

Dr. W. J. LEYDS
KANTOOR.

MANCHESTER TRANSVAAL COMMITTEE.

THE TRUTH ABOUT
THE TRANSVAAL.

Reprinted, by permission, from the "Manchester Guardian"
of July 15th, 19th, 21st, 25th, and 26th, 1899.

MANCHESTER
TAYLOR, GARNETT, EVANS, & Co., LTD., BLACKFRIARS STREET.
1899.

Dr. W. J. LEYDS
KANTOOR.

MANCHESTER TRANSVAAL COMMITTEE.

THE TRUTH ABOUT
THE TRANSVAAL.

*(Reprinted, by permission, from the "Manchester Guardian"
of July 15th, 19th, 21st, 25th, and 26th, 1899.)*

MANCHESTER:
TAYLOR, GARNETT, EVANS, & Co., LTD., BLACKFRIARS STREET
1899

TRUTH ABOUT THE TRANSVAAL

CONTENTS.

	PAGE
I.—A SKETCH OF HISTORY - - - - -	5
II.—THE FRANCHISE - - - - -	12
III.—TAXATION AND MONOPOLY - - - - -	19
IV.—LAW AND ORDER - - - - -	26
V.—THE BRITISH RIGHT OF INTERFERENCE - - - - -	34

THE TRUTH ABOUT THE TRANSVAAL.

I.

A SKETCH OF HISTORY.

THERE is grave danger lest the popular mind should be hurried into a judgment of the Transvaal issue upon a specious presentation of "the present merits of the case" which ignores the antecedent facts relating to the rise and growth of the Boer republic.

The salient features of this history are few and clearly marked. In the scramble of European nations for South Africa the Dutch were the first effectively to occupy the field. From the middle of the seventeenth to the beginning of the nineteenth century Dutch settlers, with a sprinkling of Huguenot refugees, held Cape Colony and the adjacent region. British interference first began in 1795, but 1814 marks the final determination of Great Britain to maintain its hold upon the Cape and to govern a colony the white inhabitants of which were chiefly Dutch. The process of fusion between Dutch and British settlers, in spite of the close alliance of race, temperament, and language which subsists between the two nations, was at first extremely slow. Discontent with our rule was always simmering, and a futile rebellion in 1815, followed by harsh measures of repression, induced a few of the bolder colonists to abandon their homes and strike into the interior. The gradual migration thus begun culminated in the great Boer trek of 1835-8, when some ten thousand farmers left the colony.

The chief immediate causes of this step were two. First came the sudden emancipation of the slaves in 1834. Deprived suddenly of their chief supply of labour, large numbers of Boer families, obtaining the utterly inadequate compensation of some half a million pounds for a property worth between three and four millions and unable to adjust themselves to the new economic conditions, felt bitterly aggrieved. Again, about this time the Government reversed all measures of protection against the

inroads of the Kaffirs, who for many years had conducted periodic raids, "lifting" the cattle and burning the homesteads of the farmers. The burden of a foreign and unsympathetic government, their failure to secure life and property, became intolerable, and large parties of Boers packed up their movables, mounted their wagons, and with dogged determination went out into the wilderness in search of a new home. The opening words of the manifesto issued by one of their principal leaders, Pieter Retief, deserve record: "We quit this colony under the full assurance that the English Government has nothing more to require of us and will allow us to govern ourselves without its interference in future."

How sadly misplaced this "full assurance" was is shown by subsequent events. It is impossible to tell, even in outline, the heroic and romantic tale of these Dutch peasants in their protracted struggle with savage beasts and still more savage men, struck down by fever, exposed to starvation, fighting for days together against hordes of Zulus and Matabele, still moving slowly on towards an unknown goal, buoyed up by an indomitable spirit of self-reliance and a trust in God which recall the still more famous "trek" of the Hebrew people towards their promised land.

Their earliest settlement was in the land now known as the Orange Free State. Thence a large party of adventurers under the great leader Pretorius entered Natal, and were for settling there. But the outstretched arm of Great Britain was once more upon them. An unsuccessful combat with a British force was followed by the conversion of Natal into a British colony in 1843. Most of the Natal Boers again left their farms, returning to the Orange River territory. The bolder spirits who had planted themselves north of the river Vaal were once more called upon to resist British control, which sought to establish a protectorate in 1845; they took arms against the proposal to force magistrates upon them, and after the subjugation of the Orange River territory in 1848 were joined by a number of Boers who, under Pretorius, refused to

submit to British rule, and founded a new republic in the Transvaal.

The wise statesmanship of Earl Grey infused a short-lived spirit of reason and moderation into our colonial policy, which took form in a recognition of the independence of the two Boer republics. This first formal charter of the independence of the Transvaal Republic is the treaty signed at Sand River in January, 1852, the opening words of which mark our recognition of the separate sovereignty of the Transvaal people over their country: "The Assistant Commissioners guarantee in the fullest manner, on the part of the British Government, to the emigrant farmers beyond the Vaal River the right to manage their own affairs and to govern themselves according to their own laws without any interference on the part of the British Government."

The history of the Transvaal during the next forty-five years, up to the present day, has been marked by a long series of persistent attempts to undo by diplomacy, fraud, or force this self-denying ordinance of the Sand River Treaty. The conditions of the occupation of the Transvaal afforded many opportunities for interference. The Boer settlers were only some sixteen thousand all told, a sparse population for so large a territory, occupying the choice spots, with small pastoral communities. The temper of the people and their economic conditions at first made central government unnecessary and impossible. A sort of patriarchal system long prevailed, succeeded by four loosely-formed republics, and only reaching the formal unity of a single government in 1860. A rude, primitive people of a purely agricultural type, each family living a nearly self-sufficing life, with scarcely any commerce that could not be conducted by neighbourly barter, had fastened themselves firmly on the soil, protecting themselves against the aggressions of native tribes, sometimes encroaching beyond their assigned limits, but on the whole peaceably safeguarding the independence they had won.

The key to the British policy which was destined to trouble the new South African Republic is contained

in the two words "diamonds" and "gold." The annexation of the Diamond Fields in 1871 has been characterised by Mr. Froude as "perhaps the most discreditable incident in British colonial history." Forced into arbitration for the maintenance of a portion of her territory, tricked by an award the corruptness of which is now unquestioned, the Boers bitterly resented the loss of a considerable tract of country for which they had shed their blood, and which had been in their occupation ever since the great "trek." The result, moreover, of this fraudulent transaction was to place upon their confines a body of miners and industrial *entrepreneurs* drawn from all quarters of the world, destined to be their inveterate enemies and the fomenters of internal dissensions in their State. The native tribes, obtaining large quantities of guns and ammunition from the mine-owners, were in a continual ferment of border warfare which strained to breaking-point the loose and newly-made government of the Transvaal.

