

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON WAR IN SOUTH AFRICA,
Washington, D. C., May 5, 1902.

STATEMENT OF MR. EDWARD VAN NESS, OF NEW YORK.

Mr. CHAIRMAN: It is fair to say that if the gold fields in the Transvaal had not been discovered there would have been no war in South Africa to-day. The entire population of South Africa of European descent, including Cape Colony, Natal, the Orange Free States, and the South African Republic, number considerably less than 1,000,000, dispersed over a vast area nearly as large as the United States. A combination between them could not be anticipated, nor were the Republics in the way of anyone. We may therefore truly say that the war is in deference to the eternal thirst for what belongs to other and a desire to pillage weaker nations that can not resist. The disparity between the combatants in South Africa is so great it can not be justly called a war at all; it is merely an attempt on the part of a great Empire, on which the sun does not set, to take the property and the country that belongs to the Boers away from them under the pretense of some political grievances.

On the 1st of January, 1896, the attention of the American people was specially directed to the two Boer South African Republics, and more particularly to the Transvaal, on account of the criminal invasion of Dr. Jameson, acting under the instructions of the prime minister of Cape Colony and the dictator of Rhodesia, Mr. Cecil Rhodes. The interest in South African affairs has been in part maintained, owing to the abortive and farcical parliamentary commission at Westminster to determine the authorship of the Jameson raid, owing to the illegal revival of suzerainty, which was not only a gross breach of faith, but a direct violation of the convention of 1884; owing also to the inflammatory dispatches and speeches, as well as to the devious and vicious diplomacy of Mr. Chamberlain, the British colonial secretary, and Lord Milner, the high commissioner of South Africa. Finally the efforts of the British in their summoning of a war Parliament, the mobilization of the army corps, the dispatch of troops, and the moving of the local troops up to the borders of the two States produced the desired effect of forcing these two States into war to maintain their independence.

The Boers, finding that all efforts to obtain a peaceful solution by negotiation or arbitration were hopeless, launched an ultimatum, and war broke out on the 11th of October, 1899. The avowed object of Great Britain in forcing on the war was to redress the grievances of the Uitlanders, who complained of the restrictions which the Transvaal legislature had placed upon the franchise. It is interesting to recall

in this connection that Mr. Lionel Phillips, one of the reform leaders, stated that he did not care "a fig for the franchise," and with regard to this question and that of the general grievances of the Uitlanders, the following quotation from the book *With Rimington*, by Capt. March Phillips, himself an Uitlander, temporarily carrying on business in the Transvaal, he says (p. 105):

As for the Uitlanders and their grievances, I would not ride a yard or fire a shot to right all the grievances they ever invented. The mass of the Uitlanders (i. e., the miners and workmen of the land) had no grievances. I know what I am talking about, for I have lived and worked among them. I have seen English newspapers pass from one to another and roars of laughter roused by Times-Telegram about these precious grievances. We used to read the London papers to find out what our grievances were, and very frequently they would be due to causes of which we had never even heard. I never met one miner or workman who would have walked a mile to pick the vote up off the road, and I have known and talked with scores and hundreds, and no man who knows the land will deny the truth of what I tell you. When the proper time came "grievances" such as would arrest England's attention and catch the ear of the people were deliberately invented.

The spectacle of a free people, numbering less than 250,000 men, women, and children, resisting with superb courage for more than two years and a half the armies of Great Britain, backed up by the resources of an Empire of upward of 300,000,000 people; the deportation of thousands not only of combatants, also of the aged, infirm, and young boys, to St. Helena, Ceylon, India, and Bermuda, and their confinement as prisoners, shut off from all intercourse with the world; the heart-rending severance of domestic ties; the burning of homes and the devastation of the country; the concentration of women and children in camps, exposed to indignities and insults, in the absence of their natural protectors, and the sufferings which they experience from want and isolation and the frightful increase of death and disease; in short, the attempt to trample out a free people and utterly efface them in the name of Christianity and civilization; this spectacle continuously presented to the public view is at length exciting the sympathy of our people and is certain to lead to an irresistible popular demand for intervention—the same intervention we sought and obtained in the Revolutionary war.

The hearts of the American people are being touched by the facts with which they are becoming familiar regarding the inception and conduct of the war, which may now be appropriately expressed by a resolution of Congress.

