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TITLE: Papers and Correspondence of Arthur Berriedale Keith

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Gen.143/7/30	Keith, Arthur Berriedale; Ilbert, Courtenay Peregrine.	Letter from Arthur Berriedale Keith to Courtenay Peregrine Ilbert.	13-Sep-18
Gen.145/1/147	Keith, Arthur Berriedale; Ilbert, Courtenay Peregrine.	Letter from Courtenay Peregrine Ilbert to Arthur Berriedale Keith.	29-Mar-12

28.

5 New Square
Lincoln's Inn
Oct. 30. '08

Sor. Comp. Regn

Dear Mr. Keith

I am very much obliged to you for your two articles. Both are admirable and I am writing now on behalf

Thank you also for your cheque
for which I enclose formal Receipt.
If you are ever in the direction
and would look in I should
very much like to make your
acquaintance: Believe me
Yours very truly
Edward Manson

A. B. Keith Esq

of Sir John Macdonell
and myself to ask whether
you would let us publish
both in the Canning Journal.
We should very much
like to do so. If we may
I will send them on to
the Printers at once.

EDINBURGEN
EX BIBL UNIV.
140/2

TELEPHONE:-
1905 HOLBORN.
TELEGRAMS:-
42, TEMPLE.

3, KINGS BENCH WALK NORTH,
TEMPLE. E.C.

18th April 1912

Dear Mr Keith,

Thank you very much for the loan of these two parliamentary papers relating to Land in Africa. I have found them very useful & they have put me on the right track.

I very much appreciate

Your kindness.

If there is ever anything I can do for you, please let me know.

With kind regards,

Believe me

Yours very truly

R. E. Wilcocks

EX BIBL UNIV. EDINBURGEN

TELEPHONE:- 1905 HOLBORN.
TELEGRAMS:- 42, TEMPLE.

3, KINGS BENCH WALK NORTH,
TEMPLE. E.C.

April 3rd 1912

Dear Mr Leith,

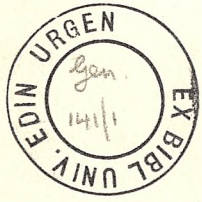
Thank you very much for your kind letter & its enclosures. I am very much obliged to you for your kindness in taking all this trouble on my behalf. I shall, of course, not omit to return your papers to you. I hope I may keep them until after Easter as I am going away

tomorrow for a week.

Believe me,

Yours very truly

Roger E. Willcocks



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Gen.
141/1

70.

5 New Square
Lincoln's Inn
Oct. 6. '20

Soc. Comp. Legisln

Dear Mr. Keith

Pray forgive
my not having earlier
written to thank you
for your two most valuable

Contributions to the Journal
What a wonderful worker
you are! Both are most
acceptable. I am seeing
if there is time to get the
shorter one in at the end
of the number shortly appearing
If we can we will:
With very kind regards
Yours sincerely
Edward Manson

EX BIBL UNIV. EDIN.
URGEN
141/3

TELEPHONE:-
1905 HOLBORN.
TELEGRAMS:-
42, TEMPLE.

3, KINGS BENCH WALK NORTH,
TEMPLE. E.C.

10th., June 1913.

Dear Mr Keith,

Mr Manson asks me to thank you very much for your letter of June 5th. He is very pleased to hear that the Government of Newfoundland will subscribe £5-5s. to the Society of Comparative Legislation.

Thank you very much for your kind help in this matter.

Yours sincerely

Roger E. Willcocks

EX BIBL UNIV. EDINBURGEN
Gen.
142/1

Downing Street,
11th April, 1913.

Dear Mr.Manson,

I have received a private note from the Colonial Secretary of Newfoundland with reference to the application which has been made to the Government of Newfoundland for assistance to the Society of Comparative Legislation.

Before advising the Government on the question he is anxious to know what it is suggested Newfoundland might do having regard to its limited resources, and what is being done by the other Self-governing Dominions and the Australian States.

I shall be much obliged if you can let me have at your early convenience, material for an answer to my correspondent.

Yours sincerely,
(Sd.) A.Berriedale Keith.

EX BIBL UNIV. EDIN
URGEN
Gen.
142/1

TELEPHONE:-
1905 HOLBORN.
TELEGRAMS:-
42, TEMPLE.

3, KINGS BENCH WALK NORTH,
TEMPLE. E.C.

7/2/13

Dear Mr Keith,

If you are able to join the Editorial Advisory Committee of the Journal of the Society of Comparative Legislation, I write to let you know that the first meeting will be held on Friday Feb 14th at 4.45 in Mr J. S. Risley's room at the Colonial Office.

Either Sir Courtenay Albert or Sir John Macdonell will be in the Chair.

I hope you will find time to attend.

Yours

Yours very truly

R. E. Willcocks

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Gen.
142/11

SOCIETY OF COMPARATIVE
LEGISLATION.

TELEPHONE:-
1905 HOLBORN.
TELEGRAMS:-
42, TEMPLE.

