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The Official Correspondence

BETWEEN

THE GOVERNMENTS OF GREAT BRITAIN

THE SOUTH AFRICAN REPUBLIC

AND

THE ORANGE FREE STATE

WHICH PRECEDED THE WAR IN SOUTH
AFRICA

COMPILED FROM THE BLUE BOOKS

BY

DR. G. B. CLARK, M.P.

Price Sixpence

London

WILLIAM REEVES

83, CHARING CROSS ROAD, W.C.

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The Great Conferences

The Conference of 1844

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The Conference of 1846

The Conference of 1847

The Conference of 1848

The Conference of 1849

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PREFACE.

It may perhaps be considered that the Official Correspondence between the British Government and the Governments of the two South African Republics, with whom we are at war, is a matter of ancient history. To some extent, this objection may be admitted, but, whether read in the light of the past, the present, or the future, the record, in consecutive form, of the months of negotiations which preceded the war, will, I believe, be of interest, not only to historical students or politicians, but to the average man and woman, perplexed by the ever-varying solution of the problem, "Why we are at war."

The despatches, which are here collected, are to be found scattered up and down some half a dozen Blue Books, occasionally sandwiched between newspaper articles and reports of meetings, in a manner which makes them practically inaccessible to ordinary readers, and indeed it is doubtful whether, outside of official circles, any considerable number of people have been able to form any clear idea of the course of the negotiations, or of the demands and concessions made respectively by the contending Governments. Many of the despatches were not sent when dated, being retained pending further communications. It has, therefore, not been possible to present them in strict chronological order, but they will be found in the natural sequence of the subjects to which they relate. Neither has it been possible, within the compass of this pamphlet, to publish every document which passed between the British and Transvaal Governments; but I have selected all those dealing with important points in the controversy. The Free State correspondence, being telegraphic, is here included in full.

It will be remembered that the question of the franchise and naturalisation laws in the South African Republic was made the pivot upon which the negotiations turned. Sir Alfred Milner declared that he was unable to discuss the question of Arbitration until a remedy had been found for the grievances of the Uitlanders, which he described as "the burning question of the moment." He apparently believed, as the supporters of the various Reform Bills passed by our own Government have believed, that the vote is the most powerful of all weapons and the great lever

of progress. It is important to remember that this was the first occasion upon which the British Government had interfered with the franchise or naturalisation laws of the Republic, which had been considered by that Government, and accepted tacitly by the Government of Great Britain, as matters of *internal* administration, the regulation of which was guaranteed to the former by the Conventions. (See *Despatch of State Secretary Reitz*, September 22nd, 1899, p. 58). Until the year 1890, there had been only one legislative Chamber—the Volksraad—in the Republic. By the law then adopted, its powers were divided between two Chambers—the First and the Second Volksraads. After two years' residence, aliens could vote for the Second Volksraad; but they were required to be fourteen years in the country before they could vote for the First Volksraad, or for the election of President and Commandant-General. It is evident that President Kruger had himself recognised the desirability of the qualifying period being shortened, and in February, 1899, he proposed a scheme of franchise reform, and called meetings of the Burghers in various parts of the country, to which he expounded his views on this important subject. The President was fully aware that in several European States a foreigner could obtain full franchise rights within five years, and he looked forward to this being the period eventually required in the Transvaal, pointing out at the same time the differences in the conditions of an old-established European country and those of the South African Republic, in which a five years' franchise would undoubtedly "open the door to all sorts of foreigners, who would thereby have the chance in less than one year to outvote us, because we are weak," though his Honour continued that he would not be against a five years' franchise being granted at a later period. A report of his speech at Heidelberg will be found in the Appendix.

In May, 1899, at the request of the President of the Orange Free State, Mr. Kruger met the High Commissioner, Sir Alfred Milner, at Bloemfontein. The latter urged that the period for aliens to obtain the full franchise should be reduced to five years. The President objected that five years was too short a time, under the existing conditions of the Republic, in which to obtain full burgher rights; but he agreed to amend his proposed law so that a seven years' retrospective franchise should immediately come into force, provided that the British Government would consent that the other questions at issue between the two countries should be settled by Arbitration. But Sir Alfred Milner refused his consent to this proposal.

In July, Law No. 3 of 1899 was passed, under which aliens could

obtain a vote for both Volksraads in seven years. A copy of this Law was furnished by the State Secretary to the British Government, with his letter of August 12th, but it is not published with the despatch in the Blue Book. The inaccurate translation of the Law which appears in another Blue Book, was taken from a South African paper, and, unfortunately, the most important point in connection with the extension of the franchise to aliens is omitted. I have inserted a translation in its place amongst the Enclosures in the State Secretary's letter.

Two matters arose during the negotiations, both of which caused much friction. The first of these occurred in connection with the alternative proposals put forward publicly by the Transvaal Government in the despatch from the State Secretary, dated August 19th, 1899. (See p. 66.) These proposals had been submitted privately to Mr. Conyngham Greene, and by him referred to the British Government. From the ambiguous answer which the British Agent received, he appears to have believed that the reply would be favourable, and to have led the Government of the Transvaal to adopt the same conclusion. Mr. Chamberlain's reply of August 30th shows that the inference was not warranted, and the Government of the Transvaal were indignant at the refusal of proposals which would not have been made publicly had they not been led to believe that they would be accepted.

The other matter which still further increased the heat of the controversy in Pretoria relates to the use of the English language in the Volksraad. The matter was privately discussed between Mr. Smuts, the State Attorney, and Mr. Greene, and it is clear that either the former went beyond his instructions, or that the British Agent misunderstood him. A letter from Mr. Smuts giving his explanation of the matter will be found in the Appendix (p. 103).

Perhaps the worst feature in the whole of this miserable controversy, and one which has lowered this country in the eyes of the civilised world, is our refusal to accede to the request of the Transvaal Government to submit the differences between the two Governments to Arbitration. Only a few weeks after the Hague Conference, at which representatives of the civilised world had agreed that to settle disputes by war was an anachronism unworthy of the ethics of the nineteenth century, and which had recognised the principle of an Arbitration Tribunal, to whose impartial judgments the various Governments would submit, we find the representative of one of the Governments who had most strongly supported the said Tribunal of Arbitration declaring that he "can see no use in approaching the delicate and complicated subject of Arbitration at the present time."

On July 27th the emphatic declaration is made that, under no circumstances, can Great Britain consent to the admission of a foreign element in the settlement of controversies. It is true that, after the many urgent demands for Arbitration from the side of the Transvaal, Her Majesty's Ministers agreed, on August 30th, to a discussion of the scope and form of such a tribunal; but the Government of the Republic was unable to obtain any information, either as to the intentions of Great Britain regarding the formation of such a tribunal, or which were the subjects upon which it would agree to arbitrate, and which were those declared by the Government of Great Britain to be "*not* proper for arbitration." Those, surely, have but a poor case who cannot afford to submit it to a Court of Equity, in the constitution of which they have the determining voice.

The question has frequently been raised as to which Government first issued an ultimatum. It will be seen that the despatch of the British Government, dated September 12th (see p. 73), contains the express assertion that, should an unfavourable reply be received, "Her Majesty's Government must reserve to themselves the right to reconsider the question *de novo*." This communication was described at the time in the British Press as an "ultimatum to the Transvaal," and simultaneously troops were ordered from England, in addition to those to be sent from India. The reply could scarcely be described as "unfavourable," as it accepted the British proposal of a Joint Commission, though, it is true, the Transvaal Government felt bound to decline the proposal for the use of the English language in the Volksraad. In the despatch which followed this reply on September 15th, the British Government again declared that they were "compelled to consider the situation afresh, and to formulate their own proposals for a final settlement." This communication ends with the intimation that the result of Her Majesty's Ministers will follow in a later despatch; but from this date until the outbreak of the war no proposals came. It was only when an army corps was mobilised, the reserves called out, and Parliament summoned to vote supplies, that the Government of the South African Republic sent the despatch which has been termed "the ultimatum of the Boers," requesting once again that the points at difference might be settled by Arbitration, and calling for the immediate withdrawal of the British troops.

The "Official Correspondence between President Steyn, on behalf of the Orange Free State, and Sir Alfred Milner, on behalf of the British Government, may help to some extent to make intelligible—what to many has seemed inexplicable—the adhesion of the

Free State to the cause of the sister Republic. There are many who would indignantly repudiate any feeling of sympathy with the Transvaal, but who have been heard to express regret that the friendly relations so long existing between this country and the Orange Free State, whose government and administration are admitted to have been of an almost ideal character, have been disturbed by this war. But the Republics were bound together by the terms of an alliance by which either could call for the assistance of the other in the event of an unjust attack being made upon it. That the Free State, which had "nothing to gain, and everything to lose, by a war with Great Britain" should yet have supported the cause of the South African Republic is perhaps the most conclusive testimony to the feeling of the Dutch in South Africa concerning the justice of that cause.

On the 27th of September, the Volksraad of the Orange Free State, after asserting that no cause for war existed, went on to declare that, if war were occasioned by the British Government, the Free State would consider itself bound to observe its treaty obligations, and to assist the Transvaal in the approaching struggle. Recognising the danger of the situation, President Steyn sent a long telegram to Sir Alfred Milner, which that gentleman did not see fit to forward in full to the British Government. In it he offers his mediation, and asks for information as to the British demands that he may endeavour to bring about a better understanding between the two Governments. We find him continually repeating his offer, and it is very much to be regretted that the High Commissioner was not able to afford the desired information, and that the President's efforts at mediation were fruitless.

We may look forward later to the appearance of many histories of the campaign now being waged in South Africa. In presenting the history of the war of words, which preceded the outbreak of actual hostilities, I have had no desire to add one more title to the already extensive bibliography which this war has occasioned. I am confident, however, that the bulk of the people of this country do not understand to what extent the Transvaal Government were willing to make concessions on points on which, neither by virtue of the Conventions nor by International Law, we had any right to interfere. I believe that the study of this correspondence will convince a large number of its readers that the war was not "inevitable," but that the continual raising of the demands made by the British Government, the refusal to arbitrate, and the failure to recognise the difficulties which beset the Republic, coupled with the mutual distrust with which the contending parties regarded each other,

have resulted in this war—one which will, I am confident, be regarded in the future by our own country, as it is now on the Continent and America, as anything but creditable to the honour of Great Britain or to the wisdom of its statesmen.

An eminent English historian has said that "the roots of the present lie deep in the past, and nothing in the past is dead to the man who would learn how the present comes to be what it is." It is equally true that those who would make the history of the future cannot ignore that of the past. The history of South Africa is at the present in the hand of the British generals and the British Army. We may confidently expect that their work will soon be over, and will be transferred to the Statesmen, whose duty it will be to make a settlement that will give peace and prosperity to South Africa. Such a settlement cannot be based on the victory of Paardeburg, the capture of Pretoria, or any other of our military successes in this war, since, as Shakespeare has so truly said, "there is no sure foundation set on blood." It must, on the other hand, take into account the history of our relations with the Dutch in South Africa during the last century, in which this correspondence plays no insignificant a part.

We cannot afford to ignore the fact that Dutch sentiment is an all-important factor in the South African problem. Hence, no settlement can be permanent unless it accords with the feelings of the Dutch, and with their ideas of justice.

G. B. CLARK.

July, 1900.

From Mr. CHAMBERLAIN to HIGH COMMIS-
SIONER SIR ALFRED MILNER.

DOWNING STREET, *May 10th*, 1899.

SIR,—I have the honour to acknowledge the receipt of your despatch of the 28th March, enclosing a petition to the Queen from 21,684 British subjects resident in the South African Republic, in which they pray for Her Majesty's intervention with a view to the removal of the grievances of which they complain. This petition has been laid before Her Majesty, who was graciously pleased to receive it, and I have now the honour to convey to you the views of Her Majesty's Government on the subject.

Her Majesty's Government cannot remain indifferent to the complaints of British subjects resident in other countries, and if these are found to be justified, Her Majesty's Government are entitled to make representations with a view to securing redress.

This ordinary right of all Governments is strengthened in the present case by the peculiar relations established by the Conventions between this country and the Transvaal, and also by the fact that the peace and prosperity of the whole of South Africa, including Her Majesty's Possessions, may be seriously affected by any circumstances which are calculated to produce discontent and unrest in the South African Republic.

Her Majesty's Government have, therefore, made an investigation, based on the information already in their possession, into the subject of the petition now before them.

The unrest and discontent among the Uitlander inhabitants of the South African Republic is of long standing. The root of the matter lies in the policy pursued from the first by the Government of the South African Republic towards an immigrant population which is generally believed to far outnumber the burghers, and which forms, at all events, a very large proportion of the white inhabitants. To the industry and intelligence of this part of the community is due the enormous increase in the prosperity of the country, an increase which may be measured by the fact, that whereas in 1885 the revenue was £177,876, it amounted in 1898 to no less than £3,983,560, the principal items of which, such as Customs £1,066,994, Prospecting Licences £321,651, Railway Receipts £668,951, not to mention others of smaller amount, must be contributed mainly by the Uitlander.

It was pointed out in my despatch to your predecessor of the 4th February, 1898, that the newcomers in the South African Republic have, contrary to the policy adopted in most civilised countries where immigration has played an important part in building up the population, been denied all effective voice in the affairs of the State; and all political power and the right to levy taxation is

the monopoly of a minority composed almost entirely of men engaged in pastoral and agricultural pursuits, whose knowledge of the conditions and necessities of the Uitlanders must be of the vaguest nature. The Uitlanders are not only debarred for many years from voting in the election of President and of members of the First Volksraad, which is the highest authority in the State, and the only one whose decisions are not subject to veto or revision, and at the same time made to bear the heaviest part of the burden of taxation, but they are not even permitted to control their own municipal affairs, the law creating a municipality for Johannesburg being altogether inadequate for this purpose. In order to obtain the insignificant privileges attached to naturalisation they are compelled to take an oath containing words which, as pointed out in Lord Ripon's despatch of the 19th of October, 1894, are offensive to their sentiments, founded on a faulty historical precedent, and, as regards British subjects, superfluous. They are, as aliens, excluded from sitting upon juries, and are, in respect of the administration of justice, at the mercy of a Judicial Bench which is bound, under pain of dismissal, to respect as law any resolution of the Volksraad, however hastily taken.

The Uitlanders, who are, for the most part, British subjects, accustomed to the exercise of full political as well as municipal rights, had, for a long time prior to the disturbances of three years ago, been striving to obtain some amelioration of their condition by means of constitutional agitation, but that agitation had entirely failed to effect its object. Active agitation and passive acquiescence had alike proved ineffectual, and at the end of 1895 the inhabitants of Johannesburg took up arms. At the instance of the High Commissioner these arms were laid down again, and the Republic was spared the horrors of civil war.

At that time President Kruger issued two proclamations. In the first, dated 30th December, 1895, he declared that the Government were "still always prepared to consider properly all complaints which may be properly submitted to it, and submit them to the Legislature of the country without delay to be dealt with," and in the second, dated the 10th January, 1896, in addition to declaring his intention to submit, at the first ordinary session of the Volksraad, a draft law for the appointment of a municipality for Johannesburg, he appealed to the inhabitants of that city to "make it possible for the Government to appear before the Volksraad with the motto, 'Forget and Forgive.'"

Her Majesty's Government felt justified in anticipating that practical effect would be given to these conciliatory words of the President, but careful examination of the allegations made by the petitioners, and into the present condition of affairs in the South African Republic, shows that, so far from any substantial measure of reform being passed, the legislation of the past three years and the action of the Executive have, on the whole, had the effect of increasing rather than of removing the causes of complaint.

Dealing first with the system of taxation, Her Majesty's Government find that no change of any importance has taken place. A revenue of nearly £4,000,000 is raised to carry on the administration of a country which is believed to contain less than a quarter of a million white inhabitants. As already pointed out, the revenue is mainly derived from the Uitlanders, who have thus to bear a burden of taxation exceeding £16 a head, a burden probably unparalleled in any other country. M. Rouliot, President of the Chamber of Mines, a gentleman of French nationality, speaking on the 21st of November last on the subject of a new tax on the gold-mining industry, said: "We are the most heavily taxed community in the world, although we are the one that has the least to say about the use of the funds it contributes."

As to the character of the financial administration, reference may be made to the Report of the Inspector of Offices, published in October, 1897, which showed defalcations on the part of officials amounting to £18,590, only a few hundreds of which were recovered, and with regard to the larger part of which no effort seems to have been made to recover the money. Reference may also be made to the debate in the Volksraad on the Estimates, in March, 1898, when it was elicited that £2,398,506 16s. 8d. had been advanced to officials, and was unaccounted for. These advances date back from 1883.

The Secret Service Fund appears in the current Estimates at £36,000, but even this sum, more than the amount of the Secret Service Money voted in the British Imperial Estimates, appears to be habitually exceeded. In 1898, £42,504 were spent, and in 1896 no less than £191,837.

The system of granting concessions remains in full force. The dynamite monopoly still continues (though condemned, not only by public opinion, but by a Volksraad Commission and by a Commission appointed by the Government) to draw large sums from the gold industry, of which only a small proportion finds its way into the coffers of the State. Her Majesty's Government have already protested against the continuance of this monopoly on the ground that it is a breach of Article XIV. of the London Convention. As stated in my despatch of the 13th of January last, they are advised that the creation of a monopoly in favour of the State is not necessarily inconsistent with that Article, even exercised by a concessionaire, provided that the concession is intended in good faith to benefit the State generally and not simply to favour the concessionaire, but for the reasons given in that despatch they are advised that in the present case these conditions are not fulfilled.

It appears from notices in the *Staats Courant* that other concessions, which are likely to be practical monopolies, have been granted by the Government within the last three years for the manufacture of matches, paper, chocolate, wool, starch, mineral waters, soap and oils, all of which, even if open to no other objections, must increase the already excessive cost of living in the Transvaal.

It may be urged that in spite of the enormous taxation above referred to, the gold industry is prosperous, and that many individuals have made large fortunes in connection with it. This is true, but, on the other hand, there is no doubt that the full development of the natural wealth of the country has been delayed and the working of the lower grade mines has been rendered very difficult, by the heavy burthens imposed, while the welfare of the working classes has been seriously hindered by the excessive cost of the necessaries of life and the general conditions to which they are subject.

Her Majesty's Government, however, attach much less importance to financial grievances than to those which affect the personal rights of the Uitlander community, and which place them in a condition of political, educational, and social inferiority to the Boer inhabitants of the Transvaal, and even endanger the security of their lives and property.

It is in this respect that the spirit, if not the letter, of the Convention has been most seriously infringed.

For instance, the Government spends £250,000 a year, mostly taken out of the pockets of the Uitlanders, on popular education, but under conditions which make it almost impossible for the children of Uitlanders to benefit by it. The State system, indeed, appears to be more directed to forcing upon the Uitlander population the habitual use of the Dutch language than to imparting to them the rudiments of general knowledge.

The Law of 1896 dealing with education on the goldfields has, indeed, been claimed as a reform, but it scarcely even pretends to be so, for it leaves the education of non-Dutch speaking children in the hands of the Superintendent of Education, who is not controlled by any local representative authority, and it declares that the spirit and tendency of former legislation is to be strictly adhered to. What that spirit is may be gathered from the provisions in Law No. 8 of 1892, that all teaching must be in Dutch, and that all school books must be written in Dutch, and from the strict limitation imposed by the law on the number of hours in the week in which any living foreign language may be taught. In no standard may they exceed four out of twenty-five, while in the lowest standards none are allowed.

As a matter of fact, Her Majesty's Government understand that in State-aided schools on the gold-fields an increasingly large proportion of Dutch is required in the higher standards until, in the fourth standard, Dutch is the sole medium of education, with the result that there are only half a dozen schools on the goldfields in receipt of State aid. Yet the Superintendent of Education complained in his Departmental Report for 1896, of the "uneducational and unnational cry for more English."

This grievance, and many others of which the Uitlanders complain, would have been very much lessened if the expectations raised by the President's promises to grant a municipality to Johannesburg had been fulfilled, and if the Uitlanders of that town had at least

been permitted to enjoy the full privilege of local government in reference to purely municipal affairs; but the Law creating the Municipality wholly fails to give to the majority of the inhabitants any effective control over their own local affairs. Although the burgher population must form a very small minority of the whole (according to the petitioners only about one twenty-fourth), half the members of the Council must, under this Law, be fully enfranchised burghers. The Burgomaster is appointed and paid by the Government. He is bound to submit every Regulation of the Town Council to the Executive Council within four days of its passing, which latter body may disallow the Regulation. All minutes must be kept in the Dutch language only. The financial powers of the Council are restricted, and it is clear that the Law is hardly any concession in the way of self-government to Johannesburg.

It will not be out of place here to observe that what was practically a limited form of self-government for the mining industry was strongly recommended by the Government Industrial Commission of 1897, viz., the creation of a Board composed of members appointed by the Government and representatives of the mining industry and commercial firms to supervise the administration of the Liquor Law on the goldfields, the Pass Law, and the law regarding gold thefts, with a special detective force under them. The reasons which moved the Commission to make this recommendation were (as it is clear from the evidence given and from their Report) that the existing Administration was utterly inefficient, or, as they say with regard to the illicit sale of liquor, "A miserable state of affairs exists, and a much stronger application of the Law is required." This stronger application of the Law has never been made, and according to a statement made on the 26th January, by the President of the Chamber of Mines, the Liquor Law is simply defied, and drink is supplied in unlimited quantities to the natives employed in the mines. The industry has petitioned for the establishment of the Board recommended by the Industrial Commission, even proposing that all the members should be nominated by the Government, but without result.

Whatever force there may be in the complaints in regard to the legislation of the Republic, the general inefficiency of the Administration, which is so clearly shown in the Report of the Industrial Commission, and continues to be demonstrated by debates in the Volksraads on alleged scandals, probably contributes as much to cause discontent as the legislation itself. It not only seriously affects the financial prosperity of the Republic, but is a continual menace to the security of the lives and property of the Uitlander population, for, grave as are the criticisms which may reasonably be offered on the financial administration, they are of small importance in comparison with the complaints which are made of the administration of justice and of the arbitrary and illegal action of officials, especially of the police.

As an instance of such arbitrary action, the recent maltreatment of

coloured British subjects by Field Cornet Lombard may be cited. This official entered the houses of various coloured persons without a warrant at night, dragged them from their beds, and arrested them for being without a pass. The persons so arrested were treated with much cruelty, and it is even alleged that one woman was prematurely confined, and a child subsequently died from the consequences of the fright and exposure. Men were beaten and kicked by the orders of the field cornet, who appears to have exercised his authority with the most cowardly brutality. The Government of the Republic, being pressed to take action, suspended the field cornet, and an inquiry was held, at which he and the police denied most of the allegations of violence, but the other facts were not disputed, and no independent evidence was called for the defence. The Government have since reinstated Lombard. Unfortunately this case is by no means unparalleled. Other British subjects, including several from St. Helena and Mauritius, have been arbitrarily arrested, and some of them have been fined, without having been heard in their own defence, under a law which does not even profess to have any application to persons from those Colonies. However long-suffering Her Majesty's Government may be in their anxious desire to remain on friendly terms with the South African Republic, it must be evident that a continuance of incidents of this kind, followed by no redress, may well become intolerable.

But perhaps the most striking recent instance of arbitrary action by officials, and of the support of such action by the Courts, 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. If this is justification, then almost any form of resistance to the police is justification for the immediate killing of the person resisting, who may be perfectly innocent of any offence. This would be an alarming doctrine anywhere. It is peculiarly alarming when applied to a city like Johannesburg, where a strong force of police armed with revolvers have to deal with a large alien unarmed population, whose language in many cases they do not understand. The emphatic affirmation of such a doctrine by judge and jury in the Edgar case cannot but increase the general feeling of insecurity amongst the Uitlander population, and the sense of injustice under which they labour. It may be pointed out that the allegation that Edgar assaulted the police was emphatically denied by his wife and others, and that the trial was conducted in a way that would be considered quite irregular in this country, the witnesses for the defence being called by the prosecution and thereby escaping cross-examination.

Some light upon the extent to which the police can be trusted to perform their delicate duties with fairness and discretion is thrown

by the events referred to by the petitioners which took place at a meeting called by British subjects for the purpose of discussing their grievances, and held on the 14th of January in the Amphitheatre of Johannesburg. The Government were previously apprised of the objects of this meeting, and their assent obtained, though this was not legally necessary for a meeting in an inclosed place. The organisers of the meeting state that they were informed by the State Secretary and the State Attorney that anyone who committed acts of violence or used seditious language would be held responsible, and in proof of the peaceful objects of the meeting those who attended went entirely unarmed, by which it is understood that they did not even carry sticks. So little was any disturbance apprehended that ladies were invited to attend, and did attend. Yet, in the result, sworn affidavits from many witnesses of different nationalities agree in the statement that the meeting was broken up almost immediately after its opening, and many of the persons attending it were violently assaulted by organised bands of hostile demonstrators, acting under the instigation and guidance of persons in Government employ, without any attempt at interference on the part of the police, and even in some cases with their assistance or loudly expressed sympathy. The Government of the South African Republic has been asked to institute an inquiry into these disgraceful proceedings, but the request has been met with a flat refusal.

