of February, 1878, and Her Majesty's Government were not aware of the existence of any such "Contrat" until the 17th January, 1880, when, as Count de Bylandt states, he first communicated a copy of it officially to Lord Salisbury.

The following is a description of the boundaries of the Kingdom of Boelongan, and statement of the islands belonging to it, alluded to in the contract :-

"The boundaries of the Kingdom of Boelongan are:-

"Next Goenoeng Taboer : from the sea strand; inland, the River Karangtiegan, from its mouth to its source; then the Batoe Beoekkier and the Mountain Palpakh;

"Next the Solokh possessions: on sea the angle called Batoe Tinigat, and then the River Tawali.

"The following islands belong to Boelongan, viz., Terakkan, Nanoekan, and Sebattik, with the islets belonging thereto."

It will therefore be seen from what has been stated above, that Her Majesty's Government were perfectly justified in stating on the face of the Map which was laid before Parliament with the Borneo and Sulu Papers, that they only recognised as belonging to the Dutch, territory on the north-east coast of Borneo as far as  $3^{\circ} 20'$ ; and that although the Dutch claimed that their frontier extended as far as  $4^{\circ} 20'$ , that boundary had not been recognised by Her Majesty's Government.

In fact, to have recognised the Dutch right to the latter boundary would have been to deny the right of the Sultan of Sulu to cede territory as far as the Sibuco River to Messrs Dent and Overbeck, and thereby to have pronounced an opinion, if not a decision, on the disputed boundary question, which will have to be settled hereafter between the Dutch Government and the British North Borneo Company.

## BIBLIOGRAPHY



## UNPUBLISHED MATERIAL

I. Official Papers.

1. In the Public Record Office.
- A. Foreign Office Records

## (a) General Correspondence

F.O. 12/Borneo

42 - 1870-75 Proposals for the establishment of a British Protectorate in Brunei.

52 Cession of territory (Barram) by the Sultan of Brunei to the Rajah of Sarawak.

53 - 1877-78 )  
 54 - 1879 )  
 55 - 1880 ) Dent and Overbeck Concession  
 56 - 1881 )

58 - 1877 - 78 )  
 60 - 1883 )  
 67 - 1884 )  
 68 - 1885 )  
 71 - 73 - 1886 )  
 76 - 77 - 1887 )  
 79 - 1888 )  
 81 - 82 - 1889 )  
 84 - 1890 )  
 86 - 1761-1891 )  
 87 - 88 - 1891 )  
 90 - 1892 )  
 93 - 1893 )  
 98 - 1894- 97 )

British North Borneo CompanyF.O. 27/France

2226 - 2227 - 1869 - 76 Exchange of territory on the West Coast of Africa.

2413 - 1877 - 78 )  
 2414-2418 - 1879 )  
 2480-2481 - 1880 ) French encroachments on the West Coast of Africa.  
 2551 - 1881 )  
 2614 - 1882 )

2720 - 2724 (inclusive)	- 1880 - 84	} <u>Western Pacific Islands,</u> <u>Relapsed Criminal</u> <u>(Recidivistes) New Hebrides, etc.</u>
2775 - 2776	" - 1885	
2843 - 2848	" - 1886	
2895 - 2897	" - 1887	
2944 - 2945	" - 1888	
3036	- 1889 - 90	
3113	- 1891 - 92	
3213	- 1893 - 94	
3376	- 1895 - 97	

F.O. 37/Netherlands

644 - 1871 - 83	} <u>Proceedings of British and Dutch authorities in the</u> <u>Eastern Seas.</u>
740 - 1884 - 89	
803 - 1890 - 96	
823 - 1897 - 98	

F.O. 58/Pacific Islands

199 - 1884	<u>Correspondence concerning Samoa and Tonga.</u>
210 - 211 - 1886	} <u>Correspondence concerning Samoa, Tonga, New Guinea, etc</u>
238 - 1888	
249 - 1889	
255 - 1890	
265 - 1892	
279 - 1893	} <u>Designs of U.S. on Hawaii</u>
288 - 1894	
304 - 1895 - 96	
309 - 1897	

F.O. 60/Persia

500 - 501 - 1889	<u>Sir H.D. Wolff, Mr Kennedy, Dipl. Desps.</u>
------------------	---