The weakness of the Transvaal under this great stress, the difficulty of finding men and money for her emergency, gave the opportunity which the advocates of a forward policy at the Cape had been long awaiting. Alleging that the country was in danger of being overrun by the Zulus, and claiming that the villagers were favourable to British protection, the British Commissioner, Sir Theophilus Shepstone, issued a decree in April, 1877, declaring the country to be a British possession and assuming supreme control. The Transvaal Government made no forcible resistance, but lost no time in organising an appeal to the British Government, feeling confident that when the facts were known in England their independence would be restored. Sir T. Shepstone and Sir Bartle Frere, however, had sent home dispatches stating that the majority of the Boers approved the annexation, and though Kruger and Joubert proceeded to England with memorials of protest, representing virtually the whole rural population, their efforts were quite unavailing. Even Mr. Gladstone, while recognising the impolicy and injustice of the annexation, refused

to relinquish the sovereignty over the Transvaal on his accession to power in 1880.

The long-enduring Boers now determined to make their stand for freedom, elected a triumvirate to conduct the government, and, believing they had justice on their side, took up arms. It is needless to repeat the story, discreditable alike to our national arms and our national honour, of the series of engagements culminating in Majuba Hill. When at length Sir Evelyn Wood, at the head of twelve thousand men, was preparing to bear down by sheer dint of numbers the indomitable spirit of the Boers, the moral genius of Mr. Gladstone prompted him to an act which, maligned and misrepresented by false patriotism, will rank as the wisest and most profitable example of his statecraft. Shortsighted strategy condemns the retrocession of the Transvaal as a noble but mistaken policy, breeding contempt and frowardness of temper in an ignorant foe. Some penalty for our criminal error we needs must pay, but an enlightened view of the race question in South Africa, which can only find a sound solution in the pacific fusion of Dutch and British, and which widely transcends the limits of the Transvaal and the expediency of a single generation, will confirm the wisdom of Mr. Gladstone's "sentimental" policy in 1880.

By the Convention signed at Pretoria in August, 1881, reduced in size and restricted in action, the Republic was restored. The general terms of this restoration, contained in the opening words of the preamble, provide that "complete self-government, subject to the suzerainty of Her Majesty, her heirs, and successors, will be accorded to the inhabitants of the Transvaal territory upon the following terms and conditions, and subject to the following reservations and limitations." The Volksraad stoutly resisted the breaches of the Sand River Treaty, contained in several of the provisions of this Convention, and the assertion of "suzerainty" in the preamble, but, having no other alternative but a continuance of the war, the Boer Parliament at last reluctantly consented to "provisionally

submit the articles of the Convention to a practical test." The Convention thus "provisionally" ratified worked ill, causing constant strain in the relations of the two Governments, and was superseded in 1884 by the Convention of London, which contains a new preamble with no mention of "suzerainty," and new articles which should, "when ratified by the Volksraad of the South African Republic, be substituted for the articles embodied in the Convention of 3rd August, 1881."

The London Convention, besides requiring the sanction of the British Government for all foreign engagements of the Transvaal, imposes certain specific conditions upon matters of internal policy and administration relating to slavery, currency, right of entrance and exit, &c. There remained even in the simplified provisions of this Convention ample material for misunderstanding, and Mr. Chamberlain was able recently to mention four occasions during the last fifteen years when we have been "on the verge of war with the Transvaal"—which is his way of saying that we had disputes with them as to the proper interpretation of the terms of the Convention. It is idle to attempt here to discuss the rights and wrongs of these specific cases, which are in reality but symptoms of a growing exasperation in the minds of the Boer and the British peoples of South Africa, attributable to deeper and more dangerous economic and political factors than are represented in the terms of a Convention.

The really crucial facts are the discovery and development of the goldfields and the change of British policy in South Africa which followed. Two years after the ratification of the London Convention came the great discoveries in the district of Lydenburg, and a few years later the great city of Johannesburg had sprung into being. Since 1886 an increasing horde of immigrants, mostly of British origin, has flooded the "Rand," making the Transvaal one of the chief gold-producing countries of the world. So this little people of simple, hard-working farmers, narrow in their outlook on life, deep-set in their convictions, containing in their

coarse-grained nature the same dumb, patient, passionate love of freedom and the same iron confidence in the Bible and the God of the Old Testament which animated our own seventeenth-century Puritans—these belated sons of Cromwell find themselves confronted by an invading stream of foreigners whose language, manners, aims, and character are fearful and unintelligible, whom they cannot keep out, and whom they are called upon to govern.

Finally, the difficulty of the historic problem is accentuated by the recent change of British policy and aspirations in South Africa. It is almost possible to give a date to this change, and to assign the rise of the new Imperial spirit to the replacement of Sir Hercules Robinson in 1889 by Sir H. Loch. In the farewell speech which the former made at Capetown upon his retirement he said, speaking of Imperialism as a policy in South Africa: "It is a diminishing quantity, there being now no longer any permanent place in the future of South Africa for Imperial rule on any large scale." The advent of Sir H. Loch revived Imperial pretensions. Then came the financial giants who began to dream in Empires, and who set themselves to realise their dreams by dangerous and treacherous intrigues. The Jameson Raid exhibited and expressed the united force of these two streams of tendency, the gold-seeking and the Imperialist.

If it is difficult for us to know how far these golden dreams are economic, how far political in their interpretation, how much more difficult must it be for the farmers of the Transvaal. Such a people, passionately seeking freedom from British control, cheated out of territory by British "arbitration," once already robbed of "independence" by British force, the recent victims of a foul plot hatched by the man whom British Ministers and, so far as they know, the British nation love to honour, can scarcely fail to cherish deep resentment and mistrust at each proposal to give power into the hands of the Outlanders. The obduracy, or even the irrational and unjust perversity, of such a people, with such experiences in its recent memory, ought at least to be intelligible to us.

II.

THE FRANCHISE.

In the historic telegram of May 4th, designed by Sir Alfred Milner to precipitate a crisis, the political impotence of the Outlanders is made the root of all their grievances. Mr. Chamberlain has endorsed this statement of the case, and negotiations have concentrated upon the question of the franchise as the issue of supreme and fundamental importance.

Detached from the historical considerations which make it intelligible, presented as a naked issue of abstract right, the demand of the unenfranchised Outlanders makes a forcible appeal to the common sense of justice and the political traditions of the British people. "An oligarchy of rude Boer burghers, relying upon mere priority of possession, refuses equality of political rights or any adequate share in government to a majority of new-comers, mostly of British origin, to whose energy and industrial enterprise their country owes a rapid development of wealth and from whom it derives the great bulk of its revenue. Instead of welcoming into the ranks of their citizens the settlers who develop and enrich their country, they have in the past applied a deliberate and a progressive policy of exclusion, and even now, under fear of inner revolution and outer force, proffer evasive and unsubstantial concessions. All this in face of the fact that the right of entry and residence is expressly secured to all foreigners by the London Convention, which by the spirit of such a stipulation repudiates the policy of political oppression practised by the Transvaal Government." Looking merely to the present situation, and disregarding the whole of the conditions which have led up to and explain it, this statement of the grievances has a fair show of facts in its favour.