It is not, however, necessary to dwell at any length upon the causes of the war or its conduct, though it is desirable to state that the people of this country have been most imperfectly informed about the nature of the trouble as well as its origin, because all the information that we had up to the outbreak of the war was through British sources. The public still gets its news from British sources, through British agencies, and by means of British press associations. We hear nothing whatever by telegram directly from the Boers. The recent reaction in favor of the Boers was due not to a pro-Boer propaganda, but to the object lessons of heroism, fortitude, and gallantry displayed by the fighting burghers in the field.

In spite of the fact that the great body of the American people outside of purely financial and social circles is strongly sympathetic with the Boer cause; in spite also of the fact that ever since the existence of the United States no struggle has ever taken place which, on grounds of justice and right, appeals more strongly for moral support, the

Congress of the United States, for the first time in its history, has not only refrained from expressing its sympathy and vouchsafing its moral support to the two little republics struggling against such fearful odds, but seems to have regarded them with indifference. The administration has given both active and moral support to Great Britain in its campaign to crush the lives, the liberties, and the rights of the free burghers of South Africa, who never gave any offense.

To account for the action of the Administration and the inaction of Congress it is perhaps advisable to recall the very important speech made by the British colonial secretary, in which he proclaimed to the world that although there was no formal treaty with the United States, yet that there was an understanding between statesmen or gentlemen. This declaration is reported to have been fully indorsed by Mr. Choate, our ambassador at London, who characterized the relations between this country and Great Britain as being an understanding equivalent to an alliance. The conduct of the Administration throughout the Boer war has been an ample justification of this declaration made by the British colonial secretary and indorsed by Mr. Choate, our ambassador at London. Resolutions have been moved in Congress, petitions have been presented to that body, and sympathizers in the Senate and House of Representatives have made speeches on behalf of the Boers, but it is a matter of common notoriety that every attempt which has been made to express sympathy with the Boers or to give them moral support has been frustrated by the action of the members who represent the Administration in Congress.

The Congress of the United States was wont in the past to express sympathy and lend moral support to peoples and countries which were struggling to free themselves from lawfully constituted authority. It is only necessary to cite the cases of Poland, Greece, Hungary, Mexico, the South American republics, and lastly Cuba. The peoples of most of these countries were struggling to gain freedom, and to gain it, as has been stated, from lawfully constituted authority. In the case of the South African Boers it has been a struggle, not to gain, but to retain and maintain their liberty and independence from unlawful and rapacious aggression. But Congress has been silent while the Administration, until recently, has almost been actively hostile. It is only necessary to quote two instances. The first is that on the 30th of October, 1899—nine days after the outbreak of the South African war—the Government of the United States entered into an agreement with Great Britain by which the adjustment of the difficult and burning question of the Alaskan boundary was postponed for one year—it being generally believed at the time that the war would be over in six months. Great Britain was thus specially favored in having her hands freed from a difficult and dangerous negotiation.

This agreement has since been renewed for another year. On the 5th of October, 1899—six days before the outbreak of hostilities in South Africa—Great Britain established a base of supplies in New Orleans for warlike material in direct contravention of the treaty of May 8, 1871, which treaty is as follows:

A neutral government is bound not to permit or suffer either belligerent to make use of its ports or waters as a base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men, and is to exercise due diligence in its own ports and waters, and as to all persons within its jurisdiction to prevent any violation of the foregoing obligations and duties.

The British Government on entering into this treaty declared—and this declaration is recited in the treaty—that these rules are not a statement of the principles of international law which had theretofore existed, but were rules that the contracting parties had agreed to observe “as between themselves in the future, and to bring them to the knowledge of other maritime powers and invite them to accede to them.” The rules, therefore, are new, are plain, and their meaning has been construed by the British Government itself. At the opening of the Spanish war the Queen issued her proclamation of neutrality, in which she recited the terms of this treaty, calling upon all her subjects to observe and obey them.