It would seem indeed that the Uitlander is not only deprived, by provisions introduced into the Constitution since the Convention of 1884, of any effective political representation, but that he has also been placed by recent legislation under new liabilities unknown when the Convention was signed, if he appeals to public opinion or attempts to bring his complaints to the notice of the Government.

By the Press Law No. 26 of 1896, and the amending Law No. 14 of 1898, which was reprobated by Transvaal newspapers of all shades of opinion, that freedom of the expression of opinion which the original Constitution of the Republic guaranteed, subject only to the responsibility of the printer and publisher for all documents containing defamation, insult, or attacks on anyone's character (Grondwet, 1858, article 19), is seriously threatened. Under these Laws the President is given the power, on the advice and with the consent of the Executive, of prohibiting entirely, or for a time, the circulation of printed matter which, in his opinion, is contrary to good morals or a danger to peace and order in the Republic. This power has been exercised more than once. Under the Aliens' Expulsion Law (No. 25 of 1896) an alien who is alleged to have excited to disobedience of the law, or otherwise to have acted in a manner dangerous to public peace and order, may be arbitrarily expelled from the country by an Order of the President, while burghers, who cannot be banished, may have a special place of residence assigned to them. From the point of view of the Uitlander, the law draws an invidious distinction in favour of the burgher, who alone is given an appeal to

the Courts, and it is thus clearly inconsistent with the spirit of the London Convention, while, as was pointed out in the correspondence on the subject printed in Blue Book, C. 8,423, its enforcement might lead to a breach of the letter of that instrument. Her Majesty's Government regret that the Resolution of the Volksraad of July, 1897, in favour of amending the law so as to give everyone an appeal to the Courts (see p. 16 of Blue Book, C. 8,721), has merely resulted in the passing of Law No. 5 of 1898, which repeals the Law of 1896, and re-enacts it without making any substantial alteration.

Up to 1897, the Uitlander had full confidence that, at all events in cases where he was permitted to appeal to the High Court of the Republic, he would obtain justice; but that confidence has been rudely shaken by Law No. 1 of that year, under which the President dismissed a Chief Justice universally respected. This Law recites that since the foundation of the Republic the resolutions of the Volksraad have been recognised as law, and lays down that the Courts have no power to refuse to apply any Resolution because it is, in their opinion, invalid, and instructs the President to dismiss any judge who, in his opinion, returns an unsatisfactory answer to questions on the subject put to him by the President. It therefore follows that the fifteen gentlemen who compose a majority of the First Volksraad can at any moment amend the law of the land in the most important matters by a mere Resolution, or even interfere in a case pending in the Courts, as was done in fact in the Doms case, when the Volksraad, by its resolution of the 4th May, 1887, barred a claim brought in the Court against the State.

The Law has practically had the effect of placing the highest Court of Justice in the country at the mercy of the Executive, and it is calculated to lessen the influence and authority of the Court, and even to throw doubts on the impartial administration of justice in the Republic.

It results from this review of the facts and conditions on which the Petition is founded, as well as from the information derived from your despatches and from other official sources, that British subjects and the Uitlanders generally in the South African Republic have substantial grounds for their complaints of the treatment to which they are subjected.

It is fair to assume that these complaints are directed not so much against individual cases of hardship and injustice, which may occur in even the best governed States, as against the system under which the sufferers are debarred from all voice in the legislation under which such cases are possible, and all control of the Administration through the inefficiency of which they occur. They may be summarised in the statement that under present conditions, all of which have arisen since the Convention of 1884 was signed, the Uitlanders are now denied that equality of treatment which that instrument was designed to secure for them.

The conditions subsisting in the South African Republic are

altogether inconsistent with such equality, and are in striking contrast to those subsisting in all British Colonies possessing representative institutions, where white men of every race enjoy equal freedom and equal justice, and newcomers are, after a reasonable period of residence, admitted to full political rights.

In the Orange Free State, where similar privileges are conceded to all aliens resident in the Republic, the Dutch burgher and the foreign immigrant who enjoys the hospitality of the State live in harmony and mutual confidence; and the independence of the Republic is secured as well by the contentment and loyalty of all its citizens as by the good relations which prevail between its Government and those of other parts of South Africa.

Unfortunately the policy of the South African Republic has been conducted on very different lines, and but for the anxiety of Her Majesty's Government to extend every consideration to a weaker State which in recent years has had just reason to complain of the action of British subjects, and may therefore be naturally prone to suspicion and indisposed to take an impartial view of the situation, the state of affairs must have led to the most serious protest and remonstrance.

Recognising, however, the exceptional circumstances of the case, Her Majesty's Government have refrained since their despatch of the 4th of February, 1896, from any pressure on the Government of the South African Republic except in cases in which there has been a distinct breach of the provisions of the Convention of 1884; and they have sincerely hoped that the Government of the Republic would voluntarily meet the expectations raised by the President, and would take the necessary steps to secure that willing loyalty of all the inhabitants of the State which would be the best guarantee for its security and independence.

They are most unwilling to depart from their attitude of reserve and expectancy, but having regard to the position of Great Britain as the Paramount Power in South Africa, and the duty incumbent upon them to protect all British subjects residing in a foreign country, they cannot permanently ignore the exceptional and arbitrary treatment to which their fellow countrymen and others are exposed, and the absolute indifference of the Government of the Republic to the friendly representations which have been made to them on the subject.

They still cherish the hope that the publicity given to the present representations of the Uitlander population, and the fact, of which the Government of the South African Republic must be aware, that they are losing the sympathy of those other States which, like Great Britain, are deeply interested in the prosperity of the Transvaal, may induce them to reconsider their policy, and by redressing the most serious of the grievances now complained of, to remove a standing danger to the peace and prosperity not only of the Republic itself, but also of South Africa generally.

Her Majesty's Government earnestly desire the prosperity of the

South African Republic. They have been anxious to avoid any intervention in its internal concerns, and they may point out in this connection that, if they really entertained the design of destroying its independence, which has been attributed to them, no policy could be better calculated to defeat their object than that which, in all friendship and sincerity, they now urge upon the Government of the South African Republic, and which would remove any pretext for interference by relieving British subjects of all just cause of complaint. With the earnest hope of arriving at a satisfactory settlement, and as a proof of their design to maintain cordial relations with the South African Republic, Her Majesty's Government now suggest, for the consideration of President Kruger, that a meeting should be arranged between his Honour and yourself for the purpose of discussing the situation in a conciliatory spirit, and in the hope that you may arrive, in concert with the President, at such an arrangement as Her Majesty's Government could accept and recommend to the Uitlander population as a reasonable concession to their just demands, and the settlement of the difficulties which have threatened the good relations which Her Majesty's Government desire should constantly exist between themselves and the Government of the South African Republic.

If the President should be disposed favourably to entertain this suggestion, you are authorised to proceed to Pretoria to confer with him on all the questions raised in this despatch.

Her Majesty's Government desire that the British Agent at Pretoria should communicate a copy of the petition and of this despatch to the Government of the South African Republic, and also communicate a copy of this despatch to the petitioners.

I have the honour to be, Sir,

Your most obedient humble servant,

J. CHAMBERLAIN.

(C 9,345, p. 226.)

From the **STATE SECRETARY**, South African
Republic, to the **BRITISH AGENT**, Pretoria.

[*Translation.*]

DEPARTMENT OF FOREIGN AFFAIRS,
GOVERNMENT OFFICE, PRETORIA,

September 25th, 1899.

SIR,—The Government of the South African Republic has the honour to acknowledge the receipt of a copy of a certain despatch

addressed on the 10th of May, 1899, by the Right Honourable the Secretary of State for the Colonies to His Excellency the High Commissioner, with reference to a memorial sent to Her Majesty the Queen of Great Britain and Ireland, on which appear 21,684 signatures, said to be affixed by an equal number of British subjects residing at Johannesburg, within this Republic.

It observes that Her Majesty's Government, on the ground also of information furnished to themselves, have considered it necessary to take action on the memorial for the investigation of the allegations brought forward in that memorial. As a result of that investigation, Her Majesty's Government have been led themselves to offer their views to this Government on the administration of the internal affairs of this Republic, and to cause them to be sent at the same time to the petitioners in answer to their memorial.

This Government begs to point out that the Convention of London of 1884, entered into between this Republic and the Government of Her Britannic Majesty, assures to the South African Republic complete free internal administration, without any interference from any quarter, even as Lord Derby, in his despatch of 15th February, 1884, states: "Your Government will be left free to govern the country without interference, and to conduct its diplomatic intercourse, and shape its foreign policy, subject only to the requirements embodied in the fourth article of the new draft, that any treaty with a foreign State shall not have effect without the approval of the Queen."

In his despatch of 4th February, 1896, Mr. Chamberlain, Secretary of State for the Colonies, states: "In the next place, it is necessary that I should state clearly and unequivocally what is the position which Her Majesty's Government claim to hold towards the Government of the South African Republic. Since the Convention of 1884, Her Majesty's Government have recognised the South African Republic as a free and independent Government, as regards all its internal affairs, not touched by that Convention."

Also in a telegram from the right honourable gentleman of 26th of March, 1896, it is stated in so many words: "Her Majesty's Government do not claim any rights under the Convention to prescribe the particular internal reforms which should be made in the South African Republic."

This Government has always considered it its bounden duty to hold strictly on the side of the Republic to the whole Convention of 1884, and has always felt itself compelled to express its earnest objections to any intervention or interference with the internal affairs of the Republic, or to the discussion or treatment of them with or by others than themselves, and they can now also still find no reasons which would justify such "interference" with the internal affairs of the Republic, or which could escape the accusation of producing a breach of the Convention of London.

The request for "intervention" on the side of any British subjects who are disinclined—as agreed by this Government with Her

Britannic Majesty in the Convention of London—to conduct themselves according to the laws of the land, to conform to the legal institutions and customs of the South African Republic, and who think they have the right to feel themselves aggrieved that the laws are not altered as they might wish, cannot, this Government feels convinced, find a favourable reception from Her Majesty's Government. The friendly relations so highly prized by this Government between the South African Republic and the United Kingdom—the other party to the Convention of London—has always been to them a fixed guarantee against such a breach of that Convention from the side of Her Majesty's Government, and it regrets exceedingly that Her Majesty's Government has been able to resolve to act in conflict with the Convention, by concerning themselves with the imaginary grievances of the so-called Uitlanders, and making representation thereupon to this Government, a proceeding against which it feels compelled to earnestly and energetically protest. And the Right Honourable Mr. Chamberlain must excuse it if it, on its side, does not bestow any further consideration on the accusations against its administration as contained in the memorial, while it cannot make the views expressed by Her Majesty's Government in consequence thereof—as touching the internal affairs of the Republic—a point for further discussion.

This Government has, however, several times intimated to Her Majesty's Government that it will greatly appreciate the giving of hints in the interests of their subjects residing in this country. Assuredly it will always be found ready to lend a most willing ear to any friendly counsel or hint which the Government of Her Britannic Majesty—another Power which, along with the South African Republic and the Orange Free State, protects and looks after the great interests of South Africa—might wish to give. These feelings also induced His Honour the State President to accept the friendly invitation from the respected head of the Orange Free State, His Honour President Steyn, and to proceed to Bloemfontein with the object of discussing there with His Excellency the High Commissioner, as the representative in South Africa of Her Britannic Majesty, affairs of equal interest to this Republic and Her Majesty's Government, and that friendly feeling also now gives it the frankness to call the earnest attention of Her Majesty's Government to the fact that incomplete, and often inaccurate, statements and information must be supplied, whereby erroneous inferences and conceptions are made of facts and occurrences, in consequence whereof, this Government, though not feeling free to make them—in conflict with the Convention—a subject of discussion, has still felt it necessary to take the opportunity of informing Her Majesty's Government of the true state of affairs, and to show them that they have been misled thereupon, and that the situation as depicted in the despatch now under reply is in all respects exaggerated, and in many points utterly untrue.

In the first place, this Government wishes to point out that the

memorial which has given rise to the sending of that despatch, far from having been signed by 21,684 British subjects (as is apparent to this Government from very trustworthy testimony, in many cases supported by sworn declarations), in fact has been signed only by very few persons, not to speak of British subjects, in the South African Republic. Many of these declarations were handed to His Excellency the High Commissioner at the time of the Conference at Bloemfontein, and this Government flatters itself that Her Majesty's Government, after they have investigated them, will agree with it in thinking that the memorial signifies very little indeed, even though it contains a number of signatures of British subjects in this Republic who consider that they are entitled to an alteration in the administration of the State because they, in conflict with the Convention concluded between the South African Republic and Her Britannic Majesty, do not wish to submit to the laws, but wish to have them altered according to their pleasure. This Government considers all the more that that memorial has not much significance, and most assuredly did not express the feelings of all the so-called Uitlanders or British subjects, because it has received from nearly 23,000 inhabitants of the Republic, almost all Uitlanders, and among them many British subjects, another memorial, the signatures to which, according to sworn declarations communicated to His Excellency the High Commissioner, were obtained *bona fide*, and from which it appears that those thousands of Uitlanders testify that they are content with the administration and the Government of this Republic, and do not share in what the memorialists to Her Britannic Majesty consider to be their just grievances.

This Government further begs to point out that while the Uitlander population have all worked together in increasing the revenue of the State, so that it amounted in 1898 to the sum of £3,983,360, of which, as was stated to His Excellency, the chief heads such as Custom duties, prospectors' licenses, railway revenue, and others, were principally contributed by Uitlanders, it must not be forgotten, on the other hand, that in that same year, 1898, gold to the value of £20,000,000 was taken out of this State, chiefly by the Uitlanders. Further, it must not be lost sight of that though the greatest part of the Customs Duties was levied on goods which were cleared for Johannesburg, yet, these goods were not exclusively consumed by the Uitlanders there, inasmuch as a great proportion were sent over the whole Republic by the large merchants to small traders who carry on business with the burghers of this State over the whole country, in the villages, and also the outlying districts, so that the goods imported into Johannesburg serve to a large extent for consumption by the original burghers of the Republic.

As regards the assertion that the mining industry pays a tax higher than in any other country, and that the cost of the necessaries of life is greater, this Government wishes to point out that that is wholly refuted by the facts and the figures. The value of goods imported into the South African Republic during the year 1898 was

£9,996,575, and the customs duties levied thereon £1,058,224, or 10.6 per cent. Under the Customs Union of neighbouring British Colonies, import duties amount to 15 per cent. of the value of the imported goods, a difference to the advantage of the Republic of nearly 50 per cent. If one examines this matter in detail, it is stronger still. In the Colonies certain specially taxed articles, such as bread-stuffs, are subjected to a Customs duty of 2s., say 30 per cent. of the value in grain, and 40 per cent. in meal. In this Republic the import duties for both amount to 7½ per cent. Butter is taxed at 3d. per pound, or 30 per cent. in the Customs Union, and in the Republic 7½ per cent., *ad valorem*. Coffee and other necessaries of life show a similar difference, and Her Majesty's Government must excuse this Government if it is compelled to point out the incorrectness and unreliability of the information supplied to the Secretary of State, from which he draws the conclusion that "the cost of necessaries of life, in consequence of the taxation levied by this State, is exceptionally high," which is not the case if they are compared with those in neighbouring colonies.

The character of the financial administration has also been incorrectly represented to Her Majesty's Government when it is simply stated that defalcations have taken place to an amount of £18,590. *Prima facie* it would be gathered from this that the deficiency actually occurred during the previous year, while the Department of Inspection—which had only recently been called into existence—reports occurrences which extend over the years 1884 to 1896.

It is unreasonable to stamp all deficiencies with the name of defalcations, for from the nature of the case a deficiency does not always imply a misdeed. The report gave the details of deficiencies which were not yet accounted for. The first item appearing on it was originally £12,000, and of that about £6,000 was collected, and only the balance was brought up. Another item of £10,808 11s. was brought up in full, although nearly £3,000 of it was collected and again accounted for, while continuous attempts were made to get in the rest of the balance. Many items not brought up were already collected and accounted for long ago, while of the amount found short in several respects by inspection in the previous year a sum of £800 is still to be paid in, which balance as far as possible is being recovered.

The allegations that advances to officials to the amount of £2,398,506 16s. 8d. has remained totally unaccounted for is entirely incorrect, and the attempt which is made to describe this circumstance as defalcations by officials shows the desire for misleading which must have actuated the informants of Her Majesty's Government. Any person who has even a general acquaintance with financial administration will readily agree that this amount is the result of a system of accounts which was followed by Her Majesty's Government themselves till a few years ago, and is still applied in some British Colonies, and even still in the Colony of Natal. This system may merit disapproval; it does not necessarily follow that the

advances, if not accounted for as promptly as usual, are misappropriated, and neither from the report of the Inspector of offices nor from the discussions of the Volksraad does it appear that such accusations were made. Moreover, in the amount of £2,398,506 16s. 8d. a sum of at least £1,968,306 is included, which is not included under ordinary advances, such as Orphan Chamber Funds £80,000, Poor Burghers's Fund £150,000, Postal Drafts £60,000, Various Loans to School Committees, Sanitary Committees, for Water Works, Hospital Committee, Moneys placed at interest in Europe, Provisional Loans to Railway Companies, Purchase of Food-stuffs and Mules in times of famine, and many others.

Large items also frequently appear on that Advances Account, although these were accounted for within a few pounds, because for some reason or other no final adjustment could be made, and the actual amounts not yet accounted for were reduced to a very insignificant figure.

The allegation also that during 1896 an amount of £191,837 had been paid out for secret service is totally unfounded; in that amount the sum of £158,337 spent on special Government works was included, as is clearly shown in a footnote on page 44 of the estimates for 1897. The secret funds amounted to no more than £33,500 in that year, and the faulty information supplied to Her Majesty's Government is clearly taken from that estimate, the footnote to which on page 44 has—as it would seem, wilfully—been overlooked.

It is also incorrect to say that the system of concessions is still in full force. Where in the despatch from the Right Hon. the Secretary of State reference is made to industrial concessions, this Government remarks that these grants are only for the purpose of the encouragement and protection of the local industry, and the allegation that these concessions will resolve themselves into actual monopolies is thus unconfirmed, and the result will also show that here again there has been misrepresentation.

As concerns the question of education, dealt with in the despatch from the Right Honourable the Secretary of State, this Government wishes to make known that in 1898 the sum of £226,291 4s. 8d. was expended for education, and in former years less. Of this, £36,503 17s. 2d. was expended in 1898 on education on the Gold Fields, on both State and subsidised schools. As the number of pupils under Law 15, 1896, and that of teachers, has become so much greater, the amount for this year will probably be at least £53,000. The provisions under which this money is given are most certainly not such that the children of Uitlanders cannot profit therefrom. According to a Volksraad Resolution of 1st June, 1892 (and amendments), schools with a foreign medium could receive a subsidy to the amount of 20s. for primary education, and 25s. for intermediate education per quarter for each scholar fulfilling certain requirements as to knowledge of the official language of the country. These requirements are of a lower standard than those for children of outlying

burghers (country population), who are taught in schools under Law 8, 1892.

Few or no Uitlanders made use of this offer; the few who did so are content therewith, and remain in the enjoyment of the privileges of this Resolution, which was renewed in 1898 only for those schools which made *bona fide* use thereof. By Law 15, 1896, provision is made for children of poor parents and strangers on proclaimed gold fields at the whole cost of the State. Under this Law there are thirteen schools, with fifty-one teachers and about 1,500 pupils. They are at Barberton, Pilgrimsrust, Kaapsche Hoop, Johannesburg (five, namely, Van Brandis Straat, Braamfontein, Union Ground, Vrededorp, and Markstraat), Maraisburg, Krugersdorp, Randfontein, Klerksdorp, and Nigel (Heidelberg). Besides this, provision is made for State-schools at the City and Suburban and Bertram's Township, Johannesburg, and one at Roodepoort (Krugersdorp). At four of the above-named thirteen schools the medium of education is English, and of the remaining nine, English is the medium for children of English-speaking parents, and Dutch for those of Dutch-speaking parents. At these nine schools in each standard somewhat more time is devoted to the learning of Dutch than was the case in earlier standards, so that in the fifth standard equality for both languages can be obtained. On the whole, there are at work in the thirteen schools, twenty-seven teachers of Dutch-African or Dutch origin, and twenty-four of English. It is a requirement in them that the Dutch-African or Dutch teachers who are appointed to these schools must have an adequate knowledge of the English language, as shown by the production of a certificate or by examination.

The system of education in this Republic has in the first place as its object to impart the fundamental principles of general knowledge. For the children of the original country population this is done under Law 8, 1892, through their mother tongue, in which also the necessary school books have to be written, with the understanding that in standard 3 three hours, and in higher standards four hours, out of the twenty-five hours per week must be employed for education in a foreign language.

In the schools under the above-mentioned Resolution education is given by the medium of a foreign language, but five hours at least a week must be devoted to the official language of the country.

In the thirteen schools under Law 15, 1896, the children of strangers are taught through and in their mother tongue (in the present case English), though in each standard the number of hours for education in and through Dutch increases.

In virtue of a Resolution of the Executive Council of 8th August, 1898, Article 731, a certain number of members of a School Council contemplated by Article 1 of Law 15, 1896, shall be named by the Executive Council from persons proposed by parents of children attending school, enfranchised according to Article 2 of Law 8,

1893, with this understanding, that the number of members to be named in this manner shall not amount to more than the smaller half of the whole School Council, and further, that the number of persons nominated shall always be double as many as the number of persons to be appointed from among the persons so nominated.

The above facts clearly show, in the opinion of this Government, that Her Majesty's Government has also been misled in respect of the point of education. They nevertheless point out that a quarter of the expenditure on education for that year is allotted to the Gold-fields, so that the children of Uitlanders living there can make use thereof; that adequate provision is made for education through the medium of the mother tongue, whatever it may be, while along with that obligatory education in the language of the country is cared for; that both by the Resolution of 1st June, 1892, and by Law 15, 1896, more, in fact, is done for the Uitlanders than for the original population, and that more room is given for the language of the strangers in the schools on the gold fields of this Republic than in any land in the world, and that here, again, misleading informations must have been given to His Excellency the High Commissioner and Her Majesty's Government. Englishmen have defended Law 15, 1896, and the schools thereunder, in different newspapers (see *South African News*, 10th May last; *Star*, 22nd March, 1899; and *Manchester Guardian*).

With reference to the Municipality of Johannesburg, this Government wishes to remark that, as was promised to the inhabitants of Johannesburg in 1896, it has been given a municipal administration of its own, to which the control of the city of Johannesburg and suburbs is granted. Her Majesty's Government appear to think that this Municipality has not answered its purpose, in that in the first place half of the members must be naturalised burghers (not fully enfranchised burghers, as the despatch under discussion wrongly asserts), and in the second place the financial powers of the Municipal Council are limited. As regards the first point, it cannot possibly be an objection, since two years' residence in the Republic is sufficient for naturalisation, and in fact, more than the required half of the members are burghers. This conclusively proves that the requirements of citizenship is no objection whatever. Again, the objection with respect to the limitation of the financial powers of the Municipal Council comes to nothing, seeing there is no municipality in the world whose financial powers are not limited by the law under which they are called into existence, and the limitations in the case of the Municipal Council of Johannesburg are the ordinary ones in such cases.

The Advisory Board recommended by the Industrial Commission would have been ineffectual, in that the laws, with whose administration that body would have to do, can be better and more efficiently administered by an official such as the State Attorney, who possesses almost unlimited power and means. It is also the case that all complaints with reference to gold thefts have actually

disappeared, and no more complaints are heard about the administration of the Pass Law; while quite recently, as Her Majesty's Government must be well aware, the Chamber of Mines and other bodies of the Witwatersrand have repeatedly expressed their satisfaction with the efficient manner in which the Liquor Law is carried out. No local body, however well informed, could have done what has been done by the State Attorney in this instance; and that is a sufficient justification for the position taken up by both the Government and the Volksraad in refusing the appointment of the Advisory Board.

This Government comes now to the discussion of the administration of justice, of which so much is made in the despatch under consideration.

As concerns the allegations in regard to the administration of justice, this Government notices that in the despatch under consideration much is made of the so-called Lombard case, the so-called Edgar case, and the so-called Amphitheatre case. A short consideration of the facts with regard to these three cases will show how unfounded in this respect also are the accusations of Her Majesty's Government.

With regard to the Lombard case, this Government wishes to point out that for a full month after the alleged acts of ill-treatment of Cape coloured persons had taken place, no complaint was laid before any authority in this Republic, and neither by the Government, nor by the public, was anything known with respect to what had happened. The whole matter was so unimportant that some of the persons who were alleged to have been ill-treated later on declared on oath before the Court of Inquiry that they would never have made any complaints of their own accord.