Recent statistics of the Staats Almanac enable us to deduce with approximate correctness the size of the Boer and Outlander population in the Transvaal. The number of burghers, comprising all males over 16, is given as 29,279. If we suppose the same duration of life, and the same

proportion between population under and over 16 to exist as in Great Britain, the number of the Boer population of the Transvaal will be about 125,000. Since the almanac gives 288,750 as the total white population, there will be 163,750 Outlanders. A minority of the white population is thus seen to be the sole owners of political power. The case of Johannesburg is still more striking in its testimony to the inequality of political rights if the calculation of the last census, that Johannesburg contains 1,039 Burghers to 23,503 Outlanders, be correct. The violation of the principle which associates representation with taxation is also undeniable. Though there is no evidence in support of the statement that the Outlanders pay nine-tenths of the taxes, it is true that the bulk of the revenue is derived from the goldfields which they operate.

Lastly, it must be admitted that the policy of the Transvaal has been one of growing exclusiveness in the bestowal of the franchise, and that this policy is consciously adapted to prevent the Outlanders possessing a political power commensurate with their numbers. In 1882, when the rush to the goldfields had assumed formidable dimensions, the old easy terms by which a year's residence qualified for citizenship gave way to a law which required five years' residence as a qualification alike for naturalisation and the burgher right. Further restrictions were added in 1889 and 1890, which made it twenty years before an outsider could become possessed of full civic rights. In 1894 an amendment in the law was made, reducing in effect this term of qualification from twenty to fourteen years, but enacting a referendum which involved the sanction of a two-thirds majority of burghers of a district as a condition of admitting aliens to burghership.

Upon such a presentation of the case it is contended that we should force the Boers to a fair measure of representative government. It is true that the Outlanders of Johannesburg exhibited no early or spontaneous desire to obtain a franchise. Alike in 1894 and in the present year they were lashed up to

the demand by intriguing politicians of the Union or the League. The historic admission which leaked out from a letter of Mr. Lionel Phillips, written in 1894, "as to the franchise (I) do not think many people care a fig about it," is corroborated by much evidence from many sources. But while there is probably but a shallow sincerity in the vehemence attached to this demand, it is right to form an independent judgment upon the justice and utility of the claim for equal representation which has been urged so persistently by or on behalf of the unenfranchised Outlanders.

How do the Boers meet the demand for the franchise? Let us try to understand their position from 1890 onwards. At the outset we must remember that by the London Convention they were deprived of the power which not only every other sovereign nation but most new colonies possess, of regulating or excluding the immigration of persons whose presence they deem undesirable. New countries such as Canada, Australia, New Zealand, our colonies, not only have but exercise the power to refuse free entry to foreigners, finding such a policy essential to the building up of a stable society upon a sound political basis. Robbed of this just and salutary safeguard, the Boers of the Transvaal, who had left Cape Colony, Natal, and even the Free State in order to live outside the contact and control of English people, and after a long period of struggle had won security and independence, found themselves exposed to a swift and incalculable tide of immigration composed of those turbulent elements of mankind which always form the population of a goldfield. What course was open to them? To admit this medley of goldseekers to a share of power proportionate to their numbers would have meant handing over the government of the land for which they had fought, laboured, and suffered to a heterogeneous assemblage of persons consisting largely of the most lawless and unsettled members of the very race which had so often conspired against their liberty.

A quick enfranchisement of all new-comers, and the adoption of an arithmetical basis of representation, however admirable

in an old-established democracy, would be a suicidal policy for a new State with young and growing institutions. There is no analogy between the case of England, absorbing by a slow influx small numbers of aliens who spread themselves widely over the whole area of the land and quickly conform to the dominant environment of a nation which they desire to make their own, and the case of the Transvaal. The Outlanders have swept upon the Transvaal in sudden torrents, crowding into a single district and a single industry, seeking mostly not a permanent home but a predatory sojourn in a foreign land. Some of the new-comers doubtless form a desirable accession to the country; they have come to stay, and are willing to identify themselves with the well-being of their adopted country. But this notoriously does not apply to the majority. If England still deems a five years' residence a proper protection for herself against the danger of unassimilated aliens, surely the Transvaal requires a somewhat longer period to secure the same measure of protection.

The true statement of the problem with which the Boer Government was faced is this: "How can we keep the natural and inevitable flow of political power into the hands of these Outlanders at such a pace as will enable our young Government, with its new laws and Constitution, safely to assimilate the new, foreign, and even antagonistic elements?" It may well be that the practical policy adopted was not invariably wise or even prudent. It was perhaps natural that the intensely conservative temper of the Boers should underrate on the one hand the safe rate of absorption, and on the other the dangers attendant on the presence of a large and wealthy unattached population.

The portentous size and suddenness of the problem confronting them was calculated to stagger and perplex a people new to the arts of self-government and to drive them to an attitude of extreme caution. This caution was confirmed and strengthened by the persistent interference of outside interested agents, which culminated in the treachery of the

Jameson Raid. History will endorse the suspicions of the Transvaal Government that this Outlander demand for the franchise is not a genuine spontaneous demand from men anxious to identify themselves with the sound and safe development of a republican commonwealth, but a weapon of outside capitalists and politicians designed to subvert the Boer government and to establish a British South African Empire, which shall feed the lust of political schemers in England and the Cape, and, under a showy guise of British patriotism, shall sacrifice the liberties of the people to the ends of Stock Exchange finance. Such suspicions are in the nature of the case difficult of proof, but the disclosures of the Select Committee on the Jameson Raid are supported by the recent activity of the South African League at Johannesburg and by the avowed intentions of the prophets of a forward policy in this country.

A weight of evidence attests the correctness of the blunt summary of President Kruger's recent address: "You are asking me to commit suicide—to give the independence of my country away. These foreigners, British subjects and others, come here to make money that they may spend it in Europe. They care nothing for the welfare of my people and the stability of the Republic. If we give them votes they will use them to upset our institutions and to degrade us to the level of helots." It is doubtless true that a persistent refusal to absorb and assimilate the Outlander population would be as dangerous, as destructive of order, as a free promiscuous admission. But such persistent refusal is not and has not been the attitude of the Transvaal Government. They have always recognised the necessity and the utility of the admission of new blood, though they have not always been discreet or moderate in the tests and qualifications imposed upon the process. Even under the stringent regulations of the existing law the growth of the Burgher population has been very rapid. Surely the formal statement of President Kruger last March proves that he, at any rate,

is bent upon no obdurate exclusiveness: "When the present law was made there were 10,000 or 12,000 Burghers, so he could not do otherwise than make a law as he did. He urged that if the laws of adoption had been otherwise the flood of immigrants would soon have voted them out. Now, however, there were 30,000 or 40,000 Burghers, so he thought he could with safety reduce the period. He would leave the first four years mentioned for naturalisation, and reduce the remainder of the period for the attainment of full Burgher rights to five years. He calculated that in this way they would have about 70,000 Burghers, and the time would probably come when they could still further reduce the period like other countries." This gradual progressive slackening of restrictions is surely the only safe policy for a small new State in the position of the Transvaal, hemmed round by British possessions so that further trekking is no longer possible, forced to receive constant fresh incursions from outside, and confronted with the difficulties of keeping order among a heterogeneous population of European, Afrikaner, and native races.