3, KINGS BENCH WALK NORTH,
TEMPLE. E.C.

29/1/13

Dear Mr Keith,

I enclose you a circular of the Society of Comparative Legislation, of which I have been made Assistant-Secretary.

The Executive Committee at its last Meeting appointed an Advisory-Editorial Sub-Committee consisting of Sir John Macdonell, C.B., Mr Edward Manson, Mr. John S. Risley C.B. Mr de Montmorency & myself as Secretary. The Committee have power to add to their number & Sir John Macdonell asked me to approach you with a view to securing your services. I hope you will be so kind as to lend them. The Sub-committee, by the kind permission of Mr Risley, will meet at the Colonial Office.

May I take this opportunity of congratulating you on your recent appointment.

With kind regards.

Yours

Yours sincerely

R. E. W. Adams

EX BIBL UNIV. EDIN URGEN
Gen
142/1

Speaker's Chambers
Dec 22 1917.

My dear Keith.

When you have nothing better to do. will you run your eye through Ch. IX of my book on Legislative Methods &c. & send me any notes that occur to you of alterations that might be made in order to bring it up to date?

I have to prepare a second edition. & I am afraid that the task of bringing up to date

materials compiled a good
many year ago will
involve considerable labour,
so any help will be welcomed.

With all best wishes of the
season. Believe me.
sincerely yours

C. P. Ilbert

EX BIBL UNIV. EDIN URGEN
Gen.
142/2

TELEPHONE:
1905 HOLBORN.
TELEGRAMS:
42, TEMPLE.

3, KINGS BENCH WALK NORTH,
TEMPLE. E.C.

14/VII/13

Dear Mr Keith.

Both Sir John Macdonell & Mr Hanson ask me to say that they will be very pleased to insert your paper in the next number of the Journal. As I think you know, the Legislative number is just about to come out & Mr Hanson is intending to bring out the next one in October.

Yours sincerely
R. W. Wilcocks

EX BIBL UNIV. EDIN URGEN

HIGH COURT OF JUSTICE,
COMPANIES (WINDING UP),
BANKRUPTCY BUILDINGS, W.C.

April 15. 13

Soc. Comp. Legis^r

Dear Keith

I enclose you a list of colonial contributions to the Society so far as they have come in for this year. We hope for a good many more. If Newfoundland could give us £2.12.6

(the British Honduras) it would be very welcome.
When may we look for another article from your pen for the Journal? We shall be delighted at any time.

Yours sincerely
Edward Manson
A. Berridale Keith Esq

EX BIBL UNIV. EDIN URGEN
Gm.
142/3

TELEPHONE:-
1905 HOLBORN.
TELEGRAMS:-
42, TEMPLE.

3, KINGS BENCH WALK NORTH,
TEMPLE. E.C.

March 31st 1914

Dear Keith,

If you would like to contribute anything to the Journal please let me know. We come out on July 15th, so if you are going to be good enough to let us have anything please send it to me by the end of May at the latest.

I have to take some papers to Mr. Risley in the near future when I do, I will pay you a call. It is convenient to you.

Yours sincerely
R. E. Wilcocks

EX BIBL UNIV. EDINBURGEN
Gen.
142/3

Downing Street,

6 January, 1914.

Dear Sir Courtenay,

I now send a few notes on Chapter IX of Legislative Methods and Forms. There is really very little which I can say, as the information we have here is not sufficiently detailed to justify corrections of material supplied, even if a long time ago, from the original sources.

Mr Atchley is, however, I understand making for you an account up to date of the editions of Colonial Laws and this will supplement the suggestions made by me.

Yours sincerely,

SIR COURTENAY ILBERT, K.C.S.I., C.I.E.

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Gen.
148/3

18a

Sept. 9. 1918

Private

TROUTWELLS,
PENN,
BUCKS.

EX BIBL UNIV. EDINBURGEN
Gen. 143/7

My dear Keith.

Have you looked at or read the Montagu-Chelmsford Report on Indian Constitutional Reforms? Perhaps you have not only read the Report but written about it. If so I have not seen what you have written. The Report, as might be expected from a document largely inspired by Lionel Curtis, is full of terms & expressions borrowed from or suggested by the government of the Dominions. But many of the expressions appear to be used in a non-natural and misleading sense. I am not

referring merely to the permanence given
to the expression Responsible Government.

Okayt I have grave doubts about the
wisdom of using an expression which
has a peculiarly definite meaning in
constitutional literature, a meaning
which, in its application to India, or
to any province of India, it cannot
have for many years, perhaps for
generations, if ever.

But I want to know more about
the actual relations of responsible
Government, or Executive Government,
to the Council, in Canada or elsewhere.
I have not down here a copy of your
big book. My copy is on my London
at Speaker's Court, where it is in order
use when I am in London, but here I
have only a copy of the Canadian Act.

for India the G.G. in Council, and, for a province that province or Lieutenant governor in Council, constitute a real collegiate government. The members of the council are not mere instruments of the G.G. or L.G., but his colleagues. They are not appointed, or cannot be removed, by their chief, though he has a statutory power of overruling them. He regularly attends and presides at their meetings.

