

TRANSVAAL PROBLEMS

LIONEL PHILLIPS

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TRANSVAAL PROBLEMS

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SOME NOTES ON CURRENT
POLITICS

By LIONEL PHILLIPS

LONDON
JOHN MURRAY, ALBEMARLE STREET, W.

1905

TO VISCOUNT MILNER

P.C., G.C.B., G.C.M.G.

FOR SEVEN YEARS HIGH COMMISSIONER FOR SOUTH AFRICA

I DEDICATE THIS BOOK

WITH ADMIRATION AND RESPECT

PREFACE

WHEN I went on a visit to South Africa recently, it was with no intention of writing a book. Experience has taught me that there are more pleasant ways of spending the homeward voyage than that of sitting day after day in a hot cabin studying reports, analysing speeches, digesting statistics, and recording, even through the medium of a shorthand writer, the reflections inspired and the conclusions arrived at.

My object is to present in a consecutive shape information, much of which has already been published in a fragmentary way, and to consider, in the light of the most recent knowledge, a number of important questions, affecting in some instances the Transvaal alone, and in others the whole of South Africa. In the retrospect I was tempted to drift into reminiscences of the early days, as the reader will see, and had to check the impulse ruthlessly, passing to a short historical review from 1881 to the termination of the late war. The chapters upon the work of reconstruction and upon the industrial and labour questions do not call for preliminary remarks. That upon the native question touches the fringe of a subject of vital importance to South Africa, and of

the deepest interest to mankind. I have ventured to offer a few suggestions, which, I trust, may provide at least a provisional basis for thought and discussion. My aim throughout has been to paint the situation as it is, and not to disguise disturbing elements, or to avoid all reference to complex and thorny problems, because a solution depends not upon ignoring, but upon examining, appreciating, and grappling with the difficulties.

The remaining chapters require no explanation. The first essential in the Transvaal at present is hard work, directed to the fullest and speediest development of her great resources. This being the case, it is to be regretted that circumstances rendered it necessary to depart from the existing system of Crown Colony Government. The change in the political status opens up an arena in which men of various opinions are bound to contend for adherents, instead of devoting all their powers to the much-needed economic expansion. At the same time, the bestowal of representative institutions is a big stride towards civil liberty and responsibility. The happiness and progress of the country depend upon the manner in which the inhabitants work under the new Constitution, and I have therefore devoted a good deal of space to the consideration of the political position and outlook, hoping that it may serve a useful purpose in view of the forthcoming elections.

South African and British interests alike demand,

and Englishmen as well as Dutchmen honestly desire, an extinction of the race-feud; but—and here comes the difficulty—both sides strive for something which the other is for the moment disinclined to give. In the first elections, at any rate, we must see the old conflict for racial ascendancy reappear. No writing or talking will cure the malady, which may, however, be expected to disappear in time, given impartial and fearless treatment, coupled with capable and honest administration. Sops to the Boers in the shape of unjustifiable concessions, so far from securing their good will, will merely provoke their contempt. After the elections have determined the strength of parties, the hope of ultimate union and the obliteration of racial animosities lies in combinations that may be formed in the Legislature, irrespective of race, upon questions affecting national progress. If the material gathered together in this little work should prove of any service in this great cause, I shall feel amply repaid for my labour.

It remains to express my indebtedness to the assistants who collected statistics for me, and to the Johannesburg daily papers, the *Star*, the *Transvaal Leader*, and the *Rand Daily Mail*, whose reports of speeches, from which I have made numerous quotations, have been invaluable. I have also to thank many friends, among whom I must single out Mr John Buchan, whose advice and help I acknowledge with gratitude.

Lastly, I would say to my old acquaintances in

PREFACE

the Transvaal, that if a sentence should here and there seem over-critical, it is not written in any censorious spirit, but as a danger-signal against haste and heat—two qualities naturally inherent in all young, vigorous and intelligent communities such as that which inhabits Johannesburg.

L. P.

August 1905.

CONTENTS

		PAGE
	PREFACE	vii
	INTRODUCTION: A RETROSPECT	I
CHAP.	I. AFTER THE WAR	13
	II. THE LABOUR PROBLEM	38
	III. THE MINING INDUSTRY	68
	IV. KAFFIRS, CHINESE, AND OTHER ASIATICS	97
	V. THE NATIVE PROBLEM	119
	VI. BOERS AND BRITONS	149
	VII. THE GENESIS OF PARTIES	166
	VIII. POLITICAL TACTICS	195
	IX. THE CONSTITUTION	214
	X. A SUMMARY AND A FORECAST	240

APPENDICES

	A. MEMORANDUM <i>RE</i> WHITE UNSKILLED LABOURERS IN THE VILLAGE MAIN REEF MINE	267
	B. THE BOER CONGRESS AT PRETORIA	270
	C. TERMS OF SURRENDER	299
	D. STATUTES OF <i>HET VOLK</i>	302
	E. PROGRESSIVE LUNCH	305
	F. DINNER TO RESPONSIBLE GOVERNMENT ASSOCIATION	311
	G. LETTERS PATENT PASSED UNDER THE GREAT SEAL OF THE UNITED KINGDOM, PROVIDING FOR THE CONSTITUTION OF A LEGISLATIVE ASSEMBLY IN THE COLONY OF THE TRANSVAAL	317
	INDEX	359

TRANSVAAL PROBLEMS

INTRODUCTION

A RETROSPECT

THE emotions with which I set foot upon South African territory, after an absence of more than eight years, are not easily described. My acquaintance with the country began in 1875, when the terminus of the railway from Cape Town was at Wellington, 45 miles inland, the journey to Kimberley, my destination, being performed by mule waggon in thirty days. My twenty years' residence there was broken only by short trips to various parts of the sub-continent and home. Vast changes, political, social, and economic, have taken place since I first landed. The Cape Colony was then the distributing centre for nearly the whole trade of South Africa, and the average annual amount of imports and exports during a period of five years, before the influence of the mineral discoveries was reflected in general trade, were, respectively, £2,176,903 and £2,445,904. These amounts rose to £4,002,869 and £4,648,092 for a similar period immediately after the discovery of diamonds. Taking the average for ten years before the effect of gold-mining was reflected in the returns, they are found to have increased to £6,494,735 and £6,900,548 respectively, while for 1894-98, when both

the gold and diamond industries were in full swing, the imports had swollen to £15,479,864, and the exports to £18,261,246.¹

Prior to the discovery of the Diamond Fields the white population pursued the even tenour of their way with nothing beyond their own rebellions and sanguinary battles with the natives "to stir men's blood." Progress was hardly noticeable, the wants of the people being extremely limited, and incentives to activity all but non-existent. The mail steamers, vessels of a few hundred tons burthen, entered Table Bay somewhat irregularly about once a month, having usually spent at least thirty-five days on the way, the luxury of the modern ocean greyhound being unknown. In those days the voyage was broken by a call at Madeira and at St Helena, with sometimes a glance at H.M.'s Ship *Ascension*. Neptune held his rude festival at the crossing of the line, to the dismay of the uninitiated, the oil lamps in the saloon swung rhythmically with the pitching and rolling of the ship, emitting noxious odours which added a fresh horror to the other influences that disturbed one's mind and body, and a single candle, lodged in a little recess between two cabins (into both of which its dazzling rays penetrated through ground glass), afforded illumination by night. It was removed at ten o'clock, by which time one had a choice of being in bed or of retiring in the dark.

The journey up-country was sometimes fruitful of mild adventures and always of many discomforts. Breakdowns, miles from habitations, not infrequent; days upon days of weary toil across the bare Karoo; a little water for one's toilet quite a luxury, and a delay of ten days or so, by a swollen Orange River in the season of up-country rains, a likely occurrence!

¹ These figures are taken from the Statistical Register of the Cape of Good Hope.

A line of coaches to Kimberley had been started, and by that means a dozen inside passengers, packed like sardines in a tin, not to mention outside passengers and piles of luggage, accomplished the journey in a week, travelling night and day. When I arrived, the service had broken down, and so I went by mule waggon. It happened that the late General (then Colonel) Glyn, with his regiment, the 24th, in which General Carrington was a subaltern, was ordered to the Diamond Fields at that time to quell "the rebellion," the most sanguinary feature in connection with which consisted in the raising of the black flag. It will be remembered that Alfred Aylward, the Fenian, was prominent in that affair. We arrived one night and camped outside De Beers, expecting on the morrow to see an attack upon the town, instead of which a luncheon was given on the market square, and all was well.

Many incidents of the road recur to me as I write, and amongst others the excitement one felt the first time crossing a South African River at what is termed "the drift." Boulders of various sizes, concealed beneath the water, tilt the vehicles at angles that threaten an imminent upset, the bumps against which, the tug on to which and the drop from which, make no trifling demand upon their strength and upon the nerves of the occupants. But of the whole 600 miles from Wellington to the Diamond Fields there is a small section of 5 or 6 miles approaching Hope Town on the Orange River, which must always remain vividly impressed in the memory of any one who has traversed it. It consists of a region of deep red sand. A man even of light stature soon discovers the immense strain involved in ploughing through it, and if he is walking beside the waggon his sense of pity is stirred to the uttermost for the poor animals dragging it through the heavy, yielding, ferruginous soil, into which the wheels

sink a foot or more in depth. Those miles, short in number, seemed interminable in length, and all the while the coloured drivers urged on the luckless quadrupeds with shouts of "Vat" and "Trek," and plied their immense whips with merciless frequency and violence. Each mule was addressed by name the moment it evinced the least sign of shirking, and if it failed to respond instantly, the cruel thong descended upon it with unerring aim. Every few hundred yards a halt was made to allow the palpitating animals to gain breath—or they would die—and then the harrowing performance recommenced. It is thirty years since I last witnessed those scenes, but they rise up so clearly in my imagination that it seems but yesterday, and the memory of the distress that I suffered at the time revives as I describe them.

Though the scenes of those bygone years recur vividly to the mind, I must curb my inclination and leave their description to another day or another pen. One point, however, should be noted, for it throws light upon the vitality that the influx of strenuous Europeans carried into that land of lethargy. During the long summer days we used to be on the Kimberley reef at 4.30 A.M., and we laboured vigorously through the broiling hours of the day until the sun went down about seven o'clock in the evening. Those were stirring days, spent mostly in shirt sleeves, for the conventions of civilisation had not then invaded the mining camp. The population consisted almost entirely of young men (for scarcely a lady had yet ventured into that reputedly wild region), whose pockets were nearly always empty, but whose hearts were light and spirits free as air. At first the camp was composed of a series of tents, which were followed by houses consisting of a wooden framework covered with canvas. Many a time during heavy wind storms, that raised dense volumes of dust, these fragile structures would be

ruthlessly swept from their moorings and deposited yards away, the helpless occupants, sometimes in bed, regarding the havoc in dismay from the *débris*.

The industry made rapid strides, and the town of Kimberley soon boasted a large collection of galvanised iron buildings, hideous to look upon, but offering a securer shelter than their more picturesque predecessors. The Kaffirs became imbued with the energy of their employers, and worked with a will. It was their first practical acquaintance with the white man, and the mechanical contrivances which were rapidly invented to suit the exigences of the work. For the "Umlungu" they had unbounded admiration, and I have often heard them say "the white man can do anything, but he can't tie up the sun." The development proceeded at racing speed, winding by hand was superseded by horse gears, and these were displaced, almost before one could turn round, by steam engines.

Imagine the change that was wrought in the land. At the seaports cargoes came in rapid succession and were sent up country upon hundreds of waggons drawn by oxen or mules, soon to be supplanted by the railway, and people flocked in thousands to the "El Dorado." And the hotels—such hotels! Men slept how and where they could. Water was terribly scarce, and the luxurious had often to use soda-water to wash in. One does not realise the limited capacity of a soda-water bottle until one is driven to employ it thus. Tinned food and pressed vegetables, looking like cakes of tobacco, formed an important item of diet, and fever—not of a very virulent type happily—attacked most of us. But with all the discomforts, men were neighbourly and good-humoured, ever ready to give a helping hand to the needy or luckless, and kind, to a surprising degree, in cases of illness. I always look back upon those times with joy, not only because I was healthy and active, and, having attained my majority, was

beginning life in a new country with all the optimism of youth, but because I learnt to have a high respect for, and confidence in, mankind. The vices of civilisation are mostly bred of indolence and envy. I learned also to respect many of the admirable qualities of the Boers. Their hospitality to strange men, wending their weary way to Kimberley, was great. Their resources were very limited, but before the great rush began, they gave food and lodging to travellers, and frequently refused payment. Memories of services rendered to them in their early "treks" caused them to regard similar services to the new-comers as a matter of duty, and only when the stream of invaders altogether forbade the continuation of free hospitality, and a certain number of ungrateful and ill-bred Europeans had abused their kindness and insulted them by openly laughing at them and their surroundings, did they close the doors of their dwellings and shun the stranger. In Cape Town it was not an uncommon thing then to meet Afrianders scarcely able to speak our tongue, who called themselves English. There was at that time a genuine respect for the Mother Country, which a little common-sense and fixity of purpose would have perpetuated.

The history of the last thirty years is so fresh in the minds of all, that the briefest possible glance at it will suffice, but to appreciate the present conditions and to form an estimate of the future, not entirely fanciful, it is well to secure the perspective.

Beyond a dispute with the Orange Free State concerning the boundary between that country and Griqualand West, in which was involved the question of sovereignty over the Kimberley mines, finally settled by Great Britain paying £90,000 as compensation, nothing of importance occurred until the year 1877, when the annexation of the Transvaal took place.

That there was every justification for the step taken is scarcely open to doubt. The failure of the burghers to conquer Secocoeni and the inhuman tactics subsequently adopted by filibusters under Von Schlickman (to whom the task had been handed over without pay, but with a condition that their reward was to consist of land and cattle to be seized from the natives), caused Lord Carnarvon to insist upon something being done to stop the war,¹ and Sir Theophilus Shepstone was sent to the Transvaal upon a special mission "to confer with the President on the question of confederation, with discretion, should the course of events make it expedient, and subject to confirmation by the British Government, to arrange for its being brought under the British flag."

The Transvaal treasury was empty, war with the Zulus was imminent, and the government of the country only nominally in existence. Under the circumstances British intervention became imperative. The great blunder of Sir T. Shepstone consisted in his acceptance of the protest of President Burgers. In his letter to the Colonial Office he wrote :²—

"There will be a protest against my act of annexation issued by the Government," but described that step as merely taken "to save appearances, and the members of the Government from the violence of a faction that seems for years to have held Pretoria in terror when any act of the Government displeased it. You will better understand this when I tell you privately that the President has, from the first, fully acquiesced in the necessity for the change, and that most of the members of the Government have expressed themselves anxious for it—but none of them have had the courage openly to express their opinions, so I have had to act apparently against them; and this I have felt bound to do, knowing the state and danger of the country,

¹ See Martineau's "The Life of Sir Bartle Frere," vol. ii, pp. 176-8.

² Martineau, p. 180. April, Shepstone to Mr R. Herbert.

and that three-fourths of the people will be thankful for the change when once it is made."

Had the British representative resolutely declined to be a party to that well-meant deception, designed to shield the President and his Government from attacks by the insignificant section of malcontents, and hypocritically used as evidence that the sovereignty had not been surrendered without a struggle, the cession would inevitably have come about in a few weeks with the full consent of all the burghers, seeing the desperate plight the country was in politically and financially. It is an old truth that in public affairs, as in private life, make-believe shifts and deceptive expedients always recoil upon those who use them. Whether the subsequent disastrous events would have been averted if the British Commissioner had acted otherwise is doubtful, but that it afforded a foundation for the rebellion that ensued is indisputable.

Upon being apprised that England had annexed the Transvaal, Cetywayo, who had organised an army to invade it, replied that he would send his Impis back to their homes, and it was hoped that the danger of trouble with that chief had disappeared. Shortly afterwards war broke out in the Cape Colony with the Gaikas and Galekas, and peace was only restored in the territories of the Transkei in 1878. By the end of that year the Zulu war had begun, and though that powerful tribe was finally subdued, the loss in blood, treasure, and British prestige was considerable. The carelessness which made the massacre at Isandhlwana¹ possible must have astounded the cautious Boer, and the knowledge he then gained of the Englishman's contempt for the enemy, and his fatal neglect of those precautions against surprise, which ordinary common-sense should dictate, may have contributed

¹ Pronounced Insandjluane.

in no small measure to determine his later course of action.

That the burghers of the Transvaal had serious grievances during the British occupation, and that Sir Owen Lanyon's administration was far from perfect, cannot be denied, but the actual cause of the rebellion was the agitation of a few extremists who persuaded the multitude that they had been robbed of their independence. The Zulu war brought renewed prosperity to the Boers, amongst whom large sums were distributed for transport, forage, etc., but, so far from attributing the improvement in their material position to its real cause, they listened to insidious suggestions that they would have been still better off under their own flag.

The rebellion began by a questionable if not an actually treacherous attack upon British troops under Colonel Anstruther at Bronkhorst Spruit, followed by a series of minor defeats that culminated in the disaster upon Majuba Hill. That mere peasants should have been victorious against trained soldiers was deemed surprising, but that Great Britain should have yielded to rebels in arms, after they had successfully invaded her colony of Natal, caused universal amazement, and to her subjects in South Africa a sense of profound degradation. In writing to Sir Bartle Frere upon 29th March and 26th April 1881,¹ Lanyon described in pathetic terms the evil consequences of the retrocession and the deplorable breach of faith to the Loyalists and the natives it involved. It is unnecessary to consider now the reasons that prompted the Government of the day in their suicidal policy. Whether the spirit of magnanimity, the horror of blood-guiltiness, or the fear of a general rising of the Dutch in South Africa prevailed does not affect the result, which was patent at the time to all colonists, and is an admirable illustra-

tion of the truth that the strong may be generous to the weak in the face of demonstrated strength, but under threats, or, worse still, after blows not returned with interest—never. All men, even statesmen, are fallible, and probably not one of those who took part in or consented to the retrocession would, by the light of later events, defend his action. It was a blunder of the first magnitude, and spelt the loss of South Africa to the British Empire or a great war.¹

It gave birth to the Boer nation, and emboldened the Africander Bond, then formed, to raise its voice and pursue an active policy, the aim of which was manifested in the Cape Legislature. Insidious measures of an anti-English character were passed, and the language of Holland was cultivated as the nearest lingual approach to the “taal” that could be reasonably committed to paper. Applause was now lavished on compatriots across the Vaal, and the colonial Boer forgot that prior to the war his attitude toward them had been rather patronising and contemptuous. Fortune smiled upon the resuscitated Republic, and the discovery, first of the De Kaap Gold Fields, and later of the wonderful Witwatersrand, brought a large population and a vast amount of capital under the control of the Transvaal Government.