The real issue is one of pace rather than of policy. The actual policy of the Boers is not one of exclusion, but of selective and graduated inclusion, with guarantees of substantial interest and good citizenship. The Bloemfontein Conference showed that President Kruger was prepared to go beyond the words of his May speech, to lower the period of full franchise to nine years, abolishing the assent of the two-thirds burghers' vote formerly required, and to give an increased representation to the districts where Outlanders would command a majority of votes.

The difference between this proposal and that of Sir A. Milner, of a five years' qualification with no interim period of naturalisation, with retrospective operation and a minimum of seven members for the Rand, is no difference of principle, but merely of degree in the application of a principle. After consultation with Afrikaner leaders from Cape Colony and the Orange Free State, the Transvaal Government, with virtual

unanimity, made further concessions. It was proposed to confine the nine years' qualification to settlers before the end of 1895; residents who arrived in 1896 were to receive it in eight years, while those arriving in 1897 and after would qualify in seven years. This proposal was accompanied by a scheme of redistribution, giving seven members to the Outlander districts. It now seems likely that the Government will make the seven years' qualification at once operative with retrospective action, will give three extra members to Johannesburg, and, by other additions, raise the representation of the goldfields to eight or even nine. A fair consideration of the circumstances detailed will show this to be a measure of extreme liberality, going to the verge of what is consistent with the stability of the State. If, which seems scarcely credible, refusal to go beyond this should mean war, acceptance would signify a slower but not less certain dissolution of their independent commonwealth. The informed common sense of the British people will not permit Mr. Chamberlain to enforce a disastrous domestic policy upon a people to whom we have guaranteed "the entire control of their internal affairs."

III.

TAXATION AND MONOPOLY.

When a business man sees anyone else taking profits which he thinks might otherwise have come to him, though that other person is the State, he feels aggrieved. That there exists a strong and genuine conviction on the part of the capitalists and managers of the mining industry upon the Rand that they are oppressed by the Government we make no doubt; it is even possible that they have persuaded many working miners and shopkeepers that they too are victims of extortionate taxation. Their case against the Government is fully and frankly set forth in the Blue Book and elsewhere. In their eyes the first duty of the State is to expend public money and care so as to furnish a large and regular supply of white and Kaffir labour to the mines, to see that the labourers are kept sober and industrious, to reduce as low as possible the price of the foodstuffs which determine wages at the mines, to take special precautions against the theft of gold, to procure, carry, and deliver to the mines coal, dynamite, and other requisites of their industry at the lowest possible rates, and otherwise to let taxation rest as lightly as possible upon mine owners. The failure of the Government to recognise and conform to this view of the functions of the State gives rise to a crop of specific grievances. To Englishmen it will not be self-evident that a private industry, making such profits as will presently appear, is entitled to call upon the Government to "pay premiums to Kaffir chiefs for the supply of labourers," to furnish "extra payment" to Native Commissioners for procuring this labour, to conduct this labour to the mines "under supervision," erecting "compounds" for this purpose all along the route, reducing railway charges to one-third of the present rate, making and administering special liquor laws prohibiting the sale of spirits to labourers, and enforcing "pass" regulations to prevent "natives deserting."

The whole tenour of these grievances relating to labour, comprising the first section of complaints in the Blue Book, is most instructive, in view of the cry for "liberty" of the Outlanders and the constant charges of tyranny and virtual enslavement of the natives brought against the Boers. To English notions of liberty and of the functions of the State the refusal of the Government to incur the trouble and expense of catering for private capitalism seems eminently reasonable; their failure in the strict administration of the Liquor and Pass laws, though doubtless reprehensible in view of their legal undertakings, may surely be condoned in part by the reflection that no private industry in this or any civilised nation is entitled to call upon Government to guarantee a cheap supply of labour. Such demands paraded in the forefront of the "economic grievances" cast a sinister light upon the whole situation, and give us at least a passing glimpse of the human basis of this great gold monopoly which whines about "oppression."

But let us turn to the main economic grievance, relating to taxation. This complaint is twofold—first, that the taxation is in itself excessive; secondly, that "nine-tenths," or "nearly the whole of it," is borne by the mining industry and the Outlander population of the "Rand." First let us ask, Is the revenue raised by the Government an excessive one, as Mr Conyngham Green and Mr Chamberlain aver? "It is unnatural that a State whose white population consists, according to official statistics, of 250,000 people, should have an annual expenditure of from four to five millions, more especially when the new population has to pay nearly the whole of it." Now in regarding the amount of revenue and expenditure it might be reasonably urged that the total population, and not merely the white population, is a proper standard of reference, and that an expenditure of four millions is not obviously excessive for so large a country as the Transvaal, with a total population of about 1,100,000. But, waiving this point and accepting the white population as a test, let us compare the finances of the Trans-

vaal with those of the two neighbouring British colonies :—

	1898 Revenue.	White Population.
Transvaal	£3,983,560	288,750 (1898)
Cape Colony	£6,565,281	376,987 (1891)
Natal	£1,964,314	50,241 (1897)

These figures make it manifest that both in Cape Colony and in Natal the amount of taxation per white inhabitant is considerably higher than in the Transvaal. Nor is there anything abnormal in last year. If we take the finances of the three countries during the last ten years we shall obtain the same result. Moreover, it must not be forgotten that Cape Colony is saddled with a public debt amounting to about £28,000,000, or nearly £14 per head of the white population, while the public debt of Natal is over £8,000,000, or £16 per head. If the population of the Transvaal are overtaxed, still worse is the condition of our own colonists. There is, however, no *prima facie* case for the charge of excessive taxation when we bear in mind the requirements of a new country and its necessary dependence in many ways upon State assistance for the development of resources which only later on blossom into profitable enterprises. Finally, the low purchasing power of money in South Africa must be taken into account. Four millions, either for revenue or for expenditure, means a very different thing in a country where “a miner earns from £18 to £30 per month” from what it means in England, where wages and prices are so greatly below those prevalent in the Transvaal.

But after all, it may be said, the gist of the complaint lies in the unfair character and incidence of the taxes. “The mining industry must be held as the financial basis, support, and mainstay of the State,” and yet this very industry is selected for harassment by taxes and monopolies specially devised to feed upon its profits. So far as the general taxation of the country is concerned, it is not easy to understand the grounds of the Outlanders’ complaint. If, as they aver, they have made and own the major part of the wealth of the country, it is only natural that taxes upon income or trade, however imposed,

should chiefly be borne by them ; the complaint that they have no voice in the imposition of these taxes, however sound, is not relevant to the present charge. In so far as they represent the trading and manufacturing class, it cannot seriously be maintained that import duties are unfairly directed against them. The proportion this source of revenue bears to the total revenue is somewhat higher in Cape Colony than in the Transvaal, while the rate is also higher in our colony, being $12\frac{1}{2}$ per cent. *ad valorem*, as compared with 7 per cent. *ad valorem* in the Transvaal. There was formerly some real ground for complaint in regard to the import dues upon foodstuffs which were necessities of life, and the high prices of which pressed heavily on the wage-bill of the Rand ; but on representation to the Volksraad the special Customs dues were removed in 1896 from most of these foodstuffs and compensated by an increased duty upon luxuries.