What actually happened? About a month after the incidents the so-called South African League came to hear of them, sent some of their officers round to gather testimony from the persons who were alleged to have been ill-treated, and with the help of Her Britannic Majesty's Vice Consul at Johannesburg—between whom and the League a striking co-operation has always existed—some sworn declarations were taken. Even then no complaints against the official concerned were laid before the legal authorities of the land, but the matter was given into the hands of the Acting British Agent at Pretoria. As soon as the allegations were brought to the notice of this Government, it appointed, without delay, a Commission of Inquiry, consisting of three gentlemen, namely—Landrost Van den Berg, of Johannesburg; Mr. Andries Stockenstroem, barrister-at-law of the Middle Temple, head of the Criminal Division of the State Attorney's Department; and Mr. Van der Merwe, Mining Commissioner of Johannesburg—gentlemen against whose capacity and impartiality no shadow of suspicion has ever existed on the part of the Uitlander population of this Republic, and with whose appointment, moreover, the Acting British Agent expressed his full satisfaction.

The instruction to these officials was to thoroughly investigate the whole matter, and to furnish the Government with their advice, and they fulfilled these instructions by several days' hearing and careful investigation of testimony on both sides. Every well-meaning person will readily recognise that infinitely more weight deserves to be attached to the findings of this Commission than to the depositions of the complaining parties, who contradicted themselves in nearly every particular, and turned the whole inquiry almost into a farce. Of all the so-called acts of ill-treatment, nothing remained in their report; the several cases of alleged ill-treatment were shown to be imaginary. It was clearly demonstrated and found that the complainants had acted in conflict with the law, and the only thing the Commission disapproved of was that the arrests and investigation took place in the night and without a warrant. It fills this Government with the greatest regret to see that Her Majesty's Government base their accusations on the *ex parte*, ungrounded, and in many respects false declarations of accusers instigated by political hatred, and simply passes over the report of the Commission in silence.

The Edgar case is then brought forward by Her Majesty's Government as "the most striking recent instance of arbitrary action by officials, and of the support of such action by the Courts." That case is used as a decisive test of the alleged judicial mal-administration of this Republic, and it will thus be of importance to dwell upon it for a moment. What are the true facts? A certain Foster, an Englishman, was, without any lawful cause, on the night of the 18th December, 1898, assaulted and felled to the ground by a certain Edgar, so that he was left lying for dead, and finally died in the hospital. Edgar then took to flight into his room, and at the outcry of bystanders some police, among them policeman Jones, came on the scene, saw the assaulted person lying for dead, and then went to Edgar's apartment to arrest him as a criminal (he had, in fact, made himself guilty of homicide, and apparently of murder). As he had been caught red-handed, the police were, according to the law not alone of this Republic, but of the whole of South Africa and of the United Kingdom of Great Britain and Ireland, justified in breaking into the house with the object of arresting the culprit. While breaking in, Jones received a violent blow from Edgar with a dangerous weapon, and in self-defence he shot this Edgar, in consequence of which the latter was killed. The question is not whether Jones was justified in this last step; the State Attorney of this Republic has already, by prosecuting him for manslaughter, expressed his opinion that the case was one for the jury. The question is simply whether any jury in any country in the world would find a person guilty of a criminal act under the circumstances set out, and whether, if they did not find him guilty, this can be stigmatised as a flagrant and noteworthy case of mal-administration of justice. This Government feels itself convinced that the English judicial administration also is full of cases wherein the facts are just as strong as they are here, and

cannot see why an occurrence that might happen in any country in the world should be specially brought up as an accusation.

This Government cannot pass over in silence the blame cast by Her Majesty's Government on the Public Prosecutor of Johannesburg, by whom the prosecution of this case was conducted. The fact that he is of pure English blood, that he has had his legal training in London, that he is generally respected by the Uitlander population for his skill, impartiality, and character, will naturally not weigh with Her Majesty's Government against his irregular action in calling witnesses for the prosecution who had been destined for the defence, and the consequent frustration of a supposed cross-examination. The Government only wishes to point out the fact that the Edgar case is the strongest that Her Majesty's Government has been able to bring forward against the administration of justice in this Republic, is the strongest and most striking proof possible that, as a whole, the administration of justice on the Goldfields of this Republic contrasts favourably with that, not only of other similar Goldfields, but even of old and settled countries. The untrue presentation of this case in the Press shows sufficiently that the newspapers of the Witwatersrand, whose misrepresentations form a part of the organised campaign against this Republic and its Government, were compelled to exercise their lying criticism on imaginary cases of maladministration which were often absolutely pure inventions. Where the Press is driven to such methods the real grievances must be insignificant.

The Amphitheatre case is used by Her Majesty's Government to show how inefficient the police on the Witwatersrand is to fulfil its duties and preserve order. The League gathering was held in the so-called Amphitheatre at Johannesburg with the previous knowledge of the State Secretary and the State Attorney, and the accusation is that, in spite of that fact, the tumult that arose at that gathering was not suppressed by the police. The true facts are these: Mr. Wybergh and another, both in the service of the above-mentioned South African League, informed the State Secretary and the State Attorney that they proposed to call this meeting in the Amphitheatre, and asked permission to do so. They were informed that no permission of the authorities was necessary, and that so long as the gathering did not give rise to irregularities or disturbance of the peace they would be acting fully within their rights. The fact was then pointed out to them that by the action and propaganda of the South African League this body was very unpopular with a considerable portion of the inhabitants of Johannesburg, and that in all probability a disturbance of the peace would take place unless a sufficient number of the police were present to preserve order. To this these gentlemen replied that after the Edgar case the police were in bad odour, that the gathering would be a very quiet one, that the presence of the police would contribute to, or give occasion for, disorder, and that on these grounds they would prefer to have no police. The State Secretary and State Attorney thereupon cor-

responded with the heads of the police at Johannesburg about this subject, with the result that these also thought it would be better not to have a considerable number of police present at the meeting. The Government then, on this advice from the officers of the League, as well as from its police officials, gave instructions that the police should keep away from this meeting; they did this in good faith, and with the object of letting the voice of the League be heard undisturbed.

The proposed meeting was, however, advertised far and wide, and as the feeling among a certain part of the Witwatersrand population against the League was very bitter, a considerable proportion of the opponents of this body also came to it. The few police who were present were powerless to suppress the disorder, and when, a few minutes after the beginning of the disturbance, the police came on the scene, the meeting was wholly broken up.

Taken by itself, this occurrence would not have been of much importance, seeing that it is an isolated occurrence as regards the Gold Fields of this Republic, and even in the best organised and regulated communities irregularities, such as these, sometimes take place. The seriousness of the matter lies, however, in the unjustifiable accusation of Her Majesty's Government that the meeting was broken up by officials of this Government, and that this Government curtly refused to institute an enquiry into it.

This Government would not have refused to institute an enquiry if any complaints had been brought before it or before the local courts, and in its answer to Her Majesty's application for an investigation it said this, as would appear from the annexure. This Government objects to the systematic ignoring of the local authorities, and the continual complaints by the representatives of Her Majesty in regard to matters which ought to be decided by the Courts of this Republic. Instead of complaining to Her Majesty's Government only when all other reasonable means for redress of grievances have been taken, they are constantly guilty of passing over and despising the local courts and authorities by continually bringing frivolous and *ex parte* complaints in the first instance before Her Majesty's Government, and thereby Her Majesty's Government is constantly brought into the equivocal and undesirable position of interfering in the internal affairs of this Republic, and in conflict with the Convention of London. Had a complaint been brought before this Government or the competent officials or Courts, the facts could very easily have been enquired into, and then it would have been shown that the few officials who were present at the meeting as part of the public had done their best to oppose the irregularities, and that some of them were themselves injured in their attempts to preserve the peace. Instead of condemning such complaints, and referring the complainants to the local Courts, Her Majesty's Government takes up these complaints, and gives them an official character by bringing them to the notice of this Government, and at the right time publishing them in Blue Books for the information of the world. Her

Majesty's Government will easily recognise that no State in the world, however weak and small, which possesses any sense of honour, can regard such things otherwise than with grief, and, if the relation of the two Governments are strained, the true cause must be sought for in this mode of proceedings on the part of their subjects, who are not censured by Her Majesty's Government, and not in any imaginary or frivolous grievances.

Her Majesty's Government then goes on to the discussion of certain laws in this Republic, with the object of showing that the Uitlander population is also oppressed by the legislation here. In this connection the Press Law, the Expulsion Law, and Law No. 1 of 1897 are mentioned. In this respect also it can be shown that the population of the Gold Fields has no well-founded causes of complaint.

With reference to the existing Press Laws, No. 26 of 1896 and No. 14 of 1898, it is worthy of notice that no printer, publisher, or editor of a newspaper can be prosecuted unless he has made himself guilty of criminal libel, so that in this respect the principle of the Grondwet of 1858 is still observed in all its fulness. From this Her Majesty's Government will also see that those laws can be in no single respect oppressive for the writing public, a fact which is still further supported by the manner in which newspapers are conducted in this Republic. Nowhere else in the world can freedom be found so changed into license. No newspaper in any country in the world would dare for an instant to speak of the Government, the legislation, and the authorities of the land as the *Star* and *Transvaal Leader* and similar newspapers write from day to day within this Republic. The imaginary nature of these grievances is not removed by the power placed in the hands of the State President to forbid altogether or temporarily the circulation of any publication that is in conflict with good morals or public order, seeing that the same High Court, which, in the opinion of Her Majesty's Government, exists by the grace of this Government, has decided that the power does not extend to the prohibition of the circulation of a newspaper, and this Government, like other civilised Governments, is subject to every decision of the High Court, and the freedom of the periodical press thus remains as uncurtailed as under the old Grondwet. In fact, any person who is acquainted with the practice of the daily papers in this Republic will consider the accusation of Her Majesty's Government as ludicrous and a misunderstanding of the true facts.

This power has been exercised by this Government not several times, but simply *once*, and in that case the High Court has declared their action null and void.

As concerns the Expulsion Law, this, as well as the Press Law, must be judged by its spirit and operation. Since this Law came into force, the State President has only once made use of the power entrusted to him to expel an undesirable person, and that was done with the approval of the Press and the public of the country. Seeing that similar laws exist in nearly all civilised countries in the world,

it is difficult to see wherein such a law in this Republic presents anything offensive in the eyes of Her Majesty's Government.

With reference to Law No. 1 of 1897, and the dismissal of Chief Justice Kotze under it, this Government can only say that it bitterly regretted having been obliged by the arbitrary conduct of the said Chief Justice to take drastic steps in order to avoid an absolute constitutional and judicial disorder and chaos. It was a case where the Chief Justice, in conflict with the law existing for at least forty years, in conflict with his own judgments, suddenly seized on and applied a new principle, whereby the legality of many of the laws of this Republic was brought into question, and a real constitutional chaos resulted. What would any Legislature and Government have done in similar circumstances other than this Republic actually did, namely, to pass a special law for this exceptional case, whereby the special difficulty would be removed?

The law has only been applied to that case, and has immediately thereafter become inoperative, and it is inconceivable to this Government how suspicion could thereby fall on the impartial administration of justice in this Republic. Had this Government remained quiet, in face of the position taken up by the late Chief Justice, all titles resting on Volksraad Resolutions might have been rendered doubtful, and thereby not only the greatest injury might have been caused to existing rights, but the administration of justice might have been brought into great uncertainty and doubt. By this law, moreover, the Judges, instead of being brought under the influence of the Executive Council, are really placed in the same constitutional position as any Judge of the High Court in England, who is powerless to test the validity of any law.

This Government has now gone through the various allegations of Her Majesty's Government intended to show that the policy followed by this Government with regard to the Uitlander population and the administration of the laws, especially on the Gold Fields, are the causes of the strained relations now existing between the two Governments. This Government considers that, after this explanation and answer from its side, it will clearly appear that the causes are in no respects sufficient to bring about such a result as that of strained relations. It considers that the origin of the evil is to be found elsewhere, and it hopes that Her Majesty's Government will not take offence if it now goes on to explain what is the real root of the evil, considered from its point of view. And in the first place it observes as a very noteworthy and striking fact that, although there are thousands of subjects of other Powers, complaints are seldom heard from them or their Governments concerning these so-called grievances of the Uitlanders.

If those grievances really existed, and if they press equally on all so-called Uitlanders (and Her Majesty's Government does not allege there is any difference in that respect between British subjects and subjects of other Powers), how comes it then that the complaints always come from British subjects, and that the subjects of other

Powers as a rule evince their sympathy with this Government, and promise it their support?

But this Government wishes to go further. Even with regard to the Uitlanders who are British subjects there is a small minority, who, under the pretext of imaginary grievances, pursue their secret propaganda of race hatred, and use this Republic as a base to start a revolutionary movement against this Government. Ministers of Her Majesty's Government have so accurately expressed the truth about this minority that this Government, whose purpose is not to make ungrounded accusations, but simply to bring the truth to the notice of Her Majesty's Government, and the world, wishes here to repeat the words of those Ministers of the Cape Colony acquainted with local circumstances and competent to judge:—

“In the opinion of Ministers, the persistent action both beyond and within this Colony of the political body styling itself the South African League, in endeavouring to foment and excite, not to soothe and allay, ill-will between the two principal European races inhabiting South Africa, is well illustrated by these resolutions, the exaggerated and aggravated terms of which disclose the spirit which informs and inspires them.

“His Excellency's Ministers are one in their earnest desire to do all in their power to aid and further a policy of peaceful progress throughout South Africa, and they cannot but regard it as an unwise propagandism, hostile to the true interests of the Empire, including this Colony, as an integral part, that every possible occasion should be seized by the League and its promoters for an attempt to magnify into great events minor incidents when occurring in the South African Republic, with a prospect thereby of making racial antagonism more acute, or of rendering less smooth the relations between Her Majesty's Government or the Government of this Colony and that Republic.”

The question of race hatred is, however, not so strong in South Africa that a body with this propaganda, striving after a revolutionary object, could secure much influence in this part of the world, and it is constantly asked why a body in itself so insignificant, both in its principles and in respect of its members, can yet rejoice in such an amount of success. The answer is that this body looks to the protection and support of Her Majesty's Government in England, and that both the members and the organs in the Press openly boast of the influence which it exercises over the policy of Her Majesty's Government. This Government would pay no attention to such allegations, but when it sees that the ideas of this body continually find an echo in the speeches of members of Her Majesty's Government, when it sees that Blue Books are compiled consisting to a great extent of documents written by the members of the South African League, and the lying articles and reports of the Press Organs of this body, which thereby acquire an official character, then this Government can well understand why so many of Her Majesty's right-minded subjects in this part of the world arrive at the mistaken impression that the policy followed by the League is ratified by Her Majesty's

Government, and is thus intended to conduce to the happiness and prosperity of the British Empire in general.

If this mistaken impression could be removed, and the fact recognised that the South African League, as far as concerns the South African Republic, is an organisation whose object is to stir up ill-feeling and disturbance, and to undermine the independence of the country, then this body would very speedily lose influence, and the strained relations now existing between the two Governments would speedily disappear.

Then would the Afrikaner Republics and the Afrikaner population of this part of the world no longer fear that the interests of the British Empire necessarily involved the destruction of those Republics, and the extermination or enslaving of their population; then would also the two portions of the white race in South Africa return to the brotherly co-operation and fusion which had at any rate begun, until the treacherous conspiracy at the end of 1895 revived the passion on both sides.

I have, etc.,

F. W. REITZ,

State Secretary.

(Cd. 43, p. 74.)

From THE STATE SECRETARY, South African Republic, to HER MAJESTY'S AGENT, Pretoria.

[*Translation.*]

MINISTRY FOR FOREIGN AFFAIRS, PRETORIA,

June 9th, 1899.

SIR,—I have the honour to inform you that this Government desires once more to approach Her Majesty's Government on the question already on several occasions suggested by it, of arbitration on differences arising out of the varying interpretations approved by the parties, of the terms of the London Convention.

This Government takes this course inasmuch as it is convinced that it is also the desire of Her Majesty's Government to advance the peaceful development of South Africa, and because it was apparent to it at the recent Conference at Bloemfontein that His Excellency the High Commissioner also is personally in favour of removing differences between this Government and Her Majesty's Government by arbitration.

It is for this reason that this Government once more approaches Her Majesty's Government hereby; and it is convinced that His

Excellency the High Commissioner will be ready to submit this proposal to a favourable consideration of Her Majesty's Government. This Government desires therefore to submit the following proposal to Her Majesty's Government :—

(1) All future differences between the two Governments arising out of varying interpretations of the London Convention shall, subject to what is set forth under paragraph 3., at the instance of this Government or of Her Majesty's Government, be referred to an arbitration tribunal, on the understanding, however, that no matters or differences of trifling importance shall be submitted to arbitration.

(2) The arbitration tribunal shall consist of an arbitrator to be nominated by this Government and an arbitrator to be nominated by Her Majesty's Government (as, for example, the Chief Justices respectively of the South African Republic and the Cape Colony or Natal). These two must agree respecting a third person, who shall act as President of the Arbitration-tribunal, this person not to be a subject of one of the arbitrating parties; and failing agreement upon this point, the two Governments shall together name a President; the decision in every case to take place by a majority of votes.

(3) The Act of Submission shall in every case be drawn up jointly by the two Governments, so that each shall have the right to reserve and exclude points which appear to it to be too important to be submitted to arbitration, provided that thereby the principle itself of arbitration be not frustrated.

(4) The Arbitration tribunal shall itself decide the place of its sittings, and shall deal as it thinks fit with the condemnation of parties in the costs, unless special arrangement has been made concerning these points in the Act of Submission.

(5) The regulations of procedure of this Arbitration-tribunal can be similar to those agreed to by the Institute of International Law in the Hague in 1875, in so far as they do not conflict with the foregoing provisions, and in so far as they are not amended by both parties in the Act of Submission.

(6) In order to obtain a test of the suitability of such tribunal, this Government has no objection to its being agreed that this reference of Conventional differences shall provisionally take place for a period of five years.

If Her Majesty's Government should agree in principle with this Government upon the above-mentioned scheme, it can (with such alterations in detail as may be agreed upon) be secured in a treaty, if necessary, for a fixed period.

In conclusion, this Government desires further to make the following clear. By the acceptance of a scheme of arbitration, more or less like that set forth above, would not only all Conventional disputes which present themselves be amicably solved, but the peaceful development of South Africa would also thereby be advanced in a surprising degree.

Owing to the pressure of races in South Africa which, as Her Majesty's Government is aware, is principally a legacy of the past,

South Africa is to-day in this fatal position, that, as soon as a dispute arises between this Government and Her Majesty's Government, war is spoken of by the one party, and thereby again the slumbering suspicions of the other party are awakened. In this manner party feeling and race hatred are more and more increased, and the minds of the public are held in such a state of tension, that the whole of South Africa suffers most deeply under it, and is bowed down thereby. Having regard to this serious danger that is spreading a dark cloud over the otherwise fair future of South Africa, and in full confidence that Her Majesty's Government will not refuse to work with it in order to reconcile races in South Africa, and to cause old feuds to give way to a new spirit of co-operation and progress, this Government once more makes this appeal for arbitration from its feeling, not alone of right and equity, but also of anxiety for the future of this our beloved portion of the world.

I have, etc.,

F. W. REITZ,

State Secretary.

CONYNGHAM GREENE, ESQ., C.B.,

Her Majesty's Agent.

(C 9,518, p. 3.)

From HER MAJESTY'S AGENT, Pretoria, to the
STATE SECRETARY, South African Republic.

HER MAJESTY'S AGENCY, PRETORIA,

June 26th, 1899.

SIR,—I lost no time in forwarding to the High Commissioner a copy of your note of the 9th instant, in which you submitted, on behalf of the Government of the South African Republic, proposals to Her Majesty's Government for referring to arbitration future differences between the two Governments arising out of varying interpretations of the London Convention.

With respect to the statement contained in the note above mentioned, in which you allege as one reason for advancing these proposals that "it was apparent at the recent Conference at Bloemfontein that His Excellency the High Commissioner also is personally in favour of removing differences between this Government and Her Majesty's Government by arbitration"; and the statement that your Government "is convinced that His Excellency will be ready to submit his proposal to the favourable consideration of Her Majesty's Government," I have the honour to state to you that Sir Alfred Milner has submitted this proposal to Her Majesty's Government, but that

he is not able to recommend its acceptance. His Excellency desires me to say that, as he pointed out to the President at Bloemfontein, he considers that the question of finding a remedy for the grievances of the Uitlanders is the burning question of the moment, and that this has to be disposed of before other matters can be properly discussed. The adoption by the Government of the South African Republic of measures calculated to lead to an improvement in the position of the Uitlanders would so improve the general situation that outstanding differences between the two Governments could be considered in a calmer atmosphere, and would be more capable of adjustment. Under these circumstances, it might be possible to devise a scheme for referring at least a certain number of differences to arbitration. But as the Government of the South African Republic has not seen its way to meet Her Majesty's Government on the question of primary importance, the High Commissioner can see no use in approaching the delicate and complicated subject of arbitration at the present time. Over and above this, His Excellency does not consider the scheme now proposed to be a practicable one. To make no mention of other objections, the constitution of the proposed Arbitration Court, which would leave every decision virtually in the hands of a President, who, it is provided, shall not be a subject of either of the arbitrating parties, does not conform to the fundamental principle which, as Sir Alfred Milner more than once stated at Bloemfontein, Her Majesty's Government would regard as a *sine qua non* to the acceptance of any scheme of arbitration.

I have, etc.,

CONYNGHAM GREENE,

The Honourable,

The State Secretary,

(C 9,518, p. 6.)

From the SECRETARY of STATE for the Colonies,
London, to the HIGH COMMISSIONER, Cape Town.

[*Telegram.*]

July 31st, 1899. I now authorise you to invite President Kruger to appoint delegates to discuss with ours questions whether reforms, which Volksraad has passed, will give immediate and substantial representation of Uitlanders, and if not, what additions and alterations will be necessary in order to secure this result. If invitation is accepted, our delegates would not be precluded from raising any point calculated to improve measure; and you will

instruct them to press for early report, which, on the points mentioned, ought not to be difficult.

(C. 9518, p. 29.)

From the **SECRETARY of STATE** for the Colonies,
London, to the **HIGH COMMISSIONER**, Cape Town.

August 1st, 1899. My telegram of 31st July. We must confine proposed joint inquiry, in the manner suggested in that telegram, to question of political representation of Uitlanders. You should, however, let President Kruger know, through Greene, that you will be ready, after conclusion of inquiry, to discuss with him, not only the report of the inquiry and the franchise question, but other matters as well, including arbitration without introduction of foreign element.

(C. 9518, p. 29.)

From the **HIGH COMMISSIONER**, Cape Town, to the
SECRETARY of STATE for the Colonies, London.

1st August, No. 1. Referring to your telegram of 31st July, No. 1, I have instructed British Agent to give following communication to Government South African Republic from me:—

Her Majesty's Government authorise me to invite President South African Republic to appoint delegates to discuss with delegates, to be appointed by me on behalf of Her Majesty's Government, whether Uitlander population will be given immediate and substantial representation by franchise law recently passed by Volksraad, together with other measures connected with it, such as increase of seats, and, if not, what additions or alterations may be necessary to secure that result. In this discussion it should be understood that the delegates of Her Majesty's Government would be free to make any suggestions calculated to improve measures in question and secure their attaining the end desired. Personally, I wish to add the expression of my earnest hope that Government South African Republic may accept this proposal, and that we may proceed to discuss the composition of the proposed Commission, method of procedure, and place of meeting, at once. Government of South African Republic will, I feel sure, agree with me that, if proposal of Her Majesty's Government is accepted, the inquiry should be held as soon as possible,

(C. 9518, p. 30.)

From the STATE SECRETARY, South African
Republic, to the BRITISH AGENT, Pretoria.

[*Translation.*]

MINISTRY FOR FOREIGN AFFAIRS, PRETORIA,

August 12th, 1899.

SIR,—The Government of the South African Republic has the honour to acknowledge the receipt of your note of the 2nd instant, whereby Her Majesty's Government invite His Honour, the State President, "to nominate delegates to discuss with delegates to be appointed by His Excellency on behalf of Her Majesty's Government, whether the Franchise Law recently passed by the Volksraad, together with other measures connected with it, such as increase of seats, will give substantial and immediate representation to the Uitlander population, and, if not, what alterations or additions may be necessary to secure that result," and subject to the further understanding that in this discussion the delegates of Her Majesty's Government would be free to make any suggestions calculated to improve the measures in question, and to secure their attaining the desired end"; it has further taken notice of a communication subsequently handed in by you to the effect that "the proposed joint inquiry must be confined to the question of the political representation of the Uitlanders in the manner suggested, but after that inquiry is concluded the High Commissioner will be ready to discuss with the President of the South African Republic not only the report of the enquiry and the Franchise question but also other matters, including arbitration without introduction of foreign element," and both these communications have been taken into serious consideration by His Honour the State President and the Executive Council.

In such consideration the Government has conceived itself bound, as always, to keep in view the fact that the Convention of London of 1884, entered into between this Republic and the Government of Her Britannic Majesty, assures to the South African Republic entirely free internal government, without intervention of any parties whatever, and this principle has always since been fully recognised and maintained, as will appear abundantly, among other things, from extracts of despatches attached hereto in Appendix A.

This Government trusts that it may rest assured that by making suggestions for a joint enquiry in your Note at present under consideration, Her Majesty's Government have no intention to derogate in any way from this recognised independence or to meddle with the internal affairs of this Republic.

