

## Enclosure 1.

Mr. BEAUCLERK to the Marquis of SALISBURY.—(Received 26th August.)

MY LORD,—

Berlin, 24th August, 1889.

I have the honour to acknowledge the receipt of your Lordship's Despatch No. 278, of the 21st instant, and to enclose a copy of a note which I have this day addressed to the Acting German Minister for Foreign Affairs, asking whether the Imperial Government will entertain the proposal for arbitration put forward by the owners of the British steamship "Richmond."

I request your Lordship to be so good as to give me further instructions in case I should be desired to communicate to the German Government the protest and petition forwarded in your Lordship's above-mentioned despatch, or otherwise to put the case more fully before them.

I have, &amp;c.,

W. BEAUCLERK.

## Sub-Enclosure.

Mr. BEAUCLERK to Count BERCHEM.

M. LE COMTE,—

Berlin, 24th August, 1889.

With respect to the case of the British steamship "Richmond" at Samoa, with which His Excellency Count Bismarck was made acquainted by Sir E. Malet on the 21st February last, I have the honour to inform you that it would appear from a protest and petition which the owners of that vessel have addressed to Her Majesty the Queen that they have already formulated a claim for losses sustained, and are now awaiting the reply of the Imperial Government.

As, however, the question of the amount of compensation appears to be the only one likely to lead to any difference of opinion, Messrs. Donald and Edenborough have suggested that the matter of their claims should be referred to arbitration under the following conditions: that it should be held at Auckland, and that two arbitrators should be appointed, one by Her Majesty's Governor of New Zealand, and the other by His Imperial Majesty the German Emperor, or by the Imperial Consul-General at Sydney, and that such two arbitrators should choose an umpire before proceeding with the case; and I have been directed by the Marquis of Salisbury to inquire whether the Imperial Government are willing to entertain this proposal for arbitration.

I avail, &amp;c.,

W. BEAUCLERK.

## Enclosure 2.

Mr. BEAUCLERK to the Marquis of SALISBURY.—(Received 9th September.)

MY LORD,—

Berlin, 5th September, 1889.

With reference to your Lordship's Despatch No. 278, of the 21st, and to my Despatch No. 236, of the 24th ultimo, respecting the claims of the owners of the British steamer "Richmond" against the German Government, I have the honour to enclose herewith translation of a note which I have to-day received from the Imperial Acting-Secretary of State for Foreign Affairs upon the subject in question.

I have, &amp;c.,

W. BEAUCLERK.

## Sub-Enclosure.

Count BERCHEM to Mr. BEAUCLERK.

(Translation.)

Foreign Office, Berlin, 4th September, 1889.

THE undersigned has the honour to inform Mr. Beaclerk, in answer to his communication of the 24th ultimo respecting the British steamer "Richmond," that the ship-owners have not as yet brought forward any claim before the Imperial Government for compensation for the alleged damage inflicted by the searching of the steamer.

They have in this respect confined themselves to notifying to the Imperial Consul at Apia, in a communication of the 21st January of this year, that certain damage had been inflicted by the search, yet without describing its nature or extent.

The proposal of the ship-owners, that the matter should be decided by a Court of Arbitration, seems therefore, under all the circumstances, to be premature. This proposal, moreover, seems fundamentally unacceptable to the German Government, since it is put forward by private persons in respect to rights of property.

Although as an exceptional mode of legal procedure the ordinary law-courts in the Empire are as a rule open to foreign nations for private claims against the Government, yet it cannot be expected of the Imperial Government that they should take the initiative in indicating the manner of procedure with respect to private claims which reach it through the British Government.

The German Government are much more of opinion that in such cases an amicable decision will soonest be arrived at by a substantiated statement being laid before them of the claim, together with a declaration of the manner of proving it.

Should a complete statement of this description respecting their claim be laid by the ship-owners of the "Richmond" before the Imperial Government, their claim would be sure of a real examination and adjudication as soon as the German official and military persons had been heard, as well as competent experts who are acquainted with the local circumstances of the case.

The undersigned, &amp;c.

BERCHEM.