But the chief grievance of the mineowners' indictment has reference to concessions or monopolies, the largest and most oppressive being the monopoly in the production and sale of dynamite. This issue plays a very prominent part among the grievances. The gist of the complaint is that a monopoly in the manufacture and sale of this commodity, essential to mining, has been given to a private company, which is allowed to charge a price amounting to 40s. per case in excess of the price at which dynamite could be delivered in the Transvaal. It is not pretended that the State now gains by this monopoly to any large extent ; the not clearly formulated charge is one of corrupt bargain between the concessionnaire and certain officials. The result of this power of monopoly upon the mines is to "take unduly out of the industry a sum of at least £400,000, almost without any benefit to the State, and which by all right ought to belong to the shareholders of the mining companies." Now, it cannot be denied that a very profitable bargain was made by the concessionnaire with the Transvaal Government. This is admitted by Mr. Kruger ; steps have already been taken to assume the monopoly on the termination

of the lease, and in the interim a reduction of price has been enforced which enables dynamite to be supplied at a price of about 70s. per case, as compared with some 55s. at Kimberley or in Swaziland.

To those who contend that the dynamite monopoly should be abolished altogether as an oppressive and an unconstitutional tax there is a sufficient answer. The Government monopoly is defended by Mr. Kruger upon the ground that "their independence" in case "a dispute arose with foreign countries" required them to possess within their borders the means of producing in sufficient quantities the various explosives essential to modern warfare. The control of prices of dynamite supplied for mining purposes is a necessary implication, not an object, of this policy. With reference to the question of constitutional right, Professor Westlake and others have completely disposed of the charge that this "monopoly" is a breach of an article of the London Convention which provides that no discrimination shall be exercised in relation to freedom of industry and taxation between citizens and aliens. The persons excluded in this case from the manufacture and sale of dynamite are citizens as well as foreigners; while the absence of illegal discrimination is further emphasised by the fact that the company which acts as agent for the Government in this industry is an Anglo-German company, working under an agreement with a French company which had previously held a similar concession.

Similar criticism is applicable to the complaints of excessive railway charges and other prices and rates charged for articles which are "concessions" or "monopolies." The number and importance of these are gravely exaggerated. It is admitted that dynamite at the high price which prevails is not more than a charge of 9 per cent. upon the working expenses of mining, and not inconsiderable reductions have recently been made both in this and in the matter of railway rates. The policy of granting such monopolies to private companies is in theory most undesirable and not very profitable to the State, but a

Government new to the complex business of finance and direct industrial operations is often driven to such delegation of functions which in a stronger and more developed stage it will assume and fulfil on its own account.

A similar explanation exists of many defects alike in the raising of revenue and in expenditure which are charged against the Transvaal Government. It would be idle to deny that there are abuses in the administration of the finances; possibly official corruption may have crept in here such as is not unknown in European countries or in our own colonies. Perfection, or even complete honesty in finance, is the last and hardest virtue of a State. Much is made, for example, of the large sum imputed to the account of secret services. But if a true account were rendered of the moneys employed by private agencies within the Transvaal, in Cape Colony, and in this country, to corrupt public opinion and to undermine the influence of the Boer Government, we could better understand, and perhaps might even condone the endeavour of Mr. Kruger to fight his treacherous enemy with weapons similar to those employed against him. This may not be the highest morality or an ultimately sound policy, but it is human nature all the world over.

One final word upon the economic aspect of the issue. The mineowners and managers, with the business men attached to them, claim that their energy and ability have created the wealth and the material prosperity of the Transvaal, and that all the profits of the mines "by all right ought to belong to the shareholders of the mining companies." State taxation, direct or indirect, they denounce as a policy of tyranny and plunder. Now this theory is one of colossal impudence. The President of the Mines, speaking at the close of last year, estimated that "an amount of four millions sterling will be paid out as dividends earned from mining exploitation," and even this takes no account of huge profits made by industries subsidiary to the mining industry. The veriest tyro in politics and economics

will be aware that such profits are ample compensation for the skill, industry, and enterprise employed. No English Liberal, at any rate, will be bold enough to affirm that the whole value of the golden soil of the Rand belongs "by right" to those who have been licensed to work it.

If it be true that the great bulk of the taxation falls upon these industries, what is so sound a subject for the incidence of taxes as those land values which nature has bestowed upon a country and which man has only discovered and developed? What modern Government thinks of handing over rich mining lands to settlers without sharing largely, by direct contribution out of profit or by taxes, in the product of the soil? "Considering that this industry has been in existence for only eleven years, great progress has been made in spite of an antagonistic Government," says Mr. Conyngham Green, and the admission is surely significant. The gold law of the Transvaal is admittedly the most liberal in the world, and, as might be expected, the progress of output and of profits has been phenomenally large. Compare with the Rand the conditions imposed by the speculators who own and rule Mashonaland; there it is ordained that 50 per cent. of all gold mining profits goes to the Government, and that all diamonds are a Government monopoly. This is the sound policy of any modern State; where the natural resources of the country are not retained in the possession of the Government, they are rightly made the first and chief subject of taxation. The economic grievances of the Rand resolve themselves into the greedy demand of a small clique of mineowners to receive the whole value of a natural monopoly, resisting the claims of the State, in which the sovereignty over the soil is rightly vested. Behind the mineowner is the speculator—but that is another story.

IV.

LAW AND ORDER.

One of the strongest passages in the speech at Birmingham* by which Mr. Chamberlain strove to inflame British feeling against the Transvaal Government is a complaint of "the misconduct of the inefficient, the ignorant police, of the brutal outrages which are constantly being committed on the Indian subjects of the Queen, and on the coloured men who are also British subjects and come from Cape Colony, and of the general insecurity of life for the population, as illustrated by the murder of Edgar and the subsequent murder of Mrs. Applebee." The largest section of the Blue Book is devoted to a detailed narrative and discussion of these "misdeeds" for the purpose of showing that the Boer Government, from incapacity, malice, or sheer brutality, fails to furnish the ordinary justice and security to life and property which entitle it to rank as a civilised State. With this end in view, copious cuttings from the *Johannesburg Star*, an admittedly partisan anti-Kruger journal, are embedded in the text of the official reports, recounting outrages by the police and illegal and vexatious practices of subordinate officials. This method of forcing a general judgment on the mind of readers by a selection and assemblage of concrete cases of violence and illegality is nothing new. Mr. Stead has done it for Chicago and New York with far greater power of convincing realism; a week's close experience of the operations of the London police—probably the most efficient force in the world—would yield a crop of outrages which might rival or surpass for combined illegality or brutality the record of Johannesburg.