This Government, although always desiring earnestly if, and as far as possible, to listen to any request made by Her Majesty's

Government, by which the so-called Uitlander question in this Republic might be solved in a satisfactory manner, and at the same time the so much desiderated co-operation and good understanding between it and Her Majesty's Government could be confirmed, can, however, judging from the invitation received from the above-mentioned standpoint, come to no other conclusion than, and wishes to express its view that, although the request may not have that intention, the effect of the acceptance of the invitation would still prejudice the above-mentioned recognised existing rights of this Republic, and will be so understood both by the Volksraad and the people; the right of full internal government cannot otherwise than suffer a serious blow if, as a matter of fact, deputed commissioners are officially admitted or instructed to decide as judges about the efficiency of a law passed and promulgated by the highest legislative power of the land, and either to ratify it or not.

This Government is convinced that Her Majesty's Government, recognising the validity of the objections stated to acceptance of the invitation, or at least perceiving that possibly the latter might be explained as not being in agreement with the recognised rights of this Republic, will abandon that invitation in the manner and form as at present proposed.

It wishes once more to recall that it has repeatedly expressed its willingness to take into the most serious consideration all friendly hints and suggestions of Her Majesty's Government calculated to remove the grievances which Her Britannic Majesty's subjects believe they have; as may appear, last, from its communication of 13th of July, 1899, in which it declared itself ready to take into consideration, in the spirit of friendly co-operation, any suggestion of Her Majesty's Government, and in that spirit it remains always ready to work on.

Assuming that it is merely the intention of Her Majesty's Government to get information and assurance with regard to the significance, tendency, and scope of the franchise law, and the plan of representation for the Uitlander population of the goldfields. And with regard to the efficiency of that Law, it believes that the end contemplated by Her Majesty's Government can be equally well attained by asking questions and obtaining information about the intention and tendency of the above-mentioned measures, as also of statistical matters and local affairs—in which the Government professes itself willing to assist—in order to ascertain the actual effect of those measures, and if desired by this Government, to offer advice about these subjects.

In connection with this subject it conceives itself bound to notice that a judgment can only be formed as to whether a law answers its purpose or not, if it has been in operation for some time, and suggests whether any inquiry to be set on foot now would not be premature.

This Government supposes that it may assume that Her Majesty's Government is acquainted with the contents of the recently passed

Law No. 3, 1899, about naturalisation and franchise—a copy of which marked B. is moreover attached hereto.

With regard to the representation of the Witwatersrand Goldfields in both Volksraads this Government proposes to grant four new members in each Volksraad to those goldfields. The division of the goldfields for that purpose is entrusted to a commission of officials, who are charged to recommend without delay a proportional division into electoral districts, as will appear from the copy of the Executive Council Resolution which I have the honour to deliver herewith marked C.

It is the intention of the Government that the new members shall take their seats in each case not later than in the next ordinary session of the Volksraads.

The important hints given by His Excellency the High Commissioner, on behalf of Her Majesty's Government in the Bloemfontein Conference, have been kept in view in the drawing up and subsequent improvement of the new legislation about naturalisation and the franchise and resolution about representation in this Republic, the regulations of which, if the Uitlander population makes use of it will, as this Government can, with full confidence, assure Her Majesty's Government, by their operation most certainly give an actual and immediate representation, and will afford the means to put an end to the grievances which some of them believe they have against the Republic, and this Government cherishes the hope that Her Majesty's Government will, after thorough investigation and the information offered by this Government, share that hope, and be willing to accept that assurance. This Government does not wish by the foregoing to be understood that there would be difficulty if Her Majesty's Government might so wish about agreeing to the holding of a Conference for a friendly discussion of all points whether of difference or of common interest which demand discussion or consideration, in the spirit and for the purpose contemplated in convoking the Conference at Bloemfontein.

This Government takes the liberty of making use of this opportunity to point out that, according to intelligence in the newspapers and recently in speeches of Ministers of Her Majesty, the assertion has been made that this Government has made promises to English subjects at the time of the making of the Convention, which have not been fulfilled. As this Government has always earnestly desired to fulfil its obligations, and also claims always to have done so, it cannot but express its regret that that assertion has found expression in this way and at this date, and that no communication has been addressed to it with respect to that in order to give it opportunity to refute that statement, or to remove some apparently existing misunderstanding on that point. This affair might at the same time form a point of discussion at a Conference as suggested above.

Returning to the communication accompanying the invitation, this Government understands from it with pleasure that there is a good prospect for friendly negotiations, whereby it cherishes the

hope that the much desiderated result will be attained—to get points of difference between the two Governments decided by means of arbitration.

I am, etc.,

F. W. REITZ,
State Secretary.

CONYNGHAM GREENE, ESQ., C.B.,
British Agent, Pretoria.

(C 9,530, p. 29.)

[*Enclosure A.*]

Extract from a letter from the Right Hon. the EARL of DERBY
to the TRANSVAAL DEPUTATION.

DOWNING STREET, *February 15th*, 1884.

By the omission of those articles of the Convention of Pretoria, which assigned to Her Majesty and to the British Resident certain specific powers and functions connected with the internal government and the foreign relations of the Transvaal State, your Government will be left free to govern the country without interference, and to conduct its diplomatic intercourse and shape its foreign policy subject only to the requirement embodied in the fourth Article of the new draft, that any treaty with a foreign State shall not have effect without the approval of the Queen.

(C 9,530, p. 31.)

Extract from a letter from Mr. CHAMBERLAIN to
Sir HERCULES ROBINSON.

DOWNING STREET, *February 4th*, 1896.

In the next place it is necessary that I should state clearly and unequivocally what is the position which Her Majesty's Government claim to hold towards the Government of the South African Republic.

Since the Convention of 1884, Her Majesty's Government have recognised the South African Republic as a free and independent Government as regards all its internal affairs not touched by that Convention.

(C 9,530, p. 31.)

Extract from a Telegram from the SECRETARY of STATE,
London, to the HIGH COMMISSIONER, Cape Town.

March 26th, 1896.

Her Majesty's Government do not claim any right under the Convention to prescribe the particular internal reforms which should be made in the South African Republic.

(C 9,530, p. 31.)

[Enclosure B.]

Law No. 3, 1899.—Relating to NATURALISATION and the FULL FRANCHISE, Dated the 19th Day of July, 1899.

Whereas it has become desirable to amend and amplify some of the provisions of the laws relating to naturalisation and the acquiring of the full franchise, and

Whereas these amendments cannot suffer delay so as to be published, according to the terms of Art. 12 of the Constitution, three months beforehand, and whereas they have already been approved of in principle by the people,

It is hereby enacted as follows :

Art. 1.—Every white male immigrant having attained the age of 16 years, who takes or has taken up his residence in the South African Republic, shall in future be entitled to obtain letters of naturalisation, provided he has fulfilled the following requirements and conditions :

(a) The applicant shall deliver a certificate from the Fieldcornet and the Landrost of his ward and district, countersigned by the Commandant of the district, to show that during the minimum time required in his case before naturalisation, he has been registered continuously in the lists of the Fieldcornets, that he has resided during that time within the South African Republic, and has behaved in obedience to the laws of the country and has committed no crime against the independence of the South African Republic.

Where the Fieldcornet and Landrost cannot, from their personal knowledge, grant such a certificate, they shall do so on the sworn declarations of the applicant and two well-known fully enfranchised burghers of the ward and district that the applicant has resided during the required time in the South African Republic and has conducted himself in obedience to the laws of the country and has not committed any crime against the independence of the South African Republic.

Where the Fieldcornet and Landrost or the Commandant refuse to grant or to sign such a certificate, the applicant will be at liberty to appeal to the Executive Council.

In the event of the lists of the Fieldcornets being destroyed or mislaid, the petitioner will be authorised to prove, by sworn declarations to the satisfaction of the Secretary of State and the State Attorney, that he has been registered.

(b) The applicant shall deliver a sworn declaration from himself to the effect that no criminal sentence has been pronounced against him and moreover a certificate of good conduct.

Under criminal sentence is understood any sentence for the crimes of high treason, murder, rape, theft, fraud, perjury or forgery.

(c) The applicant shall deliver a document proving that he possesses unencumbered real property to the value of £150, or pays house-rent to the amount of £50 a year, or is in receipt of a fixed salary or pay of £100 a year, or earns an independent living by agriculture or cattle-breeding.

(d) Before the official delivery of the letters of naturalisation the person requesting naturalisation shall take the following oath, by which he shall be considered and held to abandon all rights of citizenship enjoyed in any other state and to disclaim all obligations and obedience due to any other sovereign :

"I swear (or : I solemnly declare that the taking of an oath is not allowed according to my religious convictions and promise) solemnly in all sincerity and in the terms of Law No. 3, 1899, with which I declare myself to be acquainted, that I will be loyal to this State, will respect and support its independence, will submit to the Constitution and other laws and to the lawful authorities of the country, and will behave in all respects in a manner suitable to a loyal burgher of this State. *So help me God Almighty* (or : *This I solemnly promise*)."

Before a person already naturalised can be admitted to the full franchise, he will be required, in every case, together with application for the same and his promise of observance of other obligations stipulated by this law, to deliver again a certificate in fulfilment of the conditions and stipulations detailed above under *a*, *b*, and *c*.

No person will be authorised or permitted to obtain letters of naturalisation or the full franchise unless he shall have fulfilled the above-mentioned conditions, except in cases where other provisions are expressly made by this or any other law.

Art. 2.—Every person who takes up or has taken up his residence in the South African Republic, shall, by complying with the conditions of Art. I. after the minimum space of two years, be entitled to obtain letters of naturalisation, and after a minimum space of five years after naturalisation, be able to obtain the full franchise, provided in both cases he gives notice to the Secretary of State, through the Fieldcornet and Landrost of his ward and district, of his intention to make a similar application at least six months before the expiration of the fixed limit of time.

The Fieldcornet will be required, on penalty of a maximum fine of £10 for each case of neglect, to forward this notice without delay, but at the latest within 30 days from receipt, through the Landrost to the Secretary of State, for insertion in the *Staats Courant*, for the information of the public, and the Secretary of State will order such notice to be published three times in succession in the *Staats Courant*.

Art. 3.—Every person, who fixes or has fixed his residence within the South African Republic shall, at the expiration of at least seven years after sending to the Fieldcornet a notice of his desire to become naturalised in accordance with the form contained in

Schedule A, be entitled to letters of naturalisation with the full franchise by complying with the conditions of Art. 1.

Such notice shall be forwarded by the Fieldcornet to the Secretary of State and published by the latter, under the same provisions and penalties as detailed in the preceding article.

A person thus desirous of obtaining at the expiration of seven years letters of naturalisation with the full franchise, will then also be required to send, at least six months before the expiration of that time, a written notice of his intention to the Secretary of State through the Fieldcornet and Landrost of his ward and district.

This notice shall also be forwarded by the Fieldcornet to the Secretary of State and be published by the latter in the *Staats Courant* under the same provisions and penalties as detailed in Art. 2.

Together with his request for letters of naturalisation and the full franchise, the applicant shall in that case also hand in a document to prove that he had presented the notice in the terms of Schedule A referred to in the first paragraph of this article, of which a copy of the *Staats Courant* containing the publication of that notice will be sufficient proof.

Art. 4.—A person, who has taken up his residence in the South African Republic before this law comes into operation, by complying with the conditions of Art. 1, will be able to obtain letters of naturalisation (with the full franchise) at the expiration of at least seven years from the time he entered the country.

In the case where the petitioner is not entitled to the full franchise within six months from the time this law comes into operation, he must deliver a document to prove that within six months from the time this law comes into operation he has presented to the Fieldcornet of his ward a written notice stating his intention to apply for naturalisation.

Neglect of serving this notice in the terms of Schedule A, or omission of the certificate determined in Art. 1, section a, will debar the petitioner from the full franchise in the terms of this article and only allow it in the terms of Article 2 or 3.

Such notice shall be forwarded by the Fieldcornet to the Secretary of State and by the latter be published in the *Staats Courant* one and other under the same provisions and penalties as detailed in Art. 2.

A person already naturalised at the time when this law comes into operation will be entitled to the full franchise five years after his naturalisation, or, if desired, in accordance with the provisions of paragraph 1 of this article.

Art. 5.—Nothing decreed by this law shall prevent the Executive Council from granting letters of naturalisation, with or without the full franchise, to persons who accept a post in the public service or have rendered some service to the country or have made themselves in one or other respect useful to the country, notwithstanding that

the conditions of this law have not been complied with in their behalf, on the understanding, however, that they take the oath in the terms of Art 1.

Art. 6.—Youths, not born in this State, and whose fathers have obtained letters of naturalisation or full franchise before they have attained the age of sixteen, shall have the same franchise as their fathers.

Youths, born in this State, whose fathers had not been naturalised nor obtained the full franchise, will be at liberty to become naturalised on completion of their sixteenth year by taking the oath described in Art. 1, and to obtain the full franchise five years after by complying with the conditions stated in Art. 1, Sections *a* and *b*. By giving, on attaining the age of sixteen, a notice as detailed in Schedule A, they will be entitled to the acquisition of the full franchise five years later, by complying with the conditions mentioned in Art. 1, Sections *a*, *b*, and *d*.

The petition for naturalisation and the full franchise will be forwarded, with the other documents required, by the Fieldcornet through the Landrost to the Secretary of State, and by the latter submitted to the State Attorney, who will return the documents with his advice thereon to the Secretary of State. If in the opinion of the Secretary of State and of the State Attorney there exists no legal objection against the granting of letters of naturalisation, then they shall be granted. In case of objection the decision rests with the Executive Council.

The letters of naturalisation and of the full franchise shall be signed by the Secretary of State and the State Attorney. The Secretary of State shall order the letters of naturalisation and full franchise to be granted by the official appointed thereto, who shall administer the oath required for naturalisation.

The letters of naturalisation will bear a stamp of £2. The granting of the full franchise to persons who have been already naturalised is free of charge.

Art. 8.—Persons not considered as belonging to the white population of the South African Republic are excluded from the franchise in accordance with Art. 9 of the Constitution.

Art. 9.—All laws and provisions in so far as they are in conflict with the present law are hereby repealed.

Art. 10.—This law will come into operation immediately after publication in the *Staats Courant*.

S. J. P. KRUGER, *President*.

F. W. REITZ, *Secretary of State*.

GOVERNMENT OFFICE, PRETORIA,

July 26th, 1899.

LAW NO....., 1899. SCHEDULE A.

I at present residing at
 in the South African Republic, formerly residing at
 in trade or profession
 desiring to remain for good in the South African Republic, hereby
 notify thatyears after date of the present, I intend to apply for
 letters of naturalisation with the full franchise and declare that I am
 fully acquainted with the obligation entailed on me by Law No.....,
 1899, to obey the laws and to commit no offence against the independence
 of the South African Republic.

[Enclosure C.]

RESOLUTION of the **EXECUTIVE COUNCIL**, of the 29th of
 July, 1899.

On the paper Minute R., 9,498/99, containing correspondence on
 the subject of representation in the First and Second Volksraads of
 the Mining Districts.

The Executive Council resolves :—

To make the Electoral division of the Witwatersrand Goldfields,
 at present represented in the First and Second Volksraads by two
 members, represented by ten members, so that the said electoral
 division may be divided into five approximately equal divisions, of
 which every division shall elect two members.

The Minister of Mines, the mining commissioners, the field-
 cornets, and the commandants of their electoral divisions shall, with
 the assistance of the two Volksraad members of the Electoral
 Division of the Witwatersrand Goldfields, report to the Government
 as to the formation of these divisions, to enable the Government to
 proclaim the boundaries of each electoral division in accordance
 with Article 2 of Law No. 12, 1887.

The Executive Council resolves further to request the Govern-
 ment to enquire if it is advisable, in consequence of the extension
 and increase of the population, to declare in addition other mining
 districts to be electoral divisions in terms of Law No. 12 of 1887.

(C 9,530, p. 31.)

From Mr. CHAMBERLAIN to HIGH COMMIS-
 SIONER Sir ALFRED MILNER.

DOWNING STREET,

July 27th, 1899.

SIR,—The successive modifications which have been made by the
 Government of the South African Republic since the Conference of

Bloemfontein in the proposals for admitting the Uitlander to some share of representation in the government of the country have followed each other with so much rapidity, and have been so difficult to understand as reported by telegraph, that Her Majesty's Government have been unable to communicate with you fully on the different phases of this question as they have been in turn presented. Happily, each new scheme seems to have been an advance and improvement upon that which preceded it, and Her Majesty's Government hope that the latest proposals passed by the Volksraad may prove to be a basis for a settlement on the lines which you laid down at the Conference, and which Her Majesty's Government have approved.

Before examining these proposals it will be convenient to state the objects which Her Majesty's Government have desired to secure, and the reasons which have led them to press their views on the Government of the South African Republic.

Her Majesty's Government authorised you to meet President Kruger in Conference in the hope that you might, in concert with him, arrive at an arrangement which they could accept as a reasonable concession to the just demands of the Uitlander population of the South African Republic. They trusted that, following upon such an amicable settlement, a further arrangement might be come to, whereby the many other differences between them and the Government of the South African Republic might be adjusted, and the relations between the two Governments placed upon a perfectly harmonious footing. These hopes were for the time disappointed. The Conference met and separated without any agreement as to the means to be adopted for the removal of that discontent of the majority of the inhabitants of the Transvaal, which has been for so many years a menace to the peace and a hindrance to the prosperity of the whole of South Africa.

The Government of the South African Republic, in the despatch of the 9th of June, in which they submit proposals for arbitration to which I will presently refer, deplore the fact that, as a result of the disputes which arise between themselves and the Government of Her Majesty, "party feeling and race hatred are more and more increased, and the minds of the public are held in such a state of tension, that the whole of South Africa suffers most deeply under it, and is bowed down thereby." Her Majesty's Government agree that these indirect consequences of the constantly strained relations between the two countries are even more serious than the results of the particular acts of legislation or administration of which they have had to complain, but they must point out that this deplorable irritation between kindred people, whose common interests and neighbourhood would naturally make them friends, is due primarily to the fact that in the South African Republic alone, of all the States of South Africa, the Government has deliberately placed one of the two white races in a position of political inferiority to the other, and has adopted a policy of isolation in its internal concerns which has been admitted by the present Prime Minister of the Cape Colony to be a source of danger

to South Africa at large. It is this policy, enforced and continually extended since the Convention of 1884, which constitutes the most serious factor of the present situation.

Besides the ordinary obligations of a civilised Power to protect its subjects in a foreign country against injustice, and the special duty arising in this case from the position of Her Majesty as the Paramount Power in South Africa, there falls also on Her Majesty's Government the exceptional responsibility arising out of the Conventions which regulate the relations between the Government of the South African Republic and that of Her Majesty. These Conventions were granted by Her Majesty of her own grace, and they were granted in the full expectation that, according to the categorical assurances conveyed by the Boer leaders to the Royal Commissioners in the negotiations preliminary to the Convention of 1881, equality of treatment would be strictly maintained among the white inhabitants of the Transvaal.

It may be well to remind you what those assurances were, as detailed in the Blue Book of May, 1882. At the Conference of the 10th May, 1881, at Newcastle, there were present: Sir Hercules Robinson (President), Sir Evelyn Wood, Sir J. H. De Villiers, Her Majesty's Commissioners; and, as Representatives of the Boers, Mr. Kruger, Mr. P. J. Joubert, Dr. Jorissen, Mr. J. S. Joubert, Mr. de Villiers, and Mr. Buskes.

The following report of what took place shows the nature of the assurances given on this occasion:—

"239. (*President*).—Before annexation, had British subjects complete freedom of trade throughout the Transvaal; were they on the same footing as citizens of the Transvaal?

"240. (*Mr. Kruger*).—They were on the same footing as the Burghers; there was not the slightest difference in accordance with the Sand River Convention.

"241. (*President*).—I presume you will not object to that continuing?

"242. (*Mr. Kruger*).—No, there will be equal protection for everybody.

"243. (*Sir E. Wood*).—And equal privileges?

"244. (*Mr. Kruger*).—We make no difference so far as burgher rights are concerned. There may, perhaps, be some slight difference in the case of a young person who has just come into the country."

At the Conference of the 26th May, 1881, at Newcastle, there were present: Sir Hercules Robinson (President), Sir E. Wood, Sir J. H. De Villiers, Her Majesty's Commissioners; and, as Representatives of the Boers, Mr. Kruger, Mr. J. S. Joubert, Dr. Jorissen, Mr. Pretorius, Mr. Buskes, and Mr. De Villiers.

At this meeting the subject of the assurances were again alluded to as reported:—

"1037. (*Dr. Jorissen*).—At No. 244 the question was, 'Is there any distinction in regard to the privileges or rights of Englishmen in the Transvaal?' and Mr. Kruger answered, 'No, there is no difference;' and then he added, 'there may be some slight difference

in the case of a young person just coming into the country.' I wish to say that that might give rise to a wrong impression. What Mr. Kruger intended to convey was this: according to our law a new-comer has not his burgher rights immediately. The words 'young person' do not refer to age, but to the time of residence in the Republic. According to our old 'Grondwet' (Constitution) you had to reside a year in the country."

In spite of these positive assurances, all the laws which have caused the grievances under which the Uitlanders labour, and all the restrictions as to franchise and individual liberty under which they suffer, have been brought into existence subsequently to the Conventions of Pretoria or London. Not only has the letter of the Convention of 1884 been repeatedly broken, but the whole spirit of that Convention has been disregarded by this complete reversal of the conditions of equality between the white inhabitants of the Transvaal which subsisted, and which, relying on the assurances of the Boer leaders, Her Majesty believed would continue to subsist, when she granted to it internal independence in the preamble of the Convention of 1881, and when she consented to substitute the Articles of the Convention of 1884 for those of the previous Convention.

The responsibility of Her Majesty's Government for the treatment of the alien inhabitants of the Transvaal is further increased by the fact that it was at the request of Her Majesty's High Commissioner that the people of Johannesburg, who, in December, 1895, had taken up arms against the Government of the South African Republic to recover those equal rights and privileges of which they had been unwarrantably deprived, permitted themselves to be disarmed in January, 1896. The High Commissioner's request was made after the issue by President Kruger of a Proclamation in which he stated: "And I further make known that the Government is still always ready to consider properly all grievances which are laid before it in a proper manner, and to lay them before the Legislature of the country without delay to be dealt with." Unfortunately, the assurances conveyed in this Proclamation have been no better observed than the assurances of 1881. Not only have no adequate or genuine reforms been introduced up to the present time, but the conditions and the general atmosphere in which the Uitlanders have to live have become more difficult and irksome to free and civilised men. Fresh legislation has been passed in a repressive and reactionary direction, and the administration of justice itself has been made subservient to the control of the Executive Government.

Her Majesty's Government believed that the acceptance of the invitation to the Bloemfontein Conference by President Kruger was an indication that the Government of the South African Republic were prepared to make adequate proposals for the remedy of the just complaints of the Uitlander population resident in the Transvaal. But the proposals actually made by him during the course of the proceedings were not such as could in any way be accepted as meeting the case.

Her Majesty's Government have approved of your having put in the foreground the grant of such a measure of reform as would give the Uitlanders at once a reasonable share of political power, for although even if such privileges were fairly and fully conceded, there would remain many causes of difference between Her Majesty's Government and the Government of the South African Republic; still, such a concession would afford the Uitlanders an opportunity of formulating their grievances and influencing the legislators and the Government of the country in which they live, and eventually it would doubtless secure the gradual redress of those grievances, without the necessity of appealing to any external power. It would thus go a long way to remove the tension and discontent which endanger the tranquility of the Republic and the Peace of South Africa.

Her Majesty's Government have also observed with approval that, in view of the refusal of the President to grant any effective share in the government of the country to the Uitlanders, you pressed upon him, as a proposal not open to any of the objections urged by him to the grant of a liberal franchise, the possibility of providing an alleviation for the grievances of the Uitlanders by granting to them such a municipal government for Johannesburg and the gold-fields as would be for them a municipal government in reality as well as in name. At present all matters of municipal concern, which affect so closely the comfort and health and contentment of a European population, are regulated by officials who do not understand European requirements, who have no sympathy with municipal life as understood in Europe or in the United States, and who, as a matter of fact, conduct the municipal government of Johannesburg with conspicuous inefficiency. Her Majesty's Government noted with regret that in this matter also President Kruger declined to entertain your suggestions. They have never been able to comprehend the reasons which make President Kruger apparently more hostile to the proposal for a grant of a municipality to Johannesburg and the gold-fields than to that for an extension of the franchise to the Uitlanders. The only argument which he has used to their knowledge is a refusal to create what he calls an *imperium in imperio*. But this objection will not bear examination. The universal experience of English-speaking communities shows that the grant of municipal privileges to the inhabitants of great centres of population has no tendency to create a rival Power to the central authority of the State.

It is needless now to discuss in detail the proposals made by the President at the Conference. They are fully set forth and their defects are demonstrated in your despatch of the 14th of June and its inclosure.

