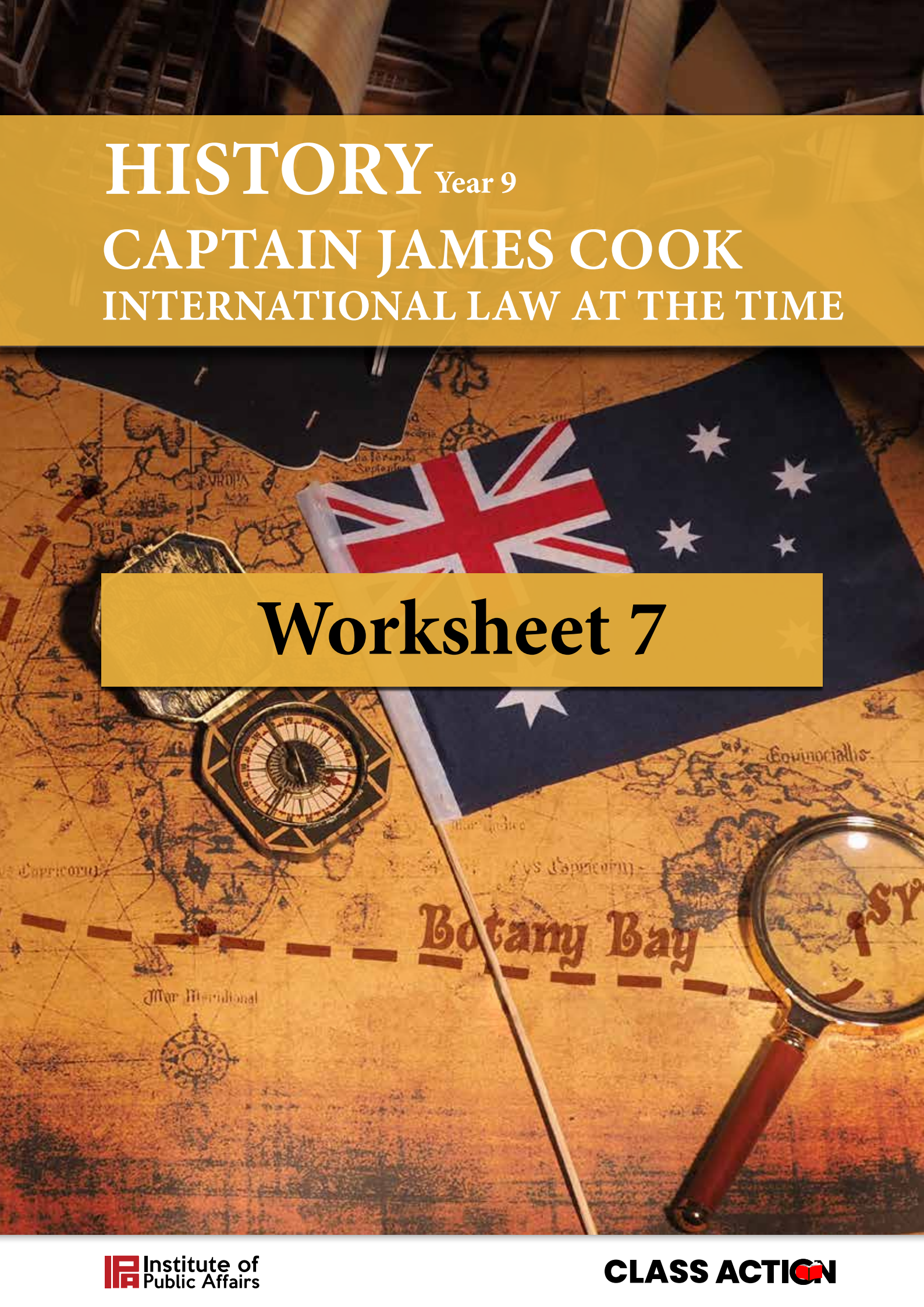




HISTORY

Year 9

CAPTAIN JAMES COOK INTERNATIONAL LAW AT THE TIME

Worksheet 7

International Law At The Time

John Locke, an influential philosopher in the 18th century:

'As much land as a man tills [ploughs], plants, improves, cultivates, and can use the product of, so much is his property. He by his labour does, as it were, inclose it from the Common [that which is owned by nobody].' He added that if a man improves common land 'for the benefit of life', it becomes his legal property.

18th Century Swiss lawyer Emerich de Vattel on international law:

'Nations, incapable by the smallness of their numbers to people the whole [of an area], cannot exclusively appropriate to themselves more land than they have occasion for, and which they are unable to settle and cultivate. Their removing their habitations [being nomadic and shifting where they live] through these immense regions, cannot be taken for a true and legal possession; and the people of Europe, too closely pent up, finding land of which these nations are in no particular want, and of which they make no actual and constant use, may lawfully possess it, and establish colonies there.'

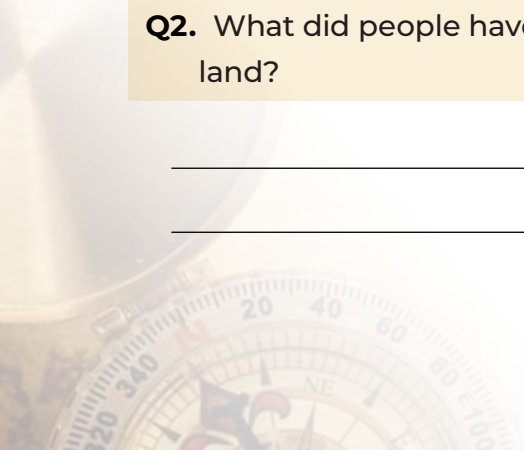
Captain James Cook on the state of Australia, 1770:

'We see this country in the pure state of nature, the industry of man has had nothing to do with any part of it.'

Using the above evidence of attitudes and the law at the time, answer the following questions:

Q1. What does John Locke say is a legal reason for claiming unused or unoccupied land?

Q2. What did people have to do at that time, to become owners of common or unclaimed land?



Q3. In his diary entries, what does Cook say is the state of the settlement of Australia?

Q4. How was Australia claimed as a land without any treaty being made?

Q5. How does this fit the legal ideas about claiming land set out in sources above?

Q6. Would this apply to land that was already clearly and permanently settled and occupied?

Q7. If Australia was unclaimed or apparently unowned land, how would this idea justify the British claiming it as theirs?