But even if the administration of the law in Johannesburg is rougher and laxer than in more settled communities, is that remarkable? A number of cases are cited in which a certain Field Cornet illegally and with unnecessary harshness applies the Pass Law to British subjects who were

*Delivered June 26th.

entitled to exemption; attempts are made by over-zealous officers to "commandeer" British subjects, *i.e.*, to require military service or levy goods or money for military expeditions. In not a few instances it is admitted that officials and police got out of hand; the difficulty of discriminating coloured persons who were British subjects from those who were not, the lack of explicit instructions from head-quarters, and the strong race feeling fostered in the Rand are doubtless responsible for many illegal arrests and interferences. A police drawn from the rude country population, set to keep order and to enforce complex regulations in a farrago of foreigners like Johannesburg, is bound to make mistakes, and sometimes to misconduct itself.

Even admitting the accuracy of all the cases of maltreatment given in the Blue Book, we have no evidence of any wide prevalence of disorder. No one could seriously pretend that quiet citizens in Johannesburg have gone about in fear of injury to life or property. It is indeed alleged that the Government connives at illegal administration. Sir A. Milner avers that "it is impossible that a persecution so systematic and persistent as that directed against these coloured people could take place if the Government were firmly resolved that it should cease," but no reasonable grounds appear for this insinuation. No evidence is tendered which invalidates the candid admission of the State Secretary: "This Government does not wish to deny that, especially with regard to these Cape coloured persons, treatment by the police and other officials is occasionally resorted to which it is difficult to defend; but no one who knows these coloured persons can feel surprised that such cases as those under notice sometimes take place, notwithstanding all the efforts made by the Government to prevent them." The fact is that Outlanders, British subjects in particular, are openly contemptuous of the Boers, who form a small and a poor minority. The latter resent this insolence, and the strain of race and class feeling thus set up finds vent in occasional

outbursts of official brutality. Even a stronger and better established Government would find it impossible to secure consistently just administration under such circumstances. By selection and specious concoction it is seldom difficult to present a case against the police administration of any city, and Johannesburg is not likely to prove an exception.

But Sir A. Milner and Mr. Chamberlain have done their work very badly; a close investigation of the representative cases upon which they base their general allegations against the Transvaal Government exhibits a recklessness of judgment that is scarcely credible in responsible officials dealing with so grave an issue. A brief examination of the two cases of outrage set in the forefront of the battle will make this clear. In his Birmingham speech Mr. Chamberlain spoke of "the murder of Edgar," and in his despatch of May 10th he thus characterises the case: "But perhaps the most striking instance of arbitrary action by officials, and of the support of such action by the State, is the well-known Edgar case. The effect of the verdict of the jury, warmly endorsed by the judge, is that four policemen, breaking into a man's house at night, without a warrant, on the mere statement of one person, which subsequently turned out to be untrue, that the man had committed a crime, are justified in killing him there and then, because, according to their own account, he hits one of them with a stick."

Now, when Mr. Chamberlain wrote these lines he had in his possession a full report of the trial of this case. Anyone who reads that report will perceive that the above-quoted account completely misrepresents the evidence. The proved facts are briefly these. Edgar, a British workman, addicted to drink, but not drunk at the time, was coming home late at night to a yard where he and other Outlanders lived. As he was coming down the yard another Outlander, Forster, said something to his dog, which Edgar took as an insult addressed to him. Although the man explained that the word was not applied to him, and a third

Outlander, Sheppard, coming out, pointed out that Forster was drunk, Edgar, a big powerful man, struck Forster a violent blow, and left him senseless on the ground. Bystanders thought him dead,* and his friend called loudly for the police. Four policemen came at once, saw Forster lying on the ground, and heard Sheppard say, "The man that ran into that room killed him." They proceeded at once to Edgar's window, and saw him standing with a weapon in his hand. They then paused a little to consider whether without a warrant they should break in the door. The Outlanders urged them to do so, and the police then pushed in the door, one of them, Jones, entering first. The police case is to the effect that Edgar stood just in the entrance with a sort of life-preserver, a tough stick with an iron nut screwed on one end, and a loop of cord to fit the hand upon the other, and that with this he struck Jones twice. Thereupon Jones, expecting another blow and unable to retire by pressure of the others from behind, drew his revolver and fired, killing Edgar. The resistance of Edgar was disputed at the trial, though the weapon described was produced in court, and two surgeons, one an Outlander, who examined Jones on his return to the police office, attested to the fresh wounds upon him. In reality the violent resistance of Edgar is clearly proved, not merely by police testimony, but by the sworn evidence of two Outlander witnesses. Even the *Star* in its report admits that "Edgar actively resisted his arrest." The policeman Jones was charged at first with murder; subsequently the State prosecutor reduced the charge, on his own initiative, to culpable homicide. Upon this charge he was tried; the judge's charge, fully given, is scrupulously non-committal, and the jury, after a long retirement, gave a verdict of not guilty, which the judge approved.

The real issues of the case are two, one relating to the right of the police to make a forced entry, the other to the right of Jones to use the weapon he was legally entitled to carry. Both these issues Mr. Chamberlain distorts. The police have a

*The news of his death has since been received.

right of forced entry without warrant only if they have reason to believe a criminal hot from his crime is there and may escape. Mr. Chamberlain speaks of "the mere statement of one person which subsequently turns out to be untrue." But several witnesses informed the police of Edgar's assault, and the charge was true; the man lay there senseless, and there was reason to suspect a murderer was harboured in the house. On the second issue Mr. Chamberlain declares the justification for killing Edgar to be "because, according to their own account, he hits one of them with a stick." But both Sheppard and Sylvester, who are Outlanders, corroborate the evidence of the police that Edgar stood with a weapon in his hand; this weapon was no ordinary stick, but a weapon fully capable of killing the man it struck. No one carefully reading the evidence in the case can doubt that the prosecution acted rightly in reducing the charge from murder to culpable homicide; few will refuse to indorse the verdict of the jury, who acquitted the prisoner upon this charge.

Edgar was a rowdy, caught red-handed in a brutal assault upon a defenceless fellow-Outlander; he violently resisted the police in the performance of their duty. The shooting may be condemned as an error of judgment, and its fatal result was deplorable, but it is likely enough that any London policeman entitled to use firearms in self-defence would have acted with similar precipitation. To charge this act as murder, to defend this description by a distorted statement of the evidence, to condemn the conduct of the case and the judgment of the court, and, finally, to demand monetary compensation for the widow, as Mr. Chamberlain has done, is a striking example of the strictly non-judicial spirit in which much of the Blue Book is written, and in which the whole case against the Boer administration is being urged.

The other case cited by Mr. Chamberlain is that of Mrs. Applebee, wife of a Wesleyan missionary, who when walking to church was set upon by some unknown miscreants and so brutally misused that she died from her injuries. Her friends

suspected the motive of the crime to be revenge upon the part of liquor dealers who resented the part taken by the missionary in the exposure and repression of their illegal trade. Although the Transvaal Government offered a reward of £500 for the discovery of the perpetrators, and took immediate measures to increase the police force by 200 men, the murderers remained undetected. Now why is this case flaunted before the British nation and linked with the Edgar case as evidence of a "denial of justice" on the part of the Boer Government? Transvaal detectives may be incompetent, but is crime always unmasked in this country? The liquor law is loosely administered in the Rand; such a stringent law is loosely administered wherever it exists. There is nothing but vague suspicion to attach the crime to liquor dealers. The Government took prompt and vigorous measures to discover the criminals; their efforts were in vain.