Since the termination of the Conference new proposals were laid before the Volksraad in a draft law, which was officially communicated to the British Agent on the 12th of July. In two important respects this draft was an advance on the President's earlier proposals, but after the most careful examination of its very complicated provisions, Her Majesty's Government reluctantly came to the conclusion that

they could not regard the new scheme as affording any basis for a settlement of the question, or as one that would give to the Uitlanders an immediate and reasonable share of political representation.

It is, however, a matter of satisfaction to Her Majesty's Government to learn, from your telegram of the 19th of July, that the Government of the South African Republic have still further amended their proposals, and that the Volksraad has now agreed to a measure intended to give the franchise immediately to those who have been resident in the country for seven years, as well as to those who may in future complete this period of residence. This proposal is an advance on previous concessions, and leaves only a difference of two years between yourself and President Kruger, so far as the franchise is concerned.

It is obvious, however, that, as you pointed out at the Conference, no practical result could follow from any franchise, however liberal, unless the conditions attached to its acceptance and exercise are reasonable, and unless it is accompanied by the addition of such a number of representatives to the constituencies chiefly composed of Uitlanders as will enable the newly enfranchised burghers to obtain a fair share of representation in the First Volksraad.

The object of Her Majesty's Government, which they are led to believe is fully appreciated by the President, has been to secure for the Uitlanders the immediate enjoyment of such a share of political power as will enable them, by the election of members from their own body, to exercise a real influence on legislation and administration, without, however, giving them the proportion of representation to which their numbers, taken alone, might entitle them, and which the President objected would enable them immediately to swamp the influence of the old burghers.

They observe, however, that in the new Draft Law, as in the proposals which it has superseded, there are still a number of conditions which might be so interpreted as to preclude those who would otherwise be qualified from acquiring the franchise, and might, therefore, be used to take away with one hand what has been given with the other. The provision that the alien desirous of burghership shall produce a certificate, under Article I. (section A) of the Draft Law, of continuous registration during the period required for naturalisation is an instance of this, for it has been stated that the Registration Law has been allowed to fall into desuetude, and that but few aliens, however long resident in the country, have been continuously registered.

Her Majesty's Government feel assured that the President, having accepted the principle for which they have contended, will be prepared to reconsider any detail of his scheme which can be shown to be a possible hindrance to the full accomplishment of the object in view. They trust, therefore, that many of the conditions now retained may be revised, and that the residential qualification may be further reduced, since, in its present form, it will differentiate unfavourably the conditions of naturalisation in the Transvaal from those existing in other civilised countries.

Her Majesty's Government assume that the concessions now made to the Uitlanders are intended in good faith to secure for them some approach to the equality which was promised in 1881; but the points they have still to urge for the consideration of the Government of the South African Republic are of great importance, and require a further interchange of views between the two Governments. These points involve complicated details and questions of a technical nature, and Her Majesty's Government are inclined to think that the most convenient way of dealing with them would be that they should, in the first instance, be discussed by delegates appointed by you and by the Government of the South African Republic, who should report the result of their consultation and submit their recommendations to you and to that Government.

If a satisfactory agreement on these points can be reached in this way and placed on record, Her Majesty's Government are of opinion that it should be accepted by the Uitlanders, who in this case will be entitled to expect that it will not be nullified or reduced in value by any subsequent alterations of the law or acts of administration.

The settlement of this most important subject will greatly facilitate an understanding in other matters which have been the source of continuous and ever-increasing correspondence between your predecessors and yourself and Her Majesty's Government. There have been, during the last few years, a number of instances in which Her Majesty's Government contend that the Conventions between this country and the South African Republic have been broken by the latter in the letter as well as in the spirit. There are other cases again, in which there may have been no actual infraction of the letter of the Conventions, but in which injury has been inflicted on British subjects, for which redress is required on their behalf.

With a view to the settlement of some, at least, of these questions, the Government of the South African Republic has met the representations of Her Majesty's Government with an offer to submit them to the arbitration of some foreign Power. In view of the relations established by the Conventions of Pretoria and London, Her Majesty's Government have felt themselves compelled to declare emphatically that under no circumstances whatever will they admit the intervention of any foreign Power in regard to their interpretation of the Conventions.

Her Majesty's Government note, however, with satisfaction that, in the course of the discussion at Bloemfontein, President Kruger withdrew the proposal for the intervention of a foreign Power. In the Memorandum put in by him at the afternoon meeting on the 5th of June, he spoke of his request for arbitration by other than foreign Powers, and the Government of the South African Republic, in a communication addressed to the British Agent on the 9th of June, to which I have already referred, has modified its former proposal as to the formation of a Tribunal of Arbitration, so as to substitute for a foreign Power a foreigner as President, and, therefore, as supreme

Arbiter, in a court to be otherwise composed of two members nominated respectively by Her Majesty's Government and by the Government of the South African Republic. This proposal, although in a different form to those previously made, is equally objectionable, inasmuch as it involves the admission of a foreign element in the settlement of controversies between Her Majesty's Government and the Government of the South African Republic; and for this reason it is impossible for Her Majesty's Government to accept it.

Her Majesty's Government recognise, however, that the interpretations of the Conventions in matters of detail is not free from difficulty. While on the one hand there can be no question of the interpretation of the preamble of the Convention of 1881 which governs the Articles substituted in the Convention of 1884, on the other hand there may be fair differences of opinion as to the interpretation of the details of those Articles, and it is unsatisfactory that in cases of divergence of opinion between Her Majesty's Government and the Government of the South African Republic, there should be no authority to which to refer the points at issue for final decision.

If, therefore, the President is prepared to agree to the exclusion of any foreign element in the settlement of such disputes, Her Majesty's Government would be willing to consider how far and by what methods such questions of interpretation as have been above alluded to be decided by some judicial authority whose independence, impartiality, and capacity would be beyond and above all suspicion.

After the discussion by delegates, as already proposed, of the details and the technical matters involved in the points which Her Majesty's Government desire to urge for the consideration of the Government of the South African Republic in relation to the political representation of the Uitlanders, it may be desirable that you should endeavour to come to an agreement with President Kruger, as to the action to be taken upon their reports, by means of another personal Conference.

In this case, the occasion would be a suitable one for you to discuss with his Honour the matter of the proposed Tribunal of Arbitration and those other questions which were not brought forward at the Bloemfontein Conference because of the failure to arrive at an understanding on the question of the political representation of the Uitlanders, but which, in the event of agreement upon that question, it is most desirable to settle at an early date.

You are requested to communicate this despatch to the Government of the South African Republic, and to express the hope of Her Majesty's Government that, in view of the urgent necessity of putting an end to the present unsettled state of affairs in South Africa, the Government of the South African Republic will find it possible to agree at an early date to the proposals made therein.

I have, etc.,

J. CHAMBERLAIN.

From the STATE SECRETARY, South African Republic,
to the BRITISH AGENT, Pretoria.

MINISTRY FOR FOREIGN AFFAIRS, PRETORIA,

September 22nd, 1899.

SIR,—The Government of the South African Republic, acknowledging the receipt of a despatch of the Secretary of State for the Colonies of 27th of July, sent to it with your note of the 23rd of August, has the honour to submit the following to you for communication to Her Majesty's Government. With regard to the assertion of Her Majesty's Government, "that the letter of the Convention of 1884 has been repeatedly broken, but the whole spirit of that Convention disregarded by the complete reversal of the conditions of equality between the white inhabitants of the Transvaal which subsisted, and which, relying on the assurances of Boer leaders, Her Majesty believed would continue to subsist, when she granted to it internal independence in the preamble of the Convention of 1881, and when she consented to substitute the articles of the Convention of 1884 for those of the previous Convention," this Government wishes to remark that the discussion at Newcastle on the 10th of May, 1881, dealt with general freedom of trading in the Transvaal, in accordance with the Sand River Convention of 1852, which in Article 5 "granted mutual facilities and freedom to traders and travellers on both sides of the Vaal River," and in the way of this freedom no obstacle has ever been thrown, so that the assertion of Her Majesty's Government that on this point the Convention has been broken seems to be untrue, while neither in the treaty of Sand River, nor in the Convention of Pretoria, nor in the Convention of 1884, entered into at London, which entirely takes the place of that of Pretoria, is anything said of equality of political rights of any newcomers.

In quotation, No. 1,037, Dr. Jorissen states supplementary to what has been said by Mr. Kruger (at present his Honour the President of this Republic) in No. 244: "In No. 244 was the question, Is there any difference with reference to privileges and rights of English in the Transvaal? and Mr. Kruger answered, 'No, there is no difference,' and afterwards added, 'There might perhaps be some small difference in the case of a young person who has just come into the country.' I wish to say that this might give rise to a wrong impression. What Mr. Kruger intended to convey was this. According to our law a new incomer does not get his burgher rights immediately. The words 'young person' have no reference to age but to the time of residence in the Republic. According to our old Grondwet (Constitution) people must reside one year in the country."

From this we must understand, according to the view of this Government, that the franchise is not immediately extended in this Republic to each new incomer, but that under the old Grondwet already a residence for a definite time was demanded before the

franchise was granted, and then only after taking an oath of loyalty. From the current discussion, which make no part of the subsequent agreements, it appears clearly that it was then already the intention of the representatives of the people of the South African Republic to allow incomers to get the franchise, not at once, but only after some period of residence; it does not require proof that the necessity arose in the interest of the State and of the permanent inhabitants to make that period of residence longer, when a great influx of strangers took place, whose openly declared object was merely to stay long enough till they had made enough money.

In Article 12 of the Convention of 1881 full freedom, among other things, was granted to persons who had remained loyal to Her Majesty's Government during the hostilities which then took place, to remain in the country, with enjoyment of all civil rights and protection for their persons and properties, while in Article 28 all persons who had fixed their residence in the Transvaal between the 12th of April, 1877, and the date of that Convention coming into operation, and who had registered with the British Agent within twelve months after that date, would be thereby discharged of all compulsory military service whatever.

In that Convention, moreover, no difficulty was raised to the principle of the admission of incomers to the exercise of civil rights and duties only after a certain period of residence.

Under its operation Law No. 7, 1882, was passed, by which the period for obtaining the franchise was increased from one to five years, and no objection to that was ever made from the side of Her Majesty's Government, nor was the assertion made that that law was in conflict with the existing Convention, or of assurances given at Newcastle by the Boer leaders.

When this Republic, in 1884, first treated with Her Majesty for a new Convention to replace the old one which was inefficient, and imposed burdens and obligations from which the Republic desired to be discharged, and afterwards made a new Convention, no single word was said against the regulation about the franchise in the Law of 1882, as little as were assurances asked for the grant of the franchise to British subjects, without first having been settled some time in the country. In Article 15, however, the regulation was taken over from Article 28 of the Convention of Pretoria (viz., that persons having settled in the Transvaal between the 12th of April, 1877, and 8th of August, 1881, and who have had their names registered by the British Agent within twelve months after the last named date, will be exempted from all compulsory military service), and if Her Majesty's Government had then seen fit to object to the principle confirmed and worked out in the Law of 1882, they would certainly have tried to come to an understanding with the Government of the South African Republic on that occasion, by which regulations about a certain period of residence before obtaining the franchise might be annulled.

Her Majesty's Government not only did not do so, but stipulated

in Article 7 of that same Convention, just as in Article 14 of that of Pretoria, again only for civil rights for persons who had remained loyal during certain hostilities to Her Majesty, while in its 14th Article various civil (as distinguished from political) rights were assured to all persons, but under the express conditions that those persons should conform to the laws of the South African Republic, and those laws had long before already laid down or maintained the principle that the incomer had to have a certain period of residence before he could obtain the franchise.

From the foregoing it appears that the assertion of Her Majesty's Government "that all restrictions as to franchise and individual liberty have not been brought into existence subsequently to the Conventions of Pretoria and London," (*sic*) but that the right of this Republic to make restrictions "as to franchise" was recognised tacitly, at least, by Her Majesty's Government itself.

These restrictions were extended in 1890, and increased from five to fourteen years, and no remark was made on the part of Her Majesty's Government. At that time, too, no claim was made for equal political rights, and no assertion was ever made that this action had been in conflict with the Convention made in 1881 with the State of the Transvaal, or that of 1884 with the South African Republic, as also nothing of the kind happened when in 1894 the law on the franchise was again modified.

In 1894, when this Republic was involved in a war with certain coloured chiefs, various incomers of different nationalities were prepared to go to war for the land of their adoption, along with the burghers of this State, and many of them have subsequently become fully enfranchised burghers, because they had shown by deed that they were ready to take the field like brothers with the older burghers for the defence of this Republic, but when some British subjects, also recent incomers, refused to do service on commando, Sir Henry Loch, the then High Commissioner, denied the right of this Republic to require them to do such service in the Republic, and although there was no convention or law to the contrary, this Government decided, with the authorisation of the representatives of the people, that British subjects, settled in this Republic, should not be called out for commando service.

This unwillingness, however, shows that neither Her Majesty's subjects nor Her Majesty's Government had then thought it desirable that British subjects should become burghers of this Republic, and thus enjoy the rights attached or bear the accompanying burdens. If ever, that would have been the opportunity for Her Majesty's Government to stipulate that restrictions in regard to the franchise should be removed. That Government did not then appeal to assurances given at Newcastle, but only desired that its subjects should be exempted from all compulsory military service, and remain British subjects.

After Her Majesty's Government had several times had the opportunity, in negotiations with the Government of the Transvaal

State of the South African Republic to stipulate for its subjects that restrictions upon the obtaining of the franchise should be done away with, it did not do so, but, on the contrary, it recognised, tacitly if not expressly, that this Republic lay under no obligation in that respect, and this Government regrets most deeply that Her Majesty's Government suddenly conceives it sees therein a breach and setting aside of the letter and spirit of the Convention of 1884, and for this conceives it its duty to accuse it of not having abided by the alleged assurances said to have been given by the Boer leaders in 1881, before contracting the Convention of 1881, for which that of 1884 has subsequently been substituted.

This Government conceives further, it may remark, that in the negotiations carried on at Newcastle in 1881 there was no mention made of giving assurances or incurring obligations with regard to granting rights to British subjects, but that only explanations were given to the Royal Commission about laws and their application, as they were carried out before April, 1877; and the quotations from the notes of that Commission do not show that at that time any assurance was given or obligation incurred that from time to time the franchise would be given to all incomers irrespective of whether they had resided for a certain time in the Republic. The fact that the subject of their discussions was not taken up as a condition in the lapsed Convention of 1881, nor in that which now exists of 1884, proves in the clearest way that it was not then considered of any interest by Her Majesty's Government.

This Government also deplores in the most emphatic way that Her Majesty's Government should consider that the responsibility which it conceives it has for the treatment of the alien inhabitants is further increased by the fact that it was on the request of Her Majesty's High Commissioner that the population of Johannesburg in January, 1896, allowed itself to be disarmed, and that, after his Honour the State President had promulgated the Proclamation of 30th of December, 1895, and that the more because Her Majesty's Government seem to wish to convey that this Government had made promises or assurances, or had offered a prospect of the same on that occasion to the persons who had taken up arms against the Republic, while, as a fact, that Proclamation was promulgated before arms were taken up at Johannesburg, and in order to prevent such illegal actions, and further, the disarmament of Johannesburg was done unconditionally on command of this Government, and the fact that Sir Hercules Robinson also urged the inhabitants of Johannesburg to lay down their arms was something done by his Excellency without this Government having urged him to do so by giving any promises. This appears from the correspondence which passed in those days, and also from another Proclamation of his Honour the State President of 9th of January, 1896, which was published, not only in the language of the country, but also in English.

This Government cannot understand how the Proclamation of 30th December, 1895, exhorting the inhabitants rather to lay their

grievances before it than to transgress the limits of the law, which Proclamation, owing to the malevolence of those days had no sequel (inasmuch as they nevertheless took up arms), can now be construed as a condition of disarmament, which was done unconditionally, as Her Majesty's High Commissioner requested.

Notwithstanding its continuous effort, during all the time which has elapsed since the commotions in Johannesburg, by means of liberal and practical legislation to bring the Uitlanders into a condition of satisfaction, the Government has always had to struggle with agitation caused by a portion of the population there, which contrary to Article 14 of the Convention of London, 1884, does not wish to abide by the laws of the Republic, and always rejects the hand of friendship extended to them by the Proclamation of 10th of January, 1896, and always still extended. Nevertheless, it has not omitted, since the melancholy occurrences of the beginning of 1896 at Johannesburg, to direct attempts to continuously further the interests of the mining population, and to improve their condition, grievances brought before it have been examined most earnestly by the Government itself or by Commissions appointed by it, who have heard evidence on the subject, and although the Volksraad has not always been able to agree with the measures indicated by such Commissions, has nevertheless always taken such measures to provide for the difficulties brought before it as it thought desirable in general interests of the State. Many salutary laws and resolutions have been already made which may be useful and advantageous to the incomers, and this Government intends to propose gradually further changes which may appear desirable. Plans had already been contrived for the facilitation of obtaining the franchise, when the invitation to attend a conference at Bloemfontein was received, and this Government accepted it with pleasure, because it supposed that, taking counsel with the representatives of a friendly Power, which like this Republic, has great interests in South Africa, and the friendly hints of Her Majesty's Government, through Her Majesty's High Commissioner, would facilitate the solution of its difficulties with a discontented Uitlander population. This Government has subsequently, keeping in view the views of Her Majesty's Government, as obtained from His Excellency the High Commissioner, submitted the extension of the franchise anew to the Volksraad, and as a consequence to-day a law has been fixed, which is so liberal that in truth, if the newcomers wish to make use of it, it would ensure them an actual and immediate representation.

The new burghers in the gold-fields will, besides, secure a sufficient number of seats in the Volksraad, and then have the opportunity to discuss the grievances which the new population conceive it has, in the Volksraad, and with the older burghers, and, as far as possible, to meet them. And this Government trusts that from now their grievances will belong largely to the past, and as it, on its side, is assured that efficient opportunity has been given the incomers, if they wish to make use of it, to get an actual and immediate repre-

sensation, it cherishes the conviction that examination into the efficiency of the new Franchise Law, and the resolution with regard to representation, will more and more exhibit that efficiency, and can thereby lead to the realisation of the object it has contemplated by means of a vote to be given to the newcomers in the Volksraad to open an opportunity for co-operation in the removal of all the grievances and difficulties they think they have. This conviction has prevailed upon it to take into the most favourable consideration the request of Her Majesty's Government for the appointment of deputies by this Government and Her Majesty's Government for the discussion of the points, making a report and submitting representations, as it had the honour already to state in its despatch of the 2nd instant, on the understanding mentioned therein.

In the same note of the 2nd instant the Government has already stated that it would be obliged if it could obtain further explanations from Her Majesty's Government about the composition of an arbitration court, as Her Majesty's Government propose it is to be constituted, in the note of 27th of July, and will be pleased to await what Her Majesty's Government wish to propose further on that subject, so that the two Governments may come to an understanding as soon as possible, and decide the many differences, great and small, which have arisen during a considerable time between both Governments by way of an arbitration court, by which friendly relations existing as happily until now, can be more and more extended, and in this Republic, as well as in Her Majesty's possessions in South Africa, the different nationalities be able to live fraternally together, and the race hatred so abhorred by both Governments may speedily become a thing of the past, and quite die out.

I have, etc.,

F. W. REITZ,
State Secretary.

CONYNGHAM GREENE, ESQ., C.B.,
British Agent, Pretoria.

(Cd. 43, p. 67.)

From the HIGH COMMISSIONER Sir ALFRED
MILNER to Mr. CHAMBERLAIN.

[*Extract.*]

15th August. No. 1.—Following two telegrams received from Greene:—

No. 1. (*Begins*).—No. 248A.—The South African Republic Government will write me a note to the effect that they are willing to make the following proposals to Her Majesty's Government provided that Her Majesty's Government are willing not to press their demand for the proposed joint inquiry into the political representation of Uitlanders:—

I.—A five years' retrospective franchise. The scheme to be

referred to the people immediately. Government of South African Republic pledging itself to support measure and to get people to adopt it. There would be an adjournment of the Volksraad at once for the above purpose, and the scheme might become law within say a fortnight.

II.—The Rand to get eight new seats in the First Volksraad, making, with the existing members for Johannesburg and Barberton, a representation of ten seats in a Volksraad of thirty-six for the Mining Industry. The future representation of the Goldfields not to fall below this proportion. If desired, the same number of seats to be given in the Second Volksraad.

III.—Both old and new population will be entitled under this franchise to equal rights and privileges in regard to the election of Commandant-General and President.

IV.—The simple details of the Franchise Law to be discussed with the British Agent. He may have his own legal adviser. Any other points which may arise to be discussed in the same way.

The Government of South African Republic, in putting forward the above proposals, will assume that Her Majesty's Government will agree that a precedent shall not be formed by their present intervention for similar action in future, and that no future interference in the internal affairs of the Republic will take place contrary to the Convention. Further, that Her Majesty's Government will not insist further upon the assertion of suzerainty, the controversy on this subject being tacitly allowed to drop.

Lastly, as soon as franchise scheme has become law, arbitration, from which the foreign element is excluded, to be conceded. In the meantime, in order that no time may be lost, the form and scope of the proposed tribunal to be discussed and provisionally agreed upon while the franchise scheme is being referred to the people. The formal note which embodies these proposals was drafted to-day and will be submitted to me beforehand for approval, as soon as I am informed whether Her Majesty's Government will consent to my negotiations on lines specified above.

A second long explanatory telegram follows this.—(Ends.)

No. 2. No. 248B. My telegram No. 248A.—On Saturday State Attorney sent to me a simplified draft franchise law, and sounded me whether Her Majesty's Government would be likely to consent to waive their demand for the joint inquiry if the South African Republic Government offered a seven years' retrospective franchise on these lines with a further increase of seats.

I suggested that I should have a personal interview with the State Attorney. He came later in the day, and I spoke to him very seriously. I explained that I had no idea whether Her Majesty's Government would consent not to press their demand; but that the situation was most critical, and that Her Majesty's Government, who had given pledges to the Uitlanders, would be bound to assert their demands, and, if necessary, to press them by force.

I said that the only chance for the South African Republic Government, and is thus intended to conduce to the happiness and minimum. The State Attorney held out for a franchise of seven years, but I refused to make any suggestion on that basis, and he went away. We came together again last night, and the State Attorney then practically offered me the scheme conveyed in my preceding telegram, which I promised to recommend to you for acceptance by Her Majesty's Government in return for waiving the proposal of a joint enquiry.

I have not in any way committed Her Majesty's Government to acceptance or refusal of proposal; but I have said that I feel sure that if, as I am solemnly assured, the present is a *bona-fide* attempt to settle the political rights of our people once for all, the Government of the South African Republic need not fear that we shall in the future either wish or have cause to interfere in their internal affairs. I have said as regards suzerainty that I feel sure that Her Majesty's Government will not and cannot abandon the right which the preamble to the Convention of 1881 gives them, but that they will have no desire to hurt Boer susceptibilities by publicly reasserting it, so long as no reason to do so is given them by the Government of the South African Republic.

As regards arbitration, they are willing that we should have any of our own judges or lawyers, English or Colonial, to represent us, and that the President or Umpire would be equally English, Colonial, or Boer.

As regards representation of goldfields in future, State Attorney contends that future extension of franchise to the new population will not, under the proposed scheme, be restricted to the Rand, but will be extended to such other goldfields as are fairly entitled thereto.

As regard guarantee of Her Majesty's Government, this would be covered by exchange of the note of South African Republic Government and the note of Her Majesty's Government in reply.

As regard election of President and Commandant-General, should there be any change from the manner of election existing at present, it would have to be discussed between us. Meanwhile new population would be on all fours with old burghers under existing conditions.

As regards new law, it has been simplified immensely.

As regards suggested possibility of further conference, State Attorney anticipates that this may now be allowed to lapse.

As regards language, the new members of the Volksraad would use their own.

(C 9,521, p. 44.)

From the HIGH COMMISSIONER Sir ALFRED
MILNER to Mr. CHAMBERLAIN,

[Telegram.]

(Extract.)

17th August. No. 2.—I have instructed British Agent as follows, as a first step:—

(*Begins.*)—If the South African Republic Government should reply to the invitation to a joint inquiry put forward by Her Majesty's Government by formally making the proposals described in your telegram, such a course would not be regarded by Her Majesty's Government as a refusal of their offer, but they would be prepared to consider the reply of the South African Republic Government on its merits. Please see State Secretary and inform him accordingly.

(C 9,521, p. 46.)

From the STATE SECRETARY, South African Republic,
to HER MAJESTY'S AGENT, Pretoria.

MINISTRY FOR FOREIGN AFFAIRS, PRETORIA,

August 19th, 1899.

SIR,—With reference to your proposal for a joint enquiry contained in your despatches of 2nd and 3rd August, the Government of the South African Republic have the honour to suggest the following alternative proposal for the consideration of Her Majesty's Government, which this Government trusts may lead to a final settlement :—

(1) The Government are willing to recommend to the Volksraad and the people a five years' retrospective franchise as proposed by His Excellency the High Commissioner on June 1st, 1899.

(2) The Government are further willing to recommend to the Volksraad that eight new seats in the First Volksraad, and, if necessary, also in the Second Volksraad, be given to the population of the Witwatersrand, thus, with the two sitting members for the Goldfields, giving to the population thereof ten representatives in a Raad of twenty-six, and in future the representation of the Goldfields of this Republic shall not fall below the proportion of one-fourth of the total.