Admiral Dewey, being at this time in Hongkong, a British port, with our fleet, was immediately ordered away, and a war ship we had purchased of Brazil at a fabulous price and sorely needed was nipped in an English dockyard and detained until the end of the war. Why, then, are we permitting the port of New Orleans to be used as a base for the refitting of naval vessels engaged in the transportation of horses and mules for the British army in South Africa, acting under telegraphic orders from the British headquarters in South Africa. And why, also, are we permitting this port to be used as a base for the renewal and augmentation of military supplies? That horses and mules are military supplies within the terms of the treaty no one doubts. These horses and mules are bought in this country by commissioned officers of the British army, detailed to superintend what is called the remount service, for the very express purpose of the renewal of losses in the campaign and for the augmentation of further and new supplies.

The moment an animal is purchased he is branded and becomes the property of the British Government, and thereupon part and parcel of the British army, as much as are also the officers that conduct and superintend this service. They are transported by rail from all parts of the country to a camp at New Orleans, an established base, which for about two years was alongside the United States barracks. At a short distance from the camp it was quite impossible to tell whether the United States flag on the staff in the United States barracks yard adjoining was floating over our own or the British camp. In the river the British fleet, fitted up in that port for this service, rides at anchor, waiting on telegrams from South Africa to take either horses or mules on board for Cape Town, Port Elizabeth, or Durban.

The matter is well stated by Mr. John Clegg, a leading member of the New Orleans bar. He says:

It seems to me that there can be no dispute respecting the law. The stipulations of the treaty of May 8 were without ambiguity, and the question now is one of fact.

If war material, such as mules and horses, are assembled at a port, and are continuously being drawn to that port from the interior and held for shipment; and ships come to that port, at short and regular intervals, and take aboard these war material, which material is assembled and held by army officers, and is loaded under their direction, and is placed in their charge while being transported, and is on transport ships, under contract with the war department, and is delivered at the destination to army officers and goes at once into use in the field, having been purchased for that purpose, and never for a moment, from the time of purchase to the time of use in the field, losing their identity or changing possession, then, as the night follows the day, the fact is established that such a port is being made use of for the purpose of renewal and augmenting the military supplies.

It is idle to say that the Boers have the same liberty to purchase supplies as the British, because it is a well-known fact that these two little States are so far from having a fleet or steamship that it is doubt-

ful whether they possess a birch-bark canoe. To state this, therefore, as a palliation for the suspension of the treaty is nothing more than a species of railery at Great Britain's weak opponent.

There never has been an instance where the granting of moral support would have been more effective and beneficent than in this South African war, and that we have not come to the aid of those Republics has made us almost partners in guilt. The paramount, nay, all dominant position of the United States as a world power, and the eagerness of the British to gain American good will and friendship, make it reasonably certain that this display of moral support would produce the desired effect of terminating this war without destroying the integrity of the Boers.

The Boers are desirous of peace, but not a peace which involves the loss of their country and their liberty. Never! The sacrifice has been already so great and they are prepared to make still greater. An ultimatum of this subject was laid down by Mr. Steyn, president of the Orange Free State, in his letter of August 15, 1901, addressed to General Kitchener, commanding the British forces in South Africa, in which he says:

I will conclude with assuring your excellency that no one is more anxious than myself to see peace restored, and I am therefore prepared to meet your excellency at any time in order to discuss terms with your excellency whereby peace may be brought about. But that your excellency may not be misled, I must repeat that no peace will be acceptable to us in which the independence of the two Republics and the interests of our Cape Colony brothers who have joined us are not maintained.

And the position has been ratified by the Boer envoys in their address to the American Republic of March 20, 1902, a copy of which is now also presented to the committee.

[Address of Wessels and Wolmarans, special envoys from the South African Republics to the people of the United States, March 20, 1902.]

PEACE WITH INDEPENDENCE.

Practically the entire public opinion of the civilized world, outside of Great Britain, has been strongly enlisted and expressed on behalf of the weaker party in the conflict. Even in Great Britain itself an important minority, headed by some of the most distinguished men in the church, in politics, literature, science, and the universities, has been strongly opposed to the present war.

With regard to the position of the Boers, the following facts must be remembered: Their farms have been ruined, their houses burned, their stock and agricultural implements destroyed, their orchards leveled to the ground, their women and children driven by force into those awful death traps—the concentration camps—resulting in the loss of whole families in an incredibly short space of time; their leaders, some already banished for life, and the others, according to proclamation, with the same fate before them; their property liable by proclamation to confiscation in order to pay for the horrible reconcentrado system; their generals, leaders, and burghers, like Lotter, Scheepers, Louw, and others, shot or hung after court-martial—the veriest travesty of justice when the life of an enemy is at stake during war, when men's passions are inflamed, and their judgment clouded—and lastly, no definite prospect before them in case they surrender but the very definite statement of Lord Salisbury that they shall not have a shred of independence.