F.O. 63/Portugal

1114 - 1857 - 61	} <u>Portuguese possessions on the West Coast of Africa</u>
1115 - 1865 - 74	
1116 - 1875 - 76	
1117 - 1877 - 81	

F.O. 64/Germany

1144 - 1145 (inclusive)	- 1876 - 84	} <u>Colonial Policy, annexations in</u> <u>New Guinea, Pacific, etc.</u>
1146 - 1150	" - 1885	
1208	- 1887 - 88	
1323	- 1889 - 93	

F.O. 72/Spain

1588	- 1874 - 80	} <u>Sovereignty of Spain over the Caroline and</u> <u>Pellew Islands.</u>
1666	- 1881 - 83	
1807 - 1809 - 1885		

F.O. 78/Turkey

2203	- 1871	)	
2250 - 2252 (inclusive)	- 1872	)	
2426 - 2429	" - 1875	)	<u>Domestic Various</u>
2529 - 2535	" - 1876	)	
2663 - 2673	" - 1877	)	
2886 - 2897	" - 1878	)	
2674 - 2689	" - 1876 - 77	)	<u>Lord Salisbury's special mission</u>
2898 - 2911	" - 1878	)	<u>Berlin Congress</u>
3027 - 3032	" - 1879	)	
3167 - 3174	" - 1880	)	
3352 - 3357	" - 1881	)	
3429 - 3431	" - 1882	)	
3546 - 3549	" - 1883	)	<u>Domestic Various.</u>
3659 - 3661	" - 1884	)	
3794 - 3796	" - 1885	)	
3185 - 1825 - 58	)		
3186 - 1859 - 72	)		
3187 - 1873 - 74	)		<u>Egypt : claims to sovereignty in the Red Sea,</u>
3188 - 1875	)		<u>Africa, and Arabia. (Somali Coast).</u>
3189 - 1876 - 77	)		
3190 - 3193 ( inclusive )	- 1878 - 80	)	
3364 - 3366	" - 1881	)	
3496 - 3497	" - 1882 - 83	)	
3725 - 3728	" - 1884	)	
3857 - 3862	" - 1885	)	
3971 - 3975	" - 1886	)	
4077 - 4083	" - 1887	)	
4165 - 4169	" - 1888	)	<u>Claims to sovereignty in the</u>
4260 - 4261	" - 1889	)	<u>in the Red Sea, Africa, and</u>
4324 - 4325	" - 1890	)	<u>Arabia. (Somali coast).</u>
4402 - 4403	" - 1891	)	
4471	- 1892	)	
4526 - 4527	" - 1893	)	
4602 - 4603	" - 1894	)	
4688 - 4690	" - 1895	)	
4784 - 4786	" - 1896	)	

F.O. 84/Slave Trade

1601 - 1881	)	
1619 - 1882	)	<u>to Foreign Office, Zanzibar.</u>
1621 - 1882	)	
1629 - 1631 (inclusive)	1882	)
1692	1884	)
2080, 2086	1890	)
		<u>Domestic Various</u>

1801		- 1875 - 81	}	<u>Papers relating to the Congo.</u>
1802		- 1882		
1803 - 1808 ( inclusive )		- 1883		
1809 - 1818	"	- 1884	}	<u>Papers relating to the Congo.</u> <u>(West African Conference).</u>
1818 - 1826	"	- 1885		
1827		- 1886		

F.O. 146/France, Embassy archives.

1868 - 1876	}	<u>from Foreign Office.</u>
2415 - 1882		

(b) F.O. 83/ Great Britain and General.

181 - 1822 - 58	}	<u>State Paper Work.</u>
776 - 1868 - 83		
1327 - 1884 - 94		
1690 - 1895 - 99		
297 - 1825 - 60	}	
329 - 1861 - 70		
500 - 1871 - 76		
591 - 1877 - 79		
740 - 1880 - 82		
870 - 1883 - <b>85</b>		
958 - 1886 - 87		
1106 - 1886 - 90		
1326 - 1891 - 94		
1623 - 1895 - 98		

221 - 234 ( inclusive )	- 1811 - 63	}	<u>State Paper Office.</u>
285	- 1864 - 67		
363	- 1868 - 71		
439	- 1872 - 74		
592	- 1878 - 79		
741	- 1881 - 82		
811	- 1883 - 84		
912	- 1885 - 86		
1005	- 1887 - 88		
1105	- 1889 - 90		
1158	- 1891		
1249	- 1892 - 93		
1325	- 1894		
1393	- 1895		
1458	- 1896		