But in Canada the members of 'the Queen's Privy Council' are chosen and summoned by the G.G., and may be removed by him.' (S. 11.) Are they removed on a change of ministry, or do they, as in England, merely cease to receive summons to attend? And do they then become ornamental Privy Councillors, as in England?

Does the G.G. of Canada, and ~~do the~~ does the L.G.s, however, regularly attend & preside at meetings of his Council?

Is this position the same in the other self-governing Dominions?

These are clearly all very questions, but I want to make my mind quite clear about them.

The Report proposes for the provinces (par. 218) a curious mixed governance of a Governor in Council and a Governor with ministers. Whether it can be made to work I don't feel at all sure. Is there any precedent for it, or anything analogous to it, in any part of the Empire?

The Report also proposes (par. 287) a Privy Council for India. Could this be anything than an ornamental body as in England, without real power.

My reason for troubling you with these questions is that I am on an India Office Committee appointed to

consider and advise on the problems arising out of the Report. Those problems are many and formidable. The literary merits of the Report are undeniable. But when an attempt is made to ~~translate~~ give practical effect to its proposals, or even to translate them into legislative language, they bristle with difficulties. The Report strikes me as being 'too clever by half'.

Believe me, sincerely yours

C. P. Ilbert

EX BIBL UNIV. EDIN BURGEN
Gen. 143/7

139 Polwarth Terrace,

Edinburgh,

13 September, 1918

Dear Sir Courtenay

I have now received your letter of the 9th inst., the delay occurring through absence. I have studied the report, but I have not commented upon it, because I think much of it wrong and do not consider that there is anything which I could usefully say upon it.

In Canada the members of the Privy Council once appointed hold the position of members for life : i.e. they are not formally removed but simply are not summoned to Council meetings: they remain members of the Privy Council and as such entitled to the prefix Honourable.

The Governor General and the Lieutenant Governors normally never attend meetings of the Privy Council and the Executive Councils respectively.

In the Commonwealth of Australia, Victoria, Tasmania and the Union of South Africa there prevails a similar practise to that of Canada: the Executive Councils include members under summons and members not under summons. In all other cases the Executive Council consists only of actual ministers, the ex ministers ceasing to be members by resignation of office. In all cases members not actual ministers are never summoned to meetings even for formal business: their position is purely honorary.

The Governors of the Australain States and of Newfoundland and the Governors General of the Commonwealth, New Zealand, and the Union sit in Council more or less regularly for the transaction of formal business, such as under the Acts in force are required to be performed by the Governor in Council. They do not normally at these meetings discuss anything, though occasionally a Governor may say something on the business brought up: the proper time to do so, however, is before a Council meeting: a good Governor insists on having the papers which are to be formally approved in Council sent to him a few hours before the Council so that he

. is wrong.

In Canada the business however formal is transacted in the absence of the Governors General or Lieutenat Governor and he signs the papers afterwards as a token of approval.

I agree that the mixed proposal of Governor in Council and Governor with Ministers is unworkable, and have no doubt thatif tried it will either be a failure or lead to the handing over of the whole provincial authority to ministers. There is as far as I know no real parallel for it in the empire: the nearest approach to it may perhaps be said to be the system under which in Natal under the constitution of 1893 the Governor in his actions as Supreme Chief of the Natives was supposed to act on his deliberate judgement though not without consultation with ministers. In point of fact he always acted on the advice of ministers, so that the experiment of a divided rule never in reality existed. In Western Australia for a brief period the Governor retained control of the Aborigines Department, which was not placed in the hands of ministers: the result was that nothing effective could be done and after Sir Joh Forrest's representations at the Colonial Conference of 1907 the experiment was dropped. In both cases it was perfectly obvious that it was impossible to sever the administration of affairs the Governors never tried to accomplish a separation.

The proposal to have a Privy Council for India seems to me one of the most futile possible. I cannot understand how such a body is to work, or how it could exist concurrently with any effective government, unless it were merely ornamental. Whether an ornamental Privy council is desirable for India is a subject on which I can of course have no opinion. In the Dominions it has not been thought worth while one or two exceptions in Canada only have occurred.

I am so glad to find that your view of the report is so much like my own.

Sincerely yours,

Speaker's Court
March 29. 1912

147.

My dear Mr. Kent.

I presume that I am indebted to you for the three handsome volumes which reached me yesterday from the Clarendon Press.

I had been very glad to see an announcement that you had expanded the little book which you published in 1908. I had made great use of it. & had found it of the greatest possible value, and I

are now looking forward. with
great expectations. to a study of
your work in its expanded form.
with many best thanks. believe me.
yours sincerely
C. P. Snow

EX BIBL UNIV. EDINBURGEN
Gen.
145/1