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N A T A L.

CORRESPONDENCE

RELATING TO THE

PROPOSAL TO ESTABLISH RESPONSIBLE GOVERNMENT

IN

*papers on
Responsible Govt
in Natal as
S. African Ref
S.*

N A T A L.

Presented to both Houses of Parliament by Command of Her Majesty.
July 1891.



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NATAL.

CORRESPONDENCE

RELATING TO THE

PROPOSAL TO ESTABLISH RESPONSIBLE
GOVERNMENT

IN

NATAL.

No. 1.

SIR A. E. HAVELOCK to LORD KNUTSFORD.
(Received November 26, 1888.)

Government House, Pietermaritzburg,
Natal, October 28, 1888.

My LORD,

I HAVE the honour, at the request of the Legislative Council, to transmit to your Lordship the report of a Select Committee of the Council on the political constitution of the Colony, with the view of placing before Her Majesty's Government, for consideration and reply, the four questions with which the report concludes. I have to inform your Lordship that the Legislative Council, in sending me this report of their Select Committee, requested me to make known to your Lordship that the Council had not expressed any opinion of approval, or otherwise, on the matters dealt with in the report.

2. I enclose a certified copy of the Legislative Council minutes of the debate on the report, by which it will be seen that the motion of Mr. Robinson for an address to the Governor, a copy of which I enclose, transmitting the report, for the purposes mentioned, was carried by 13 votes against 10. The five official members of the Council did not vote.

With respect to this debate, the Colonial Secretary informs me that an amendment to Mr. Robinson's motion, which was moved by Mr. Hartley, and which is shown by the minutes to have been lost by a majority of one vote, would in all probability have been carried had Mr. Lindsay (the only member absent) been present to record his vote. Mr. Hartley's motion expressed non-concurrence in the opinions set forth in the report of the Select Committee.

3. The question of a change of the constitution of the Government of Natal has been so often and so exhaustively discussed, and the whole history of the discussion of the question is so well and fully related in the report of the Select Committee, that there is but little left for me to say on the subject. The main difficulty appears to be how to provide for the representation of the comparatively numerous Native population. The draft scheme of a new Constitutional Bill appended to the report does not overcome this difficulty, but it probably goes as far as convenience and expediency permit towards protecting the Native population from the possible effects of their disability, by restricting the initiation of all laws relating to Native affairs, and not applicable to the general community, to the Upper Chamber of Parliament, a body which it is proposed should consist of ten members, possessing a high property qualification, and to be appointed by the Governor.

4. The subject of defence is dealt with in paragraphs 24 to 27 of the report, and in Appendix C. I enclose a memorandum by Colonel Dartnell, Commandant of the Natal Mounted Police and of the Volunteer Forces, reporting on the scheme of internal defence prepared by the Committee.

5. The section of the report headed "Native Policy," paragraphs 29 to 34, criticises severely the system of administration of the affairs of the Natives which has always prevailed, and which still prevails, in Natal. I submit a copy of a minute by the Secretary of Native Affairs, commenting on this portion of the report. I would commend to your Lordship's special attention this interesting paper. Whatever may have been the shortcomings of the Native administration, it must be admitted that that administration has been carried on at a remarkably small pecuniary cost, and that it has been so far successful as to have secured tranquillity and contentment.

6. The Committee expresses, in its remarks under the heading "Zululand," paragraph 35, the belief that it is the general conviction of both the Colonists and the Natives that the union of Natal and Zululand is absolutely necessary for the well-being of both. I am inclined to doubt whether any such belief has as yet penetrated the minds of the Natives of Zululand. I am of opinion, moreover, that with the degree of control still exercised by the Crown over the administration of Natal, the union of Zululand with Natal would be premature; and, in the event of Responsible Government being granted to Natal, I believe it might be found advisable to defer still longer the placing of Zululand under the administration of Natal.

7. Under the heading of "Want of Men to form Ministries and Parties," paragraph 36 of the report, a difficulty which is believed by many to stand in the way of Responsible Government in Natal is dealt with. Towards the end of the paragraph a statement is made that there are now 8,126 registered electors as contrasted with 4,103 in 1880. The Colonial Secretary has, in a minute a copy of which I attach, made some observations by way of criticism and analysis of this statement. It appears that the numerical increase shown by the voters' rolls, to which the report of the Select Committee draws attention, must not be taken as a proof that there has been a corresponding increase in the white male adult population of the Colony.

8. The object of the Committee was to collect and place before the Legislature and the Colony, in a concise form, such information as is necessary to a proper understanding and intelligent treatment of the question of change of constitution. The answers which Her Majesty's Government may be pleased to give to the four questions with which the report is closed will, it is hoped, so far complete the object with which the Committee was appointed, as to enable the Colony to approach the consideration of the question of the ~~constitution~~ of Responsible Government with a full knowledge of its meaning and probable effect.

I have, &c.
(Signed) A. E. HAVELOCK.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure 1 in No. 1.

FOURTH SESSION, TWELFTH COUNCIL.—1888.

The following report of the Select Committee on the present circumstances of the Colony, and its relations to neighbouring States, is published for general information.

By order of the Legislative Council,

F. W. A. WATSON,
Clerk.

Legislative Council Office, Natal,
September 18, 1888.

REPORT OF THE SELECT COMMITTEE ON THE POLITICAL CONSTITUTION OF NATAL.

MEMBERS OF THE COMMITTEE:

Mr. ROBINSON (Chairman).

Mr. SUTTON.
Mr. STAINBANK.

Mr. HARTLEY,
Mr. JNO. SMITH.

1. Before proceeding to consider the political circumstances of the Colony at this moment, and the constitutional requirements of the Colony in the future, your Committee deem it desirable to submit a brief retrospect of the history of the question in the past. Since that question was last discussed by the Council in all its fulness, seven

years ago, many changes have taken place in the composition of the community. New citizens have established themselves in the country; young citizens have grown up, while older citizens will not regret to be reminded of the past political conditions of the community to which they belong.

2. The actual facts of the constitutional history of Natal from the time when that Charter which is the foundation of our legislative enfranchisement was conferred upon the Colony by the Crown in 1856, up to the time when a Select Committee of your honourable House reported at length upon the question in December 1881, are succinctly set forth in the report of that Committee, in a statement which will be found attached hereto as Appendix A. It is proper to point out, however, that the Committee of 1881 merely took up and continued the work of a Committee appointed on the 4th December 1879, by the following resolution of your honourable House:—

“That in view of the expiry of the Natal Constitution Act in September next, and considering the general circumstances of the Colony, this Colony deems it expedient to enter upon an inquiry into what may be deemed expedient to recommend or inaugurate with respect to the political constitution in the future.”

“That this Council is of opinion that no form of government that does not comprise the principles of Responsible Government, entrusted with the control and direction of Native policy, will satisfy the requirements of the Colony.”

3. Acting upon its instructions, this Committee submitted to the House the draft of a petition to the Queen, praying Her Majesty to consider favourably the provisions of a draft Bill to amend the Constitution of the Colony on the basis of a Parliament of two Chambers and of a Government responsible, through that body, to the people.

4. This petition was adversely reported upon by his Excellency Sir Garnet J. Wolseley, who at that time held the position of Governor and High Commissioner of South-east Africa. Her Majesty's Secretary of State for the Colonies, Lord Kimberley, endorsed Sir Garnet Wolseley's objections, and stated that in the opinion of Her Majesty's Government the “present circumstances of Natal rendered it advisable that the establishment of the system of Responsible Government should be postponed until the Colony is included in a general South African confederation.”

5. The reasons assigned by Lord Kimberley for this decision were thus summed up in the report of the Committee which was appointed in the Session of 1881, to report upon his Lordship's despatch, dated the 15th March of the same year:—

“That were Responsible Government granted to Natal the Colony would be liable for its own defence from internal disturbances as well as from outside aggression;

“That the Colony is unequal to meet this liability from its own resources;

“That the Home Government cannot hold itself responsible for the consequences of a policy over which it has no control;

“That therefore Natal must gain strength by confederating with its neighbours before the boon of Responsible Government can be granted to it.”

6. The Committee, in reply, submitted “that the question of confederation is not now before the Colony in any practical shape,” and it added—

“Your Committee, moreover, are of opinion that Confederation (if ever accomplished) is more likely to come to a successful issue in case greater political liberty is granted to Natal than if the Colony remains under its present constitution.

“Your Committee is also of opinion that under whatever form of government this Colony may be placed, the burden of the maintenance of internal order will always rest upon the Colonists in the future as, in fact, it has done in the past. Hence the right of the sole control of and over the Native population must be left in the hands of the Colony: Provided that all measures which may relate to the Native policy shall be referred to the Home Government for its consideration and approval.”

7. The Committee on this occasion contented itself with suggesting the maintenance of the existing Legislature on the basis of a considerable increase to the number of members, and of the issue of Royal Instructions making the Ministry removable in the event of its losing the confidence of the representative legislative body. It fortified this proposal by the following arguments:—

“Your Committee are persuaded that the gift thus craved will prove a gain to the Crown no less than to the Colony. It will relieve the Crown from responsibilities which, though nominally borne, are but feebly exercised, and will transfer them to the shoulders of those who are directly and chiefly concerned in their effective fulfilment. It will clothe the proceedings of the Legislature with a weight and reality that must be ever absent so long as they who make the laws have no control over those who administer them. It will secure legislative vigour by enforcing administrative accountability. It will free a loyal community from the consciousness

of political inferiority, and will infuse through all classes a desire to participate in the privileges of a citizenship which is now little better than a name. It will at once lead to the better organisation of local defences, and the improved administration of Native affairs, while it must tend to unite in the bonds of a common interest the several races in the Colony."

8. These recommendations met with the approval of your honourable House, and were embodied again in the form of a petition to the Queen.

9. The reply to this petition was set forth in a despatch from Lord Kimberley of date February 2, 1882, of which the following passages may be here reproduced:—

"Her Majesty's Government cannot but feel that the difficulty which they have repeatedly pointed out of establishing Responsible Government in Natal, on account of the small numbers of the white population both absolutely and relatively to the Natives, and the presence of a large and warlike Native population of the same race on the northern border of the Colony still remains to a considerable extent, although it is true that the white population has somewhat increased of late years, and that the Zulu power has been broken by the late war. Looking, however, to all the circumstances of the case, and to the frequent applications which have been made by the Council for greater freedom of government, they have come to the conclusion that it would not be their duty any longer to oppose the wishes of the Council, if the Colonists, after an opportunity has been given them of expressing their opinion on the question by a fresh election to the Council, with the full knowledge of the responsibilities which they are about to undertake, decide in favour of the proposed change in the constitution.

* * * * *

"I have, therefore, to instruct you to take an early opportunity to dissolve the present Council in order to ascertain the views of the constituencies by means of fresh elections.

* * * * *

"If the answer should be in the affirmative, I agree with the Committee that it will ~~be necessary~~ to considerably increase the number of members, and to extend the franchise."

10. His Excellency Sir Henry Bulwer, who had for the second time been appointed to the position of Governor of Natal, dissolved the Legislative Council immediately after his arrival, with the result that a majority of elective members were returned opposed to an affirmation of the proposal submitted to the Colony in terms of Lord Kimberley's despatch.

11. Upon the new Council assembling, a Select Committee was again appointed to consider and report upon the Secretary of State's despatch. The report took the form of draft resolutions, which, as subsequently adopted by the Council, declared that it, "while appreciating the liberal spirit in which the petition for enlarged constitutional powers has been met by the Right Hon. the Secretary of State for the Colonies, is of opinion that the Colony is not yet in a position to undertake the responsibilities set forth in his Lordship's despatch of 2nd February 1882.

12. The Council, however, on the recommendation of the Committee, passed measures to extend the franchise and increase the number of members, in accordance with Lord Kimberley's suggestion. The House also agreed to the following resolutions:—

"That the solution of the difficult question of the future constitution of the Colony may be greatly facilitated in case Her Majesty's Government will state upon what terms, as regards the control of the Colonial policy, a suitable garrison may be maintained in Natal until the Colony is strong enough to dispense with military help from England.

"That the difficulty which attends the acceptance by Natal of the large responsibilities which have been offered to it will be lessened by the establishment in Zululand of some settled form of Government, for the support of which the Imperial Government will hold itself responsible."

13. The reasons advanced for the rejection of Lord Kimberley's proposals by three members of this Committee—to be found in Appendix B.—deserve perusal, as to a great extent they reflect the reasons which still weigh deterrently with many minds.

14. In transmitting these measures to the Secretary of State, his Excellency Sir Henry Bulwer took occasion to review the whole constitutional question, and to express his regret that provision had not been made in the enlarged Council "for some representation

“ in it of the large Native population.” In replying to this despatch, and in conveying his approval of the measures in question, Lord Kimberley said:—

“ Adverting to the terms of the Bill for amending the franchise, I may observe that it appears to me, so far as the Natives are concerned, to be good so far as it goes, but it cannot be regarded as in any degree solving the difficult question of the representation of the Native interests which would be among those demanding consideration, were the subject of Responsible Government to be again taken up. The small section of the Natives to which the present Bill will apply are those who, by education and habits, have already in a great measure separated themselves from the tribes, for whose interests due provision would have to be made in any fundamental reform of the constitution.”

15. Although subsequently, from time to time, proposals of constitutional reform have been put forward by individual members, the only further direct action taken by the House was in 1884, when it was resolved to solicit from the Imperial Government “ a statement of what assistance it will be prepared to render to the Colony towards its defence in the event of the Legislative Council passing a Bill for the establishment of Responsible Government.” In acknowledging this resolution, the Governor expressed regret “ that the Council had not, in its address, placed him in a position to lay more explicitly before the Secretary of State at the same time the views of the Council on the subject.”

16. In transmitting this request to the Secretary of State, Sir Henry Bulwer closed his despatch with words which seem to your Committee well worthy of reproduction here:—

“ The Council commit themselves to nothing, promise nothing, undertake nothing; whilst they ask Her Majesty’s Government to commit itself to some assurance which would have the appearance of being an offer by Her Majesty’s Government, and which the Council would be free to discuss and free even to reject. And as the Council are silent on the subject of any desire on their part, or on the part of the Colony, to adopt the system of Responsible Government if only the Colony can have some assistance in the matter of defence, so neither am I in a position, in face of the recent action of the Council itself, and in face of the present views of the constituencies, so far as I judge them, to give the assurance which the Council has failed to give—that there is such a desire at present on the part of the Council or on the part of the constituencies. I do not doubt that some day a change will take place, and that the Colony will desire to undertake the responsibility of self-government; and when that is the case I feel sure that Her Majesty’s Government will be prepared to give every favourable consideration to any representations for assistance that may be made on the part of the Colony.”

17. The answer accorded by Lord Derby, dated March 3, 1885, was as follows:—

“ I have to request that you will inform the Council that, in the opinion of Her Majesty’s Government, it would not be desirable to attempt to deal with the details of this question until further progress has been made in the settlement of the various important matters, some of them closely concerning Natal, which are engaging the attention of Her Majesty’s Government, and of the South African Colonies, at the present time. The conditions under which a necessity for assistance might arise cannot at this moment be defined, and any assurance of the nature desired which could now be given would necessarily be of too indefinite a character to be of any practical value.”

18. The only further step in the direction of constitutional reform that has been taken by the Legislative Council was the enactment of the Ballot Act last year. The Secretary of State, however, in a confidential letter to Mr. Robinson, the representative of the Colony at the Colonial Conference in London, on April 30th, 1887, submitted as one of three alternatives to be placed before the Colonists the acceptance of Responsible Government.

19. It is not necessary to recall the circumstances which led to this proposal. They bore on the financial conditions and financial policy of the Colony, and they only involve incidentally the present question. It is desirable, however, to repeat the closing paragraphs of the Imperial Minister’s letter:—

“ If the question of Responsible Government in Natal is thus raised other questions will arise as to the Natives within the Colony, the garrison, the relations of Natal to Zululand, and the relations of Natal to its European neighbours.”

20. Your Committee having thus endeavoured to put in a concise form the salient facts that bear upon the constitutional question in the past, would point out (1) that the Council affirmed the principle of Responsible Government in 1879, in 1880, and in 1881,

but (2) that in 1882 it accorded a negative to the proposal in that direction submitted by Lord Kimberley, for reasons that have been already quoted. In 1884 it sought to obtain information as regards Imperial assistance towards defence in the event of Responsible Government being established. The troubles pending at that time in Zululand and Bechuanaland no doubt led the home Government to defer any attempt to deal with the details of the question until further progress had been made in the settlement of those troubles.

21. British Bechuanaland is now a peaceful and prosperous Colony of the Crown. Zululand is undergoing what it is hoped may prove to be a final process of pacification. The time is at hand, therefore, when the Colony may once again discuss the question of constitutional change as a means of securing administrative reform and improved relations with other States and communities in South Africa.

22. While your Committee are aware that a difference of opinion exists in the Colony in regard to the acceptance of Responsible Government, they believe that general unanimity prevails in regard to the administrative defects that are inherent in the present system. Some of those defects may be briefly indicated:—

- (a.) "The Council," said Lord Kimberley, in 1880, "does not act under the pressure of complete responsibility, while it is able, practically, to set aside the declared policy of the Government." This was shown conspicuously by its votes in the Session of 1879-80, and in the Session of 1886-7. The capacity of the elective members of the Council, if united, to force their policy upon the Government, or to bring about a deadlock, is in some quarters cited as a proof that the people of the Colony under the present constitution possess full and effective control over the administration. The practical effects of this divorce of legislative power from executive responsibility is dealt with hereafter, and it is only necessary to point out here that such a state of tension as was generated in the years that have been named could not possibly exist in perpetuity.
- (b.) The result of this system obviously tends to administrative apathy or obstruction, as the Government is called upon at times to carry out a policy which it disapproves, and may have strenuously resisted in debate. This conflict between legislative action and administrative hostility is likely to occur, moreover, on matters of high policy deeply affecting the larger interests and abiding welfare of the community.
- (c.) To this absence of responsibility on both sides—on the part of the Council for the execution of its mandates and measures, on the part of the executive for its failures or inactivities—may be traced most of the complaints and grievances which are advanced against the present administration of affairs. When the performance of specified duties is entrusted to unwilling hands, the discharge of duty is, in the nature of things, apt to be perfunctory and unsympathetic.
- (d.) Had the executive of the Colony been responsible to the representative Legislature, it may fairly be assumed that more progress would have been made in the settlement of questions relating to Native affairs, mining matters, immigration, lands, defence, and other matters.
- (e.) Had the Government of the Colony been in the hands of Ministers directly responsible to the people, the feeling which exists now that the Government is a class and an interest apart from the people, rather than of and for them, would not exist.
- (f.) A further and very serious defect is the difficulty of keeping the home Government fully and accurately informed of Colonial feeling and circumstances. The Governor is the recognised and only direct medium of communication between the Colony and the Imperial Government. In self-governed Colonies he acts as the mouthpiece of his responsible Ministers. In Colonies like Natal he is the responsible communicant of his own impressions and opinions. The Colonial view reaches Downing Street, if it reaches it at all, after filtration through the hands of a functionary whose local experience may be a matter of a few weeks or months. In a word, the Colony as a Colony—the Colonists as Colonists—are out of touch officially with the Government, which still retains responsibility for the control of both. Although the need of full knowledge on the part of the Imperial Government is far greater in the case of Crown, or representative, Colonies, than it is in the case of self-governed Colonies, the facilities for obtaining such knowledge are much greater in the latter than in the former case.

(g.) The composition of the Council under the present constitution, moreover, is fraught with this risk, that although one-fourth of its members are nominated by the Crown, and are not therefore directly representative of the people, the vote of a bare majority of that body—though opposed by a large majority of the elected members—may be taken to represent the voice and opinion of the Colonists at large.

(h.) It is not less apparent that measures which may meet hearty support on the part of a majority of the Colonists and their representatives can be defeated by a minority of the latter in the Legislative Council acting in concert with the official and nominee members.

23. Such being the admitted defects of the present form of Government, the question naturally arises: Why should any hesitation exist on the part of the Colonists in the acceptance of a better system? The reasons for such hesitation are very much the same as those that were mentioned by the Committee in 1882, whose report has been already quoted. They have reference to—

- I. DEFENCE.
- II. NATIVE POLICY.
- III. ZULULAND.
- IV. WANT OF MEN TO FORM PARTIES.

Your Committee take these in their order;—

I.—DEFENCE.

24. Two sides to this question have to be considered—internal maintenance of order and defence from external foes. Lord Kimberley in his despatch of 2nd February 1882 distinctly stated that “if Responsible Government were established in Natal, Her Majesty’s Government would not be prepared to station Imperial troops in the Colony “as a permanent garrison, either for the maintenance of internal order or for the defence “of the frontier.” No question has ever arisen as to the liability of the Colony, under Responsible Government, to maintain order within its frontiers. Successive Committees have recognised this obligation. The action of the Legislature in providing for the Volunteer and Police services has been for years a practical admission and fulfilment of the Colony’s duty in this respect. If the present arrangements for the preservation of order and enforcement of authority within the Colony are not as perfect and effective as they might and ought to be, the fault rests with the Government, which has failed to carry into effect any such arrangements, and not with the Colony. While your Committee lament the absence of any proper organisation whereby disorder might be promptly quelled, at any point and at any moment, it submits that the resources of the Colony are ample, if duly organised, to maintain order throughout the Colony against any conceivable elements of disturbance.

25. As doubts have been expressed as to the ability of the Colony to defend itself from internal trouble, your Committee have prepared the sketch of a scheme whereby order would be maintained and security guaranteed, without imposing upon the community heavy charges or compulsory service. This sketch will be found in Appendix C. It vests official responsibility for the maintenance of order in the Commandant, subject, of course, to the Local Government, but it provides for the appointment of unpaid field commandants and sub-commandants, under him. It also extends the Mounted Police; it consolidates the rural constabularies; and it creates a Native Police Force, officered by Europeans, to be distributed amongst the different districts.

26. The system of organisation which is embodied in this proposal has not only the merit of simplicity and economy, but it has the sanction of long South African experience. It corresponds with that which the emigrant farmers brought with them from the Cape Colony when they went forth into the wilderness to find new homes, and to found new States amongst the savage tribes of the then unknown interior. The circumstances of their position made it absolutely necessary that the organisation of the new community should be self-supporting and self-helpful. It must proceed from the common necessity, and be sustained by the common sympathy, of the people. The country was mapped out into districts, each of which was in the responsible charge of a field commandant elected by the settlers. Those districts were severally sub-divided into wards, each of which was in like manner placed in charge of an elected field cornet, who was responsible to the field commandant, and bound to carry out his orders. These officers received only a small yearly allowance for travelling expenses. The whole organisation was essentially popular and representative in its character. It secured prompt and united

action in the event of any emergency arising. It established in every district and in every ward a recognised local head to whom the residents could look with confidence for information and direction. It prevented any possibility of a particular district being taken unawares, or being found unready for immediate action should authority have to be enforced or disturbance put down. Your Committee submit that such an organisation of local forces, connected with the Central Government by its subordination to the Commandant of the Colonial Forces, who would himself be subject to the Ministry of the day, would afford the most complete protection against the possibilities of panic or disorder, and would, without any resort to compulsory service or enrolment, guarantee the maintenance of law and order in every portion of the Colony.

27. With regard to defence from external aggression, the Committee would point out that circumstances have so changed since 1882, or even since Lord Derby wrote in 1884, that this question is by no means as important as it was then. The Cape Government is now responsible for the maintenance of order beyond our southern frontier. If that Government makes good its claim to control Pondoland, it is manifestly liable for any acts of encroachment or violence on the part of the Pondo people. Beyond the northern frontier, responsibility for the preservation of peace rests with the Imperial Government and the Government of the South African Republic. In no other direction is it conceivable that difficulty might arise. Moreover, the Committee hold, with the Committee of 1881, that "the duty of protecting the Colony from external foes, whether by sea or land, devolves on the Empire, as a whole; otherwise to be a section of that Empire constitutes no real privilege."

II.—NATIVE POLICY.

28. An impression prevails that were Responsible Government established, the control of Native affairs would practically remain in the hands of the Crown. It seems hardly necessary in view of recent experience in the Cape Colony, to refute so obvious a fallacy. It is in the essence of Responsible Government that the local administration should possess full control over all classes of the population. It may be conceded, however, that the home Government would insist, and reasonably insist, upon some constitutional guarantee being afforded for the representation of Native interests. Former Committees have proposed to provide such a guarantee, either by the creation of an upper nominee chamber, or by the retention of nominee members in the popular assembly. After much deliberation, your Committee have decided that the former alternative is preferable, on grounds both of constitutional propriety and political convenience. They admit, however, that it is a matter of the highest importance that the Native population should be brought into closer touch with the Government and legislative life of the country. At present the only direct mouthpiece of Native affairs in the Legislature is the Secretary for Native Affairs. His position, however, is strictly official in its character; his knowledge is only derived from official sources. It is a defect in the present constitution that Native opinion and the circumstances of Native life find no direct representation or expression in the local Legislature any more than they do in the local press.

29. Your Committee are profoundly impressed by the gravity of the issues bound up in what is known as the Native question. The magnitude of that question may be said to keep pace with the growth of the population. In 1862 the number of the coloured people in the Colony was set down in the Blue Book at 156,000. A quarter of a century later, in 1887, it had risen to 408,922. If the same rate of increase be continued without interruption, the Natives in Natal will number, twenty-five years hence considerably in excess of a million. It cannot be denied that these people, in respect of their home life in the kraal have made little, if any, progress towards a higher state of civilization. Although in towns or on public roads they dress after a fashion of their own and conform to municipal regulations, at home they are still as destitute of clothing, they live in the same style of hut, they pursue the same vices and habits, and they cling as fondly to their primitive modes of life as they did forty years ago. Only as regards the use of ploughs, the purchase and employment of waggons, and the acquisition of horses, has the Native advanced beyond his aboriginal conditions. Nor would it be difficult to show that even these advances have had the effect of encouraging idleness and vice, the increased production of kafir corn having led to beer-making and beer-drinking on a scale never known before. It becomes, therefore, a question which presses more and more imperiously for an answer:—Is it possible that the Natives can continue to multiply as they have multiplied in the midst of a civilised and settled European population without advancement towards an improved domestic status?

Closely connected with this question is the fact that the small area of the Colony must soon be inadequate to the necessities of a population living under semi-barbarous conditions.

30. The primary cause of the present unpromising conditions of the Native population is to be found in the failure on the part of the Government of the day to carry into effect the recommendations of the Commission appointed in 1847 to report upon the future government of the Native population. A leading member of that Commission was the then head of the Native Department—Sir Theophilus Shepstone—who at that time held the position of "Diplomatic Agent." The recommendations of this body, which comprised in addition the Surveyor-General of the Colony, two missionaries, and an officer of the Royal Engineers, may thus be summarised:—

The government of each location by a superintendent or resident agent with one or more assistants, according to its size.

The establishment of a Native police force in each location under a European police officer acting also as gaoler.

The registration of all Natives living in each location—man, woman, or child—together with the number of cattle possessed and owned by each individual.

The registration of all removals, whether into or out of the location, specifying the destination of the Natives removing, and the furnishing of each with a passport or memorandum to the superintendent of the location from which they were removing, and to require the building of their kraals in such a manner as to prevent the necessity of their cattle grazing upon neighbouring farms.

The encouragement of new and improved methods of cultivations, so as to attach the Natives permanently to the soil occupied by them.

No person was to be allowed to trade in the location without the prior sanction of the superintendent.

Each superintendent was to report weekly all occurrences within his jurisdiction to the head of the department, for the information of the Lieutenant-Governor, "in order that the Executive Government might be immediately cognisant of every movement in the district as soon as it occurs."

It was also recommended that the head of the Native Department should make periodical visits to all the locations in the district. During these visits he was to hear and dispose of appeal cases.

Every encouragement was to be given to the establishment of an adequate number of missions and schools in each location.

A Model Mechanical School was proposed to be established in each location.

Practicable roads were to be opened connecting all the locations with the main roads of the country.

The extent of each location was to be accurately defined as soon as possible.

While the location lands in general were to be invested in the hands of trustees for the use of the Natives, the Government was to have the right to convert these, or any portion of them, into freehold grants to such Natives as might, by the diligent use and superior cultivation of their land, have improved their condition.

The aim of this policy was to induce the Natives both within and beyond the district to become consumers of imported articles and producers of articles of export.

31. Your Committee submit that had the policy thus indicated been carried out with fidelity and vigour most of the evils that now present problems of such pressing gravity and urgency would have been averted or forestalled. Her Majesty's Government at that time did not see its way to making the very moderate financial provision (an annual charge of 5,000*l.*) which the proposed policy would have involved, and a policy of administrative inaction supervened, with the results that are now witnessed.

32. There is a further aspect to this question that cannot be overlooked. It is a fact beyond dispute that the moral condition of the Native population, after forty years of British rule, is worse than it has ever been. The restraints imposed upon prostitution by the normal laws and usages of the Natives have in a large degree ceased to operate. Open vice of the grossest character was never more flagrant. One effect of the statutory laws relating to marriage and devolution, which hand over widows to the natural heir, has been in respect of that relation to reduce the parental function to the level of a mere breeding process under which children are begotten by proxy for purposes of money gain, boys being the equivalent of wage-earning power, while girls represent so much marriage dowry. Only those who have opportunities of personal observation can properly understand how deplorable is the domestic morality of the Natives of Natal under present conditions. Hence, appears the necessity that the government of the Native population should be in the hands of men whose local experience and knowledge,

superadded to their personal identification with the country and to their immediate official responsibility, must afford a guarantee of both circumspect and courageous administration.

33. Reference to this question would be incomplete were your Committee not to put forward the yet further and final consideration which is more and more absorbing the gravest anxieties of thoughtful Colonists:—Is Natal to be in the future, and in no remote future, a Colony of white or black people, a civilised or a semi-savage community, a country where the dominant and pervading race is to be that of the barbarian Native, not of the industrious, progressive, and Christian Colonist? Is Natal to be a sub-tropical “plantation,” consisting of a few white men scattered amongst an ever-growing mass of heathen and uncivilised people, whose barbarous conditions stamp and characterise its prevailing social structure, or is it to be a land where the superior race has graven its impress deeply and imperishably upon the surface of society, and where that race has free and full scope to reclaim and to civilise, and to bring within the circle of a common citizenship the coloured races that share with it occupation of the soil?

34. Your Committee are of opinion that this question, so vital in its bearing upon the future interests of the Colony, will only be effectually dealt with by a Government charged with a full and high sense of responsibility towards the country and people with whose welfare and existence it is personally and inseparably identified. The very difficulties of the problem render it necessary that local experience and direct responsibility for consequences shall govern any serious attempts to solve them. Unless irreparable evils are to arise, Native affairs must have attention. For the Government and the Legislature to close their eyes to such evils is to invite difficulty and disaster in the future. Persistence in imperception and apathy will entail upon the community hereafter a task which may be found insuperable. It must not be forgotten that the generation of Natives now in the prime of young manhood has grown up amidst the peaceful conditions of life in the Colony, and know nothing by personal knowledge of the tyrannies and cruelties from which their fathers suffered. It is an admitted fact that the younger Natives are less docile and submissive in their demeanour than the older men. The increasing frequency of bloody faction fights, attended in most cases by the loss of life, indicates a growing turbulence of spirit which augurs ill for the future good order of the community if steps be not taken to reform the conditions of savage life under which such disturbances become possible. Allusion may also be made to the racial friction that must be developed as the Natives spread more and more over private lands, as these lands get fenced in, and as mining enterprise invades the locations. All these circumstances are reasons why the administration of Native affairs in the future will require the attention and weight that are inseparable from a form of Government which holds its Ministers responsible for the safety and order of the Colony to the people of that Colony, irrespective of race or colour.

III.—ZULULAND.

35. Your Committee believe that they express the general conviction of both the Colonists and the Natives when they say that the union of Natal and Zululand is absolutely necessary for the well-being of both. Our Native population is to a great extent an overflow during past years from the northern territory, and by opening an outlet for these people in that direction we should merely provide for their repatriation. The infusion of loyal Natal tribes amongst the existing remnants of the Zulu race would have a salutary effect upon the latter, and be an added safeguard against revolt. Accustomed as they have been in Natal to magisterial control and European Courts of Justice, they would help to familiarise the Zulus with the forms and processes of a civilised dispensation. Your Committee believe that a modification of the scheme proposed for the maintenance of order in Natal would abundantly suffice to maintain order in Zululand, especially if the removal of large bodies of our own Natives into that territory were to supply the Government with the materials for a Native Militia, whose fidelity would be unimpeachable. No doubt for some time to come it may be found desirable to retain a garrison of Imperial troops in the country, but it will be more as a symbol of the Queen's sovereignty than as an active factor in defence. It hardly comes within the scope of your Committee's functions to criticise the civil administration of Zululand, but it does not conflict with those functions to point out that the grievances of which certain sections of the Zulu people are understood to have complained would not exist were Zululand and Natal governed as one territory under one Government, exercising one authority, and responsible to only one interest. If insurrection, bloodshed, and misery have resulted from the anomalous conditions under which Zulu affairs have

been administered, it may fairly be hoped that contentment, peace, and well-being would accrue from the union of both countries under a common responsible administration.

IV.—WANT OF MEN TO FORM MINISTRIES AND PARTIES.

36. This difficulty is so often advanced, and advanced with so much obvious sincerity, that it seems proper to make reference to it. Your Committee submit, however, that experience only can answer the objection. To insist upon it is to imply that Natal Colonists are inferior in intelligence and capacity to their neighbours in South Africa, to their compeers in other Colonies, or to those early pioneers who planted civilization and Christianity on the eastern shores of North America. It may be taken as an almost, if not altogether, invariable rule, that in life occasion finds the men. Natal has never lacked men capable of undertaking any form of municipal, financial, philanthropic, or social organization. Her boards, corporations, companies, churches, institutions, banks, and societies of all sorts, are well and zealously administered. They are so administered, because in most cases they embody the principle of representative and responsible control, associated with the stimulating influence of direct interest. Precisely the same causes will conduce to the successful working of self-government in Natal. Political life will assume a reality which it lacks now. Men will be more ready to take part in the public affairs of their country when they know that their labours will not run the risk of being nullified by executive inaction. An added responsibility will rest upon every elector when his choice of a representative affects not only the course of legislation, but the work of Government. The attractions of a legislative career will be much greater when they comprise the power to uphold or to eject a Ministry. But apart from these considerations, your Committee conceive that the actual difficulty is quite over-estimated. The number of qualified electors in this Colony is much greater in proportion than in most Colonies, while the proportion of educated and competent men amongst those electors is, owing to circumstances, exceptionally large. The only scheme of promiscuous European immigration ever carried out in this Colony, known as "Byrne's Scheme," was represented in the main by persons of the middle classes, and by superior types of other classes. Since that scheme ceased, in 1852, immigration has been almost entirely voluntary, or "assisted." The high rate of passage fare has deterred the lowest classes of immigrant from coming here. The consequence is that a thousand electors in Natal may be assumed to represent a larger aggregate of intelligence and stability than is usual elsewhere. According to this year's Voters' Rolls there are now 8,126 registered electors in Natal, as contrasted with the number, 4,103, which was used by Sir Garnet Wolseley in 1880 as an argument against the establishment of Responsible Government at that time.

37. It is sometimes urged that an extensive process of European immigration is a necessary condition precedent of self-government in this Colony. Your Committee believe that there is practically no chance of a wisely digested system of colonization being carried out under the present form of Government. The repeated failures of successive efforts in this direction bear out this belief. Such a system will be the fruit of a more vigorous administration of affairs, while the absorption of Zululand and the voluntary return of our Natives to that country would considerably widen the area of land in Natal available for white settlers. Had Natal been self-governed in the past the area of the Colony for occupation by agricultural settlers would have been materially greater than it is. One of the members of the Committee, Mr. Hartley, is strongly of opinion that in order to secure the satisfactory working of responsible government it is necessary to organise, with the assistance of the Imperial Government, an extensive scheme of European immigration; and a memorandum setting forth his views, which are not, upon this question, shared by the rest of the Committee, is appended to this Report.

38. Having thus considered the objections which are advanced against any proposal for constitutional reform, your Committee desire to call attention to one aspect of the question which seems to them of supreme significance at the present juncture. The Council has on more than one occasion in times past pointed out the disabilities under which the Colony labours in not standing politically on a footing of equality with its neighbours. That the interests of Natal have suffered, and suffered grievously, from the fact that the Government of the country has not enjoyed equal freedom and capacity of

action in dealing with its neighbours, need not be demonstrated. The policy often participated in by the Local Government, which has been carried out beyond our several frontiers, has not been the policy of the people of this Colony, and in several cases has been directly opposed to their wishes. The time is at hand when questions will arise, indeed they have arisen, between Natal and its neighbours in the settlement of which it is imperative that the voice and interests of this Colony should be adequately represented. This is not possible so long as the executive of the Colony remains in direct subordination, and only accountable, to the home Government. It is therefore a question which the Colony has to consider, whether it can afford any longer to allow its most vital interests to be jeopardised by the inability of its representatives to speak with authority and responsibility.

39. Can it be expected that in any negotiations that may take place between the several Colonies and States of South Africa the claims and interests of this Colony will have proper respect and recognition if they be not enforced by the representatives of a responsible and strictly Local Government ?

40. It seems proper to point out that the chief bar to the union of Natal with its neighbours has been a dread on the part of the Colonists that they would be overborne and outmatched by the preponderance in area and population of those States, and by the freer hand of those self-governed communities. Did the Cape Colony, for instance, consist of three separate territories, each with distinct interests and individuality, and did Natal enjoy with them corresponding powers of self-rule, the prospects of a South African Union would be much brighter than they appear to be under existing circumstances.

41. Lastly, your Committee would direct attention to the bearing of the question upon the very important subject of fiscal policy. All new countries, naturally and of necessity, gravitate towards a policy which shall conduce to the encouragement and development of local industry. The farmer, the planter, the builder, the manufacturer, all claim and hope to receive from the Local Government a certain measure of relief and protection. Under Responsible Government the Colonial Administration is left absolutely free to do whatever it can or may desire to do in this direction. The Home Government has never yet attempted to interfere with the internal fiscal arrangements of any self-governed Colony. But in a Colony where the Crown is virtually responsible for administration, a policy of this sort may necessarily be subordinated to the commercial interests and policy of the Mother Country.

42. Your Committee recognise the general desire of the present Council and the Colony that no hurried or precipitate action should be taken upon the constitutional question. Their object has been rather to afford matter for discussion than to enter upon questions of detail, which can be dealt with more advantageously hereafter. They are aware that the community at large for the time being seeks fuller information rather than the opportunity for decisive action. They admit that such information is absolutely necessary to a proper understanding and intelligent treatment of the question. It is but right, in their opinion, that before the Colony is called upon to record a verdict upon the question, it should have placed before it—

- (1.) A general outline of the form of government which it is proposed to substitute for that which already exists; and
- (2.) The views and intentions of Her Majesty's Government in regard to that proposed change.

43. As regards the first of these preliminaries to discussion, your Committee are of opinion that the general principles of the Draft Constitution attached to the Report of 1879-80 are still, with certain modifications, those that most conveniently meet the present necessities of the Colony, with due regard to constitutional precedents. They attach to this Report, therefore, a revised outline of that Constitution, the principal features of which are as follows:—

- (1.) A Parliament of two Chambers, the Lower or Popular Assembly being wholly elective.
- (2.) An Upper Chamber of 10 members, either nominated by the Crown or elected for a fixed term by the Colony, or partly nominated and partly elected.
- (3.) With this Upper Chamber, which would be unaffected by dissolutions of the Lower House, would rest the initiation of all measures relating to the taxation of domestic policy of the Native population.
- (4.) The replacement of an irremovable executive by a Cabinet of Ministers, who would have to retire from office upon a vote of want of confidence by a majority of the Lower Chamber.
- (5.) The appointment of a permanent Under Secretary for Native Affairs.

- (6.) The provision in the Civil List of a sum to be set apart for purposes of Native education and amelioration.

44. It only remains to formulate the questions, for submission to Her Majesty's Government, upon which it is obviously necessary that the Colony should be more fully informed than it has been hitherto. They have been repeatedly referred to by the Ministers of the Crown as matters that are inseparable from any final settlement of the question. Your Committee feel confident that in submitting these questions for the consideration and reply of the Imperial Government, your honourable House would meet with a frank and ready response, in accordance with the expressed readiness of Her Majesty's advisers to meet the wishes of this Colony for a freer form of government. They therefore recommend that Her Majesty's Secretary of State be asked to inform the Colony, in view of the contingency that the constitutional questions may be submitted as a test question to the constituencies at the next General Election, whether—

- (1.) In the event of the Colony continuing under the present form of Government, will Her Majesty's Government be prepared to maintain here a permanent garrison of Imperial troops? or what would be the position of Natal in this respect in the event of the Colony deciding to accept Responsible Government?
- (2.) Should the Colony decide to accept Responsible Government will Her Majesty's Government insist upon any limitations or conditions as regards Native affairs, other than the provisions made in the appended Bill? In that case what will the stipulations be?
- (3.) Under what conditions is Her Majesty's Government prepared to unite Zululand to Natal?
- (4.) Referring to the Secretary of State's allusion last year to "the relations of Natal to its European neighbours," what is the Colony to understand is indicated by those words?

By order of the Committee,

JOHN ROBINSON,
Chairman.

APPENDIX A.

EXTRACT FROM THE REPORT OF THE SELECT COMMITTEE OF 1881.

In 1856 the Charter was promulgated and Natal erected into a separate Colony.

In 1869 a Supplementary Charter was issued, empowering the Lieut.-Governor to appoint two elective members of the Legislative Council to be members of the Executive Council.

In 1870 a Bill was introduced into the Legislative Council by Mr. Ridley revoking the Charter and reconstituting the Executive and Legislative Councils in order to establish "what is generally known as Responsible Government." Under this Bill a Legislature of twenty members was to be constituted, seven being "general representatives" for and elected by the whole Colony, and thirteen being "local representatives," elected for specific districts. Provision was also made for the negotiation of union with the Orange Free State and Transvaal Republic, and it was proposed that the Bill, when law, should not take effect until the Queen had been pleased to revoke the Charter, nor until the law had been approved and received authority by an act of the Imperial Legislature.

In 1871 the Second Supplementary Charter was issued, increasing the Reserved Civil List to 40,100*l.* and granting to the Governor enlarged powers of pardon.

In 1873 a law was passed by the Legislative Council to add three more elective members and one non-elective member to its body.

In the same year additional instructions were forwarded to Lieutenant-Governor Sir Benjamin Pine, altering the constitution of the Executive Council by nominating the Protector of Immigrants as an additional member thereof.

In 1874 a Bill was passed by a majority of the elective members of the Legislature (the official members declining to vote) providing for the establishment of Responsible Government by the repeal of certain clauses of the Charter, of the Supplementary Charter of 1869, and of Law No. 1, 1873, and for the erection of two Houses.

In 1875 a Law was passed, by a majority of one, radically reconstructing the Legislative Council by adding to it eight non-official nominee members, and requiring

that all laws imposing taxation be carried by not less than two-thirds of the members present. The operation of this Law was limited to five years.

In 1876 the Lieutenant-Governor, Sir Henry E. Bulwer, was instructed, under the Queen's Sign Manual, to substitute the Colonial Engineer for the Protector of Immigrants in both the Legislative and the Executive Councils.

In 1880 a Bill was submitted to the Legislative Council, and transmitted as a draft by that body to the Queen, providing for the establishment of a Parliament of two Houses, namely, a nominated Legislative Council and an elected House of Assembly, together with a Ministry responsible to the Lower Chamber.

On the 23rd of September 1880, the "Nominee Bill" of 1875 expired by effluxion of time, and the constitution of the Legislative Council, as existing prior thereto, came again into force.

APPENDIX B.

ATTACHED TO THE REPORT OF THE COMMITTEE OF 1883.

WE agree with the Report of the majority of the Committee upon certain points, but we feel called upon to record our opinion that it is incomplete inasmuch as the reasons why the Colony declined to accept the offer contained in despatch of 2nd February 1882, are not sufficiently set forth.

The first and principal reason of such rejection being the action of the Imperial Government, in and out of Parliament, in regard to the war in Basutoland; large numbers of the Colonists saying that if the Responsible Government offered to this Colony was to be the same as that existing in the Cape Colony, and if it was to be interfered with in the same way, and they feared it would be, they did not want it.

This impression went so far that some of the Dutch portion of the population avowed their preference for a Republic; and one member was elected to the Council who, in his reply to the requisition asking him to become a candidate, did proclaim his preference for a Republic.

The second reason was, the fear of the majority of the Colonists that, whilst the responsibility of governing the Natives would devolve upon them, yet the control of this policy would be in some way retained in the hands of the Home Government, who at the same time declared its intention of withdrawing the troops, and which intention, it was believed by many of the Colonists, would be carried out at once.

Another reason which influenced the Colonists was the recent events upon the Transvaal border, and the fear of further trouble there.

And, further, the uncertain policy of the Imperial Government in regard to Zululand also influenced the Colonists to decline to accept, without assistance, the responsibility of defending themselves from any aggression which might be caused by that policy.

GEO. M. SUTTON.
T. W. GARLAND.
J. R. SAUNDERS.

APPENDIX C.

SCHEME FOR THE MAINTENANCE OF INTERNAL ORDER.

THE Commandant of the Colonial Forces, subject to the Governor as Commander-in-Chief, to be responsible to the Government for the maintenance of order.

Under him to be . . . Field Commandants unpaid except travelling allowance, &c., but each to have a paid adjutant or staff officer. These Commandants will in turn be represented in every ward by a field cornet.

COLONIAL FORCES.

1. *Mounted Constabulary*.—To be the present mounted police, increased by 100 to 150 men; to be kept more in hand than at present, and used to reinforce the magisterial police when and where necessary, rather than to be police themselves; also to have . . . selected Natives with European officers, thoroughly disciplined and

divided amongst the different districts; membership to be a recognition of loyalty and character.

2. *A Consolidated Police Force.*—Possibly exclusive of boroughs and townships.

3. *First Line Volunteers.*—With strict discipline and full privileges.

4. *Second Line Volunteers.*—Volunteer reserve; nominal discipline and half privileges, and to be mobilised when first line is sent to the front.

5. *Third Line Volunteers.*—To be used as a last resource in extremity.

Laagers or forts at various centres to be constructed, each containing an armoury with rifles and ammunition for every man in the Colony except Nos. 1, 2, 3, and 4.

Butts to be erected at numerous convenient centres, and rifles as above to be lent at discretion for practice, with ammunition at cost price.

All Government or aided schools in future to learn drill—the youngest boys with dummies—advancing later to carbines, and later still to firing at butts.

Complete instructions for use on emergency to be kept at headquarters of district Commandants, and for distribution to householders as required.

APPENDIX D.

DRAFT OUTLINE OF NEW CONSTITUTIONAL BILL.

The Government of the Colony to be administered by a Governor, duly commissioned by the Queen, as now provided for.

There shall be a Council to aid and advise the Governor of the Colony, to be styled the Executive Council. This shall consist of the Governor and eight members, as follows:—The Chief Justice of the Colony, the Chief Commandant of Her Majesty's Forces stationed in the Colony, and a Responsible Cabinet—consisting of the Colonial Secretary, Colonial Treasurer, Minister of Justice and Education, Minister of Public Works and Forests, Minister of Native Affairs and Defence, and Minister for Agriculture, Mines, and Immigration.

The Cabinet shall consist of six officers, holding seats in either the Legislative Council or Assembly, but of whom not less than three in number shall hold seats in the Legislative Assembly, namely, Colonial Secretary, Colonial Treasurer, Minister of Justice and Education, Minister of Public Works and Forests, Minister for Native Affairs and Defence, Minister of Agriculture, Mines, and Immigration.

Members of the Cabinet shall not be entitled to claim a pension on retiring from or ceasing to be members of the Cabinet.

The Legislative Council to consist of 10 members, exclusive of the President, each of whom to be not less than 30 years of age, and to have resided in the Colony for three years at least, and whose name shall be on the roll of electors, and shall at the time of appointment be possessed of unencumbered landed property, situate in the Colony, of the value of not less than 1,000*l.* sterling. Each member of the Legislative Council to be appointed by the Governor, and to hold his seat for 10 years from the date of his appointment, irrespective of any dissolution or termination of the Legislative Assembly. Five of such members to be nominated from the borough of Durban, the counties of Durban, Victoria, Alexandra, and Alfred; and five from the borough of Pietermaritzburg, and the counties of Pietermaritzburg, Unvoti, Weenen, and Klip River.

[As an alternative to this method of appointment, it may be provided that the whole of the members of the Upper Chamber shall be elected for a fixed term of years by the whole Colony voting as one constituency, or that half shall be so elected and half appointed by the Crown.]

The Legislative Assembly shall consist of 32 members, to be elected by the electors of the present electoral districts, with the creation of a new division of Dundee.

Qualifications and disqualifications of electors and members to be the same as provided for already.

No person not in all respects under the ordinary laws of the Colony to exercise the franchise.

Duration of Assembly and terms of prorogation and dissolution to be as at present.

Vacancies to be dealt with generally on existing lines.

All laws relating to Native affairs, and not applicable to the general community, to originate in the Legislative Council.

Money and taxing Bills to originate in the Legislative Assembly.

Supply Bills, after passing the Lower House, not to be altered in detail by the Upper House, but accepted or rejected as a whole. Any such Bill may be remitted by the Council to the Assembly with recommendations of amendment.

Any disagreement between the two Chambers to be settled by a vote of both meeting as one Chamber.

Provisions for the conduct of business by Parliament to be generally as now.

Provisions regarding assent to Bills to correspond with present arrangements.

Miscellaneous provisions as to disposal of waste lands, appointments of judges, pardons, and appropriation of revenue to be maintained.

Civil List to consist of—

	£
Governor - - - - -	-
Colonial Secretary - - - - -	-
Colonial Treasurer - - - - -	-
Minister of Justice and Education - - - - -	-
Minister of Public Works - - - - -	-
Minister of Native Affairs and Defence - - - - -	-
Minister of Agriculture, Mines, and Immigration - - - - -	-
Native Education, &c. - - - - -	-

ADDENDUM.

WHILE agreeing with the general views and recommendations of the Committee so far as to give expression to my belief that eventually Responsible Government must be accepted as the form of government best suited to this Colony (in common with other British Colonies), I demur so far as to believe that this Colony is not in a position at present to undertake the responsibility of its own government and defence, mainly in consequence of the disparity between the number of its European and Native populations.

The organisation proposed for defence does not appear to me to meet the necessities of the case, while, to my mind, it is fraught with considerable elements of danger. If supplemented by a willingness on the part of the Imperial Government to establish an acclimatising sanatorium for troops passing between the United Kingdom and India in this Colony, then I believe the possible danger from a Native regimental organisation would be greatly diminished, as the mere presence of troops within the Colony would have a deterring effect in the event of any disposition to turbulence on their part.

I do not regard a European population of, say, 35,000 persons *all told* as capable (even in our exceptional circumstances) of providing a sufficient number of suitable and leisure-possessing representative men to form a Government of such kind as the one proposed, with a reasonably influential Opposition. Without the latter the Government would become autocratic to a point of dictation and danger.

The remedy for such dangerous disability on the part of the Colony is to be found in a well-conceived immigration scheme for introducing Europeans of all classes, but chiefly agriculturists, into this Colony.

If the number of the European population were doubled, I should feel constrained to withdraw what, to me, now is a fixed and conscientious objection to our accepting Responsible Government under existing circumstances of unrest throughout South-east Africa, and the further paucity of a white population within the Colony of Natal.

I concur fully with the Committee in its desire to lay before the public the whole circumstances of the case, showing the advantages Responsible Government would confer upon the Colony. The matter cannot be too much ventilated, or the public mind too much educated with regard thereto, as eventually it will be the voice and vote of the people that will have to decide so important a question as the acceptance of a form of government wholly responsible.

W. HARTLEY.

Enclosure 2 in No. 1.

COLONY OF NATAL—LEGISLATIVE COUNCIL—POLITICAL CONSTITUTION.

Tuesday, October 2, 1888.

VIII. Mr. Robinson, moved, seconded by Mr. Sutton : That a copy of the Report of the Select Committee on the Political Constitution be transmitted, by respectful address No. 50, to the Governor, praying his Excellency to forward the same to the Right Honourable the Secretary of State for the Colonies, with a view to submitting to Her Majesty's Government, for consideration and reply, the questions with which the Report concludes.

Mr. Hartley moved as an amendment, seconded by Mr. Yonge : That a copy of the Report of the Select Committee be transmitted by respectful address to the Governor, praying his Excellency to forward the same to the Right Honourable the Secretary of State for the Colonies, with a view to submitting to Her Majesty's Government for consideration and reply the questions with which the Report concludes. The Council do not concur in all the opinions given expression to in such Report of said Select Committee, yet do not object to those desiring a change in the form of government obtaining any information on the subject.

Mr. Pinson moved, seconded by Mr. Fell : That the Council proceed to the next order.

Amendment lost.

Mr. Tucker moved, seconded by Mr. John Smith, the following rider to Mr. Robinson's resolution : That his Excellency be respectfully requested when transmitting the above document to inform the Honourable the Secretary of State for the Colonies that the Council has not expressed any opinion of approval or otherwise on the questions dealt with in the Report.

Mr. Hartley's amendment put, and division called for.

Council divided.

The teller reported the division to be as follows :—

Ayes, 11.

Messrs. Murray, Groom, Hartley, G. Sinclair Smith, Fell, Yonge, Moor, Van Rooyen, Nel, Pinson, and Symons.

Noes, 12.

Messrs. Escombe, O'Meara, King, W. E. Shepstone, Hulett, Binns, Sutton, Darby, Jno. Smith, Tucker, Robinson, and Stainbank.

Amendment negatived.

Mr. Robinson's resolution put, and division called for.

Council divided.

The teller reported the division to be as follows :—

Ayes, 13.

Messrs. Escombe, Murray, O'Meara, King, W. E. Shepstone, Hulett, Binns, Sutton, Darby, Jno. Smith, Tucker, Robinson, and Stainbank.

Noes, 10.

Messrs. Groom, Hartley, G. Sinclair Smith, Fell, Yonge, Moor, Van Rooyen, Nel, Pinson, and Symons.

Resolution carried.

Mr. Tucker's rider, that his Excellency be respectfully requested when transmitting the above document to inform the Honourable the Secretary of State for the Colonies that the Council has not expressed any opinion of approval or otherwise on the questions dealt with in the report put and agreed to.

A true extract from the votes and proceedings of the Council.

(Signed) J. W. A. WATSON,
C.L.C.

Enclosure 3 in No. 1.

ADDRESS OF THE LEGISLATIVE COUNCIL.

To His Excellency Sir Arthur Elibank Havelock, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native population.

May it please your Excellency,

The Legislative Council beg respectfully to transmit to your Excellency a copy of the report of the Select Committee on the political constitution of the Colony, and to pray your Excellency to forward the same to the Right Honourable the Secretary of State for the Colonies, with a view to submitting to Her Majesty's Government, for consideration and reply, the questions with which the report concludes, and to request your Excellency when transmitting the above document to inform the Secretary of State for the Colonies that the Council has not expressed any opinion of approval or otherwise on the questions dealt with in the report. By resolution of the Legislative Council, this 2nd day of October one thousand eight hundred and eighty-eight.

(Signed) JOHN W. AKERMAN,
Speaker.

Enclosure 4 in No. 1.

MEMORANDUM BY COLONEL DARTNELL.

MEMORANDUM on Appendix C. to report of the Select Committee on the political constitution of Natal.

1. The Commandant of Colonial forces might nominally be responsible for the maintenance of internal order, &c., but so long as Imperial troops are maintained in the Colony, the officer commanding those troops would really be responsible, for all forces, Imperial and Colonial, would be at once placed under his command in the event of any serious outbreak occurring within, or on the border of, the Colony.

2. I do not quite understand whether it is proposed that the field commandants should have control over the regular Colonial forces in their districts as well as over the unenrolled inhabitants, or only over the latter. If they are to command all, they should, I think, belong to the regular Colonial forces (volunteer or police); and, in any case, would prefer, I think, to be paid officers themselves to being unpaid, but having paid adjutants.

3. If the mounted police is to be considered a portion of the defensive forces of the Colony, it should certainly be increased in numbers, and be more centralised than at present. I have always been in favour of a Native force armed, drilled, and disciplined.

4. I approve of a consolidated police force, including boroughs and townships, for all police should be Government officers, to ensure harmonious working.

5. I am afraid a volunteer reserve will never be much more than a reserve in name, for during the five to six years that it was open to members of the volunteer force to join the reserve after three years' service only one man offered to avail himself of the privilege.

6. The third line of volunteers means calling out every man (European I presume) in the Colony, and, taken in conjunction with the proposed appointment of field cornets as military officers under the district commandants, and the supply of rifles and ammunition for every man in the Colony, is nothing else but a militia, or burgher, law under another disguise.

7. Laagers or forts have already been constructed in nearly every district in the Colony; and are provided with reserve arms and ammunition.

8. Government support all rifle associations by supplying members with arms and ammunition at cost price, and also by money grants in some cases, as well as the loan of targets, and I do not think anything more can be expected.

9. Cadet corps should be formed at all Government or aided schools, affiliated as far as possible with the volunteer corps in the different districts.

10. If any such scheme as is proposed is carried out, full instructions should, of course be drawn up, and copies kept ready for distribution as required.

(Signed) J. G. DARTNELL,

Colonel,
Commanding Mounted Police.

Pietermaritzburg,
October 11, 1888.

Enclosure 5 in No. 1.

MEMORANDUM by the SECRETARY FOR NATIVE AFFAIRS ON REPORT of the SELECT COMMITTEE of the LEGISLATIVE COUNCIL.

1. That portion of the Report of the Select Committee of the Legislative Council on the political constitution of Natal that treats of the Native policy is contained in paragraphs 28 to 35 inclusive.

2. One of the prominent objects of these paragraphs is to show that under the policy that has hitherto been pursued towards the Natives they have, in every respect, deteriorated until at length their moral condition, "after forty years of British rule, is worse than it has ever been;" the inference apparently intended to be drawn being that the form of Government under which they have lived, or the manner in which it has been administered, is responsible for the deterioration.

3. Before entering upon this question it is but fair to point out that no notice whatever is taken in the report of several very important facts, which are entitled to the weight that is certainly due to them.

1st. That during these 40 years the Native population have been an obedient, peaceful people; that they have always been loyal to the Government, and always ready to arm in defence of the Colony, and further, that whenever any real danger threatened from within or from without, they were the force which, not only the Government, but the European population, looked to, as constituting the main defensive or repressive power of the Colony; and that they have been armed and used frequently for both these purposes.

2nd. That during this same period they have paid with unflinching and surprising punctuality a direct annual tax to the Colonial Treasury, which last year amounted to 73,273*l.* 18*s.* 0*d.*, and which in the aggregate amounts to a cash contribution of 1,308,205*l.* 5*s.* 0*d.*; all of which represents in some form or other labour for or value to the white inhabitants from whom the money had to be got.

3rd. That, independent of this direct payment, they have become large consumers of imported articles, and have thus also annually added a considerable sum to the public revenue. Other equally favourable circumstances might be added, but the compass of this memorandum will not permit.

4. The condition of the Native population, whatever it may be, must therefore be credited as a starting point with the foregoing very suggestive facts; and these show that they have, from first to last, so far been a source of strength and revenue to the Colony.

5. As to the question of their moral deterioration, it may be admitted that while retaining most of their own vices, they have added to them many taught by their European fellow-subjects. It may be admitted also that one effect of the statutory laws which relate to marriage has been unfortunate; alterations in their own laws were made to correct certain evils, and these alterations have produced greater evils, but a reluctance to legislate for the correction of these latter has allowed them to grow. The description of them in the Report inclines, however, rather to extravagance than to calm judicial statement.

6. It is not possible for any Government, whatever its form may be, to control the moral effect of personal intercourse between two populations in daily and hourly contact under every circumstance of life. It is, beyond doubt, the main duty of a Government, under such circumstances, to secure that this close and continual contact should be of a peaceful and friendly nature, so as to contribute to the advantageous intercourse which trade and the relative positions of master and servant should bring about. To this intercourse it is that the Government must look as the permanent agency for the moral and social improvement of the Native population.

7. The encouragement of mission work and the establishment of educational centres fall fairly within the scope of Government action, but the effect of these will be insignificant compared with that of the mighty process of daily teaching that is carried on by the mass of the European population, which no Government can either control or stop.

8. It would be as unjust as it would be untrue, I think, to assert, as the report practically does, that all this teaching has had an evil tendency; that all these daily lessons have had an immoral effect, or that the evil effect has predominated. It is true of human nature generally that it more readily assimilates evil than good, and the Natives of Natal are probably no exception to this rule; but to plead their low moral condition as a ground for requesting a more popular form of Government seems inconsistent with the arguments adduced in favour of it.

9. Is it probable that a change in the form of Government will or can bring about a change in the teaching? Assuming, as the report in effect does, that the teaching in the main has been bad, will the teachers change their teaching?

10. The real gist of the matter, however, lies in the question propounded in the 33rd paragraph, "Is Natal to be in the future, and in no remote future, a Colony of "white or black people?"

11. The circumstances of the case, and the nature of things distinctly show that there cannot be any doubt as to what the issue must be. The geographical position of Natal and its port renders both races necessary for the developments which civilisation is daily adding to the resources not only of this country but to those of the interior states; and these will demand that civilised rule and civilised methods shall be paramount in this Colony. It is doubtful whether this will be possible, without serious difficulty in the face of the continually growing Native population, and the possible large increase of Europeans, which, from time to time, fresh industries will introduce.

12. Exception cannot be taken to the warning which the report so urgently presses in regard to the effects of the "racial friction" that must be developed as time goes on and the exigencies of civilisation increase. But whether the remedy proposed, namely, to transfer the Native population, as it is, with all the strained circumstances of its present existence from the direct rule of the Queen's Government to that of a body of Colonial Ministers, is a feasible and safe remedy seems to be open to serious doubt. It very much resembles the risk of changing horses while crossing a river, and, from the showing of the report itself, a very swollen river. It would incur the further risk of evoking the same opposition to the transfer that was exhibited in Basutoland and elsewhere, and the exhibition of such an opposition in Natal would be disastrous.

13. It is a remedy which, as it seems to me, it would not be prudent to attempt until Her Majesty's Government shall have first removed this danger by making some permanent arrangement for the settlement of the daily increasing Native population. What that arrangement should be it is difficult, under present circumstances, to suggest; but the object and effect of it must be to remove the growing pressure that is daily producing increased racial friction.

14. It does not seem necessary to enter upon the subject of Native representation in a changed form of Government beyond saying that it should be such as would make the Natives feel that their interests were represented and cared for. The provision proposed would not, I fear, have this result.

15. I desire to offer a few remarks on the scheme set forth in the Report for the internal defence of the Colony. It is described in the 26th paragraph, and accurately described, as that which was successfully adopted by the emigrant farmers when they left the Cape Colony, and which has enabled them to form new States in the then unknown interior. But the circumstances of the case are not the same. The Boers found that they could not safely tolerate the intermixture of Native tribes, or any considerable Native population, in their midst, so that within the limits of their own occupation they always preponderated, and the preponderating population was that which enforced order under the system described. The position is reversed in this Colony. The circumstances that rendered the Boer policy necessary were that they were a community of farmers; that they had no permanent standing force, and that they required large open areas for the maintenance of their stock; and no other course was open to them.

16. The question is whether under such totally different circumstances it is reasonable to expect success.

H. C. SHEPSTONE,
Secretary for Native Affairs,
Natal.

Secretary for Native Affairs Office,
Pietermaritzburg,
October 28, 1888.

Enclosure 6 in No. 1.

MEMORANDUM by the COLONIAL SECRETARY.

* * * With regard to the comparative statements contained in the end of paragraph 36 of the Committee's report of the number of registered electors on the voters' rolls of the present year and the year 1880, I would remark that an examination of the population returns given in the Blue Book for the last five years shows that in 1882 the total number of white males in the Colony was 16,596, of whom 8,041 were under 20 years of age, leaving 8,555 males of over 20 years. In 1887, the numbers of total males and males under 20 years were respectively 19,330 and 9,925, giving a result of 9,405 males over 20 years of age, or an increase, during the five years, in males over 20 years of age of 850 souls only. During the same period, it may be remarked, that the total Native population has, according to the returns, increased from 345,575 to 408,922 souls.

The census taken at Pietermaritzburg last year showed the total white population of the borough as 9,251, but it should be borne in the mind that this census included an unusually large number of military, and that, if this be taken into account, it will probably be necessary to considerably reduce the increase apparently shown to have taken place in adult males, that is, qualified by age to vote.

I should inform your Excellency that the Blue Book does not give the ages of those resident in the two boroughs, but that the ages are given in the case of the counties, and that the above calculations, where they deal with the populations of the boroughs, are based on a proportion similar to that actually shown in the returns for the counties.

It is also necessary to remember, when the totals of the population for the Colony show the large disproportion of whites and blacks, which is evidenced by the respective numbers 35,866 and 408,992 in the 1887 returns, that many of the adult males shown as registered electors in the voters' rolls are absentees, and also that there are many cases in which the same individual possesses the property qualification in more than one electoral district, sometimes in as many as five districts, and that the voters' rolls are therefore anything but reliable as indicating the numerical voting strength of the Colony.

It may be said that the introduction of the lodger franchise has increased the numerical strength of voters' rolls; but this again is only another proof of how impossible it is to accept numerical increase, shown on the voters' rolls as indicating or proving a similar increase in the white male adult population of the Colony.

(Signed) F. S. HADEN,
Colonial Secretary.

October 27, 1888.

No. 2.

LORD KNUTSFORD to SIR A. E. HAVELOCK.

SIR,

Downing Street, March 5, 1889.

I HAVE the honour to acknowledge the receipt of your despatch of the 28th October last,* transmitting a report of the Select Committee of the Legislative Council of Natal on the subject of the political constitution of the Colony, and also a certified copy of the minutes of the debate in the Council on the introduction of the report.

I have read these papers with interest, and I have to request you to convey to the members of the Committee an expression of my sense of the care and ability with which the report has been prepared.

2. Her Majesty's Government have, however, some difficulty in dealing with the questions submitted in the report, in consequence of the absence of any expression of opinion on the part of the Legislative Council upon the matters discussed in it, and also from the fact that the address of the Legislative Council was only carried by 13 votes to 10, while Mr. Hartley's amendment, which was only lost by a majority of one, would, as you inform me, have been probably carried had Mr. Lindsay been present.

The Native population is stated in the report of the Select Committee to have increased from 156,000 (in 1862) to 408,900, while the increase in the white population during the same period has been small; and it can hardly be denied that in the opinion of persons outside the Colony these figures, taken by themselves, would not be held to justify Her

* No. 1.

Majesty's Government in proposing the introduction of Responsible Government, especially in the absence of any decided preponderance of public opinion of the Colony in favour of that step.

As the Legislative Council has no doubt observed, Parliament has desired on many recent occasions to be fully assured as to the conditions under which the interests of the Natives in other parts of South Africa are to be secured, and might not improbably object to the establishment of Responsible Government in Natal at the present time, unless satisfied that the interests of the Native population had been effectively protected. The outline of Native policy submitted in the report of the Committee does not appear to afford sufficient guarantee in this respect.

Nor can I encourage the Legislative Council to expect that Her Majesty's Government would be prepared to annex Zululand to Natal on the establishment of Responsible Government in the Colony. Many questions would require to be considered and provided for before that course could be entertained.

4. Having regard to these considerations, Her Majesty's Government cannot well undertake to give definite replies to the questions which are summarised at the close of the report, and which are necessarily, to a considerable extent, hypothetical, but it may be said generally :—

- (1.) That the necessity for the concentration of our small forces on points of Imperial importance has led Her Majesty's Government, after careful consideration, to decide upon the removal of all Imperial troops from Natal to the Cape at the earliest date consistent with safety and with the maintenance of peace and order in Natal and Zululand; but in the event of the introduction of Responsible Government, a certain number of troops would be maintained in Natal or Zululand for a short term of years, not exceeding five, in order to provide for the gradual organisation of the Colonial force which would ultimately take the place of Imperial troops.
- (2.) The second question cannot be answered with certainty until it has been decided that Responsible Government can be introduced, but I should observe that the initiation in the proposed Upper Chamber of measures relating to the Natives does not appear to contain any security that proper measures would be passed or adequate funds voted for the advancement of Native interests.
- (3.) With regard to the third question, Her Majesty's Government are not able to say that under any conditions can Zululand certainly be annexed to Natal at any given date, and it would be altogether premature, even if practicable, to attempt to define such conditions at the present time. It is questionable whether the introduction of Responsible Government would tend to satisfy Parliament that such annexation should be accelerated.
- (4.) The relations of Natal with the Cape Colony would be conducted as at present in the event of the introduction of Responsible Government, except in so far as the Ministers of the two Colonies might correspond on matters not requiring the intervention of the Governors; and the relations of Natal with the neighbouring Republics would be conducted through a High Commissioner, as at present is the case with the Cape Colony. The Governor of Natal might not improbably be appointed a High Commissioner for this purpose.

I have, &c.

(Signed) KNUTSFORD.

Sir A. E. Havelock, K.C.M.G.,
&c. &c. &c.

No. 3.

SIR C. B. H. MITCHELL to LORD KNUTSFORD.
(Received July 20, 1889.)

Government House, Pietermaritzburg,
Natal, June 25, 1889.

MY LORD,

I HAVE the honour to enclose copy of an address that has been presented to me by the Legislative Council, for transmission to your Lordship, thanking you for the reply sent to the resolution of last Session of the House, and, in allusion to the third paragraph of that reply, stating that the Legislative Council will be glad to receive any suggestions on the Native question which your Lordship may be pleased to send them.

2. The Responsible Government party in the Council was practically pledged to take no action during the Session, but a discussion was raised by Mr. Darby, member for Alfred county, a declared opponent of Responsible Government, on a proposed resolution, copy of which I enclose, with the declared object of preventing misunderstanding on the part of the electors when the question of Responsible Government will be, at the next general election, probably in the latter part of 1890, brought before them by candidates for seats in the House.

3. Sir John Robinson, K.C.M.G., member for Durban, moved the resolution contained in this address, as an amendment to Mr. Darby's motion, and it was accepted by that gentleman and by the House as a compromise.

I have, &c.

(Signed) C. B. H. MITCHELL.

The Right Hon. the Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure 1 in No. 3.

To His Excellency Sir Charles Bullen Hugh Mitchell, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Administrator of the Government and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population, &c., &c., &c.

May it please your Excellency,

The Legislative Council beg respectfully to transmit to your Excellency the following resolution, which passed the Council this day, with the request that your Excellency will be pleased to forward the same to the Right Honourable the Secretary of State for the Colonies, namely:—

That this House begs to thank the Right Honourable the Secretary of State for the Colonies for his despatch in reply to the resolution of the House passed last Session, forwarding, for his Lordship's information, the report of the Select Committee upon the political constitution of the Colony, and submitting to him certain questions embodied in that report.

The House desires to assure his Lordship, with reference to the third paragraph of his despatch, and the second of his replies, that the circumstances of the Colony will make it necessary that due regard be paid to the protection of Native interests, should any change of constitution be agreed upon. The House desires further to state that it will be glad to receive any suggestions which his Lordship may be pleased to submit upon this question.

By resolution of the Legislative Council, this 20th day of June 1889.

(Signed) JNO. W. AKERMAN,
Speaker.

Enclosure 2 in No. 3.

In the LEGISLATIVE COUNCIL OF NATAL.

Mr. Darby to move:—That a respectful address be conveyed to the Administrator of the Government, requesting his Excellency to communicate with the Secretary of State for the Colonies with a view of ascertaining what, in the event of the Colony assuming responsible government, are the conditions the home Government would consider absolutely adequate and necessary for the protection of Native interests and rights.

No. 4.

LORD KNUTSFORD to SIR C. B. H. MITCHELL.

SIR,

Downing Street, August 29, 1889.

I HAVE given very careful consideration to the address of the Legislative Council, transmitted in your despatch of the 25th June,* which was couched in the following terms: "The House desires to assure his Lordship with reference to the third paragraph

* No. 3.

“ of his despatch, and the second of his replies, that the circumstances of the Colony “ will make it necessary that due regard be paid to the protection of Native interests “ should any change of constitution be agreed upon. The House desires further to “ state that it will be glad to receive any suggestions which his Lordship may be pleased “ to submit upon the question.”

I need hardly again point out that looking to the very disproportionate increase of the Native population as compared with that of the white population, the Native question in Natal assumes an importance, and presents difficulties, which materially differ the case of this Colony from that of any other Colony with a Native population; and I note with satisfaction that the Legislative Council fully recognises these circumstances, and admits that they make it necessary that due regard should be paid to the protection of Native interests.

In my despatch of 5th March,* I stated that the proposal that measures relating to the Natives should be initiated in the Upper House did not appear to me to contain any security that proper measures would be passed, or adequate funds voted, for the advancement of Native interests.

To that opinion, upon further consideration, I still adhere; and, moreover, I think such an arrangement would be likely to lead to trouble and considerable friction. The lower and popular Chamber would probably find means to press on the Upper Chamber the initiation of any measure which it might desire; the Upper Chamber might be unable to resist without being drawn into a collision with the Lower Chamber, and a deadlock would probably ensue. There would also, in the case of a conflict between the two Chambers, be the additional complication of the Ministers being involved, and in the ordinary course of things, adopting the views of the Lower Chamber.

As at present advised, I think it would be necessary, if Responsible Government were conferred upon the Colony, that the Royal Instructions should include among Bills to be reserved by the Governor all Bills dealing with matters affecting the Native population alone, as distinct from the general community; in other words, that the present instruction (subsection 11 of Clause 15) should be continued in force. I may add that any Bill having for its object—

- (1.) The exaction of compulsory labour from Natives by proprietors of land or other private persons;
- (2.) The restriction of the freedom of Natives to enter into contracts of service;
- (3.) The increase of the restrictions of the present Pass Laws;
- (4.) The abolition of Native Law, and the placing of the Natives under the general law;
- (5.) The reduction of the area of the Native locations; and possibly
- (6.) An increase of the present hut tax;

would, except in very special circumstances, be viewed with disfavour by Her Majesty's Government, and would run considerable risk of not being sanctioned.

I would further suggest, for the consideration of the Legislative Council, that Her Majesty's Government might probably require, as a condition of the grant of Responsible Government, the passing of a law for the establishment of a Native Protection Board consisting of persons to be appointed by the Governor from time to time, with full powers to deal, subject to the control of the Governor, with certain Native questions. Upon this point I may refer you to the Western Australia Aborigines Protection Act, 1886, and to sections 4 and 5 of the Reserved Bill of 1889, intituled “The Aborigines Act, 1889.” You will see also from the papers upon Western Australia which have been recently presented to Parliament that not only was the establishment of such a Board, independent of the local Parliament, insisted upon as a condition precedent to the change of the constitution, but it was further decided that by the Constitution Act an annual sum should be secured out of the Consolidated Revenue Fund of the Colony to be appropriated, inter alia, to the welfare, education, and promoting the preservation and well-being of the aboriginal Natives. This was effected by section 70 of the Western Australia Constitution Bill of 1889, and although the cases are not altogether similar, it may be anticipated that some such provision will have to be made in the interests of the Natives in Natal. What the sum so to be reserved should be need not now be discussed, but it would probably be necessary to secure an amount greater than that now expended on Native administration, which from the last Colonial estimates appears to be nearly 16,000*l.*

I enclose copies of the various papers above referred to.

With respect to Zululand, I have nothing to add to what has been stated in my despatch of the 5th March.* The establishment of Responsible Government in Natal

would, in my opinion, tend materially to delay any arrangement for annexation of that country to the Colony.

I have thus complied with the desire of the Legislative Council in making certain suggestions, showing how the Native interests may be properly and adequately protected in case of a change in the constitution of Natal; but with reference to that change I desire to add that before Her Majesty's Government could arrive at any final decision, it would be necessary that the question should have been expressly submitted to the people at a general election, and that there should be a decided and unmistakable declaration of public feeling in favour of the change. †

I have, &c.
(Signed) KNUTSFORD.

Sir C. B. H. Mitchell.

No. 5.

SIR C. B. H. MITCHELL to LORD KNUTSFORD.
(Received November 18, 1890.)

Government House, Pietermaritzburg,
Natal, October 16, 1890.

MY LORD,

I HAVE the honour to submit, for your Lordship's information, the following statements relating to the recent election of members of the coming Session of the Legislative Council of this Colony:—

1. Results of polling in the contested districts;
2. Ballot papers used and number rejected;
3. Analysis of voting.
4. Summary.

Your Lordship is aware that at this election those who sought the suffrages of the electors did so under a pledge to vote for or against, as the case might be, a change in the political constitution of the Colony, and the establishment of Responsible Government.

Of the 13 electoral districts of the Colony, nine were contested, and, in the remaining four, candidates were returned unopposed; 24 members were returned, and of them 14 were pledged to vote for, and 10 against, the establishment of Responsible Government.

2. This is the first occasion on which the Ballot Act of 1887 has been brought into force at a general election, and the smoothness with which it has worked leaves little to be desired, as will be seen by a reference to the table showing the number of rejected votes. The Colonial Secretary has been charged with all the preliminary arrangements, and has carried them out very much to my satisfaction.

3. The analysis of voting shows, so far as the contested elections go, that a majority of 184 votes, in a total of 4,121 recorded, were given in favour of Responsible Government, but if the total number of registered electors in each of the districts which returned an unopposed candidate be added, the result would appear to indicate, as shown by the summary attached, that a majority of 93 voters are opposed to Responsible Government. I cannot, however, admit that this last calculation affords any fair indication of opinion, as there can be little doubt that, in the districts where there was no competition, there exists a minority opposed to the views of the candidates who were returned. But, be this as it may, it is, I think, evident that the opinion of the community is very equally divided on this important question.

4. It will be observed that the whole of the coast members, with the exception of two in Victoria county, and the whole of the members of the counties nearest to the Republics, have been returned pledged to the support of Responsible Government, while the midland counties of Unvoti and Pietermaritzburg have exclusively returned members opposed to the establishment of Responsible Government. The majorities in the two principal towns of Pietermaritzburg and Durban are very pronounced, the votes *against* Responsible Government in the former more than doubling, and those for Responsible Government in the latter nearly doubling, those given on the opposite sides, while, in the Lions River division of the Pietermaritzburg county, the votes of the anti-responsible party nearly quadrupled those of their opponents. In the county of Durban there was a contest, but as the three candidates for the two seats professed the same principles, the voting was confined to those in favour of Responsible Government. In Victoria county,

which returns three members, there were two responsible and two anti-responsible candidates. Of these two of the latter and one of the former were returned.

5. I propose, on the principle hitherto observed of the Government taking an absolutely neutral position in the matter of a change of constitution, to appoint, as nominee candidates, one gentleman who is known to advocate Responsible Government and one who is opposed to the change.

When I have selected them I shall report the names of these gentlemen in a future despatch.

I have, &c.
(Signed) C. B. H. MITCHELL.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosures in No. 5.

ELECTION OF MEMBERS OF THE LEGISLATIVE COUNCIL, OCTOBER 1890.
STATEMENT OF THE RESULTS OF THE POLLING IN THE CONTESTED DISTRICTS.

○ For Responsible Government.
× Against Responsible Government.

Electoral District.	No. of Registered Electors.	No. of Electors Voting.	Names of Candidates.	No. of Votes Polled.	Remarks.
Borough of Pietermaritzburg	1,377	891	Akerman -	× 618	} Elected.
			Randles -	× 587	
			Sutherland -	× 558	
			O'Meara -	○ 295	
Borough of Durban	2,652	1,342	Greene -	○ 291	} Elected.
			Escombe -	○ 848	
			King -	○ 808	
			Robinson -	○ 796	
Lions River	438	260	Robarts -	× 486	} Elected.
			Payne -	× 205	
Ixopo	404	215	Baynes -	× 250	} Elected.
			Yonge -	○ 55	
Durban County	676	316	Baynes -	× 128	} Elected.
			Smith -	○ 87	
			Stainbank -	○ 241	
Victoria County	594	332	Payn -	○ 211	} Elected.
			Edmonds -	○ 101	
			Groom -	× 226	
Weenen County	421	286	Hulett -	× 225	} Elected.
			Binns -	○ 188	
			Pinder -	○ 87	
Klip River County.	525	250	Moor -	○ 157	} Elected.
			Sutton -	○ 150	
			Egner -	× 133	
Newcastle Division	696	229	Van Rooyen	× 115	} Elected.
			Ryley -	○ 155	
			Bainbridge	○ 148	
			Murray -	× 105	
			Bester -	× 84	
			Johnstone	○ 114	
			Tucker -	○ 108	
			Green -	× 96	
			Van Rooyen	× 84	
			White -	× 29	
	7,783	4,121			

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ELECTION OF MEMBERS OF THE LEGISLATIVE COUNCIL, OCTOBER 1890.

STATEMENT OF NUMBER OF BALLOT PAPERS USED, and NUMBER OF BALLOT PAPERS
REJECTED and not counted by RETURNING OFFICERS.

Electoral District.	No. of used Ballot Papers.	Number of rejected Ballot Papers.				Total Number rejected.
		1. Want of Official Mark.	2. Voting for more Candidates than entitled to.	3. Writing or Mark by which Voter could be identified.	4. Unmarked or Void for Uncertainty.	
Pietermaritzburg -	891	—	—	3	4	7
Durban Borough -	1,342	—	3	8	6	17
Lions River -	260	2	—	—	—	2
Ixopo -	215	—	—	1	—	1
Durban County -	316	5	1	5	—	11
Victoria -	332	—	—	2	1	3
Weenen -	286	—	—	2	3	5
Klip River -	250	—	—	6	—	6
Newcastle -	229	—	—	—	1	1
	4,121	7	4	27	15	53

ANALYSIS OF VOTING.

Electoral District.	No. of Electors voting.	Number voting for Responsibles.	Number voting for Anti-Responsibles.
Borough of Pietermaritzburg -	891	293	587½
Borough of Durban -	1,342	817½	468
Lions River -	260	55	205
Ixopo -	215	87	128
Durban County -	316	316	—
Victoria County y* -	332	136½	225½
Weenen County -	286	159½	124
Klip River County -	250	151½	94½
Newcastle Division -	229	111	104½
	4,121	2,121	1,937

* The excess of the total votes recorded for and against Responsible Government over the total number of electors voting in this division is accounted for by cross-voting, the exact nature of which cannot be ascertained without a scrutiny. But this does not affect the relative proportion of the total votes accorded to each party.

UNCONTESTED DISTRICTS.

Electoral District.	No. of Registered Electors.	Responsibles returned.	No. of Registered Electors.	Anti-Responsibles returned.
Umgeni -	—	—	× 321	1
Umvoti County -	—	—	× 338	2
Alexandra -	190	○ 1	—	—
Alfred -	192	○ 1	—	—
	382	2	659	3

○ For Responsible Government.
× Against Responsible Government.

SUMMARY.

Number of registered electors in contested districts - - -	7,783
Number of registered electors in uncontested districts - - -	1,041
	<u>8,824</u>
Number of electors who recorded votes in contested districts - - -	4,121
Total electorate in districts where there was no contest - - -	1,041
	<u>5,162</u>

NOTE.—The above total number (including the total electorate of districts where there was no contest) thus represents 58½ per cent. of the total electorate of the Colony.

Total number of electors who voted for Anti-Responsibles, and who in the uncontested districts of Umgeni and Umvoti are credited as having so voted - - - - -	2,596
Total number of electors who voted for Responsibles, and who in the uncontested districts of Alexandra and Alfred are credited as having so voted - - - - -	2,503
Majority in favour of Anti-Responsibles - - - - -	<u>93</u>

No. 6.

SIR C. B. H. MITCHELL to LORD KNUTSFORD.

(Received January 6, 1891.)

Government House, Pietermaritzburg, Natal,
December 6, 1890.

MY LORD,

THE Legislative Council, after having passed the Loan Bill, adjourned until the 12th of January 1891.

A Select Committee was appointed on the 3rd instant to draft an amended constitution for the Colony in the nature of that form known as Responsible Government.

Before the adjournment of the House, this Committee brought up a first report, giving the outlines of the measure which will be brought before the House when it again meets for discussion. I append a copy of this report.

The provision on the Civil List of a certain annual sum for Native purposes, and of a salary for a Permanent Under Secretary for Native Affairs are valuable guarantees for the proper safeguarding of Native interests. The creation of a nominee Upper House will also, I consider, tend to keep in check any tendencies that may be developed in the Lower House to deal inequitably with the Native population. I do not think that any such tendency will be developed as—to take no higher ground—self-interest will dictate a very cautious policy in regard to a section of the community of such a preponderating numerical importance.

The Upper House might, I think, with advantage, be increased in number. I view with disfavour any attempt to limit the choice of its nominee members to particular districts.

To be of value, the Upper Chamber should consist of the most experienced and trusted men that can be found, and this end cannot be attained in a Colony like Natal unless the freest scope of choice is accorded to the Governor.

I consider also that provision should be made for the reservation, for the signification of Her Majesty's pleasure, of all measures specially or mainly affecting the Native or Indian portion of the population.

The proposed provision in the ad interim report as to bills affecting any class as distinguished from the whole community will not, I consider, be sufficient to provide that the interests of the unrepresented portion of the community will be duly protected.

If your Lordship can convey to me, by telegraph, soon after your receipt of this

despatch, the view taken by Her Majesty's Government on this matter, I shall be in a better position to meet any questions that may be addressed to me by the Legislative Council, and to afford such aid as may be in my power to bring to bear to satisfactorily arrange the details of the measure, than I otherwise should be.

The Legislative Council will meet on the 12th January and I propose to instruct the Government members to assist, when the Constitution Bill goes into Committee, in the deliberations, but not to vote in any division that may take place.

I have, &c.

(Signed) C. B. H. MITCHELL.

The Right Hon. the Lord Knutsford, G.C.M.G.,

&c.

&c.

&c.

Enclosure in No. 6.

FIRST ad interim REPORT of the SELECT COMMITTEE appointed on the 3rd day of December 1890 to prepare the DRAFT of a new CONSTITUTION for the COLONY, upon the basis of RESPONSIBLE GOVERNMENT, with power, if necessary, to take Evidence and to call for Papers.

MEMBERS OF THE COMMITTEE:

Sir J. ROBINSON, Chairman.

Mr. ESCOMBE.

Mr. SUTTON.

Mr. ARCHIBALD.

Mr. BALE.

ORDERED TO REPORT:—

I. Your Committee report that they have found it impossible to complete the work assigned to them during the short interval between the date of their appointment and the contemplated adjournment of the House; but, having agreed upon the leading principles of the proposed measure, in order to facilitate discussion they beg at once to place them before the House for its information. It is proposed:—

- (a.) That the Constitution shall provide for a Legislature of two Houses, and a Cabinet of six Ministers.
- (b.) That the Upper House shall consist of 10 members, summoned by the Governor in the name of the Queen, for a period of six years, from persons residing in different districts of the Colony, who shall possess special qualifications with respect to age, length of residence in the Colony, and property. It will have to be provided that one-half the persons thus summoned shall in the first instance retire at the end of three years, without prejudice, however, to their re-appointment at the Governor's discretion.
- (c.) That the President of the Upper House shall be appointed from amongst the members thereof by the Governor.
- (d.) That the Lower House shall consist of 37 members, representing the addition of one member for every existing constituency.
- (e.) That the qualifications of members, and the franchise of votes for the Lower House, together with electoral machinery, shall remain as now provided for.
- (f.) That the duration of the Lower, or elected, House shall be as provided by the Charter of the Colony.
- (g.) That Parliament shall be convoked at least once in every financial year.
- (h.) That Money Bills shall be initiated in the Lower House.
- (i.) That the Upper House may either accept or reject Money Bills, but shall not alter them.
- (j.) That in all cases Bills affecting any class of Her Majesty's subjects, as distinguished from the whole community, shall require the assent of more than a bare majority of the Lower House, on a division of the members present at any sitting.
- (k.) That there shall be a Cabinet of six members, namely:—
 - The Colonial Secretary.
 - The Colonial Treasurer.
 - The Attorney-General and Minister of Education.
 - The Secretary for Native Affairs.
 - The Minister of Railways and Public Works.
 - The Minister of Agriculture, Lands, and Industry.

- (l.) That these Ministers shall receive salaries at the rate of 800*l.* each, with an addition of 200*l.* in the case of the Premier.
- (m.) That one or more of such Ministers, as the case may be, may have his seat in the Upper House.
- (n.) That Ministers may sit and speak in each House, but may only vote in the House to which they may have been summoned or elected.
- (o.) That the Civil List shall provide for the salary of a Permanent Under Secretary for Native Affairs, and shall also contain suitable provision for the promotion of the welfare and education of the Natives, and for raising them in the scale of civilisation: Such provision to consist of an annual grant of 20,000*l.*
- II. The Committee deem it undesirable, in a Bill providing for the first establishment of Responsible Government, to disturb more than is necessary the constitutional machinery of the Colony.
- III. Should the House grant leave to the Committee to sit during the recess, it is proposed to publish the full draft of an amended constitution framed upon the above lines, in anticipation of the resumption of business, so that the members and the electors may have time to consider the Bill, and that the discussion of it may proceed at as early a date as the House in its wisdom may approve.
- IV. Your Committee are of opinion that if the points now submitted are disposed of, the other details of the Bill can be determined without delay or difficulty.

Signed on behalf of the Committee,

JOHN ROBINSON,
Chairman.

Committee Rooms,
Legislative Council,
December 5, 1890.

No. 7.

LORD KNUTSFORD to SIR C. B. H. MITCHELL.

SIR,

Downing Street, January 19, 1891.

I HAVE the honour to acknowledge the receipt of your Despatch of the 6th ultimo,* transmitting a report by a Committee of the Legislative Council of Natal relating to the proposed constitutional changes.

I am pleased to notice that the proposals of this Committee are not inconsistent, in essential points, with the conditions which Her Majesty's Government considered it necessary to lay down.

These proposals do not include any mention of the condition, that Bills dealing with the interests of the inhabitants not of European birth or descent must be reserved by the Governor for the signification of Her Majesty's pleasure, but this omission may have been due to the fact that in my Despatch of the 29th of August 1889,† it was intimated that the instructions to the Governor, which now provide for this reservation, would continue in force. In order, however, to avoid any misunderstandings which might otherwise hereafter arise as to the right of Her Majesty's Government to enforce an instruction of this nature not expressly contemplated in the constitution law, I think it necessary that the provision should be expressly made in the law, in accordance with precedent in analogous cases. I therefore informed you by telegraph that it should be inserted in the proposed Bill. The definition "persons not of European birth or descent" should be used, because this provision should include any exceptional legislation affecting the Natives of British India, and their children, resident in the Colony, as it is frequently necessary to consult, in such matters, the Secretary of State for India in Council, and the authorities at Calcutta, who are, as you know, vigilant in safeguarding the interests of Her Majesty's Indian subjects.

I do not, of course, object to the proposal of the Committee that legislation affecting any particular class, as distinguished from the whole community, should require the assent of more than a bare majority of the members of the Lower House. Such a provision might be of great advantage to the Colony, and I accept it as an additional guarantee for the interests of the subject races.

* No. 6.

† No. 4.

It appears to me questionable whether an Upper House composed of so few as ten members would be able to exercise much influence, or be of much weight, and I concur in your view that its numbers might advantageously be raised.

I agree also with your opinion that, if the principle of nomination is retained for the Upper House, it would be preferable that the choice of members by the Governor should be unrestricted by any requirement that each of the members should be taken from a different district of the Colony. I do not, however, understand that the proposals of the Committee necessarily imply more than that due regard should be paid by the Governor to the desirability of securing that the interests of every separate section of the Colony are adequately represented. If, however, it is intended by the Committee that the Colony should be divided into five or ten districts, from each of which two members, or one, must be chosen, I think that such a restriction would defeat the object of securing the services of the ten most suitable persons in the Colony.

I do not suggest that any pressure should be put upon the Legislative Council to induce it to adopt the views herein expressed, and I approve your intention of directing the official members not to vote on the question. But it would be well that the arguments on the points I have indicated should be fully set before the Council with a view to assisting the deliberations as much as possible.

The Legislative Council is, of course, aware that such provision as Her Majesty's Government may think adequate must be secured in the law to those of the principal civil officers of the Colony whose position and emoluments may be affected by the introduction of responsible government. I may refer you to the Western Australia Constitution Bill as showing the manner in which such provision should be made.

I have, &c.
(Signed) KNUTSFORD.

Sir C. Mitchell.

No. 8.

SIR C. B. H. MITCHELL to LORD KNUTSFORD.
(Received February 3, 1891.)

Government House, Pietermaritzburg, Natal,
January 6, 1891.

MY LORD,

WITH reference to my Despatch of the 6th ultimo,* in which I submitted to your Lordship a copy of the Report of the Constitution Committee, and reported the steps that had, so far, been taken relative to Responsible Government in this Colony, I have the honour to forward, herewith, for your Lordship's information, a copy of a Bill which has been brought up by the Select Committee of the Legislative Council, and published in the Official Gazette, entitled a Bill "To provide for Responsible Government in Natal."

Bill No. 1
1890-91.

I have, &c.
(Signed) C. B. H. MITCHELL.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure in No. 8.

BILL (as brought up by Select Committee) "to provide for Responsible Government in Natal."

WHEREAS by the Royal Charter of Natal, bearing date the 15th day of July 1856, it is provided in the 6th section thereof as follows:—

"We do hereby authorise and empower our said Governor of Natal, with the advice and consent of the Legislative Council thereof, to make all such laws as may be necessary for the peace, order, and good government of the said Colony, provided that the same be not repugnant to the laws of England."

* No. 6.

And whereas it is expedient to provide for Responsible Government in Natal :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Act may be cited as the " Constitution Amendment Act " of 1891.
2. This Act shall commence and take effect at such date as may be fixed by a Proclamation signed by the Governor of Natal declaring that the Royal assent has been given to this Act.
3. The Government of Natal shall be administered constitutionally by a governor commissioned by Her Majesty, or in case of the death, absence, or disability of the Governor, by an administrator designated by Royal instructions.
4. The public seal appointed for the sealing of all things whatever that shall pass the seal of the Colony of Natal shall be kept and used by the Governor of Natal.
5. There shall be in place of the Legislative Council now subsisting, a Legislative Council and a Legislative Assembly.
6. It shall be lawful for Her Majesty and her successors, by and with the advice and consent of the Legislative Council and Legislative Assembly, to make all such Acts as may be necessary for the peace, order, and good government of the Colony of Natal.
7. Ministerial offices, not more than six in number, shall be designated by the Governor within one month of the coming into operation of this Act, and thereafter from time to time as may be necessary ; and the holders of such offices shall be appointed by the Governor, in the name of Her Majesty, and shall be the responsible advisers of the Crown through the Governor, in all matters relating to the Government of Natal.
8. Each Minister shall be either a member of the Legislative Council or of the Legislative Assembly, but not more than one Minister may be a member of the Legislative Council.
9. Each Minister shall have a right to sit and to speak in the Legislative Council and in the Legislative Assembly, but shall vote only in the House of which he is a member.
10. The words " Governor in Council " in this Act, or any other Act appearing, shall mean the Governor acting with the advice of his Ministers.
11. There shall be a session of the Legislative Council and Legislative Assembly once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the said Council and Assembly in one session and the first sitting of the said Council and Assembly in the next session ; and the first session shall be held within three months of the date when this Act shall commence to take effect.
12. It shall be lawful for the Governor to fix the place and time for holding the first and every other session of the Legislative Council and Legislative Assembly, and from time to time to vary the same as he may judge advisable ; and also to prorogue the Legislative Council and Legislative Assembly from time to time, and to dissolve the Legislative Assembly by Proclamation whenever he shall think fit.
13. The Legislative Council shall consist of 10 members who shall be summoned, in the case of the first Council by the Governor, and as to future Councils from time to time by the Governor in Council, in the name of Her Majesty, by instruments under the public seal of the Colony.
14. No person shall be so summoned unless he shall be of the age of 30 years, nor unless he shall have resided in the Colony for 10 years, nor unless he shall be the registered proprietor of immovable property within the Colony of the value of 500*l*.
15. Each person so summoned as a member of the Legislative Council shall hold his seat therein for six years from the date of his summons, except that one half of the members of the Legislative Council first summoned shall vacate their seats at the end of three years.
16. The particular members who are so to vacate their seats at the end of three years shall be decided by lot within the first week of the first session of the Legislative Council in such way as the said Council may determine.
17. The vacation of his seat by a member of the Legislative Council by lapse of time shall not disqualify him from being again summoned.
18. Members shall be summoned to the Legislative Council as far as possible from all districts of the Colony, and so that in no case shall more than two members be summoned from within any one county.
19. The Governor may from time to time, by an instrument under the public seal of the Colony, appoint one member of the Legislative Council to be president, and may remove him and appoint another in his stead ; and the president may at any time take part in any debate or discussion in the said Council, but shall have a casting vote only.
20. The Legislative Council shall not be competent to proceed to the despatch of business unless members shall be present.

21. Any member of the Legislative Council may resign his seat therein by a letter to the Governor, and upon the receipt of such letter by the Governor, the seat of such member shall become vacant.

22. No member of the Legislative Council shall hold any office of profit under the Crown other than such as is liable to be vacated, on political grounds, or than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay: Provided, however, that this clause shall not be held to apply to persons already in receipt of pensions from the Colonial Government, or who may be liable to vacate office upon the coming into operation of this Act.

23. In case of federation between Natal and any other State or Colony of South Africa, the Legislative Council constituted under this Act shall cease to be summoned as herein-before provided, but shall be elected in such way as may be by law provided, or shall cease to exist.

24. The Legislative Assembly shall consist of 37 members, who shall be chosen by the electors of the following electoral districts:—

25. For the purpose of constituting the Legislative Assembly, the Governor, before the time appointed for the first meeting of the Legislative Council and the Legislative Assembly, and thereafter from time to time as occasion shall require, and without undue delay, may, in Her Majesty's name, issue writs under the Public Seal of the Colony for the general election of members to serve in the Legislative Assembly. Persons qualified to become members of the existing Legislative Council shall be qualified to become members of the Legislative Assembly.

26. All existing laws relating to the mode of election, and all voters' lists and all other matters concerning elections, shall be in force, and shall apply to the election of members to serve in the Legislative Assembly, in the same manner as they are now in force in respect of elections to the existing Legislative Council.

27. Members of the Legislative Assembly shall, failing dissolution of the Assembly, hold their seats for four years from the return day of the first writ for the election of a member to the said Assembly, and no longer.

28. The Governor may transmit by message to the Legislative Council, or the Legislative Assembly, the draft of any Act which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration by the said Council or Assembly, as the case may be, in such convenient manner as shall be provided for that purpose by the rules of order.

29. No member of the Legislative Council, or of the Legislative Assembly, shall vote or sit therein until he shall have taken and subscribed the following oath before the Governor, or some person authorised by him to administer such oath:—

“I (A. B.) do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God!”

But every person authorised by law to make a solemn affirmation or declaration, instead of taking an oath, may make such affirmation or declaration in lieu of the said oath.

30. The Legislative Assembly shall, on their first meeting, before proceeding to the despatch of any other business, elect one of their members to be Speaker of the said Assembly, subject to confirmation by the Governor, and in case of vacancy in the office, another Speaker shall be elected in manner and subject to such confirmation as aforesaid.

31. The Speaker, or in his absence some member elected by the Legislative Assembly, shall preside at the meetings thereof, and shall have a casting vote only.

32. The Legislative Assembly shall not be competent to proceed to the despatch of business unless members be present.

33. All questions in the Legislative Council and in the Legislative Assembly shall be determined by a majority of the votes of members present, other than the President or Speaker, as the case may be: Provided, however, that in the case of any Bill affecting one class as distinguished from the whole of the inhabitants of Natal, the requisite majority in the Legislative Assembly, at the second and third readings of such Bill, shall be a three-fifths majority of all the members of the said Assembly.

34. Any person who shall, directly or indirectly, himself, or by any person whomsoever, in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or

enjoy in the whole or in part any contract, agreement, or commission made or entered into with, under, or from any person whomsoever, for or on account of the Government of the Colony; or shall knowingly furnish or provide in pursuance of any such contract, agreement, or commission any money to be remitted abroad, or any goods whatsoever to be used or employed in the service of the public, shall be incapable of being a member of the Legislative Council and of the Legislative Assembly during the time he shall execute, hold, or enjoy any such contract, agreement, or commission, or office, or position, or any part or share thereof, or any benefit or emolument arising from the same.

35. If any person, being a member of the Legislative Council or Legislative Assembly, shall directly, or indirectly, himself, or by any person whomsoever in trust for him, or for his use or benefit, or on his account enter into, accept, or agree for, undertake or execute, in the whole or in part, any such contract, agreement, or commission as aforesaid, or if any person, being a member of the said Council or Assembly, and having already entered into any such contract, agreement, or commission, or any part or share of any such contract, agreement, or commission, by himself or by any other person whomsoever in trust for him, or for his use or benefit, or upon his account, shall, after the commencement of the next session of the Legislature, continue to hold, execute, or enjoy the same, or any part thereof, the seat of every such member shall be void: Provided that nothing in this or the last preceding section shall extend to persons contributing towards any loan for public purposes heretofore or hereafter raised by the Colony, or to the holders of any bonds issued for the purpose of any such loan.

36. The foregoing provisions shall not extend to any contract, agreement, or commission made, entered into, or accepted by any incorporated company where such company consists of more than 20 persons, and where such contract, agreement, or commission is made, entered into, or accepted for the general benefit of such company, nor to any contract or agreement in respect of any lease, licence, or agreement in respect to the sale or occupation of Crown lands.

37. The foregoing provisions shall not extend to any person on whom, after the commencement of this Act, the completion of any contract, agreement, or commission shall devolve by descent, or by marriage, or as devisee, or legatee, until 12 months after he shall have been in possession of the same, or to any executor or administrator until three years after he shall have been in possession of the same.

38. If any member of the Legislative Council, or the Legislative Assembly, shall in writing resign his seat, or shall fail for a whole session to give his attendance in the House of which he is a member, or shall cease to hold his qualification, or shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign state or power, or shall do, concur in, or adopt any act whereby he may become the subject or citizen of any such state or power, or shall become an insolvent or take advantage of any Act for the relief of insolvent debtors, or shall be a public defaulter, or be attainted of treason, or be sentenced to imprisonment for any infamous crime, or shall become of unsound mind, or shall accept or be the holder of any pension or office of profit from the Crown other than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay, his seat shall become vacant: Provided that the Ministers shall be entitled to receive such salaries as may be attached by law to their respective offices.

39. Whenever the seat of any member of the Legislative Council, or the Legislative Assembly, has become vacant, a summons or writ, as the case may be, shall forthwith issue to the intent that the vacancy may be filled without delay.

40. Whenever a vacancy occurs in the Legislative Assembly from any cause, upon a resolution by the said Assembly declaring such vacancy and the cause thereof, the Speaker shall cause a writ to be issued for filling such vacancy.

41. The Speaker may, in the case of a vacancy caused by death or resignation, issue such writ without such preceding resolution when the Legislative Assembly is not in session.

42. If any person by this Act disabled or declared to be incapable to sit or vote in the Legislative Council or Legislative Assembly shall nevertheless be summoned to the said Council, or elected and returned as a member to serve in the said Assembly, such summons or election and return may be declared by the said Council or Assembly, as the case may require, to be void, and thereupon the same shall become and be void to all intents and purposes whatsoever, and if any person under any of the disqualifications mentioned in this Act shall, whilst so disqualified, presume to sit or vote as a member of the said Council or Assembly, such person shall forfeit the sum of one hundred pounds, to be recovered by any person who shall sue for the same in the Supreme Court.

43. The Legislative Council and Legislative Assembly in their first session, and from time to time afterwards as there shall be occasion, shall each adopt standing rules and orders, joint as well as otherwise, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the manner in which the said Council and Assembly shall be presided over in the absence of the President or the Speaker, and for the mode in which the said Council and Assembly shall confer, correspond, and communicate with each other, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for Her Majesty's assent; and all such rules and orders shall, by the said Council and Assembly respectively, be laid before the Governor, and being by him approved shall become binding and of force.

44. The salary of the President of the Legislative Council shall be at least equal to the salary of the Speaker of the Legislative Assembly; and the salaries and allowances of the various officers of the Legislative Council shall be the same as those of the corresponding officers of the Legislative Assembly; and the Chief Clerk for the time being of the Legislative Council and of the Legislative Assembly shall respectively be removable from office only in accordance with a vote of the House of which he is an officer.

45. From the date when this Act shall take effect, the Law No. 1 of 1870 shall be construed as if the word "Assembly" appeared therein whenever the word "Council" is used, except in the enacting clause.

46. It shall be lawful for the Legislature of the Colony by any law to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and Legislative Assembly, and by the members thereof respectively: Provided that no such privileges, immunities, or powers shall exceed those for the time being held, enjoyed, and exercised by the Commons House of Parliament or the members thereof.

47. The commissions of the present Judges of the Supreme Court, and Native High Court, and of all future Judges thereof shall be, continue, and remain in full force during their good behaviour.

48. It shall be lawful, nevertheless, for Her Majesty to remove any such Judge, upon the Address of both Houses of the Legislature of the Colony:

49. Such salaries as are settled upon the Judges for the time being by law, and also such salary as shall be voted to any Judge of the Supreme Court, or the Native High Court, shall in all time coming be paid and payable to every such Judge for the time being, so long as his patent or commission continues in force.

50. All taxes, imposts, rates, and duties, and all territorial, casual, and other revenues of the Crown (including royalties) from whatever source arising within the Colony, over which the Legislature has power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the public service of the Colony in the manner and subject to the charges herein-after mentioned.

51. The Consolidated Revenue Fund shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof; such costs, charges, and expenses being subject nevertheless to be reviewed and audited in such manner as may from time to time be directed by any Act of the Legislature.

52. All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the Legislative Assembly.

53. The Legislative Council may either accept or reject any money Bill passed by the Legislative Assembly, but may not alter it.

54. It shall not be lawful for the Legislative Assembly to adopt or pass any vote, resolution, or Bill for the appropriation of any part of the Consolidated Revenue Fund, or of any rate, tax, duty, or impost, to any purpose which has not been first recommended to the said Assembly by Message of the Governor during the session in which such vote, resolution, or Bill is proposed.

55. No part of the Consolidated Revenue Fund shall be issued except in pursuance of warrants under the hand of the Governor directed to the Treasurer.

56. There shall be payable to Her Majesty, in every year, out of the Consolidated Revenue Fund, sums not exceeding in the whole pounds, for defraying the expenses of the services and purposes set forth in Schedule to this Act, and the said several sums shall be issued by the Treasurer in discharge of such warrants as shall from time to time be directed to him under the hand of the Governor.

57. The Legislature of the Colony shall have full power and authority from time to time by any Act to repeal or alter any of the provisions of this Act: Provided always,

that it shall not be lawful to present to the Governor for Her Majesty's Assent any Bill by which any change in the constitution of the Legislative Council, or of the Legislative Assembly, shall be effected unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively: Provided also, that every Bill which shall interfere with the operation of section 56 of this Act, or Schedule , or of this section, shall be reserved by the Governor for the signification of Her Majesty's pleasure thereon.

58. The appointment to all public offices under the Government of the Colony hereafter to become vacant or to be created, save those liable to be vacated on political grounds, shall be vested in the Governor in Council.

59. The power to suspend or remove any civil servant from his office shall be vested in the Governor in Council.

60. All charters, ordinances, and laws which at the commencement of this Act are in force within the Colony, shall, until repealed or varied by any Act duly passed by the Legislature, continue to be of the same force, authority, and effect as if this Act had not been passed, except in so far as the same are repugnant to this Act (in which case they are to that extent hereby amended and repealed).

61. In the event of the retirement from office on political grounds of any present official member of the Legislative Council, such official member shall, subject to the proviso hereafter contained, be entitled to the pension or retiring allowance set opposite his name in Schedule B. hereto annexed: Provided that if any such official member shall accept any new appointment under the Crown, in this Colony or elsewhere, his pension or retiring allowance shall, during the tenure of such appointment, merge or be reduced *pro tanto*, according as the salary or emolument of any such appointment shall be equal to or less than the pension or retiring allowance of such official member.

SCHEDULE A.

	£
Governor - - - - -	-
Ministerial salaries - - - - -	-
For the promotion of the welfare and education of the Natives, and for raising them in the scale of civilisation - - - - -	-
Under Secretary for Native Affairs - - - - -	-

SCHEDULE B.*

No. 9.

SIR C. B. H. MITCHELL to LORD KNUTSFORD.
(Received April 6, 1891.)

Government House, Pietermaritzburg, Natal,
March 7, 1891.

MY LORD,

I HAVE the honour to forward, herewith, copy of a Bill entitled a Bill "To provide for the Establishment of Responsible Government in Natal," which has been passed by the Legislative Council of Natal, and has been reserved by me for the signification of Her Majesty's pleasure thereon. I regret that, in consequence of a severe illness, the Attorney-General has been unable sooner to prepare the report which I have now the honour to enclose, and thus the transmission of this Bill has been delayed for a longer period than I could have wished.

In my Despatch of the 6th December last,† I sent your Lordship the first report of the Committee which was appointed by the Legislative Council to draft a Constitution Bill, and, in my Despatch of the 6th of January last,‡ I enclosed a copy of the Bill as brought up, which passed its second reading by a majority of 15 to 10 on the 20th of January.

* Copy not enclosed, but see Schedules A, and B. of the Bill as passed, Enclosure No. 1 in No. 9. p. 46.

† No. 6.

‡ No. 8.

It was afterwards committed, with an instruction to the Committee that the provision made in it for two Chambers should be altered, and that, in lieu thereof, a single Legislative Council should be established. A motion to a similar effect, but, providing that a certain proportion of the Members of the Council should be nominated, was rejected.

The arguments adduced in debate in support of the change were not, as will be seen from the copy of the shorthand notes* which I enclose, exhaustive.

This, I think, I may fairly attribute to what has been the well-understood mode of proceeding of the Responsible Government party during the progress of this Bill, viz., to compose its differences of opinion, and to arrange its mode of action in private meeting, and thus to avoid in the debate in the House subjects that may be considered by the various sections of the Responsible Government party as controversial matter.

The necessity for providing some efficient check on hasty legislation appears to have been only regarded as necessary in respect to matters specially affecting persons not of European birth or descent, as to which I will speak presently. It appears to have been considered that the power of veto inherent in Her Majesty provided, for general legislation, sufficient brake-power, but, in this opinion, I am unable to concur.

In a small European community such as this, there must always be questions which are from time to time forced to the front, and on which hasty judgments are formed by the great bulk of the community, judgments which would, it may reasonably be supposed, be modified, if sufficient time were allowed for reflection. To reserve Bills passed on such subjects for the expression of Her Majesty's pleasure would, I presume, be within the Governor's power, but to exercise this power, in opposition to the views of his responsible Ministers, would, I think, produce much friction and a possible deadlock, as in questions of this sort it would, in all probability, be impossible, without a dissolution, to find other Ministers who would command the confidence of Parliament, and the community being, as I have said, under the influence of a judgment hastily formed, it would be futile to dissolve the Council and appeal to the Colony.

Of the class of measures in which I think the absence of the check of an Upper Chamber would be injuriously felt I may mention those affecting taxation, customs reform, and the construction and management of railways. I think it probable that it will be this class of measures that will decide the fate of future Ministries in Natal, and that the absence of any practical constitutional check will unduly endanger the stability of Governments.

The well-defined and well-tryed system of an Upper and Lower Chamber would, in my opinion, prove a far surer check on impulsive legislation than would any that could be brought into play in a single Chamber. I care little, in principle, whether the Upper House be nominated or elected (although in Natal I should prefer the former as less likely to conduce to deadlock), provided that the basis of election, if that mode be preferred, is sufficiently wide to make the Upper House representative of the whole Colony, or in other words, that the Colony should form one, or at most two, electoral divisions for the selection of the members. Nor should I find fault if it were proposed that the Chamber should be a nominated one for the first four or five years, and thereafter, when the Colony had had time to mark the working of the new system, that it should be an elected Chamber.

It is sometimes argued that a small Upper Chamber adhering to all the forms of Parliament is calculated only to excite ridicule, but, if this be so, which I do not admit, the remedy would appear to lie in the adoption of some simpler mode of procedure. If it be argued, as it has been argued, that the Colony would be unable to secure sufficient men of ability and experience for both Houses, I should prefer the Constitution of an Upper House of say 12 and a Lower House of 30, to a single Chamber of 37 members.

I do not wish to be thought to express an opinion that the Constitution as laid down in the Bill under report is absolutely unworkable, for I do not hold that opinion. All I mean is to express a decided preference for a two-Chamber legislature, and a fear that the absence of an Upper Chamber may bring about a condition of things that would require almost superhuman tact and forbearance on the part of the Governor and of his Ministers to overcome.

Clause 3 of the Bill appears to involve an assumption of the necessity of legislative authority being given for a matter which is provided for, and must always be provided for, by Charter under the Royal prerogative. For this reason I consider that this clause is objectionable, and should have been omitted from the Bill.

* Not printed.

Clause 8 involves a very serious matter, and will, I think, prove the chief obstacle to your Lordship recommending that Her Majesty's assent be given to the Bill as it stands. Its provisions transfer to the responsible Ministers, under the designation of "the Governor in Council," powers which, as Supreme Chief of the Native population, have hitherto vested in the Governor alone, in direct responsibility to Her Majesty's Government. In other words, that whatever powers of direct action or co-ordinate legislation have existed in the Governor in regard to the Native population will be transferred to a Ministry who would thus become largely independent of the Legislative Council to which they are otherwise responsible, it being remembered that the Acts of this Council as regard the Natives must be reserved for the signification of Her Majesty's pleasure under the 10th section of the Bill.

The Ministry would be able, in certain cases, to avoid the necessity of dealing with Native matters by the ordinary course of legislation, reserved for Her Majesty's assent, although the Ministry is not responsible, as the Supreme Chief is, to Her Majesty's Government, but solely to the Legislative Council.

It is not easy to gauge what would be the effect on the Native population of the substitution of the Governor in Council for the Governor as Supreme Chief. At first it would probably be little understood, but, after one or two changes in the Ministry, the Natives would, no doubt, perceive that they were being subjected to the direct rule of men responsible for their actions only to a body elected exclusively by the European population.

I invite your Lordship's attention to the remarks made by Mr. Escombe in introducing the clauses, on page 178 of the printed notes.*

I do not think that it would be right to continue to the Governor the power to take independent action as Supreme Chief in defiance of the opinion of his responsible Ministers: all I contend for is that in the event of those Ministers advising such action in regard to the Natives as the Governor could not concur in, the same not being provided for by law, but solely depending on the inherent right of the Supreme Chief, that he should have the power secured to him of declining to act on such advice and of referring his Ministers to their undoubted right of initiating legislation on the subject in the Legislative Council.

It will be observed that, in clauses 9 and 10, certain checks have been imposed in respect of legislating for persons not of European birth, and on this subject alone has the Council been informed, during the progress of the debate, of the views of Her Majesty's Government. These were originally conveyed by me to Sir J. Robinson, who, on behalf of his party, sought an opinion on the point of reserving legislation in Native matters: A copy of the correspondence on this subject which passed between us, and which was laid on the table of the Legislative Council in reply to a question put therein, is annexed.

In your Lordship's despatch of the 29th August, 1889,† written in reply to a request from the Legislative Council that your Lordship would suggest what steps might be necessary for the protection of Native interests, the Legislative Council was informed that Bills specially affecting the Native population should be reserved, and in clause 10 of the Bill it will be seen that this suggestion has been adopted. With regard to your Lordship's further suggestions, viz., the provision of a reserved sum for Native purposes, and the establishment of a Native Protection Board appointed by the Governor, the Council has inserted a clause in the Bill (No. 42), which is intended to fulfil the first-named requirement, but it will be observed that the consideration of what those purposes shall be is left to the Ministry in framing their Appropriation Bill, and to the Legislative Council in dealing with it. I do not think that this provision affords sufficient security that, in times of straitened finances, this money will be devoted to purposes especially devised to advance the moral and material welfare of the Native population.

The amount as passed is the same, but the proposed method of appropriation differs considerably from that given in Sir J. Robinson's notice of motion, which was, "For the promotion of the welfare and education of the Natives, and for raising them in the scale of civilisation," 20,000*l.* I may remark, in passing, that, in Sir J. Robinson's speech in the second reading (p. 45, shorthand notes), he says, *inter alia*, "it would cover also the expense of constructing roads in the locations," and I think that, if the clause is passed as it stands, other, and even more questionable, ways of promoting the welfare and education of the Natives may be considered to fulfil its conditions.

I would also draw attention to the use of the word "appropriated" in the clause instead of, or without the addition of, the word "expended." Without the latter word

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* Not printed.

† No. 4.

the terms of the clause would seem to justify, in times of need, the retention in the Treasury of the whole or of a portion of the "appropriated" sum. In times of ordinary prosperity I believe that a much larger sum than 20,000*l.* will be cheerfully spent for the advancement of the Natives, but I presume that the intention of Her Majesty's Government would be to secure this as a *minimum* sum to be spent in each year. 20,000.

With regard to your Lordship's suggestion in the above-mentioned despatch, that the Western Australian precedent of the establishment of a Native protection Board might be followed, the Legislative Council did not favour the idea, nor, indeed, do I think, on a full consideration of the relative circumstances of the two Colonies, that the suggestion should be pressed. The Natives of Natal form about seven-eighths of the community, and are increasing, it is believed, in a greater ratio than are the Europeans and Indians. $\frac{7}{8}$ ths.

The Natives possess their own simple code of civil law, with a separate administration. They possess their own lands, securely vested in trust for their benefit, and amounting on the whole to 2,198,546 acres, or about $\frac{1}{10}$ ths of the total land of the Colony. There is, I think, a general desire throughout the community to do justice to them in every way, and, as the Bill provides against hasty legislation in respect to them by the provision of a Standing Committee of the Legislative Council to report upon all measures affecting them before the same shall be considered by the Council, as all such Bills, after having been passed by the Council, must be reserved for the expression of Her Majesty's pleasure, and as special provision has been reserved for a permanent Under Secretary for Native Affairs under Schedule A. of the Bill, I think that the provision for a Native Board need not be insisted upon. I do not, however, wish it to be supposed that I consider that the Standing Committee provided for in section 9, containing, as it will contain, a majority of Ministers, will prove of any practical value as regards the nature of the measures brought forward. 2,198,5 $\frac{1}{10}$ ths.

Clause 13 defines what the words "Governor in Council" shall mean, but there is no provision in the Bill for the constitution, or even for the existence, of an Executive Council, which will therefore, I presume, remain as constituted by Royal Charter and Instructions, and there would therefore, I fear, be confusion, and possibly conflict, between the Governor in Council as defined by this Bill and the Executive Council to which the Governor is bound by Royal Instructions to resort for advice.

Under clauses 37 and 38 provision is made for the holding of office and amotion of the Judges.

It has been pointed out to me that the appeal to the Privy Council from the decision of the Executive Council, given under Act 22 George III., chapter 75, will be lost to the Judges if this Bill passes into law, and I am of opinion that it would not be just that this should be so as regards the present holders of those offices. But the right of appeal to the Secretary of State, which is at present possessed by every permanent Civil Servant of the Colony, would appear also to be abolished by clause 48 of the Bill.

It appears to me that the Bill should be amended in this direction by the insertion of a clause conserving all the rights of existing Judges and Civil Servants that may obtain at the time of the passing of the measure.

In Schedule A. the Governor's salary, which was set down in the original draft Bill at 4,000*l.*, has been placed at 3,000*l.* A desire was expressed in the Council at the closing of the debate to move to replace it at 4,000*l.*; but this was ruled out of order by the Speaker, as I had, for obvious reasons, made no allusion to it in my reply to the Address asking for the insertion of the sums in the schedule. 4,000. 3,000. 4,000.

Judging from my experience in the Colony of the cost of properly maintaining the position, and having regard to the sums paid to Colonial Governors generally in places of less importance than Natal, I am of opinion that the sum of 4,000*l.*, irrespective of the amount paid by the Government of Zululand so long as it remains a separate territory, should be fixed as the salary of the Governor of Natal. I have no doubt whatever that the Legislative Council would vote the larger sum on the yearly Supply Bill, but your Lordship will probably agree with me that this matter should find its place in the reserved schedule and not be left dependent on an annual vote. 4,000. 1,000.

The Ministerial salaries have been fixed at very modest amounts. 800*l.*

The total sum will only allow a salary of 1,000*l.* being paid to the Prime Minister and of 800*l.* to each other Minister.

It is understood that of the full number of six mentioned in section 11, one is to be without salary (Sir J. Robinson, page 119, shorthand report). There will, however, be no reason why these salaries should not be increased in the annual Supply Bill, and the same remark applies to the very moderate salary of 600*l.* a year placed in Schedule A. as that of the Under Secretary for Native Affairs. 600*l.*

Under Schedule B. the pensions of four of the retiring officers have been fixed at three-fourths of their present salaries, as they all have over ten years' service. That of Mr. Morcom, the Attorney-General, has been fixed at half his present salary on the ground, as I understand it, that he has only been a few months in office. It appears to me that this argument cuts both ways, and that it may be fairly said that whatever sacrifices of his practice were made by Mr. Morcom in consequence of his acceptance of the office can hardly have been made up to him by reason of the length of his tenure of it, and I think, therefore, that his pension should be fixed on the same scale as was adopted in the case of Western Australia, viz., at two-thirds of his salary, or at 466*l.* a year. It may also be remarked that this officer's services to the Natal Government previous to his appointment as Attorney-General to the Transvaal are not taken into consideration in computing his pension, although similar services were properly taken into consideration in the case of the Secretary for Native Affairs.

I have now reported upon such portions of the Bill as appear to me to require remark, and I presume that your Lordship would wish me to express my views as to the present and prospective fitness of Natal for Responsible Government, and I do so with much diffidence, feeling profoundly that the nearly equal balance, which has been shown by the late elections to exist in the state of public feeling in the Colony, is reflected in my own mind. We have, I venture to think, to view the problem in two aspects: the one which regards Natal in its relation to the neighbouring States, and—as a not unimportant factor in the future development of South Africa—the other which contemplates the effect which Responsible Government might have on the internal affairs of the Colony.

As regards the first, I need only say a few words. I have no doubt that Natal has suffered and its suffering from its want of political equality with the Cape Colony and the two Republics.

It is true that there has been an assumption to the contrary in the conclusion of Railway, Postal, and Telegraph Conventions, and in other matters. It has, however, been but an assumption, and I am strongly of opinion that, if a unification of South Africa, whether it be political or only commercial, is desired, the granting of Responsible Government in some shape or form to Natal is a necessary preliminary to its attainment. I believe also that the establishment of Responsible Government in Natal would gradually bring about more cordial relations between the two British Colonies in South Africa than have heretofore existed.

On the other hand, it is but fair to say that there exists a feeling amongst many of those whose opinion is entitled to weight, that the reverse of this would prove the case, and that Natal, as a small responsibly governed Colony, may find itself at a greater disadvantage than it is at present.

As regards the second point—the effect on the internal government of the Colony—it is by no means easy to express an opinion. My despatch of the 16th of October last,* has shown your Lordship what was the result of the recent elections, and, although that result is questioned by the partisans of either side, as affording no true test of the feelings of the Colony, I cannot help regarding it as a fair proof that public opinion in Natal is nearly equally divided on the question. The constitutional means of giving expression to the views of the Colony have resulted, however, in a decided majority of representatives being returned in favour of Responsible Government, and it is, therefore, I submit, to be taken as signifying the desire of the Colony as a constitutional whole, for that form of Government.

The chief objection hitherto urged against the adoption of Responsible Government has been the presence of a large unenfranchised Native population in our midst, and there can be no doubt but that this element affords grave matter for consideration in regard to the question. I am not, however, disposed to exaggerate this danger. Given a proper check on hasty and impulsive dealings with these people—dealings bred of panic or of other unworthy temporary influence—I think it probable that for some time to come the Natives will be as easily dealt with as are those of the Cape Colony. This check has, in accordance with your Lordship's wish, been provided in the 10th clause of the Bill under report, and if it be made clear that the Supreme Chief is free to accept or to reject the advice of his Ministers in all matters, apart from legislation, in which the aid of his peculiar powers are invoked, I think that, for some time to come, the government of the Natives may be conducted with as great facility as is at present the case. The danger in the future, which I regard as possible, would arise from the awakening of the Native mind—guided as it only too probably might be by unscrupulous political

agitators—to the fact that its interests are not directly represented in the Colony: but this, I think, is a contingency that may fairly be left to be grappled with when it arises. For the present, at any rate, I think it may be assumed that the policy of any Responsible Government in Natal, in regard to the Natives, will be one of extreme caution, and that the sense of responsibility that will be felt by the Ministry, by the Legislative Council, and by the European population of the Colony as regards the treatment of the Natives will be enhanced.

On the points of economy of administration, and of the careful husbanding of the resources of the Colony, I am not sanguine. It may, I think, be expected that proposals for local expenditure will not be so rigorously criticized by a Responsible Government, as they are under the present form. I also fear that there will be—at any rate at first—a tendency to try expensive experiments without duly weighing what the results may be, and this, not because the Ministers will be less able to judge of such matters than is the present Government, but because public opinion, even though of a fleeting character, must more directly and immediately influence their action. I think it is of the nature of Responsible Government that its expenditure should be higher than, *cæteris paribus*, it is under Crown Government.

Having regard to the present form of Government, it is, I think, inequitable that while professing to give the power of control to Her Majesty's Government, it in fact makes that control almost nominal. If the course of legislation and of the conduct of the business of the Government during the last few years be traced, this will be clearly seen. Of the numerous Bills passed by the Legislature, scarcely any have been disapproved; of the many hundreds of appointments to public offices that have been made during the last 10 or 12 years, Her Majesty's Government has practically avoided the exercise of its right of appointment, while in the raising of large sums in England by way of loan, the Home Government has given every assistance, and has thereby incurred no small responsibility.

It may be said that Her Majesty's Government may, if it pleases, exercise, under the present system of Government, a more complete control over the affairs of Natal than it has chosen to do in the past. I would say that any such interference could not fail to be productive of grave irritation to a Legislative Council which can, if it pleases, paralyse by its vote all Government action.

To illustrate this position I would draw your Lordship's attention to the Loan Bill for 2,000,000*l.* which has lately been assented to. Her Majesty's Government might 2,000,000*l.* well, in view of what took place in regard to a previous Loan Bill in 1887 for only one quarter of that amount, have delayed any action in respect to it until they had received fuller explanations and assurances than it was possible at the time to give, and the consequences to the Colony from the stoppage of funds would have been most serious. But Her Majesty's Government, in fact, felt constrained to take the responsibility of directing the Crown Agents to proceed to raise the loan, and the Colony was thereby saved grave embarrassment.

In the correspondence that took place between the Colonial Office and Sir John Robinson in 1887 it was clearly enough indicated that, with regard to the financial position, the question of Responsible Government was one of the alternatives to be considered.

Natal has already borrowed over seven millions, and will have, when its present borrowing powers are exhausted, incurred a debt of over eight millions sterling, or nearly four times as great a sum as any other Colony of the Empire not under Responsible Government owes.

To sum up my views on the subject, I regard the establishment, sooner or later, of Responsible Government in Natal as the inevitable consequence of the condition of the Colony, and of its geographical position. I see plainly that there are grave risks involved in assuming that responsibility, and I have great sympathy with those who think that those risks are greater than can at this moment be prudently incurred. But, whenever that responsibility is assumed, there will be the same risks, and unless the European population increases to an extent, and with a rapidity, that I cannot anticipate, I see no prospect of any diminution of them within a reasonable distance of time.

The Colony has, in my opinion, entirely outgrown its present form of Government, and it appears to me to be more consistent with the course hitherto pursued in the progress of Her Majesty's Colonies, that Natal should adopt a system under which those possessing the power of control will be made responsible for its exercise.

I had written this despatch before I received the Attorney-General's report, and, as I do not wish to delay its transmission to the next mail, I reserve for a future despatch any further remarks that may be rendered necessary to explain any difference of opinion

that may exist between the Attorney-General and me on the various points raised. A cursory reading of Mr. Morcom's Minute does not lead me to suppose that any such despatch will be necessary, and I concur in his finally expressed opinion that the Bill should not—in its present shape—receive Her Majesty's assent.

I have been officially informed that a petition against the passing of the Bill has been drawn up, and is in course of signature. My informant asked, under date the 11th of February 1891, that I would request your Lordship to delay consideration of the Bill until you had received this petition. I could not comply with this request, but I caused the applicant to be informed of the delay that had occurred in the transmission of the Bill to your Lordship, and I apprehend that the petition will shortly follow this despatch.

The delay in sending this Bill to your Lordship has been attended with the advantage that I am now able to send with it a printed copy of the *verbatim* report* of the whole of the Legislative Council debates on the measure.

As bearing on the subject of this despatch, I submit, for your Lordship's information, the following documents:—

First *ad interim* Report of Select Committee of Legislative Council.†

Second *ad interim* Report of Select Committee of Legislative Council.‡

Bill as introduced into the Legislative Council.§

Division list on second reading. Page 54.

Points of order raised by Mr. Hulett, M.L.C. Mr. Speaker's ruling thereon.||

Copies of Bill "To provide for the establishment of Responsible Government in Natal."¶

Letter from the Natal Conservative Association. Page 56.

Paper issued to the electors of Natal by Sir J. Robinson. Page 57.

Referred to in body of despatch. { Bil. No. 2, 1890-91 (in original).¶

{ Statement by the Attorney-General. Page 46.

{ Notes of debate in the Legislative Council.*

{ Correspondence with Sir John Robinson. Page 51.

I have, &c.

(Signed) C. B. H. MITCHELL.

Enclosure 1 in No. 9.

[No. 2, 1890-91.]

"BILL to provide for the establishment of Responsible Government in Natal."

WHEREAS by the Royal Charter of Natal, bearing date the 15th day of July 1856, it is provided in the 6th section thereof as follows:—

"We do hereby authorise and empower our said Governor of Natal, with the advice and consent of the Legislative Council thereof, to make all such laws as may be necessary for the peace, order, and good government of the said Colony, provided that the same be not repugnant to the laws of England."

And whereas it is expedient to provide for the establishment of Responsible Government in Natal:

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Act may be cited as the "Constitution Amendment Act" of 1891.
2. This Act shall commence and take effect at such date as may be fixed by a proclamation signed by the Governor of Natal declaring that the Royal assent has been given to this Act.
3. The Government of Natal shall be administered constitutionally by a Governor commissioned by Her Majesty, or in case of the death, absence, or disability of the Governor, by an Administrator designated by Royal instructions.
4. The public seal appointed for the sealing of all things whatever that shall pass the seal of the Colony of Natal shall be kept and used by the Governor of Natal.
5. There shall be in place of the Legislative Council now subsisting, a Legislative Council as hereby constituted.

* Not printed.

† Enclosure in No. 6, page 29.

‡ Enclosure 4, page 52.

§ Enclosure in No. 8, page 31.

|| Enclosure 6, page 55.

¶ Enclosure No. 1.

6. All Charters, Ordinances, and Laws which at the commencement of this Act are in force within the Colony shall, until repealed or varied by any Act duly passed by the Legislature, continue to be of the same force, authority, and effect as if this Act had not been passed, except in so far as the same are repugnant to this Act (in which case they are to that extent hereby amended and repealed).

7. It shall be lawful for Her Majesty and her successors, by and with the advice and consent of the Legislative Council, to make all such Acts as may be necessary for the peace, order, and good government of the Colony of Natal.

8. All powers and authority heretofore vested in the Governor as Supreme or Paramount Native Chief, shall, as from the date when this Act shall come into force, be exercised by the Governor in Council.

9. Every Bill, motion, or measure which shall specially affect any section of the population not of European birth or descent, shall, before being debated by the Legislative Council, be referred to a Standing Committee, which may take evidence and call for documents, and shall report upon such Bill, motion, or measure. Such Standing Committee shall consist of the Ministers and four other members of the Legislative Council to be elected by the Council in the first seven days of each session. Rules shall be passed by the Legislative Council to regulate the procedure of the Standing Committee, and also to provide for the election by the Legislative Council of members to fill vacancies in the Standing Committee.

10. Bills which may be passed by the Legislative Council belonging to either of the following classes shall be reserved by the Governor for the expression of Her Majesty's pleasure with respect thereto:—

(a.) Any Bill for the amendment of this Act.

(b.) Any Bill whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable.

11. Ministerial offices, not more than six in number, shall be designated by the Governor within one month of the coming into operation of this Act, and thereafter from time to time as may be necessary; and the holders of such offices shall be appointed by the Governor, in the name of Her Majesty, and shall be the responsible advisers of the Crown, through the Governor, in all matters relating to the Government of Natal.

12. Each Minister shall be a member of the Legislative Council.

13. The words "Governor in Council" in this Act or any law appearing, shall mean the Governor acting with the advice of his Ministers.

14. There shall be a session of the Legislative Council once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the said Council in one session and the first sitting of the said Council in the next session; and the first session shall be held within three months of the date when this Act shall commence to take effect.

15. It shall be lawful for the Governor to fix the place and time for holding the first and every other session of the Legislative Council, and from time to time to vary the same as he may judge advisable; and also to prorogue the Legislative Council from time to time, and to dissolve the Legislative Council by proclamation whenever he shall think fit.

16. The Legislative Council shall consist of 37 members, who shall be chosen by the electors of the following electoral districts:—

Pietermaritzburg City	-	-	-	-	-	4
Pietermaritzburg County—						
Umgeni Division	-	-	-	-	-	2
Lion's River Division	-	-	-	-	-	2
Ixopo Division	-	-	-	-	-	2
Durban Borough	-	-	-	-	-	4
Durban County	-	-	-	-	-	3
Victoria County	-	-	-	-	-	4
Umvoti County	-	-	-	-	-	3
Weenen County	-	-	-	-	-	3
Klip River County—						
Klip River Division	-	-	-	-	-	3
Newcastle Division	-	-	-	-	-	3
Alexandra County	-	-	-	-	-	2
Alfred County	-	-	-	-	-	2

17. For the purpose of constituting the Legislative Council, the Governor, before the time appointed for the first meeting of the Legislative Council, and thereafter from time to time as occasion shall require, and without undue delay, may, in Her Majesty's name, issue writs under the public seal of the Colony for the general election of members to serve in the Legislative Council. Persons qualified to become members of the existing Legislative Council shall be qualified to become members of the Legislative Council as now constituted.

18. All existing laws relating to the mode of election, and all voters lists and all other matters concerning elections, shall be in force, and shall apply to the election of members to serve in the Legislative Council as hereby constituted, in the same manner as they are now in force in respect of elections to the existing Legislative Council.

19. Members of the Legislative Council shall, failing dissolution of the Council, hold their seats for four years from the return day of the first writ for the election of a member to the said Council, and no longer.

20. The Governor may transmit by message to the Legislative Council the draft of any Act which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration by the said Council in such convenient manner as shall be provided for that purpose by the rules of order.

21. No member of the Legislative Council shall vote, or sit therein, until he shall have taken and subscribed the following oath, before the Governor, or some person authorised by him to administer such oath :—

“ I (A.B.) do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.”

But every person authorised by law to make a solemn affirmation or declaration, instead of taking an oath, may make such affirmation or declaration in lieu of the said oath.

22. The Legislative Council shall, on their first meeting, before proceeding to the despatch of any other business, elect one of their members to be Speaker of the said Council, subject to confirmation by the Governor, and in case of vacancy in the office, another Speaker shall be elected in manner and subject to such confirmation as aforesaid.

23. The Speaker, or in his absence some member elected by the Legislative Council, shall preside at the meetings thereof, and shall have a casting vote only.

24. If any person disabled or declared to be incapable to sit or vote in the Legislative Council shall nevertheless be elected and returned as a member to serve in the said Council, such election and return may be declared by the said Council, as the case may require, to be void, and thereupon the same shall become and be void to all intents and purposes whatsoever; and if any person under any of the disqualifications mentioned in this Act, or any Charter, law, or other Act, shall, whilst so disqualified, presume to sit or vote as a member of the said Council, such person shall be liable to a penalty not exceeding 100*l.*, to be recovered by any person who shall sue for the same in the Supreme Court.

25. The Legislative Council shall not be competent to proceed to the despatch of business unless eleven members, exclusive of the Speaker, be present.

26. All questions in the Legislative Council shall be determined by a majority of the votes of members present, other than the Speaker.

27. If any member of the Legislative Council shall for the period of one month remain party to any contract with the Government, his seat in the said Council shall thereupon become vacant.

28. If any member of the Legislative Council shall in writing resign his seat, or shall fail for a whole ordinary annual session to give his attendance in the House of which he is a member, or shall cease to hold his qualifications, or shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign State or Power, or shall do, concur in, or adopt any act whereby he may become the subject or citizen of any such State or Power, or shall become an insolvent or take advantage of any Act for the relief of insolvent debtors, or shall be a public defaulter, or be attainted or treason, or be sentenced to imprisonment for any infamous crime, or shall become of unsound mind, or shall accept or be the holder of any pension or office of profit from the Crown, other than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay, his seat shall become vacant: Provided, however, that this clause shall not be held to apply to persons already in receipt of pensions from the Colonial Government, or who may be liable to vacate office upon the coming into operation of this Act: Provided also, that the Ministers shall be entitled to receive such salaries as may be attached by law to their respective offices.

29. The Law 16 of 1883 shall be construed as if the words "Legislative Council" therein appearing applied to the Legislative Council as hereby constituted.

30. Whenever the seat of any member of the Legislative Council has become vacant, a writ shall forthwith issue to the intent that the vacancy may be filled without delay.

31. Whenever a vacancy occurs in the Legislative Council from any cause, upon a resolution by the said Council declaring such vacancy and the cause thereof, the Speaker shall cause a writ to be issued for filling such vacancy; and such writ shall have as full force and effect as though it had been issued by the Governor as heretofore provided.

32. The Speaker may, in the case of a vacancy caused by death or resignation, issue such writ without such preceding resolution when the Legislative Council is not in session.

33. The Legislative Council in their first session, and from time to time afterwards as there shall be occasion, shall adopt standing rules and orders for the regulation and orderly conduct of their proceedings and the despatch of business, and for the manner in which the said Council shall be presided over in the absence of the Speaker, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for Her Majesty's assent; and all such rules and orders shall, by the said Council, be laid before the Governor, and being by him approved shall become binding and of force: Provided that the standing rules of the existing Legislative Council shall, until altered, added to, or amended, be the standing rules of the Legislative Council as hereby constituted.

34. The chief clerk for the time being of the Legislature Council shall be removable from office only in accordance with a vote of the House.

35. From the date when this Act shall take effect, the Law No. 1 of 1870 shall be construed as if the words "Legislative Council" therein contained applied to the Legislative Council hereby constituted.

36. It shall be lawful for the Legislature of the Colony by any Act to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council, and by the Members thereof respectively: Provided that no such privileges, immunities, or powers shall exceed those for the time being held, enjoyed, and exercised by the Commons House of Parliament or the Members thereof.

37. The commissions of the present Judges of the Supreme Court, and Native High Court, and of all future Judges thereof shall be, continue, and remain in full force during their good behaviour.

38. It shall be lawful, nevertheless, for Her Majesty to remove any such Judge, upon the address of the Legislative Council.

39. Such salaries as are settled upon the Judges for the time being by law, and also such salary as shall be voted to any Judge of the Supreme Court, or the Native High Court, shall in all time coming be paid and payable to every such Judge for the time being, so long as his patent or commission continues in force.

40. All taxes, imposts, rates, and duties, and all territorial, casual, and other revenues of the Crown (including royalties) from whatever source arising within the Colony, over which the Legislature has power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the public service of the Colony in the manner and subject to the charges herein-after mentioned.

41. The Consolidated Revenue Fund shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof; such costs, charges, and expenses being subject nevertheless to be reviewed and audited in such manner as may from time to time be directed by any Act of the Legislature.

42. There shall be appropriated in every year, for Native purposes, from the Consolidated Revenue Fund, a sum not less than 20,000*l.*, and the items of the expenditure of this sum shall be dealt with by the Legislative Council in the same manner as other items of general expenditure.

43. It shall not be lawful for the Legislative Council to adopt or pass any vote, resolution, or Bill for the appropriation of any part of the Consolidated Revenue Fund, or of any rate, tax, duty, or impost, to any purpose which has not been first recommended to the said Council by message of the Governor during the session in which such vote, resolution, or Bill is proposed.

44. No part of the Consolidated Revenue Fund shall be issued except in pursuance of warrants under the hand of the Governor directed to the Treasurer.

45. There shall be payable to Her Majesty, in every year, out of the Consolidated Revenue Fund, sums not exceeding in the whole 10,700*l.*, for defraying the expenses of the services and purposes set forth in Schedules A. and B. to this Act, and the said

several sums shall be issued by the Treasurer in discharge of such warrants as shall from time to time be directed to him under the hand of the Governor.

46. The Legislature of the Colony shall, except as in this Act provided, have full power and authority from time to time by any Act to repeal or alter any of the provisions of this Act.

47. The appointment to all public offices under the Government of the Colony hereafter to become vacant or to be created, save those liable to be vacated on political grounds, shall be vested in the Governor in Council.

48. The power to suspend or remove any Civil Servant from his office shall be vested in the Governor in Council.

49. In the event of the retirement from office on political grounds of any present official member of the existing Legislative Council, such official member shall, subject to the proviso hereafter contained, be entitled to the pension or retiring allowance set opposite his name in Schedule B. hereto annexed: Provided that if any such official member shall accept any new appointment under the Crown, in this Colony or elsewhere, his pension or retiring allowance shall, during the tenure of such appointment, merge or be reduced *pro tanto*, according as the salary or emolument of any such appointment shall be equal to or less than the pension or retiring allowance of such official member.

SCHEDULE A.

	£
Governor	3,000
Ministerial salaries	4,200
Under Secretary for Native Affairs	600

SCHEDULE B.

The Hon. F. S. Haden, C.M.G., Colonial Secretary	600
The Hon. J. T. Polkinghorne, Colonial Treasurer	600
The Hon. W. B. Morcom, Attorney-General	350
The Hon. H. C. Shepstone, Secretary for Native Affairs	600
The Hon. Colonel A. H. Hime, R.E., C.M.G., Colonial Engineer	750

I certify that this Bill passed the Legislative Council of Natal, this ninth day of February 1891.

JNO. W. AKERMAN,
Speaker.

F. W. A. WATSON,
Clerk of the Council.

Enclosure 2 in No. 9.

STATEMENT upon Bill No. 2, 1890-1891, "To provide for the establishment of Responsible Government in Natal."

SHORTLY after the last general election it became necessary to convene the Legislative Council in session, and a special session was held in November 1890, to consider financial measures, and the authorisation of a new loan for public works.

At the general elections throughout the Colony the question of Responsible Government had been the main question upon which the elections had turned.

Early in the special session, therefore, a Select Committee was appointed to prepare the draft of a new Constitution for the Colony upon the basis of Responsible Government. This Committee on 5th December 1890, on the eve of a contemplated adjournment of the Council over Christmas, presented a report giving in outline the main features of the Bill to be drafted. There were to be two Houses, and a cabinet of six Ministers; one House nominated, one elective, the elective House to be increased by the addition of one member for each existing constituency. A permanent Under-Secretary for Native Affairs was held to be necessary, and the Civil List was to contain suitable provision for the promotion of the welfare and education of the Natives, and for raising them in the scale of civilisation; such provision to consist of an annual grant of 20,000*l.*

The Committee, by leave, during the recess of the Council completed the drafting of their Bill, and published it in the "Government Gazette" for general information. It

will be noted that the measure so drafted followed more or less closely certain of the provisions of the Western Australia Act of 1889.

The draft Bill provided for an Upper Chamber of nominees; this provision met with adverse criticism in some parts of the Colony, and one of the Committee who drafted the Bill carried, after the second reading, an instruction to the Committee of the whole House, under which instruction a single elective Chamber was to be substituted for the two Houses originally contemplated.

If Natal were a strictly European community, some safeguards against hasty legislation would be deemed necessary, and they are doubly necessary with the large and unrepresented Native population. It is true that a second Chamber would be expensive, that for an electorate of 7,783 electors it may seem a burden; it is possible that, as in the case of Manitoba if the second Chamber had been adopted it would after a short trial have been abolished by a law "to diminish the expenses of the Legislature," but the fact remains that Natal, standing absolutely alone, its union by federation or otherwise with British Colony adjoining it not being a question within the range of practical politics, has elected to try an experimental Constitution without the checks and restraints which in other countries, and at other times, by practical statesmen and constitutional writers of standing, have been deemed desirable and necessary.

It has been argued that no check of any description is required upon rash or hasty legislation, because the prerogative right of the Crown to veto all legislation is an ample safeguard in all cases. It is not to be tolerated, however, that the ordinary checks should be dispensed with. The exercise of the power of veto should not be looked to as an ordinary exercise of prerogative power to be invoked every day, or it will lead to unpleasantness and strained relations between the Governor and his Ministry. And the way in which the exercise of the power of veto is regarded is shown by the argument frequently used that the same measure passed a second time is sure not to be re-vetoed.

The measure under report in no case pretends, nor can it be said, to provide representation for the overwhelming Native population of the Colony. It, however, deprives them of the representation they now enjoy by the nominees of the Crown in the existing Legislative Council. An attempt appears to have been made during the progress of the Bill through Committee to provide for the nomination of a certain number of persons to seats in the Council with a view to their representing the interests of the Native inhabitants of the Colony. The proposer relied, in support of the principle to which he sought to give effect, upon proposals to be found in the draft of the Irish Government Act, 1886, but the Council refused to entertain a proposal which should give to any nominee a seat in an elective Chamber.

In New Zealand the Maoris are, I understand, still represented in the Assembly by four members elected under a special franchise to represent the Natives of the Islands.

The Bill bears marks of hasty work; and I regret that it was not simpler in character, rather following the precedent set by the Cape Legislature when Responsible Government was introduced in the Cape Colony. The policy, however, has been followed of enacting a number of clauses by no means constituting a complete measure of self-government, and then of providing that all portions of laws and charters not repugnant to the provisions of this Bill are to remain in force. This leads to some little confusion as to what may be actually in force. There are one or two matters arising out of this to which I may have to refer later.

All portions of charters and laws intended to be repealed should have been specifically repealed, and the general clause inserted in the Bill would then have merely covered a possible slip of the draughtsman.

The Bill under report, following in this respect the Western Australia Act, refers to itself throughout as an Act, and not as a law, as is the invariable practice in Natal.

The reference in the preamble to the Royal Charter would more correctly have included a reference to the 51st, rather than to the 6th clause.

The third section ignores the Queen. It should have declared that the Executive Government and authority of and over Natal continues to be vested in the Queen, and may be exercised on Her Majesty's behalf by a Governor, or other officer appointed to administer the Government, under and by virtue of a commission, and failing him, then by such officer or person as may be designated by Her Majesty's Royal instructions. I do not know whether it is intentional, but the section would seem to indicate that the appointment of a deputy Governor with a responsible Ministry in power would not be covered by the provisions of this section. The section should not restrict the powers of Her Majesty as to the person who may from time to time be appointed to administer the Government. To say that a Government is to be administered constitutionally is

rather a popular phrase than a legal term, and should not have found a place in the Bill, which should fix and determine the lines of the Constitution.

Section 4 virtually and unnecessarily re-enacts section 4 of the Charter of 1856.

Section 7 distinctly relieves the Governor of Natal from being a party to any legislative measure. A reference to clause 6 of the Charter of 1856 shows that the Queen authorised the Governor and Legislative Council of Natal to make laws, such powers of course being subject to certain limitations. This section allows of no intermediary between the Council and the Crown; Her Majesty's assent to Natal legislation must be as direct as in the case of the legislation which has passed the Lords and Commons of England. I do not think this was the intention of the Legislative Council in adopting this section. But I apprehend the measure now under report will be incomplete unless a clause is inserted empowering the Governor, subject to any instructions which may from time to time be given by Her Majesty, to give or withhold the assent of Her Majesty to Bills passed by the Legislative Council, and to exercise any of the prerogatives which may be delegated to him by Her Majesty. I am not unmindful of section 10 of the Bill, but the effect of section 7 may be held to be to take away or repeal the contrary provisions of the Charter and supplementary Charter, which are impliedly referred to or relied upon in section 10. Section 33 empowers the Legislative Council to adopt standing rules and orders * * * for the presentation of Bills to the Governor for Her Majesty's assent.

Section 8 has been introduced presumably with a view to meet the wishes of the Secretary of State in the matter of the Code of Native Law. The bringing into force of the Code has unfortunately been delayed, but this section does not, as I understand, meet the case. The powers of the Governor as a Supreme Chief were formerly executive, judicial, and legislative, and I understand the Secretary of State desires that no doubt shall exist as to the power of the Supreme Chief still to legislate in matters of Native law. Some provision of this sort seems to have been made when a Constitution was granted to New Zealand, and similar provision might, I am of opinion, be made in the case of Natal. I question whether the Governor in Council can with satisfaction exercise the personal powers and authority of the supreme or paramount Native Chief.

By the 15th and 16th Victoria, chapter 72, section 71, power is reserved to Her Majesty by Letters Patent to make provision for the maintenance of the laws, customs, and usages of the Aboriginal or Native inhabitants of New Zealand, for the government of such Aboriginal or Native inhabitants in all their relations to and dealings with each other.

In connexion with this section I draw attention to the Letters Patent of 27th April 1864. The Officer Administering the Government and the members of the Executive Council, and such other persons as may from time to time be appointed by Her Majesty, are created a body politic and corporate under the name of the Natal Native Trust. This Trust is the registered holder in freehold of a large extent of land in Natal occupied by Natives in community. There would appear in some quarters to be a great desire to experiment with the land question, and to determine the holding in common of land, and to substitute therefor individual holdings. Even if it be assumed, not admitted, that individual tenure of land is desirable for the Natives, it would be difficult to attain an equitable division of location lands in such a way as to do justice to the claims of those interested in the common holding, and even if such a division were feasible, the individual freehold tenure of land is so foreign to the habits and knowledge of the Native that the result would be trouble and disappointment.

Questions as to land and labour are the questions of the future, and the latter question may be more effectually dealt with through the former. The sale of Crown lands, the fencing in of private lands throughout the Colony, and the force of other circumstances will in time necessarily change a pastoral into an agricultural people, but during the process of change agrarian crime may be expected to increase.

By 15 and 16 Victoria, chapter 72, section 73, persons in New Zealand were prohibited from purchasing or in anywise acquiring or accepting from the Aboriginal Natives land of or belonging to, or used or occupied by them in common as tribes or communities, or to accept any release or extinguishment or the rights of such Aboriginal Natives in any such land as aforesaid.

I suggest that in the event of Responsible Government being conferred on Natal it would be desirable in some way to strengthen the hands of the trustees, should they be the movable Ministry of the day, so that no outside pressure will tempt a dealing with the lands other than strictly in the interests of the Natives.

The Crown Lands of this Colony are dealt with under the provisions of proclamations issued from time to time by the Governor.

I notice in the terms of union of British Columbia with the Dominion of Canada (Order in Council of 16th May 1871) that the Dominion Government assumed the charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, and undertook to continue a policy as liberal as that previously pursued by the British Columbia Government.

Then follows a provision for the transfer and conveyance by the Columbia Government to the Dominion Government of tracts of land for the use and benefit of the Indians, the Secretary of State being referred to in the event of dispute.

The Order in Council of 24th June 1870, surrendering the North-West Territories of Canada is based on the undertaking of the Parliament of Canada "that the claims of the Indian tribes to compensation for lands required for purposes of settlement should be considered and settled in conformity with the equitable principles that had uniformly governed the British Crown in its dealing with the Aborigines."

It may be said that in the case of Natal all that equity demands in the setting apart of lands for Natives by the Government has been done. The subject is, however, one of no little importance if the case of Zululand be taken into consideration. I am aware that the Secretary of State has expressed the opinion that the establishment of Responsible Government in Natal will tend materially to delay any arrangement for annexation of Zululand to Natal.

I desire to place on record my opinion that if Natal be granted Responsible Government it will be essential in the interests of the good government of Zululand that Natal's Ministry should be interested in and responsible for that good government. The Natal Legislative Council might be strengthened and the reasonable desires of the Europeans in Zululand be gratified, by returning members to serve in the Legislative Council. I fear the results will be mischievous if the Governments of the two countries—Natal and Zululand—are carried on on different principles though under the same Sovereign.

Section 9 only refers to matters which *ex facie* specially affect certain classes, and is intended to check all debate upon these matters in the Legislative Council until a Standing Committee has reported thereon. The Committee is to consist of the Ministers and four others, making nine in all. The four members will represent the party in power, and the Committee so constituted may be of material assistance to the Ministry of the day in postponing the discussion of inconvenient questions raised by the Opposition: but that a Committee so constituted can be expected to act as a kind of independent and judicial tribunal, and not on strictly party lines, is somewhat difficult to expect. I do not see how a Committee so elected, and so constituted, can be any check upon, or criticise, class legislation if such class legislation be promoted by the Ministry in power. I fail to see that this section is of any advantage in the Bill.

As to section 11, it will be noted that although the Governor is called upon to designate ministerial offices, not more than six in number, provision is made in the schedules for the salaries of five Ministers, presumably corresponding with the offices held by the Civil Servants whom it is proposed to pension off. At present the official members of the Legislative Council are designated by their offices in the Royal Instructions, and in the absence of fresh legislation the offices designated by the Governor under this section must be those vacated on political grounds by the officers specified in Schedule B.

If section 13 intends to exclude from the Executive Council the Chief Justice, the Officer Commanding the Troops, and the General Manager of Railways, I think it ought to have said so, as also if the Governor's power of summoning two elective members of the Legislative Council to the Executive Council is desired to be put an end to, the Supplementary Charter of 22nd December 1869 should be revoked.

Section 16 is the result of a hasty compromise, and can have no permanency. The question of redistribution of seats should, I think, be settled on fair and just principles before any change of constitution takes effect, but simply to add one member to each existing constituency is a mere makeshift, and the subject will be the battleground of party warfare at the earliest practicable opportunity.

There should be some fixity about a constitutional measure, and its early or easy change should not be contemplated with equanimity.

Section 22 is almost verbatim a re-enactment of clause 21 of the Charter of 1856. The useful provisions of the Law 18, 1867, do not appear affected by this section.

Section 24 revives an objectionable practice by which the Legislative Council is made the judge as to the disability and incapacity of members, and empowered to declare returns void. Since 1883 the trial of all election petitions and questions has been relegated to a Judge of the Supreme Court, and up to the present time no such trial

has taken place. This probably has led to the re-enactment of an abandoned principle, and to the substitution of a party vote on every election dispute as defined by this section in place of a judicial decision. The proposed change, and the occasion of the proposed change, are both unhappy. The section 29 of the Bill professes to refer to Law 16, 1883, as still in force. The intention is not clear.

I regret to notice the introduction of the latter part of section 24.

Section 27 is adapted from clause 18 of the Charter of 1856, and is the only provision upon which a majority could be obtained. Much discussion took place upon proposals which were to regulate the conduct of members of the Legislative Council, but none found favour.

Section 28 deprives members of the Legislative Council of the right to ask for, and the Governor of the power to give, permission to them to absent themselves from any ordinary session. The power probably remains as to any special session, because although section 28 only refers to the ordinary annual session, clause 18 of the Charter refers to every session. The wording of this section is an instance of the difficulty which may arise in the interpretation of this Bill, if in its present shape it becomes law. The provision as to pension holders is rather stringent, when applied to a public servant whose services after his retirement from active work might be of advantage to the State.

Section 29 will raise an undesirable question as to the previous clause of the Bill, in conflict with the Law 16, 1883.

Section 30 speaks of the issue of a writ, and presumably this means the writ issued in due course by the Governor.

Section 31 appears to ignore Law 16, 1883, and sections 31 and 32 appear to transfer the right to issue writs from the Governor to the Speaker. But if the Legislative Council desires to take out of the hands of any responsible Ministry the duty which has been discharged by the Government since 1856 of arranging for the due conduct of elections, numerous other provisions will have to be made, by which the election officers will be the officers of the Legislative Council, and make their returns of writs to the officers thereof. In applying a new principle new machinery will have to be applied, and the provisions of existing laws revised accordingly.

Section 34 restricts the powers now enjoyed by the Speaker under Law 1, 1870, but there can be no objection to the section. Section 35 contradicts section 34 by making a law whose provisions have been amended applicable *en bloc* to the Legislative Council of the future. If these sections stand, the effect of the combined provisions may give rise to questions hereafter.

Serious objection is urged against section 38 as made applicable to the Judges at present holding office in this Colony. They hold office during good behaviour, but "nevertheless" it is provided that it shall be lawful for Her Majesty to remove any Judge upon the address of the Legislative Council. No one doubts the right of a Legislative Council to address the Sovereign, but such a power as this should, if conferred, be made applicable to those appointed after the coming into force of this Bill. I am not unmindful of the Parliamentary White Book C. 139, presented to Parliament in June 1870, and containing "Correspondence respecting the removal and suspension of Colonial Judges," and of the fact that Her Majesty's Government will not even on an address, without the due proof of misbehaviour, suspend or remove a Judge.

Section 41 does not seem to go far enough. It authorises charges against revenue, but does not say that all such charges are to be voted by the Legislative Council; as the section now stands it seems to authorise appropriations of revenue in unascertained amounts, and for undefined periods.

Section 42 does not define the class of objects, nor the purposes for which the 20,000*l.* is to be appropriated.

Sections 43 and 44 are adapted from clause 26 of the Charter of 1856.

Section 45 reserves a sum not exceeding 10,700*l.* for the schedules and details specified therein. I do not propose to deal with these figures; they have in like instances been dealt with by the Secretary of State, and the principles enforced in former cases will doubtless be enforced now. The preferable plan when a Legislative body desires to effect a change of Ministry is to leave the terms upon which the executive officers are to be compelled to retire in the absolute discretion of the Secretary of State.

It has been pointed out that section 48 deprives Civil Servants of a right which they now enjoy of an appeal to the Secretary of State. I do not wish to contend against the principle as applicable to those Civil Servants who take office after Responsible

Government has been established, and perhaps also to those present Civil Servants who may receive promotion under the Ministry, but in all other cases I suggest that an appeal from any adverse decision of the Governor in Council should be reserved to them as at present, and leave be granted to any Civil Servant to lay his case before the Secretary of State.

I do not think it necessary to go through the Charters and laws and point out what remains unaffected by the measure under report, but it seems right to observe that the item "Civil Establishments" in the Reserved Civil List attached to the Supplementary Charter of 22nd May 1872 seems to remain unaffected, and that such sum of money, 28,100*l.*, will be available if and when supplies, during the exigency of party warfare, may be stopped.

I have already pointed out that the measure is too meagre from one point of view, too full from another point of view.

I have intimated on the general question that in my opinion the conferring of Responsible Government upon a small band of Europeans living in the midst of an overwhelming number of the Native population is an experiment the result of which it is difficult to foresee.

I notice the Natives are sometimes referred to as unenfranchised, but it should be distinctly remembered that they are disfranchised by a special law of the Legislative Council.

I have criticised the measure in some detail, and even if it be desired to confer Responsible Government upon Natal I do not see how the measure in its present state can be assented to.

I am of opinion that the Royal assent ought not to be given to the accompanying Bill "To provide for the establishment of Responsible Government in Natal."

Attorney-General's Office,
6th March 1891.

(Signed) W. B. MORCOM,
Her Majesty's Attorney-General,
Natal.

Enclosure 3 in No. 9.

FIRST SESSION, THIRTEENTH COUNCIL, 1890-91.

L.C.—No. 18.

The following correspondence between his Excellency the Governor and Sir John Robinson (Document No. 25), respecting the Constitution Amendment Bill (No. 2, 1890-91), is printed for general information.

By Order of the Legislative Council,
F. W. A. WATSON,
Clerk.

Legislative Council Office, Natal,
3rd February 1891.

LETTER from his Excellency THE GOVERNOR to Sir JOHN ROBINSON.

Government House, Natal,
January 27, 1891.

DEAR SIR JOHN ROBINSON,

You did me the honour to call upon me this morning, in order to obtain from me an authoritative expression of opinion as to whether the insertion in the new Constitution Bill, now being discussed, of the provision contained in clause 15, section 11, of the Royal Instructions of the 16th February 1882, would or would not be considered a *sine quâ non*.

I have replied to you that, without in any way committing myself to express the opinion that the insertion of this provision would render the Bill acceptable to Her Majesty's Government, or, in other words, without expressing any opinion as to the general character of the Bill now before the Committee of the House, or as to its acceptability, or otherwise, as regards Her Majesty's Government, I was able to state to you, authoritatively, that unless the provision in the Instructions which I have quoted above were inserted in the Bill it would certainly not be acceptable to Her Majesty's Government.

I have thought it desirable, in order to prevent any possible misunderstanding, to place the substance of our conversation on record, and I shall be glad to receive from you an acknowledgment of its substantial accuracy.

Believe me, &c.
(Signed) C. B. H. MITCHELL.

Sir John Robinson, K.C.M.G., M.L.C.,
&c. &c. &c.

LETTER from Sir JOHN ROBINSON to his Excellency THE GOVERNOR.

Legislative Council, Natal,
January 27, 1891.

MY DEAR SIR CHARLES MITCHELL,

I AM in receipt of your Excellency's letter of this date, setting forth the substance of the conversation your Excellency was good enough to have with me this morning, and I at once hasten to assure your Excellency that the record is fully borne out by my own recollection of what passed between us.

Believe me, &c.
(Signed) JOHN ROBINSON.

Enclosure 4 in No. 9.

FIRST SESSION, THIRTEENTH COUNCIL, 1890-91.

L. C.—No. 6.

THE following Second *ad interim* Report of the Select Committee (No. 2, 1890-91), appointed to prepare the draft of a new Constitution for the Colony upon the basis of Responsible Government, is published for general information.

By order of the Legislative Council,
F. W. A. WATSON,
Clerk.

Legislative Council Office, Natal,
12th January 1891.

Second ad interim Report of the Select Committee appointed on the 3rd day of December, 1890, to prepare the Draft of a new Constitution for the Colony, upon the basis of Responsible Government: with power, if necessary, to take evidence and to call for papers.

MEMBERS OF THE COMMITTEE.

Sir J. Robinson, Chairman.
Mr. Escombe. Mr. Sutton.
Mr. Archibald. Mr. Bale.

Ordered to Report.—

1. Your Committee, as instructed, have prepared the draft of a new Constitution, upon the basis of Responsible Government, and they now beg to submit that draft for the consideration of your Honourable House.

2. In framing this Bill, your Committee have endeavoured to provide:—

- a. For the establishment of Responsible Government in as full a form as exists in other Colonies.
- b. For the full control by the future Government, of its own affairs and of all sections of the population, in accordance with the constitutional powers exercised in all Colonies where Responsible Government has been established, and without the possibility of any interference in Colonial affairs, otherwise than by the exercise of the Royal veto.
- c. For the maintenance of the Charter of Natal as the origin and basis of representative institutions in this Colony.
- d. For the retention, with as little disturbance as possible, of the existing electoral machinery and legislative procedure.

3. It should be borne in mind that Natal possesses a constitutional advantage enjoyed by very few British Colonies, in having been endowed with a Royal Charter which not only conferred upon the Colony a representative Legislature, but invested that Legislature with power to amend and alter the terms of the charter by statutory enactment. That power has been repeatedly exercised, and the present Bill is nothing more than a further exercise of the powers confided to the Legislature which was called into existence by the Charter of 1856.

4. Your Committee have deemed it best to follow, as closely as local circumstances render desirable, the lines upon which Responsible Government has been established in other Colonies. There is, as a rule, little divergence in those lines. The transition from Crown administration to responsible, or popular administration, has been, in most cases, effected by implication rather than by definition. It cannot be too clearly understood that "Responsible Government" means the transference of administrative control from the Crown to the representatives of the people, under constitutional conditions, and that the only checks upon that control, apart from the Crown veto, are such as the people themselves, through their representatives, choose to provide for.

5. Your Committee are aware that objections have been raised to the summoning of an Upper Chamber by the Governor, on the ground that it is in conflict with the spirit, and subversive of the principle, of self-government. They submit, however, that a system which has successfully borne the test of long experience in many of the most important Colonies of the Empire may confidently be adopted in Natal, under the restricted and modified conditions provided for in the draft Bill.

6. It may be useful to explain that nominated Upper Chambers exist in the following Colonies:—

In the Dominion of Canada, and in some of its component Provinces, namely, Quebec, Nova Scotia, and New Brunswick; in Newfoundland; and in the Australasian Colonies of New South Wales, Queensland, Western Australia, and New Zealand.

In the Dominion of Canada, in New South Wales, New Zealand, Queensland, and in the Canadian Provinces of Quebec, Nova Scotia, and New Brunswick, the Upper Chambers are nominated for life.

In the Cape of Good Hope, South Australia, Victoria, Tasmania, and Prince Edward Island the Upper Chambers are elected.

7. In the Bill now submitted it is provided that the Upper Chamber shall consist of members appointed for a term of six years. In the first instance these members must, of necessity, be appointed by the Governor, but all subsequent nominations are to be made by the "Governor in Council,"—by the Governor, that is, acting with the advice of his responsible Ministers.

8. Half of the members so appointed, however, are to retire at the end of three years, in the case of those first summoned, and thereafter half will retire at the end of every six years.

9. The Bill further provides that not more than one member of the Upper Chamber can at any time belong to the Ministry.

10. Under the draft Bill, the Upper Chamber will either become elected, or will cease to exist, as the Colony through its Legislature may determine at the time, in the event of Natal entering into a federal union.

11. The conservative restraints, which an Upper Chamber is intended to represent, would be necessarily exercised by a federal Government and Parliament, and a local Upper Chamber might, in the event of federation, be conveniently dispensed with.

12. Upon the following points your Committee were not unanimous:—

a. As to the number of members in each of the Houses.

b. As to the apportionment of new seats in the Lower House.

c. As to the terms upon which participation in Government contracts disqualify for membership of either House,—objection being taken, on the one side, to the severity, and, on the other side, to the insufficiency of those restrictions.

13. The figures in the Schedules have been purposely left blank, so that the items may be filled in by your Honourable House, by respectful address to his Excellency the Governor, asking for the insertion of such amounts as may be determined.

14. As regards Schedule A., your Committee suggest for consideration the following amounts:—

	£
Governor - - - - -	4,000
Ministerial salaries - - - - -	4,200
Native purposes - - - - -	20,000
Under Secretary for Native Affairs - - - - -	600

15. As regards Schedule B., it appears to your Committee that the proper way to deal with the question of pensions to officers who may vacate office on political grounds is as follows:—

That such pensions should be calculated on the basis of the present Pension Law, and that the amount of pension so arrived at should be augmented by 25 (twenty-five) per centum as compensation for loss of office.

16. Your Committee, in conclusion, beg to express their conviction that the draft Constitution now submitted will secure for Natal—if it be adopted, in substance, by your Honourable House—as full and effective a measure of self-government as is enjoyed by any other Colony of the Empire.

Signed on behalf of the Committee,
JOHN ROBINSON,
Chairman.

Committee Rooms,
Legislative Council, Natal,
12th January 1891.

Enclosure 5 in No. 9.

LIST OF MEMBERS IN ORDER OF SITTING.

DIVISION.

Constitution Bill (No. 2 of 1890-91).
Second Reading.

January 20, 1891.

		Ayes.	Noes.			Ayes.	Noes.
		11	4			11	4
Mr. Escombe	-	1	—	Mr. Speaker	-	—	—
Mr. Payn	-	1	—	Colonial Secretary	-	—	—
Mr. Stainbank	-	1	—	Colonial Treasurer	-	—	—
Mr. King	-	1	—	Attorney-General	-	—	—
Dr. Sutherland	-	—	1	Secretary for Native Affairs	-	—	—
Mr. Groom	-	—	1	Colonial Engineer	-	—	—
Mr. Hulett	-	—	1	Mr. Bale	-	1	—
Mr. Binns	-	1	—	Mr. Sinclair Smith	-	—	1
Mr. Sutton	-	1	—	Mr. Archibald	-	1	—
Mr. W. Baynes	-	—	1	Mr. Rethman	-	1	—
Mr. Ryley	-	1	—	Mr. Fell	-	—	1
Mr. Bainbridge	-	1	—	Mr. Moor	-	1	—
Mr. Johnstone	-	1	—	Mr. J. Baynes	-	—	1
Mr. Tucker	-	1	—	Mr. Nel	-	—	1
Sir J. Robinson	-	1	—	Mr. Randles	-	—	1
Sir J. Akerman	-	—	—	Mr. Symons	-	—	1
Total	-	11	4	Total	-	4	6
				Grand Total	-	15	10

Enclosure 6 in No. 9.

FIRST SESSION, THIRTEENTH COUNCIL, 1890-91.

L.C.—No. 19.

THE following points of order raised by Mr. Hulett, and Mr. Speaker's ruling thereon, relative to the Constitution Amendment Bill (No. 2, 1890-91), are printed for general information.

By Order of the Legislative Council,
F. W. A. WATSON,
Clerk.

Legislative Council Office, Natal,
9th February 1891.

POINTS OF ORDER RAISED BY MR. HULETT.

Mr. Hulett inquired of Mr. Speaker:—

- (1.) Whether the Constitution Amendment Bill, as reported by the Committee of the whole House, is the same Bill, in principle, which passed the second reading?
- (2.) Whether the question of what does or does not constitute a new principle should not be decided by the light of the ruling of the Speaker of the House of Commons, which was to the effect that in a Bill for the collection of the rent-tithe charges, an alteration in Committee, providing for the collection of tithes from the landlord instead of from the tenant, constituted the introduction of a new principle?
- (3.) Whether the amendments introduced in Committee, in accordance with the instruction of the House on the motion of the Hon. Member for the Colony (Mr. Bale), represent the introduction of a new principle; and if so, whether the ruling of Mr. Speaker (page 172 of Mr. Speaker's Rulings), that an instruction can be given to extend a principle, but not to import a new principle, does not render the work of the Committee null and void, or render it necessary to withdraw the Bill?
- (4.) Whether there are not in the Bill, as reported by the Committee of the whole House, other amendments (especially those respecting the reservation of certain Bills, and the powers of the Supreme Chief) which have been introduced in Committee, which are unconstitutional, and which amount to the importation of a new principle; and, if so, whether such importation does not render the work of the Committee null and void, or render necessary the withdrawal of the Bill?
- (5.) Whether on the aforesaid grounds, or any of them, Mr. Speaker will rule that the Constitution Amendment Bill cannot proceed to the third reading?

MR. SPEAKER'S RULING.

Mr. Speaker ruled:—The question on which I have to rule is one in my judgment rather of interpretation and construction, perhaps including prerogative, too, than of procedure. For this reason I invited the Council to aid me in arriving at an opinion by discussing the points of order raised by the Hon. Member for Victoria County, and I desire to thank the Council for having acceded to my wish. These points are three in number, and it is alleged that on them it should be decided by the Chair that the Bill cannot proceed to its third reading, but must be withdrawn, and a new Bill introduced. The points are as follows:—

- (1.) That it is not the same Bill which was committed, because the provision made for two Chambers has been expunged, and one Chamber has been substituted in its place. (See Clause 5.)
- (2.) That the Bill as it now stands compels the reservation for Her Majesty's pleasure of all Bills affecting certain classes only of the population. (See Clause 10.)
- (3.) The insertion in the Bill of certain amendments relating to the powers of the Governor as Supreme Chief over the Natives. (See Clause 8.)

At the outset I give it as my opinion that the principle of this measure is the establishment of what is usually known as Responsible Government—that is to say, a Government administered by a Governor and a Cabinet of Ministers controlled by a Legislature. These essential elements are retained intact in the Bill as reported by the Committee. Prior to the commitment of the Bill, an instruction was carried in the Council which, while it could not compel, authorised the Committee to substitute one Legislative Chamber for two, and this was done. The question, then, arises whether this change introduces a principle repugnant or adverse to the fundamental principle of the Bill. Certainly I am not aware of any instance of a British Colony, not being federated, which exercises the powers of a Responsible Government with the assistance of but one Legislative Chamber; nor do I know whether, either on grounds of public policy or for the interests and safety of its electorate, a unicameral Responsible Government is desirable or not. The question here to decide is whether the Governor and his Cabinet as established by the Bill have the machinery for legislation provided. It has not been shown to me that this is not the case, and therefore I rule against the first point of objection. The second point, namely, the compulsory reservation of certain Bills which involves the removal from the Governor of the power of either assenting to the same or refusing his assent thereto, I have found very difficult to deal with. In the last Session

of the late Legislative Council—which included several of the members of the present Council—the Council discussed Lord Knutsford's despatch of August 29, 1889, and particularly the following words of the despatch:—

“ I think it would be necessary if Responsible Government were conferred upon the Colony, that the Royal Instructions should include, among Bills to be reserved by the Governor all Bills dealing with matters affecting the Native population alone, as distinct from the general community.”

On that occasion Sir John Robinson moved, seconded by Mr. Tucker:—

“ That while this Council is unable to accept the suggestions offered in Lord Knutsford's despatch for the protection of Native interests in the event of a change in the Constitution of Natal, it nevertheless claims for the Colony full control of its own affairs, and of all sections of the population, in accordance with the constitutional powers exercised in all Colonies where Responsible Government has been established.”

This resolution was carried, but of course is not binding on the present Council. I observe also that in the second report of the Select Committee appointed this Session, and which drafted the Bill before the House (see Clause 2, sub-section *b*), the Committee state that they have endeavoured to provide “ for the full control by the future Government of its own affairs, and of all sections of the population and without the possibility of any interference in Colonial affairs otherwise than by the exercise of the Royal veto.” On this declaration the Council took no definite action. Had it affirmed the declaration just quoted by resolution, the Bill would clearly be inadmissible, for this clause as it stands substitutes by statutory enactment an immediate appeal to and conference with the Secretary of State on certain Bills, for a remote possible disallowance of a completed measure—a power of disallowance known as the Royal veto, and which is but rarely exercised. It is impossible for me to concede, as has been urged upon me, that there is no substantial difference between the injunction contained in the Bill and the ordinary course of subjection to a Royal veto. It will be remarked that Lord Knutsford makes no suggestion for a statutory reservation of certain Bills, but alludes only to a probable condition to be inserted in the Royal Instructions. In the absence, then, of action taken by the Council for affirming the declaration of the Select Committee, I am brought to the Bill itself, and here I have to remark that, inasmuch as the Bill embodies within itself a new Constitution to be allowed or disallowed by Her Majesty, a detail therein not in conflict with the two elements already indicated—a Governor and Cabinet of Ministers—need not be fatal to the passage of the Bill through the Council. On this question of reservation I confess to having some doubt, yet not a sufficiently strong one to take upon myself the responsibility of ruling out the Bill. On the third point raised there need be little said. Clause 8 vests in the Ministry of the day, as I understand it, powers of concurrent legislation with the Governor in his capacity of Supreme or Paramount Native Chief similar to those now being exercised by the existing Executive Council. If this be so, the power of the Ministers is augmented by the clause. Without question the Bill in its passage through Committee of the whole House has undergone much revision and amendment, and is found to contain details not present at its second reading, but it has retained its two chief essential principles. At the same time, I fail to perceive that it realises the description given of it by the Select Committee when bringing up their second report, seeing that Clause 10 seems to court the interference of the Secretary of State in Colonial Affairs. My ruling is against the points raised.

Enclosure 7 in No. 9.

NATAL CONSERVATIVE ASSOCIATION TO GOVERNOR.

To His Excellency Sir CHARLES BULLEN HUGH MITCHELL, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native population.

SIR,

Pietermaritzburg, February 11, 1891.

WE have the honour, by instruction of the Committee of the Natal Conservative Association, to inform you that a memorial has been prepared and is in course of signature, addressed to the Secretary of State for the Colonies, protesting against the passing of the Constitution Bill, which Bill we have every reason to believe is strongly opposed by the majority of the electors of the Colony.

We have therefore to beg that you will, in forwarding the Bill to the Secretary of State for the Colonies, inform him that such a memorial will shortly be forwarded, numerous and influentially signed, and request him not to submit the Bill for the approval of Her Majesty the Queen until such Memorial is before him.

Your Excellency will be aware that, as the Bill, in its complete form, has only just passed through the Legislative Council, it has not been possible to prepare the Memorial at an earlier date, and our Committee trust that you will see in this fact sufficient reason for a recommendation to the Secretary of State that a reasonable delay should be allowed on a question of such vital importance to the Colony.

We have, &c.
 (Signed) C. E. TAUNTON,
 W. A. BADOCK,
 Joint Secretaries.

Enclosure 8 in No. 9.

TO THE ELECTORS OF NATAL.

The members of the Responsible Government party in the Legislative Council, having fulfilled the mandate imposed upon them by their constituencies at the late general election, by passing a Bill to provide for the establishment of Responsible Government in Natal, deem it proper to place on record, for the consideration of the electors, the following statement in connexion with that measure:—

1. The Bill, as finally passed, has been declared by the high authority of the Speaker to provide for "the establishment of what is usually known as Responsible Government—that is to say, a Government administered by a Governor and a Cabinet of Ministers, controlled by the Legislature."

2. That Legislature comprises one Chamber, all of whose members are to be elected by the voters of the Colony.

3. As originally drafted, the Bill provided for a legislative body of two Chambers, one of which was to consist of members appointed for a period of six years, by the Crown in the first instance, but subsequently by the "Governor in Council."

4. As any admission of the "nominee" element into the Constitution appeared repugnant to the strongly manifested feeling of the community, a single elected Chamber was substituted for the proposed bicameral body.

5. This change made it necessary to provide in some other form for those conservative checks upon hasty legislation which are inseparable from constitutional government and without which sound and safe administration would be impossible.

6. The checks thus provided are twofold, namely:—

(a.) All measures that shall specially affect any section of the population not of European birth or descent have, prior to debate, to be referred to and reported upon by a Standing Committee of the Legislative Council consisting of Ministers and four other members of the Council, to be chosen by that body.

(b.) All Bills that impose any special disability or restriction upon persons not of European birth and descent have to be reserved by the Governor for the signification of Her Majesty's pleasure.

7. It had been hoped that the opponents of Responsible Government would have seen their way to assist in the preparation of the Bill. In the exercise of their discretion, however, they saw fit to attack the measure at every stage, and it is remarkable that no portions of the Bill evoked more strenuous opposition on their part than its more conservative provisions.

8. Clause 8 provides that under the new Constitution all the powers and authorities heretofore vested in the Governor as Supreme Native Chief shall be exercised by the Governor in Council. Dual, or divided, authority over the Native population between the Crown and the Colonial Ministry would result in conflict, deadlock, and injury—injury more especially to the Native race.

9. The working of Responsible Government with a single Chamber made it necessary to materially increase the number of members. The apportionment of these new seats involved obvious difficulties. It was understood that any permanent re-arrangement of electoral divisions would be more conveniently dealt with after the Commission on Magistracies had completed its labours, and in connexion with other questions of electoral procedure that are likely to arise. It was decided, therefore, to adopt the plan of giving an additional member to each existing constituency.

10. Although under this arrangement certain constituencies with comparatively few electors will have as many members as much larger electorates, it has been borne in mind that the Natives are, as a rule, most numerous in districts where the registered voters are few in number; and it was unanimously agreed that though the Natives are, of necessity, unenfranchised, they are entitled to consideration when seats have to be created. Elected members have always paid regard to the interests of every class of their constituents, whether voters or otherwise, and it was a recognition of the justice of this principle which led to the decision embodied in the Bill.

11. The Bill in its completed form embodies not only the views of a majority, but the deliberate conclusions of a party. In its preparation differences of opinion have been reconciled—individual preferences have been set aside. Our aim throughout has been to produce a measure which should meet with acceptance in the Colony and approval by the Crown, and to do so with unswerving fidelity to the principles of self-government.

I sign this at the request, and in the name, of the members who voted for the Bill.

JOHN ROBINSON,
Chairman.

No. 10.

SIR C. B. H. MITCHELL to LORD KNUTSFORD.

(Received April 6, 1891.)

Government House, Pietermaritzburg,
Natal, March 11, 1891.

MY LORD,

I HAVE received, for transmission to your Lordship, just as the mail is about to close, a petition signed by a very large number of persons in the Colony praying for the disallowance, or for a further reference to the electors, of the Bill for the establishment of Responsible Government in Natal, which goes to your Lordship by the mail that carries this despatch.

I forward the duplicate copy of the petition for your Lordship's information, and I shall send the original (which is alone signed by all the petitioners), with my report, by a forthcoming mail.

The copy sent has received apparently the signatures in original of those of the petitioners who reside in or near the capital, and I see contains the names of many of the leading members of the community.

I have, &c.

(Signed) C. B. H. MITCHELL.

The Right Hon. the Lord Knutsford, G.C.M.G.,
&c. &c. &c.

Enclosure 1 in No. 10.

NATAL CONSERVATIVE ASSOCIATION to COLONIAL SECRETARY.

SIR,

Maritzburg, March 10, 1891.

WITH reference to the letter addressed to his Excellency the Governor under date 11th ultimo, informing him that a memorial had been prepared, and was in course of signature, addressed to the Secretary of State for the Colonies, protesting against the passing of the new Constitution Bill, we have now the honour by instructions of the Committee of the Natal Conservative Association to hand you the memorial referred to, in triplicate, with a large number of influential signatures attached, and to request that you will forward the memorial to his Excellency the Governor, for transmission through him to the Secretary of State for the Colonies.

We have further the honour to request that you will point out to his Excellency, and ask him to be so good as to draw the attention of the Secretary of State to the fact, that the time for obtaining signatures to the memorial was exceedingly limited, and that, to obtain the signature of electors in the country districts, involved a considerable amount of time and trouble, necessitating, as it does, a great deal of travelling from one farm to another, all through the Colony. Had the time at our disposal been longer, we have

no hesitation in saying that the number of signatures to this memorial would have been considerably larger.

We have, &c.
(Signed) C. E. TAUNTON,
W. A. BADOCK,
Joint Secretaries,
Natal Conservative Association.

The Hon. the Colonial Secretary,
Maritzburg.

Enclosure 2 in No. 10.

To the Right Honourable the LORD KNUTSFORD, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, &c., &c., &c., Her Majesty's Principal Secretary for the Colonies.