But to parade this failure as an outrage and to charge it against the Government is grossly unfair. That a man bound, as Sir Alfred Milner is bound, to report judicially on the facts should have assumed the guilt of the liquor dealers and have used this case to urge a general charge against the Government of winking at systematic breaches of the law is almost incredible. His language is so remarkable as to deserve quotation: "From all that I have been able to gather on the subject, I understand that the business is conducted by a syndicate commanding powerful influence and great resources. Though the names of many of the principals are an open secret, no effectual steps have been taken to bring them to justice; while as regards the intermediaries in the trade—largely composed of the lowest orders of Continental Jews—neither fine nor imprisonment has any terrors for them. In the comparatively few cases where they are caught their employers can well afford to indemnify them out of the enormous profits realised. The loss to the mines through this infamous trade is a small matter compared with the demoralisation to the natives—so many of whom are British subjects—and the con-

sequent danger to the white communities among whom they may be living when no longer at the mines. It would now seem that the dealers do not even shrink from assassination in order to stifle exposure, and I trust that this latest outrage may serve to focus public attention on their iniquitous proceedings."

What are we to think of a responsible Minister who in a precarious situation pens such a letter to our Government? No direct evidence appears connecting the death of Mrs. Applebee with liquor dealers; if Mr. Applebee were their most dangerous opponent, the murder of his wife would be the worst and most obviously foolish way of "stifling exposure." Why the mineowners object to the liquor trade, which is parasitic on the mining industry, we can easily understand. But why should Sir A. Milner make himself special pleader for one set of Jew capitalists as against another set, using their philanthropic cant about "demoralisation of the natives," which in the same sentence is resolved into "loss" of profits on the one hand, danger to white people on the other? The reckless rhetoric of his accusation against the liquor trade cuts its own throat, for if fines and imprisonment are unavailing, why is the Government to blame for failing to put down illegal sales? Does Sir A. Milner expect the Boers to hang or torture the parties against whom he seeks to prejudice public opinion by calling them "the lowest orders of Continental Jews"?

Taking the test cases of outrage and injustice chosen by Sir A. Milner and Mr. Chamberlain, we can only conclude that their general accusations against the Transvaal Government are based upon the most flimsy evidence. The only case fully exposed in the Blue Book in which the Government, through responsible officials, seems clearly involved is the organised and forcible break up of a public meeting convened by the Outlanders in the Amphitheatre at Johannesburg, and sanctioned by the Government. There seems no reason to doubt that an act of deliberate and brutal rowdyism was planned and perpetrated by certain subordinate Government officials, a regrettable and condemnable proceeding, but one which may

be paralleled in the recent history of a good many European countries, not even excepting our own. It cannot be denied that the Transvaal Government has sometimes exercised the press law and other statutory powers to repress free criticism of the Government in print and at public meetings, as the British Government has frequently done in Ireland and in India. Such interference with freedom of speech and publication we condemn ; but if it ever were defensible, the circumstances of the Transvaal Government, called upon to confront a powerful conspiracy of wealthy inhabitants subsidised from outside sources, and believed to aim at the subversion of the existing order, constitute such a defence. There is, however, no need to urge this extenuation. The Transvaal Government has not maintained a policy of tyrannical repression ; its general attitude has been and still remains favourable to extreme liberty of speech and publication. In spite of the extreme provocation of the last few weeks, it has succeeded in maintaining good order without recourse to the autocratic powers usually accorded to military and police administration when danger of a popular outbreak threatens London, New York, or Paris. How many Governments would have chosen such a juncture to deprive the police of Johannesburg of the right to carry firearms ?

A fair examination of the evidence of "illegality" and "ill-treatment" cited by Mr. Chamberlain shows that most of the serious offences are not committed by Boers upon Outlanders but by Outlanders upon Outlanders, and that reasonable care is taken to discover, arrest, and try offenders. The administration of certain laws, especially the liquor law, is lax, but the insinuations of corruption and connivance of the Government are supported by no evidence ; the conduct of the police in general is neither better nor worse than is usual in a gold-field. There is nothing whatever in the evidence so far produced to show that quiet and law-abiding men and women in the Rand have not virtually complete security of life and property.

V.

THE BRITISH RIGHT OF INTERFERENCE.

What right have we to force the Government of the Transvaal to redress the alleged grievances of the Outlanders, and in particular to grant liberal measures of franchise and redistribution of political power? It is said that we are entitled to exercise this interference in virtue of our suzerainty and of the position we occupy as "paramount power" in South Africa. First let us ask, Have we suzerain power over the Transvaal? Secondly, if we have, does this position qualify us to interfere for the purposes above specified?

The first and only formal statement of suzerainty is in the preamble of the 1881 Convention, in which "complete self-government, subject to the suzerainty of Her Majesty, her heirs and successors, will be accorded to the inhabitants of the Transvaal Territory." The Transvaal Government claims that since the London Convention of 1884, expressly designed to take the place of the 1881 Convention, contains no statement of suzerainty, and speaks no longer of the "Transvaal State," but of the "Transvaal Republic," this is an admission of the independent sovereignty of the Transvaal. The supporters of our right to interfere meet this position by two arguments. The preamble of the 1881 Convention, they say, is carried over into the 1884 Convention. It is only the articles of the 1881 Convention, not the preamble, that are superseded. Secondly they urge, if the preamble is not carried over, then the complete self-government secured by that preamble lapses, and the Transvaal reverts to the condition of annexation under which it lay from 1877 to 1881.

These arguments, however, carry little weight when we look at them closely, and it is easy to see that our claim to interfere does not really stand upon them. The Convention of 1884 contains an introductory passage which, although audaciously distinguished as a "preface" by the upholders of suzerainty, has as much claim to be entitled a "preamble" as

the introductory passage of the 1881 Convention. It opens thus: "Whereas . . . the Convention of 1881 . . . contains certain provisions which are inconvenient and impose duties and obligations from which the said State is desirous to be relieved . . . now, therefore, Her Majesty has been pleased to direct . . . that the following articles of a new Convention . . . shall be substituted for the articles embodied in the Convention of August 3rd, 1881." Now if, as is reasonable, the "preamble" be regarded as any part of the Convention, the preamble, as well as the articles of 1881, is superseded by what is called "a new Convention." If the prefatory words are regarded as forming no part of the Convention, there still remains no reason to deny the title "preamble" to the preface of 1884, or to insist that the "preamble" of 1881, forming no part of the Convention, is carried over.