Assuredly, the Boers can not be expected to relinquish the struggle because the British have been good enough to declare that it is hopeless, or because the war has become embarrassing to Great Britain and is now seriously interfering with money markets and stock exchanges. The Boers, moreover, by no means consider their struggle hopeless. On the contrary, when they consider the power and the overwhelming numbers of the enemy, they feel that the blessing of God rests upon them, and that they have much to be thankful for, notwithstanding the fact that they have been chastened by sufferings and hardships and by the irreparable loss of their wives and children in the concentration camps. The military position of the

Boers to-day is better than it has been at any time since the capture of Cronje, two years ago. What our people have lost in numbers they have gained in experience, discipline, duty, and inflexible determination; in fact, the burghers in the field are veterans.

Gladly as they would welcome intervention, they are not buoyed up by any false hopes in that respect, or in regard to foreign complications, or any of the other absurd possibilities or motives imputed to them by the British. They are equally undeterred by Great Britain's announcement that she is going to "see this thing through," or by the declaration that their resistance is hopeless.

The manner in which the Boers have treated their prisoners, the fact that they have taken no reprisals, and especially the release of General Methuen, have excited the admiration of the world. This humanity is no calculated policy. It is simply the outcome of the Boer character, for it is impossible for them to be cruel to their enemy. If it were mere policy, the world will surely agree that the Boers must have realized long since that such a policy was fruitless, as witness the recent inhuman action of the British, who nursed General Scheepers back to life in a hospital, and then shot him.

The Dutch Government, impelled by the strong feelings of their constituents, recently proffered its kindly services to bring about a meeting with the British and a discussion with a view to a settlement. The attempt failed because the British Government—notwithstanding the fact that they themselves during June last put us in communication with our generals and leaders in the field—professed to believe that we did not have the necessary credentials. We can not relinquish our rights to independence, nor our claim for an amnesty to our colonial kinsmen. One of the conditions precedent to a final settlement is that President Kruger and the deputation in Europe must be put in communication with the Boer leaders in the field. The latter are not in the least likely to make any final settlement without referring to us, and we certainly would make no conclusive arrangements without their sanction and cooperation. It is a mere pretext and quite ridiculous to state that it is impossible to reach every commando, so as to make terms with every individual general. As a matter of fact, President Steyn, Acting President Schalk-Burger, Generals Botha, DeWet, and Delarey in South Africa, with President Kruger and the deputation in Europe, could effect a settlement which would be regarded as binding by the other generals and burghers in the field.

The surrender of General Methuen will undoubtedly have very far-reaching results. It is not for us to refer to the British, or to the assertion that they have set their teeth harder. But this incident will have the most encouraging effect on the Boers. Without regard to the personality of Lord Methuen, the important capture of the stores, ammunition, and horses belonging to this column, as well as to that of Colonel Van Donop, near Klerksdorp, will amply suffice for many months to come. The most important and gratifying feature about the defeat and rout of General Methuen's column is that it gives the lie direct to the assumption that ours is a guerrilla warfare. The Duke of Wellington gave the highest praise to the Spaniards for their "hopeless" resistance on guerrilla basis during the Peninsular war, and there is nothing discreditable about guerrilla warfare. Only the world ought to know that we have not yet reached that stage, for our commandos, though small, are better organized and better disciplined than they were at the beginning of the war. They are, moreover, successfully fighting on rolling plains, like the Dakotas, without trees or cover, on ground that is more favorable to the British than to our people. With regard to the question of our burghers wearing khaki uniform, we hope that every one will realize that they are forced to do so, not as a ruse or method of deception, but as a simple act of necessity. The British have cut off our sources of supply and we depend upon what we capture from them in the line of clothing, stores, and ammunition.