The MEMORIAL of the undersigned Members of the Natal Conservative Association, and others being Electors of the Colony,

Humbly sheweth :

1. That a Bill has been passed by the Legislative Council of Natal, with the object of establishing Responsible Government in this Colony.

2. That the result of the recent general election in the Colony will be seen by reference to the despatch by his Excellency the Governor of Natal, to your Lordship, dated 16th October 1890.

3. Memorialists draw your Lordship's attention to the concluding paragraph of your Lordship's despatch to the Governor of Natal, dated 29th August 1889, by which it will be seen that before Responsible Government is granted to this Colony, "the question should be expressly submitted to the people at a general election, and there should be a decided and unmistakable declaration of public opinion in favour of the change."

4. Memorialists would bring to your Lordship's special notice the fact that the recent general election took place solely in consequence of the allotted period for the duration of the Council having elapsed. No particular appeal, either on this or any other subject, was submitted to the electors by the Government of the Colony.

5. Memorialists are free to acknowledge that the question of Responsible Government was the principal topic discussed at the hustings, but this took place in consequence of an agitation set up by a portion of the press, and a limited number of public men who are anxious for a change, and who represented to the electors that they were about to introduce a measure much more in accordance with the wishes of a few of their constituents, and upon a basis, if not wholly, yet essentially, different from that on which the Bill has been passed. This is at once evident from the following extracts from the speeches of the members of the Legislature who have been foremost in the movement. Sir John Robinson said in the Legislative Council (17th June 1890): "For the second time I have to ask this Honourable House to claim for the people of this Colony the full control of their own affairs, not, sir, for one portion, or for one section of its population, but for all classes and for all races, whether they be civilized or savage, whether they be white or black."

And Mr. Escombe thus expressed himself: "But as the condition of the Empire is that the (Royal) veto must attach, that veto must necessarily be accepted by those in favour of a change; and in so far as that veto may be insufficient to meet the requirements of the Secretary of State, no new conditions which he may seek to impose, such as those which are contained in his despatch, will be accepted by this Council or by this Colony."

6. Your memorialists are strongly of opinion that there does not exist in the Colony, as a whole, any desire for an immediate and sweeping change in its political constitution; and, in their judgment, the very small majority of seats returned to the Legislative Council in favour of Responsible Government is a proof of this. Moreover, the minority in the Council really represent a majority of the electors, notwithstanding the great efforts employed to obtain a different result. (*Vide* Governor Sir C. Mitchell's despatch, 16th October 1890.)

7. Memorialists submit that the small majority of members as returned to the Legislative Council, and under the conditions alluded to, is not such a majority as to comply with the terms laid down in your Lordship's despatch "as a decided and unmistakable declaration of public feeling."

8. When, as stated by the Governor of the Colony to your Lordship, in his despatch of the 16th October last, the community entitled to the franchise is so equally divided on a question so grave as an entire change of Constitution, it will, in the opinion of your memorialists, be unjust to impose on so substantial and numerous a minority of representatives duties and obligations they are unwilling to undertake; that when, as in the present case, the majority of the electors has been shown to be adverse to such a change, and very specially when regard is had to the fact that the Natives—nine-tenths of the population—are not capable of having the franchise; that they have been very peaceable under the Government in its present form; and that there must be a risk (and how serious is such a risk!) of disturbance, possibly of danger, in the change, which, even if your Lordship should retain the power of the veto on any measures relating to the coloured race, may affect them in countless ways; if they are to be locally under the rule of those who are not their representatives, and whose constituents may have interests widely diverging from those of the Natives, this argument acquires an augmented force.

9. Your memorialists therefore respectfully urge upon your Lordship the importance of tendering such advice to Her Majesty as will cause the Bill referred to to be disallowed; but, should your Lordship consider otherwise, then memorialists earnestly request that a special appeal be first made to the electors by the Government at a general election, so as to ascertain whether they will accept the changes contemplated by the Bill.

And your memorialists, as in duty bound, will ever pray.

JOHN BIRD,
Chairman of the Natal Conservative Association,
and Others.

No. 11.

J. L. HULETT, Esq., M.L.C., to COLONIAL OFFICE.

(Received April 14, 1891.)

Kearsney, Natal, South Africa,

March 16, 1891.

MY LORD,

I HEREBY enclose, for the serious attention of your Lordship, a letter which has been written by Sir J. Akerman, K.C.M.G., senior member for the city of Maritzburg and of the Colony, and by Mr. J. Bird, C.M.G.

In addressing your Lordship personally, allow me to state that I am a Colonist of 33 years' standing, and have resided on the border of the Colony in the midst of the most congested Native populations of the same. I have been engaged in agricultural pursuits as a planter, and am a very large employer of Native and Indian labour. That since 1883 I have been one of the representatives of Victoria County in the Legislative Council, and for some years a member of the Executive Council of the Colony, at the request, first of the late Governor Sir A. Havelock, and, after the late election, of that of Sir Charles Mitchell—this under the supplementary charter, which provided for the addition to the Executive Council of two of the elective members of the Legislative Council.

I am a Justice of the Peace for the Colony, and, from time to time during the past 20 years, have acted as Resident Magistrate and Administrator of Native law gratuitously, during temporary absences of those officials, at the request of the Government (this for the district in which I reside).

My absolute acquaintance with the peculiarities of the varied circumstances of the various interests and populations of the Colony is undoubted, and the cordial relations held and felt by myself with and towards the Native population is well known.

During the late session of the Legislative Council, which had the change of constitution before it, I was (in consequence of Sir J. Akerman being Speaker of the House) recognised as the leader of the opposition to the measure, which had for its purport the establishment of party government in Natal. My views were chiefly shown by my speech on the second reading of the Bill, and which your Lordship can see by reference to the Hansard report of the debate. However, I would point out to your Lordship, that my opposition to the change is not to the general principle of Responsible Government as such, but to the unsuitability of the same to our peculiar circumstances at the present time, and to my conviction that the leaders of the movement for a change are actuated by motives of loyalty to the principle of party government, as that of freedom, without

duly recognising the danger attaching to the establishment of the same by a handful of Colonists, ruling the destinies of an immense unrepresented majority of the population. I complain that the unfitness of the Colony for self or party government is seen in the disinclination of the Legislative Council in the past to grapple with the undisguised faults in Native administration, and to do nothing but find fault with the present system of government in its relations with the Natives, but without propounding a remedy or laying down a programme of desirable action.

The conservative character of the Native people is such that they will fail to understand the constant change of front and action consequent upon party government. The great Native question will be the battle-ground of party conflict, and the peace and well-being of the Colony will be endangered.

The leaders of the party of change assert that they will deal justly with the Natives, and hence that they will be contented; but whilst their intention may be good, the heat of party strife will be such that they will not be able to control their followers; besides ideas of justice may vary.

Again, the Native mind requires to be dominated by a firm and settled government, and one that it can respect. The Native ideal of power is centred in the "Queen," and the Government is to them more of an expression of power than anything else, and if that is undermined or shifty then an unsettled feeling follows.

The exceedingly large population of Natives, living chiefly in large centres away from the bulk of the European settlers, the habits, customs, and feelings of the Natives being practically unknown by the most influential Colonists, and indeed by the leaders of the responsible Government party, are reasons why a change of Government will be at present inopportune and dangerous.

I hold that prior to the change of Government taking place, a very extensive increase of supervision should be established by the very large increase and change in the constitution of the magistracies and administratorships, and serious additions to the police, even though the cost of the same should be trebled. All this should be done under the auspices and direction of the present Government, who will better be able to show the reasons and necessity to the Natives; being done by a movable ministry the effect might lead to suspicion.

The Native question is the chief hindrance to a change to party government, and this those who are best acquainted with the Natives will acknowledge.

Unfortunately a large number of the supporters of change do so on the ground that the Natives will be forced to work for the Colonists, failing to recognise the facts, first, that to force labour from unwilling labourers is dangerous and immoral, and second, that in actual fact the Natives of Natal do render a large amount of labour to Europeans in and outside of the Colony. This by some is disputed, but I am certain that all that can be fairly expected is rendered by the Native population.

The amelioration of the racial and moral instincts of the Natives can be immensely increased and extended by the *present* Legislative Council uniting with the Executive Government in desired directions, and far more so than by drastic action, taken by a movable ministry actuated by caprice and ignorance.

It is contended that the present Government will not move. I contend that the present Government has no right to initiate great changes unless supported by the Legislative Council and the Colony. and if the Legislative Council and the Colony has abrogated or failed to use its responsibilities in this respect under the present constitution, we may fairly assume that they will fail when they have the power, or use the same to the prejudice of the safety and well-being of the people.

Before the Bill which has passed the Legislative Council be assented to, the Imperial Government should require that the Native management should be entirely kept in the hands of the Crown, and that the proceeds of the Native hut tax should be used by the Crown for the purpose of increased supervision and police protection as regards the Native population, and increase of magistrates, &c., &c.

Again, before any assent should be given to this measure, an appeal to the Colony should be made upon the views that might be enunciated by your Lordship in reviewing the measure.

Especially allow me to draw your Lordship's attention to the last paragraph of the summary in the enclosed printed letter (No. 8).

I have, &c.

(Signed) J. LIEGE HULETT.

The Right Hon. Lord Knutsford, G.C.M.G., &c.,
Secretary of State for the Colonies.

Enclosure in No. 11.

A VOICE from the COLONY of NATAL.

For some years past certain members of the Legislative Council of Natal have been exerting themselves to obtain Responsible Government. More than one inquiry and reply on the subject have passed between the Secretary of State and the Council.

They aim at this in a Colony in which nine-tenths of the population—the Natives—who have few interests in common with the Europeans, are excluded from the privilege of voting and can have no voice in any public measure.

In his work on Constitutional Government, John Stuart Mill points to such a state of things as that in which representative institutions are "inapplicable." He says, p. 81 :

"The case most requiring consideration in reference to institutions is the not very uncommon one, in which a small but leading portion of the population, from difference of race, more civilised origin, or other peculiarities of circumstance, are markedly superior in civilisation and general character to the remainder. Under these conditions government by the representatives of the mass would stand a chance of depriving them of much of the benefit they might derive from the greater civilisation of the superior ranks; while government by the representatives of those ranks would probably rivet the degradation of the multitude, and leave them no hope of decent treatment except by ridding themselves of one of the most valuable elements of future advancement. The best prospect of improvement for a people thus composed lies in the existence of a constitutionally unlimited, or at least a practically preponderant, authority in the chief ruler of the dominant class."

The truth of this is almost self-evident.

The Council under our present Government by the Crown consists of 31 members, of whom *five* hold fixed appointments under the Queen, and are members likewise of the Executive Government; two are Colonists nominated by the Governor; and the remaining 24 are returned by various European electors throughout the Colony. The Native population, estimated at nearly half a million, is disfranchised. The population imported from India, with their descendants, and who are for the most part unrepresented, approaches in number that of the European. The Europeans probably do not exceed 40,000 in number, or less than a twelfth of the population. The electoral roll of the Colony contains about 8,000 names. Among these the names of electors having votes in several constituencies are frequently repeated. Probably not more than from 5,000 to 6,000 individual electors are resident in Natal, or possess the necessary qualification.

On the whole the existing form of Government has answered for the requirements of the Colony. Under it, notwithstanding racial distinctions and Native numerical preponderance, peace has been preserved, justice administered, and prosperity has increased, due partly to Natal's geographical position as an *entrepot* for the interior, but nevertheless, truly, to an extent and with a rapidity unparalleled in the history of other Colonies, there being as few just causes of complaint in respect of government as are found under any other existing system of administration.

There is one excellence in such a form of government too frequently overlooked, namely, that each elective member has the opportunity of recording an independent vote on any measure submitted by the Governor, or by a private member, unrestricted by the trammels of party, and uninfluenced by a struggle for office or party supremacy. The merits or demerits of any measure can thus receive impartial consideration. Furthermore, experience has demonstrated that, aided by the Council, the present Government has sufficient power to correspond and negotiate with neighbouring States. It has been represented at several conferences held with these states, one of them being followed by a railway convention; and it can raise loans of money for the prosecution of railways and other public works. It has also been represented at conferences in England, at one of which representatives attended on equal terms with those from responsibly-governed Colonies.

It should be at once understood, that, out of the 24 elective members, those who have pressed so urgently for a change do not exceed *three* or, at the most, *four* in number; and were these to retire the clamour for a change in the political constitution of the Colony would, it is believed, cease, or be reduced to dimensions so dwarfed and feeble as to excite derision. Without doubt, the small number named consists of men of ability and acquainted with legislative procedure. For such the endeavour to displace the Queen's officers and occupy their seats is an ambition not wholly to be condemned. But, the subject expands into wider considerations when the question is proposed: Why

should this small Colony be plunged into the throes and surges of party government merely to gratify the wishes of three or four individuals, and when, too, it is found there exists no adequate reserve of trained public men to furnish an effective opposition or relay? This consideration gathers force when the European population of the Colony is considered, totalling, as has been stated, only 40,000, consisting of not more probably than 10,000 adult males, furnishing 5,000 to 6,000 electors. To expect to obtain from so limited a supply a sufficient number of men of attainments or ability adequate for the government of a Colony beset with many difficulties that may become dangerous, must be regarded as unreasonable. On the other hand, a government unprovided with the means of selection of able men in numbers sufficient to fulfil the conditions of party government must dwindle into insignificance.

A Bill has passed the Legislative Council by a small majority, and has been transmitted to the Secretary of State to be dealt with. It is now necessary, therefore, to speak of the objects of this Bill, the manner in which a majority in its favour was obtained, and some portions of the Bill itself; and it is hoped that England and her Parliament will thoroughly understand the question before the Queen's assent is accorded to such a measure.

The Bill purports to be for the establishment of Responsible Government in Natal, and its history is briefly as follows:—During the last session of the Legislative Council, which expired in 1890, the agitators succeeded, by the slender majority of two in passing a resolution claiming full control over all classes of the population, and declining to submit to any restrictions other than the royal veto. A general election followed, when ten members were returned opposed to a change, and fourteen on the other side. Taking advantage of a special session convened for financial purposes, and of their majority, the advocates of change got their Bill through the Council, the Queen's officers taking no part in the contest, though they are the only portion of the Council truly representing the Natives—the Natives not being consulted, and having no franchise. The two nominated members ranged themselves on opposite sides, and thus left the division numerically unaffected. For the measure the apparent majority stands as five; but on a question so grave and revolutionary the opinion of the Speaker, whose vote from being in the chair remains unrecorded, is clearly entitled to notice. That functionary is strongly opposed to the change. Counting his vote, therefore the majority of members is seen to be four only—the number returned at the elections.

Reverting to the manner in which the majority at the elections was procured, it is necessary, at the outset, to remember that there exists unquestionably throughout the Colony a strong feeling that the Natives do not supply to the Colonists the amount of labour they ought to render; that the Natives are idle and lazy; that the "Native Question," as it is termed, demands interference and legislation, and so forth. To some extent the anti-responsibles concede that Native management leaves room for improvement, but they consider that such improvement can be effected from time to time much more safely in conjunction with the Queen's officers, whom the Natives regard as Her Majesty's vice-gerents, than when undertaken by a shifting or movable body of ministers, the representatives of a colonial party, to whom the Natives can scarcely be expected to yield a similar deference; a body representing the Europeans only, whose interests may clash with the views of the Native, and in the selection of whom the Natives have no voice; a provision of things calculated, and even likely, to lead to irritation and disturbance.

The advocates of Responsible Government, on the contrary, when they went to the poll, taking advantage of the outcry for labour and appealing to the susceptibilities of the electors, claimed for the Colonists full control of the Natives, which should not be interfered with by Downing Street, except so far as an ultimate veto on legislation may attach. Downing Street was held to be incapable of estimating the requirements and needs of the Colony.

In proof of this the following, *inter alia*, taken from authoritative sources, are presented to the reader. They are utterances made in public by two of the chief leaders in the movement.

One of these said:—

"The condition of the Labour Question of this Colony is one which may well drive any one to desperation. It is more than distressing; it is a cruel thing for men who are anxious to cultivate the soil and to avail themselves of the resources at their command, for them to be unable to do so because they cannot command the smallest amount of labour; and it is especially cruel when they see all round them a coloured population living in a condition of idleness and savage luxury, and yet mocking their neighbours, mocking their

“landlords, and mocking their would-be employers for their inability to obtain labour which they ought to supply.”

Here it should be explained that the Natives, who are for the most part small farmers, in many instances hire lands from the whites to whom substantial rents are paid. In other cases labour is given either with or without the addition of rent.

On another occasion the same member spoke publicly as follows :—

“For the second time I have to ask this honourable house for the people of this Colony (whites) the full control of their own affairs, not, sir, for one portion or for one section of its population, but for all classes and for all races, whether they be black or white.”

And another spoke thus :—

“But as the condition of the Empire is that the royal veto must attach, that veto must necessarily be accepted by those in favour of a change; and in so far as that veto may be insufficient to meet the requirements of the Secretary of State (Lord Knutsford) no new conditions which he may seek to impose, such as those which are contained in his Despatch, will be accepted by this Council or by this Colony.”

Lord Knutsford had stated that were Responsible Government conferred on the Colony it might be necessary to instruct the Governor to reserve bills affecting Natives. But even this was now declared to be a provision that neither the Council nor the Colony would accept.

On these pretensions and declarations, the agitators came before the public, three of them journeying through the country haranguing meetings. They stormed the constituencies, and secured a majority of the press. Native labour and Native control supplied the burning question that was to consume all opposition.

Yet, strange to say, so strong throughout the colony is the indisposition to take the change of Government, that, with all the agencies at their back, and despite the energetic efforts put forth, only a small majority of *four* members could be obtained; and this was confined to the upper districts of the colony where a severe snowstorm held back rural electors from the poll.

The following taken from an official despatch sets forth the results of the election :—

“Total number of electors who voted for anti-responsibles, and who, in the uncontested districts of Umgeni and Umvoti, are credited as having so voted	2,596
“Total number of electors who voted for responsibles, and who, in the uncontested districts of Alexandra and Alfred are credited as having so voted	2,503
“Majority against	<u>93</u> ”

The summary here produced discloses the fact that the minority in the Legislative Council represents a majority of the electors and people of the Colony on this point, though the other side possesses the majority of seats enabling them to pass the Bill. The electoral roll of the entire Colony, with a very low franchise, and admitting lodgers, exhibits a total of but 7,783. Taking it for granted that there are actually of these from 5,000 to 6,000 individual resident electors—some names appear on many lists—the startling fact will then appear that, on the votes of 2,503 electors, Her Majesty is to be solicited to change the form of government by passing the Bill into law. Is this state of things, be it asked, that pronounced opinion in favour of so momentous a change required by Lord Knutsford in his despatch?

What shall be said of the Bill as forwarded to the Secretary of State? By dint of “caucusing,” dominated by the votaries for change, the Responsibles were successful. Five of the fourteen were quite new to parliamentary life. Responsible Government, whatever that might imply to them, must, they affirmed, be carried. As it went into committee the Bill provided for the usual two Chambers, and presented no notable particulars. When finally reported it was seen to be quite transformed. Provision was made but for one small chamber of 37 elective members, yet, the full cabinet of ministers was retained. And now came to light one of the most extraordinary feats ever performed in the history of legislation. It has been seen that the responsibles secured their majority of seats by promising full control over the Natives, and emancipation from Downing Street interference. The altered Bill evidenced the hollowness of such pretensions. Having received a hint as to what might be acceptable to the hitherto, by them,

proscribed Downing Street, the responsible, voting *en bloc*, had, at the eleventh hour, inserted in the Bill a clause that all measures affecting the coloured people only *shall* be reserved for Her Majesty's consideration. Not very long before Lord Knutsford's intimation that the Royal Instruction might instruct the Governor to reserve such measures was spoken of as a condition not to be accepted by the Council or the Colony. But now, by leaps and bounds, the position so determined, and yet so definite, was found deserted, a retreat is sounded; and the champion who, at all hazards, was prepared to resist every outside interference, except the final veto, himself proposes, not merely submission to Royal Instructions, but, by statute law, to compel the reservation of all such Bills as affect Natives only, the Governor in such a case being reduced to a cypher in the constitution, since on Native matters he must be dependent on information given him by ministers—heads of departments—who do not represent the disfranchised Natives, but are bound to have at heart the wishes of constituents, whose interests are little likely to be always in conformity with those of the Natives; and in this there is an element of very great danger. Still further stultifying their engagements and promises to the electors, the party had inserted in the Bill a clause forbidding all discussion or debate on Native questions until the motion or proposition submitted to the Council had been considered by a standing committee. It is admitted that improvement in Native government can be made. If progressive it must needs be slow. To subject all special Native questions to the two ordeals, viz., a standing committee and compulsory reservation, is to strip the Colonists of a power existing under the present charter. Then why it will be asked, has it been done? To such a query but one answer can suitably be given. The expedient, so humiliating, has been resorted to obviously in the hope of gaining Her Majesty's assent to the Bill, so as, of course, to gain ministerial seats and emoluments. Two of the members in favour of a change were requested to resign, and a third to vote against the Bill, but they disregarded the mandate, and obeyed the agitators.

Petitions are being signed in the Colony urging the Secretary of State to disallow the measure or, at least, to submit it to a general election; and it is not to be wondered at that even some responsible, finding themselves deceived, have signed the petition. The Colonists will look with earnestness and curiosity for the reply to that petition; and will naturally ask the question whether it is possible that men who, in the space of a few days, can so change and swerve from solemn promises and assurances, will be esteemed by the Queen as fit and proper persons to be entrusted with the control of the government.

There is also another aspect of the question. The accession to ministerial place and power being evidently now the goal to be reached, and at any cost, it will be recognised by practical politicians that a ministry once in office could, in the bud, arrest all legislation for Natives as a class—though as a class they must frequently be dealt with. If unsuccessful in this, the ministry could screen themselves from censure by casting the entire blame of miscarriage on the British Government. Thus they would retain the emoluments of office without due responsibility. Their the advantages of the position: Her Majesty's Government the really responsible body. In fact, by the Bill Her Majesty's Government becomes the upper chamber in legislation. Besides this it must not be forgotten that even ordinary legislation may so indirectly affect Natives as to lead to disturbance.

Yet this after all exposes but one horn of the dilemma. Let it be assumed that direct Native legislation may be strangled at its birth, what then will be the nature of the legislation by which a ministry is to stand or fall? Undoubtedly legislation involving the taxation of the European Colonists, such as for railway construction, excise, customs tariffs, land tax, &c.. In regard to such legislation, the Bill provides absolutely no constitutional check, and what, it may be asked, will be the stability of the Government in this country when a catch vote in a small elective house on any one of these questions may be capable of displacing the ministry then in office for whose places, as has been stated, there exists no sufficient reserve of trained men. And what a spectacle of government to exhibit to the Natives all round, those keen observers of men and things, and a people ardently attached to stability of administration, and easily dissatisfied and discontented!

SUMMARY.

Members of Parliament and the people of England may well consider the following appeal:—

1. The Colony, as a whole, has shown no desire for the change.

2. The majority of seats was obtained by a belief that responsible government, in the future, meant some form of compulsory Native labour.

3. The change represented by the Bill, save that it provides for an elective ministry with emoluments, in no way supplies the change of government that was offered to the electors.

4. The bill itself involves a dilemma. It either provides for responsibility remaining with the Home Government, whilst Her Majesty's officers are to be superseded in the Colony; or it precludes any chance of stability in local administration; unless the converse of this should happen, which would be despotism bearing the name of freedom, by reason of the difficulty of changing a ministry because of the lack of men to take their seats. All three of which contingencies are great evils.

5. That the "pronounced majority" in favour of Responsible Government as demanded by the Secretary of State does not exist, is fully realised by the agitators, for when it was moved in the Council to make a special appeal to the country on the merits of the reconstructed Bill, the proposal was rejected almost without discussion by a solid vote.

6. Some persons inquire, why do the Colonists object to freedom? Under the Bill passed their freedom has been partly reduced. But they reply, that under the present constitution there is sufficient freedom and scope for safe and profitable legislation. The freedom, that much-abused word, supposed to be inherent in Responsible Government, would in Natal be attended by serious risk and insecurity. Hence it is, that Colonists, eschewing what in their case would be a step taken merely to satisfy ambition or cupidity, prefer remaining as they are; until an adequate increase be made in their number. To undertake duties too cumbrous and risky for a population so small would be to relegate their persons and interests to slavery and danger. Authorities of eminence, such as John Stuart Mill, Earl Grey, Herman Merivale, and others, have pointed out that mixed populations, such as are found in Natal, are not adapted to the conditions of responsible or party government, however well such a government might suit the Anglo-Saxon race. And it is only when the dominant white race is sufficiently numerous, united and potent, that party government is at all advisable in such countries.

7. Now once again consider the populations dwelling together in this small Colony, and mixing daily. Natives say 450,000. Labourers from India and their descendants, say 30,000. Whites 40,000. Say that the electors (all whites) muster 6,000 resident electors. How have these electors expressed themselves? 2,596 of them voted against Responsible Government and 2,503 for it. On this question, then, the white population is about equally divided. When, in the face of such numbers of coloured races, so equal a division is seen; when one half of the electors declare they will not have this change, will it not be most unjust that it should be thrust upon them? What prospect can there be of obtaining good government under such conditions; not to mention the bickerings, strife, anarchy, and disorder that of necessity will be developed if Her Majesty's Government assents to the Bill in spite of the determined protest of a moiety of the electors. The present Bill would probably be rejected altogether at an election.

8. It is pretended by some that a ministry is necessary for negotiating with adjacent states and territories. That this pretence has no foundation in fact, has been previously shown. So far as the Cape Colony is concerned, it is acknowledged that there is not much chance of any union of interests in that quarter. Natal objects to it. The other states have flags other than British, and it is in the highest degree important that any necessary or special negotiations with them requiring caution should proceed under the direct guidance of officers of the British Government, rather than be confided to a shifting local elective ministry. This is the more imperative in view of the tendency to republicanism prevalent in South Africa.

I am, Sir, yours truly,

A NATAL COLONIST.

Pietermaritzburg, Natal, March 1891.

No. 12.

SIR C. B. H. MITCHELL to LORD KNUTSFORD.

(Received April 20, 1891.)

Government House, Pietermaritzburg, Natal,

March 24, 1891.

My Lord,

A fortnight ago I forwarded to your Lordship a copy of a petition* that had been signed in the Colony praying that your Lordship would be pleased to tender such

* Enclosure in No. 10.

advice to Her Majesty as would cause the Bill for the establishment of Responsible Government to be disallowed, or that, should it be contemplated to allow the Bill, a special appeal be first made to the electors at a general election so as to ascertain whether they will accept the changes contemplated by the Bill.

I propose to address your Lordship further on that petition, and, with this end in view, I requested the Colonial Secretary to obtain from the Committee which had been charged with the preparation of the petition an analysis of the subscribers, showing the different electoral divisions to which they belonged. From the enclosed copy of a memorandum* I have this day received, your Lordship will perceive that in this plan I have not been altogether successful, in consequence, probably, as will be seen from the enclosed copy of a letter from the joint secretaries of the Natal Conservative Association,* of the manner in which the signatures have been obtained not admitting of their identification by the organisers of the petition in the various districts. It is not unusual in Natal to place copies of any petition that may be in course of signature at various hotels on the main line of roads in order that they may be signed by any passing traveller, and this practice tends to make it difficult to locally identify signatures. It has been ascertained, however, that those who have signed the petition are voters on the electoral roll of one or more divisions of the Colony, the names of all who are not such having been erased. The total number of signatures now sent forward amounts to 1,274, and the Colonial Secretary states in his minute that a further instalment is expected from Newcastle, which I shall forward as soon as it is received.

It will be observed by reference to my despatch of the 16th October last,† that the total number of votes recorded on the anti-Responsible Government side was 1,937. This, I think, goes far to prove that the view expressed in that despatch, that the judgment of the Colony is nearly equally balanced on this question, is a true one.

With regard to the statements made in the petition, paragraphs 3 and 4 would seem to imply that the terms of your Lordship's despatch of the 29th August 1889,‡ as to the question of Responsible Government being "expressly submitted to the people at a general election" had not been complied with.

The facts are as follows: The despatch was forwarded to the Legislative Council by me in a message on the 14th April 1890.* (See page 11, Votes and Proceedings 1890.) This despatch was published for general information, and, "taken over" by all the newspapers in the Colony.

On pages 568, 569, and 570 of the Votes and Proceedings of the Legislative Council, 1890, will be found three divisions on a resolution proposed by Sir J. Robinson, and on two amendments proposed by Mr. Hartley and by Mr. Symons.§ The text of these will be found on page 558, and it will be seen that the resolution claiming Responsible Government for Natal was passed, and the two amendments were rejected. This happened on the 26th June 1890. On the 8th July the Legislative Council was prorogued, and on the 25th July was dissolved. Writs for a general election were at once issued, and I know of no way in which the question of Responsible Government could have been more "expressly submitted to the people" than it was at this election.

Paragraph 5 of the memorial acknowledges that the topic of Responsible Government was the one "principally discussed at the hustings."

The expression of opinion contained in paragraph 6 may, or may not, be correct. The last statement in that paragraph is inaccurate, inasmuch as it implies that I, in my despatch to your Lordship of the 16th October 1890,† stated that the minority in the Council really represented a majority of the electors.

The whole question really turns on the point as to whether a constitutional majority of members returned by constituencies is to be regarded "as a decided and unmistakable declaration of public feeling," or whether the Colony should be regarded as a whole and something akin to a plébiscite on the question be taken.

If the latter be the correct view, I know of no constitutional process for obtaining such an expression of opinion.

I have, &c.
(Signed) C. B. H. MITCHELL.

The Right Hon. Lord Knutsford, G.C.M.G.,
&c. &c. &c.

P.S.—I forward the original petition against the establishment of Responsible Government, referred to in my despatch to your Lordship of the 11th instant.||

* Page 68.

† No. 5.

‡ No. 4.

§ Page 69.

|| No. 10.

Enclosure 1 in No. 12.

COLONIAL SECRETARY TO GOVERNOR.

HIS EXCELLENCY,

I AM informed by the secretaries of the Conservative Association, which is in charge of the enclosed memorial to the Secretary of State, that they have made every effort to localise the signatures to the petition, but that the difficulties in the way of doing so, notably the fact that in many cases signatures have been obtained at roadside houses from passers by, and the further fact that there are many on the electoral roll of the Colony possessing votes in different electoral divisions, and it is impossible, without a scrutiny to ascertain in which of these divisions they recorded their votes at the recent general election, have prevented anything being done beyond the striking out from the signatures of the names of those who are not included in the general electorate.

I am also informed that signatures are yet to be received from Victoria county and from Newcastle, and with regard to the latter, it has been pointed out to me that inasmuch as the Newcastle election had the result of creating the majority in the Legislative Council in favour of Responsible Government, and that the election itself was barely carried in favour of the Responsible Government party, the bearing upon the memorial to the Secretary of State of any signatures which may now be obtained in the Newcastle Electoral Division may be of a most important character.

Until the signatures to the memorial have all come in, it is of course difficult, or rather of little service, to institute a comparison between the number of signatories and the number who recorded their votes at the general election, as shown in your Excellency's despatch of the 16th October 1890 to the Secretary of State.

23rd March 1891.

(Signed) F. S. HADEN,
Colonial Secretary.

Enclosure 2 in No. 12.

NATAL CONSERVATIVE ASSOCIATION TO COLONIAL SECRETARY.

SIR,

Pietermaritzburg, March 23, 1891.

WITH reference to the petitions which have been forwarded to Lord Knutsford against the new Constitution Bill, we have the honour to request that you will point out to his Excellency the Governor, that the absence of a petition from Durban is due very much to the hesitancy of a large number of voters in the employment of Government to affix their names to a petition, although they are quite ready to record their votes by ballot at the hustings. This condition of things is ascribed very much to the issue of the Government circular forbidding employes of the Government from taking an active part in political matters. The leaders of the party in Durban seeing this hesitancy preferred sending no petition, to sending one inadequately signed, but we would point out that 450 voters, who voted in Durban against Responsible Government, should fairly be reckoned as opposed to the Bill transmitted to the Secretary of State, in addition to the signatories to the petition already forwarded to his Excellency the Governor.

We have, &c.

(Signed) C. E. TAUNTON,
W. A. BADOCK,

Joint Secretaries, Natal Conservative Association.

Enclosures 3, 4, and 5 in No. 12.

MESSAGE.

WITH reference to the Address, dated June 20th, 1889, of the Honourable the Legislative Council, and to Message of June 29th, 1890, in reply, the Governor has the honour to transmit to the Council a copy of a despatch from the Right Honourable the Secretary of State, in reply to the question contained in the above-mentioned Address,

(Signed) C. B. H. MITCHELL,

Government House,

14th April 1890.

Governor.

NOTICES OF MOTION.

(A.) Contingent upon Consideration of Special Order of the Day.

Sir JOHN ROBINSON to move.—That while this Council is unable to accept the suggestions offered in Lord Knutsford's despatch for the protection of Native interests, in the event of a change in the constitution of Natal, it nevertheless claims for the Colony full control of its own affairs and of all sections of the population, in accordance with the constitutional powers exercised in all Colonies where Responsible Government has been established.

(B.) Contingent upon Consideration of Special Order of the Day.

Mr. HARTLEY to move as an amendment to the above notice of motion :—That in view of the decision of the Secretary of State with regard to the control of the Native population of this Colony as a condition to the adoption of Responsible Government, and in order to afford greater opportunities for colonists to obtain an experience in public political life, it is the opinion of this Council :—

- (1.) That prior to the acceptance at a future date of full Responsible Government, it is expedient to afford an opportunity to more colonists to occupy seats in the Legislature, who will thus be placed in a position to become practically acquainted with legislative duties and responsibilities before a change to self-government is undertaken by the Colony.
- (2.) In order to give effect to the foregoing, it is proposed to add ten elective members to the present Council.
- (3.) At the same time, in order to provide for a more direct representation of the Native or coloured races within the Colony, it is proposed to add three members, to be nominated by the Governor, and who should be expected to devote special attention to and exercise special supervision over all measures that may be proposed affecting the particular interests of the Native population.
- (4.) The members so to be nominated shall have been residents in the Colony for not less than 10 years, shall be selected with a special view to the functions they have to perform, shall be registered electors of the Colony, and shall have attained the age of 30 years.
- (5.) That the foregoing presents a measure of political progress quite adequate to the present needs, and no other substantial alteration in the political Constitution of the Colony is at present necessary or advisable.
- (6.) That the foregoing resolutions be forwarded to the Governor by respectful address, asking his Excellency to be pleased to send down a Bill to the next Council for the purpose of giving effect to the same.

(C.) Contingent upon Consideration of Special Order of the Day.

Mr. SYMONS to move :—That in view of the facts that this Colony has never signified by public agitation, and that no representations have reached this house from the electors of the Colony, by petition or otherwise, that there exists a desire among them that action should be taken by the Council in the direction of a change of Constitution, therefore this Council deems it undesirable to pass any opinion on the question now before it.

XIV. Special order of the day read :—Adjourned debate on his Excellency's Message (No. 3, 1890), forwarding the despatch, dated 29th August 1889, of the Right Hon. the Secretary of State for the Colonies on Responsible Government.

After further debate,
Last amendment put ; and
Division called for.
The Council divided.

The teller reported the division to be as follows :—

Ayes, 9.

Mr. Fell,
Mr. Groom,
Mr. Lindsay,
Mr. Murray,
Mr. Nel,
Mr. Pinson,
Mr. G. Sinclair Smith,
Mr. Symons,
Mr. Van Rooyen.

Noes, 13.

Mr. Binns,
Mr. Darby,
Mr. Escombe,
Mr. Hartley,
Mr. King,
Mr. Moor,
Mr. O'Meara,
Sir John Robinson,
Mr. W. E. Shepstone,
Mr. Stainbank,
Mr. Sutton,
Mr. Tucker,
Mr. Yonge.

Amendment lost.

First amendment put ; and

Division called for.

The Council divided.

The teller reported the division to be as follows :—

Ayes, 5.

Mr. Fell,
Mr. Groom,
Mr. Hartley,
Mr. Lindsay,
Mr. G. Sinclair Smith.

Noes, 17.

Mr. Binns,
Mr. Darby,
Mr. Escombe,
Mr. King,
Mr. Moor,
Mr. Murray,
Mr. O'Meara,
Mr. Nel,
Mr. Pinson,
Sir John Robinson,
Mr. W. E. Shepstone,
Mr. Stainbank,
Mr. Sutton,
Mr. Symons,
Mr. Tucker,
Mr. Van Rooyen,
Mr. Yonge.

Amendment lost.

Original motion put ; and

Division called for.

The Council divided.

The teller reported the division to be as follows :—

Ayes, 12.

Mr. Binns,
Mr. Darby,
Mr. Escombe,
Mr. King,
Mr. Moor,
Mr. O'Meara,
Sir John Robinson,
Mr. W. E. Shepstone,
Mr. Stainbank,
Mr. Sutton,
Mr. Tucker,
Mr. Yonge.

Noes, 10.

Mr. Fell,
Mr. Groom,
Mr. Hartley,
Mr. Lindsay,
Mr. Murray,
Mr. Nel,
Mr. Pinson,
Mr. G. Sinclair Smith,
Mr. Symons,
Mr. Van Rooyen.

Motion carried.

XV. The Acting Colonial Secretary moved, seconded by the Colonial Treasurer, that this Council do now stand adjourned until the hour of 10.30 a.m. to-morrow.

Agreed to ;

The house rising at 11.7 o'clock.

No. 13.

SIR C. B. H. MITCHELL to LORD KNUTSFORD.

(Received May 13, 1891.)

Government House, Pietermaritzburg, Natal,

April 15, 1891.

MY LORD,

IN my despatch of the 24th ultimo,* I stated that some additional signatures to the memorial against the establishment of Responsible Government were expected from the division of Newcastle, and that I would forward them to your Lordship as soon as I received them. I have now the honour to transmit sheets containing the signatures of 93 persons. I would remark, however, that only two of these sheets, with a combined number of signatures of 24, come from the Newcastle division.

I have, &c.

(Signed) C. B. H. MITCHELL.

The Right Hon. the Lord Knutsford, G.C.M.G.,
&c. &c. &c.

No. 14.

LORD KNUTSFORD to SIR C. B. H. MITCHELL.

SIR,

Downing Street, May 26, 1891.

I TRANSMIT to you a copy of a letter † which I have received from Mr. Hulett, M.L.C., on the Responsible Government question, and I have to request that you will inform the gentleman that I have received it and read it, and its enclosure, with interest, and that he will learn the views of Her Majesty's Government from despatches of mine which will be published in due course.

I have, &c.

(Signed) KNUTSFORD.

Sir Charles Mitchell.

No. 15.

LORD KNUTSFORD to SIR C. B. H. MITCHELL.

SIR,

Downing Street, May 28, 1891.

I HAVE the honour to acknowledge the receipt of your despatch of the 7th March ‡ enclosing, with other documents, a Bill passed by the Legislative Council of Natal "to provide for the establishment of responsible government."

2. Her Majesty's Government have not altered the opinion which I have indicated in previous despatches, that, subject to certain safeguards and conditions already known in outline to the colonists of Natal, the time has come when the system known as Responsible Government may be established in the Colony; but the Bill as passed will require modification in some respects before I can advise the Queen to assent to it, and I must therefore instruct you to invite the Legislative Council to reconsider the measure.

3. Before stating the chief grounds of objection to the Bill in its present form, it may be desirable that I should refer to one provision which will probably be much criticised. For many years past, unless I have misread the history of the question, when "Responsible Government" has been spoken of in Natal, it has been intended and understood that a bicameral system would be adopted. The Select Committee of 1888, over which Sir John Robinson presided, put forward the latest of the formal schemes on which the electorate had an opportunity of forming a judgment, and in that scheme the creation of an Upper and a Lower House was distinctly contemplated. It was, I apprehend, taken for granted at the recent general election that this scheme would be proposed were the Responsible Government party to obtain a victory, and it was in fact drafted by the Committee of the new Council under the presidency of Sir John Robinson, and introduced by him in the form of a Bill.

* No. 12.

† No. 11.

‡ No. 9.

4. But, while the Bill was passing through the Council, the clauses relating to the Upper Chamber were omitted, and Natal will therefore be the only instance (for the case of certain Provincial Legislatures in Canada is different) of a Colony under Responsible Government having a single Chamber for its legislative body. I do not, however, hold that a Colonial community, which is otherwise fitted for self-government, is incompetent to decide the question between a single-Chamber and a double-Chamber Legislature. There may be cases in which the number of educated persons able and willing to devote their time to legislative duties is too small to furnish sufficient materials for the composition of two effective Chambers; and recently, in the case of Western Australia, I expressed the readiness of Her Majesty's Government to accept a single Legislative body. Upon this ground alone, then, I should not be prepared to advise a disallowance of the establishment of Responsible Government; but it is difficult to reconcile the decision arrived at in favour of a single Chamber with the strong utterances in favour of an Upper House by the supporters of the Bill, and it would seem desirable that the matter should receive further consideration.

5. I will now proceed to deal with other points which arise upon this Bill, and referring in the first place to the preamble of the Bill, I would observe, that if it is considered desirable to recite any portion of the Charter, the Articles specifically empowering the Legislative Council to alter its constitution are those which should be recited, and not the sixth Article, which is not directly applicable. But it would seem better to omit the first paragraph of the preamble altogether.

6. Turning next to clause 3, I would observe that the appointment of Her Majesty's Representative in the Colony cannot properly be made the subject of Colonial legislation. This clause, is moreover, unnecessary; it is not found in the Constitution Acts of other Colonies under Responsible Government, and besides the constitutional objection to the clause, it might, as the Attorney-General has pointed out, be construed as precluding the appointment of a Deputy-Governor. Her Majesty's Government therefore desire that the clause may be omitted in passing a revised Bill. If the object of it was, in part, to secure that the Chief Executive Officer should continue to be styled the Governor, and not the Lieutenant-Governor as formerly, Her Majesty's Government have no objection to give an assurance that as long as Natal is an independent Colony, not forming part of a Confederation, Her Majesty will be advised to maintain the style and designation of Governor for the Chief Executive Officer. Should Natal incline to join a Confederation, the designation of the Chief Executive Officer would, of course, become a matter of arrangement between the parties concerned.

7. Clause 4 relating to the Public Seal might also conveniently be omitted as unnecessary and out of place in a measure of this kind.

8. I presume the word "constitutionally" in the 3rd clause is to read in connexion with the 11th and 13th clauses. When the Constitution Act is passed an alteration will be made in the Charter and Royal Instructions so as to bring them into harmony with the instruments in force in other self-governing Colonies. The officers who hold seats in the Executive Council when the new Constitution takes effect will then retire, and their places will be taken by the Ministers who may be appointed after the first elections to the new legislature; and these gentlemen in their turn will resign on leaving office. The phrase "Governor in Council" should therefore be declared to mean the Governor acting with the advice of the Executive Council.

9. It may have been intended, and it might possibly be argued, that, under the Bill as it stands, the Governor would have no option but to act as his Ministers advise, but the principle of Responsible Government is well established that, whilst the Governor is expressly enjoined by the Royal Instructions to guide himself by the advice of his Executive Council, a discretion is given him in those instructions to act in opposition to the opinion of the Council, if he shall see sufficient cause to dissent from that opinion. I am not aware whether the Legislative Council had before it the form of Royal Instructions issued to Governors in Responsible Government Colonies, and it may therefore be as well that I should enclose, for publication with this despatch, the Royal Instructions issued to the Governor of Western Australia. I also enclose the Letters Patent constituting the office of Governor in that Colony.

10. One reason for granting a discretion to the Governor is that his power of action cannot properly be more limited than that of the Sovereign herself in relation to Imperial affairs. It is obvious that the necessity of fulfilling our international obligations, and protecting Imperial interests, would alone be a sufficient reason for objecting to any provisions which might be construed as absolutely binding the Governor to accept any advice tendered to him by his Ministers for the time being. Moreover, the Governor has by his office the supreme command of Her Majesty's troops, and

the Bill, as it stands, might possibly be held to mean that the Governor is to be bound by the advice of his Ministers in any action it might be open to him to take in relation to such troops, whereas it can not be too clearly understood that no movement of Her Majesty's troops within the Colony, for any purpose whatever, could take place without the sanction and authority of the Governor acting on his unfettered personal responsibility. Again, the fact that there is a large Indian and Native population in the Colony affords an additional reason why the Governor of Natal should not be more fettered than the Governors of other Responsible Government Colonies. When Her Majesty's Government intimated their willingness to advise the grant of Responsible Government to Natal, they had in mind what is understood by Responsible Government elsewhere in the British Colonial Empire.

11. The future status and composition of the Executive Council are closely connected with this question. I notice that in your despatch you appear to contemplate that the Executive Council will continue to exist apart from, but including, the Governor's Ministers, and that the Governor will continue to be required under the Royal Instructions to resort for advice to his Executive Council, the opinion of which might, as you point out, be in conflict with that of the Council of Ministers. Your view derives support from the language of the scheme framed by Sir John Robinson's committee of 1888, where it is suggested that the Chief Justice and the Officer Commanding the Troops should continue to be members of the Executive Council, which was also to include the members of the Colonial Cabinet. But it appears to Her Majesty's Government that the only way of working the Responsible Government system satisfactorily is, that, as in other Colonies, the Executive Council should be the Cabinet. In a Colony under Responsible Government, non-political officers, such as the Chief Justice and the Officer Commanding the Troops, are out of place in the Executive Council, unless either is for the time being administering the Government. The more convenient practice is that followed in the majority of the Australian Colonies, where the Ministers on leaving office resign their seats in the Executive Council. The other course by which the retiring Ministers remain members of the Executive Council, but do not attend unless summoned, does not appear to have any practical advantage, and might possibly give rise to questions as to the validity of acts done under statutory powers to the Governor and Executive Council exercised at a meeting to which possibly a majority of the members had not been summoned. The practice has, no doubt, arisen from a supposed analogy between the Executive Council and the Privy Council in England, but the functions and powers of the two bodies are not identical.

12. I trust that the Legislature will agree with me that, in accordance with precedent, this branch of the subject should be dealt with by a modification of the Charter and Instructions, the Responsible Government Bill being confined in its scope as far as possible to the constitution and powers of the Legislative body, and to the various changes consequential on the new system.

13. It is unnecessary to declare, as in clause 11, that the Ministers shall be the responsible advisers of the Crown; they will become so without this provision, which I may observe has not been adopted elsewhere. Powers should be more expressly given to them to hold their seats notwithstanding the disqualification of office holders in clause 28. This exception would more properly follow clause 28, the last proviso of which might then be omitted; and upon this point I would refer you to the 28th and 74th sections of the Western Australian Constitution Act, 1890 (53 & 54 Vict. c. 26.), in which this matter is, I think, better dealt with.

It would be well to omit the word "new" in the 49th clause of the Bill; the word is unnecessary, and may, as has happened elsewhere, give rise to questions as to what constitutes a new appointment.

14. Clause 12; again, contains a provision which does not properly form part of the written constitution of a Colony under Responsible Government, and no corresponding clause, as far as I am aware, forms part of any other Constitutional Act. Cases may occasionally arise in which it will be desirable to retain in office for special reasons, and for a limited time, a Minister who has failed to secure his election. The Council would take care that such liberty was not abused.

15. Turning now to clauses 8 and 10 and clause 42, which deal with matters affecting the Natives, while I am glad to observe that clause 10 meets the requirements of Her Majesty's Government by giving statutory force to the provision in regard to legislation now embodied in the Royal Instructions, I cannot regard the other two clauses which I have mentioned as being equally satisfactory. Her Majesty's Government cannot consent that the Governor shall, as proposed in clause 8, be subject to the decisions of the Ministers in exercising the powers and functions of Supreme Chief. Unless in some

emergency, he would no doubt be guided by their advice, but if the necessity for his personal intervention should arise, he must, as at present, be responsible to the Queen for any action he may take in his capacity of Supreme Chief. The clause should therefore be omitted.

It would be far better that such special authority should fall into desuetude altogether than be liable to be exercised under such conditions as this clause would render possible. The clause, as you point out, embraces such legislative power as the Supreme Chief possesses, and might in truth under certain conditions have the effect of neutralising the operation of clause 10, by which the Governor is disabled from assenting to, and thus bringing into operation, laws specially relating to the coloured population, when passed by the Legislature itself, before the Home Government has had an opportunity of examining them. On the other hand, the Legislature may rest assured that there is no intention of invoking the powers of the Governor as Supreme Chief unnecessarily, or in opposition to those of the Colonial Government and Legislature. It is difficult to forecast any circumstances in which it would be deemed essential to call these powers into operation, except upon the advice and request of the Ministers.

16. Clause 42, which specifies the sum of 20,000*l.* as a minimum annual sum which the future Legislature may devote in its discretion to Native purposes, but leaves the control of the amount so provided to the Legislative Council, does not in any sense correspond with the provision made by section 70 of the Western Australia Act, 1889, to which I referred in my despatch of the 29th August 1889,* as indicating the requirements of Her Majesty's Government on this subject. That section of the Western Australia Act appropriated absolutely the sum therein indicated to the use of Her Majesty, without further control on the part of the local legislature; and in pointing out that the annual sum would similarly have to be "secured" for expenditure under the control of the Governor, and "reserved" for that purpose, I used the terms commonly adopted when it is intended to place the amount so provided beyond the control of the Legislature. It should therefore be included in schedule A. of the Bill.

17. I next proceed to deal with clauses 37 and 38 regulating the status of Judges, the latter of which you have criticised as requiring some qualification in the interest of existing Judges. Clause 38, I may observe, is taken from section 55 of the Western Australia Constitution Act; and, as I read it, it leaves to the Queen an absolute discretion to act, or not to act, on the address of the Legislature for the removal of a Judge. Upon receiving an address from the Legislature for the removal of a Judge, it would always be open to the Queen to refer the matter to the Judicial Committee of the Privy Council, under the power in that behalf conferred on her by the Imperial Act 4 William IV. cap. 41. section 4. You refer also in this connexion to the Act of Parliament 22 George III. cap. 75, and observe that the appeal to the Privy Council thereby given to Judges would be lost under the present Bill; but I have to point out that the words "Governor and Council" in that Act mean "Governor and Executive Council," and that this clause does not purport to give any power over Judges to the Governor and Executive Council. Even if the Bill were inconsistent with the Act of Parliament, the Act of Parliament would prevail, and the right of the Judges, whatever it might be, would remain intact. I do not, therefore, perceive that the Judges are in any worse position than they are in now, or that their claims demand any amendment of the Bill.

18. On clause 45, and the schedules A. and B. which it legalises, you have called attention to two further questions, viz.: (1) as to the amount of 3,000*l.* appropriated for the Governor's salary; (2) as to the amount appropriated to Mr. Morcom in the event of his vacating the office of Attorney-General on political grounds. I gather that the reduction from 4,000*l.* to 3,000*l.* was due rather to the accidents of discussion in Committee than to any deliberate intention on the part of the Colony to fix the latter sum as the maximum salary of the Governor. The salary was formerly 4,000*l.* a year, and was only cut down to 3,000*l.* at a time of exceptional depression. The adoption of Responsible Government would seem a not inappropriate occasion for restoring it to its former amount; and having regard to the great importance of securing the services of a Governor of tried ability when Responsible Government has been established under the peculiar circumstances attendant upon its introduction into Natal, Her Majesty's Government must request that the salary of 4,000*l.* may be reserved in the schedule.

19. With regard to Mr. Morcom, I regret that I cannot share your view. He only accepted office a few months before the general election, which as he must have known, would decide the question of Responsible Government. It can hardly be contended that

a barrister who accepts office under these conditions is unfairly treated by the grant of a life annuity of half his salary. In relieving him of his duties, whilst continuing to him a pension equal to half his salary, the Colony gives him back all his working time, and it appears to me that the provision is not inadequate.

20. Upon clause 48, you have raised the question whether existing civil servants should not retain a right to appeal to the Secretary of State against a decision of the Governor in Council to remove them. I do not consider that it is necessary to make any special provision on the subject. Government Offices are not freeholds, and those who hold them do so strictly during pleasure, and generally subject to the condition that the elected Legislature votes their stipend annually. If the Secretary of State were to overrule the decision of the Governor in Council by which a civil servant had been dismissed, the Legislature would perhaps throw out the vote for his salary, and he would be no better off than before. If, on the other hand, the Legislature were to take the same view as that taken by the Secretary of State, the intervention of the latter would have been needless, because the Legislature by its vote would be competent to redress what was amiss in the decision of the Governor in Council. But the clause as it stands appears to give the power of removing an existing civil servant without cause assigned, and without such allowance or gratuity as he is at present entitled to receive if he retires on the abolition of his office, or with a view to increased economy or efficiency in the service. There should be a provision securing to existing civil servants, notwithstanding the enactment of this clause, the rights which they at present enjoy. Possibly the case of the Permanent Under Secretary for Native Affairs might be excepted from the operation of the clause, so as to give him a right to appeal against dismissal to the Home Government. Otherwise, I do not perceive how the tenure of his office can be regarded as more "permanent" than that of other civil servants.

21. There are a few other points to which I should draw attention. In clause 19 it would be desirable to insert words relating to resignation, if the clause is to stand, but it would be better to fix a time for the duration of the Council (as in section 14 of the Western Australian Act) say, four or five years, after which there would be a general election; instead of making its duration depend upon the Governor's power of dissolution. In clause 26 provision should be made for the casting vote of the Speaker when the votes are equal.

As there is no restriction under Imperial Acts, as in the original constitutions of the Legislative Councils of the Australian Colonies, upon the power of altering the constitution, clause 46 seems unnecessary; its effect is included in the general power of legislation given by clause 7.

It is, however, necessary to insert after the clause printed 7, provisions for the presentation of Bills to the Governor for assent, and for his giving or withholding Her Majesty's assent, and for the disallowance of Bills by Her Majesty within a period of, say, two years.

22. Although it is desirable that the official members of the Legislature should, as previously, not take part in divisions on the constitution question, I think it might be well, when the revised Bill is discussed, that they should give what assistance they can, so as to explain any misunderstandings, and thus, as far as possible, avert the necessity of further postponing the final settlement of the question.

23. I would observe, in conclusion, that if the Legislative Council should feel any doubts as to re-enacting the Bill, so as to provide for the points to which I have referred, and should desire further explanations, it may be convenient that representatives of the Council should visit this country and confer with Her Majesty's Government.

I have, &c.

(Signed) KNUTSFORD.

Governor Sir C. B. H. Mitchell, K.C.M.G.

No. 16.

LORD KNUTSFORD to SIR C. B. H. MITCHELL.

SIR,

Downing Street, May 28, 1891.

HER MAJESTY'S Government have had under their careful consideration your despatches* of the dates noted in the margin forwarding and commenting on a memorial

11d
24d
15d

* Nos. 10, 12, and 13.

numerously signed by members of the National Conservative Association of Natal and others being electors, in which it is prayed that Her Majesty may not be advised to assent to the Bill recently passed by the Legislative Council "to provide for the establishment of Responsible Government in Natal." The memorialists give prominence to the argument that the result of the recent general election does not fulfil the condition laid down in my despatch of the 29th of August 1889* that "the question should be expressly submitted to the people at a general election, and there should be a decided and unmistakable declaration of public feeling in favour of the change."

In regard to the first condition they say that the last general election took place solely in consequence of the allotted period for the duration of the Council having expired. But this is quite consistent with the express submission of the question to the people at such election. There is no formal method recognised by law for submitting a specific question by way of a *referendum* to the electors at a general election, and I do not see how the question could have been raised more distinctly than by the publication of the correspondence, of which my despatch formed part, and by the subsequent action of the last Council. It is true that a dissolution did not follow immediately on the publication of my despatch, but it was for reasons of public convenience that the Council was continued, and I am not aware that the opponents of Responsible Government made the postponement of the dissolution a ground of complaint.

As you have stated in your despatch of the 16th of October,† "those who sought the suffrages of the electors did so under a pledge to vote for or against, as the case might be, a change in the political constitution of the Colony, and the establishment of Responsible Government." After examining all the sources of information at my disposal, I have no doubt that the constitutional question was expressly before the electors, and that it was on that question that the election turned.

Then, as to the second branch of the argument, it is urged that the majority is very small—in fact only 4. This would be, indeed, a small majority if the Legislature were a large one, but as there are only 24 elected members in the Natal Council, it represents one-sixth of the whole, and is equal to a majority of about 112 in the English House of Commons, or 35 in the Canadian House of Commons, and is therefore as large in proportion as the majorities which resulted from the general elections last held in the United Kingdom and in Canada.

It is true that the balance of opinion at the polls was not so clearly marked as in the result of the polling. The majority was 184 out of 4,058 effective votes, or less than 5 per cent. But this is a common feature of general elections. The winning side gains more by the apathy and abstention of its opponents than by conversions. I observe that by a particular mode of assigning the votes in the uncontested constituencies, it is argued that the balance of opinion ought to be regarded as showing that there was a majority of 93 against Responsible Government. But very little, if any, weight can be attached to a hypothetical distribution of unpolled votes.

The fact has been also emphasised that even in the contested constituencies only 53 per cent. of the nominal strength of the electorate went to the polls. But we do not know how many names out of the 47 per cent. which remained unpolled represent duplicate qualifications, or men who were dead, ill, or out of the Colony. The only safe and constitutional rule is to hold that those who do not go to the poll are bound by the votes of those who do. It is not likely that the question will ever excite overwhelming interest in the electors of Natal. It is not as if the proposed change were one from purely Crown Government to self-Government. The elective members of the Legislative Council of Natal have enjoyed for years past virtual control over legislation and finance. For the average elector the question resolves itself into the *personnel* of five officers at the head of the Administration. With all the parts of Government with which he is personally concerned—the post office, the police, the magistracy, and the revenue offices—no change is in question. It is represented, indeed, that the establishment of Responsible Government will be signalised by changes of gravity and danger in relation to Native policy; but upon that point, as the electors know, safeguards against unjust or imprudent measures are included in the scheme; and it may well be doubted if even those public men who have been the most severe critics of the present Native policy will, when they attain to a position of greater responsibility and less freedom, be disposed to press forward unduly any fundamental changes.

As the memorialists will learn from my other despatch of this day's date,‡ Her Majesty's Government have not felt able to advise the Queen to assent to the

* No. 4.

† No. 5.

‡ No. 15.

Constitution Bill in its present form; but this decision was based on other grounds than those suggested in the memorial, which would not have warranted them in withdrawing the further discussion of the constitutional question from the consideration of the present Council.

It may be, of course, that the balance of electoral opinion has changed since the election took place, but of that I have no evidence. Should such be the case, however, it will assuredly assert itself before the Constitutional Bill becomes law, and I should expect to receive full information upon that point before advising Her Majesty upon the Bill.

I have, &c.
(Signed) KNUTSFORD.

Sir Charles Mitchell.

No. 17.

SIR C. B. H. MITCHELL to LORD KNUTSFORD.
(Received July 18, 1891.)

TELEGRAPHIC.

18th July.—Constitution Bill now remodelled select committee. No change regarding 20,000 Native purposes. Clause 8 reads—*begins*: Whenever any of the powers and authority vested in Governor, as paramount Native Chief, shall be exercised, such powers and authority shall be exercised with the advice of the Executive Council—*ends*. Clause 13 reads—*begins*: The words Governor in Council in this Act, or in any law appearing, shall mean Governor with the advice of the Executive Council—*ends*. Changes partly in consequence of your statement that under Responsible Government Executive Council consists of Ministers only. Do you desire make representation to Legislative Council respecting present form clauses? Did you notice possible effect clause 6 if Her Majesty's Government desire to alter existing charters; clause remains unaltered. Second reading Bill 28 July.

No. 18.

LORD KNUTSFORD to SIR C. B. H. MITCHELL.

TELEGRAPHIC.

23rd July 1891.—In answer to your telegram of the 18th of July,* the Legislative Council should understand that Her Majesty's Government cannot depart from their previous decision as to clauses 8 and 42. As regards the former, they do not think that defects could be made good by proposed amendments. They see no objection to clause 13. An amendment of the Charter would be necessary before introduction Responsible Government; therefore in clause 6 insert "duly" before "repealed," and omit words between "varied" and "continue."

* No 17.

NATAL (RESPONSIBLE GOVERNMENT).

2

RETURN to an Address of the Honourable The House of Commons,
dated 10 February 1893;—for,

“COPIES of CORRESPONDENCE in continuation of previous Correspondence
relating to the proposal to establish RESPONSIBLE GOVERNMENT in
Natal.”

(In continuation of [c. 6487], July 1891.)

Colonial Office, }
May 1893. }

SYDNEY BUXTON.

(*Mr. Wodehouse.*)

Ordered, by The House of Commons, to be printed,
15 May 1893.

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Serial No.	From or to whom.	Date.	SUBJECT.	Page.
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Serial No.	From or to whom.	Date.	SUBJECT.	Page.
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* Note.—The Governor directed that this telegram should be sent to the Secretary of State but it miscarried and

COPIES of CORRESPONDENCE in continuation of previous Correspondence relating to the proposal to establish RESPONSIBLE GOVERNMENT in Natal.
(In continuation of [c. 6487], July 1891.)

— No. 1. —

Sir C. B. H. Mitchell to Lord Knutsford.

(Received 3rd August 1891.)

TELEGRAPHIC.

[Answered by No. 2.]

YOUR Lordship's telegram of 23rd July,* communicated to Legislature. * No. 18 in Bill passed Committee of Council. Clause 6, amended in compliance with [c. 6487] July suggestion; others are not altered. Unlikely that delegates will be sent home. 1891.

— No. 2. —

Lord Knutsford to Sir C. B. H. Mitchell.

TELEGRAPHIC.

August 5. YOUR telegram of 3rd August.† Under the circumstances which † No. 1. you report, I no longer think there would be advantage in delegate coming.

— No. 3. —

Sir C. B. H. Mitchell to Lord Knutsford.

(Received 7th September 1891.)

[Answered by No. 4.]

Government House, Pietermaritzburg, Natal,
10 August 1891.

My Lord,
I HAVE the honour to submit to your Lordship, for the signification of the Queen's pleasure thereon, the Bill No. 35, 1891, which was passed during the recent Session of Legislative Council, intituled a Bill "To provide for the establishment of Responsible Government in Natal," and which I have reserved for the signification of Her Majesty's pleasure.

Bill No. 35,

2. Before proceeding to remark on the Bill, I will point out to your Lordship wherein it differs from the one previously submitted for the expression of Her Majesty's pleasure thereon.

The first clause of the preamble has been omitted in accordance with the recommendation contained in the fifth paragraph of your Lordship's Despatch of the 28th May last.‡ In the second clause the words "to this Act" have been altered to "thereto." Clauses 3 and 4 have been omitted (*see* paragraphs 6, 7, *et seq.* of your Lordship's Despatch). Clause 6 (now 4) has been altered by the insertion of the word "duly" before "repealed," in the third line, and by the excision of the words, "by any Act duly passed by the Legislature." (*See* your Lordship's Telegraphic Despatch of the 23rd July last.)§ Clauses 6 and 7 of the new Bill are new clauses. Clause 8 has been re-modelled. (*See* paragraph 15 of your Lordship's Despatch, and the explanation contained in the final report of the select committee, which is appended).

† No. 71 in [c. 6487] Jul 1891.

§ No. 18 in [c. 6487].

Attached to closure 2.

Clause 11 has been amended by striking out from "Majesty," in the fifth line, to the end, and inserting the following words in lieu thereof, "and such offices shall be liable to be vacated on political grounds: Provided, that no minister shall

shall hold office for a longer period than four months without being a member of the Legislative Council." (See paragraph 13 of your Lordship's Despatch.)

Clause 12 of the old Bill has been omitted. In clause 13 (now 12) the words "the Executive Council" have been substituted for "his Ministers" at the end of the clause. (See paragraph 14 of your Lordship's Despatch.) Clause 19 (now 18) has been re-modelled in compliance with the suggestion made in clause 21 of your Lordship's Despatch. Section 23 (now 22) has been amended by omitting the words "and shall have a casting vote only," that provision having been transferred to the old section 26 (now 25.) In clause 28 (now 27) the words have been struck out, in the twelfth and following lines, that would have prevented a pensioner from holding a seat in the Legislative Council. The two provisos at the end have been omitted, and one has been inserted providing for Ministers retaining their seats notwithstanding their acceptance of office. In clause 45 (now 44) 11,700 *l.* have been inserted in lieu of 10,700 *l.*, thus providing for the increased salary given to the Governor. The forty-sixth section has been omitted in deference to the opinion expressed in paragraph 21 of your Lordship's Despatch.

In clause 49 (now 47) the word "new" has been omitted before the word "appointment," in the sixth line, as suggested in paragraph 13 of your Lordship's Despatch.

3. The schedules remain unchanged except that the Governor's salary has been set down at 4,000 *l.* instead of 3,000 *l.* The letters "Q.C." have been added to Mr. Morcom's name, and "Lieut." has been inserted before Colonel A. H. Hiine.

4. It will be seen from the above that, with three exceptions, all your Lordship's suggestions have been carried out. The three exceptions are as follows:

(a) The powers of the Governor as supreme chief (section 8) are still limited, although the limitation has been somewhat modified.

(b) The appropriation of the sum of 20,000 *l.* reserved for Native purposes, clause 42 (now 41), is still made subject to the vote of the Legislative Council. The clause is, in fact, unaltered.

(c) No provision has been made, as suggested by your Lordship in paragraph 20, to secure an existing civil servant from removal "without cause assigned and, without such allowance or gratuity as he is at present entitled to receive if he retires on the abolition of his office or with a view to increased economy or efficiency in the service."

5. The explanations given by the Select Committee of the Council in their final report are attached to this Despatch.

6. I adhere to the opinion I expressed in my despatch of the 7th March 1891,* (fifteenth clause) with reference to the limitation of the Supreme Chief's power, and if the words now imported into the Bill can be held to cover the conditions I there laid down, I think the power reserved to the Governor of declining to act on advice that he may deem ill-considered or unjust is sufficient. I have some difficulty, however, in arriving at the conclusion that the clause as now framed, although not so mandatory in its terms, will not, in its practical working, have precisely the same effect as the old clause would have had.

It seems to me that, under either clause, the rejection by the Governor of the advice of his Ministers would, probably, lead to their resignation, and, if their views were shared by the majority of the Legislative Council, might, possibly, bring on, and it may be at a most critical time, a Constitutional crisis. But it is only fair, I think, to remark that the same difficulty might occur if the Supreme Chief's powers were retained as at present.

7. The reasons given by the Select Committee for not including the 20,000 *l.* Native Reserve Fund in the Schedule of the Bill are not, to my mind, satisfactory. It is true that the 5,000 *l.* at present reserved has never yet been spent in any one year. There have, in fact, under the present Constitution, been no serious calls upon it, except for educational purposes, to which one-half of it has of late years been devoted. But the fact that it has been available for any emergency, quite irrespective of any gusts of popular clamour, has not been without value. If the appropriation of the money is made subject to the annual vote of the Legislative Council, it will not be free from the effect of passing waves

* No. 9 in
[c. 6487].

waves of financial pressure and of popular opinion, and it would be easy to so appropriate the money as to deal only very remotely with special Native needs.

8. I have neither desire nor cause to reproach the Colony either in the past or in the present, with any general desire to neglect Native interests, or with any wish to avoid the responsibilities of providing for the peculiar wants of the disfranchised people who constitute nearly five-sixths of the population of Natal. The general desire of the Colony is, as I have before stated, to do ample justice to those interests, but in the hurly-burly of political warfare which must always, more or less, attend a system of party Government, it appears to me that the placing of this sum of money out of the reach of the effects of party strife would do much to prevent injustice, if, unhappily, a less generous view of Native interests should, hereafter, at any time, prevail.

9. With reference to the last named omission to comply with your Lordship's suggestion—that with reference to the conservation of Civil Servants' right—I cannot say that I see much practical reason for apprehending danger from the omission. The Legislative Council has hitherto, so long as I have known it, been studiously just in respecting the vested interests of Civil Servants, and I see no reason to suppose that anything short of approaching bankruptcy to the Colony would endanger those rights in the future.

10. I append, as requested by the Legislative Council, copy of Resolutions thanking your Lordship for the suggestion in the concluding paragraph of your Despatch that representatives of the Council should visit England and confer with Her Majesty's Government. The Council trusts that the explanations furnished in the Report of the Select Committee will render such a course unnecessary.

11. A Statement upon the Bill, prepared by the Attorney General, is forwarded herewith.

The Right Honourable
The Lord Knutsford, G.C.M.G.

I have, &c.
(signed) C. B. H. Mitchell.

P.S.—I enclose, also, a printed transcript* of the shorthand notes of the whole Debate, which, since closing this Despatch, I have been able to procure.

11 August 1891.

C. B. H. M.

Address No. 5.
5th August 1891

Attorney General
Statement, 10th
August 1891.

* Not printed,
copies will be
found in the Library of the
House of Commons.

Enclosure 1 in No. 3.

I reserve this Bill for the signification of Her Majesty's pleasure thereon.

7 August 1891.

C. B. H. Mitchell.

(No. 35, 1891.)

BILL.

"To provide for the establishment of Responsible Government in Natal."

WHEREAS it is expedient to provide for the establishment of Responsible Government in Natal:

BE IT THEREFORE ENACTED by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Act may cited as the "Constitution Amendment Act" of 1891.
2. This Act shall commence and take effect at such date as may be fixed by a Proclamation signed by the Governor of Natal declaring that the Royal assent has been given thereto.
3. There shall be in place of the Legislative Council now subsisting, a Legislative Council as hereby constituted.
4. All Charters, Ordinances, and Laws which at the commencement of this Act are in force within the Colony, shall, until duly repealed or varied, continue to be of the same force, authority, and effect as if this Act had not been passed except in so far as the same are repugnant to this Act (in which case they are to that extent hereby amended and repealed).
5. It shall be lawful for Her Majesty and Her Successors, by and with the advice and consent of the Legislative Council, to make all such Acts as may be necessary for the peace, order and good government of the Colony of Natal.

Durban Borough	-	-	-	-	-	-	-	-	4
Durban County	-	-	-	-	-	-	-	-	3
Victoria County	-	-	-	-	-	-	-	-	4
Umvoti County	-	-	-	-	-	-	-	-	3
Weenen County	-	-	-	-	-	-	-	-	3
Klip River County:—									
Klip River Division	-	-	-	-	-	-	-	-	3
Newcastle Division	-	-	-	-	-	-	-	-	3
Alexandra County	-	-	-	-	-	-	-	-	2
Alfred County	-	-	-	-	-	-	-	-	2

16. For the purpose of constituting the Legislative Council, the Governor before the time appointed for the first meeting of the Legislative Council, and thereafter from time to time as occasion shall require, and without undue delay, may, in Her Majesty's name, issue writs under the Public Seal of the Colony for the general election of Members to serve in the Legislative Council. Persons qualified to become Members of the existing Legislative Council shall be qualified to become Members of the Legislative Council as now constituted.

17. All existing Laws relating to the mode of election, and all voters' lists and all other matters concerning elections, shall be in force, and shall apply to the election of Members to serve in the Legislative Council as hereby constituted, in the same manner as they are now in force in respect of elections to the existing Legislative Council.

18. Every Legislative Council shall continue for four years from the day of the return of the writs for the election of the same, and no longer: Subject, nevertheless, to be sooner prorogued or dissolved by the Governor.

19. The Governor may transmit by Message to the Legislative Council the draft of any Act which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration by the said Council in such convenient manner as shall be provided for that purpose by the rules of order.

20. No Member of the Legislative Council shall vote, or sit therein, until he shall have taken and subscribed the following Oath, before the Governor, or some person authorised by him to administer such Oath:—

“ I (A. B.) do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs and Successors, according to Law. So help me God ! ”

But every person authorised by Law to make a solemn Affirmation or Declaration instead of taking an Oath, may make such affirmation or Declaration in lieu of the said Oath.

21. The Legislative Council shall on their first meeting, before proceeding to the despatch of any other business, elect one of their Members to be Speaker of the said Council, subject to confirmation by the Governor, and in case of vacancy in the office, another Speaker shall be elected in manner and subject to such confirmation as aforesaid.

22. The Speaker, or in his absence some Member elected by the Legislative Council, shall preside at the meetings thereof.

23. If any person disabled or declared to be incapable to sit or vote in the Legislative Council shall nevertheless be elected and returned as a Member to serve in the said Council, such election and return may be declared by the said Council, as the case may require, to be void, and thereupon the same shall become and be void to all intents and purposes whatsoever; and if any person

under any of the disqualifications mentioned in this Act, or any Charter, Law, or other Act, shall whilst so disqualified, presume to sit or vote as a Member of the said Council, such person shall be liable to a penalty not exceeding One Hundred Pounds, to be recovered by any person who shall sue for the same in the Supreme Court.

24. The Legislative Council shall not be competent to proceed to the despatch of business unless eleven Members, exclusive of the Speaker, be present.

25. All questions in the Legislative Council shall be determined by the majority of the votes of Members present, other than the Speaker, who shall, however, have and exercise a casting vote in case of an equality of votes.

26. If any Member of the Legislative Council shall for the period of one month remain party to any contract with the Government, his seat in the said Council shall thereupon become vacant.

27. If any Member of the Legislative Council shall in writing resign his seat, or shall fail for a whole ordinary annual session to give his attendance in the House of which he is a Member, or shall cease to hold his qualification, or shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign State or Power, or shall do, concur in, or adopt any act whereby he may become the subject or citizen of any such State or Power, or shall become an insolvent or take advantage of any Act for the relief of insolvent debtors, or shall be a public defaulter, or be attainted of treason, or be sentenced to imprisonment for any infamous crime, or shall become of unsound mind, or shall accept any office of profit under the Crown, his seat shall become vacant: Provided, that the holder of any Ministerial office to be designated under Section 11 of this Act, shall not vacate his seat in the Legislative Council by reason of his appointment to or retention of such office.

28. The Law 16 of 1883 shall be construed as if the words "Legislative Council" therein appearing applied to the Legislative Council as hereby constituted.

29. Whenever the seat of any Member of the Legislative Council has become vacant, a writ shall forthwith issue to the intent that the vacancy may be filled without delay.

30. Whenever a vacancy occurs in the Legislative Council from any cause, upon a resolution by the said Council declaring such vacancy and the cause thereof, the Speaker shall cause a writ to be issued for filling such vacancy; and such writ shall have as full force and effect as though it had been issued by the Governor as heretofore provided.

31. The Speaker may, in the case of a vacancy caused by death or resignation, issue such writ without such preceding resolution when the Legislative Council is not in session.

32. The Legislative Council in their first session, and from time to time afterwards as there shall be occasion, shall adopt standing rules and orders for the regulation and orderly conduct of their proceedings and the despatch of business, and for the manner in which the said Council shall be presided over in the absence of the Speaker, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for Her Majesty's Assent; and all such rules and orders shall, by the said Council, be laid before the Governor, and being by him approved, shall become binding and of force: Provided that the Standing Rules of the existing Legislative Council shall, until altered, added to, or amended, be the Standing Rules of the Legislative Council as hereby constituted.

33. The Chief Clerk for the time being of the Legislative Council shall be removable from office only in accordance with a vote of the House.

34. From

34. From the date when this Act shall take effect, the Law No. 1 of 1870 shall be construed as if the words "Legislative Council" therein contained applied to the Legislative Council hereby constituted.

35. It shall be lawful for the Legislature of the Colony by any Act to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council, and by the Members thereof respectively: Provided that no such privileges, immunities, or powers shall exceed those for the time being held, enjoyed, and exercised by the Commons House of Parliament or the Members thereof.

36. The commissions of the present Judges of the Supreme Court, and Native High Court, and of all future Judges thereof shall be, continue, and remain in full force during their good behaviour.

37. It shall be lawful, nevertheless, for Her Majesty to remove any such Judge, upon the Address of the Legislative Council.

38. Such salaries as are settled upon the Judges for the time being by Law, and also such salary as shall be voted to any Judge of the Supreme Court, or the Native High Court, shall in all time coming be paid and payable to every such Judge for the time being, so long as his patent or commission continues in force.

39. All taxes, imposts, rates, and duties, and all territorial, casual, and other revenues of the Crown (including royalties) from whatever source arising within the Colony, over which the Legislature has power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the public service of the Colony in the manner and subject to the charges hereinafter mentioned.

40. The Consolidated Revenue Fund shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof; such costs, charges, and expenses being subject nevertheless to be reviewed and audited in such manner as may from time to time be directed by any Act of the Legislature.

41. There shall be appropriated in every year, for Native Purposes, from the Consolidated Revenue Fund, a sum not less than Twenty Thousand Pounds sterling, and the items of the expenditure of this sum shall be dealt with by the Legislative Council in the same manner as other items of general expenditure.

42. It shall not be lawful for the Legislative Council to adopt or pass any vote, resolution, or Bill for the appropriation of any part of the Consolidated Revenue Fund, or of any rate, tax, duty, or impost, to any purpose which has not been first recommended to the said Council by Message of the Governor during the Session in which such vote, resolution, or Bill is proposed.

43. No part of the Consolidated Revenue Fund shall be issued except in pursuance of warrants under the hand of the Governor directed to the Treasurer.

44. There shall be payable to Her Majesty, in every year, out of the Consolidated Revenue Fund, sums not exceeding in the whole Eleven Thousand Seven Hundred Pounds Sterling for defraying the expenses of the services and purposes set forth in Schedules A. and B. to this Act, and the said several sums shall be issued by the Treasurer in discharge of such warrants as shall from time to time be directed to him under the hand of the Governor.

45. The appointment to all public offices under the Government of the Colony hereafter to become vacant or to be created, save those liable to be vacated on political grounds, shall be vested in the Governor in Council.

46. The power to suspend or remove any Civil Servant from his office shall be vested in the Governor in the Council.

47. In the event of the retirement from office on political grounds of any present official Member of the existing Legislative Council, such official Member shall, subject to the proviso hereafter contained, be entitled to the pension or retiring allowance set opposite his name in Schedule B. hereto annexed: Provided that if any such official Member shall accept any appointment under the Crown, in this Colony or elsewhere, his pension or retiring allowance shall, during the tenure of such appointment, merge or be reduced *pro tanto*, according as the salary or emolument of any such appointment shall be equal to or less than the pension or retiring allowance of such official Member.

SCHEDULE A.

	£.
Governor - - - - -	4,000
Ministerial Salaries - - - - -	4,200
Under Secretary for Native Affairs - - - - -	600

SCHEDULE B.

	£.
The Hon. F. S. Haden, C.M.G., Colonial Secretary -	600
The Hon. J. T. Polkinghorne, Colonial Treasurer -	600
The Hon. W. B. Morcom, Q.C., Attorney-General -	350
The Hon. H. C. Shepstone, Secretary for Native Affairs	600
The Hon. Lieut.-Colonel A. H. Hime, late R.E., C.M.G., Colonial Engineer - - - - -	750

I certify that this Bill passed the }
Legislative Council of Natal } (signed) Jno. W. Akerman,
this fourth day of August 1891 } Speaker.

(signed) F. W. A. Watson,
Clerk of the Council.

Enclosure 2 in No. 3.

(No. 53, of 1891.)

LEGISLATIVE COUNCIL ADDRESS.

To His Excellency Sir Charles Bullen Hugh Mitchell, Lieutenant Colonel, late Royal Marines, Knight Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice Admiral of the same, and Supreme Chief over the Native Population, &c. &c. &c.

May it please Your Excellency.

The Legislative Council beg respectfully to transmit to Your Excellency copy of the Report of the Select Committee (No. 15, of 1891) on the Constitution, and to request that Your Excellency will be pleased to forward such report to the Right Honourable the Secretary of State for the Colonies, together with the following Resolution based thereon, namely,—

With reference to the Report of the Select Committee upon Constitutional matters laid upon the Table of the House, this Council desires to thank the Right Honourable the Secretary of State for the courteous suggestion contained in the concluding paragraph of his Despatch, but trusts that the explanations furnished in the Report will render it unnecessary to send representatives to England to confer with Her Majesty's Government upon the points referred to

By Resolution of the Legislative Council this fifth day of August 1891.

(signed) Jno. W. Akerman,
Speaker.

SECOND SESSION, THIRTEENTH COUNCIL, 1891.

L.C.—No. 26.

THE following Final Report of the Select Committee (No. 15, 1891) on the Constitution is printed for general information.

By order of the Legislative Council,

F. W. A. Watson,
Clerk.

Legislative Council Office, Natal,
15 July 1891.

(No. 15, 1891.)

FINAL REPORT of the Select Committee appointed to consider and report upon His Excellency's Message, No. 17, conveying Lord Knutsford's Despatch of 28th May 1891, and accompanying documents; and, in so far as may be necessary, to bring up a Draft Bill for the amendment of the Constitution.

MEMBERS of the Committee.

Sir John Robinson (Chairman).

Mr. Archibald.
Mr. Escombe.

Mr. Moor.
Mr. Sutton.

1. Before proceeding to comment upon the Revised Bill submitted in their *Ad Interim* Report, the Committee deem it right to recognise the liberal and sympathetic tone that marks Lord Knutsford's treatment of the measure submitted for the approval of Her Majesty's Government. Especially do they welcome the assurance that "when Her Majesty's Government intimated their willingness to advise the grant of Responsible Government to Natal, they had in mind what is understood by Responsible Government elsewhere in the British Colonial Empire."

2. It will be seen that in revising the Bill certain amendments have been made in order to harmonise its provisions with the course that has been usually followed in the case of other Colonies that have acquired Self-Government.

3. The Committee considered it desirable to leave untouched the question of a Second Chamber, and the provision which relates to the distribution of seats. Both involve matters of controversy that were dealt with by the adoption of Clauses 9 and 10, providing for the appointment of a Standing Committee on Native measures, and for the reservation of Bills imposing class disabilities or restrictions. It seems inexpedient to disturb the compromise represented by these Clauses.

4. The provision in the Bill relating to the powers of the Supreme Chief has undergone amendment. Originally it was thus worded:—

All powers and authority heretofore vested in the Governor as Supreme or Paramount Native Chief shall, as from the date when the Act shall come into force, be exercised by the Governor in Council.

5. The Secretary of State's objections to this Clause are thus set forth in Clause 15 of his Despatch:—

Her Majesty's Government cannot consent that the Governor shall, as proposed in Clause 8, be subject to the decisions of the Ministers in exercising the powers and functions of Supreme Chief. Unless in some emergency, he would no doubt be guided by their advice, but if necessity for his personal intervention should arise, he must, as at present, be responsible to the Queen for any action he may take in his capacity of Supreme Chief. The Clause should, therefore be omitted.

It would be far better that such special authority should fall into desuetude altogether than be liable to be exercised under such conditions as this Clause would render possible. The Clause, as you point out, embraces such legislative power as the Supreme Chief possesses, and might in truth, under certain conditions have the effect of neutralising the operation of Clause 10, by which the Governor is disabled from assenting

CORRESPONDENCE RELATING TO

to and thus bringing into operation Laws specially relating to the coloured population, when passed by the Legislature itself, before the Home Government has had an opportunity of examining them. On the other hand, the Legislature may rest assured that there is no intention of invoking the powers of the Governor as Supreme Chief unnecessarily or in opposition to those of the Colonial Government and Legislature. It is difficult to forecast any circumstances in which it would be deemed essential to call these powers into operation except upon the advice and request of the Ministers.

6. The amended Clause is made to read :

Whenever any of the powers and authority vested in the Governor as Paramount Native Chief shall be exercised, such powers and authority shall be exercised with the advice of the Executive Council.

7. The difference between the two Clauses consists in the fact, that under the Bill of last Session an apparent compulsion was put upon the Governor to exercise his powers as Supreme Chief, subject to the advice of his Ministry, whereas under the revised Bill the Governor is prevented from exercising these powers without that advice.

8. Your Committee believe that it was the intention of the framers and supporters of the Clause as it originally stood to guard against the serious consequences that might arise were the Governor able to exercise the powers of Supreme Chief without the advice of Ministers.

9. The amended Clause, therefore, has been so framed as to cause the powers of Supreme Chief to fall into abeyance except in so far as they may be exercised by the Governor with the advice of Ministers.

10. This mode of dealing with the question will keep the powers in operation in so far as the Governor and his Ministers may concur in using them, while the Governor will be prevented from acting in disregard of Constitutional advice, and the Ministers will be put under a proper restriction not provided by the Clause as originally drawn.

11. Though the actual powers of the Supreme Chief are but imperfectly understood it is necessary to take note of the definition of them given in Chapter II. of the Code of Native Law to which the last Council gave statutory sanction, and which has now received the Royal Assent. That Chapter is appended as an annexure to this Report. It will be seen that these powers invest the Supreme Chief with absolute political authority over Native Chiefs and Tribes, and relieve him from liability to the Supreme Court, or any other Court of Law in the Colony for any Order, Proclamation, Act, or matter "committed, ordered, permitted, or done, either personally or in Council."

12. These powers are exerciseable in regard to at least eight-tenths of the population of the Colony, and were they to be vested in the Governor, independently of his Ministers, the "system known as Responsible Government" would, your Committee submit, be in Natal something very different from "what is understood by Responsible Government elsewhere in the British Colonial Empire." In other words, it would mean two Governments instead of one.

13. Clause 42, which provides for the appropriation every year for Native Purposes of a sum not less than 20,000 *l.*, the items of which are "to be dealt with by the Legislative Council in the same manner as other items of General Expenditure," has been left unaltered. The Secretary of State's comments upon this Clause are as follows :—

Clause 42, which specifies the sum of 20,000 *l.* as a minimum annual sum which the future Legislature may devote in its discretion to Native purposes, but leaves the control of the amount, so provided to the Legislative Council, does not in any sense correspond with the provision made by Section 70 of the Western Australia Act, 1889, to which I referred in my Despatch of the 29th August 1889, as indicating the requirements of Her Majesty's Government on this subject. That section of the Western Australia Act appropriated absolutely the sum therein indicated

to the use of Her Majesty, without further control on the part of the local Legislature; and in pointing out that the annual sum would similarly have to be "secured" for expenditure under the control of the Governor, and reserved for that purpose, I used the terms commonly adopted when it is intended to place the amount so provided beyond the control of the Legislature. It should therefore be included in Schedule A. of the Bill.

14. Your Committee submit that no analogy can be drawn between the cases of the Western Australian Aborigines and the Natives of Natal. In Western Australia the Aboriginal inhabitants are a mere handful of wandering, destitute, and homeless people, for whose preservation food and shelter have to be provided. The Native inhabitants of Natal represent the numerical bulk of the population, occupying locations that have been secured to them by Special Trust, or living as voluntary tenants of private landholders, or in some cases as actual owners of purchased land. They own cattle and other stock; they cultivate large breadths of soil; and, when they chose to do so, they exercise their right of earning money as freely as the white population. No question of charitable aid has ever arisen in their case. They are far better off, in a material sense, than the agricultural labourers or peasantry of European countries.

15. To reserve, as is proposed, a sum of 20,000 *l.* per annum, apart from ordinary legislative control, is to assume that there might be an indisposition on the part of the local Legislature to act fairly by the Native population. Nothing in the legislative history of Natal warrants such an inference.

16. Experience, moreover, has shown that these Reserves tend to defeat their intended object, by releasing the legislative body from responsibility for attention to what are known as "Native Interests." The sum of 5,000 *l.* reserved by the Royal Charter of 1856 for Native Purposes, has borne no lasting fruit in direct benefit to the Natives, and is but partially expended. The funds vested in the Native, the Putili, and the Umini Trusts, according to official returns, remain largely unspent. The benevolent objects which Her Majesty's Government have in view will be more effectually secured if the obligation to expend the sum appropriated be imposed upon the Colonial Legislature, than if they be left to the unfettered discretion of the Governor.

17. The Committee recommend that the Governor's salary be fixed at 4,000 *l.*

18. In order that it may not be possible for a Minister to hold office for an indefinite period, without having a seat in the Legislative Council, it will be necessary to add a Proviso to Clause 11, to the effect that no Minister shall hold office for a longer period than three months without being a Member of the Legislative Council.

Signed, on behalf of the Committee,

Legislative Council, Committee Rooms,
15 July 1891.

John Robinson,
Chairman.

ANNEXURE.

(EXTRACT from Code of Native Law, passed by the Board appointed by the Governor, under the provisions of Section 1 of Law No. 44 of 1887.)

THE SUPREME CHIEF.

32. The Supreme Chief for the time being exercises in and over all Natives in the Colony of Natal all political power and authority, subject to the provisions of Section 7 of Law 44 of 1887.

33. The Supreme Chief appoints all Chiefs to preside over tribes, or sections of tribes; and also divides existing tribes into two or more parts, or amalgamates tribes or parts of tribes into one tribe, as necessity or the good government of the Natives may, in his opinion, require.

34. The Supreme Chief in Council may remove any Chief found guilty of any political offence, or for incompetency or other just cause, from his position as such Chief, and may also order his removal with his family and property, to another part of the Colony.

35. The Supreme Chief has absolute power to call upon Chiefs, District Headmen, and all other Natives, to supply armed men or levies for the defence of the Colony, and for the suppression of disorder and rebellion within its borders, and may call upon such chiefs, District Headmen, and all other Natives to personally render such military and other service.

36. The Supreme Chief has power to call upon all Natives to supply labour for public works, or for the general needs of the Colony. This call or command may be transmitted by any person authorised so to do, and each native so called upon is bound to obey such call, and render such service in person, unless lawfully released from such duty.

37. The Supreme Chief, acting in conjunction with the Natal Native Trust, may, when deemed expedient in the general public good, remove any tribe or tribes, or portion thereof, or any native, from any part of the Colony or Location, to any other part of the Colony or Location, upon such terms and conditions and arrangements as he may determine.

38. The orders and directions of the Supreme Chief, or of the Supreme Chief in Council, may be carried into execution by the Secretary for Native Affairs, or by the Administrators of Native Law, or by other officers authorised for the purpose, and in respect of all such acts the various officers so employed shall be regarded as the deputies or representatives of the Supreme Chief, or of the Supreme Chief in Council, as the case may be.

39. The Supreme Chief, in the exercise of the political powers which attach to his office, has authority to punish by fine or imprisonment or by both, for disobedience of his orders or for disregard of his authority.

40. The Supreme Chief is not subject to the Supreme Court, or to any other court of Law in the Colony of Natal, for, or by reason of, any order or proclamation, or of any other act or matter whatsoever, committed, ordered, permitted, or done either personally or in council.

41. The Supreme Chief is, by virtue of his office, Upper Guardian of all orphans and minors in law.

42. The Supreme Chief has power to regulate and fix from time to time the least number of houses which shall compose a kraal. He may, in his discretion, permit of exceptions to any such general rule in special cases.

Enclosure 3 in No. 3.

STATEMENT upon Bill No. 35, 1891, to provide for the establishment of Responsible Government in *Natal*.

THE main provisions of this Bill were reported upon by me in my statement of the 6th March 1891, upon the Bill No. 2, 1890-1891, of which the Bill now under report is in many respects a reprint. I do not propose to reiterate the objections taken by me to that Bill; they remain on record.

I proceed to deal with the principal alterations made in this Bill as compared with the like measure reported upon in March last. The following provisions have not been re-enacted, viz. :—

1. That part of the preamble which referred to and recited the 6th section of the Charter of 1856.

2. Sections 3, 4, and 46 of the Bill.

Section 4 corresponds with Section 6 of the Bill No. 2, but the Legislative Council has made the alteration suggested in the telegraphic Despatch of the Secretary of State of 23rd July 1891, by which existing Charters will remain in force until duly repealed, instead of until repealed by legislative Act.

Section

Section 6 is an adaptation of Clause 29 of the Charter of 1856; but when the Bill was passing through Committee the following words, viz., "subject to the Royal Instructions," in the sentence "or subject to the Royal Instructions may assent to" any Bill, were expunged on the motion of Sir John Robinson, the Member in charge of the Bill.

Royal Instructions are directly referred to in the British North America Act, 1867, s. 55, and in the South Africa Act, 1877, s. 25, as a part of the Constitutional law for the guidance of a governor, and in Mr. Gladstone's Home Rule Bill of 1886. They are issued to all Governors appointed under the English Crown. They are specifically mentioned in the Imperial Act of 1890, to which the recent constitution granted to Western Australia formed the schedule, and in the Federal Council of Australasia Act, 1885, I, in fact, know of no Constitution Act in which the reference to Her Majesty's Instructions is omitted.

The significance of the omission is due to the fact that these words were deliberately struck out in Committee of the whole House, after the numerous references in the Secretary of State's Despatch to such instructions.

Without contending that Royal Instructions are in the nature of legal conditions precedent, the non-observance of which would in any way affect the validity of Colonial Acts, or that they are other than directory, it may yet be contended that the absence of these words giving statutory recognition to the existence of Royal Instructions may lead to strained relations at some future date between the Governor and his Ministers, should he, in virtue of his instructions, reserve a Bill for the consideration of Her Majesty's Government, notwithstanding advice to the contrary tendered to him by his advisers.

I think it a matter of regret that the words were expunged.

Section 7 is an adaptation of Clause 30 of the Charter of 1856, but the alterations only recognise one Secretary of State, and do not contain the directory words of the clause in the Charter as to the transmission by the Governor by the first convenient opportunity of an authentic copy of any law assented to by him. This omission can be remedied by a provision in the Royal Instructions. But the omission here in connection with the omission in the previous section is noteworthy.

Section 8 has been altered in words only. The corresponding section provided that "all powers and authority heretofore vested in the Governor as Supreme or Paramount Native Chief shall as from the date when this Act shall come into force be exercised by the Governor in Council." And in Section 13 the meaning of the words "Governor in Council" was defined.

The section as now altered reads, "Whenever any of the powers and authority vested in the Governor as Supreme or Paramount Native Chief shall be exercised such powers and authority shall be exercised with the advice of the Executive Council."

I understand the Secretary of State in his telegraphic Despatch of 23rd July 1891* to say he does not think the defects which he pointed out in the original Section 8 can be made good by the amendment which has been made. The Secretary of State suggested the omission of the clause, but that suggestion has not been followed. * No. 18 in [c. 6, 487].

In dealing with this section attention was drawn in the Legislative Council to the provisions of Law 26, 1875, s. 13, to the section amending same, viz., Law 44, 1887, s. 7, under which the Governor, while empowered to exercise and enjoy over all the chiefs and natives in the Colony all the power and authority of a Supreme or Paramount Native Chief, was further empowered with the advice and consent of the Executive Council to dismiss a chief from his chieftainship, and to remove him from his location when he has been found guilty of any political offence likely to endanger the peace of the Colony.

The Executive Council referred to above, is the Executive Council of nominees of the Crown now existing, and who are and constitute the trustees of all location lands. The new Executive Council under this Bill will be composed of elective members of the Legislative Council responsible for their executive acts to the Legislative Council and to the European constituencies of this Colony.

The powers of the Supreme Chief as defined by the Code were in all matters other than those specified exercisable by the Governor.

The new constitution which this Bill creates will render the powers of the Supreme Chief subordinate to the ministry of the day and place the native

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population of the Colony absolutely under the control, not only legislative, but executive, of the representatives of the small European population.

I gather that this is deemed undesirable.

Section 41 of the Bill corresponds with section 42 of the Bill No. 2; the alterations desired by the Secretary of State, by which the 20,000 *l.* for native purposes should be reserved in the schedule A. of the Bill and not be subject to the annual vote and Control of the Legislature Council, have not been made by the Council.

Section 11 has been altered to meet the views of the Secretary of State. It provides that Ministerial offices shall be liable to be vacated on political grounds, and allows of a Minister holding office for a period not longer than four months without being a member of the Legislative Council.

In section 12 "the Executive Council" has been substituted for "his Ministers" occurring in the corresponding section 13 of Bill No. 2.

In section 27 the provision disqualifying pensioners from sitting in the Legislative Council has been expunged.

In all other important respects the Bill corresponds with the measure of the last special session of the Legislative Council and the modifications therein as to the powers of the Supreme Chief, and the 20,000 *l.* Native Reserve desired by the Secretary of State have not been made.

I am of opinion that the Bill ought not to receive the Royal Assent.

W. B. Morcom,
Her Majesty's Attorney General,
Natal.

Attorney General's Office, Natal,
10 August, 1891.

No. 4.

Lord Knutsford to Sir C. B. H. Mitchell.

(Answered by Nos. 6 and 18.)

Sir,

Downing Street, 2 December, 1891.

• No. 3.

HER Majesty's Government have given very full and careful consideration to your Despatch of the 10th of August,* in which you transmitted, for the signification of the Queen's pleasure thereon, the Bill No. 35 of 1891, passed by the Legislative Council of Natal. "To provide for the establishment of Responsible Government in that Colony," and I regret to inform you that they have not felt themselves able to advise Her Majesty to assent to the Bill in its present shape.

No. 71 in
c. 6,487]
July 1891.

2. In my Despatch of the 28th May † I explained the reasons for which Her Majesty's Government were unable to accept the provisions more directly affecting the interests of the natives which were contained in Clauses 8 and 42 of the Bill on this subject which was passed by the Legislative Council at the beginning of this year; and in my telegram of the 23rd of July last, ‡ after learning from you by telegraph that the Legislative Council had again introduced the provisions to which exception had been taken, I informed you that Her Majesty's Government could not depart from their previous decision.

No. 18 in
c. 6,487].

3. Her Majesty's Government have carefully weighed the arguments which were subsequently urged in the Legislative Council against that decision, but looking to the peculiar condition of the Colony they feel compelled to adhere to it in substance.

4. In the present Bill, moreover, it is again proposed to constitute the Legislature with a single Chamber, as to which I had intimated to you in my Despatch of the 28th May, that I thought it desirable that the matter should receive further consideration, although upon this ground alone I should not be prepared to advise the refusal of Responsible Government.

5. That point, however, does not appear to have been raised during the passage of the present Bill through the Legislative Council, while on the other hand the provisions in Clauses 8 and 42 of the earlier Bill, to which objection has been raised, were practically retained; and after further considering with my colleagues the grave constitutional questions which would be involved in the adoption in Natal of a measure creating a Legislature with only one Chamber, and not at the same time providing full security for the interests of the natives, Her Majesty's Government have been led to the conclusion that,

apart

apart from any abstract question of constitutional principle, the Bill now before them would be unsuitable to the circumstances of a Colony in which there is an enormous preponderance of natives incapable of electing representatives. It has been the proposal of the Colonial Constitutional Committee in 1888 that there should be an Upper Nominee House, in which all measures relating to the native population should originate. A special provision as to initiating measures affecting the natives would, as I observed in my Despatches of the 5th of March and the 29th of August 1889,* in no way secure the passing of necessary measures, or the voting of necessary funds; but the creation of an Upper House would obviously tend to preclude hasty or unfair legislation on such subjects.

* Nos. 2 and 4 in [c. 6,487].

6. For these reasons Her Majesty's Government would not feel themselves able to advise the Queen to assent to the Bill now before me, even if it had been presented to them as the fully considered and approved proposal of a substantial majority of the colonists, having before them, when voting on the subject, the actual measure which the Legislative Council might recommend.

7. The Legislative Council should therefore carefully consider whether it is prepared to adopt the alterations suggested in this Despatch; and if a Bill to which the Queen can be advised to assent can be agreed upon, the Legislative Council should be dissolved, in order to give the constituencies an opportunity of declaring either in favour of or against that particular Bill.

Governor Sir C. Mitchell, K.C.M.G.

I have, &c.
(signed) Knutsford.

No. 5.

Sir C. B. H. Mitchell to Lord Knutsford.

(Received January 7, 1892.)

(Answered by No. 6.)

TELEGRAPHIC.

SUMMONING Legislative Council on the 4th of February to deal with Responsible Government Bill. To avoid misunderstanding may I assume Her Majesty's Government consider Upper Chamber indispensable?

No. 6.

Lord Knutsford to Sir C. B. H. Mitchell.

TELEGRAPHIC.

12th January, 1892.—In answer to your telegram of 7th of January†, Her Majesty's Government consider Upper Chamber indispensable.

No. 7.

Sir C. B. H. Mitchell to Lord Knutsford.

(Received February 2, 1892.)

Government House, Pietermaritzburg, Natal,

5 January, 1892.

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch of the 2nd ultimo,‡ acquainting me that, after giving very full and careful consideration to my Despatch of the 10th of August last,§ in which I transmitted, for the signification of the Queen's Pleasure thereon, the Bill, No. 35, of 1891, passed by the Legislative Council of this Colony, "To provide for the establishment of Responsible Government in Natal," Her Majesty's Government have not felt themselves able to advise Her Majesty to assent to the Bill in its present shape.

† No. 4.
‡ No. 3.

2. I communicated your Lordship's Despatch to the Executive Council, and thereafter caused it to be published in a Gazette Extraordinary.

I transmit a copy of the Gazette.

I have, &c.
(signed) C. B. H. Mitchell.

The Right Honourable the Lord Knutsford, G.C.M.G.,
&c. &c. &c.

"Natal Government Gazette,"
31st December
1891.

CORRESPONDENCE RELATING TO

Enclosure in No. 7.

GOVERNMENT Notice No. 635, 1891.

No. 4.

HIS Excellency the Governor directs the publication, for general information, of the following Despatch,* which has been received from the Right Honourable the Secretary of State for the Colonies.

By His Excellency's command,

(signed) *F. S. Haden,*

Colonial Secretary's Office, Natal,
31 December, 1891.

No. 8.

Sir *C. B. H. Mitchell* to Lord *Knutsford*.

(Received February 7, 1892.)

Government House, Pietermaritzburg, Natal,

11 January, 1892.

No. 4.

My Lord,
WITH reference to your Lordship's Despatch of the 2nd ultimo,† relating to the Bill No. 35, of 1891, passed by the Legislative Council of this Colony for the establishment of Responsible Government, I have the honour to inform your Lordship that I have issued a Proclamation, summoning the Legislative Council to meet for the despatch of business on the 4th proximo.

I enclose a copy of the Proclamation.

I have, &c.

(signed) *C. B. H. Mitchell.*

The Right Honourable the Lord Knutsford, G.C.M.G.
&c. &c. &c.

Proclamation,
3th January 1892.

Enclosure in No. 8.

No. 1, 1892.

PROCLAMATION, by His Excellency Sir Charles Bullen Hugh Mitchell, Lieut.-Colonel, late Royal Marines, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population.

WHEREAS by a Proclamation dated the 20th day of November, One Thousand Eight Hundred and Ninety-one, I did prorogue the Legislative Council to Thursday, the Fourth day of February, One Thousand Eight Hundred and Ninety-two

And whereas it is expedient to summon the said Legislative Council to meet for the despatch of business on the said Fourth day of February, One Thousand Eight Hundred and Ninety-two

Now, therefore, I do, by this my Proclamation, summon the said Legislative Council to meet at Noon on the said Fourth day of February, One Thousand Eight Hundred and Ninety-two, in the Legislative Council Chamber, in the City of Pietermaritzburg, for the despatch of business.

God Save the Queen!

Given under my Hand and the Public Seal of the Colony, at Government House, Pietermaritzburg, this Eighth day of January, One Thousand Eight Hundred and Ninety-two.

By His Excellency's Command,

(signed) *F. S. Haden,**C. B. H. Mitchell, Governor.*

Colonial Secretary.

No. 9.

Sir C. B. H. Mitchell to Lord Knutsford.

(Received 25th February, 1892.)

(Answered by No. 10. Further Telegram No. 11.)

TELEGRAPHIC.

LEGISLATIVE Council passed through Committee Responsible Government Bill providing nominated Upper Chamber and 10,000 *l.* reserved in the Schedule native purposes. Clause 8 practically unaltered. Council informs me desires send representative members of Council confer with your Lordship on points in Bill on which Legislative Council finds [it] difficult [to] fully meet views of Her Majesty's Government. Will you receive them? Prorogation of Parliament awaiting reply.

No. 10.

Lord Knutsford to Sir C. B. H. Mitchell.

(Answered by No. 13.)

TELEGRAPHIC.

29th February, 1892.—Glad to receive Delegates, but I cannot judge regarding the necessity of visit till I receive text of Bill amended. Send home as soon as possible text, and newspaper reports of debate. Meantime it may be well to adjourn.

No. 11.

Sir C. B. H. Mitchell to Lord Knutsford.

(Received 3 March, 1892.)

(Further, See Nos. 14 and 19.)

TELEGRAPHIC.

LEGISLATIVE Council prorogued; informed Sutton, Robinson, two delegates, will give definite answer as soon as possible yesterday's post.

No. 12.

Sir C. B. H. Mitchell to Lord Knutsford.

(Received 7 March, 1892.)

Government House, Pietermaritzburg, Natal,
4th February, 1892.

My Lord,

I HAVE the honour to inform your lordship that I to-day opened the Third Session of the Thirteenth Legislative Council of this Colony.

I transmit, herewith, a copy of the Speech delivered by me on the occasion.

I have, &c.

(signed) C. B. H. Mitchell.

The Right Honourable
The Lord Knutsford, G.C.M.G.
&c. &c. &c.

Speech,
4th February 18

Enclosure in No. 12.

SPEECH delivered by His Excellency Sir Charles Bullen Hugh Mitchell, K.C.M.G., on opening the Third Session of the Thirteenth Council on Thursday, the 4th February, 1892, at 3 o'clock p.m.

HIS Excellency the Governor opened this, the Third Session of the Thirteenth Council with the following Speech:—

Mr. Speaker and Gentlemen of the Honourable the Legislative Council,—
I regret that the necessity has arisen for summoning you at this inconvenient
o.56. c 3 season

season of the year to consider the reply which I have received from the Secretary of State to my Despatch forwarding the Bill passed by your Honourable House during last session, for the establishment of Responsible Government in Natal.

The best interests of the Colony appear to me to require that a question of such vital importance should be dealt with without unnecessary delay, and I feel, moreover, that the already sufficient work of the ordinary Session would be unduly hampered by the addition of matter which would necessarily obtain a predominating influence in the disposal of the time of your Honourable House.

The correspondence on the subject will be laid before you, and I think that, read in conjunction with the papers you already have, you will find little difficulty in arriving at the views held by Her Majesty's Government on the question.

You will see from the correspondence that, on the point of an Upper House, I have anticipated that a clear understanding might be desired by you, and that the answer I received, by telegraph, from the Secretary of State, removes all possibility of doubt on the subject.

I would draw your attention to that portion of Lord Knutsford's Despatch which repeats the statement made in two previous Despatches, already before you, that the establishment of an Upper House, wherein all measures specially affecting the Natives should originate, would not, in the opinion of Her Majesty's Government, be in itself deemed a sufficient security for the passing of the necessary measures, and for the voting of the necessary funds, to protect Native interests.

I do not propose to ask your Honourable House to consider, during this special Session, any public business other than that I have mentioned, and which I now commend to you, in the full assurance that it will receive the earnest and dispassionate consideration it demands.

I declare the Session open.

No. 13.

Sir C. B. H. Mitchell to Lord Knutsford.

(Received March 28, 1892.)

Government House, Pietermaritzburg, Natal.

1 March, 1892.

My Lord,

No. 10.

YOUR Lordship has directed me, by a telegraphic message received last evening,* to send you, by the earliest opportunity, the Bill passed by the Legislative Council, "To provide for the establishment of Responsible Government "in Natal," and newspaper Reports of the Debates.

See Enclosure 1
in No. 18.
† Not printed.

2. I, therefore, send your Lordship by this mail—in anticipation of my formal transmission of the Bill, which I have reserved for the expression of the Queen's pleasure thereon, and of the Attorney General's and my Report—a transcript of Bill No. 1, † 1892, entitled a Bill, "To provide for the establishment "of Responsible Government in Natal." I also enclose two Newspaper Reports ‡ of the Debates, those of the "Times of Natal" and "Natal Witness." I hope to be able to send by next week the official shorthand Report of the Debates.

Bill No. 1, 1892.

3. For facility of comparison, I also enclose a copy of the Bill with marginal annotation ‡ of the differences between it and the Bill, No. 35 of 1891.

Message No. 7,
1st March 1892.
Address No. 9,
26th February
1892.

4. Copies of my message to the Legislative Council, conveying your Lordship's views on the subject of Delegates, also of an address from the Council, informing me of the names of the selected representatives, and of a message I sent in reply thereto are enclosed for your Lordship's information. I have prorogued the Council until the 21st April, when it will probably meet for the despatch of the ordinary annual business.

Message No. 9,
1st March 1892.

The Right Honourable
The Lord Knutsford, G.C.M.G.
&c. &c. &c.

I have, &c.
(signed) C. B. H. Mitchell.

Enclosure 1 in No 13.

Bill No. 1 of 1892.*

* See Enclosure 1
in No. 18.

Enclosure 2 in No. 13.

Governor to Legislative Council.

Message No. 7.

WITH reference to the Address No. 8, dated the 24th instant, of the Honourable the Legislative Council, transmitting a Resolution of the Council on the subject of Representatives of the Council proceeding to England, to confer with the Right Honourable the Secretary of State for the Colonies, regarding the Constitution Amendment Bill, the Governor has the honour to transmit, for the information of the Council, a copy of telegraphic correspondence relative thereto that has passed between the Secretary of State and himself.

The Governor understands from the last telegram, that the Secretary of State intends, after having perused the Bill, which will be sent by the outgoing mail, to inform the Governor as to whether His Lordship will renew his invitation to delegates.

Government House,
1 March, 1892.

(signed) C. B. H. Mitchell,
Governor.

Governor to Secretary of State,
Telegram,
26th February
1892.
Secretary of State
to Governor,
Telegram,
29th February
1892.

Enclosure 3 in No. 13.

(No. 9 of 1892.)

Legislative Council to Governor.

To His Excellency Sir Charles Bullen-Hugh-Mitchell, Lieut.-Colonel, late Royal Marines, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the native population, &c., &c.

May it please your Excellency.

The Legislative Council beg respectfully to inform your Excellency that the Council has elected the Deputy-Speaker (Mr. G. M. Sutton) and the Honourable Member for Durban borough (Sir J. Robinson, K.C.M.G.) to proceed to England, to confer with the Right Honourable the Secretary of State for the Colonies on the subject of the proposed change in the Constitution of the Colony; and to request that your Excellency will be pleased to make provision for defraying the expenses.

By Resolution of the Legislative Council, this twenty-fifth day of February, 1892.

(signed) Geo. M. Sutton,
Deputy-Speaker.

Enclosure 4 in No. 13.

Governor to Legislative Council.

Message No. 9.

THE Governor has the honour to acknowledge the receipt of the Address No. 9, dated the 25th ultimo, of the Honourable the Legislative Council.

The Governor notes the names of the gentlemen whom the Legislative Council has chosen as its representatives to confer with the Secretary of State, and the Governor will, as soon as he has received the final expression of Lord Knutsford's wishes, convey them to Mr. Sutton and Sir John Robinson, and will give effect to the expressed wish of the Legislative Council as regards the provision for their expenses.

(signed) C. B. H. Mitchell,
Governor.

Government House,
1 March, 1892.

CORRESPONDENCE RELATING TO

No. 14.

Sir C. B. H. Mitchell to Lord Knutsford.

(Received 31 March, 1892.)

(Answered by No. 15.)

TELEGRAPHIC.

* No. 11. REFERRING to my telegram of 3rd March,* will you receive delegates?

No. 15.

Lord Knutsford to Sir C. B. H. Mitchell.

TELEGRAPHIC.

(Answered by No. 16.)

† No. 14. 1st April, 1892.—In answer to your telegram of 31st March.† Quite ready to receive delegates if they come, but if they have not yet started inform them that it seems better to delay coming till after further consideration of Bill by Members of the Cabinet.

No. 16.

Sir C. B. H. Mitchell to Lord Knutsford.

(Received 4 April, 1892.)

TELEGRAPHIC.

(Answered by No. 17.)

‡ No. 15. REFERRING to your telegram of 2nd April‡ delegates propose arriving at home on or about the 15th May. Will it be convenient?

No. 17.

Lord Knutsford to Sir C. B. H. Mitchell.

TELEGRAPHIC.

§ No. 16. April 5.—Referring to your telegram of 4th April,§ convenient, and no
|| No. 15. objection, but see concluding sentence of my telegram of 1st April.||

No. 18.

Sir C. B. H. Mitchell to Lord Knutsford.

(Received 6 April 1892.)

(Answered by No. 25.)

Government House, Pietermaritzburg, Natal.

8 March 1892.

My Lord,
I HAVE the honour to submit to your Lordship the Bill, No. 1 of 1892, entitled a Bill "To Provide for the Establishment of Responsible Government in Natal."Bill No 1, 1892.
(in original.)

I have reserved this Bill for the signification of The Queen's Pleasure thereon.

I transmit a Statement upon it which has been furnished by the Attorney-General. I enclose twenty-one copies of the Bill.

¶ No. 18. 2. I have already sent to your Lordship in my Despatch of the 1st instant,¶ a copy of the Bill, showing wherein it differs from Bill No. 35 of 1891.

The main differences may be briefly summarised as follows:—

(a.) The establishment of a nominated Upper Chamber or Legislative Council (Clauses 15 to 21), but without any provision that measures relating to the Native population shall originate in it;

(b.) The creation of a Legislative Assembly, elected and constituted in the same manner as was the Legislative Council in the preceding Bill (Clauses 22 to 30);

(c.) The omission of Clause 9 of Bill No. 35 of 1891, providing for a Standing Committee of the Legislative Council to report upon all Measures specially affecting persons not of European birth, or descent;

(d.) The omission of Clause 10 of Bill No. 35 of 1891, compelling the reservation of all Bills subjecting persons not of European birth or descent to disabilities or restrictions to which persons of European birth are not also subjected;

(e.) The omission of Clause 41 of Bill No. 35 of 1891, directing the appropriation, for Native purposes, of 20,000*l.*;

(f.) The addition in Clause 53 to the words used in the corresponding Clause (46) of a proviso that retains all existing rights of Civil Servants to appeal to the Secretary of State from any decision of the Governor-in-Council suspending or removing them; and

(g.) The insertion in Schedule A of the Bill of the sum of 10,000*l.* for the promotion of the welfare and education of the Natives. The omission of Clause 28 (Bill No. 35 of 1891) appears unimportant.

3. Clause 8, providing for the exercise of the power and authority of the Supreme Chief, is, practically, unaltered. In Bill No. 35 of 1891 they were to be exercised "with the advice of the Executive Council;" in the present Bill they are to be exercised "by the Governor-in-Council."

4. This clause constitutes the real difficulty of the party in the House which favours Responsible Government. The majority was in favour of omitting all mention in the Bill of the Supreme Chief's powers, but the minority refused to agree to this, and, on an amendment to insert the words "subject to Royal Instructions" after the word "shall," and before the word "exercise," three of the Members of the party voted against the amendment. Although the insertion of the words was carried, their excision was moved at a subsequent sitting, as the division of the Party would have imperilled the third reading of the Bill. My views on this subject are unchanged from those expressed in paragraphs 15 of my Despatch of the 7 March 1891,* and 10 August 1891.†

* No. 9 in
[c. 6487.]
† No. 8.

5. I will deal with the alterations made in the Bill, which I have named above, *seriatim*.

6. The creation of a nominated Legislative Council, in accordance with your Lordship's suggestion, vastly increases the value of the Bill, and the chances of the efficient working of the proposed Constitution. The number of its Members might, I think, have been advantageously increased by two, and the proposed property qualification might well have been doubled. The restrictions provided in Clause 19 are, I think, artificial, and unnecessarily restrictive of choice. I think it would have been better had the Governor been left the power, quite irrespective of residence in any particular part of the Colony, of choosing the men who were, in his opinion, the most suitable. But these, if defects, are only minor ones, and would not prevent the useful constitutional action of the Upper Chamber.

7. The omission of the provision that was originally suggested by the Constitutional Committee of 1888, that all measures relating to the Native population should originate in the Upper House, is somewhat significant, and, viewed in conjunction with the retention of Paragraph 8 and the striking out of Paragraphs 9 and 10 of the Bill No. 35 of 1891, indicates a belief on the part of the framers of the measure that Her Majesty's Government will consider that the creation of a nominee Upper House will be sufficient in itself to preclude hasty or unfair legislation in Native matters.

I do not, of course, lose sight of the further check on legislation given by the reservation of Bills under Royal Instructions, recognised in Paragraph 6 of the Bill, or the power of veto, within two years, contained in Paragraph 7, but, after giving full consideration to these checks, I am of opinion that the Bill under report would have been a better and a safer Bill if it had contained the provision suggested by the Colonial Constitutional Committee of 1888.

8. The Bill adheres, in the constitution of the Legislative Assembly, and in the method of electing Members, to the provision made for the Legislative Council in the preceding Bill. There were obvious reasons for this. Any attempt to vary the distribution of seats would have inevitably resulted in a conflict between the Town and Country representatives, and, possibly, between the Coast and the Up-country Members, that would have destroyed the unity of the Responsible Government party in the House. The Bill, as first drafted, gave five seats to the Borough of Durban, and a total of thirty-eight seats to the Legislative Assembly. This was carried in Committee, but was, afterwards, on a motion to revert to the clause, altered without a division to four seats for the Borough, and thirty-seven for the Legislative Assembly.

To. 9 in
6487.]

9. I do not attach any importance to the striking out of Clause 9 of the Bill No. 35 of 1891. As stated in my Despatch of the 7 March 1891,* I do not consider that the Standing Committee therein constituted would have proved of any practical value.

10. The omission from this Bill of Clause 10 of the previous Bill is a more important matter. It is true that the power inherent in Her Majesty to direct Her Governor to reserve all Bills of a certain character is recognised in this Bill, and that, by those instructions, the Governor would doubtless be directed to reserve all measures for amending the Constitution, or for subjecting persons not of European birth, or descent, to special disabilities; but it would, nevertheless, I submit, have been far better, as indicating the intention of the Legislature of the Colony, had Clause 10 of the previous Bill been inserted in that under report.

11. The omission of Clause 41 of Bill No. 35 of 1891 is, when viewed in connection with the insertion of 10,000 *l.* in Schedule A. to be regarded in the light of an attempted compromise between the views previously expressed by the Legislative Council, and those held by Her Majesty's Government. It would have been better, I think, to have retained the clause, and to have inserted a moiety of the 20,000 *l.* named in it in the schedule, leaving the remainder to be dealt with in the ordinary supply law.

12. The addition made in Clause 53 to the corresponding Clause 46 of the previous Bill is satisfactory in that it indicates a desire not to trench upon the privileges of the existing civil servants of the Colony.

13. The sum of 10,000 *l.* reserved in the schedule will, I think, be as much as it would be necessary or expedient to retain under the Governor's absolute control. As has been already mentioned, the 5,000 *l.* now reserved under the Charter has never in any one year been expended.

14. During the passage of the Bill an Address was sent me from the Legislative Council asking me to inform the House whether Her Majesty's Government will be prepared to provide that, under responsible Government, the powers of the Governor as Supreme Chief shall continue to be exercised only after consultation with the Executive Council. I replied by a Message asking for further information as to the exact meaning of the question, stating that it would be necessary for me to telegraph to Her Majesty's Government on the subject, and pointing out that it would be desirable that I should be in a position to state, at the same time, what provision was being made with reference to certain other points of difficulty in the Bill. The Legislative Council, in a subsequent Address, informed me that it was not necessary to trouble me further. Copies of the Addresses and of the Message are enclosed.

15. Two further Addresses were sent me relative to the sending home of representatives, the names of those representatives, and the payment of their expenses. I replied in three Messages, in the first of which I expressed my intention of telegraphing to your Lordship to ask if you would receive delegates. In the second Message I enclosed copies of the telegraphic correspondence that had passed between your Lordship and me on the subject, and gave my own interpretation of your Lordship's meaning. In the third I noted the names of the delegates and promised to communicate further with them, and, also, if your Lordship consented to receive them, to provide for the payment of their expenses. Copies of these Addresses and Messages will be found annexed.

16. In transmitting to your Lordship this the third attempt to frame a Constitutional Amendment Bill for Natal that has been made within a period of a little over a year, I cannot but express my regret that the Legislative Council has not thought fit to frame the measure on the exact lines that your Lordship has indicated would be necessary in order to obtain the approval of Her Majesty's Government. There would then have been a definite and clear issue to be placed before the electors ; whereas, as the Bill is now framed, I fear that, unless the suggestion of the Attorney General can be accepted, the Bill will have to come again before the present Legislative Council for amendment before the question can be submitted to the constituencies. That suggestion, as made in the last paragraph but two of Mr. Morcom's report, is, I think, well worthy of consideration ; and, if Her Majesty's Government can state the specific amendments that will be necessary in the Bill before it can receive the Queen's assent, the Bill, with those specific amendments, might be published for general consideration, and the present Council having been dissolved, a new Council might be elected to deal with the question.

17. Or, if Her Majesty's Government should prefer that course, and the necessary instructions could be sent me in time, the Bill might be re-introduced during the ordinary Session of the Council, *i.e.*, during May, June, and probably a part of July, and, if amended in accordance with the suggestions of Her Majesty's Government, a dissolution and a fresh election could thereafter take place.

18. The continued agitation produced by this question appears to me to be detrimental to the best interests of the Colony, and I think that it should be settled in one way or the other with the least possible delay. That final settlement can only be the result of a general election.

19. I append a transcript* of the shorthand notes of the debates on the Bill.

The Right Honourable
the Lord Knutsford, G.C.M.G.,
&c. &c. &c.

I have, &c.
(signed) C. B. H. Mitchell.

* Not printed
copies will be
found in the
Library of the
House of
Commons.

Enclosure I in No. 18.

(No. 1, 1892.)

“ BILL to provide for the establishment of Responsible Government in Natal.”

WHEREAS it is expedient to provide for the establishment of Responsible Government in Natal :

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Act may be cited as the Constitution Amendment Act of 1892.
2. This Act shall commence and take effect at such date as may be fixed by a Proclamation signed by the Governor of Natal declaring that the Royal Assent has been given thereto.
3. There shall be, in place of the Legislative Council now subsisting, a Legislative Council and a Legislative Assembly as hereby constituted.
4. All Charters, Ordinances, and laws which at the commencement of this Act are in force within the Colony, shall, until duly repealed or varied, continue to be of the same force, authority, and effect as if this Act had not been passed, except in so far as the same are repugnant to this Act (in which case they are to that extent hereby amended and repealed).
5. It shall be lawful for Her Majesty and her successors, by and with the advice and consent of the Legislative Council and Legislative Assembly, as hereby constituted, to make all such Acts as may be necessary for the peace, order, and good government of the Colony of Natal.

6. Whenever any Bill has been passed by the Legislative Council and Legislative Assembly, it shall be presented to the Governor, who may either return the same by Message for the reconsideration of the Legislative Council and Legislative Assembly with such amendment as he may think fitting, or, subject to Royal Instructions, may assent to the same, or may declare that he refuses his assent to the same, or that he reserves the same for the signification of the Royal pleasure thereon.

7. It shall be lawful for the Queen at any time within two years after an authentic copy of any Act shall have been received by the Secretary of State to notify to the Governor the Queen's disallowance of that Act through the Secretary of State, and every such Act shall become null and void from and after the day on which the Governor shall signify such disallowance by Message to the Legislative Council and Legislative Assembly, or by Proclamation in the "Government Gazette."

8. Whenever any of the powers and authority vested in the Governor as Supreme or Paramount Native Chief shall be exercised, such powers and authority shall be exercised by the Governor in Council.

9. Ministerial offices, not more than six in number, shall be designated by the Governor in due course after the coming into operation of this Act, and thereafter from time to time as may be necessary; and the holders of such offices shall be appointed by the Governor, in the name of Her Majesty, and each such office shall be liable to be vacated on political grounds.

10. Each Minister shall be a Member of the Legislative Council, or shall be, or within four months from the date of his appointment shall become, a Member of the Legislative Assembly, but not more than two Ministers may be Members of the Legislative Council.

11. Each Minister being a Member of either House shall have a right to sit and speak in the Legislative Council, or in the Legislative Assembly, but shall vote only in the House of which he is a Member.

12. The words "Governor in Council" in this Act, or any other Act or law appearing, shall be deemed to mean the Governor acting with the advice of the Ministers, and such Ministers shall constitute the Executive Council.

13. There shall be a Session of the Legislative Council and Legislative Assembly once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the said Legislative Council and Legislative Assembly in one Session and the first sitting of the said Council and Assembly in the next Session; and the first Session shall be held within three months of the date when this Act shall commence to take effect.

14. It shall be lawful for the Governor to fix the place and time for holding the first and every other Session of the Legislative Council and Legislative Assembly, and from time to time to vary the same as he may judge advisable; and also to prorogue the Legislative Council and Legislative Assembly from time to time, and to dissolve the Legislative Assembly by Proclamation whenever he shall think fit.

15. The Legislative Council shall consist of eleven members, who shall be summoned in the case of the first Council by the Governor, and thereafter from time to time by the Governor in Council in the name of Her Majesty by instruments under the Public Seal of the Colony.

16. No person shall be so summoned unless he shall be of the age of 30 years or upwards, nor unless he shall have resided in the Colony for ten years, nor unless he shall be the registered proprietor of immovable property within the Colony of the value of 500 £. in nett value after deduction of the amount of all registered mortgages.

17. Each person so summoned as a Member of the Legislative Council shall hold his seat therein for ten years from the date of his summons: Provided, however, that five of the Members of the Legislative Council first summoned shall vacate their seats at the end of five years and the particular Members who are so to vacate their seats at the end of five years shall be decided by lot
within

within the first week of the first Session of the Legislative Council, in such way as the said Council may determine.

18. The vacating of his seat by a Member of the Legislative Council by lapse of time shall not disqualify him from being again summoned.

19. Members of the Legislative Council shall be summoned from the following districts, that is to say:—Five from within the Counties of Durban, Victoria, Alexandra, and Alfred; three from within the Counties of Pietermaritzburg and Umvoti, and three from within the Counties of Weenen and Klip River: Provided, that not more than two Members shall be chosen from within any one county.

20. The Governor may, from time to time, by an instrument under the Public Seal of the Colony, appoint one Member of the Legislative Council to be President thereof, and may remove him and appoint another in his stead, and the President may at any time take part in any debate or discussion in the said Council.

21. The Legislative Council shall not be competent to proceed to the despatch of business unless five Members shall be present.

22. The Legislative Assembly shall consist of thirty-seven Members, who shall be chosen by the electors of the following electoral districts:—

Pietermaritzburg City	-	-	-	-	-	-	4
Pietermaritzburg County—							
Umgeni Division	-	-	-	-	-	-	2
Lion's River Division	-	-	-	-	-	-	2
Ixopo Division	-	-	-	-	-	-	2
Durban Borough	-	-	-	-	-	-	4
Durban County	-	-	-	-	-	-	3
Victoria County	-	-	-	-	-	-	4
Umvoti County	-	-	-	-	-	-	3
Weenen County	-	-	-	-	-	-	3
Klip River County—							
Klip River Division	-	-	-	-	-	-	3
Newcastle Division	-	-	-	-	-	-	3
Alexandra County	-	-	-	-	-	-	2
Alfred County	-	-	-	-	-	-	2

23. For the purpose of constituting the Legislative Assembly, the Governor, before the time appointed for the first meeting of the Legislative Council and Legislative Assembly, and thereafter from time to time as occasion shall require, and without undue delay, may, in Her Majesty's name, issue writs under the Public Seal of the Colony for the general election of Members to serve in the Legislative Assembly. Persons qualified to become Members of the Legislative Council now subsisting shall be qualified to become Members of the Legislative Assembly.

24. All existing Laws relating to the mode of election, and all voters' lists and all other matters concerning elections, shall be in force, and shall apply to the election of Members to serve in the Legislative Assembly in the same manner as they are now in force in respect of elections to the Legislative Council now subsisting.

25. Every Legislative Assembly shall continue for four years from the day of the return of the writs for the election of the same, and no longer: Subject, nevertheless, to be sooner prorogued or dissolved by the Governor.

26. The Governor may transmit by Message to the Legislative Council or the Legislative Assembly the draft of any Act which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration by the said Council or Assembly, as the case may be, in such convenient manner as shall be provided in that behalf by the Rules of Order.

27. No Member of the Legislative Council or of the Legislative Assembly shall vote or sit therein until he shall have taken and subscribed the following Oath, before the Governor, or some person authorised by him to administer such Oath :—

“ I () do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs and Successors, according to Law. So help me God.”

But every person authorised by Law to make a solemn Affirmation or Declaration, instead of taking an Oath, may make such Affirmation or Declaration in lieu of the said Oath.

28. The Legislative Assembly shall, on their first meeting, before proceeding to the despatch of any other business, elect one of their Members to be Speaker of the said Assembly, subject to confirmation by the Governor, and in case of vacancy in the office, another Speaker shall be elected in manner and subject to such confirmation as aforesaid.

29. The Speaker, or in his absence some Member elected by the Legislative Assembly, shall preside at the meetings thereof.

30. The Legislative Assembly shall not be competent to proceed to the despatch of business unless twelve Members, inclusive of the Speaker, be present.

31. All questions in the Legislative Council and in the Legislative Assembly shall be determined by a majority of the votes of Members present, other than the President or Speaker, as the case may be, who shall, however, have and exercise a casting vote in case of an equality of votes.

32. If any Member of the Legislative Council or Legislative Assembly shall in writing resign his seat, or shall fail for a whole ordinary annual Session to give his attendance in the House of which he is a Member, or shall cease to hold his qualification, or shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign State or Power, or shall do, concur in, or adopt any act whereby he may become the subject or citizen of any such State or Power, or shall become an insolvent or take advantage of any Act for the relief of insolvent debtors, or shall be a public defaulter, or be attainted of treason, or be sentenced to imprisonment for any infamous crime, or shall become of unsound mind, or shall accept any office of profit under the Crown other than that of an officer of Her Majesty's sea or land forces on full, retired, or half pay, his seat shall become vacant: Provided, that the holder of any Ministerial office to be designated under Section 9 of this Act, shall not vacate his seat in the Legislative Council or Legislative Assembly by reason of his appointment to or retention of such office: Provided, also, that the Ministers shall be entitled to receive such salaries or allowances as may be attached by Law to their respective offices: Provided, also, that this clause shall not be held to apply to persons in receipt of pensions from the Colonial Government, or entitled to pensions under this Act.

33. If any Member of the Legislative Council or the Legislative Assembly shall, for the period of one month, remain a party to any contract with the Government, his seat in the said Council or Assembly, as the case may be, shall thereupon become vacant: Provided, that this clause shall not apply to any purchaser of land at public auction from the Government, or to any lessee of Government land.

34. Whenever the seat of any Member of the Legislative Council or the Legislative Assembly has become vacant, a summons or writ, as the case may be, shall forthwith issue, to the intent that the vacancy may be filled without delay.

35. Whenever a vacancy occurs in the Legislative Assembly from any cause, upon a resolution by the said assembly declaring such vacancy and the cause thereof, the Speaker shall cause a writ to be issued for filling such vacancy.

36. The Speaker may, in the case of a vacancy caused by death or resignation, issue such writ without such preceding resolution when the Legislative Assembly is not in Session.

37. If

37. If any person by this Act disabled or declared to be incapable to sit or vote in the Legislative Council or Legislative Assembly shall nevertheless be summoned to the Legislative Council, or elected and returned as a Member to serve in the said Assembly, such summons or election and return may be declared by the said Council or Assembly, as the case may require, to be void, and thereupon the same shall become and be void to all intents and purposes whatsoever; and if any person under any of the disqualifications mentioned in this Act, shall, whilst so disqualified, presume to sit or vote as a Member of the said Council or Assembly, such person shall forfeit the sum of One Hundred Pounds, to be recovered by any person who shall sue for the same in the Supreme Court.

38. The Legislative Council and Legislative Assembly in their first Session, and from time to time afterwards as there shall be occasion, shall each adopt Standing Rules and Orders, joint as well as otherwise, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the manner in which the said Council and Assembly shall be presided over in the absence of the President or Speaker, and for the order in which the said Council and Assembly shall confer, correspond, and communicate with each other, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for Her Majesty's assent; and all such Rules and Orders shall, by the said Council and Assembly respectively, be laid before the Governor, and being by him approved shall become binding and of force: Provided that the Standing Rules and Orders of the Legislative Council as now subsisting, shall, until altered, added to, or amended, be the Standing Rules and Orders of the Legislative Assembly.

39. The salary of the President of the Legislative Council shall be at least equal to the salary of the Speaker of the Legislative Assembly; and the salaries and allowances of the various officers of the Legislative Council shall be the same as those of the corresponding officers of the Legislative Assembly; and the Chief Clerk for the time being of the Legislative Council and of the Legislative Assembly shall respectively be removable from office only in accordance with a vote of the House of which he is an officer.

40. From the date when this Act shall take effect, the Law No. 1 of 1870 shall be construed as if the word "Assembly" appeared therein whenever the word "Council" is used, except in the enacting Clause.

41. It shall be lawful for the Legislature of the Colony by any Law to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and Legislative Assembly, and by the Members thereof respectively: Provided that no such privileges, immunities, or powers shall exceed those for the time being held, enjoyed, and exercised by the Commons House of Parliament or the members thereof.

42. The commissions of the present Judges of the Supreme Court, and Native High Court, and of all future Judges thereof shall be, continue, and remain in full force during their good behaviour.

43. It shall be lawful, nevertheless, for Her Majesty to remove any such Judge, upon the Address of both Houses of the Legislature of the Colony.

44. Such salaries as are settled upon the Judges for the time being by Law, and also such salary as shall be voted to any Judge of the Supreme Court, or the Native High Court, shall in all time coming be paid and payable to every such Judge for the time being, so long as his patent or commission continues in force.

45. All taxes, imposts, rates, and duties, and all territorial, casual, and other revenues of the Crown (including royalties) from whatever source arising within the Colony, over which the Legislature has power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the Public Service of the Colony in the manner and subject to the charges hereinafter mentioned.

46. The Consolidated Revenue Fund shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof; such costs, charges, and expenses being subject, nevertheless,

to be reviewed and audited in such manner as may from time to time be directed by any Act of the Legislature.

47. All Bills for appropriating any part of the Consolidated Revenue Fund, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the Legislative Assembly.

48. The Legislative Council may either accept or reject any money Bill passed by the Legislative Assembly, but may not alter it.

49. It shall not be lawful for the Legislative Assembly to adopt or pass any vote, resolution, or Bill for the appropriation of any part of the Consolidated Revenue Fund, or of any rate, tax, duty, or impost, to any purpose which has not been first recommended to the said Assembly by message of the Governor during the Session in which such vote, resolution or Bill is proposed.

50. No part of the Consolidated Revenue Fund shall be issued except in pursuance of warrants under the hand of the Governor directed to the Treasurer.

51. There shall be payable to Her Majesty, in every year, out of the Consolidated Revenue Fund, sums not exceeding in the whole Twenty-one Thousand Seven Hundred Pounds, for defraying the expenses of the services and purposes set forth in Schedules A. and B. to this Act, and the said several sums shall be issued by the Treasurer in discharge of such warrants as shall from time to time be directed to him under the hand of the Governor.

52. The appointment to all public offices under the Government of the Colony hereafter to become vacant or to be created, save those liable to be vacated on political grounds, shall be vested in the Governor in Council.

53. The power to suspend or remove any Civil Servant from his office shall be vested in the Governor in Council, without prejudice, however, to any right of appeal to the Secretary of State which may be competent to any Civil Servant who shall be in the Civil Service of this Colony at the date of the promulgation of this Act.

54. In the event of the retirement from office on political grounds of any present official Member of the Legislative Council, such official Member shall, subject to the proviso hereafter contained, be entitled to the pension or retiring allowance set opposite his name in Schedule B. hereto annexed: Provided, that if any such official Member shall accept any new appointment under the Crown, in this Colony or elsewhere, his pension or retiring allowance shall, during the tenure of such appointment, merge or be reduced *pro tanto*, according as the salary or emolument of any such appointment shall be equal to or less than the pension or retiring allowance of such official Member.

SCHEDULE A.		£.
Governor	- - - - -	4,000
Ministerial Salaries	- - - - -	4,200
Under Secretary for Native Affairs	- - - - -	600
For the promotion of the welfare and education of the Natives	- - - - -	10,000

SCHEDULE B.		£.
The Hon. F. S. Haden, C.M.G., Colonial Secretary	-	600
The Hon. J. T. Polkinghorne, Colonial Treasurer	-	600
The Hon. W. B. Morcom, Q.C., Attorney-General	-	350
The Hon. H. C. Shepstone, Secretary for Native Affairs	- - - - -	600
The Hon. Lieut-Colonel A. H. Hime, late R.E., C.M.G., Colonial Engineer	- - - - -	750

I certify that this Bill passed the Legislative Council of Natal this Twenty-fifth day of February 1892.

Geo. M. Sutton,
Deputy Speaker.

F. W. A. Watson,
Clerk of the Council.

Enclosure 2 in No. 18.

Statement on Bill No. 1, 1892, "To provide for the establishment of Responsible Government in Natal."

THIS Bill has been necessarily reserved for the signification of Her Majesty's pleasure.

In place of the Legislative Council now constituted under the Charter of 1856 and the laws amending the same, it is proposed to substitute a Council and an Assembly, the former composed of nominated and the latter of elective members.

The Legislative Council is to consist of eleven members appointed in the case of the first Council by the Governor, and thereafter by the Governor in Council. The age, residence, and property qualifications of Councillors are stated. The appointment of President of the Council rests with the Governor.

The provisions as to the creation of the Council are, it appears to me, defective in not providing that all legislation affecting the affairs and interests of the natives, who are not included under the laws applicable to the general community, but are under native law, shall originate in the Legislative Council and not in the Legislative Assembly.

Such provision, if made, will necessitate a verbal amendment in Section 47.

Except in the most recent case of Western Australia, the appointments to the Legislative Council, when composed of nominated members, are made, I understand, by the Governor, and not by the Governor in Council.

I presume it is an oversight, but Section 7 does not provide for the regular transmission to the Secretary of State of authenticated copies of all Bills passed by the Legislative Council and Legislative Assembly.

Section 8 of the Bill provides that the powers and authority of the Governor as Supreme Chief shall be exercised by the Governor in Council.

The code of Native Law legislatively affirmed by the Legislative Council, and confirmed by Order of Her Majesty in Council, defines the system of native government which is in force in this colony.

The effect of this Section 8 will be to subordinate the natives, their policy, laws, and complete system of local government through the Governor, who, as representing the Queen, is the recognised head of the native community, to a movable ministry, elected by and holding office for short periods at the pleasure of the European electors of the colony.

The disfranchised native population will naturally resent the interference which such a provision will create in regard to that separate system of government under which, while governing themselves under a perfect scheme of local home rule, they recognise as the head of their polity the Governor of the Colony, as the Queen's representative.

But as Section 8 has already been disapproved of by the Secretary of State it is not necessary for me to criticise its provisions further.

The Bill is defective in not including among its provisions a clause similar to Section 10 of the Bill No. 35, 1891, by which it was provided that Bills (1) Amending the constitution, and (2) Subjecting persons not of European birth or descent to disabilities or restrictions to which persons of European birth or descent are not subjected or made liable, should be reserved for the signification of Her Majesty's pleasure.

The large Indian population as well as the native population of the Colony are affected by legislation of the kind referred to.

Section 17 will require amendment to provide for the case of members nominated to fill vacancies occurring in the Council otherwise than by the lapse of the period of 10 years. If no amendment be made the 10 years period will in a short time be very irregular in its termination.

Section 25 should provide for the period of four years running from the return of the first writs.

Sections 35 and 36 do not provide the machinery for giving effect to the Speaker's writ. Further provisions should have been enacted to give effect to the evident desire to place under the power of the Assembly the filling up of vacancies in the Assembly.

CORRESPONDENCE RELATING TO

Section 37. It would be better if these questions were left for decision by a judicial rather than a political tribunal.

Section 41. If the Commons House of Parliament of the United Kingdom is referred to it should be so designated.

Section 54. The word *new* before *appointment* has crept into this section, although formerly expunged at the suggestion of the Secretary of State.

The non-participation of the Government Members of the Legislative Council in the discussions and divisions on this Bill afforded me no opportunity of pointing out any defects in the Bill during its passing through the Council.

The Schedule A. reserves 10,000 *l.* for the promotion of the welfare and education of the Natives, but under the Bill in its present shape this money will be at the disposal of the Ministry of the day, and not of the Governor.

The Bill as now passed is one which may with advantage to the Colony, which is interested in the early settlement of the constitutional question, be submitted to the judgment of the constituencies of this Colony, if Her Majesty's Government will state the specific amendments without which the Bill, if re-enacted, cannot be assented to by Her Majesty the Queen.

My former reports on Bills having the same object as this render further criticism of this measure unnecessary.

In its present form I am of opinion that the Bill ought not to receive the Royal Assent.

Attorney General's Office, Natal. (signed) *W. B. Morcom,*
7 March, 1892. Her Majesty's Attorney General,
Natal.

Enclosure 3 in No. 18.

Address from Legislative Council to Governor.

No. 2 of 1892.

To His Excellency Sir Charles Bullen Hugh Mitchell, Lieut.-Colonel, late Royal Marines, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population, &c., &c., &c.

May it please Your Excellency,

The Legislative Council beg respectfully to request that Your Excellency will be pleased to inform the House whether Her Majesty's Government will be prepared to provide that, under Responsible Government, the powers of the Governor as Supreme Chief shall continue to be exercised only after consultation with the Executive Council.

By Resolution of the Legislative Council, this seventeenth day of February, 1892.

(signed) *Geo. M. Sutton,*
Deputy Speaker.

Enclosure 4 in No. 18.

Message from Governor to Legislative Council.

Message No. 1.

THE Governor has the honour to acknowledge the receipt of the Address No. 2, dated the 17th instant, of the Honourable the Legislative Council, and to inform the Council that it will be necessary, in order to obtain the information required, that the Governor should address Her Majesty's Government by telegraph, but, before doing so, the Governor would wish to arrive at a clear understanding of the exact meaning of the question proposed by the Honourable the Legislative Council, which the Governor takes to be this, namely: In the event of all references to the exercise of the powers of the Supreme Chief being omitted from the Constitution Amendment Bill now before the House, will Her Majesty's Government provide by Royal Instructions to the Governor that those powers

powers shall be exercised by him only after consultation with the Executive Council?

Assuming that the meaning of the question put by Your Honourable House has been correctly interpreted, the Governor would point out that its answer would, in all probability, be facilitated were he in a position to inform the Secretary of State of the provisions that are being made with respect to certain other points.

These points, the Governor would suggest, are the following:—

1. The establishment of an Upper Chamber.
2. Provision that all Native measures shall originate in the Upper Chamber.
3. The reservation of a sum for Native purposes.
4. The recognition of Royal Instructions as a part of the Law of the Constitution of Natal.
5. The reservation of Bills:
 - (a.) Providing for the amendment of the Constitution.
 - (b.) Whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable.

The Governor has made this suggestion in order to facilitate an answer from the Secretary of State, who, it appears to the Governor, would hesitate to answer a particular question involving an important principle without having the means of considering the position as a whole. But, if the Legislative Council should, after receiving this suggestion, still desire that the Governor should place before the Secretary of State the particular question raised in Address No. 2, the Governor will do so.

The Governor would point out that the words "*continue to be exercised*," used in the Legislative Council Address, do not accurately describe the present Constitutional position of the Governor as Supreme Chief.

C. B. H. Mitchell,

Governor.

Government House, 18th February, 1892.

Enclosure 5 in No. 18.

Address from Legislative Council to Governor.

(No. 7 of 1892.)

To His Excellency Sir *Charles Bullen Hugh Mitchell*, Lieutenant Colonel, late Royal Marines, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice Admiral of the same, and Supreme Chief over the Native Population, &c., &c., &c.

May it please Your Excellency,

The Legislative Council beg respectfully to thank Your Excellency for the courteous Message in reply to Address No. 2 of 1892, and to inform Your Excellency that, under the circumstances mentioned in such message, it will not be necessary to trouble Your Excellency for further information at this stage.

By Resolution of the Legislative Council this twenty-fourth day of February 1892.

(signed) *Geo. M. Sutton*,
Deputy Speaker.

CORRESPONDENCE RELATING TO

Enclosure 6 in No. 18.

Address from Legislative Council to Governor.

(No. 8 of 1892.)

To His Excellency Sir Charles Bullen Hugh Mitchell, Lieutenant Colonel, late Royal Marines, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice Admiral of the same, and Supreme Chief over the Native Population, &c., &c., &c.

May it please Your Excellency,

The Legislative Council beg respectfully to inform Your Excellency that, in the opinion of this House, it is desirable that Representatives of the Legislative Council shall be nominated by the Council to proceed to England to confer with the Right Honourable the Secretary of State for the Colonies upon points in the Constitution Amendment Bill in regard to which the Council experience difficulty in fully meeting the views of Her Majesty's Government.

By Resolution of the Legislative Council this twenty-fourth day of February 1892.

(signed) *Geo. M. Sutton,*
Deputy Speaker.

Enclosure 7 in No. 18.

Message from Governor to Legislative Council.

Message No. 5.

THE Governor has the honour to acknowledge the receipt of the Address, No. 8, of the Honourable the Legislative Council, stating that, in the opinion of the Council, it is desirable that representatives of the Legislative Council shall be nominated by the Council to proceed to England to confer with the Right Honourable the Secretary of State for the Colonies upon certain points in the Constitution Amendment Bill.

The Governor will at once communicate to the Secretary of State by telegraph, asking His Lordship if he will receive the representatives alluded to in the Message, and will communicate the Secretary of State's reply to the Legislative Council as soon as it has been received.

As relevant to this proposal the Governor appends copies of a telegraphic correspondence which took place between the Governor and the Secretary of State at the close of the last Session of the Legislative Council. The reply arrived in the Colony after the Legislative Council had decided not to send delegates.

(signed) *C. B. H. Mitchell,*
Governor.

Government House,
25th February 1892.

Governor to Secretary of State,
17th August 1891.
Secretary of State
to Governor,
17th August 1891.

Enclosure 8 in No. 18.

Address from Legislative Council to Governor.

(See Enclosure 3 in No. 13.)

Enclosure 9 in No. 18.

Message from Governor to Legislative Council.

(See Enclosure 2 in No. 13.)

Enclosure 10 in No. 18.

Message from Governor to Legislative Council.

(See Enclosure 4 in No. 13.)

— No. 19. —

Sir C. B. H. Mitchell to Lord Knutsford.

(Received May 10, 1892.)

Government House, Pietermaritzburg, Natal.

My Lord,

April 14, 1892.

I HAVE the honour to inform your Lordship that the Delegates named in my Despatch, telegraphic, of the 3rd ultimo,* on the question of the establishment of Responsible Government in Natal, Sir John Robinson, K.C.M.G., M.L.C., and Mr. G. M. Sutton, M.L.C., are leaving for Southampton by the mail steamer which carries this Despatch, sailing from Port Natal on the 21st instant. I have furnished these gentlemen with letters of introduction to your Lordship. * No 8.

I have, &c.

C. B. H. Mitchell.

The Right Honourable the Lord Knutsford, G.C.M.G., &c.

— No. 20. —

J. L. Symons, Esq., M.L.C., to Colonial Office.

(Answered by No. 21.)

8, Duchess-street, Portland-place,

May 20, 1892.

Sir,

I DESIRE to express, for the Party I represent and for myself, my hearty thanks to Lord Knutsford and yourself for the courteous and patient hearing afforded me in stating the views of the non-responsible party in Natal, and for his Lordship's official recognition of my status in the Colony.

I desire briefly to emphasise the fact that the majority of the colonists are opposed to change, and this was fully proved at the last election.

It is confirmed, so far as Maritzburg is concerned, by the election last week of Mr. Murray, a Conservative candidate, in place of Sir John Akerman, resigned. Mr. Murray obtained a majority of 340. I am not in a position to say how many polled.

It is clear that now the natives of the Colony know the sort of Government in contemplation, that is, to remove them from the more direct control of the Crown, they have emphatically pronounced against it, as his Lordship is aware from the extract of the letter I read to him received by the last mail.

Sentiment in the Native mind is much stronger as regards Government than it is with Europeans, and they do not so readily accept and believe in the so-called civilization which runs so freely from the tongues of many urging on behalf of the Natives a change of Government.

Mr. D. Waal, the late Mayor of Cape Town, made a very pertinent remark on this point. He said, "Sir Bartle Frere tried to bring about the civilization of the Natives, and caused more wars in one year than had ever been known before."

It is a fact that although the colonists are opposed to this contemplated change, yet, if forced upon them, they must, and I am sure will, have full control. Such a dual Government as is proposed will not be acceptable to

them. It further seems almost cruel to force a change of Government and not allow them to accept it on their own conditions.

Her Majesty's Government will soon find out that instead of having rest as regards Natal, complications are bound to arise and troubles that may not be easily quieted and settled.

That any Bill approved of by Her Majesty's Government has to be submitted to the electors is so far satisfactory and assuring, but I would most respectfully point out that very wrong constructions may be put upon the Bill, and to have avoided this it would, from our point of view, have been better, could it have been so arranged, that the two Parties should have been together before his Lordship; but this is no fault of ours. His Lordship very patiently heard me, and also told me he should hear what the other delegates had to say, but that the Governor of the Colony only could be first advised as to the intention of Her Majesty's Government.

In this respect we consider the clause vague; it should distinctly and clearly say in so many words what Her Majesty's Government will accept, and not leave it to be inferred: that the constituencies may not be deceived as to the real meaning and intention of the clause.

This Bill, should it become law, may affect us as regards the outside States. Although his Lordship stated plainly that the granting Responsible Government did not give the Colony power to make treaties or enter into alliances with outside States, I stated that many in Natal so believe, and that this belief acted on many, and decided the election in one, if not in two, counties.

As his Lordship confined himself strictly to the Bill, of course I could not, without his Lordship's permission, go into questions of general policy, and more especially into the relations that exist between the Cape and Natal. It is to be deplored that such antagonism should exist between the only two Colonies under the British flag in South Africa, to the serious loss of both, and if Her Majesty's Government could only suggest some arrangement whereby we could be brought happily together, his Lordship's Government will have scored a success for which the Colonies should only be too grateful.

It is my earnest desire to return to my work in the Legislative Council still in Session. I shall be glad to know whether there are any other matters his Lordship would like any information I may be able to give. I place myself at his Lordship's disposal.

I have, &c.
(signed) *John L. Symons,*
Member of the Legislative Council
for County Umvoti.

The Honourable R. H. Meade, C.B.,
Under Secretary of State for the Colonies.

— No. 21. —

Colonial Office to *J. L. Symons, Esq., M.L.C.*

Sir,

Downing-street, May 25, 1892.

I AM directed by Lord Knutsford to acknowledge the receipt of your letter of the 20th instant*, respecting the proposed change in the constitution of the Government of Natal.

His Lordship desires me to thank you for this statement of your views on the subject and for your offer to supply any further information that he may desire on points other than those dealt with in your letter; but he is not at present aware of any reason for asking you to delay your departure to Natal should you desire to return at once to the colony.

J. L. Symons, Esq.

I am, &c.,
(signed) *Edward Fairfield.*

* No. 20.

— No. 22. —

Sir *John Robinson*, M.L.C., and *G. M. Sutton*, Esq., M.L.C., to Colonial Office.

(Answered by No. 23.)

Sir, Queen Anne's Mansions, S.W., 17 June, 1892.

ON the 23rd of May we took the opportunity of definitely informing Lord Knutsford of the reasons which led us to ask for a reconsideration of the decision arrived at by Her Majesty's Government in regard to the omission from the draft Constitution Bill of the Eighth Clause.

At the subsequent interview which Lord Knutsford was pleased to grant us on the 3rd instant, we were informed by his Lordship that the Government did not see their way to reconsider the question. We understood, however, as we have all through the progress of our Mission understood, that the considerations which have prevented Her Majesty's Government from acquiescing in the retention of the Eighth Clause, either in its present or in any amended form, were in no way to be taken to indicate that the Government desired to grant to Natal a Constitution differing in any essential respect from the Constitutions possessed by the present self-governing Colonies of the Empire.

At the conference we had with yourself on Tuesday last we were also assured that, as then advised, Her Majesty's Government did not think it possible that any satisfactory modification of the Clause referred to could be effected.

Under these circumstances, and having exhausted all the arguments at our command, we feel that it would be an undue and unnecessary encroachment upon his Lordship's time and patience to press farther for a reconsideration of the decision that has been so plainly and frankly made known to us.

We may be allowed to point out, however, that although by the Native Code Law certain powers are vested in the Governor as Supreme Chief, it is difficult to see how, under a constitutional form of Government those powers could be exercised by him independently of consultation with his Ministers.

In our previous communications with Lord Knutsford we deemed it our duty to submit that the exercise by the Crown of the powers in question would necessarily imply and involve the acceptance of responsibility for the cost and consequences of any measures or acts that might be taken or done under the said powers by the Governor independently of Ministerial advice. It is, we venture to think, but proper that we should place on record the view we then presumed to express.

In the Despatch which Lord Knutsford addressed to the Governor of Natal on March 5th 1889* his Lordship stated "generally" that in the event of Responsible Government being established in Natal a garrison would be maintained in that Colony or Zululand for a short term of years in order to provide for the gradual organisation of the Colonial Force which would ultimately take the place of Imperial troops. His Lordship also intimated that the relations of Natal with the Cape Colony would be conducted as at present, in the event of the introduction of Responsible Government, except in so far as the Ministers of the two Colonies might correspond on matters not requiring the intervention of the Governors; and the relations of Natal with the neighbouring Republics would be conducted through a High Commissioner, as at present is the case in the Cape Colony. "The Governor of Natal might, not improbably," added his Lordship, "be appointed a High Commissioner for this purpose." We feel justified in stating that these arrangements will, in our opinion, prove satisfactory and acceptable to all sections of the people throughout the Colony.

We are deeply sensible of and grateful for the unflinching courtesy and consideration which have been extended to us throughout the discussions that have attended the course of our present Mission, and we desire most gladly to recognise the constant endeavour of the Government to co-operate in making the Bill as perfect in its details as experience and intimate acquaintance with constitutional procedure in other Colonies can render it.

John Bramston, Esq., C.B.
&c. &c.

We have, &c.
(signed) *John Robinson.*
Geo. M. Sutton.

* No. 2 in
(C. 6,487)

— No. 23. —

Colonial Office to Sir *John Robinson* and *G. M. Sutton*, Esq.

*No. 22.

Gentlemen,

Downing-street, 25 June, 1892.

I AM directed by Lord Knutsford to acknowledge receipt of your letter of the 17th inst.* in which you place before his Lordship certain further observations on questions connected with the proposed change in the constitution of the Legislature of Natal.

2. His Lordship has taken note of your intimation that you do not press further for a reconsideration of the decision upon Clause 8, and he observes that the preceding paragraphs of your letter indicate that you have correctly apprehended the views of Her Majesty's Government upon this clause; for as the question involved is essentially one of principle it does not appear to them to be possible by any modification of the language to reconcile their decision with the wishes which you have expressed on behalf of the Legislative Council of Natal. At the same time his Lordship trusts that you will understand that, subject to the decision upon Clause 8, Her Majesty's Government desire to grant to Natal a Constitution similar in all essential respects to the Constitutions possessed by the present self-governing Colonies of the Empire.

3. I am also to intimate that you may rest assured that the Colonial Ministers will be made acquainted with any action which the Governor may propose to take with reference to native affairs, and Lord Knutsford entertains little doubt that in every, or nearly every, case the Governor will find that he can satisfactorily arrange with them as to the course of action to be taken, although the ultimate decision must rest with him.

4. As regards the question of retaining the garrison for a limited number of years after the introduction of Responsible Government, a question to which your letter also refers, I am to say that the subject appears to his Lordship scarcely to fall within the scope of a discussion on the Constitution Bill to which it was understood that your delegation was limited. I am however to acquaint you that the matter has not been lost sight of, and that his Lordship is in communication with the Secretary of State for War upon it.

5. With reference to the passage in your letter respecting the position of the Governor and the relation of Natal with the neighbouring republics, you will readily perceive that it would be premature at present to give any definite assurance on this point, for the subject is one on which it would be necessary that his Lordship should consult Sir Henry Loch as well as Sir Charles Mitchell, and no communication can properly be made to either until it is known whether the present Draft Bill will be accepted by the Colonists of Natal.

6. In conclusion, his Lordship desires me to express to you personally his thanks for the assistance which you have given him by the able and temperate manner in which you have discussed the questions at issue, and by the firm but conciliatory spirit in which you have discharged your mission.

Sir John Robinson, K.C.M.G.,
G. M. Sutton, Esq.

I am, &c.
(signed) *John Bramston.*

— No. 24 —

Lord *Knutsford* to Sir *C. B. H. Mitchell*.

TELEGRAPHIC.

28th June 1892.—Delegates will leave 9 July; my Despatch and Responsible Government Bill will go by mail of that date. I would suggest that Legislative Council should not be prorogued till after Delegates arrive.

— No. 25. —

Lord Knutsford to Sir C. B. H. Mitchell.

(Further Despatch, No. 26.)

(Answered by No. 27.)

Sir,

Downing-street, 5 July, 1892.

I HAVE the honour to acknowledge the receipt of your Despatch of the 8th of March 1892, which replied to my despatch of the 2nd of December 1891,* and transmitted for the consideration of Her Majesty's Government Bill No. 1, of 1892, passed by the Legislative Council "to provide for the establishment of Responsible Government in Natal."

* Nos. 18 and

2. Your Despatch and its enclosures have received very careful consideration at the hands of Her Majesty's Government, and it is now my duty to convey to you their decision upon it.

3. The main objection to the former Bill was that it provided for only one Legislative Chamber; this objection has been removed by the creation in the amended Bill of an Upper Chamber of eleven members who are to be nominated in the first instance by the Governor, vacancies occurring afterwards being filled by the Governor in Council.

4. On one other material point an amendment has been made in order to meet the views of Her Majesty's Government. By Clause 41 of the former Bill it was declared that a sum of not less than 20,000*l.* was to be appropriated annually for Native purposes; but with this proviso, that "the items of the expenditure of this sum shall be dealt with by the Legislative Council in the same manner as other items of general expenditure." My Despatch intimated that this clause was objected to by Her Majesty's Government, and their demand that an annual sum should be placed in the Civil List at the disposal of the Governor was adhered to. This principle has now been accepted, and by clause 51 of the present Bill the sum of 10,000*l.* annually is granted in perpetuity to Her Majesty, to be disposed of as directed by the Governor "for the promotion of the welfare and education of the Natives." I would observe also that I am advised, with reference to the Attorney General's criticism as to the language of the Bill or Schedule upon this point, that the wording of Clause 51, when compared with that of the preceding clauses, is sufficient to withdraw this sum from the control of the Legislature, and to place it at the disposal of the Crown.

5. Another and a third objection raised against the former Bill was to Clause 8, dealing with the exercise of the powers of the Governor as, "Supreme Chief" of the native population. The clause ran as follows: "8. Whenever any of the powers and authority vested in the Governor as Supreme or Paramount Native Chief shall be exercised, such powers and authority shall be exercised with the advice of the Executive Council." In the present Bill the words "by the Governor in Council" are substituted as the last words of the clause, but the effect is the same as in the former Bill.

6. Subsequently to the receipt of your Despatch the Delegates from the Legislative Council, Sir John Robinson and Mr. Sutton, arrived in this country, and several interviews have taken place between myself and them at which they placed before me with much ability the views of the Council with reference to this clause, and strongly urged its retention.

7. I did not fail to place those views before my colleagues, and the question was again considered by Her Majesty's Government, who, however, have felt themselves unable to depart from their former decision. The powers of the Supreme Chief must therefore be left in the hands of the Governor apart from his Council, except in the particulars which, by the Code of Native Law, are vested in the Governor in Council.

8. Before exercising those powers it would be desirable that the Governor should acquaint his Ministers with the action which he proposes to take, and I have little doubt that in every or nearly every case, he would find that he could

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satisfactorily

satisfactorily arrange with them as to the course of action to be taken. The ultimate decision in every case, must, however, rest with the Governor.

9. I have further to acquaint you that I have discussed with the Delegates various points of detail in which they agree with me that the language of the Bill was capable of improvement without impairing the sense. With one exception these were questions of language or of arrangement which explain themselves. I should, however, observe that the addition to Clause 3 is simply a precaution in case an unforeseen emergency should make it necessary to obtain Legislative authority for any purpose, before the arrangements can be completed for inaugurating the new Constitution.

10. The one exception to which I refer is in Clause 12, which Clause, as passed, declared that the Ministers should constitute the Executive Council. Such a provision appears out of place in a Constitution Act, of which the primary object is the creation of Legislative Chambers, and the regulation of their functions; while the object in view would equally well be attained in another way. In fact throughout the Colonies the resignation by Colonial Ministers of their seats in the Executive Council is rather a matter of unwritten practice than of positive law.

11. The Executive Council in the Australian Colonies is constituted by the Letters Patent, and in every Colony, with two exceptions, Ministers retire from the Council as a matter of course when they leave office. In the other two, Ministers nominally remain members of the Executive Council, but they are not summoned to its meetings, and I may observe that this practice, which is based upon a supposed analogy to the Privy Council in England, is found to be the less convenient of the two. The Governor possesses under the Letters Patent a general power to remove from office, and this power would enable him to dismiss an Executive Councillor, should he attempt to retain his seat, or claim to take advantage of it, against the wish of the incoming Ministers. I propose to advise Her Majesty to issue for Natal, in place of the existing Charter, fresh Letters Patent, following the Australian model, so that the words in the amended Bill will be unnecessary.

I feel confident that it will be agreed that the Constitution Act should not contain any provision as to the composition of the Executive Council.

12. In transmitting to you this Bill, I have to request that you will take such measures as may be necessary for giving to it and to this Despatch the fullest publicity in the Colony; and if a substantial majority of the Colonists at a general election declare themselves in favour of the measure in the form now transmitted, and if the Legislative Council thereupon pass the Bill without alteration, I shall be prepared to tender to Her Majesty the advice necessary to make it law. I have only to add that, as you are aware, Bills for making alterations in the constitution of the Legislative Council must, in accordance with the provisions of the Charter, be reserved for the signification of Her Majesty's pleasure.

Sir C. B. H. Mitchell.

I have, &c.
(signed) Knutsford.

Enclosure in No. 25.

Bill to provide for the Establishment of Responsible Government in Natal.

WHEREAS it is expedient to provide for the establishment of Responsible Government in Natal:

Be it therefore enacted by the Governor of Natal, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Act may be cited as the Constitution Act of 1892.

not title.

2. This

2. This Act shall commence and take effect at such date as may be fixed by a Proclamation, signed by the Governor of Natal, declaring that the Royal Assent has been given thereto.

Commencement Act.

3. There shall be in place of the Legislative Council now subsisting a Legislative Council and a Legislative Assembly as hereby constituted.

Creation of two Houses of the Legislature.

The constitution, appointment, and powers of the Legislative Council now subsisting shall continue in force until the first writs have been issued for the election of Members to serve in the Legislative Assembly, and no longer.

4. All charters, ordinances, and laws which at the commencement of this Act are in force within the Colony, shall, until duly repealed or varied, continue to be of the same force, authority, and effect, as if this Act had not been passed, except in so far as the same are repugnant to this Act (in which case they are to that extent hereby amended and repealed).

Existing laws preserved.

5. It shall be lawful for Her Majesty and Her successors, by and with the advice and consent of the Legislative Council and Legislative Assembly, as hereby constituted, to make all laws required for the peace, order, and good government of the Colony of Natal.

Power of making laws.

6. Whenever any Bill has been passed by the Legislative Council and Legislative Assembly, it shall be presented to the Governor, who may either return the same by Message for the reconsideration of the Legislative Council and Legislative Assembly with such amendment as he may think fitting, or, subject to Royal Instructions, may assent to the same in Her Majesty's name, or may declare that he refuses his assent to the same, or that he reserves the same for the signification of the Royal pleasure thereon.

Assent to and reservation of B

7. If at any time within two years after the Governor has assented to any Bill in Her Majesty's name, it shall be notified to him through one of Her Majesty's Principal Secretaries of State that Her Majesty in Council has been pleased to disallow the Act so assented to, the Governor shall forthwith signify such disallowance by message to the Legislative Council and Legislative Assembly or by Proclamation in the "Government Gazette," and from and after the date of such Message or Proclamation the said Act shall become null and void.

Laws if disallowed to be void.

8. Within three months after the commencement of this Act, and thereafter from time to time as may be necessary, the Governor may designate such offices as he thinks fit, not being more than six in number to be political offices for the purposes of this Act. Appointments to such offices shall be made by the Governor, in the name of Her Majesty, and such offices shall be held at Her Majesty's pleasure, and shall be liable to be vacated on political grounds.

Political offices

The holders of such offices are in this Act styled Ministers; and a Minister shall not vacate his seat in the Legislative Council or Legislative Assembly by reason of his appointment to or retention of any such office.

Ministers not to vacate their seat

9. Every Minister shall be, or shall within four months from the date of his appointment become, a Member of the Legislative Council or of the Legislative Assembly, but not more than two Ministers may be Members of the Legislative Council.

Ministers to be Members of the Legislature.

10. Each Minister, being a Member of either House, shall have a right to sit and speak in both Houses, but shall vote only in the House of which he is a Member.

Ministers may sit and speak in both Houses but vote only in one.

11. The words "Governor in Council" in this Act, or any other Act or Law appearing, shall mean the Governor acting with the advice of the Executive Council.

Governor in Council.

12. There shall be a Session of the Legislative Council and Legislative Assembly once at least in every year, so that a period of 12 months shall not intervene between the last sitting of the said Legislative Council and

Annual Sessions

CORRESPONDENCE RELATING TO

Legislative Assembly in one Session and the first sitting of the said Council and Assembly in the next Session; and the first Session shall be held within three months of the date when this Act shall commence to take effect.

Governor to fix
the place and
time for
Session.

13. It shall be lawful for the Governor to fix the place and time for holding the first and every other Session of the Legislative Council and Legislative Assembly, and from time to time to vary the same as he may judge advisable; and also to prorogue the Legislative Council and Legislative Assembly from time to time, and to dissolve the Legislative Assembly by Proclamation whenever he shall think fit.

Prorogation and
dissolution.

Constitution of
Legislative Council.

14. The Legislative Council shall consist of 11 Members, who shall be summoned in the case of the first Council by the Governor, and thereafter from time to time by the Governor in Council in the name of Her Majesty by instruments under the Public Seal of the Colony.

Qualification of
Members.

15. No person shall be summoned unless he shall be of the age of 30 years or upwards, nor unless he shall have resided in the Colony for 10 years, nor unless he shall be the registered proprietor of immovable property within the Colony of the value of 500*l.* in nett value after deduction of the amount of all registered mortgages.

Duration of seats.

16. Each person so summoned as a Member of the Legislative Council shall hold his seat therein for ten years from the date of his summons: Provided, however, that five of the Members of the Legislative Council first summoned shall vacate their seats at the end of five years, and the particular Members who are so to vacate their seats at the end of five years shall be decided by lot within the first week of the first Session of the Legislative Council, in such way as the said Council may determine.

Members may be
summoned again.

17. The vacating of his seat by a Member of the Legislative Council by lapse of time shall not disqualify him from being again summoned.

Resignation of
Members.

18. Any Member of the Legislative Council may resign his seat therein, by writing under his hand, addressed to the Governor, and upon receipt of such resignation by the Governor, the seat of such Member shall become vacant.

Members to be
summoned from
certain districts.

19. Members of the Legislative Council shall be summoned from the following districts, that is to say:—Five from within the counties of Durban, Victoria, Alexandra, and Alfred; three from within the Counties of Pietermaritzburg and Umvoti; and three from within the Counties of Weenen and Klip River: Provided, that not more than two Members shall be chosen from within any one county.

President of the
Council.

20. The Governor may, from time to time, by an instrument under the Public Seal of the Colony, appoint one Member of the Legislative Council to be President thereof, and may remove him and appoint another in his stead, and the President may at any time take part in any debate or discussion in the said Council.

Quorum.

21. The Legislative Council shall not be competent to proceed to the despatch of business unless five Members shall be present.

Constitution of
Legislative
Assembly.

22. The Legislative Assembly shall consist of thirty-seven Members, who shall be chosen by the Electors of the following Electoral Districts:

Pietermaritzburg City	-	-	-	-	-	-	-	-	4
Pietermaritzburg County—									
Umgeni Division	-	-	-	-	-	-	-	-	2
Lion's River Division	-	-	-	-	-	-	-	-	2
Ixopo Division	-	-	-	-	-	-	-	-	2
Durban Borough	-	-	-	-	-	-	-	-	4
Durban County	-	-	-	-	-	-	-	-	3
Victoria County	-	-	-	-	-	-	-	-	4
Umvoti County	-	-	-	-	-	-	-	-	3
Weenen County	-	-	-	-	-	-	-	-	3

Klip

Klip River County—

Klip River Division - - - - -	3
Newcastle Division - - - - -	3
Alexandra County - - - - -	2
Alfred County - - - - -	2

23. For the purpose of constituting the Legislative Assembly, the Governor, before the time appointed for the first meeting of the Legislative Council and Legislative Assembly, and thereafter from time to time as occasion shall require, and without undue delay, may, in Her Majesty's name, issue writs under the Public Seal of the Colony for the general election of Members to serve in the Legislative Assembly. Persons qualified to become Members of the Legislative Council now subsisting shall be qualified to become members of the Legislative Assembly. Writs of election

24. All existing Laws relating to the mode of election, and all voters' lists and all other matters concerning elections, shall be in force, and shall apply to the election of Members to serve in the Legislative Assembly in the same manner as they are now in force in respect of elections to the Legislative Council now subsisting. Existing electors
Laws to continue

25. Every Legislative Assembly shall continue for four years from the day of the return of the writs for the election of the same, and no longer. Subject, nevertheless, to be sooner prorogued or dissolved by the Governor. Duration of
Assembly.

26. The Governor may transmit by Message to the Legislative Council or the Legislative Assembly the draft of any Bill which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration by the said Council or Assembly, as the case may be, in such convenient manner as shall be provided in that behalf by the Rules of Order. Governor may
transmit draft Bill
to either House.

27. No Member of the Legislative Council or of the Legislative Assembly shall vote or sit therein until he shall have taken and subscribed the following Oath, before the Governor, or some person authorised by him to administer such Oath :— Oath of Allegiance

“ I () do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her Heirs and Successors, according to Law. So help me God ! ”

But every person authorised by Law to make a solemn Affirmation or Declaration, instead of taking an Oath, may make such Affirmation or Declaration in lieu of the said Oath.

28. The Legislative Assembly shall, on their first meeting, before proceeding to the despatch of any other business, elect one of their Members to be Speaker of the said Assembly, subject to confirmation by the Governor, and in case of vacancy in the office, another Speaker shall be elected in manner and subject to such confirmation as aforesaid. Election of Speaker

29. The Speaker, or in his absence some Member elected by the Legislative Assembly, shall preside at the meetings thereof. Speaker to preside

30. The Legislative Assembly shall not be competent to proceed to the despatch of business unless twelve Members, inclusive of the Speaker, be present. Quorum.

31. All questions in the Legislative Council and in the Legislative Assembly shall be determined by a majority of the votes of Members present, other than the President or Speaker, as the case may be, who shall, however, have and exercise a casting vote in case of an equality of votes. Decision of
majority.

32. If any Member of the Legislative Council or Legislative Assembly shall fail for a whole ordinary annual Session to give his attendance in the House of which he is a Member, or shall cease to hold his qualification, or shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign State or Power, or shall do, concur in, or adopt any act whereby he may become the subject or citizen of any such State Vacating of seat

or Power, or shall become an insolvent or take advantage of any Act for the relief of insolvent debtors, or shall be a public defaulter, or be attainted of treason, or be sentenced to imprisonment for any infamous crime, or shall become of unsound mind, or shall accept any office of profit under the Crown other than a political office or that of an officer of Her Majesty's sea or land forces on full, retired, or half-pay, his seat shall become vacant. This clause shall not apply to persons in receipt of pensions from the Colonial Government, or entitled to pensions under this Act.

tractors.

33. If any member of the Legislative Council or the Legislative Assembly shall, for the period of one month, remain a party to any contract with the Government, his seat in the said Council or Assembly, as the case may be, shall thereupon become vacant: Provided, that this clause shall not apply to any purchaser of land at public auction from the Government, or to any lessee of Government land.

vacant seats to be filled without delay.

34. Whenever the seat of any member of the Legislative Council or the Legislative Assembly has become vacant, a summons or writ, as the case may be, shall forthwith issue to the intent that the vacancy may be filled without delay.

resignation of seats in Assembly.

35. Any member of the Legislative Assembly may resign his seat therein by writing under his hand, addressed to the Speaker and upon the receipt of such resignation by the Speaker, the seat of such member shall become vacant.

writ writ on resolution declaring vacancy.

36. Whenever a vacancy occurs in the Legislative Assembly from any cause, upon a resolution by the said Assembly declaring such vacancy and the cause thereof, the Speaker shall cause a writ to be issued for filling such vacancy.

writ writs out of session.

37. The Speaker may, in the case of a vacancy caused by death or resignation, issue such writ without such preceding resolution when the Legislative Assembly is not in Session.

disqualified persons.

38. If any person by this Act disabled or declared to be incapable to sit or vote in the Legislative Council or Legislative Assembly shall nevertheless be summoned to the Legislative Council, or elected and returned as a Member to serve in the said Assembly, such summons or election and return may be declared by the said Council or Assembly, as the case may require, to be void, and thereupon the same shall become and be void to all intents and purposes whatsoever; and if any person under any of the disqualifications mentioned in this Act, shall, whilst so disqualified, presume to sit or vote as a Member of the said Council or Assembly, such person shall forfeit the sum of One Hundred Pounds, to be recovered by any person who shall sue for the same in the Supreme Court.

ineligibility for sitting.

Standing Rules and Orders.

39. The Legislative Council and Legislative Assembly in their first Session, and from time to time afterwards as there shall be occasion, shall each adopt Standing Rules and Orders, joint as well as otherwise, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the manner in which the said Council and Assembly shall be presided over in the absence of the President or Speaker, and for the order in which the said Council and Assembly shall confer, correspond, and communicate with each other, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for Her Majesty's assent; and all such Rules and Orders shall, by the said Council and Assembly respectively, be laid before the Governor, and being by him approved shall become binding and of force: Provided that the Standing Rules and Orders of the Legislative Council as now subsisting, shall, until altered, added to, or amended, be the Standing Rules and Orders of the Legislative Council and of the Legislative Assembly.

Standing Rules continue.

Salaries of Officers in both Houses.

40. The Salary of the President of the Legislative Council shall be at least equal to the salary of the Speaker of the Legislative Assembly; and the Salaries and Allowances of the various officers of the Legislative Council shall be the same as those of the corresponding officers of the Legislative Assembly; and the Chief Clerk for the time being of the Legislative Council and of the Legislative Assembly

Assembly shall respectively be removable from office only in accordance with a vote of the House of which he is an officer.

41. The Law No. 1 of 1870 shall henceforth be construed as if the word "Assembly" appeared therein whenever the word "Council" is used, except in the enacting Clause. Interpretation.

Where any existing Law prescribes that documents are to be laid before the Legislative Council, such documents shall in future be laid before the Legislative Council and Legislative Assembly. And where in any existing Law the words "Legislative Council" occur, they shall, unless the context otherwise indicates, be read as if they were "Legislative Council and Legislative Assembly."

42. It shall be lawful for the Legislature of the Colony by any Law to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and Legislative Assembly, and by the Members thereof respectively: Provided that no such privileges, immunities, or powers shall exceed those for the time being held, enjoyed, and exercised by the Commons House of Parliament or the Members thereof. Privileges of Parliament.

43. The commissions of the present Judges of the Supreme Court, and Native High Court, and of all future Judges thereof shall be, continue, and remain in full force during their good behaviour. Commissions of Judges.

44. It shall be lawful, nevertheless, for Her Majesty to remove any such Judge, upon the Address of both Houses of the Legislature of the Colony. Removal of Judge.

45. Such salaries as are settled upon the Judges for the time being by law, and also such salary as shall be voted to any Judge of the Supreme Court, or the Native High Court, shall in all time coming be paid and payable to every such Judge for the time being, so long as his patent or commission continues in force. Salaries of Judges.

46. All taxes, imposts, rates, and duties, and all territorial, casual, and other revenues of the Crown (including royalties) from whatever source arising within the Colony, over which the Legislature has power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the Public Service of the Colony in the manner and subject to the charges hereinafter mentioned. Consolidated Revenue Fund.

47. The Consolidated Revenue Fund shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof; such costs, charges, and expenses being subject nevertheless to be reviewed and audited in such manner as may from time to time be directed by any Act of the Legislature. Costs of collection charged on Fund.

48. All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the Legislative Assembly. Money Bill.

49. The Legislative Council may either accept or reject any money Bill passed by the Legislative Assembly, but may not alter it. Not to be altered in the Council.

50. It shall not be lawful for the Legislative Assembly to adopt or pass any vote, resolution, or Bill for the appropriation of any part of the Consolidated Revenue Fund, or of any rate, tax, duty, or impost, to any purpose which has not been first recommended to the said Assembly by Message of the Governor during the Session in which such vote, resolution, or Bill is proposed. Appropriation to be upon Message from Governor.

51. No part of the Consolidated Revenue Fund shall be issued except in pursuance of warrants under the hand of the Governor directed to the Treasurer. Warrants of Governor.

52. There shall be payable to Her Majesty, in every year, out of the Consolidated Revenue Fund, sums not exceeding in the whole Twenty-one Thousand Seven Hundred Pounds, for defraying the expenses of the services and purposes set forth in Schedules A. and B. to this Act, and the said several Civil List,

CORRESPONDENCE RELATING TO

several sums shall be issued by the Treasurer in discharge of such warrants as shall from time to time be directed to him under the hand of the Governor.

Public Appoint-
ments.

53. The appointment to all public offices under the Government of the Colony hereafter to become vacant or to be created, save those liable to be vacated on political grounds, shall be vested in the Governor in Council.

Pension or
removal of public
officers.

54. The power to suspend or remove any Civil Servant from his office shall be vested in the Governor in Council, without prejudice, however, to any right of appeal to the Secretary of State which may be competent to any Civil Servant who shall be in the Civil Service of this Colony at the date of promulgation of this Act.

Pensions to official
members of former
Council.

55. In the event of the retirement from office on political grounds of any present official Member of the Legislative Council, such official Member shall, subject to the proviso hereafter contained, be entitled to the pension or retiring allowance set opposite his name in Schedule B. hereto annexed: Provided, that if any such official Member shall accept any other appointment under the Crown, in this Colony or elsewhere, his pension or retiring allowance shall, during the tenure of such appointment, merge or be reduced *pro tanto*, according as the salary or emolument of any such appointment shall be equal to or less than the pension or retiring allowance of such official Member.

SCHEDULES.

SCHEDULE A.

	£.
Governor- - - - -	4,000
Ministerial Salaries - - - - -	4,200
Under Secretary for Native Affairs - - - - -	600
For the promotion of the welfare and education of the Natives - - - - -	10,000

SCHEDULE B.

	£.
The Hon. F. S. Haden, C.M.G., Colonial Secretary - - -	600
The Hon. J. T. Polkinghorne, Colonial Treasurer - - -	600
The Hon. W. B. Morcom, Q.C., Attorney General - - -	350
The Hon. H. C. Shepstone, Secretary for Native Affairs - - -	600
The Hon. Lieut.-Colonel A. H. Hime, late R.E., C.M.G., Colonial Engineer - - - - -	750

— No. 26. —

Lord Knutsford to Sir C. B. H. Mitchell.

(Answered by No. 27.)

Sir, Downing-street, 5 July, 1892.
 REFERRING to my Despatch of this date,* transmitting the Constitution Bill *No. 25.
 for publication in the Colony, I have the honour to forward for your information
 copy of correspondence† which has passed between the Delegates and this † Nos. 22 and 2:
 Department.

Sir C. Mitchell.

I have, &c.
 (signed) *Knutsford.*

— No. 27. —

Sir C. B. H. Mitchell to Lord Knutsford.

(Received 6 September, 1892.)

My Lord, Durban, Natal, 8 August, 1892.
 I HAVE the honour to acknowledge the receipt of your Lordship's Despatches
 of the 5th ultimo,* on the subject of the establishment of Responsible Govern- * Nos. 25 and 2:
 ment in this Colony.

I brought the Despatch before the Executive Council on the 5th instant, and,
 in accordance with the instructions conveyed in it, I have caused it, together
 with the draft Bill "To provide for the establishment of Responsible Govern-
 ment in Natal," transmitted with it, as also the correspondence forwarded in
 your Lordship's Despatch of 5th July 1892, and my Despatch to you of the 8th
 of March last,† to be published in the Official *Gazette* of the Colony. † Nos. 26 and 1:

For the information of the Dutch electors in Natal, I have caused the
 correspondence alluded to, and the Bill, to be published likewise in the Dutch
 language.

I transmit to your Lordship a copy of the *Gazette.*‡ ‡ Not printed.
 I received from your Lordship, on the 28th of June, a telegraphic Despatch§
 suggesting to me to keep the Council in Session until the return of the
 Delegates, and it accordingly adjourned until the 15th instant, when it will
 meet to receive the Report of Sir John Robinson and Mr. Sutton. § No. 24.

The Right Honourable
 The Lord Knutsford, G.C.M.G.,
 &c. &c. &c.

I have, &c.
 (signed) *C. B. H. Mitchell.*

— No. 28. —

Sir C. B. H. Mitchell to the Marquess of Ripon.

(Received 29 September, 1892.)

TELEGRAPHIC.
 (Further Despatch No. 30.)

RESULT of elections: 10 in favour of Responsible Government, 14
 against.

CORRESPONDENCE RELATING TO

— No. 29. —

Sir *C. B. H. Mitchell* to the Marquess of *Ripon*.

(Received 8 November, 1892.)

Government House, Pietermaritzburg, Natal,
6 October, 1892.

My Lord,
I HAVE the honour to inform your Lordship that I have to-day opened the First Session of the Fourteenth Legislative Council of the Colony.
I transmit herewith a copy of the Speech delivered by me on the occasion.

The Right Honourable
The Secretary of State,
&c. &c. &c.

I have, &c.
(signed) *C. B. H. Mitchell*.

Enclosure in No. 29.

SPEECH delivered by his Excellency Sir *Charles Bullen Hugh Mitchell*, K.C.M.G., on opening the First Session of the Fourteenth Council, on Thursday, the 6th October 1892, at noon.