¹ I believe that Sir Bartle Frere, in a letter or a speech, used this expression, but I cannot find it in print, despite a diligent search. In a private letter, which I am able to produce through the kindness of Sir George Arthur, the opinion of Sir Bartle Frere upon the projected retirement is very clearly expressed:—“Further, any attempt to give back or restore the Boer Republic to the Transvaal must lead to anarchy and failure, and probably at no distant date to a vicious imitation of some South American Republics, in which the more uneducated and misguided Boers, dominated and led by better educated foreign adventurers—Germans, Hollanders, Irish Home Rulers, and other European Republicans and Socialists—will become a pest to the whole of South Africa, and a most dangerous fulcrum to any European Power bent on contesting our naval supremacy, or on injuring us in our colonies.”

It is needless to make more than a passing reference to the events that drove the oppressed Uitlander population to the verge of revolution, or to the Jameson Raid, which was only one episode in a great struggle.¹ No matter what condemnation that ill-starred movement may deserve, it served one useful purpose in drawing the attention of Englishmen to the condition of political affairs in the Transvaal at a time when that country had almost dropped out of sight. The policy of President Kruger was always simple and definite. He fostered the gold mining industry sufficiently to draw the revenue deemed requisite for State purposes, including the purchase of arms and building of forts, but by granting monopolies and by many other ingenious devices prevented a too rapid expansion, and put a limit to the influx of the hated European. He tried by various methods to obtain a seaport, and to cut Great Britain off from the North. In the latter object he met a superior opponent in Mr Rhodes, who frustrated his plans in Bechuanaland, and finally secured the concession from Lo Bengula, which is to-day worked under a Royal Charter, and covers an immense territory that has become, politically speaking, a British possession.

President Kruger entered into intrigues with foreign powers, notably with Germany, following in this particular the example of President Burgers in 1877,² with the object of involving England in complications. He consistently acted towards her inimically, both openly and in secret. At the Bloemfontein Conference, which took place in May 1899, his insincerity was unmasked by Sir Alfred Milner, and being brought to bay he launched his insolent ultimatum. The

¹ Those who are not familiar with the history of that period cannot do better than study the admirable work of Sir J. P. Fitzpatrick, "The Transvaal from Within."

² Martineau, vol. ii., p. 183. Frere to Maclean.

perfection of his preparations and the efficient state of his organisation is irrefutable evidence of his intention sooner or later to engage in a conflict with the Suzerain Power, notwithstanding his repeated declarations that the precautions were taken solely against his traditional tortoise, if it ventured to protrude its head.

No useful purpose could be served by discussing the probable result if the struggle had been postponed for a few years, but the extraordinary exertions that the Empire had to make is convincing testimony that the policy of conciliation adopted by Mr Chamberlain and Lord Milner, which evoked nothing but prevarication, evasion, and defiance, was carried to the utmost limits of endurance, and beyond the boundaries of prudence. The Boer is a hard-headed, dogged, and self-respecting man. He understands and appreciates a firm and just policy, and is prepared to accept it, but he regards conciliation as cowardice, and magnanimity as weakness. It is necessary to remember that these characteristics are in him inherent and immutable; to forget or ignore them is to tread the path that led to disaster in the past.

APPENDIX A

MEMORANDUM *RE* WHITE UNSKILLED LABOURERS IN THE VILLAGE MAIN REEF MINE

THE question of the employment of white unskilled labour on the mines of the Witwatersrand has been prominently before the public during the last two years, and as an experiment to prove the possibility of successfully accomplishing this was begun on this mine by the late manager, and was in operation when I took over the management, I would like to place before you my views and experience on this much debated question.

I found the number of unskilled whites employed underground amounted to 126, who were chiefly working as helpers on machine drills at a daily wage of 8s. 6d. on stoping and 10s. on development. I made no alteration of this method of working during the first month I was here, but when I found at the end of the month that the wages earned by the skilled miner at contract prices fixed by the previous management averaged only 15s. 2d. per shift as against the usual day's rate of 20s. per shift, I felt that a change was imperative, and that the system of paying the unskilled helpers in many cases more than the skilled man in charge was resulting in the best of the skilled miners leaving for work elsewhere.

I considered it necessary to assist the skilled contractors by making up their earnings to approximately a day's pay.

It was soon apparent that there was considerable antipathy on the part of the skilled white miners to the class of men appointed to assist them on machines, and it was not infrequently the case that the skilled miner would have many changes in his helpers during one month, which greatly hindered good work being done.

Perhaps the one reason of the constant change of helpers was

that they were made to feel that they were degrading themselves by doing work which was usually performed by Kaffirs.

It was obvious that the work done by these unskilled whites on machines was unsatisfactory and uneconomical, and I therefore decided to change the system.

Natives were substituted for white helpers on the machines, very much to the satisfaction of the skilled men in charge, and this change had the effect of causing more capable and experienced miners to seek employment on the mine, as they knew that they would then have the opportunity of making the wages customary on these fields.

The white helpers released from machines and other unskilled labourers seeking work were then employed on contract work, shovelling and tramming rock, which work had also been done previously by natives. In this class of labour the unskilled whites were absolutely dependent upon their own individual efforts as to the amount of money they could earn, and a few who overcame their prejudice and made an honest attempt to work, made as much as 15s. per day, but the majority showed an indifference which could only be accounted for by the fact that they did not care whether they worked or not, or, as I often found, they considered that the nature of the employment was only fit for, and ought to be done by, the native races of the country. The possibility of earning 15s. per day, or even more, by close application to work was not sufficient inducement to overcome the reluctance of the labourers to do Kaffir's work, and even when work was accepted the men worked intermittently, and they were unreliable. It was no uncommon occurrence for men to throw up their employment and be engaged again several times during one month.

I find that from January to September (inclusive) last year the average number of unskilled whites employed underground was 102, but to maintain this number 947 men were engaged who worked on the average only twenty-five days. Such constant changes and the failure of the labourers to work steadily day by day could only result in the disorganisation of the underground operations and a material increase to the cost of carrying on the work.

But assuming that a superior class of men could be obtained to work for such a rate of pay, the cost of substituting white for native labour would be equal to half the profit earned for the month. It is generally considered that two white men can do

WHITE UNSKILLED LABOURERS 269

the work of three natives, and it is calculated that 2,600 natives are necessary to work this mine to the best advantage.

On this basis, but allowing for a complement of 1,000 natives which have been available and employed during the year, and for working the mine on the system as now in vogue the results would show as follows :—

1,000 natives @ 2s. 9d. per shift (26 working days per month)	£3,575
1,066 white men (say $\frac{2}{3}$ of the remaining complement) @ 10s. per day, 26 days per month	13,858
	£17,433
2,600 natives @ 2s. 9d.	9,295
	£8,138

After an experience of years on these fields I am of the firm opinion that white men will not be found to perform regularly and satisfactorily work which the customs of South Africa have always considered ought to be done by the coloured races. In this country we know how important and necessary it is that the natives should preserve their respect for the white population, and any proposal which would have a tendency to weaken the superiority and influence of the white races in the eyes of the natives ought not to be encouraged.

APPENDIX B

THE BOER CONGRESS AT PRETORIA

EXTRACTS FROM PROCEEDINGS

From "The Star," 28th May 1904.

GENERAL BOTHA, in opening the Congress, said: Gentlemen, it is my pleasant privilege to open this Congress and to bid a hearty welcome to each delegate. Nothing has been a source of greater pleasure to me than the willingness and hearty co-operation evidenced by you, after I decided to assemble a Congress. Allow me now to give you an explanation of the object and labours of the Congress, which may more or less serve as a guide for the future proceedings of this meeting. . . .

The Indigent.—We have in this country thousands of indigent persons who before the war were employed in the police, artillery, or Civil Service, as well as many of the "bywoner" class. The one lived on his salary, the other by his labour on the farm. The war has deprived the one of his employment, and the other of his cottage and cattle, and to-day these people exist in a condition of abject poverty. The merchant gives them no credit, nor can they find the surety required by the Government, and so their condition becomes day by day more deplorable. These people must be assisted, but the question is, how, and by whom? Speaking for myself, I see only one way of settling this matter, and that is that this meeting asks the Government to aid these people by employing a large number of them in the Civil Service and police force, and by distributing amongst the others the draught cattle, which, it is said, are still available. . . .

The Diamond Law.—As you know, petitions have been distributed by us. The first of these treats of the new Diamond Law, and clearly explains our wishes. We ask for more rights

THE BOER CONGRESS AT PRETORIA 271

as owners, and also that these rights be guaranteed in a manner more to the purpose. . . . The profits demanded by the Government are too large, for while the competition with respect to the diamond industry is so keen, the development of the diamond industry in the Transvaal should not be stifled in its infancy, through which old mines like those of Kimberley would obtain an unlimited privilege. It is unfair, while the diamond mines in the Cape Colony are untaxed, to levy on the newly-opened diamond mines here a tax of 60 per cent. on the profits.

The Gold Law.—The second petition has reference to the draft Gold Law. We ask in this petition only that no alteration be made in the existing Gold Law, until the country has received full Responsible Government, and although actuated by the best intentions towards co-operation, I cannot see any reason for the new law being called into existence. . . .

Compensation.—There is no matter which is of greater importance to the farmers than compensation. They expect, or rather had expected, to have been paid out immediately after the conclusion of peace, and in nothing have they been more deeply disappointed than in this. It is true that the Government has tried to do much by giving assistance in connection with the repatriation. The intention of the Government was good, their sole object was to assist the people in the most suitable way, but the method of carrying this out was in itself a disappointment to us. The Repatriation Commission was too costly, and the expenditure for administration and transport too great. Millions of money were spent, which millions were not used for the purpose intended, viz., assistance to farmers for repatriation purposes, so that it cannot be said that the farmers have had the benefit of all the millions already spent. . . .

The Thirty Millions' War Debt.—When Mr Chamberlain was here an address was handed to him by the last Boer Congress, asking that no war tax be laid upon the country until full Responsible Government had been granted, and though he met us personally, he did not think the request worth while answering. Yet, after conferring with only a section of the inhabitants, he found it reasonable to lay upon our country this enormous debt at a time when the whole country was a mass of ruins and the people suffering dire poverty. This action without the wishes of the inhabitants of the country being consulted, is unjust and in conflict with English traditions since the secession of the

American Colonies, and lays down a principle which I trust our people to a man will disapprove of. We have no objection to the country being burdened with a debt of thirty millions, provided a reasonable compensation out of this amount were paid for losses suffered during the war to all who have actually suffered damages during hostilities. This would assist the people financially, put them on their feet again, and at the same time be the right way to ensure conciliation and unity in the country. Certainly it would be the least costly and most suitable policy which the Government could follow, for in such matters a Government and its subjects should be in perfect accord with each other.

Education.—To us this question is one of the most important of all, and I am deeply grieved that no satisfactory solution to it has been arrived at. . . . Spare no sacrifice, I pray you, for your language and education, for undoubtedly the demand that we should co-operate to treat our language as a foreign tongue in the land of our birth is asking too much of us. An Africander who renounces his language is not only the enemy of his countrymen, but also his own. If we learn the English language and the English learn the Dutch language, the prospect of becoming a great nation in Africa is so much the clearer. . . .

Responsible Government.—From newspaper and other sources one hears that this Congress has been assembled more with the object of demanding immediate Responsible Government than for any other purpose, and it is with the intention of preventing a mistaken impression from gaining credence among our people that I wish to make the following remarks. Responsible Government was guaranteed to us at the conclusion of peace, and the point of view which we now should take in this matter is that if our Government, as well as the Home Government, think it is to their interest to lay the responsibility for such a large country upon the shoulders of a few persons, instead of upon those of the multitude, then the responsibility is theirs. Speaking for myself, I am not prepared to accept a blind responsibility. The future of such a Government depends upon the constitution, and if this is not based upon broad lines and principles, compatible with our existence, which may serve to render this country again a land of prosperity and blessing, it remains an open question whether we will co-operate or not. . . .

Organisation.—There are many matters of the greatest import-

THE BOER CONGRESS AT PRETORIA 273 7

ance to our people, such as : (1) The purchase of our produce by the Government for military and other purposes so that everything need not be imported; (2) The question of our interests in connection with the railways; (3) The power granted to municipalities by which a municipal body is authorised to levy rates within a radius of six miles from the centre of a city or town; (4) The proposed establishment of Divisional Councils, with power to impose taxation for the maintenance of roads; and a great many more. All these matters tend clearly to prove that the time has arrived for the farmers, in order to prevent their interests from being neglected, to organise in a more effective manner. This could be carried out on the same lines as those of other factions or bodies, such as the Chamber of Mines, the Chamber of Commerce, the Labour Association, etc., at whose suggestion and advice radical changes and innovations have been introduced. To organise for entirely financial, agricultural, and stock-breeding purposes, will undoubtedly conduce to the prosperity and progress of the farmer. I strongly recommend such an organisation, having an Executive Committee in Pretoria, with a committee in each district, or, better, in each ward. The members of the Executive Committee can be elected by this meeting, and the committee could then regulate the entire organisation. The committee should be comprised of a limited number of members, which could subsequently be augmented by the addition of a member from each district.

In conclusion, I trust that this meeting will carry out its labours calmly and temperately, and, being comprised of such a large number of members, I think it a suggestion worthy of recommendation that each member be allowed to speak only once on one subject. Our people have made great sacrifices, have shed their blood and wept tears of bitter sorrow, but they must thoroughly understand that the lowering of their flag and the change of Government do not entail the renunciation of their traditions. Now is the time for us to prove to our new Government that we are and shall remain one people of whom they must become proud. We have one object in view, and that is to live and to work in unison with the new population, and my earnest hope and prayer is that it may please the Almighty to inspire the entire white population in South Africa with feelings of unity so that a nation may be born worthy

to take its place among the nations of the world, where the name of "Africander" shall be heard with honour and applause. . . .

MR SCHALK BURGER said he considered it his duty to address them on the question of the three million loan, because, as one of the leaders of the people who signed the peace of Vereeniging, he wanted to address the Government on this matter. At the Conference it was said they would receive a gift of three millions to bring the people back to their homes, and also to help those who, from circumstances of war, could not help themselves, and that that money was to be placed with local Commissions under the chairmanship of the magistrate or any official nominated by the Government. Now, as far as he knew, none of that money was given out. Everything issued by the Repatriation Department had to be given a receipt for or security. Now, after two years of peace and quietness, he thought they could go to the Government to ask where the three millions had gone to. In fact, they had a right to go to the Government, as one of the contracting parties. Those three millions should be given to the poor. On the other hand, what did they find? They found that, while the Government was demanding the payment of receipts given by the burghers, the Government took no account of the receipts which the burghers themselves held from the Government. They held that the two claims should be dealt with simultaneously—the claims which the burghers had against the Government, as well as the claims the Government had against the burghers. The burghers in many cases walked for days and days to prove their claims, and then got nothing. They should at least be compensated for loss of time. The great question was, was the Government too poor to pay them? He agreed with Mr Wolmarans with reference to the justice of the claims of those burghers to whom money was owing by the late Government. Every sixpence owed by any burgher to the late Government was hunted out and collected by the present Government. The first Government notes of the late Government were issued to the amount of £750,000, the burgher's property being given as security. That money was due to the burghers now, and should be paid on the £ for £ principle. There was no agreement made between the two contracting parties with regard to war losses sustained by burning farms and so forth. A Commission had been appointed at great

THE BOER CONGRESS AT PRETORIA 275

expense to enquire into this matter, and he should like to know what the result of that was going to be. . . .

COMMANDANT J. C. SMUTS said that since the war, education had been given to the Boer children which was exclusively English. Dutch was entirely banished from the camp schools over the whole of South Africa. In the days of the camp schools a number of their friends in Pretoria and elsewhere joined hands and collected money and started a free school system, under which Dutch as well as English was taught. After the peace he (the speaker) arrived in Pretoria and found this system in operation and gradually increasing, and so it continued till the Generals had collected money for the widows and orphans, and also for education. After their return this free school system was established on a broader basis, and at present one-third of all the children in the Transvaal were in their schools. The establishment and growth of this system appeared dangerous to the Government, and made it appear to them as if the Boers were working against the Government. Their leaders went to the Government, and for nearly six months negotiations were carried on, the basis of negotiations on the part of the former being equality of the two languages, because although English was the official language, the majority of the people were Dutch. The second principle which they insisted on was that the State should not tell the people what their children should learn, or how they should be educated, but that the care of their children and their education should, under God's providence, be left to the parents. They, therefore, negotiated with the Government on the basis of the equality of the two languages, and that the children should be educated by school committees appointed by the people; in other words, the parents themselves. Those negotiations, as was well known, amounted to nothing. The Government always wanted to appoint members to the school committees. There was always an excuse made, and the thing was practically at a standstill. They wanted equality of the two languages, and the rights of the parents guaranteed—and the Government would not consent. That was the position to-day. It was satisfactory to them to see that the whole nation was taking this question up seriously. If there was one question in which the future of their people was bound up, it was this education question. There was just as much capacity in the Africander people as in any other nation. They had not the

academic education of many of their fellow British subjects, but the same common sense and natural development existed just as much in the Transvaal as in any other country. They could not agree to a system of education which was, as it were, brought by ships from Europe. The national character had grown out of the ground of the Transvaal, and they did not want to adopt an imported system of education. They did not mind paying and suffering in order to hand over to their children the traditions of their forefathers. The Government must acknowledge the justice and reasonableness of their attitude, and in the future acknowledge that they were right in their demands.

GENERAL DE LA REY said they had gone over the world beggars in the matter of the education of their youth, but they did not care what they did as long as they maintained their morals, their religion, and their language. The Government had repeatedly asked them to freely speak out, and they had repeatedly spoken out freely. Although they were now under the British flag, they were an Africander nation still ; they had the Dutch or Africander language, and that they wanted to retain. For himself, he would speak out freely. There were, he knew, schools in the country where there was no proper teaching of Dutch, but to which parents were compelled to send their children on account of poverty. His object was—and he had brought it before the Government—to uphold his own language. He had a right to claim education for his children out of State coffers, and he thought the committee which they were to appoint should bring in a full proposal. He spoke in the spirit of the Africander nation. He had himself been frequently sorry that he did not know foreign languages, and he was not against his children knowing them. As they all knew who knew him, in the time of the late Government he had never been against his children learning the English language as well, but, firm as he stood on that point, as firm did he stand for his own language. He wanted to uphold that tender and full responsibility which every parent should hold for his children. That was nothing more than what they should hand over to their children as an inheritance. He also had children at school. How it fared with them he did not know ; he never went there. He had at great expense to send his children to the (Cape?) Colony. It was time now for them to ask for what was rightly due to

THE BOER CONGRESS AT PRETORIA 277

them, and he hoped the Government would be reasonable and grant their demands. That was his principle, and the principle they would work upon. . . .

DEPUTATION TO LIEUTENANT-GOVERNOR

Wednesday.—The Boer Congress delegates met the Lieutenant-Governor at a quarter to eleven.