One of the greatest obstacles to peace in South Africa is the personality of Lord Milner. The British may regard him as indispensable; we are only voicing the sentiment of Dutch South Africa when we state that he is regarded as the implacable and vindictive enemy of the Dutch Afrikanders, and there can be no peace or good understanding in South Africa as long as he remains at the head of affairs. He may be the idol of the financiers, but the Dutch look upon him, with justice, in his hatred of and prejudice against their race, as worse than Mr. Chamberlain or any of the other politicians and persons who deliberately forced the two republics into war.

We have twice been received by the President of the United States and once by the Secretary of State. We have also met some of the leading men in the political world. With regard to the public, we find that since our last visit there has been a decrease in the sensational interest in the war, but a marked and decided growth of sympathy for the Boers among conservative people, who misunderstood our case at

the beginning, and who then stood aloof. We hope and believe that this growth of pro-Boer feeling will have a beneficial influence on Great Britain. When continental sympathizers make demonstrations the British press attributes this to jealousy and ill-feeling, and profess to ignore it. But the English public is keenly sensitive to American criticism. We feel justified in declaring that an equitable settlement would speedily result if the United States would only use its moral influence in that direction. In thanking our friends for their efforts in the past, we trust they will continue to do all in their power, on a nonpartisan basis, to aid us effectively in whatever way they constitutionally can to retain our sacred rights of independence.

We respectfully urge upon everybody, in the interest of civilized methods of warfare, to protest, first, against the system of concentration camps, so drastically condemned by the late revered President McKinley; second, against the execution of our leaders and generals; and, third, against the proclamation of banishment and confiscation. Every military power has an interest in preventing the establishment of such precedents of uncivilized warfare. We fully appreciate what has been and what is being done in regard to the alleviation of suffering in the concentration camps by contributions and subscriptions. We trust our friends will not relax in their efforts, because, though there is a slight amelioration in the condition of the camps, thanks to Miss Hobhouse and other people with humane and Christian feelings, yet the needs, privations, and the sufferings are still very great and call aloud for help. Nurses are badly wanted in the camps. Our burghers sadly require medical comforts and medical help.

The British have, until quite recently, refused the Continental Red Cross Association permission to go to our commandos, notwithstanding the fact that the Red Cross is at all times ready to attend the British sick and wounded as well as the Boers.

From information based on a trustworthy report furnished by our secretary, Mr. De Bruyn, we deplore the fact that a part of the territory of the United States has been and is being used by officers of the British Government as a base of operations against our two republics by which Great Britain is being aided materially and morally in her attempts to crush and exterminate the free burghers of South Africa who are fighting for justice, liberty, and independence.

A. D. W. WOLMARANS.
C. H. WESSELS.

STATEMENT OF MR. E. FRANK CARSON, OF PHILADELPHIA.

Mr. Chairman, I appear before you to request that your committee will make a favorable report to the House of Representatives of the following joint resolution, No. 187:

Resolved by the Senate and House of Representatives of the United States in Congress assembled, That the President be requested to issue a proclamation declaring the shipment of horses and mules contraband of war, and that neither of the belligerents now at war in South Africa, Great Britain or the South African Republics, their officers and agents, or any other person within the jurisdiction of the United States, shall use our ports or waters for the shipment of horses and mules or the renewal or augmentation of military supplies which are directly auxiliary to warlike purposes.

It is an admitted fact that military officers of Great Britain have for a long period of time maintained a camp or depot of supplies at Port Chalmette, in the State of Louisiana, "for the purpose of renewal or augmentation of military supplies," especially horses and mules, which are directly auxiliary to warlike purposes, and are used to impede the operations of the belligerent powers, the South African Republics, friendly Governments with whom we are at peace.

The principal restriction which the law of nations imposes on the trade of neutrals is the prohibition to furnish the belligerent parties with warlike stores and other articles which are directly auxiliary to warlike purposes. Such goods are denominated contraband of war. (1 Kent's Commentaries, 125, Lecture VII of Restrictions upon Neutral Trade.)

Is the shipment of horses and mules a violation of neutrality?

Belligerents may come into the territory of a neutral nation and

there purchase and receive any article whatsoever, even instruments of war, unless the right be denied by express statute. If, however, the object of such an act be to impede the operations of either belligerent power, and to favor the other, it is a violation of neutrality. (1 Op., 61 Lee, 1796; 3 Wharton's International Law, sec. 391, p. 515.)

Whatever is essential to belligerent support is contraband of war. (Wharton's International Law, vol. 3, Chap. XIX., Contraband of War, p. 411.)