His Excellency the Governor opened this the First Session of the Fourteenth Council with the following Speech:—

Mr. Speaker and Gentlemen of the Honourable the Legislative Council,—

I desire to welcome this the Fourteenth Legislative Council of the Colony. I have called you together in compliance with instructions received from Her Majesty's Government, conveyed in a Despatch which has been published in the *Government Gazette* of the Colony, and which will be laid before you, in order to afford you an opportunity of considering the question of the adoption by the Colony of a change in the form of Government, on the basis of a Draft Bill, the terms of which have been settled by Her Majesty's Government, after a conference held between the Secretary of State for the Colonies and two Delegates sent to England by the late Legislative Council.

I do not propose to ask you to deal with any other business during this Special Session, and I commend to your earnest consideration the important question to which I have alluded.

In the name of the Queen I declare the Council open.

— No. 30. —

Sir *C. B. H. Mitchell* to the Marquess of *Ripon*.

(Received 8 November, 1892.)

Government House, Pietermaritzburg, Natal,
10 October, 1892.

My Lord,
I HAD the honour to inform your Lordship, by telegraph, on the 29th ultimo,* that the result of the elections of members to serve in the present Legislative Council has been the return of 10 members in favour of Responsible Government, and 14 members against it.

2. I have now the honour to transmit, herewith, the following statements which relate to the recent election.

1. Results of polling in the contested districts.
2. Ballot papers used and rejected.
3. Analysis of voting.
4. Summary.

* No. 28.

3. From these statements it will be seen that, of the total number of registered electors in the contested districts of the colony, which is 5,888, 4,133 recorded their votes.

The number of ballot papers rejected is comparatively small, except as regards the Newcastle Division of Klip River County, where, out of 494 ballot papers used, 178 were rejected.

These ballot papers, which constituted the whole of the votes polled in the Dundee district, were rejected by the Returning Officer, who is the resident magistrate of the division, on the ground that the polling officer had invalidated them by placing the registered number of the voter on the back of each voting paper, thereby enabling the voter to be identified. This error is inexplicable in face of the clear directions issued, of which a copy is enclosed.*

Moreover the polling officer had acted in the same capacity at the last election.

* Not print

4. A petition has been lodged by the unsuccessful candidates, and will, in due course, be tried before a Judge of the Supreme Court, in terms of Section 6 of Law 16, 1883, as will another petition that has been sent in against the return of the two members for Weenen County, on the ground, as I understand, that the Returning Officer improperly accepted voting papers which had been marked in the same manner as were those of the Dundee district, rejected by the Returning Officer of the Newcastle division.

5. The statement of the analysis of voting shows that, in the districts where there were contests, 2,393 votes were polled against Responsible Government and 1,483 in favour of it.

There was no contest in Durban Borough, Durban County, nor in Alexandra County. In these three places there is a total of 3,189 registered electors.

In the whole Colony there were 24 seats vacant; 18 of these were contested. In each contested district there was an equal number of candidates on either side, corresponding with the number of seats allotted to the district, with the exception of Umvoti County, in which two Anti-Responsible and one Responsible candidate sought the suffrages of the electors.

6. The appended returns, sent to me by the Colonial Secretary, have been framed on the same basis as were those of the Election of 1890, contained in my Despatch of 16th October 1890.† The last of them, purporting to be a summary, is, as I stated in that Despatch, fallacious and misleading.

† No. 5
(C. 6,487)

There can be no doubt, I think, that there is a considerable minority in each of the uncontested districts who are opposed to Responsible Government. But, if the Election of 1890 in Durban Borough (the only one of the three uncontested districts in the 1892 Election in which there was a party contest in 1890) may be taken as a test, I find that only about 11/23rds of the electors went to the poll, of whom 4/23rds voted against and 7/23rds in favour of Responsible Government. If this test be applied to the total of electors on the Roll of 1892 in the three districts, the result will be somewhat as follows:—

	Responsible.	Anti.
Durban Borough - - - -	705	426
Durban County - - - -	215	123
Alexandra County - - - -	44	28
	964	577

And adding these to the numbers polled on either side in the contested districts, we get a total of 2,790 against, and 2,447 in favour of Responsible Government, or a majority for the former of 523 votes. Another test might be applied so as to arrive at an estimate of the probable relative total voting strength

strength of the parties. If we take the proportion of electors voting to those on the voter's lists, as shown by the returns from the contested districts, and apply it to the voting strength in the uncontested districts, we obtain a probable voting strength of 2,238 in those districts, out of 3,189 on the register.

Subdividing this voting strength, in the proportion shown in Table 3, between the Responsibles and Anti-Responsibles in the Klip River and Alfred districts, the two contested elections which resulted in the exclusive return of Responsible candidates, the result would be 1,284 Responsible votes and 908 Anti-Responsible votes, and the relative numbers of the two parties would then stand at 2,767 and 3,301, showing a numerical majority of 534 for the Anti-Responsibles.

I am far from saying that these would be perfectly fair tests, as there can be little doubt that, in all of the three uncontested districts the movement in favour of Responsible Government has made great progress since the election of 1890, and that the number of its adherents is proportionally greater there than in the up-country constituencies.

* No. 16 in
(C. 6487).

It is a fact, as stated by Lord Knutsford in his Despatch of the 28th May 1891* (paragraph 5), that "but very little, if any, weight can be attached to a hypothetical distribution of unpolled votes." Nor is it possible to do more than conjecture what would be the result of a *referendum* if that were the proper constitutional method of ascertaining the views on this question of the whole community.

7. I have appointed the same nominee members as sat in the last Council to seats in this, namely: Mr. Henry Bale, who holds Responsible Government views, and Mr. G. Sinclair Smith, who is opposed to them.

I have, &c.
(signed) C. B. H. Mitchell.

The Right Hon. the Secretary of State,
&c. &c. &c.

Enclosures is No. 30.

ELECTION of MEMBERS of the LEGISLATIVE COUNCIL. September 1892.

STATEMENT of Results of Polling in Contested Districts.

* For Responsible Government.
† Against Responsible Government.

Electoral District.	Number of Registered Electors.	Number of Electors Voting.	Names of Candidates.	Number of Votes Pollcd.	REMARKS.
Borough of Pietermaritzburg -	1,691	1,308	Murray - - Sutherland - - Glyn - - Eascombe - - Mason - - Kershaw - -	† 848 † 830 † 823 • 454 • 447 • 444	} Elected.
Umgeni - - - - -	284	194	Fell - - - Smith - - -	† 146 † 43	Elected.
Lion's River - - - -	446	316	Baynes - - - Yonge - - -	† 239 † 71	Elected.
Ixopo - - - - -	478	351	Baynes - - - Nicholson - - -	† 227 • 119	Elected.
Umvoti County - - - -	379	270	Symons - - - Nel (T. J.) - - - Nel (L. J.) - - -	† 233 † 232 • 85	} Elected.
Victoria County - - - -	534	408	Hulett - - - Groom - - - Blms - - - Campbell - - - Addison - - - Thompson - - -	† 199 † 199 • 198 † 189 • 180 • 180	} Elected.
Weenen County - - - -	461	334	Vaughan - - - Woods - - - Moor - - - Sulton - - -	† 165 † 161 • 158 • 153	} Elected.
Klip River County - - -	517	308	Ryley - - - Bainbridge - - - Tatham - - - De Waal - - -	• 183 • 182 † 119 † 115	} Elected.
Newcastle Division - - -	863	494	Green - - - Van Rooyen - - - Johnstone - - - Parks - - -	† 168 † 157 • 151 • 145	} Elected.
Alfred - - - - -	235	165	Rethman - - - Laughton - - -	• 89 † 75	Elected.
Total - - - - -	5,888	4,133			

CORRESPONDENCE RELATING TO

STATEMENT of number of Ballot Papers used and of number of Ballot Papers rejected and not counted by Returning Officers.

Electoral District.	Number of used Ballot Papers.	Number of rejected Ballot Papers.				Total Number rejected.
		1. Want of Official Mark.	2. Voting for more Candidates than entitled to.	3. Writing or mark by which Voter could be identified.	4. Unmarked or void for uncertainty.	
Borough of Pietermaritzburg -	1,308	—	8	8	1	7
Umgeni - - - - -	194	—	—	5	—	5
Lion's River - - - - -	316	—	—	3	3	6
Ixopo - - - - -	351	—	2	3	—	5
Umvoti County - - - - -	270	—	—	—	—	—
Victoria County - - - - -	408	—	1	1	2	4
Weenen County - - - - -	* 324	—	1	—	—	1
Klip River County - - - - -	308	—	—	1	1	2
Newcastle Division - - - - -	494	—	—	178	—	178
Alfred - - - - -	165	—	—	1	—	1
	4,133	—	7	195	7	209

* This number is approximate only.

ANALYSIS OF VOTING.

Electoral District.	Number of Electors Voting.	Number Voting for Conservatives.	Number Voting for Responsibles.
Borough of Pietermaritzburg - - - - -	1,308	633½	448½
Umgeni - - - - -	194	146	48
Lion's River - - - - -	316	239	71
Ixopo - - - - -	351	227	119
Umvoti County - - - - -	270	232½	35
Victoria County - - - - -	408	197	191½
Weenen County - - - - -	324	163	155½
Klip River County - - - - -	308	117	189½
Newcastle Division - - - - -	494	162½	148
Alfred - - - - -	165	75	89
	4,133	2,392½	1,468

UNCONTESTED DISTRICTS.

Electoral District.	Number of Registered Electors.	Responsibles Returned.	Number of Registered Electors.	Conservatives Returned.
Durban Borough - - - - -	2,323	* 3	} NIL	NIL
Durban County - - - - -	706	* 2		
Alexandra - - - - -	160	* 1		
	3,189	6		

* For Responsible Government.

SUMMARY.

Number of Registered Electors in Contested Districts - -	5,888
Number of Registered Electors in Uncontested Districts -	3,189
	<u>9,077</u>
Number of Electors who recorded Votes in Contested Districts - - - - -	4,133
Total Electorate of Uncontested Districts - - - - -	3,189
	<u>* 7,322</u>

* Note.—The above total number (including the total Electorate of Uncontested Districts) thus represents 80½ % of the total Electorate of the Colony.

Total number of Electors who Voted for Responsibles, including total Electorate of Uncontested Districts - - -	4,672
Total number of Electors who Voted for Conservatives -	2,393
Majority in favour of Responsibles - - -	<u>2,279</u>

— No. 31. —

Sir C. B. H. Mitchell to the Marquess of Ripon.

(Received November 8, 1892.)

(Further Despatch, No. 32.)

Government House, Pietermaritzburg, Natal,
11 October, 1892.

My Lord,

I HAVE the honour to transmit to your Lordship herewith a copy of the Address which has been presented to me by the Speaker and Members of the Legislative Council in reply to the Speech delivered by me on opening the Council. I forward also a copy of my Reply to this Address, and I would

Address No. 1.
10 October 1892
Reply.
11 October 1892

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CORRESPONDENCE RELATING TO

would beg leave to call attention to the expressions of loyalty to Her Majesty's Royal Person and Throne which are contained in the concluding paragraph of it.

The Right Honourable
the Secretary of State,
&c. &c. &c.

I have, &c.
(signed) *C. B. H. Mitchell.*

Enclosure 1 in No. 31.

Legislative Council to Governor.

of 1892.
teenth
cil.

To His Excellency Sir *Charles Bullen Hugh Mitchell*, Lieutenant-Colonel, late Royal Marines, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population, &c. &c. &c.

MAY it please your Excellency :—

1. We, the Speaker and Members of the Legislative Council of Natal, in Council assembled, beg to thank your Excellency for the Speech with which you have been pleased to open this the Fourteenth Council, and for the welcome which you have accorded to us.

2. We desire to thank Her Majesty's Government, through your Excellency, for having afforded the Colonists an opportunity for the expression of an opinion on the Draft Bill, the terms of which were settled by Her Majesty's Government, after a conference held between the late Secretary of State for the Colonies and two Delegates sent to England by the late Legislative Council.

The result of the recent General election proves that the Colonists do not wish to accept the provisions of that measure, and we, therefore, with all due respect, are not prepared to consider the Bill referred to in your Excellency's Speech.

3. We beg that your Excellency will cause to be conveyed to Her Most Gracious Majesty the Queen the assurance of our unalterable attachment to Her Royal Person and Throne.

Legislative Council, Natal,
10 October, 1892.

(signed) *H. E. Stainbank,*
Speaker.

Enclosure 2 in No. 31.

Mr. Speaker and Gentlemen of the Honourable the Legislative Council.

I beg to thank you for the Address which you have presented to me in reply to the Speech delivered by me at the opening of the Council.

I note that, for the reason you give, you are not prepared to take into consideration the Bill relating to a change in the form of Government referred to in my Speech.

I shall not fail to convey to the Right Honourable the Secretary of State, for submission to the Queen, the assurance of your unalterable attachment to Her Majesty's Royal Person and Throne.

Government House, 11 October, 1892.

— No. 32. —

Sir *C. B. H. Mitchell* to the Marquess of *Ripon*.

(Received 8th November, 1892.)

(Answered by No. 33.)

Government House, Pietermaritzburg, Natal,
11 October, 1892.

My Lord,

I HAVE reported, in a Despatch of equal date herewith,* the Address presented to me by the Legislative Council in reply to my opening Speech.

* No. 31.

2. It will be noticed that the Legislative Council has, in the second paragraph of its Address (copy enclosed), expressed its unwillingness to take the Bill for the change in the form of Government into its consideration. I have, therefore, issued a Proclamation of prorogation.

Address, No.
10 October 1892

3. The result of the elections, as reported in my Despatch of the 10th instant, † will have prepared your Lordship for this result.

† No. 30.

The issue of the trials of the election petitions from Newcastle and Weenen may affect the majority enjoyed by the opponents of Responsible Government, but it can scarcely, I think, destroy that majority. It may therefore be assumed, for the present, that the Colony is unprepared for a change in its constitution on the lines laid down in the Bill which was contained in Lord Knutsford's Despatch of the 5th of July 1892. ‡

‡ No. 25.

4. The position of the Government during this short Session has been a somewhat difficult one. Sir John Robinson asked me, in the beginning of the Session, to allow the Government vote to be utilised for the purpose of procuring an adjournment of the House until after the election petitions had been tried. As, in the first place, this would have kept the House in Session for a considerable period, for the result of the trials would not be known for some weeks, and as, in the second place, if the result of those trials, or of the fresh elections that may possibly be ordered by the election judge, should place the Responsible Government party in a majority in the House, the Bill can be brought up during the next Session of the Legislative Council, which, in ordinary course, will take place in April, I found myself unable to accede to his request.

5. This being so, I saw no reason for directing the Government Members to abstain from following the usual course of making the quorum necessary for the suspension of Standing Orders, in order that the Reply to the Speech might be debated on the same day that it was brought up by the Select Committee, nor from voting in favour of such suspension. They abstained, however, from taking any part in the Debate.

6. I understand that the Responsible Government party considers that the Government has, by this action, departed from its position of absolute neutrality, but as the Reply, when brought up, a copy of which I enclose, contained no controversial matter, and expressed its readiness to consider the Bill, I cannot see why the course that has been usual, and, indeed, so far as I can remember, invariable, of suspending the Standing Orders in order to allow of the Reply being at once discussed, should not, in this instance, be followed. I was not, indeed, prepared to expect that any opposition would be shown to it.

7. The Address, in fact, would have been passed as brought up had the Member who was in charge of the Bill (Sir John Robinson) expressed his intention, during the Debate on the Address, of bringing it forward at once, but as he, when questioned on the point, declined to promise to do so, the anti-Responsible party, by the exercise of its majority, struck out Clause 3 of the Draft Address, and added the last paragraph to the second clause, informing me that they were not prepared to consider the Bill.

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8. The delay of one day, which would have been the result of the non-suspension of the Standing Orders, could have, I think, in no way affected the issue.

I have, &c.

The Right Hon. the Secretary of State, (signed) *C. B. H. Mitchell.*
&c. &c. &c.

Enclosure 1 in No. 32.

(REPLY.)

(See page 56.)

Enclosure 2 in No. 32.

DRAFT REPLY (as brought up by Select Committee).

To His Excellency Sir *Charles Bullen Hugh Mitchell*, Lieutenant Colonel, late Royal Marines, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander in Chief in and over the Colony of Natal, Vice Admiral of the same, and Supreme Chief over the Native Population.

May it please your Excellency :—

1. WE, the Speaker and Members of the Legislative Council of Natal, in Council assembled, beg to thank your Excellency for the Speech with which you have been pleased to open this the Fourteenth Council, and for the welcome which you have accorded to us.

2. We desire to thank Her Majesty's Government, through your Excellency, for having afforded the Colonists an opportunity for the expression of an opinion on the Draft Bill, the terms of which were settled by Her Majesty's Government, after a conference held between the late Secretary of State for the Colonies and two Delegates sent to England by the late Legislative Council. The result of the recent General Election proves that the Colonists do not wish to accept the provisions of that measure.

3. The Draft Bill, when submitted to the Council, will receive our serious consideration.

4. We beg that your Excellency will cause to be conveyed to Her Most Gracious Majesty the Queen the assurance of our unalterable attachment to Her Royal Person and Throne.

Committee Rooms,
Legislative Council, Natal,
7 October, 1892.

Theodore Woods,
Chairman.

— No. 33. —

The Marquess of Ripon to Sir *C. B. H. Mitchell*.

Sir,

Downing-street, 22 November, 1892.

* No. 32.

I HAVE the honour to acknowledge the receipt of your Despatch of the 11th ultimo,* and to convey to you my approval of the course which you adopted with regard to the suggestion that the Government vote should be utilised to procure an adjournment of the House until after the election petitions had been tried.

Sir C. Mitchell, K.C.M.G.

I have, &c.
(signed) *Ripon.*

— No. 34. —

On the 29th November the Governor directed the following telegram to be sent to the Secretary of State, but it miscarried in transmission :

" Four anti-responsible Members of Council unseated on petition. Will telegraph result of elections at the end of December."

— No. 35. —

Sir C. B. H. Mitchell to the Marquess of Ripon.

(Received 13th January, 1893.)

(Further Telegram, No. 37.)

TELEGRAPHIC.

CERTAIN voting papers accidentally destroyed Newcastle ; returning officer certifies no election. Advise that Government cannot interfere ; this may entail legal proceedings, and certainly considerable delay ; petition against Weenen Election.

— No. 36. —

Sir C. B. H. Mitchell to the Marquess of Ripon.

(Received 16th January, 1893.)

Government House, Pietermaritzburg, Natal,
19 December 1892.

My Lord,

WITH further reference to my telegraphic Despatch* to your Lordship, reporting that four anti-responsible Members of the Legislative Council had been unseated on petition, I have the honour to inform you that the election of Members of that Council for Weenen County took place on the 14th instant, and resulted in the return of two Members, Mr. F. R. Moor and Mr. G. M. Sutton, who are in favour of Responsible Government, in the place of the former Members, Lieutenant Colonel Vaughan and Mr. T. Woods, who are not in favour of it.

* See No. 34.

2. The result of this election is that, omitting the nominated Members of the Council, who are one for and one against Responsible Government, and the Government Members, the numbers are as follows :—

For Responsible Government -	-	-	-	-	12
Against Responsible Government -	-	-	-	-	10
Vacancies -	-	-	-	-	2

The election of two Members for the Newcastle Division of Klip River County will take place on the 10th January 1893.

667 CORRESPONDENCE:—NATAL (RESPONSIBLE GOVERNMENT).

3. The numbers polled at the two elections for Weenen County were:—

14th December 1892.				26th September 1892.	
Moor	-	-	192	For Responsible	{ 158
Sutton	-	-	187	Government.	{ 153
Vaughan	-	-	185	Against Responsible	{ 165
Woods	-	-	180	Government.	{ 161

The Right Hon. the Secretary of State,
&c. &c. &c.
Downing-street.

I have, &c.
(signed) *C. B. H. Mitchell.*

— No. 37. —

Acting Governor *Haden* to the Marquess of *Ripon*.

(Received 11th February, 1893.)

TELEGRAPHIC.

* No. 35. REFERRING to Mitchell's telegram, 12th January,* legal proceedings resulted in Supreme Court refusing grant order. I have now issued fresh writ Newcastle, return of which likely to be made about 28 days, or in probable event election being uncontested, about 14 days.

— No. 38. —

Acting Governor *Haden* to the Marquess of *Ripon*.

(Received 2nd March, 1893.)

TELEGRAPHIC.

Two responsible government candidates elected unopposed Newcastle.

— No. 39. —

Sir *C. B. H. Mitchell* to the Marquess of *Ripon*.

(Received 11th May 1893.)

TELEGRAPHIC.

RESPONSIBLE Government Bill passed without alteration.

NATAL (RESPONSIBLE GOVERNMENT).

COPIES of CORRESPONDENCE in continuation of previous Correspondence relating to the proposal to establish RESPONSIBLE GOVERNMENT in *Natal*.

(In continuation of [c. 6487], July 1891).

(*Mr. Wodehouse.*)

Ordered, by The House of Commons, to be Printed,
15 May 1893.

[*Price 6 d.*]

SOUTH AFRICAN REPUBLIC.

3

CORRESPONDENCE

RELATING TO THE

BLOEMFONTEIN CONFERENCE,
1899.

Presented to both Houses of Parliament by Command of Her Majesty.

July, 1899.



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SOUTH AFRICAN REPUBLIC.

CORRESPONDENCE

RELATING TO THE

BLOEMFONTEIN CONFERENCE,

1899.

Presented to both Houses of Parliament by Command of Her Majesty.

July, 1899.



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Correspondence relating to the Bloemfontein Conference, 1899.

No. 1.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 30, 1899.)

SIR,

Government House, Cape Town, June 14, 1899.

I HAVE the honour to inform you that, in accordance with the arrangements made through the President of the Orange Free State, I left Cape Town on the morning of the 29th ultimo, for the purpose of conferring with the President of the South African Republic at Bloemfontein.

2. I was accompanied by the Imperial Secretary, by my Military Secretary, my Private Secretary, and Lord Belgrave, A.D.C., and also by Mr. Silberbauer, as interpreter, and a shorthand writer.

3. I arrived the next day at the capital of the Free State, where I was received by His Honour President Steyn, and experienced a very cordial and gratifying reception from all classes of the community. I was entertained as the guest of the State, and everything was done to promote my comfort during my stay.

4. On the afternoon of Wednesday, the 31st instant, the first meeting of the Conference was held. I had previously suggested—and the suggestion was readily agreed to by President Kruger—that Mr. A. Fischer, one of the members of the Executive Council of the Orange Free State, should be invited to act as interpreter. Mr. Fischer consented to do so, on the understanding that he should not forego his position as an Executive Councillor—in other words, that he should be free to inform his own President, in confidence, of all that took place at our meetings. I, of course, raised no objection to this, and I may here say, as was conveyed to Mr. Fischer before the close of the Conference, that both sides were greatly indebted to him for the able and conscientious manner in which he discharged his important duties.

5. The discussion was, of course, confined to President Kruger and myself, though the former was accompanied by two members of his Executive—Messrs. A. D. Wolmarans and Schalk Burger, whom he more than once referred to as “my Commission”—as well as by the State Attorney and other officials.

6. At our opening meeting it was mutually agreed that no communication should be made to the Press during the proceedings.

7. I then asked the President whether he would wish to make any statement as to the object of our meeting, or whether he would prefer that I should first put forward my view, and he chose the latter course. I therefore began by making an absolutely general statement of the object and scope of the Conference from my point of view.

8. I said that the number of open questions between the two Governments was increasing as time went on, and the tone of the controversy was becoming more acute. It was a deplorable situation. In my personal opinion the cause of many points of difference, and the most serious, was the policy pursued by the South African Republic towards the Uitlanders, among whom many thousands are British subjects. The bitter feelings thus engendered in the Republic, the tension in South Africa, and the sympathy throughout the Empire with the Uitlanders, led to an irritated state of opinion on both sides which rendered it more difficult for the two Governments to settle differences amicably. It was my strong conviction that if the South African Republic would, before things got worse, voluntarily change its policy towards the Uitlanders and take steps calculated to satisfy the reasonable section of them, who after all are the great majority, not only would the independence of the Republic be strengthened, but there would be such a better state of feeling all round that it would become far easier to settle outstanding questions between the two Governments.

9. The President, in coming to the Conference, had made a reservation as to the independence of the Republic. I could not see that it was in any way impairing that independence for Her Majesty's Government to support the cause of the Uitlanders so far as it was reasonable. A vast number were British subjects, and in similar circumstances we should in any part of the world, even in a country not under conventional obligations to Her Majesty's Government, be bound to make representations, and to point out that the intense discontent of our fellow subjects stood in the way of the friendly relations which we desired to exist between the two Governments.

10. Having explained at length, to avoid misunderstanding, why I put forward

the Uitlander question in the first instance, I ended by saying that I did not wish to confine the discussion to that question, but, indeed, was very anxious to hear President Kruger's views on the situation generally.

11. The President, recognising that my attitude was one of friendly suggestion and not of dictation in the internal affairs of the Republic, invited me to put forward any points I wished to discuss. I then declared that the point to which I wished primarily to direct attention was that of the franchise, because agreement on this would render the raising of many other questions unnecessary.

12. President Kruger objected that to grant the franchise to any large number of aliens would immediately result in the outvoting of the old burghers. I agreed that this would be unreasonable, but endeavoured to explain to him that it would not result from any proposal that I should make. At present the Uitlanders had no effective voice whatever in the legislation, the existing form of oath was offensive and unnecessary, and by taking it a British subject at once lost his nationality, and yet had to wait 12 years, or, under the President's latest proposals, 7 years, before he could become a full citizen of the Republic. It was perfectly possible to leave the old burghers in such a position that they could not be swamped, and yet to give the numerous foreign population—to whom, after all, the Republic owed its present position—some share in the work of Government, so that they could give the Government the benefit of their knowledge and experience. In this way the time would come when, by their gradual co-operation, instead of being divided into separate communities, they would all be burghers of one State.

13. The President indicated strong dislike to any proposal of the kind, and endeavoured to persuade me that the recent petition to Her Majesty was not a genuine document, to which I replied that I did not think, if the petition to the Queen did not exist, it would alter my opinion, which was based on a long and careful study of the subject we had met to discuss. The only point on which at this stage His Honour showed any disposition to meet my views was as regards the form of the oath, which he expressed his intention of considering.

14. At our second meeting, on the morning of the 1st June, the President began by referring to reports which had reached him as to the strengthening of the garrison at the Cape, the preparations made in Natal, and the assembling of troops on the frontier of Zambaan's land and Rhodesia. I gave a categorical denial to these rumours, and reminded him that the whole British fighting force in South Africa was under the direct control of Her Majesty, so that no unauthorised attack on the Republic was to be feared. At the same time I took the opportunity of observing that we were continually receiving reports of Transvaal preparations, which had already caused considerable alarm on the Natal border, and I added that the large increase in the military forces and equipment of the Republic in recent years had produced a bad impression, both in Great Britain and among the British inhabitants of South Africa.

15. The matter then dropped, and the President, reverting to the subject of the petition to Her Majesty, handed in copies and translation of the counter-petition received by him from over 22,500 non-burgher residents in the Transvaal. (See Enclosure IIa.)

He stated that copies had been delivered to the Governments of all countries where the Republic had consulates, and he desired me to bring it to the notice of Her Majesty's Government, which I promised to do. He was unable to tell me how many British subjects had signed the memorial, and on my pointedly asking whether the class known as "Peruvians"—Russian and Polish Jews, &c.—had done so, he said that it had been signed by all classes of aliens.

16. As regards the Petition to Her Majesty, I said that, to my mind the question was not how large a number of British subjects had signed it, but whether it was supported by the facts, and whether its contents were of such a nature as to require that Her Majesty's Government should take it into consideration. And I said plainly that, while I was not prepared to endorse every statement made in the Petition, I personally considered that the memorialists had a very strong case.

17. The President reiterated his view that my proposal would do away with the independence of the Republic. He said it would be worse than annexation, and the burghers would not agree to it, and he urged that the interests of the Uitlanders were sufficiently looked after by the Second Volksraad, which dealt with matters affecting them, and was rarely interfered with on such points by the First Raad. As you are well aware, this point about the Second Volksraad is absolutely hollow, and I felt bound subsequently to expose it in my memorandum, handed in at the last meeting of the

Conference. The First Volksraad is supreme; it takes all the most important matters affecting the foreign population into its own hands, and it almost invariably deals with them in a sense opposed to the wishes and interests of that population.

18. After considerable discussion on these points, in which the President showed great reluctance to come to close quarters with the franchise question, he finally asked me to propose a scheme, which I did, to the following effect:—

19. I had to bear in mind on the one hand the prejudices of the old burghers and the necessity of convincing them that they would not be swamped by the new-comers; and on the other hand, the uselessness of proposing anything which would be rejected by the Uitlanders as totally insufficient, and would not bring them on to the side of the State, throwing in their lot with it, and working in future with the old burghers as one people.

20. Bearing both these points in mind, I proposed that the full franchise should be given to every foreigner who—

- (a) Had been resident for five years in the Republic.
- (b) Declared his intention to reside permanently.
- (c) Took an oath to obey the laws, undertake all obligations of citizenship, and defend the independence of the country.

The franchise to be confined to persons of good character possessing a certain amount of property or income.

Finally, in order to make the scheme of any real use for the new citizens, who mostly live in one district of the Republic, I proposed that there should be a certain number of new constituencies created. The number of these was a matter for discussion, but from my point of view it was of vital importance that they should not be so few as to leave the representatives of the Uitlanders in a contemptible minority.

21. The full text of my statement will be found as Enclosure IIIA to this despatch, being a transcript from the notes made after careful comparison with the notes of the other side. You will observe that my statement simply laid down the principles on which a scheme of franchise should be based, and that I intentionally left myself a certain latitude as to details. Thus the amount of property qualification and the number of new seats was left open. What was vital in my scheme was the simplification of the oath and the *immediate admission to full burghership* on taking it. Knowing as I do the feeling of the Uitlander population, and especially of the best of them on these points, I felt and feel that any scheme not containing these concessions would be absolutely useless. The most influential and respectable sections of the Uitlander community feel strongly the indignity and injustice of asking them to denationalise themselves for anything less than full burghership—which in the South African Republic carries with it, *ipso facto*, the right to vote for the First Volksraad and the President. They will not accept citizenship of the Republic on any other terms; and unless they accept it in adequate numbers, the whole policy of relying on their admission to the State as a means for the improvement of the Government and the removal of grievances falls to the ground.

22. The President at once objected very strongly to my proposal, saying that it would immediately make the Uitlanders a majority of enfranchised burghers, who by the Constitution formed the sovereign voice, and so controlled all legislation. I combated this view, maintaining that the First Volksraad is the supreme legislative authority, and that as long as the new burghers had only a minority of seats in that body, they could not control the State, though they would be able to exercise some influence on it. The point here discussed between the President and myself is a vital one, and I would refer you to the notes for my position about it. I have the very best legal advice—if indeed it were necessary, but the matter is clear even to the lay mind—that with the judges of the High Court bound by oath to enforce any law or resolution of the Volksraad it is the Raad, and not the majority of the people, which is the supreme authority in the State. This closed the discussion at the second meeting of the Conference, viz., that of the morning of June 1st.

23. The meeting on the afternoon of that day was occupied by a very desultory discussion. I felt that we had now reached the crucial point, and, having put forward my scheme with regard to the admission of the Uitlanders to citizenship, it was necessary, and this was also strongly urged upon me outside the Conference Room, to give the other side time to consider it, and not to hurry them. On the other hand, I was very anxious not to let the Conference drift into a rambling debate on many points, as it had already shown some tendency to do, and thereby prevent our coming to any definite agreement or definite issue on the main question which had just been raised. But

as I knew that the President wished to make a statement about the Dynamite Monopoly, and as I was anxious to elicit his present position on this matter at some stage of the proceedings, I thought the moment an opportune one to refer to the subject.

24. The result was extremely unsatisfactory. The President gave a long history of the Monopoly, for which I beg to refer you to the notes, but it ended up with nothing more than the assurance that a new agreement with the Company was under consideration, which would lead to an immediate slight reduction of price, and some further reduction in three years, and that "the Government and the Volksraad were still busy trying to take the factory over before the expiration of the contract."

25. I do not propose to summarise the President's statements on this subject, but would only refer to the following points:—

(1) That the Company had improperly been writing off its capital.

(2) That he was endeavouring to come to a new arrangement with the Company, the particulars of which he was unwilling to give to me in writing, as this would be acknowledging our right to interfere in his internal affairs; and

(3) That on three occasions persons had been employed by the Government to investigate the accounts of the Company, but that their reports had not been published and were not accessible to the public or to me.

26. It was very difficult to follow the President's explanations and totally impossible to discuss his scheme, as it was only given in the vaguest terms. I was absolutely satisfied that we could not advance the settlement of the Dynamite Question by conversation across a table without very much fuller information than the President was able or willing to give, and therefore did not pursue the matter, feeling that, if agreement on the main Uitlander question were attained, dynamite might be resumed subsequently, and if it were not, dynamite had better be left to be dealt with by the ordinary channels of diplomacy.

27. At the close of the dynamite discussion His Honour invited me to raise further points, but I was by this time more than ever convinced that the only chance of coming to any definite conclusion at all was to stick to the subject on which a proposal was before the Conference, and I therefore urged him at our next meeting to give me his views on the franchise.

28. The President appeared to agree to this, but wished before the adjournment to mention some "grievances" which he had, that I might have time to think over them. They were: (1) The annexation of Zambaan's country; (2) his desire that Swaziland should be incorporated with the Republic; (3) the Jameson Raid Indemnity; and (4) Arbitration.

29. I promised to consider and give a reply on the last three, but as regards the first I said at once that it would be useless to discuss it. The country had been annexed, and Her Majesty's Government had repeatedly declared that they could not reopen the matter.

sure 30. At the fourth sitting, on the morning of the 2nd June, the President began by putting in copies of certain declarations to which he had referred on the previous day as tending to show the spurious nature of the Petition to the Queen.

31. He then gave me a further indication of his view as to the franchise, that, as I understood him, some agreement might be possible in this direction if we were willing to meet his wishes as to Swaziland and the Jameson Raid Indemnity, and consented to refer to arbitration all new questions that might arise either under the Convention or otherwise.

32. I objected that he was now seeking to make any concession on the franchise a matter of bargaining, whereas the ground I had taken up was that the Uitlander question was a standing menace to the Republic and a danger to the continuance of good relations between it and Her Majesty's Government. It should therefore be dealt with on its own merits, and not as a matter of bargain. There followed a prolonged wrestle, in which the President was constantly trying to make the acceptance of any franchise scheme dependent upon certain concessions to him. After a whole hour and a half of it, he finally agreed to discuss franchise without any promise from me on any other subject.

33. The matters which he had been trying to bargain for were:—

(1) Settlement of the Jameson Raid Indemnity;

(2) Incorporation of Swaziland;

(3) Arbitration.

34. As regards (1), I referred him to your despatch on the subject, then on its way to me, of which I gave him the substance. (2) I absolutely rejected. As to (3) I took

the line that, while I had no authority to speak about arbitration, and could not make it a part of any bargain, I certainly desired that, if the present proceedings ended in an all round settlement, we might arrange for the adjustment of future differences by an "automatic process"—by which I certainly meant their reference to some sort of tribunal. It is this remark of mine—a guarded statement of my personal opinion—of which the President afterwards made very unfair use, in saying that I had admitted that arbitration for all questions under the Convention was reasonable, and which appears from the telegrams to have been widely misunderstood in England.

35. I therefore wish to make a few further observations about it. In the first place I would observe that I expressly guarded myself against the idea that arbitration was applicable to all differences. I was thinking, as I indicated, more especially of the question whether the laws and administration of the South African Republic were fair towards its foreign residents. It is, of course, absurd to suggest that the question whether the South African Republic does or does not treat British subjects resident in that country with justice, and the British Government with the consideration and respect due to any friendly, not to say "Suzerain," Power, is a question capable of being referred to arbitration. You cannot arbitrate on broad questions of policy any more than on questions of national honour. Secondly, I stated quite clearly that Her Majesty's Government would not admit arbitration "by a foreign Power, or any foreign interference," between itself and the South African Republic.

36. To this extent, therefore, I barred arbitration, nor would I, of my own motion, have referred to it. But as President Kruger brought it in so continually, it would, I think, have been impolitic, and certainly against my own conviction, to take up an absolutely negative attitude with regard to it. I was thinking more especially of the state of things which would arise in the remote contingency of our being able to come to an amicable settlement of all, or our principal, differences. Even in that case it could not be supposed that, in future, questions of difference would not occasionally arise between us—seeing the intimacy and the complexity of the relations between the South African Republic and Her Majesty's South African dominions—where such questions were not general questions of policy, but differences as to the interpretation of a particular clause of a particular document (whether one of the existing Conventions or any new instrument of a similar character which might hereafter be framed). What was to be done to solve them? Arbitration of some sort would appear to be inevitable, although the constitution of a suitable tribunal would always be a matter of difficulty. In any case, all that I committed myself to was a willingness to do what I could personally to arrange for a regular and automatic settlement of future differences, without foreign interference, provided that the main matter then under discussion could be satisfactorily arranged.

37. The meeting on the morning of Friday, 2nd—the fourth meeting of the Conference—to which I have just referred, was perhaps the most strenuous of all our discussions. When we re-assembled in the afternoon, matters took an altogether unexpected turn. I thought that the President, having finally consented to go into the question of franchise, would submit my scheme, which was the basis of the discussion, and which he had pressed me to produce, to some sort of criticism. Instead of that, he suddenly sprang upon me a complete Reform Bill, worked out in clauses and sub-clauses, which I cannot but think he must have had in his pocket all the time, and which had but a very faint resemblance to anything I had proposed. The Bill, as I saw at a glance, was full of restrictions of the most elaborate kind, and, though in some respects an improvement on the existing law, was not calculated to lead to any considerable enfranchisement of Uitlanders.

38. The measure in question, and covering memorandum (see Enclosure IIIb.) were to the following effect:—

39. As his object in the Conference was to remove existing grounds of difference and to provide for a friendly settlement of future differences by arbitration, the following franchise proposals must be considered as conditional and dependent on a satisfactory settlement of the first-named points, and on the President's request for the incorporation of Swaziland being submitted to Her Majesty's Government. Subject to this the President undertook to submit, without delay, to the approval of the Volksraad and the people, detailed proposals of which the following is the substance:—

(a) New-comers, registering themselves within fourteen days after arrival, according to the existing law, to obtain naturalisation after two years on complying with the following conditions:—

1. Six months' notice of intention to apply for naturalisation.

2. Two years' continuous registration.
3. Residence in the South African Republic during that period.
4. No dishonouring sentence.
5. Proof of obedience to the laws; no act against Government or independence.
6. Proof of full State citizenship and franchise or title thereto in former country.
7. Possession of unmortgaged fixed property to the value of £150, or occupation of house to the annual rental of £50, or yearly income of at least £200. The Government to have the power of granting naturalisation to persons not satisfying this condition.
8. Oath similar to that of the Orange Free State.

Persons so naturalised to obtain full franchise, five years after naturalisation, on:

- (1) Continuous registration for five years after naturalisation; (2) Continuous residence during that period; (3) No dishonouring sentence; (4) Proof of obedience to laws, &c.; (5) Property qualification as above.
- (b) Residents in the South African Republic before 1890 getting naturalised within six months from the promulgation of this proposed law, and complying with the conditions (a) 1-8, to obtain the full franchise two years after naturalisation on complying with the conditions of full franchise mentioned above, substituting two for five years. Those not getting naturalised within six months to fall under the already-mentioned conditions for new-comers.
- (c) Those already resident for two years or more to be allowed immediate naturalisation on above-mentioned conditions for new-comers (a) 1-8, and to obtain the full franchise five years after naturalisation on compliance with the above-mentioned full franchise conditions.
- (d) Those already naturalised to obtain the full franchise five years after naturalisation on the last-mentioned conditions.

40. While promising to consider this memorandum, and reply more fully at our next meeting, I pointed out that His Honour's proposal differed absolutely from mine, in that it did not provide for an immediate, or even an early, enfranchisement of people who might have been in the Republic for many years, and it made no provision for an increase in the number of seats in the Volksraad. I therefore, in view of the improbability of our arriving at a settlement on this basis, suggested that the President should consider whether there was any other way, apart from the franchise, of giving the Uitlanders some powers of local self-government, such as were suggested by Mr. Chamberlain in February, 1896. The President, however, was, if possible, more opposed to this idea than to my previous proposal. He maintained that the municipality of Johannesburg had already as great powers as could properly be entrusted to it, and said it was no use speaking about self-government, as his people would be absolutely against it.

41. The Conference then adjourned to give me time to consider the President's scheme more in detail, and I drew up, during the night, a memorandum dealing with it. Indeed, from this time to its close, the Conference was mainly carried on by memoranda. I felt that, if I was to be suddenly confronted with carefully-written documents, evidently intended for publication, I must, on my side, have something prepared with equal care. When, however, I came to the Conference on the morning of Saturday, 3rd, and was about to read this memorandum, the President sprang a new surprise upon me by stating that he would put a proposal for creating new Electoral Districts before the Raad as soon as he returned. He had not mentioned this in his memorandum of yesterday, as it had only just occurred to him, and he now thought of increasing the Heidelberg districts from two to four, or, if the Raad objected to new districts, of increasing the number of Members in the existing districts.

42. I said the position was rather a curious one, as I had considered his memorandum, and had prepared an answer to what I naturally regarded as a complete proposal. I therefore thought it better to read my reply now, and if, after hearing it, the President thought fit to put in another memorandum, I would consider it, as I felt the matter to be of such great importance that I did not want to forego the discussion if there was the least hope of coming to an agreement.

43. My memorandum was then read and translated (see Enclosure IIIc). Its substance is as follows:—

44. I acknowledged that the proposed scheme was a considerable advance on the existing franchise law, and I enumerated the principal improvements, viz.

- (1) The period required for obtaining the full franchise was reduced from 14 years to 7; (2) Special regard was paid to persons resident in the South African Republic

before 1890, who, by the legislation of that year, were deprived of the prospect of obtaining the full franchise in five years. (3) The oath of the Orange Free State was substituted for the present objectionable oath.

45. But I felt that as a solution it was quite inadequate to the needs of the case. Under the plan no man not already naturalised, even if he had been in the country for thirteen or fourteen years, would get a vote for the First Volksraad in less than two and a half years from the passing of the new law. No considerable number of people would obtain the vote in less than five-years, even if they got naturalised; but the majority would not naturalise, because the scheme retained the unfortunate principle, first introduced in 1890, by which a man must abandon his old citizenship for a number of years before getting full burgher rights. My doctrine was that, however long a period of residence was fixed before a man became a burgher, he should be admitted once for all to full rights on taking the oath of allegiance. The vote for the First Volksraad was the essential point, as, according to the present constitution of the Transvaal, the President and the First Raad really constitute the State; but under this scheme it would be a considerable time before any number of Uitlanders worth mentioning could vote for the First Volksraad, and even then they would only command one or two seats. The old burghers ought not to be swamped, but as long as the new-comers had no representation in the Supreme Legislative Council they would as a body remain an inferior caste. I could see in the proposal no prospect of obtaining the co-operation and concord between the two sections of the population to which I had looked to bring about a more progressive system of government, and to remove causes of friction between the Republic and Great Britain. The scheme was therefore so inadequate that it would be wasting the time of the Conference to discuss its details.

46. The President seemed to be even more opposed to the suggestion that, failing an agreement on the franchise, the demands of the Uitlanders might be met by giving them even partial control over the local administration of their own district on the lines, more or less, of the Secretary of State's plan of 1896. That being the case, I was driven to the conclusion that so far as the Uitlander question was concerned the Conference has been productive of no result.

47. The rest of this sitting was spent in an endeavour on the President's part to convince me that I did not understand the question, that the interests of the newcomers were sufficiently looked after by the Second Raad, and that their grievances were really very trifling, and an endeavour on my part to get His Honour to understand why I was pressing for an arrangement under which British subjects should give up their nationality, and why they could only be expected to do so on getting full citizenship in exchange.

48. Matters had now come to a critical point. My objections to the President's scheme, and especially to the principle of citizenship by two stages, had been fully set forth in my memorandum and emphasized in conference, and it only remained to see whether the President would adhere to his position.

49. The Conference was first adjourned till 3 p.m. on Saturday, and then by the President's request till Monday morning. In the course of Saturday I learnt, through the Free State authorities, that the President declared he had gone as far as he could go, that he would not depart from his plan of naturalisation first, and full franchise five years afterwards, and that, though his scheme might be modified in minor details, it was in its main outlines unalterable, to be taken or left. This report was confirmed on Sunday afternoon by the receipt of a further memorandum (see Enclosure IIIb.), in which the President's scheme was upheld, and all the old arguments about the importance of the Second Volksraad and the difference between citizenship and the right to vote were repeated. As regards the latter point, I must say that the whole controversy seems to me to arise from a confusion of thought. The President constantly protested against my saying that a man, after naturalization, was only half a citizen. He argued that he was a full citizen, only not fully enfranchised, and that citizenship and franchise are by no means identical.

50. Now, as a general principle, this of course is true. But the point is that in the South African Republic citizenship and full franchise have always gone together—every citizen has been, *ipso facto*, a voter for everything—until President Kruger himself, to keep the Uitlander out, invented in 1890 that system of naturalisation, followed after a lapse of years by admission to the full franchise, which has been the cause of so much bitterness. This did make a great and very important distinction between the old burgher, who is a voter for all elections from the time he comes of age, and the

"naturalised" burgher, and it was the creation of this distinction which, as much as anything, prevented and prevents Uitlanders being naturalised.

51. It seems to me, I must say, idle to argue that, because in other countries a citizen has not necessarily a vote, either for the Legislature or for public officers, therefore in a country where every original citizen has, *ipso facto*, a vote for everything, a man not having such a vote is still a full citizen. A citizen he may be—is, in fact, to the full—in respect of his obligations. But, in respect of his privileges, he is but half and less than half a citizen, for the vote for the First Volksraad and the President is the gist of the whole matter.

52. When I received the memorandum of the President just referred to at one o'clock on Sunday afternoon, I saw at once that, as far as the franchise question was concerned, the Conference would come to no conclusion, and that the only thing to do was to put my arguments as to the complete inadequacy of the President's scheme on paper as succinctly as time permitted.

53. As far as the franchise was concerned the Conference had thus absolutely broken down, and the only question was whether it was worth while to continue it in order to go into other subjects. My instructions, as you are aware, were open, leaning, if anything, rather towards making the admission of Uitlanders to citizenship, or in the alternative the establishment of a municipality with wide powers (a proposal which the President had dismissed as totally out of the question at Friday afternoon's meeting), the main topics of discussion. It seemed to me that no agreement being possible on these points, the object of the Conference which had been defined on our side as "an arrangement which Her Majesty's Government could accept and recommend to the Uitlander population as a reasonable concession to their just demands," could not now in any case be achieved, and that it was better not to prolong the proceedings. As I said in my opening statement, my principal aim at the Conference was not to fight out the various points of difference between the Governments, but, by arriving at a settlement on the Uitlander question, which went to the root of many of those differences, to pave the way for the settlement of all. This amicable compromise on broad lines having been found unattainable, it appeared to me that pending controversies might as well be allowed to take their course in the ordinary way. I therefore closed my final memorandum, already referred to, with the expression of my feeling that the failure of the negotiations as to franchise left the position of the Uitlanders unimproved and their various grievances yet to be dealt with. In view of the importance of this memorandum in the history of the discussion I subjoin it in full.

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54. "I have carefully considered His Honour's memorandum of June 3rd. This document modifies the scheme put in by His Honour on June 2nd, and adds to the proposals of that scheme the further proposal to increase the number of Members of the First Volksraad representing the Gold Fields from two to five. The First Volksraad would thus consist of 31 Members, five of them representing the Gold Fields.

55. "The memorandum now under reply further contains certain comments upon my memorandum put in at our meeting on Saturday morning last, June 3rd.

56. "I regret that even with the additions now made I cannot regard His Honour's scheme as one which I could advise Her Majesty's Government to accept as a definitive settlement of the difficulties which have arisen in connection with the discontent of the Uitlander population, including a large number of Her Majesty's subjects. The scheme, as originally propounded, contained no suggestion of an increase of seats. In that form it seemed to me wholly inadequate, and I did not therefore see any advantage in discussing it point by point, but confined myself to certain general objections. In its amended form it goes somewhat further, and I therefore think it desirable to examine it in more detail.

57. "The references are to the numbers and letters in His Honour's memorandum of June 2nd.

58. "(1.) By I. A (1). Six months' notice is required for naturalisation.

"By II. (a) Persons who have fixed their residence in the South African Republic before 1890 can obtain the full franchise two years after naturalisation.

59. "I cannot understand how, in view of these combined provisions, it can be disputed that the persons who have fixed their residence prior to 1890, but have never proceeded to naturalisation, will require 2½ years to obtain the full franchise. His Honour maintains that only 2 years are required. But this point is a minor one. What I fail to see is why persons, who have been in the country from an earlier date than 1890, should not obtain the full franchise at once. They have a very strong case indeed. Take the instance of a man who fixed his residence in the country in 1886. When he did

so, he was, under the then existing law, entitled to the full franchise in 5 years. Before the expiration of that period a change was made, which in effect postponed the attainment of that full franchise for 12 years. This change was, in my judgment, a very harsh measure to those already in the country. Whatever restrictions might have been thought necessary in the case of new-comers, the legitimate expectations of people already resident in the South African Republic ought to have been respected. Now it is proposed to do tardy justice to these old residents. But why should they not obtain full franchise at once? Seven years is now fixed as the normal time for obtaining full franchise. Why should the man, who came in in 1886, and has already waited 13 years, have to wait another $2\frac{1}{2}$ years or even 2 years?

60. "2. I. A. (4 and 5.) I am not quite sure whether "dishonouring sentence" would apply to the Members of the Reform Committee of December, 1895, who were subsequently tried and condemned. But in any case "Act against Government or Independence" could be interpreted, I do not say justly, to include not only them, but everybody who was in any way involved in that unfortunate disturbance, even if he was totally innocent of any design against the Republic. I think it would be a fatal blot on any scheme of enfranchisement if it contained a provision excluding such persons. It was, I believe, the President himself who said "Forgive and forget."

61. "I. A. (6.) This is a provision which might easily be interpreted in such a manner as to exclude many persons well deserving of the franchise. There is something to be said for confining the franchise to foreigners coming from countries where there is a measure of popular self-government. But even in these cases "proof" of "full State citizenship and franchise, or title thereto" might be difficult to furnish. Take the case of a man who was under age when he left his native country, and for that reason not entitled to franchise, or who had not possessed, in his native country, the necessary property qualification, if there is one. I might put other cases, but I do not wish to labour the point. This is one of several provisions in the proposal, which might be made instruments of exclusion in the hand of officials, whose bias was against the Uitlander.

62 "I. A. (7.) The property qualification seems reasonable, but £200 a year as an income qualification is excessively high. Entirely objectionable, in my view, is the proviso which allows the Government to dispense with the property qualification altogether. The conditions of obtaining burgher rights ought not to be alterable, either upwards or downwards, at the pleasure of the Government. If there are circumstances under which it is thought desirable to allow persons to become burghers, who do not possess the necessary property qualification, those conditions should be clearly stated.

63. "I. B. (2). 'Continuous residence' (gedurig verblijf). These again are words which, as it seems to me, might be used to exclude people unreasonably. If they mean that any absence from the South African Republic, on pleasure or business, during the five years between naturalisation and the full franchise, should preclude a man from obtaining the latter, they would exclude numbers of Uitlanders, who had nevertheless had their permanent home in the country all the time.

64 "I now pass from the original proposal to the addition made in His Honour's memorandum of June 3rd, dealing with the increase of seats. I may say at once that, while I have an open mind as to the number of new seats for the Gold Fields, and for that reason did not attempt to lay down any definite number in my own proposal, I think three is decidedly too few. Under this proposal the enfranchised new-comers might, not immediately, but after the lapse of several years, obtain five seats in the First Volksraad. Add, perhaps, two for other constituencies, in which they would in time become the majority, and they would be 7 out of 31. By that time they would be a vast majority of the inhabitants, and would contribute, as they indeed already do, almost the whole revenue. Under these circumstances less than one-fourth of the representation seems a scanty allowance. But the great point is, that even this limited degree of representation is still a long way off. My aim was to obtain some representation for them immediately. In my view, the First Volksraad has already been too long out of touch with the new population, with whose most vital interests it is constantly dealing, and not dealing wisely. Every year that this state of things continues increases the tension and the danger. I do not assert that the mistakes made are due to ill-will. I believe they are due to want of knowledge. If representatives of the new population could make their voices heard, if they could come in contact with the representatives of the old burghers on an equal footing in the First Raad, they would, without being a majority or anything like it, yet exercise an appreciable influence on legislation and administration.

65. " His Honour endeavours to meet my argument on this point by saying that new burghers will, immediately on naturalisation, have a vote for the Second Raad, and that the Second Raad deals with the matters in which they are most immediately interested. With all respect, I really must demur on this point. In the first place the Second Raad has absolutely no power in matters financial. Taxation is not within its province, and it has no power over expenditure, except such limited amount as the First Raad may, for certain purposes, put at its disposal. Now, financial matters happen to be of the greatest importance to the people who supply the revenue. No doubt the Second Raad can legislate, subject to the First Raad and to the President, on a number of matters affecting the industrial community. But when it comes to affairs of really first-rate importance, the First Raad always deals with them. Take the report of the Industrial Commission. That was the most important event in the whole history of the industry. That report was received with unanimous and hearty approval by the mining community and the whole Uitlander population. It was dealt with exclusively by the First Raad. It was a Committee of the First Raad which, in the teeth of the protests of the people interested, cut down many of its proposals, and finally the First Raad itself knocked the bottom out of the whole thing. Look at the fate of the Advisory Board. That was surely as moderate a proposal in the direction of letting people manage their own affairs as was ever made. It was a proposal to which the mining community attached the greatest importance. Yet the First Raad would have none of it. Or, again, take the question of public order on the gold fields or the question of education. These, too, are vital questions for the Uitlanders. Does the Second Raad deal with them? They are entirely in the hands of the First Raad and of the Government.

66. " It is the extreme importance of the vote for the First Volksraad and for the President which makes me regard the position of the newcomer, who has foresworn his old citizenship without obtaining this right, as so unsatisfactory. I am sure the bulk of the new settlers, certainly all the British, who wish to make the Transvaal their home, would rather wait five or even seven years for burghership if it at once conferred all the rights as well as all the obligations of the old burghers, than come in under the present proposal. The President objects to my saying that the man who is naturalised is not altogether a burgher. Well, let us admit that the correct description of him is that he is a burgher, with all the obligations of a burgher, but with only half the rights that any old burgher attains, without conditions, on coming of age. The fact that citizenship in many States does not confer franchise, or full franchise, or does not confer it without other qualifications, is no answer to my argument that in a State where the bulk of citizens do possess full franchise, without other qualifications, the citizen who does not possess it is a citizen of an inferior class. To that inferior class of citizenship a man who has taken the oath under the present proposal may, owing to various circumstances, find himself permanently confined. And meanwhile he has foresworn his former country.

67. " To sum up. I regret that the President has not seen his way to enlarge his proposals. They are, as I have already said, a decided improvement on the present Franchise Laws. But if I am asked whether I think they will satisfy the Uitlander community and are calculated to relieve the British Government from further solicitude on the score of its Uitlander subjects, I cannot answer in the affirmative. Still less can I encourage the idea that the British Government can be asked to give something in exchange for such legislation as the President proposes. My own proposal was put forward in no bargaining spirit. I asked myself, in advancing it, what is the smallest measure of reform that will really be of any use, that is to say, which will allay the present unrest and enable the Uitlanders to exercise within a reasonable time an appreciable influence on the Government of the country. It was in that spirit that I suggested the outline of a scheme, intentionally not working it out in detail (for I was ready to listen as to details), but indicating a certain minimum from which I am not prepared to depart.

68. " The President seemed to regard my scheme as a very alarming one. I do not think it alarming, but I admit it involved a considerable change of policy. But it is no use proposing any small change. This Conference is a very exceptional thing. The situation is grave, else we would not be discussing here. If I have urged the Government of the South African Republic to take a considerable step to allay the discontent among a large portion of the inhabitants, it is because of my firm conviction that no small measure would any longer be of any use. The Government has much to atone for in its past treatment of the Uitlanders, and it has much, indeed, it has everything,

to gain, in silencing their present complaints and in removing the long list of Uitlander grievances from the field of controversy between Her Majesty's Government and the South African Republic.

69. "The President evidently does not realise how far I was willing to go in the direction of compromise, when I was prepared to drop all other questions connected with the position of British subjects in the South African Republic if only I could persuade him to adopt a liberal measure of enfranchisement. The petition of British Uitlander subjects to Her Majesty has yet to be dealt with. It is evident that Her Majesty's Government think the complaints of the petitioners in many respects well founded, and that they are only waiting for the result of this Conference before addressing the Government of the South African Republic on the subject. When I came here I came in the hope that I might be able to report to Her Majesty's Government that measures were about to be adopted which would lead to such an improvement in the situation as to relieve Her Majesty's Government from pressing for the redress of particular grievances on the ground that the most serious causes of complaint would now gradually be removed from within. I do not feel that what His Honour has seen his way to propose in the matter of franchise or what he indicates as the extreme length to which he might, at some future time, be willing to go in the extension of local government is sufficient to justify me in reporting in that sense."

70. The effect of the President's remarks on my memorandum was, he would give me an answer in the afternoon, but that he was not prepared to give up his land and government to strangers, and that he understood from my arguments that if he was not willing to do this, there was nothing to be done. I protested against this repeated assertion, and said that when the notes of our interviews were before the world I would leave it to impartial judges to decide whether it could be truly said that I had ever proposed anything of the kind.

71. At the afternoon sitting, which was the last meeting of the Conference, the President put in his final answer. It expressed his regret that his franchise proposals had been found unacceptable by me. They went as far as was possible in the interests of the people and State, and in principle it was impossible for him to depart from it. He would have been willing to further discuss the details of the proposal touched on by me, but as I refused even to accept the principle, it would be useless to go further into details.

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72. I had acknowledged that His Honour's proposal was a considerable improvement on the existing law, and I would also acknowledge that it would be desirable to have this proposal adopted by the Legislature of the Republic, apart from the fact that I did not consider that it went far enough. On the other hand, I had also acknowledged that His Honour's request for arbitration by other than foreign Powers on all points of future difference under the Convention was reasonable, and that it was altogether desirable to have such differences settled according to an automatic plan. It was, moreover, our common opinion that no bargain should be made in this matter, as matters desirable in themselves ought to be treated on their own merits. The question of arbitration could therefore be arranged apart from my acceptance, or non-acceptance, of His Honour's proposals with regard to franchise.

73. Arguing on these lines, His Honour, therefore, made the following proposal: He would be prepared to recommend his franchise proposal to the Volksraad as an important step in the right direction, even though I did not fully agree with it; and he would then expect me to recommend to Her Majesty's Government His Honour's request about arbitration on future matters of difference under the Convention. I would understand that if Her Majesty's Government should not grant this acknowledged fair request, it could scarcely be expected that the people of the South African Republic would approve of His Honour's comprehensive proposal with regard to the franchise.

74. I must here remark that the above quoted phrase in His Honour's memorandum, "Request for arbitration by other than foreign Powers," was the first intimation that I had throughout the Conference that he had modified his previous requests for arbitration by a foreign power.

75. In reply to this memorandum, I observed that its substantial effect was that we were unable to agree on the subject which had formed the principal topic of discussion. I did not think the matter could be carried any further at that Conference, and in my view of the case we were in the *status quo ante* the meeting.

76. I did not in any way wish to discourage His Honour from laying his franchise proposals before the Volksraad, but he would, of course, do so of his own motion, and not as part of any understanding with Her Majesty's Government. Similarly, any

proposal made by His Honour about arbitration would be considered on its merits, but not as any part of the present negotiation. The Conference was absolutely at an end, and there was no obligation on either side arising out of it. Arbitration had been mentioned during the Conference, along with other matters, but no definite proposal with regard to the method of arbitration was before me at the present moment. I had already stated that on some questions Her Majesty's Government clearly could not arbitrate, and on no questions would they ever agree to arbitrate by means of a foreign government. At the same time there was a class of questions about which Her Majesty's Government might agree to arbitrate, if a suitable method could be found; and if a proposal on that subject were submitted at any time it could be considered independently of any proceedings of this Conference. As I had pointed out the other day, I was not authorised to discuss this question, and all I could say was that any definite proposal which His Honour might make at any time would be submitted to the consideration of Her Majesty's Government.

77. The rest of the meeting was spent in attempts on the part of the President to make his arbitration and franchise proposals dependent one on the other, as portions of a bargain with Her Majesty's Government, and in refusals on my part to accept such a position, and, after an exchange of complimentary remarks, the Conference broke up.

78. Before separating, it was agreed, at the President's request, that nothing should be made public as to the proceedings or result of the Conference until the morning of Wednesday, the 7th June, when he proposed to make a statement to the Volksraad. It was further agreed that, as the notes of the Conference could not be published for some time, owing to the necessity for comparing them on both sides, His Honour should be at liberty to publish, on the Wednesday morning, six documents—my original proposal as transcribed from the notes and the five memoranda. As it was impossible for me to get the documents to Cape Town in time, and as I considered it highly important that the public here should be in possession of the facts at the same time as people in the Transvaal, I prepared a full summary in the train on my way back, and telegraphed it for communication to the Press of Cape Town on the appointed morning. This summary should have reached you in the course of the 7th instant, through Reuter's Agency, but the disorganised state of the cable service prevented this, and on hearing from you of the delay I telegraphed it to you on the afternoon of the 8th.*

79. In the present despatch I have confined myself in the main to a bare narrative of the proceedings. It is impossible for me, under the present pressure of work, which more than ever taxes the physical powers of myself and my staff, even to dictate an adequate commentary on the proceedings. There are, however, two points to which I would even now call special attention.

80. First. I did my best, in the long memorandum quoted above in full, to point out within a reasonable compass some of the main flaws in the President's scheme. Apart from the—in my view—unacceptable principle of the two stages of citizenship, the scheme was unworkable by reason of the many difficulties which it put in the way of a man seeking to take advantage of it. But the list of these difficulties is by no means exhausted in my memorandum. Since the scheme has become public many others have been pointed out, even by neutral critics, and I think I may say that by this time it is condemned throughout South Africa as totally unworkable.

81. I do not suppose for a moment that the President himself, who probably did not go very carefully into the details of the proposal, had any idea that the scheme which he put forward as a liberal concession to the demands of the Uitlanders was, in fact, so beset with impossible conditions that very few of them would be able, and, indeed, in all probability very few of them would attempt, to avail themselves of it. But whoever did think out the details of the plan must have known this perfectly well. I cannot but feel that if this plan had been accepted the discovery of its unworkableness in practice hereafter would have led to even greater discontent, to even more bitter and strained feelings between the Government of the South African Republic and its Uitlander population, than those which unfortunately exist at present.

82. Secondly, with regard to my general policy at the Conference, *id est*, that of concentrating all my energy upon the question of franchise, or, more properly speaking, of the admission of the Uitlanders to citizenship, I am quite conscious that it is open to

* Not printed. The telegram was communicated to the press in this country at the time.

criticism. I might have stayed at Bloemfontein 14 days or longer discussing Dynamite, the Edgar case, the Amphitheatre meeting, the Aliens' Law, the Press Law, Police incompetence, the illicit liquor traffic, education, the crusade against the English language, the dependent condition of the Courts, the uncertainty of the laws—liable as they are to be altered at any moment by the resolution of a single Chamber. But my view was this: I had to pursue one of two policies; either (1) to seek in a spirit of broad compromise to obtain for the Uitlanders such a position as would enable them gradually to remedy their principal grievances themselves; or (2) to insist on a series of specific reforms which should relieve the Uitlanders from at least the more serious of these grievances. Of the two possibilities, No. 1 was, in my opinion, far the better, and No. 2 only to be resorted to in case of the failure of No. 1. But to introduce No. 2 prematurely, would make the successful pursuance of No. 1 impossible. It was, of course, necessary to indicate, and indicate clearly, as I repeatedly did, the existence of grievances; but to propose to deal with them in detail, that is to say, to propose to interfere, here, there, and everywhere, in the internal affairs of the Republic, would have been totally inconsistent with that line of firm but friendly pressure for the admission of the Uitlanders to citizenship, (*id est*, to a position in which they could remedy grievances for themselves), which, in the first instance, at any rate, it seemed best to pursue. But policy No. 1 having broken down, it seemed to me unadvisable at the Conference itself to embark on policy No. 2. For one thing, I was imperfectly instructed as to your view with regard to it. I knew full well that my franchise proposals would have your entire approval, and that of the British public. But what we should press for in respect of particular grievances, if franchise failed, I was not equally certain, and I did not wish to commit myself too rashly to particular demands. Moreover, I thought it would be premature to conclude that franchise on the broad lines proposed by me was unobtainable. It was evidently impossible to get more out of President Kruger at Bloemfontein, especially as the Free State authorities were inclined to regard his proposals as adequate (though how they could come to such an opinion is beyond my understanding) and there was, therefore, no hope of any pressure being brought to bear on him at that time to make further concessions. But I thought that, when the two policies were known throughout South Africa, and when it was seen that Her Majesty's Government took a strong line, my proposal might yet receive such an amount of support as would compel President Kruger to accept my solution on the question of franchise, and thereby to obviate the necessity of our pressing him about a whole series of internal reforms.

83. At the moment of writing it seems to me as if this anticipation were likely to be fulfilled. Not only is the British community in South Africa unanimously in favour of my scheme, but there is evidence that, outside the Republics, a good many of the Dutch take the same view. It would not surprise me if, within the next few days, a very decided expression of opinion on their part was to be heard. I do not mean to say that they will take my side as against President Kruger, but what they probably will do, is to suggest modifications of President Kruger's scheme so far reaching as to convert it virtually into something much more like mine. In that case there is still a possibility, though not perhaps any great likelihood, that the President may give in. Even if he does not, I do not see that we shall be in any worse position for dealing with him on the other line, because, at the Conference at Bloemfontein, I confined myself entirely to the attitude of friendly suggestion, and, avoiding as far as possible all appearance of desire on the part of Her Majesty's Government to interfere in his internal affairs, used all my influence to induce him to agree to a compromise which would render such interference unnecessary.

84 I forward, as enclosures to the present despatch:—

I. The English notes of the proceedings. These do not profess to be a verbatim report, but give a very full account of what passed. They are not finally settled beyond the first day, as I am waiting to receive any comments that the Government of the South African Republic may desire to make on the notes of the last four days. I do not anticipate that many corrections of importance will be made, but I will inform you of any amendments as soon as possible.

II. Copies of the counter petition and of the declarations put in by the President.

III. Copies of the six documents referred to in paragraph 78 of this despatch.

I have, &c.,

A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 1.

Ia.

CONFERENCE at BLOEMFONTEIN between HIS EXCELLENCY THE HIGH COMMISSIONER and HIS HONOUR THE PRESIDENT OF THE SOUTH AFRICAN REPUBLIC.

At all the Meetings of the Conference there were present :—

His Excellency The HIGH COMMISSIONER.	His Honour The PRESIDENT OF THE SOUTH AFRICAN REPUBLIC.
Mr. G. V. FIDDES (Imperial Secretary).	Hon. S. W. BURGER and Hon. A. D. WOLMARANS (Members of the Executive Council of the South African Republic).
Mr. M. S. O. WALROND (Private Secretary).	Hon. J. C. SMUTS (State Attorney of the South African Republic).
Lieutenant-Colonel J. HANBURY WILLIAMS, C.M.G. (Military Secretary).	Mr. W. J. FOCKENS (Secretary).
2nd Lieutenant The VISCOUNT BELGRAVE (A.D.C.).	Mr. D. N. R. VAN HOYTEMA (of the Foreign Department of the South African Republic).
Mr. C. C. SILBERBAUER (Interpreter).	
Mr. H. S. WILKINSON (Shorthand Writer).	

Hon. A. FISCHER, Member of the Executive Council of the Orange Free State, acted as Interpreter throughout the Conference.

FIRST DAY.

Meeting of Wednesday, May 31, 1899, 3 p.m.

His Excellency.—It has just occurred to me to say that it is mutually understood that no communication whatever is to be made to the Press while the Conference lasts.

President.—We do understand that.

His Excellency.—I do not know whether the President would like to make any statement as to the object of our meeting, or whether he would like me to state my views first.

President.—As we have been invited, I would like to hear from you first.

His Excellency.—I confine myself to an absolutely general statement in the first instance.

I wish to explain the object and the scope of the Conference from my point of view.

There are a considerable number of open questions between Her Majesty's Government and the Government of the South African Republic on which there is at present no sign of agreement. On the contrary, disagreements seem to increase as time goes on. The number of these subjects of difference shows a tendency to increase, and naturally, that being the case, the tone of the controversy grows more acute.

The President can understand that I am not trying to apportion the blame; not at all. I only say that it is a most deplorable state of affairs, and I do not think it would improve matters to discuss single points at this moment, or even to enumerate them. In my personal opinion the cause of many of the points of difference, and the most serious ones, arises out of the policy pursued by the Government of the South African Republic towards the Uitlander population of that Republic, among whom many thousands are British subjects.

This policy, the bitter feeling it engenders between the Government and a section of Uitlanders, and the effect of the resulting tension in South Africa, and the feeling of sympathy in Great Britain, and even throughout the British Empire generally, with the Uitlander population, creates an irritated state of public opinion on both sides, which renders it much more difficult for the two Governments to settle their differences amicably.

It is my strong conviction that if the Government of the South African Republic could now, before things get worse, of its own motion change its policy towards the Uitlanders, and take measures calculated to content the reasonable people among them, who, after all, are a great majority, such a course would not only strengthen the independence of the Republic, but it would make such a better state of feeling all round

that it would become far easier to settle outstanding questions between the two Governments.

I do not say we could settle them all at once, but I think we could settle most of them, and that we should be able to discuss all other questions in a spirit much more favourable for their settlement; and that is the reason why I mention this question first.

If this question could be settled on a broad and firm basis, I feel sure that the tension would disappear and everything else would come right in time. On the other hand, if this goes on, although we may settle other questions of difference between us now, we should always have new ones cropping up later on. Now I have great hopes that something may be effected in this direction now, because the President has come here knowing the interest which Her Majesty's Government takes in this matter, and knowing that one of our objects in coming here was to discuss it in a friendly way, and with a view to obtain by friendly representations such concessions as Her Majesty's Government could tell the British subjects in the South African Republic—those British subjects having appealed to Her Majesty's Government—that it regarded as fair.

The President, in coming here, has made a reservation as to the independence of the Republic. I cannot see that it is in any way impairing the independence of the Republic for Her Majesty's Government to support the cause of the Uitlanders as far as it is reasonable. A vast number of them are British subjects. If we had an equal number of British subjects and equally large interests in any part of the world, even in a country which was not under any conventional obligations to Her Majesty's Government, we should be bound to make representations to the Government in the interests of Her Majesty's subjects, and to point out that the intense discontent of those subjects stood in the way of the cordial relations which we desire to exist between us.

I know that the citizens of the South African Republic are intensely jealous of British interference in their internal affairs. What I want to impress upon the President is that if the Government of the South African Republic of its own accord, from its own sense of policy and justice, would afford a more liberal treatment to the Uitlander population this would not increase British interference, but enormously diminish it. If the Uitlanders were in a position to help themselves they would not always be appealing to us under the Convention.

I have thought it necessary to explain this matter at some length, because I feel that if the ground on which I bring it up was to be misunderstood, it might cause a great difficulty to the President. Having said this, I do not want to confine the discussion to that question. I am prepared to discuss any questions which the President wants to bring forward, and I am very anxious to hear his views on the situation generally.

President.—I shall be brief. I have come with my commission, in the trust that Your Excellency is a man capable of conviction, to go into all points of difference. Even should His Excellency wish, in a friendly way, to give me hints on internal matters, I should be glad to listen to His Excellency, so as to remove all points, if possible.

I should like His Excellency to go point by point in this discussion, so that we can discuss each point that he thinks requires attention, not with a view to at once coming to a decision, but to hear each side, and we can go back on any point if necessary, and see if we can arrive at an understanding.

I would like to give concessions as far as is possible and practicable, but I want to speak openly, so that His Excellency may be able to understand.

I should like to say that the memorials placed before Her Majesty's Government came from those who do not speak the truth.

I mean to convey that we do give concessions wherever we think it practicable to do so, and after we have discussed it in a friendly way Your Excellency will be able to judge whether I or the memorialists are right.

I have said that if there are any mistakes on our side, we are willing to discuss them. Even in any matter concerning internal affairs I would be willing to listen to his advice if he said it could be removed in this way or that way. But when I show him that by the point we may be discussing our independence may be touched, I trust he will be open to conviction on that subject. If he accepts this principle of discussion let us take to-morrow, or if necessary longer, and discuss all the matters point by point, and if we see that there are some in which we do not agree, then find some way out of the difficulty between us. If we are both here to try and do what is right and just there ought to be a way to do so.

His Excellency.—There ought to be a way.

President.—So as not to confuse matters, I understand from His Excellency that it is not his wish to give orders in internal matters, but to give me friendly hints to which I am prepared to listen, as in the case of Bunu last year.

I would like His Excellency to give any point he would like discussed.

I do this because His Excellency does not give orders or commands, but has entered into the Conference in a friendly spirit.

His Excellency.—I have no idea of giving orders or commands to the President.

I want to make a remark about Swaziland, and hope the President will not take it amiss. Things went off well on the occasion in question, and both parties, I believe, were satisfied. The one great reason was that Her Majesty's Government was willing to give something which the other side wanted—because we recognised that they were in a difficulty, that the Convention did not give them the necessary power, and we gave it to them. We were willing to extend their powers—to give them something. Whenever they demand something reasonable there is not any difficulty. On a former occasion they came to us, and wanted us to give them something about the coolies, which was not in accordance with the Convention. We are at all times ready to make concessions that are required to get over a difficulty, and we hope they will show the same spirit of concession.

President.—I am willing, in a friendly way, to discuss matters that touch internal affairs.

His Excellency.—For a reason which I have already given, which is that the friendly settlement of these would make everything else much easier I would like to take the first.

President.—Which point?

His Excellency.—Generally the internal questions affecting the interests of British subjects in the Republic.

President.—One of these points at a time.

His Excellency.—I think the point which it would be best to take first, if the President agrees, because the settlement of it would make so many other discussions unnecessary, would be the Franchise. There are a number of questions more or less resting upon that, and if you knock that away the discussion of others is more or less unnecessary.

Now I come to this point about the franchise. I should like to know a little more about the President's views. I want to know more because, if I were to begin and say I want this, that, and the other, I know I should be told this was dictation. I do not want to formulate a scheme of my own, but I can, if necessary.

President.—As long as I understand that it is meant in a friendly manner, and you mean to give hints, I won't take it that they are commands. It has already been arranged that you give me friendly hints and advice, and I will not take it as dictation, even though it should be on points on which I should consider you have no right to interfere. I am willing to listen as a friend.

Does His Excellency wish that I should speak about it?

His Excellency.—Yes.

President.—I would like you to bear one point in view, namely, that all kinds of nations and languages, of nearly all Powers have rushed in at the point where the gold is to be found. In other countries they make it four or five years to obtain the right to vote, with us the difference is this.

I am not surprised that in other places the men would have to wait for more than a year to get it, because there are millions of old burghers, and the few that come in cannot out-vote the old burghers, but with us, those who rushed in to the gold fields are in large numbers and of all kinds, and the number of old burghers is still insignificant; therefore we are compelled to make the franchise so that they cannot all rush into it at once and as soon as we can assure ourselves by a gradual increase of our burghers that we can safely do it, our plan was to reduce the time for anyone there to take up the franchise, and that is also my plan. His Excellency understands that if those who rushed in speedily get a vote equal to our burghers, and they can vote in the Volksraad, then in a very short time those who are brought in can turn the laws topsy turvy, and do as they like, and with that my independence would fall, in that they could make laws as they liked, and the burghers would be crushed out in that way, and that is why they are so strict on that point. As His Excellency doubtless knows, I have proposed to the Volksraad that the time should be reduced by five years, and gradually as more trusted burghers join our numbers, we can, perhaps, go further.

There are a number who really do not want the franchise, but they use it as a pretext to egg on people with Her Majesty.

His Excellency.—I understand you to say that it is merely a pretext to make a quarrel, and if they could have it they would not take it.

President.—Yes. From the start it was like this—that after a two years' residence men could become naturalised, and could then vote for the Field Cornet and Landdrost and Member of the Second Volksraad, only not for a Member of the First Volksraad who must pass laws.

His Excellency understands what a Republic is. You must remember also, on this subject, that the burghers in our Republic are our soldiers, who must protect the land, and that we have told these men to come and fight when we have had difficulties with the kaffirs. They wanted the vote, but they would not come and fight. Those who were willing to help obtained the franchise, but it appears that many do not want to have it.

His Excellency.—They did not want to take the obligations without the rights of citizenship, and in that I sympathize with them. If they should obtain that right, then naturally they would have to take those burdens upon them.

President.—Those who want the franchise should bear the burdens.

His Excellency.—Yes. Immediately they get the franchise they take upon themselves the obligations connected therewith.

President.—I do not mean it in that way. I mean this, that those who go on commando get a vote, but they want to get it without going to fight.

When they have got naturalised after two years, and join in protecting the independence of the Republic, I give them the franchise. Thousands of the strangers want it, but they do not want to be called out. We have never commandeered aliens.

His Excellency.—I have some recollection that a tremendous row was caused in 1894 because a lot of them were called out.

President.—Yes, that was according to the Convention. According to the first Convention strangers who did not want to bear the burdens had to get themselves registered—that was stated in the Convention. In that way we acquired the right to commandeer a certain number of strangers. Governor Loch in 1894 wanted me then to leave them out and not commandeer them, and although Conventions and Laws had not provided that they should not be commandeered, we gave in.

In the Treaties with other nations the commandeering of other subjects was specially excluded, but there was no Treaty with Her Majesty's Government to this effect. After representations by Governor Loch it was agreed that, although nothing was said in the Convention about that, we would put Her Majesty's Government on the same footing as other nations, or the most favoured nation.

His Excellency.—I do not dispute that position, but I say that some people were commandeered.

President.—There was nothing at that time to prevent me commandeering them.

After discussion with Lord Loch, Her Majesty's subjects were excluded from commandeering.

His Excellency.—I do not want to pursue the subject, which is only a bye-point.

I understood the President to say that they never had been commandeered. It is admitted that they were commandeered.

President.—His Excellency, I hope, will understand that if I made the franchise so short to-day my burghers would say at once, you have given my land away, because the rush of new population is such that they might completely out-vote us. But, as I said before, as we get more burghers to share our laws and that way strengthen our burgher list, we will make our franchise shorter and shorter, because then they cannot out-vote us.

His Excellency.—It is a question of degree, therefore. If I made a proposal to admit strangers under such conditions as to swamp the old burghers it would be unreasonable. But the newcomers have, at present, no influence on the legislation of the Republic, which makes an enormous difference. They haven't got a single representative.

The First Volksraad consists of 28 members, and not one member represents the feelings of the large Uitlander population.

President.—Men from any country could after two years vote for the Second Volksraad, and after two years more sit in the Second Raad. There are Englishmen

who have obtained the full franchise in that way, and are eligible for the Volksraad. And now I have proposed to shorten the last ten years of the period required for the full franchise and make it five years.

His Excellency.—There are a great many objections of the gravest kind to the process by which men may now obtain burgher rights. First of all, before he can begin the process of gradually securing burgher rights—which will be completed in 14 years at present, and in 9 years according to the President—he has to forswear his own allegiance. Take the case of a British subject, which interests me most. He takes the oath, and ceases to be a British subject by the mere fact of taking that oath; he loses all the rights of a British subject, and he would still have to wait for 12 years, and under the new plan 7 years, before he can become a full citizen of the Republic. British subjects are discouraged by such a law from attempting to get the franchise. Even if they wanted to become citizens, they would not give up their British citizenship on the chance of becoming in 12 years citizens of the Republic.

President.—The people are the cause of that themselves. In 1870 anyone being in the land for one year had the full franchise.

His Excellency.—That was very liberal.

President.—In 1881, after the war of independence, some of our officials and even members of our Raad then said that they were still British subjects, although they had taken the oath of allegiance, and I had to pay back, out of the £250,000, what I had commandeered from them. That was the reason the oath had to be altered. They swore to obey the laws, to work for the prosperity and defend the independence of the State, and then it was said they were still British subjects, and could not be commandeered.

His Excellency.—In what year?

President.—1881.

His Excellency.—But the annexation intervened, and during annexation they were all British subjects.

President.—The point is that they had taken the oath of allegiance, and as burghers they had to contribute to the expenses of the war, in case they did not actually serve. In consequence of the difficulty which thus arose, the franchise law was altered.

His Excellency.—I am not quite so sure. I think the law was altered in 1882.

President.—In 1876 the naturalisation law was first introduced by President Burgers, and did not then require persons to forswear their nationality, but to take an oath of allegiance.

From the time the Government was constituted the period was one year, and up to 1877 they had to take the ordinary oath of allegiance and nothing more, and yet after the War of Independence those who had taken this oath said they were still British subjects.

His Excellency.—In 1882, after all this had happened, there was a franchise law in the Transvaal, which demanded five years' residence, but it did not require the oath that is now taken. It required a simple declaration of allegiance to the State, though all this that the President refers to happened before. Why was not it necessary to introduce this alteration then?

President.—The people who, before the annexation, had taken that oath, but had not forsworn their nationality, 1887, sent a lying memorial, as they are sending lying memorials now, to say that everybody was satisfied, as they now say that everybody is dissatisfied.

His Excellency.—I think I must just explain a little more clearly my views on the point we are now discussing. As a matter of fact it is an important point in connection with what I have to say about franchise. I object to the position about franchise as it stands at present altogether, but the particular point which I wish to take first is this. I think it is unreasonable to ask a man to forswear one citizenship unless in the very act of giving up one he gets another, and I think it is also unnecessary to ask him to do more than take an oath of fealty to the new State, of willingness to obey its laws and to defend its independence, when it is known and certain that the taking of that oath deprives him of his existing citizenship. I think the oath should be a simple oath of allegiance, and that it should not be required of a man until the moment he can get full rights in a new State. Now that was the position under the law of 1882, and all these reasons which the President has been giving are based on what happened before that. Why were they not considered and acted upon when the law of 1882 was made?

I have stated my point about the form of oath, and my view that the oath should only be required when a man has fulfilled the conditions to enable him to take up the franchise.

As for the period required to qualify for the full franchise, I do not see why the length of time should be longer in the South African Republic than in any other South African State. They are all new countries. In the new country which is springing up in the north, and which is getting a new Constitution this year, the period is one year. The people who have conquered that country for the white race may find that the newcomers are more numerous than they are. But I do not expect that anything like that will be done in the South African Republic; something far short of that would be reasonable. What I do think and desire, and that is the object of my suggestion, is this: that the numerous foreign population engaged in commerce and industry—to which the country, after all, owes its present great position in wealth and influence—should have a real share in the government of the Republic, not to over-rule the old burghers—not at all—but to share the work of Government with them, to give them the benefit of their knowledge and experience, which is in many cases greater than that of the old burghers, so that through their gradual co-operation a time may come when, instead of being divided into two separate communities they will all be burghers of the same State. It is not enough that a few people should be let in. It is obvious, however, that you could not let in the whole crowd, without character or anything—I do not ask it—but you want such a substantial measure that in elections of members of the Volksraad the desires of the new industrial population should have reasonable consideration. They have not got it now, and when the questions that interest them come before the Volksraad it is too evident that they are discussed from an outside point of view. The industrial population are regarded as strangers. I have not the least doubt that the laws that are made appear best to the people that make them, but it is the universal opinion of free and progressive nations that laws are best made by people who have to obey them, and not by people outside. The whole of the legislation of the Raad may be good or may be bad, but the laws are made by the Raad for people who have no voice in the Raad, and who in their view of things, their sentiments and sympathies, are widely separated from them, and that, in my opinion, makes the people discontented. It would make all the difference in the world if, when laws are discussed affecting the new population, some representatives of the new population should be present to explain the views and wishes of that population from the *inside*, not from the outside.

I will leave the rest for the present, but I think I have indicated the general principle. I do not want to swamp the old population, but it is perfectly possible to give the new population an immediate voice in the legislation, and yet to leave the old burghers in such a position that they cannot possibly be swamped.

President.—I hope you will be open to conviction on that point. I would like to convince you on the subject, and to show you that it would be virtually to give up the independence of my burghers. In the Republic the majority of the enfranchised burghers consider they are the masters.

Our enfranchised burghers are probably about 30,000, and the newcomers may be from 60,000 to 70,000, and if we give them the franchise to-morrow we may as well give up the Republic. I hope you will clearly see that I shall not get it through with my people.

We can still consult about the form of oath, but we cannot make the time too short, because we would never get it through with the people—they have had bitter experience.

I hope His Excellency will think about what I have said, and weigh it well.

His Excellency.—I see your point, and want to meet it.

President.—I will think over what has been said, and will try and meet every difficulty.

I am very glad at the friendly interview that has taken place, and I shall think over the point about the oath, in spite of having been deceived therein formerly; and I think we may arrive at a point of agreement. Before we part I would like to take the opportunity of saying that the memorial is one tending to mislead Her Majesty's Government, that it is not what it purports to be, and that I have sworn declarations to prove what I say, and that names appear on it of persons who had not signed themselves, but have been placed thereon by others.

His Excellency.—I do not think that, if the memorial did not exist, it would alter my opinion, which is based on a long and careful study of the whole subject which we have met to discuss.

President.—You will no doubt have to make a report on the subject to Mr. Chamberlain, and I would like you to tell Mr. Chamberlain that I can show by sworn declarations that the memorial is not true. As a matter of fact, I do not know where they have obtained the 21,000 signatures, as I have obtained a counter 23,000 or 24,000 people.

His Excellency.—Is it from persons on the side of the Government? From burghers or aliens?

President.—All strangers.

Conference adjourned.

I. b.

SECOND DAY.

Meeting of Thursday, 1st June, 1899, at 10 a.m.

His Excellency.—When we left off yesterday the President was just going to say something about the memorial.

President.—Yes. But I would like this morning to say something else first.

I got the reports of the further arrival of troops at the Cape, and also in Natal troops have been told to keep themselves in readiness, and also that troops are being assembled on the frontiers in Sambaan's Land, and at the Limpopo. How must I understand this? Must I regard it as treason, or is it a threat of the sword instead of friendly conversation?

His Excellency.—The British Army in South Africa is not being increased; the story which the President saw in the newspapers about the mobilisation in Natal was immediately denied by the Military Authorities, and the reports as to the alleged assembling of forces on the Limpopo and Sambaan's country are absolute lies.

I, on my part, am continually receiving reports of the armaments on the part of the South African Republic.

Communications have been addressed to the Government of Natal by residents on the Natal border adjoining the South African Republic, saying that they are seriously alarmed by the attitude of the burghers of the South African Republic on the border.

My position about all these things is this. I do not attach any importance to the statements I hear about armaments on the other side, and I expect the President to take exactly the same view of the stories he hears as regards our side.

There is very great excitement on both sides at present, but it is for us, who have met here, to set these excited feelings (as indeed is my object) for ever at rest. It is for us to put these things entirely out of our heads while we are conferring here.

I wish the President could see the communications I on my part constantly receive which are calculated to alarm. They do not alarm me, and he must take up the same position. The whole fighting force in South Africa is under the absolute control of Her Majesty; there is no possibility whatsoever of any unauthorised attack to be feared from those troops.

As this question has been raised by the President I have dealt with it, but I do not want to pursue the matter, as it is one that naturally impedes friendly discussion. But the fact that the South African Republic has seen it necessary of late years to so largely increase its own military force, and to introduce arms and ammunition which is very much more than sufficient to arm every burgher in the Republic, has produced a bad impression in Great Britain, and among the British inhabitants of South Africa.

I think that in view of the assurance I have now given the President, that we have not the least idea of threatening, and that we are making no movement such as he has referred to, we need not discuss the matter further.

President.—It pleases me very much to hear what His Excellency has said, but I would like to give him a correct idea with regard to his statement that Afrikanders are being armed.

Your Excellency knows that when the State was first founded Afrikanders were always armed, but that they gradually became neglectful therein, and when a commando had to be called up against the Kaffirs, we found very many were not armed; while many of those who had arms had old guns, and you can easily imagine that when one was served with a new gun they all wanted them. Our farmers are spread all over the land, but

they are only armed for enemies or wild animals that attack them, and for that we have to make provision, so that everyone has a good gun. It should not be regarded as blame on us. Even at the time of the Jameson inroad we found many of the men unarmed. His Excellency can follow our spoor from the time we left the Cape Colony: we have never been the attacking party, but always defending, and even against the weakest barbarians we never were the first to attack unless they had committed offences, such as murder and other things. We follow out what God says: "Accursed be he who removeth his neighbour's landmark" (beacon), and as long as your Excellency lives you will see that we shall never be the attacking party on another man's land.

I am fully satisfied with the information His Excellency has given me as regards the troops.

I would like to again point out that the Memorial, in which it is said that all people are dissatisfied, is as untruthful, and consequently as misleading, as the former Memorial, wherein it was said that everybody was satisfied with the annexation. These memorials stated that everybody was satisfied, and when the numbers were taken it was found that out of 7,000 signatures there were not more than 600, including officials, who were willing to call in Her Majesty's Government. I would like to show how the Memorial came into existence, and how by lying and deceit they have scraped names together, putting in names of people who do not exist, and to make up their numbers they put on women and children and strangers. I have the declarations of people who were there which state how these names were gathered together. People are ready to declare on oath—though I have not yet got written declarations thereof—that the pages of old memorials of 1895 that had been laid before the Volksraad are annexed to this Memorial. I have a few sworn declarations with me, and there are others which are coming in, with regard to the signatures of the Memorial, expressing satisfaction with the Government and the laws of our land. We nominated people to go round with these memorials, and in each case they have given sworn declarations.

Here are copies of the memorials and translations thereof.

(*Put in. Annexure I.*)

His Excellency.—I should be glad to have the declarations about the signatures to the memorial and who signed them.

President.—They (memorialists) also requested our Government to send it to other Governments. I have, as requested, sent it to my Consuls in every State with the request that they should hand it to the several Governments, and I would also like to make a similar request to Your Excellency to bring it before your Government.

His Excellency.—Of course I shall do so. I have still a few questions to ask. I have only seen newspaper reports on the memorial. Has it actually been sent in to the President?

President.—Yes.

His Excellency.—What number of signatures did you say there were?

President.—22,500; and more are coming in.

His Excellency.—I understand all these are non-burghers, of course?

President.—Yes. So the declarations say. There are some Afrikanders among them who are not yet burghers.

His Excellency.—Has the President any idea how many of the 22,500 are British subjects?

President.—I cannot tell.

His Excellency.—Not even approximately?

President.—I know that there are many English among them.

I have also got another address from the workpeople, who had not signed the memorial, who said they were afraid to sign it, as they said they would be turned away from the mines where they were working.

They declared in their address that they were perfectly satisfied, but they only ask for one point—that I should make a law to the effect that once a year the workpeople should have the right to have a meeting. Besides all those, there are also a good many at the mines who have declared verbally to me, but I have taken no further notice of it, that they are obliged to sign memorials like that sent to Her Majesty's Government, otherwise they stand the chance of losing their billets.

His Excellency.—I am totally unable to judge of these memorials, not knowing at all who are the people signing them. It would interest me very much to know whether the class known as "Peruvians," Russians and Polish Jews, &c., signed this memorial to a great extent.

President.—Yes. All strangers.

His Excellency.—I am not able to say anything about the weight that ought to be attached to the signatures to the memorial without having seen it.

How as to the other Petition ?

President.—I have here the copy of each and original, as also form of declaration sworn in connection with these memorials sent in to the Government.

(Copy of Declaration put in, and interpreted as follows :—)

“ We, the undersigned, declare under oath that we obtained the signatures on the memorial handed in to the Government of the South African Republic, opposing the petition directed to the British Government by the inhabitants of Johannesburg, and on which there is alleged to be 21,000 signatures.

And we declare that the above mentioned signatures have been obtained by us *bonâ fide*.

(Signed.) (Here follow four signatures.) Sworn before me L. J. Jacobs, J.P., Pretoria, South African Republic, 27th May, 1899.”

His Excellency.—Am I to understand that these four gentlemen guarantee the genuineness of 22,500 signatures ?

President.—No. These only certify as to the signatures they obtained. One has obtained 3,000 ; another 2,000 ; and each one swears to the genuineness of the signatures on the memorial which he himself took round.

His Excellency.—Precisely the same thing was done in regard to the other petition. We have sworn affidavits for all the signatures.

President.—I have never seen them.

His Excellency.—About the other petition. Before sending it on I satisfied myself as far as possible, and as far as mortal can under the circumstances, that it was *bonâ fide*.

I cannot see that anybody can contend that when a number of sheets go round, even if the most careful canvassers are concerned, mistakes will not occur.

President.—Each man concerned was made responsible for the signatures in order to be sure that they were *bonâ fide*.

His Excellency.—It was just the same in the other case. Copies of the memorial, with blank sheets attached, were given to each person who went round with them, and these declared under oath to the genuineness of all signatures obtained by him.

President.—If there is any doubt on what I say, I can obtain a mass of declarations that these persons did not act up to their instructions. People have come and told me that even Free Staters and women and children were asked to sign.

His Excellency.—Very possibly ; but I feel perfectly certain that the same assertion will be made on the other side. It appears to me that the only way to settle the question of signatures would be to have an impartial Commission to enquire into both petitions, but that would needlessly involve a great waste of time.

President.—If there is any doubt about it, I have declarations showing that when the memorial to Her Majesty was being signed, the 23,000 people who signed our petition did not know that the other was being signed, but in the case of our memorial, everybody knew it was being signed.

His Excellency.—It does not seem to me to matter much whether they did or did not know that the other memorial was signed, seeing that the petition sent to Her Majesty's Government was one from British subjects ; and if there were a lot of Russian Jews and others who were not asked to sign, it was perfectly natural. What would have been said if any of these had been asked to sign ? It would have been said : “ What right have people who are not British subjects to send in a petition to Her Majesty's Government ? ”

President.—Does His Excellency mean that all the 21,000 are British subjects ?

His Excellency.—They all ought to be.

President.—If no women, children, and coolies and bastards have signed the memorial, I do not know where they obtained so many names from.

His Excellency.—I know a certain number of coloured people have signed it. When I sent on the petition I myself called attention to that. I never wished to exaggerate the importance of these petitions. I pointed out that there were a few signatures of women and coloured people.

The great question is not whether this petition was sent in signed by 20,000, by 10,000, or by 5,000 British subjects, but whether the contents are of such a nature as to require that Her Majesty's Government should take it into consideration.

President.—I do not speak about its having been taken into consideration, but if 22,000 come and say the other memorial is not true ?

His Excellency.—This memorial alleges certain definite grievances of British subjects in the South African Republic. What Her Majesty's Government have to do is to consider whether there is reason in this petition, or whether there is not. I am now only going to express my personal opinion on the case. I have no information as to the view that Her Majesty's Government take about this particular petition, but I know the view of Her Majesty's Government about a number of subjects which are mentioned in the petition. I therefore, speaking for myself alone, do not think that the fact that a number of people in Johannesburg or in the South African Republic have put forward a counter-petition stating that they are satisfied with the Government, and especially that they do not desire the intervention of Her Majesty's Government, greatly affects the case. That some people, mostly not British subjects, declare themselves contented does not at all relieve Her Majesty's Government of the necessity of considering the grievances which are brought before it by a large number of its own subjects. I look at the matter on its merits; and I say, independently of the number of people that signed, is the petition supported by the facts? My own personal feeling is that, while I am not at all prepared to endorse everything that is said in the memorial, and although if I had had to put the case myself I should have put it in a very different way, I do consider that the memorialists have a very strong case.

I must be frank about it. I shall most earnestly avoid anything like language which would give offence to the President, but I should not have come here at all if I had not myself felt most deeply that British subjects, and the Uitlander population generally—especially the Uitlander population who wish to make permanent residence in the Republic—have very great grievances indeed, and my object in coming is to try and persuade the President of the necessity, wisdom, and justice of dealing with them, and I should like to continue the discussion on that ground.

President.—His Excellency knows by our Constitution, and also by the Convention, the country is open to everybody that comes there, and submits himself to the laws of the country, that they can share in all the privileges, except political rights.

I also do not mean to give any offence in what I say.

If I had to consent to the proposition which His Excellency had put forward here, in the way that he brought it on here, then the freedom of the Republic would not exist any longer. It would be worse than annexation, but I should like to go into the point myself to show what I mean, and I hope His Excellency, as a sensible man, will be open to conviction.

I say once again that on anything that does not touch our independence I would like to have friendly hints from his Excellency—even if on internal matters—and would take into favourable consideration anything his Excellency might say. But when he speaks of anything that would hurt my independence, what would the people say who have sacrificed their blood and property to secure that independence? Thus it would be difficult to promise something that I know the burghers would not agree to. But on ordinary points, where I would have a chance of getting something through with the burghers, I would like to go into them and discuss them.

His Excellency.—Perhaps we had better consider the matter we were discussing yesterday.

As to the question of the independence of the country, I remain firmly convinced that the things I am urging upon the President are calculated to strengthen it. Of course, I may fail to convince the President of that, but I protest absolutely against the view that he is defending the independence of his country, and I wish to take it away. What makes this whole discussion so difficult is the intense prejudice on the side of the present burghers, and their intense suspicion of us. They think Her Majesty's Government wants to get their country back in one way or another. Her Majesty's Government does not; but what it does desire is that it should have such a state of rest in the country as will remove causes of friction and difficulty between the Republic and Her Majesty's possessions in South Africa, and the whole of the British Empire, and my suggestions here are directed to that end. I do not want to say it over and over again, I say it once for all.

If the President will allow me, I will go back to the question of admission of the new population to burgher rights, to which I attach so much importance.

President.—I should like to make a slight explanation to His Excellency.

His Excellency yesterday mentioned that in some States those going in from outside speedily got burgher rights, but he must not forget, as I said before, they are glad of the people who come in. But, here we have all nations and all kinds, and if they were to get burgher rights quickly then that would be the end of our independence, and then they

could send us away where they liked. I would like His Excellency to bear that in mind.

His Excellency.—I do not see how the old burghers can have it both ways. They cannot have a very large population streaming in to develop the resources of the country, and giving it a much higher position in the world than it would otherwise have, and at the same time exclude these people from participation in the Government of the country.

President.—Your Excellency must bear this in mind. There is no Gold Law in the world that is so liberal as that of the Republic. Prospecting claims cost only 2s. 6d. a month, and for mining claims when they get the gold it is only a pound (£1) at the outside. Then the Government doesn't get all; the owner gets half, and when the digger is owner he gets half. They pay £12 per annum for a claim, and they take millions of pounds, year by year, out of it, and I have said nothing against it; I have allowed them to get richer and richer, but the burghers bear the burden of the land. We have reduced the duties on goods benefiting the mines and also the railway tariff, so that £700,000 were taken away from our revenue to meet them, and in that way the Government had a short-fall in money last year. In other respects they have not to bear the burden of the burghers but they get the benefits. In some instances the new comers, whom I may style "half burghers," join with the old burghers in electing members to the Second Volksraad, where matters affecting the Gold Fields are treated. If they are two years here they can vote for the Second Volksraad, and after four years they can sit in that Chamber, which deals with their own interests, and which the First Volksraad does not deal with.

His Excellency.—Can the Second Raad do this without the consent of the First Raad?

President.—If such a law appears to be against the general welfare, the First Raad would alter it, but during the period of the existence of the Second Raad I do not know of more than three or four instances of interference, and then only on points that touch the general public.

His Excellency.—But it is absolutely in their power to do so?

President.—Yes. But the First Raad does not wish to go into goldfields matters, although it has the power to do so.

His Excellency.—I don't say that they are not dealing fairly from their point of view, but they are not in sympathy with the new population. The new population have no elective voice in the First Volksraad, and year after year the new population goes on clamouring for reforms in matters which affect them, and they never get them.

President.—But they can in a short time have a voice in matters which specially affect them.

His Excellency.—But they cannot themselves get a vote without abandoning their own nationality, and even then they cannot get full citizenship, they have to wait for a large number of years, and run the risk of the prospect of becoming full burghers being taken away from them at any time by a single Resolution of the First Raad.

President.—How can it be taken away?

His Excellency.—Because the Volksraad by besluit can do as it pleases.

President.—They haven't done it yet. The legislatures of all the world have the same power.

His Excellency.—This power existing, the new comers cannot be expected—I should not recommend one of them—to give up his present citizenship for the mere chance of becoming a citizen of the new country.

Of course I can go at great length into an answer to what the President has just said, but I don't think we are getting any further.

To put it shortly, I have come here to see whether I can induce the President to accept suggestions of mine, made in a friendly spirit, suggestions which Her Majesty's Government could recommend to its own subjects to accept as a reasonable instalment of reform. I put them forward, and if the President does not see his way, if the President thinks we are asking too much, all I can say is I have made my suggestions and I must report to Her Majesty's Government that the President rejects our friendly suggestions.

President.—I would be misleading you if I should tell you that I can give all the strangers the franchise in a very short time. I would consider that our independence was sacrificed thereby: but I say this, let His Excellency keep impartially in view my points of difficulty and let him make his proposals and submit them to us, so that we can consider them and judge about them. If they are points of difficulty we can still discuss

about them, and see if we can agree upon one point or another. I have already said that perhaps means may be found to alter the form of oath.

I wish in conclusion that His Excellency will keep my difficulties in view.

His Excellency.—I do keep the President's difficulties in view.

President.—You must not think that I have not given this matter consideration and as time goes on the period will be made shorter and shorter, because the number of our enfranchised Burghers is also increasing, but I cannot now say whether the period should be one, two, three, four, or seven years. If the term was once fixed for all I would take away the rights which those have now to vote for the Second Volksraad, and where they might now be satisfied to vote for the Second Volksraad, they would not like to wait the time for the First Volksraad.

I would now like His Excellency to propose a scheme.

His Excellency.—I am in a very delicate position in making proposals, because I cannot ask all I think is right.

President.—But His Excellency can endeavour to make a proposal which does not touch my independence.

His Excellency.—Don't let us talk about independence every minute, I assure the President that I don't want to touch his independence.

President.—I only say it because His Excellency says that what he proposes will strengthen my independence. Let him bear my views in mind in making proposals.

His Excellency.—There are two things I have to consider. I have got to consider the prejudices of the old burghers. I know that even if I were to convince the President himself he might have difficulty in convincing other people; therefore I must in proposing anything propose something which it can be made absolutely clear to the old burghers will not swamp them. On the other hand, I have to consider that it is perfectly useless to propose something which will give no satisfaction whatever to the reasonable desires of the new population, which may be rejected at once as totally insufficient, the whole object of the proposal being to give them such an amount of satisfaction as will bring them on to the side of the State, to throw in their lot with it, and to work in future with the old burghers as one people. Bearing these things in mind, what I suggest is this; that every foreigner who can prove satisfactorily that he has been resident in the country for five years, and that he desires to make it his permanent place of residence, that he is prepared to take the oath to obey the laws, to undertake all the obligations of citizenship, and to defend the independence of the country, should be allowed to become a citizen on taking that oath. This should be confined to persons possessing a certain amount of property, or a certain amount of yearly wages, and who have good characters. In order to make that proposal of any real use for the new citizens who mostly live in one district in the Republic, and a district which only returns one member in 28 to the First Raad, and one in 28 to the Second Raad, I propose that there should be a certain number of new constitutencies created, the number of which is a detail upon the discussion of which I will not now enter. But what is vital from my point of view is that the number of these districts should not be so small as to leave the representatives of the new population in a contemptible minority.

President.—With us the majority of the enfranchised burghers constitutes the ruling voice, and must be listened to in the Volksraad. If the 60,000 came in immediately, they would swamp the 30,000.

His Excellency.—It would not be reasonable to give the franchise to the 60,000 at once.

President.—But, nevertheless, we give the power into their hands.

His Excellency.—Is the number of members for a district in proportion to its voters? What does the President mean by outvoting in the Volksraad?

President.—I mean this; that if they are all enfranchised then they would at once form the majority of the whole population, and the majority of enfranchised burghers, according to our law, must be listened to by the Volksraad; since in a Republic we cannot leave the sovereign voice out of account. Then if they once got the vote, and the majority come to the Volksraad saying that the number of Members of the Raad should be in proportion to the number of electors, the Volksraad would be obliged to listen to it, and it would be all up with them.

His Excellency.—This is pure theory, that the Volksraad have to do what the majority of the people desire. The Volksraad does what it considers right in its own eyes; it is elected by the people, and does what it thinks right, and the President has made it quite clear during the last year or two that anything the Volksraad does is law.

President.—The majority can disapprove, and if there is disapproval by the majority of burghers, the Volksraad must listen to them.

His Excellency.—It is clear that according to your present Constitution, the Volksraad can make any laws it pleases.

President.—The Constitution says that the people have the right to approve or disapprove, and what the majority of the enfranchised burghers should say the Volksraad must listen to. When I speak of the people, I mean the enfranchised burghers, of whom the majority is the sovereign voice. As soon as the enfranchised strangers are more in number than the others, you will understand that the sovereign voice would rest with that majority, and would be no longer with the old burghers.

His Excellency.—I understand the President to say so, but I cannot understand by what process of reasoning he arrives at it.

President.—I speak of our law as it stands. The law says that the majority of the enfranchised burghers is the sovereign voice, and if that majority is once in the hands of the new comers, they would have the right of allowing or disallowing.

His Excellency.—I have taken eminent legal opinion, the opinion of some of the best legal authorities in the Transvaal, and they are all quite clear on the point that the First Volksraad can make any laws it chooses, and that the Courts are bound to enforce such laws. If the Volksraad were to make a law against which the majority of the burghers protested, and an action was to be brought in the Court under that law against which the majority had protested, the Court would still be obliged to decide the matter in accordance with the law passed by the Volksraad.

President.—As long as the law is law the Court must be bound by it, until the majority of the people say it must be altered.

His Excellency.—And if the people say so, and the Volksraad does not choose to alter it, it is perfectly clear to all advocates, and perfectly clear to me, that the Courts cannot take any notice of the fact that there may be memorials against the law. There is the fact that the Volksraad have passed the law, and the Courts must give their decision in accordance with it.

President.—The Courts must obey as long as it is law. As soon as the memorials are against the law the Volksraad must alter that law, as has already frequently happened.

His Excellency.—But under the existing Constitution, if it doesn't choose to do so, there is no power on earth to make it. The Court can only enforce the law.

President.—The Volksraad make laws which in the first place are brought up in the form of Resolutions, and if it is found that the majority of the people express their views against them, they are eliminated. Neither the majority of the Volksraad, nor of the Court, nor of the Executive Council, are the sovereign voice; that rests with the people.

His Excellency.—I believe absolutely that the President means all he says. But my point is, that there is no necessity that what the sovereign people wishes should be law. The First Volksraad makes the law, and the Courts are bound to enforce it. If the President thinks that my proposal is going to swamp the old burghers, I have told him that this would not be reasonable, and I do not desire it. I am willing to listen to his proposals, but my point is, and I consider it is vital, that a certain representation be ensured to the new comers in the highest Raad.

President.—His Excellency has made a proposal, and we should like to have everything you have to add to it, and I will take the opportunity of discussing it with my advisers, and may get nearer to something. I see difficulty in the form it is made, it attacks all our laws made on the subject. I would like to discuss the matter with my advisers, whom I have here, to see if we can come nearer to it.

His Excellency.—It is a very important matter, and naturally the President wants to look at it from all sides.

There is just one thing I would like to say, I don't think there would be a tremendous inrush of new comers.

President.—I speak from experience.

His Excellency.—The President says there are altogether about 60,000 of those strangers; a considerable number of those are birds of passage; there are an enormous number of miners, for instance, who go for a couple of years and leave again.

President.—They make the most noise; it is those who stir up the others.

His Excellency.—They do not want to be burghers. I fully sympathise with you in not wishing to give a share in the privileges of the country to people who only come for a short time. There are a large number of people who don't want to stay in the country, who don't care to take the burdens of citizenship, and they won't try to get in; and

there are many people who cry out for the franchise who don't want it. The best answer to them is to offer it to them, and if they refuse it no reasonable human being will have anything more to say for them in respect of that matter. I don't say give it to every one. A considerable amount of property or a high wage should be a condition. These 60,000 people are a bugbear.

President.—Your Excellency speaks in ignorance, otherwise you would not say so. If they only want to stay here for three or four years they will want to be "baas" for those three or four years, and take the franchise.

(His Excellency's proposal read over from the notes.)

President.—I should like to know whether that is His Excellency's proposed suggestion, and whether Your Excellency wants to say anything further.

His Excellency.—It is understood that past residence would also count.

President.—Yes, so I understand you. And the result will be that a large number will immediately be able to obtain the franchise, *i.e.*, those who have already been here more than five years.

His Excellency.—I have only given the leading idea, but there are numerous details which would have to be gone into.

(Close of the morning's proceedings.)

1c.

SECOND DAY.

Meeting in afternoon of Thursday, 1st June, 1899, at 2 p.m.

His Excellency.—Does the President wish me to continue or has he any suggestions to make?

President.—I would like to hear from His Excellency his various suggestions.

His Excellency.—I have made my suggestions on what I regard as a very important point, and I have expressed my opinion that if we can come to an understanding on that point everything else would be very much simplified, and I would very much like to see if there is any approximation of our views on this point.

If the President has anything that he wants to speak about I won't stand in the way.

President.—I should like to have a little time to consider the matter before speaking about it again. I would like to have all points on which you have difficulties, and these we can discuss also.

His Excellency.—There are a number of points which I should not be inclined to raise if we could come to an agreement upon the point which I have already raised. For this reason I want to explain the exact position. There are a number of points outstanding between the Governments independently of the position of the grievances of the British subjects in the South African Republic. There are a number of other points arising out of the complaints of the British subjects on internal affairs. As far as these latter points are concerned I hope that it may not be necessary to discuss them, because the moment that the people who raise these complaints are put in a position to fight their own battles within the State I shall, with joy and delight, say to them if they raise complaints, "You are burghers of that State; you have no right to complain to me; you must fight your own battles." There are a lot of questions which would drop if we could come to an agreement on this.

Therefore, if I touch on other points now they will be points in no way connected with the franchise, and which do not fall to the ground on the granting of the franchise.

Among the more important of these is, I think, the Dynamite question, and on that subject I hope to hear something from the President. He knows the position that Her Majesty's Government has taken up in that matter, and I have gathered from what has been said on the subject that if the President does not recognise the right of Her Majesty's Government to interfere in the question, he at any rate recognises the fact that the position is a very bad one. I mean it brings discredit upon the State, and, therefore, I am in hopes that the President is prepared to deal with that matter in such a way that the point about the Convention, which is a very disagreeable and troublesome one, may not have to be pressed.

I should be glad to hear what the President's view is about dynamite.

President.—I would like first to mention another point.

On the first point you mention that if they come and complain to Your Excellency you will say "Don't come and complain to me, make your matters right yourselves." They would be foolish to complain if they had got what they want, because they would be masters of the situation. If I gave in this morning on what was asked they would have no reason to complain because I should give up everything.

As regards dynamite, I say that the dynamite manufactory is one the State cannot do without, because I must have my own factories to help my country and the mines.

Mr. Chamberlain has said in his reply that as a monopoly of the State it would not be against the Convention, but if it was given away by a concession whereby greater profits went to the concessionaires than the State received, it would be a breach of the Convention. I pointed out that all States that have monopolies also have people to work them for them. In the beginning, when the Company was created it was a French Company, and dynamite that came from outside cost £8 per case, then England and also Germany wrote about it that one nation had the benefit of that concession. Then I changed it to bring the three together, namely, the Germans, the English and the French, to have this manufactory to make the dynamite for me and we arranged it in that way. Then we put the maximum price at £5 per case for the dynamite. From then they began to import cheaper and cheaper dynamite and it was clear to me that their object in doing so was to try and kill our manufactory.

His Excellency.—Who was it that was importing cheaper? Was there free importation at that time?

President.—Yes, as long as there was not enough manufactured in the State. Then also the manufactory came down in price until it stood at 85/- a case, and there it stood until an offer was made from outside, but they could not guarantee more than 50,000 to 60,000 cases, and that only for a year or four years, I cannot remember exactly how long. The mines, however, go ahead so fast that the Company now makes 300,000 cases per annum not to get in arrear with the requirements.

His Excellency.—May I ask one question? Is the number required per annum about 300,000 cases?

President.—Sometimes it is over 300,000, now it is 250,000, but to keep well ahead they make 300,000.

His Excellency.—Are these 300,000 all made on the spot now or are they partly imported?

President.—Nothing is imported, all local manufacture.

His Excellency.—And the materials, are they all produced here or imported?

President.—When the three nations, France, Germany, and England, came together to consider the big manufactory (of course, the first was a small affair), then only 40,000 cases were required. They intended to make in 2½ years what would be sufficient for all the mines, not only 40,000, but 80,000. The Volksraad resolved that the Government should import the explosives to make cartridges, while they were preparing the factory. The Government imported the article and they gave it to them, and they had to sell it and pay the Government back the money.

His Excellency.—During this period while the factory was being made, cannot you produce statistics showing what was imported, who got the profit on the difference between the price at which the imported stuff was bought and sold? was there not an enormous difference between the two prices?

President.—At that time they were busy erecting buildings, &c., only. They had to give back to the Government the money for the imported stuff. The Government imported the stuff, and they had to pay back the money as they worked it out. They had to pay 7s. 6d. on a case to the Government.

His Excellency.—Do I understand that what was imported was while the factory was being built, and that the difference in the prices at which it was imported and at which it was sold went into their pockets?

President.—I will come to that part presently. When the 2½ years were up and they were making over £0,000 cases, then they would have to make from material in the country, so that the Government need not import any more. Then they showed us that the mines were going ahead so fast, that the manufacture was small, and that if they did not double the manufacture they would not be able to cope with the demand.

His Excellency.—Was this during or after the 2½ years?

President.—I am speaking now of when the 2½ years had expired.

They were then making 80,000 cases. They then worked to double the output, and in consequence, more machinery had to be employed for making the explosives, because

they had to work it so hard. It exploded once and they had to get double machinery in consequence, and then the Volksraad extended the term so that the Government could import for another six months, and then Government need not import any more.

That was the way the manufacture started, and after that it was finished; they never were allowed to import, only the Government.

His Excellency.—They got the difference between the price they bought at from the Government and what they sold it at?

President.—I am coming to that point.

Then the manufactory could cope with the requirements; then it was understood then they should give us when wanted 20 per cent of the profits, besides the 5s.

His Excellency.—After the factory was finished?

President.—Yes. Then complaint was made that they were writing off too much, and that made the profit so small. This writing off too much consists of this. They can make ordinary deductions, such as interest on the money and the working capital, and so on, but they persisted in also writing off the capital.

His Excellency.—At what rate?

President.—So that they would have their capital back in 15 years, when the concession was up.

His Excellency.—Is it clear what the capital was that they put into the affair?

President.—I cannot state correctly,

His Excellency.—Are there any reliable statistics of how the capital has been expended, &c.?

President.—Yes, that has been correctly taken.

His Excellency.—Perhaps to help me in the matter the President might let me see them?

President.—We have not brought them with us.

His Excellency.—I daresay the President can tell me.

President.—It is a long thing. I have already had this done correctly, and the State Attorney assisted in it. The writing off by them of capital also was not entered in the contract, and I came down upon them that they should not do it. I showed them that the Railway Company did not write off this capital. The day I have to take over the Railway I have to pay the capital out. The Railway also only writes off interest on their money on working capital, but when I take it over, I must pay the railways out, and in the dynamite contract there is nothing mentioned about their being paid out. Then I say to them I call that fair; but still it is illegal, because not mentioned in the contract; they should have come to the Government first. So they paid back what they had written off. What they had written off too much, which was partly capital, they had paid back.

His Excellency.—When the President says too much, I do not quite understand that. Either they would receive from the Government, on its taking over the factory, what had been spent on the factory—or else they would write off the capital during the course of this contract.

President.—I am coming to that.

As I said, I call it fair that they should have to be paid off or written off; but I call it illegal because they did not come to the Government and consult them about it.

When I had to compromise with the French Company so that they could arrange with England and Germany, this new Company had to pay them a big amount.

His Excellency.—This was when the new Company was constructed? The new Company had to pay out the French Company. Did they pay in cash or shares?

President.—They still remained in the concern. They took partly shares and partly cash.

His Excellency.—I should like to know what was the amount of actual cash which this present Company paid at the time of its construction in order to get rid of the old Company?

President.—That I do not know.

If I name an amount I may be mistaken; but they paid for the buildings, plant, &c., and for compensation, &c.; that they paid in shares.

His Excellency.—It is necessary to know these things in order to give anyone a proper understanding of the business.

One of the most important points is to find out what is the amount of capital which has been spent on the buildings and plant, and the sum paid in compensation, &c. What

is the exact amount they have spent? As long as that fundamental point is obscure one cannot form any judgment in the matter.

President.—I would like to meet those points.

We have three times, on separate occasions, appointed able men to go into the books to find out the state of affairs, when we had to know what they had written off, and what the ordinary writing off should be.

His Excellency.—Were trained accountants employed? Are their reports published?

President.—No, not yet published.

One was made by the Chief Inspector of Offices, and the legal adviser also appointed someone to see that they agreed, and their report was given in to the Auditor and Treasurer General.

His Excellency.—All these reports have gone in to the Government?

President.—Yes.

His Excellency.—Are they secret or published?

President.—I do not know that they are secret; they have been before a commission of the Volksraad; the public have no occasion to have them.

His Excellency.—I could not have one, for instance?

President.—It would not be fair to my factory to disclose its affairs before the world.

His Excellency.—I know that I cannot claim a right to look into those accounts, but where there is a State Monopoly the accounts are usually published. Anyhow, I take it that they are not obtainable.

President.—You cannot get into the position to judge about writings off, whether we are right or wrong, unless you were in a position to judge the whole of the matters which affect it.

His Excellency.—Anyone would see that their capital must necessarily be large, when you consider the buildings, plant, &c., but I have never known in public finance a case in which you cannot find out the actual figures of capital invested; I cannot understand why they cannot be arrived at.

President.—There is no particular secret about it, we have not done it but we can do it. We can know on what we calculate our 20 per cent. of profit.

I daresay His Excellency knows how long our powder factory has been established. We could not get any persons to work it properly because we would not give them any share in the profits; then it was tacked on to the dynamite works. They hire it from us and pay us for it, and they are bound to deliver it at the same price to us as that at which we can get the material in Europe.

The contract has been entered into for fifteen years, but now we are engaged on a plan to take it over. They brought the price from 85s. to 72s. 6d., and we got them to do that.

His Excellency.—85s. was the price at the time of the Industrial Commission?

President.—They came down to 85s., and in consequence of the commission and my speaking to them they came down to 72s. 6d.

His Excellency.—How low have they come down now—72s. 6d.? Is that the price at which it can be bought now?

President.—Yes, that is the price at which it will be possible to buy it at present.

His Excellency.—For instance, if I wanted to buy dynamite to-morrow, how much would I have to pay?

President.—I believe at this moment it sells at 75s. per case.

With the 5s. we give back they sell it now at 75s., but regardless of that they lowered it to 72s. 6d.

His Excellency.—At the time of the Industrial Commission 85s. was the price, of which the Government got 5s., now it is 75s., of which the Government gets nothing, or anything?

President.—At this moment it is 75s., of which the Government gets 2s. 6d.; now there is a proposal to reduce to 72s. 6d., of which the Government gets 7s. 6d.

Then they asked if when the fifteen years elapsed they could get an extension of the time if the Government did not take it over; this has been refused to them.

The Government wants to take it over as soon as the fifteen years are up, then they will have it valued and will not allow them to write off anything more. I will push negotiations with them to see if we can take it over sooner.

Another point I would like to mention is that in three years time the Government have

the right to make the prices higher or lower, according to what may be the ruling prices in Europe.

His Excellency.—I wonder if it would be possible to give me a written statement of this new arrangement? It is a thing that one cannot express an opinion upon without looking further into it carefully.

President.—To give a written report of these internal matters would be encroaching upon my independence; it would look as if we were under the suzerainty of Her Majesty; I should be willing to do it if your Excellency could prove that the matter is contrary to the Convention.

His Excellency.—How can it be no invasion of the country's independence for the President to tell me in words, and be an invasion of the country's independence if the President puts it on paper? It is for my own information only.

I am much obliged to the President for his explanation; but if he does not like to do what I ask I will think over what has been said to-day, and if any questions arise which I do not understand, I have no doubt he will be willing to explain them to me.

President.—If his Excellency makes a demand of me I might not do it, but if he did not insist upon it I might do the thing voluntarily.

His Excellency.—It is a little difficult to follow the matter unless I have the particulars before me so that I may study them.

Is that all the President has to say about dynamite at present?

President.—I wish to say again that the Government and the Volksraad are busy trying to take the factory over; we are trying to come to terms, but we cannot force them because of the contract.

His Excellency.—Does the President mean the immediate taking over before the Contract has expired?

President.—Yes, I am trying to get them to come to an arrangement.

About the cheapness of the dynamite. All the material from which it is manufactured has been found in the Republic, but it is in the rocks and in the ground, and has to be worked out still, and as it would cost a great deal to get out the materials it would not make dynamite cheaper than it is now.

His Excellency.—Is some of the material still imported?

President.—Yes, some are still imported, sulphur, saltpetre and kieselguhr.

His Excellency.—If the importations were cut off, that is to say, supposing nothing were brought into the country for six months, dynamite could not be made in the country?

President.—Even if the material was not imported there is sufficient in the factory for three years, and as I said before the material can be found in the country, but it would cost more if we had to work it there, and it would make the dynamite dearer.

They demand to have the dynamite cheaper, but if the materials were got in the country it would be dearer. There is sulphur and saltpetre in the country, but it would be difficult to work, and consequently if they were stopped from getting it outside it would raise the price of dynamite. At this moment they tell me they have sulphur and saltpetre to last for over two years.

His Excellency.—I do not think I have anything more to say on the dynamite question at this moment, and any details which I may want I can, I think, find out through the Imperial Secretary privately.

Are there any other matters to which the President would like to refer?

President.—Has Your Excellency no other?

His Excellency.—I have several, but mine are so dependent on what I have already said that I would rather the President brought forward his.

President.—I think differently. When I have heard all Your Excellency's points it might encourage me, and when I see how far I can agree with Your Excellency, I might give in on other points.

His Excellency.—That is to say that the President would like me to go on offering suggestions until I have mentioned all the questions which may possibly arise.

President.—Yes, that is what I think, and then I can mention my points.

His Excellency.—I think the discussion will be of interminable length if we are to proceed in this way, and if we cannot approach one another on the point on which I have made my suggestions, and which lies outside all the pending questions between the two Governments, these other controversies may as well be allowed to go on in the usual course.

If the President to-morrow will give me an answer on the first subject I raised, and

then wishes to bring forward his grievances, I will consider them to-morrow. I do not want to go on with a long list of my own until I understand what is the basis on which I stand in regard to what I consider the most important question of all.

President.—I think it would be as well if we returned in a little while to discuss our points, but I would like to give His Excellency some things to think over.

The first point I would like to mention is my wish that Swaziland should now be handed over to me as a portion of my land. Sir Henry Loch verbally proposed that I should wait for seven years, but I said I would rather leave it an open question; time would show us within the seven years; and so that question was never settled.

Secondly, the demand made with regard to the damages for the Jameson Raid, Mr. Chamberlain said he was against paying the million, but he is not against paying the expenses incurred.

Thirdly, that differences such as those now existing between us, should be settled by arbitration, and then no war or quarrel could arise between us.

The Convention we have made between us we cannot both understand in the same way. The little Coolie Law which we made and which we thought of little importance we also could not understand in the same way. It was the same again with the Swaziland Convention and still we cannot understand each other.

It is better when such differences as these crop up that they should be settled by arbitration.

These are some of the questions I wish His Excellency to think about.

His Excellency.—I take it that these are the questions that principally interest the President?

President.—Yes. There may be some others that have escaped my attention at the moment. I will probably mention the others to-morrow.

His Excellency.—I should like the President to give them to me to-night, then I could think over them.

President.—Sambaansland.

His Excellency.—It is no use raising that question, because Her Majesty's Government have taken a decided attitude from which I do not think they will move. Have you any definite point?

President.—Nothing except that we had old treaties with the kaffirs who pressed to come under us, to which treaties Her Majesty was opposed.

His Excellency.—After Her Majesty's Government have repeatedly declared that they regard that country as their own, it would be useless for the President to discuss the question just as it would be for me to suggest that the President should go back to the Convention of 1881. To raise such questions does no good, and merely causes trouble.

President.—I follow what you mean. You would like to discuss those questions which are still pending, the others are matters settled before your time. But you can still think about the subject.

His Excellency.—I cannot think about it, for the question is settled once for all.

President.—That is why I say it is difficult for me to enter into it; it was settled before your time.

(Adjourned till Friday, at 10 a.m.)

Id.

THIRD DAY.

Meeting of Friday, 2nd June, 1899, at 10 a.m.

President.—I should like to hand in copies of the declarations referred to yesterday.

(Put in.)

His Excellency.—I shall take note of them. I should like first to deal with the three points which the President mentioned yesterday, in the latter part of the afternoon.

President.—Yes, I would like to have these treated first.

His Excellency.—They were—

- (1) The Jameson Raid Indemnity.
- (2) The question of Swaziland.
- (3) The suggestions with reference to arbitration.

With regard to the Jameson Raid Indemnity—

President.—I would first like a little further information.

I come back on what His Excellency said at first, namely, that if we come to an understanding on the question of franchise ; then I understood His Excellency to say that he would be glad to say to these people I do not want to hear from you, you have the franchise, and you can make your views heard in the country itself. I only say this so as to know that I have correctly understood His Excellency. Now, as to the question of Swaziland becoming a part of my land, and also as to the Jameson Raid, I understood that if we came to some agreement on the franchise Her Majesty's Government then would engage not in any way to concern itself with internal affairs in the Republic any longer, and that in future questions that then may arise, whether out of the Convention or otherwise, Her Majesty would agree to have such questions referred to arbitration.

That is what I meant on the subject of arbitration.

His Excellency.—I don't understand the President quite clearly.

President.—What I want to convey is, that we might now arrive at some understanding about the Swaziland matter and the Jameson Indemnity, and in all new questions that may either arise under the Convention or otherwise, Her Majesty's Government should consent to have all these settled by arbitration. For instance, to name a point :—Some of Her Majesty's subjects might not take advantage of the franchise, and they may allege that they have cause to complain : I should like such questions settled by arbitration.

I hope His Excellency will clearly understand, therefore, what I mean by arbitration.

His Excellency.—I understand in a general way what the President means, but of course the matter is one that has to be followed very carefully, so as to avoid any misunderstanding.

President.—I am only dealing with the broad point.

His Excellency.—The first thing I have to say about that is that the proposition now made to me is in the nature of a bargain,—you give me something, I give you something. The ground on which I approach the question of the Uitlanders' grievances and my proposal as regards the franchise is the existence of grievances, and discontent, which has lasted for years, which shows no signs of diminution, the existence of which is a danger to the Republic, is a danger to the good relations between the President and Her Majesty's Government : and which, on the merits of that question alone, I contend ought to be dealt with. I put forward a suggestion as to one way in which it might be dealt with, and I should be glad to hear before we go any further what the President has to say about that proposal.

It is quite true that I pointed out that if this question could be settled, I mean to say the Uitlander generally, it follows necessarily that causes of difference between us would be enormously reduced, and my desire is to get rid of them altogether.

President.—What you call points of difference with Her Majesty's Government we maintain are not points calling for the interference of Her Majesty's Government under the Convention or otherwise, but it does not seem to help for us to say that they are not when Her Majesty's Government says that they are ; but still I am willing to submit these matters to arbitration.

His Excellency.—There are questions that do not admit of arbitration,—they are questions of fairness, justice of particular laws, of the soundness of particular administration on which you could not draw a distinct reference to an arbitrator, as you could on a legal question.

President.—Supposing then we had not agreed about a question, how does His Excellency say a question like that should be decided if we do not refer it to arbitration ?

His Excellency.—The President still does not understand me. He thinks, when I speak of the Uitlander question as being a larger question than the franchise, that if we were to get to any agreement about the franchise I should then come with other proposals in his internal affairs. Now I put forward the franchise proposal as my proposal for settling that matter, and therefore I am very anxious to get to a discussion on that proposal of mine. If the President tells me his view about it, we may agree ; if we cannot, then I shall begin to feel rather hopeless about the outcome of the whole Conference. But still if a way could be shown me to give the Uitlander population a better position as regards the management of their own affairs without the franchise, then I am prepared to consider it. My proposal is the franchise proposal, because I think that, that being granted, the thing would be on such a basis that the mischiefs which exist, and which arise from the fact that a large and most important section of the community has no direct influence on the legislation and administration, will gradually disappear of themselves. But, of course, I do not contemplate for a moment that if that extension of

the franchise is given, Her Majesty's Government should interfere in constitutional questions in the South African Republic. That is why I press for a large measure of enfranchisement, because if there is only a very trifling change, it will not give the new population a fair chance to make their views heard, they will not have a sufficient position to make themselves felt; then they will always be crying out outside, and however much I might declare that Her Majesty's Government would not interfere, and even if Her Majesty's Government never said another word about it, you would still have public opinion in South Africa and in England and in Continental countries interested in this land; but the moment you give these people a really substantial position inside the State, always providing against their swamping the whole population, then they will have less temptation to appeal to outside, and not only Her Majesty's Government, but all fair-minded people will say that they ought not to appeal outside.

President.—But can His Excellency not understand that if I should give in to what he proposes, they get self control, and then I would be practically giving my land away. (Here His Excellency gave further explanation of his meaning, which it was agreed need not be placed on the notes).

President.—His Excellency compares us to America. When America and England made peace, England never interfered there again.

His Excellency.—Quite true.

President.—If it were not that these newcomers are perpetually appealing to outside they would have by this time been burghers amongst us, for that is the principle we started on.

His Excellency.—Surely those people were agitating for years within the State first of all.

President.—Only on account of the support from outside. They were always seeking for help from outside. I want to allay race feeling, and if they had not continually gone outside they would have been incorporated among the burghers. It is the inroad of Rhodes that has caused the difficulty in not giving them rights.

His Excellency.—Really, as an historical fact, the agitation went on for four or five years before it was taken up by Rhodes or any of the capitalists. In fact, the reformers were abusing the capitalists. The people who were seeking reform were fighting the capitalists, and those conspirators (we have it on record) said they did not care about the franchise. There were people who earnestly desired to have the franchise, but their cause was ruined by other people, who turned a legitimate agitation into a conspiracy.

President.—It is so; the good ones still expect to get the franchise, but it is the other dissatisfied ones that will look to help from the outside.

I have already said yesterday and I repeat, that the proposition made by His Excellency I cannot agree to; but we are still considering how far we can meet him and come nearer and nearer. I have to consider my Volksraad and my burghers, principally my burghers, and if I have to go back and convince them on matters I must tell them that something has been given in to me, if I give in to something, and both myself and my Commission will use our best endeavours to put it through when we get back.

His Excellency.—Anything we agree to here must be on the basis that the President openly pledges himself to do all in his power to get it if we agree.

President.—Another thing that is in our way, and His Excellency should understand this, is that even in such case, whatever we agree to must be submitted to the people first. We have then agreed that we should go at once and get the consent of the Volksraad, and if we obtain consent, dismiss them to the constituencies and get their view, if possible, and then have another meeting to consider the question—it may be fifteen days after, but as speedily as possible. I am prepared to do that, notwithstanding the law says that matters are to be submitted for a longer time.

His Excellency.—I understand if we agree the President would first urge the matter upon the Volksraad, then the Volksraad should immediately go to the people, and then they should come back at an early date, and then have a final discussion, having seen the people.

President.—Yes; that is my meaning.

His Excellency.—With regard to what the President said about matters being, according to law, submitted for a longer time, I understand that in cases of urgency matters can be settled more speedily. He contemplates a short time?

President.—The idea is that, should we come to an agreement, as soon as our Commission get back we should at once put it before the Raad, because the Raad is in session. At least a couple of days will elapse before that happens, because, being a

question of general interest, we have to consult both Volksraads jointly ; in that way all the representatives of the enfranchised burghers have an opportunity of being there. Then no doubt the Volksraad would take a few days to discuss the matter among themselves, so that they could come to a decision and could then talk to the people and give proper explanations. The districts are far and wide, and it might take fifteen days or more before they could come back, and then they would be able to say, on this and on that point we have been commissioned to speak, but we cannot decide until the opinion of the people has been obtained.

I think that I will be able to meet His Excellency in the direction he wishes, if now we can discuss the other points, namely, Swaziland, Jameson Indemnity, and, above all, Arbitration ; and when we can go to the people and say that these points to which we attach importance have been conceded, this point will also have a better chance of being settled at the same time. The most important point is that I must satisfy the people that Her Majesty's Government would not interfere any more with my internal arrangements, and submit questions of difficulty to arbitration. This is the most important point of the four.

His Excellency.—I am very glad to hear what the President said, because although it does not bring us to an understanding, it seems to indicate to me the possibility of an understanding, of which I had began to doubt. Now, I am very anxious to follow a different course of procedure. As I have put forward my proposal first, I want to discuss that proposition to the end until we come to see whether agreement is possible ; because if it turns out, as it may turn out when we look at the details, that the President is not prepared to go to that point which I should consider a minimum, then it is no use considering what we should do in view of a scheme which we do not care about. On the other hand, if the President's plan is something that can be accepted, then I am prepared to consider what can be done on our side to help the matter through. But let us see first of all if the proposal itself is one that, with every desire to meet the President, I can conscientiously approve as being a thing which is likely to achieve the object I have in view.

President.—Our propositions are of equal value. I have already said I am trying, and want to meet you in that direction, but you have not even indicated whether you would be willing to meet us in the direction I have asked. On the four points Your Excellency has not said whether you will meet us in that direction or not.

His Excellency.—I will say what my position is on these points.

One I dealt with yesterday (Sambaansland).

President.—We can leave that alone.

His Excellency.—In regard to Swaziland, I do not think the President really cares much about that at the present moment, and I am very sorry he has introduced it. Only last year we had a very long and difficult negotiation about Swaziland, in which we conceded a good deal to the Government of the South African Republic, and I really don't think the President should, when there are so many things to settle, try and open a thing that has already been settled. We have constantly complained about things that have been done in Swaziland under the existing Convention, like the taking away of the Deeds Registry, and other matters which have caused great inconvenience and expense to British subjects, and within the last few weeks I have had to protest against a Proclamation about the importation of explosives, which I feel most strongly to be an invasion of a British concession there, and there is another question of the same kind just before me, which I have not examined yet—the same kind of protest. I think the very last thing to do is to bring up Swaziland at this moment.

As far as the Jameson Indemnity is concerned, I know that a despatch is on the way to me at this present moment, which forwards a statement from the British South Africa Company examining the details of the claim which has been sent in, and asking that the question of the amount payable in respect of the Raid may be submitted to arbitration. I have received a telegram that that despatch is coming.

The position is this—the British Government have admitted in principle that the Company must pay what is fairly due on account of that raid ; but the question of the amount is still under discussion, and I hope that this proposal will lead to a settlement.

As to the question of Arbitration, which I think is the matter that interests the President most, I am in so far entirely with him that I want if possible to have in future as few questions to discuss with the Government of the South African Republic, as I now have with the Government of the Orange Free State. I feel that the President will need, if he accepts my scheme of franchise, or any other similar proposal, to have some assurance

that there shall not be perpetual controversies between him and England, and that if there are controversies, some regular way of dealing with them should be devised. The President once proposed that some question, or a number of questions, should be submitted to the President of the Swiss Republic. The British Government refused that on the general principle—from which I am sure they will not depart—that they will not have any foreign Government, or any foreign interference at all, between them and the South African Republic. But if some other method can be devised of submitting to an impartial tribunal questions that may in future arise between us, and perhaps even some questions which exist at present—but in any case to provide for the future—if such a plan can be devised and suggested to me, I will lay it before Her Majesty's Government and do what I can personally to assist in a satisfactory solution of the matter. The President must understand that I cannot pledge Her Majesty's Government in any way on this subject. The question has taken me by surprise; I didn't come here contemplating a discussion on it, but I must say if it could be satisfactorily arranged while excluding the interference of the foreigner, it would seem to me to open a way out of many difficulties. But all the same, I adhere firmly to my proposal that we should first try and settle on the scheme which the President would accept as regards the matter which I put forward. If we can come to some understanding about that, then let us consider what we can do in the way of ensuring that this Conference shall be a final settlement of questions between the two Governments, and that future difficulties, if they arise, shall settle themselves by an automatic process.

President.—I have said already I wish to meet His Excellency as far as possible in his proposal about the Franchise. I have also asked at the same time about the matter of Swaziland, whether that cannot be managed so that it should become a portion of my land. I have also spoken about the Indemnity, and also about the Arbitration—all being points of difficulty with me. His Excellency has not got any nearer in the matter of Swaziland, or in the matter of the Indemnity, and on the point of Arbitration. But if he will not come nearer to me on these three points, I should get nothing by coming to an agreement on the point of the Franchise. I think all the points should be taken simultaneously.

In regard now to the question of Swaziland, the Concessionaire says that the Proclamation is against the Convention, and we affect his rights, but it is expressly mentioned in the Proclamation that it shall not apply to his concession except in the matter of control over what is being imported. Further, there is the Court there to put matters right. The Government has had several cases there, and has lost. The Court is made to settle questions, and if any one has a complaint they can take it there. Also, in the matter of Arbitration, if they don't like to bring it before the Court, let them bring it before the arbitrators. That makes the difficulty with Her Majesty's Government, because, instead of bringing the matter before the Court, they run away and make a noise in Her Majesty's ears and make a row about it; therefore, I cannot see that there would be anything detrimental in conceding the point. As regards the incorporation of Swaziland, Sir Henry Loch wished to fix the time at seven years, but I was against it, as I preferred to leave the time an open question so as to be able to discuss it before that time. I intend that all the rights that have been given to any one, whether whites or natives, under the Swaziland Convention shall remain in force, only that the country itself should be considered as a portion of the Republic.

His Excellency.—I must say I see no reason to re-consider the question of Swaziland, and I do not feel inclined to do so. However much I may desire to come to a settlement about this question of the position of the Uitlander population, I will not buy such a settlement. I am convinced that it is very much in the President's interest, more in his interest to get it settled. I consider the present position to be an absolute danger for the South African Republic.

President.—On the other hand, I see that the matter of Swaziland is of injury to subjects of Her Majesty as well as to those of the Republic; for instance, the burghers there who want to give their votes have to come out of the country to do so. Again, there is only one Judge there, there is no appeal from him for those people there. If this was a portion of my country, a Circuit Judge would go there, and if they think he is wrong in his judgment, there would be an appeal to the High Court. So there is injury to the people there, and also difficulty and injury to the Government. If they want to meet the people there, as well as burghers, then it should be a portion of my land so that I can regulate it, and they can have an appeal against the judgment of the Court.

His Excellency.—I think it was the idea of the Convention, and a right idea, that Swaziland should have a kind of local government, and though it was governed by the

South African Republic, this government should not be centralised in Pretoria. It is a nuisance and a disadvantage for the people to go to Pretoria to have their affairs settled. We have already gone too far in that direction, and I am not inclined to go further.

President.—All the matters in Swaziland are now in order now that Bunu has been settled. The registry is being revived, and the other matters are also being attended to.

His Excellency.—I am glad to hear this.

I came down here, and my main object was to discuss this Uitlander question, and I have not put forward proposals in my interest any more than in the President's. I decline to accept the basis he proposes that I should buy a just settlement which is as much in his interest as in mine.

On the other hand, I quite agree that it is common interest also that there should be a system of settling future differences between us, that it should not be a perpetual case of "I say this, and you say that," and that nothing should settle it but war—that is common interest too—and on this footing I am willing to consider the question, but not to exchange the two things one for the other: that is a sort of Kaffir bargain.

President.—You can give everything a black colour if you put it in that way. It would seem as if I was giving away the rights of the Burghers to buy the indemnity. Swaziland I always considered would be a matter of time.

His Excellency.—We must discuss the questions separately, and I really must insist on the discussion of my proposal, and see whether agreement on that is possible. What is the objection? The President pressed me to make a proposal, and pushed me into it, and now he wants to hang up the proposal and discuss something else.

President.—I have already said we will see if we can come to agreement, but with His Excellency's actual proposal we cannot agree; but I want to approach so far that we can come to an agreement about it. If I could get an inkling about what are His Excellency's intentions on the four points mentioned yesterday, and especially the question of arbitration, then when I have got so much support out of that so that we might hope to succeed with the Burghers, I can go further and further to meet His Excellency on the question of the franchise. That is why I would like to know something of His Excellency's views on the subject, because otherwise it beats me out of the field altogether.

His Excellency.—I don't think so. I have given the President a clear intimation of my attitude about the questions he has mentioned, and I have said a great deal more about them than he has said as to mine.

President.—I consider I am beaten out of the field. The Swaziland point has only been touched, the indemnity matter is still on the water, and on the other point His Excellency has not said anything I can take hold of.

His Excellency.—I think it would be as well to adjourn.

I entered on the earlier part of the discussion in a hopeful spirit, but I cannot say I am as hopeful at the end. I hope the President will meet me on the point which I consider of vital importance to him, and seriously grapple with this question first which I proposed first.

I have come down here at a time of crisis in order to see if one big straightforward effort might not be made to avert a great disaster, such as an open breach between the two Governments, and I claim that a proposal I have made to that effect should be discussed on its merits. If agreement is not possible on that point, then everything else is waste of time; if it is possible, then I will do everything in my power to remove other difficulties out of the way, and I will be engaged in that work while the President is engaged in obtaining the approval of his burghers to the plan on which we both agree—if we agree.

We cannot go on for ever and meet again and again, and never bring things to a point.

When we come back I must ask the President whether he is willing to go into the question which I have propounded.

President.—Possibly yes and possibly no; but I will consider and tell His Excellency this afternoon at two o'clock. If His Excellency doesn't want to go into any point but the franchise it will not be my fault if we do not agree.

His Excellency.—I am not asking the President's adoption of my proposal, but for the expression of his opinion, and to go on with that subject until we have settled it one way or the other, because if that doesn't succeed nothing else is of any use.

Adjourned 11.40 a.m.

Ic.

THIRD DAY.

Meeting of Friday, 2nd June, 1899, afternoon meeting.

President.—I must tell His Excellency that I have drawn up a memorandum on the franchise.

(Put in and read in English and Dutch, v. annexure.)

His Excellency.—This will be carefully looked at. Of course the plan which it embodies differs absolutely from my plan in that it does not provide for an immediate or even an early enfranchisement of people who may have been in the Republic for many years, and that it makes no provision for an increase in the number of seats in the Volksraad. That, however, I take it is not a matter of supreme importance under this plan, as I think that the number of people coming in under this scheme is likely to be a very inconsiderable one. I should like to take the proposal with me in order to look it over at leisure, but I do not foresee any likelihood of its providing that settlement which I hope for, and I should therefore invite the President when we meet again, if I find that on looking at it carefully my first impression is realised, to consider whether there is any other way, apart from the franchise, of giving the districts in which the foreign population principally reside, some power of managing their own affairs; because I foresee that in the period which will elapse before this franchise proposal produces any appreciable effect upon the tone of the legislation and administration the conflict between the old and the new population is likely to become more severe, and I cannot hold myself responsible for recommending a solution of this kind.

I think it fair to say that at once, because I can see at a glance the complete separation between a scheme of this kind, and the sort of scheme I had in my mind. But as I say, I cannot absolutely dispose of it without further reflection.

President.—I do not understand what your Excellency means about consideration of it.

His Excellency.—Until to-morrow morning. Probably we might conclude our labours to-morrow.

President.—I would regard the last point to which His Excellency refers—that they should have the ruling of themselves—as virtually giving up my land to them.

His Excellency.—Not in any form?

President.—That is where I am afraid we have a difference. How can it be possible that if another rules in my land I have not given up my land to him.

His Excellency.—It depends upon the nature and the scope of the powers that have been delegated to them.

President.—Of course it would depend, but it may mean that they have to get full authority, because I am already here giving them so very much.

His Excellency.—I am afraid we are being misled by words, because “zelfbestuur” was used in the Convention of 1881, and meant complete self government, making of laws and things of that kind. I meant rather powers of government such as were proposed by the Secretary of State in his despatch of February 1896, when he suggested an extended municipality for the whole district, control of sanitation and public order, and power of raising rates for local purposes, but not to make laws or to impose general taxation.

President.—They already have regulations to that effect, except that we have a check so that they shall not make taxation too heavy and unduly oppress the poor.

His Excellency.—There might be some control over the rate-levying power, but the municipality that at present exists is on a basis of half burghers and half foreigners.

President.—The one half naturalised burghers, and the other half no burghers at all.

His Excellency.—And yet the non-burghers are in a great majority of the population.

President.—I must look to that because of the first inrush of a greater number who are not burghers; if I gave it away in the way suggested, I would be giving away my land. You must admit that it would be as unfair as if I had a rich farm and lots of water, and I said to others “Come and help work my farm for me, and you must give me a little of what you win on this farm” and when they have got rich on my farm they said “Give me the title deeds of that farm.” They actually have more rights than I have myself, because the Gold Fields form the richest part of my land. Instead of being thankful for what they get there, they now begin to want the title deeds, and because they are more numerous they would like to have my farm.

His Excellency.—The President seems to regard the country as a whole, as he would regard private property of an individual, and new comers are allowed in as tenants, but they must not become part and parcel of the State.

President.—It seems plain enough to me. There is a farm, I ask him to come and work and get rich ; he comes and is rich, and now he wants the title-deeds of the farm.

Even the strangers who are there now complain that the existing Town Council lays too great burdens upon them, but it is useless to speak further about it as His Excellency wishes first to consider my proposal. It is no use speaking about self government, for the people would be absolutely against it.

His Excellency.—I believe there was a proposal made by the Industrial Commission to give a limited amount of control to a body on which the mining community were to be represented.

President.—Only about matters in connection with Passes, the Liquor Question, and Gold Thefts ; but the Volksraad would not agree to that, and have regulated these matters in another way by appointing more police. Since then the thefts have diminished, and scarcely any complaints are now heard.

His Excellency.—This plan was strongly supported by the Chamber of Mines and the Chamber of Commerce.

Mr. Burger.—Might I be allowed to remind the President what composed that Board ?

Four Government nominees, and the Chairmen of the Chamber of Mines, Chamber of Commerce, and Association of Mines.

His Excellency.—That was rejected by the Volksraad ?

President.—It was not altogether rejected ; it was modified, as the Raad appointed persons to look into the matters.

His Excellency.—There was no representative element in the Board to look after gold thefts ? I understand from you that there is a body which has been appointed to attend to one of these functions.

Mr. Burger.—There are persons appointed, not a body.

His Excellency.—I propose to take till to-morrow morning to look more fully at this, and I think I will put in a memorandum with reference to it.

If

FOURTH DAY.

Meeting of Saturday, 3rd June, 1899, at 11 a.m.

President.—It escaped my memory yesterday to say that I will put the proposal for the creation of new electoral divisions before the Volksraad when I get back. It was not mentioned in my memorandum yesterday as it has just occurred to me.

His Excellency.—Of course that is a very important point.

President.—I am prepared to submit it to the Volksraad, but I do not know whether they will follow me ; I hope they will do so.

His Excellency.—The proposal which the President put in yesterday I naturally regarded as his complete proposal, and I have written a memorandum in answer thereto on that basis, but perhaps the best thing would be for the President to tell me now, if he is prepared to tell me, what kind of proposal he has in his mind.

President.—To make more electoral divisions, that is my intention. Johannesburg lies in the Heidelberg district, the gold fields are spread over the whole district. It is at present divided in two, and I thought of making four divisions there ; and if the Volksraad would not care to increase the electoral divisions, we might arrive at something by increasing the number of members in the divisions.

His Excellency.—From my point of view this question of the number of electoral divisions is one of the vital points. I had before me yesterday a proposal which was very carefully framed in full detail, and I think if this suggestion which the President throws out now is to be regarded as part of that proposal it should be laid before me in the same manner as that proposal.

President.—It was only when thinking over these matters afterwards that this point occurred to me ; it had remained in abeyance.

His Excellency.—It would have to be put forward in the same manner and in the same definite way as the other proposals yesterday.

I feel that this matter is one of such great importance that I do not want to forego the discussion if there is the least hope of coming to an agreement. I have very great objections to the proposal such as was put before me yesterday, which I have put into formal shape.

I think it would be better for me to put in the memorandum I wrote on the proposal that was put before me yesterday. If, after considering that memorandum the President is prepared to make another proposal including the things which he omitted yesterday, or otherwise altering his original scheme, I should be prepared to consider it.

President.—I cannot make other proposals. I might modify some points and fill in this point which has been omitted.

His Excellency says with him it is an important matter ; with me it is of far greater importance. If I were to go further I should be giving my land away. Of course I am not speaking of small points on which His Excellency might wish to call my attention and give me friendly hints and advice.

His Excellency.—I have not gone into points of detail because I feel that the difference on the main points is still so wide that the discussion of minor points would be a loss of time. But, of course, one of the great points upon which the difference existed was precisely the omission of any reference to the creation of new constituencies.

I think the only proper way to proceed is for me to put in my answer to the proposal of yesterday ; then the President will see whether it is worth while for him to put in another memorandum embodying in it proposals somewhat on the lines indicated in my memorandum. I leave it to him to decide whether after reading my memorandum he will answer the proposals I have put forward in it.

(His Excellency's Memorandum put in. Annexure read and translated.)

President.—I would like His Excellency to know exactly what I think. His Excellency is really not sufficiently acquainted with the facts of the case, or he would not make proposals like this.

I will receive it and think over it and come back at 3 o'clock with my answer.

One point which I think His Excellency is not acquainted with is this, that I have put all the interests of the strangers into the Second Volksraad. I do not want to have any discussion on it ; I only say that is the point. They can vote for the Second Raad after two years and after naturalization, while after two years more they can themselves be elected to that body. Moreover, it is wholly against God's Word to let strangers carry on the administration, seeing that they cannot serve two masters at the same time.

His Excellency.—My proposal absolutely gets over the difficulty about their being strangers.

The whole basis of my negotiations is that they must be citizens of one State or the other. The President must recognise my difficulty. It is an extremely difficult thing for me to propose that the people whose interests I am defending should give up the citizenship which they at present have and to which they are sincerely attached. They will not do it readily, but I am sure that this is the only solution ; and if I am to recommend this great sacrifice to them, then I must be able to point out to them that they are going to obtain something really valuable in return.

What I say is this, these people are complaining about the way in which the Government fails to regard their interests ; they are always complaining, and they very often call on the British Government to help their position in one respect or in another. Well, my objection to that state of things is this—I sympathise, and the British Government sympathises, with many of the complaints they make ; but our difficulty is this : We say, if we have to take up their individual grievances, two things will happen—one is, we should be perpetually dealing with internal questions in the South African Republic, which is most objectionable, and the other thing is that such representations as we may make will not really help them ; they will only annoy the Government of the South African Republic, and they will not be productive of really substantial results for the benefit of the people. Therefore, with reluctance I have come to the conclusion that the best way to enable these people to have their reasonable desires attended to, is to urge upon them to take up the citizenship of the State in which they are living, that is to say, those of them who desire to live there, and to have their families there, and bring up their children there, and to make it their permanent place of residence. Of course, there are thousands of people who only want to stay in the State for a few years, and go away again ; their position is different. I am thinking now only of people who want to make the country their home.

For those British subjects who want to make that country their home, I say it is the best thing to go in heartily as burghers of the Republic; but then, if they are to resign their British citizenship, let them be really equal citizens of their new State. I could not reasonably urge them as a body to give up the one thing without getting the other, and this is my objection to this particular scheme. It is hedged in with so many difficulties, and delays the attainment of any substantial reform or any substantial influence to the new citizens for so long, that I feel it will not meet the desires of the people whom it is my object to benefit, and whose interests in the State are so large.

President.—Tell His Excellency I say he misunderstands the case, and from a very trifling thing he makes a very big thing, owing to the people's talk. I say that by taking the oath of naturalisation, whereby they become entitled to elect Members for the Second Raad, they become lawful burghers, and at that moment they get more than they get in their own country. In their own country they cannot, within such a short period, choose ministers, magistrates, or similar officials; but they do this with me, and are they not to be regarded as full burghers because they cannot yet elect certain officials? The only difference is that they cannot yet exercise the full franchise. In England, for instance, the Irish also have not their own administration.

His Excellency.—Yes. They have.

President.—When?

His Excellency.—The Irish have always sent a full number of representatives to the Imperial Parliament, even in excess of what was due to them on a basis of population.

If we were to apply the Irish principle to the South African Republic the Raad would send about fifty members to the First Volksraad.

President.—You must remember that in England there are millions of burghers, and the number of burghers in the South African Republic is very small in comparison; that makes the difference. I do not say whether it is as it should be or not: every country has its own institutions. Therefore, I say that when a stranger after two years' residence in the Republic and taking the oath becomes a full burgher, though he has not yet the full franchise, he already has the right, *e.g.*, to vote for the Second Raad, and so can make his voice heard in more matters than in the country from which he came.

If His Excellency would only see that difficulty and bear in mind how small our number of burghers is.

They paid for that country by their blood, and they would be outvoted if your proposal was accepted.

His Excellency.—They would not be outvoted by my plan.

President.—I know they will be outvoted; they work with money which they use freely, and we would be outvoted. But I do not want to go further into that matter. I have already said I will take it into consideration according to the hints given by His Excellency, and I am prepared to submit it to the Volksraad to get them to grant more members as suggested by His Excellency.

We would like to take this and consider it, and I hope at 3 o'clock to give our reply upon it. I hope then that it will be made so clear to Your Excellency, as a sensible man, that you will be able to lay it before your Government and agree with it.

His Excellency.—I understand the President's difficulties, but I cannot get him to understand the feelings of the people on the other side.

President.—Of course, they are always pursuing something; they are like naughty children, if you give them a finger they will want the whole hand, then an arm, then a head, and then they want the whole body bit by bit. After I have given them the arm, they still go and try to get the same rights as my burghers in a short time. His Excellency must remember they are not only in Johannesburg; there are everywhere in the districts those who would become voters and help to choose the members for the Volksraad. From the day that he votes for the Second Volksraad a very short time elapses before he can sit there himself, and from the time he has taken the oath he is a burgher, and has nothing more to do with the country to which he belonged.

We would like time to consider your proposal.

His Excellency.—In your plan, what would be the position of the newly admitted burgher with regard to Presidential elections; I am speaking of the man who comes in for the first time now?

President.—He must be registered, and after two years he is naturalised; then he can vote for the Second Volksraad, and after two years more he could be chosen himself.

His Excellency.—And after seven years altogether from the beginning he could vote for the First Volksraad according to the proposal?

President.—Yes. After seven years altogether he could vote for the First Volksraad.

His Excellency.—Can he vote for the President then, if he votes for the First Volksraad?

President.—If he votes for the First Volksraad he can vote for everything.

When the law of 1890 was passed, there was already a good proportion of new comers here, and we have now agreed to say that it would be nothing more than right to shorten the time for them.

His Excellency.—I noticed that, and in my memorandum I pointed out, and dwelt upon it, that it was a good feature in this scheme that special consideration was given to these people.

President.—I must point out that those who came in under the law of 1890 must have known what that law was, because, as the Grondwet says, those who come in are welcome, but they must come in subject to the laws, and therefore when they come in they should not make a noise.

His Excellency.—The President is speaking of people who came in after 1890?

President.—Yes.

(Adjourned till 9.30 a.m. on Monday, 5th June.)

Ig.

FIFTH DAY.

Meeting of Monday, 5th June, 1899, morning sitting.

His Excellency.—I think the document which we received yesterday, and which was a Memorandum from His Honour, ought to be put in the Minutes.

(Note put in, and read in Dutch and English, v. annexure.)

His Excellency.—I think the best plan would be for me to read my Memorandum, you (to the interpreter) translating it as I go along, then it can be put in and an approved translation made. It was perfectly impossible to get one done in time.

(His Excellency's Memorandum read and translated, v. annexure.)

President.—His Excellency must understand in connection with all I have proposed that I am not ready to hand over my country to strangers.

There is nothing else now to be done.

I have not understood from the reasons given by His Excellency in the Memorandum that he has altered his points, but that everything has been rejected.

However, we will look over the Memorandum and give a reply later on.

His Excellency.—I can make no further proposal. Has His Honour any idea when the answer will be obtainable? What I mean, is, can we fix an hour to meet again?

President.—We will work as hard at it as we can.

I regret that our friendly conference here together should result in nothing.

I understand from His Excellency's arguments that if I do not really give the whole management of my land and government to the strangers there is nothing to be done.

I will try and get an answer ready by three o'clock.

His Excellency.—I also regret that our discussion should result in no agreement on the subject, but I must protest against His Honour's repeated assertion that my proposals amount to his giving over his land to strangers. It is not my intention, nor is such a result likely to be produced by anything I have suggested.

I suppose the time will come when the various proposals made at this Conference will be before the world, and then I leave to impartial judges to say whether it can be truly said that I proposed anything of the kind.

President.—If His Excellency wishes me to take advice from someone who has nothing to do with the Government of the State, who then governs?

His Excellency.—Why not have an advising council, to be made up of those who are not burghers of the State, but who represent the interests of the Uitlander community?

President.—How can strangers rule my State? How is it possible?

His Excellency.—My plan doesn't affect the government of the State. There are certain conditions and interests which affect the new population alone, upon which they

could give advice to the Government. That is the very reason why more influence of the strangers in the counsels of the State seems to be required, provided they are willing to undertake the burdens of citizenship, and that moderate concessions should be obtained or the management of their own things which don't affect the government of the country.

However, I won't pursue the discussion now, and I would only ask His Honour whether, if he thinks that no agreement on this subject is possible, it is desirable to continue the Conference. He could put in his memorandum in writing and could communicate it to me at his convenience, but I am quite prepared to meet again if His Honour thinks it desirable.

President.—I can only say this in reply that I hope your Excellency will give due weight to the interests of the Republic in making your report. I would like to continue the discussion, but I think your Excellency only argues on the one thing. If there were anything like concessions on Your Excellency's part I would even take two or three days more to discuss. As things stand now, I don't see how we can agree, but I will give my answer at 3 o'clock.

His Excellency.—So let it be. The President will send me a reply at his convenience, and we will then consider whether it is any use discussing any more.

President.—There are still some declarations that I would like to hand to His Excellency, and His Excellency will be able to see the large extent of deceit contained in the memorial to Her Majesty.

His Excellency.—I want to mention one matter only in case we should not meet again, that if His Honour and I differ on Conference subjects, we should at any rate agree on one thing, and that is that we are extremely indebted to Mr. Fischer for the services he has rendered on this occasion by acting as interpreter. I should like to say that I don't think there is any man in the world who could have done it better or with more devotion.

Mr. Burger.—I wish to say that as we opened the Conference personally, even if we present no document, it might be as well to meet and close the Conference personally, whatever the result.

His Excellency.—I am not assuming that the Conference will not go on; what I meant by my remark was, that such a contingency was possible. I quite agree with Mr. Burger's remarks, and I am quite agreeable to meet again. In that case, can we fix an hour, even a later hour?

President.—If my answer is not ready by 3 o'clock I will give His Excellency timely notice.

His Excellency.—I understand then that if we do not hear from the President we will go to the Conference at 3 o'clock.

President.—Yes.

II.

FIFTH DAY.

Meeting of Monday, 5th June, 1899, at 3 p.m.

President.—This is my answer to His Excellency's memorandum.

(Answer put in and read and translated, *v.* Annexure.)

His Excellency.—The substantial effect of that answer is, that His Honour and I are unable to agree on the subject which has formed the principal topic of discussion between us. I think we cannot carry matters any further at this Conference, nor do I think it would be any advantage for me to suggest another adjournment in order that I may hand in a further memorandum in reply to that that has just been read.

A full answer to it would require time for consideration, but according to my view of the case, the effect of what has happened is, that we are in the *status quo ante* this meeting.

His Honour says that he may perhaps be disposed to put proposals before the Volksraad to carry out his scheme of enfranchisement. I certainly do not wish in any way to discourage him, but he would do it of course of his own motion, and not as a part of any understanding or arrangement with Her Majesty's Government.

In the same way, if he desires to make any proposal about arbitration, that proposal will be considered on its merits, but not as any part of the present negotiations.

This Conference is absolutely at an end, and there is no obligation on either side arising out of it.

I have only one word to say about arbitration and that is this. The matter has been mentioned during this Conference along with other matters, but there is no definite proposal with regard to the method of arbitration before me at the present moment. I have already stated that there are subjects with regard to which Her Majesty's Government clearly cannot arbitrate; there is, again, a certain method of arbitration—I mean by means of a foreign Government, which Her Majesty's Government would never permit. At the same time there is a class of question about which Her Majesty's Government might agree to arbitrate if a suitable method could be found, and if a proposal on that subject is submitted at any time, it can be considered independently of any of the proceedings of this Conference,

As I pointed out to the President the other day, it is not a question which I am authorised to discuss, and all I can say about it is that any definite proposition which he may at any time make, will be submitted to the consideration of Her Majesty's Government.

If there is no further matter that the President wishes to refer to, I have nothing more which I think it would be profitable to say.

President.—I will lay the matter before the Volksraad, and as soon as I hear from Her Majesty's Government about arbitration—

His Excellency.—I have nothing to propose to Her Majesty's Government on this point,—I have nothing before me. A general opinion on the subject has been expressed during the proceedings which is recorded in the Minutes of the Conference and will be made known. But I do not regard anything that has passed here as a proposal made to Her Majesty's Government which requires an answer.

President.—I shall be prepared to make a definite proposal later on and send it.

As soon as I get back I will lay arbitration proposals before the Volksraad.

His Excellency.—It is entirely a question within the President's own discretion, but he is linking two questions together which in my mind are in no way linked together.

President.—Yes; I know His Excellency says that for him they are not bound together; but in my mind they do belong together.

It was decided that the Memoranda put in at the Conference should be published, and both sides agreed that such publication should not take place earlier than Wednesday morning the 7th June, 1899.

The President said he was very pleased at the friendly way in which the Conference had been carried on, and hoped that in future they would be better able to understand each other, and that matters now in dispute would come right.

His Excellency said he was glad to make the acquaintance of the President for the first time, and thanked him for his personal courtesies during the time the Conference had lasted.

After an expression of thanks by His Honour the President to Mr. Fischer for his impartial and clear interpretation, the Conference closed.

II. a.

Copy of Counter Petition and Declaration. (Put in by the President of the South African Republic at the morning sitting of the 1st June.)

To His Honour the State President and Honourable Members of the Executive Council of the South African Republic.

Honourable Gentlemen,

Your petitioners beg to submit the following facts for your consideration.

That they are all "Uitlanders," British, American, German, French, and subjects of other nationalities.

That we have been informed that a very large petition, signed by 21,000 individuals, has been sent to Her Gracious Majesty the Queen of England, and which we know nothing about and that it is alleged in the said petition that the Honourable Government of the South African Republic gives no protection to life or property, and that their lives and property are in jeopardy, which we herewith most emphatically deny.

That the said petition further states that the general administration is so bad and detrimental for them and for the country, which we also deny.

That your petitioners have gathered from very reliable sources that the petition to Her Majesty the Queen of England has been caused by the Capitalists, not by the public,

and that if the Capitalists attain their object, that it would be detrimental to the whole public, including the "Uitlanders."

That your petitioners wish to give your Honours the fullest assurance that they are perfectly satisfied with the Government of this State, and with the administration thereof, and that we wish to have no other Government. We do not say that this Government is without its faults, but we know and trust that if any grievance did exist that the same could be removed between us and the Government without the interference of any foreign Power, and without the advice of Capitalists.

Wherefore your petitioners humbly pray that your Honours will send copies of this petition to the different Governments to which we belong, respectively to the English, American, German, French, and Netherlands Governments, and we hope that by doing so all misunderstanding and false reports or rumours and alleged grievances may be lost sight of for all time to come.

By doing which, etc.

To His Honour the State President, South African Republic.

Your Honour,

We, the undersigned Uitlanders, inhabitants of the Witwatersrand, respectfully wish to approach your Honour with the following representations, viz.:

1. That a certain memorial, ostensibly signed by 21,000 British subjects, resident here, was recently sent to Her Majesty's Agent at Pretoria, for transmission to Her Britannic Majesty.
2. That we knew nothing about this memorial until its publication, which took place after it had been forwarded.
3. That we disagree with the sentiments and opinions expressed in the memorial because we know that life and property are as safe and secure in the South African Republic as in any part of the civilized world.
4. That we wish to declare emphatically, that we are most anxious to further the well-being of the people of this Republic: Boer, Africander, and Uitlander alike, irrespective of nationality; and we are convinced that the greatest enemies to continued peace and prosperity in this State are those who attempt to dictate from Europe through their paid nominees here, on matters to the welfare of the resident community and the internal administration of the Government, an interference which has the effect of fomenting discord and creating unrest, to the detriment of the progress, commerce and general advantage of the people.
5. That we are glad to believe that your Honour will employ your powerful influence with the Raad towards modifying the residential qualifications essential to enfranchisement, and that your Honour will advise the Raad to initiate other measures tending towards strengthening the foundations of the State and benefitting its cosmopolitan people.
6. That we can assure your Honour, that we are ready to render such assistance as will tend to nullify any attempts to propagate distrust and racial ill-feeling.
7. That we are pleased to dwell amicably here and to pursue our Associations [? avocations] under the protection of the Government of this State, looking hopefully to your Honour to remove, with the assistance of the Raad, those small differences which still exist.

TRANSLATION.

We the undersigned declare under oath that we have obtained names for signature to the Memorials presented to the Government of the South African Republic contradicting the petition addressed to the British Government by inhabitants of Johannesburg, on which 21,000 signatures are alleged to be contained, and we declare that the before-mentioned signatures were obtained by us in a bonâ fide manner.

Pretoria, 27th May, 1899.

(Signed) H. M. DU PREEZ.
J. MEETS.
D. J. GRAAFF.
O. G. OLIVIER.

Sworn before me,

(Signed) L. J. JACOBS, J.P.
this 27th May, 1899, at Pretoria, South African Republic.

II. (b.)

Copies of translations of Declarations respecting the Petition to Her Majesty.
(Put in by the President of the South African Republic at the morning sitting of the 2nd June.)

TRANSLATION.

Appeared before me, Marthinus Smuts de Villiers, First Public Prosecutor and Justice of the Peace, Johannesburg, on this the 20th day of May, 1899, James Sidey, who makes oath and states :—

I reside at 99, De Villiers Street, Johannesburg. On Monday the 15th May, 1899, in the afternoon, I received from Mr. T. R. Dodd, Secretary of the "South African League," a petition to Her Majesty, the Queen of England, which petition I have copied, and copy whereof I attach hereto marked "A." I received this petition in order to go round and obtain signatures, after an agreement had been made with me to do the work for 5s. per day. I had a card of introduction from the chief reporter of the "Transvaal Leader," and on that I obtained the petition. I at the same time received attached letter, dated 15th May, 1899, signed by W. Wybergh, President, and T. R. Dodd, Secretary, of the South African League, marked "B." I received my instructions from both Messrs. Wybergh and Dodd, and they were as follows :—

I must try my utmost to get as many signatures as possible from all persons, *male or female*, above sixteen (16) years of age. It did not matter in the least to what *nationality* they belonged.

I took this petition round from that time and succeeded in obtaining 54 signatures of men and women above 16 years of age. Some women signed on my petition with "Mrs." in front, as, for instance, Mrs. J. Taylor, Mrs. Isaacs, Mrs. Hall, Mrs. Andrews, &c. Others, on the contrary, did not sign in that manner, but only the initials with the surname. After I had carried the petition round for some time I brought it back to Mr. T. R. Dodd. The latter then saw that several women had signed with "Mrs." in front, and said that I certainly had to obtain women's names, but not with the "Mrs." in front, as he would now have to cross through all these. He ordered me expressly to see that the women should sign only their initials and surnames, without the addition of "Mrs." or "Miss" to show the sex.

Some persons to whom I brought the petition stated that they had already signed about half-a-dozen similar petitions.

The signatures of J. T. Soutter and W. Soutter appear on my petition. Both signatures were signed by J. T. Soutter, who also signed for his sister.

I obtained a large number of these signatures from employés at the "Star" office.

(Signed) J. SIDEY.

Sworn before me,

(Signed) M. SMUTS DE VILLIERS,
1st Pub. Pros. and J.P.

Johannesburg, 15th May, 1899,

This is to certify that Mr. James Sidey is hereby authorised to canvass for signatures to the accompanying Petition (No. 97) to Her Majesty.

(Signed) W. WYBERGH,

President, South African League, Transvaal Branch.

T. R. Dodd,
Hon. Secretary.

TRANSLATION.

Appeared before me, J. P., at Johannesburg, George Joh. Couper, who makes Oath and states :—I reside at Johannesburg, and remember the petition to Her Majesty the Queen of England respecting grievances of the Uitlanders which is supposed to be signed by about 21,000 British subjects. One day, some time ago, I was in the market building, and I saw there a copy of this petition. I was asked to sign this petition, and I signed because I could thereby do the canvasser a pleasure, but I regarded the whole petition simply as a ridiculous thing. I had no "grievances" at least. I saw another person who also signed the petition. He signed not only his name, but I swear positively that he signed at least between six and eight false names on the petition to Her Majesty the British Queen. I saw the canvasser on different days in the same

market building. Every day he said (I met him in the morning), "Come on, Captain, sign your name." I answered to the effect, "I have already signed." The canvasser replied, "It does not matter, sign and give a poor man a chance." My opinion is that the canvasser would have taken any signatures, whether signed previously or not, just in order to get as many signatures as possible; it was a question of money for the canvasser, My opinion respecting the 21,000 signatures is that it is solely a farce, because I believe that very many signatures are false.

I have been a Captain in Her Majesty the British Queen's regular forces in the Cape Colony, and a former Inspector of Basutoland Mounted Rifles.

(Signed) GEOG. COUPER,
Capt.

Sworn before me on the 19th May, 1899.

(Signed) J. A. FOURIE,

I promise that this declaration will not, through me, appear in the Court or in the newspaper.

TRANSLATION.

Appeared before me, Marthinus Smuts de Villiers, J.P. and First Public Prosecutor at Johannesburg, on this the 23rd day of May, 1899, Bartholemus Jacobus de Jong, who makes oath and states:—

About a month before it was known and published that a petition from so-called Uitlanders, to the number of 21,000, had been sent to Her Majesty the Queen of England and Ireland, on a certain day I came into the bar of Horne's Langlaagte Hotel. When I entered, a certain Joe Venner had a petition to Her Majesty the Queen on the subject of the "Edgar affair" and so-called other Uitlander grievances, before him. He was busy writing names on it. I asked him what he was doing. He said, "I am signing names here to the petition; it is a good day's work, for I receive a bottle of beer or stout for each name that I sign to the petition." He continued writing, amidst the laughter and talking of those present. From the time that I entered he wrote at least six to seven names on the petition, but he was already busy writing when I entered. The person who took round the petition, viz., the canvasser, was amongst those present.

After Venner had finished writing, I asked him what kind of a petition he really had furnished with so many names. He said, "I do not care a damn what it is." I then saw that Venner received the beer and stout, some of which was drunk in the bar, and some of which he took with him. The person who took round the petition (viz., the canvasser) paid for the beer and stout. He is unknown to me; I believe I shall recognize him if I see him again. The manager of Horne's Hotel, a certain Nugent, was present, and must also have seen all this. Nugent also served Venner with the beer and stout.

After Venner had finished writing he returned the petition to the canvasser, and they then left.

(Signed) B. J. DE JONG.

Sworn before me—

(Signed) M. SMUTS DE VILLIERS,
Justice of the Peace and First Public Prosecutor.

TRANSLATION.

Appeared before me, Marthinus Smuts de Villiers, J.P., at Langlaagte Hotel, Langlaagte, on this 23rd May, 1899, Mortimer Nugent, who makes oath and states:—

I live at Langlaagte Hotel, which place I manage for Mr. Horne. About a month—exact date I do not know—before it was known and published that a petition containing 21,000 signatures had been sent to Her Majesty the Queen of England and Ireland, a certain person, unknown to me, came into the bar. He had a large petition with him, a petition to Her Majesty the Queen about the "Edgar affair" and other matters. He asked me to sign the petition. I refused, as I was satisfied with things as they exist in the South African Republic. There were also others in the bar. Amongst others also a certain Joe Venner. The man who held or carried the petition then asked Venner to sign the petition. Venner consented, placed the petition in front of him and began writing. The man with the petition (the canvasser) then said "Just sign more names," and

promised him a bottle of stout for every signature. He also asked Venner to alter his signatures as much as possible each time, and that the more names he signed the better it was for him (the canvasser). Joe Venner then wrote down six or more names, but not once his own. He then said he could not alter his handwriting any more. He then handed the petition back to the canvasser. He (Joe Venner) then received his bottle of stout and took it away with him. I myself served him with the stout. I saw personally that these names were written by Venner. It was possible that more people had signed names thereon. Some of the stout was also drunk in the bar. The canvasser paid for the stout.

(Signed) M. NUGENT.

Sworn before me—

(Signed) M. SMUTS DE VILLIERS,
Justice of the Peace, First Public Prosecutor.

TRANSLATION.

Appeared before me, Marthinus Smuts de Villiers, First Public Prosecutor and Justice of the Peace, Johannesburg, on this the 2nd May, 1899, Frans Edward Richard Schimmelbusch, who makes oath, and states :—

I reside at No. 4, Critic Buildings, Johannesburg. I am a German, and have been in England, the Colony, the Free State, and Transvaal. I know a certain A. A. Bankier. About a week before the petition from alleged British subjects was sent from Johannesburg to Her Majesty the Queen of England, I came into a room of the Critic Buildings, and met there a certain A. A. Bankier. The latter had several sheets of paper in his hand for signing, and asked me to sign them. I asked him what it was. He said it was a petition to the Queen. I said I am no British subject. He said "Never mind," "Just sign." I asked him to show me the petition. He said he had not it. I saw that the sheets had perforated numbers. I refused to sign, saying that I did not know if I was signing my death sentence or not. He then sat down and began writing names, "signatures," on the petition. He wrote down about ten or twelve names, "signatures." Reagan was also there near at hand. Said A. A. Bankier asked me also to write down signatures, as he thought that I would be able to do it well as I am a designer. I then left.

This declaration has been read over to me.

(Signed) F. E. R. SCHIMMELBUSCH.

My usual signature is—

(Signed) EDW. SCHIMMELBUSCH.

Sworn before me—

(Signed) M. SMUTS DE VILLIERS,
Justice of the Peace, First Public Prosecutor.

Witness—

(Signed) J. Roedeman.

TRANSLATION.

Appeared before me, Justice of the Peace, at Johannesburg, South African Republic, on this the 24th April, 1899, Thomas Bernard Reagan, who makes oath and states :—

I reside at 33, Critic Buildings, Johannesburg, and I am an American subject. Some time ago, before it was known that a petition had gone from Johannesburg to Her Majesty the Queen purporting to contain 21,000 signatures, a certain Alexander A. Bankier came to me with certain sheets of paper, at the head of which were perforated numbers, and asked me if I would not sign his petition. I asked him for the petition and he said that he had not the petition with him, but that the petition was for the purpose of calling in British intervention in Transvaal affairs. I would not sign. He remained there and went to one Schimmelbusch and asked him to sign. I heard them talking and Schimmelbusch saying, *inter alia*, "How do I know that I am not signing my death warrant?" or words to that effect. I was inquisitive, and I gave this matter my attention. I saw Bankier go and sit at a table busy writing. He then got up and brought sheets of paper with perforated numbers to me, and which he had had in front of him on the table previously.

He then showed me the papers again, and there were then 10 to 15 names written on them, while there was nothing on them when I saw them first. When he showed me that he asked, "How's that?" I looked at the paper for a long time, and I said "That is well done." I do not remember the names on the paper. I swear positively that it was impossible for him to obtain those 10 to 15 names between the time that I saw the paper first and the time that I saw it for the second time, and I am convinced that all those names are not genuine.

(Signed) T. B. REAGAN.

Sworn before me,

(Signed) M. SMUTS DE VILLIERS,
Justice of the Peace and First Public Prosecutor.

IIc.

Declarations referred to by the President of the South African Republic, at the morning sitting of the 5th June. (Received from the State Attorney, 12th June.)

Copy.

I hereby swear and declare that on a certain day in the month of February, 1899, the exact date of which I do not remember, a person who was canvassing for signatures to a certain petition, which was intended to be forwarded to Pretoria, praying the Government of the South African Republic to expropriate the railways, cancel the dynamite contract, and to establish a better administration for the prevention of crime, persuaded me to attach my signature, on his word of honour that it was nothing more and nothing less than described above. I signed my name to what I now learn to be a petition, which had its object from the commencement to obtain the intervention from foreign power in local affairs. I protest against it inasmuch as my own signature is concerned. My signature was obtained on the lying misrepresentation of the canvasser. I may further add that I have expressly asked the canvasser to show me the copy of the petition so as to be thoroughly acquainted with its contents, but in spite of that the canvasser declined on the grounds that none of the canvassers were in exact accordance with his verbal summary.*

Johannesburg, 10th April, 1899.

(Signed) A. A. HELLEBN.

Sworn to me, 21st April, 1899.

(Signed) H. S. LOMBARD, J.P.

TRANSLATION.

Appeared before me, Marthinus Smuts de Villiers, J.P., and First Public Prosecutor at Johannesburg, South African Republic, Frida Horn who makes oath and states:—

I reside at Frenkels Cottage, Kark Lane, Fordsburg. I am the widow of the now deceased Bernard Horn. He died 11th October, 1893.

About the month of February, 1899, before that it was known that a petition had been sent to Her Majesty the Queen of England purporting to contain the signatures of 21,000 British subjects, a certain person came to me where I reside, with a petition to Her Majesty the Queen of England on the subject of the Edgar affair and other so-called grievances. He said to me that he was a very poor man, that he had six or eight children whom he had to provide for, and that he received so much per name for getting the petition signed. He asked me to take pity on him and to sign my name as well as those of my children and of my deceased husband. The children are in the Colony. I told him that also that I had lost my husband by death more than five years ago.

I was sorry for him, and for that reason alone I signed my name and those of my children as well as that of my deceased husband as follows:—

My name, Mrs. F. Horn.
My husband's name, B. Horn.
My children's names, H. Horn, M. Horn.

He went away. I do not know him, but will recognise him if I see him again.

(Signed) Mrs. FRIDA HORN.
F. HORN.

Sworn before me, this 29th May, 1899.

(Signed) M. SMUTS DE VILLIERS,
First Public Prosecutor and J.P.

Copy.

I hereby swear and declare that on the fourteenth day of February, 1899, in Commissioner Street, near the European Hotel, Johannesburg, I was met by a person who purported to be a canvasser for signatures to a petition, the contents of which, according to the canvasser's plain words, were memorialising the Government of the South African Republic to redress some grievances which we, the inhabitants, have to bear. I accepted the canvasser's explanation as true, and attached my name to the memorial, which I now learn has been forwarded to the British Government. Had I been told the truth I would never have set my name to such a document, and it is on account of this deception that I protest against placing any reliance on the representation of my name.

Johannesburg, 10th April, 1899.

(Signed)

L. ALEX.

Sworn before me, 21st April, 1899.

(Signed)

H. S. LOMBARD, J.P.

Copy.

I hereby swear and declare that a certain person, whose name I do not know, has obtained my signature to what I now understand to be a petition to the British Government, on actual false pretensions, inasmuch as he told me that it was only a memorial praying the Government of the South African Republic to accord some aid to the stranded people in Rhodesia who wish to return, but on account of poverty are unable.

Johannesburg, 11th April, 1899.

(Signed)

M. POND.

Sworn for me

(Signed)

H. S. LOMBARD,

Justice of the Peace.

TRANSLATION.

Appeared before me, Marthinus Smuts de Villiers, Justice of the Peace, 1st Public Prosecutor at Johannesburg, on this the 29th day of May, 1899, Alexander Aikman Bankier, who makes oath and states:—

I reside at Critic Buildings, Johannesburg, and I am a Land Commission Agent, and also a Broker.

About the month of February, 1899, before it was known that a petition had been addressed to Her Majesty the Queen of England and Ireland by Uitlanders from Johannesburg alleged to contain 21,000 signatures, a certain Claude Porter came to me. The said Porter was a person employed to carry round the said petition, *i.e.*, on the subject of the Edgar affair and the Uitlanders grievances, and to obtain signatures. I saw the petition also in his possession. He said he received £1 a day for obtaining signatures to the petition. He spoke to me and said I must obtain signatures for him, as many as possible. He also gave me to understand that the signatures need not all be quite genuine. He would pay me a certain amount for each 100 signatures. I consented. He had several loose sheets on the petition. He gave me two of these loose sheets. I obtained certain genuine signatures on these sheets. The persons who signed them naturally saw no petition. I only told them that it was about the Uitlander grievances. I wrote fictitious names on those sheets. I myself wrote about 20 fictitious names on these sheets. E. R. Randall, G. L. Brooks, R. G. Harrison, and others whom I cannot remember, also wrote a number of fictitious names on my two sheets. I do not know how many names they wrote. The said R. G. Harrison also received sheets of a similar petition from the said Claude Porter, and also from yet another, Eaton Lowe, also a carrier round of similar petitions. Many fictitious signatures were also written by me, Randall, Brooks, and many others on Harrison's list or sheets of paper. Lowe must have known this, in what way the signatures on these sheets were obtained. Porter also knew of it. All these sheets, when they were filled with names, were given back to Porter and Lowe.

We all did that, *i.e.*, wrote fictitious signatures because we were convinced of this, that the whole affair was a lot of "tofnny rot." We would certainly not have done it if we thought that it could have had serious consequences. We were all eventually paid for our work.

I understood from Porter and Lowe that they had received the petitions from the South African League.

I remember that I wrote some fictitious names in the presence of Schimmelbusch, and that I afterwards showed them to T. B. Reagan.

This declaration being read over to me, I confirm on oath, of free will and without any compulsion.

	(Signed)	ALEX. A. BANKIER.
Before me—	(Signed)	M. SMUTS DE VILLIERS, J.P.
Witness—	(Signed)	T. B. REAGAN.