General Botha's Speech.—GENERAL BOTHA, in formally introducing the deputation, said it had been repeatedly stated that the farmers and the Boers of the country were sitting sulking on their farms, and would not take any part in the Administration or Government of the country. He thought that that representative meeting, representing, as it did, the whole country, and having delegates from every district, would remove that accusation. Their desire and wish was not to place any obstacles in the way of the Government, but, on the contrary, to show that they wished to co-operate with the Government for the benefit of the whole country. The composition of that gathering would show that the unfortunate split which occurred during the war, as far as the Boer population was concerned, had also been bridged over, and that there was a desire for co-operation amongst all sections. Their earnest desire was that the inhabitants of the Transvaal would coalesce for the purpose of forming a strong element to work in the interests of the whole country. Many subjects had been discussed at the Congress, and on those subjects many resolutions had been taken. It was perfectly understood that to-day all those subjects could not be fully entered into, nor could any definite reply be given on those particular subjects. It had, however, been decided to appoint a committee, which would from time to time communicate to the Government what had been resolved, and what were the desires of the meeting, which the committee represented, and from whom the Government could obtain the information which was necessary. He wished to take that opportunity of expressing the opinion that the present Government had to-day a magnificent opportunity of effectually establishing that co-operation between the white inhabitants, not only of the Transvaal, but the whole of South Africa, which was so earnestly desired. The various matters which had been discussed were as follows:—The thirty

millions' war debt, the importation of wheat and other articles from foreign countries, the poor widows and orphans, the education question, the arming of districts where there were large Kaffir populations, memorials with reference to the Diamond and Gold Laws, the question of cattle diseases and the regulations, compensation, the importation of Chinese, the Swaziland question, the scab regulations and the labour question. He desired to say that he could hardly express in words the good impression and effect which His Excellency's letter, in which he asked them to meet him, had created in the minds of the Congress. They would be only too pleased to listen with the greatest attention to whatever His Excellency wished to communicate to them.

SIR A. LAWLEY said: I should like, if I may, on the part of my colleagues and myself, to offer to all of you a very cordial welcome here this morning. I can assure you, gentlemen, that I am not one those who are under the impression that the Boer farmer is sulking. I believe that I realise almost as fully as any one present to-day what are the difficulties with which you have had to contend during the past two years. It may be that I have not been able to show you as much practical sympathy as I could wish, but, nevertheless, I hope you will believe me when I assure you that, to the best of my ability, I have endeavoured to assist you to return to the condition of prosperity which once you knew. Unfortunately, my duties have been of such a nature that it has been impossible for me to visit the remoter parts of this country as often as I could have wished, but whenever I have had the opportunity of doing so, I have visited as many of the farmers of this country as I could, and I should like to take this opportunity of telling you how much I appreciate, and how heartily I value the extraordinary courtesy and kindness with which I have invariably been received. I value it particularly because I believe that the spirit which has been evinced by the individual members of the Boer community is only an indication of the spirit which animates you as a whole. I intend, so far as I can, to show you that I reciprocate that spirit. I know that it must often be difficult for you, after the events of the past few years, to treat me as you have done, and, therefore, I am the more grateful to you for the spirit which you have shown.

The Government's Motives.—Now, gentlemen, we as a Govern-

ment are engaged in building up this country, and it was inevitable that in that work we must introduce methods with which you are unfamiliar, and systems of which hitherto you would have no knowledge, and, therefore, sometimes the measures which we introduce must seem to you strange and unsuitable, but I hope you will believe, and that some day you will realise, that the motives which have actuated us in our policy are honest and good. I don't think that it can be said, either of myself or my colleagues, that we have ever proved inaccessible to any section of the community. It has always been my wish to make myself acquainted, as far as I could, with not only the needs, but with the aspirations and desires of the men of this country. Over and over again I have endeavoured, before taking a step, to ascertain how far it might be in conformity with the wishes of the people of the country. There are many gentlemen here to-day, who, I think, can tell you that we have had many and many a discussion on topics of interest to this country. I think they will tell you that our discussions have always been of a friendly nature, even though they were often on matters very delicate and difficult to deal with; and though we have not always, I am sorry to say, been able to agree, yet, I think, we have invariably parted without any loss of esteem or respect on either side. Therefore, when it became known to me that a large and representative body of Boers were to meet in Pretoria to discuss matters of public interest, I asked General Louis Botha if you would be good enough to meet me before you dispersed. I thank you for accepting my invitation, because I believe it is much better that we should meet face to face and talk straight to one another upon matters of grave public concern. I believe that is better than any system of correspondence, and better even than a system of interviews by deputy, because we get to know one another, and we get, I hope, to understand one another—and I sincerely hope that this meeting will not disperse until we have been able to remove some of the misunderstandings which, I am afraid, at present exist.

Removal of Misunderstandings.—I can only assure you that I am most ready and anxious to hear all you have got to say, and, although, if I may judge by the list which has just been read out, I am afraid it will be impossible for us to discuss fully all the questions on the paper, yet I hope, as I said just

now, that I shall be able to go so far into them that the result of our meeting will not prove to have been in vain. Gentlemen, we have got to live together in this country, and I believe every one of us is imbued with one idea, and that is to make it a great country. It is inevitable that in reaching that point some of us may wish to go upon different roads, but if we once grasp this fact, that Government and governed are imbued with this same desire and determination, we shall be able, I am certain, to get over the misunderstandings and want of sympathy which may exist to-day. Nothing, I think, can do it more effectually than a meeting such as this. I will only ask you to speak what is in your hearts, straight to me. I will deal equally frankly with you—and I will ask you for the future not to hesitate, but to go to the Government when you have any complaints to make. As I said just now, our methods are, many of them, new to you. We have a vast Civil Service, and it is impossible that every official in the Government service should be as efficient as we could wish, but I will ask you, when you suffer from the action of any official from some error or some stupidity on their part, not to sit upon it and boil it up into a great grievance, but come straight to us, and see if we cannot remedy the grievance. And, if I may also say one thing more, please do not regard the utterances of the Press as invariably the utterances of the Government. . . . I do not propose to say anything more just now. I will ask you, therefore, if you will be so kind as to let me have the resolutions, to which I will then reply as fully as the time will allow. . . .

LIEUTENANT-GOVERNOR'S REPLY

After luncheon SIR A. LAWLEY replied to the points raised by the deputation.

He said: I understand that it is not your expectation that every point raised this morning should be definitely replied to this afternoon, but, nevertheless, I propose to deal as fully as I can with the various points raised, because I may not have the opportunity of meeting you again for some time. I propose to deal with the points raised in the order in which they were brought forward, except that I shall ask the Attorney-General to deal with matters concerning the Gold and Diamond Laws,

inasmuch as he is more thoroughly conversant with them than I am.

The War Debt.—The first point raised is in regard to the war debt of thirty millions. I would remind you that His Majesty's Government have already shown that they do not intend to force this thing upon the country at a time when they consider it can ill afford to bear it. Before such a step can be taken it must be considered by the Legislative Council. At the present moment there is no question of such taking place. The Legislative Council will meet for the transaction of business next month, and this does not appear among the measures to be submitted to that House. I think, therefore, that any discussion upon this question at the present moment can only be premature.

Alterations of Districts.—The second point raised is the question of restoring to certain districts the status of a full magistracy. Now, this matter has on several occasions been brought forward by the towns directly concerned, and I will only say to you what I said to them. When this matter was first brought before me, I ascertained that there were certain disabilities from which these towns suffered, in consequence of not having a full-fledged magistrate to control them in certain matters such as the payment of revenue and other kindred subjects. These towns did, I confess, at first suffer from some disabilities, but I hope and believe that those disabilities have been removed, and that there is no inconvenience at the present time put upon a district by the fact that it is merged in another district, and under the jurisdiction of another magistrate. We really come to this, that the objection to the present system is more sentimental than otherwise. The establishment of magistrates in these towns would mean an increased cost of administration, and at a time when we are being pressed on all sides to reduce the cost of our administration, and to reduce the number of our highly paid officials, it hardly seems right that we should take this step. It is not as though we regard the present position as permanent. It is perfectly obvious to all of us that we shall in a reasonable time be called upon to divide the country into electoral districts. We have, as you know, just taken a census, and, as I said, the present division of the various districts can only be regarded as temporary. Seeing then that there are no practical serious disabilities, under which

these various districts suffer, I would ask you not to press for a re-adjustment at this time, which would only upset the machinery at present in fair working order, merely for a matter of what I believe to be sentiment. If there are any matters which are really disabilities, which can be removed, we shall be very glad to do so.

Government Purchases.—The third point which arises is with regard to the importation of goods from abroad. I notice that your resolution says that the farming and mercantile communities especially suffer under this, but I cannot help thinking there is some misapprehension as to the true position. It is quite true that, in accordance with the traditional policy of the Colonial Office, the Government is requested to make its purchases as far as possible through the Crown Agents in London, but these instructions do not apply to stuffs and produce grown in South Africa. You remember that since the war ceased until now the products of this country have been by no means up to the average. Now, the main consumers, so far as the Government is concerned, are the railway, and it was necessary for them last year to import a certain amount of mealies and grain. Now that, after a fairly good harvest, these things are produced within the country the policy of the railways has changed. I should like to call your attention to the wording of a notice, calling for tenders for the railway from 1st July, from which it will be apparent that the interests of the farming community have not been lost sight of. The tender calls for mealies and provender; and it is particularly this sentence I would draw your attention to:—"In order to afford farmers' associations and kindred bodies an opportunity of disposing of their produce, and to assist produce dealers and farmers to tender, the Administration is prepared to consider tenders for the delivery, at any convenient railway station in South Africa, of the whole or any portion of the requirements, such delivery to be spread over the whole or part of the period." The same policy which has been adopted by the Railway Department, will be adopted by every other Government Department in regard to the purchase of produce in this country. More than this, I may say that, although the civil Government of this country has no control whatever over the military, at the time when the military authorities were calling for tenders for grain and forage, I wrote to the

THE BOER CONGRESS AT PRETORIA 283

Commander-in-Chief, Sir Neville Lyttelton, and I asked him, if possible, to ensure that those orders were given within the Transvaal, and he gave me the assurance that this course would be adopted. So I hope you will realise that though for a time it may be necessary for some of our Government Departments to import this material from abroad, now that the country is more restored to its normal condition, and is able to supply our wants, we shall look to you to do so.

Compensation.—The next point I wish to touch on is the matter of compensation, with which I propose to deal at some length. I may say at once that of all the many difficult problems with which I have been called upon to deal since I came here I regard this as by far the most difficult. I propose to deal with this at some length, and I hope I shall make the position clearer than I think it is at present. I cannot undertake to deal with the question of compensation by itself. The question of compensation can only be considered in conjunction with the question of repatriation. Now, there is one point which was raised this morning by Mr Beyers which is quite new to me, and which I must frankly say I cannot accept. I understood him to say—and he will correct me, I am sure, if I am wrong—that the terms which were signed at Vereeniging were to apply to certain sections of the people.

MR BEYERS: Yes, that is so.

HIS EXCELLENCY: That is so. Well frankly, gentlemen, I cannot accept the proposal. In the minutes of the conferences which took place at the time it is generally laid down and accepted by both sides that the terms, as they were signed, were to be taken literally, and that no fresh conditions were to be introduced. Now, in those terms it is clearly stated that the signatures were made on behalf of the respective burghers of the two Colonies, those of the Transvaal and of the Orange Free State, as it was then, and it is impossible to read into those terms now the interpretation that these were signed on behalf of any particular section. That is, in my opinion, so clear that I cannot accept any other interpretation. Now, there is another point, I don't wish to labour it, but I think it should not be lost sight of, the point that the word "compensation" does not occur in the whole of these terms. I do not in the least want to quibble about words. I think, though, that we should bear these two points in mind when we are

dealing with this most difficult question. Now, I propose to deal with this question. First, broadly to tell you what we have done as regards the people at large, and then to point out to you the position of the individual burgher. Now, under the terms of surrender, His Majesty's Government undertook an obligation to devote the sum of three million pounds sterling for the purpose of assisting the restoration of the people to their homes, and supplying those who were unable to supply themselves with food, shelter, and the necessary amount of seed, stock, machinery, and implements, indispensable for the resumption of their normal occupations. They further undertook to assist the people by loans on easy terms. Now, it would be incompetent for the Government to have included all of the inhabitants of the two Colonies, and, further, to have included the costs of administration. As a matter of fact, His Majesty's Government did neither. Not a penny of the three millions has gone in the cost of administration. The whole—and, as I shall show you shortly, a great deal more—has gone in restoring the ravages of the war. Now I will try and put clearly before you the various funds which have been placed at our disposal. There is, first of all, the free grant of three millions of Imperial funds under the terms of the surrender. There is a further grant from the Imperial authorities of two millions for compensation to British subjects, foreign subjects, and natives. There is also a sum of five millions from the Guaranteed Loan to be devoted to repatriation. Then there are two other funds, which I propose to treat as one. The first of these is the sum of two millions sterling, given to us by the War Office to pay out to certain burghers, with whom the military authorities had entered into a special agreement, and who are entitled to a more liberal scale of compensation than the rest of the burghers, and finally a sum of two and a half millions, which was placed in our hands to pay the military receipts, which were given by the military during the war, so that altogether a sum of fourteen and a half millions has been devoted to the restoration of this country, and for its recovery from the ravages of war. Or rather, I would exclude the last two sums I have mentioned, and I would rather put on one side the "protected burghers" and military receipts, and I would exclude them from the category, and would say that, broadly speaking, a sum of ten

THE BOER CONGRESS AT PRETORIA 285

millions has been devoted to the restoration of this country, and that is the more accurate way of putting it. Practically the whole of this sum has been expended. It seems, I know, an enormous sum, but you must consider what the condition of this country was two years ago, and what has been done since. You must also remember that owing to the fact of the exceptionally bad harvests last year, we were obliged to feed, for a period of a year and a half, instead of for six months, a very large number of people. Now, I know that it is very often said that money has been wasted, and that the administration of these funds has been badly carried out. Well, so far, I have not had the privilege of seeing a full report of how that money has been expended, therefore, it is impossible for me to judge whether these criticisms are just or not, but broadly, the position is this, that having undertaken to spend three millions in restoring this country, we have already spent ten. It is quite true that much of this is recoverable, but I do hope you will believe, gentlemen, that the Government has endeavoured to fulfil its obligations. Though I quite believe it possible that in some instances mistakes have been made in the administration of the money, you must remember that the organisation had to be equipped and prepared most hurriedly, and it is impossible that in an organisation of such magnitude a certain amount of extravagance and unnecessary expenditure should not take place. But I hope that you will believe that we have not failed to realise the serious position the people of this country were placed in, and that we have made strenuous efforts to enable them to recover from that position. Now I would like to deal more particularly with the case of the individual burgher, who comes as a claimant for compensation under the terms of surrender. It has been suggested, I notice, instead of the elaborate machinery we set up, it would have been far simpler and better that cash payments should have at once been made out, but, even had that been possible, I do not believe it would have been satisfactory. Let us consider for a moment the number of claimants for compensation. I am not going now to include British subjects or foreigners, or natives, or the class known as "protected burghers." I am going to deal simply with the case of those whom we call "ex-burghers." Now at present, of these ex-burgher claims, the number amounts

to close on 40,000, and in addition to those who have actually claimed for compensation, there are quite half as many more who have been assisted by repatriation, although they are not claimants for compensation, so that in round figures you must see that the number which we were called upon to deal with was at least 60,000, and many of these are individuals representing families. Now, suppose it had been physically possible to divide this amount of three millions immediately among them, it is a very easy sum to work out how much each would get. You will find that each of them would have received £50. Now, I ask you, would it have been humanly possible for those people, if they had received at the close of hostilities a sum of £50, to have been in the position which they are in to-day, even if it had been possible to make such a division then? We were face to face with a vast number of men in a state of positive destitution. It was impossible for us to withhold relief from these people while we were determining the exact proportion of the three millions to which each man was entitled. We therefore issued the various materials necessary to carry out the conditions in the terms of surrender, and in the first instance everything was issued on credit. Now, some exception has been taken to this action on our part. A debtor's account was kept against every man. If this money was to be administered on anything like business lines, such a course was absolutely necessary because, while some have already received more than their share of the three millions in kind, others have received less, and there is still a large amount to be paid out to these in cash. Now you must see that unless an accurate account had been kept against each man, it would have been impossible for us to adjust these accounts fairly, and know to whom these further amounts in cash were payable. I know there is great complaint about the long delay in these cash payments, but I will ask you to remember a few points. In the first place, I would ask you to realise that the total number of claims under the various headings amounts to close upon 60,000. I know that exception has been taken to the course which we followed in appointing one commission to deal with the whole of the cases, but you must remember that every one of these claims had to be gone through and classified. A great many of the claims submitted were from British subjects. They had to be ruled out in that class and

put into the class of either protected or ex-burghers. Similarly many of the protected burghers had to be ruled out of that class, and put among the ex-burghers. There was an immense amount of overlapping, and these had to be sorted out by one body, and when it came to be considered in what way we should deal with these claims, we took the smallest class first, so as to get them out of the way. Now I am glad to say that the protected burghers have been largely paid out, and I hope within a week or two the whole of them will be dealt with, and the same with regard to British subjects, and then we shall turn our undisturbed attention in the endeavour to get the ex-burgher class out of the way as soon as possible. I assure you, gentlemen, that if I could settle every claim at this moment I would most gladly do so, but not only have these claims been of enormous number, but many of them were in every kind of language, many of them relied on evidence which was extremely difficult to obtain. In many cases, I am sorry to say, they were of a fraudulent nature. But I do intend to use the whip and spur in this matter, and bring about the final settlement of these claims as soon as possible. I should like just to clear up one point. I know an exception has been taken to a circular which was recently issued, asking those who were in a position to repay some of the amount due to the Government, to do so. This circular was issued because we were under the belief that a considerable number of those who had obtained temporary assistance from us were in a position to repay the debt. You will have noticed perhaps the circular was rather of the nature of an invitation than a demand, and our anticipations have not proved altogether wrong. A good many have come forward, and so far as I know, without any inconvenience to themselves have paid off a considerable amount of their debts to the Government. You can understand that, with these large sums which we have paid out, we are naturally anxious at the earliest possible moment to get some return, but it is not part of our policy to set a man on his legs, and then just as he is beginning to stand upright, to knock him down again into the mud. I should like if I might, to refer for a moment to the questions raised by Mr Beyers, which refer to protected burghers and military receipts. We, as a Government, are merely agents of His Majesty's Government in respect of these matters. The military authorities

issued certain receipts during the war for goods received and they gave us an amount which they reckoned would be more than enough to pay off these receipts. As a matter of fact, the amount which they gave us has already been considerably exceeded, and there are still payments to be made. At the same time there were certain conditions attached to the payment of these receipts, for which we are not responsible, but with regard to which we are bound to take the ruling of the War Office. Now, it was ruled by the military authorities that where a man had got receipts and then went on commando those receipts would not be recognised. There were also cases where some not very wise officers had signed receipts for goods at extravagant and ridiculous prices. Therefore the military laid down certain prices as the amount for which they would be responsible. We, the Government of this country, cannot vary these regulations of the War Office if we wished. Similarly with regard to protected burghers, we received a sum from the military authorities to perform their obligations in respect of these people. We can therefore only make the money go as far as it will, taking care that, so far as lies in our power, the allocation of it shall be perfectly just, as between man and man.