(3) The new burghers shall equally with the old burghers be entitled to vote at the election for State-President and Commandant-General.

(4) This Government will always be prepared to take into consideration such friendly suggestions regarding the details of the franchise law as Her Majesty's Government, through the British Agent, may wish to convey to it.

(5) In putting forward the above proposals the Government of the South African Republic assumes—

(a) That Her British Majesty's Government will agree that the present intervention shall not form a precedent for future similar action, and that, in the future, no interference in the internal affairs of the Republic will take place.

(b) That Her Majesty's Government will not further insist on the assertion of the Suzerainty, the controversy on this subject being allowed tacitly to drop.

(c) That arbitration from which foreign element, other than Orange Free State, is to be excluded, will be conceded as soon as the franchise scheme has become law.

(6) Immediately on Her British Majesty's Government accepting this proposal for a settlement, the Government will ask the Volksraad to adjourn for the purpose of consulting the people about it, and the whole scheme might become law, say, within a few weeks.

(7) In the meantime the form and scope of the proposed tribunal are also to be discussed and provisionally agreed upon, while the franchise scheme is being referred to the people, so that no time may be lost in putting an end to the present state of affairs.

The Government trusts that Her Majesty's Government will clearly understand that in the opinion of this Government, the existing franchise law of this Republic is both fair and liberal to the new population, and that the consideration that induces them to go further, as they do in the above proposals, is their strong desire to get the controversies between the two Governments settled; and, further, to put an end to the present strained relations between the two Governments, and the incalculable harm and loss it has already occasioned in South Africa, and to prevent a racial war, from the effects of which South Africa may not recover for many generations, perhaps never at all; and, therefore, this Government, having regard to all these circumstances, would highly appreciate it, if Her Majesty's Government, seeing the necessity of preventing the present crisis from developing still further, and the urgency of an early termination of the present state of affairs, would expedite the acceptance or refusal of the settlement here offered.

I have, etc.,

F. W. REITZ,

State Secretary.

CONYNGHAM GREENE, ESQ., C.B.,

British Agent, Pretoria.

(C 9,521, p. 58.)

From the STATE SECRETARY, South African Republic,
to the BRITISH AGENT, Pretoria.

21st August.

SIR,—In continuation of my despatch of the 19th instant, and with reference to the communication to you of the State Attorney this morning, I wish to forward to you the following in explanation thereof, with the request that the same may be telegraphed to His Excellency the High Commissioner for South Africa, as forming

part of the proposals of this Government embodied in the above-named despatch. (1) The proposals of this Government regarding question of franchise and representation contained in that despatch must be regarded as expressly conditional on Her Majesty's Government consenting to the points set forth in paragraph 5 of the despatch, viz. : (a) In future not to interfere in internal affairs of the South African Republic. (b) Not to insist further on its assertion of existence of suzerainty. (c) To agree to arbitration. (2) Referring to paragraph 6 of the despatch, this Government trusts that it is clear to Her Majesty's Government that this Government has not consulted the Volksraad as to this question, and will only do so when an affirmative reply to its proposals has been received from Her Majesty's Government.

(Signed) F. W. REITZ.

(C 9,521, p. 59.)

From the BRITISH AGENT, Pretoria, to the STATE
SECRETARY, South African Republic.

HER MAJESTY'S AGENCY, PRETORIA,

August 30th, 1899.

SIR,—With reference to your notes to me of the 19th and 21st instant, I have to state to you that Her Majesty's Government have considered the proposals which the Government of the South African Republic have put forward therein as an alternative to those contained in the telegram from the Secretary of State to the High Commissioner of the 31st of July last, the substance of which I had the honour to communicate to you in my note of the 2nd of August.

Her Majesty's Government assume that the adoption in principle of the franchise proposals made by the High Commissioner at Bloemfontein will not be hampered by any conditions which would impair their effect, and, that by the proposed increase of seats for the Goldfields and by other provisions, the Government of the South African Republic intend to give immediate and substantial representation to the Uitlanders.

That being so, Her Majesty's Government are unable to appreciate the objections entertained by the Government of the South African Republic to a Joint Commission of Enquiry into the complicated details and technical questions on which the practical effect of the proposals depend. Her Majesty's Government will, however, be ready to agree that the British Agent, assisted by such other persons as the High Commissioner may appoint, shall make the investigation necessary to satisfy them that the result desired will be achieved, and failing this, to enable them to make those suggestions which the Government of the South African Republic state that they will be prepared to take into consideration. Her Majesty's

Government assume that every facility will be given to the British Agent by the Government of the South African Republic, and they would point out that the inquiry will be easier and shorter if the Government of the South African Republic will omit in the proposed new law the complicated conditions as to previous registration, qualification, and behaviour which accompanied their previous proposals, and which would have entirely nullified their beneficial effect. Her Majesty's Government hope that the Government of the South African Republic will wait to receive their suggestions founded on the report of the British Agent's investigation before submitting these new proposals to the Volksraad and the burghers.

With regard to the conditions of the Government of the South African Republic:—

First, as regards intervention, Her Majesty's Government hope that the fulfilment of the promises made, and the just treatment of the Uitlanders in future, will render unnecessary any further intervention on their behalf, but Her Majesty's Government cannot of course debar themselves from their rights under the Conventions, nor divest themselves of the ordinary obligations of any civilised Power to protect its subjects in a foreign country from injustice.

Secondly, with regard to suzerainty, Her Majesty's Government would refer the Government of the South African Republic to the second paragraph of the despatch of the Secretary of State to the High Commissioner of the 13th of July last, a copy of which I had the honour to forward to you in my note of the 8th instant.

Thirdly, Her Majesty's Government agree to a discussion of the form and scope of a tribunal of arbitration from which foreigners and foreign influence are excluded.

Such a discussion, which will be of the highest importance to the future relations of the two countries, should be carried on between the President of the South African Republic and the High Commissioner, and for this it appears to be necessary that a further Conference, which Her Majesty's Government suggest should be held at Cape Town, should be at once arranged.

Her Majesty's Government also desire to remind the Government of the South African Republic that there are other matters of difference between the two Governments which will not be settled by the grant of political representation of the Uitlanders, and which are not proper subjects for reference to arbitration. It is necessary that these should be settled concurrently with the questions now under discussion, and they will form, with the question of arbitration, proper subjects for consideration at the proposed Conference.

I have, etc.,

CONYNGHAM GREENE.

The Honourable

The State Secretary.

(C 9,530, p. 26.)

From the STATE SECRETARY, South African
Republic, to the BRITISH AGENT, Pretoria.

[*Translation.*]

MINISTRY FOR FOREIGN AFFAIRS, PRETORIA,

September 2nd, 1899.

SIR,—I have the honour to acknowledge the receipt of your Note of the 30th of August, with the correction thereof of 1st September, 1899.

This Government has heard with the deepest regret that Her Majesty's Government has not seen its way to accept the proposal of a five years' franchise and an extension of the representation of the Witwatersrand under the proposed conditions attached thereto, which were set forth in its Notes of 19th and 21st August, and the more so because it had supposed from semi-official discussions, which have been brought to the knowledge of Her Majesty's Government, that it might infer that its proposal would have been acceptable to Her Majesty's Government.

In consequence of that communication this Government considers that its proposal has lapsed, and in consequence also the necessity of laying the same before the Representatives of the People and the People.

(2) This Government wishes to observe, with regard to the remark of the Secretary of State, that Her Majesty's Government cannot understand the objections of the Government of the South African Republic to a Joint Commission of Inquiry as proposed, that the objections to the invitation as contained in the telegraphic despatch of 2nd of August have been already explained in a communication dated 12th of August (already forwarded to you yesterday).

(3) With regard to a unilateral (instead of a joint) Inquiry, as now suggested by Her Majesty's Government, this Government wishes to declare its willingness, if it should appear that the existing franchise law may be made more effective, to lay proposals before the Volksraad in order to alter or elucidate the same. If it can assist Her Majesty's Government with any information or explanations it is always, as before, quite ready to give the same. It appears, however, to it that the findings of a unilateral Commission, especially when made before the working of the law has been properly tested, are premature, and thus will probably be of little value.

(4) Passing now to the discussions of the remarks made by Her Majesty's Government apropos of the conditions imposed by this Government, in the proposal, now lapsed in consequence of the non-acceptance of the conditions by Her Majesty's Government, this Government feels bound to observe :

(a) That this Government has never, with reference to the question of intervention, either asked nor intended that Her Majesty's Government should abandon any right it may have, as a matter of fact by virtue of either the Convention of London of 1884 or of General International Law, to take action here for the protection of British subjects.

(b) That with regard to the alleged existence of suzerainty the denial of its existence by this Government according to its view, has already been so clearly explained in its despatch of 16th of April, 1898, that it would be superfluous to repeat the facts, arguments, and consequences mentioned therein: it merely wishes to observe that it adheres to its contentions stated in that despatch.

(5) With reference to a tribunal of arbitration this Government is pleased to see that Her Majesty's Government is prepared to enter into negotiations with regard to the form and scope of such tribunal: it is however not clear to it:

(a) If Her Majesty's Government consents that burghers of the Orange Free State may also be appointed as members of such tribunal.

(b) What subjects shall be submitted to the decision of such court.

(c) What are the subjects Her Majesty's Government thinks cannot be laid before such court. Her Majesty's Government states that there are such points, but does not specify them.

The object contemplated by this Government, *i.e.*, the securing of a final regulation of all points either now at issue or such as may subsequently arise, would, it opines, be altogether frustrated by these limitations.

(6) With reference to the recommendation of a Conference to be held, this Government will await further communications from Her Majesty's Government before being able to deal with the matter further.

(7) Moreover, this Government desires to remark that the proposal made by it with reference to the franchise and representation of the Uitlanders was extremely liberal, and as a matter of fact, went further than the propositions of His Excellency the High Commissioner put forward at the Bloemfontein Conference.

The conditions attached by this Government were extremely equitable, and did not demand from the side of Her Majesty's Government any abandonment of existing rights, but only required the assurance that Her Majesty's Government in the future would limit itself as regards this Republic by the Convention of London of 1884, and the generally recognised rules of International Law, and that moreover a principle should be put into practice with regard to questions at issue, the equity and justice of which are recognised by

all civilised states, and of which this Government believes that Her Majesty's Government is a strong advocate.

(8) This Government could never have expected that the answer of Her Majesty's Government to its proposal would be unfavourable, and it can only continue to cherish the hope that the terms of this as of previous communications will open a way along which a good understanding and solution of existing differences may be arrived at.

(9) Although this Government cannot in any way abandon any of its rights, it would still be glad to convince and satisfy Her Majesty's Government that the franchise law which has been adopted and the extension of the representation, with four new seats, will secure to the Uitlander population a substantial and immediate representation, if use is made of it, and that it is, for the rest, its intention to continue working with Her Majesty's Government on a friendly footing.

(10) This Government taking notice of the difference that, in its view, exists in the invitation as contained by the telegraphic despatch of 2nd of August, and that explained in the despatch of 27th of July, 1899, of the Secretary of State for the Colonies, and further, of the fact that in the latter it is given to be understood that the most suitable way to treat the same (*i.e.*, points including complicated details and questions of a technical nature), would be to discuss them in the first place by means of deputies appointed by both Governments, who would have to report the result of their deliberations, and submit their recommendations to both Governments respectively, and assuming that thereby no interference is intended in the internal affairs of this Republic, nor with a view to constitute a precedent, but only to get information and to find out if the measures already taken are effective, and if not, to show this Government in what points such is not the case, this Government would be glad to learn from Her Majesty's Government how it proposes that the Commission shall be composed, and what time and place are suggested.

While this Government wishes to limit itself for the present to the above point, as far as the answer to the note of 27th July is concerned, it intends to send on very shortly the further answer, as already communicated yesterday.

I have, etc.,

F. W. REITZ,

State Secretary.

CONYNGHAM GREENE, ESQ., C.B.,

British Agent, Pretoria.

(C 9,530, p. 32.)

From the BRITISH AGENT, Pretoria, to the STATE
SECRETARY, South African Republic.

HER MAJESTY'S AGENCY, PRETORIA,

September 12th, 1899.

SIR,—I have the honour to state to you, in reply to your Note to me of the 2nd instant, that Her Majesty's Government understand that Note to mean that the proposals of the Government of the South African Republic, made in their Note of the 19th of August, are now withdrawn because the reply of Her Majesty's Government, contained in my Note to you of the 30th of August, with regard to future intervention and Suzerainty is not acceptable.

Her Majesty's Government have absolutely repudiated the view of the political status of the South African Republic taken by the Government of the Republic in their Note to me of the 16th of April, 1898, and also in their Note of May 9th, 1899, in which they claim the status of a sovereign international State. Her Majesty's Government are, therefore, unable to consider any proposal which is made conditional on their acceptance of this view. It is on this ground that Her Majesty's Government have been compelled to regard the last proposal of the Government of the South African Republic as unacceptable in the form in which it was presented.

Her Majesty's Government cannot now consent to go back to the proposal for which those in the Note of the Government of the Republic of the 19th of August are intended as a substitute, especially as they are satisfied that Law No. 3, of 1899, in which these proposals were finally embodied, is insufficient to secure the immediate and substantial representation which Her Majesty's Government have always had in view, and which they gather from the reply of the Government of the South African Republic that the latter admit to be reasonable. Moreover, the presentation of the proposals of the Note of the 19th of August indicates that the Government of the South African Republic have themselves recognised that their previous offer might with advantage be enlarged, and that the independence of the South African Republic would be thereby in no way impaired.

Her Majesty's Government are still prepared to accept the offer made in paragraphs 1, 2, and 3 of the Note of the 19th of August taken by themselves, provided that the enquiry which Her Majesty's Government have proposed, whether joint, as Her Majesty's Government originally suggested, or unilateral, shows that the new scheme of representation will not be encumbered by conditions which will nullify the intention to give substantial and immediate representation to the Uitlander. In this connection Her Majesty's Government assume that, as stated to the British Agent, the new members of the Volksraad will be permitted to use their own language.

The acceptance of these terms by the Government of the South

African Republic would at once remove the tension between the two Governments, and would, in all probability, render unnecessary any further intervention on the part of Her Majesty's Government to secure the redress of grievances which the Uitlanders themselves would be able to bring to the notice of the Executive Council and of the Volksraad.

Her Majesty's Government are increasingly impressed with the danger of further delay in relieving the strain which has already caused so much injury to the interests of South Africa, and they earnestly press for an immediate and definite reply to their present proposal.

If it is acceded to, they will be ready to make immediate arrangements for a further Conference between the President of the South African Republic and the High Commissioner, to settle all the details of the proposed Tribunal of Arbitration and the questions referred to in my Note of the 30th of August, which are neither Uitlander grievances nor questions of the interpretation of the Convention, but which might be readily settled by friendly communication between the representatives of the two Governments.

If, however, as they most anxiously hope will not be the case, the reply of the Government of the South African Republic is negative or inconclusive, I am to state to you that Her Majesty's Government must reserve to themselves the right to reconsider the situation *de novo* and to formulate their own proposals for a final settlement.

I have, etc.,

CONYNGHAM GREENE,

*The Honourable
The State Secretary.*

(C 9,530, p. 61.)

From the STATE SECRETARY, South African Republic, to the BRITISH AGENT, Pretoria.

MINISTRY FOR FOREIGN AFFAIRS, PRETORIA,

September 15th, 1899.

[*Translation.*]

SIR,—The Government of the South African Republic has the honour to acknowledge the receipt of your Note of the 12th instant in answer to their Note of the 2nd instant.

In answer this Government wishes to state that it learns with a feeling of deep regret that it must understand that Her Majesty's Government withdraw from the invitation sent in your Note of the 23rd of August, and accepted by this Government, and substitute in its place an entirely new proposal.

The proposal, which has now lapsed, contained in the Notes of

this Government of 19th and 21st August, was induced by suggestions given by the British Agent to the State Attorney, and these were accepted by this Government in good faith, and on express request: as equivalent to an assurance that the proposal would be acceptable to the British Government. It was in no way the object of this Government, either then or now, to make any needless recapitulations of its contention about its political status as an independent state as defined by the Convention of London of 1884, but only to try to put an end to the state of tension by meeting Her Majesty's Government upon a proposal which it supposed to be constituted, both in spirit and in form, in such a way as it was given to understand as to be satisfactory to Her Majesty's Government.

This Government cannot disguise from itself that in making the proposal contained in its Note of the 19th of August, it probably ran the danger not only of its being disclaimed by the Volksraad and by the people, but also that its acceptance might affect the independence of the State by, as therein proposed, giving an immediate vote in the Legislature of the State to a large number of inpouring foreigners, but it set against that the continuous threatening and undoubted danger to its highly prized independence arising from the claim of suzerainty made by Her Majesty's Government, from the interference of that Government in the internal affairs of this Republic and from the want of an automatically working manner of regulating differences between Her Majesty's Government and this Government, and was in consequence prepared to recommend to the Volksraad and to the people to run the danger attached to the offer made in order to avoid the certainty of the greater danger; inasmuch, however, as the conditions attached to the proposal, the acceptance of which constituted the only consideration for its offer, have been declared unacceptable, it cannot understand on what grounds of justice it can be expected that it should be bound to grant the rest, and with a view to the assurance given by the Secretary of State for the Colonies that he would not consider the said offer as a refusal in answer to his invitation to a joint enquiry, based upon the existing franchise law and the scheme of representation for the Witwatersrand Gold Fields, it cannot understand why, as soon as that invitation was accepted (as was done by this Government in its Note of the 2nd of September), Her Majesty's Government declare that they cannot any longer agree to the inquiry on the subject, and for the purpose which that Government itself proposed.

It is also not clear to this Government on what grounds Her Majesty's Government, after having recently, by means of their invitation, intimated that they could not declare, without an enquiry, whether the franchise law and the resolutions taken about representation would afford immediate and substantial representation to the Uitlanders in the South African Republic, are to-day in a position without having made any enquiry, so far as this Government is aware, before the law can have been tested in its operation to declare that the measure just mentioned is insufficient for the object contemplated.

It trusts that it will clearly appear from the foregoing that Her Majesty's Government are under a misunderstanding if they suppose that this Government has ever recognised that it has considered the lapsed proposal contained in the Note of the 19th of August without the condition imposed therein and repeated in the Note of the 21st of August, as a reasonable proposal, or made it as a proposal, and still less that this Government was or is of opinion that its earlier proposal could be extended with advantage to the Republic, without observance of those conditions, or that the Republic would not thereby suffer any violation of its independence.

However earnestly this Government also desires to find an immediate and satisfactory course by which the existing tension should be brought to an end, it feels itself quite unable, as desired, to recommend or propose to the Volksraad and the people the part of its proposal contained in paragraphs 1, 2, and 3 of its Note of the 19th of August, omitting the conditions on the acceptance of which alone the offer was based, but declares itself always still prepared to abide by its acceptance of the invitation of Her Majesty's Government to get a joint Commission composed as intimated in its Note of the 2nd of September. It considers that if conditions are contained in the existing franchise law which has been passed, and in the scheme of representation, which might tend to frustrate the object contemplated, they will attract the attention of the Commission and thus be brought to the knowledge of this Government.

This Government has noticed with surprise the assertion that it had intimated to the British Agent that the new members to be chosen for the Volksraad would be allowed to use their own language; if it is thereby intended that this Government would have agreed that any other than the official language of the country would have been used in the deliberations of the Volksraad, it wishes to deny the same in the strongest manner. Leaving aside the fact that it is not competent to introduce any such radical change, it has up to now not been able to understand the necessity or even advisability of making a recommendation to the Volksraad in the spirit suggested; hence also the immediate and express denial given to Her Majesty's Agent by the State Attorney to a question on that subject.

Inasmuch as the proposal for a further conference has been made specially dependent upon the acceptance of a proposal which this Government does not feel at liberty to recommend to the Volksraad, it would perhaps be premature to deal with it further at present; it merely wishes, however, to remark that it has not yet been made clear to it which are definite questions which would be discussed at the proposed conference and which could not be subjected to arbitration, but it is pleased to see that Her Majesty's Government think that they could readily be settled by means of friendly discussions, while it further welcomes with pleasure the prospect disclosed by Her Majesty's Government of the introduction of a court of arbitration for the decision of all points of difference and points to be discussed at that Conference, and is ready and willing to co-operate towards

the composition of such a court, and that the more as it is its firm intention to abide entirely by the Convention of London of 1884, as its effort has been continually to do.

Finally, this Government continues to cherish the hope that Her Majesty's Government, on further consideration, will feel themselves free to abandon the idea of making new proposals more difficult for this Government, and imposing new conditions, and will declare themselves satisfied to abide by their own proposal for a Joint Commission, as first proposed by the Right Honourable the Secretary of State for the Colonies in the Imperial Parliament, and subsequently proposed to this Government and accepted by it. If Her Majesty's Government are willing and feel able to make this decision, it would put an end to the present state of tension, race hatred would decrease and die out, the prosperity and welfare of the South African Republic and of the whole of South Africa would be developed and furthered, and fraternisation between the different nationalities would increase.

I have, etc.,

F. W. REITZ,

State Secretary.

CONYNGHAM GREENE, ESQ., C.B.,
British Agent, Pretoria.

(C 9,530, p. 63.)

(A)

From the BRITISH AGENT, Pretoria, to the STATE
SECRETARY, South African Republic.

HER MAJESTY'S AGENCY, PRETORIA,

September 25th, 1899.

SIR,—The Secretary of State desires me to acknowledge the receipt of your Note to me of the 15th instant, conveying the reply of the Government of the South African Republic to the communication from Her Majesty's Government, which I had the honour to lay before you in my Note of the 12th of September.

I am now instructed to state to you that the offer made in that communication by Her Majesty's Government was moderate and conciliatory, and they have to express their profound regret that the reply of the Government of the South African Republic is a refusal to accept it.

Her Majesty's Government have on more than one occasion repeated their assurances that they have no desire to interfere in any way with the independence of the South African Republic provided

that the conditions on which it was granted are honourably observed in spirit and in the letter, and they have offered, as part of a general settlement, to give a complete guarantee against any attack upon that independence, either from within any part of the British dominions or from the territory of a Foreign State.

They have not asserted any rights of interference in the internal affairs of the Republic other than those which are derived from the Conventions between the two countries or which belong to every neighbouring government (and especially to one which has a largely predominant interest in the adjacent territories) for the protection of its subjects and of its adjoining possessions. But they have been compelled by the action of the Government of the South African Republic, who have in their Note of the 9th of May, 1899, asserted the right of the Republic to be a sovereign international State, absolutely to deny and repudiate this claim.

The object which Her Majesty's Government have had in view in the recent negotiations has been stated in a manner which cannot admit of misapprehensions, viz., to obtain such a substantial and immediate representation for the Uitlanders in the South African Republic as Her Majesty's Government hoped would relieve them from any necessity for further interference on their behalf, and would enable the Uitlanders to secure for themselves that fair and just treatment which was formally promised them in 1881, and which Her Majesty the Queen intended to secure for them when she granted the privilege of self-government to the inhabitants of the Transvaal.

As I had the honour to state to you in my Note of the 12th instant, Her Majesty's Government are of opinion that no conditions less comprehensive than those contained in their offer communicated to you on that date can be relied upon to effect this object.

The refusal of the Government of the South African Republic to entertain the offer thus made, coming as it does at the end of nearly four months of protracted negotiations, themselves the climax of an agitation extending over a period of more than five years, makes it useless to further pursue a discussion on the lines hitherto followed, and Her Majesty's Government are now compelled to consider the situation afresh, and to formulate their own proposals for a final settlement of the issues which have been created in South Africa by the policy constantly followed for so many years by the Government of the South African Republic.

Her Majesty's Government will communicate to the High Commissioner the result of their deliberations in a later despatch.

I have, etc.,

CONYNGHAM GREENE.

The Honourable

The State Secretary.

(Cd 43, p. 88.)

(B)

From the BRITISH AGENT, Pretoria, to the STATE SECRETARY, South African Republic.

HER MAJESTY'S AGENCY, PRETORIA,

September 25th, 1899.

SIR,—I am instructed by the High Commissioner to communicate to the Government of the South African Republic the following telegram, which has been addressed to His Excellency by the Secretary of State, dated the 22nd instant:—

“Her Majesty's Government cannot pass over in silence the charge of breach of faith which is practically insinuated in the Note from the State Secretary of the South African Republic of the 15th instant, forwarded to me in your telegram of the 13th of September. The proposals made by the Government of the South African Republic in the Notes from the State Secretary of 19th and 21st August were not ‘induced by suggestions given by the British Agent to the State Attorney.’ On the contrary, the State Attorney sounded the British Agent, both in writing and in conversation, as to the conditions on which Her Majesty's Government would waive their invitation to a joint inquiry, and the result of these communications was the proposals made by the Government of the South African Republic in those Notes. The Government of the South African Republic state in the Note from the State Secretary of the 15th instant, conveyed in your telegram No. 4, of the 16th of September, that they understood that their proposals were ‘constituted both in spirit and in form,’ in a manner satisfactory to Her Majesty's Government. It is impossible that the Government of the South African Republic could, in making their proposals, have been in any doubt as to the answer which Her Majesty's Government would give to the conditions attached to them. The answer actually given by Her Majesty's Government in my telegram to you, No. 1 of the 26th of August, and which the Government of the South African Republic allege as their reason for withdrawing from their offer, was precisely that which the British Agent had foreshadowed to the State Attorney, and which therefore they must have anticipated in making their proposals. Nor can Her Majesty's Government admit that it was my telegram No. 5, of September 6th, which substituted ‘an entirely new proposal for the invitation to a joint Commission of Inquiry.’”