IIIa.

Suggestion respecting Franchise made by His Excellency at Morning Sitting, on the 1st June.

There are two things I have to consider. I have got to consider the prejudices of the old burghers. I know that even if I were to convince the President himself, he might have difficulty in convincing other people; therefore I must in proposing anything, propose something which it can be made absolutely clear to the old burghers will not swamp them. On the other hand, I have to consider that it is perfectly useless to propose something which will give no satisfaction whatever to the reasonable desires of the new population, which may be rejected at once as totally insufficient, the whole object of the proposal being to give them such an amount of satisfaction as will bring them on to the side of the State, to throw in their lot with it, and to work in future with the old burghers as one people.

Bearing these things in mind, what I suggest is this: that every foreigner who can prove satisfactorily that he has been resident in the country for five years, and that he desires to make it his permanent place of residence, that he is prepared to take the oath to obey the laws, to undertake all the obligations of citizenship, and to defend the independence of the country, should be allowed to become a citizen on taking that oath.

This should be confined to persons possessing a certain amount of property, or a certain amount of yearly wages, and who have good characters. In order to make that proposal of any real use for the new citizens who mostly live in one district in the Republic, and a district which only returns 1 member in 28 to the First Raad and 1 in 28 to the Second Raad, I propose that there should be a certain number of new constituencies created, the number of which is a detail upon the discussion of which I will not now enter. But what is vital from my point of view is that the number of these districts should not be so small as to leave the representatives of the new population in a contemptible minority.

IIIb.

Memorandum put in, in Dutch and English, by President of the South African Republic at afternoon meeting of Friday, 2nd June.

As the purpose I had in view at this Conference principally consists in the removal of existing grounds of disagreement and further to provide for the friendly regulation of the way of settling future disputes by means of arbitration, the following proposals with regard to the franchise, must be considered as conditional and dependent on the satisfactory settlement of the first mentioned points, and on the request that my request to incorporate Swaziland in the South African Republic shall be submitted by the High Commissioner to Her Majesty's Government.

Subject to the foregoing I undertake to submit without delay to the approval of the Volksraad and the people the following proposals about the franchise:

I. Every person who fixes his residence in the South African Republic has to get

himself registered on the Field-cornets books within fourteen days after his arrival according to the existing law; will be able after complying with the conditions mentioned under "A.," and after the lapse of two years to get himself naturalised; and will five years after naturalisation on complying with the conditions mentioned under "B.," obtain the full franchise.

A.—

1. Six months' notice of intention to apply for naturalisation;
2. Two years' continued registration;
3. Residence in the South African Republic during that period;
4. No dishonouring sentence;
5. Proof of obedience to the laws; no act against Government or independence;
6. Proof of full State citizenship and franchise or title thereto in former country;
7. Possession of unmortgaged fixed property to the value of £150 approximately, or occupation of house to the rental of £50 per annum, or yearly income of at least £200.

Nothing, however, shall prevent the Government from granting naturalisation to persons who have not satisfied this condition;

8. Taking of an oath similar to that of the Orange Free State.

B.—

1. Continuous registration five years after naturalisation;
2. Continuous residence during that period;
3. No dishonouring sentence;
4. Proof of obedience to the laws, &c.;
5. Proof that applicant still complies with the condition A (7);

II. Furthermore, the full franchise shall be obtained in the following manner:—

1899

(a.) Those who have fixed their residence in the South African Republic before the taking effect of Act 4, 1890, and who get themselves naturalised within six months after the taking effect of this Act on complying with the conditions under 1A, shall obtain the full franchise two years after such naturalisation on proof of compliance with the conditions mentioned under 1B (altering the five into two years).

Those who do not get themselves naturalised within six months under Article 1,

(b.) Those who have been resident in the South African Republic for two years or more can get themselves immediately naturalised on compliance with the conditions under 1A., and shall five years after naturalisation obtain the full franchise on compliance with the conditions under 1B.

(c.) Those who have been already naturalised shall five years after naturalisation obtain the full franchise on compliance with the conditions under 1B.

ANNEXURE:—

All white persons who shall have taken an oath or made a declaration of allegiance to this State by which oath or declaration the person to be naturalised shall be considered and taken as having renounced and waived all burgher-rights enjoyed in and all burgher duties and subjection due to any other sovereign or State, and which declaration shall read as follows:—
I swear (or declare solemnly that the taking of an oath is not permitted by any religious conviction) and promise solemnly in all uprightness and in terms of the Constitution with which I declare myself to be acquainted, that I shall be faithful to this State, shall respect and support its independence, shall subject myself to the constitution, the laws and the lawful authorities of the land, and shall in all respects conduct myself as becomes a faithful burgher of this State; so truly help me God (or that I promise solemnly).

III.c.

Memorandum put in by His Excellency at the meeting of Saturday, 3rd June.

I have considered the Memorandum submitted by His Honour the President yesterday, and desire to record the following observations upon it.

The scheme proposed is a considerable advance upon the existing provisions as to franchise, which, I assume, it is intended wholly to supersede.

The points of importance are :—

- (1.) That the period required for obtaining the full franchise is reduced from 14 years to 7, and is, I presume, independent of all conditions other than those specified in the draft itself.
- (2.) That special regard is paid to the persons who, having been resident in the South African Republic before 1890, were deprived by the legislation of that year of the prospect of obtaining the full franchise after 5 years according to the terms of the law of 1882, which was in force when they entered the Republic.
- (3.) That the present objectionable form of oath is altered, and the oath of the Orange Free State substituted.

These are important changes for the better, and I think the law, if passed, would be calculated to lead gradually to the introduction of a certain number of the Uitlander population to the ranks of citizenship.

I feel, however, that it falls far short of that kind of solution which I have suggested, and which alone appears to be adequate to the needs of the case. I feel a great responsibility in this matter. I wish to be moderate, but I cannot recommend to other people a plan which I feel certain will not succeed. Under this plan no man who is not already naturalised, even if he has been in the country 13 or 14 years, will get a vote for the First Volksraad in less than 2½ years from the passing of the new law. There will be no considerable number of people obtaining that vote in less than five years, that is if they come in and naturalise. But I fear the majority of them will not come in, because the scheme retains that unfortunate provision, first introduced in 1890, by which, owing to the two stages—first, naturalisation with a partial franchise, and then, after five years, full franchise—a man has to abandon his old citizenship before he becomes a full fledged citizen of his new country. My plan avoided this. My doctrine is that, however long a period of residence you fix before a man becomes a citizen of your State, you should admit him, once for all, to full rights on taking the oath of allegiance. And this is especially important in the South African Republic, because, owing to the facility and frequency with which laws—even fundamental laws—are altered, the man who takes the oath and thereby loses his old country will never feel quite sure that something may not happen in the interval, when he is only half a citizen, to prevent his becoming a whole one.

The vote for the First Volksraad is the essential point. According to the present constitution of the Transvaal, the First Volksraad and the President really are the State. But under this scheme it will be a considerable time before any number of Uitlanders worth mentioning can vote for the First Volksraad, and even then they will only command one or two seats. My point was to give them at once a few representatives. They might be a minority, even a small minority. I have said over and over again I do not want to swamp the old burghers. But as long as the representatives of the new comers are entirely excluded from the supreme legislative council, they will, as a body, remain an inferior caste. The co-operation and gradual blending of the two sections of the population will not take place. The old separation and hostility will continue. I see no prospect here of that concord to which I had looked both to bring about a more progressive system of government, and to remove causes of friction between the Government of the South African Republic and Great Britain.

For these reasons I regret to say the scheme seems to me so inadequate that I think it would be wasting the time of the Conference to discuss its details.

I yesterday threw out the suggestion that, failing an agreement as to the franchise, the President might, as an alternative, see his way to meet the demands of the Uitlanders in another manner, more or less on the lines of Mr. Chamberlain's plan of 1896, by allowing them to control, or, at least, partially control, the local administration of their own district. But he seemed to be even more opposed to this than to my proposals for the extension of the franchise. That being the case, I am driven to the conclusion that as far as the Uitlander question is concerned, the Conference has been productive of no result.

III.d.

TRANSLATION.

Memorandum dated 3rd June, 1899, transmitted by President Kruger to the High Commissioner, 4th June, 1899.

Before making observations on the important Memorandum handed to me to-day by Your Excellency, I wish to revert to the question of an increase in the representation of the new citizens in the South African Republic, which, as already explained this morning, was omitted from my former Memorandum.

I am ready to propose and to recommend to the First Volksraad to increase the number of members of the First Volksraad, whereby the Gold Fields will be represented by five, instead of as now by two, members.

Your Excellency will understand that besides this special representation, the new population will exercise, and already exercise, a considerable influence on the elections in all the other districts where they are, or will be, registered as citizens.

With reference to the Memorandum itself, I wish to express my satisfaction that Your Excellency recognises that my proposal with reference to the franchise is a considerable improvement on the existing law, and that Your Excellency lays special stress on three improvements of preponderating importance in my proposal.

With reference to the points of improvement, I wish to make some remarks:—

1. I have no intention of adding any further limiting conditions to the stipulations put forward by me.
2. The form of the oath as laid down in the Orange Free State Constitution shall be accompanied by the legal stipulation having reference thereto as contained in the Constitution, and as read yesterday by me at the making of my proposal to Your Excellency.
3. The object of my proposal is to abrogate the portions of the election laws to which my proposal has reference.
4. I wish further to point out that persons who before 1890 came to the South African Republic, will be able to obtain the full franchise in two instead of two and a half years (as Your Excellency appears to think) after the coming into operation of the proposed law.

Here attention may also be directed to the fact that according to law 7 of 1882, the naturalisation fee amounted to £25, while in 1890, it was reduced to £5, and later to £2.

I also wish to point out that persons who were naturalised before the coming into operation of this proposed law, will obtain the full franchise five years after naturalisation, so that, for example, a person who was naturalised five years ago, will immediately after the coming into operation of the law, be entitled to the full franchise.

In further answer, I wish Your Excellency to give your most earnest attention to the following considerations:—

1. Your Excellency appears to be under a misunderstanding with reference to the rights obtainable by naturalisation. Here, as well as elsewhere, citizenship does not necessarily bring with it the full franchise. This difference had already been recognised in the Grondwet of 1858, wherein it was provided that a person becomes a citizen at the age of sixteen years, with the right on the attainment of eighteen years to vote for a military officer, while he could only vote for the Volksraad and President on attaining his majority (twenty-one years), and could only be elected for the Volksraad at the age of thirty years.

Apart from the citizenship, certain qualifications are required for the attainment of the full franchise under which are taken into account not only immovable property or income, but also period of residence.

This difference is also recognised in the Constitutions and Laws of nearly all civilised countries. As, for example, in the Cape Colony and elsewhere, a certain period of registration of the citizens is necessary for the exercise of the franchise, so also in the Republic a certain period of registration is demanded for the same purpose. The fact that the period in the South African Republic must be fixed longer than elsewhere is due to the special and exceptional circumstances, the difficulties in connection wherewith have

been acknowledged by Your Excellency himself. That a person already becomes a full citizen by naturalisation appears, *inter alia*, from this, that at the attainment of the full franchise after the prescribed period of registration, no further taking of an oath is required, but merely proof of possession of the necessary qualifications.

2. By naturalization, the new population obtain not only the citizenship, but also the right to vote for the Second Volksraad. Thereby they can make their influence felt on all those subjects which are specially placed under the jurisdiction of the Second Volksraad, and which, above all, concern the mining and the general interests of the new population. While the term of registration for the full franchise is thus still running, they have already a vote in the majority of subjects which concern them, and they obtain thereby their fair share in the legislation affecting them.

It is true that the First Volksraad has the power to review the work of the Second Volksraad, but where it concerns the interests of the mining community it has very seldom done so.

Besides this influence on the legislation of the Second Volksraad, the naturalized citizens in the South African Republic also have the right to serve as jurymen, and likewise to select the local officials, such as Field Cornet, Commandant, and Landdrost, and they obtain thereby a very important influence on the local government. And in many cases these naturalized citizens did not possess that right in the land of their former citizenship.

3. Not alone in Great Britain, but also in important British Colonies, such, as I understand, is the case in the Colony of New South Wales, the enfranchised citizens have no vote in the elections of the highest legislative chamber. Regarded from that point of view, the position of British subjects who become subjects here should really be better than it was, whether in Great Britain or in some of the British Colonies.

4. I notice, with pleasure, the renewed assurance of Your Excellency that it is not the intention that the old citizens should be out-voted by the new citizens. Just because I feel myself assured of the great and threatening danger hereof in case Your Excellency's proposal is accepted, I cannot agree therewith. The immediate granting of the full franchise to such persons as, according to Your Excellency's proposal, would be able to make claim thereto, would result in an immediate overmastering of the old citizens.

At any rate it will not bring about that co-operation and gradual fusion of the two portions of the population which is the object both of Your Excellency and of myself. And Your Excellency will readily acknowledge that, according to my proposal, this fusion and co-operation would commence immediately, namely, with those who are already naturalised five years or more, and two years thereafter will become strengthened by those who came here before 1890, and will proceed year by year with rapid strides, and that the discord will disappear of itself. I am convinced that if this view of the case is made clear to the new population they will acknowledge the fairness thereof.

5. Coming to the alternative plan of local government for the Witwatersrand Gold Fields, put forward by Your Excellency, it should be noted that since the suggestion made by Mr. Chamberlain in 1896, a wide measure of local government has been accorded to that portion of the State.

In case experience, after a lapse of time, should demonstrate that this local government must be still further extended or improved, I have no doubt that then the Volksraad will also make the necessary provision with regard thereto. This naturally solely under the reservation that such extension should not effect an *imperium in imperio* out of which necessarily still greater disunion will be created than at present exists.

In conclusion, I desire to remind Your Excellency that the acceptance by the people and the Volksraad of the proposal made by me will depend on a proper adjustment of the matters set forth at the beginning of my former memorandum.

III.

MEMORANDUM read by His Excellency the HIGH COMMISSIONER at Morning Meeting of 5th June, 1899.

I have carefully considered His Honour's memorandum of June 3rd. This document modifies the scheme put in by His Honour on June 2nd, and adds to the proposals of that scheme the further proposal to increase the number of members of the First Volksraad representing the Gold Fields from 2 to 5. The First Volksraad would thus consist of 31 members, 5 of them representing the Gold Fields.

The memorandum now under reply further contains certain comments upon my memorandum put in at our meeting on Saturday morning last, June 3rd.

I regret that even with the additions now made, I cannot regard His Honour's scheme as one which I could advise Her Majesty's Government to accept as a definitive settlement of the difficulties which have arisen in connection with the discontent of the Uitlander population, including a large number of Her Majesty's subjects. The scheme, as originally propounded, contained no suggestion of an increase of seats. In that form it seemed to me wholly inadequate, and I did not therefore see any advantage in discussing it point by point, but confined myself to certain general objections. In its amended form it goes somewhat further, and I therefore think it desirable to examine it in more detail.

The references are to the numbers and letters in His Honour's memorandum of June 2.

(1.) By IA. (1). Six months' notice is required for naturalisation.

By 2 (a) persons who have fixed their residence in the South African Republic before 1890 can obtain the full franchise two years after naturalisation.

I cannot understand how, in view of these combined provisions, it can be disputed that the persons who have fixed their residence prior to 1890, but have never proceeded to naturalisation, will require 2½ years to obtain the full franchise. His Honour maintains that only 2 years are required. But this point is a minor one. What I fail to see is why persons who have been in the country from an earlier date than 1890 should not obtain the full franchise at once. They have a very strong case indeed. Take the instance of a man who fixed his residence in the country in 1886. When he did so he was under the then existing law entitled to the full franchise in five years. Before the expiration of that period a change was made, which in effect postponed the attainment of that full franchise for 12 years. This change was in my judgment a very harsh measure to those already in the country. Whatever restrictions might have been thought necessary in the case of newcomers, the legitimate expectations of people already resident in the South African Republic ought to have been respected. Now it is proposed to do tardy justice to these old residents. But why should they not obtain full franchise at once? Seven years is now fixed as the normal time for obtaining full franchise. Why should the man who came in in 1886, and has already waited 13 years, have to wait another 2½ years, or even 2 years?

2. IA. (4 and 5). I am not quite sure whether 'dishonouring sentence' would apply to the members of the Reform Committee of December, 1895, who were subsequently tried and condemned. But in any case, 'act against Government or independence' could be interpreted, I do not say justly, to include not only them, but everybody who was in any way involved in that unfortunate disturbance, even if he was totally innocent of any design against the Republic. I think it would be a fatal blot on any scheme of enfranchisement if it contained a provision excluding such persons. It was, I believe, the President himself who said, 'Forgive and forget.'

IA. (6). This is a provision which might easily be interpreted in such a manner as to exclude many persons well deserving of the franchise. There is something to be said for confining the franchise to foreigners coming from countries where there is a measure of popular self-government. But even in these cases 'proof' of 'full state citizenship and franchise or title thereto' might be difficult to furnish. Take the case of a man who was under age when he left his native country, and for that reason not entitled to franchise, or who had not possessed in his native country the necessary property qualification, if there is one. I might put other cases, but I do not wish to labour the point. This is one of several provisions in the proposal, which might be made instruments of exclusion in the hands of officials whose bias was against the Uitlander.

LA. (7). The property qualification seems reasonable, but £200 a year as an income qualification is excessively high. Entirely objectionable, in my view, is the proviso which allows the Government to dispense with the property qualification altogether. The conditions of obtaining burgher rights ought not to be alterable, either upwards or downwards, at the pleasure of the Government. If there are circumstances under which it is thought desirable to allow persons to become burghers who do not possess the necessary property qualification, those conditions should be clearly stated.

IB. (2). 'Continuous residence' (gedurig verblijf). These, again, are words which, as it seems to me, might be used to exclude people unreasonably. If they mean that any absence from the South African Republic, on pleasure or business, during the five years between naturalisation and the full franchise, should preclude a man from obtaining the latter, they would exclude numbers of Uitlanders, who had nevertheless had their permanent home in the country all the time.

I now pass from the original proposal to the addition made in His Honour's memorandum of June 3rd, dealing with the increase of seats. I may say at once that; while I have an open mind as to the number of new seats for the Gold Fields, and for that reason did not attempt to lay down any definite number in my own proposal, I think three is decidedly too few. Under this proposal the enfranchised newcomers might, not immediately, but after the lapse of several years, obtain five seats in the First Volksraad. Add, perhaps, two for other constituencies in which they would in time become the majority, and they would be 7 out of 31. By that time they would be a vast majority of the inhabitants, and would contribute, as they indeed already do, almost the whole revenue. Under these circumstances less than one-fourth of the representation seems a scanty allowance. But the great point is, that even this limited degree of representation is still a long way off. My aim was to obtain some representation for them immediately. In my view the First Volksraad has already been too long out of touch with the new population, with whose most vital interests it is constantly dealing, and not dealing wisely. Every year that this state of things continues increases the tension and the danger. I do not assert that the mistakes made are due to ill-will. I believe they are due to want of knowledge. If representatives of the new population could make their voices heard, if they could come in contact with the representatives of the old burghers on an equal footing in the First Raad, they would; without being a majority or anything like it, yet exercise an appreciable influence on legislation and administration.

His Honour endeavours to meet my argument on this point by saying that new burghers will, immediately on naturalisation, have a vote for the Second Raad, and that the Second Raad deals with the matters in which they are most immediately interested. With all respect, I really must demur on this point. In the first place, the Second Raad has absolutely no power in matters financial. Taxation is not within its province, and it has no power over expenditure, except such limited amount as the First Raad may, for certain purposes, put at its disposal. Now financial matters happen to be of the greatest importance to the people who supply the revenue. No doubt the Second Raad can legislate, subject to the First Raad and to the President, on a number of matters affecting the industrial community. But when it comes to affairs of really first-rate importance, the First Raad always deals with them. Take the report of the Industrial Commission. That was the most important event in the whole history of the industry. That report was received with unanimous and hearty approval by the mining community and the whole Uitlander population. It was dealt with exclusively by the First Raad. It was a committee of the First Raad which, in the teeth of the protests of the people interested, cut down many of its proposals, and, finally, the First Raad itself knocked the bottom out of the whole thing. Look at the fate of the Advisory Board. That was surely as moderate a proposal in the direction of letting people manage their own affairs as was ever made. It was a proposal to which the mining community attached the greatest importance. Yet the First Raad would have none of it. Or, again, take the question of public order on the Gold Fields, or the question of education. These too are vital questions for the Uitlanders. Does the Second Raad deal with them? They are entirely in the hands of the First Raad and of the Government.

It is the extreme importance of the vote for the First Volksraad and for the President which makes me regard the position of the newcomer, who has foresworn his old citizenship without obtaining this right, as so unsatisfactory. I am sure the bulk of the new settlers, certainly all the British, who wish to make the Transvaal their home,

would rather wait five, or even seven, years for burghership, if it at once conferred all the rights as well as all the obligations of the old burghers, than come in under the present proposal. The President objects to my saying that the man who is naturalised is not altogether a burgher. Well, let us admit that the correct description of him is that he is a burgher, with all the obligations of a burgher, but with only half the rights that any old burgher attains, without conditions, on coming of age. The fact that citizenship in many States does not confer franchise, or full franchise, or does not confer it without other qualifications, is no answer to my argument, that in a State where the bulk of citizens do possess full franchise, without other qualifications, the citizen who does not possess it is a citizen of an inferior class. To that inferior class of citizenship a man who has taken the oath under the present proposal may, owing to various circumstances, find himself permanently confined. And meanwhile he has foresworn his former country.

To sum up. I regret that the President has not seen his way to enlarge his proposals. They are, as I have already said, a decided improvement on the present franchise laws. But if I am asked whether I think they will satisfy the Uitlander community and are calculated to relieve the British Government from further solicitude on the score of its Uitlander subjects, I cannot answer in the affirmative. Still less can I encourage the idea that the British Government can be asked to give something in exchange for such legislation as the President proposes. My own proposal was put forward in no bargaining spirit. I asked myself, in advancing it, what is the smallest measure of reform that will really be of any use, that is to say, which will allay the present unrest and enable the Uitlanders to exercise within a reasonable time an appreciable influence on the Government of the country. It was in that spirit that I suggested the outline of a scheme, intentionally not working it out in detail (for I was ready to listen as to details), but indicating a certain minimum from which I am not prepared to depart.

The President seemed to regard my scheme as a very alarming one. I do not think it alarming, but I admit it involved a considerable change of policy. But it is no use proposing any small change. This Conference is a very exceptional thing. The situation is grave, else we would not be discussing here. If I have urged the Government of the South African Republic to take a considerable step to allay the discontent among a large portion of the inhabitants, it is because of my firm conviction that no small measure would any longer be of any use. The Government has much to atone for in its past treatment of the Uitlanders, and it has much, indeed it has everything, to gain in silencing their present complaints, and in removing the long list of Uitlander grievances from the field of controversy between Her Majesty's Government and the South African Republic.

The President evidently does not realise how far I was willing to go in the direction of compromise, when I was prepared to drop all other questions connected with the position of British subjects in the South African Republic if only I could persuade him to adopt a liberal measure of enfranchisement. The petition of British Uitlander subjects to Her Majesty has yet to be dealt with. It is evident that Her Majesty's Government think the complaints of the petitioners in many respects well founded, and that they are only waiting for the result of this Conference before addressing the Government of the South African Republic on the subject. When I came here I came in the hope that I might be able to report to Her Majesty's Government that measures were about to be adopted which would lead to such an improvement in the situation as to relieve Her Majesty's Government from pressing for the redress of particular grievances on the ground that the most serious causes of complaint would now gradually be removed from within. I do not feel that what His Honour has seen his way to propose in the matter of franchise or what he indicates as the extreme length to which he might, at some future time, be willing to go in the extension of local government is sufficient to justify me in reporting in that sense.

III.f.

Memorandum put in by President Kruger at Afternoon Meeting of 5th June, 1899.

TRANSLATION.

I wish to express my regret that the proposal about the franchise submitted by me to His Excellency has been found by him to be unacceptable.

My proposal went as far as it was possible to go in the interests of my people and State, and in principle it is impossible for me to depart from it.

In regard to the subordinate points touched upon by His Excellency, I only wish to remark that the intention thereof was not to limit or to hinder in an unreasonable manner the admission of the newcomers among the burghers of the South African Republic, and thus to take away with one hand what has been given by the other; and if my proposal should eventually be placed among the laws of the land, His Excellency would see that in this respect it was my intention to act in a fair and reasonable manner.

I would be prepared, in the spirit of concession, to further discuss and deal with the details touched upon by His Excellency; but as His Excellency refuses even to accept the principle of my proposal, it would be needless to go further here into particulars on this point.

As regards the increase of the representation in the First Volksraad, His Excellency will understand that it is not possible for me to bind the future legislation altogether, and that the limit of thirty-one mentioned by him cannot necessarily be a final one as regards the representation either of the old or the new inhabitants.

Although His Excellency, to my greatest regret, refuses to accept the proposal as a reasonable concession to the new population of the South African Republic, he still acknowledges that it is a decided and considerable improvement on the existing law, and he will also readily acknowledge that it is desirable to have it confirmed by the Legislature of the South African Republic, even apart from the fact that in His Excellency's opinion it does not go far enough.

On the other hand, His Excellency has also acknowledged that my request for arbitration by other than foreign Powers, on all points of future difference under the Convention, is reasonable, and that it is altogether desirable to have such differences settled according to an automatic plan.

It is, further, our common opinion that in this case there should be no bargain or compromise made in the matter, as matters which are in themselves desirable ought to be also treated on their own merits. The question of arbitration, therefore, could be arranged apart from the acceptance or non-acceptance by him of my proposal with regard to the franchise.

Arguing on these lines, and as it is my earnest wish that this Conference should not be fruitless, I wish to make the following proposal to His Excellency, viz. :—

As according to his own admission my proposal about franchise is an important step in the right direction, I shall be prepared to lay my proposal before the Volksraad and to recommend it, even though His Excellency does not fully agree with it. From his side I shall then expect that His Excellency will lay before and recommend to Her Majesty's Government my request about arbitration on future matters of difference under the Convention.

His Excellency will, however, readily understand that if Her Majesty's Government should not meet me so far, so as to grant my acknowledged fair request for arbitration, it could be with difficulty expected that the people of the South African Republic would approve of my comprehensive proposal with regard to franchise.

Regard being had to my strong wish to have all differences settled amicably by arbitration, and by so doing to strengthen the bonds of friendship between the two Governments, and also with an eye to the peace and friendship between all white races in South Africa, I have not scrupled to go so far that I have conferred with His Excellency in a friendly way even over strictly internal affairs, and my strong trust is that this my wish shall not remain unfulfilled.

No. 2.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 6.55 p.m., July 4, 1899.)

TELEGRAM.

4th July. In Blue Book* page 242 my telegram of 22nd May reads "franchise after six years." I wrote five years. Mistake occurred in cabling. Please correct if opportunity occurs.

No. 3.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received July 10, 1899.)

SIR,

Government House, Cape Town, June 21, 1899.

In my despatch of the 14th instant,† I enclosed certain affidavits referred to by the President of the South African Republic at the Bloemfontein Conference, as throwing discredit on the genuineness of the signatures to the Petition to Her Majesty from British residents in Johannesburg. I have since referred these affidavits to the President of the Transvaal Branch of the South African League, who is now in Cape Town, for his observations, and I have now the honour to transmit to you a copy of a letter which I have received from him on the subject.

Mr. Wybergh's explanations appear to me, on the whole, satisfactory. Most of the affidavits contain allegations of the flimsiest kind, some not having any clear reference to the particular Petition, and some being on the face of them incredible, like the Joe Venner story. On the other hand it appears certain that in one case—that of Bankier—serious irregularities did occur, one of the canvassers allowing several blank sheets to go out of his hands, and accepting them, when returned to him, without inquiry. It was, however, always within the range of probability that in an extended and necessarily more or less secret canvass like this, some mistakes should occur. The Government of the South African Republic have been trying for months to throw discredit on the Petition. They have an army of spies and secret service agents, whose methods are known to you from the Nicholls-Patterson case, and there are plenty of loafers in Johannesburg who can be induced to swear to cock-and-bull stories. On the whole, it is satisfactory that with all their efforts they have not been able to damage the Petition more than these affidavits do.

I have, &c.,

A. MILNER,

Governor and High Commissioner.

Enclosure in No. 3.

Letter from W. WYBERGH, President of the South African League, Transvaal Province, Johannesburg, to the HIGH COMMISSIONER, Cape Town.

SIR,

June 21, 1899.

I HAVE the honour to enclose herewith my notes and comments upon the declarations in regard to the Uitlanders' Petition to Her Majesty the Queen, which were handed to you upon the 2nd and 12th of June, 1899.

I have, &c.,

W. WYBERGH,

President South African League, Transvaal Province.

1.

Declaration of James Sidey.

This refers merely to the supplementary signatures which were obtained after the petition was forwarded to the High Commissioner, and not to the names which were

* [C.—9345.]

† No. 1.

attached thereto. The signatures obtained by Sidey have not yet been forwarded. Sidey received the Petition from me, not from Mr. Dodd, and I gave him his instructions.

Re Age of Signatories:—Sixteen years is the age at which a Transvaal burgher receives the franchise, and was therefore adopted as the limit by us.

Re Nationality:—Sidey's instructions were not, as he alleges, that nationality did not matter, but that if any person stated that he was a British subject, and wished to sign, it was unnecessary to enquire further into his nationality.

Re Sex of Signatories:—Sidey was instructed that everyone was to sign his or her ordinary signature, and that no prefix was necessary. He was not told that signatures with the prefix would not be accepted. So far from wishing to conceal the sex of those who signed, I instructed him, and other canvassers, to take special note of the number of women who signed. This was done in most cases, and the canvassers reported to me that from one to five per cent. of the signatures were those of women. I have already referred to this matter in a letter to Mr. Emrys Evans.

2.

Declaration of George J. Couper.

The whole statement is very vague, and no date is given. The man Couper is a well-known, broken-down, drunken vagabond, quite undeserving of credence. His want of good faith is shown by his readiness to sign a Petition which he considered to be a farce. His statement that the canvasser's pay depended upon the number of signatures he obtained is false, as canvassers were paid daily wages, irrespective of the number of signatures they obtained. His statement that he was formerly Inspector of Basutoland Mounted Rifles is apparently false, as I am informed that no such force ever existed.

3.

Declaration of Bartolemus Jacobus de Jong.

The date given is vague. The village of Langlaagte was canvassed by two of our men together. One of them has since taken a country situation, and I have not therefore had an opportunity of questioning him on this matter. He has, however, made an affidavit that all the signatures which he obtained are genuine to the best of his belief, and he is a trustworthy man, whose word there is no reason to doubt. The above also applies to the other canvasser, but as he lives in town, I have been able to question him, and to confront him with this affidavit. He absolutely denies the whole of these charges, and states that he has never heard of Joe Venner. Apart from this the statements made in this affidavit and the one by Mortimer Nugent are so absurd and extravagant, that it is impossible to believe them. They both state that Venner was paid at the rate of a bottle of stout for every signature. Our canvassers were only paid the wages of a superior working man, and out of their wages it would have been plainly impossible for them to have paid for signatures at the rate alleged in these two affidavits. I believe that a bottle of stout costs at least 2s. locally. It may again be pointed out that our canvassers had no motive whatever for obtaining forged signatures, and still less for paying for forgeries out of their own pockets.

4.

Declaration of Mortimer Nugent.

This is merely a corroboration of de Jong's statement, and is, I think, fully covered by the remarks made under that head.

5.

Declaration of A. A. Hellern.

There is nothing in this Declaration to show that the Petition which Hellern signed was not what it purported to be, or to connect it in any way with the Petition to Her Majesty. The date given in the Declaration is so vague that it is impossible to surmise what particular Petition this may have been. There are Petitions to the Government of the South African Republic on various subjects constantly in circulation in the Transvaal. Our canvassers had strict instructions to show the Petition to anyone who wished to see it.

6.

Declaration of L. Alex.

The same remarks apply to this Declaration.

7.

Declaration of M. Pond.

The same remarks apply to this declaration. I may state in addition that I am told that a petition for help to the Rhodesian settlers actually has been in circulation.

8.

Declaration of Frieda Horn.

The date given is very vague, and this makes it impossible for me to bring this home to any particular canvasser.

A canvasser is quoted as saying that he was paid by the number of signatures obtained. This is false, and throws doubt upon the whole statement. Our canvassers were not paid in this manner, and had no motive for falsely saying so. In all cases where several signatures with the same surname followed one another, I questioned the canvasser closely as to the circumstances under which they were obtained. A certain number of signatures were rejected because the explanation did not appear satisfactory. In all other cases the canvassers assured me that either the writing was actually done by different people, or in the case of illiterates, chiefly Dutch, that it was done in the presence and with the consent of all.

9, 10, and 11.

Declarations of F. E. R. Schimmelbusch, T. B. Reagan, and A. A. Bankier.

These declarations all deal with the same matter, and I will therefore comment upon them together.

I know nothing personally of any of the persons mentioned in these affidavits, except Porter and Eaton Lowe. These two were authorised canvassers. With regard to the others, I am told that Bankier is a drunkard, and Reagan is a well-known bad character and bully. I do not think, therefore, that too much credit need be placed in their statements.

The first two affidavits allege that Bankier, apparently as a joke, signed a number of names on sheets that were circulated for the purpose of obtaining signatures to the petition to the Queen. Bankier also states that he did so, and says expressly that he did it for a joke, without any idea of the serious effect that might follow his action. I am inclined to think that some practical joke of this kind may have been played, and that there is this amount of substratum of fact in the affair. I do not, however, think that there is a word of truth in the rest of the statements.

In the first place, Eaton Lowe positively denies that he gave any detached sheets to anyone, and has sworn that to the best of his belief the signatures he collected were genuine.

Porter has also made a similar affidavit, which denies any suggestion of deliberate fraud on his part, such as Bankier alleges. The following is Porter's account of the matter. During the first day or two, of his canvassing he was not quite clear as to his

instructions, and, as he afterwards acknowledged, against my orders, committed the indiscretion of giving two loose sheets to Bankier. He, however, denies most emphatically that he gave Bankier to understand that he might obtain any signatures which were not genuine. On the contrary, he says that he enquired of Bankier whether the signatures were genuine, and Bankier assured him that they were. Bankier only obtained a few signatures, and Porter, apparently thinking the matter of little importance, handed in these sheets, together with the signatures which he had himself obtained, without drawing attention to them. I must point out again that Porter had no object whatever in obtaining forged signatures, as he was paid by the day, and any reasonable excuse for a poor day's work was always accepted. Neither Porter nor any other canvasser was ever reprimanded when this happened, much less was their pay curtailed.

With regard to the allegation that R. G. Harrison also obtained sheets from Porter, the latter says that with the exception of two sheets which he gave away and were never returned to him, Bankier was the only man who received any. Porter and Eaton Lowe were working together, which probably accounts for the latter's name being brought in.

It is to be regretted that Porter committed an indiscretion of this nature, but it is apparent from his own statement that he acted in good faith.

In any case, only a few signatures are affected by these affidavits.

My general impression is that while Bankier intended nothing more than a joke, he has since been got at by the Secret Service agents, and induced to magnify the whole affair into a conspiracy. In this connection, I may mention that Mr. Pitt, one of our trusted canvassers, has made a statement, which he is prepared to swear to, that he was offered £5 by Secret Service agents if he would swear that he had forged the signatures which he handed in to us. While we have no evidence to show that the same procedure was adopted with Bankier, the suspicion is not unreasonable.

No. 4.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received July 17, 1899.)

[Answered by No. 5.]

SIR,

Government House, Cape Town, June 28, 1899.

I HAVE the honour to enclose for your information, with reference to my despatch of the 21st instant,* copies of two affidavits of Mr. E. R. Randall, sent by Mr. T. R. Dodd, of Johannesburg, on the subject of the signatures to the recent petition to Her Majesty the Queen.

I have, &c.,

A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 4.

I, Edward Ross Randall, of Johannesburg, make oath and say:—

1. I have perused what purports to be an affidavit† by Alex. A. Bankier, which appears in the "Standard and Diggers' News" of the 22nd June, 1899.

2. I know the said Bankier, and presume that I am the E. R. Randall referred to by [him], as I do not know any other E. R. Randall in Johannesburg.

3. I say that it is absolutely false that I signed fictitious names to the Petition to the Queen, or got other persons to do so.

4. I was not a canvasser for the Petition at all, but I signed same as a sympathiser with its objects.

EDW. R. RANDALL.

Sworn at Johannesburg this 23rd day of June 1899.

Before me (voor mij):—

J. T. DE BEER, J.P.

* No. 3.

† See page 50.

Enclosure 2 in No. 4.

I, Edward Ross Randall, make oath and say:—

I am an accountant, and my address is Box , Johannesburg. I am the E. R. Randall mentioned by A. A. Bankier in his affidavit about the Petition to Her Majesty. I am acquainted with Bankier in the ordinary way of business. I have reason to know that until recently Bankier has been in very poor circumstances, but lately he has been spending money very freely, and has appeared to be very flush of money.

On the day when Bankier's statement was published, I reproached him with having told lies about me. He told me that he had done it under compulsion, and that De Villiers, the Public Prosecutor, had threatened to put him in gaol if he refused to sign the affidavit. He told me also that he was more or less drunk at the time he made his affidavit; that the affidavit was written down in Dutch, which he did not understand, and that before signing it a verbal translation was read out to him, which was quite different in the affidavit as it now appears. Bankier also stated that most of the statements in the document which is now put forward as his affidavit are false. Bankier and Harrison occupy the same room, are personal friends, and are both given to drink. I do not wish this statement to appear in the newspapers, because I object to my name being mixed up any further in a disreputable action.

EDW. R. RANDALL.

Sworn at Johannesburg, this 26th day of June, 1899.
Before me (voor mij):—

J. D. BICCARD, J.P.

No. 5.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 7.30 p.m., July 20, 1899.)

TELEGRAM.

[Answered by No. 6.]

July 20. Please enquire whether second enclosure in your despatch, June 28,* may be published in Blue Book.

No. 6.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., July 22, 1899.)

TELEGRAM.

21 July. Referring to your telegram of 20 July,* both affidavits can be published. Letter sent to you by last mail from President of League containing following three affidavits:—

(I.) *Begins*: I, Robert Ernest Harrison, of Johannesburg, make oath and say:—I believe myself to be mentioned in one Alex. A. Bankier's affidavit, published in the "Standard and Diggers' News" of 22nd June, 1899. I wish to state that on one occasion I helped Mr. Eaton Lowe to obtain signatures for the Petition to Her Majesty the Queen by bringing up people to sign at the Standard Arcade. My sole connection with Mr. Claude Porter was that I obtained and returned certain sheets to him, which he did not accept, as he expressed doubt as to the genuineness of some of the signatures contained thereon.

(Signed) R. E. HARRISON.

Sworn at Johannesburg, this 29th June, 1899, before me.

(Signed) J. J. DE BEER, V.R.—Ends.

(II.) *Begins*: I, Harry Ryves Pitt, of Johannesburg, make oath and say:—I was employed as a canvasser for the Petition to Her Majesty the Queen by the South African League. After the Petition had been sent in and about the first week in May I met in Commissioner's Street, Johannesburg, man named Gourd; he asked me if I wanted to make five pounds; I said: "Yes, if I can do it honestly." He said, "I don't know anything about that, but you had better come and see Mr. Darrel, who is the man that wants to see you." I believe this man Darrel was sent to bribe me by Agar Ellis, the detective who is implicated in the high treason trial. I found Darrel at the North Western Hotel. He asked me if I would swear that I had collected forged signatures, and offered me a five pound note for doing so; he also said that he would make something out of it; he said his object was to make the Petition invalid, and that was what he was being paid for. I said "Certainly not; because I am one of the principal canvassers, and as far as I know, the Petition has been worked perfectly squarely." I certainly did not obtain forged signatures. I will add that I canvassed the village of Langlaate, and that the allegations of forgery on the part of one Joe Venner and of my collusion are absolutely false.

(Signed) HARRY RYVES PITT.

Sworn at Johannesburg, this 1st July, 1899, before me,

(Signed) N. Z. SCHOLTZ, V.R.—*Ends*.

(III.) *Begins*: I, Alexander Ackman Bankier, of Johannesburg, make oath and say, I have sworn affidavit before Mr. De Villiers, the Public Prosecutor, in which I made certain allegations about the petition to Her Majesty the Queen. I now declare that I made the said affidavit under the impression I should be arrested if I refused. Reagan insinuated the [this]. The affidavit was in Dutch, which I did not understand. Mr. De Villiers read out to me what purported to be a translation of the contents. I have found since my affidavit was published that this was not a correct translation. I thoroughly misunderstood the meaning, and should not have signed it if I had understood. I had a few drinks before I signed it. It is not true that Porter told me that it did not matter whether the signatures were genuine or not. I wrote the fictitious signatures by way of a joke, and it is not true Porter or Eaton Lowe knew what I had done; neither Randall Brooks nor Harrison were present when I signed the fictitious signatures. I gave two sheets back to Porter, and told him that the signatures were genuine. It is not true I obtained the sheets from the South African League; I obtained them from Porter. Before I signed the former affidavit De Villiers said that he had forty or fifty more affidavits like mine, and gave me his word of honour that mine would never be published. The evening after the affidavit was published I went straight up to the "Transvaal Leader" office of my own accord, and contradicted some of the misstatements in it.

(Signed) ALEX. A. BANKIER.

Sworn at Johannesburg, this 1st July, 1899, before me,

J. EMBRY EVANS, Vice-Consul,

British Vice-Consulate, Johannesburg.—*Ends*.

In the course of his covering letter Wybergh states:

Begins: Bankier's most serious allegation was that Porter and Eaton Lowe, two of our authorized canvassers, were privy to the fabrication of signatures. Porter and Eaton Lowe, as already stated, have sworn affidavits to the contrary, and Bankier in the affidavit now enclosed expressly denies this allegation. Bankier states that Randall, Harrison, and Brooks assisted him in writing false signatures. He now declares that neither Randall, Brooks, nor Harrison were present; this is also supported by the independent declaration of Randall, and indirectly by that of Harrison. Bankier made a statement that Harrison received sheets from Porter and from Eaton Lowe. As regards Eaton Lowe this statement is explicitly denied by Harrison. As regards Porter, Harrison swears that he obtained sheets from Porter, which the latter refused to accept when returned to him, as he was not satisfied that the signatures were genuine. Porter's good faith is thereby completely vindicated, and the story agrees with Porter's own statement. It is thus

apparent that the most important statement made in Bankier's first affidavit are contradicted explicitly either by himself in his second affidavit or by the affidavits of Randall and Harrison.—*Ends.*

Begins: Mr. Pitt's statement expressly denies the statements made by Nugent and De Jong as to forgery committed by one Joe Venner at Langlaagte. The said Joe Venner, though I have been unable to question him myself, wrote of his own accord to the local press, totally denying the allegations, which are also prima facie ridiculous. But in addition [to] the discreditable tactics disclosed by Bankier's second statement, Mr. Pitt swears that money was actually being offered for purpose of obtaining false statements.—*Ends.*

SOUTH AFRICAN REPUBLIC.

FURTHER CORRESPONDENCE

RELATING TO

4

PROPOSED POLITICAL REFORMS

IN THE

SOUTH AFRICAN REPUBLIC.

(*In continuation of [C. 9345] and [C. 9404].*)

Presented to both Houses of Parliament by Command of Her Majesty.

July, 1899.



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SOUTH AFRICAN REPUBLIC.

FURTHER CORRESPONDENCE

RELATING TO

PROPOSED POLITICAL REFORMS

IN THE

SOUTH AFRICAN REPUBLIC.

(In continuation of [C. 9345] and [C. 9404]).

Presented to both Houses of Parliament by Command of Her Majesty.
July, 1899.



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1899.

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2	High Commissioner Sir Alfred Milner.	Telegram	June 8 (Rec. June 8.)	Summarises the proceedings that took place at the meetings at Bloemfontein.	1
3	To High Commissioner Sir Alfred Milner.	Telegram	June 9	Asks for an explanation of his statement that he (Sir A. Milner) had acknowledged the President's request for arbitration by other than foreign Powers on all points of future difference under the Convention was reasonable.	6
4	High Commissioner Sir Alfred Milner.	Telegram	June 9 (Rec. June 9.)	Repeats telegram from Her Majesty's Agent reporting announcement of a meeting, for June 10, of the unfranchised to express their views on matters discussed at the Conference, and to acknowledge Sir A. Milner's efforts to secure a redress of their grievances.	6
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6	Ditto	Telegram	(Rec. June 11.)	Reports a conversation with Mr. Schreiner, the Cape Premier, as to the nature of the President's proposals.	7
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9	High Commissioner Sir Alfred Milner.	Telegram	June 13 (Rec. June 13.)	Reports that the Secretary of State's Despatch of 10 May was delivered this morning.	9

Serial No.	From or to whom.	—	Date.	Subject.	Page.
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15	Ditto ...	Telegram	June 16	Approves his action at the Conference, and requests to be furnished with a statement of the exact nature of the scheme at present adopted by the President.	11
16	High Commissioner Sir Alfred Milner.	Telegram	June 18 (Rec. June 18.)	In answer to No. 10, conveys purport of the reply of the Republic, stating that no such telegram as that referred to was sent to Dr. Leyds, and that the President repudiated idea of any bargain.	11
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18	To High Commissioner Sir Alfred Milner.	Telegram	June 20	In answer to No. 16, requests that State Secretary be informed that the telegram published in London on June 8, purported to be a despatch dated Pretoria, June 6, to Dr. Leyds, was accepted as the Republic Government's official account of the Conference.	12

Serial No.	From or to whom.	—	Date.	Subject.	Page.
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23	Ditto ...	—	June 14 (Rec. June 30.)	Encloses copy of communication from the British Agent respecting matters arising out of the Conference.	21
24	Ditto ...	Telegram	June 30 (Rec. June 30.)	Transmits resolution passed at a public meeting at Cape Town endorsing the recent meeting of Uitlanders at Johannesburg and the Petition to the Queen and supporting the policy of Her Majesty's Government.	26
25	The Uitlander Council.	Telegram	(Rec. July 1.)	Expresses appreciation and grateful acknowledgment of Mr. Chamberlain's statement of the case of the Uitlanders in his speech at Birmingham and prays that speedy means be found to free them from their burdens and disabilities.	26
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27	Ditto ...	Telegram	July 1 (Rec. July 1.)	Points out misleading nature of the statement of President Kruger in his memorandum of June 3, that naturalized citizens have the right to select local officials.	27
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Serial No.	From or to whom.	—	Date.	Subject.	Page.
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31	Ditto ...	Telegram	July 5 (Rec. July 5.)	States that the effect of the Volksraad resolution referred to in No. 30 is to defer the whole question of redistribution till next year.	28
31A	Ditto ...	Telegram	July 5 (Rec. July 6.)	Reports that Mr. Schreiner has called attention to a statement made by Mr. Chamberlain that he had received no communication from the Cape Government, which statement Mr. Schreiner considers to be unfair and damaging to the Ministry.	29
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34	Ditto ...	Telegram	July 7 (Rec. July 8.)	Reports that message conveyed in No. 32 has been communicated to Mr. Schreiner, who admits it is a fair statement but feels bound to make public his views.	30
35	Ditto ...	Telegram	July 7 (Rec. July 8.)	Gives purport of a letter from the Prime Minister stating the franchise scheme which the Executive will recommend to the Volksraad of the Republic.	30
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37	Ditto ...	Telegram	July 8 (Rec. July 8.)	Repeats a letter sent to the "South African News" by Mr. Schreiner expressing the views of the Cape Government : quotes also a statement which the paper states Mr. Schreiner authorised them to make to the effect that the Cape Government consider the reform proposals of the Republic as adequate and satisfactory.	31

Serial No.	From or to whom.	—	Date.	Subject.	Page.
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38	High Commissioner Sir Alfred Milner.	—	June 21 (Rec. July 10.)	Encloses copy of a letter from the Transvaal Province of the South African League calling attention to certain necessary reforms which would not be secured by Sir A. Milner's scheme.	32
39	Ditto ...	—	June 21 (Rec. July 10.)	Transmits copy of a Note from the British Agent to the Government of the Republic, on the subject of the Petition from 21,684 British subjects.	34
40	Ditto ...	—	June 21 (Rec. July 10.)	Forwards copies of resolutions passed at a great meeting of Uitlanders at Johannesburg on 10th June.	36
41	Ditto ..	—	June 21 (Rec. July 10.)	Transmits copy of further communications from Her Majesty's Agent respecting the discussion of the draft law in the Volksraad.	38
42	Ditto ...	—	June 21 (Rec. July 10.)	Transmits copies of communications from the British Agent at Pretoria respecting meetings which have been held in support of the Government.	40
43	Consul-General for the South African Republic.	—	July 10	Transmits copy of telegram from the State Secretary embodying the purport of a Volksraad resolution respecting the amended Franchise Law.	42
44	High Commissioner Sir Alfred Milner.	Telegram	July 10 (Rec. July 10.)	Reports that the Government of the Republic state that their Consul-General in London published a statement on June 14 that franchise proposal was independent of arbitration; that they assumed Dr. Leyds did the same, but if not, will instruct him to do so if desired.	43
45	To High Commissioner Sir Alfred Milner.	Telegram	July 11	Authorizes him to inform the Government of the Republic that if they desire their proposals to form any element in the settlement of differences they should furnish full particulars officially, and that Her Majesty's Government hope that, pending consideration by them, the Government of the Republic will suspend action.	43
46	High Commissioner Sir Alfred Milner.	Telegram	July 12 (Rec. July 12.)	Reports that the British Agent has been instructed in accordance with No. 45.	43
47	Ditto ...	Telegram	July 12 (Rec. July 12.)	Repeats telegram from Her Majesty's Agent reporting that he had handed the Secretary of State's telegram to the State Secretary, who promised a definite answer as soon as possible, and that the Volksraad did not intend to discuss the draft Franchise Law that day (July 12).	44

Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1899.		
48	High Commissioner Sir Alfred Milner.	Telegram	July 13 (Rec. July 13.)	States that the full text of the draft Law will be presented to the Volksraad to-day, and that it has been telegraphed to Dr. Leyds for publication in Europe : calls attention to and comments on its main provisions.	44
49	Ditto ...	Telegram	July 13 (Rec. July 13.)	States that the State Attorney has informed Her Majesty's Agent that four new seats would be given to the Rand, and possibly an extra seat each to Pretoria and Zoutpansberg ; considers that as regards number of seats and qualifying franchise, proposal falls far short of his suggestions at Bloemfontein : is awaiting further information from Her Majesty's Agent.	45
50	Ditto ...	Telegram	July 13 (Rec. July 13.)	Conveys substance of the reply of the Republic Government to No. 45.	45
50A	Ditto	Telegram	July 13 (Rec. July 14.)	Comments upon the statement of the President reported in No. 50.	46
51	Ditto ...	Telegram	July 15 (Rec. July 15.)	Reports that resolutions similar to those in No. 33 have been passed at the places indicated.	46
52	Governor Sir W. F. Hely Hutchinson (Natal).	Telegram	July 15 (Rec. July 15.)	Conveys resolution passed at a public meeting at Ladysmith, supporting the action of the High Commissioner and Imperial Government.	47
53	High Commissioner Sir Alfred Milner.	Telegram	July 15 (Rec. July 15.)	Gives text and particulars of a petition to the Queen which he has just received from the Governor of Natal, signed by 6,336 adult European males of that Colony.	47
54	Ditto ...		June 27 (Rec. July 17.)	Transmits copies of further despatches from the British Agent respecting meetings held in support of the Government.	48
55	The Consul-General for the South African Republic.	—	July 18	Encloses a translation of the Draft Law now being considered by the Volksraad of the Republic.	49
56	To High Commissioner Sir Alfred Milner.	Telegram	July 19	Requests, with reference to the second and third sentences of the reply of the State Secretary in No. 50, that it be pointed out that the proposals were those made by the President at the Conference.	52

Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1899.		
57	High Commissioner Sir Alfred Milner.	Telegram	July 19 (Rec. July 19.)	Reports that Article IV. was passed with the alterations indicated, which has the effect of making residential qualification for franchise seven years retrospective.	52
58	Governor Sir W. F. Hely-Hutchinson (Natal).	Telegram	July 19 (Rec. July 19.)	Conveys terms of a resolution of sympathy with Uitlanders passed unanimously by the Legislative Assembly.	52
59	Uitlander Council, Newcastle.	Telegram	(Rec. July 20.)	Expresses disappointment at the announcement that seven years' franchise is acceptable to the Imperial Government: fears that few will accept it and that it will not abate unrest: urges that the High Commissioner's five years compromise be not departed from.	53
60	To High Commissioner Sir Alfred Milner.	Telegram	July 20	Conveys a statement in the House of Commons by the Secretary of State as to the latest proposals.	53
61	High Commissioner Sir Alfred Milner.	Telegram	July 20 (Rec. July 20.)	Reports that the new Franchise Law has been passed without amendment, and will come into force immediately on publication.	54
62	Ditto ...	—	July 5 (Rec. July 22.)	Encloses a letter from the Uitlander Council in Johannesburg criticising the new scheme.	54
63	To Governor Sir W. F. Hely-Hutchinson (Natal).	Telegram	July 22	Expresses satisfaction of Her Majesty's Government with the Resolution of the House of Assembly reported in No. 58.	58
64	High Commissioner Sir Alfred Milner.	Telegram	July 23 (Rec. July 23.)	Reports, in reply to No. 56, that the Government of the Republic state that the new Franchise Law is now finally fixed and passed by the Volksraad.	58

APPENDIX.

Despatches forwarding Resolutions of the South African League
and Minutes of the Cape Ministers thereupon.

Serial No.	From or to whom.	Date.	Subject.	Page.
		1899.		
1	High Commissioner Sir W. F. Butler.	January 18 (Rec. February 4.)	Transmits minute from Ministers enclosing copy of correspondence with the South African League respecting the treatment of British subjects as exemplified in the Edgar case.	59
2	Ditto	January 18 (Rec. February 4.)	Transmits copy of further correspondence respecting occurrences arising out of the Edgar case.	63
3	Ditto	January 25 (Rec. February 10.)	Encloses further correspondence with the South African League respecting Resolutions passed by various branches of that body on the subject of affairs in the Republic.	67
4	To High Commissioner Sir Alfred Milner.	February 17	Requests that the senders of the Resolutions enclosed in Nos. 2 and 3 may be informed that they have been duly received.	71
5	High Commissioner Sir W. F. Butler.	January 31 (Rec. February 21.)	Transmits copy of a letter from the Secretary of the South African League enclosing Resolutions passed by Branches of the League at Stutterheim, Cala, and Barkly East.	71
6	To High Commissioner Sir Alfred Milner.	February 24	Requests that the President of the South African League be informed that the Resolutions enclosed in No. 5 have been duly received.	72
7	High Commissioner Sir W. F. Butler.	February 8 (Rec. February 27.)	Transmits further resolutions from branches of the South African League protesting against the illegal arrest of Messrs Webb and Dodd, &c.	72
8	High Commissioner Sir Alfred Milner	February 13 (Rec. March 4.)	Encloses copy of resolution of the Komgha branch of the South African League protesting against the prosecution of Messrs. Webb and Dodd.	73
9	To High Commissioner Sir Alfred Milner.	March 10	Requests that the senders of the Resolutions forwarded in No. 7 be informed that they have been received.	74
10	Ditto	April 14	Requests that the Secretary of the South African League may be informed that the Resolution enclosed in No. 8 has been received.	74

FURTHER CORRESPONDENCE

RELATING TO

PROPOSED POLITICAL REFORMS

IN THE

SOUTH AFRICAN REPUBLIC.

No. 1.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4.15 p.m., June 6, 1899.)

TELEGRAM.

[Answered by No. 9.]

6th June. Unless you have any objection, I desire that you will communicate my despatch of the 10th May* to the Government of the South African Republic at once. It will be published here immediately afterwards. You will point out, in taking this step, that the despatch was held back pending the result of the Conference between yourself and President Krüger. The recent Conference has anticipated the suggestion for a meeting at Pretoria made in the despatch; and the new situation which the failure of that Conference has created will be carefully considered by Her Majesty's Government, as soon as they receive your full despatches. Further instructions will then be given to you.

No. 2.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 8, 1899.)

TELEGRAM.

June 8. 5.15 p.m. Conference met 31st May and continued till 5th June. At first meeting High Commissioner at invitation of President explained his view of object and scope of Conference. Number of open questions between two Governments was increasing as time went on and tone of controversy becoming more acute. Cause of many of the points of difference and the more serious was policy pursued by South African Republic towards Uitlanders, bitter feeling thus engendered in Republic, tension in South Africa and sympathy throughout British Empire with its Uitlanders, led to irritated state of opinion on both sides which rendered it more difficult for the two Governments to settle differences amicably. If South African Republic would voluntarily change its policy

* No. 83 in [C. 9345].

towards Uitlanders and take steps calculated to satisfy reasonable section of them independence of Republic would be strengthened and outstanding questions would be more easily settled.

The President recognising that His Excellency's attitude was that of friendly suggestion and not of dictation in internal affairs invited him to put forward any points he desired to discuss.

His Excellency declared that the point to which he wished primarily to direct attention was that of franchise because agreement on this would render raising of many other questions unnecessary.

After a general discussion lasting some time, ranging over a variety of topics, His Excellency on the second day of the Conference, at the invitation of the President, formulated his suggestions for enfranchisement as follows :—

Begins: He had to bear in mind on the one hand prejudices of old Burghers and necessity of convincing them that they would not be swamped by new comers and on the other hand uselessness of proposing anything which would be rejected by Uitlanders as totally insufficient and would not bring them on the side of the State, throwing in their lot with and working in future with the old Burghers as one people; bearing both these points in mind he proposed that the full franchise should be given to every foreigner who (a) had been resident for five years in the Republic (b) declared his intention to reside permanently (c) took an oath to obey the Laws, undertake all obligations of citizenship, and defend independence of country; franchise to be confined to persons of good character possessing a certain amount of property or income; finally some increase of seats in district where the Uitlanders principally reside; the number of these was a matter for discussion but it was essential that they should not be so few as to leave the representatives of the new constituencies in a contemptible minority. *Ends.*

The President replied that this proposal was tantamount to handing over his country to foreigners, to which His Excellency strongly demurred, pointing out that he proposed that the representatives of the old Burghers would still be in a large majority in the Volksraad. The President further desired to make any arrangement about franchise contingent on the settlement of other questions especially arbitration, but on the High Commissioner pressing that franchise proposal should, for the reasons already stated by him, be discussed first on its merits, the President on 2nd June handed in Memorandum making counter-proposal to following effect :—

Begins: As his object in the Conference was to remove existing grounds of difference and to provide for friendly settlement of future differences by arbitration, following franchise proposals were made conditionally upon satisfactory settlement of first-named points, and on President's request for incorporation of Swaziland being submitted to Her Majesty's Government; subject to this President undertook to submit to the approval of Volksraad and people detailed proposals to following effect (a) new comers registering themselves within fourteen days after arrival to obtain naturalization after two years on complying with following conditions (1) six months notice of intention to apply for naturalization, (2) two years' continuous registration (3) residence in the South African Republic during that period (4) no dishonouring sentence (5) proof of obedience to the Laws no act against government or independence (6) proof of full State citizenship and franchise or title to it in former country (7) possession of fixed property to value of 150*l.*, occupation of house to annual rental of 50*l.*, or yearly income of at least 200*l.* Government to have the power of granting naturalization to persons not satisfying this condition (8) oath similar to Orange Free State. Persons so naturalized five years after naturalization to obtain full franchise on following conditions (1) continuous registration for five years after naturalization (2) continuous residence during that period (3) no dishonouring sentence (4) proof of obedience to law &c. (5) property qualification as above (b) residents in the South African Republic before 1890 getting naturalized within six months from promulgation of this proposed Law and giving six months' notice of intention to apply for naturalization to obtain full franchise two years after naturalization on complying with conditions for full franchise mentioned above substituting two for five years, those not getting

naturalized within six months to fall under already mentioned conditions for new comers (c) those already resident for two years or more to be allowed immediate naturalization on above-mentioned naturalization conditions for new comers and to obtain full franchise five years after naturalization on compliance with above-mentioned full franchise conditions (d) those already naturalized to obtain full franchise five years after naturalization on last-mentioned conditions.

Ends.

High Commissioner, before giving formal reply, pointed out absolute difference from his plan and in view of this suggested that President should consider whether there was any other way apart from the franchise of giving the Uitlanders some powers of local self-government such as were suggested by Mr. Chamberlain in February 1896.

President however refused to entertain the idea and at meeting of 3rd June the High Commissioner put in his formal reply.

His Excellency acknowledged that proposed scheme was a considerable advance on existing Franchise Law and he enumerated the improvements, but he felt that as a solution it was quite inadequate to the needs of the case ; under the plan no man not already naturalized even if he had been in the country for 13 or 14 years would get a vote for the First Volksraad in less than 2½ years from the passing of the new Law, no considerable number of people would obtain the vote in less than five years even if they got naturalized, but the majority would not naturalize because scheme retained unfortunate principle first introduced in 1890 by which a man must abandon his old citizenship for a number of years before getting full burgher rights. His view was that however long a period of residence was fixed before a man became a burgher he should be admitted once for all to full rights on taking the oath of allegiance ; the vote for the First Volksraad was the essential point but under this scheme it would be a considerable time before any number of Uitlanders worth mentioning could vote for the First Volksraad and even then they would only command one or two seats. The old Burghers ought not to be swamped but as long as the new comers had no representatives in the Supreme Legislative Council they would as a body remain an inferior caste. His Excellency could see in the proposal no prospect of attaining the co-operation and concord between the two sections of the population to which he had looked to bring about a more progressive system of government and to remove causes of friction between the Republic and Great Britain, the scheme was therefore so inadequate that it would be wasting the time of the Conference to discuss its details ; the President seemed to be even more opposed to the suggestion that failing an agreement on franchise the demands of the Uitlanders might be met by giving them even partial control over the local administration of their own district, that being the case His Excellency was driven to the conclusion that so far as the Uitlander question was concerned the Conference had been productive of no result.

On the 4th June a further Memorandum was received by His Excellency from the President. It stated that President was ready to recommend to First Volksraad an increase in number of its members whereby gold-fields would be represented by 5 members instead of as now by 2 and that new population would in addition exercise considerable influence on elections in the other districts where they were registered. It pointed out that persons naturalized before promulgation of proposed Law could obtain full franchise five years after naturalization so that all persons naturalized five years ago would immediately be entitled to the full franchise. The President argued that both in the Republic and elsewhere citizenship did not necessarily bring with it full franchise, quoting registration law of Cape Colony and other places ; he said that as by naturalization new population obtain right to vote for the Second Volksraad they can thereby make their influence felt on all subjects which are specially placed under the jurisdiction of the Second Volksraad and which above all concern the mining and general interests of the new population, the latter thus have, while the term of registration is running on, a vote in the majority of subjects which concern them and obtain thereby their fair share in the legislation affecting them ; First Volksraad has the power to review work of Second Volksraad, but where it concerns the interests of the mining community it has very seldom done so ; naturalized citizens have the right to serve as jurymen and to select local officials whereby they obtain a very important influence on the local government. In Great Britain and important British Colonies the enfranchised citizens have no vote in the elections of the highest legislative Chamber. In that respect British subjects becoming Burghers of the South African Republic would be better off than they

were before ; the President could not accept His Excellency's proposal because it would result in an immediate overmastering of the old citizens and at any rate would not bring about the gradual fusion of the two sections which was desired by His Excellency as well as the President, but by His Honour's proposal this fusion would commence immediately and proceed year by year with rapid strides, so that discord would disappear of itself ; the President was convinced that as this aspect was made clear to the new population they would acknowledge its fairness. As regards the alternative plan of local government for the gold-fields, a wide measure of local government had, since the suggestion of Mr. Chamberlain in 1896, been accorded to that portion of the State. If experience after a lapse of time should demonstrate that a further extension of this local government was necessary, the Volksraad would doubtless make the necessary provision under the reservation that such extension should not effect an *imperium in imperio* ; in conclusion the acceptance of His Honour's proposal by the people and the Volksraad would depend on a proper adjustment of the matters set forth at the beginning of his former Memorandum.

At the morning sitting of the 5th June His Excellency read his reply to this statement as it amended the original proposal. His Excellency now considered that scheme in considerable detail ; he pointed out that no provision was made for immediate enfranchisement of old residents even of thirteen years' standing and that some of the conditions were likely in practice to deprive of the franchise many of those whom the scheme professed to benefit ; he laid stress on the fact that it might be so interpreted as to exclude not only the members of the Reform Committee, but all persons in any way implicated in the unfortunate disturbances of December 1895, even if totally innocent of any design against the Republic ; he considered that this would be a fatal blot on any scheme of enfranchisement and reminded the President of his saying "forgive and forget" ; while having an open mind as to the number of new seats which should be created for the gold-fields His Excellency considered three decidedly too few and even this limited degree of representation was still distant. His Excellency's aim was to obtain some measure of representation, however small, for the Uitlanders immediately, as the First Volksraad had already been too long out of touch with the new population and every year increased the tension and the danger ; His Honour had argued that the new Burghers would immediately have a vote for the Second Raad and that the Second Raad dealt with those matters in which they were most immediately interested ; His Excellency most strongly demurred to this statement ; he pointed out that the Second Raad had no power whatever in question of finance and yet finance deeply interested the people who supplied the revenue ; it was true that the Second Raad could legislate in mining and other matters affecting the industrial community, but only subject to the First Raad and the President, and whenever those matters were of first-rate importance the First Raad took them into its own hands ; he instanced the report of the Industrial Commission ; that report was of vital interest to the mining industry and was cordially welcomed by it and the Uitlander community generally ; it was dealt with exclusively by the First Raad which in the teeth of the strong protest of the people directly interested rejected its most valuable proposals ; he instanced especially the fate of the proposal of an advisory Board to deal with the liquor traffic, gold thefts, and other matters ; this was a most moderate proposal in the direction of letting the people interested manage their own affairs yet the First Raad would have none of it ; similarly the questions of public order on the gold-fields and of education were exclusively in the hands of the First Raad and of the Government. Looking to the extreme importance of the vote for the First Volksraad and for the President His Excellency considered that the bulk of the Uitlanders would rather wait five or even seven years for Burghership, if it at once conferred all the rights as well as all the obligations of the old Burghers, than come in under the present proposal, even accepting the President's view of what constitutes Burghership yet where there are both full Burghers and persons who may be called half Burghers the latter must form an inferior class, and to that class men who had taken the oath under the present proposal and thereby lost their former citizenship might, owing to various circumstances, find themselves permanently confined. His Excellency therefore could not consider that His Honour's proposals would either be satisfactory to the Uitlander community or be calculated to relieve the British Government from further solicitude for those of them who were British subjects, still less could the British Government be asked to give something in exchange for the proposed legislation. His Excellency's scheme doubtless involved a considerable change of policy, but the situation was grave and no small measure would any longer be of any use ; the Government of

the Republic had everything to gain in silencing the present complaints and in removing the long list of Uitlander grievances from the field of controversy between the two Governments ; His Excellency had gone very far in the direction of compromise when he was prepared to drop all other questions connected with the position, if only he could persuade the President to adopt a liberal measure of enfranchisement ; His Excellency had come to the Conference in the hope that he might be able to report to Her Majesty's Government, that measures were about to be adopted which would lead to such an improvement in the situation as to relieve Her Majesty's Government from pressing for the redress of particular grievances, but he did not feel that what His Honour had seen his way to propose in the matter of franchise or what he indicated as the extreme length to which he might at some future time be willing to go in the extension of local Government was sufficient to justify him in reporting in that sense.

At the afternoon sitting, which was the final meeting of the Conference, the President expressed his regret that his franchise proposal had been found unacceptable by His Excellency ; it went as far as was possible in the interests of the people and the State and in principle it was impossible for him to depart from it ; he would have been willing to further discuss the details of the proposal touched on by His Excellency, but as His Excellency refused even to accept the principle it would be useless to go further into details. His Excellency had acknowledged that His Honour's proposal was a considerable improvement on the existing Law and he would also acknowledge that it would be desirable to have this proposal adopted by the Legislature of the Republic apart from the fact that His Excellency did not consider it went far enough ; on the other hand His Excellency had acknowledged that His Honour's request for arbitration by other than foreign Powers on all points of future difference under the Convention was reasonable. His Honour therefore made the following proposal : he would be prepared to recommend his franchise proposal to the Volksraad and he would then expect His Excellency to recommend to Her Majesty's Government His Honour's request about arbitration. His Excellency would understand that if Her Majesty's Government should not grant this request it could scarcely be expected that the people of the South African Republic would approve of His Honour's comprehensive proposal with regard to franchise.

To this the High Commissioner replied that in his view the effect of what had happened was that both parties were in the *status quo ante* the meeting ; His Excellency did not in any way wish to discourage His Honour from laying proposals before the Volksraad, but he would of course do so of his own motion and not as part of any understanding with Her Majesty's Government ; similarly any proposal made by His Honour about arbitration would be considered on its merits but not as any part of the present negotiations ; this Conference was absolutely at an end and there was no obligation on either side arising out of it ; arbitration had been mentioned during the Conference along with other matters but no definite proposal on the subject was before His Excellency at the moment ; on some questions Her Majesty's Government clearly could not arbitrate and on no question would they ever agree to arbitration by means of a foreign Government. At the same time there was a class of question about which Her Majesty's Government might agree to arbitrate if a suitable method could be found ; if a proposal on that subject was submitted at any time it could be considered independently of any of the proceedings of this Conference. As already pointed out His Excellency was not authorised to discuss this question but any definite proposition which His Honour might make at any time would be submitted to the consideration of Her Majesty's Government.

Before separating His Excellency expressed in cordial terms his great indebtedness to Mr. Fischer, Member of the Executive Council of the Orange Free State, for the services he had rendered by acting as interpreter during the Conference, and the President also warmly thanked Mr. Fischer ; the President addressing His Excellency said that he was very pleased at the friendly way in which the discussion had been carried on and hoped that in future they would be better able to understand one another and that matters in dispute would come right. His Excellency replied that it had given him great pleasure to make His Honour's acquaintance and that he thanked him for his personal courtesy.

No. 3.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.10 p.m., June 9, 1899.)

TELEGRAM.

[Answered by No. 5.]

9th June. Urgent. It is stated in your long telegram,* giving proceedings of Conference, that President spoke as follows on last day:—

Begins: "His Excellency had acknowledged that His Honour's request for
"arbitration by other than foreign powers on all points of future difference
"under the Convention was reasonable." *Ends*.

Please explain this statement, which I cannot understand.

No. 4.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.15 p.m., June 9, 1899.)

TELEGRAM.

9th June. No. 3. Following telegram received from British Agent in South African Republic:

Begins: 9th June. A great public meeting of the unenfranchised is announced in the advertisement columns of to-day's newspapers to be held to-morrow evening in the City Mart Johannesburg and summoned by prominent citizens of all classes 228 of whom have up till now signed summons. The purpose of the meeting is announced to be to express the views of the community on the matters discussed at the Bloemfontein Conference and to gratefully acknowledge the efforts of Sir Alfred Milner to secure a peaceful and effective redress of grievances.

No. 5.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 10, 1899.)

TELEGRAM.

Urgent. June 10. Referring to your telegram of 9th June,† during the earlier stages of Conference, when I was trying to get President to enter into discussion on franchise, he constantly attempted to get me to agree to arbitration as a set-off to any extension of franchise, which I constantly refused. My contention was that franchise question must be considered first on its merits, as going to the root of the most serious differences, and that unless agreement could be arrived at on it discussion on other matters would be of little use. I said: "As I have put forward my proposal first, I want to discuss that proposition to the end, until we come to see whether agreement is possible; because if it turns out, as it may turn out when we look at the details, that the President is not prepared to go to that point which I should consider a minimum then it is no use considering what we should do in view of a scheme which we don't care about. On the other hand, if the President's plan is something that can be accepted, then I am prepared to consider what can be done on our side to help the matter through, but let us see first of all if the proposal itself is one that, with every

* No. 2.

† No. 3.

desire to meet the President, I can conscientiously approve as being a thing which is likely to achieve the object I have in view."

He continued to press for settlement of Jameson indemnity, Swaziland, and the adoption of arbitration. I put the two former aside and said, as to arbitration: "I am in so far entirely with the President that I want if possible to have in future as few questions to discuss with South African Government as I now have with the Orange Free State. I feel that the President will need, if he accepts my scheme of franchise, to have some assurance that there shall not be perpetual controversies between him and England, and that if there are controversies some regular way of dealing with them should be devised. The President once proposed that some question or a number of questions should be submitted to the President of Swiss Republic. Her Majesty's Government refused that on general principle, from which I am sure they will not depart, that they will not have any foreign Government or any foreign interference at all between them and the South African Republic. But if some other method can be devised of submitting to an impartial Tribunal questions that may in future arise between us, and perhaps even some questions which exist at present, in any case to provide for the future: if such a plan can be devised and suggested to me I will lay it before Her Majesty's Government and do what I can personally to assist in a satisfactory solution of the same. The President must understand that I cannot pledge Her Majesty's Government in any way on this subject. The question has taken me by surprise. I did not come here contemplating a discussion on it, but I must say if it could be satisfactorily arranged, excluding the interference of the foreigner, it would seem to me to open a way out of many difficulties. But all the same I adhere firmly to my proposal that we should first try and settle on the scheme which the President would accept as regards the matter which I put forward. If we can come to some understanding about that, then let us consider what we can do in the way of ensuring that this Conference shall be a final settlement of questions between the two Governments and that future difficulties if they arise shall settle themselves by an automatic process."

But I again insisted that I would not bargain for the franchise either with arbitration or anything else. The former must be discussed first and independently of other questions. The Conference then proceeded on the franchise question and broke down on it. At the very close of Conference, and after all that is stated in report before you, he told me that he hoped to hear from Her Majesty's Government about arbitration. I replied: "I have nothing to propose to Her Majesty's Government on the subject. I have nothing before me; there is a general expression of opinion on the Minutes of the Conference, but I do not regard anything which has passed here as a proposal on the subject to Her Majesty's Government which requires an answer."

No. 6.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 6.30 p.m., June 11, 1899.)

TELEGRAM.

(Extract.)

I had a visit this evening from Prime Minister of Cape Colony. He was anxious to let you know that his colleagues were agreed with him in thinking that President South African Republic's franchise proposal was practical, reasonable, and a considerable step in the right direction. He had come to the conclusion that I was the only proper channel for communicating his views, though he had thought of doing so through a private friend in England. Opinion of himself and his colleagues was in his view an element in the case with which it was right to acquaint you. The tone he adopted was extremely moderate.

In reply I told him I was prepared to communicate this expression of his opinion, although I strongly held an opposite view, as he was aware.

He admitted in subsequent conversation that President South African Republic's scheme could, in his opinion, be improved in detail, for instance, by immediately admitting men who had entered country previous to 1890 and by making optional the

period of naturalization, that is to say by allowing men to obtain full burgher rights on taking the oath after seven years' residence, thus avoiding, if chosen, the period of five years during which a man is without full privileges of new citizenship though he has forsworn his old one.

In reply I told him that these were points of first-rate importance and not of detail, especially the latter, and that, since after all he seemed to agree with me more than with President South African Republic, he had better address his advice to the latter and not to Her Majesty's Government. I added that the present moment was not, however, in my opinion, a very opportune one, as the President South African Republic would receive on Monday an important communication from Her Majesty's Government setting forth views on Uitlanders' grievances generally, and that after that Government South African Republic, being able better to review the situation, would perhaps be more willing to listen to advice. The conversation then closed.

No. 7.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 5.25 p.m. June 12, 1899.)

TELEGRAM.

12th June. British Vice-Consul at Johannesburg reports enthusiastic and orderly meeting held Johannesburg 10th June, over 5,000, all white inhabitants. Of the Resolutions unanimously carried most important are as follows: First, no solution satisfactory which does not provide for equal political power; Second, President's proposals at Conference wholly inadequate; Third, recording deep sense of obligation to High Commissioner and accepting his proposals as irreducible minimum. Meeting also unanimously endorsed Petition to Her Majesty the Queen.

No. 8.

THE VICE-CONSUL FOR THE SOUTH AFRICAN REPUBLIC to COLONIAL OFFICE.

(Received June 13, 1899.)

SIR,

58, Victoria Street, S.W., June 12, 1899.

I AM directed to transmit you herewith the text of a resolution adopted by the Volksraad of the South African Republic.

I have, &c.,

A. G. QUARLES DE QUARLES,
Vice-Consul, South African Republic.

To the Right Honourable
The Secretary of State for the Colonies.

Enclosure in No. 8.

"The First Volksraad, taking note of the Government message of June 9, 1899, and of the proposals exchanged between the State President and the High Commissioner at Bloemfontein, which were attached to the message in the form of a memorandum, and having taken cognisance of these proposals;

"Regretting that the High Commissioner could not accept the President's proposal, which should be regarded as very equitable; and

"Considering that it is desirable to take other measures for the better regulation of the franchise;

* First, decides to approve the negotiations of the State President and the delegation.

"Secondly, declares itself in accord with the President's proposals regarding the franchise and arbitration, and charges the Executive Council to draw up in a complete form the State President's proposal regarding the franchise, in order to submit it as quickly as possible to the deliberations of the Raad."

This resolution was adopted unanimously.

No. 9.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 2.15 p.m., June 13, 1899.)

TELEGRAM.

June 13, No. 1. Your despatch* of 10th May delivered this morning.

No. 10.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4.10 p.m., June 14, 1899.)

TELEGRAM.

[Answered by No. 16.]

14th June. No. 2. Following telegram from Government of South African Republic to Consul-General London has been published in newspapers:—

Begins: The newspapers report that in the House of Commons it has been stated that the franchise proposals of the South African Republic are conditional upon arbitration by a foreign Power on the questions pending between Great Britain and the Transvaal. Such a supposition is decidedly inaccurate and should be contradicted. In the last Memorandum addressed to the High Commissioner at Bloemfontein the franchise proposals were considered by us as quite distinct from the question of arbitration. *Ends*. Telegram from Government of South African Republic to Leyds 6th June stated as follows:—

Begins: The President intends to submit the different proposals to the Volksraad subject to a favourable decision of British Government relative to arbitration. *Ends*.

In view of that statement Government of South African Republic should be asked to explain contradiction of my statement in House of Commons.

No. 11.

VICE-CONSUL FOR THE SOUTH AFRICAN REPUBLIC to COLONIAL OFFICE.

(Received June 16, 1899.)

SIR,

58, Victoria Street, S.W., June 15, 1899.

WITH regard to certain newspaper reports to the effect that the franchise proposals of the Government of the South African Republic are conditional upon arbitration by a Foreign Power on the questions pending between Her Majesty's Government and the Government of the South African Republic, I have the honour to inform you that I have been instructed to contradict these reports, and to state that such a supposition is decidedly inaccurate, and that the question of arbitration by a Foreign Power has never been considered.

In the last memorandum addressed to His Excellency the High Commissioner at Bloemfontein the franchise proposals were considered by the Government of the South African Republic as quite distinct from the question of arbitration.

I have, &c.,

A. QUARLES DE QUARLES,
Vice-Consul of the South African Republic.

To the Right Honourable
the Secretary of State for the Colonies.

* No. 83 in [C. 9345].

No. 12.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 2.30 p.m., June 15, 1899.)

TELEGRAM.

[Answered by No. 14.]

15th June. No. 2. The Prime Minister of Cape Colony had a long interview with me to-day. He reverted to our conversation of the other night, for which see my telegram, No. 1, of the 11th June,* and said that he and his colleagues were agreed that there were two respects in which Government of South African Republic might better their franchise scheme: (1) By admitting to full franchise at once persons who had entered country before 1890, and (2) By making it optional to obtain full franchise without previous naturalization after seven years' residence. He wished you at the same time to know that a state of things had not, in their opinion, arisen which would justify active interference in what were the internal affairs of the Transvaal. To this I strongly demurred, as I did not see that Her Majesty's Government had taken, or shown any intention of taking, any action giving occasion for such an expression of opinion. In reply he said that they were desirous, in view of current rumours, of making their views known to you, and that they could only do so through the Governor. Though not strictly a Colonial matter, it was indirectly of so much interest to the Colony, that they felt they were justified in making a representation on the subject.

No. 13.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.35 p.m., June 16, 1899.)

TELEGRAM.

16th June. No. 4. Resolutions passed at crowded meeting of Burghers and sympathizers with South African Republic Government last night at Johannesburg approving proposals of President South African Republic; affirming desirability of South African Republic Government making every effort to solve all difficulty with other Governments by arbitration; and voting thanks to South African Republic President, South African Republic Government, Orange Free State Volksraad, and to Afrianders in Cape Colony and Natal for sympathy past and at the present time.

No. 14.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 11.55 p.m., 16th June, 1899.)

TELEGRAM.

16th June. No. 1. Your telegram No. 2, of 15th June.† You should inform your Ministers to the following effect:—

Begins: As they will have seen from my despatch of the 10th of May,‡ Her Majesty's Government are most anxious to avoid interference with the internal affairs of the South African Republic. They trust that the Cape Ministers will use all the influence they can to induce the South African Republic Government to take such action as will relieve Her Majesty's Government from the necessity of considering the question of being obliged to have recourse to interference of such a nature. *Ends.*

* No. 6.

† No. 12.

‡ No. 83 in [C. 9345].

No. 15.

MR. CHAMBERLAIN TO HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4.15 p.m., June 16, 1899.)

TELEGRAM.

(Extract.)

16th. June. Her Majesty's Government approve your action at the Conference and your subsequent speech at Cape Town. In preparing instructions for you after your full Reports of the Conference are received, we shall require to know the exact nature of the scheme of reform at present adopted by the President of the South African Republic. It appears that he has given way in some slight particulars.

No. 16.

HIGH COMMISSIONER SIR ALFRED MILNER TO MR. CHAMBERLAIN.

(Received 7.3 p.m., June 18, 1899.)

[Answered by No. 18.]

TELEGRAM.

18th June. No. 1. Referring to your telegram of 14th June, No. 2* following telegram received from British Agent in South African Republic :—

Begins : I have received following from South African Republic State Secretary :—

Begins : I beg inform you that with reference to telegram to Leyds 6th June there must be some mistake as no such telegram has been sent by South African Government to Representative in Europe. With reference to telegram to Consul-General at London in which it was stated that our franchise proposals were not dependent on agreeing to arbitration we do not understand how from the tenour of our Memorandum of 5th June quoted by High Commissioner it could be inferred that these two questions were treated by President as depending on each other. President repudiated idea of any bargain and expressly proposed that each subject should be treated on its own merits. The mere expression of opinion on his part that if the principle of arbitration were not adopted he anticipated a difficulty on the part of his people to approve of his franchise proposals cannot I think be construed as being in conflict with his statement that these two questions should be treated as distinct and as further confirmation of this view you will be aware that the President has in his explanations to the South African Volksraad consistently adhered to this attitude. *Ends*.

No. 17.

HIGH COMMISSIONER SIR ALFRED MILNER TO MR. CHAMBERLAIN.

(Received 11 p.m., June 19, 1899.)

TELEGRAM.

19th June. No. 2. South African Republic Volksraad adjourned till 3rd of July for purpose of consulting Burghers upon Franchise Law submitted to Raad 12th June and approved by it. Operation of Law has been suspended pending further resolution. According to newspaper translation of Law following are chief variations from South

* No. 10.

African Republic President proposal at Conference as summarized in my telegram of 8th June* :—

1. *Naturalization*.—(a.) Obligation of new comers to register within fourteen days is omitted. (b.) When giving six months' notice in writing of intention of applying for naturalization applicant shall supply such information as South African Republic State Secretary may deem necessary. (c.) Applicant must produce certificate showing that during his two years' registration he was obedient and faithful to the Laws and faithful to the independence of country. It is not stated who is to give this certificate. Act against the Government is omitted. (d.) No dishonouring sentence. Applicant shall hand in certificate from a qualified official as to this. (e.) Full State citizenship in his previous country. Applicant shall hand in proofs of this. Nature of proof not stated. (f.) Income qualification reduced to 100*l*.

2. *Franchise*.—(a.) New clause: persons invited by Government under special circumstances to be naturalized or enfranchised need not [? have] fulfilled naturalization or franchise requirements except as to oath. (b.) New clause: youths born outside follow status of their fathers, if latter naturalized, or enfranchised, before former's sixteenth year. (c.) Immigrants before 1890 and two years' residents. Six months' notice as condition precedent to getting naturalized is expunged.

3. *New Clauses*.—(a.) All applications for naturalization or franchise to be submitted to South African Republic State Secretary, whose advice will apparently decide whether application can be granted. (b.) No one not considered as belonging to the white population can obtain franchise. (c.) All laws and stipulations in conflict with this Law are repealed.

Supplementary missive proposing three additional members for goldfields was presented to Raad, but after discussion withdrawn on discovery that Executive already possessed necessary powers under Law 12 of 1887.

All these changes are of minor details and though some are improvements, some others import uncertainty into the scheme. It is still open to all the main objections to the original proposal.

No. 18.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1 p.m., June 20, 1899.)

TELEGRAM.

20th June. Referring to your telegram of 18th June No. 1† British Agent in South African Republic should inform State Secretary that telegram from which quotation made was published in the newspapers in London on 8th June as a despatch dated Pretoria 6th June received by Dr. Leyds the diplomatic Representative of the South African Republic. It contained a summary of the proceedings at the Conference and was accepted as the account published on behalf of Government of the South African Republic. It was stated to have been cabled as a Government message and thus gained priority over press telegrams.

No. 19.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 9.40 p.m., June 23, 1899.)

TELEGRAM.

[Answered by No. 20.]

23rd June. No. 4. Referring to your telegram of 20th June,‡ following telegram received from British Agent in South African Republic:—

Begins: Following received from South African Republic State Secretary:—

Begins: I am sorry to inform you that I now find that although no such short telegram to Leyds as referred to in your note was sent on 6th June

* No. 2.

† No. 16.

‡ No. 18.

as a separate telegram, yet the words quoted by Secretary of State for Colonies did actually occur in a telegram of same date. In sending that telegram mistake made, the word "not" being omitted between the words "our proposals" and "are subject to," which error detected was as soon as it was discovered rectified by a supplementary telegram addressed to both Consul-General at London and Leyds. I much regret that this error and consequent misunderstanding should have occurred. *Ends.*

No. 19A.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., June 30, 1899.)

TELEGRAM.

29th June. Events in connection with Mr. Fischer's visit to Pretoria were briefly as follows:—

He was in close communication with Hofmeyr and Cape Ministers during his visit to Cape Town, and came to see me too. From his conversation with me and also with Schreiner and Hofmeyr I derived the impression that the object of his mission was to urge on the President the necessity of completely modifying his present proposals especially as regards option of obtaining full franchise on taking oath after seven years without naturalization five years previously, and also immediate admission of persons resident before 1890 to citizenship. Without admitting that these changes by themselves would suffice to make President's scheme acceptable, I recognize their importance; and I strongly urged on all persons named that, if President could be induced to make substantial concessions in the hope of satisfying Her Majesty's Government on this particular point, he should consult us beforehand and not hastily commit himself to a new scheme. Any scheme for admission to citizenship that was to be an important element in the settlement of differences between Governments must be such as could be recommended to Uitlanders as a measure, not hampered by unreasonable conditions or liable to be defeated by subsequent legislation in an opposite direction, but thoroughly sound as far as it went.

It would be desirable, in order to make sure that it fulfilled these conditions, to consult competent representative of Uitlanders, whose opinion could be obtained privately by British Agent and reported to Her Majesty's Government to enable them to judge whether proposal was adequate. I telegraphed also to British Agent in this sense, instructing him what attitude to adopt if he should receive a visit from Fischer.

The latter reached Pretoria on Sunday and, after sounding leading persons of Transvaal, called on British Agent on Monday evening. To him he mentioned a number of suggestions which he thought of making, though he had not much expectation that they would be received favourably: if, however, I thought them promising and encouraged him to go on with them, he would be prepared to press them. Into these suggestions it is unnecessary to go in detail, for they were very complicated and I could not quite understand them from the telegram.

I felt, however, that in any case it was quite contrary to procedure suggested by me to attempt to induce me to pledge myself beforehand to accept President's scheme if certain modifications were made in it. A message to this effect to Fischer was accordingly telegraphed by me to British Agent. Fischer, however, entered into negotiations with Government without waiting for my reply: these negotiations occupied Tuesday and Wednesday morning but their nature is not known to me.

Fischer called on British Agent later on Wednesday. Greene then expressed the hope that the Government would adopt my suggestion and submit to us beforehand whatever new proposals they contemplated laying before the Raad. Fischer answered that the Government would not agree to this, but they would lay the new proposals before the Raad next week in Secret Session; he himself was going back to Bloemfontein but would be at Pretoria again and would communicate privately to British Agent for my information the nature of the proposals before the vote was taken. The Government Secretary did not recognize the right of Her Majesty's Government to be consulted on the franchise which was an internal matter. He could not tell Greene the result of the negotiations between himself and the South African Republic as he had promised to keep them secret, but there was no question whatever of agreeing to the minimum demands made at Bloemfontein by me.

No. 20.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4.25 p.m., June 30, 1899.)

TELEGRAM.

[See No. 44.]

30th June. Referring to your telegram of 23rd June, No. 4,* explanation of South African Republic State Secretary not understood, as we cannot find proper place for word "not" in context of sentence quoted verbatim in my telegram of 14th June, No. 2,† from telegram as published by Leyds. Refer to "Times" 8th June for full text of last-mentioned telegram. In any case correction was not published.

No. 20A.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5.25 p.m., June 30, 1899.)

TELEGRAM.

30th June. As it is most desirable to avoid having to refuse what may be claimed as a concession and yet be an altogether unsatisfactory one, you should let it be clearly understood by Hofmeyr or anyone else negotiating with Transvaal that no Franchise Reform will be accepted which does not give the Uitlanders some genuine representation in First Volksraad at once. Reforms that are postponed are of no value.

No. 21.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 30, 1899.)

Government House, Cape Town,

June 14, 1899.

SIR,

I HAVE the honour to inform you that a very influential deputation of leading citizens of Cape Town and district, headed by the Mayor, waited on me on the 12th instant, to welcome me back on my return from Bloemfontein.

From the report of the proceedings, which I enclose, you will observe that the deputation, through their spokesman, the Hon A. Ebden, were good enough to express their approval of my attitude at the Conference and their confidence in myself personally, at the same time offering me their earnest and firm support in my efforts for such reforms as would secure the just representation of great and expanding interests.

In my reply I thought fit, while avoiding anything like inflammatory language, to point out clearly why I had taken so firm a stand at Bloemfontein on the necessity of an effective measure of enfranchisement. As I showed the deputation, the moderate measure of enfranchisement, which I would not depart from, *was, in itself, a compromise*, and a very great one, a proposal to President Kruger to relieve him from the necessity to attend to demands for the better government of his Uitlander subjects in detail, by giving them sufficient influence in the State, to themselves enforce attention to such demands. That being the object, it was impossible to allow the scheme to be so cut down as to leave the Uitlanders for years to come, and perhaps for ever, as impotent as now.

As I write, very strong expressions of support of my view are coming in on all hands. The British Press throughout South Africa is practically unanimous at my back, while even some of the Bond journals shew signs of wavering.

I have, &c.,

A. MILNER.

Governor and High Commissioner.

* No. 19.

† No. 10.

Enclosure in No. 21.

"CAPE TIMES," June 13, 1899.

Yesterday morning at eleven o'clock a deputation over a hundred strong, and representing all that is worthiest and most influential in the city and Peninsula, waited upon His Excellency at Government House, to express satisfaction with the Governor's strong action at Bloemfontein, and unreservedly to "back" Sir Alfred Milner in the present crisis. The deputation began to assemble outside Government House at a quarter to ten o'clock, and by-and-bye, at the request of Lieutenant Chester-Master, A.D.C., they proceeded to the Throne Room. Among the throng were: The Hon. A. Ebdon, the Hon. J. Faure, M.L.C., the Hon. W. Ross, M.L.C., the Hon. John Frost, M.L.A., the Hon. T. L. Graham, M.L.C., Mr. T. Ball (Mayor of Cape Town), Dr. Smuts, M.L.A., Mr. T. E. Fuller, M.L.A., Mr. J. L. M. Brown, M.L.A., Mr. T. J. Anderson, M.L.A., Mr. J. D. Cartwright, M.L.A., Mr. F. E. Garrett, M.L.A., Mr. Louis Zietsman, M.L.A., Mr. F. R. Thompson, M.L.A., Mr. Amos Bailey, M.L.A., the Rev. Langford Brown, the Rev. W. E. Robertson, Dr. M. Hewat, Dr. John Hewat, Dr. B. Hewat, Messrs. J. Garlick, J. W. Jagger, W. E. Moore, H. K. Tredgold, W. V. Simkins, E. S. Steyler, J. G. Steyler, H. Nixon, J. Bissett (Mayor of Claremont), J. A. S. Watson (Mayor of Rondebosch), H. W. Markham, T. J. O'Reilly, H. Watermeyer, E. B. Garland, W. Brown, Spivey Woodhead, J. H. Langton, C. Bruce Sellar, A. H. Mathew, H. F. East, Hy. Cloete, J. M. Shaw (Woodstock), Walter Searle, Harris, C. F. Cleg-horn, Charles Lewis, Quilter, Robertson, C. M. Gibbs, R. Grant, L. Cloete, W. T. Buissinné, E. R. Syfret, Gus Trollip, P. O'Flaherty, E. J. Earp, E. L. B. Homan (Johannesburg), A. R. McKenzie, F. F. Rutherford, H. McGregor, F. W. Smith, S. van Renen, B. Pilgrim, Gates, Tearnan (Mayor of Mowbray), G. Twyocross, J. G. Maxwell, S. Wells, S. N. Ponder (Wynberg), Lewis Atkinson, Munnik, J. G. Leeb, G. Scott, A. S. Woolley, T. Louw, J. W. Herbert, B. Lawrence, C. Sedgwick, Anth. M. de Witt, H. Yeoman, Calder, C. Dowsett, and D. Mills. At 11.12 His Excellency entered the Throne Room, accompanied by Colonel Hanbury Williams, Military Secretary, Lieutenant R. Chester-Master, A.D.C., and Viscount Belgrave, A.D.C.

His Excellency consented to receive the deputation upon a request from the Mayor, on behalf of numerous citizens. Had it been more generally known that the deputation was on foot, its numbers would have been swollen to still larger, and, indeed, to inconveniently large, dimensions.

The Mayor of Cape Town said: I wish to introduce to Your Excellency a deputation representing the citizens, which you have kindly consented to receive. The Hon. Alfred Ebdon will explain the object in behalf of the deputation. (Applause.)

THE STRONG MAN APPRECIATED.

The Hon. A. Ebdon said: May it please Your Excellency,—This deputation has done me the honour to ask me to act as their foreman on this occasion, and to say they have been anxiously looking forward to this opportunity of welcoming you to the seat of Government on your return from Bloemfontein; also, to say that we fully appreciate all the efforts you made to bring about a satisfactory settlement with the Transvaal Republic. (Applause.) Those who have been instrumental in getting up this meeting have deemed it wisest and best, under the circumstances, that their views should be embodied in the form of a memorandum, rather than that any one of their number should express their views off-hand. They consider this is a most important occasion, and they are therefore desirous that their views should be carefully stated. With these remarks by way of preface, with your permission, sir, I will read the document that has been prepared: On behalf of the citizens here assembled, and, I venture to say, of many thousands throughout the length and breadth of the land, I beg to assure Your Excellency of the admiration with which the firm stand made by you on behalf of the rights of the Uitlander population of the Transvaal, at the Bloemfontein Conference, is regarded. They feel that the proposals you made on their behalf were moderate and statesmanlike—(applause)—and such as should commend themselves to moderate men of all classes, inasmuch as while opening the door of citizenship to the Uitlander, you fully safeguarded the position of the existing burghers. (Applause.) They desire to express their satisfaction that, having put forward suggestions of that character, Your Excellency so clearly marked your sense of the impossibility of accepting proposals which, in their opinion, would have brought little relief to the unrest and dissatisfaction now existing. (Applause.) They therefore wish to offer their earnest

and firm support to Your Excellency in such reforms as will secure the just representation of great and expanding interests. We all sincerely hope for a peaceful solution of all differences, and earnestly wish to see the Transvaal Government accepting the policy of trusting their subjects and working with them for the common good. It is not without a deep sense of responsibility that these views are urged upon Your Excellency at this critical juncture in the affairs of South Africa, but those for whom I speak feel deeply that in the interests of the future of this country, they should be fully and firmly expressed. In conclusion, I desire to give expression to the entire confidence we all feel in the fairness and ability of Your Excellency to bring these unhappy differences to a satisfactory settlement. (Applause.)

THE HIGH COMMISSIONER'S REPLY.

CLEARING THE ISSUE.

His Excellency, in replying, said: Mr. Ball, Mr. Ebdon, and gentlemen,—I need hardly say that I am deeply grateful for your expression of sympathy and support. It is rather difficult to choose words in which to reply to it. At a time of anxiety like the present one is anxious to avoid any word which could possibly do harm. (Hear, hear.) At the same time, a few words may do good if they tend to clear the issue. As you are all aware, the recent Conference led to no result. It led to no result because the whole discussion turned on the question of the franchise, and on that no agreement was possible. It may be asked, why was so much weight attached to this one question? Well, I fully admit the franchise is only a means to an end, and the end is to obtain fair play for the Uitlander population in the South African Republic. (Cheers.) That is the main concern which Her Majesty's Government has in view—the protection of the Uitlander population, containing as it does so large a proportion of British subjects. My view was, and is, that the best way to help those people, best for them, best for the Republic, and best for the good relations between the Republic and Her Majesty's Government, is to put them in a position to help themselves. (Cheers.)

FRANCHISE FIRST.

It may be that I conceded too much, it may be that I went too far in giving other questions the go-by for the moment, and directing all my efforts to secure for the Uitlanders a position within the State. (No, no.) But my view was this: it was a unique opportunity. To have pressed for the redress of Uitlander grievances one by one, to say nothing of other subjects of difference, would have been to engage in an irritating controversy and to spoil the chance of an amicable compromise on broad lines going to the root of the differences. (Hear, hear.) That controversy, which I was so anxious to avoid, may have to come yet, but my object at the Conference was to avert it. (Hear, hear.) It seemed best to strike straight at the root of the evil by giving the people whose interests Her Majesty's Government is bound to defend—(cheers)—such a share of political power as would enable them gradually to redress their grievances themselves, and to strengthen, not to weaken, the country of their adoption in the process. (Applause.) But just because I was relying on a single remedy, it was absolutely essential that that remedy should be a radical one.

THE COUNTER-PROPOSALS.

It was useless, indeed, worse than useless, and would only have led to worse trouble later on, to have accepted a scheme so framed—I do not say so designed—as not to bring people in, but to keep them out—(laughter)—a scheme hedged in with restrictions of the most elaborate kind, and hampered with a condition which I knew that numbers of people would never accept, and which one could not reasonably urge them to accept. (Hear, hear.) If this Reform Bill was not going to bring a considerable number of Uitlanders into the State, if the enormous majority, including all the leaders, were still to remain outside, how was it possible to feel any confidence in such a solution or accept it as a comprehensive settlement?

THE "OVERLOADING" THEORY: A NEAT RETORT.

As against this, it is urged that my simpler plan would have deluged the State with new citizens. I am convinced that this is not so. (Hear, hear.) Having regard to the

obligations of burghership, and to other reasons which will, in any case, deter many Uitlanders from applying for it, and to the conditions as to length of residence and property qualification which I was quite prepared to make, I feel sure that the number of new citizens would not have been anything like so great as was supposed. And however numerous they might have been, the old citizens would have controlled for a long time the bulk of the constituencies. (Cheers.) They, too, are increasing rapidly in number, and long before they could have been outnumbered, if they ever were outnumbered, the process of fusion would have begun to set in. (Cheers.) Moreover, it is not as if the Uitlanders were all of one kind or one mind. They are of various nationalities, and represent different interests and opinions. The President told me (he was very strong indeed on the point) that he had a petition from Uitlanders in favour of the Government signed by an even greater number of people than signed the petition to Her Majesty. (Laughter.) Well, then, what was there to fear? (Renewed laughter.) Half the newcomers, on his own showing, would have been on his side—(laughter)—and many, I am sure, who are now opposed to him—opposed, you may say, to the State because they are excluded from it—would be loyal citizens the moment they were in the State. (Applause.)

THE DISTURBING STATE.

No doubt it is a difficult business to get different races to pull together inside one body politic. That is the problem over all South Africa. But it is solved in other parts of South Africa, more or less. It would be solved altogether and for ever if the principle of equality could be established all round. (Cheers.) It is the one State, where inequality is the rule, which keeps the rest in a fever. And that is bound to be universally recognised in time. Meanwhile, for the moment, the attempt to get things put on their true basis has not succeeded, and we have to face the resulting situation. Some remedy has still to be found to remove, at least in some measure, the grievances of the Uitlanders, and to allay their discontent. (Cheers.)

A COMMUNITY IN SUBJECTION.

I am absolutely convinced that those grievances, though sometimes stated in exaggerated language, are very real. It has over and over again been my duty to call attention to the fact. And there is another aspect of the case which has been forced upon me as High Commissioner, having to bear in mind the interests of South Africa as a whole. Is it consistent with the position of Great Britain in regard to this country; nay, is it consistent with the dignity of the white race, that a large, wealthy, industrious, and intelligent community of white men should continue in that state of subjection which is the lot of the immigrant white population of the Transvaal? (Loud cheers.) That is a position which we have by some means or other, however gradual, however pacific, to get them out of. (Cheers.)

NO AGGRESSION—BUT REFORM.

I see it is suggested in some quarters that the policy of Her Majesty's Government is one of aggression. (No, no.) I know better than any man that their policy, so far from being one of aggression, has been one of singular patience, and such, I doubt not, it will continue. (Cheers.) But it cannot relapse into indifference. (Cheers.) Can anyone desire that it should? ("No," and cheers.) It would be disastrous that the present period of stress and strain should not result in some settlement to prevent the recurrence of similar crises in the future. Of that I am still hopeful. It may be that the Government of the South African Republic will yet see its way to adopt a measure of reform more liberal than that proposed at Bloemfontein. If not, there may be other means of achieving the desired result. In any case, it is a source of strength to those who are fighting the battle of reform, and will, I believe, contribute more than anything else to a peaceful victory, to feel that they have behind them, as they perhaps never had before, the unanimous sympathy of the British people throughout the world. (Loud cheers.)

The deputation then withdrew. The whole proceedings did not last more than twenty minutes.

No. 22.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received June 30, 1899.)

Government House, Cape Town,

June 14, 1899.

SIR,

WITH reference to my despatches sent to you by the present mail on the subject of the recent Conference at Bloemfontein, I have the honour to transmit to you a copy of a letter from Mr. J. W. Wessels read at the Johannesburg meeting of the 10th instant and published in the Cape Press.

Mr. Wessels' name will be known to you as one of the speakers at the meeting of the National Union on the 14th July, 1894,* on which occasion he observed that he was an Afrikaner with not a solitary drop of English blood in his veins. Of late years I believe he has taken no part in politics. He is one of the leading advocates in Pretoria, where he is greatly respected, and certainly cannot be classed among the extremists. His views on the present situation are therefore worthy of attention.

I also enclose an article from the "Cape Times," of the 10th instant, examining the details of President Kruger's franchise proposals. A study of this document, together with Mr. Wessels' criticisms, will shew how the scheme might be expected to work out in practice.

I have, &c.,
A. MILNER

Governor and High Commissioner.

Enclosure 1 in No. 22.

"CAPE TIMES," Tuesday, June 13, 1899.

The following is the full text of Advocate Wessels' letter read at the great meeting of unenfranchised at Johannesburg on Saturday night, being received with tumultuous applause:

Pretoria, June 8, 1899.

To the Chairman of the Uitlanders' Meeting.

DEAR SIR,—I have been requested to propose the following resolution at your meeting on Saturday: "That the franchise proposals submitted by His Honour the State President at the Bloemfontein Conference are in the opinion of this meeting wholly inadequate, and will not satisfy the just demand of the unenfranchised population of this country." I thank you for the honour, and I must express my deep regret at not being able to propose the motion or to attend the meeting. As I am not a political character, I feel sure the Uitlanders of Johannesburg will excuse my absence. The reason of my absence is that I have business engagements that prevent me from preparing a speech adequate to the occasion. Not being a politician, I cannot speak without first thinking out carefully what I wish to say and arranging the matter in proper form. This I consider due to every well-informed audience, and I know of no better informed audience than one composed of the Uitlanders of Johannesburg. At the same time I should not like the Uitlanders of Johannesburg to think for one single moment that I am not strongly in sympathy with them to-day, as I was on the 14th July, 1894, when I spoke on the National Union platform. The feeling I had towards them then I have towards them now. The sentiments I uttered then are my sentiments to-day. I felt then that unless a liberal franchise were granted to the Uitlander population there would always be a strong tension between the old burgher and the newcomer. Without a liberal franchise there can be no means of fusing the new and the old, and without the means of fusion the result must end in open enmity, with all the dire consequences which such enmity will bring in its train. Any measure, therefore, which does not provide the means for a quick and thorough fusion will be inadequate, and will sooner or later revive the acute state of tension to which the retrogressive franchise legislation has brought us. If I thought that the proposals of President Kruger were likely to relieve the strain for a considerable number of years, I could advise its acceptance; but I feel confident that his proposals will in no way allay the unrest and dissatisfaction. Anyone who knows the feelings of the Uitlander population of Johannesburg must know that half measures will do no good. It is with them now a matter of sentiment and a feeling of degradation. Unless their sentiment can be satisfied, and unless this feeling of inferiority can be done away with, the Uitlander question will be a festering sore in the vitals of South Africa. Some say the sentiment is folly and the feeling of inferiority unreasonable. It may be so, but I am convinced that these feelings are firm-rooted, and cannot be eradicated until a fair, just, and full franchise is given to the Uitlanders. I am Afrikaner-born, and yield to no man in love for my country, and I will state my views openly, though I know I am detested by a large body of my countrymen for entertaining these views. Hated or not hated, I feel that these views are right and just, and that they will one day prevail. They who prevent the Uitlander from getting a full and fair franchise seem to me narrow-minded and bad statesmen, the evil geni of this Republic, the cause of intense racial feeling and the authors of future evils too awful to contemplate. I do not anticipate that British subjects will flock to the registration offices if a five years' full franchise were

* See C. 8159, p. 50.

offered them, but I do know that their sentiment will be appeased, their ideas of justice will be satisfied, and their feeling of antipathy to the governing class in this country will be allayed. No man likes to belong to an inferior caste, and Englishmen least of all. No man likes to have his inferiority flaunted in his face at every turn, and unfortunately the legislation of recent years has done that to the Uitlanders but too frequently.

WHAT THE UITLANDER HAS DONE.

The hybrid naturalised burgher has not been proud of his position in this country, and he has so universally expressed his contempt for what he has obtained that it is hardly to be wondered at that free men will have none of it. In this country the sentiment against the period of suspension from all rights is an active living sentiment. He who thinks it mere idle prejudice lacks the true appreciation of the circumstances under which we live, and is no statesman. Apart from sentiment, the Uitlander is entitled to a full voice in the affairs of this country. The Uitlander raised it from a pastoral to an industrial country of a high order, he is making it to-day, and supplying the Government with the very resources that keep him down, and he will be the main factor in its future prosperity.

THIRTEEN YEARS AND STILL UNENFRANCHISED.

Sir Alfred Milner said in the late Conference: My doctrine is that however long a period of residence you fix before a man becomes a citizen of your State, you should admit him once and for all to full rights on taking the oath of allegiance, and this is specially important in the South African Republic." These words are absolutely true. I, who have been thirteen years in this country, and am still an unenfranchised Afrikaner, feel that these words are not only true, but wise and statesmanlike. The period of probation is repugnant to all Uitlanders and to a great many burghers. No franchise law that contains this provision can ever allay the unrest and satisfy the Uitlander. There are other points in President Kruger's proposal which might appear to be insignificant to a casual observer, but which will never work in this country.

PROOF OF RESIDENCE SUFFICIENT.

Absolute proof of residence should be enough, and the fieldcornet's books—at least, as they have been kept in the past—could never be admitted as the only proof. To see a fieldcornet's books is sufficient to know this. We all know that some of these books have been lost. They are not kept in any special chest or archives. They may easily be lost, stolen, burnt, or falsified. In the past, fieldcornets have not regarded these books as being of very great importance.

A PUEBILE AND TRIVIAL EXCUSE.

No effort has been made to keep them accurately posted, and the mere neglect to register ten or twelve years ago should not debar a person from being admitted to citizenship as fully as his more careful neighbour. The excuse that such a citizen has not complied with the law is puerile and trivial. As well might we say that a person is not married because he neglected to sign the marriage register kept by the parson. What is meant by two years' continuous registration I do not know. It seems to me that once registered the registration must necessarily be continuous. Nor do I understand the advantage to the State of such a provision. Residence during the time of registration must also be continuous, so that if for business purposes or for family reasons I am compelled to cross the border I forfeit my right to become a citizen. Then the would-be citizen must show that he has abided by the laws. What laws? The terms is vague and general. The man who has been fined for not having plucked the *Xanthium Spinosum* out of his field has not abided by the laws. Must he therefore be excluded from citizenship? What is an act against the Regeering? By Volksraad besluit the Regeering consists of the President and the State Secretary. Does this mean an act against these gentlemen? What sort of an act? Who is to judge whether the person applying for citizenship has done an act against the Regeering? Is the Regeering itself to judge this?—the measure is ridiculous. If the Executive Council, then the door is open to favouritism and bias. If the Volksraad, then party politics will play a great part in deciding who is and who is not to be admitted. Surely it is enough to exclude such persons as have been convicted of some crime, and not to leave the matter enshrouded in doubt. Then the citizen must be a citizen of his own State, and he must produce proofs thereof. How many of us if called upon could do this? How many persons are doubtful as to which State they belong to owing to the conflicting laws of various States, and the complicated questions that this matter gives rise to? Even great international jurists sometimes disagree on this point. Take for instance the Jameon burghers that were admitted to burgher rights here, and who have forsworn allegiance to their own State. If they cannot prove satisfactorily within three months that they should have got these rights, to which country do they belong? Not to the country they have renounced, and by Act of the Raad not to this country. To what country then? How could they produce proofs of citizenship?

THE PROPOSAL UNSATISFACTORY AND UNACCEPTABLE.

But, sir, I do not wish to criticise the proposal at full length. I merely wish to show how unsatisfactory and how unacceptable the proposal is. It does not appear as if it had been made with a desire to appease the sentiment of the Uitlander, or, if made with that desire, the proposers have not grasped the situation. Nothing short of a full franchise after a certain term of years can allay the unrest and satisfy the Uitlander sentiment. The term of years should not be an impracticable term—five, six, or seven years at the utmost. There should be a property qualification and adequate proof of residence, such as a Court of Law would accept. There may be provisions to exclude the criminal class, but further there should be no restrictions. Past residence should also be taken into account, but whatever the number of years may be, if the Uitlander can prove that he has been domiciled here for the term of years required, then he should be admitted to the full franchise. As General Joubert has lately said, he must be able to demand it—not to beg for it on his knees. Unless the Raad passes some such measure, and opens the door freely, unspiciouly, and honestly to the Uitlanders, I feel certain that we shall always have dissatisfaction and unrest, and this country, which might be prosperous, will gradually fall back instead of advance. But if there is one thing more than another for which I loathe and detest this illiberal policy of excluding the Uit-

landers from the full franchise, it is that I firmly believe that it adds more to the race-hatred that we see around us than any other thing that I know of. It feeds and waters the roots of race-hatred in this country, from whence it spreads its trunk and branches over the whole of South Africa. May the Legislature of this country realise the evil that has been wrought, and atone for the past by soon giving the Uitlander the hand of friendship and that share in the Government of this country to which in the eyes of every just man he must appear to be entitled.

(Signed) J. W. WESSELS.

Enclosure 2 in No. 22.

"CAPE TIMES," Saturday, June 10, 1899.

THE SHAM FRANCHISE.

WHAT IT REALLY MEANS.

AN EXPOSURE IN DETAIL.

The registration official who drafted the proposals put forward by President Kruger at the Bloemfontein Conference, as being the utmost limit to which the Transvaal Republic were prepared to advance, deserves—from his point of view—every recognition of his work. They are probably the most cunningly devised set of obstacles to registration for parliamentary purposes which have even been placed before the public. We will only deal with a few of the most glaring of them, quoting the clause in President Kruger's memorandum in each case.

I. "New-comers, registering themselves within fourteen days after arrival, to obtain naturalisation after two years, on complying with the following conditions."

We will take the conditions later. Let us first deal with the fourteen days question. It means that any new-comer to the Transvaal who does not within a fortnight of his arrival register himself, can never, even if he resides there for fifty years, have any chance of obtaining the franchise. The object and utility of this condition from President Kruger's point of view is obvious. The last thing a man thinks about during the first two weeks of his arrival in a country is politics, or electoral registration; few have even decided by then whether they are likely to remain permanently in the strange land. And under this clause, once let the fortnight slip and the right to be registered would be gone for ever.

II. "Six months' notice of intention to apply for naturalisation."

This proviso, if it does nothing else, will ensure delay, and will also afford Transvaal officials time during which to find reasons for objecting to a man being naturalised.

III. "Proof of obedience to the laws; no act against the Government or independence."

This means that no man could be naturalised before he has proved that he has committed no act against the Government. Voting or working against a candidate who supported the Government in power would presumably be an "act against the Government." Things being as they are, what sort of political Uitlander is he likely to be who can satisfy that test through seven years? It should be noted that the onus of proof that a man has been obedient to the laws of the country is thrown upon the applicant for naturalisation. It does not rest with the objector to prove the contrary. The man who would have to be satisfied that sufficient proof had been brought forward would, of course, be an official of the same sort of calibre as those connected with the late "Jameson burgher" exposure.

IV. "Proof of full citizenship and franchise or title to it in former country."

Therefore every man who wishes to be naturalised will have to prove that when he left home he was on the list of registered voters for the district in which he resided, or that he was entitled to be on, but that his name had been left off in error. What proof will President Kruger's officials require in this matter? Possibly the personal evidence given before him of a resident in the district from which the applicant comes—say some part of Yorkshire—that he had before he left there, for the twelve months preceding July 20 (the date fixed in England for registration purposes) inhabited, according to the English franchise laws, as owner or tenant, a dwelling-house rated for the relief of the poor, of which the rates due up to January 1 had been paid by July 12, either by the occupier of the premises, owner, or other person rated. Or assuming that a man happened to be on the register at the time he left home, perhaps he would be expected to carry in his pocket a copy of the Parliamentary register, and also to bring another man along with him to identify him as being the person so described on the list. Note that under this clause no man who left home before he was twenty-one could ever obtain the franchise.

V. "Two years' continuous registration."

This probably means that a man would have to go through certain formalities during these two years, the non-performance of which on any one occasion would forfeit him his right to be naturalised, and therefore with his right to be enfranchised some years later; and would throw him back to the original starting point.

The above conditions, all of which have to be fulfilled, and which would be spread over a period of two and a half years, only refer to naturalisation. Let us now examine some of the further obstacles which a man desiring to obtain a vote would have to surmount before he could be actually enfranchised.

I. (a) Continuous registration for five years after naturalisation; (b) continuous residence during this period.

What would this mean in practice? It would mean that if during the course of these five years President Kruger's official by *mistake* left his name off the list for one year, the aspirant for the franchise would have to start afresh, and go through another period of five years of registration. Mistakes in the way of leaving voters' names off the register are not unknown in Bond fieldcornetries in this colony; similar errors might possibly happen in the Transvaal. Is it difficult to picture young men growing old, but never quite succeeding in gaining the franchise? Warily climbing up four years of the ladder, and then, owing to their name being accidentally slipped off the list on the fifth year having to start again for a fresh period of five years' probation, thanks to this "continuous" regulation. But apart from this, certainly no man who

wished to get the franchise could, under any circumstances, go to Europe (we doubt even if he could come to the Colony for a few weeks) during all the seven and a half years of his probation, without breaking the required "continuous residence," and forfeiting all his chances of ever being placed upon the register of voters. That rules out at once the best class of business men in most lines of business.

We will not for the present go into the other obstacles proposed, but will deal with the case of the man resident in the Transvaal before 1890.

II. "Residents in the South African Republic before 1890 getting naturalised within six months from the promulgation of this proposed law, and giving six months' notice of their intention to apply for naturalisation, to obtain full franchise two years after naturalisation on complying with the conditions of full franchise mentioned above" (we have referred to some of the conditions), "substituting two for five years. Those not getting naturalised within six months to fall under the already mentioned conditions for newcomers."

What does this mean? A man must give six months' notice of his intention to apply for naturalisation, and he must also get naturalised *within* the same six months. Therefore, unless a man formally applied on the day of promulgation and on no other, he would forfeit all the benefits which perhaps he might otherwise derive from having been in the Transvaal before 1890. One day, and one day only will be given, and unless a man is present on that day and goes through the necessary formalities, he will lose five years, and have to wait for seven and a half before he could possibly become entitled to vote.

The above are only some of the conditions—or rather obstacles—contained in President Kruger's anti-registration scheme. If similar provisions were in force in the Colony there is not a shadow of a doubt that not one man in fifty now on the register would ever get there. If a man had endeavoured to devise a scheme for keeping people from being registered he could not have drawn up a more perfect one than that which President Kruger gravely proposes. Even were the proposed registration law the fairest and most generous imaginable, the one solid and insurmountable fact remains, that the officials who will adjudicate upon the claims of any Uitlander to be placed upon the list of voters will be officials appointed, paid, and controlled by President Kruger, and liable to dismissal at his pleasure. With all these means at their disposal for keeping off those ranked as "ill-disposed," they would be strangely untrue to all past experience if they failed to use them.

No. 23.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 30, 1899.)

Government House, Cape Town,

June 14, 1899.

SIR,

WITH reference to my despatch of to-day's date,* and to my telegrams of the 9th and 12th instant,† I have the honour to transmit, for your information, copies of communications which I have received from Her Majesty's Agent at Pretoria, respecting matters in the South African Republic arising out of the Bloemfontein Conference.

These, as you will observe, relate principally to the action taken by the Volksraad now sitting at Pretoria, and to the attitude of the public at Johannesburg in regard to the proceedings at the Conference.

I have, &c.,

A. MILNER

Governor and High Commissioner.

Enclosure 1 in No. 23.

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

TELEGRAM.

8th June, 1899. British Vice Consul informs me that Uitlander community are enthusiastic at the tone and attitude of the High Commissioner. They anticipate that publication in England of the memoranda will exert powerful influence in favour of their cause. A mass meeting of unenfranchised community is being summoned by most influential men of all classes for Saturday night in the amphitheatre. The position generally is considered to be very serious, but some hope that General Joubert may be forced to the front. Everything is quiet here pending result of secret session, which it is not possible to forecast.—(GREENE.)

* No. 22.

† Nos. 4 and 7.

Enclosure 2 in No. 23.

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

TELEGRAM.

9th June, 1899. Following received to-day from British Vice-Consul, Johannesburg.

The conveners of meeting are taking every precaution to preserve order and the Government have offered any number of police that may be required for this purpose. I do not anticipate any disturbance. People here are very alarmed and are more or less demoralized. The share market is weak and trade and business generally are paralyzed. —(GREENE.)

Enclosure 3 in No. 23.

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

Her Majesty's Agency, Pretoria,

SIR,

June 7, 1899.

I HAVE the honour to report that the President returned yesterday morning to Pretoria from Bloemfontein, and was received at the railway station by deputations of the Executive Council, the First and Second Volksraads, the officials, burghers, and inhabitants of Pretoria, and the Town Board, all of whom presented addresses of welcome.

The dominant note in all the addresses was the preservation of the independence of the country.

A report* of the President's reception from the "Press" newspaper is annexed.

It is understood that His Honour will present the memoranda recording his Conference with Your Excellency at Bloemfontein to the Volksraad to-morrow morning.

I have, &c.,

CONYNGHAM GREENE.

His Excellency

The High Commissioner,
Cape Town.

Enclosure 4 in No. 23.

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

Her Majesty's Agency, Pretoria,

SIR,

June 8, 1899.

WITH reference to my telegram of yesterday, I have the honour to transmit to Your Excellency herewith duplicate copies of the Green Book, containing the Memoranda of the Bloemfontein Conference, which was presented to the Volksraads yesterday by President Kruger.

The Memoranda were also published in the course of yesterday by the various newspapers.

Copies of the leading articles* from all the principal papers discussing the result of the Conference are annexed.

The Memoranda will be discussed in a combined Secret Session of both Volksraads to-day.

A public meeting of the unenfranchised community is to be held in Johannesburg on Saturday night to consider the outcome of the Conference.

I have, &c.,

CONYNGHAM GREENE.

His Excellency

The High Commissioner,
Cape Town.

* Not reprinted.

Enclosure 5 in No. 23.

Her Majesty's Agency, Pretoria,

June 10, 1899.

SIR,

WITH reference to my telegram of yesterday, I have the honour to transmit to Your Excellency herewith a report from the "Standard and Diggers' News" of the proceedings in the First Volksraad yesterday, when the House passed by acclamation, a resolution approving the proceedings of the Transvaal Commission at the Bloemfontein Conference, and agreeing to the proposals made by the President there with respect to the questions of franchise and arbitration. The resolution further instructed the Executive Council to draw up these proposals in a detailed form, and to lay them before the Volksraad.

As soon as the above resolution had been carried, the President requested the Secretary of the Raad to lay it before the Government as soon as possible, in order that the detailed proposal might be placed on the table of the House by Monday next.

The above Resolution was the outcome of a Secret Session of the two Volksraads, which had lasted all Thursday, and the morning of yesterday.

I am not aware in what shape the proposal (voorstel) will be presented to the Volksraad, but I notice that the newspaper report speaks of it as a "Draft Bill."

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner
Cape Town.

"STANDARD AND DIGGERS' NEWS," June 10, 1899.

PRESIDENT'S PROPOSALS

ON THE FRANCHISE QUESTION.

(From Our Special Correspondent.)

PRETORIA, June 9th.—In the First Raad this afternoon, shortly after the assembly, the Chairman notified that the Order would be departed from to discuss a Government missive which required immediate attention. His Honour the State President, State Secretary Reitz, Mr. Schalk Burger, and State Attorney Smuts were present.

The missive briefly introduced the Memoranda of the Bloemfontein Conference previously laid before the Raad.

The Chairman asked whether the Raad desired to have the Memoranda read again.

There was a discordant chorus of "Ja's" and "Nee's."

Mr. Tosen rose, and in his rasping voice suggested that the document be not read. It would be sheer waste of time.

Mr. van Niekerk said it had been read once. That was quite enough.

Mr. Tosen: We have had this document so long before us, and it has already been read. To read it again is obviously unnecessary. I propose that it be not read, and that the discussion on the matter be closed.

Mr. Prinsloo did not himself see the necessity of reading the memoranda again, but feared that not to do so would create a bad impression.

The President opined that the House was sufficiently conversant with the Green Book to render a second reading superfluous.

Mr. Tosen again proposed the closure for the discussion. This was met with a chorus of "Ja's."

Thereupon the Chairman declared the discussion closed, and invited motions.

Only one was tabled, the mover being Mr. van Niekerk, and the seconder Mr. Jan Coetser (both members for Lydenberg).

The motion was as follows:—

The First Raad, having considered the Government Missive of June 9, 1899, with the proposals in conjunction therewith between His Honour the State President and His Excellency the High Commissioner at Bloemfontein, Orange Free State, in the form of a memorandum; having heard these proposals regrets that His Excellency the High Commissioner cannot agree with the proposal of His Honour the State President, which proposal must be regarded as extremely just; and seeing the desirability of initiating other measures for the better regulation of the franchise,

Resolves to confirm the action of His Honour the State President and deputation, and agrees with the proposal of the President in respect of the franchise and arbitration, and instructs the Executive Council to draft, in detailed form, the proposal of the State President re the franchise, and to lay this proposal before the Raad.

The motion was carried by acclamation.

The President asked the Chairman to send the resolution just passed to the Government without delay. He would then promise to have the draft Bill in terms of his franchise proposal ready for the Raad by the following Monday or Tuesday at the outside.

His Honour then withdrew.

Enclosure 6 in No. 23.

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

TELEGRAM.

11th June. Following telegram received this morning from British Vice-Consul at Johannesburg, 11th June. Meeting was held in Wanderers' Hall, over 5,000 men who passed through turnstiles were present. Organization for preserving order was perfect, and there was no disturbance. Local officials had issued a notice to the burghers calling on the friends of the Government not to attend. The following resolutions were unanimously and enthusiastically carried.

First, that this meeting hereby affirms the principle that no settlement of the constitutional problem in this country can be satisfactory which does not provide for the recognition of the equal political rights of all white inhabitants; second, that the franchise proposals submitted by His Honour President Kruger at the Bloemfontein Conference, are, in the opinion of this meeting, wholly inadequate, and will not satisfy the just demands of the unenfranchised population of this country; third, that we record our deep sense of obligation to Sir Alfred Milner for his endeavour to secure redress of grievances for this community and earnestly desirous as we are of supporting His Excellency in his efforts to obtain a peaceful settlement, we are prepared to endorse his very moderate proposals on the franchise question, as the irreducible minimum that could be accepted; fourth, that we hereby accord our grateful acknowledgment and thanks to the many communities in various parts of the British Empire and elsewhere who have given public expression of their sympathy on our behalf; fifth, that copies of the foregoing resolutions be forwarded to Her Majesty's Agent at Pretoria for transmission to His Excellency the High Commissioner and Her Majesty's Secretary of State for the Colonies; sixth, that copies of the resolutions, Nos. 1 and 2, be forwarded to the State Secretary for the information of the South African Republic. In addition the recent petition to the Queen was unanimously endorsed. To a question put by the Chairman whether the audience would not only accept but avail themselves of a liberal measure of franchise, they unanimously expressed their willingness. Twenty-four delegates to co-operate with them in meeting. Delegates were appointed. The meeting was the largest and most enthusiastic ever held in Johannesburg.—(GREENE.)

Enclosure 7 in No. 23.

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

TELEGRAM.

13th June. The new franchise proposals in the form of a draft law were laid upon the table of the Volksraad yesterday. They contain some alterations of the Bloemfontein scheme, but follow in the main the lines of the President's proposals.—(GREENE.)

Enclosure 8 in No. 23.

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

TELEGRAM.

June 13th. A notice appears in the newspapers this morning signed by the Commandants of Rustenburg, Witwatersrand and Burgersdorp and the Fieldcornets of

three of the wards of Krugersdorp, summoning all burghers of the South African Republic to attend a public meeting at Paardekraal on Saturday morning next to discuss the Volksraad resolution of June 9th, by which the proposals of President Kruger made at Bloemfontein in regard to the franchise for foreigners were confirmed in principle as most reasonable. I am informed by the State Secretary that the above meeting is not being promoted with the knowledge of the Government, and that no Government members will be present at it.—(GREENE.)

Enclosure 9 in No. 23.

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

Her Majesty's Agency, Pretoria,

SIR,

June 12, 1899.

WITH reference to my telegram of yesterday, on the subject of the great meeting of the unenfranchised community held in Johannesburg on Saturday evening, I have the honour to transmit to Your Excellency herewith a report* of the proceedings, and of the speeches* delivered at the meeting, taken from the "Transvaal Leader."

I regret that owing to the fact that I am anxious to catch to-day's mail train, I am unable to do more than notice one or two special points.

The meeting was held with the full consent of the Transvaal Government who, warned, let us hope, by the incident of the meeting at the Amphitheatre on the 14th of January last, had issued a stringent notice to the burghers, urging them to conduct themselves peaceably, and warning them that strict measures would be taken against any persons disturbing the peace.

No disturbances, beyond the casual interruptions now and then of persons under the influence of liquor, appear to have taken place, and the whole proceedings were dignified and business-like. It is estimated that over 5,000 people were present, which is, I understand, the largest gathering of a political nature ever held in Johannesburg.

Mr. Wessels' letter,† which was read by Mr. Dodd, the Secretary of the South African League, was one of the principal features of the evening. Your Excellency will recollect that Mr. Wessels was the principal speaker on the National Union platform on the 14th of July, 1894, and is the leading advocate of the Transvaal Bar.

The seconder of the resolution condemning President Kruger's proposals at Bloemfontein, was an American citizen, Mr. Seymour, the distinguished engineer.

A number of working men, such as Mr. Shanks, Mr. Rail and others addressed the meeting.

Lastly I would draw Your Excellency's attention to the unanimous adoption of the resolution for the formation of a representative assembly, constituted to deliberate on any proposals for the redress of grievances, and consisting of 24 delegates, selected to confer with delegates who have been or may be appointed by other representative meetings. The names of the 24 delegates are those of highly respectable persons, well-known in Johannesburg, and representing every class of professional and business men. Mr. Mackie Niven, the proposer of the motion for the appointment of this representative body explained that "it was the object of the organisers of the meeting to have representative delegates, numbering 50, 60, or 70 or more, from time to time meeting together to discuss in detail proposals from Pretoria or elsewhere with regard to the future of the country, and to further the interests of the community."

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner.
Cape Town.

* Not reprinted.

† Enclosure 1 in No. 22.

Enclosure 10 in No. 23.

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

TELEGRAM.

14 June. In the First Volksraad yesterday, the President desired the House to consider the new draft law on the franchise. In reply to an enquiry whether the draft would immediately have the force of law, His Honour said the Raad had already approved of the principle of the proposal. If the Raad should decide to consult the burghers before resolving on anything else it would fulfil his wishes. In his opinion the Raad should go home for 12 days or so and get the opinion of the burghers when the draft could be confirmed. In reply to an enquiry whether two-thirds of the burghers had according to the proposals still to testify the worthiness of an applicant for the franchise, President replied that in the General Franchise Law, the two-thirds attestation was necessary, but this is a special matter. His Honour said if you don't look upon this matter as a special occasion requiring special treatment, we can do nothing, the matter is of special importance; here you have two Governments altogether at loggerheads. The debate is proceeding to-day. The principal modifications contained in the draft Bill appear to be as follows:—The income qualification is reduced from two hundred pounds to one hundred pounds. Young men not born in the Republic, the sons of Uitlanders who have become naturalised, shall have the same franchise as their fathers, and must register themselves with the Fieldcornet at sixteen years of age. The renouncing clause of the oath is expunged. No one who is not considered as belonging to the white population of the South African Republic may obtain the franchise in terms of Act nine of the Grondwet. All laws and stipulations in conflict with the new law are thereby repealed. *End.*

No. 24.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 2.20 p.m., June 30, 1899.)

TELEGRAM.

30th June. No. 1. I have received from Mayor Cape Town following resolution passed unanimously by public meeting 28th June:—This meeting of the inhabitants of Cape Town and suburbs endorses the declaration of the recent meeting of 5,000 held in Johannesburg on 10th June and the petition of 25,000 Uitlanders that the securing of equal rights for old and new, Dutch, English, and other nationalities alike in the Transvaal as in other parts of South Africa is the true and only solution of the embittering race question; declares that the responsibility for the present danger to peace rests with those who would resist or delay this solution; and believes that the loyal and fair-minded opinion of British South Africa will unitedly support the policy of Her Majesty's Government as represented by the High Commissioner in any measure recommended by him towards securing much needed reforms.

No. 25.

THE UITLANDER COUNCIL to MR. CHAMBERLAIN.

(Received 2.35 p.m., July 1, 1899.)

TELEGRAM.

Johannesburg Uitlanders express highest appreciation and grateful acknowledgment of Mr. Chamberlain's forcible and comprehensive statement of their case at public meeting, Birmingham, and earnestly pray that speedy means be found to free them from their burdens and disabilities. Circumstances of situation demand prompt and firm action in interest whole South Africa.

No. 26.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8.20 p.m., July 1, 1899.)

TELEGRAM.

1st July. No. 3. Referring to my telegram of 30th June* resolutions of a similar kind passed by public meeting at Port Elizabeth; also following resolution passed unanimously enthusiastic public meeting at Grahamstown, Mayor presiding, five members of Parliament being chief speakers; first, recording hearty approval of policy pursued by High Commissioner in endeavouring to secure enfranchisement of Uitlanders in Transvaal and its entire support of terms demanded by him; second, expressing opinion that it is essential for the future peace and prosperity of South Africa that a settlement of Transvaal question at the present time should be so comprehensive that there will be no danger of a recurrence of the crisis now paralysing every element of prosperity in our midst. *Ends.* Mayor of Buluwayo sends similar resolutions as agreed on unanimously by biggest public meeting ever held in Rhodesia.

No. 27.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.5 p.m., July 1, 1899.)

TELEGRAM.

1st July. No. 5. In his memorandum 3rd June,† President South African Republic stated naturalised citizens have right to select local officials such as field cornets, commandant, and landdrost, whereby they obtain very important influence on local Government. He did not mention that on all gold fields throughout country appointment of landdrosts has been entirely taken away even from full burghers and placed in the hands of Government. See Gold Law 1898, chapter 2, section 9, which on this point re-enacts former legislation. President's statement is true only with regard to districts where old burghers reside, and not as regards districts in which nearly all Uitlanders are resident, and was therefore misleading on a point of importance.

No. 28.

GOVERNOR SIR W. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received 7.38 p.m., July 2, 1899.)

TELEGRAM.

2nd July. Mayor Durban transmits to me for communication to you and to High Commissioner following resolution passed unanimously at mass meeting held at Durban last night:—

Begins: That this meeting of citizens Durban affirms justice of policy of Her Majesty's Government as represented by High Commissioner which claims equal political rights for all white inhabitants of Transvaal as in other parts of South Africa and declared [? s] its opinion that only by the grant of such rights will lasting peace be secured. *Ends.*

* No. 24.

† See Appendix III.d to No. 1 of [C. 9404].

No. 29.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 6.30 p.m., July 4, 1899.)

TELEGRAM.

4th July. No. 1. Referring to my telegrams of 30th June and 1st July,* resolutions of a similar kind passed by public meeting at East London, Queenstown, Indwe, and Pietermaritzburg. Also following further resolution at Durban:—

Begins: This meeting of citizens of Durban affirms justice of policy of Her Majesty's Government as represented by High Commissioner, which claims equal political rights for all white inhabitants of Transvaal as in other parts of South Africa, and declares its opinion that only by the granting of such rights will lasting peace be secured. *Ends*.

At Pietermaritzburg:—

Begins: This mass meeting of the citizens of Pietermaritzburg desires to record its profound gratitude to Sir Alfred Milner for the remarkable manner in which he is dealing with the South African situation, and to express its entire confidence in his whole policy. *Ends*.

All these meetings were enthusiastically unanimous: 2,000 were present both at East London and Pietermaritzburg and between 3,000 and 4,000 at Durban.

No. 30.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.51 p.m., July 4, 1899.)

TELEGRAM.

4th July. No. 2. Following telegram received from British Agent in South African Republic:—

Begins: Redistribution was debated in South African Republic Volksraad yesterday when a resolution passed to draw up a Draft Law to be submitted to South African Republic Volksraad next ordinary Session, whereby existing representation should be increased, so as to give Pretoria one more Member, and an additional representative to those districts now represented by one Member. *Ends*.

The effect of this is to give the Rand district proper, that is Johannesburg and Heidelberg, two new Members, or three if Krugersdorp is included. Of the other sixteen new seats one is given to Barberton, which, though distinct from Rand, would probably be an Uitlander's seat under a reasonable Franchise Law. One is given to Pretoria, raising it to three seats; the remaining fourteen seats are in Boer districts; half contain from 1,000 to 3,000 white males each, and would each have as many Members as Johannesburg with 51,000.

[See No. 31.]

No. 31.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 2.45 p.m., July 5, 1899.)

TELEGRAM.

5th July. No. 5. Please add following to my telegram of 4th July No. 2†:—

Begins: The effect of the Resolution is to defer the whole question of redistribution till next year.

* Nos. 24 and 26.

† No. 30.

No. 31A.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., July 6, 1899.)

TELEGRAM.

Urgent. 5th July. No. 7. I have just had a visit from Mr. Schreiner with reference to an answer of yours in the House of Commons, which Reuter reports as follows:—

“Mr. Chamberlain said that he could not promise to communicate to the House any representation from the Cape Government. He added, however, that no representations from quarter mentioned had been received.”

He says that he assumes that this telegram contains some error, because not only had several representations been made by the Cape Ministers through me—see, for instance, my telegrams of 11th June, No. 1, and 15th June, No. 2,* but they had on'y abstained from addressing to me a formal minute for communication to Her Majesty's Government because they were convinced that you knew their views through me, independently of formal communication.

I told Schreiner that it was very likely that your statement was distorted in the telegraphic summary. He said that he did not wish to make a statement in contradiction of yours, but he was bound to clear his own and his colleagues' position. The only thing that restrained their party from holding peace meetings was their confidence that the Ministry would impress upon me that there was nothing in the situation to justify war, while at the same time they strove, with the assistance of Hofmeyr, to move the South African Republic Government to make great advance in the matter of franchise. The idea given by your answer as reported was that the Ministry was passive. This was unfair and damaging to them, since they had been doing what they could to bring about a better understanding between Her Majesty's Government and the Government of the South African Republic from the proposal of the Conference onwards.

I promised him that I would communicate with you.

No. 32.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 6.20 p.m., July 6, 1899.)

TELEGRAM.

[Answered by No. 34.]

6th July. No. 2. Following is text of statement made by me in House of Commons to-day:—

Begins: Yesterday I said in reply to Sir J. Brunner that the High Commissioner was in communication with the Cape Ministers, and in answer to a supplemental question from Mr. John Ellis I am reported to have said that we had not received any representations from the Cape Government. I intended by the two answers to convey that while the High Commissioner was in communication with the Cape Government, and therefore, of course, aware of their views, no formal representations had been received by Her Majesty's Government. I have heard to-day from Sir Alfred Milner that Mr. Schreiner wishes it to be known that the Cape Ministry have made several representations through the High Commissioner, and had only abstained from addressing formal Minute for communication to Her Majesty's Government because they were convinced that, independently of formal communications, their views were known to Her Majesty's Government.

* Nos. 6 and 12.

No. 33.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., July 8, 1899.)

TELEGRAM.

7th July. No. 4. In continuation of my telegram of 4th July,* further resolutions of a similar kind since passed by enthusiastic and unanimous public meetings at Simons-town, Fort Jackson, Beaconsfield, Port Alfred, Kimberley, Hoppsla, Cambridge, Stutterheim, Mafeking, Peddie, Knysna, Whittlesea, Mossel Bay, and by meetings of South African League at Komgha, Toise River, Boiotwa, Tarkastad, Cathcart, and Barkly East.

No. 34.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., July 8, 1899.)

TELEGRAM.

(Extract.)

7th July. No. 3. Your telegram of 6th July, No. 2. † Terms of your answer communicated to Prime Minister, who agrees that it is a fair statement of the position. But he says that he now feels bound to make public his view and that of his colleagues, viz., that they are doing all in their power to bring about constitutional reforms in the Transvaal, but think that the use of force to obtain that object would not be justified.

No. 35.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., July 8, 1899.)

TELEGRAM.

7th July. No. 5. I have just received letter from Prime Minister informing me that following are the changes in the franchise scheme which Executive will recommend to Volksraad South African Republic:—

Begins: (1.) Oath optional after two years or on obtaining Burgher rights and franchise. (2.) Uitlanders now in country full franchise after nine years after date of arrival or five years after passing law now under discussion provided seven years shall have elapsed since their arrival. (3.) Newcomers after passing of law give written notice to Field Cornet of intention to become Burghers such notice to appear in Gazette and obtain full franchise seven years thereafter. (4.) Continued residence to be defined as simply meaning domicile so as not to vitiate rights of those who go touring abroad. (5.) Clause obliging applicants to prove they would be entitled to franchise in their own country struck out. (6.) Sub-section giving Government unlimited power to enfranchise independently of conditions laid down in law struck out while section entitling to enfranchise officials is extended to people who have rendered themselves *verdienstelyk* (useful, of service) to the State. (7.) *Onteerend vonnis* (disgraceful or dishonouring sentence) to be defined by inserting specific crime. (8.) Four additional members to be given to mining area. *Ends.*

* No. 29.

† No. 32.

No. 36.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., July 8, 1899.)

TELEGRAM.

7th July. No. 6. Referring to my telegram of to-day,* No. 5, telegram just received from Greene announcing changes in franchise draft proposed by Executive as communicated to press. It adds to Schreiner's summary the following points. (1.) In the case of a person applying for franchise when the Field Cornets or Landdrost are unable to give the certificate of residence required by law he shall hand in an affidavit from the applicant and from four full burghers of the ward or district that applicant had been resident in the district during the required time and had obeyed the laws of the country during that time. (2.) South African Republic Government further propose to South African Republic Volksraad to revise the registration law and the qualifications for [and ?] the manner of election of South African Republic President and Commandant-General. British Agent in South African Republic has received no communication from South African Republic Government.

No. 37.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.15 p.m., July 8, 1899.)

TELEGRAM.

8th July. No. 1. Following letter sent to "South African News" by Mr. Schreiner appeared in that paper to-day:—

Begins:

Sir,

According to telegrams received and published in Cape Town press it was made to appear that a statement had been given to House of Commons to the effect that the Government Cape of Good Hope had not represented to Her Majesty's Government its views regarding situation in the South African Republic. I learn to-day with much satisfaction that the Secretary of State for Colonies has made a further statement in the House of Commons which should fully remove misapprehensions which might be and were occasioned by previous utterance. He has now made it clear to the House of Commons that several representations have been made by this Government through High Commissioner, and that I have only abstained hitherto from addressing a formal Minute for communication to Her Majesty's Government because we are convinced that our views are known to Her Majesty's Government. It is desirable to add for public information that the views of this Government have been fully and frequently represented to High Commissioner on the varying phases of the situation. At the present moment and in this mode it is not desirable to record our views at any length or to discuss part of the Government of this Colony in connection with recent and current events. It is well however briefly to record fact that while anxious and continuously active with good hope in the cause of securing reasonable modifications of existing representative system of the South African Republic, this Government is convinced that no ground whatever exists for active interference in the internal concerns of that Republic. *Ends.*

Same paper states Mr. Schreiner authorized us to publish following statement upon latest South African Republic reform proposals:—

Begins: We are at liberty to say that this Government regards these proposals as adequate, satisfactory, and such as should secure a peaceful settlement. *Ends.*

* No. 35.

No. 38.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 10, 1899.)

SIR,

Government House, Cape Town, June 21, 1899.

I HAVE the honour to transmit to you a copy of a letter from the Hon. Secretary of the Transvaal Province of the South African League calling attention to certain reforms in the Constitution and Administration of the South African Republic which are necessary in the interests of the Uitlander population, and which, the writer contends, would not immediately result from the scheme of franchise reform suggested by me at the Bloemfontein Conference.

The points raised by Mr. Dodd are undoubtedly of great importance, and, should no agreement be come to on the lines proposed by me, it may become necessary for Her Majesty's Government to consider the question of pressing for the grant of these and other reforms.

I have, &c.,

A. MILNER.

Governor and High Commissioner.

Enclosure in No. 38.

From Hon. SECRETARY, Transvaal Province, South African League, to the
HIGH COMMISSIONER, Cape Town.

47, Bettelheim Buildings, Johannesburg, 16th June, 1899.

To His Excellency Sir Alfred Milner, H.M. High Commissioner, Cape Town.

SIR,

I AM directed by the Executive of the Transvaal Province of the South African League to address Your Excellency on certain points in connection with the reforms which are the subject of the Uitlanders' Petition that is now receiving the attention of Her Majesty's Government.

Whilst recognising with sincere feelings of gratitude the efforts made by Your Excellency at the Bloemfontein Conference to secure for the Uitlander population a workable measure of Franchise Reform, combined with a scheme of Redistribution which would give them some voice in the government of this country, the South African League would desire earnestly to point out that there exist other grievances under which they labour for which the grant of the Franchise would not afford that immediate relief which is so urgently needed.

A liberal measure of reform and redistribution would undoubtedly in the future have the effect of fusing together the two races of the country and allaying the discontent that at present exists, and with that end in view the Franchise may be granted the chief place in the demand made upon the Transvaal Government; but it is evident that many years must elapse before the full power of the Uitlander could be exercised and his influence felt in the administration of the country, so that to allow any measure of relief to rest on the question of the Franchise alone would, it is respectfully submitted, defeat, or at any rate indefinitely postpone, the purpose which we are assured the British Government has in view.

Proper reform in any of the cases submitted below, can only in the event of the Uitlanders not having at once a preponderating influence in the Raad be effected by pressure from the Suzerain Power, and unless that is exercised and the relief obtained contemporaneously with the present demand for the Franchise, the abuses would continue for many years, and possibly in an aggravated form.

Three matters of a fundamental nature especially call for immediate attention.

These are :—

- I. *The Justiciary.*
- II. *The Constitution.*
- III. *Language.*

No. I.—The Judiciary.

It is of the first necessity that the independence of the Bench should be guaranteed. For this purpose it is indispensable that Act 1 of 1897 be expunged from the Statute Book, and a guarantee obtained that the Judges will in the future be free from all Legislative interference.

No. II.—The Constitution.

The uncertainty that exists as to the power of the Volksraad to effect changes in the Grondwet, and the arbitrary manner in which this power has been assumed and executed, constitutes a grave danger to the State and a continual menace to the Uitlander. The Constitution should be definitely fixed and determined, and be unalterable save by a plebiscite of a majority of three-fourths of the votes of the people.

No. III.—Language.

No measure of Franchise reform will be workable unless the use of the English language is provided for. The main object of enfranchisement is to enable the Uitlander to obtain a seat in the Raad. As in nearly all instances the persons who would be chosen by the alien population to represent them are but little conversant with the Dutch language, it is obvious that their presence in the Raadzaal would be productive of little good if the proceedings were carried on wholly in a language which they could neither speak nor understand. Apart from these considerations, the exclusive use of the Dutch language in the Courts of Law has entailed useless expense and great inconvenience to suitors without affording any corresponding advantages.

But besides the above which may be considered of the first importance, there are other matters which require to be put on a sound foundation. Of these may be mentioned—

- I. *The Civil Service.*
- II. *Municipalities.*
- III. *Police.*
- IV. *Juries.*

1. The Civil Service.

At present, even according to the draft law now before the Raad, no one but a burgher is eligible for a post in the Public Service of this country. There is no provision for examination, and in fact burghership is the only qualification. The Civil Service ought to be open to all without restriction as to nationality or religion, subject only to the passing of one or more examinations. An entrance examination should be insisted upon, and no one should be appointed to the office of Landdrost without passing a further examination of a higher standard.

2. Municipalities.

The present municipal system is unfair to the Uitlander—that is to say, in Johannesburg—as his vote may be negated by the burgher representatives of an insignificant section of the community. In this case also there should be no restriction as to nationality; but each ward should be free to choose their representatives. All Municipalities should be controlled by a general Municipal Act, such for instance as is in force in the Cape Colony.

3. Police.

The Police Force of the State requires to be entirely remodelled. At present every member of it is appointed by Government, and Municipalities have no power to enrol policemen. The choice being restricted to burghers or naturalised aliens, persons are chosen entirely unfit for the duties they are called upon to perform. Any Town Council incorporated under a proper Municipal Act, should have the right to appoint fit and proper persons independent of nationality as they may think fit. The Government Police should be purely divisional and subject to the same qualifications.

4. *Juries.*

The jurymen should be subject only to a property qualification, and they should be chosen for duty according to some clear and defined plan.

It is respectfully suggested that in the four subjects above treated, the lines of the Cape Statutes dealing with similar matters should be followed as closely as possible in the event of any scheme of reform being insisted upon.

But in addition to the above there are certain specific laws that press unduly on the Uitlander population against the letter and spirit of the Convention of 1884.

Of these, the Public Meetings Law, the Aliens Expulsion Law, and the Press Law are the most conspicuous. As, however, these have been fully dealt with in the Petition, it is not necessary to more than incidentally allude to them.

The great question of education stands on its own plane, but as the difficulties under which we labour through the operation of the present laws have been exhaustively explained to your Excellency by others, the League merely desires to refer to it in passing in order that it may not be supposed that it had been overlooked.

The existence on an eminence commanding Johannesburg of a fort which can be armed and garrisoned in the course of a single night from Pretoria is a constant source of irritation and menace to the town. It is of little use for the defence of Johannesburg, its sole object apparently being to terrorise the inhabitants. No permanent cordiality between the two antagonistic elements of the community can be looked for until the entire demolition of the fort has been accomplished.

The question of redistribution has had the most serious attention of the League. Owing, however, to the present constituencies being founded on no certain or recognised principles, it has been found impossible under existing circumstances to put forward a scheme grounded on a basis of either value or population. As a radical change in the present distribution of seats would be a matter of extreme difficulty, all that could be effected would be the creation of a certain number of new constituencies, and to increase the number of members in certain already franchised towns and districts. But as the Uitlander population is bound to increase far out of proportion to that of the burghers, it will be necessary to adopt some automatic scheme by which the former will always be enabled to have their fair share of representation. The reason for this statement is that as the Uitlander population has centred in certain specific areas of the country beyond which it is not likely to extend, it will be necessary for some such system as indicated above to be adopted to permit the alien voter to keep pace with the burgher of those districts into which he is not likely to penetrate. Without doing more than offering a suggestion at the present moment, the creation of 12 new seats on the line of country extending from Heidelberg to Klerksdorp, thus increasing the number of Members from 28 to 40, would not give the Uitlander interest an undue preponderance in the Raad.

Annexed to this letter your Excellency will find a plan* showing the present constituencies with their relative Burgher and Uitlander composition, and the number of members allotted to each. From this not only the enormous disparity in representation, but the want of system in the creation of the electoral districts will be at once apparent.

I have, &c.,

T. R. DODD,
Honorary Secretary, Transvaal Province.
South African League.

No. 39.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 10, 1899.)

SIR, Government House, Cape Town, June 21, 1899.
I HAVE the honour to enclose for your information, with reference to your despatch of the 10th ultimo, † a copy of a despatch and of a telegram from Her Majesty's Agent, Pretoria, on the subject of the Petition to Her Majesty the Queen from 21,684 British subjects in the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

* Not received.

† No. 83 in C. 9345.

Enclosure 1 in No. 39.

BRITISH AGENT, Pretoria, to HIGH COMMISSIONER.

SIR, Her Majesty's Agency, Pretoria, June 15, 1899.
 I HAVE the honour to transmit to Your Excellency herewith a copy of a note which, in obedience to the instructions contained in the last paragraph of the Secretary of State's Despatch to Your Excellency of the 10th of May, and in your recent telegrams to me on the same subject, I have addressed to the State Secretary, enclosing a copy of the Petition to Her Majesty the Queen from 21,684 British subjects resident in the South African Republic, together with an amended copy of the Secretary of State's despatch referred to above.

I have further the honour to enclose copy of a letter which I have sent to Mr. Wybergh, the President of the South African League, Transvaal Province, enclosing a copy of the same despatch for communication to the Petitioners.

I have, &c.,
 CONYNGHAM GREENE.

His Excellency
 The High Commissioner, Cape Town.

SIR, Her Majesty's Agency, Pretoria, June 13, 1899.
 I HAVE the honour to transmit to you herewith, by direction of the High Commissioner, a copy of a Petition which has been addressed to Her Majesty the Queen by 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; together with a copy of a despatch which has been addressed to the High Commissioner by the Secretary of State for the Colonies dealing with the same.

This despatch has been held back pending the result of the Conference recently held at Bloemfontein between the High Commissioner and His Honour the President of the South African Republic.

The suggestion advanced in the Secretary of State's despatch for a meeting between the High Commissioner and the State President at Pretoria has been anticipated by the recent Conference at Bloemfontein, and I am to state that the new situation created by the failure of that Conference will be carefully considered by Her Majesty's Government as soon as full despatches from the High Commissioner have reached them, when further instructions will be given to His Excellency.

I have, &c.,
 CONYNGHAM GREENE.

The Honourable
 The State Secretary.

SIR, Her Majesty's Agency, Pretoria, June 15, 1899.
 With reference to my letter of the 24th of May last on the subject of the Petition signed by 21,684 British subjects resident in the South African Republic, and addressed to Her Majesty the Queen, I have to state to you that I have received instructions from the Secretary of State to communicate to the Petitioners the enclosed copy of a despatch which he has addressed to the High Commissioner dealing with the Petition.

I am, &c.,
 CONYNGHAM GREENE.

W. Wybergh, Esq., President, South African League,
 Transvaal Province, Johannesburg.

Enclosure 2 in No. 39.

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

TELEGRAM.

June 16. The Secretary of State's despatch to Your Excellency of May 10th, has been published in last night's and this morning's newspapers.—(GREENE.)

No. 40.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received July 10, 1899.)

SIR,

Government House, Cape Town, June 21, 1899.

I HAVE the honour to enclose for your information, with reference to my despatch of the 14th instant,* a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of the Meeting of Uitlanders at Johannesburg on 10th June.

I have, &c.,

A. MILNER,
Governor and High Commissioner.

Enclosure in No. 40.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

SIR,

Her Majesty's Agency, Pretoria, June 13, 1899.

WITH reference to my despatch of yesterday, on the subject of the great meeting of the unenfranchised community held at Johannesburg on Saturday last, I have the honour to transmit to Your Excellency herewith copy of a letter which I have received from Mr. William Hosken, the Chairman, enclosing, for communication to Your Excellency and to the Secretary of State for the Colonies, certified copies of the resolutions passed at the meeting in question.

I have, &c.,

CONYNGHAM GREENE.

His Excellency

The High Commissioner, Cape Town.

To Conyngham Greene, Esq., Her Britannic Majesty's Agent, Pretoria.

SIR,

Johannesburg, June 12, 1899.

As chairman of the public meeting held in Johannesburg on Saturday, the 10th June, I have the honour, by direction of the meeting, to forward herewith certified copies (in triplicate) of the resolutions passed thereat, which I am to ask you kindly to transmit to His Excellency the High Commissioner and to Her Majesty's Secretary of State for the Colonies.

I have, &c.,

WM. HOSKEN,
Chairman of Public Meeting.

Copies of resolutions passed at the public meeting held in Johannesburg on the 10th June, 1899 :—

First Resolution.

Proposed by Mr. J. W. Quinn, seconded by Mr. Ingle—

That this meeting hereby affirms the principle that no settlement of the constitutional problem in this country can be satisfactory which does not provide for the recognition of the equal political rights of all white inhabitants.

Carried with one dissentient.

True copy.

W.H.

Second Resolution.

Proposed by Mr. H. S. Caldecott, seconded by Mr. L. I. Seymour, supported by a letter from Mr. Advocate Wessels and by Mr. T. R. Dodd—

That the franchise proposals submitted by His Honour President Kruger at the Bloemfontein Conference are, in the opinion of this meeting, wholly inadequate, and will not satisfy the just demands of the unenfranchised population of this country.

Carried unanimously.

True copy.

W.H.

Third Resolution.

Proposed by Mr. W. Dalrymple, seconded by Mr. Strong—

That we record our deep sense of obligation to Sir Alfred Milner for his endeavours to secure redress of grievances for this community, and, earnestly desirous as we are of supporting His Excellency in his efforts to obtain a peaceful settlement, we are prepared to endorse his very moderate proposals on the franchise question as the irreducible minimum that could be accepted.

Carried unanimously.

True copy.

W.H.

Fourth Resolution.

Proposed by Mr. S. Mosel, seconded by Mr. Raitt—

That we hereby accord our grateful acknowledgement and thanks to the many communities in various parts of the British Empire and elsewhere who have given public expression of their sympathy in our behalf.

Carried unanimously.

True copy.

W.H.

Fifth Resolution.

Proposed by Colonel Bettington, seconded by Mr. Shanks—

That copies of the foregoing resolutions be forwarded to Her Majesty's Agent at Pretoria for transmission to His Excellency the High Commissioner and Her Majesty's Secretary of State for the Colonies.

Carried unanimously.

True copy.

W.H.

Sixth Resolution.

Proposed by Mr. Nicholson, seconded by Mr. Jones—

That copies of resolutions Nos. 1 and 2 be forwarded to the State Secretary for the information of the Government of the South African Republic.

Carried unanimously.

True copy.

W.H.

Seventh Resolution.

Proposed by Mr. Mackie Niven, seconded by Mr. Advocate Auret—

That in order to constitute a representative assembly which may deliberate on any proposals for redress of grievances, we hereby appoint the following 24 gentlemen to confer with delegates who have been or may be appointed by other representative meetings :—

Messrs. J. G. Auret,	Messrs. Richard Currie,	Messrs. H. S. Caldecott,
W. St. John Carr,	D. E. Doveton,	Dr. Davies,
T. R. Dodd,	W. Dalrymple,	S. Evans,
J. Douglas Forster,	H. C. Hull,	W. Hosken,
C. H. Mullins,	W. A. Martin,	A. Mackie Niven,
T. Mackenzie,	D. J. Pullinger,	J. W. Quinn,
H. A. Rogers,	A. Raitt,	R. Shanks, and
E. P. Solomon,	C. D. Webb,	W. Wybergh.

Carried unanimously.

True copy.

W.H.

Eighth Resolution.

Proposed by Mr. Tudor Trevor, seconded by the Chairman—

That this meeting cordially endorses the petition, signed by 21,000, to Her Majesty the Queen, and thanks the authorities for the courtesy with which they had treated it.

Carried unanimously.

True copy.

W.H.

No. 41.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 10, 1899.)

SIR,

Government House, Cape Town, June 21, 1899.
WITH reference to my despatch of the 14th instant, and to my telegram, No. 2, of the 19th instant,* I have the honour to transmit, for your information, a copy of the further communications noted in the margin, which I have received from Her Majesty's Agent at Pretoria, on the subject of the recent franchise proposals of the Government of the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 41.

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

TELEGRAM.

June 14th. At adjourned debate on franchise to-day, resolution was carried to discuss whole Draft Law at once. Law was then discussed, the President remarking that they must pass the law immediately having regard to the action of the sister Republic. The debate was then closed and resolution carried to approve Draft Law and instruct Government to publish same as soon as possible and to decide further to suspend operation of law until burghers had been consulted. The President then addressed the Raad. He thanked Raad for what they had done. Condition of country

* Nos. 23 and 17.

was such that they had to meet difficulties. Franchise period had been reduced from fourteen to seven years. He did not know what would happen. Perhaps their enemies would not be satisfied, and perhaps they would make war. Their enemies had not given them anything, while they themselves had given away half of their rights. If they had given away any more they would have given away their independence. Let them assist everybody in the country irrespective of nationality, but there were murderers and thieves among those who would benefit by the laws. President then referred to the counter-petition with twenty-three thousand signatures, who declared themselves satisfied with the old franchise law, and yet there were persons who were always creating trouble and would never be satisfied. They did not want the franchise, they wanted the country. Justice, he said, is on our side, more we cannot give, for then we would give away our independence. I do not want war, but I do not want to give away my rights. I do not want anybody else's rights. Let the Raad agree, adjourn, and go to the people holding district meeting in order to explain the law to the burghers. A great meeting has been called at Paardekraal for Saturday, but the burghers did not understand all points and they must be explained to them. The Lord had protected their independence in the past, He would never let them lose it.—(GREENE.)

Enclosure 2 in No. 41.

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

TELEGRAM.

June 15th. The First Volksraad agreed to a Government missive to-day, requesting the house to adjourn from to-day till July 3rd, in order to consult the burghers on the franchise law. Subsequently the President asked the second Volksraad to take similar course. Addressing the Raad, the President said it was essential for him to have approval of the people, and that they should be consulted without delay in order to keep back the burghers from attending the Paardekraal meeting of which he disapproved. The enemies of the Republic were collecting their strength, and by dissension and discord were working to rob the people of their independence. If all South Africa unanimous these difficulties would not exist. The twenty-three thousand foreigners who had declared themselves satisfied with the Republic must be assisted, but those foreigners who made a noise about anything should get nothing. The burghers had increased from twelve thousand to thirty thousand. When they should number a couple of hundred thousand it would be folly to speak of keeping a foreigner waiting ten or twelve years for the franchise, they would then be strong enough to let all foreigners come in. Referring to those foreigners who had taken part in the Jameson Raid, President said he had forgiven and forgotten, and they need not fear that they would be shut out from the franchise. Only those persons who had a dishonourable sentence passed on them were excluded, but a fine imposed and paid was not a dishonourable sentence, so that almost all the sixty persons who had been arrested in Johannesburg for complicity in the Jameson Raid need have no cause to fear that if they applied for the franchise it would be refused to them.—(GREENE.)

Enclosure 3 in No. 41.

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

SIR

Her Majesty's Agency, Pretoria, June 16, 1899.

In continuation of my despatch of the 16th instant, on the subject of the franchise proposals of the President, I have the honour to report that these were laid before the Volksraad on the 12th instant in the form of a draft law, of which a translation is annexed. A debate then took place, in the course of which the President intervened on several occasions, and on the following day a resolution was carried by acclamation, stating that the First Volksraad, having considered the draft law, and recognizing the desirability of amending the franchise law, but considering that the voice

of the people had not yet been heard on the matter, resolved to accept the draft law, and instruct the Government to publish the same forthwith for the approbation of the public, and to suspend the operation of the law pending further resolution.

Immediately after this vote had been taken the President addressed the Raad in a most vehement and excited harangue, the substance of which I have already communicated to Your Excellency by telegraph, the pith of which was contained in the exclamation, "I don't want war, but I will not give anything further away." His Honour wound up his address by requesting the members to get away to their constituents as quickly as possible, and to hold meetings locally to explain the new law to them, and obtain their views upon it.

Yesterday, as Your Excellency is aware, a Resolution was formally carried in the First Raad agreeing to adjourn till the 3rd of July, and a similar resolution to adjourn to July 4th was, at the personal request of the President, who addressed the House in an impassioned speech, carried in the Second Volksraad.

Last night the new law was published in the form of a special "Staats Courant."
 , 14, 15 A copy of this paper is annexed, together with reports* of the debates in the two Chambers taken from the "Press" newspaper.

The following points are to be noticed in the new Draft Law:—

- (1). The financial qualification is reduced from £200 to £100.
- (2). The renunciation clause of the oath is expunged.
- (3). No mention is made of the two-thirds majority of the burghers.
- (4). A stipulation as to young men, whose fathers have been naturalised in the Republic, is introduced.
- (5). The franchise is confined to those considered to belong to the white population.
- (6). All laws in conflict with this law are repealed.

In conclusion, I would draw Your Excellency's attention to the President's declaration in his speech to the Second Volksraad yesterday, to the effect that the majority of the 60 persons who had been sentenced in connection with participating in the Jameson Raid need not fear that, if they applied for the franchise, they would be refused it. I would further call your notice to the debate yesterday, on the question of the increase of the legislative representation of the gold fields.

I am, &c.,
 CONYNCHAM GREENE.

His Excellency
 The High Commissioner,
 Cape Town.

No. 42.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 10, 1899.)

SIR, Government House, Cape Town, June 21, 1899.
 WITH reference to my despatch of the 14th instant,† and to my telegram, No. 4 of the 16th instant,‡ I have the honour to transmit for your information, copies of communications which I have received from Her Majesty's Agent at Pretoria, respecting meetings which have been held in the South African Republic in support of the Government.

I have, &c.,
 A. MILNER,
 Governor and High Commissioner.

* Not reprinted.

† No. 23.

‡ No. 13.

Enclosure 1 in No. 42.

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

TELEGRAM.

June 15th. A mass meeting of all white persons who are well disposed to the Government has been summoned for to-night at the Wanderers Hall, Johannesburg, to express confidence in the President, the Government and the Volksraad, with reference to the position taken up by them at the Bloemfontein Conference and respecting the franchise.—(GREENE.)

Enclosure 2 in No. 42.

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

TELEGRAM.

June 16th. Following telegram received this morning from Vice-Consul Evans. 16th June. The meeting of burghers and sympathisers with the Government took place last night. It was held in the Wanderers Hall, which was packed to its utmost capacity; the meeting was orderly but most enthusiastic. The following resolutions were unanimously passed; approving President Kruger's proposals, confirmed by the Volksraad in regard to the franchise; expressing confidence in the State President and the Volksraads; affirming the desirability of the Government making every effort to solve all difficulty between itself and other Governments by arbitration; a vote of thanks to the President, Government, and Volksraad of the Orange Free State, a vote of thanks to the Afrianders in the Cape Colony and Natal for their sympathy in the past and at the present time.—(GREENE.)

Enclosure 3 in No. 42.

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

TELEGRAM.

June 17th.—The President is stated in the newspapers to have issued a notice setting forth that although to-day's meeting at Paardekraal is in accordance with his intention that the burghers should be consulted on the Franchise proposals, the Government are convinced that the meeting cannot serve the purpose of obtaining the full voice of the people, which can alone be obtained by district meetings. General Joubert, Mr. Schalk Burger, and Mr. A. D. Wolmarans are announced as intending to attend the meeting to-day.—(GREENE.)

Enclosure 4 in No. 42.

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

TELEGRAM.

June 19th.—The Johannesburg newspapers of this morning assess the number of persons present at the Paardekraal meeting on Saturday at about 4,000, as against 1,200, the estimate given in the "Volksstem," the Pretoria evening paper of Saturday. Strong speeches were delivered by General Joubert, Mr. Wolmarans, and Mr. Schalk Burger, the former of whom read his speech from a previously prepared paper. Judge Kock also made a speech attacking the comments of the Secretary of State upon the Edgar trial and on the breaches of the Convention. The first resolution approved the President's proposals at Bloemfontein, which were declared to be as liberal as could be made with

safety in the present circumstances and expressed gratitude to the President for his labours. The second resolution was one of thanks to the Raad and Government of the Orange Free State for their action and assistance. The proceedings, which were opened and closed with prayer, were orderly, but there were many interruptions, especially towards the close. I am sending newspaper reports of speeches by post.—(GREENE.)

Enclosure 5 in No. 42.

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

TELEGRAM.

June 20th.—At meetings of the burghers held to consider the new draft franchise law at Pretoria, Heidelberg, Middleburgh, and Potgieterrust, resolutions have been carried endorsing the measure. At similar meetings at Volksrust, Boksburg, Potchefstroom, Standerton, and Klerksdorp, more progressive resolutions were carried expressing confidence in the Raad and leaving the settlement of the question in their hands.—(GREENE.)

No. 43.

CONSUL-GENERAL FOR THE SOUTH AFRICAN REPUBLIC to COLONIAL OFFICE.

(Received July 10, 1899.)

SIR,

58, Victoria Street, S.W., July 10, 1899.

I HAVE the honour to enclose herewith copy of a telegram received from the State Secretary at Pretoria, embodying the purport of a Volksraad resolution on the subject of the amended Franchise Law of the South African Republic.

I have, &c.,

MONTAGU WHITE,
Consul-General.

Enclosure in No. 43.

The following Executive resolution has been approved of and passed by the First Volksraad of the South African Republic.

The Executive Council, having taken the draft law on the franchise into consideration, resolves to recommend the following amendments:—

1. All persons not wishing to become naturalised in the manner as set forth in the draft law can obtain the full franchise by taking the oath of allegiance after seven years' residence reckoned from the date of their giving written notice of their intention to become burghers of the State.

2. Persons who have permanently resided in the Republic before the passing of this Act can obtain naturalization with full franchise and burgher rights after nine years' residence, or five years after the present law comes into force, provided that not less than seven years have elapsed since they took up their residence in the Republic.

3. The power of the Government to grant naturalization and full franchise to persons who have not fulfilled the conditions of this law is limited to the case of officials and persons who have rendered public services to the country.

4. Male children of aliens born in the State have the right to become naturalized, and to receive the full franchise on attaining their majority.

5. The provision that the full franchise is dependent upon naturalization in the land of former residence is hereby abolished.

6. In cases where the Field Cornet is not in a position from personal knowledge to grant a certificate of naturalization or full franchise, he shall be bound to do so upon

production of a sworn declaration, made by the applicant and four prominent, fully enfranchised burghers of the ward or district, to the effect that the applicant has resided in the ward or district during the time required by law and that he has been obedient to the laws and faithful to the independence of the country.

7. Provision is made as to what dishonouring sentences disqualify persons from obtaining naturalization.

Several provisions of minor importance follow, which, with the above amendments, were approved of by an almost unanimous vote of the Volksraad to be incorporated in the draft law already approved of by the Volksraad.

The representation of the goldfields will, in terms of Law No. 12, of 1867, be increased by four members in each Volksraad in such a manner as will be set forth at a later date, although in time to enable those persons who in terms of this law will have obtained the full franchise this year to take part in the elections of the said new members.

No. 44.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 4.55 p.m., July 10, 1899.)

TELEGRAM.

10th July. No. 1. Referring to your telegram of 30th June,* Government South African Republic state Consul-General at London 14th June published statement that franchise proposal independent of arbitration. They assumed Leyds did same, but if not, will instruct him to do so if desired.

No. 45.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4.45 p.m., July 11, 1899.)

TELEGRAM.

[Answered by Nos. 46, 47, and 50.]

11th July.—No. 1. You are authorised, having regard to the uncertainty which still exists as to the exact nature of the latest proposals, to inform the Government of the South African Republic through Greene as follows :—

If they desire that their proposals shall form any element in settlement of differences between the two Governments, Her Majesty's Government request that full particulars of the new scheme may be furnished to them officially, and hope that, until they have had an opportunity of considering it and communicating their views, Transvaal Government will not proceed further with it.

No. 46.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 10.50 a.m., July 12, 1899.)

TELEGRAM.

12th July.—No. 2. Referring to your telegram of 11th July No. 1.† British Agent has been instructed accordingly, and I will let both Schreiner and Hofmeyr know what we are doing.

* No. 20.

† No. 45.

No. 47.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 8.25 p.m., July 12, 1899.)

TELEGRAM.

12th July. No. 6. Referring to my telegram of to-day, No. 2,* following telegram received from British Agent in South African Republic:—

Begins: I handed Secretary of State's telegram to South African Republic State Secretary this morning, who promised lay it before the Executive Council in the afternoon, and will give definite answer as soon as possible. He had before I visited him communicated to me officially copy of draft of Law, which I found on my return home. He said South African Republic Volksraad had not intended in any case to discuss measure in the afternoon to-day.
Ends.

No. 48.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 8 a.m., July 13, 1899.)

TELEGRAM.

13th July. No. 1. British Agent in South African Republic informs me full text of draft Law presented to Volksraad South African Republic to-day. It has been telegraphed to Dr. Leyds for publication in Europe to-morrow, so British Agent in South African Republic does not send text.† You will observe that main lines of Bill are:—

1. Provision as to naturalization after 2 years and full franchise 5 years later maintained; but there is alternative whereby a person can postpone naturalization till end of 7 years, and be naturalized then, obtaining full franchise at once. 2. Retrospective clause allows person to obtain naturalization with full franchise after 9 years' residence, or in the alternative 5 years after passing of Law, provided he has 7 years' residence.

Thus all persons who entered country before middle of 1895 must have 9 years' residence, those who entered between middle 1895 and middle of 1896, 8 years, and later immigrants 7 years.

These are main principles, and are certainly considerable advance on President's proposals at Bloemfontein. But attempt to represent them as differing very little from mine is idle, as, apart from difference between 5 and 7, immediate effect very different. My proposal would have admitted at once persons who came to country during 1891, 1892, 1893, and portion of 1894. These were years of great immigration. These persons are now postponed for between 1 and 4 years, so that body of Uitlanders immediately admitted far smaller than that contemplated by me. With respect to details, following changes have been made, apparently to meet or partially meet criticisms of President's original proposal made by me at Bloemfontein: 1. Dishonouring sentence is defined by specifying particular crimes. These include high treason, which would exclude four principal reformers, but not other members of the Reform Committee. At the same time applicant for franchise must still show that during the whole time of his residence he has been obedient to the laws and committed no crime against the independence of the Republic. The plural words seem to leave wide scope for exclusion on ground of political or trivial offences. 2. The provision that foreigners must show that they were entitled to the franchise in the country of their origin has entirely disappeared. 3. The income qualification has been reduced from £200 to £100 per annum. This is reasonable. 4. Domicile has been substituted for continuous residence. 5. The article giving the Government unlimited power to admit persons to franchise otherwise than in accordance with terms of the law has been cut down. It is, however, still wide, applying to all persons holding any situation in the service of the country or having rendered themselves serviceable to the country.

* No. 46.

† For text see No. 55.

Speaking generally, the formalities requisite in applying for enfranchisement are cumbersome and calculated to cause difficulty and delay. This is a very serious matter as affecting number likely to obtain franchise at an early date. There is, moreover, a very objectionable provision which makes the seven years for franchise in case of new comers date, not from the commencement of their period of residence, but from the time of their giving notice of intention to become naturalized. A charge of £2 is made for letters of naturalisation. The probable effect of this measure in the immediate future depends, of course, largely on the number of new seats, the constituency to which they are to be given, and the date of election. On these points no precise information has at present been given.

No. 49.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1.40 p.m., July 13, 1899.)

TELEGRAM.

Urgent. 13th July. No. 2. In continuation of my telegram of to-day, No. 1,* State Attorney yesterday informed British Agent South African Republic that 4 new seats would be given to Rand district and possibly an extra seat each to Pretoria and to Zoutpansberg. As I understand the matter therefore the largest representation Uitlanders can hope for from present scheme for some years to come supposing they can carry all the four Rand seats at a special election of which I am still doubtful is 4 out of 32 or out of 34. Both as regards number of seats therefore and period qualifying franchise proposal falls far short of what I suggested at Bloemfontein. And what I suggested then was always treated by me as a minimum. I said: "I cannot ask all that I think is right," having regard to the prejudice of the old burghers, but confined myself to asking the least that seemed to me to offer a reasonable hope of relieving the situation by reform from within. I am in active communication with British Agent to elicit further information on essential points. Answers as to these will help to clear up effect of proposals as a whole.

No. 50.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 9.20 p.m., July 13, 1899.)

TELEGRAM.

[See No. 56.]

13th July. No. 4. Referring to my telegram of 12th July, No. 2,† following received from British Agent in South African Republic:—

Begins: Following is substance of reply South African Republic State Secretary dated to-day:—

Begins: Request of Secretary of State for Colonies had already in part been met by communication made to me yesterday of a copy of draft law. It had been desired President South African Republic as expressed in his Memorandum 5th June to continue working in accordance with spirit of Bloemfontein Conference, but the High Commissioner, while not discouraging President South African Republic from laying his franchise proposals before Volksraad South African Republic, had declared that he must do so of his own accord, and not as part of an understanding with Her Majesty's Government and the Conference was entirely ended. Transvaal Government were therefore obliged to treat the franchise question of their own accord and not as a part of an understanding with Her Majesty's Govern-

* No. 48.

† No. 46.

ment. They have done so since in the endeavour to assimilate their proposals as far as possible with those of Her Majesty's Government, and the new draft law indicated farthest limit at which people and Volksraad South African Republic could arrive, and differs only in detail from scheme High Commissioner. As this draft Law has been taken over by a Commission Volksraad South African Republic who have reported on it, whole matter has passed out of hands of Transvaal Government and it is thus no longer possible for the Transvaal Government to further meet request Secretary of State for Colonies. In conclusion note expresses pleasure at spirit of *rapprochement* appearing in communication of Secretary of State for Colonies and adds that President South African Republic will be always ready to consider any friendly advice from Her Majesty's Government. *Fnds.*

Observations follow.

No. 50A.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., July 14, 1899.)

TELEGRAM.

13th July. No. 5. Referring to my telegram of to-day, No. 4.* Reply made by President is somewhat misleading. At the time of Messrs. Fischer and Hofmeyr's mission he must have been aware that I was desirous, if he saw his way to make material advance upon his Bloemfontein proposals, to discuss any new scheme in the hope that an understanding might be arrived at. Government of South African Republic, however, declined and still declines to give Her Majesty's Government the opportunity of making suggestions, though it seeks to set up, as satisfaction of our demands, new scheme hurriedly adopted without referring to us. As regards statement that latest scheme differs from mine in details only, the question is, does it insure immediate and substantial share of political power for Uitlanders, which is what I was aiming at?

In my opinion it does not, but I reserve final judgment till I receive through British Agent an answer to question just asked on certain most important points. The whole point of my Bloemfontein proposal was to put Uitlanders [? in a position to] fight their own battles and so to avoid necessity of pressing for redress of specific grievances. In present strained situation there is no use in any scheme, the effect of which in this respect is doubtful or likely to be long deferred. From this point of view I always regarded my Bloemfontein proposal as something like a minimum and even too moderate perhaps. If that proposal had been accepted in principle, and discussion proceeded as to method of carrying it out, I should have resisted cumbrous and restricting provisions like those of present Bill as calculated to make the privileges apparently accorded needlessly difficult to obtain. The fact that this measure is, in its general scope, considerably less liberal than my scheme makes those restrictions none the less objectionable. As provisions of Bill are more closely examined, feeling against it among friends of Uitlanders is increasing.

No. 51.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1.30 p.m., July 15, 1899.)

TELEGRAM.

15th July. No. 1. In continuation of my telegram of 7th July, No. 4, † further resolutions of a similar kind since passed by public meeting Woodstock, Klipdam, Aliwal North, Claremont, Beaufort West, Fort Beaufort, Victoria East, and Kloof Branch of South African League; also Nottingham Road Farmers' Association, and at Estcourt, in Natal.

* No. 50.

† No. 33.

No. 52.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL), to MR. CHAMBERLAIN.

(Received 6 p.m., July 15, 1899.)

TELEGRAM.

15th July. Following resolution adopted at public meeting at Ladysmith on 12th July, held under auspices of Ladysmith branch of South African League; large and enthusiastic attendance:—

Begins: This meeting heartily supports action of High Commissioner and Imperial Government in their demand for equal rights and justice for all Europeans in Transvaal Republic, the immediate redress of grievances in the interests of peace and civilization, and affirms maintenance of British supremacy in South Africa. *Ends.*

No. 53.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8.50 p.m., July 15, 1899.)

TELEGRAM.

15th July. No. 2. Just received from Governor Natal Petition to Her Majesty the Queen signed by 6,336 adult European males in that Colony. It is identical in terms with that at present being signed in Cape Colony and Rhodesia. Petition has only been in circulation for 10 days and total number of adult European males in Natal is estimated by Governor at about 10,000. More signatures I am told are to follow. Every page has the whole of Petition plainly printed at the top of itself and these words "Petition to Her Majesty the Queen" printed across. Blank space left for signature in four several places. Impossible to allege this time that Signatories did not know what they were signing. Terms of Petition as follows:—

Begins: Your Majesty's petitioners, being British subjects resident in Colony of Natal, wish to express their sympathy with those thousands of their fellow-subjects in Transvaal whose Petition your Majesty has been graciously pleased to receive. That men of British origin engaged in an industry of vital concern to the prosperity of all South Africa should labour on sufferance under unjust laws partially administered, that they should contribute nearly the whole of the revenue of the State and have no voice in its disposal, that while themselves rigorously disarmed they should have to watch the fruits of their labour being applied to swell the military strength of the class which hold their liberties and even their lives at its disposal; this is a position repugnant to good sentiments. Moreover, it is a source of unrest, insecurity, and injury to business throughout your Majesty's South African possessions. In all these possessions the rule is absolutely equal rights for the Dutch-speaking and English-speaking populations. In South African Republic alone are the latter denied not only equal rights but political rights altogether. From this contrast springs an intense race feeling which tends increasingly to divide and embitter all South Africa.

Your Majesty's petitioners feel that it is time that this state of things should be radically reformed, and, while yielding to none in their appreciation of the blessings of peace, are assured that only thus can peace be put on a firm foundation. We therefore applaud the decision of your Majesty's Government to make the reform cause their own, and trust that the present effort will not be relaxed until either the grievances are substantially redressed or the Uitlanders provided with the means of redressing them in the shape of a really effective Parliamentary representation. We express our profound confidence in your Majesty's High Commissioner and our conviction that any measures which Sir Alfred Milner may recommend as vindicating the legitimate influence of Great Britain and securing fair play for Uitlanders of our own and other nationalities will command a loyal support in all parts of British South Africa. *Ends.*

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received July 17, 1899.)

SIR, Government House, Cape Town, June 27, 1899.
 WITH reference to my despatch of the 21st instant,* I have the honour to transmit for your information copies of further despatches from Her Majesty's Agent at Pretoria, respecting meetings held at Paardekraal and other places in support of the Government.

I have, &c.,
 A. MILNER,
 Governor and High Commissioner.

 Enclosure 1 in No. 54.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

SIR, Her Majesty's Agency, Pretoria, June 19, 1899.
 WITH reference to my telegram of to-day on the subject of the Meeting at Paardekraal on Saturday, I have the honour to enclose reports of the proceedings and speeches from the local newspapers, together with leading articles commenting on the same.

The number of persons who attended the meeting, which had been assessed at 1,200 in the annexed copy of Saturday's "Volksstem," appears to have been understated, the attendance being estimated by this morning's papers at about 4,000. The proceedings, which were opened and closed with prayer, seem to have been orderly, although a good deal of interruption, chiefly in connection with the mention of names associated with the Uitlander cause, occurred towards the close of the proceedings. The President had, as Your Excellency is aware, deprecated the holding of the meeting on a large scale, and this no doubt accounted for the comparatively small attendance. Writing to me on Saturday Mr. Vice-Consul Evans reported "that about 2,000 persons were present at the meeting, which was devoid of excitement, and all that was done was to affirm the President's franchise proposals." Still, the fact that the Vice-President and four other members of the Executive Council were present, and made very uncompromising speeches, showed that the Government had no objection to their views being well aired for the benefit of the burghers who stopped at home.

General Joubert's speech is noticeable inasmuch as it had been carefully prepared and committed to paper beforehand. It was anything but conciliatory in tone, and full of allusion to the possible necessity of the burghers defending their independence with their blood.

Mr. A. D. Wolmarans dealt chiefly with the franchise question and that of the representation of the Gold Fields in the Volksraad, and defended the demand of the Republic for the adjustment of its differences under the Convention by arbitration.

Mr. Schalk Burger deprecated war, but said that "it was obvious that should difficulties arise, the burghers would all stand up to defend the rights that were so sacred and dear to them."

Mr. Kock, of the Executive Council, dwelt upon the doctrine of "what he called "Afrikanderdom," and said that he "regarded the Afrikanders from the Cape to the Zambesi as one great family. If the Republics lost," he said, "the Afrikanders would lose. The independence of the country was to them a question of life and death. The Free State would stand by the Transvaal, even to the death. Not only the Free State, but also the Cape Colony."