At this stage, by desire of His Excellency, Mr Esselen explained to the members of the Congress that the only reason the Government undertook the work was as agents in the interests of the people. There were also a few other points which had been mentioned to him just before they went to luncheon, but he had not time to touch upon them. He would, however, look into them and give them his careful consideration.

The Cattle Disease.—Then, gentlemen, proceeded His Excellency, there is the question of the cattle disease, and I may say at once that in the opinion of the Government this is the most serious and the gravest matter with which we have had to deal so far. We are told that the Government know nothing about this disease, but I am sorry to say that we know a great deal too much. This disease, gentlemen, which has only been in this country for the last two years, is, we have satisfied ourselves, by scientific experiments, a new and very deadly disease, and we are face to face with the possibility that unless we can arrest this disease in some way, the outlook is extremely grave.

THE BOER CONGRESS AT PRETORIA 289

Science has taught us that the parasite which leaves this deadly sickness is communicated by a certain kind of tick. If you had time to go through our laboratories I am certain that we could convince you of the fact. We could show you the life of the parasite in all its stages, and we could show you its effect in regard to the animals, once the parasite has been communicated to it, and even if science did not show us all this, we have learned, by practical experience, that once ground becomes infected with this disease it is not clean again for at least a year after, and unless some measures are taken, it is only reasonable to anticipate that the disease must spread. Unfortunately, though science shows us the cause, it has not yet shown us the cure. When this mortality first began amongst the cattle, we combined with the other Governments of South Africa in securing the man whom we believed most capable of diagnosing the disease, and most likely to suggest a cure. That experiment cost each Government some thousands of pounds, and, I am sorry to say, it has so far not resulted in any satisfactory cure being found. We then made up our minds, guided by the advice of scientists, that the most successful and sure way of arresting the disease was to get the farms of the country fenced in, in order to allow of the proper segregation of stock. Now, had that been possible, it would mean that we might have done much by now to stamp out this disease. Last year, you will remember, we introduced Legislation dealing with the fencing of the country. In the first instance, in consequence of the grave menace before us in the shape of this disease, we proposed to make fencing compulsory, though, at the same time, we introduced a clause, whereby the Government was called upon to supply the necessary fencing. I know that it would have cost a great deal of money, but I believe that if the Ordinance had been carried in its original form, we might have saved an enormous amount of money to the farmers of this country, but, in deference to the representations made on behalf of the farming community, we decided that the Ordinance should only be permissive. Well, after our first two proposals, the engagement of Dr Koch and compulsory fencing, the question of regulations was considered. I know that these regulations were stringent, and that they imposed a great deal of inconvenience, but I am perfectly certain of this, that if we had not had those regulations, and if they had not been in the main carried out, the disease would have been infinitely worse to-day than it is. It is

my firm belief that if we were to-day to withdraw those regulations throughout the country, it would mean the extermination of the whole of the cattle in the Transvaal. Well, among your people, it is suggested that a committee should be appointed to help us to deal with this disease. I may say that long ago we appointed advisory committees in most districts in the Transvaal in which disease was rife. We have committees now in no less than sixteen different districts, who are, and have been, most energetic and helpful to the Government, and we don't propose to depart from the principle that we have adopted, and we shall gladly welcome your help in devising some means for the eradication of the disease. Now, gentlemen, I hope that you will not undervalue the help which science can give us in this case. Science has shown us how to defy the ravages of rinderpest. It has taught us to deal effectively with plague, with smallpox, and a thousand other diseases, and I will only beg of you not to ignore the value of science in dealing with a problem such as this. Let us deal with this in a practical way. Let us as a Government get the scientists to lay down what measures are necessary to eradicate the disease, and do you on your part come forward and meet our scientists to discuss with them what are the best measures, and how those measures are to be carried into practical effect. What I want most earnestly to impress upon you to-day is this, that you are face to face with a very grave danger. We realise it, and we mean to do our part. I will only ask you to help us. We have to face a great expenditure of money, and this money will be wasted unless we have power to make the measures, which may be decided upon, compulsory. Remember that one or two obstinate men, unless we have power to overcome their ignorance and prejudice, may keep this disease alive in this country for years. What those necessary powers may be I am not in a position to say just now, but, if the committee which you propose will be so good as to enter into negotiations with the Commissioner of Lands, I will promise you that he who represents the Government in this matter will meet you, and will discuss fully all details of any proposed measures with you, because, believe me, we are just as anxious as you are to banish this curse from the country.

Protective Arms.—The sixth point is in regard to arming individuals in districts where large Kaffir populations exist. I must say that until this was brought forward I was not aware that

there was any cause for complaint. I remember that under the sixth clause of the Terms of Surrender, possession of rifles was allowed to every person requiring them for protection. I was under the impression that where individuals had come forward and shown rifles were necessary, in such cases rifles had been allowed. I do not presume that it is suggested that the whole population should be armed, because, so far as I am aware, there is no civil population in any country generally armed with military rifles. It is certainly not our desire that any individuals in the population should go in danger of their lives, and I am quite certain that any reasonable request will be favourably considered by the Government. I should like to say that I know in such districts as Pietersburg, Lydenberg, and Waterberg, many hundreds of rifles are already held by the inhabitants, and, therefore, I was under the impression that we had met the wishes of the people in this respect, where reasonable cause could be shown.

Education.—We next come to the question of education. When the Government instituted a system of education it undertook the responsibility of giving free education. At the same time, it made it a definite point in its policy, that it should retain in its hands the appointment of teachers. We felt that so long as we undertook the financial responsibility we should retain that power. But we adopted that policy more for the reason that in that way we could secure greater efficiency among the teachers. I know that in the old days we have always had small local school committees, and you have urged us to revert to that policy. We have pointed out that in our opinion a small local committee is too much subject to small local prejudices and local interests, and that if a system of school committees is adopted with full preliminary powers, they should be appointed over a wider area than has hitherto been covered by the school committees. We believe that the objections which I have mentioned will thus be reduced to insignificance, and in the negotiations to which Mr Smuts referred this morning, which passed between the Christian Education Committee and the Government, we endeavoured to meet the wishes of the committee by the proposal that if committees were appointed they should be appointed over wider areas than has hitherto been the practice. The negotiations began in September last, and I was certainly given to understand that this question of the school committees with

power to appoint teachers was really the crux of the whole situation, and that the question of the quantity of Dutch taught in the schools was not an issue standing in the way. I know that great emphasis was laid on the fact that Dutch should be the medium of instruction, at least in the lower standards; and, as a matter of fact, that is at present being done. Now, we got as far as December last, and, as I say, the Government endeavoured to meet the views of the committee by a compromise in the matter of the area over which the committees should hold jurisdiction, and on the question of Dutch being the medium of instruction in the lower standards. The Government spent hours in trying to embody these principles in a draft memorandum. I am only sorry, gentlemen, that I have not had time to have the correspondence printed and translated into Dutch, so that each one of you might have had a copy. I do not propose to go into the various points raised in that memorandum. It was very long and very detailed, but it was, we hoped, possible to make it the basis of a compromise between ourselves and the Christian National Educational Committee. We endeavoured, so far as we could, to make it clear to the members of that committee that this was not a final proposal of the Government—not an ultimatum.

It was put forward as a draft proposal, upon which it might be possible to arrive at some compromise. But I am sorry to say that our proposals were absolutely rejected—that the door was shut in our faces; but I hope it may be opened again some day, because we hold very strong opinions on the question of education; and, while we recognise that you also have strong opinions, yet I cannot help hoping that, sooner or later, we may find a way of working together on this great question. I can only say that, if it appears good to members of the committee to re-open the question, we will be very glad to do so. . . .

I pass now to the question of the Lydenberg railway. This is really more a matter for the Inter-Colonial Council, and I know they have before them at the present moment certain proposals with regard to the building of this line by, I believe, certain private firms. I believe there are certain details in the proposals which are not entirely satisfactory, but I realise, as well as you do, how important it is to the people of Lydenberg that the railway should be carried there as soon as possible.

Widows and Orphans.—The next point, gentlemen, deals with poor widows and orphans, and I am sure you will not

misunderstand me, or think that I approach the question unsympathetically, if I ask you to leave the details of your proposals to be discussed between the Commission and the Government. There is only one point to which I would refer—a point which is often lost sight of—and that is with regard to the employment of the poor on public works. I know that the times and the condition of the country strongly impelled us to such a course, but on the broad question of policy I do not myself believe in it as a permanent part of our administration. In the first place, it is a very extravagant way of conducting public works, but what I think is a much more serious fault is, that if you establish this as a regular system, you are creating a class of permanent paupers in this country, who always look to the Government for help, who lose their spirit of independence and self-reliance, and who, instead of working out their own salvation on the land, and becoming useful, self-reliant citizens, are merely indigent folk, looking always for charitable doles. I think that we run the risk of committing a great mistake if we adopt this as a general and regular policy, and I should say that if we are obliged to take that step, only let us do it as a very last resource.

The Native Question.—Now, gentlemen, we come to the question of natives. In the first place, I am urged to carry out a rigid enforcement of the Squatters' Law. Now, in the neighbouring Colonies, though they have not precisely the same laws as we have, yet, as a matter of fact, those which contain approximately the same provisions as are contained in the Squatters' Law, have been allowed to remain almost inoperative. I know that, from time to time, yielding to popular agitation, the Governments have tried to enforce those laws, but such attempts have invariably brought the Government in conflict with the old landowners, and the farmers, and the occupiers, and those who have vested interests in the land. Now, you will remember—many of you from personal experience—that this matter has often been talked of in the Volksraad, and that the last resolution of the Volksraad was that it should be carried out as far as effective. Now, I should like to read to you—but I have already detained you so long—I should like to read to you a letter that was written by General Piet Cronje in his capacity of Superintendent of Natives. After reciting the instructions which he received, and the action which he took, he says:—

“The various Native Commissioners have unanimously given me to understand that, in districts where there are many natives on Government lands, it is impossible to comply with the instructions, for the following reasons:—In those districts where there are many natives the locations are too small, and thus many natives reside on Government lands. Now, if these natives were removed from Government lands, they could not trek to locations, because they are too small, neither will they go to work for the Boers, because they do not wish to live on barren fields. The consequence of this is that they fly across the borders, and in that way many natives are lost. The removal of natives from Government lands has thus the opposite result to my intention, namely, to supply the burghers with natives. The Native Commissioners can exercise much influence on the natives living on Government lands, and thereby assist the burghers.” Now, so far as I can trace it—you, gentlemen, will probably know better than I—no attempt was ever made to put the Squatters’ Law into operation, except on Government lands, except—I am speaking from memory—except, if I remember rightly, General Andries Cronje was successful, by his own personal influence with the natives, in inducing some of them to remove from one farm to another. From all that I can gather, and as far as I can trace it, the late Government found the greatest difficulty in carrying this law into effect. There is much in the principle of the law with which I am in entire sympathy, but I am sorry to confess that I am afraid that, if it were a rigidly-enforced law in any part of the Transvaal, we should lose an enormous number of natives. Of course I may be wrong, but it seems to me that it is a great risk to run, especially as that opinion was entertained by people who had practical experience of the working of the law in days gone by; and I am sure of this, that if rigidly enforced throughout the territory, it would cause a good deal of unrest, so that I think we should be wise, both you and I, to approach this difficult subject carefully, and to thrash the whole question out before we act at all precipitately. Now there are one or two questions which I do not propose to deal finally with. One is the question of the tax. The other is a question which is, in my opinion, a small question of detail—as to whether the natives should go to the Native Commissioner and pay their tax, or whether it should be collected by officials of the Government. But, in

regard to all these questions of native policy, I would point out that at the present time a Native Commission is sitting, of which your own Commissioner of Native Affairs is President, and, as that Commission will shortly be in Pretoria, I should be grateful if you would make your representations to that body, because I think that, while, not only this matter, but the whole question of native policy is under consideration, it would be hardly expedient or proper of the Government to suddenly alter the existing legislation. I would ask you, therefore, to take the opportunity afforded by the Commission sitting at Pretoria to explain your views.

Gentlemen, the next point is one purely of administration, upon which I do not propose to detain you. I will only assure you that if you make the representations you made to-day to the Commissioner of Lands, with regard to the Scab Act, he will give every consideration to your views.

Swaziland.—In regard to Swaziland, and I may say also in regard to Asiatic legislation, the Government is only too anxious to take action. But meanwhile we have to wait the sanction of His Majesty's Secretary of State, which, I hope, will be granted without any undue delay.

Divisional Councils.—There is only one other point I would refer to, and that is with regard to Divisional Councils. I may say that some time ago I was informed that the creation of these councils would be welcomed by the residents of the country, and, therefore, I took the early opportunity of bringing it forward as a probable contingency. I am glad to have had an expression of opinion from so representative a body as yourselves, and I can give you an assurance that the Government is not to hurry over this matter. The only two other points I have not touched upon are the Gold Law and the Diamond Law, and I would be glad, as I told you this morning, if you hear the views of the Attorney-General upon those. I will only thank you for the patience with which you have heard my remarks. . . .

The Congress resumed at eight o'clock.

The CHAIRMAN brought to the serious consideration of the delegates the rumours about a trek to German East Africa. He asked the delegates not to let themselves be misled by people who desired to go to that country for speculative purposes, and to bring a large section of their community into greater misery

and poverty than existed at present. He hoped that every one of them would do his utmost to uproot this thing from among their people. Experience taught them that from the time their forefathers trekked into the Transvaal all other treks had been failures and ended in misery. There was no better country than the Transvaal. Further, he thought that they had received great encouragement that day from the Lieutenant-Governor's reply. They saw clearly that the Government was not going to force a thirty million loan on the country, and if they had nothing else to get, that one point was one for which they could be grateful. The Lieutenant-Governor had also shown them that he was prepared to re-open the negotiations with regard to education, which had been recently closed. From the Lieutenant-Governor's speech it was apparent that the Government was willing to co-operate with them. His (the Chairman's) object was that they should live happily in this country and with the Government which ruled the country to-day, and which had the power to make them happy. Were they going to say farewell to the Transvaal because they could not get this or that, and go into another country, leaving a dear land like the Transvaal behind them? They must rather improve the country and erect a monument at every spruit and on every hill to show what they had done for the country. Why should they trek from a country for which they had made such great sacrifices? Organisation meant fidelity and honour to their country, and they must show that they were a people who could organise themselves and who could co-operate. Let them not show offence at every paltry cause; let them stand together, help the poor, and work among their people in the country, and maintain their morals faithfully before the Almighty, and they could in certainty and justice expect that God would grant every blessing on their efforts. Let them try to bury the past, and let there be no more division among their people. He was very hopeful to think that they had among them to-night people who, a few years ago, were very bitter towards each other. That night they were sitting together, working for the prosperity of a great nation. It was God's will that division among them should come to an end, and let them do everything in their power to eradicate all ill-feeling. Let them make an end to all offensive utterances. The honour of their people was a matter of very great importance to them, and they must show that they had reason to be proud of their nation.

THE BOER CONGRESS AT PRETORIA 297

From the interest evinced in the Congress he felt sure that the last few days would bring forth good for the Africander nation. The Africander nation had shown itself to be a greater nation than it was ever thought to be. People told him that certain things had happened to create ill-feeling, yet when at a meeting like that they had stuck together and discussed matters in such a calm and peaceful manner, it showed that they were a great nation indeed, and he considered that the Congress had been a thorough success.

MR SCHALK BURGER said they all met as brothers. It was often disapproved of in certain quarters if they tried to remain faithful to the traditions of their fathers ; it was disapproved of if they said they wished to remain faithful to their language, religion, and morals ; while such a feeling was esteemed very highly by every other civilised nation. Leaving all political interference alone, their only object at present was the establishment of their nation, which had struggled for three years to obtain its rights, which had sacrificed much, and which eventually submitted to God's will, and to God they should look for guidance, even under the present Government, and ask Him what they should do to re-establish this great nation of theirs. It had been proved by the Congress that they were still of one opinion, willing to co-operate with one another, and to fulfil their duty as Christians and loyal burghers of the State. They had heard to-day that the Government had given them another chance to negotiate with it. They should not wait for the education of their children. Whatever the Government might do, they should do everything in their power to educate their children and maintain their religious traditions and language. Let them remain more than ever decided in the matter ; let them determine that their children should have such education that they should not disgrace their country, religion, people, or language. Let them all shake hands as one great brotherhood, and forget all past differences among themselves. There was a great question before them—that was the question of their nationality. "Union was strength," and as sons of the country they should ever act up to that motto, and live amicably together. They should leave all individual interests aside, and think of the future of their country and nation. Let them try to forget as much as possible. When they looked back and saw what they lost during the

terrible struggle which they had gone through, they should not lose sight of the fact that they had not lost the religion of their people, their Father, God, nor their Church. Their watchman was still standing faithful on Zion's walls. Let them watch, and point those things out to their children in a Christian spirit. He expected that the labours of the Congress would bring forth real fruit for the welfare of their people.

The Congress was closed with prayer at 9.15 P.M.

APPENDIX C

TERMS OF SURRENDER

HIS Excellency, General Lord Kitchener, and His Excellency, Lord Milner, on behalf of the British Government, and Messrs M. T. Steyn, J. Brebner, General C. R. De Wet, General C. Oliver, and Judge J. B. M. Hertzog, acting as the Government of the Orange Free State, and Messrs S. W. Burger, F. W. Reitz, Generals Louis Botha, J. H. Delarey, Lucas Meyer, Krogh, acting as the Government of the South African Republic, on behalf of their respective burghers desirous to terminate the present hostilities, agree on the following Articles :—

1. The burgher forces in the field will forthwith lay down their arms, handing over all guns, rifles, and munitions of war in their possession or under their control, and desist from any further resistance to the authority of His Majesty, King Edward VII., whom they recognise as their lawful Sovereign. The manner and details of this surrender will be arranged between Lord Kitchener and Commandant-General Botha, Assistant Commandant-General Delarey, and Chief Commandant De Wet.

2. All burghers in the field outside the limits of the Transvaal or Orange River Colony and all prisoners of war at present outside South Africa, who are burghers, will, on duly declaring their acceptance of the position of subjects of His Majesty, King Edward VII., be gradually brought back to their homes as soon as transport can be provided and their means of subsistence ensured.

3. The burghers so surrendering or so returning will not be deprived of their personal liberty or their property.

4. No proceedings, civil or criminal, will be taken against any of the burghers surrendering or so returning for any acts in

connection with the prosecution of the war. The benefit of this clause will not extend to certain acts, contrary to usages of war, which have been notified by Commander-in-Chief to the Boer Generals, and which shall be tried by court-martial immediately after the close of hostilities.

5. The Dutch language will be taught in public schools in the Transvaal and Orange River Colony where the parents of the children desire it, and will be allowed in courts of law when necessary for the better and more effectual administration of justice.

6. The possession of rifles will be allowed in the Transvaal and Orange River Colony to persons requiring them for their protection on taking out a licence, according to law.