By the twenty-fourth article of the treaty with France of 1778, "horses with their furniture" were contraband. (1 Op., 61 Lee, 1796; Wharton's International Law, vol. 3, Chap. XIX., sec. 372, p. 435.)

As between countries on the same continent horses are usually regarded as contraband, since, when they can be readily transported, they form an important and peculiarly available contribution to military strength. (Hall's Inst. Law, 615.)

The treaty between the United States and Great Britain, concluded May 8, 1871, proclaimed July 4, 1871, and commonly known as the treaty of Washington, provides, Article VI.:

Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms or the recruitment of men.

At the commencement of the late Spanish-American war all British subjects were warned against any infraction of the treaty by a proclamation issued by Queen Victoria, dated April 26, 1898, which said—

Whereas we are resolved to insure by every lawful means in our power the due observance by our subjects toward both of the aforesaid powers the rules embodied in Article VI of the treaty of the 8th of May, 1871, between us and the United States of America—

and then quoted the provisions of Article VI of the treaty aforesaid.

The Naval War Code, prepared by Capt. Charles H. Stockton and issued for the use of the Navy of the United States by Secretary Long, with the approval of the President, in August, 1900 (General Orders, No. 551), distinctly classes horses and mules as contraband of war, Article XXVI of the said code providing as follows:

Until otherwise announced the following articles are to be treated as contraband of war—absolutely contraband: Ordnance, machine guns, etc., military accouterments and equipments of all sorts, horses and mules.

It has been stated that by express agreement between the counsel for the United States and for Great Britain the particular articles of the said treaty referred to in the argument of Attorney Peter Van Vlissingen which he addressed to the President recently were limited entirely to the fitting out of naval ships and that commercial operations of the kind proceeding at Port Chalmette were expressly excluded from the prohibition.

Counsel for the United States undertook to define certain conditions under which "due diligence" can always be exacted of a neutral power:

8. That a neutral is bound to use due diligence in its ports and waters to prevent either belligerent from obtaining there a renewal or augmentation of military supplies, or arms for belligerent vessels, or the recruiting of men. (Taylor's International Public Law, 656, 1900.)

Counsel for Great Britain declared that—

9. Due diligence on the part of a sovereign government signifies that measure of care which the government is under international obligation to use for a given pur-

pose. This measure, where it has not been defined by international usage or agreement, is to be deduced from the nature of the obligation itself and from those considerations of justice, equity, and general expediency on which the law of nations is founded. (Id., 657.)

Attorney-General Knox, in his preliminary opinion of April 6 last, on the question whether the shipment of horses and mules by the officers and agents of the British army to South Africa for their use from Port Chalmette, La., said:

While discussions of such matters have, as in the Alabama Claims cases, principally concerned war vessels and expeditions by sea, it can not be doubted that aid given to an army engaged in actual warfare stands upon the same footing as aid given to a fleet so engaged, since both equally involve a taking part by the neutral in furthering the military operations of the belligerent.

A careful reading of the citations that I have given your committee of the legal authorities, American, English, and international law, together with the fact of Great Britain, so late as April 26, 1898, proclaiming the provisions of Article VI of the treaty of Washington aforesaid, in which she denominates horses and mules contraband of war, and also the order No. 551 of the Naval War Code, Article XXVI, August, 1900, which also denominates horses and mules as contraband of war absolutely, and the admitted fact that Great Britain has shipped 200,000 American mules from one of our ports to be used by them against the South African Republics, friendly nations with whom we are at peace, establish the fact beyond question that England, in direct violation of international law and the American and English precedents, has been and is violating our neutrality laws, and it is the duty of Congress to call the attention of the President by joint resolution to the violation of neutrality and request him to proclaim the further shipment of horses and mules by either belligerent so as to impede the operation of the other belligerent power is a violation of neutrality, and will no longer be permitted to use our ports for the shipment of horses and mules or the renewal or augmentation of military supplies which are directly auxiliary to warlike purposes. It is the duty of the Republic of the United States of America to encourage the preservation of other republics, not only on the American continent, but throughout the world.

STATEMENT OF MR. JOHN C. WILLIAMS, OF CHICAGO.