This "Afrikander" note appears to me to permeate the speeches of nearly all those who addressed the meeting.

Commandant Cronje, of the Executive Council, called upon the assemblage "never to surrender to any Power the privilege they had inherited, and if they were attacked and required to shed their blood, to put their trust in the Almighty."

Judge Kock, in a violent speech, impugned the comments of the Secretary of State in his reply to the Uitlanders' petition on the Edgar trial, at which the speaker was the presiding judge, and challenged the opinion of the British law officers on the breaches of the Convention. Your Excellency will recollect that Mr. Kock was placed upon the bench just a year ago, without any previous legal experience worth mentioning.

Two resolutions were finally carried, the first approving the President's action at Bloemfontein and thanking him, and the second thanking the Raad and Government of the Orange Free State for their action and assistance.

The meeting was closed at half-past one, having lasted a little over two hours.

I have, &c.

CONYNGHAM GREENE.

His Excellency
The High Commissioner, Cape Town.

Enclosure 2 in No. 54.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

SIR, Her Majesty's Agency, Pretoria, June 23, 1899.

IN continuation of my despatch of the 16th instant, on the subject of the Franchise proposals of the President, I have the honour to report that a number of local meetings of burghers have been held throughout the country, in accordance with his Honour's advice, to consider the new Draft Franchise Law. At these meetings, at which the Volksraad members have attended and explained the provisions of the proposed measure to their constituents, resolutions have in most cases been carried approving the law, but in many instances riders have been added to the resolutions, or supplementary resolutions have been carried, giving the Raad members a free hand to deal with the proposals, and to amend them if it should be thought desirable to do so.

Among the places where this line was recommended may be mentioned Volksrust, Boksburg, Potchefstroom, Standerton, Klerksdorp, Krugersdorp, Utrecht, Wakkerstroom, and Florida; while amongst those where the draft law was simply affirmed, or it was even suggested that its provisions should on no account be enlarged, may be mentioned Pretoria, Paardekraal, Heidelberg, Middelburgh, &c.

I have no report of the proceedings at any of these meetings, except of that held at Pretoria on the 19th instant, of which I have the honour to enclose an account,* taken from the "Press" newspaper.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner, Cape Town.

No. 55.

THE CONSUL-GENERAL FOR THE SOUTH AFRICAN REPUBLIC to
COLONIAL OFFICE.

(Received July 18, 1899.)

SIR, Amberley House, Norfolk Street, Strand, W.C., July 18, 1898.

I HAVE the honour to enclose herewith a translation of the draft Law with respect to the Franchise, now being considered by the Volksraad of the South African Republic.

I have, &c.,

MONTAGU WHITE,
Consul-General.

* Not re-printed.

Enclosure in No. 55.

Whereas it has appeared desirable to amend and more fully set out certain provisions of the laws with regard to naturalization and the obtaining of the full franchise; and whereas these amendments do not admit of the delay necessary to give three months' previous notice according to Article 11 [?] of the Grondwet; and whereas the principle has already been approved of by the people, be it hereby enacted as follows:—

Article 1. Every white male stranger who has reached the age of 16 years, and who settles or who has settled permanently in the South African Republic, shall henceforth be able to obtain letters of naturalization providing the following conditions and stipulations have been observed.

Section A. The applicant shall produce a certificate from the Fieldcornet and Landdrost of his ward and district, countersigned as well by the Commandant of the district, setting forth that he has registered himself continuously during the time required for naturalization on the Fieldcornet's list; that he was domiciled during that time in the South African Republic, and that he was obedient to the laws of the land during that time, and had committed no offence against the independence of the South African Republic. When the Fieldcornet and Landdrost from their own personal knowledge are not in a position to grant such a certificate, they will do so on a sworn declaration of the applicant and of fully enfranchised burghers of the ward or district to the effect that the applicant has resided in the South African Republic during the required time, and that he has during that time been obedient to the laws of the land, and that he has committed no offence against the independence of the South African Republic. When the Fieldcornet and Landdrost or the Commandant refuse to grant or countersign such certificate, the applicant can appeal to the Executive Council. In cases where the Fieldcornet's books have been destroyed or lost the applicant must prove by sworn declarations to the satisfaction of the State Secretary and State Attorney that he was so registered.

Section B. The applicant shall produce a sworn declaration, signed by himself, to the effect that he has had no dishonouring sentence against himself, and shall further produce proof of good behaviour. By dishonouring sentence shall be understood any sentence for the crimes of high treason, rape, theft, fraud, or embezzlement.

Section C. The applicant shall produce proof that he is in possession of unencumbered fixed property of the value of £150, or pays a rental of not less than £50 per year, or receives a fixed salary or wage of £100 per year, or is able to maintain himself independently by agriculture or stock farming.

Section D. The person to be naturalized must make the following oath before the official issue of letters of naturalization. By taking this oath he shall be considered and held to have renounced and to have rejected all burgher rights enjoyed and duties of citizenship and allegiance due to any other State or Sovereign:—

"I swear (or I declare, in case the making of an oath is not allowed by his religious belief) and solemnly promise in all sincerity and in terms of Law No. , 1899, with which I declare myself to be acquainted, that I will be faithful to this State, will respect and honour its independence, and submit myself to the Grondwet and other laws and lawful authorities of the land, and will conduct myself in every respect as becomes a faithful burgher of this State. So truly help me God Almighty (or I solemnly promise)."

Before a person already naturalized is admitted to the full franchise, he shall, in addition to any other stipulation required by this law, produce with his application proof of having fulfilled the conditions and stipulations above set forth under Sections A, B, and C. No one shall be entitled to or allowed to receive letters of naturalization or the full franchise unless the said conditions have been previously fulfilled, except in cases where this or any other law expressly makes other provision.

Article 2. Every person who establishes himself or who has established himself permanently in the South African Republic shall, after the expiration of two years, and upon fulfilment of the conditions contained in Article 1, be entitled to receive letters of naturalization, and five years after naturalization shall be entitled to the full franchise, provided in either case written notice of his intention to make such application be given to the State Secretary, through the Fieldcornet and Landdrost of his ward and district, at least six months before the expiration of the period appointed by law. The Fieldcornet shall be bound under a penalty of fine not exceeding £10 in each instance of

delay to send in this notice as soon as possible, but at the latest within thirty days after delivery thereof through the Landdrost to the State Secretary, for publication in the "Staats Courant" for general information, and the State Secretary shall cause this said notice to be published without delay three consecutive times in the "Staats Courant."

Article 3. Each person who establishes himself permanently in the South African Republic shall, on the expiration of seven years after delivery by the Fieldcornet of the notice of his intention to cause himself to be naturalized according to the form contained in Schedule A, be able to obtain letters of naturalization and the full franchise upon fulfilling the conditions set forth in Article 1. Such notice shall be sent by the Fieldcornet to the State Secretary, and shall be published by the latter under the same conditions and penalty as set out in the preceding article. In case the person wishes, after the expiration of seven years, to obtain his letters of naturalization with full franchise, he shall be obliged to give six months' notice before the expiry of that period to the State Secretary, through the medium of the Fieldcornet and Landdrost of his ward and district. This notice shall also be forwarded by the Fieldcornet to the State Secretary, and so published in the "Staats Courant" by the latter, the one and the other, under the same conditions and penalty as set forth in Article 2. The applicant will then, on making his request for letters of naturalization with full franchise, further produce proof that he has sent in the notice according to the form in Schedule A required in the first paragraph of this Article, for which proof it will be sufficient to produce a copy of the "Staats Courant" in which the publication of the notice was inserted.

Article 4. Any person who has established himself in the Republic with the object of residing there will be able to obtain letters of naturalization and the full franchise upon fulfilling the conditions of Article 1, after the lapse of nine years from the date of his arrival, or five years after the coming into operation of this law, provided that in the last instance a period of not less than seven years shall have elapsed since he established himself in the Republic. In case an applicant is not entitled to the full franchise within six months after the coming into operation of this law, he shall produce proof that he has handed in a written notice to the Fieldcornet of his ward that he intends to naturalize himself. In case of neglect to send in this notice according to the form set out in Schedule A, or in the absence of the certificate referred to in Article 1, under Section A, applicant will not be entitled to the full franchise in terms of Article 1, but only in terms of Article 2 and 3. This notice shall be sent up by the Fieldcornet to the State Secretary, the one and the other, under the same conditions and penalty as set forth in Article 2. In case anyone is already naturalized when the present Act comes into force, he will be able to obtain the full franchise five years after the date of his naturalization, or, if he chooses, according to the provisions set out in the first paragraph of this Article.

Article 5. Nothing contained in this Act shall prevent the Government from issuing letters of naturalization, with or without the full franchise, to persons who hold an appointment in the service of the country, or who have rendered services to the country, or who have in one or other respect been of service to the country, even although in their case the provisions of this law have not been complied with, upon taking the oath according to Article 1.

Article 6. Young men not born in this State, but whose fathers have obtained letters of naturalization or the full franchise before they have reached their sixteenth year, will have the same rights to vote as their fathers. Young men born in this State whose fathers have not been naturalized, nor obtained the full franchise, will be able to naturalize themselves on obtaining (*sic*) their sixteenth year by taking the oath specified in Article 1, and fulfilling the conditions set out in Article 1, Section A, &c.

Article 7. The application for naturalization and the full franchise has to be sent up with the necessary proof to the State Secretary by the Fieldcornet, through the Landdrost. It is then referred to the State Attorney, who returns the documents, with his opinion endorsed thereon. In case no legal obstacle appears to the granting of naturalization or the full franchise these will be granted. Should there be any difficulty, the Executive Council shall decide. Letters of naturalization and the full franchise shall be signed by the State Secretary and the State Attorney. The State Secretary causes the letters of naturalization and the full franchise to be issued by the official appointed for that purpose, before whom the necessary oath of naturalization must be taken. Letters of naturalization must bear a stamp of two pounds sterling. No fee is charged for the granting of the full franchise to persons already naturalized.

Article 8. No one who does not belong to the white population of the South African Republic can obtain the franchise, according to Article 9 of the Grondwet.

Article 9. All laws and provisions in conflict with this law are hereby repealed.

Article 10. This law comes in operation

Schedule A.—I, _____, at present residing in _____, in the South African Republic, hereby give notice that I shall apply _____ years from date hereof for letters of naturalization with full franchise, and declare that I am acquainted with the obligations laid upon me by Law No. _____, 1899, and that I will obey the laws of and commit no offence against the independence of the South African Republic.

No. 56.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 12.36 p.m., July 19, 1899.)

TELEGRAM.

[Answered by No. 64.]

19th July. Referring to your telegram of 13th July No. 4,* second and third sentence of reply of South African Republic State Secretary, you should point out that proposals, for which you repudiated all responsibility, were those made by President South African Republic at Conference.

No. 57.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 3.45 p.m., July 19, 1899.)

TELEGRAM.

19th July. British Agent South African Republic reports Article IV. of Franchise Law passed by 22 votes to 5 with following alterations in Clause 1, viz., the words "at least seven" are substituted for "nine," and the words "from or five years" to end of clause are deleted. This has effect of making residential qualification for franchise seven years retrospective.

No. 58.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received 9.35 p.m., July 19, 1899.)

TELEGRAM.

[Answered by No. 63.]

19th July. Resolution proposed to-day in Assembly by Baynes, seconded by Escombe:—

Begins: Legislative Assembly Natal desires to express its sympathy with and approval of action of British Government in its endeavour to secure equal rights and privileges for all Europeans in South Africa whereby peace, prosperity, and termination of racial animosity in this country can alone be assured. *Ends.*

Prime Minister, who had to be carried to Assembly from his bed, to which he has been confined by result of an accident for a fortnight, strongly supported on behalf of Government. Resolution carried unanimously amidst cheers.

No. 59.

UITLANDER COUNCIL, NEWCASTLE, to Mr. CHAMBERLAIN.

(Received 12.50 p.m., July 20, 1899.)

TELEGRAM.

Uitlander Council keenly disappointed "Times" announcement of seven years' franchise acceptable Imperial Government. Fear few will accept franchise on this condition, so result not likely abate unrest, discontent, nor redress pressing grievances; such settlement would not even approximate conditions obtaining Orange Free State and Colonies, and would fail secure recognition principle racial equality. Earnestly implore you not depart from High Commissioner's five years compromise which Uitlanders accepted with great reluctance. Absolute necessity satisfactory settlement with Imperial guarantee emphasized by insincerity and bad faith persistently shown during Volksraad discussion Franchise Law.

No. 60.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5.15 p.m., 20th July, 1899.)

TELEGRAM.

20th July. To-day in House of Commons I read your telegram of 19th July,* and made following statement:—

Begins: I have no official information as to redistribution, but it has been stated that the Government of the South African Republic proposes to give seven new seats to the districts chiefly inhabited by aliens.

If this report is confirmed, this important change in the proposals of President Kruger, coupled with previous amendments, lead the Government to hope that the new Law may prove to be a basis of settlement on the lines laid down by Sir A. Milner at the Bloemfontein Conference.

They observe, however, that the Volksraad have still retained a number of conditions which might be so interpreted as to preclude those otherwise 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 of continuous registration during the period required for naturalization is an instance of this, for it has been stated that the Law of Registration has been allowed to fall into desuetude, and that but few aliens, however long resident in the country, have been continuously registered.

It would also be easy by subsequent legislation to alter the whole character of the concessions now made, but 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 schemes which can be shown to be a possible hindrance to the full accomplishment of the object in view, and that he will not allow them to be nullified or reduced in value by any subsequent alterations of the law or acts of administration.

I also read telegram from Governor of Natal containing Resolution of Legislative Assembly.

No. 61.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 5.45 p.m., July 20, 1899.)

TELEGRAM.

20th July. No. 4. Franchise Law passed without further amendment. It will come into force immediately on its publication in the "Gazette."

No. 62.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 22, 1899.)

(Extract.)

Government House, Cape Town, July 5, 1899.

With reference to previous correspondence respecting the present position of affairs in the South African Republic, I have the honour to state that the Uitlander Council in Johannesburg have published an exhaustive criticism on the draft Franchise Law submitted to the Volksraad, and approved by them, last month. I enclose a copy of a letter which has been addressed to me on behalf of the Council, forwarding a copy of the memorandum, which differs in a few points from that published in the "Star."

The memorandum of the Council deserves careful perusal, as it shows that the details of the measure are such that the apparent concessions made by it to the Uitlanders could easily be rendered nugatory in practice.

Enclosure 1 in No. 62.

From Messrs. H. C. HULL and T. R. DODD to the IMPERIAL SECRETARY, Cape Town.

Sir,

Cape Town, July 4, 1899.

WE have the honour on behalf of the Uitlander Council of Johannesburg to transmit herewith, for the information of the High Commissioner, a memorandum examining the Draft Franchise Law, as published by the Government of the South African Republic in the "Staats Courant" of the 23rd June, 1899.

We have, &c.,

H. C. HULL.
T. R. DODD.The Imperial Secretary,
Cape Town.

THE DRAFT FRANCHISE LAW.

There exist three initial fatal and insuperable objections to the principle of the proposed law, the outcome of the President's franchise proposals at the Bloemfontein Conference, which, quite apart from its internal defects to which attention will presently be drawn, render its acceptance by the Uitlander community an impossibility.

The first of these is the retention of the provision first adopted in 1890, deferring full burgher rights for a considerable period after naturalisation has been granted and the oath of allegiance taken. No scheme of reform will be acceptable that does not confer full citizenship simultaneously with administration of the oath. As the proposal stands, two stages must be passed before full burgher rights can be obtained. A period of two years' probation must be undergone before letters of naturalisation can be taken out, and then, if the necessary conditions have been complied with, the oath of allegiance may be taken. It will be shown hereafter, when dealing with these conditions, how difficult the attainment of the first stage may be

made by the Government, but in this place the object is limited to pointing out the unfairness and injustice of the plan, as a whole, reserving discussion of details until later.

Letters of naturalisation having been granted and the oath taken, a further period has to elapse before the applicant is entitled to full burgher rights, whilst similar conditions are imposed, failure to observe which would render all that has preceded absolutely nugatory.

The injustice of the plan consists in this, that after an oath to be faithful to the Government has been taken, the full privileges of citizenship are, notwithstanding, withheld until the further period of probation has elapsed, whilst all allegiance to the mother country has been cast off. In a word, the applicant for the franchise under the Act is actually debarred for a period of five years from being a citizen of any country whatever. He would have no status in this country, but at the same time would be liable to various burdens, such as military service, attaching to fully enfranchised burghers. Burghership by stages has no place in modern politics. Full rights ought to follow naturalisation, and an alien to whom a certificate of naturalisation is granted should from that moment be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a natural born burgher is entitled or subject.

The second objection to the scheme as a whole is that it is non-retrospective in its operation. Any measure of reform, if honestly meant, must admit to the franchise immediately all those who have qualified by past residence. Otherwise all attempts at redressing abuses from within would be indefinitely postponed.

The third radical objection is that the law suggests a distinction between the naturalised alien and the native burgher to the disadvantage of the former. Whatever privileges burghership conveys should be enjoyed in precisely the same manner by all who possess them. No conditions should be imposed upon the one class that are not borne by the other. It will be seen that the law seeks to impose heavy burdens on the naturalised alien from which the burgher is immune.

Having pointed out the three objections to the principle of the proposed law, it will be necessary to examine it in detail, and point out in what manner the conditions imposed are calculated to delay the object aimed at, and, in fact, practically to defeat the alleged intention of the Government, which, according to the preamble, is to simply for the Uitlander the methods of obtaining the franchise. It will presently be seen that, so far from this being the case, the procedure is, in fact, rendered more complicated.

The requisites for the two stages of the Government scheme are contained under the heads "A" and "B." The former is confined to the period anterior to the taking of the oath, the latter refers to the probationary term after letters of naturalisation have been granted. As in nearly every clause, it may be by intention, or it may be merely owing to bad and careless draughtmanship, there exist hidden dangers to the Uitlander, it will be expedient to refer to them in some detail.

Firstly, then, as to the naturalisation clauses under the heading "A."

1. According to this clause, the applicant must give six months' notice of his intention before he makes his application for naturalisation. It may be assumed, though it is by no means clear from the language used, that the six months mentioned is to run coterminously with the allotted two years, during which the conditions under A 2 and 3 are being fulfilled. So far, little objection can be taken. But the application must be sent, through the Fieldcornet of his ward and the Landdrost of his district, to the State Secretary, who has the power to compel the applicant to "supply such information as he might deem necessary."

Now, it is to be noticed that no limitation is placed upon the nature of the enquiries that can be made by the State Secretary. The nature of the information to be demanded should be clearly defined, otherwise Government officials, who may be presumed to be prejudiced against the operation of the law, would have it in their power to require information which it might be out of the power of the applicant to give, and thus block the way at the outset, and possibly render ineffectual any antecedent period of residence.

A 2. This clause provides that the applicant must also produce a certificate from the Fieldcornet of his ward, and the Landdrost of his district, showing:—

- (a) That he has been registered continuously for at least two years previous to naturalisation on the Fieldcornet's books.
- (b) That he has been resident during that time.
- (c) That he has been obedient to the laws and faithful to the independence of the country for that period.

Now, the first thing that strikes the attention on reading this clause is that it omits to mention to whom the certificate referred to is to be produced. Clearly the Fieldcornet and Landdrost are not intended, seeing that these are the very officials from whom the certificate is to be obtained. There is another grave objection to be taken to this portion of the clause, which is that, whilst it is obligatory on the applicant to produce the certificate, it would appear to be quite discretionary for the Fieldcornet and Landdrost to grant it. There is no machinery provided by the law to compel either of these officials to issue the necessary certificate or to give reasons in case of their refusal. Thus it might be no easy matter for the applicant to produce the necessary papers, for a curt refusal to any application would effectually bar the door to naturalisation.

Then, again, the insistence on proof of registration in the Fieldcornet's books is highly objectionable. If all that the Government requires is a residential qualification, it should be sufficient to produce such proofs of residence as would be satisfactory to a court of law. It is not always easy to obtain from the Fieldcornet the necessary proof of registration. The system adopted in most of their offices is notoriously loose. Registers have been burnt, they have even been lost, and in some instances for want of proper books registrations have been entered on loose scraps of paper, for which the wind and the wastepaper basket are quickly and solely responsible. Can it seriously be contended that the Uitlander is liable to be deprived of the franchise through the negligence of Government officials! Again, in many instances, new-comers have failed to register at all, but their residence has been as continuous as that of those who have conformed to the regulations regarding registration. There seems no good reason to show why, if residence is all that is required, proof should not be accepted other than that furnished by the uncertain records of the Fieldcornet, whose proceedings are regulated by a law which is virtually a dead letter.

A further objection can be based on the use of the term "continuously" in connection with registration. As a rule, registration implies finality of act, but by appending to it the qualification complained of, the

Government seem to have ulterior motives. Possibly it may be in contemplation to frame regulations with regard to a system of registration, which from their very nature may press very heavily on the Uitlander, and serve, if not to defeat his purpose, to hamper and hinder him in obtaining it.

Then again, by implication, residence must be unbroken and continuous. This would simplify matters very much for the Government, for there is scarcely any alien resident in the Transvaal whom business or pleasure does not at some time during the year call beyond its borders. Once across the frontier, however, his residence would be considered as having ended, and the term of his probation would only be allowed to run from the date of his return. If this provision is allowed to stand only a small percentage of Uitlanders would be able to qualify for the franchise. Domicile might be made continuous, but certainly not residence.

Then the applicant must further hand in a certificate that he has been obedient to the laws and faithful to the independence of the country. From whom is he to get such a certificate? And how many would be able to satisfy the condition as to having been faithful to the laws? The language is wide enough to cover any breach of even a municipal regulation, and will no doubt be so interpreted when the proper time arrives.

A 3. General proof of obedience to the laws is not sufficient, but the applicant must also produce a certificate from a "competent official" to the effect that no dishonouring sentence has been passed upon him.

Here it will be observed that the person by whom the certificates must be signed is indicated, but the description, a "competent official" is very vague, and might be taken to include almost any member of the civil service. Again, there is no definition of the term, "dishonouring sentence," either in this or in any other law, and it is apparently left to the "competent official" to determine what constitutes a dishonouring sentence. It is of the utmost importance that the offences referred to should be mentioned with sufficient certainty, and not left to the arbitrary judgment of possibly prejudiced subordinates.

A 4. Applicant shall adduce proof that he enjoyed in the country wherein he resided before he came to take up his residence in the South African Republic the full citizenship and franchise or was entitled thereto, or would have been entitled thereto if he had continued.

This clause might, as Sir Alfred Milner has pointed out, be used with very great effect to exclude from the franchise any Uitlander who had otherwise qualified, as the proof required would in many cases be difficult, if not impossible, to procure, as, for example, in the case of persons who were under age when they left their native country, and for that reason not entitled to the franchise, or who had not possessed in their place of previous residence the necessary qualification. But, apart from this, the expense of producing any proofs would be considerable, and would to a large extent keep the poorer Uitlander out. Again, the nature of the proof required is left in doubt, nor is it stated to whom the proof required is to be handed, or who is to be the judge of its sufficiency. The status of the applicant in his place of previous residence has no bearing on his right to be admitted to the citizenship of the Republic, presuming him to possess the other necessary qualifications which should be limited to those founded on residence, and possibly education, and be applicable to Boer and Uitlander alike.

A 5. The property qualification.

The objection to this clause is rather to its principle than its details. There would be little objection in itself to the property qualification demanded, were it intended to be applied to alien and Boer alike, but any arbitrary distinction making the former subject to a disability from which the latter is free would be unfair and inequitable. Under the present law something more than manhood suffrage obtains in the South African Republic, seeing that a Boer is invested with full burghership at the early age of 16, but if the Government is of opinion that a property qualification is essential, then the constitution should be amended in that respect, so that equal legislation should be extended to all alike. In matter of detail one serious defect may be pointed out. The applicant must possess unmortgaged fixed property of the value of £150. This, in the absence of other alternatives, would debar a person holding fixed property of a large amount, say, £10,000, but which is mortgaged, from claiming the franchise. The latter part of this clause, which reserves to the Government the right of granting full burgher rights to any person at their discretion is, however, distinctly objectionable. It would give the Government the power at any time of swamping an Uitlander constituency by voters of their own creation, and for their own purposes, thus entirely nullifying any advantage that the franchise to the Uitlander might be supposed to afford. No measure of enfranchisement or redistribution would be able to hold out against such a weapon, which, from past experience, would probably be used only too frequently.

Moreover, as Sir Alfred Milner points out, it is wrong in principle to place such a power in the hands of the Government, quite apart from the possible mischief that might arise from its improper use.

A 6. The oath.

This should be as simple as possible, and avoid any reference to any law or statute. The old form of oath under the law of 1882 would answer all requirements.

QUALIFICATION CLAUSES UNDER "B."

The main points of these clauses are practically the same as those under "A," and the observations in respect of the latter will apply equally to them. Objection has already been taken to any period of probation. The whole period of qualification for full burgher rights should not exceed the term fixed by the Law of 1882, viz., five years.

ARTICLE 2.

This merely gives the Government the necessary power to enfranchise at once the persons referred to in Article 5, and enables them to swamp any Uitlander constituency they may please.

ARTICLE 3.

This provides for the enfranchisement of male children whose fathers have naturalised themselves or obtained burgher rights before the child has reached its 16th year. The latter must register with the Fieldcornet as soon as he attains that age. This clause is also involved in some obscurity. It does not clearly appear whether the registration of the child at 16 years is to be considered a condition precedent to obtaining the status of his father. What would happen if he failed to register is not stated. Doubtless, however, such an omission would be seized upon as an excuse to exclude him from the franchise. The objection taken to Article "A" (2) applies also here. The clause provides that children referred to "shall, upon attaining their 16th year, have their names recorded by the Fieldcornet," but there is no means of redress provided if that official refuses or neglects to make the necessary entry in the books. It is, as in the former case, entirely discretionary with him to do so or not. Again, the case of children of unenfranchised Uitlanders born within the State is left totally unprovided for, and the child who had unfortunately reached the age of 17 before burgher rights had been granted to the father, would have to wait the full term of seven years. The provision of continuous residence would effectually exclude children over the age of 16, whose parents might desire to send them abroad for a better education than the South African Republic affords, and in itself is a fatal objection to this portion of the law. The clause is open to the further objection that it imposes conditions on children of aliens from which the burgher-born child is free. Attention may also be drawn to the peculiar wording of the clause; children are not spoken of as becoming burghers on registration, but as having merely "the same franchise as their fathers," which clearly indicates an intention to differentiate between the enfranchised aliens and the native burgher, for, as the clause stands, the child would not become immediately enfranchised on registration, as in the case with the burgher-born child, but would have to take the oath and serve the probationary term of five years.

ARTICLE 4.

- (a) Refers to residence prior to 1890.
- (b) Residents in the South African Republic to be naturalised at once on compliance with the condition contained under "A."
- (c) Residents already naturalised to obtain full franchise on complying with conditions under "B."

As regards that portion of the clause contained under (a) nothing need be added to the criticism to which it was subjected by Sir Alfred Milner. It must be apparent that it is of no practical value, inasmuch as probably not one of the persons to whom it is applicable could comply with the requisite conditions. Failing such compliance, they are all, of course, to be considered on a par with the alien of to-day.

ARTICLE 5.

This clause sets forth the formalities to be complied with after the applicant has fulfilled all the conditions necessary, and is undoubtedly the most dangerous section for the Uitlanders of the whole Act, for under it both the State Attorney and the State Secretary can place their veto on the grant of either letters of naturalisation or full burgher rights. Against their decision there is no appeal; consequently, after having fulfilled every requirement laid down by the Act, and escaped every pitfall designed by this law for his destruction, the Uitlander may at the very last moment be deprived of the rights for which he has waited seven years, by the mere caprice of either of these officials. It is true the clause limits their veto to the presence of "legal objection," yet it is easy to perceive that this is a very elastic expression, which may be stretched at the will of those imbued with a bias against the Uitlander.

The whole law is so carelessly drawn, so badly expressed, and the grant of the franchise so beset with conditions as to plunge its meaning into obscurity in the first instance, and in the next to render it an exceedingly difficult matter for any applicant to make good his case should the Government be disposed to avail themselves of the ample means provided to burke his attempt to procure the franchise. It is supposed to be a remedial measure, and is ostensibly framed to remove a condition of things which form a real and substantial grievance, and to make the obtaining of the franchise less difficult. It appears, however, that it is expressly designed to exclude rather than admit the newcomer. Practically speaking, the proposed law leaves the granting of the franchise almost entirely in the hands of either the officials or of the Government. They are to be satisfied as to the proofs required, and in many cases some one or other of them is to be the issuer of the certificates demanded from the newcomer. It is, in fact, a most dangerous measure, and apparently framed with the object of defeating the end it is presumed to have in view. The draft is stated to be an amendment and not a repeal of the existing franchise laws. Consequently, the provisions of the present laws in so far as they are not expressly repealed by the new measure, would remain in force. Thus the naturalised burghers would not be entitled to vote for the President, and it is even doubtful in view of the provisions of Law 4 of 1890 whether they can vote for the First Volksraad unless a resolution to that effect be taken by the First Volksraad, and regulations which have never yet been framed be complied with.

It must not be forgotten when criticising the Government's proposals that at present there is no suggestion of a Redistribution Bill. No measure for franchise would be of the slightest use, unless it was supported by an adequate scheme of redistribution, seeing that the newcomers constitute more than two-thirds of the entire population.

In conclusion, it must not be forgotten that any law on this subject will in reality afford no protection or assistance to the Uitlander, no matter how liberal may be the concessions in his favour, for there is absolutely nothing to prevent the Volksraad at any moment from so amending it as to postpone or entirely deprive the probationer of his citizenship before it actually matures.

Johannesburg, June, 1899.

No. 63.

MR. CHAMBERLAIN to GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL).

(Sent 5.40 p.m., July 22, 1899.)

TELEGRAM.

22nd July. Her Majesty's Government have received with much satisfaction your telegram of 19th July,* reporting resolution passed by Legislative Assembly.

No. 64.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1 p.m., July 23, 1899.)

TELEGRAM.

(Extract.)

23rd July. Following is report from British Agent in South African Republic:—
Government of South African Republic replying to message from me in accordance with your telegram of 19th July,† states that Law is now finally fixed and passed by Volksraad.

* No. 58.

† No. 56.

APPENDIX.

Despatches forwarding Resolutions of the South African League, with Minutes of the Cape Ministers upon the Resolutions.

NOTE :—These papers are inserted in accordance with Mr. Chamberlain's statement in reply to a question by Mr. Dillon in the House of Commons on 10th July, 1899.

No. 1.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received February 4, 1899.)

SIR, Government House, Cape Town, January 18, 1899.
WITH reference to previous correspondence, I have the honour to transmit, for your information, a copy of a Minute from Ministers, enclosing a copy of correspondence with the South African League respecting the treatment of British subjects, as exemplified in the Edgar case.

I have, &c.,
W. F. BUTLER.

Enclosure in No. 1 in Appendix.

From MINISTERS to GOVERNOR.

MINUTE.

(No. 1/12.)

Prime Minister's Office, Cape Town, 17th January, 1899.

MINISTERS have the honour to submit, for the information of His Excellency the Officer Administrating the Government and Acting High Commissioner, a copy of a correspondence that has taken place with the General Secretary of the South African League, relative to a resolution passed by the Kimberly Branch of the League on the 6th instant, protesting against the treatment of British subjects in the South African Republic, as exemplified in the "Edgar case," and more particularly against the arrest of Messrs. Webb and Dodd at Johannesburg.

Ministers would also request that His Excellency may be pleased to transmit a copy of this correspondence for the information of the Right Honourable the Secretary of State for the Colonies.

W. P. SCHREINER.

SIR, South African League Office, East London, January 9, 1899.
I AM instructed by the President of the South African League to forward you the enclosed copy of a resolution passed by the Kimberley Branch of the South African League, and to urge you to use your friendly offices with the Government of the South African Republic to obtain the release of these two gentlemen. I am directed also to draw your attention to the articles which have recently appeared in the "Rand Post,"* and to say that such articles are eminently calculated to embitter racial feeling, and that the President hopes you will, in a friendly way, draw the attention of His Honour the President of the Transvaal to the necessity for preventing, in what is believed to be a Government subsidised organ, the publication of articles suggesting the wholesale massacre of subjects of the British Empire. Mr. Clem Webb, one of the arrested, was born at Queenstown, and is therefore a Colonist, as are many others of those resident at Johannesburg against whom these articles are directed, to which I am instructed to draw your attention.

I have, &c.,
C. P. CREWE,
General Secretary, South African League.

The Honourable
The Prime Minister,
Cape of Good Hope.

* Printed as note to this.

RESOLUTION passed on January 6, 1899, by the Kimberley Branch of the South African League.

That this meeting of the South African League indignantly protests against the treatment of British subjects in the Transvaal, as exemplified in the Edgar case, and by the continued arrests on trivial pretences of coloured and other British subjects, and most particularly protests against the arrest of Messrs. Webb and Dodd, Chairman and Secretary of the Johannesburg Branch of the South African League in the Transvaal, which arrest is apparently the outcome of the exercise of these gentlemen of the right to discuss acts of the Transvaal Government in public.

SIR,

January 17, 1899.

I AM directed by the Prime Minister to acknowledge your letter of January 9th, in which you forward a copy of a resolution passed on January 6th by the Kimberley Branch of the South African League, and in which you urge the Prime Minister to use friendly offices to obtain the release of two gentlemen therein named.

In the same letter you draw attention to certain articles, which have recently appeared in a paper named the "Rand Post," as calculated to embitter racial feeling, and you express the hope of the President of the South African League that the Prime Minister will, in a friendly way, draw the attention of His Honour the President of the South African Republic to the necessity for preventing, in what is believed by the President of the South African League to be a Government subsidised organ, the publication of articles which you allege suggest the wholesale massacre of subjects of the British Empire.

The matters to which the Kimberley resolution refers are either *sub judice* in the South African Republic or are under the consideration of Her Majesty's High Commissioner for South Africa.

Therefore the Prime Minister conceives it to be undesirable to enter now into any discussion, either of what is styled "the Edgar case" or of the other matters arising out of or connected with that case.

He would point out that there is no ground for supposing that the administration of Justice in the South African Republic will be found unable to cope fairly and rightly with the proceedings arising out of the Edgar case, or with any other proceedings coming up for decision under the law of the land, and he desires me to mention that proceedings are already pending in connection with the matters published by the "Rand Post."

With regard to the wider questions affecting the policy or provisions of any law of the Republic, the Prime Minister ventures to say that such a resolution of indignant protest, which implies, if, indeed, it does not express, distrust both of the *bona fides* of a foreign government and of the just administration of its laws, is not calculated to facilitate or aid friendly representations or negotiations through the proper channels, and that our fellow subjects in the South African Republic might fairly beg to be saved from such manifestations of friendship.

You are probably aware that Messrs. Webb and Dodd are not in confinement, and the Prime Minister would welcome the news that the Government of the South African Republic had also seen fit to withdraw the proceedings against them; but he cannot regard representations by him on the subject as constitutionally proper, nor can he regard certain unduly hot retorts by one organ of the press, the "Rand Post," as affording a suitable occasion for approaching His Honour the President of the South African Republic, whose views are certainly not reflected by articles tending to embitter racial feeling in South Africa.

In conclusion, I am directed to say that the Prime Minister ventures to think that the Kimberley Branch of the South African League might well rest satisfied that the interests of Her Majesty's subjects in the South African Republic, in the matters dealt with by the resolution, are and will be adequately watched and safeguarded by His Excellency the High Commissioner, to whom copies of this correspondence will be forwarded.

I have, &c.,
J. D. CORMACK,
Private Secretary.

C. P. CREWE, Esq.,
General Secretary,
South African League,
East London.

(Note to No. 1 in Appendix.)

"DE RAND POST" of December 28th says:—

"THE REBELLION.

"It is somewhat difficult for us to write about the public gathering on Saturday, for the simple reason that such things should not be written or spoken about, but action should be taken with regard to them. The lying address asking for the protection and intervention of the English Queen, the warring of the Union Jack, and the whole comedy of the British Vice-Consul on the balcony of the Standard Bank Buildings shows sufficiently that one has not to deal here with an ordinary stupid running-together of a small number of people, such as may be seen anywhere, but that anyone can see here a plot against the independence of the Republic. The lying libellous petition was drawn up with deliberation in the office of Mr. Fraser, the English Agent—that is an open secret here—and is an attempt to obtain English intervention with the affairs of our Government and our courts of justice upon a distortion of facts. Anyone can see that—even the British Vice-Consul. Notwithstanding, the Vice-Consul, Mr. Evans, acting on instructions from the Agent at Pretoria, receives the petition without a word of protest, and promises to forward it. It is the most brutal English interference of which we have yet heard.

"We shall give publicity to our feelings right out—a feeling shared by hundreds in this country—and not conceal that feeling under chairs and tables—that it is our carefully-considered conviction that the Government itself is a good deal to blame that matters took such a wrong course. The Government is too good (goedig), in other words, the Government is weak because of its too great indulgence.

"It is certainly no secret that the Government at Pretoria gives way in all kinds of big affairs and little affairs to the demands put forward by England, although those demands are made on wholly false and unjustifiable motives. To-day it is a demand that, with reference to a coloured person who maintains that he is a British subject, the dorp regulations affecting coloured persons shall not be applied; to-morrow the demand is made in a high tone for the liberation of a Cape youngster from service on a commando; the day after comes the British Government with a little conversation in which that Government objects to the commandeering of money or goods; another day the British Agent contends that the passing of the Pass Law (which law, being for natives, is expressly, let it be noted, withdrawn by the Convention from English interference) is an injustice done to "British subjects." And the Government gives way. In the last-mentioned case, acting on legal and non-political advice of an advocate who is perhaps in other respects competent, the Transvaal Government abolished, at the request of Mr. Conyngham Greene, all the sentences already passed! Continually, since the annulling of the Aliens Law, new demands, big and little, have been made, and granted; and although it must now be recognised that the inferior construction of the laws in dispute has not always made the case for the Government easy, this circumstance does not justify giving way to any meddling on the English side, because that giving way would be equivalent to the slow sacrificing of our independence.

"In the uproar movement on Saturday, wherein English flags were waved, and which was promoted with the knowledge of the English Consular officials, we are repeating the evil fruit of the seed of Concession which has been sown by the Government with a mild hand.

"If the Government now remains soft or weak, an end will soon be put to the freedom or independence of the country. In outward form the State institutions will remain as they were, but the whole affair will be found to be spongier and spongier. It will then be a question of a very few years. We are travelling in that direction with full sails set, always at a greater speed, moved onwards by the powerful wind of British interference. Already our enemies are shouting victory. Wherever one meets people from Johannesburg one can hear it said that 'It is easy to see that the Boers are weak, and are allowing themselves to be talked over into throwing out the Hollanders; that Reitz has not the penetration and energy of Leyds; that legislation, which in the time of Leyds was a little confused, is quickly becoming more confused; that President Kruger, becoming older, is like all old men, inclined to sacrifice too much for peace, and that he, by thus making concessions, powerfully strengthens the English influence; that an official seems to be wanting in the necessary political insight; that such a person, although by no means incapable, is not a match for the policy of the English Consulate; that the Government is continually allowing itself to be influenced by such men as D. S. van der Merwe, Matthew Spence, and such less capable men—in short, that the confusion is increasing, and that thereby the power of the Boers, who are without good leadership is coming to an end; slowly—so say our enemies, they (the Boer enemies) are becoming the master (de baas).'

"Whether there is an exaggeration in this method of reasoning, or whether this view is partly unjust has little to do with the matter. We ask ourselves, rather, if there is not a grain (a tiny grain, if some will have it so) of truth in it, and if we are obliged to answer this question with a hesitating yes, but still with a yes, then we know also that it is our duty to call upon the Government to be upon its guard, to watch over the land's liberties, no longer to give way to English interference, and no longer to associate with speculators like Mendelssohn and Vorster, and to hold fast by the rudder.

"The hand on the rudder! It is more than time! Now once for all an end must be put to such exhibitions as that of Saturday's, by reason of which the English Government will contend that our Government is not capable of exercising authority, not in a position to ensure the safety of personal property. In the interests of the country such little upheavals must be vigorously suppressed. From henceforward public gatherings of a semi-political character in Johannesburg must be absolutely forbidden and prevented, because here (in Johannesburg) such gatherings lead to confusion and disorder. The 400 or 500 policemen are sufficient to exercise authority, and especially to prevent such open-air gatherings, and to prevent further flag waving by English ladies taking place before the door of the English Consulate. Mounted police can and must disperse such gatherings, and, if necessary, there must be some shooting done (en desnoods moet er natuurlijk geschoten worden). Nobody should find that in any respect very terrible. In other countries that happens now and then, and the public well know beforehand that taking part in such gatherings is forbidden, and that force can be used for dispersing such gatherings. Those who then take part in them do so at their own risk.

"The Government must not proceed further under a Commandant who is hooted by the burghers, but appoint a Commandant who will have the esteem of the burghers. Commandants of neighbouring districts should also be in complete readiness with their burghers. Immediately anything happens, the Government must take vigorous action. The Government must show that it is master of this town, and not unsuccessful men of business, and cowardly political wire-pullers, who shelter themselves behind the guns of Her British Majesty, not the men who, in their quality of British subjects, and under cover of lying petitions, bring to light their hatred of the Boer. To this Johannesburg rebellion an end must be put, once and for all. The well-meaning portion of the population, a very considerable part, wishes nothing else. Let us shoot down a pair of these wire-pullers, and thereby spare ourselves a formal war. And also, with regard to the English Government, another line of conduct must be followed. Edgar despatches themselves must no longer be taken into serious consideration; despatches concerning coloured peoples' affairs can be referred by the complainers to the Law Courts. The Commando Law, preferably, after it has been suitably amended, must be applied without fear to everyone, without taking notice of strained treaty interpretations; the Coolie Law must be brought into operation—in short, Government affairs must no longer be handled from the English point of view; those affairs must be conducted in a free and independent manner. It will, at the same time, be necessary to request the English Government to appoint a new

Consular staff, and if this request is not immediately given effect to, then to withdraw the Exequatur from the present functionaries. Such proceedings are in every respect justified, and to do otherwise could only be called great weakness. In no country in the world would one half be tolerated with what is tolerated here. We warn burghers, if more vigorous action is not taken, matters will proceed in a wrong direction; the corruption of authority is beginning in Johannesburg; indeed, already there is a need to put an end to this. Some people are agitating and intriguing and inciting in capitalistic circles, and in deliberation with British Consuls, in order to use a demonstration of the people in such a way that it will burst—'dat het so burst.' The Government and the burghers will not be able to say that they have not been warned."

The "RAND POST" of December 23 says:

"WAR WITH ENGLAND.

"In England there is continual talk about the possibility of war; there are 10,000 British troops in South Africa; and in England, as well as in Germany, and many other countries, the great press has relations with the Government, is to some extent informed by it (not necessarily correctly), and receive some hints from Ministries. These circumstances are sufficient reasons why these war rumours, which absolutely do not appear justified by the present attitude with regard to England, should not be taken as absurd newspaper talk. They in reality point apparently to coming friction, to questions for which, indeed, viewed in the light of history, one must be at all times prepared. One may safely go so far as to say that it would be even very strange if new demands, coupled with threats, were not speedily heard of from England. . . . In 1897, however, England herself took action and desired the repeal of the Alien Law; by the withdrawal of the law the South African Republic would, in the eyes of the outside world, and to a great degree in actuality, recognise the English suzerainty, or, at least, her supremacy. A fleet demonstration in the Delagoa roadstead was arranged—and the Republic again bowed to it. Now about another year has passed, and the people can rest assured that fresh attacks may be expected. There is a movement in the British camp. British Commissioners and Agents travel hither and thither, and the Rhodeses and Sivewrights follow them like body-snatchers of the great armies of former ages. If England has only improved her connection a little bit with Germany in regard to South African affairs—and, after our less powerful attitude in 1897 there is not much room for doubt on the subject—it is then also likely she has prepared herself to make a strong spring. With the lessons of Majuba and Doornkop still fresh in the memory, she will not urge her demands upon us like a wild man; one can even be certain that every interference and claim will be accompanied by assurances of extraordinary esteem for President and people; but that England has at present a great little enterprise in contemplation is more than probable. It seems sometimes as if the public does not look at these matters so seriously, and thinks that it may be taken for granted that everything will go on all right. We are of another opinion, and warn people to be on their guard.

"If anything happens, the only hope lies in this, that the Government will not budge an inch for threats, and that the burghers will turn up like one man. Dr. Leyds has said, in an interview with the 'Pall Mall,' that he believed that, in the event of war, the Johannesburg population would be safe if they conducted themselves peacefully. It was a significant question, that with reference to Johannesburg. The reply given by our Ambassador is not incorrect, for the Boer people are really very humane and civilised in the carrying out of war. But for all that, we consider that something could well have been added to the reply, viz., 'If, however, war should now come, a portion of the people of Johannesburg which continually slanders the Government and the Boers is responsible for that, and, therefore, the whole of Johannesburg is responsible; if the strife is thus kindled, the recommendation will then, perhaps, deserve to be kept in mind by the burghers to give the wives and children of the less well-disposed inhabitants twenty-four hours' time to take their departure, and forthwith level the town to the ground.' 'If it is in the power of England to bring 20,000 soldiers to, or in the neighbourhood of, Pretoria, this is also in the power of the Boers. And to make use of that power will, in another war with England, not only be a fair act of warfare, but at the same time one that will be given effect to in the fighting.' And if our friends in England now know that this is the case; if they know that their treasure chamber, the Witwatersrand Goldfields, will be destroyed they will reflect a little before new plans are put into operation. Though Dr. Leyds may be right, and the Johannesburg population safe in the case of war, we advise that, at the first act of war on the English side, the women and children, and well-disposed persons of this town, be given 24 hours to leave, and then the whole place be shot down (den boel plat te schieten), in the event, we repeat—which God forbid—of war coming. If, indeed, there must be shooting, then it will be on account of seditious words and deeds of Johannesburg agitators, and their co-shareholders, in Cape Town and London, and the struggle will be promoted for no other object than the possession of the gold. Well, then, let such action be taken that the perpetrators of these turbulent proceedings shall, if caught, be thrown into the deep shafts of their mines, with the débris of the batteries for a costly shroud, and that the whole of Johannesburg, with the exception of the Africander wards, be converted into a gigantic rubbish-heap, to serve as a mighty tombstone for the shot-down authors of a monstrous deed. If it be known that these valuable buildings and the lives of the wire-pullers are the price of the mines, then people will take good heed before the torch of war is set alight. Friendly talks and protests are of no use with England. Let force and rough violence be opposed to the intrigues and plots of old England, and only then will the Boer remain master; but if the word 'Peace, peace!' continues dead in his mouth, it is exactly the way war and downfall will be brought about."

No. 2 in Appendix.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received February 4, 1899.)

[Answered by No. 4 in Appendix.]

(Extract.)

Government House, Cape Town, January 18, 1899.

In continuation of my despatch of the 11th instant,* I have the honour to transmit to you a copy of the further correspondence noted in the margin, respecting the occurrences at Johannesburg arising out of the Edgar case.

From S. A. League, Cape Town, Letter. 13/1/99.
 To S. A. League, Cape Town, Letter. 16/1/99.
 From H.M. Acting Agent, Pretoria, Telegram. 13/1/99.
 From S. A. League, Port Elizabeth, Letter. 14/1/99.
 From H.M. Acting Agent, Pretoria. 10/1/99. (Rec. 14/1/99.)
 From S. A. League, East London, Letter. 14/1/99.
 From H.M. Acting Agent, Telegram. 16/1/99.
 To S. A. League, Port Elizabeth, Letter. 18/1/99.
 To S. A. League, East London, Letter. 18/1/99.

Enclosure 1 in No. 2 in Appendix.

Office of the South African League, Cotswold Chambers, Church Square,
January 13, 1899. (Cape Town Branch.)

SIR,

I HAVE the honour to submit to you certain two resolutions adopted unanimously at a public meeting of the citizens of Cape Town, held under the auspices of the South African League in the Good Hope Hall on Thursday evening, the 12th instant.

The resolutions are as follows:—

1. "This meeting of citizens of Cape Town hereby records its solemn protest against the arbitrary and offensive policy pursued by the Government of the South African Republic towards British subjects, more especially the arrest of Messrs. Webb and Dodd for the exercise of the most elementary rights of freemen; and, further, it expresses its conviction that so long as such a policy is persisted in, it is impossible to hope for an amicable understanding between the various South African communities."

2. "That the chairman of this meeting is hereby authorised to forward the foregoing resolution to His Excellency the Acting High Commissioner, with a respectful request that the same be transmitted by cable to Her Majesty's Secretary of State for the Colonies."

In accordance with the terms of the foregoing second resolution, I have the honour respectfully to request that Your Excellency may give effect thereto.

I have, &c.,
 ALBERT BEVINS,
 Acting Secretary.

His Excellency
 The Acting High Commissioner,
 Government House, Cape Town.

Enclosure 2 in No. 2 in Appendix.

From the IMPERIAL SECRETARY, Cape Town, to the ACTING SECRETARY to South African League.

SIR,

Government House, Cape Town, January 16, 1899.

I AM directed by the Acting High Commissioner to acknowledge the receipt of your letter of the 13th instant, forwarding resolutions passed by a public meeting at the Good Hope Hall, on the 12th instant.

His Excellency will transmit the resolutions in question to the Secretary of State for the Colonies in the usual manner by the next outgoing mail; as, having regard to the knowledge already in possession of the Secretary of State upon the subject discussed by the meeting held under the auspices of the South African League, the resolutions do not appear to His Excellency to contain fresh matter of urgency necessary for cable communication.

I have, &c.,
 G. V. FIDDES.

The Acting Secretary,
 South African League.

Enclosure 3 in No. 2 in Appendix.

[Printed in C. 9345.]

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

TELEGRAM.

13th January, 1899. State Secretary yesterday received deputation from Johannesburg branch of South African League, who asked whether Government had any objection to their holding a public meeting indoors at Johannesburg to-morrow. Government had no objection, provided proceedings were orderly. Deputation also called upon me, and as regards any proposal that might be made at meeting to draft a fresh petition, I informed them that I had myself nothing to add to my letter to them of January 10th in answer to their enquiries, copies of which I send in my despatch of January 10th, and in which letter I stated that I am unable to transmit documents for them bearing upon political affairs if their contents have been, or are to be, published for general information. I have informed Vice-Consul.—FRASER.

Enclosure 4 in No. 2 in Appendix.

From the DISTRICT SECRETARY, South African League, to the ACTING HIGH COMMISSIONER, Cape Town.

South African League, District Port Elizabeth,

January 14, 1899.

SIR,

As instructed by the public meeting held in our Town Hall last evening (Friday, January 13th, 1899), called under the auspices of the South African League (and attended by such a large number of people as to leave scarcely standing room) to protest against the hostile attitude of the officials of the South African Republic towards British subjects, I herewith beg to enclose copy of resolutions as passed, duly signed by the chairman of the meeting—Joseph Walker, Esq., J.P.—and district chairman of the above-mentioned organisation.

Trusting the subject matter of the resolutions may have Your Excellency's early attention,

I have, &c.,

JAS. C. WILLIAMS,

District Secretary, South African League.

His Excellency Sir William Francis Butler, K.C.B.,

Her Most Gracious Majesty's Acting High Commissioner in South Africa,
Cape Town.

SOUTH AFRICAN LEAGUE, PUBLIC MEETING, HELD FRIDAY, JANUARY 13TH, 1899.
RESOLUTIONS PASSED.

Port Elizabeth, January 14, 1899.

No. 1. "That this meeting respectfully calls the attention of the Imperial Government to the condition and status of British subjects in the South African Republic, and to the recent outrages which have been perpetrated on British subjects by officers of the said Republic contrary to the principles of freedom and liberty, and in defiance of the usage and custom of all civilised countries.

"That further toleration of this condition of affairs on the part of the Imperial Government must affect the peace of the country and lead to the contempt and degradation of every British subject throughout South Africa unless remedied by Imperial intervention.

No. 2. "That the foregoing resolution be forwarded to the Right Honourable Joseph Chamberlain—Secretary of State for the Colonies—through His Excellency the Acting High Commissioner, who is hereby respectfully requested to forward same by cable."

JOSEPH WALKER,

District Chairman, South African League,
Chairman of Public Meeting.

January 13th, 1899.

Enclosure 5 in No. 2 in Appendix.

[Printed in C. 9345.]

SIR,

Her Majesty's Agency, Pretoria, January 10th, 1899.

WITH reference to my despatch of the 7th instant, I have the honour to enclose copies of two letters, dated on the 7th instant and to-day, which I have exchanged with the Transvaal branch of the South African League in Johannesburg, relative to their action in regard to the petition to the Queen of December 24th, and to their proposed future action in the matter of such memorials.

I have, &c.,

EDMUND FRASER.

His Excellency

The Acting High-Commissioner,
Cape Town.

South African League (Transvaal Province), Johannesburg,
January 7, 1899.

SIR, ON behalf of the 4,000 British subjects who, on the 24th of December last, presented to the Vice-Consul here a petition to Her Majesty Queen Victoria, I have the honour to reply to your communication of the 4th instant.*

It is my duty to express the deep regret of the petitioners that you have found yourself unable to transmit their petition to Her Majesty, owing to certain informalities inadvertently committed. I would, at the same time, respectfully point out that the assent of several thousand people cannot be obtained to a petition without publicity being given thereto. We cannot accept responsibility for the irregular conduct of any newspaper correspondent.

The steps to which you refer as having already been taken by the Transvaal Government in the Edgar shooting case do not, in our opinion, justify the rejection of the entire memorial, the grievances therein recounted being of a chronic character, in no way mitigated by the action of the Transvaal Government in this case.

The Edgar incident was referred to in the petition as symptomatic of the intolerable state of affairs existing here, which formed the chief ground of our request for Her Majesty's intervention.

In the event of a number of British subjects resident here desiring at any future time to present a common petition to Her Majesty, I should esteem it a great favour if you would inform me as to the proper course to pursue in order to avoid a repetition of any technical informalities.

If it is your intention to comment on recent events in your despatches, we should be obliged if you would also forward this, our explanation, at the same time.

I have, &c.,
W. WYBERGH,
President of the South African League.
(Transvaal Province.)

Edmund Fraser, Esq.,
Her Majesty's Acting Agent in the South African Republic,
Pretoria.

SIR, Her Majesty's Agency, Pretoria, January 10th, 1899.
IN answer to your letter of the 7th instant, received yesterday, I have myself little to add to what I have already indicated when you called upon me last week along with others, namely, that, being placed in an official position here towards this Government, I am unable to transmit documents bearing upon political affairs, if their contents have been, or are to be, published for general information. It may be that these "technical informalities" are of little importance to those who desire to forward such documents, but they are, nevertheless, of the highest importance when viewed in the light of my duties here, which would be rendered impossible, as far as my relations with this Government are concerned, were I to associate myself officially with public criticism of their administration.

In accordance with your request, I shall, however, forward a copy of this correspondence to Her Majesty's Acting High Commissioner for South Africa.

I am, &c.,
EDMUND FRASER,
Her Majesty's Acting Agent in the South African Republic.

W. Wybergh, Esq.,
Post Office, Box 317,
Johannesburg.

Enclosure 6 in No. 2 in Appendix.

From the GENERAL SECRETARY, South African League, East London, to the HIGH COMMISSIONER, Cape Town.

South African League Office, East London,
January 14, 1899.

YOUR EXCELLENCY,
I AM instructed to forward you for transmission to the Right Honourable the Secretary of State for the Colonies, the enclosed copy of a resolution which was unanimously passed at a large and enthusiastic meeting held in the Mutual Hall, East London, on January 13th instant, whereat some 700 persons were present and some 400 more were unable to gain admission to the hall.

I have, &c.,
C. P. CREWE,
General Secretary, South African League.

His Excellency
The High Commissioner,
Government House, Cape Town.

* Sub-enclosure to Enclosure 5 in No. 43 in [C. 9945.]

RESOLUTION.

"That this meeting of the citizens of East London protest in the strongest manner possible against the entirely unjustifiable arrest of Mr. Clem Webb and Mr. T. R. Dodd for the sole offence that they participated in a perfectly orderly demonstration called for the purpose of requesting the British Vice-Consul to forward to Her Majesty the Queen a petition setting forth the disabilities Her Majesty's loyal subjects suffer under in one of Her Suzerain States, and calls upon the Imperial Government and the Government of the Cape Colony to take steps to secure the immediate release of Messrs. Webb and Dodd, and to take such further steps as may seem best to them to prevent the possibility of the liberty of Her Majesty's subjects being similarly outraged in the future. As bearing on the position held by British subject in the Transvaal, the meeting further draws attention of the Imperial Government and of the Government of the Colony to the raid upon the South African League offices in Johannesburg; as also to a most violent and murderous article, advocating the wholesale massacre of Her Majesty's subjects, which has recently appeared in the "Rand Post," a journal which has always been represented as being subsidised by, and voicing the views of, the Government of the Transvaal Republic.

"This meeting also directs the attention of the Imperial Government and of the Government of this Colony to the grossly inhuman treatment which has been accorded to some of Her Majesty's native subjects by the Government of the Transvaal Republic, and would call upon the two Governments to take such steps as will secure to the people the full liberties which they were guaranteed by the London Convention.

Enclosure 7 in No. 2 in Appendix.

[Printed in C. 9345.]

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

TELEGRAM.

16th January. Vice-Consul at Johannesburg has been asked by me to report by post proceedings at and after the League's meeting on Saturday, of which I have only Press account. The conduct of police in not interfering to arrest Boers destroying property in building seems to require explanation, as only two arrests are reported, and these are Englishmen, thus bearing out assertion of League that the police are one-sided in their action. Latter is general opinion expressed here to-day, and it is stated that the presence at the meeting of Boers was organized by officials.—FRASER.

Enclosure 8 in No. 2 in Appendix.

SIR,

January 18, 1899.

I AM directed by the Acting High Commissioner to acknowledge the receipt of your letter of the 14th instant, forwarding resolutions passed by a public meeting held at the Town Hall, Port Elizabeth, on the 13th instant, and to inform you that His Excellency is transmitting copies of these resolutions to the Secretary of State for the Colonies by the outgoing mail.

His Excellency has not thought it necessary to transmit these resolutions by cable, as the Secretary of State is already possessed of adequate information on the subject to which they relate.

I have, &c.,
G. V. FIDDES,
Imperial Secretary.

The Secretary,
South African League,
Port Elizabeth.

Enclosure 9 in No. 2 in Appendix.

From the IMPERIAL SECRETARY, Cape Town, to SECRETARY to South African League, East London.

SIR,

Government House, Cape Town, January 18, 1899.

I AM directed by the Acting High Commissioner to acknowledge the receipt of your letter of the 14th instant, and to inform you that a copy of the resolution therein enclosed, passed at a public meeting held at East London on the 13th instant, is being forwarded to the Secretary of State for the Colonies by this week's mail, and also to the Government of the Cape Colony, as the resolution raises matters for the consideration of that Government.

I have, &c.,
G. V. FIDDES,
Imperial Secretary.

The General Secretary,
South African League,
East London.

No. 3 in Appendix.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received February 10, 1899.)

[Answered by No. 4 in Appendix.]

SIR, Government House, Cape Town, January 25, 1899.

WITH reference to my despatch of the 18th instant,* I have the honour to transmit to you a copy of further correspondence with the South African League, respecting resolutions passed by various branches of that body on the subject of affairs in the South African Republic.

I also enclose a copy of a further minute from Ministers on the subject.

I may add that I have also received from the Governor of Natal a copy of resolutions adopted at a public meeting at Pietermaritzburg, which have, I learn, been communicated to you by cable.†

I have, &c.,
 W. F. BUTLER,
 Lieutenant-General,
 Administrator and Acting High Commissioner.

Enclosure 1 in No. 3 in Appendix.

From the GENERAL SECRETARY, South African League, East London, to the HIGH COMMISSIONER Cape Town.

YOUR EXCELLENCY, South African League, East London, January 16, 1899.

I AM directed by the President of the South African League to enclose, for Your Excellency's information and for transmission to the Right Honourable the Secretary of State for the Colonies, resolutions passed by the Queenstown branch of the South African League, the Kimberley branch of the South African League, the Herbert branch of the South African League, the Grahamstown branch of the South African League, and by the Central Executive of the South African League.

I have, &c.,
 C. F. CREWE,
 General Secretary of the South African League.

His Excellency
 The High Commissioner,
 Government House, Cape Town.

Copy of Resolution adopted by the Queenstown branch of the South African League on January 14th, 1899.

"That this meeting of members of the Queenstown branch of the South African League joins in the protest already made by a number of the branches of the League, in this Colony and Natal, against the arrest of the Vice-Chairman and Secretary of the Transvaal branch of the League, and in calling upon the Imperial Government and the Government of this Colony to take steps to secure the immediate release of Messrs. Webb and Dodd, and to take such further steps as may seem best to them to prevent the possibility of Her Majesty's subjects in the Transvaal being subjected to a similar outrage in the future."

Copy of Resolution adopted by the Herbert branch of the South African League on January 11th, 1899.

"That this branch of the South African League most strongly protests against the action of the Transvaal Government in causing the arrest of the Chairman and Secretary of the Johannesburg branch of the League, and is of opinion that Her Majesty's Government should demand the instant release of Messrs. Webb and Dodd, and should use every available means to secure for Her Majesty's subjects in the Transvaal the redress of their grievances, and a full measure of that civil liberty which British subjects are accustomed to enjoy in all civilised countries."

Copy of Resolution adopted by the Kimberley branch of the South African League on January 6th, 1899.

"That this meeting of the South African League indignantly protests against the treatment of British subjects in the Transvaal, as exemplified in the Edgar case, and by the continual arrests on trivial pretences of coloured and other British subjects, and most particularly protests against the arrest of Messrs. Webb and Dodd, the Chairman and Secretary of the Johannesburg branch of the South African League in the Transvaal, which arrest is apparently the outcome of the exercise by these gentlemen of the right to discuss acts of the Transvaal Government in public."

* No. 2 in Appendix.

† See No. 41 in C. 9345.

Copy of Resolution adopted by the Grahamstown branch of the South African League on
January 1st, 1899.

"That this branch of the South African League earnestly urges on Her Majesty's Government the necessity of protecting the civil rights of the subjects of the Queen in the South African Republic."

Copy of Resolution adopted by the Central Executive of the South African League on
January 13th, 1899.

"That this meeting of the citizens of East London protests in the strongest manner possible against the entirely unjustifiable arrest of Mr. Clem Webb and Mr. T. R. Dodd for the sole offence that they participated in a perfectly orderly demonstration, called for the purpose of requesting the British Vice-Consul to forward to Her Majesty the Queen a petition setting forth the disabilities Her Majesty's loyal subjects suffer under, in one of her Suzerain States, and calls upon the Imperial Government and the Government of the Cape Colony to take steps to secure the immediate release of Messrs. Webb and Dodd, and to take such further steps as may seem best to them to prevent the possibility of the liberty of Her Majesty's subjects being similarly outraged in the future. As bearing on the position held by British subjects in the Transvaal, this meeting further draws attention of the Imperial Government and of the Government of this Colony to the raid upon the South African League offices in Johannesburg; as also to a most violent and murderous article, which has recently appeared in the 'Rand Post,' a journal which has always been represented as being subsidised by and voicing the views of the Government of the Transvaal Republic. This meeting also directs the attention of the Imperial Government and of the Government of this Colony to the grossly inhuman treatment which has been accorded to some of Her Majesty's native subjects by the Government of the Transvaal Republic, and would call upon the two Governments to take such steps as will secure to these people the full liberties which they were guaranteed by the London Convention."

Enclosure 2 in No. 3 in Appendix.

SIR,

January 23, 1899.

I AM directed by the Acting High Commissioner to acknowledge the receipt of your letter of the 16th instant, enclosing resolutions passed by the Queenstown, Kimberley, Herbert, and Grahamstown branches of the South African League, and by the Central Executive of the League, respecting affairs in the South African Republic.

I am to state that His Excellency is communicating copies of these resolutions to the Secretary of State for the Colonies, and of the first and last-mentioned resolutions to the Government of the Cape Colony.

I have, &c.,

G. V. FIDDES,
Imperial Secretary.

The General Secretary,
South African League,
East London.

Enclosure 3 in No. 3 in Appendix.

From the ASSISTANT SECRETARY, South African League, East London, to the
HIGH COMMISSIONER, Cape Town.

YOUR EXCELLENCY,

South African League Office, East London,
January 21, 1899.

I AM directed by the President of the South African League to enclose, for Your Excellency's information and for transmission to the Right Honourable the Secretary of State for the Colonies, resolutions passed by the Fort Beaufort branch of the South African League, and the Simonstown branch of the South African League.

I have, &c.,

H. J. VEYSEY,
Assistant Secretary, South African League.

His Excellency
The High Commissioner,
Government House, Cape Town.

Copy of Resolution adopted by the Fort Beaufort branch of the South African League
on 11th January, 1899.

"That this meeting of the inhabitants of Fort Beaufort protests against the treatment of British subjects in the Transvaal, as exemplified over the Edgar case, and the continual arrests, on trivial pretences, of coloured and other British subjects, and most particularly protests against the arrest of Messrs. Webb and Dodd, which arrest is apparently the outcome of the exercise by these gentlemen of

the right to hold a public meeting for the purpose of presenting a respectful petition from British subjects in Johannesburg to Her Most Gracious Majesty the Queen, through the Vice-Consul, complaining of certain grievances under which they laboured, and this meeting further urges Her Majesty's Government to take steps to obtain the immediate release of our fellow subjects who have been illegally arrested in such a manner as to form a breach of the Convention."

Copy of Resolution adopted by the Simonstown branch of the South African League
on 12th January, 1899.

"This meeting of the Simonstown branch of the South African League expresses its strongest sympathy with the oppressed subjects of Her Majesty the Queen in the Transvaal.

"It protests against the arrest of Messrs. Webb and Dodd, British subjects, and their treatments as felons for assembling at an orderly meeting convened for the purpose of petitioning Her Most Gracious Majesty the Queen for the redress of political grievances under which they suffer in a country of which she is suzerain, and we respectfully request that Her Majesty's Government will take steps to effect the release of our fellow-subjects."

Enclosure 4 in No. 3 in Appendix.

To His Excellency Lieutenant-General Sir WILLIAM BUTLER, K.C.B., Administrator of the Colony
at the Cape of Good Hope and of all the Territories and Dependencies thereof.

Aliwal North, January 20, 1899.

May it please Your Excellency,

We, the undersigned, have been instructed by the Executive of the Aliwal North branch of the South African League to remit to Your Excellency the attached resolution of the aforesaid branch of the League, with the request that Your Excellency will forward it to the Right Honourable Joseph Chamberlain, Her Majesty's Secretary of State for the Colonies.

We have, &c.,

ALEX. ALEVEK,
Chairman.
JAMES LOGAN,
Secretary.

RESOLUTION.

"That this meeting of the Aliwal North branch of the South African League hereby resolves to protest in the strongest manner possible against the arbitrary and unjustifiable arrest of the Vice-Chairman and the Secretary of the Johannesburg branch of the League, and against the high-handed and tyrannous action of the Transvaal officials in searching and seizing the property of the said Johannesburg Branch of the League, and call upon the Suzerain Power to protect the interests and persons of Her Majesty's subjects in the South African Republic from such wanton encroachment, persecution, and indignities."

Enclosure 5 in No. 3 in Appendix.

From MINISTERS to GOVERNOR.

(No. 123. Minute.)

Prime Minister's Office, Cape Town, January 24, 1899.

MINISTERS have the honour to acknowledge His Excellency the Officer Administering the Government and Acting High Commissioner's minute, No. 5, of the 18th instant, transmitting, for their information, a copy of a correspondence which has taken place with the General Secretary of the South African League with regard to a resolution passed at a public meeting held at East London on the 13th instant, respecting affairs in the South African Republic.

Ministers desire to thank His Excellency for the occasion thus afforded them for expressing their views regarding the resolution in question.

They have to state that, after receipt of His Excellency's minute, a letter from Mr. Crewe was received by the Prime Minister. Of that letter and of the reply thereto copies are attached for His Excellency's information, and Ministers beg to draw attention to their minute, No. 1/12, of the 17th instant, in which copies of previous correspondence with Mr. Crewe were forwarded to His Excellency. 14.1/23.1

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 aggravating terms of which disclose the spirit which informs and inspires them.

Ministers need scarcely say that they are aware that, in the unhappy condition of feeling existing in South Africa during the past three years, organs of the Press, such as, for instance, the "Rand Post" on one side and others on the other, do contribute to keep that feeling inflamed, and to delay a more complete restoration than has yet taken place of those amicable sentiments of good-will and confidence between the English and Dutch inhabitants of South Africa, which were before that period

growing constantly stronger, and upon the strengthening and maintenance of which the well-being and progress of South Africa mainly depend.

But they cannot conceive it to be just to select the ill-judged and irritable utterances of one extreme journal (which may fairly in temper be likened to the "Globe" newspaper in London, on the other side), as reflecting the views or feelings of His Honour the President of the South African Republic towards Her Majesty's subjects. It would be similarly unjust to accept the "Star," a newspaper of Johannesburg, as indicating correctly the views and feelings of all the inhabitants of that city, or of Englishmen generally throughout South Africa towards the Government and old inhabitants of that Republic.

The occurrences which are made the text for the East London resolution are so fully in detail within the knowledge of His Excellency that Ministers deem it superfluous to discuss the circumstances surrounding and the incidents following the midnight brawl from which succeeded each other the death of Edgar, the prosecutions of Jones and of Webb and Dodd, and the turbulent public meeting of a few days ago.

But they cannot refrain from expressing their conviction that the extra-colonial activity of the *soi-disant* South African League, condemned as such activity is by a considerable proportion of English subjects of Her Majesty, both in this Colony and the South African Republic, has proved, and will continue to be, by accident or design, an obstacle in the path of all who, here or elsewhere, are working in the cause of advancing South African union through the harmonious fellowship and co-operation of the different races and jurisdictions composing and governing the people of this great country.

Ministers have declined to be led, pending any expression of the wish of Her Majesty's Government in the matter, into assuming formal functions of negotiation where Her Majesty's Government is, they believe, actively engaged in effecting, by friendly negotiations, an amelioration of the legal conditions under which some of Her Majesty's subjects exist, who have elected to reside in the South African Republic, and they trust that in so declining to be induced into the semblance of unconstitutional action they are not and will not be misunderstood.

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 and the Government of this Colony and that Republic.

Such incidents may be looked for in any part of the world and under any form of Government where a great population of men from all quarters of the globe are gathered together in connection with a wealthy mining industry, and while the administration of justice is so well maintained as is, in the opinion of Ministers, the case in the South African Republic, Ministers consider that to that administration may fairly be confided the vindication of the law of the land.

Ministers have the honour to request that His Excellency will be pleased to communicate this minute for the information of the Right Honourable the Secretary of State for the Colonies.

W. F. SCHREINER.

The Honourable the Premier,
Cape of Good Hope.

SIR,
I AM instructed to forward you the enclosed copy of a resolution which was unanimously passed at a large and enthusiastic meeting held in the Mutual Hall, East London, on January 13th instant, whereat some 700 persons were present, and some 400 more were unable to gain admission to the Hall.

I have, &c.,
C. P. CREWE,
General Secretary, South African League.

RESOLUTION.

"That this meeting of the citizens of East London protests in the strongest manner possible against the entirely unjustifiable arrest of Mr. Clem Webb and Mr. T. R. Dodd for the sole offence that they participated in a perfectly orderly demonstration called for the purpose of requesting the British Vice-Consul to forward to her Majesty the Queen a petition setting forth the disabilities Her Majesty's loyal subjects suffer under in one of her Suzerain States, and calls upon the Imperial Government and the Government of the Cape Colony to take steps to secure the immediate release of Messrs. Webb and Dodd, and to take such further steps as may seem best to them to prevent the possibility of the liberty of Her Majesty's subjects being similarly outraged in the future. As bearing on the position held by British subjects in the Transvaal, this meeting further draws attention of the Imperial Government and of the Government of this Colony to the raid upon the South African League offices in Johannesburg; as also to a most violent and murderous article, advocating the wholesale massacre of Her Majesty's subjects, which has recently appeared in the "Rand Post," a journal which has always been represented as being subsidised by and voicing the views of the Government of the Transvaal Republic. The meeting also directs the attention of the Imperial Government and of the Government of this Colony to the grossly inhuman treatment which has been accorded to some of Her Majesty's native subjects by the Government of the Transvaal Republic, and would call upon the two Governments to take such steps as will secure to these people the full liberties which they were guaranteed by the London Convention."

SIR, I AM directed by the Prime Minister to acknowledge your letter of the 14th January, giving cover to a resolution passed at a meeting held at East London on the 13th January. Before your letter reached him, the Prime Minister had been favoured by His Excellency the Officer Administering the Government and Acting High Commissioner with the transmission of a copy of the resolution forwarded by you to him.

January 23, 1899.

It will be sufficient, in reply to your letter, to draw your attention to the correspondence which has very recently passed between yourself and the Prime Minister in connection with a kindred resolution passed by the Kimberley branch of the League.

The resolution of the 13th January appears to be perhaps somewhat less restrained and more elaborate than the former, but Mr. Schreiner does not conceive that you anticipate that he will enter into correspondence with you as to the very debatable matter and terms of the later resolution.

I am, therefore, directed to say that Mr. Schreiner trusts that you will accept the expression of his views regarding such resolutions which is conveyed in his letter of date the 17th instant.

I have, &c.,

J. D. CORMACK,

Private Secretary.

C. P. Crewe, Esq.,
General Secretary, South African League,
East London.

No. 4 in Appendix.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR, I HAVE the honour to acknowledge the receipt of Lieutenant-General Sir W. F. Butler's despatches of the 18th and 25th ultimo,* transmitting copies of correspondence with Her Majesty's Acting Agent at Pretoria, and with the South African League, on the subject of resolutions passed by various branches of that body relative to affairs in the South African Republic.

Downing Street, February 17, 1899.

I request that you will cause the senders of the resolutions transmitted to me to be informed that I have duly received them.

I have, &c.,

J. CHAMBERLAIN.

No. 5 in Appendix.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received February 21, 1899.)

[Answered by No. 6 in Appendix.]

SIR, I HAVE the honour to enclose for your information, with reference to my despatch of the 25th instant,† a copy of a letter from the Secretary, South African League, enclosing resolutions passed by branches of the League at Stutterheim, Cala, and Barkly East, on the subject of affairs in the South African Republic.

Government House, Cape Town, January 31, 1899.

I have, &c.,

W. F. BUTLER,

Lieutenant-General,

Administrator and Acting High Commissioner.

Enclosure in No. 5 in Appendix.

From the GENERAL SECRETARY, South African League, East London, to the HIGH COMMISSIONER, Cape Town.

South African League Office, East London,

January 25, 1899.

YOUR EXCELLENCY,

I AM directed by the President of the South African League to enclose for Your Excellency's information, and for transmission to the Right Honourable the Secretary of State for the Colonies, resolutions passed by the Stutterheim Branch of the South African League, the Cala Branch of the South African League, and the Barkly East Branch of the South African League.

I have, &c.,

C. P. CREWE,

General Secretary.

His Excellency
The High Commissioner,
Government House, Cape Town.

* Nos. 2 and 3 in Appendix.

† No. 3 in Appendix.

Copy of Resolution adopted by the Stutterheim Branch of the South African League, on January 21, 1899.

"THAT the Stutterheim Branch of the South African League most strongly protests against the arrest of Messrs. Webb and Dodd for holding a meeting for the purpose of presenting a Petition to Her Majesty, also the raid on the League Offices; and would strongly urge Her Majesty's Government the necessity for making a full enquiry into the whole circumstances; also the shooting of Edgar."

Copy of Resolution adopted by the Cala Branch of the South African League on January 21, 1899.

"THAT this meeting strongly protests against the arbitrary arrest of Messrs. Webb and Dodd in the Transvaal, the raid on the League Offices, and the reported seizure of documents."

Copy of Resolution adopted by the Barkly East Branch of the South African League, on January 18, 1899.

"THAT this meeting of the South African League indignantly protests against the treatment of British subjects in the Transvaal, as exemplified in the arrest of Messrs. Webb and Dodd; which arrest is apparently the outcome of the exercise by these gentlemen of the right to discuss the acts of the Transvaal Government in public."

No. 6 in Appendix.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR, Downing Street, February 24, 1899.
I HAVE the honour to acknowledge the receipt of Lieutenant-General Sir W. F. Butler's despatch, of the 31st of January last,* transmitting copies of resolutions passed by several branches of the South African League on the subject of the treatment of British subjects in the South African Republic.

2. I request that you will cause the President of the League to be informed that I have duly received these resolutions.

I have, &c.,
J. CHAMBERLAIN.

No. 7 in Appendix.

HIGH COMMISSIONER SIR W. F. BUTLER to MR. CHAMBERLAIN.

(Received February 27, 1899.)

[Answered by No. 9 in Appendix].

SIR, Government House, Cape Town, February 8, 1899.
I HAVE the honour to enclose for your information, with reference to my despatch of the 31st ultimo,* copies of two letters from the South African League, enclosing further resolutions on the subject of affairs in the South African Republic.

I have, &c.,
W. F. BUTLER,
Lieutenant-General,
Administrator and Acting High Commissioner.

Enclosure 1 in No. 7 in Appendix.

From the SOUTH AFRICAN LEAGUE, East London, to the HIGH COMMISSIONER, Cape Town.

YOUR EXCELLENCY, South African League Office, East London,
January 31, 1899.
I AM directed by the President of the South African League to enclose, for Your Excellency's information, and for transmission to the Right Honourable the Secretary of State for the Colonies, resolution passed by the Peddie Branch of the South African League.

I have, &c.,
H. J. VEYSEY,
Assistant Secretary, South African League.

His Excellency
The High Commissioner,
Government House,
Cape Town.

* No. 5 in Appendix.

Copy of Resolution adopted by the Peddie Branch of the South African League
on January 25, 1899.

"That this Branch of the South African League desire to express their strong sympathy with their fellow leaguemen in the South African Republic in the great danger and difficulty under which they are suffering, and strongly protest against the manner in which their rights and liberties as British subjects have been infringed."

Enclosure 2 in No. 7 in Appendix.

From the SOUTH AFRICAN LEAGUE, East London, to the HIGH COMMISSIONER, Cape Town.

South African League Office, East London,
February 2, 1899.
YOUR EXCELLENCY,
I AM directed by the President of the South African League to enclose, for Your Excellency's information, and for transmission to the Right Honourable the Secretary of State for the Colonies, copies of resolutions passed by the Newcastle Branch of the South African League.

I have, &c.,
C. P. CREWE,
Joint General Secretary, South African League.

His Excellency
The High Commissioner,
Government House,
Cape Town.

Copy of Resolution passed at a Public Meeting held at Newcastle on January 25, 1899.

"That this meeting views with great indignation and alarm the illegal arrest of Messrs. Clem Webb and Dodd by the Transvaal authorities, for exercising the privilege of any ordinary citizen in any civilized country throughout the world, and that Her Majesty's Government be respectfully petitioned to take the necessary steps as will lead to their immediate release. That this resolution be forwarded through the President of the South African League to His Excellency the High Commissioner."

Copy of Resolution adopted by the Newcastle Branch of the South African League
on January 25, 1899.

"That this meeting views with indignation and alarm the illegal arrest by the Transvaal authorities of Messrs. Clem Webb and T. R. Dodd, for attending a public meeting in Johannesburg, and respectfully prays that Her Majesty's Government will be approached with view to taking the necessary steps to procure their immediate release."

No. 8 in Appendix.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received March 4, 1899.)

[Answered by No. 10 in Appendix.]

SIR,
Government House, Cape Town, February 13, 1899.
I HAVE the honour to enclose for your information, with reference to previous correspondence, a copy of a letter from the Secretary, South African League, enclosing a resolution passed by the Komgha Branch of the League, on the subject of affairs in the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 8 in Appendix.

From the GENERAL SECRETARY, South African League, East London, to the
HIGH COMMISSIONER, Cape Town.

South African League Office, East London,
February 6, 1899.
YOUR EXCELLENCY,
I AM directed by the President of the South African League to enclose for Your Excellency's information, and for transmission to the Right Honourable the Secretary of State for the Colonies, Resolution passed by the Komgha Branch of the South African League.

I have, &c.,
C. P. CREWE,
General Secretary, South African League.

His Excellency
The High Commissioner,
Government House, Cape Town.

Copy of Resolution adopted by the Komgha Branch of the South African League, on
February 4, 1899.

"THIS meeting hereby expresses its condemnation and abhorrence of the action of the Transvaal Government in making Messrs. Webb and Dodd the subjects of criminal prosecution, and conveys to those gentlemen its entire sympathy with them in the persecution they are undergoing in being the victims of gross oppression at the hands of a despotic government, and one which is unique amongst South African States for the political depravity and corruption of its controlling authorities, and for the incessant disquiet occasioned through the whole of this sub-continent owing to the Transvaal being permitted to continue to exist practically as an autonomous State. This meeting notes the fact that Messrs. Webb and Dodd have been prosecuted for attending a public meeting for the purpose of presenting a respectful petition to the Queen as Sovereign Authority, from British subjects in Johannesburg, through the Vice-Consul, complaining of certain grievances under which they laboured, in a State which occupies a subordinate position under the Imperial Government."

No. 9 in Appendix.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR,

Downing Street, March 10, 1899.

I HAVE the honour to acknowledge the receipt of Sir W. F. Butler's despatch of the 8th ultimo,* enclosing resolutions passed by the Peddie and Newcastle Branches of the South African League on the subject of affairs in the South African Republic, and to request that you will cause the senders to be informed that I have received the resolution.

I have, &c.,
J. CHAMBERLAIN.

No. 10 in Appendix.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR,

Downing Street, April 14, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 13th of February last,† forwarding a copy of a letter from the Secretary of the South African League, in which he transmits a resolution passed by the Komgha Branch of the South African League on the subject of affairs in the South African Republic.

I request that you will cause the Secretary of the League to be informed that I have received the Resolution.

I have, &c.,
J. CHAMBERLAIN.

* No. 7 in Appendix.

† No. 8 in Appendix.

SOUTH AFRICAN REPUBLIC.

CORRESPONDENCE

RELATING TO THE

STATUS OF THE SOUTH AFRICAN REPUBLIC.

(*In continuation of [C. 8721] February, 1898.*)

Presented to both Houses of Parliament by Command of Her Majesty,
August, 1899.



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CORRESPONDENCE

RELATING TO THE

STATUS OF THE SOUTH AFRICAN REPUBLIC.

No. 1.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received April 9, 1898.)

[Answered by No. 5.]

SIR,

Government House, Cape Town, March 23, 1898.

I HAVE the honour to transmit to you a letter addressed to you by the Rev. D. P. Faure, on the subject of Her Majesty's Suzerainty over the South African Republic.

In the absence of any confirmation of Mr. Faure's account of these transactions, I do not think it necessary to make any comment upon his letter beyond saying that his version of what took place does not bear out his conclusion that "it was clearly understood and agreed by both contracting parties that Her Majesty's Suzerainty should be abolished except to the extent defined in Article IV. of the Convention of London subsequently signed." According to Mr. Faure, the Transvaal delegates asked for the insertion of a clause abolishing the Suzerainty, and Lord Derby refused to grant their request; the reasons for the refusal are immaterial.

I have, &c.,

A. MILNER,

Governor and High Commissioner.

Enclosure in No. 1.

SIR,

Cape Town, March 18, 1898.

THE question as to whether the Suzerainty of Great Britain over the South African Republic still exists or whether it has been abolished by the London Convention, seems rapidly growing into a burning question of the day, and possibly may result in the peace of South Africa being imperilled. And under these circumstances I deem it my duty to address Your Honour on this subject.

When in 1883 the British Government agreed to receive a deputation from the Transvaal, I was, on the advice of Lord Rosmead (then Sir Hercules Robinson), requested by Lord Derby to accompany that deputation, and to act as his interpreter. I was therefore present at all the conferences which took place between the representatives of the Transvaal and those of the Imperial Government. Of the latter all are dead. They were Lord Derby, Sir Robert Herbert, Sir Hercules Robinson (Sir Evelyn Ashley was present on, I believe, one or two occasions).

The object of the deputation was, as is well known, to secure the removal of certain grievances. One of these grievances was the Suzerainty (see C. 3947, 1884, page 3). To this the Transvaal representatives attached great, if not supreme, importance. On the other hand, Lord Derby and Sir Hercules Robinson treated it throughout as a small matter. I am proud to say that Sir Hercules Robinson placed great confidence in me, and I had many interviews with him at his private residence, at his club, and at Brook's Hotel, Albemarle Street, sometimes seeing him at his request and sometimes uninvited. I distinctly remember his saying in the course of one of these conversations that he could not understand why President Kruger was so anxious to have the Suzerainty abolished, that it really meant nothing, that even if it did not exist England would not allow the

Transvaal to conclude treaties with Foreign Powers which she might consider to be detrimental to her own interests, and that therefore he saw no objection to humouring Transvaal sentiment. And I also remember Lord Derby saying at one of the conferences that as regarded the question of Suzerainty, the deputation was making a mountain of a molehill, but he objected to an article being embodied in the new Convention specifically revoking Her Majesty's suzerain rights, because he did not care to provide the then Parliamentary opposition with weapons for attacking the Ministry—an argument the weight of which was realized by the deputation, for they knew that there was a strong party in the House of Commons which had strongly disapproved of the retrocession of the Transvaal, and was now determined to make no further concessions. In fact, while the negotiations were going on, a public meeting had been held at Mansion House, at which Lord Shaftesbury presided, and where all the speakers declared against further indulgence being shown to the Transvaal.

Of these conferences with the deputation there probably will be no record in your office, for no notes were taken, and all the representatives of the Colonial Office who took part in these conferences or conversations have since departed this life. President Kruger, one of his colleagues, and his secretary are still alive, but they are interested parties. I therefore thought it right that I, as the only surviving disinterested witness, by no means prejudiced in favour of the South African Republic, as is well known here, should, in the interests of truth and justice, offer my testimony, and this testimony is, that it was clearly understood and agreed by both contracting parties that Her Majesty's Suzerainty should be abolished, except to the extent defined in Article IV. of the Convention of London, subsequently signed. And the Transvaal deputation left London completely satisfied with the result of their mission, except with regard to the new boundary line.

As showing that this is no afterthought or a mistake resulting from defective memory, I quote here a few lines of an article which I wrote, immediately after my return to the Cape, in the "Volksblad," a Dutch newspaper, of which I then was the editor. In the issue of that paper dated the 17th of April, 1884, these words occur: "Last, not least, the Suzerainty has been abolished. This, we understand, was in the estimation of the Transvaal Republicans, *the* great thing, and this, the sorest of their grievances, has been removed. The Transvaal may henceforth manage home affairs as it pleases," &c., &c.

In corroboration of my view, I also quote some passages occurring in an account of an interview of the editor of the "Saturday Review" with Lord Rosmead, published in that paper after his death on the 6th of November last. There this interviewer observes: "People in England insist that the Suzerainty was implied in the 1884 Convention, as it was explicit in that of 1881. Is this true?" To which Lord Rosmead replies: "Well, I ought to know, as I drafted it. The meaning 'Suzerainty' was withdrawn, and the word left out purposely. Kruger was not content with the 1881 Convention because of this claim of Suzerainty, and we meant to withdraw the claim in 1884."

I trust that it will not be considered breach of confidence on my part if I publish the above facts, when such publication at any future time may aid in the maintenance of peace in South Africa.

I have, &c.,

D. P. FAURE.

No. 2.

COLONIAL OFFICE to SIR R. G. W. HERBERT.

[Answered by No. 3.]

Sir,

Downing Street, April 22, 1898.

I AM directed by Mr. Secretary Chamberlain to transmit to you a copy of a letter* from the Rev. D. P. Faure, who accompanied the Transvaal deputation which visited this country in 1883 to seek the revision of the Convention of Pretoria, in which he expresses his views as to the understanding of both parties in the conferences which preceded the signing of the Convention of London as to the Queen's Suzerainty over the Transvaal. Mr. Chamberlain would be much obliged if you would favour him with your observations on Mr. Faure's letter. I am to enclose a copy of a Blue Book

* Enclosure in No. 1.

(C. 8721), containing a despatch from Mr. Chamberlain, dated 16th October last, paragraphs 19-27 of which appear to have given rise to Mr. Faure's remarks.

A copy of the Blue Book (C. 3947) of 1884, respecting the conclusion of the London Convention, is also enclosed, together with a copy of the Pretoria Convention, for facility of reference.

I am, &c.,
FRED. GRAHAM.

No. 3.

SIR R. G. W. HERBERT to COLONIAL OFFICE.

(Received April 28, 1898.)

SIR,

Ickleton, Great Chesterfield, Essex, April 24, 1898.

I HAVE the honour to acknowledge the receipt of your letter of the 22nd inst.,* inclosing, by direction of Mr. Secretary Chamberlain, a copy of a letter addressed to him by the Revd. D. P. Faure, in which that gentleman expresses his views as to the understanding of both parties to the Conference in 1883, which resulted in the Convention of London, with regard to the Queen's Suzerainty over the Transvaal State.

2. My recollection of the transactions to which Mr. Faure refers, and more particularly of the conditions under which the Earl of Derby and Her Majesty's Government advised the Queen to modify the Convention of Pretoria, is in some material respects not in accordance with that of Mr. Faure. I will refer to the paragraphs of his letter in their order.

3. In his third paragraph Mr. Faure says: "The object of the deputation was, as is well known, to secure the removal of certain grievances. One of these grievances was the Suzerainty." Now it is beyond question that when the Transvaal Government in 1883 requested a reconsideration of the Convention of Pretoria, it did not venture to propose the abolition of the Queen's Suzerainty, nor would Her Majesty's Government have been prepared to receive a deputation for the discussion of that matter. What the Transvaal Government represented (see the Acting High Commissioner's telegram of July 25th, 1883, page 1 of C. 3947) was that "the revision of the Convention was urgent, specially with regard to Western Frontier affairs."

4. When, however, they had arrived in London in November, 1883, the Transvaal delegates, in their letter to Lord Derby of November 14th, 1883 (C. 3947, page 5), after suggesting that there were objections "to the extent of the Suzerain rights reserved to Her Majesty by Articles 2 and 18" of the Convention of Pretoria, for the first time requested "that the relation of a dependency, *publici juris*, in which our country now stands to the British Crown may be replaced by that of two contracting Powers."

5. Mr. Faure says that "Lord Derby and Sir Hercules Robinson treated this question of the Suzerainty throughout as a small matter." He first quotes his recollection of conversations with Sir Hercules Robinson on this subject. I do not question the general accuracy of Mr. Faure's recollection of those conversations. Sir Hercules Robinson's own personal view was, indeed, that the determination of Great Britain to be the paramount power in South Africa was so strong and so manifest that the Suzerainty was not needed to prevent the Transvaal from applying for or accepting the intervention or protection of any Foreign State, while as regards the ordinary internal affairs of the Transvaal it would be better not to retain the semblance of a disposition to interfere.

6. But this was not the view of Lord Derby and Her Majesty's Government. Lord Derby was aware that the formal withdrawal of the Queen's Suzerainty would be liable to be interpreted as the surrender of the claim of this country to control the foreign relations of the Transvaal; and accordingly, in his letter to the delegates dated November 29th, 1883 (C. 3947, p. 18), he informed them that a draft treaty which they had submitted for adoption as between two equal contracting powers was "neither in form nor in substance such as Her Majesty's Government could adopt."

7. I am therefore constrained to believe that Mr. Faure's recollection of what he supposes Lord Derby to have stated to the Conference at one of its meetings is based upon some misunderstanding of his lordship's words. And, indeed, it would not be in accordance with official usage for a Minister to assign, as a reason for not taking so

important a step as the specific revocation of the Queen's Suzerainty, the anticipation of opposition in Parliament. Moreover, Lord Derby's uniform caution and reserve make it very difficult for me to think that he can have done so. Anyhow, I have absolutely no recollection of that or any similar language being used. I desire, however, to add that I in no way question the *bond fides* of Mr. Faure's account of his remembrance of this part of the transactions.

8. I must observe, however, that in this paragraph of his letter Mr. Faure admits that Lord Derby did decline to have an article embodied in the amended Convention revoking the Queen's Suzerainty; and also that any such concession would have met with determined opposition in Parliament.

9. I do not think it necessary to refer to the reported conversation of a newspaper interviewer with Lord Rosmead. Much exception has been taken to accounts which have been given of his alleged acts and opinions, and he is no longer able to correct them.

10. In conclusion, then, I have the honour to state that I feel compelled to differ from Mr. Faure's view, as given in paragraph 4 of his letter, that "it was clearly understood and agreed by both parties that Her Majesty's Suzerainty should be abolished except to the extent defined in Article IV. of the Convention of London." Her Majesty's Government expressly declined to substitute a *treaty* for the *Convention* in which the Queen as Suzerain had granted certain powers of self-government to the Transvaal State, and accordingly the Convention of Pretoria was not repealed, in order to preserve that part of it which declared the Suzerainty; but fresh articles were framed, in order to give the South African Republic larger powers of internal administration, and in order to comply with the request of the Republic for greater facilities in initiating negotiations and agreements with Foreign nations.

I have, &c.,

ROBERT G. W. HERBERT.

No. 4.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received May 25, 1898.)

[Answered by No. 6.]

Government House, Cape Town,
May 4, 1898.

SIR,

I HAVE the honour to transmit to you a copy of a despatch from Her Majesty's Agent at Pretoria enclosing a note addressed to me by the State Secretary of the South African Republic in reply to your despatch of the 16th October last,* which dealt with various questions at issue between Her Majesty's Government and the Government of the Republic.

I do not think it necessary to trouble you with the original note, as the State Secretary has accompanied it by printed copies of an English translation, three of which I enclose. The translation has been compared with the original and may be accepted as correctly expressing its sense.

The delay in forwarding the note to you is, of course, attributable to the fact that I was in Basutoland at the date of its reaching Mr. Greene's hands, and I naturally desired to have an opportunity, before sending it to you, of considering it and deciding whether in my opinion it would be useful to accompany it with any expression of my views. Now that I have seen the terms of the note, I do not think that any commentary of mine is likely to be useful.

The note argues at enormous length that the term "suzerainty" is not applicable to the relationship existing between Great Britain and the South African Republic. I am unable myself to see anything very material in this controversy. Both parties agree that the Convention of 1884 determines their mutual relations, and the Government of the South African Republic has repeatedly declared its intention of abiding by the terms of that Convention. Unfortunately it interprets the principal clauses in the Convention in a manner quite different from that in which Her Majesty's Government interprets them. What the right interpretation of these clauses is seems to me a matter of moment. Whether the relationship created by them is properly described as "suzerainty" is not, in my opinion, of much importance. It is a question of etymological rather than of political interest.

* No. 7 in [C. 8721].

Apart from the controversy over the word "suzerainty" the despatch contains little except a renewed plea that differences as to the meaning of the Convention should be referred to arbitration. For my own part, I am satisfied that it would be a grave error of policy for Her Majesty's Government to submit these differences to the arbitration of any Foreign Power. If I do not argue the point further, it is because I feel convinced from the terms of your despatch of October 16th* that Her Majesty's Government has already fully considered this proposition and deliberately rejected it.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 4.

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

Pretoria, April 16, 1898.
SIR, WITH reference to my despatch of the 10th December last, I have the honour to transmit to Your Excellency herewith a translation of a note which I have received from this Government, dated to-day, enclosing a letter addressed to Your Excellency by the State Secretary, conveying the reply of the Government of the South African Republic to the despatch of the Secretary of State of the 16th of October, with reference to the questions of suzerainty, arbitration, &c.

I have further the honour to enclose duplicate copies of an English translation which accompanies the note.

His Excellency the High Commissioner.

I have, &c.,
CONYNGHAM GREENE.

(Translation.)

Ministry for Foreign Affairs, Pretoria,
April 16, 1898.

SIR, WITH reference to the despatch of the 16th October, 1897, which His Excellency the High Commissioner has received from the Secretary of State for the Colonies, and a copy of which was enclosed in your note to me of the 6th of December, 1897, I have the honour to transmit to you herewith the reply of this Government, with a translation, and to request that you will forward the same to His Excellency the High Commissioner.

His Honour Conyngham Greene, C.B.,
British Agent.

I have, &c.,
DR. W. J. LEYDS,
State Secretary.

(Translation.)

(R.A. 2081/97.)

Government Office, Pretoria,
April 16, 1898.

EXCELLENCY,

I AM instructed to acknowledge the receipt of a copy of a despatch of the 16th of October last addressed to Your Excellency by the Right Honourable the Secretary of State.

2. The Government, to their regret, cannot conceal from themselves that the reply of the Right Honourable the Secretary of State to the most important points of the despatch of the 7th May last, has greatly disappointed them. That answer appears to be chiefly based on propositions which, in the opinion of this Government, cannot be upheld.

3. The most important proposition contained in the reply is undoubtedly that having regard to the existence of a suzerainty over the South African Republic, a proposition, which is now for the first time since the Convention of London raised in an official despatch from Her Britannic Majesty's Government.

Although not for the first time, yet, in order to prevent any misunderstanding and before setting forth their explicit objections against the above-mentioned proposition, this Government desires to state clearly that it is prepared in every respect to abide by the stipulations of the Convention of 1884.

4. As an introduction to the discussion of the suzerainty question, this Government desires to premise that whenever in the despatch now under reply, mention is made of suzerainty, Her Britannic Majesty's Government can only refer to such suzerainty as is constituted by and defined in the Convention of Pretoria of 1881.

On such basis therefore are founded the objections of this Government, which, in its opinion, perfectly justify the conclusion that it cannot recognise the existence of any suzerainty since the Convention of 1884.

5. Lord Kimberley, Her Britannic Majesty's Secretary of State for the Colonies, at the time clearly defined what the terms of that suzerainty would be.

In his despatch of the 31st March, 1881,* he says :

"Entire freedom of action will be accorded to the Transvaal Government so far [as] is not inconsistent with the rights *expressly reserved to the suzerain Power*. The term suzerainty has been chosen as most conveniently describing superiority over a state possessing independent rights of Government *subject to reservations with reference to certain specified matters*. The most material of these reserved rights is the control of the external relations of the future Transvaal State, which will be vested in the British Government, including, of course, the conclusion of treaties and the conduct of diplomatic intercourse with foreign powers."

A more definite specification of rights of Her Britannic Majesty's Government under that suzerainty was clearly laid down in the Convention of 1881.

That Convention was ratified by the Honourable the Volksraad of the South African Republic by their resolution of the 25th of October, 1881, Art. 186.

The circumstances under which that ratification took place are clearly detailed in that resolution of the Volksraad. From that Volksraad resolution it appears, *inter alia*, that the suzerainty clauses laid down in the Convention of 1881 were of a more far reaching nature than those laid down in the previous conditions of peace.

The Volksraad resolution in question was duly communicated to Her Britannic Majesty's Government.

6. In the year 1883 a deputation was sent to London with a view to obtain the abolition of the suzerainty. This deputation negotiated a new Convention in 1884, from which the word "suzerainty" and the stipulations in regard thereto were removed.

In their report published in 1884 the deputation stated that the new Convention put an end to the British suzerainty.

Acting on that report, the Volksraad of this Republic ratified the Convention of London. In support of these statements, the following annexures are attached hereto :

- a. Letter of the deputation to Lord Derby.
- b. Report of the deputation (extract).
- c. Ratification, 1884.

7. In the Convention of Pretoria, to which the deputation objected, the term "suzerainty" appears. In the Convention of London the term has disappeared. This disappearance cannot be accidental. The omission was deliberate ; one of the parties had objected to it as an obnoxious stipulation and it was excluded in the new Convention. This contention is entirely in accord with the contents of the letter of the deputation to Lord Derby, of the 5th February, 1884.† From that letter it appears that the deputation expected the draft, then being prepared by His Lordship, to contain an agreement between the deputation and His Lordship relative to the abolition of the suzerainty.

The deputation says : "In connection herewith we would respectfully submit to your Lordship's consideration whether it would not be possible to have the other articles of the new Convention, namely, those referring to the abolition of the suzerainty and to the reduction to its legal proportions of the debt of the Republic, simultaneously drawn up and communicated to us, in order to accelerate the complete settlement of the matter."

Lord Derby's reply, bearing the early date of the 15th February, 1884,‡ sending the deputation a draft of the new Convention of London, shows that the method of omitting obnoxious provisions was the one deliberately adopted.

His Lordship said :

"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."

* No. 1 in [C. 2892] April, 1881. † No. 22 in [C. 3947] March, 1884. ‡ No. 26 in [C. 3947] March, 1884.

That it was the intention to have the whole of the old Convention superseded by the new one appears moreover from the declarations of the contracting parties, which can be personally confirmed by His Honour the State President, at that time a member of the deputation commissioned to conduct those negotiations.

And, above all, this intention appears undoubtedly from the correspondence interchanged, to which reference will be made later on.

8. In connection with this question there are other circumstances of such great importance that they must not be lost sight of.

In his despatch of the 25th of February, 1896; to His Excellency the High Commissioner, His Honour the State President, in enumerating the reasons for his desire to discuss the question of superseding the Convention of London, with reference *inter alia* to the violation of the territory of the South African Republic—His Honour gives as his concluding reason :

“ Because the name alone and the continual arguments on the question of suzerainty which, since this Convention has ceased to exist, are being used as a pretext to maliciously incite, more especially by means of a libellous press, white and coloured people against the legal authority of the Republic.”

At the present juncture, these words, taken in connection with the despatch under reply, are of much greater significance than hitherto.

A few lines further down, the same despatch from His Honour the State President reads as follows : “ When discussing the superseding of the Convention in its entirety, Article 4 should, of course, not be left out of discussion.”

What was then asserted by his Honour the State President, namely that the suzerainty had ceased to exist since the Convention of London has, up to the date of the despatch under reply, not only never been repudiated by Her Britannic Majesty's Government in subsequent communications to this Government, but on the contrary, the Government find from such subsequent correspondence every reason to believe that at the time the Secretary of State fully shared this conception.

In his telegram of the 5th March ensuing to His Excellency the High Commissioner, he observes, already at the commencement : “ Her Majesty's Government reciprocate friendly assurance of President South African Republic and believe that if he accepts invitation to visit England a satisfactory settlement of all pending questions will be possible ; at the same time His Honour must not be allowed to undergo fatigue and inconvenience of a journey to London, without fully understanding views of Her Majesty's Government.”

And further in the 3rd paragraph he says : “ But President South African Republic must clearly understand that Article 4 of the existing Convention must form part of any such new Convention or Treaty.”

As already stated above, Article 4 is the only article in which reference to suzerainty could most suitably have been made, and although the Secretary of State specially mentioned this article, he did not in the whole of his telegraphic despatch, nor later on, make any reference to the position embodied in the simple and clear statement of His Honour the State President, a position which, at the present moment, has become of so great importance, namely that after the Convention of 1884 the suzerainty ceased to exist.

About a year previous, Mr. Buxton, then Under Secretary of State for Foreign Affairs, referred in the British House of Commons to a statement of Mr. H. W. Smith, in which the latter, as Mr. Buxton said, gave an interpretation of the existing relations between England and the South African Republic, in which the British Government, as Mr. Buxton, said, concurred. These words of Mr. Smith referred to by Mr. Buxton are the following ;—

“ The Convention of London made in 1884 between Her Majesty and the South African Republic contains no express reservation of the Queen's rights of suzerainty, and although Her Majesty retains under the Convention the power of refusing to sanction treaties made by the South African Republic with foreign States and Nations and with certain native tribes, it is a cardinal principle of that settlement that the internal government and legislation of the South African Republic shall not be interfered with.”

This Government is of opinion that in this respect it may also refer to the very important declaration of Sir Hercules Robinson, afterwards Lord Rosmead, made shortly before his demise, in an interview with the editor of the “ Saturday Review ” and published in that paper. Her Britannic Majesty's Government have, if necessary, better opportunities than this Government of ascertaining the perfect correctness of these utterances, but the statements are so fully in accordance with the grounds put forward in this despatch against the existence of a suzerainty, and the words of Sir Hercules Robinson,

being himself one of the contracting parties who signed the Convention, appear to this Government to be of so much weight, that it has felt compelled to quote them.

"People in England insist," said Mr. Harris to Lord Rosmead, "that the suzerainty was implied in the 1884 Convention as it was explicit in that of 1881; Is this true?"

Lord Rosmead replied, according to the published report of the interview, literally as follows: "Well, I ought to know, as I drafted it. The meaning 'suzerainty' was withdrawn, and the word left out purposely. Kruger was not content with the 1881 Convention, because of the claim to suzerainty, and we meant to withdraw the claim in 1884. What's the good of claiming more power than you have got?"

This Government further coincides with the view expressed by the Marquess of Salisbury, Secretary of State for Foreign Affairs, as clearly set forth by His Lordship in his telegraphic despatch to His Honour the State President, communicated in a telegram of His Excellency the High Commissioner, of the 15th of February, 1896, in reply to a telegram from this Government of the 10th of the same month. The noble Marquess, referring to "the complete independence enjoyed by the South African Republic, subject to London Convention of 1884," states that "he accepts in all their fulness the arrangements made with the South African Republic by the London Convention of 1884."

9. That the suzerainty established by the Convention of 1881 was abolished as a result of the Convention of 1884 also becomes clear when the altered relations between the British Government and the South African Republic since the time of the Convention of 1884 are taken into consideration.

The rights of suzerainty under the Convention of 1881 can be classified as follows:

1^o. The incompetency of the South African Republic to take direct action in negotiations with foreign Powers.

2^o. The control by the British Resident of external and certain internal affairs.

3^o. The right of conducting British troops through the territory of the South African Republic.

Dealing with these different points in consecutive order, the Government come to the following conclusions:—

Ad 1m. The incompetency of the South African Republic to carry on direct negotiations with a foreign Power is reduced to the obligation to submit their foreign treaties to the approval of Her Britannic Majesty; the right of disapproval only to be exercised within six months, and in case such foreign treaty should be contrary to the interests of Great Britain or of one of Her Britannic Majesty's possessions in South Africa.

All powers of negotiation, of which mention is made in the despatch of Lord Kimberley of the 31st of March, 1881,* and in Article 2 of the Convention of 1881, as belonging to Her Britannic Majesty's Government, are again vested in the South African Republic.

Since 1884 up to the present the continual practice, as exercising the rights of the South African Republic, for instance, in the appointment of diplomatic and consular representatives, has been to follow a course of action incompatible with the existence of a suzerainty.

The Government of the South African Republic have appointed consular officials even in Great Britain, and the British Government have granted Exequatur to those officials. But not only that, there is a stronger fact; the British Government have appointed consular officials in the South African Republic, and have applied to the Government of this Republic for the Exequatur of these officials. This fact also shows clearly that the consequences of the abolition of suzerainty have since 1884 been accepted by the British Government.

Ad 2m. The British Resident, who was appointed under the Convention of 1881, and who possessed great power of control over the external and some of the internal affairs of the South African Republic, disappears after the Convention of 1884.

This point is an important one in connection with the question of suzerainty when the duties of that Resident, as described in the Convention of 1881, are taken into consideration.

Ad 3m. The power to conduct troops through the territory of the South African Republic disappears in the ordinary manner by the omission of the article in question.

From these considerations it appears therefore that all these points under the suzerainty existing before 1884 have been reduced to the obligation to act in accordance with Article 4 of the Convention of London as regards the conclusion of treaties or engagements.

* No. 1 in [C. 2892] April, 1881.

Under that Article 4, the South African Republic negotiates with foreign Powers without consulting Her Britannic Majesty and concludes treaties without such consultation; the only obligation imposed upon it in this respect, according to the clear statement of Lord Derby in his despatch of the 15th February, already quoted, being embodied in the observance of the stipulation that no treaty with a foreign Power shall be of force without the approval of the Queen.

10. In the rules of interpretation of international agreements, Woolsey says, *inter alia*: "If two meanings are admissible, that is to be preferred which is least for the advantage of the party for whose benefit a clause is inserted. For in securing a benefit, he ought to express himself clearly. The sense which the acceptor of conditions attaches to them ought rather to be followed than that of the offerer."

"Odious clauses, such as involve hard conditions for one party, are to be understood strictly, so that their operation shall be brought within the narrowest limits."

The bearing of these rules on the question of the existence of suzerainty is clear.

If the British Government had wished to retain the suzerainty in the Convention of 1884, as well as in that of 1881, it would have been necessary for the British Government to have come to a clear and distinct understanding on that subject.

Such onerous obligations of the South African Republic as do exist must be distinctly defined, but, in the opinion of this Government, on no account by an interpretation of the Secretary of State for the Colonies binding on the Republic.

Whereas it appears to the Government that the Secretary of State wishes to deny the application of the principles of International Law to the interpretation of the London Convention, they desire in this connection still to point out that, as they have been informed, the above-mentioned rules of construction are identical with those adopted by the Courts of Justice of England in respect of all agreements.

11. This Government now desires to submit a comparison of the text of the Conventions of 1881 and 1884, to which it is led more especially by the technical contention contained in the despatch under reply that the Preamble of a previous Convention remains in force although all the Articles of the old Convention have been replaced by new ones.

In the Convention of 1881 express reference is made to suzerainty as well in the Preamble as in the Articles.

In the Convention of 1884 no reference is made to suzerainty either in the Preamble or in the Articles.

If a suzerainty was intended, the question arises why no allusion was made to it in Article 4, the only Article in which such reference would have been appropriate. In Article 18 of the Convention of 1881, reference is made to the High Commissioner as "representing the suzerain." In the Convention of 1884 no reference is made to the approval of the Queen in Her capacity as Suzerain. This omission was evidently expressly made.

Whenever it was the intention to preserve any stipulation of the old Convention of 1881, it was reinserted in the Convention of 1884.

Reference to Articles 13, 14 and 15 of the Convention of 1881, and to Articles 8 and 19 of the Convention of 1884, will distinctly bear out this fact, from which, in the opinion of this Government, incontestably follows that the Convention of 1881 was abolished in its entirety.

The text of the Preamble of the Convention of London of 1884 clearly shows that it was not the intention merely to alter the Articles of the Convention of 1881 (and to allow the Preamble of 1881 to remain in force), but to have the Convention altered in its entirety. The Preamble of 1884 makes no mention of "new Articles," but of "the following Articles of a new Convention."

The Preamble of 1884 expressly acknowledges a new State; no mention is made in it of the "Transvaal territory" subject to the suzerainty of Her Majesty—as is the case in the Preamble of the Convention of 1881—but of the "South African Republic" without further description.

The old Preamble of 1881 *can* no longer be in force, otherwise two Preambles would exist, that of 1881 and that of 1884, in direct opposition to each other and at the same time in force.

The provision made in the last part of the Preamble of 1884, that as long as the new Convention shall not be ratified "the old Convention shall continue in full force and effect," can have no other meaning than that after the ratification of the new one the old one ceases to have effect.

12. Now that the alleged suzerainty has been considered from the point of view of

the text of the Conventions, the Government still wish to submit it from another standpoint.

The extent of the suzerainty existing under the Convention of 1881 was defined in the despatch (already quoted) of the Earl of Kimberley of 31st March, 1881* :—In that despatch it is stated that “Entire freedom of action will be accorded to the Transvaal Government, so far as is not inconsistent with the rights expressly reserved to the suzerain Power.

“The term suzerainty has been chosen as most conveniently describing superiority over a State possessing independent rights of government subject to reservations with reference to certain specified matters.”

Consequently it follows that if suzerainty had continued to exist under the Convention of London of 1884, the only rights which could have been claimed by the British Government would have been such as were “*expressly reserved to the suzerain Power with reference to certain specified matters.*”

Her Britannic Majesty's Government would not have been justified as a result of the vagueness and the indefinite nature of the word “suzerainty” in claiming for themselves certain vague and indefinite rights.

13. But this Government now wishes further to prove in the most incontestable manner that the statement of the Secretary of State for the Colonies in § 21 of his letter under reply, viz., that the Preamble of the Convention of Pretoria of 1881 has been retained—is founded on a misunderstanding.

This Government is in the possession of a declaration, made by Messrs. Kruger and Esselen, respectively member of and secretary to the deputation of 1884, stating that it was expressly agreed upon verbally with Lord Derby that the suzerainty was to be abolished.

But there is more. This Government has the written evidence in its archives that Lord Derby himself proposed that the Preamble of the Convention of 1881 should be abolished.

In Lord Derby's letter (already referred to) of the 15th February, 1884 (Bluebook C 3947, page 43), his Lordship sends to the Deputation a draft of the *new Convention*, which Her Majesty's Government propose, *in substitution for the Convention of Pretoria*. This draft was not printed in the Bluebook, but the original is still in the possession of this Government.

A true copy of the first page is affixed as an annexure to this letter. It is so clear in itself that it seems unnecessary to add one word thereto.

Indeed, this page gives in printed form in succession first the Preamble of 1881 and then the Preamble of 1884.

At the head is to be read the note: *The words and paragraphs bracketed or printed in italics are proposed to be inserted, those within a black line are proposed to be omitted.*”

Now the Preamble of 1881 is “within a black line,” and is thus omitted. No conclusion can be clearer.

There is still more. The last page of the “*draft*” sent by Lord Derby shows most distinctly that His Lordship meant to have the suzerainty abolished. A true copy of the last page also accompanies this letter as an annexure.

That page above referred to indicates the concluding portion of the Convention of 1881, and the following words therein appearing, viz., “*subject to the suzerainty of Her Majesty, Her Heirs and Successors,*” have been crossed out by Lord Derby.

14. After all that has already been set forth, this Government has no desire to refer to various authors, as it is in a position to do, but confines itself to the statement that most eminent Jurisconsults on International Law support it in its contention that there is no longer any suzerainty in existence.

15. This Government now desires to put forward a few considerations with regard to those points in the despatch under reply—especially par. 8 and 9, and in connection therewith par. 5 and 22—which refer to the international status of the South African Republic.

The Convention of London, so the Government understand, is regarded by the Secretary of State as a declaration by Her Britannic Majesty's Government of the conditions under which they have accorded self-government to the South African Republic, and the Secretary of State alleges, if this Government understands rightly, that the general principles of International Law as applied to ordinary treaties between independent Powers are not applicable to the Convention of London.

These allegations can be reduced to the contention that the Convention of London owes its existence to a grant on the part of Her Britannic Majesty, and that the South

* No. 1 in [C. 2892] April, 1881.

African Republic is not entitled to make an appeal to the general rights of States, including the inherent right of self-preservation under the Law of Nations, to which an appeal was made in the despatch of this Government dated 7th May last.*

The first of these contentions is clearly incorrect, whether the question is regarded as a statement of an historical fact, or as a definition of the present status of the parties to the Convention.

The second contention is entirely without foundation in the theory or practice of International Law.

The description of the Convention of London as a "grant" of self-government to the South African Republic by Her Britannic Majesty, cannot, in the opinion of this Government, be justified.

The present independence of the South African Republic derives its formal acknowledgment by the British Crown—in no sense, however, its real origin—from an international agreement, acknowledged as being equally binding on both parties.

As the Secretary of State so clearly stated in his despatch of the 6th March, 1897, the provisions of the Convention which are mutually binding on both Governments cannot be altered by either for its own convenience in the slightest detail without the previous consent of the other.

Even from a superficial perusal of the Convention it is manifest that the origin is bilateral; the consent of the South African Republic being as essential a condition as the consent of Her Britannic Majesty. The whole sense and contents bear this out.

Obligations are undertaken thereby on the part of Her Britannic Majesty as well as on that of the South African Republic.

The exact meaning of the contention that the general principles of International Law as applicable to ordinary treaties between independent Powers, and the rights deducible therefrom, are not applicable to the interpretation of the Convention of London, is not altogether clear.

The contention may mean that the Convention of London is a "grant" from the British Crown, which possesses the sole competency to interpret its own grants, and that the document is not international. Or it may mean that the Convention is an agreement between two Powers not on the same footing. If the first interpretation be correct, what has already been said above in this respect may be applied.

If, on the other hand, the second one is correct, this Government wishes to point out that the British Government, by its agreement to refer certain matters, namely, Article 1 of the Convention, to a friendly third Power, has acknowledged the international character of the document, as well as the fact that it falls within the sphere of International Law. By the Convention of London, the British Government have acknowledged the right of the South African Republic to conduct negotiations with foreign Powers. The rights and obligations which arise out of these negotiations under the treaties and engagements approved by Her Britannic Majesty, according to the Convention, must in the case of misunderstanding be referred to some law; such law, in the opinion of this Government, can be no other than International Law.

If, however, and this is scarcely possible, the meaning should be that the Law of Nations is less applicable to the interpretation of Treaties or engagements between Powers not on the same footing than between Powers of equal standing, this Government still wishes to point to the fact that, as far as is known to them, extensive regulations for both kinds of agreements have been laid down by authorities from Grotius down to those of most recent date, which, in its opinion, fully confirms its contention that the one as well as the other description falls within the sphere of International Law.

Again, if it is contended that the right of States standing on an equal footing, deducible from the general principles of International Law, are of greater extent than the rights in like manner deducible from and applicable to States on an unequal footing, and bound by a special treaty, as is the case with the South African Republic, the answer is a denial of the truth of the contention.

All essential rights of States, including those of self-preservation, deducible from general principles of International Law are just as applicable and just as necessary in the case of States bound by such treaties as that binding on the South African Republic, as in the case of States which are not bound by such treaties.

And on whatever ground Her Britannic Majesty's Government may wish to base its contention—that the Convention of London must not be interpreted by the general principles of International Law, applicable to treaties between two States on an equal footing—one answer is conclusive:—

There is no other law to which the interpretation can properly be referred.

* Enclosure in No. 4 in [C. 8721].

The Government have considered it advisable to deal with this subject in a somewhat exhaustive manner because it stands in close connection with the refusal contained in the despatch under reply to have any differences arising out of the Convention settled by arbitration.

In this connection the Government deem it desirable before leaving the subject now being dealt with to refer to the statement of the Secretary of State.

"The South African Republic is bound to adhere strictly to the terms of those conditions (*i.e.*, those contained in the Convention of London), and is not entitled to import into them any qualifications based on rights of nations which are not bound by similar obligations arising out of similar circumstances."

But the question arises as to which Law an appeal should be made in case the South African Republic, whilst not desiring to import into the conditions any qualifications, does desire a fair interpretation of those conditions, when every ground for a difference of opinion as to such interpretation exists.

16. This Government further wishes to make a few observations regarding those parts of the despatch under reply, which refer to what was submitted in its despatch of the 7th May last,* in regard to *the Aliens Law*.

The Government are of opinion that they have every reason to recur to the objections raised in the despatch of the 7th May* against the position taken up in this connection by Her Britannic Majesty's Government. They do not find any effort made in the despatch under reply to refute them; these objections being only regarded as not admissible on the ground of the claim to the existence of a suzerainty, and on the right, which Her Britannic Majesty's Government have assumed, of being the sole arbiter in the interpretation of certain matters in the Convention of London, which interpretation shall be binding on the South African Republic.

This Government, however, has a just claim to a fair interpretation of its rights and obligations under the Convention of London, and is of opinion that such an interpretation must be governed by the rules of International Law.

The Secretary of State says: "The words in Article 14 which make conformity with the Laws of the Republic a condition of the right to enter, travel and reside therein, do not, in the opinion of Her Majesty's Government, give an implied power to the South African Republic to legislate for the purpose of excluding persons who would otherwise be entitled to the benefit of the article by imposing conditions which it is impossible for them to fulfil. Such an implication would enable the Republic to reduce the article to a nullity."

The South African Republic is, in the opinion of this Government, like all civilized States, entitled to impose conditions of admission, with which convicts, idiots, or lepers could not possibly comply, and the contention of the British Government that the South African Republic does not possess such a right is, in the opinion of this Government, not in accordance with the principles of International Law.

The contention that such an implication would enable the Republic to reduce the article to a nullity, is, in the opinion of this Government, not justified, inasmuch as ordinary persons cannot fall under the above-mentioned category, unless it should be implied that the Republic does not act in good faith. However, the good faith of the Republic has been proved by the instructions which were issued to enforce the stipulations of the Aliens Law in a moderate manner, as also by the careful consideration which they have given to each special case which was brought to their notice.

17. As regards the 6th clause of the despatch under reply, the Government wish to remark that, although they cannot consider themselves bound by the opinions of their legal advisers (with which they, however, in this case entirely concur) they allege that what Mr. Chamberlain says thereon does not apply in this case. For the opinion given at the time by myself as State Attorney referred to a resolution of the Honourable the First Volksraad, for the purpose of making, if possible, such enactment as would tend to prevent the influx of *all* Asiatics, and thus to prevent entirely the influx of those Asiatics as a race.

Under these circumstances, the Government cannot see how this instance can be brought to bear by the Secretary of State upon the consideration of the Aliens Law, inasmuch as the latter did not contain regulations with regard to the *exclusion* of a particular race or of a particular nationality, but referred to the *regulations for the admission of foreigners in general*.

In order to prevent any misunderstanding, the Government wish to add that, in common with the population of the States and Colonies of South Africa, they are and remain

fully alive to the great evils connected with the emigration of Asiatics to South Africa in general and to the South African Republic in particular.

Before leaving that part of the despatch as is at present under reply, and which refers to the Aliens Law, the Government feel obliged, owing to the great importance of the matter, to again point out, in connection with the 3rd clause that, to their regret, they have not been able to entertain the suggestion of Her Britannic Majesty's Government to refer any proposed measures to be taken for the exclusion of undesirable foreigners for discussion by Her Britannic Majesty's Agent and a representative of this Government, and more especially the suggestion made in connection therewith, to submit any proposals on which they might agree to Her Britannic Majesty's Government, inasmuch as this Government regards that question as an internal matter, and one therefore which falls exclusively under the administration of the Government of the South African Republic.

18. The Government find no occasion to offer any special remarks in regard to what is said in the despatch under reply about the Expulsion Law and the Press Law.

It is indeed satisfactory to note the admission made by Her Britannic Majesty's Government, viz., that these laws are not in themselves necessarily in conflict with the London Convention.

Moreover the Government beg to refer to what has already been said in this respect in their despatch of the 7th May last.*

19. With regard to the submission of copies of treaties to Her Britannic Majesty's Government in terms of Article 4 of the London Convention, this Government notes that Her Britannic Majesty's Government adheres to their view as regards the meaning of the word "completion."

This Government regrets that in this connection it does not find sufficient reason stated either why it should deviate from its opinion; wherefore it again begs to draw the attention of Her Britannic Majesty's Government to its own, and, as it still thinks, correct, views as fully set forth in its despatch of the 7th May, 1897*, and to the grounds adduced in support thereof and also explained therein.

Her Britannic Majesty's Government state that they would be prepared, in the case of treaties which require to be confirmed by the legislatures of the contracting States and which contain or have appended to them a declaration that they will not come into force until they have been either expressly approved by the Queen or submitted to Her Majesty's Government for Her approval and not objected to within six months after such submission, to waive their strict rights and be satisfied if such treaties are submitted to them immediately after having been confirmed by the Legislatures of the contracting States.

With regard to this, this Government has no objection to state that it is prepared, in concluding treaties subject to Article 4 of the Convention of London, to draw the attention of the other party to the contract to the stipulations contained in that Article.

20. In connection with the question of the Geneva Convention, a contention is made which this Government cannot allow to pass without comment.

The despatch under reply says :—

"It must be observed that the objections taken by Her Majesty's Government have not been to the substance of the treaties or engagements in question, but to the methods by which the Government of the South African Republic have appeared to them (Her Majesty's Government) to seek to avoid the provisions of Article 4 of the Convention."

In its despatch of the 7th May, this Government, in view of a similar accusation expressed itself in the following statement, which it wishes to repeat with emphasis :—
 "It thinks it may justly take exception to the introductory clause in so far as it embodies if not the accusation, yet the suggestion, that, notwithstanding the assurance of His Honour the State President, that he wishes to respect the Convention, it has violated that Convention. It trusts that Her Britannic Majesty's Government, after a serious consideration of all the facts and circumstances, as explained above, and also as set forth in the despatch at present under reply, will find ample reason for dismissing from their minds even the suggestion of bad faith on the part of this Government."

21. In their despatch of the 7th May last,* this Government further said :—"Heavy blows have, however, been dealt to that good understanding and that confidence by events which cannot be lightly forgotten, and were it not that this Government wished to avoid taking up a recriminating tone, it might put the question whether Dr. Jameson's incursion, either regarded as a breach of the Convention or as a grievance in itself, is not of infinitely greater moment than the several matters urged by Her Britannic Majesty's

* Enclosure in No. 4 in [C. 8721].

“Government, even if their contention that these constitute breaches of the Convention, could be accepted.”

The Secretary of State takes exception hereto in his despatch under reply :—

“Her Majesty’s Government have uniformly fulfilled these obligations on their part, and they must strongly protest against what appears to be an implication in the note under consideration that the incursion of Dr. Jameson can be considered as either a breach of the Convention by Her Majesty’s Government or as a grievance against them. That incursion was the act of private individuals” And in the 18th clause of the despatch under reply the Right Honourable the Secretary of State says :—

“Her Majesty’s Government feel constrained to contrast their loyal action in the case of the Jameson raid with the cases in which they have had cause to complain that the Government of the South African Republic failed to interfere with, if they did not countenance, invasions of the adjacent territories by its burghers in violation of the Convention.”

After these, in the opinion of this Government, unjust, unfair and wounding comparison and accusations, they regret to feel constrained to consider this matter further.

With regard to the facts in reference thereto, which are still fresh in the minds of all, the Government feel bound to state that it does not appear correct to describe an incursion by the Administrator of the British territories of Matabeleland and Mashonaland and by the officers of Her Britannic Majesty’s army and the troops under his command as an act of private individuals.

The troops which raided the territory of the Republic served under the British flag.

Their enlistment, armament, and equipment took place in British territory and under the orders of the Administrator, who derived his authority from the British Crown. The military officers of the expedition held their commissions as officers in the army of Her Britannic Majesty.

Moreover, before a Committee of the Lower House of the British Parliament, Mr. Cecil Rhodes, member of Her Majesty’s Privy Council, has acknowledged that he, at the time being Prime Minister of the Cape Colony, has aided the preparations for the incursion by the Administrator with money and advice.

It has further been proved that a high Imperial official, Sir Graham Bower, Imperial Secretary to the High Commissioner for South Africa, had a knowledge of these preparations, and that he took no steps to frustrate them or even to bring them to the knowledge of the Government of the South African Republic.

In the cases of Stellaland and Goosen referred to by the Secretary of State, the facts were quite otherwise.

There was a state of war in existence between native chiefs recognised to be independent and who on both sides called for persons to enter their service.

These persons were in no way exclusively subjects of the Republic ; they came from all parts of South Africa and were to a very great extent of British nationality.

This Government is of opinion that these cases can safely stand the test of a comparison with the Jameson raid and can only repeat the statements thereanent contained in the despatch of His Honour the State President of 17th March, 1896.

22. The Secretary of State says that Her Britannic Majesty’s Government can not consent to having questions as to the infringement of the Convention submitted to the arbitration of any foreign Power or of the nominee of any foreign Power.

Her Britannic Majesty’s Government basing its refusal to consent on the ground that “Her Majesty toward the South African Republic holds the relation of a suzerain who has accorded to the people of that Republic self-government upon certain conditions, and that it would be incompatible with that position to submit to arbitration the construction of the conditions on which she accorded self-government to the Republic.”

Arguing, apparently, with regard to the meaning of the Convention, the despatch further says : “One of the main objects which Her Majesty’s Government had in view was the prevention of the interference of any foreign Power between Her Majesty and the South African Republic, a matter which they then held and which Her Majesty’s present Government hold, to be essential to British interests, and this object would be defeated by the course now proposed.”

“The clear intention of Her Majesty’s Government at the time of the London Convention, that questions in relation to it should not be submitted to arbitration is shown by the fact that when the delegates of the South African Republic in the negotiations which preceded that Convention submitted to Her Majesty’s Government in the first instance (in a letter of the 26th of November, 1883, which will be found on page 9 of the Parliamentary Paper C. 3947 of 1884) the draft of a Treaty or Convention containing an

arbitration clause, they were informed by the Earl of Derby that it was neither in form nor in substance such as Her Majesty's Government could adopt."

As regards the precedents put forward by this Government in favour of arbitration, the despatch under reply says that there can be no comparison between the fixing by arbitration of the details of a boundary which had been agreed upon in principle and the conditions of the Convention.

The despatch further states that the arbitration of the Chief Justice of the Orange Free State as to the so-called Coolie question, arose out of the construction of a law which had been passed by the Volksraad after Her Majesty's Government had waived their rights under the Convention and that "as a matter of fact the construction of the law and not of the Convention (though it had some bearing on the question in dispute) was the subject of arbitration."

The Government have already in the respective portion of this despatch set forth their reasons for their contention that Her Britannic Majesty's Secretary of State for the Colonies is not justified in his contention regarding the existence of a suzerainty.

If such suzerainty, as this Government maintains, does not exist, Her Britannic Majesty's Government is not justified in their refusal to submit questions of difference to arbitration, on the ground that such would not be compatible with a suzerainty. But in the opinion of this Government it is also clear that even if the suzerainty established by the Convention of 1881 existed, the South African Republic would be just as justified as they are now in appealing to arbitration as the tribunal under international law peculiarly adapted for the decision of a difference relating to the meaning and the extent of the rights and the obligations of the South African Republic towards the British Government.

This becomes clear on consideration of the Earl of Kimberley's definition of the word "suzerainty," as above referred to, and as being employed in the Convention of Pretoria, the only document in which it appears: "Entire freedom of action will be accorded to the Transvaal Government so far as is not inconsistent with the rights expressly reserved to the suzerain Power. The term "suzerainty" has been chosen as most conveniently describing superiority over a State possessing independent rights of Government subject to reservations with reference to certain specified matters."

A right to constitute itself the sole judge of a document between two parties, and affecting two parties, to which it is one of the parties, has not been reserved to the British Government, either in the Pretoria Convention of 1881, or in that of London of 1884.

The British Government can therefore have no such power even under suzerainty.

In consequence of the statement of the Right Honourable the Secretary of State to the effect that one of the principal *objects* which Her Majesty's Government had in view was to prevent the interference of any foreign Power whatever between Her Majesty and the South African Republic, the Government are compelled to remark that the *intention* of Her Britannic Majesty's Government in itself and alone can not in justice be considered the only criterion by which the *objects* of the Convention are to be tested.

It is clearly necessary to consider the *intention of both parties* in this connection.

The Government may also point out that it does not appear very flattering to describe the reference of a difference of opinion with regard to a treaty to the arbitration of a friendly third Power such, for example, as the Orange Free State or the Swiss Federal State, as an "interference between Her Majesty and the South African Republic." The Government cannot regard such a reference other than in the light of friendly assistance invoked in the interest of permanent peace and order in South Africa.

With regard to the precedents in favour of arbitration, set forth in its previous despatch dated the 7th of May last, this Government has some difficulty in appreciating the difference Her Britannic Majesty's Government now attempts to establish between previous instances and the present case.

The Secretary of State for the Colonies, says that, under the circumstances cited by him, there can be no comparison between the fixing by arbitration of the details of a boundary and the construction by arbitration of the meaning of the Convention itself.

With regard to this contention this Government desires to point out that the fixing of the Western boundary was, in the opinion of both Governments, one of the principal questions involved.

In any case the arbitration such as was selected was arbitration by a foreign Power against which the Secretary of State now wishes to base a claim for exclusion.

The contention that the actual decision of the Chief Justice of the Orange Free State in the so-called Coolie question was not an award as to the construction of certain clauses of the Convention (as well as the interpretation of certain laws of the South African Republic) is, in the opinion of this Government, clearly refuted by the text of the award.

To facilitate matters, this Government wishes to quote textually as far as necessary. The award states :

“Whereas certain questions have arisen between the Government of the South African Republic and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, with reference to the fourteenth article of a certain Convention entered into in London, on the 23rd day of February 1884, by the representatives of the said Governments, on behalf of the said Governments respectively, with reference to Law No. 3 of 1885 enacted and in the year 1886 amended by the Volksraad of the South African Republic, and with reference to certain despatches thereunto relating.”

“And whereas the said Governments have agreed to submit the said questions to arbitration.”

This Government is of opinion that from this it is abundantly clear that the Convention of London as well as the interpretation thereof, formed one of the subjects submitted to arbitration by the British Government.

Further reference to the award will show that the British Government relied entirely on its own interpretation of Article 14 of the Convention of London and that the arbitrator based his award expressly on that interpretation of the Convention.

But there is more : When Her Britannic Majesty's Government at the time proposed arbitration, and this Government consented thereto as being, according to their opinion, an exceedingly fair measure, there were certain details to be settled before the arbitration could be proceeded with.

One of these consisted in the writing of a letter by the two Governments to His Honour the State President, and the Chief Justice of the Orange Free State, a letter which His Excellency the High Commissioner proposed to be identical.

His Excellency sent a telegram on the 24th of March, 1894, to his Honour the State President of the South African Republic as follows :—

“I think, however, that some communication should be made to the State President and Chief Justice of the Orange Free State. Would your Honour wish me to do so or would you prefer that the request should come from both parties ; in case you prefer the latter course, I suggest the following identical letter from your Honour and myself to His Honour the State President of the Orange Free States :—

“(Begins) Sir, I have the honour to acquaint your Honour that as a difference of opinion has arisen between Her Majesty's Government and the Government of the South African Republic as to the true interpretation of the treaty rights of British Asiatic subjects in the South African Republic, it has been proposed to refer the question to arbitration, subject to the approval of the Volksraad of the South African Republic, and both parties, having confidence in your Honour's Government and the High Court of the Orange Free State, have agreed to ask for the services of His Honour the Chief Justice as arbitrator.”

The contents of this draft letter were not thought to be sufficiently comprehensive, and were therefore altered with the approval of His Excellency the High Commissioner. But, of course, this does not affect the views of Her Britannic Majesty's Government expressed at the time so clearly :—“that a difference of opinion had arisen as to the true interpretation of treaty rights” ; in other words, as to the interpretation of the conditions of the Convention of London.

In connection with this clear statement of His Excellency the High Commissioner that a difference of opinion had arisen as to the true interpretation of treaty rights, a difference which the Secretary of State himself, in his letter to His Excellency the High Commissioner, of September 4th, 1895, characterizes “as an international question in dispute between the two Governments,” special attention is due to a letter of Her Britannic Majesty's Agent, dated the 19th of February, 1894, the last received about this matter by this Government from Her Britannic Majesty's Government before this arbitration took place.

In that letter he says, *inter alia*, that he was directed to inform this Government : “that the treaty rights of British Indian subjects rest on the London Convention of 1884, except in so far as Her Majesty's Government have, for sanitary reasons, consented to a departure from the terms of that Convention.”

And further :

“That as the treaty obligations of the Government of the South African Republic must be construed by the Convention and the limited departure from the Convention assented to by Her Majesty's Government, any departure in excess of the limit assented to by Her Majesty's Government would be a breach of treaty obligations.”

These words, written by direction of Her Britannic Majesty's Government, are clearly of great significance and incontestably show the difference of opinion held by Her Britannic Majesty's Government then and now.

In view of the foregoing, this Government is unable to arrive at any other conclusion than that these two precedents for arbitration under the Convention of London, on which this Government base their request to submit the questions at present in dispute to arbitration, are distinctly applicable.

But its request is not merely justified by these precedents; the South African Republic also wishes to appeal to the growing tendency among all States of European descent, viz., the tendency, especially in cases of the construction of a treaty, of following the peaceful course of arbitration, which would be highly appreciated by this Government.

After all that has been submitted, the right of the South African Republic—of a weak State as against a powerful one—to request an independent pronouncement on the extent of its rights and obligations as against the Government of Her Britannic Majesty, cannot be gainsaid under International Law, and this Government, whilst repeating the exposition of its motives, views, and arguments, fully set forth in its despatch of the 7th of May last, and having regard to what the Right Honourable the Secretary of State himself stated, viz.: "that in cases of that nature, arbitration was the best way among civilized nations," has again decided to courteously approach Her Britannic Majesty's Government with the request that the principle of arbitration may be acceded to.

I have, &c.,

DR. W. J. LEYDS,
Secretary of State.

His Excellency
The High Commissioner,
Cape Town.

Annexure A.

(Reprinted from C.—3947, p. 2.)

No. 5.

The TRANSVAAL DEPUTATION to the Rt. Hon. the EARL OF DERBY.

(*Literal Translation.*)

Albemarle Hotel, London,
November 14, 1883.

MY LORD,

1. At the personal interview with which the Deputation commissioned by the Government of the South African Republic to negotiate with Her Majesty's Government concerning a revision of the Convention of 1881 was honoured by your Lordship on the 7th instant, your Lordship requested us to state at once the whole of our case, and to formulate in writing both our grievances and our proposals.

With the fullest confidence in the justice of our cause and the unbiassed judgment of Her Majesty's Government, we readily comply with your Lordship's desire, and we now have the honour to submit, for your special consideration, the following statement:—

2. We feel ourselves bound at the outset to state that our people and their representatives in the "Volksraad" object not only to certain stipulations of the Convention of 1881, but to the said Convention in its entirety, as being a document which neither in origin, nor in tendency, nor in practical working, meets the requirements of the country.

3. As the principal objections to the Convention as a whole we beg to submit—

a. That this Convention was not the result of free negotiation between two parties, but a unilateral document framed by a Royal Commission, in which we, notwithstanding our urgent request,* were not represented.

The Commission granted us a hearing only, but we did not have the status of a contracting party. The above-mentioned Convention is, in fact, no Convention, but an arrangement imposed upon us against our will.

* Blue Book, C.—3114, pp. 50, 52.

- b. That our representatives, when they were heard before the Royal Commission repeatedly urged serious objections against the chief principles embodied in the so-called Convention, and that they forewarned the Commissioners against the difficulties which they foresaw would result from the provisions of that Convention.*

These representations were not admitted by the Commissioners, but subsequent events have proved them to be quite correct.

- c. That the said Convention in several important stipulations is a violation of the principles laid down in the preliminary treaty of peace signed by the two belligerent parties on the 21st March, 1881.

It was only in the firm conviction that there should be no deviation whatever from the conditions of that treaty, that our armed "burghers" dispersed. They had the right to expect the complete and faithful execution of the terms of the peace agreement from Her Majesty's Government, yet, notwithstanding this, a Convention was unilaterally framed which contains stipulations less favourable to our people than were justified by the peace agreement, not only with regard to the powers derived from suzerainty reserved to Her Majesty, but also with regard to interference in matters concerning the natives within our borders.†

In addition to this, it appears to us that several stipulations of the Convention exceed the limits prescribed in the instructions to the Royal Commission.

- d. That the said Convention moreover bears the stamp of a temporary provision, invented for a period of transition from the condition brought about by the annexation and war to one of peace and independence, rather than of a permanent settlement of mutual relations.

This is evident, both from the large number of articles of a temporary nature contained in the Convention, and from the vague and indefinite terms in which the powers reserved to Her Majesty's Government by the Convention are indicated.

- e. That the said Convention was only ratified by the "Volksraad" under compulsion to prevent further bloodshed, and not before a modification had been most earnestly but unsuccessfully urged.

At that time Her Majesty's Secretary of State for the Colonies declared that propositions for the amendment of the said Convention could only be considered after the same had been ratified and its practical working properly tested.

- f. That the experience of more than two years has now proved that the grave objections which were at once raised by our delegates before the Royal Commission, and which were still more urgently pressed by the representatives of the people in the Volksraad were thoroughly well founded. These objections to the working of the Convention do not merely refer to minor points, but so closely concern the main principles themselves, that the Convention may justly be considered impracticable, as will appear from the particulars mentioned below.

4. The impracticability of the Convention has appeared chiefly in the following points:—

- a. The western boundary as defined in Article 1.
- b. The extent of the suzerain rights reserved to Her Majesty by Articles 2 and 18.
- c. The obligation contained in Article 3 to previously submit for the approval of Her Majesty all new regulations concerning the interests of the natives within the Republic before they can come into force; and
- d. The financial settlement contained in Articles 10 and 11.

5. The following will serve as a condensed explanation of these points.

- A. A. The impracticability of the new western boundary is shown by the following facts:—

1. The lawful territorial native chiefs have refused to accept this boundary; have even formally and repeatedly protested against it, because they did not wish to be shut out from the protection afforded to them by the Republic.
2. This boundary has torn asunder the native tribes, so that of the same tribe one part was placed under the authority of the Transvaal Government, whilst another part, against its own wishes, was cut off from the Transvaal territory.

* Blue Book. C.—3219, *passim*.

† Blue Book. C.—3114, pp. 48–56.

3. The complete marking off of this boundary has not been properly carried out, on account of the hostile attitude of the tribes who repudiated it.
4. A condition of anarchy, accompanied by robbery, murder, and countless disturbances, has at once resulted from this delimitation, and still continues to prevail.

AD. B. With reference to the rights of the suzerain we wish to point out more particularly :—

- 1st. The considerable inconvenience experienced by our country on account of the lengthy and complicated manner in which every communication with a foreign Power, however simple it may be, has to be carried on. For, according to the Convention, this has to be done through the medium of the British Resident, of the High Commissioner, and of Her Majesty's Government.
- 2nd. The stipulation of the Convention, according to which our Government is not qualified by its own authority and under its own responsibility to communicate with native chiefs outside the Republic, but has to employ for that purpose the British Resident. What is the result of this? That while in former times cattle thefts on the borders occurred very seldom, now complaints of such thefts are continually coming in, inasmuch as the Kaffirs know that they have a great chance of stealing the cattle of the inhabitants on the borders of the Republic, and of carrying them off in security beyond the Transvaal with impunity. Owing to the want of immediate suppression, the crimes committed on the borders acquire a much more grave character, mostly to the detriment of the natives themselves. The native chiefs themselves are involved in serious difficulties through the rascalities of a few thieves, and the Government cannot timeously consult with the chiefs because its hands are bound. The continual intertribal quarrels of the natives outside the Transvaal are encouraged and furthered by this condition of affairs.

AD. C. The stipulation that all regulations concerning the interests of the natives within the Republic should be submitted for approval to Her Majesty's Government has been found to be very impracticable. In case of rebellion and sedition it is absolutely necessary to take immediate measures in cases which it is not possible to anticipate, without first being compelled to inquire from Her Majesty's Government, at a distance of so many thousands of miles, and in a manner so lengthy and circumlocutory, whether such measures are satisfactory in all particulars. The consequence of this is that the interests of the natives suffer. For milder and at the same time more satisfactory measures could be taken if we were at liberty to at once make provision suitable to every emergency than if a previously sanctioned law has to provide generally for every possible occurrence.

AD. D. With regard to the monetary obligations which the Convention imposes upon our State, the Deputation venture to refer your Lordship to the very just observation expressed by the "Volksraad" at the ratification of the Convention (viz.), that this question cannot be put to a practical test. It can hardly be denied that the debt imposed upon it, with the interest thereon, is very detrimental to the growth of our Republic; and the Deputation consider it their duty to urge your Lordship to agree to a more reasonable arrangement.

6. The Deputation venture to trust that after this summary statement, the impracticability of the existing Convention will be recognised by the impartial judgment of your Lordship. We take the liberty to add to this Memorandum an annexure in support of our statements concerning our historical right to the Sand River Convention. *To prevent unnecessary encumbrance the Deputation have restricted themselves to this annexure, but should your Lordship desire any further explanation on any other points, we are prepared to submit the fullest evidence to support our statements.*

7. Having thus explained our serious objections to the intolerable condition of affairs resulting from the Prætoria Convention, affecting our Government, our people, and the natives within our territory, as well as the tribes on our borders, and which condition threatens to create from year to year still more serious complications and an increasingly critical state of tension, should no satisfactory modification of existing relations be arrived at, the Deputation wish to comply with your Lordship's desire, and at once, in this Memorandum, beg to submit such proposals as we judge are required to bring about a condition of affairs which will offer a reasonable expectation that a definite removal of the difficulties which have hitherto arisen will result from it. Your Lordship will see from the above argumentation that, in the opinion of the Deputation, a satisfactory settlement of mutual relations will not result from the modification

of certain articles of the present Convention, but can only be expected from a new arrangement.

The Deputation consider it their duty to urge this with the more earnestness because Her Majesty's Government would entirely mistake the feelings of our people should they suppose that either the present or the coming generation can ever rest in satisfaction unless the Sand River Convention be again recognised as the historical basis of the new arrangement. The just conviction that this treaty still continues to have its binding force upon the British Government as well as upon our own can never be abandoned by our people, not only because the said treaty is the reward of incredible sacrifices, but also because our people would continue to feel themselves menaced by the proximity of Her Majesty's power in South Africa, as long as the opinion can take root that a treaty concluded in the most solemn manner and in due form can no longer be considered as the basis of unlimited reciprocal confidence.

It may be that the people of the South African Republic will even now thankfully accept from Her Majesty's Government some alleviation of the burden imposed upon them, but whatever concessions Her Majesty's Government may be prepared to make, the reciprocal confidence between the British and Dutch colonists will then only revive, when Her Majesty's Government also will accept the Sand River Convention as the historical basis of all further arrangements. Any settlement not founded upon this basis cannot but be of a merely temporary character—only upon this basis can a permanent settlement be secured.

In support of this view the Deputation wish to draw your Lordship's attention to another consideration. The Convention of Sand River is on a parallel with the Treaty of Bloemfontein, and amongst Colonists in South Africa the conviction prevails that an arrangement as that under which the Orange Free State attained a state of independence and gradual development is to be considered as a model, approved by 30 years' experience of the manner in which the relations between Her Majesty's Government and the emigrant farmers should be regulated. The burghers of the Transvaal Republic live in the conviction that they will share in the prosperous condition of the Orange Free State as soon as the historical right called into existence by the Sand River Convention is reverted to.

The Deputation, on their side, will not be able to do their duty, nor may they take upon themselves the responsibility of the further course of events, unless they plainly and clearly place before your Lordship this state of matters and unless they impress their firm conviction that the noble object which your Lordship has in view—to establish a permanent settlement of the relations between Her Majesty's Government and our people—demands that basis as the starting point for all further negotiations.

Should Her Majesty's Government, as we sincerely trust, be able to accept this, all feeling of being unjustly treated will disappear from our burghers: confidence in international treaties will revive; the present tension will cease; and the only course which in South Africa can lead to the object desired by both parties will be entered upon.

We, therefore, have the honour, for the above-mentioned reasons, to submit to your Lordship the wish that we may now obtain that which was refused us in 1881, viz., that the Sand River Convention, which has never been officially recalled, and is therefore still binding, may be taken as the basis of further arrangements, of course with all such modifications as may be indicated by the change of circumstances. Against this it may be advanced that by the Convention of Pretoria the action of the Sand River Treaty was, according to the Law of Nations, annihilated, but it cannot have escaped your Lordship's notice that in the negotiations of 1881 the right of co-operating as a contracting party was denied to our representatives, and that with consent of Her Majesty's Government the Convention concluded at that time acquired a temporary character, in that the signing and ratification of the same have been demanded and conceded as the starting point for a further and better regulation. Though we, therefore, admit that the action of the Sand River Treaty has been for some time suspended, it has not been annihilated.

8. Starting from this historical basis, the Deputation venture to lay before your Lordship, candidly and without any circumlocution, the following proposals:—

1. That the Pretoria Convention may not be altered in some of its articles, but be replaced by a new Agreement founded on the principles of International Law and in genetical connexion with the Sand River Treaty.
2. That in this new Agreement every connexion by which we are now bound to England should not be broken, but that the relation of a dependency, *publice juris*, in which our country now stands to the British Crown, may be replaced by that of two contracting Powers.

3. That we do not desire such an extension of territory as would come in conflict either with the legal claims of the surrounding Native tribes, or with the commercial interests of the neighbouring Colonies and States, but that we are exclusively aiming at such a settlement of the relations as may prove effectual to secure a situation of permanent peace and liberty.
4. That all restrictions by which the South African Republic is prevented from taking action on behalf of humanity and peace, according to the demands of the moment, in its intercourse with the Native tribes on its borders may be removed.
5. And that the Government of our country is heartily willing to acknowledge and to pay in due time every just debt, and proposes that your Lordship should either charge the Republic with the debts incurred before the annexation only, or to investigate with the Deputation concerning the amount of debt which may be legally charged against the Republic.

Proposals to which we scarcely need to add :

1stly.—That the Government of Pretoria has no other intention than that all rights of extraneous parties stipulated as transitory provisions in the Pretoria Convention, and which hitherto could not yet, or not yet fully, be carried out, should be embodied in the new Settlement.

2ndly.—That the Government of Pretoria shall be found willing at all times to offer for the rights and interests of the natives all such guarantees as are prescribed by Divine law and human feeling.

And finally, that there is no objection to any later arrangements with Her Majesty's Government of commercial and other interests, either in the Convention which may be arrived at now or by a separate treaty.

(Signed) EWALD ESSELEN,
Secretary.

We are, &c.,
(Signed) S. J. P. KRUGER,
S. J. DU TOIT,
N. J. SMIT.

To the Right Hon. the Earl of Derby,
H. M. Secretary of State for the Colonies,
Downing Street.

Annexure B.

EXTRACT UIT HET RAPPORT VAN DE DEPUTATIE DER ZUID-AFRIKAANSCH REPUBLIEK
AAN DEN ED. ACHTBAREN VOLKSRAAD, 28 JULI 1884.

6. Nadat nu deze moeilijke kwestie opgelost was, kon eerst de nadere herziening der conventie voortgang hebben. Reeds van den beginne stelde Uwe deputatie voorop, dat zij niet slechts tegen enkele artikelen der conventie bezwaar had, maar veeleer tegen het gansche document als zoodanig en dat zij begeerde tot grondslag der nieuwe regeling te behouden de conventie van Zandrivier, als het heilig recht der Republiek, waarvan onzerzijds nooit is afgeweken. (Zie Groenboek, blz. 12—16.) Lord Derby vond het echter “onmogelijk vol te houden, dat het traktaat van Zandrivier nog levensvatbaarheid heeft of aan de tegenwoordige eischen zou kunnen beantwoorden” (idem bladz. 171), maar verwerpt toch niet het voorstel “dat eene nieuwe Conventie gemaakt worde, als de voorkeur verdienende boven eene wijziging van de bestaande Transvaal-Conventie” (idem bladz. 18). Op Zijn Lordschap's verzoek legde nu Uwe deputatie een Ontwerp Traktaat voor (bladz. 22, idem), hetwelk echter door Zijn Lordschap “noch wat vorm, noch wat inhoud betreft, van dien aard” werd geacht “dat Harer Majesteits Regeering het zou kunnen aanvaarden (idem bladz. 31). Zijn Lordschap stelde in de plaats hiervan later zelf een Concept voor (bladz. 76 idem), dat de grondslag werd van mondelinge besprekingen, zoowel als van schriftelijke onderhandelingen en dat, met aanmerkelijke wijzigingen, eindelijk door Uwe deputatie werd aangenomen, behoudens goedkeuring en bekrachtiging van den Edel Achtbaren Volksraad, en dat wij de eer hebben Uwe Edel Achtbare Vergadering voor te leggen, enz.

* * * * *

7. De beoordeling van gemelde conventie geheel aan Uwe wijsheid overlatende en tot het geven van alle gewenschte inlichtingen bij de behandeling zich bereid verklarende,

wenscht Uwe deputatie toch met alle bescheidenheid te wijzen op eenige hoofdpunten, waardoor deze Londensche conventie zich onderscheidt van de conventie van Pretoria :

a. Zij is opgetrokken in beide talen, Hollandsch en Engelsch, met gelijke rechtsgeldigheid. Hierbij wenscht Uwe deputatie aan te merken, dat zij in al de onderhandelingen zich van de Nederlandsche taal heeft bediend, slechts aan hare stukken toevoegende eene woordelijke vertaling in het Engelsch.

b. Zij is geheel bilateraal (tweezijdig) waardoor Uwe vertegenwoordiging niet in de vernederende positie werd geplaatst van slechts een eenzijdig document als regel en voorschrift te moeten ontvangen van eene Suzereine Regeering, maar waarbij zij als vrij contracteerende partij werd erkend.

c. Zij maakt dan ook een einde aan de Britsche Suzereiniteit en hergeeft, met de officieele erkenning van haren naam, ook haar volkomen zelfbestuur aan de Zuid-Afrikaansche Republiek, behoudens eene enkele beperking, betreffende het sluiten van traktaten met vreemde mogendheden (art. 4). Met de suzeriniteit zijn natuurlijk ook de verschillende bepalingen en beperkingen der Pretoria-conventie, welke Harer Majesteits Regeering als suzeraine zich had voorbehouden, vervallen.

d. Ook, enz. * * *

B.

(*Translation made in Colonial Office.*)

EXTRACT FROM THE REPORT OF THE DEPUTATION OF THE SOUTH AFRICAN REPUBLIC TO THE HONOURABLE VOLKSRAAD, 28TH JULY, 1884.

6. After this difficult question was solved, the further revision of the Convention could then proceed. From the outset your Deputation put forward that they did not merely object to particular articles of the Convention, but rather to the whole document as such, and that they desired to keep the Sand River Convention as the basis of the new arrangement, as the sacred right of the Republic from which on our side no departure has ever been made (*see Green Book, pp. 12-16*). Lord Derby, however, found it "not possible to entertain the suggestion that the Sand River Convention has now any vitality or that it would meet the requirements of the present case" (*idem, p. 17*), but he did not reject the proposal "that there should be a new Convention as preferable to a modification of the existing Transvaal Convention" (*idem, p. 18*). At his Lordship's request your Deputation then submitted a draft treaty (*idem, p. 22*), which however, was considered by his Lordship "neither in form nor in substance such as Her Majesty's Government could adopt" (*idem, p. 31*). His Lordship, later, himself proposed a draft instead (*idem, p. 76*) that became the basis of oral discussions and of written negotiations, and which was finally accepted with considerable amendments by your Deputation, subject to the approval and ratification of the Honourable Volksraad, and which we have the honour to lay before your Honourable Assembly, &c.

7. Your Deputation, leaving the judgment of the said Convention entirely to your wisdom and declaring itself ready to give all explanations desired in dealing with it, wishes, with all discretion, to refer to some principal points in which this London Convention is distinguished from the Convention of Pretoria.

a. It is drawn up in both tongues, Dutch and English, with equal validity. Your Deputation wishes to observe here that they used the Dutch tongue in all the negotiations, merely adding to their documents a literal translation in English.

b. It is entirely bilateral, whereby your representatives were not placed in the humiliating position of merely having to accept from a Suzerain Government a one-sided document as rule and regulation, but whereby they were recognized as a free contracting party.

c. It makes, then, also an end of the British suzerainty, and, with the official recognition of her name, also restores her full self-government to the South African Republic, excepting one single limitation regarding the conclusion of treaties with foreign powers (Article 4). With the suzerainty the various provisions and limitations of the Pretoria Convention which Her Majesty's Government as suzerain had retained have also, of course, lapsed.

d. Also, &c.

Annexure C.

VOLKSRAAD RESOLUTION, 8TH AUGUST, 1884.

(Translation reprinted from C. 4213, p. 45.)

Begins: The Volksraad having considered the new Convention concluded between its Deputation and the British Government at London, on 27th February, 1884, as likewise the negotiations between the contracting parties, which resulted in the said Convention, approves of the standpoint taken by its Deputation that a settlement based upon the principle of the Sand River Convention can alone fully satisfy the burghers of the Republic. It also shares the objections set forth by the Deputation against the Convention of Pretoria, as likewise their objections against the convention of London on the following points:—

1st. The settlement of the boundary, especially on the Western border of the Republic, in which the Deputation eventually acquiesced only under the express conditions with which the Raad agreed.

2nd. The right of veto reserved to the British Crown upon treaties to be concluded by the Republic with foreign powers; and

3rd. The settlement of the debt.

Seeing, however, that in the said Convention of London considerable advantages are secured to the Republic, especially in the restoration of the country's independence,

Resolves, with acknowledgment of the generosity of Her Britannic Majesty, to ratify, as it hereby does, the said Convention of London.

GETROUWE AFDRUK

van bladz. 1, en van bladz. 39, van zekere Concept-Convention, gevoegd bij een schrijven van den HoogEdelGestrengen Heer Earl Derby, van den 15den Februari, 1884, aan de heeren Kruger, du Toit en Smit, vormende de deputatie der Zuid-Afrikaansche Republiek, en welk schrijven voorkomt in het Groenboek der officieele bescheiden gewisseld met de Engelsche Regeering in zake de Convention van Londen, gesloten den 27sten Februari, 1884, onder No. 29 op bladzijden 76, 77 en 78, en in het Blauwboek, bevattende "correspondence respecting the Convention concluded with the South African Republic on the 27th February, 1884 (presented to both Houses of Parliament by command of Her Majesty, March, 1884)" C. 3947, bladzijde 43 en 44, onder No. 26.

[Translation made in Colonial Office.]

True copy of p. 1 and of p. 39 of a draft Convention, enclosed in a letter of the Right Hon. the Earl of Derby, on the 15th of February 1884, to Messrs. Kruger, Dutoit and Smit, forming the Deputation of the South African Republic, which letter appears in the Green Book of official correspondence with the English Government regarding the Convention of London, concluded on the 27th of February, 1884, under No. 29 on pp. 76, 77 and 78, and in the Blue Book containing "Correspondence respecting the Convention concluded with the South African Republic on the 27th February, 1884 (presented to both houses of Parliament by command of Her Majesty, March, 1884)" C. 3947, pp. 43 and 44 under No. 26.

A CONVENTION CONCLUDED BETWEEN HER MAJESTY
THE QUEEN, &C., &C., AND THE SOUTH
AFRICAN REPUBLIC.

NOTE.—*The words and paragraphs bracketed or printed in italics are proposed to be inserted, those within a black line are proposed to be omitted.*

Her Majesty's Commissioners for the settlement of the Transvaal Territory, duly appointed as such by a Commission passed under the Royal Sign Manual and Signet, bearing date the 5th of April 1881, do hereby undertake and guarantee, on behalf of Her Majesty, that from and after the 8th day of August 1881, complete self-government, subject to the suzerainty of Her Majesty, Her Heir and Successors, will be accorded to the inhabitants of the Transvaal Territory, upon the following terms and conditions, and subject to the following reservations and limitations :—

Whereas the Government of the Transvaal State, through its Delegates, consisting of Stephanus Johannes Paulus Kruger, President of the said State; Stephanus Johannes Du Toit, Superintendent of Education; Nicholas Jacobus Smit, a member of the Volksraad, have represented to the Queen that the Convention signed at Pretoria on the 3rd day of August, 1881, and ratified by the Volksraad of the said State on the 25th October, 1881, contains certain provisions which are inconvenient, and imposes burdens and obligations from which the said State is desirous to be relieved; and that the south-western boundaries fixed by the said Convention should be amended, with a view to promote the peace and good order of the said state, and of the countries adjacent thereto; and whereas Her Majesty the Queen, &c., &c., has been pleased to take the said representations into consideration; Now, therefore, Her Majesty has been pleased to direct, and it is hereby declared that the following articles of a new Convention signed on behalf of Her Majesty by Her Majesty's High Commissioner in South Africa, the Right Honourable Sir Hercules George Robert Robinson, Knight Grand Cross of the most Distinguished Order of Saint Michael and St. George, Governor of the Colony of the Cape of Good Hope, and on behalf of the Transvaal State (which shall hereinafter be called the South African Republic, by the above-named Delegates, Stephanus Johannes Paulus Kruger, Stephanus Johannes Du Toit, Nicholas Jacobus Smit, shall when ratified by the Volksraad of the South African Republic, be substituted for the Articles embodied in the Convention of 3rd August, 1881; which latter, pending such ratification, shall continue in full force and effect.

Signed at Pretoria *London* this 3rd day of August
1881.

HERCULES ROBINSON,
President and High Commissioner.
EVELYN WOOD, Major General,
Officer Administering the Government.
J. H. de VILLIERS.

We, the undersigned, Stephanus Johannes Paulus Kruger, Martinus Wessel Pretorius, and Petrus Jacobus Joubert, as representatives *delegates* of the Transvaal Burchers, *South African Republic*, do hereby agree to all the above conditions, reservations, and limitations, under which self government has been restored to the inhabitants of the Transvaal Territory, subject to the suzerainty of Her Majesty, Her Heirs and Successors, and we agree to accept the Government of the said Territory, with all rights and obligations thereto appertaining, on the 8th day of August 1881, and we promise and undertake that this Convention shall be ratified by a newly elected Volksraad of the Transvaal State *South African Republic* within three *six* months from this date.

Signed at Pretoria, *London*, this 3rd day of August
1881.

S. J. P. KRUGER.
M. W. PRETORIUS.
P. J. JOUBERT.

No. 5.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.
(Extract.)

Downing Street, August 26, 1898.

I HAVE the honour to acknowledge the receipt of your despatch of the 23rd of March last,† enclosing a letter from the Rev. D. P. Faure on the subject of Her Majesty's Suzerainty over the South African Republic. I request that you will inform Mr. Faure that he is mistaken in supposing that Sir Robert Herbert is no longer alive. Mr. Faure's letter was transmitted to him for his observations, and I enclose a copy of his reply.‡

No. 6.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR W. F. BUTLER.

[Answered by No. 7.]

SIR,

Downing Street, December 15, 1898.

I HAVE the honour to acknowledge the receipt of Sir Alfred Milner's despatch, of the 4th of May last,§ enclosing one from Her Majesty's Agent at Pretoria, forwarding a translation of a note addressed to Sir Alfred Milner on the 16th of April by the State Secretary of the South African Republic, in reply to my despatch of the 16th of October, 1897,¶ on the subject of certain questions at issue between Her Majesty's Government and the Government of the South African Republic.

2. In that note the State Secretary, on behalf of the Government of the South African Republic, denies the existence of any "suzerainty" on the part of Her Majesty over the South African Republic, and he asserts that the preamble of the Convention of 1881 was, in fact, repealed by the Convention of 1884. Her Majesty's Government are unable to admit either of these propositions.

3. The preamble of the Convention of 1881 laid down the basis of the future mutual relations of Her Majesty and the inhabitants of the South African Republic. To these inhabitants Her Majesty granted internal independence. To Herself She reserved the position of Suzerain. The Articles of the Convention of 1881 defined alike the general character of the internal independence and of the suzerainty.

4. The Articles of the Convention of 1884 substituted a fresh definition for the former one. The preamble of the Convention of 1881, the basis on which these definitions rested, remained unchanged. If that preamble had been repealed, not only would the reservation of suzerainty on the part of Her Majesty have been repealed, but also the grant of internal independence to the inhabitants of the South African Republic. Her Majesty's Government observe that Dr. Leyds asserts that that internal independence in no sense derived its real origin from the preamble of the Convention of 1881. In this, however, he is in error. The grant of internal independence and the reservation of suzerainty alike have their sole constitutional origin in that preamble.

5. In this connection and with reference to the conclusion of paragraph 13 of Dr. Leyds's note, I am constrained to point out that, in Lord Derby's draft, the whole of the Pretoria Convention was set forth, and that the words crossed out on the last page were "*under which self-government has been restored to the inhabitants of the Transvaal territory subject to the suzerainty, &c.*" If the omission of these words is alleged to involve the supercession of the suzerainty, it must also, by parity of reasoning, be assumed to have abolished at the same time the right of self-government conceded by Her Majesty to the South African Republic in the same sentence. If Dr. Leyds's argument is sound, the one consequence follows as inevitably as the other. Her Majesty's Government are equally unable to admit the validity of the argument or its consequences.

6. What the substance of suzerainty is was described by Lord Kimberley in his despatch of the 31st march, 1881,|| as quoted by the State Secretary in paragraph 5 of his note, viz., "Superiority over a State possessing independent rights of Government subject to reservations with reference to certain specified matters." These words appear to Her Majesty's Government accurately to describe the existing relations between Her Majesty and the South African Republic.

7. Her Majesty's Government have taken note of the assurance, once more repeated at the commencement of Dr. Leyds's note, that the Government of the South African Republic are prepared in every respect to abide by the stipulations of the Con-

† No. 1. ‡ No. 3. § No. 4. ¶ No. 7 in [C. 8721.] || No. 1 in [C. 2892] April, 1881.

vention of 1884. These stipulations undoubtedly include "reservations with reference to certain specified matters." There is thus no controversy as to the essential point in the relations between the two Governments, which gives to Great Britain a position of superiority"; and, having regard to this position and to their determination not to permit the interference of any foreign Power between Great Britain and the South African Republic, Her Majesty's Government are unable to alter their decision not to submit to the arbitration of a foreign Power questions relating to the interpretation or infringement of the Conventions between them.

8. With reference to the conclusion of Treaties under Article IV. of the London Convention, which is treated in paragraph 19 of Dr. Leyds's note, the Government of the South African Republic do not make any attempt to answer the contention of Her Majesty's Government expressed in my despatch of the 16th of October.† The language of Article IV. of the Convention being, in the opinion of Her Majesty's Government, so plain, and the practical result, so far as the South African Republic is concerned, of adopting the view of Her Majesty's Government being the same as if the view of the Government of the South African Republic were adopted, Her Majesty's Government are unable to understand the unwillingness of the Government of the South African Republic to accept the proposal of Her Majesty's Government that a compromise should be effected by embodying the requirements of the Convention, which the Government of the South African Republic do not dispute, in their treaties with Foreign Powers. There seems to be no reason for not stating formally facts which are admitted on both sides.

9. Failing an agreement on this point, Her Majesty's Government will be compelled to regard the action of the South African Republic as in conflict with the interests of Great Britain, and to advise Her Majesty to exercise her right of refusing approval of any treaty or engagement not submitted to Her before its conclusion.

10. In connection with the matter of the submission of treaties, Dr. Leyds refers (in paragraphs 20 and 21) to the reciprocal duties of both parties to the Convention, and the obligations of Her Majesty's Government thereunder, and he again alludes to the Jameson raid as a breach of those obligations, while maintaining that the proceedings in Stellaland and Goosen were of a different character, on the ground that there existed a state of war between independent native chiefs, who called for volunteers to enter their service. He refers to President Kruger's despatch of the 17th of March, 1896 (page 21 of C. 8063), in which it is stated that, "Their actions," that is, the actions of the freebooters in Bechuanaland, "would under no circumstances be construed as a breach of the Convention as the actions of Dr. Jameson *cum suis* in every respect were."

11. Her Majesty's Government are unable to admit that as regards breaches of the Convention the proceedings of Dr. Jameson are in any way comparable to what they must consider the indisputable breaches of conventional obligations involved in the proceedings in Bechuanaland. It is indeed true that Dr. Jameson invaded the territory of the South African Republic, and that, on the other hand, the operations of the Bechuanaland freebooters who used the Transvaal as a base were in territory which was not at first British territory; but while Her Majesty's Government used every means available in the short time at their disposal to compel Dr. Jameson to desist from his illegal act, and took measures to render the repetition of such an act impossible, the Government of the Republic not only failed, throughout the period of years during which the freebooters' operations went on, to take effective steps against them, but endeavoured to profit by the evil doings of the freebooters by accepting the cession of territory overrun by them. By thus attempting to acquire the territories of Massouw and Mankaroane, the Government of the Republic, as the British Resident pointed out to them in a despatch of the 30th of November, 1882 (p. 35 of C. 3486) violated three distinct Articles of the Pretoria Convention, and the issue of President Kruger's Proclamation of the 16th of September, 1884, taking Montsioa under the protection of the South African Republic, subsequently to the signature of the London Convention and the extension of the British Protectorate, was, as the late Lord Rosmead, then Sir Hercules Robinson, observed, "simply the annexation by the Transvaal Republic of about one-half of the British Protectorate, and an open and defiant violation of the Convention" (C. 4213, pp. 84 and 105). I may add that his Lordship's opinion with regard to the moral responsibility of the Government of the Republic for the scenes of lawlessness and bloodshed which prevailed on their western border was equally clearly stated. In his despatch of the 22nd of January, 1883 (C. 3486, p. 50) he said, "After carefully perusing

† No. 7 in [C. 8721.]

these papers, it appears to me difficult to resist the conclusion that the Transvaal Government are morally responsible for these proceedings. It is stated in them that Montsioa and Mankoroane have always scrupulously respected the Convention boundary, which the latter described as the 'Queen's line,' whilst the commandoes that attack these chiefs have been systematically armed and organized in the Transvaal, and have retreated into that State when defeated, taking with them the captured cattle, thus avoiding pursuit and securing protection for their booty.

"This state of affairs, which has now been going on since September, 1881, cannot have been unknown to the Transvaal Government. No secret has been made of the names of the leaders at each laager, who were well-known burghers, and the great majority of the freebooters amongst both Moshette's and Massouw's volunteers were Transvaal subjects. Nevertheless the Transvaal Government when invited by me to join the Imperial and Colonial Governments in combined action against the marauders by sending a small force to arrest their own subjects, who were violating the Neutrality Proclamation of their State, declined to take such a step, which was well within their means and ability. It appears to me, therefore, that the Transvaal Government are fairly open to the imputation of having connived at those discreditable proceedings."

12. I regret that by his further reference to this matter Dr. Leyds should compel me again to revert to proceedings which, in furtherance of the good feeling it is the desire of Her Majesty's Government to promote, I should otherwise have been content to leave unnoticed.

13. I request that you will instruct Her Majesty's Agent at Pretoria to communicate a copy of this despatch to the Government of the South African Republic.

I have, &c.,

J. CHAMBERLAIN.

No. 7.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 2, 1899.)

[Answered by No. 8.]

(Extract.)

Government House, Cape Town, May 17, 1899.

I HAVE the honour to enclose a copy of a despatch from the British Agent covering the reply of the Government of the South African Republic to your despatch of December 15th,* on the subject of the relations existing between Her Majesty's Government and the Government of the South African Republic under the Convention.

This reply appears to me to go further than any of the previous statements of the point of view of the Government of the South African Republic. There is evidently a complete conflict between the conception of the position of the South African Republic expressed in paragraph 4 of your despatch of December 15th,* and that expressed in paragraphs 3 and 4 of the State Secretary's reply to it. The State Secretary not only says that "no suzerainty exists"—the question whether the present position of Her Majesty's Government towards the South African Republic is properly described as "suzerainty" is to my mind a question of the interpretation of a vague word—But he goes on to say that "the now existing right of absolute self-government of this Republic is not derived from either the Convention of 1881 or that of 1884, but simply and solely follows from the inherent right of the Republic as a sovereign international State." This proposition appears to me more important than the denial of the correctness of the term "suzerainty." But it is a proposition which, in my opinion, is historically and logically quite untenable. At the time of the Convention of 1881, the Transvaal was undoubtedly part of Her Majesty's dominions and both the representatives who signed and the Volksraad which ratified this Convention recognised that position when they accepted self-government subject to certain conditions from Commissioners appointed by Her Majesty "for the settlement of the Transvaal territory."

Neither at the time of the Convention of 1881 nor during the existence of that Convention could it by any possibility be contended that the Transvaal had an "absolute right of self-government." How then has it attained that right? According to Mr. Reitz it is by the complete abrogation of the Convention of 1881. But how was

* No. 6.

that Convention completely abrogated? It was completely abrogated, again according to Mr. Reitz, by the Convention of 1884. Surely then it is evident, according to Mr. Reitz's own showing that it is to the Convention of 1884, and not to any "*inherent right* as a sovereign international State," that the South African Republic owes the degree of self-government, be it absolute or otherwise, which it possesses. The contention of Her Majesty's Government, as I understand it, is that that right of self-government is derived from the Conventions of 1881 and 1884 taken together, the terms of the latter document now governing the position, although they are not intelligible without a reference to the former. Mr. Reitz's contention is that the Convention of 1881 is completely gone, and that on its disappearance the Transvaal emerged as a sovereign international State, not, however, by virtue of the new Convention, which, according to him, absolutely abrogated that of 1881, but by its inherent right to be something which as a matter-of-fact it had ceased to be seven years previously. The way in which the State Secretary juggles with the Convention of 1884 is rather irritating to a plain man. But the importance of the matter does not consist in his arguments. It consists in the assertion that the South African Republic is a "sovereign international State." This appears to me to be contradictory of the position consistently maintained by us, and in fact in the nature of a defiance of Her Majesty's Government.

Enclosure 1 in No. 7.

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

SIR,

Her Majesty's Agency, Pretoria, May 9, 1899.

I HAVE the honour to transmit to Your Excellency herewith translation of a note which I have received from the Government of the South African Republic, dated to-day, enclosing a letter addressed to Your Excellency by the State Secretary of the same date, conveying the reply of the Government of the Republic to the despatch of the Secretary of State to Your Excellency of the 15th of December, 1898, respecting the suzerainty question.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

(Translation.)

Ministry for Foreign Affairs, Pretoria,

SIR,

May 9, 1899.

WITH reference to the despatch from the Secretary of State for the Colonies to His Excellency the High Commissioner, a copy of which was enclosed in your Note to me of the 16th of January, I have the honour to transmit to you herewith the reply of this Government thereto with the request that you will forward it to His Excellency the High Commissioner.

I have, &c.,

F. W. REITZ,

State Secretary.

Conyngham Greene, Esq., C.B.,
Her Majesty's Agent.

Enclosure 2 in No. 7.

From the STATE SECRETARY, Pretoria, to the HIGH COMMISSIONER, Cape Town.

(Translation.)

Department of Foreign Affairs,
Government Office, Pretoria,

YOUR EXCELLENCY,

May 9, 1899.

I HAVE the honour to acknowledge the receipt of a copy of a despatch from the Right Honourable the Secretary of State for the Colonies to Your Excellency, dated 15th December, 1898.

2. This Government regrets to learn that the many arguments set forth by them in support of their contention that no suzerainty exists on the part of Her Majesty's Government over the South African Republic and that the preamble of the Convention of 1881 was superseded by that of 1884, has not convinced Her Majesty's Government of the justice of the view expressed by this Government. Nothing in the despatch of Mr. Chamberlain, now under reply, has shown this Government the incorrectness of their opinion, and they must consequently abide by the position taken up in the letter of my predecessor, Dr. Leyds, dated 16th April, 1898.

This Government does not desire to invite, or proceed with, a useless controversy on matters on which Her Britannic Majesty's Government, as well as this Government, have had opportunity of bringing forward their arguments; they consequently chiefly wish to confine themselves to stating the standpoint formerly taken up by them, which they hereby declare they maintain, namely, that no suzerainty exists. The statement put forward by this Government in Article 13 of their despatch dated 16th April, 1898, against the alleged existence of the suzerainty, and based on the fact that the preamble of the Convention of 1881 was regarded by Lord Derby himself as abolished, is left untouched in the despatch under acknowledgment, is not contradicted by Mr. Chamberlain, and this Government must therefore presume that Her Majesty's Government itself recognises that this statement is irrefutable.

3. If this Government rightly understands the reasoning followed in paragraph 5 of the despatch from Mr. Chamberlain, then they would be in a position to agree with it. By similar reasoning, says Mr. Chamberlain, it would have to be accepted that not only the suzerainty, but also the right of self-government was abolished. That is perfectly true in so far that the right of self-government was abolished, such as it was defined in 1881, but only in order to make way instantaneously for a much wider absolute right to self-government, in which there was no more mention of suzerainty.

Inasmuch as the Convention of 1881 was entirely abrogated and superseded by that of 1884, in which alone certain limited and specified rights were guaranteed to Great Britain without there being further mention of any self-government belonging to this Republic, it follows of itself that the now existing right of absolute self-government of this Republic is not derived from either the Convention of 1881 or that of 1884, but simply and solely follows from the inherent right of this Republic as a sovereign international State.

4. With regard to point 7, re arbitration, this Government is of opinion that they have sufficiently clearly explained the matter in earlier despatches, and that they consequently abide by their former statement of opinion on this point.

5. This Government sincerely regrets that the engagement made by them in Article 19 of their despatch of 16th April, 1898, namely, "in concluding treaties subject to Article 4 of the Convention of London, to draw the attention of the other party to the contract to the stipulations contained in that Article" is not regarded as sufficient by Her Majesty's Government, since it was, and still is, the firm intention of this Government, in the conclusion of Treaties, to draw the attention of the other party, in writing, to the stipulations of Article 4 of the London Convention; whether this notification takes place by separate correspondence, or by an appendix to, or note on, the Treaty itself, seems to this Government of less importance, so long as care is taken that the spirit and the letter of Article 4 of the Convention of London are complied with, and therefore this Government has no objection to such an addition or note.

This Government has, however, noted with astonishment the position taken up by the Right Honourable the Secretary of State for the Colonies, namely, that failing an agreement on this point he considers he will be justified in advising the refusal of consent to all treaties, without putting forward reasonable grounds showing that such a treaty is in conflict with the interests of Great Britain, to which the Government of this Republic appears to be entitled.

6. It is with a feeling of aversion that this Government discusses anew the comparison made by Her Majesty's Government between the inroad of Dr. Jameson and the attitude of sundry white inhabitants from different parts of South Africa, and among others also from this Republic, in the question at that time raised with Montsioa, Massouw, and Mankoroane; they wish, however, to be allowed to point out that in their despatch of 16th April, 1898, they were speaking in their defence, and only replying to accusations which they felt they could not allow to rest upon them. It is not their fault that old grievances have been brought up again; they were content with the Convention of 1884, which put an end to the troubles of the natives on the Western

border, and whatever His Excellency Sir Hercules Robinson (late Lord Rosmead) may have written or thought about it has reference to matters which took place during the operation of the Convention of 1881, while the South African Republic—then the Transvaal State—stood under British suzerainty, and these troubles were precisely one of the reasons for which it was sought to alter the Convention (see, *inter alia*, Green Book, June, 1884, and more especially Nos. 5 and 8 of it, with the memorandum attached thereto). As regards the statement of Sir Hercules Robinson (late Lord Rosmead) that the Proclamation of His Honour the State President, dated 16th September, 1884, was “simply the annexation by the Transvaal Republic of about one-half of the British Protectorate, and an open and defiant breach of the Convention,” it must not be lost sight of that the South African Republic was then no longer acting under the Convention of Pretoria of 1881, but under the London Convention of 1884, and this Government feels convinced that His Excellency would never have used these words if the Proclamation referred to had been read by him in its entirety. The Proclamation announced in the plainest manner “that the parties concerned had voluntarily placed themselves under the protection and administration of the South African Republic,” and that this took place provisionally, and under the terms of Article 4 of the Convention of London.” That Article gave the right to conclude treaties with any State or nation, or with any native race to the east or the west of the Republic, subject to the assent of Her Majesty the Queen, and when Her Majesty’s Government raised objection to the approval of that agreement concluded with Montsioa, the Proclamation was withdrawn on the 13th October, 1884. As a matter of fact, the Proclamation had a wholesome effect, inasmuch as by it peace and order in those districts were brought about. I beg permission to enclose herewith a copy thereof.*

I have, &c.,
F. W. REITZ.

His Excellency
The High Commissioner,
Cape Town.

No.-8.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR, Downing Street, July 13, 1899.
I HAVE the honour to acknowledge the receipt of your despatch of the 17th of May last,† enclosing the reply of the Government of the South African Republic to my despatch of the 15th of December last,‡ on the subject of the political status of the South African Republic in relation to this country.

Her Majesty’s Government concur generally in the views expressed in your despatch, and have no intention of continuing to discuss this question with the Government of the Republic, whose contention that the South African Republic is a sovereign international State is not, in their opinion, warranted either by law or history, and is wholly inadmissible. They therefore confine themselves to a very brief review of historical facts and of the opinions and intentions of their predecessors on whose advice Her Majesty was pleased to grant, first the Pretoria Convention, and later the London Convention, as shown in their official statements at the time.

The status of the emigrant farmers beyond the Vaal was governed from 1852 to 1877 by the Sand River Convention, prior to which they were British subjects. Lord Derby stated in his letter to the Transvaal Deputation of 20th November, 1883, that “that Convention, like the Convention of Pretoria, was not a treaty between two contracting Powers, but was a declaration, made by the Queen, and accepted by certain persons, at that time her subjects, of the conditions under which, and the extent to which, Her Majesty could permit them to manage their own affairs without interference. It did not create a South African Republic with a political organisation and defined boundaries.” (C. 3947 p. 6.)

If therefore it could be held, as suggested by the Deputation in 1883, that the Sand River Convention still had binding force, it would not in any way help the argument of the Government of the South African Republic.

[* For translation of this, see C. 4213, p. 136.]

† No. 7.

‡ No. 6.

But, as Lord Derby pointed out in the letter already quoted, it was "not possible to entertain the suggestion that that Convention has now any vitality," and the Transvaal Volksraad themselves, in confirming the Convention of Pretoria, had declared that the annexation in 1877 had brought the Sand River Convention to an end.

With regard to the Convention of 1881, Lord Kimberley, in giving instructions to Sir Hercules Robinson, with regard to the Royal Commission which was to consider and advise upon the final agreements for the settlement of the affairs of the Transvaal, stated that "entire freedom of action will be accorded to the Transvaal Government so far as is not inconsistent with the rights expressly reserved to the Suzerain Power. The term suzerainty has been chosen as most conveniently describing superiority over a State possessing independent rights of government subject to reservations with reference to certain specified matters." (C. 3114 p. 7.)

When the Transvaal Deputation visited this country in 1883 they asked "that the relation of a dependency, *publici juris*, in which our country now stands to the British Crown, may be replaced by that of two contracting Powers," (C. 3947 p. 5), and they submitted a draft treaty to give effect to their views. This draft treaty Lord Derby entirely rejected, observing that it was "neither in form nor in substance such as Her Majesty's Government could adopt." (C. 3947 p. 18.)

Lastly, as the Government of the Republic appeal to Lord Derby's personal views, they may be referred to a statement made by him in the House of Lords on the 17th of March, 1884, that is, immediately after the conclusion of the London Convention, which is reported in Hansard as follows:—

"Then the noble Earl (Earl Cadogan) said that the object of the Convention had been to abolish the suzerainty of the British Crown. The word "suzerainty" is a very vague word, and I do not think it is capable of any precise legal definition. Whatever we may understand by it, I think it is not very easy to define. But I apprehend, whether you call it a protectorate, or a suzerainty, or the recognition of England as a paramount Power, the fact is that a certain controlling power is retained when the State which exercises this suzerainty has a right to veto any negotiations into which the dependent State may enter with foreign Powers. Whatever suzerainty meant in the Convention of Pretoria, the condition of things which it implied still remains; although the word is not actually employed, we have kept the substance. We have abstained from using the word because it was not capable of legal definition, and because it seemed to be a word which was likely to lead to misconception and misunderstanding."