“In order to demonstrate the inaccuracy of this contention, it is sufficient to quote the opening words of the Note of the State Secretary, dated August 19th, which were as follows:—‘With reference to your proposal for a joint enquiry, contained in your despatch of the 2nd of August and of the 3rd of August, the Government of the South African Republic has the honour to suggest the following alternative proposal.’ Then follows the very proposals as to representation which Her Majesty's Government are stated to have ‘substituted’ for their invitation.”

"In making this communication the Government of the South African Republic assumed that Her Majesty's Government would agree to their suggestions as to non-interference and suzerainty; but it was only in a separate Note from the State Secretary, dated two days later, that the proposals for franchise and representation were stated to be expressly conditional on the acceptance by Her Majesty's Government of these assumptions. Her Majesty's Government are, therefore, unable to see any grounds for misapprehension on the part of the South African Republic as to the answer which would be given with regard to non-interference and suzerainty, and Her Majesty's Government desire, further, to point out that the substantive condition which was at first attached to the proposals of the Government of the South African Republic, was that Her Majesty would not press for the appointment of a joint Commission of Inquiry, as such an inquiry would, in the opinion of the Government of the South African Republic, as stated in their Note of the 12th of August, prejudice the right of full independence in internal affairs repeatedly recognised by Great Britain.

"With regard to the use of the English language by the Uitlander members of the Volksraad, the proposal seems to Her Majesty's Government to be as reasonable as is the privilege of using the Dutch language enjoyed by the Dutch members of the Legislature of the Cape Colony, or the facultative use of either German, French, or Italian in the Legislature of the Swiss Confederation; and Her Majesty's Government can only express their astonishment that the Government of the South African Republic should characterise it as unnecessary and inadvisable, and should make a point of denying in the strongest manner that they could ever have made such a proposal to the British Agent through the State Attorney."

I have, etc.,

CONYNGHAM GREENE.

The Honourable

The State Secretary.

(Cd 43, p. 89.)

From HER MAJESTY'S AGENT, Pretoria, to the
HIGH COMMISSIONER, Cape Town.

[*Telegram.*]

30th September, 1899. No. 346. I have been asked by State Secretary, who has just been here, to send you following message:—
"State Secretary would be much obliged if he might be informed, by Monday, what decision, if any, has been taken by the British Cabinet."—*Greene.*

(Cd 43, p. 87.)

From the HIGH COMMISSIONER, Cape Town, to
HER MAJESTY'S AGENT, Pretoria.

[Telegram.]

2nd October, 1899. No. 77. Secretary of State has telegraphed as follows, in reply to State Secretary's message of 30th September:—

"The despatch of Her Majesty's Government is being prepared, but will not be ready for some days."

Inform State Secretary accordingly.

(Cd 43, p. 92.)

From the STATE SECRETARY, South African
Republic, to the BRITISH AGENT, Pretoria.

MINISTRY FOR FOREIGN AFFAIRS, PRETORIA,

9th October, 1899.

SIR,—The Government of the South African Republic feels itself compelled to refer the Government of Her Majesty the Queen of Great Britain and Ireland once more to the Convention of London, 1884, concluded between this Republic and the United Kingdom, and which, in its XIV.th Article, secures certain specified rights to the white population of this Republic, namely, that "All persons, other than natives, conforming themselves to the Laws of the South African Republic (*a*) will have full liberty, with their families, to enter, travel, or reside in any part of the South African Republic; (*b*) they will be entitled to hire or possess houses, manufactories, warehouses, shops, and premises; (*c*) they may carry on their commerce either in person or by any agents whom they may think fit to employ; (*d*) they will not be subject, in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, other than those which are or may be imposed upon citizens of the said Republic." This Government wishes further to observe that the above are the only rights which Her Majesty's Government have reserved in the above Convention with regard to the Uitlander population of this Republic, and that the violation only of those rights could give that Government a right to diplomatic representations or intervention, while, moreover, the regulation of all other questions affecting the position or the rights of the Uitlander population under the above-mentioned Convention is handed over to the Government and the representatives of the people of the South African Republic. Amongst the questions the regulation of which falls exclusively within the competence of the

Government and of the Volksraad, are included those of the franchise and representation of the people in this Republic, and although thus the exclusive right of this Government and of the Volksraad for the regulation of that franchise and representation is indisputable, yet this Government has found occasion to discuss in a friendly fashion the franchise and the representation of the people with Her Majesty's Government, without, however, recognising any right thereto on the part of Her Majesty's Government. This Government has also, by the formulation of the now existing Franchise Law and the Resolution with regard to representation, constantly held these friendly discussions before its eyes. On the part of Her Majesty's Government, however, the friendly nature of these discussions has assumed a more and more threatening tone, and the minds of the people in this Republic and in the whole of South Africa have been excited and a condition of extreme tension has been created, while Her Majesty's Government could no longer agree to the legislation respecting franchise and the Resolution respecting representation in this Republic, and finally, by your note of 25th September, 1899, broke off all friendly correspondence on the subject, and intimated that they must now proceed to formulate their own proposals for a final settlement, and this Government can only see in the above intimation from Her Majesty's Government a new violation of the Convention of London, 1884, which does not reserve to Her Majesty's Government the right to a unilateral settlement of a question which is exclusively a domestic one for this Government, and has already been regulated by it.

On account of the strained situation and the consequent serious loss in and interruption of trade in general which the correspondence respecting the franchise and representation in this Republic carried in its train, Her Majesty's Government have recently pressed for an early settlement and finally, pressed, by your intervention, for an answer within forty-eight hours (subsequently somewhat modified) to your note of the 12th September, replied to by the note of this Government of the 15th September, and your note of the 25th September, 1899, and thereafter further friendly negotiations broke off and this Government received the intimation that the proposal for a final settlement would shortly be made; but although this promise was once more repeated, no proposal has up to now reached this Government. Even while friendly correspondence was still going on, an increase of troops on a large scale was introduced by Her Majesty's Government and stationed in the neighbourhood of the borders of this Republic. Having regard to occurrences in the history of this Republic which it is unnecessary here to call to mind, this Government felt obliged to regard this military force in the neighbourhood of its borders as a threat against the independence of the South African Republic, since it was aware of no circumstances which could justify the presence of such military force in South Africa and in the neighbourhood of its borders. In answer to an enquiry with respect thereto, addressed to His Excellency the High

Commissioner, this Government received, to its great astonishment, in answer, a veiled insinuation that from the side of the Republic an attack was being made on Her Majesty's Colonies, and at the same time a mysterious reference to possibilities, whereby it was strengthened in its suspicion that the independence of this Republic was being threatened. As a defensive measure, it was therefore obliged to send a portion of the Burghers of this Republic in order to offer the requisite resistance to similar possibilities. Her Majesty's unlawful intervention in the internal affairs of this Republic in conflict with the Convention of London, 1884, caused by the extraordinary strengthening of troops in the neighbourhood of the borders of this Republic, has thus caused an intolerable condition of things to arise, whereto this Government feels itself obliged, in the interest not only of this Republic but also of all South Africa, to make an end as soon as possible, and feels itself called upon and obliged to press earnestly and with emphasis for an immediate termination of this state of things, and to request Her Majesty's Government to give it the assurance :

(a) That all points of mutual difference shall be regulated by the friendly course of arbitration, or by whatever amicable way may be agreed upon by this Government with Her Majesty's Government.

(b) That the troops on the borders of this Republic shall be instantly withdrawn.

(c) That all reinforcements of troops which have arrived in South Africa since the 1st June, 1899, shall be removed within a reasonable time, to be agreed upon with this Government, and with a mutual assurance and guarantee on the part of this Government that no attack upon, or hostilities against, any portion of the possessions of the British Government shall be made by the Republic during further negotiations within a period of time to be subsequently agreed upon between the Governments, and this Government will, on compliance therewith, be prepared to withdraw the armed Burghers of this Republic from the borders.

(d) That Her Majesty's troops which are now on the high seas shall not be landed in any port of South Africa.

This Government must press for an immediate and affirmative answer to these four questions, and earnestly requests Her Majesty's Government to return such an answer before or upon Wednesday, the 11th October, 1899, not later than 5 o'clock p.m., and it desires further to add that in the event of unexpectedly no satisfactory answer being received by it within that interval, it will, with great regret, be compelled to regard the action of Her Majesty's Government as a formal declaration of war, and will not hold itself responsible for the consequences thereof, and that in the event of any further movements of troops taking place within the above-mentioned time in the nearer

direction of our borders, this Government will be compelled to regard that also as a formal declaration of war.

I have, etc.,

F. W. REITZ,

State Secretary.

(C 9,530, p. 65.)

From Mr. CHAMBERLAIN to the HIGH COM-
MISSIONER Sir ALFRED MILNER.

(Sent 10.45 p.m., October 10, 1899.)

[*Telegram.*]

10th October. No. 8. Her Majesty's Government have received with great regret the peremptory demands of the Government of the South African Republic conveyed in your telegram of 9th October, No. 3. You will inform the Government of the South African Republic, in reply, that the conditions demanded by the Government of the South African Republic are such as Her Majesty's Government deemed it impossible to discuss.

(C 9,530, p. 68.)

From Mr. CHAMBERLAIN to the HIGH COM-
MISSIONER Sir ALFRED MILNER.

(Sent 7.30 p.m., October 10, 1899.)

[*Telegram.*]

10th October. No. 7. British Agent should say, when he presents the reply to the demands of the South African Republic Government, that, as that Government has said in its message that it would regard as a formal declaration of war a refusal to comply with its demands, he is instructed to ask for his passports.

(C 9,530, p. 68.)

The Official Correspondence

BETWEEN

THE HIGH COMMISSIONER SIR ALFRED MILNER

AND

PRESIDENT STEYN OF THE ORANGE FREE STATE.

From the STATE PRESIDENT, Bloemfontein, to the
HIGH COMMISSIONER, Cape Colony.

[*Telegram.*]

15th August. It is reported to me that the Imperial Government intends within a few days to place troops at Bethulie Bridge and elsewhere on our borders. Although I doubt the truth of these rumours, I would welcome the assurance of your Excellency that this is not the case, in order to reassure our burghers.

(C 9,521, p. 39.)

From the HIGH COMMISSIONER, Cape Town, to
the STATE PRESIDENT, Bloemfontein.

[*Telegram.*]

16th August. Your Honour's telegram of yesterday. The report to which your Honour refers is entirely unfounded, and I am quite at a loss to know how it originated. I, on my part, receive many reports, which seem to be of a much more substantial character, with reference to the importation of large quantities of munitions of war into the Orange Free State and the general arming of the burghers.

It would not be unnatural if such military preparations were responded to by a defensive movement on the part of Her Majesty's Government. But, as a matter of fact, no despatch of Imperial troops to the borders of the Orange Free State is in contemplation.

(C 9,521, p. 39.)

From the STATE PRESIDENT, Bloemfontein, to the
HIGH COMMISSIONER, Cape Town.

[*Telegram.*]

(*Translation.*)

16th August, 1899. I thank your Excellency for your telegram of to-day. With reference to the reports to which your Excellency

refers I wish to remark that this State has, in fact, imported fewer munitions of war this year than in the previous year. As regard the arming of the burghers, that is going on continually, though not more than usually, under a long existing law providing that each burgher must be armed. The only change in conditions which have existed for a long time was made by the Volksraad in April last, whereby the burghers were placed in possession of more ammunition than formerly for various reasons which gave rise thereto, principally for security against too large storage of ammunition in magazine, and in a less degree for reassuring the people as a measure of security against sudden attacks either from natives or from freebooters, numerous reports of which were, and are, in circulation. I wish further to take opportunity to remark that we have observed with great anxiety the extensive military preparations which are being made in England for South Africa, also those with which persons are busy from Kimberley northwards, to near our western borders. I trust, nevertheless, that your Excellency and Her Majesty's Ministers do not attach any credence to the rash and malicious reports which are brought into circulation, principally by a certain section of the press, that designs exist for making an attack on the adjacent British Colonies. I wish to give your Excellency the assurance that such reports are devoid of all foundation. My earnest desire is still continually, as always, to strengthen peace, co-operation, and unanimity in South Africa, and I do not yet see any reasons why these cannot be secured by friendly and diplomatic means.

STEYN.

(C 9,521, p. 41.)

From the **HIGH COMMISSIONER**, Cape Town, to
the **STATE PRESIDENT**, Bloemfontein.

19th September. I have the honour to inform your Honour that it has been deemed advisable by the Imperial Military authorities to send a detachment of the troops, ordinarily stationed at Cape Town, to assist in securing the line of communication between the Colony and the British territories lying to the north of it. As this force, or a portion of it, may be stationed near the borders of the Orange Free State, I think it desirable to acquaint your Honour with this movement, and the reasons for it, in order to prevent any misconception on the part of the burghers of the Orange Free State, of the object which the military authorities have in view. The movement in question is in no way directed against the Orange Free State, nor is it due to any anxiety as to the intentions of the latter, as I rest fully satisfied with the declarations on this point contained in your Honour's telegram of August 16th last. I take this opportunity of making a general statement of the attitude of Her Majesty's Government at the present juncture which, in view of the many current misapprehensions on the subject, Her Majesty's Government have authorised me to convey to your Honour. Her Majesty's Government are still hopeful of a

friendly settlement of the differences which have arisen between them and the South African Republic; but should this hope unfortunately be disappointed, Her Majesty's Government look to the Government of the Orange Free State to preserve strict neutrality and to prevent any military intervention by any of its citizens, and are prepared to give formal assurances that in that case the integrity of the Orange Free State territory will be strictly respected under all circumstances. As far as Her Majesty's Government are aware, there is absolutely no cause to justify any disturbance of friendly relations between Great Britain and the Orange Free State. Her Majesty's Government are animated by the most friendly sentiments towards the Orange Free State and it is entirely untrue that they desire to impair the independence of that Republic.

(C 9,530, p. 14.)

**From the STATE PRESIDENT, Bloemfontein, to the
HIGH COMMISSIONER, Cape Town.**

19th September. Your Excellency's telegram of this day. I share with your Excellency the hopefulness of a friendly settlement of the differences which have arisen between Her Majesty's Government and the South African Republic being still arrived at. I cannot even now see that those differences justify the use of force as the only solution thereof. Both on this account and seeing the existing state of tension here and elsewhere in South Africa, I note with apprehension and regret the intention of Her Majesty's Government to send a detachment of troops, ordinarily stationed at Cape Town, northwards with a view to having some or a portion thereof stationed near the borders of this State. Whilst this Government will continue to do all in its power to allay excitement, I cannot help impressing upon your Excellency the fact that, if the proposed course be pursued, following as it will on other military preparations, near our borders, it will not improbably be considered by our burghers as a menace to this State, and will in any case, and naturally, create a very strong feeling of distrust and unrest amongst them. If unwished-for developments should arise therefrom, the responsibility will not rest with this Government. I will submit your Excellency's telegram to the Volksraad early in its session, which opens on Thursday next, and meanwhile beg to assure your Excellency that this Government would view with deep regret any disturbance of those friendly relations which hitherto have existed between Great Britain and this State.

(C 9,530, p. 15.)

**From the HIGH COMMISSIONER, Cape Town, to the
STATE PRESIDENT, Bloemfontein.**

20th September. I have the honour to acknowledge receipt of your Honour's telegram of yesterday. I propose to publish the tele-

gram which I addressed to your Honour. Does your Honour desire that I should at the same time publish your reply?

**From the STATE PRESIDENT, Bloemfontein, to the
HIGH COMMISSIONER, Cape Town.**

20th September. I have the honour to acknowledge the receipt of your Excellency's telegram of this day. I contemplate, as stated yesterday, submitting your Excellency's telegram to the Volksraad if possible to-morrow, and at the same time to inform it of my reply thereto. I have no objection to my reply to your Excellency being published.

**From the STATE PRESIDENT, Bloemfontein, to the
HIGH COMMISSIONER, Cape Town.**

25th September. I have this day received information that considerable bodies of troops are being moved northward along and nearer our border from Ladysmith by rail. With a view to allaying undue excitement, I trust and would be pleased to learn from your Excellency that the report is devoid of truth.

**From the HIGH COMMISSIONER, Cape Town, to the
STATE PRESIDENT, Bloemfontein.**

25th September. Your Honour's telegram of to-day. Governor of Natal informs me that some troops are being moved from Ladysmith to Glencoe, and will be replaced at Ladysmith by troops from Maritzburg. There is no advance towards the borders of the Orange Free State, nor is there any justification for alarm. I am not aware of any change in the situation since my telegram to your Honour of the 19th. I adhere to the hope therein expressed as regards differences between Her Majesty's Government and the South African Republic, and repeat the assurance given to the Orange Free State.

**From the STATE PRESIDENT, Bloemfontein, to the
HIGH COMMISSIONER, Cape Town.**

27th September. I have the honour to communicate, for information of your Excellency and Her Majesty's Government, the following resolution this day unanimously adopted by the Volksraad. (*Translated begins*):—

The Volksraad, having heard the second paragraph of His Honour's opening speech, and the official documents and correspondence relating thereto which have been handed in;

Having regard to the strained state of affairs in South Africa,

which has arisen in consequence of the differences between the Governments of the South African Republic and Her Majesty's Government, which constitute a threatening danger for bringing about hostilities, the calamitous effects of which would be incalculable for all white inhabitants of South Africa;

Being bound to the South African Republic by the closest bonds of blood and alliance, and standing in a most friendly relationship towards Her Majesty's Government;

Fearing that should a war break out, a hatred would be generated between the European races in South Africa, which still, in the far future, will impede and restrain the peaceful development of all the States and Colonies of South Africa;

Being sensible that the serious obligation rests upon the Volksraad to do all that is possible to prevent the shedding of blood;

Considering that in the course of negotiations with the British Government, which have extended over several months, every endeavour has been made by the Government of the South African Republic to arrive at a peaceful solution of the differences which have been brought forward by Uitlanders in the South African Republic, and which have been adopted as its own cause by the Government of Her Majesty, which endeavours unfortunately have only had the result that British troops have been concentrated upon the borders of the South African Republic, and are still continually being reinforced:

"Resolves to instruct the Government still further to do everything in their power to preserve and establish peace, and to contribute by peaceful methods towards the solution of the existing differences, always provided that can be brought about without injury to the Honour and Independence of this State or of the South African Republic, and wishes unmistakably to declare its opinion that there exists no cause for war, and that if a war is now begun or occasioned by Her Majesty's Government against the South African Republic, this will morally be a war against the whole white population of South Africa, and would in its results be calamitous and criminal. Further, that the Orange Free State will honestly and faithfully observe its obligations towards the South African Republic arising out of the political alliance between the two Republics, whatever may happen."

(C 9,530, p. 38.)

**From the STATE PRESIDENT, Bloemfontein, to the
HIGH COMMISSIONER, Cape Town.**

27th September. In view of the ever increasing gravity of the situation and the strained relations unfortunately existing between the Governments of Great Britain and of the South African Republic, I deem it my duty to avail myself of this opportunity to address Her Majesty's Government through Your Excellency.

The Free State Government, as Her Majesty's Government are

aware, is bound both to the people of the South African Republic and of the neighbouring British Colonies by ties of blood and friendship. It is, in addition, bound on the one hand to the South African Republic by a solemn treaty, in which this State has undertaken to assist the Sister Republic in the event of its independence being threatened or attacked, whilst on the other hand there exists between it and the British Government and the Government of the neighbouring British Colonies long established and highly appreciated amicable relations. It has been, and still is, the aim and object of Free State policy heartily to support and continually to foster any measures tending to maintain not only, but to increase the spirit of harmony and co-operation among the Colonies and States of South Africa and their respective Governments, and it would most deeply regret the occurrence of any untoward event that would cause a break in the cordial relations hitherto so happily subsisting between this State and all its neighbours.

It is this strong feeling of goodwill and amity towards both the Government of Great Britain and of the South African Republic, between whom relations have now for some time been unfortunately, but as I trust, only temporarily strained, that led me to bring about the Conference between your Excellency and President Kruger in May last. I acted in the hope that thereby the basis for a good understanding and harmonious co-operation in the future might have been arrived at. That Conference terminated without effecting the desired results, and ever since then this Government has been unceasing in its efforts and has done all in its power to obtain a peaceful and satisfactory solution of the differences between Her Majesty's Government and the South African Republic, by influencing the Government of the South African Republic to make most important reforms in the matter of franchise and representation for British subjects who are desirous of becoming burghers of that Republic.

In pressing those franchise and representation reforms and concessions, this Government kept in view the spirit that animated your Excellency at the Conference, and in which they assumed that the British Government also was willing to act, viz., "to adopt an attitude of friendly suggestion and not of dictation in the internal affairs of the Republic." When it is borne in mind what the position was, both in regard to the question of franchise and of representation, in the South African Republic at the time of the Conference, and what radical reforms have been effected by the Government and Legislature of that country in the comparatively short time that has elapsed since that date, I think it may be fairly claimed that our efforts, aided by the representations of other friends of peace and harmony in South Africa, have been crowned with a large measure of success.

While the Government of the South African Republic, encouraged thereto by the advice of the Free State and other friends, were busy inducing the Legislature and people of that Republic to accept reform in the direction suggested and desired by Her Majesty's

Government, and intended to meet the alleged wants of the Uitlander population, and even before the proposal was made by the British Government that the Franchise Law and scheme of increased representation for the Witwatersrand Goldfields should be submitted to a Joint Commission for examination and report, this Government could not be blind to the fact that the tone of the despatches had altered, and that the British Government had, in fact, departed from the basis on which negotiations were opened, viz., that of not interfering in the internal affairs of the Republic. The request for the Joint Commission of Enquiry emphasised that fact beyond any shadow of doubt. Notwithstanding this, the Government of the Orange Free State, in the hope that an impartial investigation might inaugurate a renewal of the employment of friendly methods tending towards a satisfactory solution of the questions in difference, and adopting the friendly suggestion received from several quarters, once more advised the Government of the South African Republic to make yet another concession and to give yet another proof of its willingness to meet the British Government by consenting to accept the invitation of the British Government to take part in such a Joint Commission; this advice was adopted, and at last it seemed that the efforts of the friends of peace and harmony in South Africa stood a fair chance of being crowned with success. Great therefore was the disappointment of the Government and people of this State, when it transpired that, from causes with which I am still unacquainted, our best efforts, culminating in the acceptance by the South African Republic of the proposals of the British Government for a Joint Commission of Enquiry on the seven years' Franchise Law and adopted increased representation scheme, proved unavailing and that the unfortunate tension seemed, as it seems now, to be only increasing.

This Government are still prepared, and tender their services to further the interests of peace and to continue in their endeavours to procure a satisfactory solution of existing difficulties on fair and reasonable lines; they feel themselves, however, hampered now as in the past:

(a) By a want of knowledge as to the definite object and extent of the desires or demands of the British Government, compliance with which that Government consider themselves entitled to insist upon and as to the grounds on which such insistence is based.

(b) By the fact that, notwithstanding the repeated assurances of the British Government that it does not wish to interfere in the internal affairs of the South African Republic, nor to disturb its independence, it has pursued a policy which seems to justify a contrary conclusion.