Mr. Chairman, I appear before you as the representative of the Chicago branch of the American Transvaal League. I can not hope to give to your committee any information not already in its possession, I wish only to testify that the sentiment of the people of the West is overwhelmingly pro-Boer, and they are anxiously awaiting some action which will officially express such sentiments. For myself and those whom I represent I take this occasion to disclaim any political motives as actuating us in making the request for action by your committee, and finally by the House of Representatives.

Two-thirds of the directors of the league which I represent, including myself, are Republicans, as is also Mr. Peter Van Vlissingen, who has been more active than any other one man in the West in seeking to obtain an expression of the sympathy of the American people for those striving to uphold the "banner of freedom" and republican institutions. Even though one of the great political parties

may have sought to make a partisan issue of our efforts, the Boer sympathizers of the United States have maintained and still believe that no one party can monopolize the love of liberty and humanity, which leads all patriotic citizens to express a deep sympathy for an oppressed people.

So far as the resolution having reference to the shipment of horses and mules from Port Chalmette is concerned, I shall not weary your committee in its discussion. I beg leave in that connection only to refer you to the open letter of Mr. Peter Van Vlissingen, of Chicago, addressed to the President, in the preparation of which I had the pleasure, to some extent, of assisting. I leave with you a copy of this letter, asking that you consider it as a part of my argument, as it states concisely yet fully all that I can offer upon the subject therein discussed. Should any criticisms be made upon the facts or the arguments contained in that letter, it will give me pleasure to reply to the same to such an extent as I may be able.

The only criticism thus far brought to my attention purported to emanate from the State Department, and was to the effect that "the argument is ingenious, but fatally defective," as the rules laid down in that treaty to govern the conduct of neutrals were by the parties to the treaty expressly limited to the particular case then under consideration and have no reference to other than naval operations.

While the specific grounds upon which this criticism is based are not stated, it is assumed that the difference of opinion with regard to the legality of the horse and mule traffic results from the failure to agree upon the interpretation of the provisions of the treaty of Washington.

Article VI, rule 2, of that treaty provides that—

A neutral government is bound not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

It is upon this vital clause that the legality or illegality of the use to which the British Government is now putting the port of New Orleans would seem to depend.

It is evidently the desire of the State Department to interpret this clause as meaning the interdiction of the use of a port for the renewal or augmentation of only such military supplies as may be based upon a cruiser or man-of-war, although certainly the words used do not give authority for any such limitation of meaning.

The contention of the State Department is undoubtedly based upon a statement of our representatives in the case of the United States laid before the tribunal of arbitration, Part III, relating to the duties which Great Britain as a neutral should have observed toward the United States (Papers Relating to the Treaty of Washington, vol. I, Geneva Arbitration, edition of 1872, p. 71), as follows:

A question has been raised whether this rule (rule 2) is understood to apply to the sale of military supplies or arms in the ordinary course of commerce. The United States do not understand that it is to apply to such a traffic. They understand it to apply to the use of a neutral port by a belligerent for the renewal or augmentation of such military supplies or arms for the naval operations referred to in the rule.

This question seems to have been first raised after the ratification of the treaty when it came to the arbitrament of the Alabama claims under the provisions of the treaty. The objection to the clause was

also interposed by the British representatives in the following language (referring to the rules of Article VI of the treaty):

The second of the above "rules" is understood by Her Majesty's Government as prohibiting the use of the ports or waters of the neutral for the renewal or augmentation of military supplies or arms only when such supplies or arms are for the service of a vessel cruising or carrying on war, or intended to cruise or carry on war, against either belligerent; and as not prohibiting any sale of arms or other military supplies in the ordinary course of commerce; and Her Majesty's Government have no reason to believe that it is otherwise understood by the Government of the United States.

Replying to this objection (in the counter case of the United States, p. 430, of the same volume), the American representatives used the following language:

The United States are at a loss to understand why several observations are introduced into the British case which apparently aim to limit the operation of the three rules of the treaty. If, by the principles of construction which are suggested, Her Majesty's Government intend to ask for a modification or change in those rules, the United States can not too strongly protest against it.