7. Military administration in the Transvaal and Orange River Colony will, at the earliest possible date, be succeeded by Civil Government, and as soon as circumstances permit, representative institutions, leading up to self-government, will be introduced.

8. The question of granting the franchise to natives will not be decided until after the introduction of self-government.

9. No special tax will be imposed on landed property in the Transvaal and Orange River Colony to defray the expenses of the war.

10. As soon as conditions permit, a Commission, on which the local inhabitants will be represented, will be appointed in each district of the Transvaal and Orange River Colony, under the presidency of a magistrate or other official, for the purpose of assisting the restoration of the people to their homes and supplying those who, owing to war losses, are unable to provide themselves with food, shelter, and the necessary amount of seed, stock, implements, etc., indispensable to the resumption of their normal occupations.

His Majesty's Government will place at the disposal of these Commissions a sum of £3,000,000 for the above purposes, and will allow all notes issued under Law 1 of 1900 of the South African Republic and all receipts given by officers in the field of the late Republics, or under their orders, to be presented to a Judicial Commission, which will be appointed by the Government, and if such notes and receipts are found by this Commission to have been duly issued in return for valuable

TERMS OF SURRENDER

301

considerations, they will be received by the first-named Commissions as evidence of war losses suffered by the persons to whom they were originally given.

In addition to the above-named free grant of £3,000,000, His Majesty's Government will be prepared to make advances on loan for the same purposes free of interest for two years, and afterwards repayable over a period of years with three per cent. interest. No foreigner or rebel will be entitled to the benefit of this clause.

APPENDIX D

STATUTES OF *HET VOLK*

1. THE object of this Association is to bring about harmony and mutual co-operation of the population of the Transvaal, and to advance the general prosperity and progress of the country and people.

2. This Association, constituted by resolution of the People's Congress of 24th May 1904, consists of a Head Committee elected by that Congress, and of which Louis Botha (chairman), S. W. Burger (vice-chairman), J. H. de la Rey, C. F. Beyers, Ewald Esselen, A. D. W. Wolmarans, and J. C. Smuts are the members.

Further, of District Committees and Ward Committees, which have as yet to be elected in accordance with these Statutes.

3. Two members of the Head Committee shall retire annually, beginning with Messrs A. D. W. Wolmarans and J. C. Smuts, and so on in rotation. They are, however, re-eligible. The members of the Head Committee shall be elected by a majority of votes at the yearly Congress. The Chairman of the Head Committee, who is at the same time Chairman of the People's Congress, shall be elected by this body. He retires every three years, but may be re-elected.

4. Every Ward Committee shall consist of at most seven members, of which four will form a quorum.

It shall, however, be permitted to the members of this association to found more branches with its own Ward Committee, provided that the members of each branch number at least fifty.

5. The District Committee shall consist of the Chairman of every Ward Committee, besides one member, elected by a majority of votes by every Ward Committee; one-third of these members shall form a quorum.

6. Every committee elects its own Chairman and Secretary.

7. These Committees shall be elected for a period of two years, beginning with the date of election.

8. Every year a People's Congress shall be held. The yearly Congress shall consist of:—(a) The Head Committee; (b) Delegates to be elected by the District Committees, so that every ward has one delegate. The date and place of meeting of the People's Congress shall be fixed every year by the Head Committee, and notice thereof shall be given to the different District Committees. District Committees shall, immediately on receipt thereof, elect the delegates and forward the names of those elected to the Chairman of the Head-Committee before the meeting.

9. The duties of the Ward Committees are:—(a) To keep a register of the ordinary members; (b) To look after the interests of this association in their respective wards, and in conjunction with their respective District Committees; (c) To regularly report to their respective District Committees.

10. The duties of the District Committees are:—(a) To look after the interests of their respective districts in conjunction with the Head Committee, as well as with the different Ward Committees resorting under them; (b) To regularly report to the Head Committee.

11. The duties of the Head Committee are:—(a) To supervise the different subordinate committees; (b) To convene a People's Congress at least once a year; (c) To call a special meeting at the written request, or with the written approval, of at least five District Committees; (d) To call a special Congress, if circumstances demand it; (e) To bring to the notice of the Government, when desired, matters of general interest, and to look after the same; (f) To take such steps as may seem necessary under the circumstances, including the calling of conferences elsewhere, concerning the interests of South Africa.

12. The retiring members of the Committees remain in function till their successors are appointed, and then they hand over all documents, etc., to their successors.

13. Every committee may make its own regulations, without prejudice to the general rules of this Association.

14. If the Head Committee is of opinion that the committees in one or more wards or districts are under influences which are detrimental or hostile to the principles or interests of this Association, the Head Committee may dissolve such committees by resolution, and take such steps as it may deem necessary.

15. Only in urgent cases may Ward Committees correspond directly with the Head Committee without first consulting their respective District Committees.

16. Where mutual differences can not be removed, the interested parties may apply to the Head Committee. The Head Committee shall then decide, and its decision shall be final. The Head Committee has the power to intervene in all differences which concern the interests of the Association, and to decide finally.

17. As members are admitted all white persons who are permanently domiciled in the Transvaal, have completed their sixteenth year, adhere to these rules of association, and sign the following declaration :—

“ The undersigned hereby declares that he will support the ‘People’s Union,’ and binds himself to faithfully observe the obligations connected with its membership.

Date.....”

Place.....”

18. The agenda of the yearly People’s Congress is made up by the Head Committee, and shall consist of such subjects as the Head Committee wish to bring forward of their own motion, and such further points as the District Committees send in, at least one month beforehand to, and subject to the approval of, the Head Committee.

19. These statutes may be altered or amended by resolution of the People’s Congress, or by the Head Committee, subject to confirmation by the People’s Congress.

Any alteration or amendment by the Head Committee shall be of force till the next meeting of the People’s Congress.

APPENDIX E

PROGRESSIVE LUNCH

MR GOCH said that they were commencing their career as an association under splendid auspices. He felt very proud of the men who had come as delegates to assist at the formation of this organisation. He felt that they had from the districts that had sent those men the best representatives, in whom they had perfect confidence, as men well fitted to carry out the work that lay before them. They would see from the papers that the Afrikander Bond had had a meeting at Cradock. They would find that the average number of members for each branch worked out at forty, whilst the Progressives started with an average of two hundred and thirty. That was a good start, and it augured well for what they might attain in the future. It was necessary that an organisation such as this should be formed. Individuals might hold opinions with regard to political matters very strongly, but they were merely units, and however strongly they might hold these opinions they had no weight beyond the individual himself. Unless that individual joined himself with others around him, so that he might give expression to that opinion through corporate organisation, it had no weight in a community. Opinion should be formed which would influence the occurrence of political events, and thus the organisation would become a power in the land. They had arrived at the stage at which that was necessary. They did not raise themselves in opposition to any one. They meant to work for their principles to the best of their ability without defying any one. They intended to go forward believing that the principles of the Constitution were those which would best serve the interests of this country, and for that reason they meant to maintain them wherever and whenever they could. While they did not seek to

oppose any one, it was necessary that on an occasion such as this, in order that they might be clearly understood, to make some reference to those who took the opposite view to that which the Progressives took. He did not wish to make special reference to their friends in Johannesburg and elsewhere who differed from them on the question of Responsible Government. He believed that to be only a passing phase. He believed that was not the root of the question on which a community should be divided. On their side they accepted the view expressed in the King's speech, and desired to support His Majesty in the policy which he had foreshadowed.

They did not forego their belief in favour of Responsible Government. This Colony must by-and-by have control of its own affairs. They were not, therefore, indifferent to their friends who made that the forefront of their cry. They hoped that when their friends had seen the Constitution they would find it to their advantage not to cavil at it any more, but to seek the co-operation of their fellows in order to carry out loyally the principles of that Constitution. He was very hopeful that in view of the fact that there was very little dividing the parties, they might, by-and-by, at any rate, present a united front. He did not wish to say a single word to offend the susceptibilities of those now differing from them. He believed these people were wrong in the course they were taking, but he also believed that they would see soon that their best and truest interests lay in their joining with the Progressive party in the objects the latter had before them. That did not, however, apply to the party lately formed, calling itself *Het Volk*. There were differences between the Progressives and them which he thought were very deep-rooted, and almost impossible to be surmounted. Even with regard to that, he hoped they might at some time or other understand each other better, but, at the present moment, the difference between them was very great indeed. Proceeding, Mr Goch said:—I wish to refer to a few remarks made by the members of the Controlling Committee of *Het Volk* in the different speeches they have made. The speeches, extracts of which I am about to quote to you, were made by men who have responsible and leading positions in that organisation, and, as the words expressed by one presumably binds the rest, what we see has been stated must be regarded as the voice of that body as a whole. I will deal with the remarks made by General De la Rey at Potchefstroom on Thursday:—

“He objected to the agreement between Mr Chamberlain and the capitalists regarding the thirty millions war debt. The people were ripe for self-government,” and, added General De la Rey, “they could undertake the responsibility of self-government. Three years had passed since they lost the war, and the people found themselves in the mud. The people could be and should be saved from their debt, and would that three millions save them? Never. Would England send them money to save them? Never. But the Government could save them by granting full self-government and enabling them to raise a loan, and thus right the wrong that had been done.”

These, continued the speaker, are the men who are crying out for Responsible Government. The motive is as clear as daylight. On the one hand, repudiation of just liability; on the other hand, a brazen attempt to place their hands in the treasury of this country and extract from it money to distribute amongst their own people. Yes; and not only that, but to extract it from those who pay the taxes, whom, at the same time, they abuse in every possible way. We, the progressive part of the community, contribute seven-tenths of the whole of the taxes of this country, and it is that money that they wish to lay hold of to pay the debts of their own people. Can you have a stronger motive for the cry which they are raising that they must have Responsible Government? Yes, if they have the majority, they will play a fine old game with this country. I wish to remind you of remarks made at the same meeting by General J. C. Smuts. He says the old idea of Afrikanerdom was to establish a united South Africa stretching from the Cape to the Zambesi or further, but they failed. Let them turn over a new leaf. They would be satisfied with nothing but Responsible Government. They wanted no half-measures, no half-egg. They invited all white men to join with them, and he was sure, if they did that, the old ideal of African unity would still be realised. I do not think we need go very far to seek for an interpretation of these words. If they mean anything at all, they mean: Give us Responsible Government, and we will restore the old ideals of Afrikaner unity. What is that? It is Afrikaner unity under an independent flag. Are we content that the power of the Government should be handed over to men who thus express themselves at the very threshold of a new era, which we fondly hope will be one of peace. No, it is not so. We cannot see peace anywhere when

these people come forward with ideas of that kind. We are bound to fight that, and we cannot fight them otherwise than by organisation, organisation everywhere throughout the country. Give every man in the land an opportunity to join your forces, apply yourself in order to resist with all your power those pernicious ideas.

Gentlemen, I wish to draw your attention to the remarks made by one of the leaders of that Association, whom we must regard as one of the most solid men amongst them. He took a leading part in the late Volksraad, and was really the leader of that body. He is a man of acute intellect, a man who enforces his will upon his fellows in a remarkable degree. I refer to Mr A. D. Wolmarans, who said at Nylstroom :—

“The question was not one between Boer and Briton, but it was a question between capitalist and non-capitalist—the working classes and the agriculturist *versus* the moneyed class. The object of the capitalist was to work against the artisan and the farming community, and the capitalists had declared war and were continuing it against the working classes. He contended that the working classes and the Boers should stand together against the capitalists, and endeavour to form a policy which would make the country a white man’s. . . . The capitalists had imported Chinese in order that they could make a greater profit; it was not because there was a shortage of native labour. It was the duty of the working classes to join the Boers in order that employment might be given to white men. . . . When the Briton—and he (Mr Goch) supposed the working classes were meant here—and the Boer worked together, then would the Transvaal be lifted up to Heaven.”

It needs no great effort (continued Mr Goch) to interpret the meaning of these words. *They preach strife between labour and capital.* At the present time we are apt to say that there is a feeling of harmony between the men and those who employ them. I believe that the working classes honestly recognise that they are being well paid, and that those who employ them have every regard for their best interests. This man, a leader who will take a very prominent part in the government of the country if Responsible Government were now given, does not hesitate to stoop to the miserable device of raising enmity between people who are now in harmony to attain his own objects. He believes that there may be some chance that some crevice might be found in which he could drive a wedge, which would divide the people to-day, who as employer and employed are united amicably and in

harmony. He seeks to do this to attain his own ends—ends which others of that body have clearly indicated to us. And war is to be called between the employers of labour and the employees on the mines. It is incited by a feeling of hatred to the capitalists. We can understand Mr Wolmarans when he hates the capitalist, because in his heart he has never forgiven the war. In his heart he feels that the capitalists of this country had something to do towards bringing about that war, and he pays them out—he endeavours to pay them out—in this way, by dividing the people whom they employ from their employers. That in itself warns us that if we want prosperity in this country, we must stand together and get to join with us all those who will endeavour to uphold the principle that the capitalist, whoever he may be, as a leader of a great industry, is entitled not to be abused by the people who would be statesmen here. He is entitled to the respect of all self-respecting men, and entitled to receive the support of every one who seeks public position in this land. Mr Wolmarans goes farther. Give them Responsible Government and they will make a furious attack upon the introduction of Chinese labour. He states clearly enough that there are enough Kafirs in the land. It is a clap-trap cry probably. He at any rate should know better after all the evidence adduced in connection with that question; but it suits his book to cry down the Chinese, as in effect he does, because he hopes by that means he will gain the working men on his side. He is trying to instil into their minds the idea that if once the Chinese are removed, they would get a better chance of employment.

We are here in the presence of one of the most vital questions of this country. The man who would lay rough hands upon that which we have done after a long struggle—providing ourselves to-day with that labour which we require, and placing this industry in such a position that prosperity never previously dreamt of will come before long—the man who sets his hand to the task of removing from the Statute Book that law must understand that when he does so he puts back this country into the abyss from which it has only just now arisen. Are you, as men and citizens, prepared to accept at their hands a policy which will ruin all your prospects? We know they are intimately acquainted with the whole of that subject. We know all the hopes of prosperity which we have built upon the success of this Labour Ordinance, and any removal of facilities thereby

granted will plunge the whole country—not only the Transvaal, but the whole of South Africa—back into ruin. Mr Wolmarans has said that with the Briton (meaning the working classes) and the Boer working together, then would the Transvaal be lifted up to Heaven. He will lift up to Heaven the very hell-broth of seething trouble. I cannot allow this opportunity to pass without referring to that cry so incessantly raised by the outside districts, especially against the capitalists. Every town, every village, has a feeling of jealousy against Johannesburg. It is especially strong in Pretoria. I desire to single out Pretoria especially in connection with this matter. Pretoria is probably desirous of protecting her own interests in preserving around her the Government establishments in her midst. They have no right to set themselves up against Johannesburg on the wild fear that we are going to interfere with their vested interests. . . .

I beg of all those people to discharge from their minds the idea that Johannesburg seeks to control the policy of this country. She does nothing of the kind. She feels that, unless the countryside is in a large measure with her, she herself will sink into a unit. Though this will, perhaps, be a large one, nevertheless she will be clipped of all that force and power which she might have in unison with those people. That is what we desire, and it is why we hail with such satisfaction as one of the germs of growth the organisation which this day we have founded. Let us stretch out the hand of friendship, the hand of support, to all who think with us in the main lines of policy of this country, and let us make them feel that they are no longer isolated, but that they will gladly, openly, honestly, give their adhesion to the principles which we maintain. He begged to propose the Association.

APPENDIX F

DINNER TO RESPONSIBLE GOVERNMENT ASSOCIATION

EXTRACTS FROM SPEECHES

AFTER the loyal toasts had been honoured, Mr M. R. GREENLEES gave "The Transvaal Responsible Government Association." He said he took it that all present were in favour of the Responsible Government for the Transvaal, but the only question was as to when it should be introduced. Their Association said at once. He thought if a poll were taken in this country and also in Great Britain that the result in each country would be a substantial majority in favour of Responsible Government being granted. But the British Government, the High Commissioner, and a considerable minority in the Transvaal said: "No; there must be a period of probation." Why should there be? Was it because the Government distrusted the Boer? He did not think it was; if they could not trust him now, how could they do so in two, five, or ten years? That was not the real reason of the delay. The real reason was that it was a tradition of the British Empire that Representative Government should come before Responsible Government. It had become a sort of pre-ordained system. Those who were students of constitutional history knew this, but unfortunately a large party of people in this country did not know it, and thought they were not being trusted. They were asking nothing revolutionary, but simply that one stepping-stone in the constitutional history of this country be passed over, under very exceptional circumstances.

Mr E. P. SOLOMON, after explaining the objects for which the gathering was held, and urging moderation upon those present, said:—In dealing with the toast Mr Greenlees has proposed to-night, it will be necessary for me to explain to you the objects of our Association, and in doing that I shall have to criticise, or rather compare, our objects with the objects of another association—the Progressive Association, or

what I call the Retrogressive Association. Our objects are as follows: "To advocate the immediate establishment of Responsible Government in the Transvaal for the following reasons: (1) That political stability and contentment can only be assured by the full admission of the principle that the wishes and the interests of the people of this Colony must prevail, subject only to the highest Imperial considerations. (2) That the growth of a vigorous independent spirit in political life will inevitably be retarded by the establishment of any system short of complete Responsible Government." There you have in a few words not only what the object is—the immediate introduction of Responsible Government in this country—but the reasons, in very small compass, why we want it. Now let us see the platform of the Progressive Association, and let me say here that when I saw that association had formed, I rejoiced. I was glad, because your political life in this country cannot be very sound unless you have opposition. The very essence of Responsible Government is opposition. By opposition you get out from your opponents everything that is necessary to make political life stirring in this country. Now, gentlemen, let me tell you that in regard to these planks in the platform of the Progressive Association, we are at one with them on, I think, five. I think they have altered that clause about the flag. They have crossed out "flag" and changed it to "maintain the principle of Imperial union." On that point we are at one with them. There is not a man in this room, not a man in our Association, who would dare to say he was not in favour of this; if he did, he would leave our Association to-morrow. Their second plank I shall leave until later. The next was, "To uphold the principle that all voters shall have the same privileges and their votes the same value." We agree with that. I told Lord Milner at a meeting, the other day, that all voters must be equal. No one man should have a right over another man. So we are at one with that. The fourth is, "To establish a firm and just Asiatic and native policy, in accordance with Transvaal ideas." That is our plank, not theirs. I will tell you why. They dare not, under the representative form of government, claim that right without the consent of the British Government. With Self-Government, with Responsible Government, we have the right. They have to ask Downing Street for permission before they can claim that. No. 5 is, "To support

any measure that tends to make the Transvaal a white man's home." Who is opposed to that in this room? No one. "To oppose interference in domestic affairs by party politicians elsewhere." That is ours. How dare they ask for that in their platform, for once we have Responsible Government in this country, home politicians dare not interfere. If you have Representative Government in this country, your laws will be subject to veto at home—I am coming to the question of veto, as Lord Milner interpreted it, later on—but when we have Responsible Government we dare them to interfere with us unless it trenches upon Imperial interests. That is the only and sole right they have. When we pass laws in this country under Responsible Government which are opposed to Imperial interests, then the Imperial Government steps forward and says "Stop." They have never attempted it in any other country, and never would in this country. No. 7 is, "To restrict the franchise to white people only." That is ours. Now we come to the second heading on their platform—Representative Government. What do they mean by "Representative Government"? Has any man in this Association ever dared to come forward and tell us what form of Representative Government they want? They dare not. . . . I want to know what the Progressive party wants—what form of Representative Government they want. Responsible Government is also Representative Government — it is pure Representative Government. The distinction between Responsible Government and what they call Representative Government is in this essential principle: that the representative form of government, as they call theirs, is associated with an irresponsible Ministry. With Responsible Government, which is also a representative form of government, you have a responsible Ministry — responsible not only to Parliament, but to the people, or, I should say, to the people through Parliament. And when the Government under Responsible Government do not carry out the wishes of the people, they go, and the majority in the House elect a new Ministry. What have you with what they call Representative Government? You have a Ministry elected by the Crown, and that Ministry retains office as long as the Crown pleases—"subject to the pleasure of the Crown" are the words, I think. No matter what resolutions are passed adverse to their policy by members of the House, no matter how severe are the

censures from the House on the Ministry, they retain their positions, subject to the pleasure of the Crown. You have no right to turn them out; they remain there probably for life. Don't tell me this is an imaginary idea of mine. I have lived in Cape Colony, where I saw that thing done. I saw under a representative form of government, votes of censure passed, not once, but several times, on the last Ministry, and they simply kept their seats and defied Parliament and the people of the country. Is that the form of government you want for this country? That was the essential difference.