263 - 268 ( inclusive ) - 1815 - 65 )  
 317 - 1866 - 69 )  
 375 - 1870 - 72 )  
 438 - 1873 - 74 )  
 529 - 1875 - 77 )  
 561 - 1878 )  
 593 - 1879 )  
 618 - 1880 )  
 742 - 1881 - 82 )  
 777 - 1883 )  
 812 - 813 " - 1884 )  
 871 - 1885 )  
 913 - 1886 )  
 959 - 1887 )  
 1159 - 1890 - 91 )  
 1192 - 1892 )  
 1247 - 1893 )  
 1454 - 1457 " - 1896 )

Presents and Interchange of  
Documents.

286 - 1822 - 67 )  
 528 - 1868 - 77 )  
 619 - 1878 - 80 )  
 910 - 1884 - 86 )  
 1108 - 1887 - 90 )  
 1394 - 1891 - 95 )

Maps, correspondence relating to.

298 - 1861 - 68 )  
 499 - 1869 - 76 )  
 590 - 1877 - 79 )  
 739 - 1880 - 82 )  
 810 - 1883 - 84 )  
 911 - 1885 - 86 )  
 1004 - 1887 - 88 )  
 1107 - 1889 - 90 )  
 1250 - 1891 - 93 )  
 1395 - 1894 - 95 )

Printed Books.

301 - 1825 - 68 )  
 778 - 1869 - 83 )  
 1461 - 1884 - 96 )

Production of official papers in courts of law.

355 - 1870

Papers relating to the British and Foreign Diplomatic and  
Consular Services laid before the Select Committee of  
the House of Commons.

636 - 1819 - 80 )  
 930 - 1886 )  
 1037 - 1888 )  
 1396 - 1894 - 95 )  
 1585 - 1896 - 97 )

Hertslet's Commercial Treaties.

- 1079 - 1865 - 77 )  
 1080 - 1878 )  
 1081 - 1879 - 80 )  
 1082 - 1881 - 84 )  
 1083 - 1885 )  
 1084 - 1886 ) Guano and other islands,  
 1085 - 1887 ) questions of sovereignty, etc.  
 1086 - 1087 ( inclusive ) - 1888  
 1088 - 1089 " - 1889  
 1128 - 1890 )  
 1285 - 1286 " - 1891 - 92 )  
 1287 - 1893 )  
 1339 - 1894 )  
 1584 - 1895 - 97 )
- 1181 - 1890 - 91 )  
 1276 - 1892 - 83 ) Parliamentary Questions.  
 1425 - 1894 - 95 )  
 1490 - 1896 )
- 1655 - 1859 - 88 Map of Europe by Treaty.  
 1718 - 1876 - 99 Map of Africa by Treaty.  
 2087 - 1875 - 1905 Hertslet's Treaties on Trade : Persia, China, Austria,  
Turkey.
- (c) F.O. 366/Chief Clerk's Department.
- 372 - 1863 - 66 Foreign Ministers. Allowances.  
 386 - 1799 - 1903 F.O. Establishment. Distribution of Business.  
 394 - 1824 - 1905 F.O. Promotions and Confirmations.
- 406 - 1855 - 1868 )  
 407 - 1869 - 1873 ) Government Offices. Civil Service Commission.
- 428 - 444 ( inclusive ) - 1800 - 78 Government Offices. Treasury.  
 449 - 1852 - 57 Estimates. Correspondence with the Treasury.
- 672 - 1810 - 26 )  
 673 - 1826 - 41 )  
 674 - 1841 - 52 ) Domestic Book  
 675 - 1857 - 64 )  
 676 - 1864 - 70 )  
 677 - 1870 - 78 )

B. Treasury Records.T 1/In Letters. Original correspondence, minutes, reports.

4210

7216<sup>A</sup>/18,726.

## 2. In the Foreign Office Library.

(a) F.O. Confidential General 4, 1844 - 1932. Foreign Office Organisation, Discipline, etc.(b) F.O. General Librarian's Department. Correspondence and Memoranda.