The question of arbitration must be dealt with in connexion with the general questions now pending between the two Governments.

I request that you will instruct the British Agent at Pretoria to communicate a copy of this despatch to the Government of the South African Republic.

I have, &c.,

J. CHAMBERLAIN.

SOUTH AFRICAN REPUBLIC.

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FURTHER CORRESPONDENCE

RELATING TO

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IN THE

SOUTH AFRICAN REPUBLIC.

(*In continuation of [C. 9415], July, 1899.*)

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August, 1899.



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SOUTH AFRICAN REPUBLIC.

FURTHER CORRESPONDENCE

RELATING TO

PROPOSED POLITICAL REFORMS

IN THE

SOUTH AFRICAN REPUBLIC.

No. 1.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 30, 1899.)

[Answered by Nos. 9 and 14.]

(Extract.)

Government House, Cape Town, June 14, 1899.

I HAVE the honour to transmit a despatch from Her Majesty's Agent, enclosing a note from the State Secretary, in which he puts forward on behalf of the South African Republic a proposal "for arbitration on differences arising out of the varying interpretation, approved by the parties, of the terms of the London Convention."

In introducing this proposal the State Secretary remarks that "it was apparent at the recent Conference at Bloemfontein that His Excellency the High Commissioner was personally in favour of removing differences between this Government and Her Majesty's Government by arbitration."

This statement is far too absolute, though it is certainly less wholly incorrect than President Kruger's remark at the close of the Conference, that I "had acknowledged the President's request for arbitration by other than foreign Powers on all points of future difference under the Convention to be reasonable." As a matter-of-fact, when the President said this, he had made no request for "arbitration by other than foreign Powers." The principle of excluding foreign Powers was for the first time admitted by him in that remark. In the next place, in the very general observations which I had made about arbitration, I never spoke of "all differences under the Convention" or of the Convention at all.

As regards Mr. Reitz's present observation, I can only say that whatever personal opinion I may have expressed favourable to the principle of arbitration—and I adhere to all that I said—in no way constrains me to look with favour on the present proposal. On the contrary, if I were to advocate its acceptance now, I should be acting in a manner entirely inconsistent with the position which I took up at Bloemfontein. The whole point and gist of my contention there was that, if there were ever to be better relations, and an amicable settlement of present and future differences between Her Majesty's Government and the South African Republic, *redress of Uitlander grievances must come first*, that I could not consent to bargain for the adoption of an adequate enfranchisement by arbitration or any other concession that President Kruger wanted to get out of us. On the other hand I repeatedly expressed the belief that,

if the franchise question, involving as it did the gradual removal of Uitlander grievances, could be satisfactorily settled, I thought it would be much easier to arrive at an understanding on all other matters, that I was most anxious to have no more controversies, and that, personally, I was quite prepared to advocate the settlement of differences between the two Governments—or some of them—by an impartial tribunal, if such could be devised, involving *no foreign interference* whatever between Her Majesty's Government and the South African Republic.

My proposals for a settlement of Uitlander grievances on the basis of a moderate measure of enfranchisement having been rejected by the President, and a totally inadequate scheme put forward in their place, he now comes forward with an arbitration proposal. My contention is that the atmosphere in which that or any other concession to the Government of the South African Republic can be considered has yet to be created. Redress of the grievances of Her Majesty's subjects in the South African Republic stands at the head of the programme, and nothing else can be considered till that matter is out of the way.

Apart from that I consider the particular scheme an absolutely unacceptable one on its merits. It is a mere skeleton of a scheme, and leaves so much undefined, that I believe it would raise more questions than it solved. Thus it is provided that "no matters or differences of trifling importance shall be referred to arbitration." Who is to say what is trifling, and what is important? According to President Kruger, no doubt all our complaints are trifling—like "the little coolie matter," to which he referred at the Conference, meaning thereby the grievances of Her Majesty's Indian subjects, which has been a burning controversy for ten years. Again, section 3 provides that "each Government shall have the right to preserve and exclude points, which appear to it too important to be submitted to arbitration, provided that thereby the principle itself of arbitration be not frustrated." I find it difficult to attach a precise meaning to these words, but it is easy to see that they must be fruitful of endless disagreement.

I cannot see the smallest reason why Her Majesty's Government should not at once reject this particular proposal, and I advise that this course should be adopted. The scheme is, as I have shown, unworkable, but more than this, it does not exclude that "foreign interference between Her Majesty's Government and the South African Republic," which Her Majesty's Government have always declared, and which I repeatedly declared at Bloemfontein, that they would never admit.

By Clause 2, the two arbitrators, who are vaguely defined apparently to be South African judges, nominated by the two Governments respectively, "shall agree respecting a third person, who shall act as President of the arbitration tribunal," which is to decide in every case by a majority of votes.

It is evident that this third person will virtually decide everything, and it is provided that he shall "not be a subject of one of the arbitrating parties," *i.e.*, a foreigner.

On this ground alone I feel sure that Her Majesty's Government will not accept the proposal. For every reason I think it is desirable that it should promptly intimate its total inability to entertain it.

Enclosure in No. 1.

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

Her Majesty's Agency, Pretoria,

June 10, 1899.

SIR,

WITH reference to my telegram, No. 122, of to-day, I have the honour to transmit to Your Excellency herewith a translation of a note, which I have received from the State Secretary, suggesting, on behalf of the Government of the South African Republic, that future differences of opinion respecting the interpretation of the terms of the London Convention between Her Majesty's Government and the Government of the Republic should be referred to an arbitration tribunal to be constituted by mutual arrangement between the two Governments.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

The STATE SECRETARY, South African Republic to HER MAJESTY'S AGENT, Pretoria.
(Translation.)

Ministry for Foreign Affairs, Pretoria,

SIR,

June 9, 1899.

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 interpretation 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 a 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, &c.,
F. W. REITZ,
State Secretary.

Conyngham Greene, Esq., C.B.,
Her Majesty's Agent,

No. 2.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.40 p.m., July 1, 1899.)

TELEGRAM.

1st July. No. 4. I have informed Government of South African Republic that I have forwarded you their proposal respecting arbitration, but that I am unable to recommend its acceptance for reasons given of a similar kind to those contained in my despatch, 14th June,* though more shortly expressed.

No. 3.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., July 24, 1899.)

TELEGRAM.

23rd July. No. 3. Newspapers have published a report that Prime Minister of Cape Colony telegraphed to Transvaal Government on Wednesday last, advising them to make no further concessions. This Prime Minister has publicly denied; and he has shown me copy of confidential telegram, of which garbled version leaked out, and caused rumour in question. Its purport is quite different from what has been alleged. I promised him that I would let you know that I was satisfied rumour was a false one.

No. 4.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 24, 1899.)

[Acknowledged by No. 27.]

SIR,

Government House, Cape Town, July 4, 1899.

I HAVE the honour to enclose for your information, with reference to my telegram of the 1st instant, † a copy of despatches to and from Her Majesty's Agent, Pretoria, on the subject of the arbitration proposals made by the Government of the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

* No. 1 in [C.—9404].

† No. 2.

Enclosure 1 in No. 4.

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

SIR,

Government House, Cape Town, June 23, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 10th instant, forwarding a note from the Government of the South African Republic, in which they submit 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.

I request that you will return a reply to the Government of the Republic to the following effect:—

The State Secretary in his note alleges, 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 he states that his Government "is convinced His Excellency will be ready to submit his proposal to the favourable consideration of Her Majesty's Government."

I have submitted this proposal to Her Majesty's Government, but I am not able to recommend its acceptance. As I pointed out to the President at Bloemfontein, I consider that the question of finding a remedy for the grievances of the Uitlanders is the burning question of the moment, and this has to be disposed of before other matters can be profitably 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, I can see no use in approaching the delicate and complicated subject of arbitration at the present time. Over and above this, I do not consider the scheme now proposed to be a practicable one. To make no mention of other objections, the constitution of the suggested 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 I 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, &c.,

A. MILNER,

Governor and High Commissioner.

His Honour

Her Majesty's Agent,
Pretoria.

Enclosure 2 in No. 4.

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

SIR,

Her Majesty's Agency, Pretoria, June 27, 1899.

I HAVE the honour to transmit to Your Excellency herewith a copy of a note which, in obedience to the instructions contained in your despatch of the 23rd instant, I have addressed to the State Secretary, in regard to the proposals submitted by the Government of the South African Republic to Her Majesty's Government, for referring to arbitration future differences between the two Governments arising out of varying interpretations of the London Convention.

I have, &c.,

CONYNGHAM GREENE.

His Excellency

The High Commissioner
Cape Town.

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

SIR,

Her Majesty's Agency, Pretoria, June 26, 1899.

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 suggested 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, &c.,

CONYNGHAM GREENE.

The Honourable

The State Secretary.

No. 5.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received 3.40 p.m., July 25, 1899.)

TELEGRAM.

[Answered by No. 13.]

25th July. In Legislative Council to-day Mr. G. M. Sutton moved resolution identical with that reported in my telegram of 19th instant,* Mr. Uys seconded, and Mr. Arbuckle gave the resolution his hearty support on behalf of Government. Resolution carried unanimously; only one member absent.

* No. 58 in [C.—9415].

No. 6.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 4.45 p.m., July 27, 1899.)

TELEGRAM.

27th July. No. 1. Following telegram received from British Agent:—

Begins: It is announced that Executive Council yesterday decided to give three new Members in each Volksraad for the Witwatersrand goldfields. That is to say with the existing Members four in each Raad. With the Barberton representatives there will now be five Members to represent mining industry in a proposed enlarged House of 31 Members. A Commission will be appointed to divide district between Krugersdorp and Boksburg into four electoral constituencies. Proposal for a general redistribution scheme for the whole Republic has been shelved *sine die*. *Ends*.

No. 7.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 4.45 p.m., July 27, 1899.)

TELEGRAM.

27th July. No. 2. Following telegram received from British Agent in South African Republic:—

Begins: Yesterday "Staats Courant" published new Franchise Law with a long explanatory memorandum of instructions to the officials concerned in its execution. *Ends*.

No. 8.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5.20 p.m., July 27, 1899.)

TELEGRAM.

27th July. No. 2. British Agent in South African Republic should, in answer to their telegram of 20th July* to me, communicate to Uitlander Council my statement in House of Commons; see my telegram of 20th July.†

No. 9.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR,

Downing Street, July 27, 1899.

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 Uitlanders 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.

* No. 59 in [C.—9415].

† No. 60 in [C.—9415].

Her Majesty's Government authorized 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 civilized 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 was again alluded to as thus reported:—

* Enclosure in No. 1.

"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 civilized 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 tranquillity 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 goldfields 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 goldfields 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 inclosures.

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 naturalization 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 naturalization in the Transvaal from those existing in other civilized 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

* No. 57 in [C. 9415].

† Enclosure in No. 55 in [C 9415].

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 recognize, however, that the interpretation 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 could 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.

* Page 59 of [C. 9404.]

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, &c.,
J. CHAMBERLAIN.

No. 10.

MR. CHAMBERLAIN TO HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 11.30 p.m., July 27, 1899.)

TELEGRAM.

27th July. No. 5. Following is substance of despatch* which goes by next mail: Successive modifications made by Government South African Republic since Conference have followed rapidly on each other and have been difficult to understand as reported by telegram. Happily each new scheme seems to have been improvement, and Her Majesty's Government hope latest proposals may prove to be basis for settlement on lines which you laid down at Conference. Convenient to state objects which Her Majesty's Government have desired to secure and reasons which have led them to press their views on Government South African Republic. Her Majesty's Government authorized you meet President in hope that you might arrive at arrangement which they could accept as reasonable concession to just demands of Uitlanders. They trusted that following on such amicable settlement differences between Governments might be adjusted and relations placed upon harmonious footing. Their hopes were for the time disappointed. Government South African Republic in despatch of 9th June, see your despatch of 14th June,† deplore increase of party feeling and race hatred as result of disputes between two Governments by which whole of South Africa suffers most deeply and is bowed down. Her Majesty's Government agree indirect consequences of strained relations are even more serious than results particular acts of legislation or administration, but they must point out that this deplorable irritation is primarily due to fact that in South Africa Government South African Republic alone has deliberately placed one of two white races in position of political inferiority, and has adopted policy of isolation in its internal concerns which has been admitted by present Prime Minister Cape Colony to be source of danger to South Africa at large. Conventions were granted in full expectation that according to categorical assurance by Boer leaders in negotiations preliminary to Convention of 1881 equality of treatment would be maintained. Then follow quotations from pp. 25 and 53, Parliamentary Paper 3219. In spite of these positive assurances all the laws which have caused grievances and all the restrictions as to franchise and individual liberty have been brought into force subsequently to Convention of Pretoria or London. Not only has letter of Convention of 1884 been repeatedly broken, but whole spirit has been disregarded by this complete reversal of condition of equality between white inhabitants. Responsibility of Her Majesty's Government is further increased by fact that it was at request of High Commissioner that people of Johannesburg permitted themselves to be disarmed in January, 1896. High Commissioner's request was made after issue by President South African Republic of Proclamation of 30th December. Unfortunately, assurances conveyed in this Proclamation have been no better observed than assurances of 1881. Her Majesty's Government believed that acceptance of invitation to Bloemfontein was indication of Government South African Republic being prepared to make adequate proposals. But proposals actually made during course of proceedings were not such as could in any way be accepted as meeting case. Her Majesty's Government have

* No. 9.

† No. 1.

approved of your having put in foreground grant of such measure reform as would give Uitlanders at once reasonable share of political power, for although even if such privileges were fairly and fully conceded there would remain many causes of difference; still such concession would afford Uitlanders opportunity for formulating grievances and influencing legislators and Government and eventually would doubtless secure redress without necessity of appealing to any external Power. Her Majesty's Government have also observed with approval that in view of refusal of President to grant effective share in Government to Uitlanders, you pressed on him as proposal not open to any of the objections urged by him to grant of liberal franchise possibility of granting Municipal Government for Johannesburg in reality as well as name. Her Majesty's Government heard with regret President declined to entertain your suggestions. Since Conference new proposals were submitted to Volksraad in draft of Act officially communicated to British Agent 12th July. This draft was advance on President's earlier proposals, but after most careful examination Her Majesty's Government reluctantly came to conclusion that they could not regard new scheme as affording any basis for settlement of the question or as one which would give immediate and reasonable share of political representation. Her Majesty's Government learn with satisfaction from your telegram of 19th July* that Government South African Republic have still further amended their proposals and that Volksraad has now agreed to give franchise at once to those who have been resident in country for seven years. This proposal is advance on previous concessions and leaves only difference of two years between you as far as franchise is concerned. However, it is obvious that as you pointed out at Conference no practical result could follow from any franchise unless conditions are reasonable and newly enfranchised Burghers obtain fair share of representation in First Volksraad. Object of Her Majesty's Government has been to secure for Uitlanders such immediate share of political power as will enable them to exercise real influence on legislation and administration without swamping influence of old Burghers. They observe, however, that in new draft of Act there are still conditions which might be interpreted so as to preclude those otherwise qualified from acquiring franchise. Her Majesty's Government feel assured that President, having accepted principle for which they have contended, will be prepared to reconsider details which can be shown to be possible hindrance. They, therefore, trust that many of conditions now retained may be revised, and that residential qualification may be further reduced. Her Majesty's Government assume that concessions now made are in good faith intended to secure some approach to equality promised in 1881, but points they have still to urge for consideration Government of the South African Republic are of great importance and require further interchange of views between two Governments. These points involve complicated details and questions of technical nature, and Her Majesty's Government are inclined to think most convenient way of dealing with them would be that they should first of all be discussed by delegates appointed by you and by Government of South African Republic who should report result of consultation and submit recommendations to you and to that Government. If satisfactory agreement on these points can be reached in such a way and placed on record, Her Majesty's Government are of opinion that it should be accepted by Uitlanders, who in this case will be entitled to expect that it will not be subsequently nullified or reduced in value by any alterations in law or acts of administration. Settlement of this most important subject will greatly facilitate understanding in other matters. With view to settlement of some at least of these questions Government of the South African Republic has met representations of Her Majesty's Government with offer to submit them to arbitration of a foreign Power. In view of relations established by Conventions, Her Majesty's Government have felt compelled to declare emphatically that under no circumstances will they admit intervention of any foreign Power with regard to their interpretation of Conventions. Her Majesty's Government note, however, with satisfaction, that at Bloemfontein South African President withdrew proposal for intervention of foreign Power; he has modified former proposal so as to substitute for foreign Power foreigner as President. This proposal, although in different form to those previously made, is equally objectionable, inasmuch as it involves admission of foreign element in settlement of disputes between Her Majesty's Government and Government of South African Republic; for this reason it is impossible to accept it. Her Majesty's

* No. 57 in [C.—9415].

Government, however, recognize that interpretation of Conventions in matters of detail is not free from difficulty. While on the one hand there can be no question of interpretation of preamble Convention of 1881 which governs Articles substituted in the Convention of 1884, on the other hand there may be fair differences of opinion as to interpretation of details of those Articles. If President is prepared to agree to exclusion of any foreign element Her Majesty's Government would be willing to consider how far and by what methods such questions of interpretation could be decided by a judicial authority whose independence, impartiality and capacity would be beyond and above all suspicion. After discussion by Delegates of details and technical matters in relation to political representation of Uitlanders it may be desirable that you should endeavour to come to an agreement with President Kruger by means of another personal Conference. In this case occasion would be suitable one for you to discuss with President matter of the proposed Tribunal of Arbitration and those other questions which were not brought forward at Bloemfontein but which it is most desirable to settle at early date.

No. 11.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN
(Received 8 a.m., July 28, 1899.)

TELEGRAM.

27th July. No. 5. Reuter's telegram from Pretoria, which I have just seen, gives State Secretary's version of last Resolution of Executive about increase of seats, which is calculated to confuse the mind of the public. He talks of 12 seats for mining districts, meaning 6 for First Volksraad and 6 for Second, and tries to represent as an important new concession the increase in the Second Volksraad. But for every constituency number of Members has always been the same for each of the two Raads; and increase of the First has invariably entailed similar increase for the Second. I did not stipulate about increasing the latter, simply because I knew that it followed as a matter of course from the increase is admirably calculated to confuse the mind of the public. He talks of 12 seats for mining districts, in order to make concessions look big, meaning 6 for First Volksraad and 6 for Second, and tries to represent as an important new concession the increase in the Second Volksraad. But for every constituency number of Members has always been the same for each of the two Raads; and increase of the First has invariably entailed similar increase for the Second. I did not stipulate about increasing the latter, simply because I knew that it followed as a matter of course from the increase of the First Volksraad. Of this, according to the latest proposal, the increase is 4. When State Attorney talks of 6 Members for mining districts, he arrives at this figure by counting in existing Member for Rand and existing Member for De Kaap, which is same as Barberton. By the Rand I assume State Attorney means present electoral district of Johannesburg. Total new Members are reduced to 3, if he includes electoral division of Heidelberg, which covers part of the Rand and already has a Member. But I think intention really is to give 4 and make total Volksraad 32.

As regards allegation of importance of Second Volksraad, its political power is nil, though it has no doubt passed some useful laws of non-contentious kind. With this matter I dealt fully in my Memorandum at the Conference and no answer to any one of my arguments has ever been given. Election of local officials—*e.g.*, Field Cornets, Commandants, and Landdrosts—is a matter of more practical importance. These are elected by Burghers in South African Republic, but in mining districts they are appointed by Government. In this respect Uitlanders will not be put on same footing as other Burghers, as there is no proposal to alter it. President South African Republic misled me on this point at Bloemfontein (my telegram of 1st July, No. 5*). This all shows how absolutely essential it is to have scheme carefully tested in details before placing any reliance upon it.

* No. 27 in [C.—9415].

No. 12.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 11 a.m., July 28, 1899.)

TELEGRAM.

27th July. No. 4. Referring to my telegram of 15th July, No. 2,* over 1,100 signatures since obtained in Natal. I have received letter from two Members of Legislative Assembly here, forwarding identical Petition from 38,500 British subjects in Cape Colony and 2,000 in Rhodesia. They state that Petition signed by number of influential Dutch-speaking inhabitants, that genuineness of nearly all signatures attested by affidavit, and that large additional number from Rhodesia and Cape Colony will shortly arrive. I understand that no civil servants, police, or railway men have been asked to sign, though these are estimated to form about one-eighth of whole male population.

No. 13.

MR. CHAMBERLAIN to GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL).

(Sent 2.45 p.m., July 28, 1899.)

TELEGRAM.

28th July. Her Majesty's Government have received with much satisfaction your telegram of 25th July, † reporting resolution passed by Legislative Council.

No. 14.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR,

Downing Street, July 28, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 14th of June, ‡ forwarding a proposal from the Government of the South African Republic for submitting to arbitration differences arising as to the interpretation of the London Convention, and I have to refer you to my despatch of yesterday's date. §

I have, &c.,

J. CHAMBERLAIN.

No. 15.

HIGH-COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 29, 1899.)

[Answered by No. 40.]

SIR,

Government House, Cape Town, July 12, 1899.

I HAVE the honour to enclose for your information a copy of a communication from representatives of the Dutch Reformed Church respecting the present position in South Africa, and a copy of the reply I caused to be returned thereto.

I have, &c.,

A. MILNER,

Governor and High Commissioner.

* No. 53 in [C.—9415].
‡ No. 1.

† No. 5.
§ No. 9.

Enclosure 1 in No. 15.

From MODERATOR and other Representatives, Dutch Reformed Church, to
The HIGH COMMISSIONER, Cape Town.

Somerset East,

June 30, 1899.

SIR,

PERMIT us to approach Your Excellency as Her Majesty's Representative, in order to give expression to what we most deeply feel at the present critical juncture in the history of South Africa. The tension between the Dutch and English races in this Colony and in the Transvaal, which has been on the increase of late, has filled us with deep alarm; and this alarm has been steadily growing on account of the warlike attitude assumed by an influential portion of the local and the British Press.

It would be presumption on our part to suggest either to Your Excellency, or to the President of the Transvaal Republic, what should be done to avert the evil consequences which may result from this more than strained relationship; nor do we feel justified to tread on political ground. But, as men holding the responsible position of members of the Moderamen of the Dutch Reformed Church in South Africa, as preachers of the Gospel of peace, as representing a Church one in creed, language, membership, blood-relationship with the burghers of the Transvaal, as loyal subjects of our beloved Queen, we desire to urge upon Your Excellency to leave nothing undone which may tend to avert active hostilities. We shudder to think of the consequences which are sure to follow such an eventuality. The race-feeling between the Dutch and English would be intensified, the breach between the two sections of our South African community would become irreparable, the allegiance of Her Majesty's loyal Dutch subjects would sustain the severest shock it has ever been subjected to, and the hope of a United South Africa would be gone for ever.

To us standing outside the political arena the difference between the proposals of Your Excellency and those of President Kruger would hardly appear to justify the horrors in which active warfare between Her Majesty's troops and the burghers of the Transvaal Republic would involve the whole of South Africa for many a day.

We look upon Your Excellency as the instrument which God may use to avert these disasters, and to initiate a period of harmony and peace among the two white races of South Africa, whereby your name will be kept in grateful remembrance by succeeding generations in this part of the world.

Requesting Your Excellency to acquaint Her Majesty the Queen with the sentiments expressed by us, and recommending you to God's gracious guidance,

We have, &c.,

J. H. HOFMEYR, Moderator Synodi.

A. MORREES, Assessor.

J. J. KOTZÉ, D.D., Actuaris Synodi.

C. M. J. F. MULLER, Scriba Synodi.

His Excellency Sir Alfred Milner,
Governor, &c., andHer Majesty's High Commissioner, &c., &c.,
Cape Town.

Enclosure 2 in No. 15.

From the PRIVATE SECRETARY, Cape Town, to J. H. HOFMEYR, Moderator, Dutch Reformed Church, Somerset East.

SIR,

Government House, Cape Town, 8th July, 1899.

I AM directed by His Excellency to acknowledge the receipt of a letter of 30th June, signed by you as Moderator and by other representatives of the Dutch Reformed Church. Coming from the heads of that great religious community, the communication in question is entitled to receive and has received His Excellency's most earnest consideration. His Excellency is transmitting it to the Secretary of State for the Colonies for submission to Her Majesty.

His Excellency begs me to add that his endeavours will continue to be directed to attaining a pacific solution of the political troubles at present agitating South Africa. Of such a solution he does not despair.

His Excellency is satisfied that a potent cause of the present unrest is the fact that a large and influential section of the white population of the Transvaal is deprived of all

share in the government of the country, and is suffering from a sense of inequality and injustice. He believes that in seeking a remedy for this state of things he is trying to remove the greatest stumbling-block to the good feeling and harmonious co-operation of the two principal white races of South Africa, upon which the welfare of the country depends. He feels sure that, whatever may be thought of his particular proposals, the object of his endeavours at least will have your sympathy.

Yours faithfully,
O. WALROND,
Private Secretary.

J. H. Hofmeyr,
Moderator,
Somerset East.

No. 16.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 29, 1899.)

[Answered by No. 28.]

Government House, Cape Town,
July 12, 1899.

SIR,

I HAVE the honour to transmit to you copies of communications from Her Majesty's Agent at Pretoria, respecting the proposed amendments in the franchise law of the South African Republic.

On the morning of Saturday last (the 8th instant) there was published in the *South African News* the enclosed statement* of the terms of the Government Resolution as accepted the previous day in the First Raad by 26 to 2 votes. The same paper contained a letter from the Premier of this Colony, and a statement by him as to the adequacy of these proposals, both of which I have already telegraphed to you *in extenso*.†

The general feeling here was one of uncertainty as to the precise meaning of the Resolution. Some of the best lawyers in Cape Town, indeed, interpreted it to mean that any person with less than nine years' residence at the passing of the new law would have to wait an additional five years from the passing of the law before getting the franchise; and you will see from the annexed cutting,‡ that even the *Pretoria Press*, which habitually draws its inspiration from the Government of the Republic, condemned this portion of the scheme as complicated and unfair.

Mr. Hofmeyr returned from his journey to Pretoria on Monday morning. I enclose an account of his proceedings, which is taken from *Ons Land*, and may therefore be presumed to be published with his approval. He called upon me shortly after his arrival and handed me a copy of the latest draft of the proposed law, of which I enclose a translation.§

The draft has not yet been published, and until this is done I feel that it would be waste of time to attempt to criticise its provisions, seeing that it is quite possible that material alterations will again be made before it sees the light.

I need now only call your attention to the following points:—

- (1) The first words of Article 1, "Save where in this or in any other law an exception or other provision shall be made," as compared with Article 10, "All laws and stipulations in conflict with this law are hereby repealed."
- (2) The necessity of producing, in cases where the applicant is not personally known to the Field Cornet and Landdrost, sworn declarations from at least four well-known ("notable") fully-enfranchised burghers of the ward and district. The difficulty that this would put in the way of residents in Johannesburg hardly needs pointing out.
- (3) The definition of "dishonouring sentence" has not yet been given.
- (5) The franchise is not to be given after seven years residence, but seven years after giving notice of intention to be naturalised, which is a very different matter.

* Enclosure 7.
† Not re-printed.

‡ See [C. 9415], page 31.
§ Enclosure 9.

- (7) The question of redistribution is not touched in the draft, nor,
 (8) is that of "the qualifications and manner of election of the State President and Commandant-General" (referred to in the Resolution), which are matters of the highest importance in connection with a proper settlement of the franchise question.

Her Majesty's Agent has now been directed, in accordance with your instructions,* to inform the Government of the South African Republic that if they desire that their latest proposals with regard to the franchise and an increase of seats should form an element in the settlement of differences between the two Governments, Her Majesty's Government request that they may be officially furnished with full particulars of the new scheme and hope that they will not proceed with it until Her Majesty's Government have had an opportunity of considering it and communicating their views. Before this despatch reaches you the answer of the Government of the Republic will be known, and if they consent to this course and furnish me with a complete statement of their proposals, I shall submit these to you with a full expression of my views upon them.

I have, &c.,
 A. MILNER,
 Governor and High Commissioner.

Enclosure 1 in No. 16.

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

SIR,

Her Majesty's Agency, Pretoria, July 4, 1899.

I HAVE the honour to report that the debate on redistribution, which had been interrupted when the Raad adjourned on the 15th ultimo to consult their constituents on the Franchise Law, was resumed yesterday.

In the course of the discussion, in which a good many members took part, the President stated that the majority of the people were opposed to a general redistribution, and therefore the Raad could not agree to it. There must, however, be an increase of representation in certain places, such as Johannesburg and Zoutpansberg, where two representatives would have to be granted. Then there were the Gold Fields, His Honour said, where the people were flocking, and whose interests it was impossible for two members to represent. He was not, he said, referring to the strangers, but to his own burghers. He had, however, formulated a scheme to provide for the Gold Fields, and suggested the appointment of a Commission to devise, in conjunction with the Government, the means by which representation might be increased.

Mr. Loveday contended for proper representation in ratio to the number of the burghers stating that it was against all Republican principles that a district with 400 burghers, should have the same representation as one with 30,000 burghers. He recommended the appointment of a Commission with instructions to draw up a scheme for representation in ratio to the number of burghers in each district.

A number of members spoke in favour of the claims of country districts to increased representation, and five resolutions were finally put to the vote, of which one was at last carried by 14 votes to 13, instructing the Government to draw up a Draft Law, to be submitted to the Raad in the next ordinary session, whereby the Raad should be increased in such a manner as to give Pretoria one additional member, and that those districts which are now represented by one member should be granted an additional representative.

A report of the debate† is annexed.

This morning the *Transvaal Leader* published the accompanying analysis‡ of the result of the new scheme, from which Your Excellency will observe that 19 new members will thereby be added to the Raad, which will then be composed of 47 members. Of these 19 new members, the districts of Johannesburg, Krugersdorp, Heidelberg and Barberton will each receive a new member, making four in all, while the remaining 15 new members, including Pretoria, will fall to exclusively burgher districts.

Of this scheme, the same newspaper remarks that "if this proposal is a joke, it is joking of a bad and dangerous kind at such a juncture." It certainly is difficult to understand how, quite apart from the impossible nature of the scheme itself, the Raad could seriously entertain the idea of recommending any scheme of redistribution

* See [C. 9415], p. 43.

† Not reprinted.

whatever, at a time when the whole franchise question has still to be settled, and in the face of the High Commissioner's recent demand for such a redistribution of seats as will not leave the Uitlanders in a contemptible minority. As, however, the new measure is only to be drafted for submission to the people a year hence, and a good deal will probably have happened ere then, it is really not worth considering the matter further, except in so far as it affords another indication of the apparent incapacity of the Raad to realise the most elementary requirements of the situation.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner, Cape Town.

Enclosure 2 in No. 16.

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

(Extract.)

Her Majesty's Agency, Pretoria, July 4, 1899.

I HAVE the honour to transmit to Your Excellency herewith, in triplicate, certified copies of a "Declaration" issued by the newly-formed Uitlander Council of Johannesburg, which has been forwarded to me on behalf of that body by the British Vice-Consul, with a request that I would send it to Your Excellency for transmission to the Secretary of State.

Your Excellency will notice that in this Declaration the Council, after dealing with the proposals submitted by the High Commissioner at the Bloemfontein Conference, which they declare to be calculated in no small degree to bring about a practical and permanent settlement of outstanding difficulties, pass on to recite, under 17 headings, the main provisions of a Reform Act which they consider ought to be included in the permanent and fundamental laws of the South African Republic, as the outcome of an understanding between Her Majesty's Government and the Government of the Republic.

In forwarding this Declaration, which was published in yesterday's Johannesburg newspapers, I may say that there is no little difference of opinion as to the advisability of its publication just now.

The Government supporters say that its appearance has been timed to coincide with the re-assembling of the Volksraad, and that the object of the Council in publishing it was to complicate, and perhaps even precipitate, the situation. Others, while sympathising with the recommendations of the Declaration, think that its publication at the present moment was premature, if not inopportune. Others again would have preferred that the Uitlander case, having once been stated by the High Commissioner at Bloemfontein, should be adhered to, and that an understanding on that basis should be persisted in between Her Majesty's Government and the Government of the Republic.

On the other hand, a large section of the more advanced Uitlanders unreservedly approve of the action of the Council, and especially of the Reform Act itself, which they consider to be a reasonable Declaration of Rights, and a telling reply to the narrow-minded Government Franchise Law previously criticised by the same Council.

Your Excellency will gather from the above remarks that public opinion is by no means unanimous on the action of the Council in putting forward its Reform Bill at the present juncture.

DECLARATION OF THE UITLANDER COUNCIL.

The Uitlander Council, having carefully considered the present political situation, resolved, at their meeting on Saturday Evening, 1st July, to publish the following Declaration, and to communicate a copy thereof to Her Majesty's Agent at Pretoria for transmission to His Excellency the High Commissioner and the Right Honourable the Secretary of State for the Colonies:—

The proposals submitted at the Bloemfontein Conference by His Excellency the High Commissioner were briefly:—

1. That Uitlanders possessing a certain property or wages qualification, on proving that they had resided five years in the country and on taking an oath of allegiance, be given full burgher rights.

2. That there should be such a distribution of seats as would give to the newcomers a substantial representation in the First Volksraad, but not such as would enable them to swamp the old burghers.

All must admit that this scheme is most conservative, because—

- (a.) It does not restore to the Uitlanders all the rights of which they have been unjustly deprived since the retrocession.
- (b.) Nearly the whole revenue of the country is derived from the taxation of the Uitlanders.
- (c.) The Uitlanders form at least two-thirds of the total white population. (This was practically admitted by President Kruger at the Conference.)
- (d.) In most new countries one or two years' residence ensures full voting power. There is no reason why there should be more stringent conditions in operation in this State than in Natal or Cape Colony, or than those which existed until quite recently in the Orange Free State, and which were only changed from one to three years on account of the unhealthy political conditions in the South African Republic.

Notwithstanding, however, the conservative character of the scheme, the Uitlander Council consider that the proposals of His Excellency the High Commissioner are calculated in no small degree to bring about a practical and permanent settlement.

But, in the opinion of the Uitlander Council, it is essential at the outset to definitely fix the conditions under which :—

1. All duly qualified persons can get the franchise without any unnecessary expense, trouble, or delay, and without being subjected to any kind of intimidation.
2. Those who have got the franchise shall be able to use it effectively.
3. Redistribution of seats shall take place periodically by automatic arrangement, and representation shall bear some definite relation to the number of electors.

Having regard to the recent history of the Government of this country and the facility with which even fundamental laws are and may be changed, the Uitlander Council are convinced that no settlement will be of any value unless its permanency is guaranteed by an understanding between the Imperial Government and the Government of the South African Republic.

Further, knowing by past experience that every effort will be made by means of the existing Government machinery to obstruct and pervert even the smallest measure of reform, and bearing in mind the immense discretionary power accorded by the laws to all Government officials, the Uitlander Council are strongly of opinion that the understanding between the two Governments should provide for such immediate changes in the present laws of the country as would make it possible to carry out Sir A. Milner's scheme, not only in the letter, but also in the spirit.

The outcome of the understanding between the two Governments should be the inclusion amongst the permanent and fundamental laws of the South African Republic of a Reform Act embracing, in addition to the clauses providing for naturalisation and redistribution on the lines already indicated, the following amongst other provisions :—

1. No burgher or alien shall be granted privileges or immunities which upon the same terms shall not be granted to all burghers.
2. No person shall on account of creed or religious belief be under any disability whatever.
3. The majority of the inhabitants being English-speaking, English shall be recognised equally with Dutch as an official language of the State.
4. The independence of the High Court shall be established and duly safeguarded.
5. Legislation by simple resolution (*besluit*) of the Volksraad shall be abolished.
6. The free right of public meeting and of forming electoral committees shall be recognised and established.
7. The freedom of speech and of the Press shall be assured.
8. All persons shall be secured in their houses, persons, papers, and effects, against violation or illegal seizure.
9. The existence of forts and the adoption of other measures intended for the intimidation of the white inhabitants of the country, being a menace to the exercise of the undoubted rights of a free people, shall be declared unconstitutional.
10. Existing monopolies shall be cancelled or expropriated on equitable conditions.
11. Raad members must be fully enfranchised burghers and over 21 years of age. Any candidate for the Presidency must be a fully enfranchised burgher over 30 years of age, and have been resident in the country for 10 years.

12. All elections shall be by ballot and shall be adequately safeguarded by stringent provisions against bribery and intimidation.

13. All towns with a population of 1,000 persons and upwards shall have the right to manage their own local affairs under a general Municipal Act. The registration of voters and the conduct of all elections shall be regulated by local bodies.

14. A full and comprehensive system of State Education shall be established under the control of Local Boards.

15. The Civil Service shall be completely reorganised, and all corrupt officials shall be dismissed from office, and be ineligible for office in the future.

16. Payments from the public treasury shall only be made in accordance with the Budget proposals approved by the Raad, with full and open publication of the accounts periodically.

17. No person shall become a burgher and no fresh constituency shall be created except in accordance with the lines herein laid down, and officials shall have no discretionary power in this or any other matter affecting the civil rights of the inhabitants of the country.

True copy,

W. S. JOHN CARR,
Hon. Sec.

Enclosure 3 in No. 16.

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

TELEGRAM.

7th July, 1899. No. 172.—At a public session of Volksraad this afternoon a Government missive was read in which certain amendments in the draft franchise law were proposed. The missive further requested the Raad to nominate a commission of five members to draw up a draft law in concert with the Government in proper form and to lay the same before the Raad for consideration. The following are the amendments as communicated to the Press, no copy of document being forthcoming:—

1. Persons who do not wish to be naturalised under the old draft law can take the oath at the end of seven years' residence in the country and after having given notice of their intention to claim full burgher rights at the expiration of that time.

2. Those who came into country prior to the coming into effect of the present law, but who were not naturalized, can obtain the franchise after nine years' residence or five years after the passing of the law, provided the period of seven years above mentioned in the law has expired.

3. The special franchise referred to under Article B. 2 of the old draft law to be limited to officials or persons who have rendered important services to the country.

4. Children of aliens born in the country to obtain full franchise on attaining majority.

5. It is not necessary to prove possession of franchise rights in the land of former residence.

6. When the Field Cornet or Landdrost are unable to give the certificate required by law, they shall hand in an affidavit from the applicant and from four full burghers of the ward or district that applicant had been resident in the district during the required time and had obeyed the laws of the country during that time.

The Government further proposed to the Raad to revise the registration law and the qualifications for the manner of election of State President and Commandant-General. The Government also gave notice that four new members in each Raad would be allotted to the Gold Fields. Newly naturalised persons will have the opportunity this year of taking part in the new elections.—GREENE.

Enclosure 4 in No. 16.

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

TELEGRAM.

July 8th. No. 173.—The following are the comments in this morning's newspapers on the Government draft franchise proposals:—

The "Standard and Diggers' News" says:—"We do not say the electoral reform is

all that could be desired, for we ourselves urge the adoption of a simple five years residential qualification with retrospective action, but even the most hostile critic of the Volksraad must admit that the measure is a notable forward movement."

The "Press" says:—"The provision in clause 2 contains irreconcilable statements and is involved in the extreme, and should not have been introduced at all. For the rest the proposals are eminently fair and reasonable."

The "Transvaal Leader" says:—"While we welcome the advance in principle made by the Government, we find it absolutely impossible to accept the proposals under consideration. They are involved and arbitrary. They are based on sheer distrust of the Uitlanders, and such an ungenerous foundation is the worst basis for a political system. The effect of them is to deprive present Uitlanders of representatives for many years, and when they can at last vote, they can only vote for an insignificant minority."

I will send you the draft proposals and press comments by post to-day.

I notice that one clause was omitted in the communication made to the press last night. It is a clause which provides that such dishonouring sentences as form disqualification for the franchise are to be specified in the law.

Enclosure 5 in No. 16.

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

SIR,

Her Majesty's Agency, Pretoria, July 8, 1899.

WITH reference to my telegram, No. 172, of yesterday, I have the honour to report that the Raad, who had sat in Secret Session all Thursday and up till midday yesterday, and who had also held several caucus meetings at night in the Raadzaal, assembled in public session yesterday afternoon, when a Government missive was read in which certain amendments of the Draft Franchise Law were proposed. The missive requested the House to nominate a committee of five members to draw up, in conjunction with the Government, a new draft law in proper form, and to lay the same before the Chamber for consideration.

The Government further proposed that the Raad should revise the Registration Law, and that the qualifications and manner of election of the State President and Commandant-General be more clearly defined.

Finally, the Government notified the Volksraad that eight new members would be allotted to the Gold Fields, four for each Raad, and that those persons entitled to the franchise under the revised law would be allowed to take part this year in the new elections.

After a short debate, in which Mr. Tosen declared that the Raad had already confirmed the original franchise proposal, and that the same must be repealed before the new measure could be considered, the President and the State Attorney explained that the Raad had only confirmed the principle of the old law, and that it therefore remained a draft law, and could now be considered with the alterations.

The House then resolved, with only two dissentients, to agree to the spirit of the Executive's Resolution and the alterations of the draft law proposed therein, and to appoint a committee of five members to embody the said alterations in a revised draft law and to submit it to the Raad, together with a fresh draft Registration Law and an amendment *re* the election of the State President and Commandant-General.

The Committee selected were Messrs. F. G. Wolmarans, van Niekerk, Stoop, Vorster, and L. J. Meyer.

This morning the Committee met the Government and the State Attorney and commenced the work of collation and revision.

I have the honour to enclose reports of the debate, and copies of the Government missive, from the "Standard and Digger News,"* "Press,"* and "Transvaal Leader," of to-day, together with editorial articles* discussing the proposals.

I may add that no official copies of the Government missive were distributed to the Raad yesterday, nor have any, as far as I know, been yet issued. I can only therefore forward the copies contained in the accompanying press reports.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

("LEADER," July 8th, 1899.)

THE POLITICAL SITUATION.—AMENDED DRAFT LAW ON THE FRANCHISE.

PRETORIA, July 7 [LEADER Special.]—The total result of the recent triangular conferences, journeyings to and fro, and Secret Sessions, was made public in the Raad this afternoon.

On the Raad re-assembling at 2 o'clock, the President and members of the Executive took their seats, while Mr. Fischer also occupied a place of honour on the Executive benches.

The Chairman announced that a Government missive would be read in reference to the franchise.

A GOVERNMENT MISSIVE

was then read as follows :—

To The Chairman of the First Raad :

For the consideration of the Raad I have the honour to submit a resolution of the Executive Council, arising from the published draft Franchise Law, and I request the hon. body to consider that resolution in connection with the said draft.

Further, the Government respectfully suggests that should the Raad agree to the principle of the proposed alterations a commission of five members from that hon. body shall be elected to draw up the published draft law in conjunction with the Executive Council, wherein the proposed alterations should be embodied, and that the said draft law shall be laid as speedily as possible before your hon. body for consideration.

And the Executive resolves, further, to inform the Hon. the Raad that it is the intention of the Executive Council, in terms of Law 12 of 1887, to increase the representation of the Gold Fields in each Raad by four members, in such manner as shall be made known later, but in time so that those who, in terms of the new law get the franchise, shall have an opportunity of voting for the new members.

(Signed) F. W. REITZ,
State Secretary.

THE EXECUTIVE COUNCIL PROPOSALS

were then read as follows :—

1. That persons who are not desirous of naturalising themselves in the manner prescribed in the published draft law, can obtain the full burgher and franchise rights by taking the oath after a domicile of seven years, reckoned from the date on which they have made written application for full burgher and franchise rights.

2. That those persons who, before the operation of this law, have lived in the Republic, can get letters of naturalisation, with the full franchise, nine years after they have come to live here, or five years after the operation of this law, provided that a period of not less than seven years has elapsed after the date of establishing themselves in the country.

3. That the Article under which the Government has the right to grant letters of naturalisation, with the full franchise, to persons who do not fall under the stipulations of this law, shall only apply to officials, or persons who have rendered service to the country.

4. That male children of foreigners born in this country shall have the right to become naturalised, and to get the full franchise on attaining their majority.

5. That the stipulation with regard to full citizenship and franchise, or the right thereto, in the country where persons lived before, shall be cancelled.

6. That where the Fieldcornet or the Landdrost is not in a position from personal knowledge to certify for the obtaining of letters of naturalisation for full franchise as required by law, he can do so on the sworn declaration of the applicant and four reputable full burghers of the ward or district, to the effect that the applicant was living or domiciled in the ward or district for the period required by law, and that during that time was obedient to the laws and true to the independence and the country.

7. That it should be provided in the Law what dishonouring sentence and disqualifications shall hold good with regard to the obtaining of the franchise.

8. Any further alterations of minor importance.

The Executive further proposes that the law with regard to registration shall be revised, and also that in the draft Grondwet provision shall be made for the qualifications and the manner of choosing of the State President and the Commandant-General.

THE DISCUSSION.

Mr. Tosen said he was of opinion that the Raad must first alter their last resolution whereby the original proposals were confirmed.

The Chairman said the resolution of the combined Raads had caused the former resolutions to lapse.

Mr. Tosen maintained that it was the original proposals that were confirmed by the Raad, and they were law ; therefore it was necessary to repeal the old law before they could go further.

The President said laws were often altered, and it was not until the alterations were made that the old law was repealed.

Mr. De la Rey : The member for Piet Retief appears to be all at sea. We are following the ordinary rules. There is no need to discuss the matter at length.

Mr. Tobias Smuts : We approved of the other proposals, but only in principle. It is open for the Raad to make alterations.

Mr. J. B. Wolmarans said the people had approved the proposals published ; now there was a proposal to make naturalisation optional. The question now was whether he could agree to an amendment that abolished a condition that his burghers had plainly insisted upon.

Mr. De Beer : The member can raise his objections at the proper time.

Mr. Wolmarans : I am on the Order. I want to know with regard to the seven years ; when has notice to be given ?

The State Attorney : The person gives notice of his intention to take the franchise, and then has to wait seven years. He can wait longer, but not less.

Mr. A. D. Wolmarans, M.E.C., pointed out that the Government only suggested certain alterations to be considered in connection with the draft already published. It was not a question of approving these alterations at this stage.

Discussion was closed and a motion, Van Niekerk—Coetser, was carried : "To accept the Government missive."

The President also gave a long explanation of the seven years' term. If people did not take it after seven years that was their lookout, but they must wait the full seven years.

Several members wished for information on minor points, but the Chairman pointed out that all these matters could be discussed when the draft was submitted for final consideration.

Mr. Tosen again returned to the charge with regard to the previous proposals. Would the State Attorney say what their resolution meant. Was not the law itself approved and its working only postponed ?

The State Attorney : Only the principle was approved ; the law is still a draft law, containing the amended franchise proposals for notice, and to appoint a Commission of five members to act in conjunction with the Government to consider the proposals, and report to the Raad as speedily as possible, the Executive also being instructed to propose alterations to the Registration Law, and the manner of voting for the qualification required of a State President and Commandant-General.

As the Commission, there were elected Messrs. F. G. Wolmarans, Van Niekerk, Stoop, Vorster, and L. Meyer.

Enclosure 6 in No. 16.

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

TELEGRAM.

9th July. No. 179. I have received following from British Vice-Consul, Johannesburg, dated to-day. Resolutions have been passed by the Uitlander Council to the effect that the Government Franchise proposals are totally inadequate and quite unacceptable to the Uitlanders ; resolutions also re-affirm confidence in the High Commissioner and strongly condemn the declarations made on behalf of himself and the Cape Government of the Prime Minister of Cape Colony.—(GREENE.)

Enclosure 7 in No. 16.

("SOUTH AFRICAN NEWS," July 8th, 1899.)

THE GREAT REFORM ACT.

Pretoria, July 7 (Special).—The following is the exact Government resolution, as accepted to-day in the First Raad by 26 to 2 votes :—

The Executive resolves to submit to the Volksraad certain alterations in the Franchise Law as follows :—

- (1) The oath of naturalisation to be optional after two years.
- (2) Full franchise is obtainable after seven years' domicile, provided that the applicant has complied with the laws of the country, and takes the oath of allegiance. Notice for full franchise and burghership to be given in advance for this period of seven years.
- (3) Persons who come into the country previous to the passing of this law can obtain the franchise nine years after entry or five years after the passing of the law ; provided in the latter case the applicant has been in the country not less than seven years.
- (4) Persons who do not comply with the requirements of the law can only get the franchise if they are officials, or have rendered special service to the country.
- (5) Children of aliens who are born in the country can get the full franchise on attaining their majority.
- (6) It is not necessary to applicants to prove their right to the franchise in the country of their previous residence.
- (7) Where the Field-cornet or Landdrost does not know the applicant, the latter can submit his affidavit and those of four burghers to show that he has complied with the conditions of the law.
- (8) Such dishonouring sentences as form disqualification for the franchise to be specified in the law.
- (9) Some further alterations of minor importance.

Further, the Executive resolves that the Volksraad revises the Registration Laws, and further that the qualifications and manner of election of the State President and Commandant-General be more clearly defined.

Finally, the Executive notifies to the Volksraad that four new members for each Raad will be given to the Gold Fields, and that those entitled to the franchise under the revised law this year will be allowed to vote.

Enclosure 8 in No. 16.

("SOUTH AFRICAN NEWS," July 11, 1890.)

THE MISSION OF MESSRS. HOFMEYR AND HERHOLDT.

Ons Land to-day contains the following, which by the courtesy of the editor of that journal, we are permitted to reproduce.—Messrs. Hofmeyr and Herholdt left by special train on Saturday morning, the 1st inst., at half-past seven, on their special mission. The journey to Bloemfontein was completed within 32 hours. At the earnest request of President Steyn they took up their abode in the Government House. Mr. Abraham Fischer, member of the Executive Council of the Free State (whose attempts in the cause of peace not only at Bloemfontein but also at Cape Town and especially at Pretoria cannot be warmly praised enough), had arrived from Pretoria, together with State-Attorney Smuts and the Under State Secretary, to consult with Messrs. Hofmeyr and Herholdt. As they had to return speedily to Pretoria, the consultation commenced at once. Excepting a short adjournment for dinner, the proceedings went on uninterruptedly till almost midnight. Messrs. Smuts, Fischer, and Grobler, were thus made acquainted with the opinions of Messrs. Hofmeyr and Herholdt on the subject, and knew precisely what had to be done, in the opinion of the Colonial representatives, to gain the moral support of Colonial Afrianders and to lead in the direction of peace.

It was at that time still uncertain whether Messrs. Hofmeyr and Herholdt would proceed on their journey to Pretoria. They themselves were not yet convinced that their opinions would find support in Pretoria, and everyone can readily understand that if they went to Pretoria but returned unsuccessful they would have done nothing for either the cause of peace or of the Transvaal, but the Opposition would have rejoiced exceedingly over their non-success, and would have quoted this as a proof of the fact that Oom Paul and the Transvaal Boers had no ear for justice or reasonableness, and therefore had no right to the sympathy of Colonial Afrianders. That, of course, would not have hindered the disturbance of peace, but would have brought such an event nearer. It was therefore agreed upon that Messrs. Hofmeyr and Herholdt would not go to Pretoria except they could be assured of achieving something of importance there. As they had received no such assurance on the afternoon of the following Tuesday, but as it seemed the assurance was almost in a contrary direction, preparations were already made for the homeward journey. From this arose the telegrams which appeared in some papers, that Messrs. Hofmeyr and Herholdt would not visit Pretoria. But a little later on in the day they received a hint that although their chances of success at Pretoria were but slight, they were not altogether hopeless. This encouraged them to leave that same afternoon at a quarter to five by special train to Pretoria, where they arrived the following morning—Wednesday—at seven o'clock. From the station they were escorted by various officials and friends to the Transvaal Hotel, where rooms had been engaged for them as guests of the State. Even before they had taken breakfast they had an audience with President Kruger. On the invitation of His Honour they accompanied Mr. Fischer to three meetings of the Executive Council—two on Wednesday, and one on Thursday. They had the opportunity, too, of meeting the greater part of the Volksraad members, and of conversing with them. What occurred on this occasion is, of course, private, and not for publication. But judging from the differences between the Concept Bill on the franchise which the Transvaal Government submitted to the Volksraad shortly after President Kruger's return from the Bloemfontein Conference and the proposals submitted to and agreed upon by the Raad after the arrival of Messrs. Hofmeyr and Herholdt at Pretoria, the Concept Law has been amended in several points, of which the most important, although not all, can be brought under the following heads:—

1. Amongst the most important alterations of the Concept Law the Uitlander could not obtain full burgher rights and voting rights until after five years after he had been naturalised and had taken the oath of allegiance to the Republic. By taking this oath he ceased to remain a citizen of his country, but he did not yet obtain the full right of voting in the Transvaal. At least, he could not vote for the election of members of the First Volksraad, for the election of President, and Commandant General. By the new proposals the choice is left to him whether to take the oath two years after his application for naturalisation, by this method gaining partial voting rights, or of taking the oath seven years after application, and getting at once the full franchise.

2. Those who have entered the country before the time when the law becomes in force can, under these new proposals, become fully enfranchised citizens nine years after their settlement in the State, or otherwise five years after the passing of the new law, provided that in this last case there should be an interval of seven years between their settling in the country and their naturalisation as burghers. That is to say, each can choose the class which is the most profitable for him.

3. Those who enter the State, and desire to become naturalized, after the passing of the Bill, must give written notice to the Field-cornet on the date they fix upon of their intention of doing so, and can gain full burgher and voting rights seven years afterwards. The Field-cornet is bound, however, first to send such applications for publication in the *Staats-courant*, and such publication will be sufficient proof that the application has been properly made, even in case the books of the Field-cornet be lost, and there be no other proof.

Continual residence means domicile.

4. The new proposals make clear that the applicant does not lose his right of becoming a burgher, even in case the period of residence required of him be broken by his temporary absence from the country, as long as he has but kept his domicile in the country.

5. The clause in the old Concept Law requiring that the applicant will have to furnish proof that he has been satisfactorily registered as citizen and voter in his own country—something most difficult for many persons, if not impossible—has been entirely erased.

6. The old draft law gave the unqualified and unlimited right of granting letters of naturalisation to the Government even in cases outside the requirements of the law. Under the new proposals the Government can only exercise that power in favour of persons who occupy some position in the State, or who have rendered some service to the country, or who have in some way or other made themselves deserving of reward by the country.

7. By the old draft law all those who had been sentenced (all those who had a "dishonouring sentence" against them) were excluded from naturalisation. This undesirable title will be robbed of its elasticity by a definite explanation and table of all sentences which may be regarded as dishonouring.

8. By the old Concept Law all applicants had to submit a certificate from a Field-cornet or Landdrost that they had been registered at least two years before the desired naturalisation, upon the lists of the Field-cornetcy, that they had all that time been resident within the State, and during that time been faithful to the laws and independence of the State. But under the new proposals they will, in case the Field-cornet or Landdrost are not able through their own knowledge to grant such a certificate, be freed by their own declaration under oath, and by the additional declaration of four full burghers under oath, of their time of domiciliation, and their loyalty to the laws and independence, without anything about their registration on the lists of the Field-cornets. This last declaration will be of use to thousands of Uitlanders who have never been registered.

9. At Bloemfontein, President Kruger only proposed to give three new Raad members to the Gold fields. Under the new proposals the number is increased by one.

There are also other points, of lesser importance, wherein alterations and emendations have been made. We further believe that the regulations concerning loyalty to the laws and independence will not be enforced with too great retrospective power.

How far these alterations are owing to Messrs. Fischer, Hofmeyr, and Herholdt we will not discuss. But each impartial reader will admit that they are important and embracing much.

On Thursday afternoon (the 5th inst.) the Cape representatives had finished their work as far as they could do so, and had their hands free to pay visits and look about them.

Mr. Hofmeyr, courteously escorted by General Joubert, visited the Daspoort fort, about an hour's distance from Pretoria, and had opportunity of admiring the strength of the position, the solidity of the construction, and the apparently admirable discipline of the men—all young farmers from the Cape Colony, the Transvaal, and the Free State. A few trials were made with the bigger pieces of artillery, and with the machine guns and Maxims of large and small bore, all of which answered admirably.

On Friday, the 7th inst., both gentlemen left Pretoria for Johannesburg by the morning train, in company with Mr. Van Kretzmaer (South African director of the N.S.A. Railway) and Dr. Dyer. At the railway station they took leave of General Joubert, the State Secretary, Mr. Fischer, and numerous other friends. Almost everyone seemed satisfied with the expected result of their work.

At Johannesburg as big a crowd was gathered together to welcome the visitors, who drove to the Grand National Hotel, where several citizens came to welcome both gentlemen, although no notification had been previously made of their arrival. Mr. Hofmeyr then drove round the city, while Mr. Herholdt was received by a friend. Amongst other places the Exchange was visited. It happened to be "high change," and the building was filled with a few hundred of the local capitalists. A crowd speedily gathered round Mr. Hofmeyr, and three hearty cheers were given for him. He was then shown round the building, and invited to make a brief speech, but he replied that he thought it best to make no public speech just then. A toast was, however, drunk in his honour, and he briefly replied, and thereupon "Three cheers for Hofmeyr" were again heartily given. When he walked towards his carriage it appeared that a large crowd had gathered round it. When Mr. Hofmeyr stepped into his carriage a few of the people, about seven or eight, began to jeer, whereupon the better part of the crowd in the neighbourhood drowned these cries almost immediately by deafening cheers. The occurrence was but brief. The report in the Chartered press that Mr. Hofmeyr had a bad reception and was forced to take shelter in the office of the British Vice-Consul is quite untrue. Mr. Hofmeyr was never in the above-mentioned office. At the Rand Club a private lunch was given, at which Mr. Herholdt could not be present, as he had to be elsewhere.

After the lunch some interesting speeches were made by several private citizens of Johannesburg, in the course of which it appeared that there is a strong, though silent, Uitlander party in the gold city, which, although desiring reforms, does not follow those ultra men who stick at nothing, not even the most warlike preparations. This moderate party appears, in the matter of the franchise, to be satisfied with these newly-acquired concessions, and will no doubt make itself heard very soon. In the afternoon a reception was held at the Grand National Hotel. For more than an hour there was an uninterrupted stream of visitors, the majority Afrianders, but many Uitlanders. Most of them seemed pleased with Mr. Hofmeyr's visit to Pretoria, and with what they looked upon as the concessions gained by him and his colleague. Mr. Hofmeyr agreed that the Transvaal had conceded much, but he added more than once, "Do not be over sanguine. We are not yet out of the wood."

Shortly after three o'clock the train by which Messrs. Hofmeyr and Herholdt were to leave Bloemfontein was timed to start. Long before that time, however, the station was crowded with several hundred persons, many ladies being amongst the number, who came to wish the departing guests a pleasant journey. Cheer after cheer was given when the train steamed out of the station. Yet the travellers had not finished with the Rand. Messrs. Hofmeyr and Herholdt had decisively declined invitations to public dinners and meetings, &c., at Pretoria as well as at Johannesburg, and both were of opinion that they were now out of reach of such public temptations. But it soon appeared that they had reckoned without their host.

When the train halted at Elandsfontein, the station just before Germiston, one of the outlying suburbs of Johannesburg, a large crowd was observed gathered together on the platform. A few gentlemen came forward and requested Mr. Hofmeyr to alight for a few minutes, as the train would delay for a considerable time. They thereupon presented Mr. Hofmeyr with an address "as a mark of respect and love," thanking him for his services on behalf of South Africa. Mr. Hofmeyr, in replying, said that if he paused to answer the address they had so kindly presented to him in a fitting manner, he would be left with an address but with no train to continue his journey. (Laughter.) He would, therefore, be as brief as possible. It was a pleasure for him, especially at a time like this, to meet in the Transvaal friends and men who sympathised with him in his endeavours. He was afraid, however, that they made too much of his services in the past, and, moreover, he was afraid that they expected too much of him and his colleague. Whatever the future might hold in store, he could assure them that their expression of sympathy with him would be held dear by him.

Messrs. Herholdt and Hofmeyr thereupon shook hands with many ladies and gentlemen, and departed amidst cheers and the waving of handkerchiefs.

Saturday morning, shortly after four o'clock, Bloemfontein was again reached. At eight o'clock the visitors were received by President Steyn and his private secretary. Breakfast was laid at the Presidency, after which a few hours were passed in visiting friends. Then the President honoured both gentlemen by lunching with them in their carriage, and accompanying them to the first station, Vaalbank, where he and his brother, who was with him, took their leave.

Yesterday, at 7.45 a.m., Messrs. Hofmeyr and Herholdt arrived by ordinary train at Cape Town.

In conversation with them, they assured us that they regarded the new arrangement as just and reasonable, not only as regards the shortening of the period, but also, and still more, as regards the more liberal conditions under which the Uitlanders will be granted the franchise in the Transvaal. They had, as far as possible, kept in view the memoranda submitted by His Excellency the Governor at the recent Bloemfontein Conference, and, although they had not gained everything therein desired, they were of opinion that they had come so close to it that the pressure for war, because of the difference between His Excellency's proposal and the new arrangement, is still more to be condemned than before. Everywhere, both in the Transvaal and in the Free State, they noticed an earnest desire for peace, even at the cost of important concessions. But at the same time it seemed to them that many despaired of peace, under the impression that a small influential party amongst the Uitlanders would not be satisfied with anything except war or the country. But the Transvaalers would never give up their land or accept conditions which they regarded as tantamount to doing so. They had no illusion as to the result of a possible war. They did not expect, either, that Colonial Africaanders, in spite of their British allegiance, would take up arms in numbers and support the Republic in case of war. But they deemed it better and more honourable to risk life and property in a serious struggle than to hand over in a cowardly and abject manner the independence of their land. Both gentlemen praised the energy of Mr. Fischer on behalf of an honourable peace, and acknowledged the hospitality which they had experienced at Pretoria as well as at Bloemfontein.

The charge that President Kruger and the Government propose to grant four new members to the Gold fields, but are intending to neutralise that gift by flooding the Raads with a number of new members for old districts, is, in the opinion of both gentlemen, groundless. The four members for the Gold fields are granted by the President and Executive under an act already in force authorising them to provide for the representation of the mines. The Volksraad will not this year grant any new members to old districts, nor will it form new electorates. The question of the formation of new electorates and representation is, however, an old one, and has already been this year before the Volksraad on account of numerous petitions, and has been submitted to the people. The case is thus temporarily disposed of, and cannot come up again before next year. But should it then crop up, and nothing be done to it, not only Messrs. Hofmeyr and Herholdt, but also Mr. Fischer, have the assurance of almost all the members of the Executive that the subject of redistribution or the increase of the Volksraad will be treated as a general one, and the mining centres will have due consideration, especially in the light gained from the working of the present reformed scheme. Mr. Hofmeyr thinks that two points are of importance in this question. When the case again comes before the Volksraad the miners will themselves have a lot to say about it through their old and new members, and a part of Zoutpansberg is spoken of as a new electorate—a part where the Uitlanders are so strong that they will very likely have a decisive vote in the election. Much depends on the manner in which the Uitlanders make use of their new concessions. Many are of opinion that should they unanimously register themselves they will have, within a few years, not only a fifth part of the Volksraad (as desired by His Excellency) but fully a third in their power. Not only at Witwatersrand, but also at Lydenburg, Klerksdorp, Potchefstroom, Pretoria, Zoutpansberg, &c., the Uitlanders are strong, and if the "Progressives" form central committees in the Transvaal no first-class prophet is needed to be able to forecast that they will very shortly have the larger part of the poor voters under their influence, and that by this means the Uitlander movement will gain a vast deal. It should not be lost sight of that every white man, born in the Republic, is a voter from his 16th year. That is not even manhood suffrage. It should also not be lost sight of that by the new proposals all sons of naturalized Uitlanders, sons who have not even been born in the country, gain the same power as their fathers when they reach their 16th year, while all sons of those not naturalised can register themselves on attaining the age of 16 and attain the full franchise on reaching their majority. These regulations, too, will speedily strengthen the Uitlander element with a mass of votes.

Enclosure 9 in No. 16.

DRAFT LAW No. , 1899.

Whereas it has appeared desirable to amend certain provisions of the law with regard to naturalisation and the obtaining of the full franchise so that the obtaining of the full franchise shall be simplified. Whereas such desirability is urgent and publication in terms of Article 12 (?) of the Grondwet is not possible, it is hereby enacted as follows:—

Article 1. Save where in this or in any other law an exception or other provision shall be made, every white male person who has attained the age of 16 years, and who has settled himself in the South African Republic, may obtain letters of naturalisation, subject to his having previously fulfilled the following conditions and stipulations:—

- (a) The applicant shall produce a certificate from the Field Cornet and Landdrost of his ward and district showing that he was continually registered on the Field Cornet's lists during the period required in his case; that he

was domiciled during that period within the South African Republic, and has during that time conducted himself faithfully and obediently to the laws, and faithfully to the independence of the country.

Where the Field Cornet and Landdrost are not in a position from their own personal knowledge to issue such certificate, they shall do so on the sworn declarations of the applicant and at least four well known fully-enfranchised burghers of the ward and district, to the effect that the applicant was resident in the South African Republic during the required time, and has been obedient to the laws, and faithful to the independence.

- (b) The applicant shall produce proof that he has, during the period required for naturalisation in his case, delivered a written notice to the Field Cornet of his ward to the effect that he intended to have himself naturalised in terms of this law. For this proof it will be sufficient to produce a copy of the *Staats Courant* wherein the publication of such notice appeared. In case the applicant falls under the provisions of Article 4 of this law, and he has not within six months after the coming into operation of this law become entitled to the full franchise, he shall produce proof that within six months after such coming into operation he has given such notice. In default of handing in such notice, the applicant shall not be entitled to the full franchise in terms of the said Article, but only in terms of Article 2 or 3.
- (c) The applicant shall hand in a sworn declaration from himself to the effect that he has had no dishonouring sentence against him, and further proof of good conduct. By a dishonouring sentence shall be understood, &c., &c., &c.
- (d) The applicant shall adduce proof that he possesses unencumbered fixed property to an amount of £150, or pays house rent to an amount of £50 per annum, or draws a salary of £100 a year.
- (e) The person who is to be naturalised shall take the following oath, whereby he shall be deemed and regarded to abandon and waive all burgher rights enjoyed in, and burgher obligations and submission due to, any Sovereign or State :—

“I swear (or I solemnly declare that the taking of an oath is not permitted by my religious conviction) and promise solemnly in all uprightness, and in terms of law of 1899, with which I declare that I am acquainted, that I shall be faithful to this State, shall respect and support its independence, shall subject myself to the Grondwet and other laws, and the lawful authorities of the land, and shall in all respects conduct myself as becomes a faithful burgher of the State, so truly help me, God Almighty (or that I promise solemnly).”

Before a person is admitted to the full franchise he shall in each case at the time of making application therefor, in addition to complying with the other obligations required by this law, again hand in proof that he has fulfilled the conditions and stipulations hereinafter mentioned under (a), (b), (c), and (d).

No one shall be entitled or allowed to receive letters of naturalisation or full franchise unless he has previously complied with the said conditions, except in the case where this law expressly makes other provisions.

Article 2. Every person who fixes his residence within the South African Republic may, after the lapse of two years from time of the handing in to the Field Cornet of the notice of his intention to be naturalised, have himself naturalised, and may, five years after naturalisation, obtain the full franchise.

Article 3. Every person who fixes his residence within the South African Republic may, after the lapse of seven years from time of the handing in to the Field Cornet of the notice of his intention to be naturalised, obtain letters of naturalisation with the full franchise, upon complying with the conditions of Article 2 (?).

Article 4. Every person who has fixed his residence in the South African Republic before the coming into operation of this law, and who is not already naturalised, may, on complying with the conditions of Article 1, obtain letters of naturalisation, with the full franchise, nine years after such residence, or five years after the coming into operation of this law, provided the term of not less than seven years shall have elapsed since such residence commenced.

If he has already been naturalised at the time of the coming into operation of this law, he may obtain such letters of naturalisation with the full franchise five years after the date of such naturalisation.

Article 5. Nothing in this law contained shall prevent the Government from issuing letters of naturalisation with the full franchise to persons who occupy an office in the

service of the country, or who have rendered services to the country, or who have been in any other respect well deserving towards the country, although so far as they are concerned the requirements of this law have not been complied with, subject to their taking the oath in terms of Article 1.

Article 6. Youths not born in this State, and whose fathers obtain letters of naturalisation or the full franchise here before their sixteenth year, have the same franchise as their fathers.

Youths born in this State, whose fathers were neither naturalised nor had the full franchise, may have themselves naturalised at their sixteenth year by taking the oath mentioned in Article 1, and may five years thereafter obtain the full franchise on complying with the conditions mentioned under Article 1, sub-sections (a) and (c).

Article 7. The application for naturalisation and the full franchise shall be sent by the Field-Cornet, through the medium of the Landdrost, together with the necessary proofs, to the State Secretary, and be referred by the latter to the State Attorney, who returns the documents with his advice to the State Secretary. If, in accordance with the advice of the State Attorney, there is no legal difficulty against the issuing of letters of naturalisation or full franchise, then these shall be granted, if also the State Secretary has no legal objection. The letters of naturalisation and full franchise must be signed by the State Secretary and the State Attorney. The State Secretary shall cause the letters of naturalisation and full franchise to be issued by the official appointed for the purpose, and through the latter the required oath of naturalisation must be taken.

The letters of naturalisation shall bear a stamp of £2; the letters of full franchise shall be issued free of charge.

Article 8. No one who is not considered as belonging to the white population of the South African Republic can obtain the franchise, in terms of Article 9 of the Grondwet.

Article 9. From the provisions of this law are excepted the persons falling under the provisions of sub-section 1 of Article 1 of Law 3 of 1894.

Article 10. All laws and stipulations in conflict with this law are hereby repealed.

Article 11. This law comes into operation

No. 17.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5.40 p.m., July 31, 1899.)

TELEGRAM.

[Answered by No. 19.]

31st July. No. 1. I now authorize you to invite President Kruger to appoint Delegates to discuss with ours question 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.

No. 18.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4.25 p.m., August 1, 1899.)

TELEGRAM.

1st August. No. 1. 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.

* No. 17.

No. 19.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., August 2, 1899.)

TELEGRAM.

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:—

Begins: Her Majesty's Government authorize 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. *Ends.*

Your message, which was evidently not intended to be given verbatim, was thus slightly altered by me, in order to make sure that inquiry should extend to whole group of measures affecting Uitlanders' representation. Increase of seats is settled by Executive Council, and does not come before Volksraad. It will also be necessary that inquiry should embrace registration law and any alteration in method of electing President and Commandant-General that may be proposed.

No. 20.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 2.38 p.m., August 4, 1899.)

TELEGRAM.

[Answered by No. 21.]

4th August. No. 1. British Agent telegraphs as follows:—

Begins: Two points on which State Secretary asks for information:

- (1) Are Government South African Republic to consider as one proposition the two messages conveyed in your telegrams of 1st and 2nd August respecting joint inquiry and a further possible Conference?
- (2) Do the words "arbitration without the introduction of foreign element" mean arbitration from which a foreign Power or any foreigner is excluded, or arbitration on matters foreign to other matters which the message refers to?

I have told him that in my opinion:

- (1) The two messages are to be taken as one proposition, and
- (2) The correct interpretation of the words respecting arbitration is the first one.

Please say if this is so. *Ends.*

Following are the two messages referred to:—

- (1.) The communication which was quoted in my telegram of 1st August, No. 1. † This had been sent to British Agent before I received your telegram of 1st August, No. 1; ‡ and
- (2.) The message contained in the latter.

Answer of British Agent is correct on both points I think.

* No. 17.

† No. 19.

‡ No. 18.

No. 21.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.45 p.m., August 5, 1899.)

TELEGRAM.

5th August. No. 6. Your telegram of 4th August, No. 1.* Answer of British Agent is correct on both points referred to.

No. 22.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 5, 1899.)

SIR,

Government House, Cape Town, July 19, 1899.

I HAVE the honour to transmit, for your information, a copy of a letter from the Secretary of the Cape Town Branch of the Afrikaner Bond, enclosing resolutions on the subject of the position in the South African Republic, passed at a meeting of that body on the 12th instant.

I have, &c.,

A. MILNER,

Governor and High Commissioner.

Enclosure in No. 22.

From the AFRICANDER BOND, Cape Town Branch, to the IMPERIAL SECRETARY,
Cape Town.

SIR,

"Ons Land" Office, Burg Street, Cape Town, July 17, 1899.

I HAVE the honour of enclosing herewith copies of resolutions unanimously adopted at a meeting of the Cape Town Branch of the Afrikaner Bond, held on the 12th instant, the Hon. J. H. Hofmeyr presiding, with the humble request that it may please His Excellency to communicate the same to Her Majesty's Government.

I have, &c.,

D. J. DE VILLIERS,

Hon. Secretary.

G. V. Fiddes, Esq.,

Imperial Secretary,

Government House, Cape Town.

Copy of Resolutions.

(Translation.)

(1) This meeting, convinced of the destructive and indelibly injurious effects upon the whole of South Africa of a war between England and the Transvaal, declares itself strongly in favour of a peaceful solution of the existing difficulties, and expresses it as its opinion that such a solution is to be found in the adoption by both parties concerned of a compromise, based on the latest proposals *re* the franchise made by the Executive Raad to the Volksraads of the South African Republic.

(2) This meeting has learnt with great pleasure that the British delegates at the Peace Conference at the Hague submitted important resolutions with the object of securing the application of the principle of arbitration in removing differences between nations and States; it hopes that the same principle will also in future, by means of legal experts, be applied in reference to disputed interpretations of the London Convention between Great Britain and the South African Republic. †

* No. 20.

† COLONIAL OFFICE NOTE.—A large number of resolutions, nearly all in Dutch, of similar purport to the above resolutions, have been received, but are not printed. A large number of resolutions supporting the petition of British subjects for redress of grievances and the claims of the Uitlanders to representation (telegraphic reports of some of which are printed in C. 9415) have also been received but are not printed.

No. 23.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 5, 1899.)

[Answered by No. 31.]

SIR,

Government House, Cape Town, July 19, 1899.

WITH reference to my telegram, No. 2, of the 15th instant,* I have the honour to transmit to you herewith a copy of a despatch from the Governor of Natal, enclosing a Petition to Her Majesty the Queen, in support of the recent Petition from Uitlanders in the South African Republic and of the policy of Her Majesty's Government with regard to the Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 23.

FROM the GOVERNOR, Natal, to the HIGH COMMISSIONER, Cape Town.

SIR,

Government House, Pietermaritzburg, Natal, July 10, 1899.

I TRANSMIT a copy of a letter from Dr. James F. Allen, forwarding a petition to the Queen, signed by six thousand three hundred and thirty-six loyal Colonists of Natal, in support of the Uitlanders' Petition and of the policy of Her Majesty's Government with reference to pending questions with the Transvaal.

2. Dr. Allen informs me that, in the course of a few days, he expects to receive some hundreds more signatures to the Petition.

3. The signatures are stated to be all those of adult European males. The total adult white male population of Natal may be estimated at about ten thousand.

I have, &c.,
WALTER HELY-HUTCHINSON.

His Excellency

Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.,
Cape Town.

DR. JAMES F. ALLEN to GOVERNOR.

259, Commercial Road, Pietermaritzburg, July 10, 1899.

YOUR EXCELLENCY,

I HAVE the honour to present to Your Excellency this Petition of 6,336 loyal Colonists of Natal, and most respectfully to ask you to forward it to the High Commissioner at Cape Town, for the purpose of its being laid before Her Most Gracious Majesty the Queen.

I beg to point out to Your Excellency that the signatures to this Petition are those only of adult European males, and therefore the number must represent a considerable majority of the adult male white population of Natal, which majority would, I believe, have been even still greater, but that the time the petition was open for signature was only ten days, thus making it impossible for arrangements to be made for the petition to reach distant parts of the Colony and return here in time, the petitions for several important districts not having come to hand to date.

I have, &c.,
JAMES F. ALLEN.

To His Excellency

The Honourable Sir Walter Hely-Hutchinson, G.C.M.G.,
Governor of Natal.

* No. 53 in [C. 9415].

The-Humble PETITION of British Subjects resident in British South Africa, to Her Majesty Queen Victoria.

Sheweth that :

Your Majesty's petitioners, being British subjects resident in the Colony of Natal, wish to express their sympathy with those thousands of their fellow-subjects in the Transvaal Republic whose petition Your Majesty has been graciously pleased to receive.

That men of British origin, engaged in an industry of vital concern to the prosperity of all South Africa, should labour on sufferance under unjust laws partially administered; that they should contribute nearly the whole of the revenue of the State and have no voice in its disposal; that, while themselves rigorously disarmed, they should have to watch the fruits of their labour being applied to swell the military strength of the class which holds their liberties and even their lives at its disposal: this is a position repugnant to our sentiments.

Moreover, it is a source of unrest, insecurity, and injury to business throughout Your Majesty's South African possessions.

In all these possessions the rule is absolutely Equal Rights for the Dutch-speaking and English-speaking populations; in the Transvaal Republic alone are the latter denied, not only Equal Rights, but political rights altogether.

From this contrast springs an intense race-feeling, which tends increasingly to divide and embitter all South Africa.

Your Majesty's petitioners feel that it is time that this state of things should be radically reformed; and, while yielding to none in their appreciation of the blessings of peace, are assured that only thus can peace be put on a firm foundation.

We therefore applaud the decision of Your Majesty's Government to make the reform cause their own; and trust that the present effort will not be relaxed until either the grievances are substantially redressed or the Uitlanders provided with the means of redressing them in the shape of a really effective parliamentary representation.

We express our profound confidence in Your Majesty's High Commissioner, and our conviction that any measures which Sir Alfred Milner may recommend as vindicating the legitimate influence of Great Britain and securing fair play for Uitlanders of our own and other nationalities will command a loyal support in all parts of British South Africa.

And Your Majesty's petitioners, as in duty bound, will ever pray.

No. 24.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 5, 1899.)

SIR,

Government House, Cape Town, July 19, 1899.

WITH reference to my despatch of the 23th ultimo,* I have the honour to transmit a copy of a despatch from Her Majesty's Agent at Pretoria on the subject of the endeavours made to discredit the genuineness of the signatures to the recent Petition to Her Majesty the Queen from British subjects in the South African Republic.

The further affidavits now sent appear to me to destroy the value of the only allegations of fraud in connection with the Petition which ever appeared to me at all serious.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 24.

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

SIR,

Her Majesty's Agency, Pretoria, July 10, 1899.

WITH reference to certain affidavits handed in by the President of the South African Republic at the recent Conference at Bloemfontein, and subsequently printed in the Transvaal Green Book on the Conference, tending to discredit the genuineness

* No. 4 in [C. 9404].

of the signatures of the Petition presented by 21,000 British subjects to Her Majesty the Queen, I have the honour to transmit to Your Excellency herewith a copy of a despatch* from the British Vice-Consul at Johannesburg, enclosing a letter which has been addressed to him by the President of the South African League.

Your Excellency will see that Mr. Wybergh deals in this letter with the affidavits of Reagan, Schimmelbush, and Bankier, handed in by President Kruger, and encloses affidavits in support of his contention that he is justified in saying that little or no credit should be attached to any of the affidavits against the Petition to Her Majesty.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

48, Bettelheim Buildings, Johannesburg.

SIR,

July 6, 1899.

I ENCLOSE five affidavits† on the subject of the Petition to Her Majesty, signed by 21,000 British subjects.

As you are aware, certain eleven affidavits, tending to discredit the Petition, were handed to His Excellency Sir Alfred Milner by President Kruger at the Bloemfontein Conference. These eleven affidavits I have already dealt with in a letter to His Excellency, dated June 22nd. The majority of them were either *primâ facie* absurd, or were absolutely refuted and discredited in the letter referred to.

There was, however, a group of affidavits by Regan, Schimmelbush, and Bankier, relating to some signatures alleged to have been forged by Bankier, with which, owing to the paucity of information then at my disposal, I was unable to deal thoroughly.

I, however, hazarded the suggestion that Bankier's affidavit was untrustworthy, and that what was originally a foolish practical joke, had, through the agency of the Secret Service, been exaggerated into a fraudulent conspiracy. In view of the five new affidavits now enclosed, I am able to shew that this is the actual fact, and further, to throw some light upon the discreditable methods adopted by Government officials and agents to obtain statements throwing doubt upon the petition.

Bankier's most serious allegation was that Porter and Eaton Lowe, two of our authorised canvassers, were privy to the fabrication of signatures.

Porter and Eaton Lowe, as already stated, have sworn affidavits to the contrary, and Bankier, in the affidavit now enclosed, expressly denies this allegation.

Bankier stated that Randall, Harrison, and Brooks assisted him in writing false signatures.

He now declares that neither Randall, Brooks, nor Harrison were present. This is also supported by the independent declarations of Randall, and indirectly by that of Harrison.

Bankier made a statement that Harrison received sheets from Porter and from Eaton Lowe. As regards Eaton Lowe this statement is explicitly denied by Harrison. As regards Porter, Harrison swears that he obtained sheets from Porter, which the latter refused to accept when returned to him, as he was not satisfied that the signatures were genuine. Porter's good faith is thereby completely vindicated, and the story agrees with Porter's own statement.

It is thus apparent that the most important statements made in Bankier's first affidavit are explicitly contradicted either by himself in his second affidavit, or by the affidavits of Randall and Harrison.

Further, the statements made by Bankier in his second affidavit, shewing the means that were adopted by a Government official to obtain his signature, are sufficient not only to discredit the whole of his first affidavit, but also to cast grave doubt upon the reliability of all the other affidavits handed in by President Kruger.

I may mention that this Mr. de Villiers, before whom Bankier made his first affidavit, is the same official who appeared in the late Amphitheatre riot as a leader of the rioters.

Mr. Pitt's statement expressly denies the statements made by Nugent and De Jong

* Not received in Colonial Office.

† The affidavits which are printed in Nos. 4 and 6 in [C.—9404] are not reprinted here.

as to the forgery committed by one "Joe Venner," at Langlaagte. The said Joe Venner, though I have been unable to question him myself, wrote of his own accord to the local press totally denying the allegations, which are also *primâ facie* ridiculous.

But in addition to the discreditable tactics disclosed by Bankier's second statement, Mr. Pitt swears that money was actually being offered for the purpose of obtaining false statements.

I feel, therefore, that there is no need of further comment from me, and that I am justified in saying that little or no credit should be attached to any of the affidavits against the Petition to Her Majesty.

I have, &c.,

W. WYBERGH,
President of the South African League.
Transvaal Province.

To J. Emrys Evans, Esq.,
Her Britannic Majesty's Vice-Consul,
Johannesburg.

No. 25.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 5, 1899.)

SIR,

Government House, Cape Town, 19th July, 1899.

WITH reference to my despatch of the 12th instant,* I have the honour to transmit to you copies of further correspondence with Her Majesty's Agent at Pretoria, respecting the proposed alteration in the Franchise Law of the South African Republic. I also enclose an extract† from the "Cape Argus" of the 12th instant, giving a translation of the latest draft law, which has been corrected by comparison with the Dutch text of the law.

I have, &c.,

A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 25.

HIGH COMMISSIONER to BRITISH AGENT, Pretoria.

TELEGRAM.

12 July. No. 1. Secretary of State wishes that Government of South African Republic should be informed that:—*Begins*:—If Government of South African Republic desire that their latest proposal with regard to franchise and increase of seats should form an element in the settlement between the two Governments, Her Majesty's Government request that they may be officially furnished with full particulars of the new scheme, and hope that the Government of the South African Republic will not proceed with it till Her Majesty's Government have had an opportunity of considering it and communicating their views. *Ends*.

Await arrival of my telegram No. 2.

Enclosure 2 in No. 25.

HIGH COMMISSIONER to BRITISH AGENT, Pretoria.

TELEGRAM.

12 July. No. 2. My telegram, No. 1. You had better see State Secretary and explain to him in delivering note to that effect, that, except from statements in newspapers and from a rough draft of a Bill left with me by Mr. Hofmeyr, and dealing only

* No. 16.

† Not reprinted.

with franchise, I have no real information as to what is now contemplated and am not in a position to inform Her Majesty's Government accurately about it. The reports in the newspapers say that it is intended to give four additional seats to Gold Fields, but no particulars are given. These statements also refer to proposals to revise the registration law and the qualifications and mode of election of the State President and Commandant-General. But there is no available information as to the nature of these contemplated changes. Moreover, the draft Bill about franchise which I have seen is incomplete in several respects.

Enclosure 3 in No. 25.

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

TELEGRAM.

12th July, 1899. No. 183. The new draft Franchise Law was laid before the Volksraad this morning. The State Attorney informs me that the complete text of the law has been cabled this morning to Dr. Leyds, who will communicate it to the Press, and that this version therefore may be accepted as perfectly accurate. The "Star" reporter here has also telegraphed a complete translation of the law to the "Cape Argus." I do not therefore propose to telegraph it to Your Excellency. The State Attorney has also been through the whole law with me this morning, and has explained its provisions to me. I am telegraphing his explanations to you. Please therefore expect further telegrams from me this afternoon on these explanations, and in reference to your telegrams 1 and 2 of to-day, which I have acted upon.—GREENE.

Enclosure 4 in No. 25.

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

TELEGRAM.

12th July, 1899. No. 184. My telegram, No. 183. Following are twelve points in new law explained or noted to me by State Attorney.

1. In Article 1 (a) the words "no crime against the independence of the Republic" have been substituted for "faithful to the independence." The object is to define the action and not merely give a vague expression which might be construed unfavourably to an applicant for the franchise.

2. In Article 1 (a) "two" full burghers is substituted for "four."

3. In Article 1 (b) the words "dishonouring sentence" and subsequent definition thereof would only include the four principal reformers who were sentenced for high treason, but not the others, who were imprisoned and paid their fines.

4. In Article 1 (d) the oath is the same as that of the Orange Free State and as recited at Bloemfontein Conference.

5. In Article 2, the penalty to be paid by the Field Cornet is a new provision, also the publication in the "Staats Courant," which is intended to serve as a permanent reference for the Government in case of dispute arising.

6. In Article 3, there is a provision made requiring an applicant who desires at the expiration of seven years to assume naturalization and franchise to give six months' written notice of his intention to do so before the lapse of that period, and to have such application published in the "Staats Courant."

7. In Article 4, the wording of the first section is as follows:—"All who came into the Republic up to and including 1895 will have to wait nine years from the date of their entering into the country. Those who came into the Republic in the year 1896 will have to wait eight years altogether, and all who come in after and including 1897 will have to wait seven years." Thus those who came into the Republic in 1895, 1896, and 1897, will all get the franchise in 1904.

8. Section two of Article 4 has been inserted to enable the Government to know in advance how many persons propose to take advantage of the law.

9. Article 5 now limits the persons to whom special naturalisation and franchise may be granted to persons who have accepted an official position in the service of the State, or who have rendered special services such as service in time of war to the Republic.

10. By Section 2 of Article 6 children of aliens obtain the franchise under the conditions named at the age of 21.

11. In Article 7, the words "legal objection" would, in the State Attorney's opinion, entitle an applicant to appeal to the High Court against an unfavourable decision.

12. The Schedule attached to the law is in no sense an oath or a promise, but simply a statement that applicant is acquainted with the obligation under this franchise law to obey the laws and commit no crime, &c.—GREENE.

Enclosure 5 in No. 25.

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

TELEGRAM.

12th July, 1899. No. 185. In reply to your telegram of to-day's date, No. 1.

I handed Secretary of State's telegram to South African Republic's State Secretary this morning, who promised to lay it before Executive Council in the afternoon, and will give definite answer as soon as possible.

He had, before I visited him, communicated to me official copy of Draft Law, which I found on my return home.

He said South African Republic Volksraad had not intended in any case to discuss measure in the afternoon of to-day.—GREENE.

Enclosure 6 in No. 25.

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

TELEGRAM.

12th July, 1899. No. 186. Your telegram, No. 2, of to-day's date. I am informed by State Attorney as follows:—

1. The four new seats for the Goldfields will all be for the Rand. The redistribution scheme recently passed by the Volksraad will be dropped, and possibly one new member each be given to Zoutpansberg and Pretoria. The present Volksraad of 28 members will then consist of 32 or 34 members, as the case may be, of which six will be Uitlander seats, counting Barberton as one of the latter.

2. Revision of Registration Law.

Law will be revised to prevent persons who have registered themselves in one district, going suddenly to another district and immediately claiming the right to vote there as soon as they have been registered in Field Cornet's book. The object is to prevent flooding of small Boer constituencies by Uitlanders before an impending election and outvoting old voters there, as the State Attorney says has been done in Cape Colony. The law will probably enact that no one may vote in any district but his own whose name has not been for six months in the book of new district.

3. Election of Commandant-General and State President.

There are two schemes:—First, that candidates should be nominated by the Volksraad itself; or, second, that selection should be made by electoral district, as he thought was the case in America.

The President himself is, however, (? not) in favour of any change being made, and it is possible, therefore, that things may remain as they are now.—GREENE.

Enclosure 7 in No. 25.

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

TELEGRAM.

12th July, 1899. No. 187. Referring to my telegram, No. 185, South African Republic State Secretary informs me he will answer to-morrow.—GREENE.

Enclosure 8 in No. 25.

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

TELEGRAM.

12th July, 1899. No. 188. I had to-day a general conversation with the State Attorney. He did not know how Executive Council would reply to request contained in the telegram from the Secretary of State, as the franchise was regarded as an internal affair by the Government of the South African Republic. Our people, I said, were pressing for a guarantee on the part of Her Majesty's Government that any franchise law passed by the Volksraad would not, as in past cases, be departed from. State Attorney said that we might rely on any law which was passed by the Volksraad being solemnly kept. He thought that Government South African Republic would not consent to admit the right of Her Majesty's Government to exact any guarantee unless we agreed to some reasonable scheme of arbitration and our relations placed upon a more friendly basis by means of an alteration of the Convention or otherwise. He did not wish to drive a Kaffir bargain, but something in return would be expected by Government of South African Republic if they were asked to meet us in such a matter as the guarantee. As regards arbitration, the Tribunal might consist of five members, who might elect their own Umpire, who might be of English or any other nationality. The present franchise proposals of Government of South African Republic represented absolutely the greatest concession that could be got from the Volksraad and could not be enlarged. He personally had tried hard for a seven years' retrospective franchise, but the Raad would not hear of it, and it was only with difficulty that the present proposals were obtained. They would, he feared, not be sufficient for the Secretary of State, but no more could be done by Government of South African Republic. He thought a serious stage had been reached, and that the irritating attitude of press was the cause of the critical situation.—GREENE.

Enclosure 9 in No. 25.

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

TELEGRAM.

13th July, 1899. No. 189. Referring to my telegram 185, following is substance of reply of State Secretary, dated to-day.*

Note sent by post.†—GREENE.

Enclosure 10 in No. 25.

HIGH COMMISSIONER to BRITISH AGENT.

13th July. Referring to your telegram, 186, I shall be glad if you will obtain answers to the following questions from the State Attorney:—(a) As to franchise law, will persons obtaining full franchise enjoy from time of obtaining it all the rights of burghers, or will there be any distinction, and, if so, what between them and original burghers of full age. (b) As to increase of seats, (1) What does Rand District mean exactly? Does it mean present electoral district of Heidelberg and Johannesburg? (2) Will Rand District be sub-divided into four electoral districts, or will district as a whole elect four new members, and, if so, will every voter have four votes, but be able to give one only to any one candidate, or will there be cumulative voting? What is going to happen in future elections, when there will be six members for Rand? Will it be sub-divided into six districts? (3) When is it intended that election for four new members shall be held? (4) Will existing voters have right of voting for four new members then elected? (5) Will Uitlanders not in Rand district be registered voters in district in which they at present reside? (6) Will provision against voters transferring themselves from one district to another apply to old as well as new burghers? I also wish to know, (1) What is present qualification for members of First Volksraad. Will persons receiving full franchise under new law be eligible as members of First Volksraad immediately? (2) Am I right in thinking that members of First Volksraad

* Printed in [C. 9415] No. 50.

† See page 40 of this paper.

are elected once every four years? I think you should make written note of the State Attorney's replies, and get him to agree to it as correctly representing them, so that there can be no room for future misunderstanding on the point.

Enclosure 11 in No. 25.

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

TELEGRAM.

14th July, 1899. No. 190. The whole of yesterday's afternoon sitting of the Volksraad was devoted to Article 1 of the new draft Franchise Law, on which innumerable questions were asked by members. The principal points on which opinion was divided were the clauses dealing with oath, property qualification, appeal to executive in case of failure to satisfy local officials, dishonouring sentence, personal affidavit, and affidavits of two burghers, crimes against independence of State. The debate was adjourned, Article 1 being still under consideration.—GREENE.

Enclosure 12 in No. 25.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 13, 1899.
On the receipt of Your Excellency's telegram of yesterday's date, on the subject of the Government draft franchise proposals, I drew up the note of which a copy is enclosed, and handed it to the State Secretary.

Mr. Reitz, on reading it, informed me that he had already sent me a copy of the draft Law.

I said it had not arrived at Her Majesty's Agency when I left home. I asked that I might be favoured with a reply to the Secretary of State's inquiry as soon as might be convenient.

Mr. Reitz said he would lay my note before the Executive Council in the afternoon.

This morning I received the note, of which a translation is enclosed, from the State Secretary in reply, from which Your Excellency will observe that the Government of the South African Republic are unable to meet the wishes of the Secretary of State further than they profess to have already done by sending me—casually, as it would appear—a copy of the Government draft Law, seeing that the matter is no longer in the hands of the Government, as the law has been referred to a Committee of the Volksraad.

On leaving the State Secretary I had a long interview with the State Attorney, in which Mr. Smuts explained to me the somewhat complicated provisions of the measure. As I have already acquainted Your Excellency by telegraph, as far as I was able to take them in, with the substance of Mr. Smuts' explanations, I will not refer to them again here.

In conclusion I have the honour to enclose a copy of the note which was addressed to me yesterday by the Under-Secretary of State for Foreign Affairs, and which I found on my return home, transmitting to me a copy of the draft Law in question.

In forwarding the note, I would draw Your Excellency's attention to the fact that this communication has apparently only been made to me "in consequence of the great interest which I take in the question of the franchise in this Republic."

A translation of the Law from the "Press" newspaper is also annexed.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 12, 1899.
I HAVE the honour to state to you, by direction of the High Commissioner, that the Secretary of State has informed him by telegraph that if the Government of the South African Republic desire that their latest proposal with regard to the franchise and an increase of seats in the Volksraad should form an element in the settlement

between Her Majesty's Government and the Government of the South African Republic, Her Majesty's Government request that they may be officially furnished with full particulars of the new scheme, and hope that the Government of the South African Republic will not proceed with it until Her Majesty's Government have had an opportunity of considering it, and of communicating their views.

I have, &c.,

CONYNGHAM GREENE.

The Honourable
The State Secretary.

(Translation.)

Ministry for Foreign Affairs, Pretoria,

July 12, 1899.

SIR,

SEEING that so much interest is taken by you in the question of the Franchise in this Republic, I have the honour to transmit to you herewith a copy of the Draft Law on Naturalisation and full Franchise, as now submitted by a Commission and laid before the First Volksraad for consideration.

I have, &c.,

P. GROBLER,

Under Secretary of State for Foreign Affairs.

Conyngham Greene, Esq., C.B.,
British Agent.

(Translation.)

Ministry for Foreign Affairs, Pretoria,

July 13, 1899.

SIR,

I HAVE the honour to acknowledge the receipt of your Note of the 12th instant on the subject of the Franchise proposals of this Government.

In reply thereto I desire to draw your attention to the fact that, even before I had received your Note, the Under Secretary of State for Foreign Affairs had sent you the Draft Law on Naturalisation and Franchise, as drawn up by the Volksraad Commission, with reference to the published Draft of the proposals of the Government, and thereby had in part given effect to the request of the Secretary of State. This Government would gladly have wished to go further to meet the request of the Secretary of State, and thereby to ensure the friendly relations between the two Governments. His Excellency the High Commissioner will remember that it was precisely the proposal of His Honour the State President at Bloemfontein, as expressed in his Memorandum of the 5th of June, 1899, that both the parties represented at the Conference should continue to work in the spirit of that Conference, so that their labours there might not remain vain and fruitless. The answer of His Excellency thereto was a distinct refusal. He said that if the President were disposed to lay his scheme respecting the Franchise before the Volksraad, he did not wish to dissuade the President from doing so, but that he must do so of his own accord and not as a part of an understanding with Her Majesty's Government. "This Conference," added His Excellency, "is entirely at an end, and there is no obligation on the one side or the other arising therefrom."

By these words of His Excellency this Government was obliged to treat its proposal respecting the Franchise of its own accord and not as a part of an understanding with Her Majesty's Government.

This Government did so, but has availed itself in many important respects of the valuable friendly counsels given by His Excellency at Bloemfontein, as His Excellency will observe from the Draft Law communicated to you. This Government may add that under the circumstances it has done its very best to bring its proposals, as far as possible, into harmony with that of His Excellency, and the result, as set forth in the Draft Law, indicates the farthest point at which the people and the Volksraad of the Republic have been able to arrive, and differs only in details from what was put forward by His Excellency.

Since this new Draft Law has been drawn up by a Commission of the Volksraad, and that Commission has already handed in its report to the Volksraad, the whole matter is out of the hands of the Government, and it is therefore no longer possible for this Government to further satisfy the request of the Secretary of State.

In conclusion, this Government desires to express its satisfaction at the spirit of rapprochement (toenadering) which appears from your communication ; on its part it desires to say that it wishes for nothing more fervently than that by means of a friendly and fair settlement a termination may be made to the condition of tension that now prevails in South Africa with such a demoralizing effect. In this spirit the State President of this Republic went to Bloemfontein ; in this spirit were his last words at that Conference, and in this spirit this Government will endeavour to work forward, and will always be ready to take into serious consideration any friendly counsels from Her Majesty's Government.

I have, &c.,
F. W. REITZ,
State Secretary.

Conyngnam Greene, Esq., C.B.,
British Agent.

(“ PRESS,” JULY 13, 1899.)

THE SITUATION.

NEW FRANCHISE LAW.

FULL TEXT.

The following is the full text of the new Franchise Law, which was laid on the table of the First Raad yesterday morning, and will be debated to-day :—

Whereas it has appeared desirable to amend and amplify certain provisions of the laws with reference to naturalisation and the obtaining of the full franchise ; and

Whereas these amendments will not permit of delay by being published three months beforehand in terms of Art. 12 of the Grondwet, and as they have already been accepted by the people in principle : It is hereby enacted that :—

Art. 1.—Each white male stranger, who has reached the age of sixteen years, and who settles or has settled in the South African Republic with the intention of residing there, shall in future be able to obtain letters of naturalisation, provided that he fulfils the following provisions and enactments :—

- (a.) The applicant shall produce a certificate from the Fieldcornet and the Landdrost of his ward and district, countersigned by the Commandant of the district, to show that he was, during the time—required in his case—preceding the naturalisation, continually registered on the Fieldcornet's list ; was during this time domiciled in the South African Republic ; and during this time obeyed the laws of the land and committed no crime against the independence of the South African Republic.

If the Fieldcornet and Landdrost are not from their personal knowledge able to grant such certificate, they shall do so on the strength of affidavits of the applicant and two well-known fully enfranchised burghers of the ward and district, declaring that the applicant has during the necessary period been domiciled in the South African Republic, and has during that time obeyed the laws of the land, and has committed no crime against the independence of the South African Republic.

If the Fieldcornet and Landdrost and Commandant refuse to grant such certificate or to sign it, the applicant may appeal to the Executive Council.

If the Fieldcornet's books are destroyed or lost the applicant shall prove to the satisfaction of the State Secretary and State Attorney, by means of affidavits, that he was registered.

- (b.) The applicant shall produce a sworn declaration made by himself to the effect that he has had no dishonouring sentence passed on him, and shall produce further proof of good behaviour.

By dishonouring sentence shall be understood a sentence for the crimes of high treason, murder, rape, theft, fraud, perjury, or forgery.

- (c.) The applicant shall produce proof that he possesses unmortgaged fixed property to the value of £150, or pays rent to the amount of £50 per annum, or draws a fixed salary or wage of £100 per annum, or makes an independent living by farming or cattle-breeding.
- (d.) The person desiring to be naturalised, shall, before the official granting of the letters of naturalisation, take the following oath, by which he will be understood to renounce and give up all burgher-rights enjoyed in and burgher duties and subjection to any State or ruler :—

I swear (or I solemnly declare that the taking of an oath is not permitted by my religion, and promise), faithfully in all righteousness, and in terms of Law No. . . . of 1899, with which I declare to be acquainted, that I shall be loyal to this State, shall honour and support its independence, shall subject myself to the Grondwet and the lawful authorities of the land, and shall in all respects conduct myself as it behoves a loyal burgher of this State. So truly help me God (or that I solemnly promise).

Before a person who has already been naturalised is admitted to the full franchise, he shall, when he makes application therefor, besides fulfilling the other requirements of this Law, again produce proof of fulfilment of the provisions and enactments of Sections a, b, and c.

No person shall be entitled to or be allowed to obtain letters of naturalisation or full franchise unless he has fulfilled the aforementioned provisions, with the exception of cases for which this or any other Law makes special provision.

Art. 2. Each person who comes or has come to the South African Republic to stay shall, after two years, and after fulfilment of the provisions of Art. 1, be able to obtain letters of naturalisation, and shall, five years after naturalisation, be able to obtain the full franchise, provided that in both instances, six months before the expiration of the fixed period, he gives written notice of his intention to apply therefor to the State Secretary through the Fieldcornet and Landdrost of his ward and district.

The Fieldcornet shall be bound—under pain of a fine of not more than £10 in each case of neglect—to send this notice to the State Secretary through the Landdrost as soon as possible, and at the most within thirty days of the sending in thereof, for publication in the *Staatscourant* for general information, and the State Secretary shall without loss of time publish such notice three consecutive times in the *Staatscourant*.

Art. 3. Each person who comes or has come into the South African Republic to stay shall, seven years after sending in to the Fieldcornet a notice of his intention to be naturalised, in accordance with the form contained in Schedule A, be able to obtain letters of naturalisation with the full franchise on fulfilling the provisions of Art. 1.

Such notice shall be sent by the Fieldcornet to the State Secretary and be published by him, all under the same provision and punishment as set forth in the foregoing Article.

If the person desires to obtain letters of naturalisation with full franchise after seven years, he shall also, six months before the expiration of the period, give written notice to the State Secretary, the Fieldcornet, and Landdrost of his ward and district.

This notice shall also be sent to the State Secretary by the Fieldcornet, and the latter shall publish it in the *Staatscourant*, all under the same provision and punishment as set forth in Art. 2.

The applicant shall then, on application for the letters of naturalisation with full franchise, further give proof that he has sent in the notice, in accordance with the form of Schedule A, mentioned in the first paragraph of this Article, for proof of which it will be sufficient to produce a copy of the *Staatscourant* in which the notice was published.

Art. 4. Each person who has come to the South African Republic to stay before the coming into force of this Law shall, on fulfilment of the provisions of Art. 1, be able to obtain letters of naturalisation with the full franchise nine years after his coming into the country, or five years after the coming into force of this Law, provided that in the last case a period of not less than seven years has elapsed since his coming into the country.

In case the applicant is not entitled to the full franchise six months after the coming into force of this Law, he shall give proof that he, within six months after the coming into force of the Law, sent in to the Fieldcornet of his ward a written notice of his intention to become naturalised.

If he neglect to send in this notice, in accordance with the form contained in Schedule A, or if he does not produce the certificate mentioned in Art. 1, Section *a*, the applicant shall not be entitled to the full franchise in terms of this Article, but only in terms of Articles 2 and 3.

Such notice shall be sent by the Fieldcornet to the State Secretary, and the latter shall publish the same in the *Staats courant*, all under the same provisions and punishment as set forth in Article 2.

If he is naturalised when this Law comes into force, he may obtain the full franchise after five years from the date of his naturalisation, and, if he chooses, in accordance with the provisions of paragraph 1 of this Article.

Art. 5. Nothing provided in this Law shall prevent the Government from granting letters of naturalisation with or without the full franchise to persons who take a position in the Service of the country, or have rendered services to the country, or who have in any other respect rendered themselves of service to the country, although in their case they have not fulfilled the provisions of the Law, provided that they take the oath in accordance with Art. 1.

Art. 6. Youths not born in the State, and whose fathers have obtained letters of naturalisation or full franchise before they (the youths) had reached the age of sixteen years, have the same franchise as their father.

Youths born in this State, whose fathers were neither naturalised nor had the full franchise, may be naturalised at their sixteenth year by taking the oath mentioned in Art. 1, and may, five years after that, obtain the full franchise by fulfilling the provisions mentioned in Art. 1, Sections *a* and *b*.

Art. 7. The application for naturalisation and the full franchise must be sent with the necessary proofs to the State Secretary by the Fieldcornet, through the Landdrost, and the latter shall refer these to the State Attorney, who shall send them back to the State Secretary with his advice. If the State Secretary and the State Attorney have no legal objection to the granting of the letter of naturalisation or full franchise, then this shall be granted. If there is any objection the Executive Council shall decide.

The letters of naturalisation and full franchise shall be signed by the State Secretary and State Attorney. The State Secretary shall cause the letters of naturalisation and full franchise to be granted by an official appointed for that purpose, and cause the necessary oath of naturalisation to be taken before this official.

The letters of naturalisation shall bear a stamp of £2 sterling; the granting of the full franchise to persons who are already naturalised shall be free of cost.

Art. 8. No person who is not considered as a white inhabitant of the South African Republic shall obtain the franchise, in accordance with Art. 9 of the Grondwet.

Art. 9. All laws and provisions, in so far as they are in conflict with this Law, are hereby repealed.

Art. 10. This Law comes into force

SCHEDULE A.

I _____ at present resident at _____ in the _____ South African Republic, formerly resident at _____ in _____ whose occupation is _____, desiring to reside for good in the South African Republic, hereby give notice that I, _____ years from date, will make application for letters of naturalisation with the full franchise, and declare that I am acquainted with the duties imposed on me by Law No. _____, 1899, to obey the laws and commit no crime against the independence of the South African Republic.

Enclosure 13 in No. 25.

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

TELEGRAM.

14th July, 1899.—No. 192. The Volksraad to-day passed the 1st Article of the Draft Franchise Law, as printed, and the 2nd Article with slight alteration.—(GREENE.)

Enclosure 14 in No. 25.

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

TELEGRAM.

15th July, 1899. No. 194. Following are replies to questions taken in their order :—

Franchise Law : No distinction whatever.

Increase of seats :—

- (1) Yes.
- (2) Most probably Witwatersrand will be subdivided into four electoral districts with as nearly as possible the same electorate. If Johannesburg still remains too great, it will most probably get a second member. But possible, if Klerksdorp is sufficiently important in comparison with the others, member might be given to it instead of Heidelberg. N.B.—That there will be five members only for Witwatersrand, the sixth Goldfield's member sitting for Barberton. No cumulative vote to be allowed.
- (3) Before next ordinary session of Raad, probably therefore during January or February, but not before an opportunity has been given to the new burghers to become entitled to vote.

(4.) Yes.

(5.) Yes.

(6.) Yes.

First Volksraad :—

- (1.) See Article 36 of Law 2 of 1896.* Answer to second clause of question is : Yes. Immediately.
- (2.) Half of First Raad retire biennially, so that there is a half general election every two years.—(GREENE.)

Enclosure 15 in No. 25.

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

TELEGRAM.

15th July, 1899. Your telegram of to-day. I do not understand your saying there will be five members only for Rand. At present there are two, one for Johannesburg and one for Heidelberg. According to your telegram, No. 186, State-Attorney

* Article 36 is as follows :—In order to be entitled to take his seat as member of the First Volksraad, he who is lawfully elected as such must be 30 years of age and member of a Protestant church, reside in the Republic, possess immovable property therein, and must have acquired full burgher rights.

told you there were to be four new seats for the Goldfields, that they would all be for the Rand. Am I to understand that possibly one of these four will be given to Klerksdorp, thus leaving only three new seats for the Rand, or, with the two existing seats, five in all.

Enclosure 16 in No. 25.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

Her Majesty's Agency, Pretoria,
July 14, 1899.

SIR,

WITH reference to my despatch of yesterday's date on the subject of the Government Draft Franchise Law, I have the honour to report that the debate on the report of the Commission on the franchise proposals commenced in the Volksraad yesterday afternoon.

The whole afternoon was devoted to asking innumerable questions of the State-Attorney and of the Chairman of the Commission on the provisions of Article 1 of the Law. The debate was at last adjourned while the Article was still under consideration, but the State-Attorney informed me this morning that the Article had been just passed, as printed, by the Chamber.

On the day before, the Raad had been engaged in discussing the draft amendment to Article 16 of Law No. 3, 1894, in respect to the loss of franchise on account of a dishonouring sentence.

Reports* of these two debates from the "Press" newspaper are annexed.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

Enclosure 17 in No. 25.

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

TELEGRAM.

July 16. No. 195.—In reply to your telegram of yesterday, following received from Attorney-General, South African Republic:—

Begins—Counting Heidelberg as a gold field, High Commissioner is correct in saying that the Rand will be represented by six members in first Volksraad.

I did not count Heidelberg as a gold field because part of the district vote with the gold field for all electoral purposes. If Boksburg is cut off from Heidelberg and given its own member the result may be, I do not say it will be, that, in comparison with Heidelberg, Klerksdorp will more justly be entitled to a new member of its own.

N.B.—Counting Heidelberg as a gold field, there will be seven gold fields members in a Raad of 32. Ends.—(GREENE).

Enclosure 18 in No. 25.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

SIR,

Her Majesty's Agency, Pretoria, July 15, 1899.

In continuation of my despatch of yesterday's date, I have the honour to transmit to Your Excellency herewith a report* from the *Press* newspaper of to-day of the debate in the Volksraad yesterday on the Draft Franchise Law, when Article 1 was passed as printed, and Article 2 was also carried with the addition of the words "at least" before the words "after two years" and "five years after naturalisation."

* Not reprinted.

The only features of the debate were the protest of Mr. Loveday against the inclusion of Russian Jews in the franchise, and the tall talking of Mr. Lombard and Mr. Jan de Beer about Your Excellency, the Secretary of State, and England and Englishmen generally.

His Excellency
The High Commissioner,
Cape Town.

I have, &c.,
CONYNGHAM GREENE.

Enclosure 19 in No. 25.

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

TELEGRAM.

July 18, 1899. No. 197. In the Volksraad this morning Article 3 of the Draft Franchise Law was passed with the insertion of the words "at least" before the words "seven years" in Clause 1, and before the words "six months" in Clause 3. Article 4 was then discussed, the President supporting a proposal for a seven years prospective and retrospective franchise. The debate on this Article is proceeding.—(GREENE.)

Enclosure 20 in No. 25.

TELEGRAM.

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

July 18, 1899. No. 198.—In the Volksraad this afternoon Article 4 of Franchise Law was passed by 22 votes to 5, with the following alterations:—In Clause 1, viz., the words "at least 7" are substituted for "9," and the words from "or five years" to end of clause are deleted. Article 5 was then discussed, and four motions tabled, but no vote yet taken at adjournment.—(GREENE.)

Enclosure 21 in No. 25.

TELEGRAM.

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

No. 199. July 19.—In Volksraad this morning Article 5 of Franchise Law was passed with the alteration of the word "Government" into the words "Executive Council." Article 6 was passed as printed, with the addition of the following clause:—"They can also, by giving notice according to Schedule A at 16 years, get the full franchise five years later by complying with the conditions contained in Article 1, Sections A, B, and D." The remaining Articles were passed as printed, and the Schedule annexed to the Law was under discussion at adjournment of House.

No. 26.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 5, 1899.)

SIR, Government House, Cape Town, July 19, 1899.
I FEEL sure that you will appreciate the extreme difficulty under which I labour in reporting on a situation which changes daily and almost hourly, and on complicated proposals, like those of the South African Republic Government, which are subjected to radical alterations with startling frequency.

The enclosures in my despatch of 19th July,* will enable you to follow the proceedings in connection with the latest draft of the Franchise Law, which has now been under consideration for a week. That draft was framed, as you are aware, after the visit of Mr. Hofmeyr and Mr. Herholdt to Pretoria. When first introduced it differed from

* No. 25.

previous drafts in allowing an alternative to the original plan by which an alien might naturalise after two years' residence but could not receive the full franchise until five years after naturalisation—this alternative being, that the would-be burgher could defer naturalisation till the end of the seven years, and then become a full burgher at once. It further differed from the original proposal in allowing past residence to count according to a sliding scale, by which people who entered the Republic in the years 1891, 1892, 1893, 1894, could get full franchise rights after nine years, those who entered in 1895 after eight years, and those who came later after seven years. This complicated provision has, however, now been struck out, and a uniform period of seven years past residence has been adopted. These are the main novelties. As regards details, the new draft also differs in many respects from its predecessors. Some of the features of the original scheme, to which objection was taken by me at Bloemfontein, and by many other critics subsequently, have disappeared. But, on the other hand, there are new conditions attaching to the attainment of burgher rights in the present draft which are exceedingly complicated and which are very variously interpreted. As you will see from the report of the debates in the Raad, members themselves have the greatest difficulty in understanding many of the clauses of the measure. The provisions of Clause I were criticised with great severity by Mr. Loveday, and I am bound to say that they appear to me not only difficult of comprehension but of quite unnecessary stringency. In a case where the Fieldcornet's books are lost—and this is admittedly no uncommon case—it will often be difficult for the alien, especially in a place like Johannesburg, where the burgher population is small and lives apart from the Uitlanders, to obtain the sworn declarations of two burghers of position ("notabele burghers") as to his residence, qualification and other necessary particulars. The difficulty will be even greater where the Uitlander, as frequently happens, has spent his seven years as a prospector, engineer, &c., not continuously in one place but in a number of different localities within the Republic. If the two burghers cannot certify to him there remains the appeal to the Executive Council. The Executive Council is already overworked and may be flooded with appeals. Even if the Council follows some simple and reasonable principle in deciding on cases submitted to it, the applicants may be put to delay and expense. If the Council is arbitrary or partial, there may also be many cases of injustice. It would be possible to go through the various Clauses of the Bill and point out objections of a serious character to most of them. The Bill has been riddled with criticisms in the press, many no doubt based on misunderstanding, but others, in my opinion, well-founded and calculated to raise grave doubts as to whether the measure will, in practice, be found a workable one. But in the present position of the controversy I do not think it necessary to go into all these questions. There is only one other point to which I will refer, as it appears to me specially illiberal. I mean the provision by which the seven years' residence qualifying for burgher rights runs, not from the time of a man's arrival in the country, but from the date of his giving notice of his intention to apply for such rights. Similarly, in the case of those who have been already long resident in the country, notice must be given of their intention to apply for burghership within six months of the passing of the law. Otherwise, the benefit of the retrospective provisions is wholly lost to them.

The position at the present moment is that all the articles of the draft have been passed, with the important amendment already referred to and one or two others of slight importance, and that within a day or two it will probably be law. On July 12th Her Majesty's Government requested the Government of the South African Republic to give them time "to consider the measure and communicate their views" before it was proceeded with. To this the Government of the South African Republic replied on July 13th with a polite negative, saying that "the whole matter was out of the hands of the Government, and it was no longer possible for the Government to satisfy the demands of the Secretary of State." The State Attorney informed Mr. Greene at the same time that "the present proposals represented absolutely the greatest concession that could be got from the Volksraad and could not be enlarged. He personally had tried hard for seven years' retrospective franchise but the Raad would not hear of it, and it was only with difficulty that the present proposals were obtained." This was on the 12th, but within a week the seven years' retrospective franchise had been adopted. Indeed, the statement of the absolute impossibility of obtaining more than a particular measure of enfranchisement from the Volksraad or the Burghers has been made over and over again in the history of this question—never more emphatically than by the President himself at Bloemfontein—and has been over and over again shown to be a delusion. The

pliability of both Burghers and Volksraad in the hands of the President and the Executive has been most remarkable, and it is difficult to believe that even now the Government could not, if it wished, obtain more liberal terms or introduce simpler conditions. Its refusal to consider any further suggestions from Her Majesty's Government has therefore introduced an element of difficulty into the situation, which appears to me gratuitous.

Whatever may be thought of the law in its final form, the value of the scheme of which it forms a part will depend to a great extent on the number of new seats to be created for the Rand district and of the manner in which they are distributed. This question is still unsettled, and it has undergone the same startling modifications as the proposal relating to enfranchisement. At Bloemfontein the President proposed three new seats for the Rand district. The Raad subsequently approved of a resolution to create four new seats, and fifteen others for the rest of the country. When the latest draft of the Franchise Law was introduced, we were officially informed that there were to be four for the Rand, and possibly two others outside the Rand, viz., at Pretoria and Zoutpansberg. Yesterday it was announced that there were to be five new seats for the Rand and one for a country district, viz., Zoutpansberg. These constant changes are, of course, absolutely bewildering, while the very important question in what manner the new Rand constituencies are to be carved out of the present electoral districts, is as yet quite unsettled. It remains to be seen whether the Government of the South African Republic will, in this matter, also proceed in haste and without further reference to Her Majesty's Government.

I regret that with all these uncertainties and this constantly changing character of the situation, it is not possible for me, or for any one, to estimate the result which is likely to be produced, as far as the immediate representation of the Uitlanders is concerned, by these conjoint proposals.

I have put off this despatch to the last moment, waiting for fresh changes, one of which was only definitely announced this morning. I reported, as best I could, on the effect of the latest scheme, as first introduced, in several telegrams.* Since the last of them was despatched two further changes have occurred, namely, the immediate admission of those who entered the Republic up to the middle of 1892, and the proposed addition—though this is as yet a report only—of another new seat for the Rand District. Both these, of course, tend to increase the chances of Uitlander representation. But great uncertainty still exists, in view of the complicated provisions of the franchise law, as to how many Uitlanders could fulfil the conditions for obtaining the Franchise, and still greater uncertainty as to how many will now attempt to obtain it. The one point which is constantly left out of sight in discussing the number of Uitlanders who may become burghers under this or that scheme, is the effect which the scheme, as a whole, is likely to produce upon their disposition to take up the rights and duties of burghership. Will they consider it worth while? Will they, especially those of them who possess a citizenship that they are proud of, be willing to change their allegiance? That depends in many cases upon the amount of faith they have in the fairness and practicability of the system of admission to burgher rights. That the Uitlanders, especially the British Uitlanders, will be particularly attracted by the offer now made to them—in its present form—is, I think, extremely improbable.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

No. 27.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER

SIR,

Downing Street, August 9, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 4th ultimo, † enclosing a copy of correspondence with Her Majesty's Agent at Pretoria, on the subject of the proposals of the Government of the South African Republic for submitting to arbitration differences arising as to the interpretation of the London Convention.

I have, &c.,
J. CHAMBERLAIN.

* See Nos. 48 and 50A in [C. 9415].

† No. 4.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR,

Downing Street, August 10, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 12th of July,* and to request that you will instruct Her Majesty's Agent at Pretoria to inform the Uitlander Council that I have received their declaration on the political situation.

I have, &c.,
J. CHAMBERLAIN.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received August 11; 1899.)

[Answered by No. 38.]

SIR,

dress,
. 13,
9.

Government House, Pietermaritzburg, Natal, July 22, 1899.

WITH reference to my telegram of 19th instant, † I have the honour to transmit an address from the Legislative Assembly of Natal, expressing its sympathy with, and approval of, the action of the British Government in its endeavour to secure equal rights and privileges for all Europeans in South Africa, whereby peace, prosperity, and the termination of racial animosity in this country can alone be assured.

2. The Address was moved by Mr. Joseph Baynes, seconded by the Right Honourable Harry Escombe, and strongly supported by the Prime Minister on behalf of the Government. The Prime Minister, who has been confined to his bed for the last fortnight with a broken tendon, the result of a carriage accident, had himself carried from his bed to the House, in order to give the motion his personal support.

3. Mr. Theunis Nel, one of the Members for Umvoti County, stated that, although he thought the time rather inopportune for the introduction of the Resolution, he was not against it, and Mr. Tol Nel, his colleague, stated that he had no objection to supporting it. The Motion was then put and carried unanimously, amidst cheers.

4. Only two Members of the House were absent, one of them on account of illness; the other, Mr. F. A. R. Johnstone, signed the petition to the Queen which I recently forwarded to the High Commissioner.

5. There can be no doubt that the decision at which the House has arrived meets with the approval of the vast majority of the electorate.

6. I enclose a newspaper report of the debate, and articles ‡ which have appeared in the local press on the subject.

7. A resolution, identical in terms with that passed by the Assembly, is to be proposed, on the 25th instant, in the Legislative Council, by Mr. G. M. Sutton.

I have, &c.,
WALTER HELY-HUTCHINSON.

Enclosure 1 in No. 29.

ADDRESS No. 13, 1899.

To His Excellency the Honourable Sir Walter Francis Hely-Hutchinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population, &c., &c.,

May it please Your Excellency,

The Legislative Assembly begs respectfully to transmit to Your Excellency the following Resolutions which have passed the Legislative Assembly of Natal, namely:—

(a) The Legislative Assembly of Natal desires to express its sympathy with, and approval of, the action of the British Government in its endeavour

* No. 16.

† No. 58 in [C. 9415].

‡ Not reprinted.

to secure equal rights and privileges for all Europeans in South Africa, whereby peace, prosperity, and the termination of racial animosity in this country can alone be assured.

- (b) That a respectful Address be presented to His Excellency the Governor praying that the above Resolution be forwarded to Her Majesty the Queen.

By resolution of the Legislative Assembly this 19th day of July, 1899.

J. LIEGE HULETT,

Speaker.

F. W. A. WATSON, Clerk.

Enclosure 2 in No. 29.

("THE TIMES OF NATAL," July 20, 1899.)

NATAL PARLIAMENT.

LEGISLATIVE ASSEMBLY.

WEDNESDAY AFTERNOON.

The notice of motion tabled by Mr. Baynes had the effect of attracting a considerable attendance of the general public, the large number of ladies present giving the galleries a gay appearance.

The Speaker took the chair at three o'clock.

* * * * *

THE TRANSVAAL SITUATION.

The Right Hon. H. Escombe asked that the motion of the hon. member for Ixopo be taken prior to the orders. In doing so, he might mention his pleasure that the Prime Minister was in his place. (Loud cheers.)

It was agreed to take the motion first.

Mr. Baynes, who was received with cheers from the galleries and the hon. members, moved as follows:—
 "(a) The Legislative Assembly of Natal desires to express its sympathy with, and approval of, the action of the British Government in its endeavour to secure equal rights and privileges for all Europeans in South Africa, whereby peace, prosperity, and the termination of racial animosity in this country can alone be assured. (b) That a respectful address be presented to His Excellency the Governor, praying that the above resolution be forwarded to Her Majesty the Queen." It had been said before, and it would bear repetition, that the man who would, by word or deed, do anything in that country to foster racial animosity, that man, be he who he might, was an enemy of that country. It was, therefore, with a full consciousness of the seriousness of the course he was pursuing that he took the action he had done, and it was with willingness to take full responsibility for that action. No one acquainted with the history of South Africa from the time of the first British occupation up to the end of the war terminating at Majuba but was aware of the numerous causes of extreme bitterness of feeling to which the Dutch residents of South Africa had to submit at the hands of the British Government. No one who knew anything of the struggle, the noble, the long-continued, and persistent struggle of the Dutch to free themselves from the yoke of the Imperial Government, a yoke which they felt so galling; no one who knew how with their wives and families they felt impelled to leave their homes, abandoning nearly all but their love of liberty; how with their wives and children they trekked out into the wilds of Africa, facing and fighting hordes of countless savages, encountering thirst and famine and wild beasts innumerable, carrying their lives in their hands, and fearlessly shedding their blood, seeking that freedom and independence they held so dear; no one with any knowledge of the hardships they endured, of the battles fought, of their blood that was spilt in their struggle for liberty, but must regard that people, the Dutch pioneers of South Africa, with the highest esteem and admiration. The history of that long struggle would be written, and would be read by their children's children with thrilling pride for centuries to come. He had said before, and he would say again, that keenly as he and all true Englishmen felt the defeat of those gallant British soldiers fighting at the command of their country at the war ending at Majuba, the Dutch then had right on their side, and it was nothing but right that right should prevail. As a result of that battle he had hoped that the British blood there shed, together with the magnanimous act of the British Government as exemplified in and by the deed of retrocession, would have sufficed to have washed away all the bitterness of the past, and evoked forgiveness for all wrongs suffered, and that the two dominant races in South Africa would thereafter live together in peace and happiness, and in process of time, by inter-marriage, by mutual esteem, and by the uniting influence of the principle of self-preservation, become one people, ennobled by the struggles and sufferings of the past, each the better for the influence of the other, forming a people and country that would become the admiration and envy of the world. Any immediate prospect of such a consummation had been hopelessly deferred and blighted by the action of the Transvaal Government in refusing the continuance of the principle of equal rights to all Europeans alike within their borders. It was because he feared that the continued refusal of those rights must sooner or later bring about a war too fearful to contemplate, a war that might, and probably would, overthrow the independence of the Transvaal Republic, that he urged upon that Assembly to unanimously adopt the motion under consideration, in the hope that such an expression of opinion made by that Assembly might receive favourable consideration by His Honour the President, the Volkraads, and the burghers of the Transvaal. Equal rights and privileges would give the only sure foundation upon which the Republic of the Transvaal could be established, and the only foundation on which the independence of the country could continue. Let these privileges be denied to Europeans now, and perpetual race hatred and strife, anarchy or tyranny, or war too dreadful to contemplate must result. With the sole purpose of endeavouring to avert such a calamity, he moved the resolution standing in his name. (Loud cheers.)

The Right Hon. H. Escombe said that the proposition of the hon. member for Ixopo Division was to

the effect that equal rights and privileges to all Europeans in South Africa would afford the best security of the peace, prosperity, and welfare of the land, and to that principle, so stated, he gave his unqualified support. In no Constitution in the world did that principle completely exist, neither under the Canadian Constitution, nor the Constitution of the Australian Commonwealth yet to be formed, nor in the Constitution of the American States, of the French Republic, or in any other country with which he was acquainted, but that the principle was accepted. The reason why it must be accepted, and it would be accepted by the unanimous vote of that Assembly, was that it afforded the bedrock on which would be founded the future Dominion of South Africa. (Hear, hear.) The motion was carefully and properly introduced by the hon. member, and in very guarded terms, without reference to those incidents which were not before that Assembly. Those incidents would not be touched upon by him until they were before them, but he ventured to say, with respect to them, that all who loved the land in which they lived and who were proud of the country from which they were sprung, were glad to recognise the change for good within comparatively the last few hours. They hoped that that change might continue, and that by mutual concessions and the exercise of statesmanship, a satisfactory conclusion might be come to, which would be consistent with the honour of those concerned. That was the fervent hope which animated South Africa at the present moment. They recognised in the events which were taking place they were approaching in the direction of a South African Dominion. Colonies were combining and consulting one another in cases of difficulty, which were the first steps towards unification. A Dominion had to be formed if only for the reason that they were in this country a white brotherhood in a black continent. There was the responsibility on the dominant races, both sprung from the same Teutonic origin, of governing the natives under their care, so as to maintain peace in their land. He did not intend to deal with any controversial matter, but he was confidently certain that Natal, which was now taking her right place in South Africa, that Natal, as one man, would accept the principle enunciated in the resolution of the hon. member for Ixopo. If that principle was accepted, a Dominion would reach from Tanganyika to the extremity of the continent, from the Indian Ocean to the Atlantic, in the same way that the Dominion of Canada was a link between two oceans. But a Constitution was not to be compelled; every State and Colony would join of its own free will, with its own Constitution unimpaired. The question had been suggested, "How could the Republic fall in with a Dominion?" When the Hon. Mr. Bryce pointed out that there was no fatal bar to Imperial union in South Africa half of the difficulty was removed. Let it be understood that union aimed at no cutting away of independence. It was a guarantee for all time that the Constitution of the component members would be maintained with the whole strength of the Dominion, under a charter which would derive its origin from one source. That Dominion must have a Parliament contributed to by representatives of the component Governments. Each Republic and each Colony would retain its charter for the purposes of its own internal affairs. When any such grave matters as peace or war arose, where the interests of all were concerned, it would be necessary for the States and Colonies to part with some of their present power, and that form of Government had been established in Canada, not only in the face of difficulties of race, but in face of the greater difficulties of creed. They had less difficulty to deal with here than had been overcome in Canada. The difficulties in Australia had been chiefly fiscal, and they, too, had been overcome. He regarded the motion as a distinctly forward step in this great movement, which from now must never be allowed to rest. They had to push it on step by step, making the most of everything which told in favour of it, and minimising all that told against it, towards a united South Africa, showing that the two strains, sprung from the one Teutonic race, could govern the world. In that connection he ventured to refer to those men sprung from the veins of the truest blood in Europe, from the Netherlands and from France, who had come to this country for liberty, and to worship in their own way and their own will. He referred to them to ask them to co-operate by all the means in their power, by helping to bear the double responsibility to bring about that result. He should be sorry if that debate passed without some expression from those members present to show at all events they were resolved as far as that Colony was concerned to do what they could to show their fitness to govern and to maintain peace and order in the land. It was a great aim. Those of them who perhaps now could only take initial steps in it might not be able to see the end of it, but the thing once begun would gather strength day by day. Men who were opposed to it would be convinced, or if not convinced, would pass beyond the region of controversy, and others would take their place, perhaps others of more moderate views. But it could not be too clearly stated that if the peace of South Africa was to be maintained, if the interests of States and Colonies had to remain unimpaired, it must be by a common invitation on the part of South Africa to form that South African Dominion. The question had been raised with respect to the flag. Natal, a small Colony, had her flag; the Cape Colony had her flag; the Orange Free State had its flag; and the South African Republic had its flag. Let them all keep their flags, and give the Dominion a flag, and that flag would be subject only to that one flag, that of the British Empire—the greatest flag in the world, which had nothing above it but the blue canopy of the heavens. (Applause.)

The Premier (Colonel Hime), who made his first appearance in the House since his accident, said that when this question was brought forward he determined to make every effort to be present, and he had put aside all personal inconvenience to give, as head of the Government of that House, his unqualified support to the motion, which had been brought forward so moderately, so ably, and with such tact by the hon. member for the Ixopo Division. (Applause.) They were under the British Empire and the British Throne, and it was because of that, and because of the policy of the British Government, that the resolution must commend itself to every member of the House, and that every one of them could support it. (Hear, hear.) What was the policy of the British Government in that matter? It was a policy of endeavouring to secure for all Europeans in South Africa equal rights and equal privileges. That had been the policy of every civilised country almost in the world. It had been the policy of Natal, it had been the policy of the Cape Colony, it had been the policy of the Orange Free State, and he hoped and trusted it might yet be the policy of the South African Republic—(applause)—and that the Government of that Republic might see, and would be convinced, that the very best means of securing the peace, the prosperity, and the independence of their country would be to adopt the policy which was set forth in the resolution, and which they were asked to support. He would be false to Natal, he would be false to the traditions of the Empire, and he would be unworthy of his position as a Minister of the Crown, if he did not on behalf of the Government which he had the honour to represent give his hearty and unqualified support to the resolution brought forward by the hon. member for the Ixopo Division. (Loud applause.)

Mr. T. J. Nel said he was not against the resolution before the House. However, he was sorry it was introduced at the present time. He thought the time was rather inopportune. Negotiations were going on to settle the differences now in the Transvaal, and he was afraid they might do more harm than good. ("Never fear.") However, he was glad to have heard the broad views expressed by the hon. member, Mr. Escombe, and also by the way the motion was introduced by the member for Ixopo. He only hoped that in future the Secretary of State would trust the Colonies and States to settle their differences in South Africa between themselves. He was certain if that was done they would always be able to settle any differences they might have without bloodshed. (Applause.)

Mr. Tol Nel said he had not had the slightest intention of speaking to the resolution before the House, but after hearing the views of the hon. member for Durban, Mr. Escombe, he was glad to be able to say he could fully sympathise with him. (Hear, hear.) He had no objection to support the resolution, but if the word "European" were to be deleted from the resolution it would undoubtedly tend to meet the grievances of British subjects in Natal who had no voice in Parliament. He had no objection in supporting the resolution. (Applause.)

The resolution was carried without a single dissident. The majority of the members applauded, and the applause was heartily taken up by the visitors in the Speaker's and in the public galleries.

Some unimportant committee work was done, and the House adjourned at 4.15 p.m., until this afternoon at 3 o'clock.

No. 30.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 11, 1899.)

SIR,

Government House, Cape Town, July 26, 1899.

With reference to my despatch of the 19th instant,* respecting the Franchise Law of the South African Republic, I have the honour to transmit to you, for your information, copies of further correspondence with Her Majesty's Agent on the subject.

You will observe that in his note of July 22nd, Mr. Keitz adheres to the position that the Government of the South African Republic cannot give Her Majesty's Government an opportunity of making its views known on the new Franchise Law, inasmuch as the First Volksraad has now "passed the law and finally fixed it."

I will not comment on the situation thus produced, as, before this despatch reaches you, Her Majesty's Government will doubtless have expressed their views and defined their attitude with regard to it. Neither will I criticise the action of the Government of the South African Republic in precipitating the final decision on this important subject, and leaving not even a day's interval for reflection and review.

The Bill, as it stands, leaves it practically in the hands of the Government of the South African Republic to enfranchise or not enfranchise the Uitlanders as it chooses. If worked in a liberal spirit, its clumsy and unreasonable provisions may be got over. But if it is to be enforced rigidly, there will be practically unlimited opportunities of excluding persons whom the Government may consider undesirable, nor does the tone of the debate in the Raad leave much doubt as to the spirit in which some at least of the authors of the Bill would like to see it worked. And the worst of it is, that should the Bill, through a literal interpretation of its complicated provisions, fail to secure the object at which it avowedly aims, no one will be able to protest against the result. The Government of the South African Republic has provided itself with a whole armoury of legal means for excluding any aliens whom it may wish to exclude, and if that course is objected to, it will be able to point triumphantly to the clauses of the law.

During the debate in the Raad one of the members—as you will see from the enclosures to my despatch of the 19th instant*—in calling attention to the difficulties which the law would put in the way of obtaining the franchise, remarked that "it was not in the Raad's interest to lay traps and make impossibilities in the law." The following are some of these "traps" and "impossibilities" that have been pointed out to me as affecting persons already resident, though the list could probably be amplified with more exact local knowledge, and, of course, they do not exhaust the objections to the law:—

- (1.) The certificate which every applicant must obtain from three different officials, as to (a) continuous registration and domicile, (b) obedience to the laws, (c) committing no crime against the independence of the country, is

one which these officials, even if well disposed, would be able in hardly any case to give. None of them can have any such knowledge of the Uitlander population as would enable them to give this comprehensive certificate; it is acknowledged that some of the Johannesburg lists have been lost; and the Fieldcornet has, I believe, held his present office for less than four years.

- (2.) The sworn declaration of two "notable" fully-enfranchised burghers of the ward and district, which is required where the three officials have not the necessary personal knowledge of the applicant, will be still more difficult to obtain. "Notable" was defined by the State Attorney during the debate as meaning "something more than respectable." "Notable" persons were those who were respectable, who were well known to the public, and who could, owing to their position and rank in society, give certificates of good conduct. It must be apparent to anyone with the slightest knowledge of the conditions obtaining at Johannesburg that it would be almost impossible for any Uitlander—especially of the artisan class—to find two persons of this description who could, even if they would, guarantee his having fulfilled, during seven years, the conditions (b) and (c) specified above.
- (3.) "Continuous" registration may mean (and I cannot understand what else it could mean) registration for seven years in one ward and district; so that a person having resided and been registered in one district and subsequently removed to another would forfeit the benefit of his first period of residence. Even if this were not so, he would doubtless have to get a double set of certificates.
- (4.) The provision as to no dishonouring sentence in Article 1 (B), I gather from the debate, refers to the whole of the applicant's life, and not merely to his period of residence in the South African Republic. I presume the "further proof of good conduct" must also refer to his whole life, or else it would seem to be superfluous after the provisions of Article 1 (A). What the nature of the proof is to be is not specified, but in any case the ordinary English working man might find it impossible to supply such proof, even if the expense of obtaining it were not prohibitive.
- (5.) Where the Fieldcornet's books are not forthcoming, the applicant can prove by affidavits, to the satisfaction of the State Secretary and State Attorney, that he has been registered. Now, obviously, these officials could not be content with the mere affidavit of the applicant himself, nor would this be a compliance with the terms of the law, and yet, from the nature of the case, what other evidence could be forthcoming of a routine act performed many years ago, before an official who is now no longer in office?
- (6.) The property qualification. (a.) Fixed property must be unmortgaged. Therefore, a property worth £10,000 with a mortgage of £100 on it would not qualify. (b.) The many well-to-do inhabitants of independent means in some of the best quarters of Johannesburg would be disqualified. The property is often leasehold (which has been held not to be "fixed" property); the house belongs to the occupant, so that he pays no "house rent"; and, living on his means, he has no fixed salary or wages. "Independent existence," in order to qualify, must be derived from agriculture or cattle breeding. (c.) The artisan is equally in danger of disqualification, for he must have "fixed salary or wages of £100 per year." The word "fixed" was not in the former draft law, and it might easily be held to exclude all those earning a weekly or monthly wage.

I may add that looking to the involved procedure under the law, and to the language difficulty, almost every applicant would be compelled to employ a skilled agent, and I am told that even in the most favourable cases the expense of obtaining the franchise would amount to from £10 to £20.

I have confined myself in these remarks to pointing out objectionable provisions of the law which might not be immediately obvious to persons who had not studied the question with local knowledge. I will not here again allude to objections which are apparent on the face of the law, such as making the period of seven years run from the date of the notice to apply for the franchise, the provision in Article 4 compelling certain persons to give notice within six months on pain of losing the benefit of all their previous

residence, and the power retained by the Government under Article 5 to enfranchise practically whom they please with no other stipulation than that of taking the oath. I have already called attention to these, and need only say that I adhere to my opinion that they are grave defects in the law.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 30.

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

July 20th, 1899.

With reference to his note of July 13th, I desire that you should point out to State Secretary that the franchise proposal, of which at Bloemfontein I said that, if proceeded with, it must be of President's own accord and not part of any understanding with Her Majesty's Government, was one totally different from my own, and on which agreement therefore appeared impossible. Personally I regret that, as Government of South African Republic saw fit to wholly recast that proposal with the avowed intention of meeting the views of Her Majesty's Government, they have not acceded to the request of Her Majesty's Government, that opportunity should be given them to consider new scheme and communicate their views.

Enclosure 2 in No. 30.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER.
TELEGRAM.

No. 202. July 20. British Vice Consul at Johannesburg reports that Uitlander Council have telegraphed to Secretary of State expressing their disappointment at "Times" announcement as to franchise, which they fear few will accept. They say such a settlement would fail to secure recognition of principle of racial equality. The High Commissioner's five years compromise was accepted with great reluctance by Uitlanders, and they implore Secretary of State not to depart from it.

Enclosure 3 in No. 30.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, July 20th, 1899.
IN continuation of my despatch of the 15th instant, on the subject of the Draft Franchise Law, I have the honour to transmit to Your Excellency herewith a report* of the proceedings in the Volksraad on the 18th and 19th instant, when the remaining Articles were passed and the law itself finally carried.

The alterations were as follows :—

In Article 3 the words "at least" were inserted before the words "seven years" in Clause 1, and before the words "six months" in Clause 3.

In Article 4 the words "at least seven" were substituted for the word "nine," and the words from "or five years" to the end of the Clause were deleted.

In Article 5 the words "Executive Council" were substituted for the word "Government."

In Article 6 the following Clause was added—"They can also, by giving notice according to Schedule A, at 16 years obtain the full franchise five years later by complying with the conditions contained in Article 1, Sections a, b, and d."

The Schedule attached to the law was passed as printed, and it was decided that the whole law should come into force as soon as it had been published in the "Staats Courant."

* Not reprinted.

As regards the debate, I regret that, owing to pressure of work, I am unable to do more than notice a few points.

The main alteration, the substitution of seven years for nine as the period for the retrospective franchise, was carried by no less a majority than 22 to 5.

The President's speech was mainly an apology for his departure from his original programme or programmes, and a profession that his motive for so doing was—"for the sake of honesty and righteousness." He further admonished the Raad "to be as reasonable as possible, so that, if England wants to object, her mouth might be stopped."

General Joubert, who was, I believe, the prime mover in the movement for the reduction of the retrospective period, supported the proposal warmly.

In Article 5 the substitution of the Executive Council for the Government, which consists technically of the President and State Secretary, enlarges, it is true, the number of the official body in whose hands the power of granting the special franchise is vested, but leaves the provision itself, to which great exception is taken, otherwise unrestricted.

The Schedule appended to the Law raised a good deal of discussion, the State Attorney wishing to omit the words dealing with obedience to the laws, and crimes against the independence of the country, and to confine the Schedule to a simple declaration of intention to apply for naturalisation and franchise. This was, however, rejected. The only other feature in the debate was Mr. Lombard's attack on the Secretary of State and Her Majesty's Government.

I have the honour to annex an analysis of the Law by a legal expert, which has been published in the "Transvaal Leader" of the 18th instant.

I have, &c.,

CONYNGHAM GREENE.

His Excellency,
The High Commissioner, Cape Town

("LEADER," July 18, 1899.)

THE DRAFT FRANCHISE LAW.

EXPERT LEGAL ANALYSIS.

We present the following detailed analytical criticism of the draft Franchise Law, which is from the pen of a well-known lawyer in this city. The "coup de grace" thus administered to the Law is just in time to see it finally abandoned by the Government:—

When a Government measure is so complicated, involved, and bristling with technical and verbal difficulties as to call forth a request from the legislators, before whom it is laid, for an interpretation clause explaining what on earth the whole thing may mean, and the State Attorney has admitted the justice of the demand, it is somewhat invidious, if not, indeed, an impossible task to criticise it, and so attempt to explain what is admitted to be inexplicable. Criticism must give place to ridicule before a spectacle of the alleged representatives of the people solemnly striving to pass a law which not one of them even pretends to understand. The frantic efforts of the President and his advisers—including, of course, the Free State, the Cape Ministers, and the Afrikaner Bond—to manufacture a Reform Bill which will confer in reality nothing, whilst clothed with a specious pretence of generosity, have now reached a point which would provide a very effective situation in comic opera, but which certainly makes the judicious grieve. If the measure becomes law, the very fact of the State Attorney's willingness to frame a comprehensive interpretation clause elucidating its hidden mysteries, is an admission of obscurity which would be sufficient to condemn it in the eyes of impartial critics; but containing as it does the vicious principle of class legislation, it is rendered absolutely unacceptable by the section of the public for which it is framed.

But apart from these and other considerations to which attention will be drawn later on, the law as it is now drafted is so beset and hedged around by irritating and in many respects impossible conditions, that the grant of the franchise would confer its benefits on a very small proportion of the alien population, whilst, as will presently be seen, the power is reserved to the Government of swamping the newly enfranchised by the creation of burghers from their own supporters to a practically unlimited extent.

To avoid, as far as possible, a tedious investigation of detail, let us take the law as a whole, and endeavour, if possible, to ascertain what process would have to be adopted by an alien of seven years' standing desirous of acquiring full burgher rights, and what would be his chances of acquiring them, according to the rules therein laid down. The instance of the seven year alien is selected because in his case he can obtain full burgher rights simultaneously with taking the oath of allegiance (Article 3). In other cases any white male stranger above the age of 16 can obtain letters of naturalisation after two years' residence, but it may be assumed that few would avail themselves of this privilege seeing that a period of five years' probation is required after the oath has been taken (Article 2). As, therefore, it may be taken for granted that the oath would not be submitted to before full burgher rights were obtainable, the case of the seven years' alien may be taken as affording the best example. Now these are the rules of the merry little game in which he is invited to take a hand.

Full seven years before the expiration of the period which qualifies him for the franchise he must present himself before the Fieldcornet for registration, and hand him a notification of his intention to apply for the franchise in the long hereafter, according to the form provided, which runs as follows:—

SCHEDULE A.

I, _____, now residing at _____, in the South African Republic, previously residing at _____, in _____, by profession _____, desiring to live for good in the South African Republic, hereby give notice that I, _____ years after date hereof, shall make application for letters of naturalisation, with the full franchise, and declare that I am acquainted with the obligation imposed upon me by Law No. _____, 1899, to obey the laws, and to commit no crime against the independence of the South African Republic.

He must be very particular in conforming to this rule, for from the date of this notification his period of residence is only considered to run. He must take care, too, that it is duly advertised three times in the *Staats Courant*, as he ought to be prepared with a copy in which the notice appears when he makes his application seven years later. Of course it is not his duty to see that it is inserted. That is an obligation cast on the State Secretary, but as there is no time specified within which the latter must publish the notice, and no penalty is provided in case he neglects to publish it at all, it would be advisable for the applicant to keep his eyes occasionally on the Gazette. It is true that the Fieldcornet is bound (Article 2) to forward the application within 30 days to the Landdrost under a maximum fine of £10, but if it unfortunately got mislaid in the office of the latter in the course of its journey to the State Secretary, to whom it ultimately has to be handed for publication, the unfortunate applicant would have little redress, as the penal portion of the article in no way refers to the Landdrost, who could not, according to the law, be held responsible for loss or delay.

Having seen that his notification has been properly advertised, and having carefully locked away in his desk a copy of the Gazette in which it appeared, he has nothing more to do except keep himself out of the Criminal Courts, abstain from signing petitions against the Government, or commit any other act which may be construed into a crime against the independence of the country, for the term of six and a half years, after which he will have to bestir himself.

First of all, six months before the expiration of his seven years (Article 3), he must inform the Fieldcornet that he is still of the same mind as he was six-and-a-half years ago, and desires even yet to become a burgher. This notice must be in writing, but its language and composition is not controlled by schedule, and is left to the taste or fancy of the applicant. It is to be forwarded in a similar manner by the Fieldcornet, subject to some pains and penalties, to the State Secretary who, if he receives it from the Landdrost absolved as before from the consequences of any dereliction of duty, is bound to publish it in the *Staats Courant*.

When the full term of seven years has expired, the applicant must again hunt up the Fieldcornet of his ward as well as the Landdrost of his district (Article 1) and obtain from them jointly a certificate to the following effect:—

(a) That he has been registered *continuously*, whatever that may mean, for seven years on the list of the Fieldcornet of his ward.

(b) That he has had his domicile for that period in the South African Republic.

(c) That during the time he has been registered he has been obedient to the laws and has committed no crime against the independence of the country.

Having obtained the signatures of the Fieldcornet and Landdrost of his ward and district, no others would be of any use to him be it understood, he must then ascertain the name and address of the Commandant of his district (Article 1), whom he, in all probability, does not know and has never seen. Him, nevertheless, he must interview, for without his signature the certificate he has been at such pains to obtain will be valueless. Having at some trouble discovered the abiding place of this official, he may, if he is lucky enough to be personally known to that exalted person, get the necessary *visé*, but more likely he will be faced with a refusal on the ground that the Commandant is unable to certify in the case of strangers, which very proper reply will necessitate a fresh start.

Then it may be remembered that the State Attorney in explaining the working of the subsection (A) for the benefit of Mr. Dieperink, stated that the intention was that the Fieldcornet should send on the certificate to the Landdrost, who in turn should refer it to the Commandant. Unfortunately, however, the law does not bear this view out, and according to the wording used it is quite open for the Fieldcornet to throw the burden of obtaining the signatures in the way indicated above. In any case, however, the result would probably be the same, one or other of the officials would decline to certify from absence of personal knowledge of the applicant; the player would find himself in the water jump, and have to repair once more to the starting-point. It must not be forgotten, however, that a beneficent Raad has, however, in an apparent spirit of fairness, put a weapon against injustice and oppression into the hands of the applicant, for should the official mentioned refuse to issue or sign the certificate, an appeal lies to—the Executive Council! But it may generally be taken for granted that reasons would be as plentiful as blackberries, and that grounds sufficient to satisfy the Executive Council would never be wanting to support a refusal to sign a certificate whereon that course is pursued. Rather than waste time in a fruitless appeal to the Tribunal, the applicant would probably adopt the alternative offered to him by the law, and will proceed to institute a search in his ward and district for two reputable burghers who are able and willing to supply the requisite information. Now, on the word of the State Attorney, he must not be content with the ordinary respectable man as is ordinarily understood by the term, but the burgher with whom he must provide himself must be reputable and well-known into the bargain. Who is to be the judge of the sufficiency of this particular species does not clearly appear; possibly it may be one of those points reserved for the final judgment of the State Secretary and State Attorney in the last stage of all. It is left, like much more of the law, to the imagination.

Now, here another difficulty faces the applicant. With infinite trouble he has been able, we will suppose, to unearth two burghers who fulfil the requisite conditions, but unfortunately they have not known him a sufficiently long time to give the necessary information. He has two burgher friends,

who know all about him, living a little distance off, with whom he is intimately acquainted, and who could and would give him the certificate he requires, but unfortunately they abide in another ward, so their testimony is useless. The law is explicit on the point; the reputable burgher must be of the applicant's own ward and district. The Fieldcornet is adamant. He cannot take the certificate of anyone outside his own ward, so the applicant, being unable to fulfil the requirements of Article 1 subsection A, which is a condition precedent to the grant of the franchise, again finds himself in the ditch and relapses at the end of seven years into the condition of the last newcomer. But even supposing he has been able to overcome these difficulties and has obtained the necessary certificate of residence and good conduct, and has further been able to show on his own affidavit that he has not been sentenced to death for murder, or been guilty of the crimes mentioned in the Act—from which women are mercifully excluded—offences against the Gold and Liquor Laws, has produced proof to the satisfaction of the Fieldcornet, the Landdrost, and the State Secretary, that he possesses the necessary property qualification and has taken the oath of allegiance, his troubles are by no means over. He must, before he can proceed "further submit proof of good conduct" (Article 1B). Of what nature this proof is to consist, or who is to be the judge of its sufficiency, is left in obscurity. He has already tendered official recognition of his moral character as regards obedience to the laws and loyalty to the independence of the country, and has personally provided proof of not having suffered sentence of death or conviction of the crimes of a dishonouring character. So that it is difficult to imagine what fuller evidence would be required. Nevertheless, he is in the hands of the authorities, who have the right to cross-examine him on such other little details of his private life as may commend themselves, and if he does not come successfully through the ordeal, he doubtless would be again remitted to the starting post. After having fulfilled all requirements, but before he takes his oath, one last danger awaits him. All the papers respecting his application have to be sent by the Fieldcornet, through the Landdrost, to the State Secretary, who has to refer them to the State Attorney, who—it is a sort of political House that Jack Built—returns them with his advice to the State Secretary. If these two officials have any legal objection, they can refuse to grant the application, and the matter is apparently to be referred to the Executive Council; but owing, however, to the careless way in which the clause is drafted, it is by no means clear whether the reference to the Executive Council is to be regarded as imperative or discretionary. In any case, however, the Executive, as the Court of Appeal, would be unwilling to upset the opinion of the law officer of the State, so thus the decision of that official and the State Secretary may be regarded to all intents and purposes as final and conclusive. The fatal nature of the legal objections that the State Secretary may raise are, of course, not stated. The term is a very wide one, and the retention of his power would be a bogey ever present to the unfortunate alien during the whole of his seven years' probation, capable of destroying him at the very last stage of all.

The settler of nine years before the Act, for whom special facilities are provided, is in rather a worse position than the ordinary alien, seeing that he has more to lose if he fails to comply with the requirements of the Act. He is compelled to provide himself with the same certificates of registration, residence, and good conduct, and is subject to the same qualification. Naturally, if he fails in any of these respects he loses the privilege accruing from his term of residence. Again, if his nine years extend over a period of six months after the Act comes into operation, he must in addition hand the scheduled notice to the Fieldcornet before the expiration of that time; any delay or failure to do which will place him in the position of not providing the certificate necessary by Article 1A and his time will only be allowed to run from the date of his registration on the Fieldcornet's books (Article 4), in other words he will be re-united to the class of the ordinary alien.

And after all, when all these crafty pitfalls have been evaded, the obstacles overcome, and the alien becomes possessed of full franchise, what rights is he likely to acquire? Doubtless he may be under the impression that they include a vote at Presidential Elections, and so he would if the law remained as at present, but there is every reason to believe that this privilege will soon be legislated away, nor is there any certainty that the other rights, acquired with so much patience and trouble, will be capable of being retained for long. The Raad has been informed that it is the intention of Government to introduce a law dealing with Presidential Elections and registration. Consequently it is within the bounds of probability that the newly-enfranchised alien will shortly find that his rights are considerably curtailed by the one, and possibly taken completely away by the other. "This law," said the State Secretary during the discussion on Article I. to that political Rosa Dartle, Mr. Lombard, "makes provision how to get the franchise, but does not state how people lose it; that is a question to be considered in connection with the registration law." Just so. Having piled up obstacles to prevent the acquisition of the franchise, the Government will next turn their attention to a measure by which with relative facility they can recover back the privileges they have granted.

In this connection the words of the concluding paragraph of Article 1 are ominous in the extreme. They are as follows:—

"No one shall be entitled or allowed to obtain letters of naturalisation or the franchise, unless he shall have previously complied with the said provisions (*i.e.*, Subs. A, B, C and D), except in cases where this or any other law expressly provides otherwise."

There is a distinct intimation that subsequent enactments may considerably modify if not completely alter the condition of the Uitlander enfranchised under this remarkable piece of legislation; so that if he ever does succeed in obtaining what he obviously is not intended to get, a Volksraad besluit may at any moment sweep away the result of years of patient waiting. If any argument were required for a direct guarantee of good faith in any franchise proposals of the Government they provide it by this expression of their own intentions.

But why they should be at the pains to expose their hand by such an open confession of their ultimate designs, when they have so completely protected themselves from possible danger by the insertion of Article 5, it is difficult to understand. Indeed, in view of the peculiar reservation in their own favour, the Government might, without fear of the consequences, have opened the door much more widely to the Uitlander generally. The right with which this article invests them, of granting the franchise to any persons who in any way may have made themselves deserving to the

country, whether by service or otherwise, enables them, by a stroke of the pen, to create a counterbalancing voting power which would at any time swamp such meagre numbers of the Uitlanders who may have successfully struggled through the thorny passage of the Act. For every alien who reaches his goal in safety the Government can enfranchise two road workers, volunteers, or Sanitary assistants, and when they have exhausted this source of supply there is nothing to prevent them including in the term any imported article that may from time to time be necessary for the purpose.

Enough has been said to show the utter impracticability of the whole scheme. The worthlessness of the Government proposals, and the bad faith which underlies it. It could be pointed out how in many minor details, as, for instance, the provisions regarding alien children, and the expense that would have to be incurred in providing the necessary certificates, the proposed law is inadequate, and opposed to the principle of equal rights for all white people; but in view of the impossibility of anyone profiting by its provisions, as above pointed out, there seems no useful object to be gained in enlarging further on the absurdity of the scheme.

If the Government were sincere in their profession, and honestly desired to grant a decent measure of reform, they could do so almost in a sentence, and a short Naturalisation Act on the lines of that of the Cape Colony, coupled with a few provisions for the regulation of voters, would comprise all that is required.

In conclusion, it must not be forgotten that so far Government is silent as regards redistribution. Regarding their proposals on this most vital point we have at present no information. They have not yet disclosed their hand. No scheme of reform, however, will be acceptable to the Uitlander that does not embrace a proposal of redistribution, is not only fair in itself, but logical in the principles on which it is founded. It were best, therefore, that the Government should understand that however much they may endeavour to writhe and wriggle out of the question of the franchise, they will still find in front of them a more difficult problem that will have to be solved in a statesmanlike manner. An adequate scheme of redistribution they cannot avoid, and the sooner they bring themselves to grasp this fact the better for the independence of the country.

Enclosure 4 in No. 30.

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

SIR,

Her Majesty's Agency, Pretoria, July 22, 1899.

ON the receipt of Your Excellency's telegram of the 20th instant, on the subject of the Draft Franchise proposals of the Government of the South African Republic, I addressed the Note, of which a copy is enclosed, to the State Secretary, and I have now the honour to enclose a translation of a Note which I have received from Mr. Reitz in reply, from which Your Excellency will observe that this Government regrets its inability to comply with your request that Her Majesty's Government might be granted an opportunity of communicating their views in connection with the new law, which has now been fixed and finally passed by the Volksraad.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

SIR,

Her Majesty's Agency, Pretoria, July 20, 1899.

REFERRING to your Note of the 13th instant, on the subject of the franchise proposals of the Government of the South African Republic, Sir Alfred Milner desires me to point out that the franchise proposal, referring to which His Excellency said at Bloemfontein that, if it should be proceeded with, it must be so treated of the President's own accord, and not as forming part of any understanding with Her Majesty's Government, was one entirely different from his own proposal, and one on which agreement appeared therefore to be impossible.

Sir Alfred desires me to state that personally he regrets that, as the Government of the South African Republic have seen fit to wholly recast that proposal with the avowed intention of meeting the views of Her Majesty's Government, they should not have acceded to the request of the latter that an opportunity should be afforded them of considering the new scheme, and of communicating their views with respect to it.

I have, &c.,
CONYNGHAM GREENE.

The Honourable
The State Secretary.

(Translation.)

Ministry for Foreign Affairs,
Pretoria, July 22nd, 1899.

SIR,

I have the honour to acknowledge the receipt of your Note of the 20th instant in regard to the new franchise proposals, with the contents of which this Government has been made acquainted.

This Government regrets that it was no longer possible for it to comply with the request of His Excellency, the High Commissioner, to grant Her Majesty's Government an opportunity to make known their views in connection with the new Law, inasmuch as, as already explained in my Note of the 13th instant, the matter was already in the hands of the First Volksraad, which body has now fixed the Law and finally passed it.

I have, &c.,

F. W. REITZ,
State Secretary.Conyngnam Greene, Esq., C.B.,
British Agent.

No. 31.

Mr. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.15 p.m., August 12, 1899.)

TELEGRAM.

12th August. No. 1. Referring to your despatch of 19th July,* Petition has been laid before the Queen, who was pleased to receive it graciously. Her Majesty's Government are gratified with this evidence of support from Her Majesty's subjects in Natal of their policy with regard to the redress of the grievances of the Uitlanders in South African Republic.

No. 32.

The SPEAKER of the HOUSE OF COMMONS OF CANADA to
Mr. CHAMBERLAIN.

(Received August 14, 1899.)

[Answered: See No. 39.]

SIR,

Speaker's Chambers, Ottawa, July 31, 1899.

I HAVE the honour by direction of the House of Commons of Canada to transmit herewith a certified copy of certain resolutions unanimously adopted by that House with respect to existent complications in the Transvaal Republic.

I have, &c.,

THOMAS BAIN,
Speaker.

Enclosure in No. 32.

Copy of Resolutions adopted by the House of Commons, Canada, on the
31st July, 1899.

1. Resolved, That this House has viewed with regret the complications which have arisen in the Transvaal Republic, of which Her Majesty is Suzerain, from the refusal to accord to Her Majesty's subjects now settled in that region any adequate participation in its government.

2. Resolved, That this House has learned with still greater regret that the condition of things there existing has resulted in intolerable oppression, and has produced great and dangerous excitement among several classes of Her Majesty's subjects in Her South African possessions.

3. Resolved, That this House, representing a people which has largely succeeded, by the adoption of the principle of conceding equal political rights to every portion of

* No. 23.

the population, in harmonizing estrangements, and in producing general content with the existing system of government, desires to express its sympathy with the efforts of Her Majesty's Imperial authorities to obtain for the subjects of Her Majesty who have taken up their abode in the Transvaal such measure of justice and political recognition as may be found necessary to secure them in the full possession of equal rights and liberties.

Attest:—

JNO. GEO. BOURINOT,
Clerk of the Commons.

No. 33.

The SPEAKER of the SENATE OF CANADA to MR. CHAMBERLAIN.

(Received August 15, 1899.)

[Answered: See No. 39.]

SIR,

Ottawa, August 1, 1899.
I HAVE the honour, by direction of the Senate of Canada, to transmit herewith a certified copy of certain resolutions,* unanimously adopted by that House, with respect to existent complications in the Transvaal Republic.

I have, &c.,

C. A. P. PELLETIER,
Speaker.

No. 34.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received August 18, 1899.)

[Answered by No. 38.]

SIR,

Government House, Pietermaritzburg, Natal, July 27, 1899.
REFERRING to my despatch of 22nd July, and to my telegram of 25th July,† I transmit an address from the Legislative Council of Natal, identical with that adopted by the Legislative Assembly on 19th instant.

2. The address was moved by Mr. G. M. Sutton, seconded by Mr. D. C. Uys, and strongly supported by the Treasurer, Mr. Arbuckle.

3. The address was carried unanimously. Only one member of the Council—Mr. Labuschagne—was absent.

4. I enclose a newspaper report of the debate, and articles‡ which have appeared in the local press on the subject.

I have, &c.,

WALTER HELY-HUTCHINSON.

Enclosure 1 in No. 34.

Legislative Council, Natal.

Address No. 3, 1899.

To His Excellency the Honourable Sir Walter Francis Hely-Hutchinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Natal, Vice-Admiral of the same, and Supreme Chief over the Native Population, &c., &c.
May it please Your Excellency,

The Legislative Council begs respectfully to transmit to Your Excellency the following resolution, which was unanimously passed by the Council this day, namely:—

“The Legislative Council of Natal desires to express its sympathy with, and approval of, the action of the British Government in its endeavour to secure equal rights and privileges for all Europeans in South Africa, whereby peace, prosperity, and the termination of racial animosity in this country can alone be assured.”

* Not printed: in identical terms with those in No. 32.

† Nos. 29 and 5 respectively.

‡ Not reprinted.

The Legislative Council respectfully prays that Your Excellency will be pleased to cause the foregoing resolution to be forwarded to Her Most Gracious Majesty the Queen.

JOHN T. POLKINGHORNE,
President.

Legislative Council, Natal,
25th July, 1899.

C. W. P. DOUGLAS DE FENZI,
Clerk of the Council.

Enclosure 2 in No. 34.

("THE TIMES OF NATAL," July 26, 1899.)

NATAL PARLIAMENT.
LEGISLATIVE COUNCIL.
TUESDAY AFTERNOON.

The Hon the President took the chair at three o'clock.

THE TRANSVAAL SITUATION.

Hon. Mr. Sutton moved:—“(a) The Legislative Council of Natal desires to express its sympathy with, and approval of, the action of the British Government in its endeavour to secure equal rights and privileges for all Europeans in South Africa, whereby peace, prosperity, and the termination of racial animosity in this country alone can be secured. (b) That a respectful address be presented to His Excellency the Governor, praying that the above resolution be forwarded to Her Majesty the Queen.”

The hon. member said the resolution naturally divided itself into two parts. The first was what he might call an affirmation of sympathy with the British Government in its desire to secure equal rights and privileges for all classes of Europeans in South Africa, while the second part contained an affirmation of principle, because it expressed the opinion very plainly indeed that without such equal rights and privileges no true or lasting peace could be kept or formed in that country. The resolution had his fullest sympathy, and he had used the precise words used in the Legislative Assembly, for the reason that he did not see how he could improve upon those words, and because he also desired that the Council and the Assembly should be at one on the matter. (Applause.) It seemed to him almost impossible that any man could cavil at those statements of general principles, and particularly men who had had experience, not for one year, but for many years, in countries where equal rights and privileges prevailed for all classes of the people. He himself had had long experience of the actual working of freedom in a Republic, namely, the United States. There were no restrictions whatever. No matter what a man's nationality might be, he received exactly the same rights and privileges as those native-born, with the single exception of the right to vote, and that he might have at the end of five years by taking the oath of allegiance. If there were grievances the whole people suffered, while if there were advantages the whole people benefited. After his experience in that Republic it seemed almost impossible for him to realise that any class of men could imagine that they could carry on the government of a nation successfully without acknowledging the principle of equal rights for all classes. Although Britain was not a republic, exactly the same conditions prevailed. The outside forms were different, but the principles were the same. This was an illustration of what he wished to press home to those who were at present with them: if they could induce the Transvaal Government to see that the only way to maintain their independence and freedom, and to have peace in the land, was by granting equal rights to all Europeans in the country. In South Africa they were faced with a difficulty that did not affect other countries. He himself would be perfectly willing to give equal rights and privileges to the coloured races, provided they were fit to undertake these privileges; but those who lived in the country knew that the coloured races were not yet ready to undertake these responsibilities. Were those rights conferred upon them they would not know how to handle them, and they might just as well give a child of two years of age a chisel to play with, and expect that he would not cut himself, as to give these coloured people the rights and privileges of Europeans, and expect them to know how to use them. He had no narrow mind upon the subject. In his experience of eight years, when representing a constituency in this Colony, he found no difficulty in working with the Dutch when extraneous matter was not brought to bear upon them. He was afraid that in the position they found themselves to-day there had been foreign matters introduced, which had caused a certain amount of friction and trouble. Unless these extraneous influences were removed, there would be further trouble in South Africa. The two races had got to live in South Africa. He, for one, was in favour of a peaceable solution of the question. In that Council they all were. They did not want war. (Hear, hear.) They did not want trouble, and would try to avoid it by every means that lay in their power, consistent with their honour as a nation. That resolution, to his mind, provided a way of escape from the dreadful arbitrament of war. He held that the giving of equal rights and privileges in the neighbouring country to all Europeans who had not been convicted of crime, so far from being a menace to the independence of the South African Republic, would act exactly in the contrary direction. The United States many years ago did not contain the enormous population it now did. It was then liable to be flooded by an enormous immigration, and many of these immigrants could not even speak English; and, although they came in their thousands, they were granted full rights if they chose to accept them. This did not endanger the stability of the Republic, but strengthened the Republic, and when the time of trouble came these men were found to stand firmly by their country. History had a way of repeating itself in these matters, and he firmly believed it was an absolute truth that the moment a man took the oath and became a citizen of a country, he felt bound in honour to strengthen and support the Government of which he had become a citizen, and it was then his duty to support the independence of the country. The men who would not do that after being formally sworn to do it were not worth much. It would be presumption on his part to give, or attempt to give, advice to an independent republic such as the Transvaal, but if they could see their way to grant the Uitlanders a liberal franchise, namely, five years' residence, with the taking of

the usual oath, without any difficulties or disabilities of any kind, it would go a very long way, not only to solve the present difficulty, but to strengthen the Republic, by giving it the men and the ability it required. Every man in the Republic, particularly the older residents, felt that their independence was a very great thing, but he had yet to learn that liberality ever made a man poor; and if they would be content to share the independence they possessed on equal terms with the Uitlanders in the country, by so much would they increase the stability of their country. In his opinion, at that moment the base of their Government was too small, and they ought to widen that base by giving the franchise without restriction. They would then have friends where now they had men who, if not hostile, at least suffered from a sense of grievance, trouble, and oppression. To maintain peace and prosperity in any country they must do away with these everlasting irritations and little worries. If the franchise were given on the lines he had indicated all the other difficulties would soon disappear, and the South African Republic would find they would have men only too willing to work with them to place that Republic on a firm basis, and make it what it was not at present, a true source of strength to the whole of South Africa. He looked upon the granting of equal rights and privileges as absolutely the only true solution of the question. He had failed to see any other solution of the difficulty. If there was war, then when peace came they would have the old trouble unless the people of the country were placed upon an equal footing. It was very difficult to get men who were brought up with very different ideas to look as they looked on this question: men who had been brought up to consider it right and proper for one class of the people to have rights and privileges that another class had not. It was difficult to get these men to see that the true way to strengthen their country was to grant equality. It would not be becoming of him to sit down without referring to the other side of the question. They had a people to deal with who found it difficult to march as quickly as they (the British) could. They required a certain amount of education to see things as the civilised world saw them, and so far as that was concerned they had every sympathy with them. The people at their head were, perhaps, willing to move at a quicker pace. It was thought by some, and it was easy to say, that the matter might have been settled at the recent conference at Bloemfontein, but he dared say the President of the South African Republic had his own difficulties, and they were sometimes inclined to overlook these difficulties. The President, after all, was only the head, and a captain was not very much good if his regiment refused to follow him. He did not find so much fault with the President in refusing to agree to the proposals when they were submitted to him, but if the President could see his way to give the franchise fully and unreservedly to the people who were surrounding him, and who were doing their best to make the country a great country, he believed that would be a long step to a peaceful solution of the question. The constitution of the country, he considered, should never be allowed to be altered by any mere resolution. That was one of the things in which he thought their neighbours had gone wrong. He would like to see them return to the old way, namely, allowing everything to be settled, not by a resolution, but by a law passed with all the solemnity they could place around it. He thanked the hon. member who had introduced the resolution into the Assembly for the moderation with which he had spoken. He did not forget the troubles of the pioneers of the country, and he hoped he had not gone beyond that moderation. The question of federation was bound to come up sooner or later, and he would throw it out whether it was not better to be a component part of a great country, a country that was a power in the world, than to be a small, independent State, an isolated unit. There were, of course, difficulties in the way, and, considering the long years it had taken the Colonies of Australia to come to federation, the federation of South Africa might yet be a long way off. But he trusted that some of those who were now living might yet see a federation of South Africa, with one people and one Government, with their autonomous system for the management of their own local affairs. That was the one thing they ought to look forward to, and without equal rights and privileges it was absolutely impossible. (Applause.)

The Hon. Mr. Uys, in seconding the resolution, said he agreed with much that the hon. mover had said, but there were a few matters with which he did not agree. He fully sympathised with the action of the British Government in its endeavour to secure equal rights and privileges for all Europeans in South Africa, but he was sorry to say that they possessed in South Africa a very dissatisfied community, a community that consisted of all nationalities, that would not be easily satisfied, even, he thought, with equal rights. In former times, when equal rights were granted with a view to securing the independence of the South African Republic, he was sorry to say it did not last very long, and they now again had the same dissatisfied community, a community that would be satisfied with nothing short of war, and, when war did come, would stand aloof, and try to make their pile out of the disaster of that war—a war that would be disastrous to the whole of South Africa, a war that would be bound to break down in one day that which had taken years of toil and millions of capital to build up, a war that would tend to create racial animosity in one day which would take a century to extinguish. With that community the British Government would have to be very careful in its endeavours to secure equal rights and privileges. He agreed with the hon. mover in stating that the only way to solve the question would be to grant equal rights. Mr. Sutton had brought the franchise down to five years, and the Transvaal Government had gone down to seven years; he did not see why that seven years' franchise should not be accepted. Amongst the dissatisfied in Johannesburg there were few, he believed, who had not been seven years in the country. The British Government, in taking action, should they fail in obtaining equal rights, ought, before going to the extremity of war, to allow the South African States and Colonies to endeavour to settle the matter. He hoped the action of the British Government would not fail, and that the time was not very far distant when a thoroughly good understanding would be arrived at. (Applause.)

The Hon. the Treasurer stated that no well-balanced mind could take exception to the resolution proposed by the Hon. Mr. Sutton, based as it was on the solid foundation of equal rights and privileges for the white races in South Africa. The Government which he had the honour of representing in that Council gave the resolution its full and entire support—(applause)—being in sympathy with any steps directed towards the establishment of order and good government in South Africa. It was impossible that there could be order and prosperity in any country where discontent prevailed. To obtain contentment, the people must be governed justly, with an entire freedom from oppression actuated by selfishness. The Government sympathised with the efforts that were being made to obtain these rights. If adequate rights were granted, confidence would be restored, and trade would recover from the paralyzed condition into which it had been thrown: Natalians were, had been, and he hoped ever would continue, unwavering in their loyalty to Her Majesty the Queen and the Empire. (Applause.)

The resolution was carried unanimously.

No. 35.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 13, 1899.)

SIR, Government House, Cape Town, August 2, 1899.
 WITH reference to my despatch of the 26th ultimo,* respecting the Franchise Law of the South African Republic, I have the honour to transmit for your information, copies of further correspondence on the subject.

You will observe that the Government of the South African Republic have published a memorandum explanatory of the new Franchise Law. Both the law and the memorandum are enclosed in Mr. Greene's despatch of July 28th, but I do not propose to comment on them, further than to say that the memorandum, while it satisfactorily explains some points in the law, leaves me, with regard to others in a state of complete bewilderment. It seems, however, to be of little advantage to speculate at the present moment as to the exact effect of obscure provisions of the law. The Commission of Inquiry, which is at present under consideration, will, it is to be hoped, elucidate these matters, if it does not lead to the substitution of a simpler and more practical set of provisions.

I have, &c.,
 A. MILNER,
 Governor and High Commissioner.

 Enclosure 1 in No. 35.

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

TELEGRAM.

27th July, 1899. No. 222. In the discussion of the new Draft Grondwet, published in the "Staats Courant" of February 1st, by the Volksraad, this morning, a proposal to embody the whole new franchise law under Article 9 of that Grondwet was rejected, but a motion was carried by 15 to 12 that a clause be appended to the Article in question declaring that the period of seven years residence fixed for naturalization and full franchise must be permanently adhered to.—(GREENE.)

 Enclosure 2 in No. 35.

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

TELEGRAM.

27th July, 1899. No. 223. State Secretary has informed Press this afternoon that Executive will give one more member to the Witwatersrand Gold Fields, making, with the existing member, five, which, counting Barberton, would make the representation of mining industry six members in a Raad of 32 members. I presume district will now be divided into five electoral constituencies, and that one extra member will also be given in the second raad.—(GREENE.)

 Enclosure 3 in No. 35.

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

SIR, Her Majesty's Agency, Pretoria, July 27, 1899.
 WITH reference to my telegram, No. 213, of to-day on the subject of the new redistribution scheme for the representation of the Gold Fields, I have the honour to

transmit to Your Excellency herewith the announcement of the decision of the Executive Council as published in the newspapers.

The new scheme, which only proposes to grant three additional members to the First Volksraad for the whole of the Witwatersrand from Krugersdorp to Boksburg, and which would thus give a total representation to the mining industry of merely five members out of a proposed enlarged Legislature of 31 members, appears to me to be so wholly inadequate as not to be worthy of serious discussion.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

P.S.—Since the above was written the Executive Council have decided to grant an extra member in each Raad to the Witwatersrand Gold Fields, and to divide the district into five electoral constituencies. The representation of the mining industry will thus be six members out of a First Volksraad of 32 members.

C. G.

July 28.

("PRESS," July 27, 1899.)

REPRESENTATION SCHEME.

DECISION OF EXECUTIVE.

By virtue of the powers conferred upon them, the Executive Council yesterday decided to give three new members in each Volksraad for the Witwatersrand Goldfields. That is to say, there are at present two members for both Raads; the number will be increased to eight, four to sit in the First and four in the Second Raad. With the De Kaap representative, there will now be five members to represent the Mining Industry in a proposed enlarged Legislature of thirty-one members.

A Commission will be appointed, consisting of the Commandants and Fieldcornets, to divide the districts between Krugersdorp and Boksburg into four electoral constituencies.

The proposal for a general redistribution scheme for the whole Republic, as suggested by the Volksraad, has been shelved *sine die*.

("PRESS," July 28.)

INCREASED REPRESENTATION

FOR THE GOLDFIELDS.

The following is the resolution passed by the Executive Council on the matter of the increased representation for the Goldfields :—

The Executive Council, having considered, &c., resolves :—

That the electoral division, Witwatersrand Goldfields, which is at present represented in the First and Second Raads by two members, shall be represented by ten members, so that the said electoral division shall be split into five electoral divisions, as proportionate as possible, each division of which shall elect two members.

The Minister of Mines, Mining Commissioners, Fieldcornets, and Commandants of this electoral division shall, in conjunction with the two members of the Raad for the electoral division, Witwatersrand Goldfields, make a proposal to the Government as to how to form divisions, so as to be able to proclaim the boundaries of each division in terms of Art. 2 of Law No. 12 of 1887.

The Executive Council further resolves to instruct the Government to investigate whether it is desirable, on account of the extension and increase of the people, to also declare other diggings as electoral divisions in terms of Law No. 12, of 1887.

Enclosure 4 in No. 35.

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

SIR,

Her Majesty's Agency, Pretoria, July 28, 1899.

WITH reference to my despatch of the 27th instant enclosing the new Franchise Law (No. 3, 1899) as published in the "Staats Courant" of the 26th of July, with the explanatory memorandum of instructions to officials from the State Attorney annexed thereto, I have the honour to transmit to Your Excellency herewith, for convenience of reference, a translation of the new law as published in the "Press" newspaper.

I have also the honour to annex an opinion by Mr. E. P. Solomon, the well-known solicitor of Johannesburg, on this memorandum, in which the writer criticizes the validity of that document, and the interpretation of the law which it professes to set forth.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

("PRESS," July 26, 1899.)

NEW FRANCHISE LAW.

COMES INTO FORCE TO-DAY.

PROMULGATION IN "STAATSCOURANT."

FULL TEXT.

The following is the full text of the new Franchise Law, which comes into force to-day :—

Whereas it has appeared desirable to amend and amplify certain provisions of the laws with reference to naturalisation and the obtaining of the full franchise; and

Whereas these amendments will not permit of delay by being published three months beforehand in terms of Art. 12 of the Grondwet, and as they have already been accepted by the people in principle;

It is hereby enacted that :—

Art. 1.—Each white male stranger, who has reached the age of sixteen years, and who settles or has settled in the South African Republic with the intention of residing there, shall in future be able to obtain letters of naturalisation, provided that he fulfils the following provisions and enactments :—

- (a) The applicant shall produce a certificate from the Fieldcornet and the Landdrost of his ward and district, countersigned by the Commandant of the district, to show that he was, during the time—required in his case—preceding the naturalisation, continually registered on the Fieldcornet's list; was during this time domiciled in the South African Republic; and during this time obeyed the laws of the land and committed no crime against the independence of the South African Republic.

If the Fieldcornet and Landdrost are not from their personal knowledge able to grant such certificate, they shall do so on the strength of affidavits of the applicant and two well-known fully enfranchised burghers of the ward and district, declaring that the applicant has, during the necessary period, been domiciled in the South African Republic, and has during that time obeyed the laws of the land, and has committed no crime against the independence of the South African Republic.

If the Fieldcornet and Landdrost and Commandant refuse to grant such certificate or to sign it, the applicant may appeal to the Executive Council.

If the Fieldcornet's books are destroyed or lost the applicant shall prove to the satisfaction of the State Secretary and State Attorney, by means of affidavits, that he was registered.

- (b) The applicant shall produce a sworn declaration made by himself to the effect that he has had no dishonouring sentence passed on him, and shall produce further proof of good behaviour.

By dishonouring sentence shall be understood a sentence for the crimes of high treason, murder, rape, theft, fraud, perjury, or forgery.

- (c) The applicant shall produce proof that he possesses unmortgaged fixed property to the value of £150, or pays rent to the amount of £50 per annum, or draws a fixed salary or wage of £100 per annum, or makes an independent living by farming or cattle-breeding.

- (d.) The person desiring to be naturalised shall, before the official granting of the letters of naturalisation, take the following oath, by which he will be understood to renounce and give up all burgher-rights enjoyed in and burgher duties and subjection to any State or ruler —

I swear (or I solemnly declare that the taking of an oath is not permitted by my religion, and promise), faithfully in all righteousness, and in terms of Law No. . . . of 1899, with which I declare to be acquainted, that I shall be loyal to this State, shall honour and support its independence, shall subject myself to the Grandwet and the lawful authorities of the land, and shall in all respects conduct myself as it behoves a loyal burgher of this State. So truly help me God— or that I solemnly promise.

Before a person who has already been naturalised is admitted to the full franchise, he shall, when he makes application therefor, besides fulfilling the other requirements of this Law, again produce proof of fulfilment of the provisions and enactments of Sections *a*, *b* and *c*.

No person shall be entitled to or be allowed to obtain letters of naturalisation or full franchise unless he has fulfilled the aforementioned provisions, with the exception of cases for which this or any other Law makes special provision.

Art. 2.—Each person who comes or has come to the South African Republic to stay shall, after at least two years, and after fulfilment of the provisions of Art. 1, be able to obtain letters of naturalisation, and shall, at least five years after naturalisation, be able to obtain the full franchise, provided that in both instances, six months before the expiration of the fixed period, he gives written notice of his intention to apply therefor to the State Secretary through the Fieldcornet and Landdrost of his ward and district.

The Fieldcornet shall be bound—under pain of a fine of not more £10 in each case of neglect—to send this notice to the State Secretary through the Landdrost as soon as possible, and at the most within thirty days of the sending in thereof, for publication in the *Staatscourant* for general information, and the State Secretary shall without loss of time publish such notice three consecutive times in the *Staatscourant*.

Art. 3.—Each person who comes or has come into the South African Republic to stay shall, at least seven years after sending in to the Fieldcornet a notice of his intention to be naturalised, in accordance with the form contained in Schedule A, be able to obtain letters of naturalisation with the full franchise on fulfilling the provisions of Art. 1.

Such notice shall be sent by the Field-cornet to the State Secretary and be published by him, all under the same provision and punishment as set forth in the foregoing Article.

If the person desires to obtain letters of naturalisation with full franchise after seven years, he shall also, at least six months before the expiration of the period, give written notice to the State Secretary, the Fieldcornet, and Landdrost of his ward and district.

This notice shall also be sent to the State Secretary by the Fieldcornet, and the latter shall publish it in the *Staatscourant*, all under the same provision and punishment as set forth in Art. 2.

The applicant shall then, on application for the letters of naturalisation with full franchise, further give proof that he has sent in the notice, in accordance with the form of Schedule A, mentioned in the first paragraph of this Article, for proof of which it will be sufficient to produce a copy of the *Staatscourant* in which the notice was published.

Art. 4. Each person who has come to the South African Republic to stay before the coming into force of this Law shall, on fulfilment of the provisions of Art 1, be able to obtain letters of naturalisation at least seven years after his coming into the country.

In case the applicant is not entitled to the full franchise six months after the coming into force of this Law, he shall give proof that he, within six months after the coming into force of the Law sent to the Fieldcornet of his ward a written notice of his intention to become naturalised.

If he neglect to send in this notice, in accordance with the form contained in Schedule A, or if he does not produce the certificate mentioned in Art. 1, Section *a*, the applicant shall not be entitled to the full franchise in terms of this Article, but only in terms of Articles 2 and 3.

Such notice shall be sent by the Fieldcornet to the State Secretary, and the latter shall publish the same in the *Staatscourant*, all under the same provisions and punishment as set forth in Article 2.

If he is naturalised when this Law comes into force, he may obtain the full franchise after five years from the date of his naturalisation, and, if he chooses, in accordance with the provisions of paragraph 1 of this Article.