Now we come to the question of the veto. Lord Milner, in an interview he had with the Progressive party this week or last week, told them that the veto was the same whether it was under Representative Government or Responsible Government. Gentlemen, I do not want to put my views against a great authority like Lord Milner, but I tell you, and I tell him, that in theory he may be right, but in practice he is not. The only time—as I have told you already—that the British Government interferes with measures passed in a House of Parliament where you have Responsible Government is when they trench upon the rights of Imperial interests. I do not know of a single occasion in Cape Colony where there was interference since Responsible Government, but there were numerous cases when they had Representative Government. Where this Government is they do interfere. Therefore in theory Lord Milner was quite right, but in practice he was entirely wrong. . . .

The question we have to decide in this country is whether we can be ruled by Downing Street, influenced by politicians all over the United Kingdom, or whether we are going to rule our own affairs in this country. Whether the people of this country are going to be ruled by the people—that is the point you are going to decide to-night. I am told by men who don't agree with me: "Don't worry; there is practically no difference between us." I tell them that if they call that no difference, they don't understand the question. The difference is most vital, in my opinion, as to whether you men of intelligence are going to rule this country and pass laws without interference, or whether you are going to be dictated to from Downing Street by a number of politicians who don't know you, your affairs, or circumstances. . . . Now we are told by Lord Milner in an interview, that, "Apart entirely from any

personal opinion, I have received instructions from the Home Government to make what suggestions I can, and to throw all the light I can upon the execution of what is their settled policy, which is to introduce a form of Representative Legislature, elected by the people with an Executive which will continue for a time to be appointed by the Crown."

That evidently is the form of government they are going to give. If that is what the British Government is going to give us it will not meet with the requirements of this country; it will not meet with the approval of the majority of the people of this country. I go further, and say that if that measure is forced upon us it will engender the most bitter feelings in the community, and will cause disruption amongst the English portions of the Transvaal. And I tell you why I say that. If that form of Government is given to us, at the very first election which takes place, we who are in favour of Responsible Government will join hands and stand as one man in this country. We will elect men to that Parliament who will support the immediate introduction of Responsible Government. There will be no split then amongst the Responsibles, as they want to boast about, but we will stand together on that great question and return men pledged to carry at the first session a Responsible Government Constitution for this country. And if that be so, I tell you, gentlemen, we will return a majority in that Parliament, and where are they then? You pass a resolution to adjourn the House, and ask the English Government to decide the steps they are going to take on that measure, or otherwise you block every measure the Government introduces; you stop their supplies until you force them to give you what the majority of the House is resolved upon. I am told by my friends on the other side that that is very un-English; that it is not fair. My reply is: "It is politics, and it is the right of the majority of the country to rule and carry their resolutions into effect." . . .

But before I go further let me tell you, if this election takes place, what the result will be. The result will be that you create ill-feeling amongst our personal friends. There will be disruption amongst the English section of this community, and there will be the alienation of the Dutch population. And once this disruption and alienation occurs, it will take years to bring them into the position they formerly occupied. Are these men going to take this responsibility for the sake of one solitary year? I think not. . . .

I am going to quote you the opinion of a man like Lord Durham : "It is difficult to understand how any English statesman could have imagined that Representative and Irresponsible Government could be successfully combined. It has never been clearly explained what are the Imperial interests which require this complete nullification of Representative Government. It was a vain delusion to imagine that by mere limitations in the Constitutional Act or an exclusive system of Government strong in the consciousness of welding the public opinion of the majority it could regard certain portions of the provincial revenues as sacred from its control." (It is the same way here.) "It needs no change in the principles of Government, no invention of a new constitutional theory to supply a remedy which would, in my opinion, completely remove existing political disorders." Then he goes on to illustrate that the form of government which should be introduced was Responsible Government. The state of that country¹ then was infinitely worse than the state of this country. I can take General Botha into the Rand Club, and you will see gentlemen there welcoming him, and who are glad to see him. That was not the state in Canada. They were at loggerheads and suspicious of each other—opposed at every meeting and every assembly, in the streets and everywhere. You have only to read this report—one of the finest ever written by a statesman from England—to find the position. What was the result? For once the British Government accepted the counsel given them, and a Bill was passed to give Canada Responsible Government. I will now read the editor's notes as to the effect of that : "It is true that Durham's hopes in one sense were never realised : the English and the French races have never fused into one. It is impossible to destroy a white nation, and the French of Canada retain their language, their religion, and their cherished customs. But the two races, sensible of their own common dangers, and not unresponsive to a large-hearted policy, were able to live in amity until in the fullness of time the legislative union of the two Canadas gave way to the great Federal Dominion of 1867." That was the result—although the two nations did not fuse into one, they worked together harmoniously. The bitter feelings and enmities were suppressed, and Canada progressed and became a Dominion. . . .

¹ Canada.

APPENDIX G

LETTERS PATENT PASSED UNDER THE GREAT SEAL OF THE UNITED KINGDOM, PROVIDING FOR THE CONSTITUTION OF A LEGISLATIVE ASSEMBLY IN THE COLONY OF THE TRANSVAAL

Dated 31st March, 1905.

EDWARD THE SEVENTH, by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these Presents shall come, Greeting. Whereas by Our Letters Patent under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 23rd day of September, 1902, We did constitute the office of Governor and Commander-in-Chief of Our Colony of the Transvaal, and did make provision for a Legislative Council in and for the said Colony;

And whereas We think fit that the people of Our said Colony should be represented in the Legislature thereof by elected members, and We are minded to amend the said Letters Patent in order to provide for the election of such members, and to make other and further provision for the Government of the said Colony;

Now know ye that We do declare Our will and pleasure to be as follows:—

Legislative Assembly

I.—(1) There shall be a Legislative Assembly in the Colony, consisting of the Lieutenant-Governor and of not less than six nor more than nine official members, and, save as hereinafter provided, of not less than thirty nor more than thirty-five elected members.

(2) The official members shall be such persons holding office under the Government of the Colony and being members of the Executive Council as We may from time to time appoint by any Instruction or Warrant under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

(3) The elected members shall be persons chosen by the voters in districts constituted as hereinafter provided.

Official Members: Provisional Appointments

II. The official members shall hold office during Our pleasure.

Provided that whenever any official member shall cease to perform the duties of his office under the Government of the Colony the Governor may, by an Instrument under the Public Seal, appoint some person holding office under the Government of the Colony, and being a member of the Executive Council, to be provisionally an official member in his place. Every such provisional appointment may be disallowed by Us, through one of Our Principal Secretaries of State, or may be revoked by the Governor by any such Instrument as aforesaid.

Qualification of Voters

III.—(1) Every white male British subject of the age of twenty-one years and upwards who is a qualified person as hereinafter described, and who is not subject to any of the legal incapacities hereinafter mentioned, shall be entitled to be registered as a voter. But no person shall be entitled to be registered as a voter, or to vote, in more than one district.

(2) The following persons shall be qualified persons :—

(a) Any person who has been enrolled on the latest list of burghers of the late South African Republic and entitled to vote for members of the First Volksraad.

(b) Any person who, in the twelve months next before the date on which any registration of voters shall commence, has for a period of not less than six months or for periods, whether consecutive or not, amounting in the aggregate to not less than six months, occupied any premises within the Colony which, together with the land on which such premises are situate, shall be of the value of £100, or of the annual value of £10.

Joint Occupiers

Provided that if any premises are jointly occupied by more persons than one, each of such joint occupiers shall, in case the total value or the total annual value of such premises when divided by the number of such joint occupiers is not less than £100, or £10 respectively, if otherwise qualified, be entitled to be registered as a voter in respect of such premises. Provided further that in case such joint occupiers shall own or be interested in such premises in unequal shares or proportions no such joint occupier shall be entitled to be registered as a voter unless his share or proportion shall, regard being had to the total value of the premises, be of the value of £100, or of annual value of £10.

Annual Value defined

The annual value of premises shall mean the gross annual rent at which the premises together with the land on which they are situated and with which they are occupied are or might reasonably be expected to be let, and the term premises shall include any part of a building separately let or occupied from the rest of the building and under the exclusive control of the lessee or occupier.

(c) Any person who within the twelve months as aforesaid has been, for a period of not less than six months or for periods, whether consecutive or not, amounting in the aggregate to not less than six months, in receipt of salary or wages at the rate of not less than £100 a-year, *bonâ fide* earned within the Colony.

Salary or wages shall include any money or valuable consideration of any kind whatsoever received as remuneration for any work or service.

Disqualification of Voters

IV. No person shall be entitled to be registered as a voter who shall have been:—

(1) Convicted since the 31st day of May, 1902, of treason or at any time of murder, unless he shall have obtained a free pardon.

(2) Convicted at any time of any offence and sentenced to imprisonment without the option of a fine, which imprisonment

shall not have expired at least three years before the date of the commencement of registration, unless he shall have obtained a free pardon.

(3) In receipt within twelve months of the commencement of any registration of voters of relief from public funds not being relief by way of repatriation under Article 10 of the Terms of Peace of the 31st May, 1902. Provided that treatment without payment therefor in any hospital supported wholly or partly out of public funds shall not be regarded as relief from public funds.

Conduct of Elections

V. The registration of voters, the preparation of lists of voters, and all other matters relating to the qualification and election of and the vacation of seats by elected members shall be such as may be prescribed by any Order or Orders in Our Privy Council, or by any Law or Laws of the Colony.

Division of Colony into Electoral Districts

VI.—(1) The Lieutenant-Governor shall, as soon as may be after the completion of the final lists of voters made in pursuance of any such first registration as may be prescribed as aforesaid, appoint three Commissioners, and may, on the death, resignation, or absence from the Colony of any of the said Commissioners appoint another person to take his place, and any person so appointed shall have all the powers and shall perform all the duties of the Commissioner in whose place he is appointed.

(2) The Commissioners shall divide the Transvaal into not less than thirty nor more than thirty-five districts for the purpose of the election of members until such time as there shall be a redivision of the Colony as hereinafter provided. The Commissioners shall give a name to each district, and one member shall be elected for each district.

(3) In dividing the Transvaal into districts the Commissioners shall give due consideration to

- (a) Existing boundaries of wards, municipalities, and magisterial districts, or other like divisions of the Colony.
- (b) Community or diversity of interest.
- (c) Means of communication.
- (d) Physical features.

(4) The number of registered voters, as ascertained by any registration of qualified voters carried out for the purpose, divided by the number of districts or the nearest whole number to the quotient so ascertained (hereinafter called the "quota of voters"), shall, so far as possible, be the number of voters in each district, but the Commissioners may adopt a margin of allowance to be used whenever necessary, having regard to the considerations set forth in sub-section (3) of this section, provided that in no case shall the voters in any one district be more by five per cent., or less by five per cent., than the quota of voters.

(5) The Commissioners shall submit to the Lieutenant-Governor a list of districts, together with such particulars as they consider necessary, and the Lieutenant-Governor may refer to the Commissioners for further consideration any matter relating to such list, or arising out of the powers or duties of the Commissioners. The Lieutenant-Governor shall publish the list as finally settled by the Commissioners in the *Transvaal Government Gazette*, and thereafter, save as hereinafter provided, the list shall be the list of districts.

Redivision of the Colony

VII.—There shall be a biennial registration of voters in every district, commenced and undertaken not later than the last day of March in the year next but one after the last preceding registration, and so on during each successive biennial period, and the list of voters resulting from such registration shall, upon publication in such manner as may be prescribed by the Lieutenant-Governor, be the list of persons entitled to vote.

The Lieutenant-Governor, on the completion of the voters' list made in pursuance of the second biennial registration, and upon the completion of the voters' lists, made in pursuance of every alternate biennial registration thereafter, appoint three Commissioners in the manner hereinbefore provided, and the said Commissioners shall proceed to redivide the Colony into districts for the election of elected members.

For the purpose of any such redivision the number of voters, as shown by the final lists made in pursuance of the last biennial registration, shall be divided by the quota of voters, and the number resulting from that redivision, or the nearest whole number thereto, shall be the number of electoral districts into

which the Commissioners shall redivide the Colony, and one member shall be elected for every such district.

The Commissioners shall in any such redivision of the Colony have regard to the same considerations as in the case of the first division of the Colony into districts as hereinbefore provided, and may adopt a like margin of allowance.

The Lieutenant-Governor to preside in Assembly

VIII. The Lieutenant-Governor shall attend and preside at all meetings of the Legislative Assembly, unless when prevented by illness or grave cause, and, in his absence, such member of the said Assembly as he may appoint; and in default of such appointment, the senior member of the Executive Council present shall preside.

Power to make Laws

IX. It shall be lawful for the Legislative Assembly, subject to the provisions of these Our Letters Patent, to make Laws required for the peace, order, and good government of the Colony.

Governor's Assent to Laws

X. When any Law has been passed by the Legislative Assembly, it shall be presented for Our assent to the Governor, who shall declare, according to his discretion, but subject, nevertheless, to the provisions of these Our Letters Patent, and to such instructions as may from time to time be given in that behalf by Us, Our heirs or successors, that he assents to such Law, or that he reserves it for the signification of Our pleasure thereon. A Law assented to by the Governor shall come into operation upon the day of its publication in the *Transvaal Government Gazette*, unless it be otherwise provided in the said Law: Provided always that it shall be lawful for the Governor, before declaring his pleasure in regard to any Law, which shall have been so presented to him, to make such amendments therein as he shall think needful or expedient, and by message to return such Law with such amendments to the Assembly, and the consideration of such amendments by the said Assembly shall take place in such convenient manner as shall in and by any Rules and Orders be in that behalf provided,

Power of Crown to disallow Laws assented to by the Governor

XI. Whenever any Law shall have been assented to by the Governor in our name, the Governor shall, by the first convenient opportunity, transmit to one of Our Principal Secretaries of State two copies of the Law so assented to, authenticated under the Public Seal of the Colony, and by his own signature; and We do hereby reserve to Ourselves, Our heirs and successors, full power and authority, and Our and Their undoubted right to disallow any such Law at any time within two years after such Law shall have been received by one of Our Principal Secretaries of State; and such disallowance, being signified by the Governor to the Legislative Assembly by message or by Proclamation in the *Transvaal Government Gazette*, shall make void and annul the said Law from and after the date of such signification.

Laws reserved, when to take effect

XII. No Law which shall be reserved for the signification of Our pleasure thereon shall have any force or effect within the said Colony until the Governor thereof shall signify, either by message to the Legislative Assembly or by Proclamation in the *Transvaal Government Gazette*, that such Law has been laid before Us in our Privy Council, and that We have been pleased to assent to the same.

Manner in which the Public Revenue shall be appropriated to the Public Service

XIII. It shall not be lawful for the Legislative Assembly to pass any Law, Vote, or Resolution which shall have the effect of appropriating any part of Our revenue within the said Colony, or of imposing any rate, tax, or duty unless such Law, Vote, or Resolution has been first recommended to the Assembly by message of the Governor during the Session in which it is proposed, and no part of Our revenue within the said Colony shall be issued, except under the authority given by the Lieutenant-Governor directed to the Colonial Treasurer thereof.

Prorogation and Dissolution of Assembly

XIV. The Lieutenant-Governor may from time to time prorogue the said Assembly by Proclamation, which shall be

published in the *Transvaal Government Gazette*, and the Governor may, whenever he shall think fit, dissolve it in like manner. The Governor shall dissolve the Assembly at the expiration of four years from the date of the return of the first writs at the last preceding general election, if it shall not have been sooner dissolved.

Language in Debates

XV. All debates and discussions in the Legislative Assembly shall be conducted in the English language, and all journals, entries, Minutes, and proceedings of the said Assembly shall be made and recorded in the same language; provided always that any member may, with the permission of the President, address the Assembly in the Dutch language.

Oath to be taken by Members of Legislative Assembly

XVI. Every member of the Legislative Assembly shall, before being permitted to sit or vote therein, take and subscribe the following oath before the President of the said Assembly:—

“I, *A.B.*, do swear that I will be faithful and bear true allegiance to His Majesty King Edward the Seventh, his heirs and successors, according to law. So help me God.”

Existing Legislative Council

XVII. The constitution, appointment, and powers of the Legislative Council of the Transvaal, constituted under Our Letters Patent providing for the government of the Transvaal, and bearing date the 23rd September, 1902, shall continue in force until a day to be fixed by Proclamation of the Governor, when it shall become, *ipso facto*, dissolved.

Revokes Clauses VII., VIII., and IX. of Letters Patent of 23rd September, 1902

Upon such dissolution as aforesaid Clauses VII., VIII., and IX. of Our Letters Patent of the 23rd September, 1902, shall be revoked without prejudice to anything lawfully done thereunder, but save as aforesaid, Our said Letters Patent shall continue in

force, and these Our Letters Patent shall be read and construed as one with Our said Letters Patent of the 23rd September, 1902.

Civil List

XVIII. There shall be payable to Us, in every year, out of the revenues of the Colony, from whatever source arising, for defraying the expenses of the services and for the purposes enumerated in the Schedule hereto annexed, the sums therein set forth, and the said sums shall be issued by the Treasurer of the Colony in discharge of such warrants as shall from time to time be directed to him under the hand of the Lieutenant-Governor.

Powers of Legislation, etc., reserved to the Crown

XIX. We do hereby reserve to Ourselves, Our heirs and successors, Our and Their undoubted right with the advice of Our or Their Privy Council, from time to time, to make all such laws as may appear to Us or Them necessary for the peace, order, and good government of the Colony.