To give but one instance which could not be otherwise than calculated to be a most disturbing effect in the conduct of the negotiations, I may mention the enormous and ever-increasing military preparations on the part of the British Government, indicating a

policy of force and coercion, during the whole course of negotiations which were stated to be of a friendly and conciliatory nature. These preparations, in the absence of any apparent cause justifying the same, being, not unnaturally, looked upon as a direct menace to the South African Republic. After all that has been done by the South African Republic to meet the views of Her Majesty's Government in the matter of the franchise law and extended representation, and after their acceptance of the proposal of Her Majesty's Government for a Joint Commission to enquire into the scope and effect of those measures, and whether immediate and substantial representation would thereby be assured to the Uitlanders willing to avail themselves of the provisions thereof, this Government cannot conceive it possible that the points of difference that may exist on this subject justify those extensive and ever-increasing military preparations being carried out on the Borders, not only of the South African Republic, but also of the Orange Free State, and it is therefore reluctantly compelled to conclude that they must be intended to secure other objects at present unknown to the Government of this State, and the knowledge whereof, if they prove to be fair and reasonable, might induce this Government to make necessary representations to secure their attainment, and enable them to continue their efforts to secure a speedy, peaceful, and satisfactory solution of the difficulties and differences existing between Her Majesty's Government and the Government of the South African Republic. I beg to add that I am firmly convinced (and feel sure that any reasonable assurance could be obtained) that the Government of the South African Republic have been sincerely desirous to maintain in its integrity the Convention of 1884, both as regards its letter and its spirit, and that they do not contemplate or assert a claim to any absolute political status without the qualification arising out of Article IV. of that Convention, and accordingly it does not appear to me that there is any misunderstanding hereon that could not promptly and without difficulty be settled. I feel assured that there is no difference between their contention on that point and the communication made on behalf of Her Majesty's Government by Her Majesty's High Commissioner to the Governments both of the South African Republic and of this State on the 27th February, 1884, as to the import of that Convention. That communication was as follows:—

“Same complete internal independence in Transvaal as in Orange Free State, conduct and control intercourse foreign Governments conceded, Queen's final approval treaties reserved.” In the expectation that Her Majesty's Government will share my views that no effort should be spared to effect a peaceable settlement, if possible, of the points in difference between them and the South African Republic, and that consequently all causes of irritation likely to delay or prevent such settlement should be removed, or at least not be aggravated, I trust that Her Majesty's Government may see their way clear, pending the arrival of the further despatch intimated as about to be sent to the Government of the South African Republic

and, pending further negotiations, to stop any further movements or increase of troops on or near the borders of the South African Republic and of this State, and further to give an assurance to that effect to allay the great excitement and irritation naturally aroused and increased thereby, and if Her Majesty's Government should be pleased to accede to this request, this Government would be glad to be favoured with the views of Her Majesty's Government on the points raised herein, and more particularly as to the precise nature and scope of the concessions or measures, the adoption whereof Her Majesty's Government consider themselves entitled to claim or which they suggest as being necessary or sufficient to ensure a satisfactory and permanent solution of existing differences between them and the South African Republic, whilst at the same time, providing a means for settling any others that may arise in the future.

M. T. STEYN,

State President.

(Cd 43, p. 93.)

**From the HIGH COMMISSIONER, Cape Town, to the
STATE PRESIDENT, Bloemfontein.**

28th September. I beg to acknowledge your Honour's two telegrams received last night, the contents of which I have communicated to Her Majesty's Government.

(Cd 43, p. 95.)

**From the STATE PRESIDENT, Bloemfontein, to the
HIGH COMMISSIONER, Cape Town.**

2nd October. I have the honour to inform your Excellency that I have deemed it advisable in order to allay the intense excitement and unrest among our burghers arising from the totally undefended state of our border in the presence of a continual increase and movement of troops on two sides of this State, to call up our burghers to satisfy them that due precaution has been taken in regard to guarding our borders, and to ensure their not acting independently of proper control. I am still strongly and sincerely desirous of seeing, and, if possible aiding in a friendly settlement of the differences between Her Majesty's Government and South African Republic being arrived at. I am still looking forward soon to be favoured with the views of Her Majesty's Government on the points touched upon in my telegraphic despatch to your Excellency of the 27th instant (September) receipt thereof was acknowledged by your Excellency on the following day.

(C 9,530, p. 42.)

From the **HIGH COMMISSIONER**, Cape Town, to the
STATE PRESIDENT, Bloemfontein.

2nd October. I have the honour to acknowledge your Honour's telegram of to-day, the terms of which I am communicating to Her Majesty's Government. With reference to the movements of troops to which you refer, I can only repeat the assurances given in my telegrams of the 19th and 25th September. I regret that your Honour should have felt obliged to call up a large body of burghers and to place them immediately on our borders, whereas no Imperial troops have been so placed on the borders of the Orange Free State, except the small detachment in the defence of Kimberley, but as your Honour has seen fit to take this course, I am glad to have your Honour's assurance that your forces will be held in proper control. As your Honour is aware, the Government of the South African Republic has mobilised and placed on the borders of Natal a very considerable army, and made dispositions which, unwilling as I am to believe such action possible, seem to indicate an invasion of the Queen's dominions. In view of the repeated declarations of your Honour, I feel confident that an invasion of Her Majesty's territories by South African Republic would not have countenance and support of your Honour's Government, all the more so as your Honour continues to express the hope of a peaceful settlement, of which likewise I do not despair.

I hope to be able very shortly to communicate to you the reply of Her Majesty's Government to your telegram of 27th September.

(C 9,530, p. 43.)

From the **STATE PRESIDENT**, Bloemfontein, to the
HIGH COMMISSIONER, Cape Town.

3rd October. I have the honour to acknowledge your Excellency's telegram of this afternoon. I cannot help regretfully expressing my conviction that the action of the Transvaal in putting burghers on their borders is only the natural result, all along feared by me, of the constant increase of British troops and their movement in the direction of Transvaal border. At the same time, I have no reason to anticipate any immediate aggressive action on the part of Transvaal, unless further forward movements of British troops should indicate intention of attack upon Transvaal. I beg to urge upon your Excellency the necessity of trying both to expedite the reply to my telegraphic despatch and to prevent further movements of troops.

(C 9,530, p. 44.)

From the HIGH COMMISSIONER, Cape Town, to the
STATE PRESIDENT, Bloemfontein.

3rd October. I have the honour to acknowledge your Honour's telegram of yesterday evening. Your Honour must be perfectly well aware that all the movements of British troops which have taken place in this country since the beginning of present troubles, which have been necessitated by the natural alarm of the inhabitants in exposed districts, are not comparable in magnitude with the massing of armed forces by Government of South African Republic on the borders of Natal. I do not suggest that your Honour is in any way responsible for that action, which appears to me inconsistent with tone of your Honour's telegrams of 22nd September, in which you expressed your conviction that a peaceful settlement of difficulties was still possible and ought to be arrived at.

(C 9,530, p. 44.)

From the STATE PRESIDENT, Bloemfontein, to the
HIGH COMMISSIONER, Cape Town.

October 3rd, 1899. I have the honour to acknowledge your Excellency's telegram of this morning. I am as sincerely and strongly desirous as ever to see a speedy, peaceful and satisfactory solution being arrived at, and to do all that lies in my power to try, even yet, to attain that result. I deem it my duty, however, to state emphatically that I do not consider that the movements of British troops, which have taken place in this country since the beginning of the present troubles, have been necessitated by the natural alarm of the inhabitants in exposed districts, nor in fact have I ever thought that there were any fair grounds justifying such movements. On the contrary I have never for a moment had or expressed any other view than that the ever increasing military preparations which, both in England and in South Africa, have all along accompanied protestations for a desire to arrive at a peaceful and friendly settlement, have retarded and hampered the efforts of myself and all those who were sincerely working to maintain peace and effect a fair settlement. To the bitter and hostile tone of the utterances made, both by responsible men and by almost the whole English press in South Africa and in England, bristling with misrepresentations and constant menace to the Transvaal, accompanied by ever increasing military preparations on an extensive scale, not only in South Africa and in England, but throughout the British Empire, which are openly stated as being directed against and intended to coerce the Transvaal, I mainly attribute the failure hitherto of arriving at an amicable and satisfactory solution of existing difficulties. I wish to place on record my earnest conviction that on those in authority who introduced the military element, and who thereby inaugurated and have since con-

tinued a policy of menace and forcible intervention, will rest the responsibility, should all efforts fail to secure peace and honourable settlement of differences after the proofs already given by the Transvaal since the Conference to meet the views and wishes of the British Government. I consider the constant and systematic attempts to throw the blame for the present critical situation of affairs on the South African Republic unjust to, and undeserved by, the latter. Whilst I am not responsible for, but, on the contrary, for a long time successfully used my best endeavours to prevent the massing of burghers by the Government of the South African Republic on their borders, I cannot but recognise the fact that, in view of the action of the British authorities already alluded to, the Transvaal Government cannot be blamed for acting as they have done. I am more confirmed in this view by the fact that whilst I am still without any reply to my telegraphic despatch of 27th ultimo, referred to by your Excellency, and in which I expressed my conviction as quoted by your Excellency, and the reasonable request therein made that the increase and further movement of British troops should be stayed, and which if acceded to would probably have prevented the calling out of the burghers both in the South African Republic and in this State, has not only been ignored but activity in military preparations and the despatch of troops has been going on more persistently than ever. I am not in a position to judge whether the movement of British troops on the border of the South African Republic is comparable or not in magnitude with the recent massing of armed force of the South African Republic on the borders, but your Excellency should not lose sight of the fact that on all sides in the English press and otherwise the assertion constantly finds expression that the British troops already in the country with their superior armament and discipline are more than a match for the undisciplined burgher force of the Republic, are intended for threat to enforce British demands on the Transvaal, and that, moreover, troops are being despatched almost daily from England, and military preparations are in active and constant progress which are utterly incompatible with the requirements of defence, and which would seem to more than justify a conviction in the minds of the burghers of the South African Republic that England has abandoned any idea of attempting any longer to arrive at a solution of differences except by force. I trust that your Excellency will receive this communication in the spirit in which it is honestly intended, namely to put the facts of the case and the situation as I see them, at this most critical time, clearly before you, not only so as to prevent any misunderstanding, but in the hopes that by a clear comprehension of the views I hold, as to the causes which have brought about the present crisis, your Excellency may the better be enabled to form a judgment not based on *ex parte* information only. I feel deeply impressed with the danger of delay and with the urgent need of immediate action being taken if any further attempts are to be made to secure a peaceful solution. Once again I tender my best services towards the attainment of that object,

but I fear that that will probably be useless and unavailing if not accompanied or preceded by the assurances requested in mine of 27th ultimo.

STEYN.

(Cd 43, p. 97.)

**From the HIGH COMMISSIONER, Cape Town, to the
STATE PRESIDENT, Bloemfontein.**

October 4th. I have the honour to acknowledge your Honour's long telegram of yesterday afternoon, the substance of which I have communicated by telegraph to Her Majesty's Government. There is, I think, a conclusive reply to your Honour's accusation against the policy of Her Majesty's Government, but no good purpose would be served by recrimination. The present position is that Burgher forces are assembled in very large numbers in immediate proximity to the frontiers of Natal, while the British troops occupy certain defensive positions well within those borders. The question is whether the burgher forces will invade British territory, thus closing the door to any possibility of a pacific solution. I cannot believe that the South African Republic will make such aggressive action, or that your Honour would countenance such course, which there is nothing to justify. Prolonged negotiations have hitherto failed to bring about a satisfactory understanding, and no doubt such understanding is more difficult than ever to-day, after expulsion of British subjects with great loss and suffering, but till the threatened act of aggression is committed I shall not despair of peace, and I feel sure that any reasonable proposal, from whatever quarter proceeding, would be favourably considered by Her Majesty's Government, if it offered an immediate termination of present tension and a prospect of permanent tranquility.

(C 9,530, p. 47.)

**From the STATE PRESIDENT, Bloemfontein, to the
HIGH COMMISSIONER, Cape Town.**

5th October. I have the honour to acknowledge receipt of your Excellency's telegram of yesterday evening. I note with pleasure that your Excellency does not despair of peace, and that you feel sure that any reasonable proposal, from whatever quarter proceeding, would be favourably considered by Her Majesty's Government, if it offered immediate termination of the present tension and a prospect of permanent tranquility. I see no reason why such proposals should not be forthcoming, and I myself am prepared actively to assist in bringing about the indicated and desirable results. I must,

however, point out that it seems to me that it would be most difficult to attempt to make friendly proposals, or continue to negotiate whilst the armed forces on both sides remain in menacing positions now occupied by them. But above all do I consider it would not be practicable to induce Government of South African Republic to make or entertain proposals or suggestions, unless not only the troops menacing their States are withdrawn farther from their borders, but an assurance be given by Her Majesty's Government that all further despatch and increase of troops will at once and during negotiations be stopped, and that those now on the water should either not be landed or at least should remain as far removed as can be from the scene of possible hostilities. I trust your Excellency will agree with me that these suggestions are only reasonable, as it would be manifestly unfair, should further negotiations prove abortive, a result which I would earnestly endeavour to prevent and which, I trust, need not be anticipated, that the forces of South African Republic should be in a worse position or at a greater disadvantage than they are at present.

I must urge upon your Excellency the urgent necessity of intimating to me without delay, whether your Excellency sees your way clear to give effect to these my views and wishes, and, if so, I would be prepared to take steps to at once try and obtain any needful assurance to safeguard against any act of invasion or hostility against any portion of Her Majesty's Colonies or territories pending negotiations, if this preliminary but absolutely essential matter can be regulated between this and to-morrow. I will be further prepared to aid if possible in formulating and heartily to assist in dealing with and supporting all reasonable proposals which shall possess the element of finality and give the assurance of immediate and lasting peace. A reply to the request made in the very last part of my telegraphic despatch to your Excellency of the 27th ultimo would enable me to judge in how far it would be possible for me to support the requests or requirements of Her Majesty's Government in re-opening negotiations with the Transvaal.

In regard to another point touched upon by your Excellency in your telegram under reply I have no information before me from which I can infer that Her Majesty's subjects have been expelled with great loss and suffering from the South African Republic. The report no doubt has its origin like many others in exaggerated statements of persons leaving that country in a panic.

(C 9,530, p. 47.)

From the HIGH COMMISSIONER, Cape Town, to
the STATE PRESIDENT, Bloemfontein.

6th October. With reference to your Honour's telegram of yesterday I must demur to your Honour's statement that British troops

are in menacing positions. I regret that your Honour should suggest as a condition precedent to further negotiations, an assurance from Her Majesty's Government hampering their freedom of action with regard to the disposition of British troops necessary for defensive purposes in British territory. Such an assurance it is impossible for me to ask Her Majesty's Government to give. If, on the other hand, your Honour can obtain an assurance that, pending negotiations, no act of hostility will be committed against any of Her Majesty's possessions, I am prepared to advise Her Majesty's Government to give an assurance to the like effect.

(C 9,530, p. 49.)

**From the STATE PRESIDENT, Bloemfontein, to the
HIGH COMMISSIONER, Cape Town.**

6th October. I have the honour to acknowledge receipt of your Excellency's telegram of to-day. I am earnestly desirous of meeting any reasonable suggestions that may tend to a continuance of friendly negotiations, and to avert an issue for which, as I have frequently stated, I see no justification whatever. I trust that your Excellency will on re-consideration see that Government of South African Republic in only taking proper precaution for the future might fairly decline, and I do not feel I could be expected to ask them to continue negotiations in the face of the fact that from all sides of Her Majesty's dominions troops are being poured into South Africa with the avowed object of coercing South African Republic into accepting whatever terms Her Majesty's Government might decide to impose. I have no doubt, in so far as Her Majesty's troops are intended for defence of Her Majesty's possessions, the same purpose, viz., fully safeguarding those possessions from invasions and subjects from molestation, could be effected. I would be willing to assist in its being effected without one side finding itself put at any great disadvantage during and because of further negotiations. The assurance asked for by your Excellency could, I have no doubt, be obtained and satisfactorily arranged, but the point that I think it fair to urge is that they would be taken by South African Republic as virtually amounting to an act of hostility on the part of Her Majesty's Government to be continuously and extensively increasing its forces during negotiations, when all need for defensive measures can, as I firmly believe, be fully obviated without such increase.

(C 9,530, p. 49.)

**From the HIGH COMMISSIONER, Cape Town, to the
STATE PRESIDENT, Bloemfontein.**

October 7th. With reference to your Honour's telegram of

September 27th, I am instructed by Her Majesty's Government to inform your Honour that Her Majesty's Government have repeatedly explained their views on the questions at issue between them and the Government of the South African Republic, and especially in the telegram of 12th September, No. 5.* They did not think their position open to misunderstanding, but if President of Orange Free State desires elucidation of any special point they are prepared to give it. As regards their military preparations they have been necessitated by policy of South African Republic converting that country into a permanent armed camp. In view of rejection of their last proposals by Government of South African Republic Her Majesty's Government are re-considering the situation, having regard to the grave fact that both Republics have now placed themselves on a war footing.

While intending shortly to put forward new proposals of their own Her Majesty's Government is prepared to listen, even at the eleventh hour, to definite suggestions from President of Orange Free State for the termination of crisis which are not inconsistent with attainment of objects steadily avowed and pursued by them.

(C 9,530, p. 46.)

**From the HIGH COMMISSIONER, Cape Town, to the
STATE PRESIDENT, Bloemfontein.**

October 7th. I have the honour to acknowledge your Honour's telegram of yesterday afternoon. With every desire to relieve the strain of present situation I cannot go beyond the suggestions made by me in my telegram of yesterday morning. I have no right to attempt to influence your Honour as to what advice it would be reasonable for you to give to Government of South African Republic having regard to the impending increase in Her Majesty's forces in South Africa. My object in all the communications which have passed between us, since your Honour's telegram of 2nd October, has been to leave nothing undone which could prevent action on the part of South African Republic calculated to make a pacific solution finally impossible. But I cannot, even with that object, ask Her Majesty's Government to pledge themselves, either with regard to the disposition of troops within British territories in South Africa, or to their despatch thither from other parts of the Empire.

(C 9,530, p. 49.)

**From the STATE PRESIDENT, Bloemfontein, to the
HIGH COMMISSIONER, Cape Town.**

October 9th. Urgent. I have the honour to acknowledge the receipt of your Excellency's telegram of the 7th instant conveying the

views of Her Majesty's Government on certain points touched upon in my telegram of the 27th September. I note with regret that Her Majesty's Government has not seen fit to favour me with any assurance or reply to the request therein made in regard to the cessation of the further movements and increase of troops pending further negotiations; a request that was only formulated with the sincere desire of removing the principal cause calculated to retard and probably to prevent any amicable settlement of pending difference between Her Majesty's Government and the South African Republic being arrived at. I have already fully indicated my views on this subject in my various telegrams to your Excellency of the 19th and 27th ultimo, 2nd, 3rd, 5th, and 6th instant. I must, however, strongly demur to the statement resulting in a strange confusion of cause and effect that the military preparations made by Her Majesty's Government have been necessitated by the action of the Government of the South African Republic in converting that country into an armed camp. Her Majesty's Government must be entirely misinformed if they were induced to entertain that belief, and it would be regrettable if, through such misunderstanding of the actual facts of the case the present state of extreme tension is allowed to continue in South Africa. That tension is solely caused by the presence, and could immediately and with the utmost safety to Her Majesty's dominions, be ended by the removal, of the large and increasing mass of Her Majesty's troops menacing and hemming in the South African Republic. Although Her Majesty's Government may be inclined to view the precautions taken by the Government of the South African Republic for the protection and defence of their country after the Jameson Raid as being in excess of the requirements of the case, the Government of the Republic can not be fairly blamed for adopting them in the presence of a large "Uitlander" population who were constantly, through a press, hostile to the institutions and burghers of the country, being stirred up to treason and rebellion by unscrupulous persons and organisations, financially or politically interested in overthrowing the Government and undermining the independence of the country. In any case nothing can be clearer than that the arming of the burghers of the South African Republic was not intended for any purpose of aggression against any of Her Majesty's dominions, in proof whereof it is only necessary to adduce the fact that though the people of the South African Republic have, since shortly after the "Jameson Raid" been practically as fully armed as now, and with a comparatively small number of Her Majesty's troops in South Africa, no single act of theirs can be pointed to in support of the assertion that they were so armed for aggressive or for other than purely protective and defensive purposes. Further, that not till after Her Majesty's Government with, as I am regretfully forced to assume, the sole and undoubted intention of enforcing their views on the South African Republic in regard to purely internal matters of legislation and administration by a display of force, had deemed fit to augment their forces in South Africa to an extent hitherto unprecedented, and were constantly increasing

these forces and drawing them ever nearer to the borders of the Republic, was a single burgher called away from his daily occupation to take up arms, as he firmly believed, and apparently has only too much cause for believing, in defence of his dearly-loved country and independence. If this assumption, the only natural one under the circumstances, and on the facts as known to the Government and burghers of the South African Republic, is an erroneous one, it would even yet not be too late to rectify the position caused by the misunderstanding on both sides, and by mutual agreement and under proper safeguards or assurances, to withdraw the forces on both sides, such assurance, in fairness, to include an undertaking by Her Majesty's Government to stop the further increase of troops. The adoption of this definite suggestion would strike at the sole root and cause of, and forthwith terminate, the present crisis, and until this be done it would be futile to attempt to make or obtain further suggestions or proposals for arriving at a speedy and final solution of the matters in difference between Her Majesty's Government and the Government of the South African Republic; differences which are of such a nature as not to justify the employment of force except on assumption as to the inauguration of a policy by Her Majesty's Government which I would be most reluctant to adopt. Referring to the allusion in the telegram under reply that this State has also placed itself on a war footing, I think I have made sufficiently clear in my previous telegrams to your Excellency the reasons which have animated the actions of this Government and which led to our burghers being called out. It ought to be manifest to any unbiased mind that the Government of this State, at peace and amity with all its neighbours, and with nothing to gain and much to lose by being embroiled with any of them, would not have called upon its burghers, who can ill be spared from their daily vocation, and that those burghers would not have cheerfully and unanimously responded to the call had they not been animated by the earnest conviction that the presence of British forces around the borders of both Republics were a menace to both, and amounting to an unjustifiable act of hostility against the South African Republic and an attack on its independence which this State is bound to lend its aid in upholding, and that the assurance and protestation to the contrary appear to us to be inconsistent with the acts of Her Majesty's Government. I have further to acknowledge receipt of your Excellency's further telegram of 7th instant, from which I regretfully note that your Excellency can hold out no hope of the fair and reasonable request of this Government being acceded to, or of its sincere offers to further peaceful solution being accepted. I do not understand your Excellency's assertion that your object, since my telegram of 2nd instant, has been to leave nothing undone which could prevent action on the part of the South African Republic calculated to make a peaceful solution finally impossible. I regret that no such action on your Excellency's part has been brought to my notice. On the contrary, I understand out of this very telegram under reply that your Excellency does not see your way clear to adopt the only course

of action that I am firmly convinced would, with almost absolute certainty, insure a speedy pacific solution of the matters in difference between Her Majesty's Government and the South African Republic, in arriving at which this Government would be, as they always have been, only too willing to give every assistance.

STEYN.

(Cd. 43, p. 116.)

Appendix.

From the STATE ATTORNEY, South African Republic,
to the BRITISH AGENT, Pretoria.

(*Private.*)

PRETORIA, August 25th, 1899.

DEAR MR. GREENE,—I have referred to my notes in reference to conversations we have had together over various subjects in connection with the Franchise Law, and which Mr. Chamberlain refers to in his telegram of yesterday.

I find that in July last you spoke to me about the language question, and I then said to you that in my opinion it would do no good to raise that point, as it would probably settle itself, in case a member of the Volksraad was quite unable to speak the official language. I referred specially to Mr. George Albu, as you will probably still remember.

Again, on August 13th and 14th, we conversed over the same subject, and I again expressed my opinion that this question should not be raised, as it would be decided as a party question in the Volksraad.

Your private telegram to High Commissioner of 14th August, of which you gave me a copy last night, attributes to me the statement that Gold Field members would be permitted to speak in their own tongue; but this obviously must be due to a misunderstanding, as it was my intention all along to convey to you my impression that it would be a mistake to make the language question a point between the two Governments.

With regard to consulting with you on future change of the mode of electing the President and Commandant-General, my notes do not go further than the paragraph in your telegram of August 14th, embodying the terms of a settlement. I have at various times mentioned to you possible modes of arranging these elections, but I do not remember having gone farther than the statement that the new burgher population would have the same elective power as the old.

I am very sorry that this misunderstanding should have arisen, and produced, apparently, a wrong impression on the mind of Her

Majesty's Government. I never intended them to be conveyed to your Government, or would have spoken in such terms as to have removed all possible cause of misunderstanding from your mind.

Yours very faithfully,

J. C. SMUTS.

(Cd. 43, p. 55.)

From the Report of His Honour PRESIDENT
KRUGER'S Speech at a Public Meeting held at
Heidelberg in March, 1899.

THE FRANCHISE.

When a stranger had been in the country for two years he could be naturalised, and vote for the Second Volksraad. A further two years after he was naturalised, he was eligible for election as member of the Second Volksraad, and then, after ten years, he could become a fully enfranchised burgher; thus, only after fourteen years he could obtain full franchise, subject to the condition that two-thirds of the number of burghers in his ward were in favour of it. Now, it was the intention of his Honour to effect an amendment of this, and to reduce the term of ten years to five, so that persons could obtain full franchise in nine years. In European States strangers became full franchised burghers in five years; this, however, could be done there, as there were millions of burghers, but in our Republic this could not be done, for this would open the door to all sorts of foreigners, who would thereby have a chance in less than one year to outvote us, because we were weak, although his Honour would not be against it at a later period. When this Law was established, our country numbered only 12,000 burghers, which number had now increased to about 40,000. We are now so strong that the few foreigners who enter our land cannot outvote us, and now that we are so strong we can safely give to the foreigners streaming in a shorter period in which to obtain full franchise. The Volksraad could not do otherwise than refer the question to the people, for which reason another year would elapse before the measure could come into force, so that, then, the number of burghers would again be increased by more than 10,000. Later on we can reduce this term further, so that, finally, we shall be in conformity with the European Powers to-day. As long as we were not strong, we had to take care that the strangers did not outvote us. We must act honourably and justly, but so that we do not injure ourselves.

(C. 9345, p. 195.)