But supposing that the preamble of 1881, declaring suzerainty, is superseded, does the self-government of the Transvaal, also asserted in that preamble, lapse? Not at all. It is a sheer impertinence to affirm that the self-government or "independence" of the Transvaal rests upon the preamble of 1881. It is true that that self-government was forcibly withheld during the period 1877 to 1881 by the annexation which Sir Theophilus Shepstone imposed upon the Boers. But to state that this annexation, made and maintained amidst the persistent remonstrances of the vast majority of the people, and never sanctioned by them or their elected representatives, implies a forfeiture of their prior independence is a sheer abrogation of every principle of right. The Boer people never abandoned their independence during the brief period of the annexation forced upon them for three years. If the preamble of 1881 lapses with the Convention, their formal charter of independence is the Sand River Convention, whereby in 1852 complete self-government is secured to them.

But even suppose it to be admitted that the preamble of 1881 is not superseded by the 1884 Convention, and that the suzerainty of Great Britain over the Transvaal still stands, that preamble

not merely fails to justify but positively excludes the pretended right to force upon the Transvaal Government a franchise, or otherwise to interfere with the management of internal affairs, except in certain specified matters. The judgment of Professor Westlake, of Cambridge, one of our greatest authorities upon international law, is surely final on this issue. "Neither the description of the Queen as 'Suzerain,' which was contained in the Convention of 1881, nor the description of 'paramount,' which may be given to the position of England as resulting from Article 4 of the Convention of London, carried or carries with it any definite measure of rights. That measure must be found in every case in the title-deeds of the suzerainty or of the paramount position, and in our case the title-deed is a Convention. . . . Beyond these limits we may have rights, but not by virtue of suzerainty or paramount position; only such rights as in similar circumstances would arise between independent countries." In other words, whatever claims we make to interfere in the franchise or other matters of domestic government by virtue of our suzerainty (even if this suzerainty be admitted) are defined in the articles of the 1884 Convention.

But an examination of these articles yields no basis whatever for the interference which our Government claims to exercise. The stipulation of "the right of entry and residence" for all and sundry which, as Professor Westlake points out, is a common form in such treaties cannot by any ingenuity be distorted into a pledge to give the franchise or any other favour of this order. When a writer to the *Times*, arguing the technical issue, is driven to base his claim for equality of franchise upon the use of the term "inhabitants" in the 1881 preamble, which he appears to think implies that no restrictions of any sort (age, sex, or colour!) can be set upon the enjoyment of electoral rights, we may regard the technical position as virtually abandoned. This, indeed, is as good as admitted by many advocates of interference, who fall back upon what they call "the spirit" as distinct from the letter of the Convention and allude to a "moral" rather than a legal "right" to extort

a franchise. But seeing that the first and only object of a written treaty is to bind the parties to a literal interpretation, the admission that no right of interference is given either by the introduction or the articles of the Convention is hardly to be counterbalanced by claims based upon some vague and highly disputable deductions entitled "the spirit."

Perhaps, however, in this intricate dispute the palm for audacity must be given to an eminent foreign jurist, Professor Reich, whose argument deserves quotation. "May it not be urged that the claims of Sir A. Milner have a legal basis of their own by introducing, as after so many innovations we may do, the new international right of what the Romans called a *negotiorum gestor*? The English have, in the character of *negotiorum gestores* of the Boers, done most of the economic and social business of the Transvaal. By introducing the doctrine of the unsolicited agent . . . into international law we only follow the example set by all the Great Powers in recent times, and thus obtain a legal standing for claimants who might otherwise be held to resort to means illegal or unfair." This notion of progress in international law, with its "doctrine of the unsolicited agent," is quite the most humorous exposure of the case that could be devised. As here stated it forms perhaps the most succinct commentary upon our imperial method that has crept into print. In our character of gold-seekers and political intriguers (*negotiorum gestores*) we have indeed done much of the "economic and social business of the Transvaal"; it is, moreover, quite undeniable that we have done it by means of "the doctrine of the unsolicited agent." But if this practice and this doctrine enable our claims to have "a legal basis of their own," why haggle about treaties or other machinery of international law? "The doctrine of the unsolicited agent" will carry us very far; practised by persons in private life it carries them into penal servitude, since they are seldom able to persuade the Court that their conduct stands on "a legal basis of its own." Blunt men who are neither expert diplomats nor international lawyers have shorter and less

honourable names for the procedure of "the unsolicited agent." This title, like that of "paramount power," is nothing else than an impudent assertion that "might is right," or that we intend to regard it as such. It has, in fact, no meaning even for international law, and belongs to that sliding scale of phrases in which figure "veiled protectorate," "sphere of interest," upon which we glide noiselessly into annexation.

There are those who, like the *Spectator* in some of its moods, are willing to give up the argument for suzerainty and paramount power and to fall back upon the common right to demand justice for British subjects in foreign lands. "We have always, in the cases even of entirely independent countries, insisted on our right to protect our own citizens." Now it is of course true that we have exercised what is here called "the right" to protect the lives and the property of British subjects in foreign countries against open violence and injustice. But that this "right" or practice affords any precedent for demanding the franchise or other political favours for our citizens is a preposterous suggestion which no one would think of entertaining in the case of any powerful European country.

If the London Convention furnishes no ground for our demand, as is the case, the general right to protect our citizens in foreign countries has no possible application here. Even if we admit that the Outlanders have a grievance in the denial of full civil rights, and that they are even justified in using force on their own behalf to redress that grievance, the British Government has no *locus standi* in the quarrel. The absurdity of the contention of our right to interfere is made more manifest by the particular implications of this "right" in this specific instance. Sir A. Milner admits that "it seems a paradox, but it is true that the only effective way of protecting our subjects is to help them to cease to be our subjects." But Sir A. Milner mistakes the paradox. It may be our duty in such a case, though this is far from being obvious, to help our subjects to cease to be our subjects, *i.e.*, to disfranchise them from British status, but it cannot be

our duty to compel another nation to confer upon them the favour of enfranchisement.

All these arguments from international law, convention rights, and precedent are clumsy masks. The pinning of our colours to the franchise issue proves that even Mr. Chamberlain does not believe that a plausible case of outrages on life and property of British subjects can be presented. If such a case existed it would furnish at any rate a specious ground for the application of force. But a war in order to compel another State to give to British aliens a share of government would, it may safely be affirmed, be an act without precedent in the annals of public crime.

The fact is that no case exists to support our claim of any right to interfere in the internal government of the Transvaal. If any final testimony to this fact is desired, it is furnished by our refusal to entertain proposals of arbitration. To say that we will not arbitrate because of our suzerainty is a sheer begging of the question. The Transvaal denies the existence of this suzerainty, and even if its contention be wrong, that wrongness can only be proved by a submission of the Conventions upon which it is claimed to rest to an impartial tribunal. To insist that we have suzerainty implicitly contained in a Convention from which it is explicitly excluded, to read into that suzerainty an utterly unprecedented power to interfere in the internal government whose independence we had expressly guaranteed, and to refuse arbitral investigation of these claims, constitute an aggravated insolence of demeanour which, persisted in, can hardly fail to bring its own punishment, if the government of this world rests upon any foundations of morality.