Power reserved to His Majesty to revoke, alter, or amend present Letters Patent

XX. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent, as to Us or Them shall seem fit.

Publication of Letters Patent

XXI. And We do further direct and enjoin that these Our Letters Patent shall come into operation forthwith, and shall be read and proclaimed at such place or places within the Colony as the Governor shall think fit.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourself at Westminster, this Thirty-first day of March, in the Fifth year of Our Reign.

By Warrant under the King's Sign Manual.

MUIR-MACKENZIE.

SCHEDULE

Reserved Civil List

The Lieutenant-Governor, £6,000.

The Judges of the Supreme Court, £22,000.

The official salaries of persons holding office under the Government of the Colony who are or may be members of the Executive Council, £20,000.

Any sums payable out of the revenues of the Colony to the Inter-Colonial Council under the provisions of the Order in Council, dated the 20th day of May, 1903, and entitled "The Inter-Colonial Council South Africa Order in Council, 1903," and under the provisions of any Order or Orders in Council from time to time amending or substituted for the same.

At the Court at Buckingham Palace, the 27th day of March 1905.

Present:—

The King's Most Excellent Majesty. Lord President. Mr Secretary Lyttelton. Lord Suffield. Sir Herbert Maxwell.

Whereas His Majesty has this day, by and with the advice of His Privy Council, been pleased to direct that Letters Patent be passed under the Great Seal of the United Kingdom of Great Britain and Ireland for the purpose of granting representative Institutions to His Majesty's subjects in the Colony of the Transvaal, and the draft of the said Letters Patent has this day been approved by His Majesty in Council;

And whereas by the said draft Letters Patent it is provided that the registration of voters, the preparation of lists of voters, and all other matters relating to the qualification and election of, and the vacation of seats by, elected members of the Legislative Assembly of the said Colony thereby established shall be such as may be prescribed by any Order or Orders in His Majesty's Privy Council;

And whereas it is expedient to provide for the aforesaid and other matters necessary to be provided for upon the coming into operation of the aforesaid Letters Patent;

Now, therefore, His Majesty, by and with the advice of His

Majesty's Privy Council, is pleased to order, and it is hereby ordered, as follows :—

Registering Officers

1. For the purpose of compiling the general register of qualified electors necessary to enable the Colony to be divided into electoral districts as provided in the aforesaid Letters Patent, and for the purpose of the election of members in and for such districts when constituted, the Lieutenant-Governor shall, by Proclamation in the *Gazette* enjoin and direct some fit and proper person (hereinafter referred to as the "Registering Officer") to make out in and for each ward as hereinafter defined an alphabetical provisional list of all persons qualified to be registered as voters who are *bonâ fide* occupying premises in respect of which they claim to be qualified situated within such ward, or who are *bonâ fide* residing in such ward, in case the qualification in respect of which they claim to be registered is in respect of salary or wages.

Upon the issue of such Proclamation the Colonial Secretary shall cause a notice in the terms of Schedule (A) annexed, to be inserted both in English and Dutch in the *Gazette* and in some newspaper or newspapers circulating within the said ward, or to be given in such other manner as he may deem best for the purpose of general information.

Particulars to be inserted in Provisional List of Voters

2. The Registering Officer shall insert in the said list the name, residence, trade, profession, or occupation of every person who shall, in person, or by any writing under his hand witnessed by one witness at least, claim to be inserted therein, and the nature of the qualification in respect of which he claims to be registered as a voter; as well as of every other person who shall be known, or on reasonable grounds believed by him, to be entitled to be inserted therein.

Provisional List to be posted in Public Place

3. Upon the completion of such lists as aforesaid within the time to be named by the Lieutenant-Governor in the notice for that purpose, it shall be the duty of the Registering Officer to post and affix the same on the door of, or in some conspicuous

place near to, his office or dwelling-house, or in some other public place or places within the ward for which such list is framed. The said lists shall remain so posted or affixed between the hours of 7 in the morning and 5 in the afternoon daily for a period not less than five weeks.

Penalty for tearing down, etc., List

If any person shall, during such period as aforesaid, wilfully tear down, cover over, deface, or obliterate, either wholly or in part, any such list, or any such other list or notice as may be hereinafter mentioned, he shall, on conviction, be liable to be imprisoned, with or without hard labour, for a period not exceeding three months.

Notices to be annexed to Lists posted under last preceding Section

4. There shall be subjoined or annexed to every list posted under the last preceding section, a notice signed by the Registering Officer, which notice shall be both in the English and Dutch languages, and shall be in substance as set forth in Schedule (B).

Form of Claim and Objection

5.—(1) The form of claim to be registered as a voter and the form of objection to the name of any person inserted in the aforesaid list, shall be annexed to the notice mentioned in the last preceding section, and shall be in substance as set forth in Schedule (C), and shall be signed personally by the claimant or objector, as the case may be, in the presence of at least one witness.

(2) Any person delivering to the Registering Officer any claim to be registered as a voter may tender such claim in duplicate, and it shall be the duty of the Registering Officer, when a claim is so tendered to him, upon satisfying himself that the contents of the original and the duplicate are alike, to retain the original and return the duplicate to the person who tendered it to him, having first signed the same and properly dated it.

(3) Every claim to be registered as a voter and lodged with the Registering Officer, shall be open to public inspection at the office or house of the Registering Officer, or at such convenient place within the ward as may be publicly notified by the

Registering Officer, between the hours of 10 in the morning and 5 in the afternoon, excepting Sunday, for the period between the last day for sending in claims and the day fixed by the Registering Officer for hearing objections.

Registering Officer's Duty with regard to Claims

6. It shall be the duty of the Registering Officer to receive and deal, as directed by this Order, with all claims to be registered as a voter which are lodged with him within the period prescribed for lodging claims, whether such claims are transmitted through the post or delivered or sent to him in any other manner. Immediately on the expiration of the period prescribed for lodging claims, the Registering Officer shall frame an alphabetical list of all claimants whose names have been lodged with him, which list shall be in the form prescribed in Schedule (D) hereto.

List of Claimants to be posted up

7. The Registering Officer shall forthwith post or affix the aforesaid list of claimants in the same place or places where the provisional list of voters, already framed by him, has been posted or affixed, and as close as possible to the said provisional list. The said list of claimants shall remain so posted or affixed between the hours of 7 in the morning and 5 in the afternoon daily until the date fixed for the hearing of objections by the Registering Officer. Subjoined or annexed to every such list of claimants posted or affixed as aforesaid, shall be a notice signed by the Registering Officer, which notice shall be written both in the English and Dutch languages, and shall be in substance as set forth in Schedule (E) hereto.

Registering Officer's Duty as to Objections

8. At the time and place fixed by the notice in the last preceding section, the Registering Officer shall enquire into and decide upon all objections made to him on the said day by the objectors personally or by their duly authorised agents.

Registering Officer's Duty after Claim received

9. With regard to any claim lodged with the Registering Officer as aforesaid, either by transmission through the post or

in any other manner, if the Registering Officer is satisfied that such claim has been duly signed, filled in, and witnessed he shall add the name of the claimant in his provisional list; unless he has allowed in manner aforesaid any objection lodged with him against such claim, or unless he is not satisfied that the claimant possesses the qualification required by law. If not so signed, filled in, and witnessed, or if he has allowed an objection lodged against such claim, or if he is not satisfied that the claimant possesses the said qualification, he shall disallow such claim.

Printed Forms of Claims and Objections to be distributed

10. The Colonial Secretary shall, a sufficient time before the preparation of the provisional lists as aforesaid, cause to be supplied to the Registering Officer of every ward an adequate number of printed forms of claim and objection as required by the preceding sections; and it shall be the duty of every Registering Officer to supply a reasonable number of such forms to any resident of the ward who applies for them.

Duties of Registering Officer after Claims and Objections dealt with

11. As soon as the Registering Officer shall have dealt with and decided upon the claims and objections as aforesaid, and shall or shall not have had added names to or expunged names from the provisional list in accordance with such dealing or decision he shall—

- (a) Frame a complete alphabetical list of persons who shall, in his judgment, be entitled to be registered as voters within the ward. The list shall be in the form prescribed in Schedule (F) hereto.
- (b) Frame an alphabetical list of persons whose names have been removed from the provisional list by reason of the allowance of objections lodged against them, and of persons whose claims to have their names inserted in the list of voters have been lodged or handed in but have been disallowed. This list shall be in the form prescribed in Schedule (G) hereto.
- (c) Transmit to the Revising Officer hereinafter referred to the said two last-mentioned lists, and also transmit to him all the original claims and objections lodged

with or handed in to him, whether such claims and objections have been allowed by him or not.

Copies of Lists Posted up

12. When transmitting the said lists and the said claims and objections to the Revising Officer the Registering Officer shall cause copies of the said lists to be posted and affixed to the door of, or in some conspicuous place near to, his office or dwelling-house, or in some other public place or places within the ward, there to remain for general information between the hours of 7 in the morning and 5 in the afternoon, daily, during not less than fourteen days. Subjoined or annexed to every such list so framed, posted, or affixed, a notice shall be written, signed by the Registering Officer, which notice shall be both in the English and Dutch languages, and shall be in substance in the form prescribed in Schedule (H) hereto.

Revising Officer

13. The Revising Officer for a ward shall be such person as the Lieutenant-Governor may by Proclamation in the *Gazette* appoint.

Duty of Revising Officer on receipt of Lists

14. On receipt of the two lists, and of the original claims and objections, the Revising Officer shall, by Notice in the *Gazette* and in some paper circulating in the ward, appoint a day on which he will attend at a stated place convenient to the voters for the purpose of revising, amending, and settling the list of voters in such ward; the day so appointed shall not be less than fourteen days from the date of the first publication of such notice.

Such notice shall be published as often as the Revising Officer may deem to be necessary, and it shall in substance correspond with the form of notice prescribed in Schedule (H) hereto, save that the place and date fixed for the attendance of the Revising Officer for revising the lists shall be expressly inserted. The Revising Officer shall post copies of the said lists and of the said notice in some conspicuous position at or near the door of the Court-house of the Resident Magistrate of the district in which such ward is situated, and if portions

of such ward are in different districts, then such lists and notice shall be posted in manner aforesaid at or near the door of the Court-house of the Resident Magistrate of each of such districts.

Notice to Persons whose Names have been disallowed by Registering Officers

15. The Revising Officer shall also forthwith give notice by letter, posted through the Post Office, to all persons whose claims have been disallowed by the Registering Officer or whose names have been removed from the provisional list by reason of the allowance of objections made to them, and also to all persons who have objected in writing to the right of any person inserted in the said list to be so inserted or to the right of any person claiming to have his name registered as a voter to be so registered, notifying the fact of such rejection or removal in the case of claimants, and in all cases notifying the date fixed for the holding of the Court of Revision as hereinafter provided.

Procedure on hearing Claims and Objections and settling Lists

16. Upon the day so notified as aforesaid, the Revising Officer shall attend at the stated place and hold a Court for the revision of the voters' list for the ward for which he is appointed; and it shall be lawful for any person whose claim has been disallowed by the Registering Officer or whose name has been removed from the provisional list by reason of the allowance of an objection made to it, and for every person who has objected in writing to the right of any person inserted in the said list to be so inserted, or to the right of any person claiming to have his name registered as a voter to be so registered, and for any person who shall be so objected to, to appear before the Revising Officer who shall hear them and, if he thinks fit, take evidence on oath.

Powers of Revising Officer for taking Evidence

17. The Revising Officer may, if he thinks fit, summon before him and examine on oath any person whom he shall in the course of such enquiry deem it necessary to examine, and may impose a fine not exceeding £10 on any person duly summoned

who shall, without lawful cause, refuse or neglect to attend, and he shall determine all questions brought before him, and revise and amend the voters' list according to law. The Revising Officer may adjourn his sitting from time to time.

Person whose Name has been removed or Claim disallowed on objection to it must prove his Qualification

18. Every person whose claim has been disallowed by the Registering Officer, or whose name has been removed from the provisional list by reason of the allowance of an objection made to it, shall be bound to prove his qualification to the satisfaction of the Revising Officer; and should he not appear, either in person or by an agent specially authorised in writing, then the claim of such person shall be dismissed.

When Objector or Person Objected to does not appear

19. If a person who has lodged a written objection with the Registering Officer, which has not been allowed, shall not, either in person or by an agent specially authorised in writing, appear to make good his objection, then such objection shall, without requiring any appearance or proof on the part of the person objected to, be dismissed. If such objector shall appear, and if the person objected to shall not appear in person, then, in case the objector or his agent (if he has appeared by agent) shall make oath that to the belief of the deponent such ground of objection does really exist, then the Revising Officer may, after forthwith enquiring into the grounds of such belief, either at once allow the objection, or dismiss it, or make such further enquiry on a subsequent day as shall appear just, giving notice, in every case of a further enquiry, to the person objected to, of the date when such enquiry shall be held.

Costs

20. It shall be lawful for the Revising Officer, should it appear to him fitting so to do, to adjudge to any person objecting or objected to, such reasonable costs against the adverse party as such Revising Officer shall tax and allow, and such costs shall be recovered in like manner as costs between party and party in a civil action tried in a Court of Resident Magistrate.

Further Duties and Powers of Revising Officers

21. The Revising Officer shall, in revising the voters' lists, in addition to the powers conferred on him by the preceding section hereof, perform the duties and have the powers following :—

- (1) He shall expunge the name of every person, whether objected to or not, whose qualification, as stated in any list is, on the face of it, insufficient in law to entitle such person to be included therein unless, after reasonable enquiry, he shall be satisfied that such person does possess the necessary qualification, and that his qualification on the said list is wrongly described, in which case he shall rectify the qualification as described on the said list; provided that before expunging from a list the name of any such person the Revising Officer shall cause fourteen days' notice of the proposal to expunge the name to be given or left at the address of such person, as given on the said list;
- (2) He shall expunge the name of every person, whether objected to or not, who is proved to him to be dead, or to be an alien; provided the notice required in sub-section (1) of this section be given to every such alien before his name is expunged;
- (3) Before proceeding with an enquiry into the validity of any objection he may call upon the person objecting to furnish security for the payment of any costs that he may be adjudged to pay.

Revising Officer may state Case for Opinion of a Judge in Chambers

22. If the nature of any claim or objection be such that the Revising Officer is doubtful regarding the decision proper to be given upon it, it shall be competent for him to draw up a statement of facts and such statement shall be signed by such Revising Officer in attestation of its correctness and be transmitted by him to the Registrar of the Supreme Court to be laid before a Judge in Chambers. The Revising Officer shall in like manner state a case for the decision of a Judge in Chambers at the request of any of the parties in any claim or objection, and such case when so stated shall be signed by the party at whose request it is stated as well as by the Revising Officer.

Procedure in such Cases

23. The Judge before whom any such statement as aforesaid shall be laid may, should the same appear to him defective, call for further information from the Revising Officer who transmitted it, and shall give such a decision as to him shall appear right and proper; the decision of such Judge shall be final and conclusive and not subject to any right of appeal or revision, and every register of voters affected by such decision shall be amended accordingly.

Procedure by Revising Officer

24. The Revising Officer shall, in all matters connected with the revision of the voters' list give his decision in open Court, and shall write his initials against every name struck out by him or added by him to any list, and against every part of any list in which any mistake has been corrected, or omission supplied and shall sign his name to every page of the list so settled and shall then write or cause to be written at the foot or end of each list a certificate that the same has been revised and is correct and shall date and sign such certificate.

Final Lists

25. The Revising Officer shall cause to be made out from the lists revised by him a complete final list according to the form in Schedule (I) hereto for each ward, and shall forward such lists when so made out to the Colonial Secretary, who shall make out from such lists a complete list of the voters of each electoral district.

Final Lists to be transmitted to Commissioners

26. The Colonial Secretary shall, whenever it is required under the aforesaid Letters Patent to divide the Colony into electoral districts, transmit to the Commissioners appointed thereunder to make such division the complete final lists of voters on which such division is to be made, and the Commissioners, after they have divided the Colony into districts, shall from the said lists make out a list of the voters for each district as nearly as possible in the form in Schedule (I), and the voters named in the said list shall be the persons entitled to vote at an election in that electoral district.

Subsequent Registration

27. The like proceedings in all respects *mutatis mutandis* as are hereinbefore directed in regard to the first registration of voters under this Order shall respectively take place in respect of every subsequent registration of voters undertaken in accordance with the provisions of the aforesaid Letters Patent, save and except as is otherwise provided in the next succeeding section.

Framing of Provisional List at subsequent Registration of Voters

28. It shall be the duty of the Registering Officer in framing the provisional list of voters at any subsequent registration of voters under this Order to insert therein :—

- (1) The names of all persons on the existing register of voters within each electoral district, except the names of such persons who, on the day upon which the registration of voters shall commence, to the best of his knowledge and belief :—
 - (a) Are dead ;
 - (b) Do not reside in the said district ;
 - (c) Do not possess the qualification required by law ;
 - (d) Are subject to any disqualification.
- (2) The names of all persons not on the existing register of voters who possess, to the satisfaction of the Registering Officer, the necessary qualification to have their names inserted on the list of voters for the district.

Power of Registering Officer to demand Information concerning Voters from Officials

29. In the performance of his duties every Registering Officer shall have the power, and is hereby required, to demand all necessary information from any Registrar of Births and Deaths, member of any police force, or the clerk of any Council of a municipality which may enable him to identify any person, or to ascertain the residence of any person, or whether he is dead, or whether he is qualified or disqualified to be registered as a voter, and any person who shall wilfully omit, or refuse, or unreasonably delay to give all the necessary information within

his power which he is asked by any Registering Officer to give shall be liable to a penalty not exceeding £10.

Penalties

30. If any Registering or Revising Officer or any officer employed in connection with the registration of voters, shall be guilty of any wilful misfeasance or wilful negligence, either in commission or omission, in contravention of the provisions of this Order, he shall be liable, upon conviction, to a penalty not exceeding £50, and, in default of payment, to imprisonment with or without hard labour for any period not exceeding six months unless the fine be sooner paid.

Offences by Officers employed in Registration of Voters

31. If, in the opinion of the Colonial Secretary, any Registering or Revising Officer or any other officer employed in connection with the registration of voters has been guilty of any wilful act or default contrary to the provisions of this Order, the Colonial Secretary may, by writing under his hand, after calling upon any such officer to furnish any explanation he may think fit, personally or in writing, and, after considering such explanation, advise the Lieutenant-Governor to declare forfeited, under this section, the whole or any portion of the remuneration payable to such officer for services performed under the provisions of this Order.

Penalty for False Statements in Claims

32. Every person who knowingly makes any false statement of fact in any claim sent in by him to the Registering Officer to be registered as a voter shall, on conviction, be liable to a fine not exceeding £100, or to imprisonment, with or without hard labour, for a period not exceeding twelve months, or to both such fine and such imprisonment.