Vol. 1 - 1801 - 1854

" 2 - 1799 - 1867

" 3 - 1868 - 1878

" 4 - 1848 - 1905

" 5 - 1879 - 1889

" 6 - 1890 - 1918

" 7 - 1900 - 1905

(c) Memoranda Librarian's Department.

Vols. 1 - 18 (inclusive) - 1875 - 1897

(d) Printed Memoranda.

Vols 1 - 53 ( inclusive)

II Private Papers.

Of the collections of private papers consulted the following have been found most useful :-

## 1. In the Public Record Office.

Granville Papers. PRO 30/29

22 -	Correspondence	<u>Cabinet, Political and Various, 1855 - 1891.</u>
58 -	"	<u>W.E. Gladstone, 1870.</u>
143 -	"	<u>and Memoranda. Cabinet Opinions, 1880 - 1882.</u>
254 -	Confidential Prints	<u>Russia and Turkey, 1870 - 1871</u>
267 -	"	<u>Africa (West) Congo, Portuguese Claims, 1877 - 1883.</u>
268 -	"	" " " , 1884.
269 -	"	<u>Oil River Districts, 1879 - 1884</u>
270 -	"	<u>West African Conference, 1884 - 1885</u>
281 -	"	<u>Danube Navigation, 1881</u>
282 -	"	" " " , 1881 - 1883
297 - 298	"	<u>Somali coast Jurisdiction, 1881 - 1884.</u>
321 -	"	<u>Pacific Islands, 1875 - 1884.</u>

336 -	Confidential Prints,	<u>Sulu and Borneo, 1879 - 1884.</u>
341 -	"	<u>Turkey (and South-eastern Europe), 1880.</u>
361 -	"	<u>Memoranda. Miscellaneous, 1853 - 1880.</u>
362 -	"	" " , 1881.
363 -	"	" " , 1882.
364 -	"	" " , 1883.
365 -	"	" " , 1884.

## 2. In the British Museum

### A. Layard Papers, B.M. Add. MS

39, 106 - Semi-official letters from British ambassadors, consuls etc., 1863.

39, 157 - Confidential Print consisting of :-

- A. Papers relating to Abyssinia ;
- B. Miscellaneous Papers including "Russian Advances in Asia";
- C. Diplomatic Correspondence relating to Turkey.

### B. Gladstone Papers, BM. Add. MS.

44, 615 - Official Papers, including memoranda prepared for the use of the Cabinet, 1870.

44, 629 - " " " " , 1883 - 1884.

## PUBLISHED MATERIAL

### I. Contemporary Publication of official documents; debates, newspapers, etc.

#### A. Parliamentary Papers.

##### (a) Reports of Committees.

Report from the Select Committee appointed to consider and report on the Re-construction of the Foreign Office, [1857-58], XI, 417.

Report from the Select Committee on Civil Service Appointments, [1860], IX, 440.

Report from the Select Committee on Miscellaneous Expenditure, [1860], IX, 483.

Report from the Select Committee on the Diplomatic Service, [1861], VI 459.

Report from the Select Committee on the Diplomatic and Consular Services, [1870], VII, 382.



First Report from the Select Committee on the Diplomatic and Consular Services, [1871], VII, 238

Second Report from the Select Committee on the Diplomatic and Consular Services, [1871], VII, 380

Report from the Select Committee on the Diplomatic and Consular Services, [1872], VII, 314.

Fifth Report from the Committee of Public Accounts, [1895], VII, 348.

(b) Reports of Commissioners.

Report on the Organisation of the Permanent Civil Service, [1854], XXVII, 1713.

Report and Papers relating to the Reorganisation of the Civil Service, [1854 - 55], XX, 1870.

Fourth Report of the Royal Commission appointed to inquire into the Civil Establishments of the different offices of state at home and abroad, [1890], XXVII, C. 6172.

Fifth Report of the Royal Commission appointed to inquire into the Civil Establishments of the different offices of state at home and abroad, [1914 - 16], XI, Cd., 7748, 7749.

(c) Blue Books of Diplomatic Correspondence.

Further correspondence respecting the affairs of Turkey (overtures for peace), [1878], LXXXI, C. 1906.

Correspondence relating to the Congress of Berlin with the Protocols of the Congress, [1878], LXXXIII, C. 2083.

Papers relating to the affairs of Sulu and Borneo, and to the grant of a Charter of Incorporation to the "British North Borneo Company".