But whether or not the representatives of the United States acceded to the interpretation which Great Britain wished to place upon this particularly clause—rule 2, Article VI, of the treaty—such an agreement would have amounted merely to a stipulation applicable to the arbitration of the claims then up for adjudication, and could not have changed the meaning of the treaty itself, which had already been ratified by the President and Senate of the United States, and the terms of which the two arbitrators solemnly agreed should be "binding as between themselves in future," and which they, had stipulated should be brought to the attention of other maritime powers in order that they might be invited to accede to them.

At the outbreak of the Spanish-American war, twenty-seven years after the ratification of the treaty of Washington, Great Britain invoked the terms of that treaty against us, and in a proclamation issued by the Queen April 26, 1898, the identical language of rule 2, Article VI, was used without any suggestion as to a limitation of the meaning of the words quoted.

Finally, the United States representatives in putting their case before the tribunal that sat in judgment, referring to the aid given the Confederacy by Great Britain in allowing representatives to purchase supplies (see volume previously quoted, p. 126), used this language:

It is vain to say that both parties could have done the same thing. The United States were under no such necessity. * * * The United States confidently submit to the tribunal of arbitration that it is an abuse of a sound principle to extend to such combined transactions as those (of several persons referred to) the well-settled right of a neutral to manufacture and sell to either belligerent, during a war, arms, munitions, and military supplies. To sanction such an extension will be to lay the foundation for international misunderstanding and probable war whenever a weaker party hereafter may draw upon the resources of a strong neutral in its efforts to make its strength equal to that of its antagonist.

I desire more particularly to urge upon your committee the desirability of favorably reporting the resolution of sympathy for the two South African republics introduced, I believe, by Congressman Randell, of Texas. There can be no doubt that the sympathy of the American people is with those who are so heroically struggling to maintain their national existence. It is eminently appropriate, therefore, that this sympathy should have official expression by the representatives of the people. The whole history of our country justifies such an official expression.

The American people have ever been ready to extend the hand of sympathy and assistance to those who strive to secure for themselves and their children the blessings of liberty, and the representatives of the people in Congress assembled have always hitherto gladly given official expression to this national sentiment. All the considerations of justice and humanity which have moved our Congress to express sympathy for struggling peoples in the past should now move it to send a cheering word to that handful of brave patriots whose heroic stand in defense of "home and native land" has already aroused the admiration of every American citizen who loves the principles which have made our Government the grandest established and maintained since the flight of time began.

If it were right for Congress to express sympathy with Greece, with Poland, with Hungary, and with Mexico when those countries were—in some instances at least—seeking to wrest from the mother country the gem of freedom, why is it not a privilege, to be gladly availed of, to now express a sympathy as sincere for those who seek only to retain that which was their own—"the priceless boon of liberty?" Especially appropriate would such action be at this time, when Americans have been led to believe that those in authority are in favor of the British policy, because of the elimination of the Alaskan boundary question from the sphere of diplomatic negotiation, leaving to England a freer hand in her South African affairs.

If it was right for us to hear and heed the cry of the oppressed upon our very shores—in Cuba—and in response to that cry to give not only our sympathy but our treasure and the blood of brave sons of America, why should we now hesitate to express just a word that shall prove to those who are standing for the same principles for which our forefathers stood that the blessings of liberty vouchsafed to us we wish conferred upon all mankind?

Such an expression will necessitate no war tax. No volunteers need be called forth to make it effective. No boy in blue need lay down his life to save the flag. No diplomatic rupture can result from such an expression, while all the world will be reminded that, as ever before, this land is the home of freedom.

We have sometimes been asked, "Of what avail is the adoption of such a resolution?"

In my opinion it will be of great importance in three respects:

First. It will show the people of Great Britain that their leaders have deceived them. They have been lulled to a sweet security by the assertion of Chamberlain that the war had the approval of their "sister nation across the sea." You know, Mr. Chairman, I know, and 90 per cent of the American people know that the war is not approved by this nation, and perhaps the present policy of extermination would be abandoned if England were brought to realize she is alone among civilized nations.

Secondly. It would be of incalculable benefit to the Boers. Our influence as a world power is practically predominant, and especially is this true in regard to our relations with England. Whatever may tend to persuade England to return to a policy dictated by justice and magnanimity will correspondingly encourage the Boers and benefit them in the settlement. Those heroic souls, having once tasted the sweets of liberty, have seen homes burned, wives imprisoned, and babes torn from their mothers' arms to die. They see now the brown