Art. 5. Nothing provided in this Law shall prevent the Executive Council from granting letters of naturalisation with or without the full franchise to persons who take a position in the service of the country, or have rendered services to the country, or who have in any other respect rendered themselves of service to the country, although in their case they have not fulfilled the provisions of the Law provided that they take the oath in accordance with Art. 1.

Art. 6. Youths not born in the State, and whose fathers have obtained letters of naturalisation or full franchise before they (the youth) had reached the age of sixteen years, have the same franchise as their father.

Youths born in this State, whose fathers were neither naturalised nor had the full franchise, may be naturalised at their sixteenth year by taking the oath mentioned in Art. 1, and may, five years after that, obtain the full franchise by fulfilling the provisions mentioned in Art. 1, Sections *a* and *b*. They shall also, on their sixteenth year, by giving notice as contained in Schedule A, be able to obtain the full franchise five years thereafter, on fulfilment of the provisions contained in Art. 1, Sections *a*, *b*, and *d*.

Art. 7. The application for naturalisation and the full franchise must be sent with the necessary proofs to the State Secretary by the Fieldcornet, through the Landdrost, and the latter shall refer these to the State Attorney, who shall send them back to the State Secretary with his advice. If the State Secretary and State Attorney have no legal objection to the granting of the letter of naturalisation or full franchise, then this shall be granted. If there is any objection, the Executive Council shall decide.

The letters of naturalisation and full franchise shall be signed by the State Secretary and State Attorney. The State Secretary shall cause the letters of naturalisation and full franchise to be granted by an official appointed for that purpose, and cause the necessary oath of naturalisation to be taken before this official.

The letters of naturalisation shall bear a stamp of £2 sterling; the granting of the full franchise to persons who are already naturalised shall be free of cost.

Art. 8. No person who is not considered as a white inhabitant of the South African Republic shall obtain the franchise, in accordance with Art. 9 of the Grondwet.

Art. 9. All laws and provisions, in so far as they are in conflict with this Law, are hereby repealed.

Art. 10. This law comes into force immediately after publication in the *Staatscourant*.

S. J. P. KRUGER,
State President;
F. W. REITZ,
State Secretary.

Government Buildings, Pretoria, July 26, 1899.

SCHEDULE A.

I _____ at present resident at _____ in the
South African Republic, formerly resident at _____ in
whose occupation is _____, desiring to reside for good in the South African Republic,
hereby give notice that I, _____ years from date, will make application for letters of naturalisation
with the full franchise, and declare that I am acquainted with the duties imposed on me by Law
No. _____, 1899, to obey the laws and commit no crime against the independence of the South
African Republic.

("PRESS," July 29th, 1899.)

THE FRANCHISE.

INSTRUCTIONS TO OFFICIALS

EXPLAINING THE NEW LAW.

The following instructions have been issued to Landdrosts, Special Landdrosts, Mining Commissioners, Resident Justices of the Peace, and Fieldcornets, in connection with the new Franchise Law:

SIR.—Whereas Law No. 3 of 1899, dealing with the naturalisation and full franchise of the South African Republic, would give rise to much unnecessary correspondence between officials, and it is desirable to give instructions regarding the application of the Law, all officials entrusted with the carrying out of the Law are requested to carefully consider the following instructions and provisions and strictly confine themselves thereto:—

Fundamental Distinction.

1. In this Law a distinction is made between—

- (a) Naturalisation without the full franchise—this is granted under the provisions of and period mentioned in Arts. 1 and 2 of the Law;
- (b) The granting of the full franchise without accompanying naturalisation—this takes place when a person has already obtained naturalisation without the full franchise, and desires to obtain the full franchise after five or more years. This obtaining of the full franchise takes place under the provisions of Sections (a), (b), and (c) of Art. 1 of the Law;
- (c) Naturalisation with the full franchise—this is granted under the provisions of and period mentioned in Arts. 3 and 4 of the Law.

In the cases thus of naturalisation with or without the full franchise, all the provisions mentioned in sections (a), (b), (c), and (d), of Art. 1 of the Law must be fulfilled, while in the granting of the full franchise only fulfilment of the provisions of sections (a), (b), and (c), of the said Article is required.

General Certificates and Proofs.

2. The applicant for letters of naturalisation with or without the full franchise shall thus, in every case, fulfil the following points:—

- (a) He shall produce a certificate from his Fieldcornet, Landdrost, and Commandant, to prove his continuous registration in one or more wards, of his domicile in this Republic for the period required, of his obedience with the laws, and of his not having committed any crime against the independence of the Republic.

This certificate takes the form of Schedule A hereto attached.

N.B.—A person retains his domicile in this Republic although he is temporarily absent, so long as the intention of permanently residing here can be proved.

By obedience to the laws of the land is meant that the applicant has not purposely set himself against the laws of the land. It does not mean that he has in all cases strictly abided by the laws.

By crime against the independence of the State is meant high treason.

If the applicant has neglected to register himself, or if the Fieldcornet, Landdrost or Commandant is not acquainted with the applicant, he (the applicant) shall obtain

affidavits of two notable, that is to say, well known and respectable fully enfranchised burghers, in accordance with Schedule B, hereto attached, in which is stated that the applicant has resided in this Republic for the requisite number of years, has during that time obeyed the laws of the land and committed no crime against the independence of the country.

The applicant must also make an affidavit of identification to the effect that he is the person mentioned by the registers of the Fieldcornet, or the affidavits of the two burghers aforesaid, and that the facts mentioned in the affidavits are correct.

This takes the form of Schedule C.

On the strength of these affidavits then the Fieldcornet and other officials shall grant the necessary certificate. In cases where the applicant has neglected to register himself the Fieldcornet shall first fine him not more than £1 10s., register him as on the date of arrival, and then grant him the certificate (A).

- (b.) The applicant shall make an affidavit to the effect that he has had no dishonouring sentence passed on him in this country or elsewhere; in other words, no sentence for high treason, murder, rape, theft, fraud, perjury, or forgery (falsification).

This affidavit takes the form of Schedule C hereto attached.

- (c.) The applicant shall give proof of good conduct, consisting of certificates from ministers or any other respectable persons to the satisfaction of the State Secretary and State Attorney.

- (d.) The applicant shall furnish proof, consisting of his own affidavit and those of other respectable persons, or of such other proofs as the State Secretary and State Attorney may consider adequate—to show that he has un-mortgaged fixed property to the value of £150, or pays house rent to the amount of £50 per annum, or has an independent existence by cattle-breeding or agriculture.

N.B.—A person has un-mortgaged fixed property to the value of £150 so long as the value of the property exceeds the bond thereon by £150 or more. The salary or wage need not be fixed for a whole year. A monthly salary that shall total £100 per annum is sufficient.

- (e.) The applicant shall take the oath of naturalisation in Schedule D, hereto attached, and sign it. This only takes place when the letters of naturalisation are granted to the applicant.

- (f.) If the applicant applies for letters of naturalisation with the full franchise, in accordance with Arts. 3 and 4 of the Law, he shall also furnish proof (as herein later described) that he has given the necessary notice in accordance with Schedules E and F.

- (g.) On handing in these proofs, as hereinbefore mentioned, the applicant shall deposit £2 with the Fieldcornet for the stamp to be affixed to the letter of naturalisation to be eventually granted. If this is not granted for some legal reason or other the applicant is refunded his £2.

Manner of Obtaining Letters of Naturalisation.

3. The manner in which letters of naturalisation are obtained under this law shall be as follows:—The applicant goes to the Fieldcornet with the proofs as contained in (b), (c), and (d) of the foregoing Article. If he is not registered in the Fieldcornet's books, or is not known to the Fieldcornet, Landdrost, or Commandant, he brings the affidavits of two notable fully enfranchised burghers, in each case his own identification-affidavit. Thereupon the Fieldcornet grants the certificate mentioned under (a) in the foregoing Article, and sends it to the Landdrost and Commandant for signature. The Landdrost then sends the certificate with the proofs handed in to the State Secretary, who refers them to the State Attorney for legal advice. If the State Secretary and State Attorney, or, in the highest instance, the Executive Council has no objection to the granting of the letters of naturalisation, then these are issued, signed by the State Secretary and State Attorney, and sent to the Landdrost, who gives the applicant notice as to when he must take the necessary oath and will receive the letters of naturalisation.

If the Fieldcornet, Landdrost, or Commandant refuses to grant or sign the certificate A, the applicant may send in a complaint to the Executive Council, through the State Secretary.

Naturalisation without Full Franchise.

(Art. 2 of the Law.)

4. The applicant for naturalisation without the full franchise shall hand in to the Fieldcornet the certificates mentioned in (b), (c), and (d) of Art. 2. He shall also prove, by handing in a copy of the *Staatscourant*, or even by giving the date of the *Staatscourant* concerned, that he, at least six months before this application, gave notice to the Fieldcornet of his intention to obtain letters of naturalisation in accordance with Form F. If he has been registered on the Fieldcornet's books for two years or more, or if he hands in the affidavits of two notable fully enfranchised burghers to show that he has been domiciled in the Republic for at least two years, &c., and hands in his own identification affidavit, the Fieldcornet shall make out the certificate in accordance with (a), Art. 2, and send it through in the manner described in Art. 3.

N.B.—The attention of the Fieldcornet is drawn to the punishment provided for in Art. 2 of the Law.

Obtaining Full Franchise.

5. This is obtained at least five years after obtaining letters of naturalisation without the full franchise. The applicant shall furnish proof to the Fieldcornet that he has obtained the letters of naturalisation. This proof shall consist of the handing in of the letters of naturalisation obtained,

with the applicant's affidavit that he is the person to whom these were granted, or if these had been lost, by affidavits to the effect that the applicant is the person who, according to the published lists of burghers, obtained the letters of naturalisation.

He shall also furnish proof that he was domiciled in the State for at least five years after naturalisation, &c., as enumerated in (a), (b), (c) and (d) of Art. 2.

He shall also prove by handing in a copy of the *Staatscourant*, or even by giving the exact date of the *Staatscourant* concerned, that he, at least six months before this application, gave notice to the Fieldcornet of his intention to obtain the full franchise in accordance with Schedule F.

The manner in which the full franchise is obtained is the same as described in Art. 3, only that the oath is not taken when the letters of full franchise are granted. The £2 stamp is also not necessary in this case.

Letters of Naturalisation with Full Franchise.

6. For this a domicile of at least seven years is necessary. The period of domicile before the coming into force of this Law is taken into consideration just as much as that after the coming into force of this Law. The case of people who come into the South African Republic to stay after the coming into force of this Law is dealt with in Art. 7, while that of new-comers before the coming into force of this Law is dealt with in Art. 8.

Persons Coming into this State after the coming into force of this Law.

7. Besides the general certificates and proofs as described in (a), (b), (c), and (d) of Art. 2, the applicant shall in this case further prove, by handing in the *Staatscourant*, or even by stating the exact date of the *Staatscourant* concerned, that he, before or at the commencement of the period of seven years, gave notice to the Fieldcornet of his intention to become a fully enfranchised burgher of this Republic.

This notice is in the form of Schedule E.

The applicant shall further prove in the same manner that he, at least six months before this application, gave notice to the Fieldcornet of his intention to obtain letters of naturalisation in accordance with Schedule F.

8. Persons who, before the coming into force of this Law, came to the South African Republic to stay, are divided into two classes:—

1. Those who, in accordance with the retrospective period of seven years from the date of coming into the State are entitled to letters of naturalisation with the full franchise within six months of the coming into force of this Law.—These persons only produce the certificates and proofs, as enumerated in (a), (b), (c), and (d) of Art. 2, and, therefore, obtain letters of naturalisation with the full franchise.
2. Those who are only entitled to letters of naturalisation with the full franchise six months after the coming into force of this Law. These persons must not only hand in the certificates and proofs, as enumerated in (a), (b), (c), and (d) of Art. 2, but must prove, by handing in the *Staatscourant*, or stating the exact date of the *Staatscourant* concerned, that they, within six months of the coming into force of this Law, gave notice to the Fieldcornet of their intention to become fully enfranchised burghers, in accordance with Schedule E.

Those persons who neglect to give this notice within the specified period, forfeit their right to letters of naturalisation with the full franchise, under the retrospective clauses of Art. 4 of the Law, and are dealt with in accordance with Arts. 4 and 5, or 7, that is to say, may immediately allow themselves to be naturalised, and may obtain the full franchise five years later, or may now give notice of their intention to become full burghers, and can obtain the full franchise seven years thereafter.

Youths.

9. Youths born in this State or not, follow the status of the father before their sixteenth year, and obtain the same franchise as their father on their sixteenth year by registration on the Fieldcornet's books, without any further conditions.

Male children of strangers may, on their sixteenth year, allow themselves to be naturalised, and may obtain the full franchise as set forth in the second paragraph of Art. 6 of the law.

10. Persons who have obtained the full franchise as described in the Law, may, if registered, vote in any election concerning their ward, district, or the whole Republic, as set forth in the first paragraph of Art. 4 of Law No. 3 of 1894.

Persons who have obtained letters of naturalisation without the full franchise may, if registered, vote in any election concerning their ward, or district, or for members for the Second Raad, as set forth in the third paragraph of Art. 14 of Law No. 3 of 1894.

In Conclusion.

11. In conclusion, all officials concerned are requested to act with the greatest speed and vigilance in dealing with applications for letters of naturalisation and the full franchise.

F. W. REITZ,
State Secretary.

SCHEDULE A.

Certificate.

The undersigned, Fieldcornet for the ward (town or village) _____ district hereby certify that the name of _____ at present residing within the ward _____ district _____ appears in the Fieldcornet's Lists of this ward (town or village) as having arrived in this Republic on the _____ day of _____ 189____, and is registered as having left this ward (town or village) on the _____ day of _____ 189____, and that the said _____ is known to him (the Fieldcornet) as having lived here for at least _____ years, and was always obedient to the laws of the land and committed no crime against the independence of the country (as appears from the affidavits hereto attached).
This _____ day of _____ 189____.

Fieldcornet.

Landdrost :
Commandant :

SCHEDULE B.

Affidavit.

I, _____, fully enfranchised burgher of the South African Republic, residing at _____ hereby declare under oath that I have been acquainted with _____ formerly subject of _____ at present residing at _____ that he on _____ came to settle in this Republic at _____, and has retained his domicile since then ; that he according to my best knowledge, has obeyed the laws of this Republic and has committed no crime against the independence thereof.
Sworn before me _____ this _____ day of _____ 189____.

SCHEDULE C.

Affidavit.

I, _____, formerly subject of _____, born at _____, at present living at _____, hereby declare under oath that I am the person mentioned in the certificate of the Fieldcornet of _____ dated _____ (or in the affidavits of _____ dated _____), and at present make application for letters of naturalisation ; and declare that the facts in the said affidavits are correct, and also that I have never had any sentence passed on me, either in this Republic or elsewhere, for the crimes of high treason murder, rape, theft, fraud, perjury, and forgery (falsification).
Sworn before me _____ this _____ day of _____ 189____.

SCHEDULE D.

Oath.

I, _____, till to-day _____, born _____, desiring to become a burgher of the State, and having fulfilled all the provisions of the Law regarding naturalisation, swear (or solemnly declare that the taking of an oath is not permitted by my religion, and solemnly promise in all uprightness and in terms of Law No. 3, 1899, with which I declare to be acquainted*) that I shall be loyal to this State, shall honour and support its independence, shall subject myself to the Grondwet and other Laws and the lawful authorities of the land, and shall in all respects conduct myself as it behoves a loyal burgher of the State.

So truly help me God (or that I solemnly promise).

Sworn before me at _____ this _____ day of _____

* The commencement of Law No. 3, of 1899, Art. 1, section D, reads as follows :—

The person desiring to be naturalised shall, before the official granting of the letters of naturalisation, take the following oath, by which he will be understood to renounce and give up all burgher-rights enjoyed in and burgher duties and subjection to any other State or ruler :—

I swear (or I solemnly declare that the taking of an oath is not permitted by my religion, and solemnly promise in all righteousness, and in terms of Law No. 3, of 1899, with which I declare to be acquainted) that I shall be loyal to this State, shall honour and support its independence, shall subject myself to the Grondwet and other laws, and the lawful authorities of the land, and shall in all respects conduct myself as it behoves a loyal burgher of this State. So truly help me God (or that I solemnly promise).

SCHEDULE E.

Notice.

I _____ at present resident at _____ in the South African Republic, formerly resident at _____ in _____, whose occupation is _____ desiring to reside for good in the South African Republic, hereby give notice that I, _____ years from date, will make application for letters of naturalisation with the full franchise, and declare that I am acquainted with the duties imposed on me by Law No. 3, of 1899, to obey the laws and commit no crime against the independence of the South African Republic.

Signature

Date

SCHEDULE F.

Notice.

I _____ at present residing at _____ in the South African Republic, formerly resident at _____ in _____, whose occupation is _____, desiring to reside for good in the South African Republic, hereby give notice that, at least six months from the date of this notice, I shall make application for letters of naturalisation without the full franchise,
Or for letters of naturalisation with the full franchise.
Or for the obtaining of the full franchise.

Signature _____

Date _____

("LEADER," July 28, 1899.)

To the Editor of the Leader,

SIR,

THE *Standard and Diggers' News* in its issue of this morning has published a translation of the new Franchise Law which came into force yesterday. Side by side with this is published a telegram from Pretoria intimating that with the publication of the Franchise Law in the *Gazette* there is appended an "Explanatory Memorandum of Instructions" in order to simplify the details of the law from an administrative point of view, and then the correspondent of the *Standard and Diggers' News* goes on to say that he has interviewed the State Attorney, who informed him that it had been made perfectly clear from that Explanatory Memorandum of Instructions what the applicant for full burgher rights has to do in order to obtain his rights. He then proceeds to say that the State Attorney has also given an explanation how the provisions of the law are to be interpreted.

Now, with all due respect to the opinion of the State Attorney, I beg to state that no *Explanatory Memorandum attached to the law and which is contrary to the provisions of that law can have any force or effect whatever*, no matter whether it is signed by the President of this Republic, the State Secretary, or the State Attorney, and no interpretation that these officials give of any of the provisions of the law, and which is in contradiction to the law itself, can be recognised, and no one knows this better than the State Attorney himself. If there is any ambiguity in the law, the interpretation of that must rest with the High Court, and the High Court can only interpret it strictly according to the usual and well recognised rules of interpretation *unless a Volksraad besluit is issued hereafter directing them how to interpret it!*

I will assume that the State Attorney is most desirous, so far as he is personally concerned, to remove as much as possible the many pitfalls and barbed wire fences which encircle this law, but it is too late now after its publication to attempt, by an explanatory memorandum, to remove these. This he should have seen to at the time the bill was drafted by himself, or when it was passing through the Raad. He cannot now by means of an unauthorised explanatory memorandum remove these, or soften them down by means of a memorandum or otherwise. The only way to do it is by withdrawal of the bill, and substituting another in its place to be passed by the First Raad.

Let me take a few of the interpretations that the state Attorney desires to apply to the provisions of the law.

I will pass over in the same way as the State Attorney has all the many defects and pitfalls which surround the applicant under the provisions of Article 1, sub-section (A). These are too numerous and too important to be dealt with in a letter. I will merely take the following, namely:—

1. The State Attorney says the instructions to the officials make it clear that the requirements of "obedience" to the laws do not mean that the laws *must have been kept*, but only that the applicant should not have openly defied the laws and thus rendered himself guilty of "High Treason." Now, the law says distinctly and clearly that an applicant must show, *that during the time he has been resident in this Republic he has obeyed the laws of the land* and committed no crime against the independence of the South African Republic, and under sub-section (B) the applicant shall produce a sworn declaration made by himself to the effect that he has had no dishonouring sentence passed on him, and then it goes on to explain what a dishonouring sentence is.

Now, this explanation of the State Attorney is in direct opposition to the provisions of the law, as I contend that from the law it is quite clear that *any breach of any law whatever*, would deprive the applicant from obtaining his franchise, and I say emphatically that the interpretation given by the State Attorney is wrong and cannot override the provisions of the law, and are quite valueless in the face of such clear provisions in the law; and any Court of Law will unquestionably interpret the law as it is published without any reference to memoranda or the State Attorney's opinion.

2. In regard to the Reformers, the State Attorney says the Reformers are all entitled to burgher rights under the new Franchise Law, except the four who pleaded guilty of high treason.

Now I have the authority of one of the leading lawyers practising in the Cape Colony who has advised me that under this law the Reformers cannot obtain the Franchise. If it had been the intention of the Government of the South African Republic or of the Raad that the Reformers should have that right, they could have made it perfectly clear by inserting a special clause providing for it, and thus avoiding any ambiguity or doubt on this point. Why then have they not done so? It would have been very simple to have made such a provision, but no, they preferred leaving it doubtful.

3. As regards property qualifications, the State Attorney says the qualification of salary or wages amounting to at least £100 per annum means that the law will be satisfied if the applicant can show that he has even been *earning weekly or monthly, temporarily, at that rate per annum*.

Now, Sub-section (C) says distinctly that the applicant shall produce proof . . . that he

draws a *fixed salary* or wage of £100 per annum; not *temporarily* but *fixed*. Here the opinion of the State Attorney is also in direct opposition to the provisions of the law, and I repeat that the law must prevail against the opinion of the State Attorney.

Further, the law provides that you must be the owner of "fixed" property, consequently those who are in occupation or possession of "leasehold" property such as stands in Parktown, New Doornfontein, and other such suburbs of Johannesburg, will be disqualified because the buildings erected upon such stands are *not, in Law, "fixed" property*.

These are simply a few of the points which require to be explained to show how utterly absurd this Explanatory Memorandum must appear in the eyes of any sensible man; but I go a step further, and I say that even if you remove all these pitfalls and doubtful meanings and expressions, the law is *not adequate or satisfactory* to the Uitlanders of this Republic. I leave alone the question of the seven years' retrospective. We will accept nothing short of Sir Alfred Milner's irreducible minimum, and the provision of the law as to being domiciled for seven years alone condemns it in the eyes of the whole Uitlander population, and so long as that provision remains, the members of the Raad can make as many attempts as they please to remove the pitfalls and barbed wire fences, but we will *not accept* any law with seven years' retrospective.

I find also in the *Diggers' News*, above the publication of this new Franchise Law, a telegram from Pretoria, as follows:—

"I am informed on the highest authority the new burghers will be on *exactly the same footing as the old* with reference to the voting for the election of President and Commandant-General." If I am to understand from this telegram that under this law the new burghers will have that right, then I say that telegram conveys an absolutely false and erroneous impression, because this law makes no specific provision that the new burghers shall have the right to vote for President and Commandant-General, and until it does make such a provision such right does not exist; because under the provisions of Law No. 3 of 1894 a clear distinction is drawn between the burghers who had obtained the franchise either before the coming into operation of the Franchise Law of 1890 or thereafter by reason of having been born in this Republic, and those who become naturalised subsequent to the Law of 1890. The first class, that is burghers who were entitled to burgher rights before 1890 or who thereafter acquired the right by birth, were entitled by Law of 1894 to record their votes as follows:—

- (a) For the election of a Fieldcornet, &c.
- (b) For every election which concerns the whole district of the Fiscal Division in which they reside.
- (c) For every election which concerns the *whole of the South African Republic* which would include the right to vote for the election of President and Commandant-General.

This law also provides that *extension of this franchise* (that is the right to vote for the foregoing) shall not take place without a proposal to that effect having been published for a year in the *Staatscourant*, and at least two-thirds of the aforesaid enfranchised burghers shall have declared themselves in favour thereof. This has not been done with the new Franchise Law of 1899, as there has been no such publication; whilst those burghers who are entitled to vote by virtue of naturalisation after the law of 1890 came into operation have the right merely to record their votes:—

- (a) For the election of a Fieldcornet each in his own ward.
- (b) For a member of the Second Raad for the district or electoral division of their domicile.
- (c) For every other election which concerns the *whole district* or the electoral division in which they are domiciled, and to which they are entitled according to law.

Now it will be noticed that the right to vote for any election which concerns the *whole South African Republic*, such as the President and Commandant-General, has by the Law of 1894 been specially excluded and is not conferred on persons naturalised and who obtain their burgher rights after 1890.

Now, the present law provides that it is desirable to amend and amplify certain provisions of the law with *reference to naturalisation and the obtaining of full franchise*, so that this law is merely an extension of the rights to naturalised burghers who obtain their rights after 1890 and consequently come under the provision of Law 3 of 1894, and, therefore, does not give to such persons who obtain their franchise under this new law the right to vote for President and Commandant-General.

This, I contend, is clear and explicit, and therefore, so long as the right to vote for the President, and Commandant-General is excluded, the law is inadequate and insufficient no matter how favourable the other provisions are. What could have been more simple if it had been the wish and intention of the Government of the Raad to give the newly enfranchised burghers, under the new law, the right to vote for these officials, than to have inserted a provision in the law to that effect? But the omission gives us reason, and a very strong reason, to doubt the sincerity of the Government, and of the Raad, to grant us that right.

In conclusion, I wish to say that whatever the State Attorney's opinion may be in regard to the interpretation of this law, or no matter how anxious he may be to explain any doubtful provisions in that law, or to remove any harsh or impossible conditions of it, it is quite within the range of possibility that he may resign his office at any time and another appointed in his place who would unquestionably issue another explanatory memorandum of instructions directly in contradiction to those now issued, and instruct the officials "from an administrative point of view" to enforce the law strictly, and not to be guided by any prior instructions or memorandum. It would clearly be the duty of a new State Attorney to see this law carried out strictly and in accordance with its provisions in order to allow no person to obtain the franchise who cannot satisfy every requirement of the law. The mere fact that an Explanatory Memorandum is necessary shows at once the ambiguity and vagueness of the law and the many pitfalls surrounding it. If that law were a simple one, clear and concise, so that everyone who read it could understand it, there would be no necessity for any such Memorandum of Instructions to explain its provisions. I fear, therefore, it is only another attempt to throw dust in the eyes of the Uitlanders.—Yours, &c.,

E. P. SOLOMON.

Johannesburg, July 27th.

Enclosure 5 in No. 35.

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

SIR, Her Majesty's Agency, Pretoria, July 28, 1899.

WITH reference to my telegram, No. 220, of yesterday's date I have the honour to transmit to Your Excellency herewith certified copies of resolutions passed at a public meeting of the unenfranchised held in Johannesburg on Wednesday last, the 26th instant, which I have received from Mr. William Hosken the Chairman of the meeting, for communication to Your Excellency and the Secretary of State.

27. I have also the honour to annex a report* of the meeting and of the speeches* made on the occasion from the "Star" newspaper.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

Copies of Resolutions passed at the Public Meeting of the Unenfranchised held in Johannesburg on Wednesday, the 26th July, 1899.

First Resolution.

Proposed by Mr. H. C. Hull:

Seconded by Mr. M. Mill:

"That this Meeting condemns the New Franchise Law as a wholly inadequate concession to the just demands of the Uitlander population, and again insists upon the necessity of a Franchise Law which shall be simple and intelligible in its language, free from embarrassing restrictions and formalities, and based upon a residential qualification of five years at the utmost."

Carried with one dissentient.

A true copy:

WM. HOSKEN,
Chairman.

Second Resolution.

Proposed by Mr. A. Mackie Niven:

Seconded by Mr. W. St. John Carr:

Supported by the Rev. Dr. Herz; the Rev. C. Baumgarten; Mr. G. F. Esselen; and Mr. H. B. Kruger:

"That this meeting insists upon the demand of the Uitlander Council for a redistribution of seats which shall take place periodically, and for a representation which shall bear some definite relation to the number of electors; that it also records its conviction that equality of language, the independence of the High Court, the demolition of forts, and the removal of each and every disability on account of religious belief are accessory reforms, essential to the exercise of the rights of a free people; and that in all other respects it confirms the Declaration of the Uitlander Council in principle and detail."

Carried unanimously.

A true copy:

WM. HOSKEN,
Chairman.

* Not reprinted.

Third Resolution.

Proposed by Dr. Kendal Franks :

Seconded by Mr. A. Raitt :

"Having in view the grudging and illiberal spirit shown by the Government and Volksraad in their treatment of the question of Franchise Reform, and the facility with which even fundamental laws are and may be changed, this meeting is convinced that no settlement will be of any value unless its permanency is guaranteed by an understanding between the Imperial Government and the Government of the South African Republic."

Carried unanimously.

A true copy:

WM. HOSKEN,
Chairman.

Fourth Resolution.

Proposed by Mr. H. L. Lindsay :

Seconded by Dr. W. Davies :

"This meeting declares its determination strenuously to support Sir Alfred Milner in his efforts to secure effective reforms in this country, and equality of the white races throughout South Africa."

Carried unanimously.

A true copy:

WM. HOSKEN,
Chairman.

Fifth Resolution.

Proposed by Mr. S. Mosel :

Seconded by Mr. W. Wybergh :

"That copies of the foregoing Resolutions be forwarded to Her Majesty's Agent at Pretoria for transmission to His Excellency the High Commissioner, and the Right Hon. the Secretary of State for the Colonies, and that copies of Resolutions Nos. 1 and 2 be forwarded to the State Secretary for the information of the Government of the South African Republic."

Carried unanimously.

A true copy:

WM. HOSKEN,
Chairman.

No. 36.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 18, 1899.)

[Answered by No. 37.]

SIR,

Government House, Cape Town, August 2, 1899.
 WITH reference to my telegram of the 27th ultimo (No. 4),* I have the honour to transmit the documents noted in the margin, relating to the Petition to Her Majesty the Queen from inhabitants of Cape Colony, Basutoland, Rhodesia and Natal in support of the policy of Her Majesty's Government with regard to the South African Republic.

You will observe that the signatures to this Petition now amount to 39,928 in

* No. 12.

Cape Colony (including 107 in Basutoland), 1,771 in Rhodesia, and 7,542 in Natal, or a grand total of 49,241.

The engrossed copy of the Petition enclosed herewith contains the signatures of 45 members of the Cape Legislature. I am informed that these signatures have not been reckoned in computing the numbers, as they also appear on the various sheets which I am transmitting to you separately.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 36.

From the GOVERNOR OF NATAL to the HIGH COMMISSIONER, Cape Town.
Government House, Pietermaritzburg, Natal,

SIR,

July 24, 1899.

IN continuation of my despatch of 10th instant, I have the honour to transmit further sheets of the Petition* to the Queen signed by 1,161 more adult European male colonists of Natal. This brings the total number of signatures to the Petition up to 7,497.

Dr. Allen informed me, when he brought the Petition to me to-day, that the affidavits for Pinetown and Ixopo have not yet been received. I will forward them later.

I have, &c.,

WALTER HELY-HUTCHINSON.

His Excellency
Sir Alfred Milner, G.C.M.G., K.C.B.,
&c., &c., &c.
Cape Town.

Enclosure 2 in No. 36.

Captain BRABANT, M.L.A., and Mr. FULLER, M.L.A., to the HIGH COMMISSIONER,
Cape Town.

SIR,

Cape Town, July 27, 1899.

WE have the honour to inform Your Excellency that we have been requested to forward to Your Excellency, for transmission to Her Majesty the Queen, a Petition, a copy of which we enclose, † which has been signed up to date by thirty-eight thousand five-hundred (38,500) British subjects in the Colony of the Cape of Good Hope and two thousand (2,000) in Rhodesia; these are exclusive of the seven thousand five hundred (7,500) who signed a similar petition in Natal. We would point out to Your Excellency that the civil servants, railway employees and officials of all public institutions who comprise a large proportion of the population and who are thoroughly loyal and are well known to be in perfect sympathy with the sentiments expressed in the Petition have not signed it on account of the very strict conditions under which they are employed which prevent their taking part in the public and political affairs of the Colony. We would also venture to direct Your Excellency's attention to the fact that included amongst the signatures to the Petition are those of a number of influential Dutch-speaking inhabitants. A large number of signatures to the Petition from Rhodesia and Basutoland will shortly reach Cape Town when they will be presented to Your Excellency together with a further number of signatures from different parts of the Colony. We may state with the exception of a few of the signatures obtained in the outlying districts the genuineness of the signatures are vouched for by a sworn declaration made by the person who was responsible for obtaining them.

We have, &c.,

E. Y. BRABANT,
Senior President, South African League.
THOS. E. FULLER.

To His Excellency

Sir Alfred Milner, G.C.M.G., K.C.B.,
Governor of the Colony of the Cape of Good Hope
and Her Majesty's High Commissioner for South Africa.

* See enclosure in No. 23.

† Not printed, being identical with enclosure in No. 23.

Enclosure 3 in No. 36.

From the GOVERNOR OF NATAL to the HIGH COMMISSIONER, Cape Town,
Government House, Pietermaritzburg, Natal,

SIR,

July 28, 1899.

IN continuation of my despatch of 24th instant, I have the honour to transmit some further sheets of the Petition to the Queen bearing 45 more signatures, and making a total of 7,542.

Dr. Allen informs me that he does not expect to receive any more signatures.

I have, &c.,

WALTER HELY-HUTCHINSON,

His Excellency

Sir Alfred Milner, G.C.M.G., K.C.B.,

&c., &c., &c.

Cape Town.

Enclosure 4 in No. 36.

Captain BRABANT, M.L.A., to the HIGH COMMISSIONER, Cape Town.

SIR,

Cape Town, August 2, 1899.

I HAVE the honour to inform Your Excellency that I have been requested to forward to Your Excellency, for transmission to Her Majesty the Queen, a further number of signatures to the Petition, amounting in all to 1,199 which makes a total number of signatures up to date of 41,699, excluding the 7,500 which were forwarded to Your Excellency from Natal.

I have, &c.,

E. Y. BRABANT,

President, South African League.

To His Excellency

Sir Alfred Milner, G.C.M.G., K.C.B.,

Governor of the Colony of the Cape of Good Hope
and Her Majesty's High Commissioner for South Africa.

No. 37.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.15 p.m., August 21, 1899.)

TELEGRAM.

August 21. No. 2. Referring to your despatch 2nd August.* Petition has been laid before the Queen, who was pleased to receive it graciously. Inform petitioners as in my telegram of 12th August, † *mutatis mutandis*.

No. 38.

MR. CHAMBERLAIN to GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL).

(Sent 1.55 p.m., August 22, 1899.)

TELEGRAM.

Resolutions of Legislative Council and Legislative Assembly of Natal enclosed in your despatches of July 22 and 27† have been laid before the Queen, who was pleased to receive them very graciously.

Her Majesty's Government highly appreciate the unanimous support thus given by Parliament of Natal to their endeavours to secure equal rights and privileges for all Europeans in South Africa.

* No. 36.

† No. 31.

‡ Nos. 29 and 34.

No. 39.

MR. CHAMBERLAIN to GOVERNOR-GENERAL the EARL OF MINTO (CANADA).
(Sent 5.50 p.m., August 22, 1899.)

TELEGRAM.

I HAVE received from the Speakers of the Senate and the House of Commons of Canada, copies of Resolutions* unanimously adopted by those Houses on the 1st of August and the 31st of July respectively, with regard to the present situation in South Africa. Her Majesty's Government will be glad if you will convey, on their behalf, an acknowledgment of these Resolutions together with an expression of their appreciation of the support thus afforded to them in their efforts to secure equal rights and liberties for all the white inhabitants of the Transvaal.

No. 40.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.
(Sent 5.5 p.m., August 23, 1899.)

TELEGRAM.

23rd August. No. 6. Referring to your despatch of July 12,† inform Moderator and other representatives of the Dutch Reformed Church that their letter has been laid before the Queen, who was pleased to receive it graciously.

* See Nos. 32 and 33 respectively.

† No. 15.

SOUTH AFRICAN REPUBLIC.

7
FURTHER CORRESPONDENCE

RELATING TO

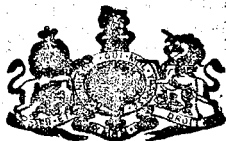
POLITICAL AFFAIRS

IN THE

SOUTH AFRICAN REPUBLIC.

(In continuation of [C. 9518], August, 1899.)

Presented to both Houses of Parliament by Command of Her Majesty.
September, 1899.



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SOUTH AFRICAN REPUBLIC.

FURTHER CORRESPONDENCE

Serial
No.

RELATING TO

1

High Commissioner
Sir Alfred Milner

DIPLOMATIC AFFAIRS

... Telegram

IN THE

SOUTH AFRICAN REPUBLIC.

(In continuation of [C.—9518], August, 1899.)

Presented to both Houses of Parliament by Command of Her Majesty.
September, 1899.



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Serial No.	From or to whom.	—	Date.	Subject.	Page.
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SOUTH AFRICAN REPUBLIC.

FURTHER CORRESPONDENCE

RELATING TO

POLITICAL AFFAIRS

IN THE

SOUTH AFRICAN REPUBLIC.

SECTION I.—THE ALLEGED CONSPIRACY AT
JOHANNESBURG.

No. 1.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m. May 17, 1899.)

TELEGRAM.

16th May. I have had several telegrams from Greene about the arrests at Johannesburg. On the first report, which represented some of the men as officers or ex-officers of British Army, he called on President to express his regret at occurrence. President replied there was no proof yet that persons had been officers in British Army, and in any case incident would not be allowed to disturb friendly relations. Subsequently State Attorney saw British Agent in South African Republic. Report of conversation follows in separate telegram. According to latest press telegrams some of the men were old non-commissioned officers.

No. 2.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 3.40 p.m., May 17, 1899.)

TELEGRAM.

[Answered by No. 4.]

17th May. My telegram of last night.* Greene telegraphs as follows:—

Begins: 16th May. I am told confidentially by State Attorney that for the last two months he has had the men in question shadowed. The ringleaders were Nicolls and Paterson. He showed me affidavits made by the next three men on my list, who, when they saw arrest was imminent, confessed. The idea was to enlist a force of men, to whom arms were to be supplied. They were to be ready to fall in at twenty-four hours' notice. They were to rush the fortress, and, "pending the arrival of British troops," to hold the town. The scheme was alleged to be with the approbation of the British Government in one affidavit. Several more arrests are hourly expected. Quantities of papers, giving lists of persons already enrolled, have

been seized at men's houses. There were found on the men enlisting note-books with names and addresses. In March last Nicolls was the Chairman of the Fordsburg branch of the South African League, but has resigned since. The State Attorney said that he expected to implicate latter, but that he would endeavour that any allegations intended to compromise Her Majesty's Government should be suppressed. Probably the men will be brought up to-morrow and remanded for a week. The charge will be high treason, which is a capital offence, but I am told by State Attorney that it is not certain that this charge will necessarily be pressed. On Thursday he will see me again, and will give me any further particulars. Also he will allow me, if they wish it, to see accused. Of course, there is a good deal of excitement here, but the matter is being taken very calmly by the President and the other officials whom I have seen, and they are perfectly friendly.

As far as I know, the allegation that persons above mentioned are British officers from Natal has no truth in it. *End of telegram.*

I have replied as follows:—

Begins: Impossible to judge business as yet. I am inclined personally to think that it will turn out to be a mere pothouse conspiracy, which spies have carefully nursed. I can see no reason in any case why we should let our policy and attitude be affected by it. I cannot at all approve the plan of the State Attorney to suppress allegations implicating Her Majesty's Government. Although his intention may be excellent, I must insist on such allegations, if there are such, being sifted to the bottom. I cannot allow them to be suppressed. *Telegram ends.*

No. 3.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 5.40 p.m. May 17, 1899.)

TELEGRAM.

17th May. Referring to my telegram of yesterday*, President of South African League has publicly repudiated on behalf of League any connection direct or indirect with enlistment of persons for any purpose whatever in any State or Colony. No further arrests reported.

No. 4.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.15 p.m. May 18, 1899.)

TELEGRAM.

[*Answered by No. 6.*]

18th May. Your telegram of 17th May.† I approve your insisting that allegations must be sifted to the bottom.

No. 5.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.35 p.m., May 18, 1899.)

TELEGRAM.

18th May. Referring to my telegram of 17th May,† British Agent reports following are names prisoners:—
Richard Floyd Nicholls, 37, miner, Cornishman,
George Patterson, 40, Irish, both ex-non-commissioned officers British cavalry,
Charles Agar Ellis, 27, ex-colour-sergeant British infantry, Englishman,

* No. 1.

† No. 2.

John Allen Mitchell, 46, ex-sergeant-major, Royal Horse Artillery, Englishman,
 Edward James Tremlett, 30, civilian, Englishman,
 Robert Poole Hooper, 46, ex-military man, served in India and Matabeleland as non-commissioned officer,
 Jeane Fries, 40, Dane.
 Prisoners charged with high treason, brought before Landdrost's Court yesterday, remanded formally for fortnight.

No. 6.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 12.15 a.m., May 20, 1899.)

TELEGRAM.

19th May. Referring to your telegram of yesterday.* British Agent telegraphs as follows:—

“Your telegram of yesterday. Explanation of State Attorney is that it was his intention to prevent any insinuations against Her Majesty's Government being bandied about in a Court of Law, which is not intended for such purposes, but that of course anything affecting Her Majesty's Government would be treated between the two Governments directly. It is his intention, he said, to make as little of the case as possible; he had not wished to effect arrests just now, but the President had feared that rising might break out in Johannesburg at any moment and had insisted. I said that from information since obtained, it appeared to me that accused were little better than loafers, and that it was a pity that by representing them to have been British officers political capital should have been [made out] of the affair. He said that the others who were wanted had probably escaped, and no further arrests had been made. It seems clear from further reports from Vice-Consul at Johannesburg that most of accused were worthless creatures, and had apparently been secret servants of South African Republic Government in some cases. The Dane who was arrested has been discharged.”

In reply I telegraphed following:—

“Please inform State Attorney as follows:—While appreciating his good intentions I cannot allow matter to rest where it is. You have been informed by him that there is in existence an affidavit alleging that scheme was approved by Her Majesty's Government; but this affidavit he apparently proposes to keep back, in order that insinuations against Her Majesty's Government may not be bandied about in Court, as he says. I do not object in the least to statements implicating Her Majesty's Government being brought to the test of judicial investigation, in fact that is the proper course, I think. That they should be referred to and then hushed up, thus giving the impression that there is something to conceal, is what I do object to.”

No. 7.

Mr. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 6.25 p.m. May 26, 1899.)

TELEGRAM.

26th May. No. 2. Referring to your telegrams of 17th and 19th May,† I think you ought to know that following has appeared in press here:—

Begins: Reuter's Agency has received communication of following telegram received at the Consular Offices of the South African Republic in London from the Government at Pretoria dated 16th May:—

“Richard Nicholls, describing himself as a colonel, George Patterson, as a captain, Edward John Tremlett, Charles Agar Ellis, and John Allan Mitchell, as lieutenants, Jens Fries, and Hooper were arrested yesterday

* No. 4.

† Nos. 2 and 6.

on the sworn declaration of three Englishmen, on charge of high treason in connection with the alleged object of enrolment of troops to create revolution, to seize the fort of Johannesburg and to hold possession of the town until British troops from Natal could come to their assistance. One of the prisoners alleges that he is acting under direct instructions from the British War Department." *Ends.*

Similar communications have been published in Berlin, Paris and, no doubt, elsewhere.

No. 8.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received from Bloemfontein, 6 a.m., June 2, 1899.)

TELEGRAM.

1st June. No. 2. I have authorised British Agent in South African Republic to retain Counsel for defence of prisoner, and State Attorney engaged to lead evidence respecting allegations so as to afford opportunity for cross-examination. This was only way of getting allegations into Court. British Agent in South African Republic has been authorised if necessary also to engage Counsel with watching brief for Her Majesty's Government to report fully on above and on trial generally.

No. 9.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 2.30 p.m., June 16, 1899.)

TELEGRAM.

(Extract.)

16th June. No. 2. Preliminary examination in alleged conspiracy case concluded yesterday, and papers sent to State Attorney. Public Prosecutor stated prosecution had never intended nor did he intend to suggest that British military authorities or even a British military officer had any connection whatever with the alleged movement. No evidence so far called by defence, who rely upon their cross-examination for an acquittal.

In my opinion case anything but creditable to Government of South African Republic. Three of the prisoners were practically spies or "agents provocateurs" of detective [? force], one being in direct employment. Latter were arrested on their own affidavits and kept in gaol till the hearing to spy on the others. Evidence is of the flimsiest character.

No. 10.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 30, 1899.)

(Extract.)

Government House, Cape Town, June 13, 1899.

WITH reference to my telegram of the 1st instant,* and to previous correspondence on the subject of the alleged "conspiracy" at Johannesburg, I have the honour to transmit, for your information, a copy of further correspondence respecting the trial of the persons arrested.

Enclosure 1 in No. 10.

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

TELEGRAM.

May 30th. No. 103. I received a letter this morning through the Government from Nicholls, one of the men in gaol here for alleged conspiracy, asking me to see him.

He has represented to me that he has no money to engage counsel to defend him at adjourned hearing of case to-morrow, and has asked if I can assist him. As it seems to me a somewhat hard case, and Nicholls is stated in the newspapers to have hitherto borne a good character, will Your Excellency authorise me to engage someone to defend him as requested? Please reply as early as possible as trial comes on to-morrow morning.—(GREENE.)

Enclosure 2 in No. 10.

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

TELEGRAM.

May 31st. No. 104. I have seen Acting State Attorney this morning, who tells me Nicholls is the only one of the prisoners so far respecting whom the allegation in question has been made, and he has now given access to Nicholls to Messrs. Tancred and Lunnon, who will undertake his defence. State Attorney has promised to acquaint me should similar allegations be made later on with respect to any of the other prisoners, in which case I will give instructions for their defence. Enquiry was postponed this morning to the 7th proximo.—(GREENE.)

Enclosure 3 in No. 10.

FROM the HIGH COMMISSIONER, Bloemfontein, to HER MAJESTY'S AGENT, Pretoria.

TELEGRAM.

31st May. Your telegram, No. 103. It appears that a telegram emanating from Consulate of South African Republic in London has been published in London, Paris, Berlin, and probably elsewhere, as coming on 16th May from Government at Pretoria and ending as follows:—One of the prisoners alleges that he is acting under direct instructions from the British War Department.

The attention of the State Attorney has been drawn to this telegram, and at my request he has undertaken to wire to the Assistant State Attorney to adjourn the investigation for a week to at once give you the name of the witness and that of the prisoner in respect of whom affidavit was made, and to lead evidence as to this allegation so as to give opportunity for cross-examination.

As counsel would have no *locus standi* to cross-examine unless defending, you are authorised to engage counsel to defend the prisoner or prisoners in question so as to sift the allegation as thoroughly and publicly as possible. As this is the only concern Her Majesty's Government have in the matter, beyond satisfying themselves that the prisoners had a fair trial, I am unable to sanction engaging counsel for defence of Nicholls if he is not concerned in the allegation.

Enclosure 4 in No. 10.

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

SIR,

Her Majesty's Agency, Pretoria, May 31, 1899.

WITH reference to previous correspondence on the subject of the alleged "conspiracy" at Johannesburg, I have the honour to report that I yesterday received the note, of which a translation is enclosed, from the Government of the South African Republic, forwarding a letter addressed to me by Nicholls, one of the prisoners detained in gaol here in connection with the charge of conspiracy, in which he asked me to see him. On receipt of this letter I obtained a permit from the Under Secretary of State for Foreign Affairs, and visited Nicholls at the gaol. He was brought into the Chief Warder's office, and said he wished to speak to me in private, as he had a confidential communication to make to me. I replied that I could have no private conversation with him, but that I was ready to hear anything he had to say in the presence of the officials. Nicholls said he could not tell me what he wished to say before third parties. I then said that as his case was coming on for hearing next day, and the matter was in

the hands of the Court, he could communicate his statements to his attorney, who would no doubt attend to them. Nicholls replied that he had no money, and could not engage counsel for his defence. I asked him if he had not been represented at the preliminary hearing, and he replied in the negative. I then said that, if he wished, I would report the matter to Your Excellency, in case you should think it possible to provide him with adequate means of defence, in view of the seriousness of the charge against him. Nicholls thanked me, and I withdrew.

Subsequently I sent Your Excellency my telegram, No. 103, of yesterday, making a suggestion to the above effect. In doing so, apart from the fact that it seemed somewhat hard that the man should go undefended, or at best only defended by a counsel appointed hurriedly by the Court, I hoped that it might be possible, by selecting an able counsel, to undertake the defence, to obtain a fair cross-examination of the witnesses for the prosecution, and thus dispose publicly of certain allegations which, in view of the fact that, as Your Excellency is aware, Her Majesty's Government had no *locus standi* in the matter, it would have been otherwise impossible for us to expose.

This morning I received Your Excellency's telegram of the same date, instructing me to engage counsel to defend the prisoner or prisoners against whom the allegation had been made, that they had been acting under instructions from the British War Department.

I accordingly called on Mr. Jacobsz, the Assistant State Attorney, and asked him to tell me how the matter stood.

Mr. Jacobsz informed me that two of the prisoners, Hooper and Mitchell by name, alleged that Nicholls had told them that he was acting under the instructions of a British officer directly from the War Office. Tremlett and Ellis, two others of the prisoners, had also stated that Nicholls had told them that he was really a subordinate of an Imperial officer in Johannesburg.

I asked Mr. Jacobsz if similar allegations had been made concerning any other of the prisoners except Nicholls. He said not up till now, and promised to let me know in case such should later prove to be the case.

I then told him I was entrusting the defence of Nicholls to Messrs. Tancred and Lunnon, solicitors of Pretoria, and asked him to give these gentlemen access to Nicholls, which he at once agreed to do. Mr. Jacobsz showed every desire to meet my wishes in the matter.

I subsequently instructed Messrs. Tancred and Lunnon to take up the case, and they have retained Advocate Duxbury to defend Nicholls at the adjourned inquiry on the 7th proximo.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

(Translation.)

STR, Ministry for Foreign Affairs, Pretoria, May 29, 1899.
I HAVE the honour to transmit to you herewith a letter from one R. F. Nicholls, now in prison in Pretoria on a charge of high treason.

I have, &c.,
PIET GROBLER,
Under Secretary of State for Foreign Affairs.

STR, Pretoria Jail, May 22, 1899.
ON the 15th instant six British subjects, including myself, were arrested in Johannesburg on the charge of high treason, and brought here.

I humbly request you to call and see me on the matter before the preliminary trial.

I am, &c.,
R. FLOYD NICHOLLS.

To Her Majesty's Representative.

Enclosure 5 in No. 10.

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

SIR,

Her Majesty's Agency, Pretoria, June 2, 1899.

With reference to my despatch of the 31st ultimo on the subject of the so-called "conspiracy" in Johannesburg, I have the honour to transmit to Your Excellency herewith an extract* from the "Press" newspaper of yesterday, reporting the proceedings in court, when the accused were formally remanded for a week, in consequence of instructions sent to the Acting State Attorney from Bloemfontein, in compliance with Your Excellency's request.

On hearing that, owing no doubt to the fact that these orders had been sent to the authorities here, a number of wild rumours were in circulation in the town, to the effect that Her Majesty's Government were directly implicated in the affair, I thought it best to at once make the position clear, before the Government organs could forestall us, and produce a garbled account of the matter. Accordingly I desired Messrs. Tancred and Lunnon to inform the press of the real motive for Your Excellency's action, and to make it clear that you were simply instructing counsel, in order to provide for the defence of such of the prisoners as might be affected by the statements made in connection with the case.

To-day I have been informed by Messrs. Tancred and Lunnon that, after perusing the affidavits just received from the State Attorney's Department, it appears that another of the prisoners, Patterson by name, is even more directly affected than Nicholls, and I have therefore instructed these gentlemen to interview Patterson in gaol, and, should he desire it, to undertake his defence also.

In looking over the affidavits, I noticed the absence of a statement made by a man named Watterton, or Waterton, which I had seen at my original interview with the State Attorney, and I have asked Messrs. Tancred and Lunnon to apply to Mr. Jacobsz for it. I have some reason to believe that it is this man Waterton who has been the go-between between the Government and the prisoners, and who finally gave the information against the latter, on which they were afterwards arrested.

It appears pretty clear that the other four men arrested either have already, or intend later on, to turn State evidence against their fellow prisoners.

I may add that all the affidavits were sworn before Mr. Schutte, Commissioner of Police, at Pretoria.

I have, &c.,

CONYNGHAM GREENE.

His Excellency

The High Commissioner.

Enclosure 6 in No. 10.

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

TELEGRAM.

June 7th. No. 111. Preliminary examination of so-called conspiracy case was commenced this morning and lasted until adjournment of Court at 4.30. Tremlett, Ellis and Michell were accepted as State witnesses and charge against them dropped. Duxbury directed attention of State Attorney to fact, first, that after arrest Nicholls was refused access to legal adviser, secondly, that after this refusal Nicholls wrote to me on 22nd May but letter was not delivered till 30th; thirdly, that Detective Beatty and Commandant Schutte were allowed to see Nicholls in gaol and ask him to make a statement. Ellis and Carter were the only two witnesses examined. Hearing will be resumed to-morrow at 10 o'clock.—(GREENE.)

Enclosure 7 in No. 10.

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

TELEGRAM.

June 8th. No. 114. At adjourned hearing to-day Ellis was re-called and further cross-examined as to visit of Beatty and Schutte to Nicholls in gaol, object of visit being

* Not reprinted.

to elicit name of alleged military chief whose existence Nicholls denied. Michell was then called and gave evidence as to Patterson and Nicholls having said they wished to raise a force to fight Transvaal and take the forts. An enlisting book was also produced, drawn up by Hooper and Michell, and subsequently handed, for reasons unexplained, by them to Tremlett. In cross-examination it appeared that Michell had practically lived by begging for last eighteen months. He ridiculed military capabilities of Nicholls and admitted that he and Hooper had threatened Patterson with exposure if he did not give them money. Case is adjourned till to-morrow. I omitted to say yesterday that Christopher Butler, an Australian, was arrested by Beatty on Tuesday, on charge of high treason. He and Hooper have applied to be defended, and Messrs. Tancred and Junnon are undertaking their defence.—GREENE.

Enclosure 8 in No. 10.

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

TELEGRAM.

June 9th. No. 119. At adjourned hearing to-day, Mitchell was re-called by Duxbury and stated that his expenses to Pretoria, when he came to make affidavits, were paid by Tremlett, who also treated him. Detective Beatty was next called by prosecution to produce private letters handed over to him by Patterson when arrested. Public Prosecutor intimated to Court that these papers had no bearing on case, but proceeded to read them although Duxbury formally protested against this procedure as dishonourable. Landdrost ruled in favour of Public Prosecutor. The letters, which were years old, were from big people whom Patterson had once known, such as Lord Rosebery, and about purely private affairs; they included a telegram from Mr. Rhodes respecting a cure for horsesickness. In cross-examination Beatty admitted he had been employed by Schutte to work up case, and had himself employed Tremlett to assist him. Hearing was adjourned at two o'clock till Monday owing to sudden indisposition of Landdrost.—GREENE.

Enclosure 9 in No. 10.

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

TELEGRAM.

12th June, 1899. No. 126. At adjourned hearing Detective Beatty's cross-examination was resumed. He admitted that in the affidavits on which all the prisoners were arrested there was no accusation against Tremlett, Ellis, Fries, or Bullen, and only accusation against Michell and Hooper was in Tremlett's affidavit. In spite of this witness made an affidavit charging all the prisoners with high treason, on which the arrests were made. He could not explain why Fries had been discharged from gaol without any order of Court. He admitted that Tremlett had been in his employ since first week in May; that it was Tremlett's duty to report to him what occurred in gaol, and that Ellis had given him information four or five days prior to arrests.

Duxbury challenged Beatty, who has been appointed Acting Chief Detective since Friday last, to deny that the High Court had on two separate occasions denounced him as a person to whose evidence given on oath no credibility could be attached. Witness could not deny this.

Duxbury then stopped cross-examination, and asked Public Prosecutor if he seriously meant to go on with this scandalous case, tainted with irregularities and illegalities. Public Prosecutor answered, "Certainly."

At request of Duxbury the private letters addressed to Patterson by Lord Rosebery and others, and read in Court on Friday, were read out by Public Prosecutor in Dutch, in order that burghers present in Court might understand what they really referred to.

Tremlett was then called, and gave evidence, main object of which was to implicate South African League. He was under cross-examination when Court adjourned till to-morrow.—GREENE.

Enclosure 10 in No. 10.

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

TELEGRAM.

13th June. No. 131. At adjourned hearing to-day Duxbury called attention to fact that a letter addressed by Nicholls to American Consul here on May 27th was not delivered till June 10th, also that no reply had been given by State Attorney to the two questions asked on Wednesday. Public Prosecutor denied right of counsel to ask questions, and could give no information. Tremlett's cross-examination was resumed. He admitted having met Michell, Hooper, and Fries by appointment the night before arrest, and in order to elicit information from them, had told them he knew where arms were concealed, and added that men who did not take part with Government would be given 24 hours to leave, or be shot down. He admitted that Schutte, after seeing Nicholls in gaol, had told witness he could get nothing out of Nicholls. He had had several conversations with Beatty about case, thereby confirming latter's statement that witness had to report to him from time to time from gaol. In afternoon prosecution called three independent witnesses, who said whole movement was in their opinion canteen talk, and in any case men were to cross Natal border to get arms, and there was no question of taking up arms in Johannesburg. Prosecution then intimated that they would call no further witnesses at this stage, and hearing was adjourned to to-morrow.—GREENE.

No. 11.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.50 p.m., July 8, 1899.)

TELEGRAM.

8th July. No. 2. Referring to my despatch, 21st June,* British Agent in South African Republic telegraphs South African Republic Government has decided to prosecute three remaining prisoners. Trial takes place criminal sessions, Johannesburg, opening 8th August.

No. 12.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 10, 1899.)

SIR,

Government House, Cape Town, June 20, 1899.

I HAVE the honour to enclose, for your information, with reference to my telegram † of the 16th instant, and to previous correspondence, a copy of a telegram and of a despatch from the British Agent, Pretoria, on the subject of the alleged "conspiracy" at Johannesburg.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 12.

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

TELEGRAM.

14th June, 1899. No. 133. At adjourned hearing, to-day, Duxbury announced that after considering evidence led for prosecution, there was no occasion to call a single witness for defence. Prisoners then pleaded not guilty, and reserved their defence. Duxbury, addressing Court, asked that Butler be immediately released and others liberated on bail. He also referred to irregularities in connection with case, and —† evidenced up to this stage submitting that there was no evidence of high treason to

* No. 13.

† No. 9.

‡ Word unintelligible.

go to a jury. He complimented Public Prosecutor and thanked Landdrost for attention to case, appealing to the latter, who had heard all the evidence, to allow moderate bail. In course of remarks, counsel said case was a serious one, as it affected the honour not only of the accused but of at least one friendly Power, Great Britain. Counsel further denounced the inflammatory article appearing in the "Rand Post" of 13th December last. He said prosecution desired apparently to implicate South African League. The matter was quite apart from the case, and therefore he felt free to say, on behalf of and at request of Nicholls, that League was not in any way responsible for any words Nicholls may have used. League, counsel said, were quite capable of looking after their own affairs. Public Prosecutor, in replying, said prosecution was not responsible for statement of any witnesses which went towards suggesting that the alleged movement was supported in any way by the British military authorities or any British military officer. The prosecution had never intended, nor did it intend, to suggest that the British military authorities or even a British military officer had any connection whatever with the alleged movement. Duxbury expressed satisfaction at above assurances. Public Prosecutor said he had no objection to accused being released on bail. Landdrost characterised application as reasonable, and added that not a moment should be lost in sending papers State Attorney. Court then adjourned, and Acting State Attorney has promised to consider papers with as little delay as possible.

—GREENE.

Enclosure 2 in No. 12.

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

Her Majesty's Agency, Pretoria, June 15, 1899.

WITH reference to my despatches on the subject of the so-called "conspiracy" at Johannesburg, I have the honour to report that the preliminary inquiry before the Landdrost was concluded yesterday, when the accused pleaded not guilty and reserved their defence. Mr. Duxbury applied for the immediate discharge of Butler, the Australian, against whom there was, he said, no evidence whatever, and for the liberation of the other prisoners on bail, a request which the Landdrost characterized as very reasonable. The papers were then sent to the State Attorney, who has not yet given his decision on the above applications.

Reports of the 4th, 5th and 6th days' hearing, taken from the "Press" newspaper, are annexed.*

Owing to the great extent of ground covered in the course of the inquiry, and to the great pressure of work at present on my hands, I regret that I cannot go fully into the case, but I would refer Your Excellency to Mr. Duxbury's address which has, I think, placed on public record all it was essential for us to have made clear. Your Excellency will notice that the Public Prosecutor said that "it never was the intention of the prosecution to allege that the British Government or officers of the British Army were concerned in the case. From the beginning it was never the intention of the prosecution to insinuate that any British military officer or any one connected with them was at the back of the case." This is no doubt very satisfactory, but as it was hardly in keeping with the action of the Government, who despatched a telegram to London and other capitals, on the 16th of May, the day of the arrests, in which they clearly attempted to connect the so-called plot with the British War Office and British officers or ex-officers, I drew Mr. Reitz' attention, in the course of a conversation yesterday, to the statement of the Public Prosecutor, and said I was quite at a loss to understand how the Government could have despatched such a telegram on the date in question, considering that they had every means of knowing, and indeed were the only people who could have known, thanks to the fact that the so-called "conspiracy" had been nursed by their own spies, what was the real status of the men arrested, and how far the statements sworn to with respect to them were true. What, however, I was even more at a loss to understand was how the Government could have sent a message, which could only have the effect of arousing suspicion against Her Majesty's Government, at the very moment when the latter had consented to a friendly meeting between the High Commissioner and the President of the Republic for a peaceful settlement of outstanding differences. The arrests had created considerable alarm and misapprehension in Europe, and the reputation of the Transvaal would certainly not be enhanced by the

* Not reprinted.

present upshot of the inquiry. Mr. Reitz had very little to say in reply. He told me that he believed at the time the telegram was despatched that there was truth in the statements made respecting the accused. He still thought there had been a plot, but he now certainly regretted the matter.

I did not pursue the subject further.

P.S.—Since the above was written, Messrs. Tancred and Lunnon have been informed by the State Attorney that Butler will be liberated at once, and that a decision with respect to the other prisoners will be taken immediately.

No. 13.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 10, 1899.)

SIR, Government House, Cape Town, June 21, 1899.
 IN my despatch of 20th June,* and previous communications, I have furnished you with reports of the proceedings taken against the so-called conspirators at Johannesburg down to the close of the preliminary enquiry. The time at my disposal would not enable me to comment on this case at any length, nor indeed is it of sufficient importance to deserve that I should do so; but still there are certain aspects of it on which I desire to offer some remarks.

On the 16th May a special edition of the "Pretoria News" published a statement that an extensive plot against the independence of the Republic had been discovered at Johannesburg, and that the following English ex-Army officers had been arrested at the Rand at midnight by Detective Beatty and staff:—

Colonel E. Floyd Nicholls.
 Captain George Patterson.
 Lieutenant E. Agar Ellis,
 Lieutenant E. J. Tremlett,
 Lieutenant J. A. Mitchell,

and two other officers, rank unspecified, named Hooper and Fries.

On Mr. Greene remonstrating with Mr. Weinthal, the Editor of the "Pretoria News"—who is also Dalziel's Agent at Pretoria—for inserting a false description of the men's rank in his paper, and for having cabled, as he heard he had done, to London in the same sense, Mr. Weinthal replied that before despatching his messages he had submitted them both to the State Secretary and to the State Attorney, and that they had been initialled by both officials. In an interview on the same day with Mr. Greene, the State Attorney told him confidentially that he had had the men in question shadowed for the last two months, and that Nicholls and Patterson were the ringleaders. He showed Mr. Greene affidavits made by Ellis, Tremlett, and Mitchell, who "confessed" when they saw the arrest was imminent. One affidavit alleged that the scheme was with the approval of the British Government, but Mr. Smuts said that he would endeavour to suppress any allegations intended to compromise Her Majesty's Government.

I immediately informed Mr. Greene that Her Majesty's Government could not allow these allegations to be suppressed, and must insist upon their being sifted to the bottom. The State Secretary then explained to Mr. Greene that his intention was to prevent any insinuation against Her Majesty's Government being bandied about in a Court of Law, which was not intended for such purposes, but that anything affecting Her Majesty's Government would, of course, be treated directly between the two Governments. He also (as I learnt from a private letter from Mr. Greene, dated 20th May) reminded Her Majesty's Agent that he (Mr. Greene) was the only person who had seen the affidavits, and consequently the public had no idea that they contained any allusion whatever to Her Majesty's Government. On this I requested Mr. Greene to inform the State Attorney that I appreciated his good intentions, but I could not allow the matter to rest where it was. On the 26th May† I learnt from you

* No. 12.

† No. 7.

that Reuter's Agency in London had received communication of the following telegram at the Consular Office of the South African Republic in London, from the Government at Pretoria, dated 16th May, and that similar communications had been published at Berlin and Paris:—

“ Richard Nicholls, describing himself as Colonel; George Patterson, as a Captain; Edward John Tremlett, Charles Ager Ellis, and John Allan Mitchell as Lieutenants, Jene Fries, and Hooper, were arrested yesterday on the sworn declarations of high treason in connection with enrolment of troops to create revolution, to seize the Government of Johannesburg, and to take possession of town until British troops from Natal could come to their assistance. One of the prisoners alleges that he is acting under direct instructions from the British War Department.”

The proceedings at the enquiry will have sufficiently shown you the character of the persons who made these affidavits. Tremlett had been in the direct employment of Beatty, the detective who worked up this case, as a spy, for at any rate the whole of May, and according to his own account he had been doing practically nothing for the last two or three months. Ellis claims to have been a private detective for eighteen months before his arrest. He had been in communication with the State Attorney's Department about this matter since the last week in March. Mitchell was a man who appears to have loafed his way through the greater portion of South Africa, and at the time of his arrest was practically living on charity. These three persons, accompanied by Beatty, went to Commandant Schutte's office on 15th May, and swore the affidavits which the State Attorney describes as their confessions.

It is clear from this that if the State Attorney and the State Secretary exercised the slightest care in the preparation of their case, they must have known perfectly well what the real status and character of these men were. Yet Dalziel's Agent was allowed to disseminate a statement that these persons were British ex-Army officers, and the Transvaal Consul-General in London was informed to the same effect, though in a more guarded form, by some Government Department in Pretoria; and there was put forth to the world, on the same authority, a statement tending to implicate Her Majesty's Government, three days before the State Attorney informed Mr. Greene that the public were unaware of the existence of any such allegations.

As to the case itself, it seems pretty clear that Tremlett at least played the part of agent provocateur, that Tremlett, Ellis, and Mitchell were arrested on their own affidavits, voluntarily made, and were placed in gaol for the express purpose of spying on the prisoners Nicholls and Patterson, and of endeavouring to induce one or other of them to save himself by giving or inventing the name of some person behind him. The prisoner Fries, who was arrested on 15th May, was almost immediately released, apparently by Executive act, and without any judicial order. A man named Butler was arrested on 6th June on the same charge, and the evidence against him was so palpably insufficient that he has already been discharged.

As regards the case against the prisoners Nicholls and Patterson, the evidence (which is entirely that of informers) is of such a flimsy and worthless description that I do not think any object would be served by my analysing it in detail. The advocate for the defence did not think it necessary to call any evidence, but relied on his cross-examination of the witnesses for the State to secure an acquittal. But had Her Majesty's Government not been compelled by the insinuations made against them to retain counsel for the defence, as the only means of sifting these insinuations in a Court of Law, the prisoners, being without means, would not have been able to secure the benefit of Advocate Duxbury's services, and in that case the present exposure of the methods of the Transvaal Government would not have been made.

Two other points seem deserving of notice:—

1. That Nicholls, after his arrest, having been refused access to a legal adviser, wrote from gaol to the British Agent on 22nd May, but his letter was not delivered till the 30th May, the day before the date originally fixed for the hearing.

2. That a letter addressed by Nicholls to the American Consul on the 27th May was not delivered until 10th June.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

No. 14.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8.15 p.m., July 26, 1899.)

TELEGRAM.

26th July. No. 1. Referring to my telegram of 8th July, No. 2,* on 22nd July I learned that charge against the remaining prisoners had been reduced from high treason to incitement to riot. State Attorney has now abandoned prosecution, and they have been released.

No. 15.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received September 1, 1899.)

SIR,

Government House, Cape Town August 16, 1899.

WITH reference to previous correspondence respecting the trial of the alleged conspirators in the South African Republic, I have the honour to transmit, for your information, a copy of a further despatch from Her Majesty's Agent at Pretoria, enclosing the report of Mr. Advocate Duxbury on the case.

I have, &c.,

A. MILNER,
Governor and High Commissioner.

Enclosure in No. 15.

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

SIR,

Her Majesty's Agency, Pretoria, August 11, 1899.

WITH reference to previous correspondence on the subject of the alleged conspiracy, I have now the honour to transmit to Your Excellency herewith the Report of Advocate Duxbury, the Counsel retained on behalf of Her Majesty's Government, to defend the prisoners at the preliminary examination, which has been handed to me by Messrs. Tancred and Lunnon, the Solicitors for the defence.

In forwarding this paper to Your Excellency, I do not consider it necessary to add anything myself, as Mr. Duxbury's account, which has been drawn up independently of me, speaks for itself, and appears to me to cover all the ground; I will therefore merely draw Your Excellency's attention to the grave statements contained in the latter portion of the Report (paragraph 7 forward) as to the irregularities attending the legal proceedings throughout the whole affair, and further to the remarkable letter from Nicholls and the affidavits which accompany it, as published in the "Star" newspaper of the 3rd instant.

In conclusion, I venture to record my appreciation of the able manner in which both Messrs. Tancred and Lunnon and Advocate Duxbury have carried out their instructions; and to the marked success achieved by the latter not merely in defending the prisoners, but in disposing of the allegations in connection with Her Majesty's Government.

I have, &c.,

CONYNGHAM GREENE.

His Excellency

The High Commissioner;
Cape Town.

MESSRS. TANCRED AND LUNNON TO HER MAJESTY'S AGENT.

SIR,

Pretoria, South African Republic, August 11, 1899.

WE have the honour to hand you herewith copy in duplicate of Mr. Advocate Duxbury's report on the case of the State vs. Nicholls and others, together with the annexures thereto.

We are, &c.,

TANCRED AND LUNNON.

Her Majesty's Agent, Pretoria.

Chambers, Pretoria, South African Republic,
August 9, 1899.

GENTLEMEN,

The State vs. R. Floyd Nicholls and Others.

1. As counsel for the defence of the accused in this matter, I have the honour of submitting to you my report on the preliminary examination for the information of Her Majesty's Government, on whose instructions I was retained by you.

2. On 15th May, 1899, Messrs. R. Floyd Nicholls, Captain George Patterson, Edward John Tremlett, Charles Agar Ellis, and John Allen Mitchell, all alleged to be British subjects, were arrested at Johannesburg, in this State, on a charge of high treason, and on the same day lodged in prison at Pretoria.

The following is a translation of the affidavit charging these persons with the alleged crime:

"I, the undersigned, R. W. S. Beatty, swear and say: I am a detective (stationed) at Johannesburg. I have well-founded information that certain R. Floyd Nicholls, Captain G. Patterson, E. J. Tremlett, C. Agar Ellis, and John Allen Mitchell have, during the months of March, April, and May, 1899, committed the crime of high treason, and I therefore request that the said persons be arrested and prosecuted for the said crime. (Signed) R. W. S. BEATTY. Sworn before me at Pretoria on this, the 15th day of May, 1899. (Signed) J. C. SMUTS, Justice of the Peace for the South African Republic. (1) R. F. Nicholls, No. 6, Market Buildings, Johannesburg; (2) G. Patterson, corner of Fountain and Terrace Roads, Fordsburg; (3) Ed. John Tremlett, Equitable Chambers; (4) C. A. Ellis, 39, Juta Street, Braamfontein; (5) J. A. Mitchell, Bavaria Bar. Arrested on May 15th, 1899, by R. W. S. Beatty, detective, at Johannesburg."

The following is a translation of the warrant on which the above-mentioned persons were arrested. "Whereas and in consequence of information received from R. W. S. Beatty under oath before a Justice of the Peace, there are reasonable grounds of suspicion that R. F. Nicholls, G. Patterson, E. J. Tremlett, C. A. Ellis, and J. A. Mitchell, in or about the months of March, April, and May, 1899, committed the crime of high treason, you are hereby enjoined immediately on the production or receipt of this, personally or with the assistance of the burghers, to apprehend and to bring, or cause to be apprehended and brought, before me, the said persons, in order that they may be dealt with according to law. Given under my hand at Pretoria on this the 15th day of May, 1899. (Signed) J. C. SMUTS, State Attorney and ex-officio Justice of the Peace."

On the same day a further affidavit was made at Johannesburg by R. W. S. Beatty, of which the following is a translation: "I, the undersigned, R. W. S. Beatty, swear and say: I am a detective here. I have received well-founded information that certain Hooper and Harry and a Swede named Vries have committed the crime of high treason, and I therefore request that the said persons be arrested and prosecuted for the said crime.—(Signed) R. W. S. BEATTY. Sworn before me at Johannesburg on this 15th May, 1899.—(Signed) F. E. T. KRAUSE, Justice of the Peace."

Thereupon a warrant was issued of which the following is a translation: "Whereas and in consequence of information received from R. W. S. Beatty, under oath before a Justice of the Peace, there are reasonable grounds of suspicion that certain Hooper, Harry and Vries have, *on or about the 15th May, 1899*, committed the crime of high treason, you are hereby enjoined immediately on the production or receipt of this, personally or with the assistance of the burghers, to apprehend and bring or to cause to be apprehended and brought before me, the said persons in order that they may be dealt

with according to law. Given under my hand at Johannesburg the 15th day of May, 1899. (Signed) F. E. T. Krause, First Public Prosecutor and Justice of the Peace. Confirmed by me (Signed) J. C. Smuts, State Attorney."

By virtue of this warrant, Messrs Hooper and Fries were arrested on 15th May, 1899, at Johannesburg, and on the same day conveyed to the prison at Pretoria. Harry was not arrested, and it was subsequently stated that he could not be found.

On the 19th May, 1899, R. W. S. Beatty made a further affidavit, of which the following is a translation: "Richard William Samuel Beatty swears and says: I am a Detective at Johannesburg. I have reason to believe that certain J. Butler, in the employ of Galbraith, at Johannesburg, has, during the months of April and May, 1899, at Johannesburg, committed the crime of high treason. I ask for a warrant for his apprehension. (Signed) R. W. S. Beatty. Sworn before me at Pretoria on this the 19th day of May, 1899. (Signed) L. J. Jacobsz, Assistant State Attorney and ex officio Justice of the Peace."

A warrant was thereupon issued on the same day for the arrest of Butler, which is couched in the same terms as the others, of which translations have already been furnished, and which was signed by "L. J. Jacobsz, Assistant State Attorney and ex officio Justice of the Peace." The actual arrest of Butler was not effected until the 6th June, 1899, when he was arrested in Johannesburg and brought over to the prison at Pretoria.

3. The following, therefore, are the names of all the persons arrested on a charge of high treason: Richard Floyd Nicholls, George Patterson, Edward John Tremlett, Charles Agar Ellis, John Allen Mitchell, Robert Poole Hooper, — Vries, and Christopher Butler. All these persons claim to be British subjects, with the exception of Vries, who is described in Beatty's affidavit as a Swede. I may here mention that Vries was released from gaol on the morning after his arrest, and the only explanation given of this during the preliminary examination was that the State Attorney had decided not to proceed with the charge against him. He was not even called as a witness, so I had no opportunity of cross-examining him, and endeavouring to ascertain whether or not the allegation that he was a Government Detective or Secret Service Agent was correct.

4. The hearing of the preliminary examination into the charge laid against the above persons, was, after I had been retained for the defence, fixed to take place at Pretoria on the 7th June, 1899. On that day Mr. de Villiers, then one of the Public Prosecutors at Johannesburg, and at present the Chief Detective of this State, appeared to conduct the preliminary examination on behalf of the prosecution. The presiding magistrate was Mr. Botha, the First Criminal Landdrost of Pretoria. Appended hereto and marked "A" * is a complete copy of the report of the proceedings published as the examination proceeded by "The Press," a daily newspaper published in Pretoria. This report is remarkably accurate and complete. I desire that it be returned to me, if possible.

5. It will be observed that at the opening of the preliminary examination the charges against Tremlett, Ellis and Mitchell were withdrawn by the prosecution, these persons being, however, detained as witnesses for the State. Instructed by you, I therefore appeared on behalf of Nicholls, Patterson, Hooper and Butler.

6. The preliminary examination was concluded on the 13th June, 1899, and on that day I demanded the immediate release of Christopher Butler on the ground that no evidence of an incriminating nature had been led against him. He was discharged on the 16th of June, 1899. With regard to the other prisoners, I asked on the 13th June, 1899, in view of the nature of the evidence adduced against them, that they should be released on bail. The Public Prosecutor stated in Court that he had no objection to bail being granted, and the presiding Landdrost was of opinion that my request was a reasonable one. The remaining prisoners were not, however, admitted to bail, and on July 25th they were discharged from custody, the State Attorney having decided to abandon the prosecution.

7. During the course of the preliminary examination I publicly referred in open court to certain illegalities and irregularities in the proceedings, and I may at once pass on to refer briefly to these, referring you for further particulars to annexure "A."

All the accused persons were arrested on affidavits filed by Detective Richard William Samuel Beatty, the Acting Chief Detective of this Republic, who swore that he had either well-founded information or had good reason to believe that they had committed the crime of high treason against this State. In the course of cross-examination it was shown that Ellis and Tremlett were actually in the employ of, or were working with,

* Not reprinted.

Beatty as detectives in endeavouring to secure evidence of the alleged crime. Nevertheless, these two persons were also charged by Beatty with the crime of high treason and lodged in gaol. One of the objects of this proceeding was made apparent during the preliminary examination, when both of them declared that they "went into" the affair as detectives, and were not guilty of high treason, and they both gave evidence as to statements made in gaol in their presence by Nicholls. It is impossible to come to any other conclusion than that Ellis and Tremlett were placed in gaol partly to swell the number of arrested persons and partly, as Tremlett himself admitted, to "report" to Beatty from time to time as to any admissions or confessions that might be made by Nicholls in prison. Beatty knew perfectly well that Ellis and Tremlett were not guilty of high treason, because they were in his confidence, and yet he made a sworn declaration charging them with the crime. In any ordinary case this deliberate perjury would cause surprise. In Beatty's case it is only what one would expect, seeing that on two different occasions within the month immediately preceding the preliminary examination he was denounced by the Chief Justice and Mr. Justice Esser of the High Court of this Republic as a man to whose statements, even when made under oath, no credence was to be attached. It was also on Beatty's unsupported affidavit that a warrant for Christopher Butler's arrest on a charge of high treason was issued by the Assistant State Attorney. The execution of this warrant was delayed by Beatty because, as he explained under cross-examination, he was desirous of obtaining further information against Butler. The arrest was not actually effected until the afternoon of the 6th June, 1899, on the eve of the opening of the preliminary examination, although the warrant of arrest was dated 19th May, 1899. Butler informed me that when effecting the arrest Beatty said, pointing to a paper which he took from his pocket, "I give you your choice, either give evidence for the State or be arrested." Under cross-examination Beatty denied having made use of these words or any of similar purport. Beatty then took Butler into custody and brought him over to Pretoria, where, instead of taking his prisoner direct to the gaol, he visited two bars and bought drinks and a cigar for Butler. At the preliminary examination no evidence whatever of an incriminatory nature was led against Butler. This arrest of Butler was one of the most disgraceful features of the whole case, and he was placed in the dock without having had an opportunity of obtaining legal advice or securing assistance in his defence. Butler, I understand, is an Australian, a married man, and bears the best of characters. Fries, the Swede, was also one of the persons arrested on Beatty's affidavit. Now, there is not the slightest doubt that Fries was a detective in the employ of the detective department. Not a tittle of evidence against him appears in any of the affidavits filed, and yet he, too, was arrested and lodged in gaol. The warrant referred to in paragraph 2 charges him, Hooper, and Harry with being suspected of having committed the crime of high treason on the 15th May, 1899. For some mysterious reason he was released almost immediately, and thenceforward he vanished so far as the prosecution was concerned. In the absence of any explanation of his discharge, one can only presume that he was not so complacent as Ellis and Tremlett and judiciously tempered his zeal with a little wholesome discretion. It will be observed that Fries made one of the little gathering in the Telephone Park at Johannesburg on that "peaceful Sunday morning," just before the arrests were effected, when Tremlett endeavoured to work on the feelings of Mitchell and Hooper by painting a lurid picture of what would happen to the women and children of Johannesburg in the event of an outbreak of hostilities. Mitchell, Hooper and Patterson were also arrested on Beatty's affidavit. Now, Mitchell, on his own confession, had come to the conclusion early in April, 1899, that Nicholls, as a military leader, and his so-called conspiracy, were so much moonshine. He says he looked upon Nicholls as a fraud and incapable of conducting any movement requiring a knowledge of military organisation. As a matter of fact it is clear that both Mitchell and Hooper were Tremlett's creatures, to carry out Beatty's scheme of proving the existence of some conspiracy. They were jointly responsible for the concoction of the ludicrous list of names of persons supposed to have "enrolled" for service, and this list was compiled one evening in the reading-room of the Young Men's Christian Association at Johannesburg and immediately handed to Detective Tremlett. With regard to Patterson, I have every reason to believe that he was in the confidence of Mr. Schutte, the Commissioner of Police, almost from the very inception of the proceedings taken by the Detective Department, and that the remuneration for his assistance in the matter was to be a good figure for every "concealed" fire-arm which he might be enabled to discover or produce. Thus of all the persons arrested on Beatty's affidavits, there re-

mains but Nicholls, who, I believe, is the only honest person in the collection. He is a respectable working miner with a fad for military affairs. There is very little doubt that he actually entertained the notion of forming some kind of organisation for the purpose of the protection of Johannesburg and its non-burgher inhabitants in the event of an attack on the town from the Fort as threatened in the "Rand Post" article of 23rd December, 1898, and this he not only freely admits, but it was also stated by Cammack, one of the witnesses for the prosecution. And this indeed is the essence of the whole "conspiracy"—the talk of one man, who, in common with many others in Johannesburg and elsewhere, was alarmed by threats published in what is looked upon as a semi-official Dutch organ, of an attack on Johannesburg and its inhabitants on the outbreak of hostilities between England and this Republic.

8. It is my duty here to refer to two serious irregularities which very greatly prejudiced Nicholls in his defence. Desirous of obtaining legal assistance for his defence, Nicholls applied to the authorities for permission to see a qualified man; he was told that he might see a lawyer, but any interviews would have to take place in the presence of the prison officials. As it was obviously out of the question for Nicholls to disclose his defence in this manner he refrained from consulting a lawyer, and on the 22nd May, 1899, he wrote a letter to Her Majesty's Agent at Pretoria, asking as a British subject for assistance, as he was without means to provide for his own defence. This letter was immediately handed to the gaoler, but it was not delivered to Her Majesty's Agent until the 30th May, 1899, that is to say, the day before the opening of the preliminary examination. You will remember that the delay in the delivery of this letter to Her Majesty's Agent obliged His Excellency the High Commissioner to request the State Attorney of this Republic to postpone the opening of the preliminary examination for a week to enable Nicholls' legal advisers to consult with their client and prepare his defence. Meanwhile, after vainly waiting for five days for a reply from Her Majesty's Agent, Nicholls wrote to the United States Consul at Pretoria on 27th May, 1899, asking for the assistance of the United States Government in his defence. He based his request on the fact that his father was a naturalised American subject, and that he himself had attained his majority, and had exercised the right to vote in the State of Michigan. This letter was also handed to the gaoler on the same day that it was written, but it was not delivered to the American Consul until 10th June, 1899, three days after the preliminary examination had actually commenced. On both these points I asked for information in open Court, but not even the courtesy of a promise on the part of the prosecution to enquire into what I described as a serious irregularity, was extended to me. It seems a monstrous thing that the delivery of two letters from a prisoner incarcerated on a charge of high treason—a capital offence—claiming the protection and assistance of the official representative of his country in a foreign State should have been delayed in this indefensible manner. As I have said, Nicholls was not only seriously hampered in preparing his defence, but he was meanwhile exposed to the unwelcome attentions of those of his fellow prisoners who were actually detectives seeking to inveigle him into making some sort of a confession, but who, nevertheless studiously concealed this fact from him.

9. Our defence was also hampered by the fact that certain witnesses who, it was known, had been subpoenaed on behalf of the prosecution, were never placed in the box. We were debarred from approaching persons who were known to us to be witnesses for the prosecution, and in this way a great deal of valuable evidence for the defence was undoubtedly lost. Amongst the witnesses we were desirous of cross-examining were Commissioner Schutte, Fries, Guy Waterton and Tayfield. The two latter, so you inform me, subsequently made important affidavits which are contained in the "Star" newspaper of 5th August, 1899, a copy of which I attach marked "B."

10. Strenuous efforts were made during the preliminary examination by the prosecution to show that Nicholls enjoyed influential support in the organisation of this so-called treasonable conspiracy, and witnesses were allowed to insinuate that the British War Office and British Officers in Natal were in communication with Nicholls. The statements on this point were obviously untrue, and one could not but commend the good judgment of the Public Prosecutor in withdrawing unreservedly on behalf of the prosecution at the close of the preliminary examination any insinuations that the British War Office or even any British Officer was in any way connected with this fabricated conspiracy. Attempts were made to implicate the South African League and thereby to increase the probability of Nicholls' guilt. These attempts also failed lamentably, as they deserved to do. I had the strongest personal assurance of Nicholls

that, not only was the South African League in ignorance of what he did when trying to formulate some scheme for self-protection at Johannesburg, but that he actually ceased to be even a member of the League in March 1899.

11. At the conclusion of the preliminary examination I asked that the prisoners should be released on bail. The law of this State forbids bail being allowed to persons accused of murder or high treason, yet so great was the impression produced on the minds both of the presiding Landdrost and the Public Prosecutor by the unsatisfactory nature of the evidence led for the prosecution, that they both admitted the reasonableness of my application. When, however, the matter was submitted to the State Attorney he delayed giving a decision from week to week on the ground that he had had no time to go through the papers, and in the end the prisoners were discharged after the State Attorney had announced to you his decision to prosecute them before the Circuit Court sitting at Johannesburg on the 8th August, 1899.

12. To conclude, it seems abundantly clear from all the facts which have come to light that the whole of this disgraceful prosecution found its inception in the minds of Mr. Schutte, the Commissioner of Police, and Acting Chief Detective Beatty. It was common knowledge in May last at the latest that the State Attorney was desirous of securing the control of the Detective Department of the State, and that proposals to that effect would be submitted to the Volksraad. This idea did not commend itself in any way to Messrs. Schutte and Beatty, who knew that the Volksraad would probably adopt the State Attorney's suggestions. So the information as to some conspiracy at Johannesburg which had been promptly pigeon-holed in the State Attorney's Department in March, 1899, was pounced upon by Messrs. Schutte and Beatty, who hoped to earn the gratitude of the Government and so retain their positions by unearthing a conspiracy directed against the State. They made use of the subordinate detectives to "work the thing up" and instituted what Beatty himself described in the witness-box as a "conflicting enquiry." They then approached the State Attorney with affidavits made before Commissioner Schutte by Detectives Ellis and Tremlett and their friend Mitchell and by another private detective named Carter. Beatty then laid the specific charge of high treason, the State Attorney, the Assistant State Attorney, and the First Public Prosecutor of Johannesburg thereupon signed the warrants and the arrests followed. It is significant that all this happened on the very eve of the Bloemfontein Conference, and shows that Schutte and Beatty possessed a very keen perception of the value of dramatic effect on the political stage. Throughout the proceedings in this matter I have studiously avoided any suggestion that the State Attorney was wilfully a party to these illegal proceedings. I believe he was deceived by the detectives, and yet at the same time I fail to understand why in a matter of such magnitude he allowed himself to sign warrants for the arrest of persons charged with such a serious crime as high treason on the strength of an affidavit signed by a detective, who, on the very day such affidavit was signed had been denounced by the Chief Justice from the Bench of the High Court as a perjurer.

13. With reference to the evidence you succeeded in collecting for the defence I must direct your attention to the very grave accusation contained in Thomas Dashwood Bundy's affidavit against Mr. Tjaart Kruger. This gentleman is the son of President Kruger and is the Chief of the Secret Service Department of this State. I may add with reference to Nicholls' letter as published in the "Star" of 5th August, 1899 (See annexure "B") that his statements have been singularly consistent throughout, and the letter in question clearly bears the impress of truth. I think Nicholls deserving of the utmost sympathy in the persecution to which he has been subjected in the course of this affair.

I have, &c.,
W. S. DUXBURY, M.A. (Oxon),
of the Inner Temple, Barrister-at-Law.

Messrs. Tancred and Lunnon,
Solicitors,
Church Square, Pretoria.

B.
("STAR" 5th August.)
To the Editor of "The Star."

SIR,—I will thank you to insert the following in the pages of your valuable paper. On the 15th of May last, at midnight whilst in bed, I was arrested on the charge of high treason by Detectives Beatty and Millet, who were accompanied by Ellis. I told Beatty that he had made a

mistake. He enquired if I was not R. Floyd Nicholls. I answered "Yes." He then replied that there was no mistake. Whilst searching my room Ellis informed me that he also was arrested on the same charge, and in a whisper he enquired as to what I was going to do. I said "Go quietly." He then said, "But regarding the case?" I answered "It depends on circumstances."

I may say here that I was informed two or three weeks previous to this that I was to be arrested, and therefore had ample opportunity of clearing out of the country if I was guilty, but I did not believe the report, as I had done nothing against the Transvaal Government, or any other.

Of the six other persons who were arrested on the same day, and on the same charge, two of them (Tremlett and Fries) I never met before, and three—Ellis, Hooper, and Mitchell—but once only.

In gaol both Ellis and Tremlett said that the British Government, the South African League, and the Rand capitalists were implicated in the affair; that I was their agent; that the Boer Government knew all about it; that my employers would leave me in the lurch, both deny and denounce me; and, therefore, the only chance of saving my neck and effecting the release of my fellow-prisoners was to turn State evidence, and give the whole thing away, as they put it. If I did not, I certainly would be hanged, and all the rest would be imprisoned, some for a long term. They both professed great sorrow and anxiety on my account, and did their utmost to persuade and to cajole me into taking their advice. I replied that the arrest was a mistake, and that we would be released in a day or two, but they scouted the idea.

Tremlett also told me that the South African League, seeing the game was up (as he intimated) had denounced me, and had caused my arrest; that one of the officials—Mr. Ogilvie—had told him (Tremlett) that he was going to see Mr. Van der Merwe, and have me arrested for conspiracy; also that Messrs. Wybergh, Webb, Dodd, and Head had told him that I had been kicked out of the League, and that Dodd had accused me of taking a Whittaker's Almanack; and pointing out a name, saying, "There's my name, Colonel Nicholls," and that the others before-mentioned acquiesced in Dodd's statement; and, further, that they were all going to appear in the witness-box against me. This was rather bewildering, but I did not believe a word of it, for, being well acquainted with the before-mentioned officials of the League, and knowing them to be all honourable men, and incapable of uttering such a tissue of falsehoods and concocting a conspiracy that had no foundation, and unjustly accusing and causing to be arrested an innocent man for the same. Besides, where was the motive, and what benefit would the League derive from such a thing? I considered that Tremlett's object in making such an astounding statement was to surprise me into making an avowal that would implicate the League, or else that out of a spirit of revenge I would do it. But, as I knew nothing of a conspiracy, and was not aware that the League did, he signally failed.

Tremlett, evidently believing that I knew something, and had taken an oath not to tell, said that as he did not believe in a God, or any religion, that an oath would not be binding on him, and advised me, if I had taken one, to break it, and say what I knew, thus saving myself and the rest of them.

I may say here that the rest of the prisoners, without exception, both begged, prayed, and endeavoured to persuade me also to turn State evidence. In order to try them, I said, "Supposing that there was anything to give away, which I do not admit, would you think it honourable on my part if I were to do so?" and they replied, "Yes; save yourself and us."

Considering the arrest a mistake, I thought we should be released on the day (the 17th May) of our being brought before the Landdrost. But when I saw the excited state of the large crowd gathered there, it looked more serious. I then requested to see a lawyer. I was told that I could only see one in the presence of a policeman or warder. I protested; it was useless; then I declined. I sent for Commandant Schutte, and told him that the arrest was a mistake; that I was not a Colonel in the British Army; and that I never had assumed that rank; that I had no connection with the British War Office, or any British officials; that I was not connected with the South African League, or the capitalists; further, that I was not connected with any conspiracy or revolutionary movement against the Pretoria Government. He said that he did not believe me. I offered to make an affidavit to that effect. He refused to take it. He then asked who was the chief of the conspiracy; where were the arms; where was the money coming from, and why were there men being sent across the border? I told him I knew nothing of these things. He then told me that he knew why there were men being sent across the border, also the whereabouts of the hidden arms, and from what source the money was coming, and the personality of the chief, who would be arrested in a few days. I replied that you know more than I do.

Tremlett saw Schutte afterwards, and came to me, and said that Schutte was d—d wild with me, that he considered that I had tried to spoof him, and had told him nothing but a pack of lies, and that he did not believe one word that I said, and that he (Schutte) would rub it into me, and make it d—d hot for me. Then Tremlett, with all the others, commenced to either abuse or to reproach me, and some both, for not giving the whole thing away, as they said, having by my obstinacy not only put my own neck into a halter, but theirs as well.

A day or two after this, Detective Beatty came to the gaol, and, taking me aside, asked who were the capitalists or their agents that had employed me in this affair, how much money I had received, or was going to receive, and where were the arms hidden? I told him that I knew nothing about these things, that I had neither received nor was I promised any money. He said: "Rubbish," and that Schutte had told him to tell me that I had better make a statement, for it was my last chance; if I did not, it would be the worse for me. He then called up all of the accused, including myself, and said that Schutte had requested him to tell them that if any of them had a statement to make, they had better do it then—that it was their last chance; that if they did not, it would be the worse for them. Turning to me, he said: "even your own side have turned against you, and one of the miners wanted of him (Beatty) leave to come straight to Pretoria, and shoot me dead." All then began in their usual style to abuse, reproach, and insult me, saying that they knew that I did know, but that I would not tell, and was a d—d liar for saying I did not.

Shortly after this, Ellis came to me and said: "If there is not a chief, invent one." He also said that the English of the Rand would shoot me if they caught me; and Tremlett said: "If the

English did not, the Boers would," and then all afterwards united in saying that it was certain anyhow that I should be hanged in Pretoria Gaol.

The next day the whole of my fellow-prisoners came to me in a body to make a last, strong, and final appeal, as they called it, Patterson being the spokesman, and said that if I did not regard my own life and, further, had no regard for theirs, at least for their wives' sakes (Patterson, Ellis, and Tremlett being married men), I should give the whole thing away. I told them that I had nothing to give away, and, supposing that I had, which I do not admit, I would rather die as an honourable man than live as a dirty informer. On the morning of May 22 I wrote to Mr. Conyngham Greene, but he did not get my letter until the morning of the 30th, so he told me, and came to see me immediately. I asked him if he would provide for my legal defence, as I was not then in a position to do so, having lost money lately on the Stock Exchange. He said that he would enquire of His Excellency the High Commissioner, and, on leaving, assured me that the British Government would see that I had a fair trial.

On May 26, Colonel Stowe, the American Consul-General, from Cape Town, with his secretary, accompanied by Mr. Macrum, the American Consul at Pretoria, under cabled instructions from Washington, came to see me, as the American Government had been informed that I was an American citizen. I may say here that my father was, and that I joined him in the United States whilst a miner, and was enrolled on the voters' list on coming of age.

On the 27th I wrote to the American Consul in Pretoria to claim American protection, and request of him to provide for my defence, as I had almost given up hopes of seeing the British Representative, not knowing but that he had received my letter. The American Consul did not get my letter until the 10th of June, when he came immediately to see me, and said if the British Government had not already taken the case up, the American Government would have done it.

When Ellis and Tremlett knew that Advocate Duxbury and Messrs. Tancred had been engaged for the defence, their rage knew no bounds—they swore, and cursed the British flag, the League "capitalists," and myself, and that I had no right to write to Mr. Conyngham Green without consulting and without the consent of all; that I had no right to see the lawyers alone—that all of them should be present to hear what I had to say, etc.; and then Ellis and Tremlett, supported by one or two of the others, began to threaten me as to what they would do if the case was again postponed for further evidence on behalf of the defence. Thinking that they actually intended attacking me, I pulled off my coat and vest, and told them that I was perfectly justified in acting as I had done in the matter; that they all had refused to send for the British Agent, although I had asked them to do so. I warned them about making an attack on me in gaol; that they had better wait until we were released, then I would give them all the satisfaction they wanted; but if I was attacked, then I should defend myself. After this they threatened me no more, saying that they did not wish to see the lawyers, but only on behalf of Hooper and Mitchell. Forsooth, they spoke, fearing I was neglecting their interests.

One day Mr. De Villiers, the counsel for the prosecution, came to the gaol and interviewed Ellis, Tremlett, Mitchell, and Hooper.

On the 25th of July, Patterson, Hooper, and myself, were taken before the Landdrost and publicly discharged, the State Attorney refusing to prosecute.

I now desire to publicly thank Colonel Stowe, the American Consul-General at Cape Town, his secretary, and also Mr. Macrum, and the American Consul at Pretoria, for their kindness in coming to see me whilst in gaol, the interest they took in the case, and the assurance that was given me that if the British Government had not taken up the matter the American Government were prepared to do it.

I also beg to thank Sir Alfred Milner, the High Commissioner, and Mr. Greene, the British Agent at Pretoria, for their kindness in providing for our defence; it showed to the world that England can and will look after the interests of her loyal subjects when necessary.

I desire to thank Mr. Advocate Duxbury for the splendid manner in which he exposed the weakness of the prosecution.

I also thank Messrs. Tancred and Lunnon for the very able manner in which they assisted Mr. Duxbury—to all these gentlemen I owe a debt of gratitude which I am not likely to forget.

Although I was pleased to be released, yet I would have liked the case to have gone on for the final trial, feeling assured that, if justice was done, that I should have been released, and my name and character vindicated, for it has been unjustly dragged into the mud. I have been charged with high treason—of being engaged in a conspiracy against the Transvaal Government. The charge was false, neither was I engaged in any conspiracy.

It was first said that I was a colonel in the British Army, and in communication with the War Office. That was easily disproved. It was then stated that I had assumed that rank; but I never assumed that or any other military title. It was said that I was employed by the South African League or the Rand capitalists in getting up a conspiracy. But neither of them employed me, either directly or indirectly, through principal or agent, in any such thing.

I do not blame the Press for ridiculing the whole affair, but I do personally protest against being classed with bar loafers. Practically, I am a teetotaler, rarely touching anything intoxicating.

In regard to loafing, permit me to supply you with the following facts, which may be easily verified if necessary:—I came to this country in 1889, and was employed as miner on the Simmer and Jack Gold Mining Company. In 1890 I was manager of the Ginsburg Venture Syndicate, now the Ginsburg Gold Mining Company. In 1891-92 I was employed chiefly contracting on the Ferreira and Worcester Gold Mining Companies. For two years I speculated on the Share Market, and after having lost my all, I worked as a miner at the Robinson Gold Mining Company. In 1895, also the same year, I was shift boss at the Raad Central Gold Mining Company, and from February, 1896, up to the night of my arrest, I was employed as miner at the Johannesburg Pioneer Gold Mining Company.

I consider that I have been abominably treated in the whole affair. Unjustly arrested on a charge of high treason, accused of complicity in a conspiracy that I knew nothing of, and my letters to the British Agent and the American Consul unnecessarily detained. Confined in a room with informers and employees of the Government or detectives, who assured me that they were genuine

prisoners, as well as myself, who, under the specious guise of friendship—by advice, persuasion, cajoling, and appeals, both singly and collectively, and finally by threats, tried their utmost to induce me to condemn myself and to implicate the British Government, the South African League, and the Rand capitalists in some sort of conspiracy of which I was ignorant.

During the greatest part of the 71 days spent in gaol I had to patiently bear with all kinds of abuse and reproaches and threats, both directly and indirectly, that was cast in my teeth by my fellow prisoners.

My name has been besmirched by the subsidised Press, and I have been called a bar-loafer, and other organs, that hastily and ignorantly jumped to conclusions, therefore, I consider I am entitled to a hearing, and I lay my case before the public. Desirous of knowing what evidence my lawyers had gathered on my behalf, I wrote for and then asked in person for the same—my lawyers handed me four certified copies of affidavits—the disclosures there are so startling that I consider that in the interest of truth and justice they should be made public. I enclose the same for that purpose. Comment on my part is needless. Thanking you in anticipation,

I am, &c.,
R. FLOYD NICHOLLS.

P.S.—I could add much more to the above, but I fear to trespass on your kindness.—R.F.N.

THE AFFIDAVITS.

The following are the affidavits accompanying the letter :—

Bundy's Affidavit.

Thomas Dashwood Bundy swears and states :—I live in Johannesburg, am a contractor. I know the prisoner Hooper, at present charged with high treason. I gave evidence at the preliminary examination, not as a voluntary witness, but under a subpoena. The evidence I gave was true and correct. After I had given my evidence Mr. Beatty said to me :—“Your evidence was very unsatisfactory. I expected you to implicate the League.” I replied, “I had inquired and found out that the League had nothing to do with the so-called movement at all.”

On my way to Pretoria to give evidence I came in the same railway carriage as Beatty, who had taken my ticket. I stayed at the Fountain Hotel at his request. In the afternoon I met Mr. De Villiers, the gentleman who prosecuted in the case, at Mr. Beatty's request at the Transvaal Hotel. In the course of conversation he said : “Bundy, we must bring in the League. Will you try and work up the case. You will be well paid for it.” I said I would. In the evening at Beatty's request I met Tjaart Kruger, at the Transvaal Hotel. In the course of conversation Mr. Kruger said to me “Do all you can to prove this to be a case of conspiracy on the part of the British Government, as it will strengthen my father's hand.” He added, “I'll give you a couple of hundred pounds and you'll get a good billet in the Secret Service.” I said “All right.”

About a week after this interview I met Mr. Kruger again at the Chief Detective office, Johannesburg, and told him that after having made careful inquiries I had come to the conclusion that the British Government and the League had nothing whatever to do with the alleged movement, and that the whole affair was nothing but canteen talk. He still pressed me, however, to do all I could to find evidence incriminating the League and to report later on to him in Pretoria. A day or two before I gave my evidence Beatty and I had a drink at the Fountain Hotel, and he said : “Old man, I rely on you. You must bring the League in.” I said : “All right, old man.” I intended however, only to tell the truth in the box. I make this affidavit voluntarily and without being asked to do so by anyone.

(Sgd.) THOMAS DASHWOOD BUNDY.

Sworn at Pretoria this 25th day of July, 1899, before me,
(Sgd.) H. BOSCH, V.R.

Ellis's Affidavit.

Charles Villiers Jefferies Agar Ellis swears and saith : On or about May 10, E. J. Tremlett spoke to me outside my office, and during our conversation he asked me if I knew anything about men being enrolled in Johannesburg. He then went on to say that he was engaged by Mr. Beatty (then a Government detective) to work up a case against certain persons who were supposed to be engaged in a conspiracy against the Transvaal Government. Tremlett told me that he had interviewed Mr. Schutte, commissioner of police, two or three times in Pretoria regarding this matter, and he (Mr. Schutte) had promised him £2,000 if these men supposed to be engaged in the conspiracy were caught, presumably through his agency. Tremlett offered me a quarter of this sum if I would assist him in working up the case. I saw Beatty afterwards, and he asked me if I was willing to go to Pretoria and swear an affidavit, also saying, “I am not allowed to promise you anything, but you will be well rewarded for your assistance.” Tremlett saw me later on at my house, and asked me to assist him in getting an affidavit from Mitchell (now a State witness). On May 15, Tremlett, Mitchell, Beatty and myself went to Pretoria and saw Mr. Schutte. In his office (Mr. Schutte's) we all swore affidavits, *i.e.*, Tremlett, Mitchell, and myself. Whilst I was in the room I overheard part of a conversation between Beatty and Mr. Schutte. Beatty said, “Mitchell seems a bit afraid.” Mr. Schutte replied, “He won't be afraid when he sees money for it.” This conversation was in the “taal,” which I can understand fairly well. I told Tremlett of this conversation later on. We returned to Johannesburg that night, when it was arranged we should meet Beatty at the Natal Bank about 10 p.m. This was May 15. Tremlett, Mitchell, and myself met Beatty,

when it was arranged that Mitchell and Tremlett should help to arrest Fries and Hooper, and I was to assist Beatty in arresting Patterson and Nicholls. This was done. Beatty, after the preliminary examination, told me in front of Tremlett that I should get a good billet as soon as Schutte returned. This also applied to Tremlett. Mr. Tjaart Kruger on one occasion visited the gaol in Pretoria, and there said Tremlett and myself must keep our spirits up, as we should be all right later on. Since I have been released from gaol I have been making enquiries about this case, and from what I gather it was a made-up affair, as political purposes. This is why I now make this affidavit, as, if possible, I no longer wish to be connected with this affair, as I am a British subject. When Mr. De Villiers visited the gaol, I was sent for, and he told me if I could bring in the South African League I was to do so, as he wished to make it hot for them. This also he told Tremlett. Tremlett and myself were told in gaol by Beatty to tell Hooper (1) and Patterson (2) that if they would give evidence against Nicholls they would get off, *i.e.*, 1 and 2. A few weeks ago I met Carter, and he gave me to understand he had received money from Mr. Tjaart Kruger. Waterton also told Tremlett and myself he had received clothes and money from the Government for this case, but he was not called for the prosecution.

(Sgd.) C. V. J. AGAR ELLIS.

Beedigd voor my heden den 24 Juli, 1899.

(w.g.) J. S..... (onleesbaar)
(maar vermoedelyk "J. Stegmann.")
V.R.

Publieke Aanklaager's Kantoor,
Johannesburg, Z.A.R., 24 Juli, 1899.

Tayfield's Affidavit.

Alexander Tayfield makes oath, and says: I live at Johannesburg, and am a hair-dresser. I know Patterson and Nicholls. I met Patterson first about a month before the arrest. He called on me, saying that Carter had sent him. He said to me, "There's going to be trouble between England and the Transvaal. We are going to start a corps for the defence of women and children." I said, "A capital idea." He then said, "Can you call down at my house on Tuesday or Friday?" I went down to his house about a fortnight after this conversation. It was on a Friday night. There I was introduced to Nicholls by Patterson. I went into Patterson's dining-room, and had a conversation with Nicholls alone. Nicholls said to me, "There's going to be trouble between England and the Transvaal, and we are going to start a corps for the defence of women and children." I said, "How are we going to defend the women and children—roll up our sleeves and fight with our fists?" He laughed, and said, "We are all right." He said nothing more on this point, and I concluded that the corps would have the necessary arms. He said, "I can't tell you at present who is supporting us in this movement, but I may tell you later on." He offered me a sergeant-majorship in the movement, which I accepted, and he said, "Our meeting is at an end." I never met Nicholls again. I met Patterson very often afterwards, and he told me the movement was going strong. He called on me frequently for the purpose of getting a drink. He was frequently drunk in my shop. Very soon after my visit to Nicholls I came to the conclusion that the whole thing was a farce and a canteen affair. At Beatty's request I made an affidavit after the arrest. I expressed my opinion to Mr. De Villiers that the whole thing was a farce and a canteen affair, but he did not put this in my affidavit. I was subpoenaed for the first day of the preliminary examination, when the case was adjourned for a week. Carter told me a little later that I would not be wanted, as my evidence was useless, and I, therefore, did not go to Pretoria, nor did I give evidence at the preliminary examination. I know Carter. Have known him for about seven or eight months. First met him in his capacity of first lieutenant and adjutant in the Boys' Brigade. I joined the same corps last November. I was regimental sergeant-major. Carter told me he was in the Secret Service Department, and was getting on an average about £30 a month. This was after he had sent Patterson to me. Before he told me that he was in the secret service, he spoke to me of the movement. He said there was a movement on foot in town, and a corps was being formed for the protection of women and children in the event of hostilities between the Transvaal and England. He asked me if I would join it, and said he would send the principal down to me. Shortly after this Patterson called on me. Some time after he had told me he was in the secret service, he told me that he had received £15 from Tjaart Kruger on one occasion, and £10 on another occasion, and on the third occasion Bundy, he, and I walked to Tjaart Kruger's office in Pretoria, and he (Carter) went in. He was there about half an hour, and when he came out he said, "He's not there, I'll see him after lunch." After lunch Carter and I were going to the same office again, and on the way, thinking I should miss my train, turned back, and went to Pretoria Station to catch the train, which I did. Just about three minutes before the train started, Carter got into the train in the same carriage with us. On the journey, just as the train was starting, he pulled out, in Bundy's presence and mine, a handful of gold, and said significantly, "I've seen Tjaart, and if you had waited you would have seen him too." I asked him for my expenses, and he replied, "Beatty will settle with you in town." I left him at Park Station. I met Beatty later, and asked him for my expenses, and he said he had never promised me anything. I told him I would write to Tjaart Kruger about it.

(Sgd.) A. TAYFIELD.

Sworn at Johannesburg, this 21st day of July, 1899, before me.

(Sgd.) E. M. MENDELSSOHN, J.P.

Waterton's Affidavit.

Guy Percy Seymour Waterton makes oath and says:—
"I live in Johannesburg. I am doing nothing at present. I know Hooper and Patterson, but not Nicholls. I heard something about a movement about March 20. About that day I met

a man, whose name I don't know, who told me first of this movement. He said it was a corps being formed for the purpose of going over the border into Natal, and he added that if you want any further information you must go and ask for Mr. Mitchell in Butler's office. I went down to Butler's office, and asked for Mitchell. Butler was there, and said: "I am the man you want to see." He took me outside. He asked me if I had been in military service before, and I said "Yes." I asked him where we were going to, and he replied: "To Natal." I asked him what the pay was, and he said: "£1 a day as a trooper." I asked him what notice we should get, and he said: "You'll have plenty of time." I gave him my address, Engineers' Chambers, Fox Street, Johannesburg. I never saw Butler again until I went to Pretoria to make an affidavit. The next man I spoke to on the subject was one Fritz van Straaten. I told this man I had had my name put down. He asked me to go to Pretoria and make an affidavit. I went to Pretoria with him (Van Straaten), and made an affidavit before Mr. Smuts, the State Attorney. I think it was on Thursday, March 30. My affidavit contained just what is contained in this affidavit. Van Straaten paid my railway ticket and lunch. We returned to Johannesburg the same day. Van Straaten told me I would get a good Government appointment, and would be well looked after. About Monday, April 3, Detective Fries (the man who was arrested) came to see me. He said: "Don't go out, Burchardt will be with you in five minutes." Burchardt arrived in my bedroom shortly afterwards, and said: "Give what information you can to Fries." I went out with them. Burchardt then left, and I went with Fries to Commissioner Street. I introduced him to Captain Patterson. We three then went to Mrs. Jardine's bar and had some drinks. While we were drinking, Patterson told us he would make us non-commissioned officers in the corps, and that he was going to the Orange Free State for some horses. He asked Fries if he had seen any service, and he said: "Yes, in the Swedish army." Patterson got very drunk, and we had to send him home in a cab about 3 p.m. Fries paid for the cab. Fries told me I was to leave my room and take another in Jeppestown. I did so. He paid the rent of the room I lived in in Jeppestown. I worked with Fries a week, and during that period introduced him to Hooper. On the occasion of our meeting we went to the Horse Shoe bar and had drinks. I said to Hooper: "Have you put my name down?" and he said "Yes." I said to Hooper: "Put Fries's name down," and he said "Yes." About a week after this I went to Pretoria and made another affidavit. I swore to it before Mr. Smuts. Burchardt went up with me on this occasion. After completing this affidavit I stayed a week at the Fountain Hotel. Burchardt and Beatty paid my hotel bill; at all events, I did not pay. After staying a week at the Fountain Hotel, Mr. Smuts wanted me to take up my quarters at the gaol. I did not do so, but got a room at the Police Station. After staying about 15 or 16 days in Pretoria, I asked Mr. Jacobsz to give me a pass to Johannesburg to fetch my things, and he refused to do so. I then went to Mr. Reitz, State Secretary, and laid my case before him, and Mr. Reitz gave me a letter to Mr. Jacobsz, which I delivered. Mr. Jacobsz told his clerk to give me a pass, which he did. I asked if he would pay me for the time I had been detained, and he said "No, he had no power to do so." I then went to Mr. Schutte, Commissioner of Police, to his office. He was out. I then went to his house, and met him. I laid my case before him, and asked if I was not entitled to payment for work done and loss of time. He said I had been very badly treated, and next day I received £2 from Mr. Schutte's clerk. In addition to this £2, Mr. Jacobsz gave me an order to get some underclothing at T. W. Beckett & Co.'s store, as my washing had been left behind at Johannesburg. I returned to Johannesburg. I met Burchardt, and he told me I should have to go and give evidence at Pretoria. I went over to Pretoria with Bundy and Blumenthal to give evidence at the preliminary examination. Detective Blumenthal gave me my ticket. After staying there four days we returned to Johannesburg, as the case was adjourned. We returned on a Saturday. On Sunday following Beatty told me I would not be required as a witness. I complained to several about the treatment I had received, amongst others to Dr. Krause, who told me to go to Mr. De Villiers. The latter told me he had no time to bother with me, and that my evidence was useless, and would be torn to pieces in the box. I have written to Mr. Smuts for compensation, but received no reply.

Sworn at Johannesburg this 21st day of July, 1899.

(w.g.) GUY WATERTON.
Before me,
(Sgd.) E. MENDELSSOHN, J.P.

No. 16.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received September 8, 1899.)

SIR,
I HAVE the honour to enclose for your information a copy of a letter from Mr. R. F. Nicholls on the subject of the trial for alleged conspiracy in the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 16.

From R. F. NICHOLLS, Johannesburg, to the HIGH COMMISSIONER, Cape Town.

SIR, 18, Macintyre Street, Jeppestown, Johannesburg, July 27, 1899.
I desire to thank you for your kindness in providing legal defence for myself and others in the High Treason Trial.

It showed to the world that England can and will protect her loyal subjects when necessary.

Again expressing my gratitude and thanking you for your kindness,

I have, &c.,
R. FLOYD NICHOLLS,

His Excellency,
The High Commissioner.

SECTION II.—MISCELLANEOUS PAPERS.

No. 17.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received June 30, 1899.)

[Answered by No. 21.]

SIR,

Government House, Cape Town, June 12, 1899.

I HAVE the honour to enclose for your information a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of the liability of British subjects and others to be forced to take up arms in the event of war between England and the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 17.

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

(Extract.)

Her Majesty's Agency, Pretoria, May 30, 1899.

With reference to the subject of the liability of British subjects to be forced to take up arms in the event of a war between England and the Republic, I have the honour to report that a long correspondence on the question has been proceeding in the "Volksstem" newspaper, initiated by Mr. Loveday, the member for Barberton, who is himself a British subject by birth.

The contention of Mr. Loveday is that Article 109* of the proposed new Grondwet, (Staats Courant, February 1, 1899), dealing with the army, is opposed to all the principles of international law, and cannot be applied by any civilised State.

I have the honour to enclose copy of a legal opinion which has been given on the question by Mr. Wessels, the leading advocate at the Transvaal Bar, as published in to-day's "Press."

("THE PRESS," Tuesday, May 30, 1899.)

A LEGAL OPINION.

There has recently been proceeding in the columns of the "Volksstem" a controversy upon a statement by Mr. Loveday, member of the First Volksraad, pointing out that the new Article in the draft Grondwet giving the Government power to compel alien residents to take up arms in case of war with a foreign country, is *ultra vires* with all the canons of International Law. In order to elucidate the matter, the opinion of one of our ablest lawyers, Mr. Advocate J. W. Wessels, has been obtained, and is recorded below. The opinion, of course, must be taken as a strictly legal expression to be applied to any race of aliens, and not to British subjects particularly. Mr. Wessels's opinion, which is in favour of Mr. Loveday's contention, is as follows:—

My opinion has been asked upon the following points:

1. Whether in case of war with England the South African Republic can commandeer British subjects to fight against England.
 2. Whether the Republic can commandeer the subjects of other nationalities at peace with England, not being burghers of this State, to fight against the British in case of a war.
 3. Whether the Raad can insert in the new Grondwet an Article to the effect that all foreigners can be called upon to fight for the Republic against any Power with which the Republic may be at war.
1. "Whether, in case of war with England, the South African Republic can commandeer British subjects to fight against England." The founders of the Republic distinctly stated that it was their intention that this State should be acknowledged by civilised States as a free and independent State (Grondwet, Art. 3). As a consequence of this the State wishes other States to recognise it as a

* Colonial Office Note.—Art. 109 of draft Grondwet: "The law can also oblige inhabitants who are not burghers, and also coloured persons, to co-operate in the maintenance of the independence of the Republic, in the defence of the territory, or in the suppression of revolts or disturbances."

civilised State. If it desires to be a civilised State it must conform itself to the accepted rules and regulations of civilised States. It therefore becomes amenable to the rules of International Law. International Law is not a Law administered in any International Court, but the penalty of not conforming to its rules is to be regarded by other States as outside the pale of civilised States. Any nation is free to say, "I will not be bound by International Law," but the consequence is that other States will respond, "We will not treat you then as a civilised State," in consequence of which the State will fall into the category of barbaric States, and will be treated as such.

What is the rule amongst civilised States as to compelling subjects of foreign nations to fight its wars, (1) as to compelling the subjects of a belligerent State to fight against their own State.

Apart from International Law, from a purely ethical point of view I can conceive of nothing more barbaric than to compel a resident in a State to play the traitor to his own nation and to fight against his own countrymen. From a moral point of view, the idea is hideous and repulsive. It would recommend itself to no European, would probably be foreign to most Asiatics, and would probably only find active support in very crude and benighted countries. I do not know of a single instance where the Romans compelled the subjects of a foreign State resident in Rome to fight against their own nation. The Romans did compel their subjects by conquest to fight against persons of their own race, but even this is very rare. The Romans, however, considered the subjects of an enemy as an enemy, and took them prisoners wheresoever found and even sold them into slavery (S. 49, 15, 12). Phillimore, vol. 3, p. 129, says "this practice has happily become obsolete." In 1666, Louis XIV., who was no scrupulous stickler for International Law, interdicted all commerce with British subjects, but even he excluded "those private individuals who had established their domicile in France." He also allowed all Englishmen who were not naturalised to leave France within three months. Bynkershoek, a publicist of the greatest European reputation, and one of the greatest jurists that ever lived, says in Ph. 1, Book 3, "het recht van oorlog wordt zelden tegen die genen geoeffend die by vredestyd by andere volkeren gekomen zyn en daar gevonderden (*sic*) indien er schielyk een oorlog uitbarste."* He then goes on to say "Maar de tyd verstreken zynde dien de beleefdheid aan die genen vergunt heeft die heen willen gaan of welke door die trakaten bepaald is worden die genen die daar langer blyven of zonder verlof gekomen zyn door het recht van den oorlog wettig gevangen genomen."† Bynkershoek wrote in the beginning of the last century. Grotius, however, who wrote nearly a century before, lays down the same rule, and says that strangers in the country on the outbreak of war are not to be treated as enemies, but are to be given some time to cross the frontier (Grot., de jure belli pacis, Bk. 3, C. 4, par. 7). This humane view, however, was not first propounded by that world-renowned Hollander. In Thucydides, Bk. 4, C. 105, we see that Brasidas, the Spartan, when he besieged Amphipolis, permitted the Athenians to leave the town within five days. At the siege of Capua, more than two hundred years before the birth of Christ, the Roman Generals allowed the Campanians (allies of Hannibal) to leave the city with their property. Cicero, in his defence of Ligarius, regards it not as a matter of expediency, but as a matter of necessity (Pro Ligario, Cap. 2). It seems such nonsense, in the face of these writers, to quote more modern authors, for these are supposed to have been times of barbaric and inhuman warfare, and we, in our age, are supposed to conduct war on humane principles. We may, however, refer to Vattel, Bk. 3, C. 4, S. 63, Phillimore, Vol. 3, p. 128 et seq.

Bluntschli, one of the greatest international jurists of our time, approves of Von Berner's enunciation of the law that "The sovereign *dare not*, on a declaration of war, detain the subjects of the hostile State, nor dare he expel them instantly or ignominiously (oder gar schimpflich) without special reasons. If he desires their departure he may not neglect the dictates of humanity. When there is nothing to be feared from them, then they can remain in the country."

If then it is the fixed practice, not only of civilised States, but also of semi-civilised States, to allow the subjects of the hostile State ample time to leave the country with their property, then it follows as a corollary that they cannot be detained and made to serve against their own country.

It follows, as a necessary consequence, that if the Republic is by International Law compelled to allow the subjects of a State with which she is at war to leave the country, she cannot detain them to fight against their fatherland, and moreover, if she cannot detain them against their will, she cannot compel them to do other services incidental to war, such as hospital duty, fatigue duty, garrison duty, or the like.

There are but few International Law jurists who discuss this proposition at any length. One might almost consider it as an axiom of International Law. There is some dispute as to whether the subjects of a foreign State resident in a country attacked by barbarians have to bear arms in protection of the State in which they are domiciled, or whether domiciled foreigners can be called upon to do police duty. As our Statute Law allows foreigners to be commandeered, our Court has decided that foreigners can be compelled to serve here against the kaffir tribes, and to do military duty (Maynard v. Meit Marais, N.O., 1 Off. Rep. aff. 2, p. 79). In that case the following authors, all men of great reputation, were cited to show that *in no case whatever* can foreigners be called upon to do military service, and therefore *a fortiori*, not against their own country: Vattel (Bk. 2, C. 8, Sect. 106), Bluntschli (Volkerrecht, Sect. 13, p. 364); whilst the following writers would allow the foreigners to be called upon to put down some small internal disturbance, in other words to do police duty: Phillimore, Halleck (International Law, Vol. 1, p. 367), who expressly says that no foreigner domiciled in a country can be impressed to fight against any other country, Hall, Heffter (Volkerrecht, Sect. 62, Sub-Sect. 4, in notes). The matter was carefully considered by Judges Kotzé, Jorissen and Morice, and Judge Kotzé distinctly laid it down that though foreigners domiciled here can be compelled to do service to restore public order, in other words police duty, and though they can be called upon to serve against the inroads of barbarians, they cannot be called upon to fight against their fatherland, or against a nation with which their fatherland is at peace. Judge Jorissen, speaking of the local law, said "Er is geen twyfel aan dat de wetten dezer Republiek bezien en uitgelegd moeten worden

* Translation.—The right of war is seldom exercised against those who have come to other nations in peace time and are found there if a war breaks out suddenly.

† Translation.—But the time having elapsed which courtesy has granted to those who wished to leave, or which is fixed by treaties, those who remain longer there, or have come without leave, are lawfully captured by the law of war.

als zy onduidelijk zyn met het oog op dit hoogere recht het welk in alle beschaafde landen zonder nader bewys als ideal geldt."* These words should be written in gold on the first page of every volume of our local laws. He also agrees that a foreigner can only be called upon to do police duty and to fight against the attacks of barbarians. Judge Morice held that by International Law foreigners cannot be called upon to do military service. In this country, therefore, we have a decision of the full Court to the effect that a foreigner cannot be called upon to do military service against his fatherland, or against a country with which his fatherland is at peace. Ethics, Law, and Judicial decisions forbid the impressment of foreigners for any military operations against a civilised State. And as for calling upon a person to fight against his fatherland, the State that would dare to do this would immediately brand itself as uncivilised in a very high degree. Even Turkey has never attempted to do such a thing.

2. The next question is, "Whether a foreigner can be compelled to fight against a State with which his own country is at peace?" All the authorities I have cited above, and there are a good many more, distinctly say that the foreigner cannot be compelled, and in the case of *Maynard v. Melt Marais*, N.O., Chief Justice Kotzé distinctly says, "Het is echter duidelyk dat vreemdelingen als voorzegg niet gedwongen kunnen worden deel te nemen aan een burger oorlog noch aan eenen oorlog tegen eene beschaafde natie met wie de Regeering van hun vaderland in vrede verkeert."† Judge Jorissen impliedly and Judge Morice expressly agree with this view. Nor do I know of a single case in any civilised country where the contrary view has been adopted, at any rate during this century.

3. "Whether the Raad can insert in the new Grondwet an Article to the effect that all foreigners can be called upon to fight for the Republic against any power with which the Republic may be at war." The Raad, of course, can pass any law it pleases, but such law, in the words of Judge Jorissen, will have to be interpreted "met het oog op dit hoogere recht,"‡ and will then mean only in case of small disturbances or in case of an inroad of savages, and will not compel British subjects to fight against their fatherland, nor will it compel Frenchmen and Germans to fight against Englishmen if France and Germany are at peace with England. The proposed Article, however, goes too far; it is in direct conflict with the accepted rules of International Law if it attempted to enforce foreigners to fight for the independence of the State without consideration as to who the attacking party is. It goes too far when it wishes to force them to fight in case of civil war. It goes too far when it wishes to impress coloured persons to fight against their own country. No civilised State would allow the Transvaal to impress its subjects for such purposes. In case of a war with England, America would never allow this country to impress her coloured subjects to fight against the English, but would require the Republic to desist or would attempt to compel her to do so by force of arms. Hence the Article, as it is, would be a dead letter in most cases, and would in any case be a blot on the Constitution. It would be far better to adopt the language of Bluntschli and to say that all strangers can be compelled to do police duty or to assist in the repression of brigands or against the inroads of savages.

No. 18.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received July 29, 1899.)

SIR,

Government House, Cape Town, July 12, 1899.

I HAVE the honour to transmit to you, for your information, copies of a despatch and two telegrams from Her Majesty's Agent at Pretoria, respecting the position of Johannesburg in case of war.

I would call your special attention to a letter from the editor of the "Rand Post," addressed to the "Leader" newspaper, which is enclosed in Mr. Greene's despatch. You are aware that the "Rand Post" has distinguished itself for some time past § by the violence of its threats against Johannesburg and the Uitlanders, and you will see that the editor defends his statement "if war breaks out the Johannesburg agitators are the real instigators, and to their ringleaders capital punishment should be meted out" on the ground that "such is, and has been, the just fate of the leaders of revolutionary movements far more justified than the present one."

I also enclose a copy of a despatch from Mr. Greene, in which he forwards affidavits from which it would appear that similar threats have been openly made by officials of the Republic at * * * * and * * * * .

I have, &c.,

A. MILNER,
Governor and High Commissioner.

* Translation.—There is no doubt that the laws of this Republic must be regarded and explained when they are uncertain with reference to this higher law which in all civilised countries without further proof is accepted as the ideal.

† Translation.—It is, however, clear that aliens, as aforesaid, cannot be compelled to take part in a civil war nor in a war against a civilized nation with which the Government of their country is at peace.

‡ With reference to this higher law.

§ See pp. 60 to 62 of [C.—415].

Enclosure 1 in No. 18.

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

TELEGRAM.

5th July, 1899. No. 166. At a meeting of merchants and traders convened yesterday by the Chamber of Commerce at Johannesburg, the following resolutions were carried:—

1. That the meeting appreciates Sir Alfred Milner's efforts to secure a peaceful settlement, and hopes speedy means will be found to prevent the continual unrest and recurring crises which paralyse business and trade generally.

2. That deputation wait on the Pretoria Government to ask that in case of war peaceful residents may rely on the protection of the Geneva Convention, and that the town be not bombarded by the forts.

3. That the deputation also ask that the Town Council or a Town Committee be given temporary powers by the Government to police and administer the town in case of emergency.

4. That the above resolutions be sent to Her Majesty's Government.—(GREENE.)

Enclosure 2 in No. 18.

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

SIR,

Her Majesty's Agency, Pretoria, July 6, 1899.

WITH reference to my telegram, No. 166, of yesterday, I have the honour to transmit to Your Excellency herewith a report from the "Transvaal Leader," with editorial articles,* of the great meeting of merchants and traders convened by the Chamber of Commerce at Johannesburg, on Tuesday last, at which resolutions were carried that a deputation be sent to the Government at Pretoria, asking for an assurance that, in case of hostilities, peaceful residents might rely on the protection of the Geneva Convention; that the town would not be bombarded from the fort, and that temporary powers might be given to the Town Council to police Johannesburg in case of emergency.

I have, &c.,

CONYNGHAM GREENE.

His Excellency

The High Commissioner,
Cape Town.

("LEADER," July 5, 1899.)

A meeting of merchants, traders, and others interested more particularly in the commercial welfare of Johannesburg was held yesterday at the Chamber of Commerce to consider the existing situation. Amongst those present were: Messrs. A. Philips, J. Samuel, B. Archer, J. M. Hicks, J. Rosenthal, Geo. Mitchell, H. Elias, J. M. Logan, S. Campbell, Thos. McKenzie, T. L. Ocheson, H. Clapham, T. Z. Speight, J. M. Forsyth, L. Bloomfield, Alex. Scene, J. McKay, W. Fraser, R. Campbell, H. J. Smith, J. Sterling, A. Macfarlane, W. A. Green, M. A. Mackenzie, R. Ashton, H. Eveleigh, Geo. Hands, John E. Lloyds, — Wevell, A. Berriman, C. Chiddell, W. B. Hall, W. A. Martin, — Hayman, W. H. Stephens, Andrew McNair, Wm. Hosken, R. A. Wilson, L. Collins, S. Franks, H. F. E. Pistorius, — Lazarus, S. Marks, J. E. Howes, D. Starfield, C. E. Wiley, J. N. Sellar, and E. C. Lowe (Secretary, Chamber of Commerce).

Mr. Wm. Hosken, President of the Chamber of Commerce, called the meeting to order, and said, as they were aware from the notice which appeared in the newspapers calling that meeting, the merchants and traders of the town and district had been invited to come together that afternoon to consider the position as it affected commercial people. The Chamber of Commerce, in arranging for the meeting, purposely made it as wide and open as possible, so as to indicate a wider range of action than it would have had if called together as a Chamber of Commerce meeting. It was, therefore, called in the name of the traders and commercial people of the whole town, so that they might state their views, appoint their own chairman, conduct their own meeting, and state their own business. The Chamber of Commerce understood that in following this line of action they were acting entirely in accord with those who sent in the requisition to the Chamber of Commerce, asking for this meeting to be held—(applause)—and he had, therefore, to first ask them to appoint a chairman. (Applause.)

Mr. J. W. Quinn and Mr. Hosken having been proposed and seconded as chairmen, the former said he had allowed his name to be proposed only as Mr. Hosken had some objection to take the chair. If Mr. Hosken was willing to preside they could not have a better man.

Mr. Hosken said they did not want politics introduced into that meeting. Most of them knew he had taken up a very decided line in politics, and he did not want it to appear they were considering the question on political, but rather on broad lines, and in a general sense. It would, therefore, be better if they appointed Mr. Quinn as chairman.

* Articles not re-printed.

Mr. Quinn, having been accordingly elected chairman, thanked the meeting for the confidence reposed in him, and called on the secretary to read the notice convening the meeting.

This having been done,

The Chairman said everyone present must, as he did, feel the responsibility of the position of the meeting. It was unnecessary for him to make a statement, but he asked them to observe the ordinary rules of debate, so that they would get through the business as quickly as possible, and arrive at a unanimous and satisfactory decision as far as it was possible to arrive at anything satisfactory under the existing state of affairs.

Mr. Stuart Campbell proposed the following resolution:—

This meeting of merchants and traders of Johannesburg desires to place on record its high appreciation of Sir Alfred Milner's efforts to secure a peaceful and permanent settlement of the political difficulties in the Transvaal, and earnestly hopes that speedy and effective means may be found to arrive at a permanent and satisfactory settlement that will prevent the continual unrest and recurring crises, with the consequent paralysis to business and loss to trade generally.

He said that influential meeting of the commercial community of Johannesburg at the present time served to prove the times were out of joint from a commercial point of view, as the majority of those present should be attending to their own business instead of coming there on affairs of State. The history of Johannesburg had been sadly mixed with commercial depression and political crises. In 1889-90 they had a commercial depression that affected them very adversely. In 1895 they had the abortive Jameson Raid, that turned business upside down. In 1896 they were awaiting the fulfilment of the promises of the President after the Raid, and which resulted in the appointment of the Industrial Commission of 1897. That Commission was effectively sat upon, and its recommendations crushed out by the recommendations of another Commission in the same year. In 1898 the Edgar affair assumed dimensions of political importance, and an agitation arose that resulted in the Bloemfontein Conference, which had unfortunately led up to no direct result, though they all hoped that seeds sown would bring forth the desired result. Commercial depression had to be reckoned upon in all new countries, but commercial depression brought about by thousands of women and children leaving the town on account of a war scare ought never to exist in a new country. After having waited for years for the fulfilment of the promises made them they were pleased indeed to note that an appeal at last had been made to the Paramount Power to settle their difficulties in a permanent manner. They were all agreed their affairs could not have been placed in better hands than in those of Sir Alfred Milner. (Applause.) By his firmness, moderation, and grasp of the situation he had secured the confidence of the commercial community of South Africa. As mercantile men, they desired a speedy settlement; as citizens, they desired to have it effective and permanent. They had waited for that result, and were content to endure a little longer. They wanted very little. They wanted a kindly and sympathetic Government, which would not overawe them by arming one section of the population at the expense and to the subjection of the other. (Hear, hear.) They wanted the Government to appoint civil servants chosen for their honesty and ability; they wanted it to levy taxes honestly, to zealously guard the interests of the country, not to alienate the rights of the people who fostered industry and not to pauperise portion of the people by pitiful doles. They wanted the Government to trust the people and to allow a measure of self-government compatible with the rights of the State. They wanted those who wished to become burghers made loyal citizens, and those outside the pale to be law-abiding citizens. When they got those conditions the independence of the country would be assured for all time and against all comers. (Applause.)

Mr. T. McKenzie, in seconding, said Mr. Campbell had referred to the fact that the large attendance at the meeting indicated the great interest which is being taken in the present political situation by the commercial people of Johannesburg; and that was apparent to those who were accustomed to the ordinary meetings of the Chamber of Commerce. They were face to face with a critical state of affairs. (Applause.) No mercantile man could say that he appreciated the crises, because they only meant disorganisation of trade, and a loss in many forms. He took it that, besides being commercial men, they were men who took an interest in the affairs of the land in which they lived. They looked beyond the mere pounds, shillings, and pence, the mere turnover and profits they made, and they wanted to live in a country whose affairs would be established on a firm and satisfactory basis. (Applause.) They wanted to live in a country where the laws should be good, and effectively administered. They wanted to live in a country where all white men should have equal rights. (Applause.) He took it that that crisis was bound to come some time or another. The state of affairs which had existed for years could not possibly go on without eventually leading to a crisis. He took it that it had not been one of their seeking, but it would come in the ordinary order of things. A process of evolution was going on, and they were face to face with a crisis, and they put before them that resolution, expressing their confidence in Sir Alfred Milner, who had shown a firm grasp of affairs. They wanted a peaceful settlement. (Applause.) He took it that represented the views of everyone present. If it was at all possible they wanted a peaceful settlement, but above all things they wanted a permanent settlement. (Applause.) They did not want another crisis a few years hence. They wanted the thing settled once and for all, so that all sections of the community might be united to advance the interests of the country, and carry on affairs as the affairs of any civilised country should be carried on. (Applause.)

Mr. Levy said he was sorry he could not speak to the resolution. He would do so in any case with great diffidence, as there were so many older men present. They had, however, been called together by a notice convening a meeting of people interested in trade matters. He thought they were going to discuss such matters, but the first resolution proposed was a political resolution. The resolution embraced a good many points, and if anyone wished to take the advantage it would be very possible to raise an endless discussion. Something could be said on the other side, but he was not going to do it.

A voice: Speak on the other side.

Mr. Levy said they had come there to discuss trade matters, and they got a resolution touching altogether on politics.

A Voice: Are you on the "Rand Poet"! (Laughter.)

The Chairman said, in answer to the last speaker, they would all agree that with the present state of things it was utterly impossible to discuss trade matters without discussing politics. The present state of trade of which they were complaining was the direct outcome of politics. The two things were so linked that Mr. Levy should know it. He, as chairman, would restrain excess, but they could not avoid speaking politics.

The resolution was then put, and declared carried, with two dissentients.

The Chairman said they were all of one mind on the subject, and suggested they should discuss the position they would be in in the event of war. All of those present had large stocks of property of various kinds, so that the prospect of war was a most serious matter to them. War might mean the ruin of them all. There was no burking the question, and they should face it. They might have an interchange of thought as to what would happen in the event of hostilities. They wanted to know by what means, without breaking the law or giving offence to the Government, they could protect their stocks. Some of the Consuls had been asked what the people should do in the event of war and their stocks being commandeered. Some Consuls had advised that stock should be taken and checked on proper stock sheets, and that papers duly certifying the amount of plant and goods should be drawn up and put in a place of safety. As far as he was informed no promise had been made as to compensation, but it had been suggested that those stock-sheets should be got, so that every merchant would be able to prove what his position was before his goods were taken from him.

Mr. Hosken said the question raised was one that interested them all. From their positions, the Consuls had naturally been appealed to and asked for advice. They refused to take the responsibility of indicating any line of action. Repeated communications had reached the Chamber of Commerce asking for information, which was given entirely on the lines stated by the Chairman. It was advisable every trader should certify his position, and keep a record that would be clear and definite and easy to come at in case of an emergency they would all deplore. (Hear, hear.) It might be that points affecting that particular question had occurred to those living outside the town that had not occurred to the organisers of the meeting. The committee of the Chamber of Commerce could not see any definite line of action, or anything that could be thought of or devised beyond what had been submitted by the chairman.

Mr. Hart said an idea of his might be of use to many of them. It was with respect to the great number of people who were leaving the town, and who would otherwise have spent their money there. Could nothing be done to prevent these people going away? (Hear, hear, and laughter.) His idea was that many were leaving because the fort that was standing over their heads was a menace to the town. (Applause.) People did not know what was going to become of their property. Could not that meeting get an assurance from the Government that the fort would not be used against the people and the houses of the town. (Hear, hear.) Thousands of people had gone, and thousands intended to go. Many of those who had gone would return, and many of those who intended to go would not go if they got such an assurance from the Government. (Applause.) He would propose that a deputation wait on the Government, and ask them for an assurance that the fort was not meant as a menace; that it was meant—he could not say what it was meant for. (Laughter and applause.) At any rate, the Government should let them know what the fort was placed there for.

Mr. Loewenstein, in seconding, asked was there not a clause in the Geneva Convention that would prevent the fort from being used against the town?

A member said the Government would turn round to the deputation and say the people of Johannesburg were the cause of the unrest, and that they (the Government) put the fort there to settle that unrest. There would be no use therefore in approaching the Government.

Mr. Sellar said it would be a great mistake to approach the Government at the present time. Everything was now in the hands of the High Commissioner, and he would see that something was done to help them. (Applause.) The people could do nothing for themselves and would get nothing from the Government. There was no need to fear much from the Government. If they looked at the bombardment of Alexandria they would find that only one person in a thousand had been killed. The only danger was from looting, and they should prevent roughs from doing damage.

The Chairman said it had been suggested some time ago by certain members of the Town Council that something should be done on the lines mentioned by Mr. Hart, something in the way of asking the Government to allow the Town Council to form itself into a body for the protection of the public safety, to see after the sanitation and other municipal work that was absolutely necessary to be carried out, and to see that the streets were kept free from rowdiness which might form an excuse for some curious business. If that could be accomplished they would have done a great deal towards reassuring the people that there was not so much danger as they thought. A deputation of the kind suggested might do some good.

Mr. Hanna could not fall in with the ideas of the Chairman. The Government would take up this position. They would say, "No; the men of Johannesburg have brought about this situation. We will give them 48 hours to go over the border and get." (Laughter.) They would say:

"Stand not upon the order of your going,
But go at once."

The railway would not be at the disposal of the people; they must tramp it. The Boers would come into Johannesburg and rightly—cries of "No, no"—and take every ounce of provisions. ("No, no.") Yes, yes, that was the position the Boers would take up.

Mr. Hosken said such a proceeding on the part of the Boers would be unheard of. The statement made would apply only to the most barbarous people that ever engaged in war. (Hear, hear.) The situation had been very clearly put by Mr. Advocate Wessels. In his most able document Mr. Wessels pointed out that from before the time of Christ opportunity was given to the inhabitants of besieged cities to take away their persons and effects, and in more modern times the position strengthened, until they came to this century, when every possible care and precaution was taken, and when it was laid down as law that non-combatants, whilst they remained so, could not be interfered with. Where a town was beleaguered, and the people chose to remain there, they should take their chance. Let them take the city of Paris. During the siege the German residents there had the same rations served them as the French. Such a statement as Mr. Hanna's was contrary to modern practice, and if they wanted a clear statement on the matter they should read Mr. Wessels' article. The suggestion of Mr. Hart was an excellent one. It was not out of place for the inhabitants of Johannesburg to send a deputation to Pretoria and ask if the town remained peaceable, the townspeople should remain safe under the provisions of the Geneva Convention. (Hear, hear.) No excuse could exist for bombarding the town. (Applause.) They could not assault the Government. They had no arms. They were a trading people engaged in business, and it was incumbent on them to take such a step as that indicated. It would be useful if they were to ask the Government to permit the town, in case of certain conditions, to undertake its own government under the control of the State. That would give the Government a chance of removing the 800 police in town, which were no advantage for protecting the people's goods, and of using them in a manner most pleasing and useful to themselves. (Laughter.)

They should ask that under the Geneva Convention they should be protected from bombardment by the Government. If only to tell their women folk that they would not be attacked, the question should be asked. Let them have the formal promise of the Government on that point, and they might add the suggestion of the chairman that the Town Council or some other suitable body should have control of the town. For himself, he was not afraid of anything beyond looting.

The resolution was then put in the following form and unanimously adopted:—

That a deputation wait upon the Government in Pretoria to ask, if in the deplorable case of war arising, that the peaceful residents of the town may rely on the protection afforded by the provisions of the Geneva Convention, and that the town be not bombarded from the fort.

That the deputation also ask that the Town Council, or a Town Committee appointed by the Government, should be given temporary power to police and administer the town affairs in case of emergency.

Messrs. H. F. E. Pistorius, Cook, and H. Solomon were appointed a deputation to wait on the Government.

Mr. Douglas said the people were not now in their own hands, but in the hands of Sir Alfred Milner and the Imperial Government. He, therefore, moved that both resolutions be sent to the Imperial Government and the High Commissioner, which was carried with acclamation.

The Chairman said as there were a number of gentlemen present not members of the Chamber of Commerce he had been requested by the President of the Chamber to state the Chamber would give any information or help they could, if desired. That would conclude the business of the meeting. He thanked them for their attendance at that, which was the biggest meeting they had held, and a record one for commercial men.

The meeting concluded with a vote of thanks to the Chairman.

(“LEADER,” July 7, 1899.)

To the Editor of the “Leader.”

SIR,—I come to you begging for a little fairness!

However much your paper-policy may differ from mine, however much you may work for English supremacy and I for the Dutch, who certainly have right, and possibly might, on their side—such difference should not lead you to altogether destroy the reputation of fairness the English claim as their monopoly. Whenever occasion arises, you drag into your editorial writings, “‘De Rand Post,’ a Dutch paper published in this city,” as “preaching the gospel of wholesale murder.”

This statement is based on the fact that we have written:—“If war breaks out, the Johannesburg agitators are the real instigators, and to their ringleaders capital punishment should be meted out.”

As every educated man knows, such is and has been the just fate of the leaders of revolutionary movements far more justified than the present one—and in which no such unfair men and means were brought into force. These hard words were a sensible—and after all they still may prove as effectual—warning to quiet people to refrain from taking part in the dangerous movement then and now on foot.

However this may be, the “Rand Post” never preached “wholesale murder,” and your inimical feeling towards the Transvaal cause should not cause you to speak untruly, and by so doing grossly to libel your opponents.

I have the honour to be,
M. P. C. VALTER,
Editor, “Rand Post.”

[We deal with this letter elsewhere.—Ed.]

Enclosure 3 in No. 18.

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

TELEGRAM.

8th July, 1899 No. 177. My telegram, No. 166, of July 5th. Government have agreed to receive merchants' and traders' deputation next week.—(GREENE.)

Enclosure 4 in No. 18.

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

SIR,

Her Majesty's Agency, Pretoria, July 4, 1899.

YESTERDAY a Government order was issued depriving the police force of Johannesburg of their revolvers, night policemen as well as day men.

This departure is ascribed by the Press to the Edgar incident, but whether this be the reason or not, it has certainly been hailed with satisfaction by the unarmed community.

Within the last few days two cases of the police firing upon the public have been reported. The first, that of a Belgian named Van Aken, who ran down a policeman when riding his bicycle. It seems that this policeman then blew his whistle, and another friendly constable hearing the signal and not stopping to find out what was the cause of the alarm, fired his revolver at the fugitive, fortunately without effect.

Again, on Sunday last a policeman is reported to have fired his revolver at a man who was running away from him, in Germiston, and whose only crime appears to have

been that he, in company with three other men, was confabulating at a corner with a Cape girl.

As well as the above incidents an unprovoked attack was made a few nights ago upon a woman and two men in Johannesburg by a party of rowdy artillerymen, who appear to have behaved disgracefully, and who have not, I believe, as yet been identified. I enclose reports of these three occurrences, which, even making allowances for all possible exaggerations, are not pleasant reading.

It is not, perhaps, very much to be wondered at if the police are encouraged to behave in a provocative manner towards the Uitlanders, when we read such speeches as that made on Saturday last by Mr. Viljoen, the newly elected Second Volksraad member for Johannesburg, or the accompanying newspaper extract,* which has been sent to be anonymously, describing a conversation between a Mr. * * * , an Englishman, and Mr. * * * , a Pass Official of the town, in the course of which the latter remarked that he would shoot Mr. * * * down in cold blood, in the event of hostilities breaking out. The accuracy of the story is borne out by the accompanying affidavit sworn independently a fortnight earlier before Mr. Vice-Consul Evans, at Johannesburg.

Another affidavit is also enclosed, making oath to similar threats on the part of the Field Cornet at * * * *

The above incidents are disagreeable side lights on the real feeling of some, at any rate, of these Government officials, to whom the Uitlander community have as much right as the Boers to look for sympathy and protection.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

("STAR," June 24, 1899.)

A Belgian, named W. van Aken, called at "The Star" office this morning, and stated that he was last night fired upon by a zarp in the neighbourhood of Ferreirastown.

Van Aken was, he said, cycling along Commissioner Street, near West Street, and seeing somebody whom he took to be a kafir, standing in the way, rang his bell twice. The man did not move, and Van Aken shouted, "Get out of the way, you — fool," whereupon the man turned round, and the cyclist saw to his surprise that he was a zarp. Thinking that "discretion was the better part of valour," Van Aken increased his speed in the hope of getting away. The constable gave chase, and, being unable to catch his man, blew his whistle. The policeman at the next corner followed suit, and at the next, and the next, which made the fourth. They were all running and blowing, but the cyclist had almost got out of sight when he heard a shot fired, and, thinking it had been aimed at him, he thought he had better avoid further risk, and he therefore dismounted and waited for his pursuers. When the quartette came up to him, he asked why they had fired, and one of them accused him of firing first, an accusation which he stoutly denied. He insisted upon being searched for a revolver, but the officers said it was no use doing this, as he had thrown the weapon away.

Ultimately he was taken to the police station and charged with having used insulting language, but no mention was made of the shooting. A bail of £3 was demanded, but as the accused only had £2 in his possession, that amount was accepted and he was liberated.

This morning Van Aken informed the Public Prosecutor of the incident. Dr. Krause questioned the police, and, our informant states, they acknowledged that a shot had been fired.

The Public Prosecutor explained that as Van Aken was to all intents and purposes escaping, and so many whistles were being blown, all but the first official would have no knowledge of the cause of the flight and alarm, and would consequently conclude that something serious had happened, and feel justified in firing.

However, under the circumstances, he felt that he would not inconvenience Van Aken further, and withdraw the charge, going round with him to the Fourth Landdrost's Court for that purpose.

Van Aken informs us that he intends reporting the matter to the Belgian Consul.

("STAR," June 26.)

Shortly after 10 o'clock on Saturday evening a most discreditable and brutal display of rowdism took place in Marshall Street, in which it is said that a sergeant of the Staats Artillery and some half dozen of his men appear to have disgraced their uniforms and calling as soldiers to an extent that would scarcely be credible were it not that a woman and two inoffensive citizens (Uitlanders) of Johannesburg, bear the marks on their persons of dastardly and cowardly ill usage. According to inquiry made by one of our representatives, the scene of the outrage was opposite a store occupied by Mr. Turrower, a Jewish cloth goods merchant, of No. 58, Marshall Street. Mr. Turrower was busily occupied with one of his Saturday evening's sales, to facilitate which he had a naphtha lamp suspended from the roof of the verandah fronting his store. His little boy was busy with a box of goods on the verandah, when suddenly some six or seven men wearing

* Not received.

the uniform of the Staats Artillery came walking by. One of the latter, who seemed to be in a rowdy frame of mind, seeing the naphtha lamp, conceived the idea of pulling it down and smashing it. The little boy (aged about 13), remonstrated with the man, commenting upon his conduct being a piece of cheek. The man thereupon seized the boy by the arm, and was apparently about to strike him, when Mr. Goldstein, one of the assistants in the store, rushed out to the rescue. The latter was at once savagely attacked by the Artilleryman, who knocked him down and jumped upon him, kicking him severely about the body. Mr. Turrower, hearing the disturbance, came to the door of his store to ascertain the cause of it, whereupon the Artilleryman desisted from his further maltreatment of Goldstein, and rushed to the door of the store. The latter was closed against him, and the infuriated savage thereupon smashed one of the windows, and he and his comrades managed to seize hold of the store-keeper, whom they proceeded to drag outside. Mr. Turrower defended himself as well as he could, and his wife rushed to his assistance, and was struck a savage blow over her right eye by one of the soldiers. Her husband was more severely knocked about, the right side of his face being soon covered with blood, as the effect of the blows showered upon him. Singularly enough, whilst this outrage was at its height, three policemen came on the scene, and, despite the frantic appeals of Mrs. Turrower, looked passively on, remarking that they could not arrest men in uniform. This seemed to embolden the Artillerymen, who continued their assault upon Mr. Turrower, one of them saying, "You are an Englishman, and we are Dutch, and we shall do what we like." The same man also threatened what he would do to the policemen if they interfered. The latter evidently thought discretion the better part of valour, for they did not interfere, the soldiers being allowed to depart without any attempt to arrest them, or even ascertain their names.

Mr. Turrower subsequently accompanied these policemen to the Charge Office, where they were informed that they ought to have arrested the men, and Mr. Turrower was directed to see Captain Eloff at the fort. The Captain was absent when called upon, but was subsequently seen on Sunday morning by both Mr. Turrower and Mr. Goldstein, who made their statements before him. They were informed by Captain Eloff that he would investigate the matter, and were asked to attend an inquiry to be held at the fort this morning.

A "Star" representative visited the Fort this morning to ascertain the result of the inquiry. He was informed that Captain Eloff was away in Pretoria, and therefore asked to see Lieutenant F. W. van Wichmann. He was accorded an interview with that officer, who stated that the whole affair was to be fully investigated, and that a letter had been sent from the Fort to Commandant Van Dam, asking for the three policemen who witnessed the affray to be sent up to the Fort by 9 o'clock that morning. These policemen had not arrived at the time of our representative's visit (10.30 a.m.), and the Lieutenant said he could not understand the reason of it, and that Commandant Van Dam would be communicated with again on the subject. He further added that it was considered only fair that they should hear what the police had to say, and that up to the present the names of the artillerymen alleged to be the cause of the disturbance were not yet known to the officers at the Fort. It was hoped to hold a thorough investigation of the whole affair with as little delay as possible.

("LEADER," July 4.)

GERMISTON, July 3 ("Leader" Special).—The police on the East Rand are evidently determined not to allow the Johannesburg police to have a monopoly of shooting Uitlanders. A similar case to that of the Van Aken incident occurred in President Street, Germiston, early on Sunday morning.

It appears that four miners were standing, in company with a Cape girl, at the corner of a vacant stand. On the approach of a constable the men separated and went in different directions. The policeman, without saying a word, whipped out his revolver and fired at the one who was making down Milne Street, but did not attempt to follow his man. The shot sobered the men, and within a few minutes they all returned to the place where the incident occurred. The "guardian of the peace" at once arrested the man he had fired at, but did not inform his prisoner on what charge he was arrested. After considerable argument, the constable released his prisoner, remarking that whenever he saw the men standing at a corner he would shoot. The stand where the incident occurred is lighted by a large arc lamp.

* * * * maketh oath and saith:—

I am * * * * * , and I reside * * * * * . Yesterday afternoon one * * * * * a Pass Official in * * * * * , told me as soon as the burghers in the district hear that war is declared they have agreed amongst themselves to at once shoot all the leaders of the present agitation against the Government. He also informed me that the burghers have already marked the persons whom they purpose shooting. To my enquiry whether he would shoot me in cold blood, he replied in the affirmative. I am a British subject. * * * * *

Johannesburg, 14th June, 1899.

Sworn before me:—

J. EMRYS EVANS,
Vice-Consul,
British Vice-Consulate,
Johannesburg.

* * * * maketh oath and saith:—

I am a British subject, I reside in * * * * , and I am a * * * * . A few days ago I was conversing with Field Cornet * * * * , and he informed me in the presence of some others that in the event of war those who remained in the country and took the part of the other side (meaning the British side) to the extent of one-half of his finger-nail, he would have them shot down like dogs.
Johannesburg, June 17, 1899.

* * * * *

Before me:—

J. EMRYS EVANS,
Vice-Consul,
British Vice-Consulate,
Johannesburg.

No. 19.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.
(Received August 5, 1899.)

SIR,

Government House, Cape Town, July 18, 1899.
I HAVE the honour to enclose for your information, with reference to my despatch of the 12th instant,* a copy of despatch from Her Majesty's Agent, Pretoria, on the subject of the position of Johannesburg in case of war.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure in No. 19.

HER MAJESTY'S AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.
(Extract.)

Her Majesty's Agency, Pretoria, July 15, 1899.

WITH reference to my telegram No. 177, of the 8th instant, on the subject of the Merchants and Traders' Deputation in connection with the Johannesburg Fort, and fears of looting in the event of hostilities, I have the honour to report that the Deputation was received by the State Secretary on Tuesday last, when that official informed the delegates that their resolutions would be laid before the Executive Council, and that a written reply would be sent to them.

On Thursday the written reply, of which a report is annexed, was sent to the deputation, and was published in the newspapers of the following day.

The letter, after expressing regret at learning that there "is evidently some unrest in Johannesburg, for which the Government can see no reason," somewhat ironically observes that it is "just for the purpose of protecting the peaceful inhabitants of the town that the fort was built," and adds, that the Government have no intention of making an attack on the town, unless it should become necessary in self-defence.

Lastly, the letter states that the necessary order will be given to the police for protecting the inhabitants in case of danger, but it does not disclose what those orders will be, nor whether steps would be taken to prevent looting of private property.

("STAR" July 14, 1899.)

MERCHANTS AND TRADERS' MEETING,
FULL TEXT OF THE GOVERNMENT'S REPLY.

We have received the following communication and enclosure from Mr. E. C. Lowe, Secretary of the Chamber of Commerce:—

Johannesburg Chamber of Commerce, P.O. Box 687.
Johannesburg, July 14, 1899.

SIR,

I beg to hand you herewith a translation of the Government's reply to the resolution passed at the public meeting of merchants and traders, held on the 4th inst.

I am, &c.,

E. C. LOWE, Secretary.

TRANSLATION.

Government Office, Pretoria, July 13, 1899.

Messrs. H. F. E. Pistorius and H. Solomon, Johannesburg.

SIRS,

The two resolutions taken at the public meeting of merchants and traders, held on the 4th July at Johannesburg, and handed into my office by you on the 11th inst., were laid by me before the Executive Council, and I am instructed, in connection therewith, to inform you as follows:—

That the Government regrets to ascertain from the resolutions handed in by Messrs. Solomon and Pretorius, as a deputation, that unrest exists, for which the Government can find no reason.

The necessary steps have already been taken by the Government for the protection of the peaceful inhabitants of Johannesburg, and it is just for that purpose that the Fort was built, and not to alarm the burghers and the obedient residents.

The Government is unaware of the reasons which could induce extreme steps being taken.

The Government has no intention of making an attack (on the town) unless it should become necessary in self-defence.

With regard to the police, the Commandant of Police will be given the necessary instructions for protecting the inhabitants in case of danger, and which instructions will be made known to the public.

I have, &c.,

F. W. REITZ, State Secretary.

No. 20.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 11, 1899.)

[Answered by No. 22.]

SIR,

Government House, Cape Town, July 26, 1899.

I HAVE the honour to enclose for your information, with reference to my despatch, of the 18th instant,* a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of the position of Johannesburg and the protection of British subjects in case of war.

I have, &c.,

A. MILNER,

Governor and High Commissioner.

Enclosure in No. 20.

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

SIR,

Her Majesty's Agency, Pretoria, July 19, 1899.

WITH reference to my despatch of the 15th instant, on the subject of the reply of the Government of the South African Republic to the Deputation of Merchants' and Traders who had waited upon them in connection with the Johannesburg fort and fears of looting, I have the honour to transmit to Your Excellency herewith a copy of a letter which I have received from the Chairman of the Uitlander Council, dealing with the above reply, and more especially with the threats against individuals circulated by the newspapers which espouse the Boer cause in the present crisis, and suggesting that special protection should be afforded to British subjects by a notification to the President, Executive Council, and Volksraad of the Republic.

I have, &c.,

CONYNGHAM GREENE.

His Excellency

The High Commissioner,
Cape Town.

* No. 19.

The CHAIRMAN, Uitlander Council, to HER MAJESTY'S AGENT, Pretoria.

DEAR SIR,

Box 667, Johannesburg, July 18, 1899.

BRITISH subjects in Johannesburg who are at all in evidence at the present crisis are constantly being threatened by anonymous letters, by word of mouth in veiled threats, and by the semi-official and Government subsidised press, as to what will happen to them if the present tension continues or British troops cross the border of the Transvaal. In addition thereto the whole community is constantly menaced by the fort that has been built over the town, and so built solely to overawe and intimidate British subjects here. The terrorism occasioned by the fort is best evidenced by the resolution adopted at the meeting of merchants and traders held on the 4th inst., which reads as follows:—

“That a deputation wait upon the Government in Pretoria, to ask if in the deplorable case of war arising that the peaceful residents of the town may rely upon the protection afforded by the provisions of the Geneva Convention, and that the town will not be bombarded by the fort.

“That the deputation also ask that the Town Council or a Town Committee nominated by the Government should be given temporary power to police and administer the town affairs in case of emergencies.”

This resolution was presented in Pretoria by a deputation, consisting of Messrs. Pistorius and Solomon, and received the following reply:—

“SIRS,

“Government Office, Pretoria, July 13, 1899.

“THE two resolutions taken at the public meeting of merchants and traders, held on the 4th July at Johannesburg, and handed into my office by you, on the 11th instant, were laid by me before the Executive Council, and I am instructed in connection therewith to inform you as follows:—

“That the Government regrets to ascertain from the resolutions handed in by Messrs. Solomon and Pistorius, as a deputation, that unrest exists, for which the Government can find no reason.

“The necessary steps have already been taken by the Government for the protection of the peaceful inhabitants of Johannesburg, and it is just for that purpose that the fort was built, and not to alarm the burghers and the obedient residents.

“The Government is unaware of the reasons which could induce extreme steps being taken.

“The Government has no intention of making an attack (on the town) unless it should become necessary in self defence.

“With regard to the Police, the Commandant of Police will be given the necessary instructions for protecting the inhabitants in case of danger, and which instructions will be made known to the public.

“I have, &c.,

“F. W. REITZ,

“State Secretary.”

The reply itself is a veiled threat, but the special point to which I wish to ask the favour of your attention is that of the open threats circulated by the newspapers subsidised by the Government. Those newspapers openly name certain British subjects, and, as clearly shown in a leading article recently published by the “Transvaal Leader,” practically mark these men out for murder. The newspapers that have been most flagrant in this respect are the “Standard and Diggers’ News,” “Rand Post,” “Volkstem,” and the “Voortrekker.”

As Chairman of the recently constituted Uitlander Council, I wish further to call to your notice the fact that the Council has to carry on its work under great difficulties, through the state of tension created by the constant publication of threats of what may happen to its members. Because of this feeling of insecurity meetings of the Council are held in private, and no proper roll of members and their attendance or minutes of proceedings beyond the notes in shorthand, are kept. No communications to members of the Council are sent through the post, and every endeavour is made to protect the members from any possible arbitrary legal action against them by the Government.

I wish now to ask if it is not possible to extend some special protection to members of the Council and to those British subjects named and marked out for outrage by the Government press? Should not the Council be guaranteed immunity, and enabled to carry on its useful work without let or hindrance? If the Government of this State is in earnest regarding reform it would welcome the formation of such a Council instead of attempting to stultify its work by a policy of terrorism. Because of this extraordinary state of affairs, I would respectfully suggest that special protection could be afforded British subjects by a notification to President Kruger, the Executive Council, and the members of the First Raad, that they would be held responsible in person and property for any outrage on British subjects or loss to their property. The justice of this line of action will, I trust, be evident when the statement made by Mr. Lombard on the 15th inst., while discussing the new Franchise Law in the First Raad, is taken into account. He said, inter alia:—

“Was it the English only who had the right to make conditions? If it came to be a question of war, there would be great destruction, and who would be destroyed if it came to a collision? Why, the subjects of Her Majesty in Johannesburg.”

Is it not therefore reasonable to assume that the fort overshadowing the town has been designed and built for the purpose of overawing Her Majesty's peaceful and unarmed subjects, who form the overwhelming majority of the inhabitants?

Trusting that in the manner suggested herein, or in some other suitable way, it may be possible to extend protection to Her Majesty's subjects here.

I have, &c.,
WM. HOSKEN,
Chairman, Uitlander Council.

Conyngham Greene, Esq.,
Her Majesty's Agent,
Pretoria.

No. 21.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

SIR,

Downing Street, August 19, 1899.

I HAVE the honour to acknowledge the receipt of your despatch of the 12th of June,* enclosing a copy of a despatch from the British Agent at Pretoria, forwarding a legal opinion by Mr. J. W. Wessels on the liability of British subjects and others to be compelled to fight for the South African Republic in the event of war between this country and the Republic.

2. There can be no doubt that the Government of a foreign State would not according to International Law be justified in endeavouring by force or other means to compel aliens to take up arms against the forces of the Sovereign to whom they owe allegiance, but I do not understand that the Government of the South African Republic entertain any such intention.

I have, &c.,
J. CHAMBERLAIN.

No. 22.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 11.50 a.m., August 23, 1899.)

TELEGRAM.

23rd August, No. 3. Referring to your despatch of the 26th July,† British Agent should call attention of Government of South African Republic to any newspaper articles which threaten murder of British subjects, and press for action to prevent publication of such articles.

Inform Uitlander Council.

* No. 17.

† No. 20.

No. 23.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received September 1, 1899.)

Government House, Cape Town,

August 16, 1899.

SIR,

I HAVE the honour to enclose for your information an extract from a telegram from Her Majesty's Agent, Pretoria, respecting the present situation in the South African Republic.

I have, &c.,

A. MILNER,
Governor and High Commissioner.

 Enclosure in No. 23.

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

TELEGRAM.

(Extract.)

August 15, No. 250. People here getting very alarmed and there is much excitement. The "Star" people have ordered Money Penny to leave Johannesburg for the Free State as they had been warned he was to be arrested. He will probably join Hull, who left Johannesburg yesterday, at Bloemfontein and go on with him to Cape Town. I am told it seems pretty certain warrants have been issued for the arrest of all the Uitlander leaders. But as long as present proposals are pending, I do not suppose any steps will be taken. Nothing has leaked out so far respecting them, but there is a rumour about that the Government South African Republic intend proposing a five years' franchise, and the Government is being pressed by moderate men to do so.

 No. 24.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received September 1, 1899.)

SIR,

Government House, Cape Town, 16th August, 1899.

I HAVE the honour to enclose for your information a copy of a telegraphic correspondence with the President of the Orange Free State on the subject of a rumour reporting the concentration of Imperial troops on the borders of the Orange Free State.

I have, &c.,

A. MILNER,
Governor and High Commissioner.

 Enclosure 1 in No. 24.

FROM STATE PRESIDENT, Orange Free State, to His Excellency the GOVERNOR.

TELEGRAM.

15th August. Mij is bericht geworden dat de Imperiale Regeering voornemens is binnen eenige dagen troepen bij de Bethulie Brug en elders op onze grenzen te plaatsen. Ofschoon ik de waarheid dier geruchten betwijfel zou ik gaarne de verzekering van Uw Excellentie willen hebben dat zulks niet het geval is ter geruststelling onzer burgers.

PRESIDENT, Orange Free State, to GOVERNOR, Cape Colony.

(Translation.)

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.

Enclosure 2 in No. 24.

From HIS EXCELLENCY THE GOVERNOR to the STATE PRESIDENT, Orange Free State.

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.

No. 25.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 3.45 p.m., September 2, 1899.)

TELEGRAM.

September 2. No. 1. Following telegram received from British Agent:—

Begins: It is announced in the papers this morning that Mr. R. Pakeman, Editor of "Transvaal Leader," was arrested last night in Johannesburg on charge of high treason. It is also stated that warrant is out for arrest Editor "Star."
Ends.

No. 26.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., September 5, 1899.)

TELEGRAM.

(Extract.)

4th September. No. 4. My telegram, No. 2, of 2nd September.* The charge against Pakeman has been reduced to one under Press Law of 1896, and he has been admitted to bail. There have been no further arrests. Greene telegraphs as follows:—

Begins: A statement has been published through the press this morning by the State Attorney, "that no instructions had ever been issued from Pretoria for the arrest of editor of 'Leader' or 'Star.'" The facts are as follows: On Friday morning the Public Prosecutor of Johannesburg and Captain Vandam, who had come over from Johannesburg to Pretoria, were interviewed by State Attorney in his office here. In the afternoon these two officers returned to Johannesburg, and arrested the editor of the 'Leader' the same evening, failing to capture the editor of the "Star."—*Ends.*

There is no doubt that the arrest of both editors was decided by the Government and other arrests contemplated, intimidation of Uitlander leaders being the object. The exodus from Johannesburg is taking formidable proportions. Many refugees of all classes have come to Cape Town. In Natal there are an even larger number. A good deal of money is being spent on relief.

* No. 25.

No. 27.

THE CONSOLIDATED GOLD FIELDS OF SOUTH AFRICA, LIMITED, to
COLONIAL OFFICE.

(Received September 6, 1899.)

SIR, 8, Old Jewry, London, E.C., September 4, 1899.
I AM instructed by the Right Hon. Lord Harris, G.C.S.I., G.C.I.E., to forward you copy of a cablegram we have to-day received.

Mr. E. S. Birkenruth, by whom the cable was despatched, is one of the Joint Managers of this Company's affairs in Johannesburg, South African Republic, and, having been for many years in the service of the Company, enjoys the fullest confidence of the Directors. He has long since been instructed to refrain from taking any part whatever in political matters, and has at all times carefully acted in accordance with these instructions.

Messrs. F. Eckstein and Rouliot, who are referred to in the cablegram, are partners in the Johannesburg house of Messrs. F. Eckstein & Co., the local representatives of Messrs. Wernher, Beit & Co., of 120, Bishopsgate Street, London, E.C., and, on referring to Messrs. Wernher, Beit & Co., we are informed that they have received cable intelligence of Mr. Eckstein having left Johannesburg.

Mr. F. M. Watson is Mr. Birkenruth's colleague, and is the other of this Company's Joint Managers in Johannesburg. He is, we are informed, an American citizen.

Mr. Thaine is, we are informed, a well-known merchant of Lourenço Marques.

I have, &c.,
JAMES PRINSEP,
Joint Secretary, The Consolidated Goldfields of
South Africa, Limited.

Enclosure in No. 27.

LOURENÇO MARQUES, September 4th, 1899, 11.5 a.m. (local time), to the
CONSOLIDATED GOLDFIELDS OF SOUTH AFRICA, LIMITED, London.

Having received warning, arrest not only political, but of leading representatives, myself included, imminent, arrived here safely to-day; leave for Durban on Wednesday. F. Eckstein, Rouliot and others have left. F. M. Watson in charge Johannesburg. My address is care Thaine.—BIRKENRUTH.

No. 28.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 12 noon, September 7, 1899.)

TELEGRAM.

7th September. No. 2. British Agent telegraphed yesterday as follows:—

Begins: I have had a visit from State Secretary, who has asked me to send you following message: "Question will be asked of the Government to-morrow with reference to the alleged massing of troops round the borders of the Republic, and we would be glad if the High Commissioner saw his way to giving us any information which might enable us to give a satisfactory answer to it." *Ends*.

I have sent following reply:—

Begins: I do not know what State Secretary refers to when he speaks of massing of troops. The British troops in South Africa are here to protect British interests and to provide against eventualities: their number and position is no secret but a matter of common knowledge. *Ends*.

No. 29.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., September 8, 1899.)

TELEGRAM.

(Extract.)

7th September. No. 7. Referring to my telegram of to-day,* No. 2, British Agent in South African Republic telegraphs debate on this subject has been going on all day and sends summary. Fuller account appeared in papers to-night. Following are main points. State Secretary South African Republic read my message, which one member described as declaration of war. Many members spoke and tone generally was uncompromising and in some cases very violent, plentiful references to raid, Rhodes, capitalists. Several speakers called to order for violence of remarks by chairman and members of Executive Council, whose tone was rather more moderate. President said British subjects under Convention of Pretoria 1881 had refused equal rights with Burghers because they would not go on commando. Mr. Chamberlain now invited them to conference. Every sensible man knew Transvaal was right on every point; if Mr. Chamberlain had to answer before God he would have to admit there was no suzerainty; he was prepared to send commission to conference, if Mr. Chamberlain was still willing. He hoped the Raad would wait to see what Mr. Chamberlain said about the conference.

No. 30.

CHAIRMAN OF MEETING, CAPE TOWN CITIZENS, to MR. CHAMBERLAIN.

(Received 8 a.m., September 8, 1899.)

TELEGRAM.

Open air meeting Cape Town Citizens implores prompt termination by Imperial Government of present tension which is causing grave distress bringing community face to bankruptcy alienating moderate element here and Transvaal and sapping British prestige considers further negotiations absolutely futile. Records unabated confidence in Sir Alfred Milner.—HAANS, Chairman.

No. 31.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received September 8, 1899.)

SIR, Government House, Cape Town, August 22, 1899.
 WITH reference to my despatch of the 16th instant,† I have the honour to transmit, for your information, a copy of a further telegram from the President of the Orange Free State on the subject of the military preparations made in South Africa. †
 I have communicated confidentially to Ministers a copy of my correspondence with the President on this matter.

I have, &c.,

A. MILNER,

Governor and High Commissioner.

Enclosure in No. 31.

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

* No. 28.

† No. 24.

has, in fact, imported fewer munitions of war this year than in the previous year. As regards 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 advantage of this 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 can not be secured by friendly and diplomatic means.—STEYN.

NATAL.

No. 32

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 5.8 p.m., July 26, 1899.)

TELEGRAM.

July 26th. No. 1. It becomes my duty to submit to you the following statement in view of the approaching discussion in the House of Commons and of the fact that I have abstained hitherto from addressing you officially on the subject of public feeling in Natal with regard to the present situation in South Africa. With the exception of two all the members of the House of Assembly were in their places on the occasion when the Resolution of which the terms were reported to you in my telegram of the 19th instant* was passed unanimously. One of the two was absent through illness; the other has signed the Petition to the Queen, to which I shall refer presently. In the Legislative Council a Resolution was passed unanimously yesterday identical in terms with that passed in the Assembly on the 19th; all the members were present but one. Public opinion in Natal is practically unanimous in favour of this Resolution. Action of British Government in its endeavour to secure equal rights for all Europeans in South Africa has its sympathy and approval. In the view that on these terms alone can peace, prosperity, and the termination of race animosity be secured it is practically unanimous. Of the 10,000 inhabitants, at which number the white male adults of Natal may be estimated, 7,497 have signed the Petition to the Queen applauding the decision of Her Majesty's Government to intervene, expressing sympathy with the Uitlanders, and the hope that the efforts of Her Majesty's Government will not be relaxed till the grievances of the Uitlanders are substantially redressed or they are given a real and effective Parliamentary representation. A small minority of the population is in sympathy with the Transvaal and desires it to be left alone. Others, few in number, deprecate the interference of Her Majesty's Government and think that the matter can best be settled by representations from the other Governments of South Africa.

There is, on the other hand, a large and increasing number of white inhabitants who have come to think that war may be the only solution. By these and by the great mass of temperate opinions in Natal the action of Her Majesty's Government is heartily supported in its endeavour to secure equal rights and privileges. A peaceable solution would be preferred by the great majority; but Her Majesty's Government can rely on practically unanimous support of an overwhelming majority of the white population if war becomes necessary.

* No. 58 in [C. 9415].

The support however which is thus given to Her Majesty's Government is given in the firm reliance that they will accept nothing but a real and permanent settlement. The acceptance of any terms short of this would be at lowest resented seriously and almost universally. In that case it would be felt that the intervention of Her Majesty's Government had done infinitely more harm than good. I may say in this connection that no settlement would be regarded as real and permanent which did not include safeguards against a modification of it in a sense unfavourable to the Uitlanders by besluit or otherwise.

Her Majesty's Government is and has been throughout unanimously supported by the local press. Men who approved of the retrocession of 1881 as an act of conciliation and justice; men who concurred with me in denouncing the raid; men who have valuable property in the Transvaal and have much to lose in case of war; men who have much to gain by the maintenance of peace because their interests are bound up in commerce in the Transvaal; men who would be glad to see the maintenance of Transvaal independence: loyal Dutch subjects of Her Majesty; from men of all these categories assurances have reached me of their hearty support of the action of Her Majesty's Government, of their belief that permanent peace and prosperity can only be secured by securing equal rights and privileges for Dutch and English throughout South Africa and of their earnest desire that there should be obtained, even if necessary at the cost of war, a real and effectual settlement.

No. 33.

GOVERNOR SIR W. F. HELY-HUTCHINSON to MR. CHAMBERLAIN.

(Received 3.55 p.m., September 7, 1899.)

TELEGRAM.

7th September.—Following Resolution passed unanimously at public meeting held in Market Hall here last night:—

Begins: (1.) That in opinion of this meeting continuance of negotiations with Government of South African Republic will not lead to satisfactory settlement, and it is imperatively necessary that Her Majesty's Government should now take action to enforce its demands as Suzerain Power. (2.) That copy of this Resolution be forwarded to his Excellency the Governor with request that he will be pleased to cause it to be transmitted by cable to Her Majesty's Government.—*Ends.*

Resolution proposed by Greene, seconded by Tatham, members of Legislative Assembly. Meeting orderly and unanimous, and Chairman informs me appeared fully to realize gravity of situation. Speakers specially disclaimed any desire to dictate to or criticise Her Majesty's Government. Greene, who expressed appreciation of what has been done by Her Majesty's Government and his belief that everything had been done for the best, said all hoped it would not come to bloodshed, but were convinced that so long as they had not adequate number of troops in South Africa, demands of Her Majesty's Government would not be acceded to. Tatham expressed boundless admiration for every step which had been taken by Her Majesty's Government for last three months. But both speakers strongly expressed unanimous feeling of meeting, that diplomatic methods had failed, and that Natal was ready to take its share of responsibility for other methods. A curious feature about this meeting was that responsibility for it was publicly disclaimed beforehand by local President of South African League who wrote to the papers discouraging it, but notwithstanding local leaders of League, short notice, and bad weather, there was large attendance. Meeting may be regarded as spontaneous and genuine expression of public opinion here.

**SECTION III.—NEGOTIATIONS WITH THE GOVERNMENT OF
THE SOUTH AFRICAN REPUBLIC ON THE SUBJECT
OF POLITICAL REFORMS.**

No. 34.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 5 p.m., August 15, 1899.)

TELEGRAM.

(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 was an immediate surrender to the Bloemfontein 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 *bonâ 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 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 should 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 regards 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 regards 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.

No. 35.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., August 18, 1899.)

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. *Ends*.

No. 36.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received August 22 and 23, 1899.)

TELEGRAM.

[Answered by No. 43.]

22nd August. No. 2. I have received to-day following two notes from South African Republic Government to British Agent:—

First, begins: 19th August, Sir, With reference to your proposal for a joint enquiry contained in your despatches of the 2nd and 3rd August*, Government of South African Republic have the honour to suggest the following alternative proposal for 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 5 years' retrospective franchise, as proposed by His Excellency the High Commissioner on the 1st June, 1899. (2.) The Government are further willing to recommend to the Volksraad that 8 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 2 sitting members for the Goldfields giving to the population thereof 10 representatives in a Raad of 36, 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 Government of South African Republic assumes: (a) That Her 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

* See pp. 29 and 30 of [C.—9518].

the assertion of the suzerainty, the controversy on the 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 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 trust 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 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. (Signed) F. W. REITZ. *Ends.*

Second. Received by telegraph, *begins*: 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, *Ends.*

No. 37.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 3 p.m., August 23, 1899.)

TELEGRAM.

[*Answered by No. 41.*]

23rd August. No. 1. Referring to my telegram of 22nd August, No. 2,* South African Republic State Secretary has explained to British Agent that Orange Free State was inserted in paragraph 5, Clause (c) of note, because South African Republic Government do not consider Orange Free State a foreign State and they wish to have option of selecting one of their own Arbitrators from it or suggesting Orange Free State man as President.

* No. 36.

No. 38.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4 p.m., August 23, 1899.)

TELEGRAM.

[Answered by No. 42.]

23rd August. No. 4. You should call attention of British Agent to the following points of difference between the South African Republic Government's formal note and previous conversation between him and the State Attorney :

1. There were to be no complicated conditions attached to the new law.
2. The new members for the Goldfields were to be allowed to use their own language.
3. The South African Republic Government were to discuss with Her Majesty's Government any future change in the election of President and Commandant-General.
4. They were to discuss with British Agent, assisted by adviser, the details of the new scheme. Any other points which arose in connection with it were to be discussed in the same way.

5. The two Governments were to exchange notes.

On all these points we assume that South African Republic Government adhere to proposals made by State Attorney, but desire to be assured by formal note that this is so.

No. 39.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5.55 p.m., August 23, 1899.)

TELEGRAM.

[Answered by No. 40.]

23rd August. If not already done deliver despatch of 27th July* at once. Greene can explain that, having been written before the last proposals, it only deals with situation as it was when sent.

No. 40.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.5 p.m., August 23, 1899.)

TELEGRAM.

23rd August. No. 2. Referring to your telegram of 23rd August, † your despatch of July 27* delivered to-day.

* No. 9 in [C. 9518].

† No. 39.

No. 41.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4.30 p.m., August 26, 1899.)

TELEGRAM.

26th August. No. 4. Referring to your telegram, No. 1, of 23rd August,* I have no objection to person from Orange Free State acting as Arbitrator for South African Republic. I should, however, be unable to accept appointment of such a person as President of Tribunal.

No. 42.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 6.40 p.m., August 26, 1899.)

TELEGRAM.

(Extract.)

26th August. No. 2. Referring to your telegram, No. 4, of 23rd August,† which was transmitted by me *verbatim* to British Agent, together with instructions that he should immediately act upon it, British Agent has sent following two telegrams to me:—

Begins: 24th August. I have seen the State Attorney and he will discuss the matter to-morrow with the Executive Council and the State Secretary. I have also given a Memorandum to him embodying points of discrepancy. *Ends*,
Begins: 25th August. Following semi-official letter from State Attorney dated to-day received this afternoon.

“With reference to the telegram received by you yesterday from your Government, I have now seen State Secretary. Very careful consideration was given to the terms of settlement which were embodied in the formal note of this Government dated 19th August, and I do not believe that there is the slightest chance of an alteration or amplification of those terms. It will be necessary therefore for you to arrive at your decision on the terms stated as they stand”

The State Attorney has sent me a long private letter, which I received at the same time as the semi-official letter and in which he disputes the accuracy of my version of our conversation as reported in my telegram of the 14th August on the subject of the special points of difference which the Secretary of State for the Colonies mentions. *Ends*.

It seems to me that the offer of the Government of the South African Republic had better be dealt with at once as it stands, although we are entitled in replying to it to say that at the time when we said that we were ready to consider the counter-proposal we were influenced by the remarks of the State Attorney to the British Agent, as these remarks were reported by him, and as they were regarded as indicating the intentions of the Government of the South African Republic.

No. 43.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4.20 p.m., August 28, 1899.)

TELEGRAM.

[Answered by Nos. 44, 45, and 49.]

28th August. No. 1. Communicate following to Government of South African Republic:—

“Her Majesty’s Government have considered the proposals which the South African Republic Government in their notes to the British Agent of 19th and 21st August] have put forward as an alternative to those contained in my telegram of 31st July.§ Her Majesty’s Government assume that the adoption in principle of the franchise proposals

* No. 37.

† No. 38.

‡ In No. 36.

§ No. 17 in [C. 9518].

made by you at Bloemfontein will not be hampered by any conditions which would impair their effect, and that by proposed increase of seats for the Goldfields and by other provisions the South African Republic Government intend to grant immediate and substantial representation of 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 Inquiry into the complicated details and technical questions upon which the practical effect of the proposals depends. Her Majesty's Government, however, will be ready to agree that the British Agent, assisted by such other persons as you 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 both easier and shorter if the Government of the South African Republic will omit in any future Law the complicated conditions of registration, qualification and behaviour which accompanied previous proposals, and 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 a new Franchise Law 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 a civilized 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 my despatch of 13th July.* 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 and yourself, and for this purpose 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 to 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."

No. 44.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 5.18 p.m., August 29, 1899.)

TELEGRAM.

(Extract.)

29th August. No. 1. Greene has been instructed to see State Secretary and to deliver to him a formal note in the terms of your telegram of 28th August, No. 1,† expressing anxiety for an early reply.

* No. 8 in [C. 9507].

† No. 43.

No. 45.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1.55 p.m., August 31, 1899.)

TELEGRAM.

(Extract.)

31st August. No. 2. My telegram, No. 1, of 29th August.* Greene telegraphs that he has delivered note. He has asked for an answer by Saturday from the State Secretary, who said that he would endeavour to give it by then. I have instructed Greene by telegraph to tell State Secretary that I am pressing for an answer, and express a strong hope that it will not be delayed beyond the day named by him.