Part I Correspondence respecting the claims of Spain  
Part II " " " " " Holland.  
[1882], LXXXI, C. 3108, 3109.

Correspondence relating to Negotiations between the governments of Great Britain and Portugal for the conclusion of the Congo Treaty, 1882 - 84, [1884], LVI, C. 3885.

Further Correspondence respecting the West African Conference [1884 - 85], LV, C. 4360.

Papers relating to North Borneo (being a Despatch from the Marquis of Salisbury to the Minister at the Hague, enclosing agreements between Her Majesty's Government and the British North Borneo Company, the Rajah of Sarwak, and the Sultan of Brunei, for the establishment of a British Protectorate), [1888], LXXXIII, C. 5617.

B. Hansard's Parliamentary Debates, 3rd Series.

Vol. CXI - May - June, 1850.  
 " CXLIV - February - March, 1857.  
 " CLXXVI - June - July, 1864.  
 " CLXXVIII - March - May, 1865

C. Newspapers.

Times	Globe
Echo.	Athenaeum
Morning Post.	Civilian
Daily News.	Academy
Hour	Law Journal
Illustrated London News	Graphic
London and China Telegraph	Saturday Review
Standard	L'Union
Richmond and Twickenham Times	Thames Valley Times

II Subsequent Publication of Official Documents

1. British and Foreign State Papers.
2. Hertslet's Commercial Treaties.
3. The Map of Europe by Treaty, [London, 1875 - 1891], 4 vols.
4. The Map of Africa by Treaty, [London, 1909], 3 vols.
5. Separate collections of treaties on trade :-

Austria, [London, 1875]

Turkey, [London, 1875].

Italy, [London, 1876].

Spain, [London, 1878].

Japan, [London, 1879].

Persia, [London, 1891].

China, [London, 1896], 2 vols.

6. H. Temperley and L.M. Penson, Foundations of British Foreign Policy, 1792 - 1902, [Cambridge, 1938].

III. Memoirs, Autobiographies, Biographies and Letters.

- F.W.H. Cavendish : Society, Politics and Diplomacy, 1820 - 65, [London, 1913].
- Lady Gwendolin Cecil : Life of Robert, Marquess of Salisbury, [London, 1921 - 1932], 4 vols.
- The Marquess of Crewe : Lord Rosebery, [London, 1931], 2 vols.
- Lord E. Fitzmaurice : Life of Lord Granville, 1815 - 1891, [London, 1905], 2 vols.
- A.G. Gardiner : The Life of Sir William Harcourt, [London, 1923], 2 vols.
- J.L. Garvin : Life of Joseph Chamberlain, [London, 1932], 3 vols.
- S. Gwynn and G.M. Tuckwell : The Life of the Rt Honourable Sir Charles Dilke, [London, 1918], 2 vols.
- Sir E. Hertslet : Recollections of the Old Foreign Office, [London, 1901].
- G.E.P. Hertslet : "Notes on the Hertslet Family", Genealogical Tracts, 1896 - 1913, [London, 1913].
- W.F. Monypenny and G.E. Buckle : The Life of Benjamin Disraeli, [London, 1929], 2 vols.
- J. Morley : The Life of William Ewart Gladstone, [London, 1905], 2 vols.
- R.B. Mowat : The Life of Lord Pauncefoot, [London, 1929].
- Lord Newton : Life of Lord Lyons, [London, 1913], 2 vols.
- A. Ramm : The Political Correspondence of Mr Gladstone and Lord Granville, 1868 - 76, Camden 3rd Series, LXXXI, LXXXII, [London, 1952].
- Sir H. Rumbold : Recollections of a Diplomatist, [London 1902], 2 vols.

W.A. Taff's : Ambassador to Bismarck; Lord Odo Russell, First Baron Ampthill, /London, 1938/.

IV. Secondary Works.

E.A. Benians : "The Western Pacific, 1788 - 1885", The Cambridge History of the British Empire, /Cambridge, 1933/, VII, Ch. XII

A. Cecil : "The Foreign Office", The Cambridge History of British Foreign Policy, 1866 - 1919, /Cambridge, 1923/, III, Ch VIII

E.W. Cohen : The Growth of the British Civil Service, 1780-1939, /London, 1941/.

R. Coupland : The Exploitation of East Africa, 1856 - 1890, /London, 1939/.

S.E. Crowe : The Berlin West African Conference, 1884 - 5, /London, 1942/.

H.E. Dale : The Higher Civil Service of Great Britain, /Oxford, 1941/.

Rt. Hon. Sir C.W. Dilke : Problems of Greater Britain, /London, 1890/.

J. Gallagher and R. Robinson : "The Imperialism of Free Trade," Economic History Review, 2nd Series, 1853-4, VI

F. Gosses : The management of British Foreign Policy before the First World War, especially during the period 1880 - 1914, /Leyden, 1943/.

W. Griffith : The British Civil Service, 1854-1954, H.M.S.O. /London, 1954/.

Major Byng Hall : "The Queen's Messenger, or travels on the Highways and Byeways of Europe", Quarterly Review, /April, 1892/, CLXXIV.

Sir J. Headlam-Morley : Studies in Diplomatic History, /London, 1930/.

Sir T.L. Heath : The Treasury, /London, 1927/.

E. Hughes : "Civil Service Reform, 1853-5", History, XXVII /June to September, 1942/, p. 51

- Sir H. Low : "British North Borneo", The British Empire Series, I  
[London, 1906].
- W.L. Langer : European Alliances and Alignments, 1871 - 1890,  
[New York, 1950].
- D.E. Lee : "A Memorandum concerning Cyprus, 1878", Journal of  
Modern History, III, [June, 1931].
- Sir C. Lucas : The Partition and Colonisation of Africa, [Oxford,  
1922].
- R. Machray : "The Foreign Office," Cassell's Magazine, [December  
1898 - May 1899].
- C. Marvin : Our Public Offices, [London, 1879].
- W.N. Medlicott : The Congress of Berlin and After, [London, 1938].
- E. Jones-Parry : "Under Secretaries of State for foreign affairs,  
1782 - 1855", English Historical Review, XLIX, [1934]  
p. 308.
- M. Perham : Lugard : The Years of Adventure, 1858 - 98.  
[London, 1956].
- A. Ramm : "Great Britain and the planting of Italian power in  
Red Sea, 1868 - 85", English Historical Review, LIX  
[1944].
- R.W. Seton-Watson : Disraeli, Gladstone and the Eastern Question: A Study  
in Diplomacy and Party Politics, [London, 1935].
- Lord Strang and other : The Foreign Office, [London, 1955]  
members of the F.O. :
- B.H. Sumner : Russia and the Balkans, 1870 - 1880. [Oxford, 1937]
- A.J.P. Taylor : Germany's First Bid for the Colonies, 1884-5 : a move  
in Bismarck's European policy, [London, 1938]
- H. Temperley : The Foreign Policy of Canning, 1822-27, [London, 1925]  
"Disraeli & Cyprus," English Historical Review, XLVI, 1931
- H. Temperley and : A Century of Diplomatic Blue Books, 1814 - 1914,  
L.M. Penson : [Cambridge, 1938].
- W. Thornbury and : Old and New London : a Narrative of its People and  
E. Walford : its Places, III, [London, Undated].
- Sir J. Tilley and : The Foreign Office, [London, 1935].  
S. Gaselee

- J.M. Ward : British Policy in the South Pacific, 1786-1893,  
[Sydney, 1948].
- C.K. Webster : "Lord Palmerston at Work, 1830 - 41," Politica,  
[August, 1934].
- : The Foreign Policy of Castlereagh, 1815-22, [Lon-  
 don, 1931].
- : The Foreign Policy of Palmerston, 1830-41,  
[London, 1951], 2 vols.

V. List of Theses consulted in the University of London.

- M. Adams : "The British Attitude to German Colonial  
 Development, 1880 - 1885", M.A., 1935.
- M.A. Anderson : "Edmund Hammond", Ph.D., 1956.
- I. Bains : "British Policy in relation to Portuguese  
 claims in West Africa, 1876-1884", M.A. 1940.
- J.S. Hines : "The Role of the Foreign Office in the Affairs of  
 East Africa", M.A. 1955.
- J.P. Schwitzer : "The British Attitude towards French  
 colonisation, 1875-1887", Ph.D. 1954.
- W.H. Sootter : "International Rivalry in the Bights of Benin and  
 Biafra, 1815-1885", Ph.D. 1933.