No. 46.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received, 3.30 p.m., August 31, 1899.)

TELEGRAM.

(Extract.)

31st August. No. 3. I am receiving representations from many quarters to urge Her Majesty's Government to terminate the state of suspense. Hitherto I have hesitated to address you on the subject, lest Her Majesty's Government should think me impatient. But I feel bound to let you know that I am satisfied, from inquiries made in various reliable quarters that the distress is now really serious. The most severe suffering is at Johannesburg. Business there is at a standstill; many traders have become insolvent; and others are only kept on their legs by the leniency of their creditors. Even the mines, which have been less affected hitherto, are now suffering owing to the withdrawal of workmen, both European and native. The crisis also affects the trading centres in the Colony. In spite of this, the purport of all the representations made to me is to urge prompt and decided action; not to deprecate further interference on the part of Her Majesty's Government. British South Africa is prepared for extreme measures, and is ready to suffer much in order to see the vindication of British authority. It is prolongation of the negotiations, endless and indecisive of result, that is dreaded. I fear seriously that there will be a strong reaction of feeling against the policy of Her Majesty's Government if matters drag. Please to understand that I invariably preach confidence and patience—not without effect. But if I did not inform you of the increasing difficulty in doing this, and of the unmistakable growth of uneasiness about the present situation, and of desire to see it terminated at any cost, I should be failing in my duty.

No. 47.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., September 3, 1899.)

TELEGRAM.

3rd September. No. 1. I have received from the British Agent the following telegram dated the 1st of September :—

Telegram begins : This evening I have received from the State Secretary a semi-official letter of to-day's date, in which it is stated that the delay in replying to my note of the 2nd of August, on the part of the Government of the South

* No. 44.

African Republic, was due to the negotiations between the State Attorney and myself, which resulted in the proposals made by the Government of the South African Republic on the 19th of August, but that they had long had ready for delivery the reply to my note of the 2nd of August. It is stated in the letter that the Government of the South African Republic consider it necessary to send me, with the letter, a copy of their reply bearing the date of the 12th of August*, although later communications have somewhat modified the position. It is further stated in the letter that a reply is being prepared, and will shortly be sent to me, to the Secretary of State's despatch of the 27th of July.† The letter concludes by stating that the Government of the South African Republic will, if possible, hand to me to-morrow their reply to my note of the 30th of August.

No. 48.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 3.58 p.m., September 5, 1899.)

TELEGRAM.

(Extract.)

5th September. No. 1. British Agent, in a despatch received yesterday, maintains accuracy of his two telegrams of the 14th August, which I repeated to you in my telegram of the 15th August, No. 1.‡ It is impossible to question his statement as regards former of these, as he has sent me draft of that telegram initialled by State Attorney; as regards latter, I presume each party will maintain its own version, inasmuch as it is merely a report of conversations.

I have just received full text of reply in Dutch, and will telegraph translation of it in a few hours.

No. 49.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 2 a.m., September 6, 1899.)

TELEGRAM.

[Answered by No. 52.]

5th September. No. 2. Referring to my telegram of to-day, No. 1.§ Following is translation of note dated 2nd September:—

Begins: I have the honour to acknowledge your Honour's despatch of 30th August|| with the emendation thereof of 1st September¶. This Government has observed with the deepest regret that Her Majesty's Government have not been able to decide on accepting the proposal for a five years' franchise and extension of the representation of the Witwatersrand with the conditions attached thereto, set forth in its notes of 19th August and 21st August, the more so that from semi-official discussions, which have been brought to the knowledge of Her Majesty's Government, they had thought that they might infer that their proposal would have been acceptable to Her Majesty's Government. As a consequence of that communication this Government considers that its proposal has lapsed whereby also lapses the necessity for laying it before the representatives of the people and the people.

(2.) This Government wishes to remark, with reference to observation of the Secretary of State for the Colonies that Her Majesty's Government is unable to perceive the objections entertained by Government of South

* See No. 49.
 † See No. 43.

‡ No. 9 in [C.—9518.]
 ¶ Correcting an error in decoding of telegram.

‡ No. 34.

§ No. 48.

African Republic against a joint commission of inquiry as proposed, that the objections to the invitation as given in the telegraphic despatch of 2nd August, have already been set forth in a communication dated 12th August (sent to your Honour yesterday).

(3.) As regards a unilateral (in place of a joint) inquiry as now proposed by Her Majesty's Government this Government wishes to make known its readiness wherever it may appear that the existing franchise law can be made still more effective, to lay before the Volksraad proposals for altering, or making it clearer. If they can be of assistance to Her Majesty's Government with any information or explanation they are always ready to furnish this; though it appears to it that the findings of a unilateral Commission, especially when arrived at before the working of the law, has been duly tested, would be premature and thus probably of little value.

(4.) Passing now to the discussion of the observations of Her Majesty's Government on the conditions attached by this Government to the proposal, which has now lapsed in consequence of the non-acceptance by Her Majesty's Government of these stipulations, the Government wishes to observe (a) That with reference to the question of intervention, this Government has neither asked, nor intended, that Her Majesty's Government should abandon any right which it really might have, on the ground either of the Convention of London 1884, or of international law to intervene for the protection of British subjects in this country. (b.) That as regards the assertion of suzerainty its non-existence has, as this Government venture to think, already been so clearly stated in its despatch of 16th April 1898 that it would be superfluous to repeat here the facts arguments and deductions stated therein; it simply wishes to remark here that it abides by its views expressed in that despatch.

(5.) With reference to a Court of Arbitration this Government is pleased to see that Her Majesty's Government is ready to enter on negotiations touching the scope and form of such: though it is not clear to it (a) whether Her Majesty's Government is willing that burghers of Orange Free State should be eligible for appointment as Members of such a Court. (b.) What subjects should be referred for the decision of such Court. (c.) What subjects Her Majesty's Government consider should not be submitted to such Court: Her Majesty's Government state that there are such points without specifying them. The object (? aimed) at by this Government, namely, the assurance of a final settlement of all points whether now in dispute or arising hereafter, might it considers be altogether frustrated by these limitations.

(6.) With reference to the suggestion for holding another conference, this Government will await further information from Her Majesty's Government before it can go further into the matter.

(7.) Moreover, this Government begs to remark that the proposal made by it with reference to the franchise and the representation of the Uitlanders was extremely liberal, and, in fact, as regards the representation, went farther than the High Commissioner contemplated at the Bloemfontein Conference. The stipulations attached by this Government to that proposal were most reasonable, and demand on the side of Her Majesty's Government no abandonment of existing rights, but solely the obtaining of the assurance that Her Majesty's Government would in future as regards this Republic simply abide by the Convention of London, 1884, and the generally recognized rules of international law; moreover, that on points of difference a principle should be brought into practice whose reasonableness and justice are recognized by all civilized States, and of which this Government understand that Her Majesty's Government is a strong advocate.

(8.) This Government could never have anticipated that the answer of Her Majesty's Government to their proposal would be unfavourable, and they can only continue to cherish this hope that the terms of both this and former communications will give an opening for a way through which a good understanding and a solution of existing differences may be arrived at.

(9.) Though it can in no wise abandon any of its rights, this Government would nevertheless be glad to convince and satisfy Her Majesty's Government that the franchise law now passed and these extension [?] of

the representation with 4 new seats will immediately, if taken advantage of, give a substantial representation to the Uitlander population, and that for the rest it is its intention to continue working with Her Majesty's Government on a friendly footing.

(10.) This Government, having regard to the difference that in their opinion exists between the invitation as put forward in the telegraphic despatch of 2nd August and that conveyed in the despatch of 27th July from the Secretary of State for the Colonies, and further to the fact that in the last named it is stated that the most suitable way of dealing with points involving complicated details and questions of a technical nature would be to discuss them in the first place by delegates appointed by both Governments, who should report the result of their deliberations, and submit their recommendations, to the two Governments respectively, and assuming that it is not intended thereby to interfere in the internal affairs of this Republic or to establish precedent, but simply to gain information and elucidations whether the measures already taken are effectual or not, and, if not, to show this Government where such is the case, this Government would be glad to learn from Her Majesty's Government how they propose that the Commission should be constituted, and what place and time for meeting is suggested. While this Government wishes to confine itself for the present to the above point as regards the answer to the despatch of 27th July it proposes to send on shortly the further reply as already intimated yesterday.

—(Signed) F. W. REITZ. *Ends.*

The communication dated 12th August to which the above refers had also reached me through Greene. It is a draft of despatch in reply to Greene's note of 2nd August, which has never been signed, but was held over in consequence of the subsequent *pourparlers*. It seems unnecessary to telegraph draft, which is very long, *verbatim*. Substance is:—

Firstly.—Joint inquiry would prejudice right of full independence in internal affairs repeatedly recognized by Great Britain.

Secondly.—Assuming intention of Her Majesty's Government is only to get information and assurances with reference to signification, tendency, and scope of franchise law, and plan of representation of Uitlanders, ends can be equally well obtained by asking questions and obtaining information, in which Government willing to assist.

Thirdly.—At the same time difficult to form judgment as to effectiveness of a law till it has been in operation some time. Suggested therefore inquiry if held now would be premature.

Fourthly.—Government of South African Republic assumes Her Majesty's Government acquainted with contents of franchise law recently passed.

Fifthly.—Government proposes to grant 4 new members in each Raad to Goldfields. Division of fields has been entrusted to commission of officials.

Sixthly.—It is intended new members should take their seats not later than next session.

Sevently.—Hints given by High Commissioner at Bloemfontein have been kept in view, and Government of South African Republic can assure Her Majesty's Government measures will, if Uitlanders make use of them, give actual and immediate representation.

Eighthly.—Government do not wish to be understood that there will [be] difficulty, if Her Majesty's Government should so wish, about Conference for friendly discussion of all points of difference or common interest in spirit of Bloemfontein.

Ninthly.—Government regret that according to reports in newspapers Ministers of Her Majesty the Queen have stated promises made to British subjects have not been fulfilled. Government claims to have fulfilled all promises. This, too, might be discussed at conference.

Tenthly.—Government understands with pleasure prospect of friendly negotiations for settlement differences by arbitration.

No. 50.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received September 8, 1899.)

SIR, Government House, Cape Town, August 23rd, 1899.
 In continuation of previous correspondence respecting the Franchise proposal of the South African Republic, I have the honour to transmit, for your information, a copy of further correspondence on the subject.

I have, &c.,
 A. MILNER,
 Governor and High Commissioner.

 Enclosure 1 in No. 50.

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

TELEGRAM.

16th August, 1899. No. 252.—The "Standard and Diggers' News" of to-day has, as usual, a paragraph in a conspicuous position giving prominence to a rumour, which it alleges was current here yesterday, that the Government had received a despatch of a highly satisfactory nature from the British Government, upon considering which, the Executive agreed to submit to the Volksraad a resolution recommending a five years' franchise and an Uitlander representation in the Raad of one-fifth. The paragraph further states that it gathers that the despatch contained a proposal having for its object the withdrawal of the joint inquiry, and agreeing to sundry suggestions made by the Transvaal Government. The paragraph adds that the British Government is further supposed to have agreed to the principle of arbitration and to the withdrawal of the interpretation of the Suzerainty. I am requesting the representatives of the press here to contradict the allegation that any proposals have been made to the Government of the South African Republic by Her Majesty's Government on the subjects referred to, or that any despatch whatever has been addressed to the Transvaal Government by Her Majesty's Government since the message inviting them to take part in a joint inquiry, which message has not yet been replied to. Am also informing Vice-Consul, Johannesburg.—(GREENE.)

 Enclosure 2 in No. 50.

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

SIR, Her Majesty's Agency, Pretoria, August 18, 1899.
 I HAVE the honour to transmit to Your Excellency herewith a copy of a Resolution of the Uitlander Council of Johannesburg on the subject of the proposed Joint Inquiry into the political representation of the Uitlanders, which has been sent to me by the British Vice-Consul at Johannesburg for transmission to Your Excellency.

I have, &c.,
 CONYNGHAM GREENE.

His Excellency the High Commissioner.
 Cape Town.

Copy of Resolution :

Resolved :—The Uitlander Council desires to call the attention of Her Majesty's Government to the fact that the Government of the South African Republic has not yet notified its acceptance or refusal of the proposed Joint Enquiry, and desires to point out the disastrous consequences of this delay to the whole Uitlander community ; under these circumstances the Uitlander Council begs of Her Majesty's Government to admit no further delay on the part of the South African Republic, but to take immediate steps to put an end to the present insupportable situation.

A true copy :

W. ST. JOHN CARR,
Hon. Secretary.

Enclosure 3 in No. 50.

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

SIR,

Her Majesty's Agency, Pretoria, August 19, 1899.
WITH reference to previous correspondence on the subject of the Commission appointed by the Government to divide the Witwatersrand into new electoral districts, I have the honour to transmit to your Excellency herewith a copy of a "Staats Courant" Extraordinary, which was issued on the 16th instant, containing a Government Proclamation publishing the result of the new divisional arrangement.

A translation of the Proclamation is annexed, for convenience of reference.

I have, &c.,

CONYNGHAM GREENE.

His Excellency the High Commissioner,
Cape Town.

("STAR," August 19th.)

GOLDFIELDS REPRESENTATION.

THE NEW DIVISIONS.

The following proclamation appeared in a special issue of the "Staatscourant," published yesterday :—

Whereas it has appeared desirable and fit to the Government of the South African Republic to alter and divide the electoral division of the Witwatersrand Goldfields (Johannesburg, Boksburg, and Krugersdorp) ;

Whereas the Executive Council, by Law No. 12, 1887, is empowered to declare one or more proclaimed diggings a separate electoral division ;

Whereas, according to Executive Council besluit, Article 691, dated July 27, 1899, the following persons, viz.: Messrs. B. J. Kleynhans (Minister of Mines of the South African Republic), A. Dieperink, M.F.V., B. J. Viljoen, M.S.V., R. G. Ockerse (Acting-Mining Commissioner of Johannesburg), J. A. Burger (Mining Commissioner of Krugersdorp), J. H. Kock (Mining Commissioner of Boksburg), S. P. Lombard (Fieldcornet of Johannesburg), A. J. Dercksen (Fieldcornet of Boksburg), P. R. Fourie (Fieldcornet of Krugersdorp), and J. H. de Villiers (Assistant Fieldcornet of Roodepoort), were deputed as a Commission to formulate a proposition to the Executive Council in this matter ;

And whereas the said Commission has sent in a report to the Government in connection therewith, which has been approved by the Executive Council ;

Therefore I, S. J. P. Kruger, State President of the South African Republic, with the advice and consent of the Executive Council, as appears from Executive Council besluit, Article 750, dated August 10, 1899, hereby proclaim and determine that the electoral division of the Witwatersrand Goldfields (Johannesburg, Krugersdorp, and Boksburg) shall, from and after the date of this Proclamation, be divided into five separate electoral divisions, which shall consist of :—

1.—*Boksburg Electoral Division.*

This electoral division shall consist of the farms proclaimed as public diggings under the jurisdiction of the Mining Commissioner and the judicial and other officials of Boksburg.

2.—*Jeppestown Electoral Division.*

The boundaries of which shall be as follows :—From the north-western corner beacon of the farm Klipfontein, No. 342, eastward with the northern line of that farm to the north-western corner beacon of the farm Rietfontein, No. 17 ; thence southward with the western line of that farm to the north-western corner beacon of the farm Elandsfontein, No. 1, with the western boundary of this farm southwards to the south-western corner beacon thereof ; thence eastwards with the northern line of the farm Elandsfontein, No. 235, to the north-eastern corner beacon of the same ; thence southwards to the south-eastern proclaimed boundary line of the last-named farm ; thence with the southern proclaimed line of the grounds to be proclaimed of the farm Klipriviersberg, No. 222 ; thence westwards with the line of Klipriviersberg to the farm Turffontein, No. 219 ; thence west to the eastern line of the last-named farm, the eastern line of the farm Turffontein, No. 198, and the western line of the farm Doornfontein, No. 323, and the western line of the farm Klipfontein, No. 342, to the first-named starting point.

3. *Johannesburg Electoral Division.*

From the north-eastern corner beacon of the farm Braamfontein, No. 142, in a westerly direction to where the main road to Pretoria crosses that line ; thence in a southerly direction along the said main road to the north-western corner of the Johannesburg Cemetery, and southwards in a straight line to the Netherlands railway ; thence with that railway eastwards to the spruit which forms the dividing line between Johannesburg and Fordsburg ; thence with that spruit in a southerly direction to the south-eastern corner beacon of the stand township of Fordsburg ; thence with the southern line of that township to the western line of the farm Turffontein, No. 198 ; thence in a southerly direction to the southern corner beacon of the farms Langlaagte, No. 258 and Turffontein, No. 198 ; thence in an easterly direction with the southern line of the farm Turffontein, No. 198, to the north-western corner beacon of the farm Booyens, No. 355, thence southwards along the lines of the farm Booyens, No. 355, and Turffontein, No. 219, to the south-western corner beacon of the last-named farm ; thence in an easterly direction with the southern line of the last-named farm to its south-eastern corner beacon. and thence northwards with the eastern line of this farm to the south-western beacon of the portion to be proclaimed of the farm Klipriviersberg, No. 222 ; and thence with the line described as the western line of the electoral division of Jeppestown to the starting point.

4.—*Fordsburg Electoral Division.*

From the point where the proclaimed main road to Pretoria crosses the northern line of the farm Braamfontein, No. 142, in a westerly direction to the north-western corner beacon of this farm ; thence with that line southwards to the north-eastern corner beacon of the farm Waterval, No. 79 ; thence with the northern line of the farm Waterval, No. 79, westward, to the north-western corner beacon of this farm ; thence with the line of that farm southward to the south-western corner beacon ; thence with the southern line of that farm to the south-eastern corner beacon of the same ; thence southwards with the western line of the farm Langlaagte, No. 258, and the western line of the farm Mooifontein, No. 14, to the northern boundary of the farm Diepkloof, No. 61 ; thence with the northern line of this farm westwards to the spruit ; thence with the spruit southwards to the north-western corner beacon of the last-named farm, with the line of this farm further to the south-western corner beacon thereof ; thence with the line of the farm Goudkoppies, No. 64, including the farm to where that line touches the line of the farm Diepkloof, No. 61 ; thence in an easterly direction with the southern lines of the farms Diepkloof, No. 61, Vierfontein, No. 130, and Ormonde, No. 8, to the south-western corner beacon of the farm Turffontein, No. 219 ; and thence with the line described as the western line of the electoral division of Johannesburg to the starting point.

5.—*Krugersdorp Electoral Division.*

This electoral division shall consist of the farms proclaimed as public diggings under the jurisdiction of the Mining Commissioner, and the judicial and other officials of Krugersdorp.

I further proclaim and determine that for every electoral division the officials concerned shall be appointed, in so far as no provision is yet made therein, to go over, make up, and register the lists of the names of the burghers and inhabitants in those new electoral divisions, and to do everything further that may be required as prescribed in the laws of this Republic.

Given under my hand, at the Government Office, Pretoria, this 16th day of August, 1899.

(Signed) S. J. P. KRUGER,
State President.
(") F. W. REITZ,
State Secretary.

Enclosure 4 in No. 50.

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

SIR,

Her Majesty's Agency, Pretoria, August 19, 1899.

WITH reference to my telegram No. 248A of the 14th instant, I have the honour to transmit to Your Excellency herewith an official translation of a Note which I have to-day received from the State Secretary making an alternative proposal on behalf of the Government of the South African Republic to Her Majesty's Government with reference to the invitation of the latter to the Government of the Republic to take part in a joint inquiry into the political representation of the Uitlanders.

I have, &c.,

CONYNGHAM GREENE.

His Excellency the High Commissioner,
Cape Town.

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

SIR,

Ministry for Foreign Affairs, Pretoria, August 19, 1899.

WITH reference to your proposal for a joint inquiry 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 1, 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 thirty-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 trust 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, &c.,

F. W. REITZ,
State Secretary.

Conyngnam Greene, Esq., C.B.,
British Agent, Pretoria.

Enclosure 5 in No. 50.

FROM HER MAJESTY'S AGENT, Pretoria, to THE HIGH COMMISSIONER, Cape Town.

TELEGRAM.

August 21st. No. 268. State Attorney sent me this morning following private letter :—" President South African Republic, in speaking to me yesterday about our despatch to you of Saturday, said that he thought one or two points might have been stated more clearly. It is, therefore, not impossible that you will be requested to-day to cable over a few explanations, that is to say, if the Government South African Republic really deems them necessary."

I have just received from the State Secretary a further note dated to-day, accompanied by an official translation, which I am telegraphing to you in extenso, so that you can cable it to the Secretary of State to-morrow with Saturday's note.—(GREENE.)

Enclosure 6 in No. 50.

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

TELEGRAM.

No. 269, August 21.—State Secretary has to-day sent me a note with official translation as follows—

Begins :—" 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, as forming part of 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.) With reference 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.

I have, &c.,

F. W. REITZ,
State Secretary."—Ends.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received September 8, 1899.)

(Extract.)

Government House, Cape Town, August 23, 1899.

THE reply of the Government of the South African Republic to the suggestion of Her Majesty's Government for a joint enquiry into the proposed measures for giving political representation to the Uitlanders was telegraphed to you *in extenso* yesterday,* and a copy of the note containing it is forwarded in my despatch of to-day.† I take this opportunity of making some remarks, not so much with the view of discussing this note, as of clearing up the essential features of the situation, which have been somewhat obscured by the details of the numerous schemes successively adopted by the Government of the South African Republic.

The Government of the Republic now offer to grant the franchise to persons possessing a certain property qualification who have resided five years in the country, and to add eight seats to both the First and Second Volksraads, raising each of them from 28 members to 36, these new seats being all assigned to the Rand District. It is certain that this offer will be represented as a liberal fulfilment of the demands put forward by me to Bloemfontein, and a strong effort will be made to induce Her Majesty's Government to accept it as closing the controversy between them and the Government of the South African Republic.

How far is such a view justified?

The position taken up by me at the Conference, and the state in which the differences between the Governments were left by the breakdown of the Conference, have been very generally misunderstood. A particular proposal put forward by me—not even a definite and detailed proposal, but a mere outline, a basis for discussion—with regard to a single question, has been treated as if it were by itself not only a panacea for the grievances of the Uitlanders, but a settlement of all the questions at issue between Great Britain and the South African Republic.

I refer to the proposal that Uitlanders possessed of a certain amount of property or income, and having resided five years in the country, should be allowed “to become citizens” on taking the oath of allegiance, and that, at the same time, in order to give these new citizens an immediate voice in the State, there should be a certain number (the number was never specified) of new constituencies created for the districts in which they principally reside, so as not to leave their representatives “in a contemptible minority.”

This question—the admission of Uitlanders to full citizenship, which, according to the Constitution of the South African Republic, carries with it a vote for both Volksraads and for the President and Commandant-General—was put by me in the forefront of the discussion. I never said—indeed, I carefully guarded myself against the assumption—that an agreement with regard to this matter would put an end to all differences. What I did say was that it would greatly reduce the number of questions at issue between the two Governments, while it would, by establishing better relations between them, make it much easier to arrive at a satisfactory understanding on questions not connected with the grievances of the Uitlanders.

My idea was that, with the admission of the Uitlanders to citizenship, they might be left to fight their own battles. Matters of constitutional reform within the South African Republic need no longer be a concern of Her Majesty's Government. On the other hand, there are subjects of dispute between the two Governments, such as the position of British Indians, or of Cape Boys, the violation of the Zululand boundary (Sambaan's country), the rights of Swaziland concessionaires, the protests of foreign landholders against the War Tax, &c., which plainly were not connected with, and could not be laid to rest by, the satisfaction of the political aspirations of the Uitlanders. For Uitlander grievances, great or small, the admission of Uitlanders to an influential position within the State was the true remedy. As regards other differences, all that could be said was that once that Uitlander grievances—the gravest of all causes of friction—were in a fair way to removal, other differences could be discussed in a calmer atmosphere and with a better chance of agreement.

* No. 36.

† No. 50.

At Bloemfontein, however, we never got to these matters. We never even got beyond the first stage in the discussion of the proposal to give citizen rights to the Uitlanders, which, as a means of enabling them to right their own wrongs, appeared to me to deserve the foremost place in the discussion. My views as to what would be adequate in that respect differed so widely from President Kruger's that, after four days' of argument, it seemed hopeless to find any common ground, and the Conference came to an end with no result but that of showing how inflexibly opposed President Kruger was to the idea of giving the Uitlanders any substantial share of political power.

The consequence of this breakdown has been that the mere outline of a plan, with which I started the discussion, and which was never worked out in any detail, has come to be regarded as a complete and final scheme for the reform of the Government of the South African Republic. I thought I had sufficiently guarded against such a misconception by the very explicit statements which I made at the close of the Conference. The Conference did not fail because President Kruger rejected a cut and dried scheme of mine, covering the whole ground, but because, on the first point brought forward, the discussion of a tentative proposal of mine revealed so complete a divergence in the views of the two parties as to the necessities of the situation, that it seemed useless to continue.

No doubt the point in question was a very important one. It was, if I may so describe it, a test point. I deliberately put it in the forefront because I thought the treatment of it would show better than anything else, whether the President's coming to the Conference really indicated a change in the attitude and temper of the South African Republic—a disposition to depart from its hostility to the Uitlanders and suspicion of Her Majesty's Government—or was merely a move in the diplomatic game, intended to stave off for a while the growing urgency of our representations at Pretoria. In order to give the experiment a fair chance, I myself adopted an extremely conciliatory attitude, as I felt that no other course was suitable for an occasion when the attempt was being made to substitute friendly conference and co-operation for our long-drawn-out diplomatic conflict.

I think it is obvious that the suggestion made by me at Bloemfontein, with the object and under the conditions just described, with reference to the admission of Uitlanders to citizenship, ought to be judged in the spirit, not in the letter. It is the general scope of it, not a particular detail, which is of importance. Indeed I purposely went very little into detail—hence the inordinate importance which has been attached to the only detail I did put forward with any definiteness—I mean the five years term. Now I do not for a moment wish to imply any misgivings about the five years term. On the contrary, the more I learn of the facts, the more I am disposed to think that it really is a reasonable term, fair to both parties. All that I wish to emphasise is that what I was fighting for was not "five years' franchise retrospective," but a principle, and one which I do not think any fair person reading the proceedings of the Conference as a whole can fail to realise. That principle was simply this: the substitution of the power of self-protection on the part of the Uitlanders, through their becoming members of the State, for the imperfect protection they at present enjoy from the Convention or from whatever diplomatic action Her Majesty's Government may take, outside the Convention, for such of them as are British subjects. My idea was to enable the Uitlanders, or a large number of them, to become, if they chose, citizens of the State, *exactly on the same footing as the old citizens*, undertaking the same responsibilities, but endowed with the same privileges. No half citizenship was, from my point of view, and having regard to my main object, admissible, even for a time, much less permanently. "For those British subjects," I said, "who want to make that country their home, I say it is the best thing to go in heartily as burghers of the Republic; but then, if they are to resign their British citizenship, let them be really equal citizens of their new State." In one respect alone was I disposed to depart from this principle of the absolute equality of new and old citizens, namely with regard to their relative voting power. Though the Uitlanders are scattered more or less throughout the Republic, and will be more and more widely diffused as time advances, and its mineral resources are developed, the vast majority of them are at present congregated in a single district. To leave that district which, on the adoption of any reasonable terms of admission to citizenship, would include—according to my estimate—at least 15,000 new citizens—with only two members, when the average throughout the Republic is about one member to every 1,000 burghers, would be to place the new element at altogether too great a disadvantage. Moreover, under ordinary circumstances, it would be at least two years before either of the seats in question became vacant. It was a necessary corollary of a large admission of new

citizens in a limited area that that area should have some increase of representation, and it was equally necessary having regard to the intense strain resulting from the prolonged disregard by the Government and Volksraad of Uitlander grievances, that the voices of Uitlander representatives should be heard at an early date in the ruling Council of the Nation. But, on the other hand, I felt and feel that, in view of the populousness of the district mainly inhabited by Uitlanders contrasted with the scanty white population of most of the Boer districts, the demand for an *exactly equal proportion* of members in the two classes of constituencies would not be justified, at any rate at first, as the old population could not be expected to face with equanimity the prospect of being at once outnumbered. It was an idle fear, in my opinion, in any case, but inasmuch as it was not an unnatural one, I was prepared for any reasonable concession to guard against it. This might have been done, as it seemed to me, and may still be done, by agreeing that there should be, for the present, a fixed number of seats—not so few as to leave the Uitlanders without substantial influence, and not so many as to “swamp” the old burghers, and by establishing for the future a system of periodic redistribution according to numbers—which should, however, fix a somewhat larger number of voters for each member in the industrial than in the rural constituencies. It must not be overlooked that the Uitlanders are not a homogeneous body. Excluding those foreigners and British who would not in any case desire to become citizens, either because their stay is temporary or because they attach too great a value to their present citizenship to abandon it for any reason whatever, the new population is composed of the most various elements—of Orange Free State and Colonial Dutchmen, who are more or less akin to the present oligarchy, as well as of Colonial-born British and immigrants from Great Britain who are, no doubt, in the main out of sympathy with the existing régime. The admission of so various a body of newcomers would not, I think, result in the long run in a sharp division between the new and the old citizens, but would facilitate the gradual fusion which is desirable, always provided that the new-comers were strong enough to exercise some immediate influence in the direction of more liberal laws and a purer administration, in which the vast majority of them, however they may differ in other respects, have a common interest.

Such being the spirit and aim of my proposals, I think it is plain that any measures of reform which are now put forward as a compliance with them should be judged not by their conformity with one or more details—however important—of the outline of a scheme suggested by me at Bloemfontein, but by their general adequacy to carry out the object which I had in view. I am glad to observe from the report of the debates in both Houses of Parliament, that Her Majesty's Government appear also to regard the matter in that light. Unfortunately, the various measures, which have been successively proposed by the Government of the South African Republic, and the whole manner in which the question has been dealt with by them, is calculated to inspire but little confidence in their desire to deal with the question of the admission of Uitlanders to citizenship in the willing and generous spirit which is so important to its success. The effect of the successive changes introduced into their original plan has certainly been to make its conspicuous features—five years' residence as qualifying for franchise and eight new seats for the Rand District—as liberal as anything that I was prepared to suggest. But, on the other hand, the successive proposals have all been encumbered by a number of provisions, against which the Uitlanders have vehemently, and, as it seems to me, with reason, protested, as calculated to make attainment of citizenship in many cases impossible and to deprive the new citizens of that equality which it was our fundamental object to secure. Moreover the changes made have been so numerous and so rapid that it has been absolutely impossible at any given moment to know what the effect of the scheme, as existing at that moment, was likely to be. There has been no time and no opportunity for examination. And at the present juncture, when fresh and most important changes have just been suggested by the Government of the South African Republic, I for one, am totally in the dark, and Her Majesty's Government must be equally in the dark, as to the exact nature of what we are asked to accept, and to accept on condition of our expressly renouncing the right to interfere in the internal affairs of the Republic—including, of course, the question of the political rights of the Uitlanders—for the future.

In view of the immense importance of many of the details of franchise and redistribution as bearing on the question, whether the Uitlanders will or will not obtain an immediate position of influence in the State, and such further influence in the future as

the growth of their numbers may justify, I feel that it is absolutely essential that the latest proposal should be carefully examined. Without such examination it is equally impossible to say whether it carries out the spirit of the reforms which I advocated at Bloemfontein, or whether Her Majesty's Government can recommend it to the Uitlanders as a "reasonable concession to their just demands." Such examination is all the more necessary because of the extreme obscurity and complexity of the existing laws of the South African Republic bearing on this subject. The new measures must be looked at, not only by themselves, but in conjunction with the whole body of legislation affecting the case. Nor can the Government of the South African Republic, if sincerely desirous of meeting the views of Her Majesty's Government, object to such examination.

I cannot, within the limits of the present despatch, indicate in detail the several points which must be safeguarded if we are to be in a position to accept the latest measures as giving the Uitlanders possessing the requisite qualifications a *bonâ fide* and complete citizenship. Nothing is further from my mind than any desire to criticise the proposals of the Government of the South African Republic in a captious spirit, or to make difficulties about matters of minor importance. The questions of a vital character have been carefully noted and will be raised, if the Government of the South African Republic give us a reasonable opportunity of looking before we leap. If these can be fairly dealt with, but not otherwise, Her Majesty's Government will be in a position to regard this part of the controversy between themselves and the South African Republic as arranged in a manner consistent with the promises made to the Uitlanders, and a hopeful basis for the settlement of all differences will have been arrived at.

With regard to other questions—not directly connected with the grievances of the Uitlanders—my strong conviction is that all of them, to which any real importance attaches, should be disposed of now, so as to leave us with a clear slate. Nothing could be more deplorable than that, after the terrible strain of the last few months, a number of unsettled issues should remain between us and the Government of the South African Republic, and the diplomatic relations between us be liable to slip back into their old unsatisfactory condition. Assuming that an arrangement is come to with regard to arbitration, some of these questions—like the War Tax and the differences as to the interpretation of the Swaziland Convention—might be left to be decided in that way. But there are others, which are not capable of being submitted to arbitration, and these, so far as they are important, should be dealt with now, or else be now, as part of a general settlement, definitely abandoned. Of the matters which we cannot refer to arbitration and cannot, in my view, without discredit or risk of a speedy revival of difficulties, abandon, I would specially refer to: (1) The position of British Indians; (2) the position of other coloured British subjects; and (3) our claim that all British subjects should be entitled to treatment at least equally favourable with that of the subjects of any other nation. The latter claim has been put forward by us on many occasions, as, for instance, with regard to commandeering, but it has never been formally admitted by the South African Republic, and unless it is so admitted now, I feel certain that we shall have grave difficulties in the future. We must not lose sight of the fact that, even in case of a satisfactory settlement of the question of citizenship, resulting in many of our subjects becoming citizens of the Republic, the number of those remaining British subjects will still be large. We have no most favoured nation treaty with the South African Republic, nor does any clause of the Convention give our subjects expressly all the rights which are possessed by subjects of some other Powers under treaties. Yet it is absolutely inconsistent with the special relationship which we have always asserted to exist between Great Britain and the South African Republic that a British subject should be, in any respect, at a disadvantage in the Transvaal compared with the subject of any other Power. The Government of the South African Republic deny that special relationship, therefore, in the absence of a treaty or of a distinct understanding equally binding, it will remain possible for such an anomaly to occur.

The settlement of other questions of difference, concurrently with that of the political rights of the Uitlanders, is of great importance in its bearing on the probable success of the measures for admitting Uitlanders to citizenship. As long as grave differences exist, which are calculated to embroil Her Majesty's Government with the South African Republic, British Uitlanders will hesitate to become citizens of the latter State, for fear of finding themselves shortly in the painful position of having to take up arms against their old country.

It is, to my mind, one of the most objectionable features of the reply of the South African Republic to the latest proposal of Her Majesty's Government that it absolutely

makes no reference to the existence of any questions other than those of citizenship and arbitration. The Government of the South African Republic can certainly not claim that this position is in harmony with the line taken up by me during the Conference at Bloemfontein, even if no regard were paid to the words used by me at the close of it; "There are subjects with regard to which Her Majesty's Government clearly cannot arbitrate"—"this Conference is absolutely at an end, and there is no obligation on either side arising out of it." The fact of our arriving at an agreement, if we should arrive at one, with regard to the one question discussed at Bloemfontein, cannot possibly be held to preclude the discussion of other questions, to the existence of which I repeatedly referred, or to justify a demand for the submission of all of them to arbitration.

Moreover, Her Majesty's Government, in its latest proposal, clearly indicated that, assuming the matter of political representation to be out of the way, other questions, including arbitration, would remain to be considered. It may appear to the Government of the South African Republic to be in their interest, though I do not believe it is, to rush through another hastily framed Franchise Scheme, and claim, on account of its superficial conformity with my Bloemfontein suggestions, that it should be regarded as completely and finally disposing of all the demands of Her Majesty's Government, exclusive of such as may be referred to arbitration. But I do not think that, if the matter is seriously considered, this claim will be regarded as tenable.

No. 52.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.15 a.m., September 9, 1899.)

TELEGRAM.

8th September. No. 5. Communicate following to the Government of the South African Republic in reply to their note of 2nd September transmitted in your telegram of 5th September, No. 2* :—

Her Majesty's Government understand the note of the South African Republic Government of the 2nd September† to mean that their proposals made in their note of the 19th August‡ are now withdrawn because the reply of Her Majesty's Government contained in their note of the 30th 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 South African Republic in their note of the 16th April, 1898,|| and also in their note of the 9th May, 1899¶ in which they claim the status of a Sovereign International State, and they are therefore unable to consider any proposal which is made conditional on the acceptance by Her Majesty's Government of these views.

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 has been presented.

Her Majesty's Government cannot now consent to go back to the proposals for which those in the note of 19th August are intended as a substitute, especially as they are satisfied that the law 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 recognized that their previous offer might be with advantage enlarged, and that the independence of the South African Republic would be thereby in no way impaired.

* No. 49.
† In No. 4 in [C.—9507].

† See No. 49.

‡ See No. 36.
§ See No. 43.

¶ In No. 7 in [C.—9507].

Her Majesty's Government are still prepared to accept the offer made in paragraphs 1, 2, and 3 of the note of the 19th August taken by themselves, provided that the inquiry 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 Uitlanders. In this connection Her Majesty's Government assume that, as stated to the British Agent, the new members of the Raad 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 would themselves be able to bring to the notice of the Executive and the Raad.

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 the note of the 30th August,* which are neither Uitlander grievances nor questions of interpretation, but which might be readily settled by friendly communications between the representatives of the two Governments.

If, however, as they most anxiously hope will not be the case, the reply of the South African Republic Government is negative or inconclusive, 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.

* See No. 43.

SOUTH AFRICAN REPUBLIC.

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35	To High Commissioner Sir Alfred Milner.	Telegram.	October 3.	Requests that Sir Gordon Sprig be informed that Her Majesty's Government have received the assurance of support in No. 22 with much satisfaction.	45
36	Ditto	Telegram	October 3	Replies to the Petition enclosed in No. 21.	45
37	High Commissioner Sir Alfred Milner.	Telegram	October 3 (Rec. Oct. 4.)	Reports on the situation in the Orange Free State and the South African Republic; the latter has seized bar gold valued at over half a million.	45
38	Ditto	Telegram	October 4 (Rec. Oct. 4.)	Reports receipt of a further telegram from the President of the Orange Free State, and suggests terms of a reply.	46
39	To High Commissioner Sir Alfred Milner.	Telegram	October 4	Approves terms of proposed reply to President Steyn.	46
40	High Commissioner Sir Alfred Milner.	Telegram	October 5 (Rec. Oct. 5.)	Reports further telegraphic correspondence with President Steyn, and suggests answer.	47
41	To High Commissioner Sir Alfred Milner.	Telegram	October 6	Authorises him to give the answer to President Steyn proposed in No. 40 with the addition indicated.	48
42	Ditto	Telegram	October 7	Enquires under what authority the Government of the Republic have seized the gold referred to in No. 37.	48
43	High Commissioner Sir Alfred Milner.	Telegram	October 7 (Received October 7.)	Repeats telegram from Her Majesty's Agent at Pretoria reporting that the State Secretary informed him that property of individuals of whatever nationality could be and was being commandeered to the value of £15 a head.	48
44	Ditto	Telegram	October 7 (Rec. Oct. 8.)	Repeats further telegraphic correspondence with President Steyn.	49
45	Ditto	Telegram	October 8 (Rec. Oct. 8.)	Repeats telegram from Her Majesty's Agent, giving terms of notices which have appeared in the press as to the steps to be taken by British subjects who wish to remain in the country.	50

Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1899.		
			—		
46	High Commissioner Sir Alfred Milner.	Telegram	October 8, (Received October 8.)	Reports result of enquiry made by British Agent at Pretoria respecting the seizure of gold; reports the circumstances of the flight of British subjects from the Orange Free State, and the action of the Government in commandeering other British subjects; suggests a strong remonstrance.	50
47	Ditto ...	Telegram	October 8, (Received October 8.)	Forwards telegram from Her Majesty's Agent giving particulars of the ill-treatment of J. C. Careless, a British subject.	51
48	To High Commissioner Sir Alfred Milner.	Telegram	October 9	Approves his communication to President Steyn reported in No. 44.	51
49	High Commissioner Sir Alfred Milner.	—	September 18 (Rec. Oct. 9.)	Forwards correspondence relative to the position of aliens in the Orange Free State in the event of hostilities.	51
50	Ditto ...	—	September 19 (Rec. Oct. 9.)	Forwards copy of despatch from the British Agent at Pretoria, enclosing two measures which it is proposed to bring before the Volksraad dealing with possible confiscation of mines and property in the South African Republic.	53
51	Ditto ...	—	September 20 (Rec. Oct. 9.)	Encloses further communications from Her Majesty's Agent on the situation, and submits observations on the charge of breach of faith insinuated against the British Agent in connection with his semi-official communications with the State Attorney.	56
52	Ditto ...	Telegram	October 9 (Rec. Oct. 10.)	Gives substance of another telegram from President Steyn.	64
53	Ditto ...	Telegram.	October 9 (Received October 10.)	Gives full text of a Note from the Republic Government demanding the acquiescence by 5 p.m. on October 11 of Her Majesty's Government in certain demands, failing which the action of Her Majesty's Government will be regarded as a formal declaration of war.	65
54	To High Commissioner Sir Alfred Milner.	Telegram.	October 10	Conveys terms of a protest to be addressed to President Steyn against the commandeering of British subjects in the Orange Free State.	67
55	To Governor Sir W. F. Hely-Hutchinson (Natal).	Telegram	October 10	Replies to Dinuzulu's message in No. 33.	68
56	To High Commissioner Sir Alfred Milner.	Telegram	October 10	Instructs him that British Agent at Pretoria, when communicating the reply to the demands of the Government of the Republic, should ask for his passports.	68

Serial No.	From or to whom.	—	Date.	Subject.	Page.
			1899.		
57	To High Commissioner Sir Alfred Milner.	Telegram.	October 10	Conveys the reply of Her Majesty's Government to No. 53.	68
58	Ditto	Telegram	October 11	Informs him that the Government of the United States of America have been asked to allow their Consul to take charge of the British Agency.	68
59	Ditto	Telegram	October 11.	Instructs him, in view of the matter reported in No. 47, at once to warn President Kruger in terms of No. 23.	69
60	High Commissioner Sir Alfred Milner.	Telegram	October 11 (Received October 12.)	Reports that the reply of Her Majesty's Government to the demands of the Government of the Republic has been conveyed to that Government by the British Agent, who will leave Pretoria on the 12th October.	69
61	Ditto	Telegram	October 11 (Received October 12.)	Reports further correspondence with the President of the Orange Free State, who notifies that that State will abide by its engagements with the South African Republic.	69
62	To High Commissioner Sir Alfred Milner.	Telegram	October 12	Presumes that there is no foundation for the statement of the President of the Orange Free State that active hostilities had been commenced by the British before the receipt of the ultimatum of the South African Republic.	70
63	High Commissioner Sir Alfred Milner.	Telegram	October 12 (Received October 13.)	Reports that the statement has not the slightest foundation.	70

SOUTH AFRICAN REPUBLIC.

FURTHER CORRESPONDENCE

RELATING TO THE

POLITICAL AFFAIRS OF THE SOUTH AFRICAN
REPUBLIC.

No. 1.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 10.45 p.m., September 8, 1899.)

TELEGRAM.

(Extract.)

8th September. No. 2. Greene telegraphs as follows :—

Begins : 8th September. I have received a visit from the State Secretary who has informed me that, in accordance with a suggestion made by the President of the Orange Free State and friends in Cape Colony, the Government of the South African Republic desire to add the following sentence to the tenth paragraph of their note of 2nd September* : " This Government being quite willing to enter such Conference."

No. 2.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., September 9, 1899.)

TELEGRAM.

8th September. No. 3. Referring to my telegram of yesterday, No. 7, † British Agent telegraphs :—

Debate continued in Raad this morning; Resolution unanimously carried to the following effect:

Raad regrets armed troops are stationed on borders and declares its opinion that should possible eventuality war the Transvaal would not be responsible for the cause of that war. It resolved to await result of further negotiations between two Governments, and to declare emphatically its determination to maintain the independence and rights of the people of the South African Republic.

* See No. 49 in [C. 9521.]

† No. 29 in [C. 9521.]

No. 3.

HIGH COMMISSIONER SIR ALFRED MILNER TO MR. CHAMBERLAIN.

(Received 5.45 p.m., September 12, 1899.)

TELEGRAM.

Urgent. 12th September. No. 3. British Agent at Pretoria telegraphs that note embodying contents of your telegram of 8th September No. 5* has been delivered to Government of South African Republic.

No. 4.

HIGH COMMISSIONER SIR ALFRED MILNER TO MR. CHAMBERLAIN.

(Received 4.50 p.m., September 13, 1899.)

TELEGRAM.

[Answered by No. 4A.]

(Extract.)

13th September. No. 2. British Agent expressed a desire in delivering note yesterday, that an answer should be given by midday on Thursday next. Formal note of this request was taken by the State Secretary. I have instructed him to inform the Government of the South African Republic to the following effect: "that while Her Majesty's Government are most anxious for an early reply, as appears from their note, they did not instruct you to fix a definite limit of time; that the request for a reply by Thursday next was your own suggestion; and that having been informed of it by you, I desire the Government of the South African Republic to be made aware, that if they consider the time which you named insufficient, I should not interpret the request for an immediate reply made by Her Majesty's Government as necessitating a reply within the precise limit which you fixed."

No. 4A.

MR. CHAMBERLAIN TO HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent, 1.45 p.m., September 15, 1899.)

TELEGRAM.

15th September. No. 1. Referring to your telegram of 13th September No. 2† your action is approved.

No. 5.

HIGH COMMISSIONER SIR ALFRED MILNER TO MR. CHAMBERLAIN.

(Received September 15, 1899.)

SIR,

Government House, Cape Town, August 30, 1899.

I HAVE the honour to transmit to you copies of the despatches and telegrams noted in the margin from Her Majesty's Agent at Pretoria with reference to alleged attempts to commandeer British subjects in the South African Republic.

Tel. 271. 23/8/99. in the margin from Her Majesty's Agent at Pretoria with reference to
Tel. 273. 24/8/99. alleged attempts to commandeer British subjects in the South African
Tel. 278. 26/8/99. Republic.

Despatch. 25/8/99. I desire to call your attention to the unsatisfactory position in
Despatch. 26/8/99. which this question of commandeering now stands. As reported in my
despatches of 15th instant and of 29th instant,‡ the Volksraad have passed a number of
clauses of a new Grondwet, which is likely to come into force immediately. Of these
clauses, Article 74 declares that "In case of war, rebellion, or other causes of grave
danger, the State President may, in consultation with the Commandant-General, and with
the consent of the Executive Council, have Martial Law proclaimed, and every inhabitant,
without distinction, is then compelled to lend aid in defence of the State." Article 109
provides that "The Law can also compel inhabitants who are not burghers, and coloured
people, to co-operate for the maintenance of the independence of the Republic, for the
defence of its territory, and for the suppression of rebellions and disturbances." By
Article 20, "Where in the Grondwet the regulation of a matter is left to the Law, then
therein will also be considered a Raad Besluit"; from which it appears that a Resolution
of the Volksraad can at any moment give effect to Article 109.

* Nos. 52 in [C. 9521].

† No. 4.

‡ Not printed.

The provisions of Articles 74 and 109 are practically identical with those of the existing Grondwet (Law No. 2 of 1896, Articles 117, 119, 125). No mention is made in them of exemption of foreigners by Treaty right, nor is there any allusion to such exemption in the Circular of the Commandant-General, which appears to have been published in consequence of Mr. Greene's representations on the cases mentioned in the enclosures to the present despatch.

The position assumed by Her Majesty's Government is, that they will not be content with any treatment of Her Majesty's subjects in this respect which is less favourable than that given to the most favoured nation. Although the Volksraad have hitherto refused to ratify a formal agreement between the South African Republic and Great Britain the Government of the South African Republic have so far accepted the situation that they have recently refrained from commandeering British subjects.* But the concluding words of the Commandant-General's notice suggest that at any moment the notice may be withdrawn, and the provisions of the Grondwet put into force against British subjects generally.

Although, therefore, no immediate action seems to be required, I consider that the question is one which should be borne in mind, and in any general settlement with the Government of the South African Republic should be put on a permanent and satisfactory footing.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 5.

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

TELEGRAM.

August 23rd. No. 271.—I am receiving sworn complaints from British subjects resident in district of Krugersdorp that Field-Cornet has given them notice that they must be prepared for military service, and supply horses, arms, and accoutrements. In one instance a British subject was told that in default he must close his store, which he has in consequence done, and is now without occupation. I am also receiving sworn complaints that British subjects are being refused leave to send their horses and stock out of the country. I have represented above complaints to Government South African Republic. Have you any instructions?—(GREENE.)

Enclosure 2 in No. 5.

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

TELEGRAM.

August 24th. No. 273.—My telegram 271 of yesterday. Government South African Republic inform me enquiries are being made of local officials but that no orders for commandeering have been given by the Government.—(GREENE.)

Enclosure 3 in No. 5.

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

TELEGRAM.

August 26th. No. 278.—My telegrams 271 and 273. The Government have come communicated to me officially a circular issued by the Commandant-General to the local officials in consequence of my representations on behalf of British subjects, warning the former against commandeering British subjects either for personal service or for horses, arms, &c., and further against prohibiting British subjects from exporting horses, &c., or selling the same for exportation. Circular states, "that it must be clearly understood that not a single foreigner who does not volunteer his services may be called up or commandeered in the event of war." The circular concludes by warning officials not to act in conflict with the terms of the notice unless on further special instructions from the Government. I am somewhat at a loss to understand this last clause which appears to give the circular little better than a provisional character notwithstanding the emphatic language of the body of the document.—(GREENE.)

* See Nos. 26 and 27 in [C. 9345.]

Enclosure 4 in No. 5.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria,
August 25, 1899.

SIR,

WITH reference to my telegram No. 271, of the 23rd instant, on the subject of alleged commandeering of British subjects by the Field Cornet of Krugersdorp, I have the honour to transmit to Your Excellency herewith a copy of a despatch which I have received from the British Vice-Consul at Johannesburg, together with a copy of an affidavit sworn before him by a British subject named Hotz, complaining that they had been ordered to hold themselves in readiness for military service.

I have also the honour to enclose an affidavit sworn before Mr. Vice-Consul Evans by Rosa Selina Lewis-Williams complaining that she had been refused leave by the same Field Cornet to send her cart horses and cows away to the Colony.

On the receipt of these complaints I at once wrote to the Government and asked that immediate enquiries might be made into the facts of each case.

I have now the honour to transmit to Your Excellency herewith translations of two Notes which I have received from the Under Secretary of State for Foreign Affairs in reply dealing with these representations, and assuring me that no commandeering orders had been issued by the Government, but that inquiries would at once be made into this and Mrs. Williams' complaint.

As regards the latter, I am informed that this is not a solitary instance, and that affidavits are being prepared in proof of this statement. It is, of course, well known that for some time past the Government have been doing all in their power to prevent the exportation of live stock from the Republic.

I have, &c.,

CONYNGHAM GREENE.

His Excellency

The High Commissioner,
Cape Town.

SIR,

British Vice Consulate, August 15, 1899.

A BRITISH subject, named Henry Emmerick, living with his brother (also a British subject) at Steyn Kopjes, near Blauw Bank, called to see me this afternoon to report that the Field Cornet of the district yesterday sent his brother to give the brothers Emmerick notice that they were to hold themselves in readiness for military service at a moment's notice, and he requested them to fetch guns and ammunition at once. In the event of their not having suitable riding horses, they were told that they would have to go with the wagons.

I have, &c.,

J. EMRYS EVANS.

I, Rosa Selina Lewis-Williams, make oath and say:—

1. I am a British subject, born at Aliwal North, Cape Colony.
2. I am the wife of Mr. James Lewis Lewis-Williams, who keeps a boarding house on stand No. 142, situated on the property of the Champ d'Or G. M. Co.
3. I have been living in the Krugersdorp district of the Transvaal for the last seven years.
4. On Wednesday last, the 16th instant, at my husband's request, I went to the Veld-Cornet, and asked him in Dutch for a permit to send our cart horses and four valuable cows away by train to the Colony. He refused, without giving any reason whatever.

Sworn at Johannesburg, this 18th day of August, 1899.

R. S. LEWIS-WILLIAMS.

Before me:—

J. EMRYS EVANS,
Vice-Consul.

August 22, 1899.

I, Alexander Hotz, make oath and say:—

I am a British subject naturalised in the Cape Colony on the 16th of August, 1895. I am at present residing at Kaalfontein, in the district of Krugersdorp, and I carry on business there as a hotel and storekeeper. On the 15th instant, Assistant Field Cornet Du Toit came to my house and gave me notice that at any moment I must be ready for military service, and that I must provide a horse, saddle, and bridle, and that in default

I must leave the place. In consequence of this the place has been closed, and I have now no occupation.

Sworn at Johannesburg, this 19th day of August, 1899.

Before me,
J. EMRYS EVANS, Vice-Consul.

A. HOLTZ.

(Translation.) -
SIR,

Ministry for Foreign Affairs, Pretoria,
August 23, 1899.

I HAVE the honour to acknowledge the receipt of your note of the 21st instant, in which you bring to my notice complaints made by Henry and Joseph Emmerick of Steynkopjes, and of Alexander Hotz, to the effect that they were instructed by the Field Cornet of the district to hold themselves in readiness to render service on commando.

The matter will be referred without delay to the local authority for enquiry, but I can already assure you by anticipation that no such instructions have been given by this Government.

Conyngham Greene, Esq., C.B.,
British Agent.

I have, &c.,
PIET GROBLER.

(Translation.)
SIR,

Ministry for Foreign Affairs, Pretoria,
August 23, 1899.

I HAVE the honour to acknowledge the receipt of your note of the 21st instant enclosing a certified copy of an affidavit sworn by Rosa Selina Lewis-Williams, complaining that the Field Cornet of Krugersdorp has refused to grant her a permit to send her horses and cows to the Colony.

The matter shall be investigated without delay and the result reported to you.

Conyngham Greene, Esq., C.B.,
British Agent, Pretoria.

I have, &c.,
PIET GROBLER.

Enclosure 5 in No. 5.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

SIR,

Her Majesty's Agency, Pretoria, August 26, 1899.

WITH reference to my despatch of yesterday's date, on the subject of commandeering of British subjects, I have the honour to transmit to Your Excellency herewith a translation of a Note which I have received from the Government of the South African Republic, enclosing a copy of a circular issued by the Commandant General, warning local officials against commandeering British subjects either for personal service or in respect of contributions of horses or arms; and, further, against any prohibition of the exportation, or sale for exportation, of horses, &c.

Your Excellency will notice that the circular states that it must be clearly understood by the officials in question that not a single foreigner, who does not voluntarily offer his services, may be called up or commandeered in the event of war, but it appears to me that the value of the whole circular is to a great extent nullified by the last clause, which gives it only a provisional effect, inasmuch as it states that the officials in question are "not to act in conflict with the terms of this circular, unless on further special instruction from the Government."

His Excellency,
The High Commissioner, Cape Town.

I have, &c.,
CONYNGHAM GREENE.

(Translation.)

Ministry for Foreign Affairs, Pretoria,
August 25, 1899.

SIR,

FOR your information, I have the honour to transmit to you herewith a circular, issued by the Commandant General, with reference to the commandeering, &c. of foreigners.

I have, &c.,
PIET GROBLER,
Under Secretary of State for Foreign Affairs.

Conyngham Greene, Esq.,
British Agent, Pretoria.

"PRESS."—August 26th 1899.

The following circular has been issued by the General to all Commandants, Fieldcornets, and Assistant Fieldcornets:—

24th August 1899.

"With reference to certain complaints received by the Government to the effect that British subjects or Englishmen have been commandeered by some officers and officials, or warned to be ready with a horse, saddle, bridle, gun, and ammunition in the event of a commando; and that some officers have given shopkeepers or traders notice that their stores and places of business must be closed; also that they have prohibited British subjects or other persons from exporting horses, etc., or selling them for the purpose of exportation, I have the honour to hereby give you strict orders and strictly prohibit you from doing any such deed, which might compromise us and bring us into conflict with any other Power.

"It must, therefore, be clearly understood by you that not a single foreigner, of whatever nationality, who does not voluntarily offer, or has not voluntarily offered his services, may be called up or commandeered in the event of an unwished for and undesirable war.

"Guard, therefore, against everything which may harm us or may cause trouble, and see that you do not act in conflict with the terms of this circular, unless on further special instructions from the Government.

"I am, etc.,

"P. J. JOUBERT,

"Commandant-General."

No. 6.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received September 15, 1899.)

SIR,

Government House, Cape Town, August 30, 1899.

IN continuation of my despatch of the 23rd instant, and with reference

To H.M.'s Agt., Pretoria.	Tel.	24/8/99.
From " " "	"	24/8/99.
" " " "	"	25/8/99.
" " " "	"	22/8/99.
" " " "	(Rec. 28/8/99.)	23/8/99.
" " " "	(Rec. 28/8/99.)	26/8/99.
From " " "	(Rec. 29/8/99.)	

also to your telegram, No. 4, of the 23rd instant,* respecting the franchise proposals of the South African Republic, I have the honour to transmit for your information a copy of further correspondence on the subject.

I have, &c.,

A. MILNER,

Governor and High Commissioner.

Enclosure 1 in No. 6.

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

TELEGRAM.

24th August. No. 29. Please take action as soon as possible on following telegraphic instructions from Secretary of State:—

"You should call attention of British Agent to the following points of difference between the South African Republic Government's formal note and previous conversation between him and the State Attorney:—

1. There were to be no complicated conditions attached to the new law.

2. The new members for the Goldfields were to be allowed to use their own language.

3. The South African Republic Government were to discuss with Her Majesty's Government any future change in the election of President and Commandant-General.

4. They were to discuss with British Agent assisted by adviser the details of the new scheme. Any other points which arose in connection with it were to be discussed in the same way.

5. The two Governments were to exchange notes.

On all these points we assume that South African Republic Government adhere to proposals made by State Attorney, but desire to be assured by formal note that this is so.

A formal reply will be sent on receipt of this assurance."

* Nos. 50 and 38 in [C. 9521].

Enclosure 2 in No. 6.

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

TELEGRAM.

24th August, 1899. No. 274. I have furnished State Attorney with memorandum of points of difference mentioned in your telegram of to-day, and he will discuss the matter with the State Secretary and Executive Council to-morrow.

Enclosure 3 in No. 6.

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

TELEGRAM.

25th August, 1899. No. 277 A. With reference to my telegram of 24th August, No. 274, State Attorney has sent me this afternoon a semi-official letter dated to-day as follows:—

"I have seen the State Secretary on the subject of the telegram received yesterday by you from your Government. The terms of a settlement embodied in the formal note of the 19th August from this Government were very carefully considered, and I do not believe that there is the slightest chance of their being amplified or altered. Your decision will therefore have to be arrived at on the terms as they stand."

At the same time I have received from the State Attorney a long private letter in which he disputes accuracy of my version of our conversation as regards the special points of difference mentioned by the Secretary of State, which was reported in my telegram of 14th August. I have sent you to-night copies of both letters, as the latter is too long to be telegraphed.

I shall await instructions as to whether I shall now act on your telegram of 24th by an official communication to the Government of the South African Republic in writing, or take any other steps. (GREENE.)

Enclosure 4 in No. 6.

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

SIR,

Her Majesty's Agency, Pretoria, August 22, 1899.
WITH reference to my telegrams, Nos. 268 and 269 of yesterday, I have the honour to transmit to Your Excellency herewith a copy of a private letter which I have received from the State Attorney, together with an official translation of a further note which I have received from the State Secretary, both dated yesterday, with reference to the proposals of the Government of the South African Republic on the subject of the political representation of the Uitlanders.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

DEAR MR. CONYNGHAM GREENE,

August 21, 1899.

IN speaking to me yesterday about our despatch to you of Saturday, the President said that he thought one or two points might have been stated more clearly.

It is therefore not improbable that you will be requested to-day to cable over a few explanations, that is to say, if the Government really deems them necessary.

Yours, &c.,
J. C. SMUTS.

SIR,

Ministry for Foreign Affairs, Pretoria, August 21, 1899.

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 as forming part of the proposals of this Government embodied in the above-named despatch.

1. The proposals of this Government regarding the 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 the internal affairs of the South African Republic.
- b. Not to insist further on its assertion of the existence of the Suzerainty.
- c. To agree to arbitration.

2. With reference 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.

I have, &c.,

F. W. REITZ,
State Secretary.

Conyngham Greene, Esq., C.B.,
British Agent,
Pretoria.

Enclosure 5 in No. 6.

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

SIR,

Her Majesty's Agency, Pretoria, August 23, 1899.

I HAVE the honour to transmit to Your Excellency herewith a copy of a note which, in obedience to the instructions conveyed to me in your telegram of the 20th instant, I have addressed to the Government of the South African Republic enclosing a copy of the despatch of the Secretary of State to Your Excellency of the 27th of July, 1899, on the subject of the political representation of the Uitlanders.

I have, &c.,

His Excellency
The High Commissioner,
Cape Town.

CONYNGHAM GREENE.

SIR,

Her Majesty's Agency, Pretoria, August 23 1899.

I HAVE the honour to transmit to you herewith, by desire of the High Commissioner, a copy of a despatch which has been addressed to His Excellency by the Secretary of State for the Colonies, on the subject of the political representation of the Uitlanders, and I am 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, &c.,

The Honourable
The State Secretary.

CONYNGHAM GREENE.

Enclosure 6 in No. 6.

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

SIR,

Her Majesty's Agency, Pretoria, August 26, 1899.

IN connection with the rumour which has been current here for some time past that the Government of the South African Republic were about to grant a five years' franchise law, and increase the number of seats for the Gold Fields, I received deputations, on the 19th and 21st instant, of the Uitlander Council and of the South African League, who desired to speak to me on the subject.

In accordance with a suggestion from me, these bodies have, since our interview, held meetings to discuss the eventuality in question, and have at my request now put their views in writing for Your Excellency's information.

I have the honour to enclose copies of these documents.

I have, &c.,

His Excellency
The High Commissioner,
Cape Town.

CONYNGHAM GREENE.

SIR,

Johannesburg, August 25, 1899.

WITH reference to the conversation I had with you on the 19th instant, in Pretoria, on the rumoured offer of the Transvaal Government to grant a franchise law with five years' residential qualification and without pitfalls and entanglements, I have given the most careful consideration to the question, and ascertained the views of the Uitlander Council regarding it. I understand that the proposal will be:—

1. Franchise law in plain, definite, practical fashion, without entanglements; and with a five years' qualification.
2. Five new members for the Witwatersrand.

In the first place, from an investigation as to the effect of a five years' franchise, it has been demonstrated that only a comparatively small number of Uitlanders could obtain it, owing to the fact that immigrants of the year 1895, during which the great influx of population took place, would for the present be excluded.

The whole position, however, has so materially changed since the Bloemfontein Conference, that it is now clearly evident that a basis of settlement which would then have been accepted with all good faith, will not now meet the necessities of the situation. At the time of the Conference it was hoped the Transvaal Government would have met Sir Alfred Milner's proposals in a frank and conciliatory spirit, and under such conditions a settlement could readily have been arrived at. Instead of that consideration which the gravity and justice of the Uitlander claims demanded, we have had a constant display at the Conference, and since, of the most hostile and uncompromising spirit towards the Uitlanders. The violence and hostility evidenced in the Volksraad debates exceed all previous similar displays, and plainly show how futile it is to expect Government and Volksraad to have any friendly regard for our just claims. No more significant evidence of the future intentions of Government could be adduced than the fact recently published that some 149,000 rifles had been brought by them into the country—a number five times more than sufficient to arm all the Boers in the Transvaal. Taken in conjunction with importations of other armaments, etc., no construction can be put upon this action than that the Government has some ulterior designs inimical to British interests, not only here but elsewhere, and directed in the first instance to the complete subjugation of the Uitlanders.

Under these circumstances we are compelled to come to the conclusion that with a five years' franchise and only five extra seats in the Volksraad, the Uitlanders would be placed in a hopeless and contemptible position, and reform from within would be an impossibility.

This statement may appear to be somewhat at variance with the resolution unani- mously adopted at the Uitlanders' Meeting on the 10th June, 1899, but, as I before mentioned to you, that resolution was accepted in a spirit of loyalty to Sir Alfred Milner, and against the better judgment of many of those present. In fact, as Chair- man of the meeting, I had the greatest difficulty in preventing the moving of an amend- ment asserting that a two years' qualification was sufficient, and would be more in consonance with the practice throughout the rest of South Africa.

I am convinced that any measure of enfranchisement that does not at the same time carry with it a complete measure of reform with regard to the chief abuses in ad- ministration under which we suffer, will be disastrous in its effects.

As a matter of equity we have every claim to revert to the position regarding the franchise as in 1881, at the time of the retrocession. President Kruger stated (No. 244) when negotiating the Convention of 1881, in reply to a question by Sir E. Wood, as to privileges of British subjects:

“We make no distinction in so far as burgher rights are concerned.

There might perhaps be some small difference in the case of a young person who has just come into the country.”

Subsequently at Newcastle on Thursday the 26th May, 1881, Dr. Jorrißen said:

“In No. 244 the question was: ‘Is there any difference regarding 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 a small difference in the case that it was a young person who had just ar- rived in the country.’ What Mr. Kruger wanted to say was this: ‘According to our law a new arrival does not immediately receive his burgher rights.’ The words ‘young person’ do not refer to age, but to the time of residence in the Transvaal. According to our old Grondwet (Constitu- tion), one was required to remain one year in the country.”

The position since then has been clearly defined by the Marquess of Salisbury in the House of Lords on the 28th ultimo. He said, referring to equal rights:

“However, that was no doubt the view of our policy to which President Kruger assented in that well-known protocol, and it was the view to which he was bound during the rest of his political career in connection with the Transvaal State. But he took the exactly opposite line. Throughout the whole of the period that has elapsed since 1881, his one effort has been to separate the English and Republican Governments; to draw the two nations into two camps; to give to the Dutch a superiority to which their numbers gave them no title; and to reduce the English to a condition, almost of a conquered, certainly of a subjugated race.”

That statement exactly described the position of the British in the Transvaal. I therefore with confidence say:

That the suggested proposals for representation are altogether inadequate.

That they would perpetuate our disabilities and provide no adequate means for reform.

That abuses in administration, to which we now so strongly object, would go on unchecked.

That the ultimate result would be civil war in the Transvaal, and probably the extension of such a war to the whole of South Africa.

I am confident that no measure of enfranchisement will be satisfactory that does not also include the prior reform of abuses and provision for:—

1. Equal language rights.
2. Disarmament of the Boer population, and demolition of the forts.
3. Right of public meeting with freedom of speech and of the Press.
4. Abolition of industrial monopolies.
5. Removal of religious disabilities.
6. Provision for the independence of the High Court.
7. Right to vote for election of President and Commandant-General.
8. Local Government with power to appoint local officials and to control the police.

The franchise law must be clear, simple, and effective. To obtain enfranchisement nothing must be left to the caprice of the Registration Officer. Enfranchisement must be by defined regulations and right, and not by favour. No matter what proportion of members may be provided for now in the First Volksraad, the principle of proportional representation should be adopted so as to operate absolutely and mechanically. This principle of proportional representation must be embodied in the franchise and redistribution laws, which laws must also contain provision rendering alterations in them impossible for a period of ten years after their enactment, unless with the unanimous consent of the Raad members.

Enfranchisement must carry full and absolutely equal rights to all burghers. All burghers having equal rights, the Second Raad would necessarily be abrogated.

Then comes the question of Guarantees. Nothing short of material guarantees would be of any service. If the Transvaal Government genuinely desire to give representation to the newer population, and to reform abuses, it should agree without difficulty to such pledges for the fulfilment of its obligations. Those guarantees could best be given by:—

- (a) Disarmament, and demolition of the forts, and
- (b) Some material guarantee more substantial than mere paper conventions.

I am firmly convinced that unless these reforms, guaranteed to the full, as I have stated, are effected, any settlement short of them will only prepare the way for greater unrest than ever, delay to all industrial and commercial advance in South Africa, and ultimate civil war between the Boers and the British. Without disarmament and effective guarantees the future position of the population in the Transvaal would be that of two armed and hostile camps. The curse and burden of militarism in its worst form would have to be borne, and its evil effects would extend throughout South Africa.

Accompanying the reform measures already referred to, and as probably the best means of giving them full effect, I would strongly urge the desirability of considering a scheme of home rule for the Raad. If a wide measure of home rule could be secured, giving the right of appointment of local officials, and the control of the police, we should

be freed from the incubus of Boer maladministration and monopolies, and the other reforms suggested would be of more practical value.

The importance of the questions I have herein discussed must be my apology for the frankness with which I have stated my views.

I have, &c.,
WM. S. HOSKEN,
Chairman of the Uitlander Council.

Conyngnam Greene, Esq., C.B.,
Her Britannic Majesty's Agent,
Pretoria.

SIR, Johannesburg, August 22, 1899.
REVERTING to our conversation of yesterday, when you informed us that it was possible that the Government of the South African Republic would make a proposal to grant the Franchise on a five years' basis free from the present restrictions, I now beg to inform you that, in my opinion, the South African League would be prepared to accept such a proposal as the basis of a settlement, provided the following matters formed an integral part of any such settlement. These are briefly:—

1. Substantial representation in the Raad—proportional to the population, and founded on an automatic basis.
2. The removal of religious disabilities.
3. Equal rights to English and Dutch languages.
4. The independence of the High Court.
5. The free right of public meeting, and formation and holding electoral committees.
6. The abolition of forts.
7. The right of all persons to bear arms.
8. Proper Local Government for the Rand, and
9. Comprehensive registration laws.

But the League has the strongest opinion that no final and satisfactory settlement of the present difficulty can be arrived at unless these matters are bound up and incorporated with any scheme of franchise reform proposed by the Government of the South African Republic. The League desires that any settlement should be final and satisfactory to all parties, so as to obviate any recurrence of the present troubles.

From my position in the League I am justified in stating that, in my opinion, few would accept the franchise if these important details were unprovided for in any settlement carried out under the direction of Her Majesty's Government.

I have further to point out that I would desire the above statement to be considered as made without prejudice to the right of the League to claim the franchise on the lines laid down by the Law of 1876, to which referred to [*sic*] yesterday, in case the proposal of the Government of the South African Republic failed in any of the above conditions.

I am, &c.,
J. DOUGLAS FORSTER,
President, South African League (Transvaal Province).
Conyngnam Greene, Esq., C.B.,
Her Majesty's Agent.

No. 7.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.
(Despatched 11 p.m., 16th September; received 7.30 a.m., September 17, 1899.)

TELEGRAM.

[Answered by No. 12.]

16th September. No. 4. Following is South African Republic Government reply:—

Begins:

SIR,—South African Republic Government have had the honour to acknowledge receipt of your note 12th September, in answer to their note 2nd September.

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 draws from the invitation sent in your letter of 23rd August, and accepted by this Government, and substitutes in its place an entirely new proposal.

The proposal which has now lapsed, contained in the letters of this Government of 19th August and 21st August, was induced by suggestions given by British Agent to 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 Her Majesty's 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 Convention of London, 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 to be satisfactory to Her Majesty's Government.

This Government cannot disguise from itself that in making the proposals contained in its note of 19th August, it probably ran the danger not only of its being disclaimed by South African Republic Volksraad and 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 Uitlanders, but it set against that the continuous threatening and undoubted danger to its highly-prized independence arising from 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 South African Republic Volksraad and to people to run the danger attached to 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 Secretary of State for Colonies that he would not consider the said offer as a refusal in answer to his invitation to a joint inquiry based upon existing franchise law and scheme of representation for Witwatersrand gold fields, it cannot understand why, as soon as this invitation was accepted (as was done by this Government in its note 2nd September), Her Majesty's Government declares that it cannot any longer agree to the inquiry on this subject, and for purposes which that Government itself proposes.

It is also not clear to this Government on what grounds Her Majesty's Government, after having recently by means of its invitation intimated that it could not declare without an inquiry whether franchise law and resolutions taken about representation would afford immediate and substantial representation to the Uitlanders in South African Republic is to-day in a position, without having made any inquiry 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 is under a misunderstanding, if it supposes that this Government has ever recognised that it has considered the lapsed proposal contained in letter 19th August, without the conditions imposed therein and repeated in the note 21st 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 suffer any violation of its independence.

However earnestly this Government also desires to find an immediate and satisfactory course by which existing tension should be brought to an end, it feels itself quite unable, as desired, to recommend or propose to South African Republic Volksraad and people the part of its proposal contained in paragraphs 1, 2, and 3 of its note 19th 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 2nd 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 object contemplated, that it 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 British Agent that the new members to be chosen for South African Republic Volksraad should be allowed to use their own language. If it is thereby intended that this Government would have agreed that any other than the language of the country would have been used in the deliberations of the Volksraad, it wishes to deny same in the strongest manner. Leaving aside fact that it is not competent to introduce any such radical change, they have, 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 British Agent by State Attorney to any question of that nature.

Inasmuch as the proposal for any further Conference has been made specially dependent on the acceptance of a proposal which this Government does not feel at liberty to recommend to Volksraad, it would perhaps be premature to deal with it further at the present time. It merely wishes, however, to remark that it has not yet been made clear to it which are the definite questions which would be discussed [at] proposed Conference, and which could not be subjected to arbitration, but it is pleased to see that Her Majesty's Government thinks that they could readily be settled by means of friendly discussions, while it further welcomes with much pleasure 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 the 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, 1884, as its efforts have been continuously to do.

Finally this Government continues to cherish hope that Her Majesty's Government on further consideration will feel itself free to abandon idea of making new proposals more difficult for this Government, and imposing new conditions, and will declare itself satisfied to abide by its own proposal for a Joint Commission as first proposed by Secretary of State for Colonies in Imperial Parliament, and subsequently proposed to this Government and accepted by it. If Her Majesty's Government is willing, and feels 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 South African Republic and of whole of South Africa would be developed and furthered, and fraternization between the different nationalities would increase.

I have, &c.,
(Signed) F. W. RETZ,
State Secretary. *Ends.*

No. 8.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., September 19, 1899.)

TELEGRAM.

18th September. No. 3. British Agent in South African Republic reports by post it is proposed to bring immediately two Laws before Volksraad gravely affecting mining companies and property-holders in South African Republic.

First Law provides that if suspension of mining operations is considered inexpedient by Government of South African Republic in public interests, Government of South African Republic can withdraw owners' rights, and either hand over property to others or develop it themselves. Owners are then to be called on to remove [?] plant, &c., failing which Government of South African Republic may take over latter at price fixed by State Mining Engineer. On proclamation of martial law, Government of South African Republic may take any mines under its control and develop them, using the production for its own benefit. Owners to be compensated on repeal of martial law.

Second Law provides for confiscation of property belonging to persons guilty of public violence, high treason, *lèse majesté*, or incitement thereto, including persons outside Republic who form relations with foreign Powers, or their representatives, in order to persuade them to act inimically, or undertake war against the Republic, or to supply them with the means therefor.

No. 9.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8.50 p.m., September 19, 1899.)

TELEGRAM.

19th September. No. 2. Lancashire Regiment is being dispatched to Kimberley; it will also guard Orange River Bridge.

I wired this morning to President Orange Free State as follows:—

“I have the honour to inform your Honour that it has been deemed advisable by the Imperial military authorities to send 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 reason 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 intention of the latter, as I rest fully satisfied with the declaration on this point contained in your Honour's telegram of 16th August 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 authorized me to convey to your Honour.

Her Majesty's Government still hope for a peaceful settlement with the Government of the South African Republic. Should this hope, however, unfortunately be disappointed, they look to the Government of the Orange Free State to preserve strict neutrality and to prevent any military intervention by any of its citizens. They are prepared to give formal assurance that in that case the integrity of the territory of the Orange Free State will under all circumstances be strictly respected. There is, as far as Her Majesty's Government are aware, absolutely no cause to justify any disturbance of the friendly relations between Great Britain and the Orange Free State. It is entirely untrue that Her Majesty's Government desire to impair the independence of the Orange Free State, towards which Republic they are animated by the most friendly sentiments.”

* See No. 31 in [C. 9521].

He has just replied as follows:—

Begins: 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 Government of 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 as elsewhere in South Africa, I note with apprehension and regret the intention of Her Majesty's Government to send detachments of the troops ordinarily stationed at Cape Town northwards, with a view to having same or any portion thereof, stationed near the border of this State. Whilst this Government will continue to do all in their 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 border, it will not improbably be considered by our Burghers as a menace to this State, and will [?] in any case 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 have hitherto existed between Great Britain and this State. *Ends*.

No. 10.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., September 22, 1899.)

[*Answered by No. 14.*]

TELEGRAM.

(Extract.)

September 21st. No. 4.—Ministers have just sent me a Minute asking me to forward the following message for the consideration of Her Majesty's Government:—

Ministers unanimously beg Her Majesty's Government to believe that their best efforts have been spent in endeavouring to aid in securing a peaceful and satisfactory settlement of the Transvaal crisis and to weigh well their earnest conviction that the situation is now one in which great efforts should be made by the exercise of a spirit of magnanimous compromise to avert the calamity which seriously threatens the British provinces in South Africa and not only the Republics. It is not open to doubt that the issue of a war could only be a victory for the Imperial arms, but the evil consequences of the perhaps prolonged struggle which would take place would be far-reaching and abiding for generations, and would affect alike the European and the native populations.

They desire me to add that this message is an indication that they are deeply persuaded that the main, they fear the only, hope of avoiding such a calamity is a large measure of consideration shown by Her Majesty's Government at the present juncture, a consideration which would not only not impair but truly strengthen the foundations of the Empire in South Africa.

No. 11.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4.45 p.m., September 22, 1899.)

TELEGRAM.

[Answered by No. 20.]

22nd September. No. 2. Inform President Steyn that it is reported here that in his speech to the Volksraad yesterday he said that the Transvaal had been decoyed by Mr. Greene, and that he virtually accused the Imperial Government of bad faith. Say that Her Majesty's Government cannot believe that the President used language so inconsistent with international courtesy, and that they trust that he will be able to give a public and unqualified denial to the report.

No. 12.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 10.15 p.m., September 22, 1899.)

TELEGRAM.

22nd September. No. 5. I have to acknowledge receipt of your telegram, No. 4, 16th September,* conveying reply of the Government of the South African Republic to note of British Agent conveying communication of Her Majesty's Government contained in my telegram to you of 8th September, No. 5.† The offer therein made by Her Majesty's Government was moderate and conciliatory, and they have to express their profound regret that reply of 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 independence of South African Republic, provided that the conditions on which it was granted are honourably observed in the 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 Government of the South African Republic, who have in their note of 9th 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 misapprehension, 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 to them in 1881, and which Her Majesty intended to secure for them when she granted the privilege of self-government to the inhabitants of the Transvaal.

As was stated in my telegram of 8th September,† Her Majesty's Government are of opinion that no conditions less comprehensive than those contained in their offer of 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

* No. 7.

† No. 52 in [C. 9521].

‡ Enclosure in No. 7 in [C. 9507].

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 many years by the Government of the South African Republic. They will communicate to you the result of their deliberations in a later despatch.

Communicate as above to Government of South African Republic.

No. 13.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 10.27 p.m., September 22, 1899.)

TELEGRAM.

22nd September. No. 6. Communicate following to Government South African Republic:—

Her Majesty's Government cannot pass over in silence the charge of a breach of faith which is practically insinuated in the letter from the State Secretary of the South African Republic forwarded to me in your telegram, No. 4, of the 16th September.*

The proposals made by the Government of the South African Republic in the letters from the State Secretary, dated 19th and 21st August,† were not "induced by suggestions given by the British Agent to the State Attorney." On the contrary, State Attorney sounded 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 letters.

Government of the South African Republic state in the letter from the State Secretary, conveyed in your telegram, No. 4, of the 16th 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 23rd 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 the 8th September,§ which substituted "an entirely new proposal" for the invitation to a Joint Commission of Inquiry.

In order to demonstrate inaccuracy of this contention, it is sufficient to quote opening words of the note of the State Secretary, dated the 19th August, which were as follows:—

"With reference to your proposal for a Joint Inquiry, contained in your despatches of the 2nd and 3rd August, Government of South African Republic have the honour to suggest the following alternative proposal."

Then followed 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 to further 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's Government would not press for the appointment of a Joint Commission of

* No. 7. † See No. 36 in [C. 9521]. ‡ No. 43 in [C. 9521]. § No. 52 in [C. 9521].

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 August, prejudice the right of full independence in internal affairs repeatedly recognized by Great Britain.

With regard to use of English language by the Uitlander Members of Volksraad, the proposal seems to Her Majesty's Government to be as reasonable as is privilege of using Dutch language enjoyed by Dutch members of Legislature of the Cape Colony or the facultative use of either German, French, or Italian in the Legislature of Swiss Confederation, and Her Majesty's Government can only express their astonishment that the Government of the South African Republic should characterize 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 British Agent through the State Attorney.

No. 14.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.55 p.m., September 25, 1899.)

TELEGRAM.

25th September. No. 2. Inform your Ministers in reply to their message contained in your telegram of 21st September, No. 4,* that Her Majesty's Government appreciate their anxiety; that Her Majesty's Government have shown, and will continue to show, every consideration to the Government of the South African Republic consistent with the maintenance of British interests; that they profoundly deplore the fact that up to the present all their efforts to secure a peaceful and satisfactory settlement have been unsuccessful, but that it is still open to the Government of South African Republic to do so without any sacrifice of its independence.

No. 15.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received September 27, 1899.)

SIR,

Government House, Cape Town, September 5, 1899.
I HAVE the honour to enclose for your information, with reference to your telegram of the 23rd ultimo (No. 3),† a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of the publication of newspaper articles threatening the murder of British subjects.

I have, &c.,

A. MILNER,

Governor and High Commissioner.

Enclosure in No. 15.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR,

Her Majesty's Agency, Pretoria, August 26, 1899.
I HAVE the honour to transmit to Your Excellency herewith a copy of a Note which, in accordance with the instructions contained in Your Excellency's telegram, No. 30, of August 24th, I have addressed to the State Secretary, calling the attention of the Government of the South African Republic to the articles which have appeared in the newspapers threatening the murder of British subjects, and pressing that action may be taken to prevent the publication of such articles.

I have also the honour to enclose a telegram which I have addressed to the British Vice-Consul at Johannesburg, requesting him to inform the Uitlander Council accordingly.

I have, &c.,

CONYNGHAM GREENE.

His Excellency

The High Commissioner, Cape Town.

* No. 10.

† No. 22 in [C. 9521].

SIR, Her Majesty's Agency, Pretoria, August 26, 1899.
 THE attention of the Secretary of State has been called to certain articles which have appeared in the Transvaal newspapers threatening the lives of British subjects. I am endeavouring to obtain as complete a list as possible of the articles in question, which I shall forward to you, but in the meantime the Secretary of State desires that the attention of the Government of the South African Republic may be drawn to the fact that articles which threaten the murder of British subjects have appeared in the Press, and instructs me to press that action may be taken to prevent the publication of such articles.

I have, &c.,

CONYNGHAM GREENE.

The Honourable
 The State Secretary.

Telegram to BRITISH VICE-CONSUL, Johannesburg.

August 25, 1899.

Please inform Chairman of Uitlander Council in connection with his letter to me of July 18th, that, in accordance with instructions from the Secretary of State, I am calling the attention of the Government of the South African Republic to newspaper articles threatening the murder of British subjects, and am pressing for action to be taken to prevent the publication of such articles. With reference to my private letter of yesterday, please ask Uitlander Council to co-operate in obtaining for me exhaustive evidence of this press campaign from as far back as possible of threats against British subjects, for representation to the Government here, and for communication to Her Majesty's Government.

No. 16.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received September 27, 1899.)

SIR, Government House, Cape Town, September 6, 1899.
 IN continuation of my despatch of the 30th ultimo,* respecting the political representation of the Uitlanders in the South African Republic, I have the honour to transmit to you, for your information, copies of further correspondence with Her Majesty's Agent at Pretoria on the subject.

From H.M. Agent, Telegram	283.	31/8/99.
To " " "	39.	31/8/99.
From " " "	284.	31/8/99.
From " " "	285.	31/8/99.
From " " Despatch	300.	26/8/99.
From " " "	305.	1/9/99.
From " " Telegram	298.	5/9/99.
To " " "	45.	5/9/99.
From " " Despatch	306.	2/9/99.
From " " "	307.	3/9/99.

With regard to one point dealt with in these enclosures—the nature of the semi-official communications between Mr. Conyngham Greene and the State Attorney, with respect to the franchise proposals of the South African Republic embodied in their notes of the 19th and 21st August—I enclose an extract

from the "South African News" of the 5th instant, reproducing a statement which appeared in the "Free State Express," and which has generally been adopted by the Afrikaner Press as representing what actually passed. This statement is, for the most part, at variance with both the facts as known to you and the account given by Mr. Greene in his despatch of the 26th August, and I have no doubt that you will agree with me in thinking that Mr. Greene's explanation fully justifies him in sending the two telegrams of the 25th August, No. 277 A and B, which I cabled† to you at the time. With the despatch just referred to, Mr. Greene sent me the original draft of the first of these telegrams (No. 277 A) as annotated in Mr. Smuts's handwriting, and also the type-written draft of a simplified franchise law, with pencilled amendments, accepted by Mr. Smuts. I enclose copies of these with the alterations shown in red ink.‡

Turning to the main question, the Government of the South African Republic have formally withdrawn the proposals for a five years' franchise and eight new seats for the Uitlander population, but they make no serious attempt to deal with the situation created by this action. In the second paragraph of their note of the 2nd September they appear to maintain their objections to your first proposal for a joint enquiry into

* No. 6.

† No. 1 in [C. 9521].

‡ Shown here in italic and obliterated type.

the effect of the franchise measures recently adopted, while in the 10th paragraph they ask for further information as to the views of Her Majesty's Government with regard to the composition of the Commission and the time and place of meeting. The inference is that the Government of the South African Republic, pursuing their usual dilatory tactics, desire to prolong the present crisis by engaging Her Majesty's Government in a correspondence on these matters of detail, while leaving themselves free to reject the whole proposal when the correspondence has served its purpose. To attempt to deal with the situation by despatch would, however, be a mere waste of time, as the position will doubtless have entirely altered before the present despatch reaches your hands, and the present state of affairs is now so grave that it will be necessary for Her Majesty's Government to base their further action on such information as I am able to furnish by telegraph.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

Enclosure 1 in No. 16.

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

TELEGRAM.

August 31st. No. 283. Urgent. This morning the newspapers have as usual published a wholly incomplete summary of my note to this Government of yesterday, omitting all reference to our independent enquiry compromise. Do you wish me to publish complete text of my note informing the State Secretary of the reasons for which I have done so.—GREENE.

Enclosure 2 in No. 16.

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

TELEGRAM.

31st August, 1899. No. 39. Your telegram, No. 283. You should for the moment confine yourself to informing Press that summary is misleading and incomplete.

Enclosure 3 in No. 16.

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

TELEGRAM.

August 31st. No. 284. I am informed that in the Volksraad this morning the Secretary of State's despatch of July 27th, the note to me from this Government of August 19th, and my note to the Government of the South African Republic of yesterday were read out, and the House summoned to meet again in secret session at 7 o'clock to-night, to consider these papers. Owing to the fact that a wholly incomplete and inaccurate summary of my note of yesterday had as usual appeared in this morning's newspapers, from which, for instance, all reference to the proposed enquiry by the British Agent was omitted, I have handed to the local representative of the Press the complete text of my note, and requested them to publish, in order to correct the misleading summary derived from I know not what source which they had previously published of the real contents of the note.—GREENE.

Enclosure 4 in No. 16.

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

TELEGRAM.

31st August, 1899. No. 265. Referring to your telegram, 38, following received from State Secretary, South African Republic:—*Begins*:

In reply to your notes of yesterday and to-day, conveying desire of High Commis-

sioner that the answer of South African Republic to the official despatch which you handed yesterday shall not in any case be deferred beyond Saturday, I give you herewith assurance that unless something quite unforeseen should prevent, reply of South African Republic will be delivered you not later than Saturday next.—GREENE.

Enclosure 5 in No. 16.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, August 26, 1899.
 WITH reference to my telegrams, No. 277 A and B of yesterday, I have the honour to transmit to Your Excellency herewith copies of a semi-official and of a private letter which I have received from the State Attorney, dated yesterday, on the subject of the pending negotiations with the Government of the South African Republic on the question of the political representation of the Uitlanders.

The former of the two letters, as Your Excellency will observe, informs me that the proposals put forward by this Government in its official note of the 19th instant will not be altered or amplified, and that the decision of Her Majesty's Government will have to be arrived at on those terms as they stand; while the private letter disputes the accuracy of my version of my conversation with the State Attorney recorded in my telegram to Your Excellency, No. 248 B of the 14th instant.

Before referring to these communications in detail, I venture to remind Your Excellency very briefly of the history of the negotiations.

About a fortnight ago the State Attorney sounded me on behalf of his Government as to how Her Majesty's Government would be likely to view an offer on the part of the Transvaal Government of a seven years' retrospective franchise with an increase of seats, in return for the withdrawal of the demand of Her Majesty's Government for a joint inquiry, and for certain other assurances in the matter of the suzerainty, non-interference in the internal affairs of the Republic, and arbitration. I would not, as Your Excellency is aware, at the time agree to make any suggestions on the seven years' basis, but I consented to recommend the scheme for the consideration of Her Majesty's Government when it had been amended to a five years' franchise, eight new seats for the Gold Fields, a simple franchise law and other advantages.

In agreeing to put forward these proposals and to recommend them to the serious attention of Her Majesty's Government I was guided by the following considerations.

It was the first time in my whole experience of diplomatic work here that the Government of the South African Republic had ever *approached* Her Majesty's Government. Up till now our diplomatic intercourse had consisted of an interminable interchange of recriminating correspondence.

I had been given to understand that the Government were alarmed at the outlook at home. The Marquess of Salisbury and Mr. Chamberlain had just delivered important speeches in Parliament, and the South African Vote had been carried without a division, in the House of Commons. Large bodies of troops were stated to be in readiness in England, and an additional force prepared to embark for South Africa from India. It was evident that Her Majesty's Government were determined to come to a satisfactory solution of the Uitlander question, and I myself impressed this view on the State Attorney.

The assurances asked by the Government of the South African Republic on the question of suzerainty and non-interference did not amount, as explained to me by the State Attorney, to more than concessions to Boer susceptibilities; they were to be "assumed" by the Transvaal Government as being corollaries to their own proposals, but did not, in their original offer, take the form of a definite bargain. In any case they were matters for the decision of Her Majesty's Government on their merits and not for me.

I was aware that there was a section of the Uitlander population which would be satisfied with moderate concessions provided that they offered a reasonable prospect of speedily putting an end to the existing paralysis of business, and to the prevailing panic in private life, and held out some hope of a satisfactory settlement of the crisis otherwise than by the sword.

I felt that it would be difficult for me to refuse to submit to Her Majesty's Government a proposal which, as it was offered to me, professed to be a surrender—on the franchise issue—to the Bloemfontein minimum.

I feared that there was always the risk that the Transvaal Government might endeavour once more to forestall us by bringing forward another modified franchise law, independently of us, and thereby tie our hands; whereas by submitting the proposal made to me, they had now definitely committed themselves to consult us in the matter, a course which up till now they had resolutely refused to adopt.

Lastly I felt that, so long as I was here in a diplomatic capacity, as Her Majesty's Agent, it could only be the earnest desire of Her Majesty's Government that I should leave no stone unturned to fairly consider any advance, however unpromising, on the part of the Government of the South African Republic, and neglect no opportunity of endeavouring to arrive at a peaceful solution of the difficulty.

Acting on these considerations I communicated the proposals of the Government of the South African Republic, as advanced by the State Attorney, to Your Excellency, and in obedience to instructions received in reply, I invited the State Secretary to put these proposals forward in an official form, which he did in his note to me of the 19th of August.

I noticed at the time that there were omissions in, and discrepancies between this document and the scheme as originally agreed upon with the State Attorney, but as I had been desired by Your Excellency not to express any opinion on the details of the proposals, nor to see the note in draft form, I forwarded the latter to Your Excellency as it stood, without taking official notice of the special points of difference subsequently referred to by the Secretary of State.

I now propose to take those points of difference—five in number—in detail.

I will take the points Nos. 1 and 4 together as they both refer to the franchise. I cannot, I think, do better than enclose herewith the original of my telegram, No. 248 A, which, as Your Excellency will see, is initialed by the State Attorney himself and bears annotations in other places in his own handwriting. I feel therefore that it is unnecessary for me to add any further proof that the version I gave in that telegram of the 4th point of difference mentioned by the Secretary of State (that referring to the discussion of the scheme with the British Agent) is absolutely the version approved of by Mr. Smuts, but subsequently departed from in the official note of August 19th. As regards point No. 1 (the new law to be simplified), I cannot do better than enclose the original of the draft franchise law submitted to me by the State Attorney, and bearing corrections in the way of further simplification of conditions, agreed to between us at a meeting at Her Majesty's Agency.

I think it is clear from those documents that the State Attorney had agreed expressly to points 1 and 4 (franchise).

I now turn to point 5 (exchange of notes).

It was not my intention at the time I despatched my telegram, No. 248 B to Your Excellency, to convey that any proviso to this effect was to be embodied in the official proposal of the Government of the South African Republic. What I intended to convey was the suggestion that the guarantee of Her Majesty's Government of the Franchise scheme, a matter of the utmost importance to the Uitlanders, but a touchy point to the Transvaal Government, might be covered by the formal exchange of notes; in other words, that the exchange of the formal proposals of the Government of the South African Republic and the formal reply of Her Majesty's Government to those proposals, might in themselves constitute a sufficiently binding understanding between the two Governments, and obviate the necessity for another form of guarantee, which, however desirable from our point of view, might not be so acceptable to the Transvaal. I did not anticipate that Her Majesty's Government would be particularly eager to fall in with this form of guarantee, which was only desirable from a diplomatic point of view as a possible eventual compromise, and I did not therefore, for obvious reasons, suggest that it should be put forward in the original proposals. I do not, therefore, join issue with the State Attorney on this point of difference.

I now turn to the last two points, Nos. 2 and 3.

As regards No. 3 (election of President and Commandant-General), this is a matter which, as Your Excellency is aware from my telegram, No. 136 (which, I may add, I submitted some time back, on receipt of Your Excellency's telegram, No. 18, of the 17th instant, to the State Attorney for his approval, with a view to its publication in

the Blue Book), I have before now discussed with Mr. Smuts. It was from Mr. Smuts's own lips that I first learned, as the telegram shows, that any change was in contemplation in the manner of electing either of these officials, and it follows, I think, that I must have been perfectly acquainted with his views. It was for this reason that, when discussing with him the preliminary proposals set out in my telegram, No. 248 B, I was careful to obtain an admission from him that any future change in the manner of election of the President and Commandant-General should be discussed between the two Governments. I had more than once pointed out to him that a new scheme of election, say, by the majority of the Volksraad, as he had suggested as a possible modification, would entirely exclude the Uitlanders, with only one quarter representation in the Raad, from the chance of electing their own President, whereas, with a five years' franchise and a simplified law, it was quite possible that the new burghers might, before the next Presidential election, outnumber the old burghers, or at any rate bring enough voters to the poll to greatly influence, if they could not actually carry, the election.

I now turn to the last remaining point of difference, No. 2 (new members to use their own language). I may remark that, although this was a matter which, as Your Excellency is aware, I had already discussed with the State Attorney, I again referred to it on Friday last, on receipt of Your Excellency's telegram, No. 24. We were both thoroughly in accord in the matter, and I pointed out to Mr. Smuts that it would be pure waste of time to give the Uitlander community representation in the Volksraad and compel their members to speak in Dutch, or else hold their peace. How, I asked, could prominent Uitlanders like Mr. Rouliot, a Frenchman, Mr. Albu, a German, or one of our own people, represent his views if he were to be restricted to the use of a language of which nine-tenths of the Uitlanders were completely ignorant. I said that, however much I myself wished to see English and Dutch on an equal footing in the Transvaal, as in the Cape Colony, I would not put the matter on that ground for the sake of appearances, but merely base my case on the general ground that it was ridiculous to elect an Uitlander of whatever nationality for the Volksraad and expect him to speak a strange tongue. Mr. Smuts did not in the least dispute this argument, and, in fact, when he left me to lay the various points of difference before the Executive Council, I had no suspicion, as far as his remarks were any guide, that his opinions were not shared by his Government, which views I naturally presumed that, as a highly placed official, he was empowered to express.

Personally it was just on this very point (not to mention the question of the Presidential election) that I myself anticipated a hitch, and I was therefore all the more struck by the manner in which Mr. Smuts fell in with the reasonableness of my remarks.

I have nothing further to add on the points of difference. Your Excellency will understand how disagreeable it is for me to have to challenge Mr. Smuts's version of our conversation. The fact is, in my opinion, that whatever misunderstanding may have arisen between us both is not due to any misconception of each other's views, but simply to the probability that Mr. Smuts admitted more to me in conversation than his Government were subsequently prepared to endorse. At any rate, I can merely adhere to the accuracy of my version.

I need only add that Your Excellency will understand that I should indeed have hesitated in recommending any scheme to the serious consideration of Her Majesty's Government which was likely either to imperil the new burgher's chance of electing his own President, or to put ten Uitlander members into the Volksraad, and practically either restrict these representatives to the few persons who happened to be able to speak Dutch as well as their own language, or else oblige them to remain dumb spectators of the political conflict.

In conclusion, I need only remind Your Excellency that the proposals which were originally agreed upon between the State Attorney and myself, and reported to you in my telegrams, Nos. 248 A and B of August 14, were, when subsequently presented in the official note to me of August 19th, not adhered to; that these proposals, which in their original shape were of the nature of a friendly *rapprochement*, were subsequently reduced to a regular "Kaffir bargain," on the strict "do ut des" principle, by the second note to me from the Government of the 21st of August; and lastly that, even then, these reservations were further accentuated by the semi-official and the private letter to me from the State Attorney of August 25th.

Having regard to all the above circumstances, Your Excellency will, I think, agree

with me that it is difficult to avoid the conclusion that, even if the State Attorney was, at the outset, actuated by a sincere desire to bring about an understanding, yet the subsequent course of the negotiations was hardly such as to inspire absolute confidence in the *bona fides* of the Government of which he was acting as the representative.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

State Attorney's Office, Pretoria,

DEAR MR. CONYNGHAM GREENE,

August 25, 1899.

I HAVE seen Mr. Reitz in reference to the wire which you received from your Government yesterday (Secretary of State to High Commissioner, August 23, 1899.)

The terms of a settlement as embodied in the formal note of this Government, dated 19th August, were very carefully considered, and I do not believe that there is the slightest chance that those terms will be altered or amplified. Your decision will therefore have to be arrived at on those terms as they stand.

Yours, &c.,
J. C. SMUTS.

(Private.)

State Attorney's Office, Pretoria,

DEAR MR. CONYNGHAM GREENE,

August 25, 1899.

I HAVE referred to my notes of conversations we have had together on various subjects in connection with the Franchise Law, and which Mr. Chamberlain refers to in his telegram to you of yesterday.

I find that in July you spoke to me about the language question, and that 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 should be unable to express himself in the official language. I referred specially to the case of a man like Mr. George Albu, as you will probably recollect.

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

Your private telegram to the High Commissioner of 14th August, of which you gave me a copy last night, attributes to me the statement that members for the Gold Fields would be permitted to speak in their own tongue. This, however, is obviously 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 discussing with you future changes 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 a possible mode of arranging these elections, but I do not remember having gone further than the statement that new burgher population would have the same elective power as the old.

I am very sorry that this misunderstanding should have arisen and produced an apparently wrong impression on the minds of Her Majesty's Government. I never intended these conversations to be conveyed to your Government, and would have spoken in such terms as to have removed all possible cause of misunderstanding from your mind.

Yours, &c.,
J. C. SMUTS.

Enclosure 6 in No. 16.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR,

Her Majesty's Agency, Pretoria, September 1, 1899.

I HAVE the honour to report that on the receipt of Your Excellency's telegram, No. 36, of the 29th of August, I drew up the note of which a copy is enclosed to the Government of the South African Republic, and handed it on the following day in person to the State Secretary.

Mr. Reitz read over the note in my presence, but would not commit himself in any way as to the probable nature of the reply which his Government might return to it, and I myself did not press him for an expression of his own personal views.

After the note had been read, I explained to Mr. Reitz that Her Majesty's Government had taken note of the desire of the South African Republic, as expressed in their note to me of the 19th of August, for an early settlement of the questions in dispute, and that they fully shared it, but that I was instructed to point out that the Government of the South African Republic had taken more than a fortnight to reply to the last offer of Her Majesty's Government, and, indeed, had in all cases been very slow in replying to my official communications. I was therefore, I said, instructed to express the hope of Her Majesty's Government that on the present occasion they might be favoured with an immediate reply to the note which I had just handed in.

I suggested that the State Secretary should agree to give me the reply of his Government by Saturday, the 2nd of September.

In reply, Mr. Reitz said that as the Volksraad was sitting, and there were two clear days in hand in which to consider the communication of Her Majesty's Government, he would endeavour to let me have a reply by the date suggested by me.

Before leaving, I took the opportunity of speaking very plainly to Mr. Reitz, as an expression, of course, of my own personal opinion only, as to the seriousness of the situation. I reminded him of the recent utterances of the Prime Minister on the Transvaal question, and of the important speech delivered as lately as Saturday last at Birmingham by the Secretary of State for the Colonies. I could not, I said, help feeling that if the reply of the Government of the South African Republic to the present communication from Her Majesty's Government which I had just handed in were not to be prompt and satisfactory, and if it became necessary for Her Majesty's Government to despatch further troops to South Africa, it was only to be expected that they would feel justified in withdrawing their previous suggestion for a compromise. In that case, I said that I felt convinced that Her Majesty's Government would formulate their own demands for a settlement, not only of the Uitlander question, but also of the future relations that should subsist between Great Britain and the Transvaal State.

In conclusion, I said that it might be desirable to record the wishes of Her Majesty's Government with respect to an early reply in some formal way, and I suggested that I should send to Mr. Reitz a semi-official note in the above sense.

Accordingly, on my return home, I addressed the letter of which a copy is enclosed, to Mr. Reitz, and subsequently, on receipt of Your Excellency's telegram, No. 38, of the 31st of August, sent him a further communication, emphasizing the desire of Her Majesty's Government for an immediate answer.

Copies of my letter and of Mr. Reitz's reply are annexed.

Yesterday morning the President entered the Volksraad, and, addressing the House, said that he wished to submit to the Raad the latest correspondence that had passed between his Government and that of Her Majesty, and added that he would then ask the Raad to meet in secret session the same evening at 7 o'clock. The State Secretary then read the despatch from the Secretary of State to Your Excellency of the 27th of July, the notes from the Government of the South African Republic to myself of the 19th and 21st of August, and my note to the Government of the 30th of the same month.

After these documents had been read, the President rose and made an explanatory statement as to the words used by him and quoted in the Secretary of State's despatch above referred to, at the Conference held at Newcastle in May, 1881. Subsequently Mr. A. D. Wolmarans and the State Secretary addressed a few remarks to the House, and the session was adjourned.

In conclusion I will only mention that, as has been the case on previous occasions, the "Standard and Diggers' News" and other papers, published a wholly incomplete and inaccurate summary yesterday morning of the contents of my note of the 30th

August to the Government of the South African Republic. Your Excellency will notice, by a perusal of the annexed extract* from yesterday's "Standard and Diggers' News," that no mention is made in the so-called summary of my note of the suggestion of Her Majesty's Government for an independent inquiry by the British Agent into the question of the political representation of the Uitlanders.

On making inquiry of the local representatives of the Press as to the source from which they derived the information contained in these summaries, I have been informed independently by four of the newspaper correspondents that the statement published by them was supplied to them by the State Secretary.

I have not considered it worth while to take any notice of these inaccurate versions, as I am aware from previous experience that it is useless [to attempt] to obtain any satisfactory explanation from the Government.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

SIR,

Her Majesty's Agency, Pretoria, August 30, 1899.

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 Gold Fields and by other provisions the Government of the South African Republic intend to give immediate and substantial representation of 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 Inquiry into the complicated details and technical questions on which the practical effect of the proposals depends. 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

* Not reprinted.

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, &c.,
CONYNGHAM GREENE.

The Honourable
The State Secretary.

Her Majesty's Agency, Pretoria, August 30, 1899.

DEAR MR. REITZ,

WITH reference to our conversation of this morning Her Majesty's Government have noted the desire of the Government of the South African Republic, as expressed in your note of August 19, for an early settlement, and fully share it, but must point out that the Government of the South African Republic took more than a fortnight to reply to their last offer, and in all cases have been very slow in replying to their communications. I am, therefore, now to express the hope of Her Majesty's Government that on the present occasion they may be favoured with an immediate reply to the note which I handed to you this morning.

I am, &c.,
CONYNGHAM GREENE.

The Honourable
F. W. Reitz,
State Secretary.

Her Majesty's Agency, Pretoria, August 31, 1899.

DEAR MR. REITZ,

WITH reference to our conversation and my semi-official letter to you of yesterday, I have this morning received a further telegram from the High Commissioner, pressing me for an early answer to the official note which I had the honour to hand to you yesterday, and desiring me to express His Excellency's earnest hope that the answer of your Government may not in any case be deferred beyond Saturday.

I am, &c.,
CONYNGHAM GREENE.

The Honourable
F. W. Reitz,
State Secretary.

DEAR MR. GREENE,

Pretoria, August 31, 1899.
REPLYING to your notes of yesterday and to-day, conveying the desire of the High Commissioner that the answer of our Government to the official note which you handed to me yesterday shall not in any case be deferred beyond Saturday, I give you herewith

the assurance that (unless something quite unexpected and un contemplated should prevent) our reply will be delivered to you not later than Saturday next.

Yours truly,
F. W. REITZ.

Conyngnam Greene, Esq., C.B.,
British Agent,
Pretoria.

Enclosure 7 in No. 16.

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

TELEGRAM.

5th September. No. 298. Urgent. My telegram, No. 293. State Secretary informs me President is anxiously awaiting reply as to when note of Government of South African Republic to me of Saturday may be published here. He asks whether it would be possible for you to cable the full text of the note to London to-day, in order that it might be published here to-morrow.—GREENE.

Enclosure 8 in No. 16.

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

TELEGRAM.

5th September. No. 45. Your telegram, 298. I cabled translation of note of 2nd September to Secretary of State this afternoon.

Enclosure 9 in No. 16.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER.

SIR, Her Majesty's Agency, Pretoria, September 2, 1899.
WITH reference to my telegram, No. 288, of yesterday, I have the honour to transmit to your Excellency herewith a translation of a semi-official letter which I have received from the State Secretary, dated the 1st instant, in which Mr. Reitz encloses a copy of a Note, dated the 12th of August, which had been drawn up by the Government of the South African Republic, in reply to my Note of the 2nd of August conveying the invitation of Her Majesty's Government to the Transvaal Government to take part in a joint inquiry into the political representation of the Uitlanders.

Your Excellency will notice that Mr. Reitz states that, for the reasons assigned by him, and owing to the fact that the position had been modified by subsequent communications the Note in question had not been delivered to me.

His Excellency
The High Commissioner,
Cape Town.

I have, &c.,
CONYNGHAM GREENE.

(Translation.)

SIR, Ministry for Foreign Affairs, Pretoria, September 1, 1899.
I HAVE the honour to acknowledge the receipt of your semi-official communication of 30th of August, 1899, and in reply thereto to remark, that, as it appears to be generally supposed that there was unnecessary neglect on the side of this Government in despatching a reply to the telegraphic communication of the Secretary of State for the Colonies accompanied by your Note of the 2nd of August, I wish in the first place to point out that this Government had drawn up an answer to it some considerable time ago, and was ready to hand it over, but that in consequence of semi-official negotiations

between you and the State Attorney, and the consequent Despatch of this Government of the 19th of August, the sending of the said answer was, in consultation with you, withheld.

Although the position has been somewhat altered by communications received from you later, and which at present are engaging the attention of this Government, I suppose it is still necessary to acquaint you with the contents of the aforesaid answer, and consequently enclose herewith the original of the same.

With reference further to the written despatch of the Secretary of State for the Colonies of 27th of July, 1899, received by me on the 23rd of August, 1899, amended by your Note of yesterday, and which this Government understands to be a further explanation of the telegraphic communication of 2nd of August, 1899, my Government intends to answer it immediately in full; the said Despatch embraces so much that further time is necessary to answer it.

The answer of the Government to the Despatch of the Secretary of State of 30th of August will be handed to you, if possible, to-morrow.

I have, &c.,

F. W. REITZ,

State Secretary.

Conyngham Green, Esq., C.B.,
British Agent, Pretoria.

(Translation.)

SIR, Ministry for Foreign Affairs, Pretoria, August 12, 1899.
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 enquiry is concluded the High Commissioner will be ready to discuss with President of the South African Republic not only the report of the inquiry 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 inquiry 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 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.

Conyngham Greene, Esq., C.B.,
British Agent, Pretoria.

Aanhangsel A.

Extract uit een brief van the Right Hon. the Earl of Derby to the Transvaal Deputation.

Downing Street, February 15, 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.

Extract uit een brief van den Heer Chamberlain to Sir Hercules Robinson.

Downing Street, February 4, 1896.

30. 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.

31. 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.

Extract uit een telegram from the Secretary of State, London, to the High Commissioner, Cape Town.

March 26, 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.

Aanhangsel C.

Besluit van den Uitvoerenden Raad van den 27sten Juli, 1899.

Aan de orde Minute R. 9498/99, inhoudende correspondentie omtrent de vertegenwoordiging in den Eersten en Tweeden Volksraad voor de publieke delverijen ;

De Uitvoerende Raad

Lettende op Reggeringsmissive B.B. 1900/99, d.d. 19 Juni, 1899.

Lettende op Eerste Volksraadsbesluit Art. 377, d.d. 15 Juni, 1899.

Lettende op Regeeringsmissive B.B. 2157/99, d.d. 7 Juli, 1899.

Lettende op wet No. 12 van 1887.

Besluit :—

De Kiesafdeeling Witwatersrand-goudvelden, welke thans in den Eersten en Tweeden Volksraad vertegenwoordigd wordt door twee leden, te doen vertegenwoordigen door tien

leden zoodat genoemde kiesafdeeling gesplitst zal worden in vijf zooveel mogelijk evenredige kiesafdeelingen, waarvan welke afdeeling twee leden zal kiezen.

Het hoofd van het Mijnwezen, de mijncommissarissen de Veldcornetten en de Commandanten van deze Kiesafdeeling zullen met medewerking van de twee Volksraads leden der Kiesafdeeling Witwatersrand goudvelden een voorstel aan de Regeering doen, hoe deze afdeelingen te vormen, om daarna van Artikel 2 van Wet No. 12 van 1887, de grenzen van elke afdeeling te kunnen proclameeren.

Verder Besluit de Uitvoerende Raad aan de Regeering op te dragen, na te gaan of het wenschelijk is, tengevolge van de uitbreiding en vermeerdering der bevolking ook andere del verrijen tot kiesafdeelingen te verklaren in termen van Wet No. 12 van 1887.

Enclosure 10 in No. 16.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR, Her Majesty's Agency, Pretoria, September 3, 1899.
With reference to my despatch of the 1st instant, I have the honour to transmit to your Excellency herewith a translation of a Note which I have received from the State Secretary, dated yesterday, conveying the reply of the Government of the South African Republic to the Note which I addressed to them on the 30th of August on the subject of the political representation of the Uitlanders.

His Excellency,
The High Commissioner,
Cape Town.

I have, &c.,
CONYNGHAM GREENE.

(Translation.)

SIR, Ministry for Foreign Affairs, Pretoria, September 2, 1899.
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 19 and 21 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 discussion 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 in 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 now 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 of July is concerned, it intends to send on very shortly the further answer, as already communicated yesterday.

I have, &c.,

F. W. REITZ,
State Secretary.

Conyngham Greene, Esq., C.B.,
British Agent,
Pretoria.

Enclosure 11 in No. 16.

("SOUTH AFRICAN NEWS," September 5, 1899.)

Bloemfontein, September 4 (Special).—The "Express" learns from reliable, though unofficial sources, at Pretoria, that an interview between Mr. Conyngham Greene and State Attorney Smuts, referred to by Mr. Wolmarans in the Volksraad last week, the British Agent stated that the object the British Government had in view in suggesting a joint inquiry was to bring Johannesburg into the matter, and go beyond the Bloemfontein programme. The Uitlanders, said Mr. Greene, had collected all the facts which were to be laid before the Commission, and which would bring the opinion of the world round to them. The only way open to the Government was to accept as an alternative Sir Alfred Milner's Bloemfontein scheme in order to avoid an inquiry and more comprehensive claims. If this scheme were accepted, said Mr. Greene, the British Government would no doubt be found willing to relinquish the Suzerainty claim, and to grant arbitration on all other points of dispute.—"But would they?" was the natural reply.—Mr. Greene said he could make sure, and he then cabled through the High Commissioner, as stated by Mr. Reitz, and the reply was that the British Government would consider such a proposal on its own merits.

That was a non-committal reply which hardly satisfied the Transvaal Government. The British Agent was asked what he thought of it, and he said he considered it to be a favourable one. Thereupon the counter-proposal suggested by Mr. Greene was forwarded to Mr. Chamberlain. Mr. Chamberlain's next step was to inquire from the Transvaal Government whether, in case that counter-proposal was accepted, the English language would receive equal rights and status with the Dutch in the Legislature of the Republic, and whether the Transvaal would bind itself never to alter the terms appertaining to the election of President and Commandant-General, except with the consent of the British Government.

The Transvaal authorities were now becoming suspicious, and replied in the negative. Then followed the "garden party" speech, in which Mr. Chamberlain accused President Kruger of procrastinating in his replies, and adopting "a dribbling policy." The next and last step was the reply, published in our last issue, finally rejecting the counter proposal.

Enclosure 12 in No. 16.

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

DRAFT TELEGRAM.

(Telegram. High Commissioner.)

(No. 248A.)

Pretoria, August 14, 1899.

THE Government of the South African Republic will write me a Note to the effect that, provided Her Majesty's Government are willing not to press the demand for the proposed joint inquiry into the political representation of the Uitlanders, they are willing to make the following proposals to Her Majesty's Government.

1. Five years retrospective franchise. The scheme to be referred to the people immediately, and the Government pledging itself to support it and get the people to adopt it. The Raad would adjourn at once for above purpose, and scheme might become law within, say, a fortnight.

2. Eight new seats to be given to the Witwatersrand, in the First Volksraad, making, with the existing members for Johannesburg, and Barberton, a representation of the Mining Industry of ten seats in a Raad of 36. The representation of the Gold Fields in future to be ~~1 of the Volksraad~~ *not to fall below this proposition**. The same number of seats to be given in the Second Raad if desired.

In this way future extension of franchise to new population will not be restricted to Witwatersrand, but will be extended to such other fields as are fairly entitled thereto.

3. This franchise will entitle both old and new population to equal rights and privileges in regard to the election of President and Commandant-General.

* ? "proportion."

Voor en aler een reeds genaturaliseerd persoon toegelaten wordt tot het volle stemrecht zal in elk geval door hem bij zyn aanzoek daartoe, benevens voldoening aan andere door deze wet geeischte verplichtingen, wederom moeten worden overgelegd bewys van nakoming aan de voorwaarden en bepalingen hierboven sub a, b, en c, uiteengezet. Niemand zal gerechtigd zyn of toegelaten worden brieven van naturalisatie of vol stemrecht te verkrygen tenzy vooraf aan gemelde bepalingen voldaan te hebben, uitgenomen in gevallen waar deze of eenige andere wet uitdrukkelijk andere voorziening maakt.

Art. III. De applicant zal tenminste zes 2 maanden vooruit kennis geven aan den ambtenaar vermeld in Art. 1 van zyn intentie om applicatie voor brieven van naturalisatie te maken en dat hy by de applicatie bewys van voldoening aan Art. 2 zal leveren.

Art. IV. Leder persoon die zich binnen de Zuid Afrikaansche Republiek vestigt of gevestigd heeft, zal na verloop van minstens twee jaren, by voldoening aan de voorwaarden in Art. 2 secties b, en c, brieven van naturalisatie *Zonder vol stemrecht* kunnen verkrygen en zal minstens ~~van 3~~ 3 jaren na naturalisatie het volle stemrecht kunnen verkrygen, ~~mits in beide gevallen minstens zes maanden door hem schriftelyk kennis wordt gegeven aan den Staatssecretaris door den ambtenaar in Art. 1 vermeld van zyn voornemen om zulke aanvraag te doen.~~

De ambtenaar zal verplicht zyn op straffe eener boete van hoogstens £10 in elk geval van verzuim, om deze kennisgeving ~~zoedra mogelijk, doch uiterst 14 dagen na indiening ervan, naar den Staatssecretaris te zenden, ter publicatie in de Staatscourant voor algemeene informatie; en de Staatssecretaris zal zoedanige kennisgeving Zonder verzuim een maal in de Staatscourant te publiceren~~ zonder verzuim 3 achtereen volgende malen in de Staatscourant doen publiceren.

Art. V. Niets in deze wet bepaald zal de ~~Uitvoerende Raad~~ *Regering* beletten brieven van naturalisatie met of zonder het volle stemrecht uit te reiken aan personen die eene betrekking in's lands dienst aanvaardden ~~of diensten aan het land bevoegd hebben of zich in eenig ander opzicht voor het land hebben verdienstelyk gemaakt, hoewel ten hunne opzichte niet aan de vereischten van deze wet is voldaan, mits zy den eed volgens Art. 2 afleggen.~~

Art. VI. Jongelingen niet in dezen Staat geboren en wier vaders brieven van naturalisatie of vol stemrecht alhier hebben verkregen voor zy hun 16de jaar bereikt hebben, hebben hetzelfde stemrecht als hun vader.

Jongelingen in dezen Staat geboren wier vaders noch genaturaliseerd waren noch het volle stemrecht hadden, zullen zich met hunne 16de jaar kunnen laten naturaliseeren *met volle stemrecht* door den eed afteleggen vermeld in Art 2.

Art. VII. Het ~~verzoek om~~ *De toekening van naturalisatie en van het volle stemrecht* wordt door den ambtenaar vermeld in Art. I. aan den Staatssecretaris toegezonden en brieven van naturalisatie moet door hem geteekend worden.

Eenig bezwaar tegen het bewys van applicant moet wegens de Regeering by den ambtenaar vermeld in Art. I. gemaakt worden by het verhoor der applicatie.

~~De brieven van naturalisatie en vol stemrecht zullen geteekend worden door den Staatssecretaris. De Staatssecretaris laat de brieven van naturalisatie en vol stemrecht door den daartoe aangewezen ambtenaar een Landdrost of veldcornet of persoon bevoegd een eed afnemen uitreiken en door dezen den vereischten eed van naturalisatie afnemen.~~

De brieven van naturalisatie zullen een zegel van twee pond sterling dragen; de toekening van het volle stemrecht aan personen die vooraf genaturaliseerd zyn, geschiedt kosteloos.

Art. VIII. Iemand die niet tot de blanke bevolking van de Zuid-Afrikaansche Republiek behoort zal het stemrecht niet kunnen verkrygen ~~volgens Art. 9 der Grondwet.~~

Art. IX. Alle wetten and bepalingen voor zoover in stryd met deze wet worden hiermede herroepen.

Art. X. Deze wet treedt in werking dadelijk na publicatie in de Staatscourant.

No. 17.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 6.55 a.m., September 23, 1899.)

TELEGRAM.

[Answered by No. 24.]

27th September. No. 4. In continuation of my telegram of to-day, No. 3.* Orange Free State President has telegraphed to me at enormous length. After recapitulating history of negotiations from their point of view he continues:—

* No. 18.

Begins : 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 of demands of the British Government compliance with which that Government consider themselves entitled to insist on and as to the grounds on which such insistence is based. (b) By the fact, notwithstanding the repeated assurances of the British Government that it does not wish to interfere in the internal affairs of the government 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 I may mention the enormous and ever-increasing military preparations on the part of the British Government indicating a policy of force and coercion.

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 this border, not only of the South African Republic but also of the Orange Free State, and they are 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 settlement of the difficulties and differences existing between Her Majesty's Government and the Government of the South African Republic.

We are firmly convinced that the Government of South African Republic have been sincerely desirous to maintain in its integrity the Convention of London 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. 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 with 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, I trust that Her Majesty's Government may see their way clear, pending arrival of the further despatch intimated as about to be sent to Government of 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 insure a satisfactory and permanent solution of existing differences between them and the South African Republic whilst at the same time providing a means for settlement [of] any other that may arise in the future.—
M. T. SRZYN, State President. *Ends.*

* No. 20 in [C. 4036].

No. 18.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.10 a.m., September 28, 1899.)

TELEGRAM.

27th September. No. 3. Following resolution unanimously adopted to-day by Orange Free State Volksraad and forwarded to me by President Orange Free State in translation:—

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 have arisen in consequence of the differences between the Governments of South African Republic and Her Britannic Majesty, which constitute a threatening danger for bringing about hostilities the calamitous effect 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 most friendly relations 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 States and Colonies of South Africa, being sensible that serious obligations rest on 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 at a peaceful settlement 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 on the border of the South African Republic and are still continually being reinforced.

“Resolves to instruct the Government still further to do everything in its power to preserve and establish peace and to contribute by peaceful methods towards the solution of the existing differences, always provided that [it] 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 South African Republic, this would morally be a war against the whole of white population of South Africa and would in its results be calamitous and criminal and further, that Orange Free State will honestly and faithfully observe its obligations towards South African Republic arising out of the political alliance between the two Republics whatever may happen.”

No. 19.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1 p.m., September 28, 1899.)

TELEGRAM.

28th September. No. 2. My telegrams No. 3 and No. 4,* I have telegraphed to President Orange Free State simply acknowledging his telegrams and saying that I have communicated them to you.

* Nos. 17 and 18.

No. 20.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 5.20 p.m. September 28, 1899.)

TELEGRAM.

[Answered by No. 30.]

28th September. No. 3. I have this morning received a letter from President Steyn in answer to my letter conveying the message contained in your telegram of the 22nd September, No. 2.* Letter is in Dutch. Translation is as follows:—

Begins: I have the honour to acknowledge the receipt of Your Excellency's letter of the 23rd September informing me that Your Excellency was instructed by Her Majesty's Government to acquaint me that in the report of my speech at the opening of the Volksraad, which had been sent to England, it was stated that I had said that the Government of the South African Republic was "verlokt" (decoyed) by Mr. Greene, British Agent at Pretoria, and had virtually accused Her Majesty's Government of bad faith.

In reply, I have to say that I am not acquainted with the contents of any report of my speech sent to England, and, further, that although I do not feel myself called upon publicly to contradict any such incorrect report, I wish to give Your Excellency the assurance that the report repeated to me by Your Excellency is devoid of all truth, as Your Excellency will best see by a reference to my speech itself, of which I have the honour to inclose herewith a copy for Your Excellency. It is possible that the report owes its origin to an erroneous translation of the word "uitgelokt" (elicited) which is contained therein, and which was a quotation from the despatch referred to by me (despatch of 15th September to British Agent). This expression is something totally different from the word attributed to me, namely, "verlokt" (decoyed). *Ends.*

No. 21.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 11 p.m., September 28, 1899.)

TELEGRAM.

[See also No. 26. Answered by No. 36.]

28th September. No. 5. Following petition to Her Majesty the Queen has been handed to me to-day, signed by fifty-seven members of both Houses of Parliament, including five Ministers:—

Begins: Your Majesty's humble petitioners are British subjects residing in the Colony of the Cape of Good Hope.

2. They are aware that your Majesty some time ago was graciously pleased to receive and consider a petition signed, amongst others, by many of your Majesty's subjects residing in the South African Republic, and setting forth certain grievances of disabilities under which those petitioners deemed themselves to labour in the said Republic.

3. Your petitioners humbly refrain from herein raising any discussions or controversy on the several matters dealt with in the said Petition, but they beg to submit, as subjects of your Majesty in this Colony, and speaking on behalf of many thousands of their fellow-subjects here, this their Petition to be likewise received and considered by your Majesty.

4. Your petitioners are closely connected by ties of blood relationship, inter-marriage, and friendship, with residents in the South African Republic, and materially and deeply interested in the maintenance of peace in South Africa and the avoidance of the horrors of war, and they are firmly convinced that recourse to measures of active interference by force or compulsion against the said Republic for the removal of the grievances or dis-

abilities set forth in the aforesaid Petition is not necessary, and would be most disastrous to the true welfare and the best interests of your Majesty's South African dominions, of which this Colony forms no inconsiderable part.

5. Should such measures be in contemplation your petitioners beg most humbly and earnestly that your Majesty may be pleased in the exercise of a spirit of magnanimity for peoples and States which are weak, and of consideration for the true welfare and best interests of your subjects in South Africa, to abandon the further contemplation of such measures.

6. Your petitioners are emboldened in preferring this humble request by the earnest belief that the Government and people of the South African Republic are fully awakened to the wisdom and discretion of making liberal provision for the representation in the Legislature of the Republic of the population of the Gold Fields, from a part of which the Petition emanated which has been received and considered by your Majesty.

7. Your petitioners, having observed that the Legislature of the South African Republic have recently passed a new franchise Act making more liberal provision for the representation of the Gold Fields in the Volksraads of the Republic, and for the naturalization with full burgher rights of British subjects, in common with other Uitlanders permanently settling in the Republic; that your Majesty's Government have been pleased to propose the appointment of a Joint Commission to inquire into the full effect of the said Act; and that the Government of the South African Republic have accepted this proposal, beg to humbly express their hope that such a Joint Commission will be speedily appointed.

8. Your petitioners feel fully convinced that if an inquiry instituted by such a Commission should lead to the conclusion that the Act in question does not make sufficient or satisfactory provision for the enfranchisement and representation of your Majesty's subjects settling permanently in the Republic, the Republic Legislature would be found prepared to make other and further provisions in that behalf, and that a recommendation by your Majesty's Government to your subjects in the South African Republic to accept such provisions would produce great results in influencing the various sections of the population towards mutual conciliation and goodwill, and at the same time tend to the true advancement of your Majesty's South African dominions.

9. Your humble petitioners would finally beg your Majesty graciously to accept and consider this Petition, and to believe that in presenting it they are actuated not only by feelings of attachment to the country of their birth or adoption but also of loyal devotion to your Majesty's throne and person. And your petitioners, as in duty bound, will ever pray.

No. 22.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 12.35 a.m., September 29, 1899.)

TELEGRAM.

[Answered by No. 35.]

28th September. No. 6. I have received to-day through Sir Gordon Sprigg following resolution signed by 53 Members of both Houses.

Begins: This meeting of Members of Parliament of the Cape Colony desires strongly to deprecate the attempts which have been made to encourage the Government of South African Republic to continue their resistance to the just demands of Her Majesty's Government, and further desires to give Her Majesty's Government an assurance of the strongest support of the policy pursued by them through the High Commissioner, which it regards as calculated to promote permanently the best interests not only of the Cape Colony but of the whole of South Africa. *Ends.*

No. 23.

Mr. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 6.35 p.m., September 29, 1899.)

TELEGRAM.

29th September. No. 1. I think that if Government of South African Republic commence hostilities it would be well for you in that case, but not otherwise, to give warning to President Krüger at once, that, in view of the persistent rumours which have reached Her Majesty's Government as to threats to murder British subjects, he and his Government are expected to protect the lives and property of all peaceable persons, British subjects and others; and will be held responsible by Her Majesty's Government for any acts committed contrary to the usages of civilized people.

No. 24.

Mr. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 10.30 p.m., September 29, 1899.)

TELEGRAM.

[Answered by No. 27.]

29th September. No. 2. Referring to your telegram of 27th September, No. 4,* Her Majesty's Government request that you will inform President of Orange Free State in reply to his message that their views have been definitely made known to the Government of the South African Republic from time to time and especially in my telegram of 8th September, No. 5.† Unfortunately the Government of the South African Republic has finally declined to entertain the suggestions contained in that telegram, and accordingly Her Majesty's Government, in accordance with the announcement made in the last paragraph, have been compelled to formulate their own proposals for a final settlement, which will shortly be communicated to the Government of the South African Republic.

You will at the same time inform President of Orange Free State that what he describes as the enormous and ever-increasing military preparations of Great Britain have been forced upon Her Majesty's Government by the policy of the South African Republic, which has transformed the Transvaal into a permanent armed camp, threatening the peace of the whole of South Africa and the position of Great Britain as the Paramount State.

No. 25.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received 11 p.m., September 29, 1899.)

TELEGRAM.

29th September. No. 4. Station-master, Charlestown, has been officially informed by Netherlands Railway Company that no more traffic will be received from Natal, as railway has been taken over by Government of South African Republic. Railway telegraph wire has been cut. Telegraphic communication between Maritzburg and Johannesburg still maintained by Post Office wires.

No. 26.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1.55 p.m., September 30, 1899.)

TELEGRAM.

30th September. No. 1. Referring to my telegram of 28th September, No. 5,‡ Theron, Member of Legislative Assembly, wishes me to acquaint you his name was omitted from signatures, which are therefore 58.

* No. 17.

† No. 52 in [C. 9521].

‡ No. 21.

No. 27.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 12 midnight, September 30, 1899.)

TELEGRAM.

(Extract.)

30th September. No. 5. I propose to hold over message in your telegram of 29th September No. 2.* My reason for doing so is that there is still some hesitation on the part of the Government of the Orange Free State who seem not to have abandoned hope of compromise.

No. 28.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 12.25 a.m., October 1, 1899.)

TELEGRAM.

[Answered by No. 29.]

(Extract.)

30th September. No. 8. Urgent. Just received following from British Agent:—
Begins: State Secretary who has just been here has asked me to send you the following message: "State Secretary would be much obliged if he might be informed by Monday what decision if any the British Cabinet have taken."

No. 29.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 11 p.m., October 1, 1899.)

TELEGRAM.

(Extract.)

1st October.—No. 1. Urgent. Your telegram No. 8 of 30th September.† The answer to State Secretary should be as follows:—
 The despatch of Her Majesty's Government is being prepared; it will be some days before it is ready.

No. 30.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5.10 p.m., October 2, 1899.)

TELEGRAM.

2nd October. No. 4. Referring to your telegram of 28th September, No. 3.‡ You should inform President Steyn in reply to his letter that Her Majesty's Government are glad to learn that the report of his speech was inaccurate.

No. 31.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8.5 p.m., October 2, 1899.)

TELEGRAM.

2nd October. No. 2. Following telegram received from President Orange Free State:—

Begins: 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 amongst our burghers arising from the totally undefended state of

* No. 24.

† No. 28.

‡ No. 20.

our border in the presence of a continued 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 insure 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* [? Sept.], receipt thereof was acknowledged by Your Excellency on the following day.

Ends.

I have replied:—

Begins: 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 regard 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 mobilized and placed on the borders of Natal a very considerable army, and made dispositions which, unwilling as I am to believe such action possible, seems 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 I likewise 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.* *Ends.*

No. 32.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 9.30 p.m., October 2, 1899.)

TELEGRAM.

2nd October. No. 3. Following telegram received from British Agent:—

“Volksraad of South African Republic adjourned this morning, *sine die*. President, in an excited speech, declared that war was inevitable. England had shown that she wished to fight, and his people would now show that they would fight under the eyes of the Lord. Burger and Wolmarans spoke similar strain.”

No. 33.

GOVERNOR SIR W. F. HELY-HUTCHINSON (NATAL) to MR. CHAMBERLAIN.

(Received 2.55 a.m., October 3, 1899.)

TELEGRAM.

[Answered by No. 56.]

2nd October. No. 1. Following telegram received from Civil Commissioner, Zululand:—

Begins: Dinuzulu reports that the natives of Vryheid district are (?) becoming desperate, and it is to be feared they will not remain quiet much longer.

* See No. 17.

Several children taken from their parents have deserted, and Boers are now seizing cattle from kraals they belong to. Dinuzulu says these people, who are all connected by relationship or family ties with himself and his people, appeal to him to represent on their behalf to Her Majesty's Government terrible hardship they are subjected to, and to urge that although country was given to Boers, they consider themselves as much subjects of Her Majesty the Queen as any Englishman resident in Transvaal Republic, and therefore implore Her Majesty's Government to intervene on their behalf in same manner they understand that Her Majesty's Government is intervening on behalf of white British subjects in Transvaal Republic.

This report was conveyed to Gibson by Dinuzulu's chief induna, Man-kuluma, with whom I had long conversation through telephone. I told him it would be communicated to you at once by telegraph, and that Dinuzulu would be informed of your reply, and that meanwhile best thing people could do was to remain quiet.

In my opinion it is very probable that natives of Vryheid district will rise against Boers if there is war. Message delivered to Chiefs in this province short time ago has had effect of keeping those across border quiet up to present, but they will not much longer submit to treatment of Boers. Otherwise everything quiet. *Ends.*

No. 34.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.10 a.m., October 3, 1899.)

TELEGRAM.

3rd October. No. 2. Referring to my telegram of 2nd October, No. 2,* following telegram received from President Orange Free State:—

Begins: 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 explain the reply to my telegraphic despatch and to prevent further movements of troops. *Ends.*

I have replied as follows:—

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. *Ends.*

* No. 31.

No. 35.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 5.45 p.m., October 3, 1899.)

TELEGRAM.

3rd October. No. 4. Referring to your telegram of 28th September, No. 6,* inform Sir Gordon Sprigg, in reply to resolution signed by fifty-three members of Cape Parliament, that Her Majesty's Government have received with much satisfaction the assurance of their support contained in that resolution.

No. 36.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 10.5 p.m., October 3, 1899.)

TELEGRAM.

3rd October. No. 6. The Petition contained in your telegram of 23th September No. 5 † has been laid before the Queen who was pleased to receive it graciously. In so informing the petitioners you will state that Her Majesty's Government, in their policy towards the South African Republic, have not been unmindful of the sympathies and interests of Her Majesty's subjects of Dutch descent in South Africa. One of the main objects of that policy has been to secure for the non-Dutch inhabitants of the Transvaal similar rights and privileges to those enjoyed by the Dutch in Cape Colony, and to maintain that equality between the two white races which prevail everywhere else in South Africa.

Her Majesty's Government have shown to the Government of the South African Republic every consideration consistent with the realization of this object and the maintenance of British interests. They deeply regret that their efforts to secure a peaceful and satisfactory settlement have hitherto been unsuccessful.

They are unable to adopt the course suggested in the latter part of the Petition for the reasons stated in the note to the Government of the South African Republic of 12th September, ‡ which was delivered in pursuance of telegraphic instructions from Her Majesty's Government. In view of the refusal of the Government of the South African Republic to entertain the moderate and conciliatory offer contained in that note Her Majesty's Government feel compelled to formulate their own proposals for a final settlement, which will shortly be communicated to the Government of the South African Republic.

No. 37.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 4 a.m., October 4, 1899.)

TELEGRAM.

[Answered by No. 42.]

October 3rd.—No. 5. The situation is growing steadily worse. The Orange Free State is expelling British subjects and has closed its borders; practically the whole body of Burghers is being commandeered. There is now a very large number of refugees in the Colony.

Bar gold estimated at over half-a-million, which was about to be exported in the usual course, has been seized by the South African Republic at its frontier.

* No. 22.

† No. 21.

‡ See No. 52 in C. 9521 and page 61 of this book.

No. 38.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7.5 a.m., October 4, 1899.)

TELEGRAM.

[Answered by No. 39.]

(Extract.)

4th October. No. 1. President Orange Free State has sent me another long telegram, which is mostly an attack upon us for pursuing what he regards as a policy of menace towards South African Republic, and seems to indicate an intention of picking a quarrel with us. His answer concludes as follows:—"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. I tender once again my best services towards the attainment of that object, but they will, I fear, be useless and unavailing if not preceded or accompanied by the assurances for which I asked on the 27th ultimo."

He also makes a grievance of not having received an answer to his telegram of the 27th September.* I kept back, as you are aware, your telegram of the 29th September No. 2† We ought, however, in my opinion, to answer him now, and I suggest the following:—

Begins.—Her Majesty's Government have repeatedly stated their views on the questions at issue between them and the Government of the South African Republic, and especially in the telegram of 8th 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 Government 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 reconsidering 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. *Ends.*

I do not think there is much chance of a compromise although there is apparently still some hope of it in Afrikander circles here.

No. 39.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 8.5 p.m., October 4, 1899.)

TELEGRAM.

[Answered by No. 40.]

(Extract.)

4th October. No. 3. Your telegram of 4th October No. 1.§ You may give President Steyn the answer you propose.

* See No. 17.

† No. 24.

No. 52 in [C. 9521].

§ No. 38.

No. 40.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 7.30 p.m., 5th October, 1899.)

TELEGRAM.

[Answered by No. 41.]

5th October. No. 1. Urgent. Referring to your telegram of 4th October, No. 3,* I telegraphed Orange Free State President yesterday as follows:—

Begins: 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 tranquillity. *Ends*.

Simultaneously with the receipt of your telegram of 4th October, No. 3,* I received the following from Orange Free State President:—

Begins: 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 tranquillity. 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 State 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

* No. 39.

† See No. 38.

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. *Ends.*

It seems to me that the only possible answer is that whatever may be the case with regard to the forces of South African Republic I demur to His Honour's statement that British troops are in a menacing position, and I regret that His 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 for defensive purposes in British territory. Such an assurance it is impossible for me to suggest Her Majesty's Government to give. I think this answer should be sent with the greatest possible promptitude.

No. 41.

Mr. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 4.45 a.m., October 6, 1899.)

TELEGRAM.

6th October. No. 1. Your telegram of 5th October, No. 1.* You may give the answer you propose to President, Orange Free State, but add that if the latter can obtain the needful assurance to safeguard against any act of invasion or hostility against any portion of Her Majesty's Colonies or territories pending negotiations of which he speaks, you will advise Her Majesty's Government to give an assurance in the same terms, *mutatis mutandis*. This will place both parties in exactly the same position. Each will be free to do what they like in their own territories, but neither will be able to trespass on the territories of the other.

No. 42.

Mr. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.30 p.m., October 7, 1899.)

TELEGRAM.

[Answered by No. 46.]

(Extract.)

7th October. No. 1. Your telegram of the 3rd October No. 5†. Under what legal authority, if any, have South African Republic Government seized gold and Orange Free State Government expelled British subjects? Can you say?

No. 43.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received 9.20 p.m., October 7, 1899.)

TELEGRAM.

7th October. No. 3. Following telegram received from Her Majesty's Agent, Pretoria:—

Begins.—Having received complaints from British subjects that their property had been commandeered, and it having been announced by the newspapers that the

* No. 40.

† No. 37.

State lawyers had advised Government that they were perfectly competent to commandeer any and every sort of property in possession of British subjects, I to-day enquired of State Secretary whether the above announcement represented the views of Government. Reitz, after consultation with State Attorney, replied that the property of private individuals, of whatever nationality, could be and was being commandeered to the value of 15*l.* a head. *Ends.*

No. 44.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 2.40 a.m., October 8, 1899.)

TELEGRAM.

[Answered by No. 48.]

7th October. No. 4. I sent a telegram *en clair* to President Orange Free State this morning in accordance with terms of my suggestion in my telegram of 4th October, No. 1,* approved by you in your telegram of 4th October, No. 3.†

Following telegrams have also been exchanged between us in continuation of my telegram of 5th October, No. 1.‡:—

Begins.—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. *Ends.*

Begins.—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 reconsideration see that Government of South African Republic in only taking proper precautions 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 invasion 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. *Ends.*

Begins.—7th October. I have the honour to acknowledge the receipt of 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

* No. 38.

† No. 39.

‡ No. 40.

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 dispatch thither from other parts of the Empire.

No. 45.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1.15 p.m., October 8, 1899.)

TELEGRAM.

8th October. No. 1. Following telegram received from British Agent:—

Begins.—7th October. Following notice appears in this evening's newspapers:

Begins.—Notice is hereby given to all British subjects who wish to remain in this country during these times of unrest that they must send in applications to Landdrost of Pretoria on or before Monday next 4 p.m., stating business premises, occupation, and how long applicant has been in this country. By order of C. E. Schutte. *Ends.*

Following notice also appears in Johannesburg papers:

Begins.—Notice is hereby given to interested persons that all applications from British subjects to remain in the State in the event of a declaration of war must be addressed to the Mining Commissioners of their districts. Non-British subjects must apply to their respective Consuls and obtain certificates denoting their nationality. By order. *Ends.*

Telegram ends.

No. 46.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 7 p.m., October 8, 1899.)

TELEGRAM.

8th October. No. 2. Your telegram No. 1 of 7th October.* Greene telegraphs as follows:—

Begins.—No special Resolution of Volksraad was taken as far as I can learn, but it is supposed that gold was stopped by simple order of Government in virtue of Executive Resolution of 27th September, section 5, sent to your Excellency in my despatch No. 341.

This morning I asked State Secretary to inform me in terms of what enactment gold was stopped. He declined to do so offhand without a written inquiry from me. At present moment the whole country is practically though not avowedly under martial law, although it has not been proclaimed—*e.g.*, commandeering is going on; Kaffirs have to be indoors by six o'clock; white men by nine; all drinking bars are closed, &c.; and the Government are acting absolutely as if a state of war already existed.—*Ends.*

The Resolution referred to was enclosed in my despatch of 4th October.† It only professes to apply to a state of war.

As regards Orange Free State many British subjects have fled in alarm; but there does not seem to have been any order of expulsion. On the contrary complaints are pouring in that British subjects are being commandeered by the Free State, even for personal service, under heavy penalties. A gentleman of position has informed me that Mr. Fischer stated to him personally that the State does not recognize international law. The President also said to him that power to commandeer all persons whatsoever was

* No. 42.

† Not yet received in Colonial Office.

given by their Commando Law ; and refused to give any assurance as regards Englishmen. This is in accordance with their Military Service Law No. 6 of 1890, section 28, which applies to all inhabitants.

I think that we ought to address a strong protest to the President of the Orange Free State, reserving the rights of Her Majesty's Government to demand compensation. Do you agree to this ?

No. 47.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 11.45 p.m., October 8, 1899.)

TELEGRAM.

8th October. No. 3. Following telegram received from British Agent :—

Begins.—Jacobus Christian Carelese, a British subject, born in Cape Town, and who has resided off and on in the Transvaal for twenty-three years, a journeyman tailor by trade, has made an affidavit before me to-day that last evening when going home between 6 and 7 he was challenged by Lieutenant Schutte in command of a party of mounted police and asked (if) he was a Burgher. Carelese replied that he was a British subject. Dutoit then flogged Carelese with a long horse whip and drove him before his horse, notwithstanding that he was practically a cripple and unable to get out of the way. Schutte continued to flog Carelese calling out "hardloop" and "huis toe" regardless of appeals for mercy for nearly 100 yards. I have represented this complaint to State Secretary and asked punishment of Schutte, which Mr. Reitz has promised.
Ends.

No. 48.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent, 4.30 p.m., October 9, 1899.)

TELEGRAM.

9th October. No. 4. Referring to your telegram of 7th October, No. 4,* your communication to President Orange Free State approved.

No. 49.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received October 9, 1899.)

Government House, Cape Town,

September 18, 1899.

SIR,

I have the honour to enclose for your information a copy of correspondence on the subject of the position of aliens in the Orange Free State in the event of hostilities between Great Britain and the South African Republic.

I have, &c.,
A. MILNER,
Governor and High Commissioner.

* No. 44.

Enclosure 1 in No. 49.

From J. W. DALGLIESH, Esq., M.D., Bloemfontein, to The HIGH COMMISSIONER, Cape Town.
 Northumberland Lodge, Bloemfontein,
 Orange Free State, August 14, 1899.

To His Excellency,
 Sir Alfred Milner, G.C.M.G., K.C.B.,
 H.B.M. High Commissioner for South Africa,
 and Governor of Cape of Good Hope.

HIS EXCELLENCY,

I APOLOGIZE for troubling you. I beg to be allowed to point out to you the very awkward position in which we British residents in this State will be placed in the event of hostilities breaking out between Great Britain and the Transvaal plus this State.

Mr. Fischer has informed me that we Britons will be ordered to fight against our country.

That in the event of our refusing to do so we will be fined £37 10s. or one month's imprisonment.

That the punishment will be repeated at the end of each month until we change our minds. Mr. Fischer has also informed me that this State does not recognise International Law.

Mr. Fraser has informed me that all nations that have commercial treaties with this State have stipulated therein that their subjects shall be exempted from military service, with the single *exception* of Great Britain, who has never stipulated such in any of her treaties with this State.

I beg to draw Your Excellency's attention to the fact that though the British and the English Afrikanders are so numerous in this State there is no British Consul.

The Bishop of Bloemfontein has asked President Steyn if British subjects would be allowed to remain in this State in case of war simply to look after their possessions if they swore to remain neutral.

The reply he received was "Read the Commando Law."

To go on Commando and fight against our own dear country of course we refuse to do. To leave the country at a moment's notice means ruin.

There is already considerable hostility shown towards us, and the lives of Englishmen living in isolated places have been threatened by some of the more ignorant Boers.

I fully understand that the present is not a suitable time to approach the Government of this State on these points, but I would beg of you, Sir, to do what you can for us if you think it wise to do so, and if not, can you advise us as to what would be the best course for us to adopt?

This will carry my renewed apologies for the trouble I have given Your Excellency.

Yours respectfully,

J. W. DALGLIESH, M.D.

Enclosure 2 in No. 49.

From the IMPERIAL SECRETARY, Cape Town, to J. W. DALGLIESH, Esq., M.D.

SIR, Government House, Cape Town, August 26, 1899.

I AM directed by the High Commissioner to acknowledge the receipt of your letter of the 14th instant, respecting the position of British subjects in the Orange Free State in the event of war with Great Britain.

I am to inform you in reply that while His Excellency is not aware of anything in the relations between Her Majesty's Government and the Free State which could justify a resort to arms on the part of the latter, the question raised by you will not be lost sight of.

I have, &c.,

G. V. FIDDES,
 Imperial Secretary.

J. W. Dalgliesh, Esq., M.D.

Enclosure 3 in No. 49.

From R. W. HICKS, Esq., Bloemfontein, to the HIGH COMMISSIONER, Cape Town.

Devonshire House, Bloemfontein, Orange Free State,

YOUR EXCELLENCY,

September 8, 1899.

WILL you kindly inform me for the benefit of the Uitlanders in this town, what provision will be made for them in the event of hostilities between England and the Transvaal. Should this State join the Transvaal and the Britishers be commandeered to protect the Basutoland border, should we be regarded as enemies of the Queen in going so to do, or should we be serving our country?

I have, &c.,

RD. WENTWORTH HICKS.

To His Excellency

Sir Alfred Milner,

Governor of the Cape Colony.

Enclosure 4 in No. 49.

SIR,

Government House, Capetown, September 15, 1899.

I AM directed by the High Commissioner to acknowledge the receipt of your letter of the 8th instant, in which you enquire what would be the position of aliens in the Orange Free State in the event of hostilities between Great Britain and the South African Republic.

I am to state that His Excellency is unaware of anything in the relations between Her Majesty's Government and that of the Orange Free State which could justify any hostile action on the part of the latter. But, in any case, there can be no doubt that it would not be in accordance with International Law to compel aliens to take up arms in a war against the Sovereign to whom they owe allegiance. In His Excellency's opinion it would make no difference whether British subjects were actually ordered out against the Queen's soldiers or were utilised in such a manner as to set free a corresponding number of burghers for service against Her troops.

I have, &c.,

G. V. FIDDES,

Imperial Secretary.

R. W. Hicks, Esq.

No. 50.

HIGH COMMISSIONER SIR ALFRED MILNER to Mr. CHAMBERLAIN.

(Received October 9, 1899.)

SIR,

Government House, Cape Town,

September 19, 1899.

I HAVE the honour to enclose for your information with reference to my telegram No. 3 of the 18th instant,* a copy of a despatch from Her Majesty's Agent, Pretoria, on the subject of proposed laws dealing with possible confiscation of mines and property in the South African Republic.

I have, &c.,

A. MILNER,

Governor and High Commissioner.

Enclosure in No. 50.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria,

September 15, 1899

SIR,

IN connection with the crisis I have the honour to transmit to Your Excellency herewith translations of two measures which it is proposed to bring before the Volksraad

immediately, and which, if passed, are likely to gravely affect the Mining Companies and property holders in the Republic.

These measures are—

(1.) Article 140 of Law 15 of 1898 (Gold Law), as proposed by the Raad Commission, dealing with possible confiscation of mines on which work has been stopped, and the appropriation of the gold output by the State.

(2.) Amendment to the Law of High Treason, providing for the confiscation of the property of persons convicted under the law.

In conclusion, I would draw Your Excellency's attention to the list of instructions and interrogatories addressed to the various mine managers on the Rand by the State mining engineer, on Saturday last, as described in the accompanying extract from the "Star" of yesterday.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

"STAR."—September 14th.

THE TREASON LAW.

Pretoria, Wednesday (Special).—The following draft law, prepared by the Government, will be laid before the First Raad very shortly :—

1. Every person within this Republic who makes himself guilty of the crime of public violence, high treason, or "lese majeste," or of incitement to commit any of those crimes, shall be subject to the punishments provided for the said crimes according to the general law. All properties, movable or fixed, belonging to such person, or to which he may or can lay claim, directly or indirectly within this State at the time of committing said crimes, or at any time thereafter, shall be confiscated in favour of the State, saving, however, the rights of mortgagees.

2. When it should be proved to the satisfaction of a competent court that any person or persons staying outside the Republic incited or instigated any inhabitant of this State to commit high treason, public violence, or "lese majeste," all properties, movable or fixed, belonging to such person or persons, or to which he may or can lay claim within this State, directly or indirectly, at the time of committing such crimes or any time thereafter, shall be confiscated in favour of the State, saving the rights of mortgagees, and saving the punishments which are fixed for such crime by the laws of this Republic.

3. When it should be proved to the satisfaction of any competent court that any person or persons outside this Republic planned attacks or formed relations with foreign powers or their representatives, in order to persuade them to act inimically or undertake a war against this Republic, or to supply them with the means therefor, or endeavour to commit treason, all their property, movable or fixed, or any claim which such persons may or can lay to such property directly or indirectly at the time of committing said crimes, or at any time thereafter, shall be confiscated in favour of the State, saving the rights of mortgagees, and saving the punishments which are fixed for the crimes of public violence, high treason or "lese majeste," according to the laws of this Republic.

"STAR."—September 14th.

GOVERNMENT AND THE MINES.

Pretoria, Wednesday (Special).—The following is a translation of Article 140 of Law 15 of 1898 (Gold Law), as proposed by the Raad Commission. The operation of the Article, as proposed by the Gold Law Commission last year, was postponed until the Government could make certain proposals with reference to it. The Article in the form below will come before the Second Raad for consideration to-morrow or soon after :—

"When the suspension of operations on a mining property, wholly or partially, may, according to the judgment of the Government, for reasons of general interest, no longer continue, the owner or worker of the mynpacht, claim or concession concerned shall be bound, on receiving instructions, personally or by two notices in the 'Staatscourant,' to resume operations within a fixed time.

"On refusing or not complying, the Government can withdraw the rights granted under this law, saving the rights of mortgagees, and those rights can either be granted to others, or the Government can develop the mine concerned or cause it to be developed under its own control. After the withdrawal of rights as described above, the Government shall give the previous owner proper time, according to the judgment of the State Mining Engineer, to remove the establishments and plants from the mine, in default of which, these shall be taxed by the State Mining Engineer, and expropriated by the Government, if it desires, against the taxed price.

"Apart from what is stipulated above, the Government shall be qualified, after the proclamation of, and during the time that martial law is in force, to take under its own control and develop any mine as described in Chapter 2, Section A, Law 12, 1898, within this State, and to use the production of such development to its own benefit; but the Government shall be obliged, in such case, to make a proper inventory, on taking it over, of all establishments, plants, machinery, and objects attached to and on such mine, and shall, moreover, keep an accurate account of all the mineral or metal production thus developed by it, as also of the expense of development, and for the purpose

the Government shall take care that the mine plans of such mines on the day of taking over the same are marked properly, and are daily thereafter worked up.

"After the repeal of martial law, the Government shall be bound, within reasonable time, to restore the parties interested in such mine in their undisturbed possession thereof, if their rights are protected under International Law, and the Government shall, moreover, be obliged to compensate the parties thus interested properly for the production realised in the development after deducting all taxes, claims, licence fees, and other taxes imposed by law on said mining property, *wynpacht* or concession, and all working costs during the period it had said mine in its possession, and for all damage which might be caused by Government's fault to the establishments, plant or machinery of such mine, but Government shall not be responsible for reasonable wear and tear or any further damages whatever."

"STAR."—September 14th, 1899.

THE NEW INQUISITION.

Whatever be the intention of the Transvaal Government, whether to surrender to the British demands or to keep a stiff back and give nothing, the Government will do itself and its cause no good by the inquisitorial order which has just been issued regarding the mines. The Government is seriously prejudicing its cause not only in this country, but in Europe. The storm of indignation which is now gathering in England against this so-called Republic will receive added force from the side-winds of deeply-interested public opinion in France and Germany, Italy and Austria, and last, but by no means least, in Russia. If the Republic desires to keep the peace, then its latest promulgations against the mines and the mining companies are insensate. If the Republic is determined on facing fearful odds, by accepting the arbitrament of war, it will not help its cause by inflicting financial loss on the citizens of the great Powers in Europe and of the United States. The rulers at Pretoria are making a "dead set" at the mines, and their object seems to be to lay their hands on the gold output, under a declaration of Martial Law, at any moment when such confiscation may be required. That this is not putting the case too strongly against the Government there is great reason to believe from the information in our possession. We are informed that on Saturday last the State Mining Engineer called all the mining inspectors on the Rand together, and gave them instructions, which were to the following effect:—

They were to get from each mine manager a statement showing the quantities in stock of dynamite, coal and provisions, with a full indication of the exact place in the mine where these goods are stored.

Each mine manager was to be asked whether anything had been hidden down the mine, and if so, what it was and where hidden.

Each mine manager was to be asked to furnish a complete list of white employees.

The attention of mine managers was to be directed to a rumour to the effect that, in the event of hostilities, the gold recovered would be hidden if there was no means of getting it out of the country, and they were to be told that this would be illegal.

Mine managers were to be cautioned against making a false or incomplete statement, as this would render the claims of the company liable to confiscation.

The inspectors were to effect a careful inspection of each mine, with the object of making sure that the reports of the managers were correct, and the inspectors were also requested, if they considered this step to be necessary, to examine the books and vouchers.

Finally the inspectors were asked to *attend to this business, and nothing else for the present.*

This is inquisition with a vengeance. It might be supposed that the companies would meet the situation by getting as much gold out of the country as possible before the new legislation is passed, or before the proclamation of Martial Law, and then close down the mines, but they are forestalled. It will be remembered what a sensation was caused last year, when it was proposed to introduce into the new Gold Law an article containing clauses empowering the Government to confiscate the mines. That article is again brought forward, and the Government now desires to put into operation the powers that would be obtained under it. The article will be found translated in another column. It provides that when operations on a mine, claim, or concession are suspended, either wholly, or *partially*, the Government, at its own discretion, can compel operations to be resumed within a fixed time; that if this be not done by the owner or owners, the Government can develop the mine concerned or cause it to be developed under Government control, and that the plant may be expropriated by the Government, if not removed in a certain time (this is practically equivalent to confiscation). Then comes a most important clause in the article, having regard to present circumstances, namely, that while Martial Law is in force, the Government can take under its own control and develop, any mine, and use the production of such development for its own benefit. Refund of production, if it is provided, shall be made when Martial Law ceases to operate, but it is hardly necessary to point out that this generosity might, in certain circumstances, be worthless. The chief fact to be remembered is that the Government has the intention of confiscating mining property, and not under Martial Law, in the most arbitrary manner, and that if such powers were passed by the Volksraad there would be no appeal and no reparation possible. Naturally, there is alarm among the mining companies, and the alarm will speedily spread to the immense body of shareholders in Europe. Not merely the interests of British citizens, but of shareholders of all nationalities under the sun, are concerned. We shall be surprised if this proposed action of the Transvaal Government does not draw forth an emphatic protest from the Consuls of the United States, Germany, France, and the other Powers interested. The confiscation of mining property now contemplated by the Transvaal Government would be a gross violation of trading rights and the rights in property of all uitlanders. It would, therefore, be a breach of the Convention. We are not sure that the irritating interference now being practised, to the exclusion of all their other duties, by the mining inspectors, acting under the direct orders of the State Mining Engineer, is not also a breach of Convention obligations calling for immediate and urgent protest in the proper quarter by the British Agent. The country is in a parlous state, it is true, but there is no reason why law-abiding uitlanders should submit to the terrors of this New Inquisition.

No. 51.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received October 9, 1899.)

(EXTRACT.)

Government House, Cape Town, September 20, 1899.

I HAVE the honour to transmit, for your information, copies of further communications from Her Majesty's Agent at Pretoria on the subject of the position in the South African Republic.

From	H.M.'s Agt.,	Tel. No. 315,	15.9.99.
From	do.	do.	316, 16.9.99.
From	do.	Desp.	14.9.99.
From	do.	do.	14.9.99.
From	do.	do.	16.9.99.

I think no good purpose would be served by my going at length into the arguments contained in the reply of the Government of the South African Republic dated 15th September. But there is one statement in it, to which I must particularly

refer, in connection with the charges of something like a breach of faith, which are freely made against the British Agent and Her Majesty's Government in connection with the latest phase of the negotiations.

As an instance of these, I would refer to the enclosed articles from the "South African News."

The answer of the South African Republic Government does not, of course, go the length of these articles, but it does suggest that the Government of the South African Republic were misled in the matter. "The proposal," says the State Secretary, "which has now lapsed, contained in the letters of 19th and 21st August, was induced by suggestions given by the British Agent to the State Attorney, and these were accepted by the Government in good faith, and on express request, as an assurance that the proposal would be acceptable to Her Majesty's Government."

This statement is not in accordance with the facts as known to me. As you are aware, the British Agent, on the 2nd August, laid before the Government of the South African Republic the proposal of Her Majesty's Government for a joint enquiry. For ten days there was no sign of a reply on the part of the Government of the South African Republic, but on the 12th August the State Attorney approached the British Agent with the view of finding out, whether Her Majesty's Government would be willing to waive the proposal of a joint enquiry, to which at that time the Government of the South African Republic appear to have entertained the strongest objections, in consideration of the Government of the South African Republic putting forward a more liberal scheme of Uitlander representation. After discussion between them Mr. Greene drew a telegram to me, which Mr. Smuts saw in draft, and the proposals of which, as far as the question of representation was concerned, Mr. Greene was prepared to recommend. I may observe that it was part of these proposals that "the details of the (new) franchise law" which was to be much simpler in form than the existing one "were to be discussed with the British Agent, who may have his legal adviser, and any other points which may arise were to be discussed in the same way." Her Majesty's Government would thus, as I understand the case, have had that opportunity of satisfying themselves of the effectiveness of the new franchise law, and the measures connected with it, to fulfil their avowed purpose, which they have always maintained to be essential.

The draft telegram containing this amended representation scheme concluded with the following paragraph:—"In putting forward above proposals the Government of the South African Republic will assume that Her Majesty's Government will agree that their present intervention shall not form a precedent for future similar action, and that in future no interference in the internal affairs of the Republic contrary to the Convention will take place. Further, that Her Majesty's Government will not further insist on assertion of suzerainty, the controversy on this subject being allowed tacitly to drop. Lastly, arbitration, from which foreign element is excluded, to be conceded as soon as franchise scheme has become law; but in the meantime the form and scope of proposed tribunal to be discussed and provisions agreed upon while franchise scheme is being referred to people, in order that no time may be lost."

With regard to these matters, Mr. Greene does not appear to have committed himself in any way, and did not, as indeed he could not, pledge Her Majesty's Government. The telegram from which I have quoted was then sent to me, together with another containing a report of the conversations which had passed between Mr. Greene and the State

Attorney. I was quite unaware of these pour-parlers until I received the telegrams referred to, which I forwarded to you at length in my telegram of August 15th, No. 1.*

After communication with you, I instructed Mr. Greene, on August 17th, to inform the Government of the South African Republic as follows:—

“If the Government of the South African Republic were to reply to the invitation of Her Majesty’s Government to a Joint Enquiry by formally putting forward proposals described in your telegram, Her Majesty’s Government would not regard such a course as a refusal of their offer, but would be prepared to consider the reply of the Government of the South African Republic on its merits.”

I cannot understand how this reply could be regarded by the Government of the South African Republic as implying that the proposals in the draft telegram would be accepted by Her Majesty’s Government without reservation. The meaning of the reply seems to me perfectly plain, viz., that Her Majesty’s Government, who had been waiting a fortnight for an answer to their invitation to a Joint Enquiry, were willing to let this new proposal take the place of a direct answer, and to consider it with a view to finding in it the basis of an understanding. If Her Majesty’s Government had taken any other course they would certainly have been violently attacked. It would have been said that the Government of the South African Republic had gone a long way to meet Her Majesty’s Government and that the latter had shown their irreconcilable spirit by refusing even to consider a proposal containing new and more liberal arrangements as to representation. Her Majesty’s Government did, in fact, make a concession to the Government of the South African Republic when they consented to negotiate on a new basis, viz., dropping the Joint Enquiry—but, when, in doing so, they promised to consider the new proposal on its merits, they could not possibly be held to pledge themselves in advance to its acceptance in its entirety.

And the answer which they ultimately gave, when the proposal was formally submitted, was in accordance with this promise. I refer to your telegram of 28th August, No. 1,† the contents of which were communicated by Mr. Greene to the Government of the South African Republic on 30th August. That telegram was a qualified acceptance of the offer of the South African Republic Government. If that proposal, as made by the Government of the South African Republic, had been identical with the forecast of it given by the State Attorney to Mr. Greene, the Government of the South African Republic would still have had no reason to complain of the answer of Her Majesty’s Government as disappointing any expectations they could legitimately base upon the communication made to them on August 17th.

But, as a matter of fact, the proposal, when formally made, differed materially from the sketch of it contained in Mr. Greene’s telegram, on which the message of August 17th to the South African Republic Government was based. The accuracy of Mr. Greene’s telegram it is not competent for the Government of the South African Republic to question, inasmuch as it was initialled by the State Attorney himself. To show the differences between the outline of the contemplated proposal given in that telegram and the proposal itself, it is only necessary to compare the following passages dealing with the vital point of the submission to Her Majesty’s Agent of the contemplated new proposals:—

Proposal as communicated to Mr. Greene:—

“The simple details of franchise law to be discussed with British Agent. He may have his legal adviser. Any other points which may arise to be discussed in the same way.”

Proposal as formally submitted:—

“Government of the South African Republic will be ready to consider such friendly suggestions regarding details of franchise law as Her Majesty’s Government, through British Agent, may wish to convey to them.”

A further, and very serious, difference was imported by the note of the South African Republic Government of August 21st, which must be read together with that of August 19th. In the Note of August 19th, the statement of the position of the Government of the South African Republic with reference to future interference, suzerainty, and arbitration, coincided with the terms of Mr. Greene’s telegram, as quoted above. In the Note of August 21st, however, the State Secretary put this matter in a very different way, and one much more difficult for Her Majesty’s Government to accept or to pass by without the most express reservations.

The Note of August 21st stated the position as follows:—“The proposals of this Government regarding question of franchise and representation contained in that despatch must

* No. 34 in [C. 9521].

† No. 43 in [C. 9521].

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."

It would thus appear that, if anybody was misled in the matter, it was not the Government of the South African Republic.

Nor is this the end of the story. According to Mr. Greene, the State Attorney, when discussing the above matters with him, made certain explanatory statements as to the intentions of the South African Republic, which being reported by Mr. Greene through me to Her Majesty's Government did, I have no doubt, influence them in expressing a willingness to consider the contemplated counter-proposal of the Government of the South African Republic.

One of these was that in the case of any change in the method of election of the President or Commandant-General, the matter will be discussed between Her Majesty's Government and the Government of the South African Republic; the other was that the new members of the Raad would be allowed to use their own language.

Undoubtedly these statements of Mr. Smut's, if correctly reported, though not absolutely binding the Government of the South African Republic, were of the greatest importance and must, I believe, have greatly influenced your mind, as they certainly did mine, in considering the advisability of entertaining the new proposals.

A conflict of evidence appears to exist between Mr. Greene and Mr. Smuts on these points, and I can only assume that there was some misunderstanding. This, however, does not affect the position of Her Majesty's Government, who, at the time when they consented to continue the negotiations on the new basis proposed by the South African Republic, had reason to believe that the important concessions above-mentioned were contemplated by the South African Republic, and would form part of any system of Uitlander representation.

I am not now arguing that the Government of the South African Republic were not entitled, if they chose, to withdraw the offer contained in their notes of August 19th and 21st if they were not satisfied with a qualified acceptance of it. I only wish to point out that the contention that they were induced to make that offer by Her Majesty's Agent, and that they were led to expect that it would be acceptable to Her Majesty's Government as it stood, is untenable. It would have been untenable even if the offer made had been quite identical with what Her Majesty's Government had reason to anticipate that it would be. It is, of course, still more so in view of the positive divergencies on certain points of the offer as made from the offer forecasted, and of the misunderstandings which arose in the semi-official conversations with regard to it.

I will only say, in conclusion, that the final proposal of Her Majesty's Government conveyed to the Government of the South African Republic on September 12th, which seems to have been regarded in England as, after all that has passed, a moderate and temperate final offer, was, when first made known here, received with general satisfaction. I hope the above recapitulations of the leading facts, however tedious, may help to show the groundlessness of the charges made against Her Majesty's Government in the matter.

Enclosure 1 in No. 51.

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

TELEGRAM.

September 15th. No. 315. I have just been informed by State Secretary that reply of South African Republic Government is ready and is now being copied, but that he would defer handing it to me until to-morrow morning unless I was anxious to have it to-night. I said that I should prefer his acting as he proposed and sending it to me to-morrow.

Enclosure 2 in No. 51.

HER MAJESTY'S AGENT to HIGH COMMISSIONER.

TELEGRAM.

No. 316. September 16th. I have just received reply of Government of South African Republic. Its substance is as follows :--*

* See Enclosure 5, page 63.

Enclosure 3 in No. 51.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

Her Majesty's Agency, Pretoria,

September 14, 1899.

SIR,

I HAD the honour to acquaint your Excellency by my telegram No. 281 of the 29th of August with the terms of a resolution passed at a meeting of the Uitlander Council held on the 26th of that month, and which was handed to me by a deputation of eight members of the Council on the 29th, representing the professional, artisan, and working classes of Johannesburg.

This resolution, as Your Excellency will recollect, drew the attention of Her Majesty's Government to the great distress that was being caused to the community of the Rand by the delay in coming to a settlement, and urged the extreme necessity of speedy relief being afforded to the Uitlander population.

I have now the honour to transmit to Your Excellency herewith a copy of a further resolution which was passed at a meeting of the Council held this morning, and which has been handed to me this afternoon by the acting chairman of that body.

I feel that it is unnecessary for me to add anything to the vivid terms in which the present deplorable condition of Johannesburg is described in the resolution, and I would therefore merely draw Your Excellency's attention to the concluding paragraph, in which the Council "earnestly appeals to Her Majesty's Government to use every effort to counteract the policy now being pursued by the Pretoria Government, and to effectually put a stop to any further attempts to delay or postpone a final and effectual settlement of the matters in dispute between the two Governments."

Copies of the previous resolution, handed to me on the 29th ultimo, together with a list of the names of the members of the deputation who waited upon me on that date, are annexed.

I have also the honour to enclose a leading article* from the "Star" of last night dealing with the situation.

I have, &c.,

CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

RESOLUTION PASSED AT A MEETING OF THE UITLANDER COUNCIL HELD ON
SATURDAY, THE 26TH AUGUST, 1899.

Resolved:—The delay is causing great distress to the community, and this distress is constantly increasing and being accentuated.

The Uitlander Council again respectfully urge the extreme necessity of speedy relief being afforded.

A true copy.

W. ST. JOHN CARR,
Hon. Secretary Uitlander Council.

MEMBERS OF THE DEPUTATION FROM THE UITLANDER COUNCIL.

Mr. William Hosken,
Mr. H. Bottomley,
Mr. W. Macdonald,
Mr. J. B. Nicholson,
Mr. E. H. Parry,
Mr. J. W. Quinn,
Mr. A. Raitt,
Mr. R. Shanks.

* Not reprinted.

RESOLUTION PASSED BY THE UITLANDER COUNCIL ON SEPTEMBER 14TH, 1899.

The Uitlander Council, in view of the daily increasing distress in Johannesburg and the district, resulting from the delay which has occurred in arriving at a settlement between the Imperial Government and the South African Republic, desire respectfully to bring to the notice of Her Majesty's Government the danger that would be incurred by further postponing negotiations with the Government at Pretoria.

1. The Uitlander population, in answer to their petition to Her Majesty, were assured by the British Government that a speedy and satisfactory settlement of their grievances would be arrived at, and at a later date, after two months had elapsed, were again guaranteed that no further delay would take place. Nevertheless, at the present time, no settlement has been arrived at, and the policy at Pretoria points to further procrastination. During the whole of this time the inhabitants of Johannesburg have borne with unexampled patience the suffering which has been entailed by the practical cessation of all business and the various industries of the town. The result of the prolongation of the period of tension is that large numbers of persons are already ruined, whilst thousands of others are reduced to the verge of destitution.

2. In support of this representation of general distress, we beg to bring to your notice that no less than two thousand two hundred persons per week are being supported by the Relief Committee, and this in addition to the number of families which are daily deported by aid of the Relief Committee to the Cape Colony and Natal, whilst a reference to the managers of the various banks and other financial institutions would furnish ample proof of the commercial ruin in which Johannesburg is involved. It may also be pointed out that those of the inhabitants who are in a position to afford it are now, and have been for some time past, leaving the town at the rate of a thousand a day.

3. Apart from the hardships entailed on white residents, the policy of delay is having a very prejudicial effect upon the native population of South Africa. According to the common talk of natives engaged on the mines, in domestic and industrial service in the towns, and of those living at their kraals, the prestige of Great Britain is daily being lowered, and the conviction is becoming rooted in the native mind that the delay in bringing matters to an issue is merely evidence of fear on the part of Great Britain of suffering defeat at the hands of the Boers. The impression in the native mind is daily growing stronger that the Boer is paramount in South Africa.

4. People of Johannesburg have now become weary of waiting, and the present state of feeling is not conducive to the success of the cause which four months ago they espoused with so much zeal and enthusiasm. They are now rapidly approaching that state of mind which is ready to adopt any solution of a difficulty that will most quickly put an end to their sacrifices. This feeling is not induced by disloyalty to the British Government, but is the natural result of a long period of suspense, bringing in its train hardship and distress. On the other hand a continuation of the present situation does not bear harshly on the burgher population, as the latter is not directly concerned in the commercial and industrial activity of the Gold Fields.

5. There can be no doubt that the policy of procrastination is intentionally pursued by the Pretoria Government, knowing, as it well does, the injurious effect it must have on the industrial life of the population of Johannesburg. The object of this policy is clearly to starve the town into such a state of exhaustion that any terms would be welcomed which would bring relief.

6. The Uitlander Council, therefore, having in view the danger of the present situation in Johannesburg, which has been brought about through prolonged delay, earnestly appeals to Her Majesty's Government to use every effort to counteract the policy now being pursued by the Pretoria Government to effectually put a stop to any further attempts to delay or postpone a final and effectual settlement of the matters in dispute between the two Governments.

Enclosure 4 in No. 51.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town

Her Majesty's Agency, Pretoria,

September 14, 1899.

SIR,

I HAVE the honour to report that, on receipt of Your Excellency's telegram, No. 53, of the 12th instant, I drew up the Note of which a copy is enclosed to the Govern-

ment of the South African Republic and handed it in person to the State Secretary at midday. I at the same time informed him that, having regard to the fact that Her Majesty's Government earnestly pressed for an immediate and definite reply, I should be glad if he could favour me with an answer by midday on Thursday. I subsequently sent Your Excellency my telegram, No. 309 of the same date, informing you that I had acted as above. On learning, however, in the course of the following day that it was not the intention of the Secretary of State to specify a time limit for the receipt of the reply of the Government of the South African Republic, I wrote a semi-official Note to the State Secretary, of which a copy is enclosed, in the sense of Your Excellency's instructions and received from Mr. Reitz this afternoon the accompanying Note.

I have not as yet received the reply of the Government of the South African Republic to my formal Note of the 12th instant.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

SIR, Her Majesty's Agency, Pretoria, September 12, 1899.
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 9, 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 proposals 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 inquiry 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, &c.,
CONYNGHAM GREENE.

The Honourable
The State Secretary.

DEAR MR. REITZ, Her Majesty's Agency, Pretoria, September 13, 1899.

WITH reference to our interview of yesterday, I informed the High Commissioner by telegraph that, having regard to the earnest desire expressed by the Secretary of State for an immediate and definite reply to the communication from Her Majesty's Government, I had informed you that I should be glad to be favoured with an answer to my note by midday on Thursday.

I have now received a telegram from His Excellency in which he desires me to explain to you that while, as appears from their communication, Her Majesty's Government are most anxious for an early reply, it was not the intention of the Secretary of State to specify a definite time limit for the receipt of the answer of the Government of the South African Republic.

His Excellency desires me to add that, if you should consider the time suggested by me as insufficient, he would not interpret the request of Her Majesty's Government for an immediate answer as necessitating a reply within the precise limit of time suggested by me to you at our interview yesterday.

I am, &c.,
CONYNGHAM GREENE.

The Honourable F. W. Reitz,
State Secretary.

DEAR MR. GREENE,

Pretoria, September 14, 1899.

I BEG to acknowledge the receipt of your letter of yesterday informing me that it was not the intention of the Secretary of State for the Colonies to specify a definite time limit for the receipt of the answer of the Government of the South African Republic to the last despatch.

Yours truly,
F. W. REITZ.

Enclosure 5 in No. 51.

BRITISH AGENT, Pretoria, to the HIGH COMMISSIONER, Cape Town.

SIR,

Her Majesty's Agency, Pretoria, September 16, 1899.

WITH reference to my despatch of the 14th instant, I have the honour to transmit to Your Excellency herewith a translation of a Note which I have received from the State Secretary, dated the 15th instant, conveying the reply of the Government of the South African Republic to the latest communication from the Secretary of State on the subject of the political representation of the Uitlanders. I have already communicated this Note to Your Excellency this afternoon by telegraph.

I have, &c.,
CONYNGHAM GREENE.

His Excellency
The High Commissioner,
Cape Town.

(Translation.)

STR, Ministry for Foreign Affairs, Pretoria, September 15, 1899.
 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 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 inquiry, 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 inquiry 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 inquiry, 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 conditions 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, &c.,
F. W. REITZ,
State Secretary.

Conyngnam Greene, Esq., C.B.,
British Agent, Pretoria.

No. 52.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1 a.m., October 10, 1899.)

TELEGRAM.

9th October. No. 1. I have received another lengthy telegram from President Orange Free State. Substance as follows:—

As regards reply of Her Majesty's Government to telegram of 27th September, he expresses regret that Her Majesty's Government has not given assurance as to cessation of further movement or increase of troops pending negotiations.

He demurs to statement that military preparations of Her Majesty's Government have been necessitated by conversion of South African Republic into an armed camp. Her Majesty's Government must be entirely misinformed and it would be regrettable if, through such misunderstanding, present state of extreme tension were allowed to continue.

Though Her Majesty's Government may regard precautions taken by South African Republic after Jameson Raid as excessive, Government of South African Republic cannot be blamed for adopting them, in view of large Uitlander population constantly being stirred up, through hostile press, to treason and rebellion by persons and organizations financially or politically interested in overthrowing the Government.

Arming of Burghers not intended for any purpose of aggression against Her Majesty's dominions. People of South African Republic have, since shortly after Jameson Raid, been practically as fully armed as now, yet have never committed any act of aggression.

It was not till Her Majesty's Government, with evident intention of enforcing their views on South African Republic in purely internal matters, had greatly augmented their forces and moved them nearer to borders that a single Burgher was called up for the purpose, as he firmly believed, of defending country and independence.

If this natural assumption erroneous, not too late to rectify misunderstanding by mutual agreement to withdraw forces on both sides and undertaking by Her Majesty's Government to stop further increase of troops. Without this futile to attempt to make or obtain suggestion or proposals for solution of differences which are not of a nature to justify employment of force except on assumption of inauguration of a policy on the part of Her Majesty's Government which he would be most reluctant to adopt.

As regards Orange Free State placing itself on war footing that State has everything to lose and nothing to gain by being embroiled and would not have called up its Burghers nor would it have cheerfully and unanimously responded to call but for conviction that presence of British troops on borders of both Republics was menace to both and attack upon independence of South African Republic which Orange Free State was bound to defend, protestations to the contrary appearing inconsistent with action of Her Majesty's Government.

In answer to my telegram of 7th President regrets that I can hold out no hope of his fair and reasonable request being acceded to or of sincere offer to further peaceful solution being accepted.

No. 53.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 6.45 a.m., October 10, 1899.)

TELEGRAM.

[Answered by No. 57.]

9th October. No. 3. Following telegram received from British Agent:—

Begins: Following full text of note received from the Government of the South African Republic bearing date to-day:—

Begins:

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 XIVth 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 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, recognizing 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 (van Republieksche zyde) 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 from South Africa 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 directions of our borders this Government will be compelled to regard that also as a formal declaration of war.

I have, &c.,

F. W. REITZ,
State Secretary.

No. 54.

MR. CHAMBERLAIN TO HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 3.40 p.m., October 10, 1899.)

TELEGRAM.

10th October. No. 2. Referring to your telegram of 8th October, No. 2.* I agree that you should address a strong protest to the President of the Orange Free State against commandeering of British subjects, reserving the rights of Her Majesty's Government to demand compensation, and pointing out that if these persons should be compelled to bear arms against the forces of the Sovereign to whom they owe allegiance such a proceeding would not be justified according to international law.

* No. 46.

No. 55.

MR. CHAMBERLAIN to GOVERNOR W. F. HELY-HUTCHINSON (NATAL).

(Sent 4 p.m., October 10, 1899.)

TELEGRAM.

(Extract).

10th October. No. 2. Referring to your telegram, 2nd October, No. 1.* You should inform Dinizulu that the words of the Queen's Government are the same as the words of the Governor, namely, that he should keep quiet; and also that no words can be sent through Dinizulu to natives in the Transvaal, who are not under the Queen's Government.

No. 56.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

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

TELEGRAM.

[Answered by No. 60.]

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.

No. 57.

MR. CHAMBERLAIN to HIGH COMMISSIONER 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 deem it impossible to discuss.

No. 58.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 1.25 p.m., October 11, 1899.)

TELEGRAM.

11th October. No. 4. Most urgent. Inform British Agent in South African Republic that the Government of the United States has been asked to allow their Consul to take charge of Agency. Let British Agent try to arrange accordingly pending reply.

* No. 33.

† No. 53.

No. 59.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 2.10 p.m., October 11, 1899.)

TELEGRAM.

11th October. No. 5. Referring to your telegram of 8th October, No. 3,* in view of incident reported and of alleged outrages to which refugees from the Transvaal have already been subjected, as well as in view of the persistent rumours which have reached Her Majesty's Government as to threats to murder British subjects, you should warn President Kruger at once in the terms of my telegram of 29th September, No. 1.†

No. 60.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 2.45 a.m., October 12, 1899.)

TELEGRAM.

11th October. No. 3. Referring to your telegram of 10th October, No. 7.‡ Your note has been delivered by British Agent according to your instructions. Greene will leave Pretoria together with British Vice-Consul at 2 p.m. to-morrow. His journey through both Republics has been suitably arranged for.

Safe conduct has been promised by Government South African Republic to British Consul in Swaziland, if he comes through their territory. I have left it to him to come away or stay, as he thinks best. If he comes out, it will be by Lourenço Marques, I expect.

No. 61.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 8 a.m., 12th October, 1899.)

TELEGRAM.

[Answered by No. 62.]

11th October. No. 6. I telegraphed to-day to President of Orange Free State reciting latest communications between us and South African Republic and continuing as follows:—

Begins: In view of Resolution of Volksraad of Orange Free State communicated to me in Your Honour's telegram of 27th September I have the honour to request that I may be informed at Your Honour's earliest possible convenience whether this action on the part of the South African Republic has Your Honour's concurrence and support. *Ends*.

President of Orange Free State has just replied as follows:—

Begins: 11th. I have the honour to [?] acknowledge Your Excellency's telegrams of this evening. The high handed and unjustifiable policy and conduct of Her Majesty's Government in interfering in and dictating in the purely internal affairs of South African Republic, constituting a flagrant breach of the Convention of London, 1884, accompanied at first by preparations, and latterly followed by active commencement of hostilities against that Republic, which no friendly and well-intentioned efforts on our part could induce Her Majesty's Government to abandon, constitute such an

* No. 47.

† No. 23.

‡ No. 56.

undoubted and unjust attack on the independence of the South African Republic that no other course is left to this State than honourably to abide by its Conventional Agreements entered into with that Republic. On behalf of this Government, therefore, I beg to notify that, compelled thereto by the action of Her Majesty's Government, they intend to carry out the instructions of the Volksraad as set forth in the last part of the Resolution referred to by Your Excellency. *Ends.*

No. 62.

MR. CHAMBERLAIN to HIGH COMMISSIONER SIR ALFRED MILNER.

(Sent 2.55 p.m., October 12, 1899.)

TELEGRAM.

[*Answered by No. 63.*]

12th October. No. 3. I have to acknowledge the receipt of your telegram of the 11th October, No. 6,* from which it appears that the Orange Free State has definitely joined the South African Republic in its declaration of war. I presume that there is not the slightest foundation in fact for the statement of President Steyn that there has been an active commencement of hostilities against the South African Republic prior to their ultimatum.

No. 63.

HIGH COMMISSIONER SIR ALFRED MILNER to MR. CHAMBERLAIN.

(Received 1 a.m., October 13, 1899.)

TELEGRAM.

12th October. No. 8. Referring to your telegram, No. 3, of 12th October,† the statement you refer to has not the slightest foundation.

* No. 61.

† No. 62.

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