Offences relating to procuring Registration

33. Every person who shall by himself or any other person instigate, procure, or attempt to procure, or take part in procuring the registration of himself or any other person ;

- (a) As a voter in or for more than one ward ; or
- (b) As a voter knowing that such person has not the qualification required by law for such registration ;

shall be deemed to be guilty of the offence of personation and shall be liable to punishment accordingly.

Voters' List not invalidated by Reason of certain Omissions

34. No voters' list shall be invalidated by reason that it shall not have been affixed in every place and for the full time hereinbefore required; but nothing herein contained shall be construed to exempt the Registering Officer or other person charged with the duty of publishing such list as aforesaid from the penalties of his neglect or wilful default.

Rectification of Omissions

35. If through any accident anything required by law to be done in the preparation or transmission of any voters' list is omitted to be done the Lieutenant-Governor may order such steps to be taken as may be necessary to rectify any such omission, and he may from time to time alter the form in the Schedules hereto in such matter as may be necessary for the better carrying out the provisions of this Order.

Qualification of Members of Legislative Assembly

36. Any person (save as hereinafter excepted) who shall be qualified to be registered as a voter in and for any electoral district shall be qualified and entitled to be elected a member of the Legislative Assembly for such or any other electoral district; provided always that no person holding any office of profit under the Crown, no unrehabilitated insolvent, and no person whose estate shall be in liquidation under assignment in trust for his creditors, and no person declared of unsound mind by a competent Court shall be eligible to be elected a member of the said Assembly. Provided, further, that the receipt of a pension from the Crown shall not be deemed to be holding an office of profit under the Crown, for the purposes of this Order.

First Election of Members of Legislative Assembly

37. The first election of members of the Legislative Assembly under this Order shall take place in the manner hereinafter prescribed in every electoral district on such day as may be

notified by the Lieutenant-Governor by proclamation in the *Gazette*.

Nomination of Candidates for the Legislative Assembly and Proceedings thereon

38.—(1) Upon the day named in the Proclamation mentioned in the last preceding section, the person appointed by the Lieutenant-Governor in that behalf (hereinafter referred to as the Returning Officer) shall hold in a place stated in the said Proclamation, situated within the electoral district for which he is appointed Returning Officer, a public Court for the nomination of persons proposed as members of the Legislative Assembly for such electoral district; and every such person shall be nominated by some registered voter for such district, and such nomination shall be seconded by some other such voter.

(2) In case it shall happen that only one person is nominated as aforesaid, then the person so nominated shall forthwith be declared to be duly elected; but in case the number of persons so nominated is more than one, the Returning Officer shall fix a day upon which a poll shall be taken for the election of a member for the said electoral district, not being less than five clear days from the day of nomination, and the poll shall take place accordingly, and shall commence at 8 o'clock in the morning and close at 8 o'clock in the evening.

(3) Before fixing a day on which a poll shall be taken under the last preceding sub-section, the Returning Officer shall require of every person nominated as aforesaid a deposit of £100, out of which shall be paid by such person a *pro rata* share of the expenses mentioned in section 40 hereof. In no case shall such *pro rata* share exceed the amount of such deposit as aforesaid.

In case any person makes default in depositing such sum, he shall be deemed and taken not to be nominated as a candidate for an election.

Polling Stations

39. For the purposes of the poll to be taken as aforesaid, there shall be polling stations at convenient places within each electoral district. Notice shall be given by the Returning Officer on the day of nomination of the place where the polling stations shall be, and such Notice shall be published in some newspaper

circulating in the electoral district, and in such other manner as the Lieutenant-Governor may prescribe.

Election Arrangements

40. For all elections the Returning Officer shall provide such compartments, desks, ballot-boxes, papers, stamping instruments, copies of register of voters, and other things; appoint Presiding Officers and Polling Officers, and do such other acts and things, and make such arrangements to facilitate the taking of the poll as he may deem advisable for effectually conducting the election. Everything done by the Returning Officer under this section shall be in the first instance paid by the Colonial Treasurer, who shall recover from each candidate for election his *pro rata* share of such expenses as hereinbefore provided.

Presiding Officer at Polling Station

41. The Presiding Officer and other officers at the polling station shall keep order thereat, shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the Returning Officer, the clerks, the agents of the candidates, and the constables on duty.

Retirement of Candidates from Contest

42. If after a poll has been appointed at any election, any candidate nominated for election shall be desirous of retiring from the candidature, he may, not later than three days before the day of polling, sign and deliver a notice of his retirement to the Returning Officer, who on receipt thereof shall, if the number of candidates is by such retirement reduced to one, declare the remaining candidate to be on that day duly elected; and if the said number is not so reduced, shall omit the name of the person so retiring from the list of candidates, and such person shall not be capable of being elected at such election.

Candidate's Agents

43. Every candidate may, if he think fit, appoint by writing under his hand a person to represent him at the polling station, to see that the votes are fairly taken, and may also appoint in writing an agent to represent him at the counting of the votes by the Returning Officer.

The Register to be conclusive Proof of the Right to Vote.

44. No person shall be permitted to vote in any electoral district for any member of the Legislative Assembly whose name is not inserted in the list of registered voters for such district; provided always, that such list for the time being shall for all purposes be deemed and taken to be conclusive proof of the right to vote of every person whose name is inserted therein.

Enquiries as to the Right to Vote

45. No enquiry shall be made at any election as to the right of any person to vote, except that the Polling Officer may himself at the request of the agent of any candidate put to any voter the following questions, or any of them, and no other:—

- (1) Are you the person whose name appears as A.B. on the list of voters in this district?
- (2) Have you already voted at this election?

And no person who shall refuse to answer any such questions, or who shall not answer the first of such questions in the affirmative, and the second of such questions absolutely in the negative shall be permitted to vote.

Penalty for False Answers

46. Any person who shall wilfully make a false answer to any of the questions in the last preceding section, shall be liable on conviction to a penalty not exceeding £50, and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

One Vote to be given by each Voter

47. Every voter shall be entitled to give at any such election only one vote; and no voter shall be competent or permitted to vote at any polling station outside the ward for which he is registered.

Manner of Voting

48. The voting at all elections held under this Order shall be by ballot, which shall be conducted in substance and as nearly as is material in the manner prescribed in the Municipalities

Elections Ordinance 1903 for the election of members of the Councils of Municipalities, and the provisions contained in sections 41 to 52, inclusive of the said Ordinance, shall, *mutatis mutandis*, apply to elections under this Order.

Returning Officer to transmit Names of Persons elected to Colonial Secretary

49. As soon as the Returning Officer shall have declared the member of the Legislative Assembly returned for an electoral district, he shall without delay transmit to the Colonial Secretary the name of the member elected, and the number of votes received by the respective candidates.

Names of Members to be published

50. As soon as the Lieutenant-Governor shall have received from the several Returning Officers throughout the Colony the names of the persons elected by the several electoral districts as members of the Legislative Assembly, he shall, by Proclamation in the *Gazette*, publish the names of the members returned, together with the electoral districts which they severally represent.

Vacancies, how filled

51. When and as often as a vacancy shall by death, resignation, or other cause in this Order specified occur in the representation in the Legislative Assembly of any electoral district, the Lieutenant-Governor shall, as soon as he is informed of such vacancy by the Colonial Secretary, and the cause or causes thereof, by proclamation in the *Gazette*, command in like manner, *mutatis mutandis*, as is hereinbefore enjoined in regard to the first election under this Order, a new election for supplying such vacancy; and the like proceedings shall, *mutatis mutandis*, take place in regard to elections for supplying vacancies as are hereinbefore prescribed in regard to the first election under this Order; provided always that no member elected to supply any vacancy in the Legislative Assembly caused by the death, resignation, disqualification, or incapacity of any other member shall hold his seat longer than during the term for which the member occasioning such vacancy might, but for the cause creating the vacancy, have held his seat.

Procedure upon any General Election by Dissolution

52. Whenever, by reason of any dissolution of the Legislative Assembly, there shall be a general election for the members thereof, then the like Proclamation or Proclamations, *mutatis mutandis*, shall be issued by the Lieutenant-Governor, and the like proceedings, *mutatis mutandis*, be had and taken in regard to any such election as are hereinbefore directed in regard to the first election under this Order.

Provision in case same Person elected for more than one Electoral Division

53. In case the same person shall have been elected for more than one electoral district such person shall be bound upon being thereto required by the Lieutenant-Governor to decide what electoral district he will represent, and upon such decision being declared the Lieutenant-Governor shall by Proclamation command the Returning Officer of any other electoral district for which such person shall have been returned to proceed to the election of another person in the room and stead of the person so originally elected, and thereupon the like proceedings shall take place as are hereinbefore directed in regard to the original election; and if such person shall fail to make his decision as aforesaid when thereto required, then his election for every electoral district for which he shall have been elected shall be deemed to be null and void; and by Proclamation as aforesaid a new election for a member in place and instead of such person shall be commanded in regard to every such district.

Electoral Expenses, Corrupt Practices, etc.

54. The provisions of Chapters VIII. to XI. inclusive, of the "Municipalities Elections Ordinance, 1903," or any amendment of such provisions, shall, *mutatis mutandis*, apply to elections under this Order as if the said Chapters were embodied herein, with the following exceptions:—

- (1) The reasonable and actual personal expenses of the candidate shall not be limited as in sub-section (10) of section 60 of the said Ordinance provided.
- (2) The maximum expenses allowed for a candidate shall not be calculated as is prescribed in sub-section (1) of

section 61 of the said Ordinance, but shall be fixed by the Lieutenant-Governor.

*Assembly may transact Business notwithstanding Vacancies.
Quorum. Debates*

55. The Legislative Assembly shall not be disqualified from the transaction of business on account of any vacancies among the members thereof; but the said Assembly shall not be competent to act in any case unless (including the Lieutenant-Governor or member presiding) there be present at and throughout the meetings of the Assembly ten members at the least.

*Questions to be decided by a Majority of Members present:
presiding Member to have the casting Vote*

56. Subject to the provisions of the aforesaid Letters Patent, it shall be competent for any member of the Legislative Assembly to propose any question for debate therein, and such question, if seconded by any other member, shall be debated and disposed of according to the Standing Rules and Orders as hereinafter provided. All questions which shall arise in the Legislative Assembly shall be decided by a majority of votes of the members present other than the presiding member; and when the votes shall be equal, the presiding member shall have a casting vote.

Rules and Orders of Assembly

57. The Legislative Assembly shall from time to time prepare and adopt such Standing Rules and Orders as may be necessary to insure punctuality of attendance of the members of the Assembly, and to prevent meetings of the Assembly being held without convenient notice to the several members thereof, and to maintain order and method in the dispatch of business and in the conduct of debates in the Assembly, and to secure deliberation in the passing of Laws, and to provide that, before the passing of any Law intended to affect the interests of private persons due notice of the same is given to all persons concerned therein.

All such Rules and Orders approved of by the Governor, and not repugnant to the provisions of any Letters Patent or Order

in Council, shall at all times be followed and observed, and shall be binding upon the said Assembly.

Laws reserved, when to take effect

58. Whenever any Law has been reserved for the signification of His Majesty's pleasure thereon, and the Governor shall signify, either by message to the Legislative Assembly or by Proclamation in the *Gazette*, that such Law has been laid before His Majesty in Council, and that His Majesty has been pleased to assent to the same, an entry shall be made in the journals of the said Assembly of every such message or Proclamation, and a duplicate thereof duly attested shall be delivered to the proper officer to be kept amongst the records of the Colony.

Laws to be printed in Gazette

59. The Lieutenant-Governor shall cause every Law which shall have been assented to in His Majesty's name to be printed in the *Gazette* for general information.

Copies of Laws to be enrolled

60. As soon as may be after any Law shall have been assented to in His Majesty's name by the Governor, or having been reserved for the signification of His Majesty's pleasure, His Majesty's assent thereto shall, in manner aforesaid, have been signified by the Governor, the Clerk of the Legislative Assembly shall cause a fair copy of such Law signed by the Governor, as well as by the Lieutenant-Governor, to be enrolled on record in the Office of the Registrar of the Supreme Court; provided, however, that the validity of any such Law shall not depend upon the enrolment thereof.

Certificate of Disallowance to be enrolled

61. As often as any Law provisionally assented to by the Governor in the name of His Majesty shall, in manner aforesaid, have been disallowed by His Majesty, the Governor shall cause a certificate of such disallowance certified under the Public Seal of the Colony, to be enrolled in the Office of the Registrar of the Supreme Court.

Governor may transmit Drafts of Laws to Assembly

62. The Governor may transmit by message to the Legislative Assembly, for consideration, the drafts of any Laws which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration in such convenient manner as shall in and by the rules of procedure of the Assembly be in that behalf provided.

Sessions of Assembly

63. There shall be a Session of the Legislative Assembly once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the Assembly in one Session and the first sitting thereof in the next Session.

Place and Times of Holding Sessions of Legislative Assembly

64. The first and every other Session of the Legislative Assembly shall, until otherwise directed by law, be held in Pretoria at such times as may be notified by the Lieutenant-Governor by Proclamation in the *Gazette*.

Member's Seat in the Assembly, how vacated

65. If any elected member of the Legislative Assembly shall fail for a whole ordinary annual Session to give his attendance in the Assembly without the leave of the Assembly, 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 an act whereby he may become the subject or citizen of any such State or Power, or shall become an insolvent, or shall assign his estate in trust for his creditors, or shall be sentenced to imprisonment for any crime without the option of a fine, or be found guilty of treason, or shall become of unsound mind, or shall accept any office of profit under the Crown, his seat shall become vacant.

Resignation of Members

66. Any elected member of the Assembly may resign his seat therein by writing, under his hand, addressed to the President, and upon the receipt of such resignation by the President, the seat of such member shall be declared vacant.

Payment of Members

67. There shall be paid out of the public revenue on the last day of every Session, to every elected member of the Legislative Assembly, the sum of £2 for every day of the Session on which he has been in attendance provided that the sum paid to a member for any one year shall not exceed £200.

Modification of Provisions of this Order

68. The Lieutenant-Governor may, by Proclamation in the *Gazette* at any time within twelve months from the coming into operation of this Order, vary, annul, or add to any of the provisions herein contained relating to the making and revising of lists of voters, the publication of lists of voters, and any other matter necessary for carrying into effect the provisions of this Order.

Definition of Terms

69. In construing this Order the following expressions in inverted commas shall have the meanings placed opposite to them :—

“The Colony” shall mean the Colony of the Transvaal.

“*Gazette*” shall mean the Government Gazette of the Transvaal.

“Governor” and “Lieutenant-Governor” shall include every person for the time being administering the Government of the Colony as Governor or Lieutenant-Governor respectively.

“Ward” shall mean :—

(a) In the case of the first registration of voters, a ward of a magisterial district as defined by Proclamation (Administration) No. 42 of 1904, or any amendment thereof, or such portion of such ward as the Lieutenant-Governor may by the Proclamation mentioned in section 1 of this Order, define as a ward.

(b) In the case of subsequent registration of voters, the electoral district itself or such portion thereof as the Lieutenant-Governor may, by Proclamation, define as a ward.

Title

70. This Order shall be cited for all purposes as the “Transvaal Constitution Order in Council, 1905,” and shall come into force on the day on which the aforesaid Letters Patent shall come into operation.

A. W. FITZROY.

MR LYTTTELTON TO SIR ARTHUR LAWLEY

DOWNING STREET, 31st March 1905.

SIR,—In transmitting to you the Letters Patent which His Majesty has been pleased to issue, making provision for the introduction of elected Representatives into the Transvaal Legislature, I propose to review the circumstances which have influenced His Majesty's Government in tendering their advice to His Majesty on the subject.

Since I announced in the House of Commons, on the 21st July, 1904, that steps would shortly be taken to amend the existing political Constitution of the Transvaal Colony, I have had the advantage of discussing with Lord Milner confidentially, at considerable length and with much detail, the best means of carrying into effect that decision. I have received also from him information as to the state of opinion in the Colony, the distribution of population, and other facts of essential importance, and I have studied carefully the copious expressions of local opinion in the press and in the speeches and Resolutions at public meetings. His Majesty's Government have the satisfaction of knowing that Lord Milner, with his long experience of South African political and administrative conditions, concurs generally in the line of action which they have decided to follow, and they believe that it will command the adhesion of sensible and prudent men both in South Africa and in other parts of the British Empire.

It was never the intention of His Majesty's Government that the new Colonies should be for any length of time governed as Crown Colonies. This was made clear soon after the Proclamation of Annexation by my predecessor's statement in the House of Commons on the 7th December 1900, when he said: "I believe we can promise that there shall be throughout South Africa equal laws, equal liberty—not, indeed, political independence (in the first instance, that must be more restricted in these two Colonies than it is in the Colonies of the Cape and Natal), but a liberty and Constitution leading ultimately to self-government, which we all desire to see established as soon as possible." In accordance with this pledge, article 7 of the Terms of Peace of May 1902, contains the promise that "Military administration in the

Transvaal and Orange River Colony will, at the earliest possible date, be succeeded by Civil Government, and, as soon as circumstances permit, representative institutions leading up to self-government will be introduced."

The intentions of His Majesty's Government in regard to the fulfilment of that promise were more precisely stated by Mr Chamberlain in the House of Commons on the 29th July 1902, when he said in speaking of the Crown Colony Government: 'That is the first step. But we have always, from the very first, declared that that was only the first step; that we should go on gradually, and that the next advance would be to add to the official element a non-official element which would be, in the first instance, a nominated non-official element. Then we should go on from that probably to substitute for the nominative element an elective element; and after that nothing would separate us, but the circumstances of the time, from that full self-government which is, and always has been, our ultimate goal."

His Majesty's Government have thus given very distinct and specific pledges as to the course which the development of the political Constitution of the two Colonies should follow. The import of those pledges cannot be mistaken, and they have been given, not to one section or another of the population of whatever numerical importance or racial origin those sections may be, but to the inhabitants of the two Colonies as a whole. The promise was made to the entire community in December, 1900. It was repeated and confirmed to those who, on the 31st May 1902, by the Terms of Peace acknowledged themselves to be the subjects of His Majesty.

Considerable progress towards self-government has already been made. After the abolition of martial law, a nominated Legislative Council containing a minority of non-officials was established in each Colony. In municipal affairs great advances have been made. Elective Municipalities or Local Boards have been established in all the towns and larger villages of the Transvaal; while in the Orange River Colony, where similar institutions existed before the war, they have been in full operation since its conclusion. In all their domestic affairs the urban centres of the new Colonies are completely self-governing communities. The extension of Elective Boards to rural districts in the Transvaal has, it is understood, only been suspended because a deputation of the Farmer's Congress, received

by you on the 25th of May last, expressed apprehensions that the system might prove too expensive.

In July last His Majesty's Government felt that, so far as the Transvaal is concerned, the time had arrived when they could rightly meet the expectations created by the undertaking of my predecessor, and could take the next of these successive steps ultimately leading to full self-government. The moment seemed to be the more opportune because the census had just been taken, and the result, which would be known a few months later, would make it possible to consider a distribution of representation in some proportion to the population. His Majesty's Government had also in mind the fact that the term of the present nominated unofficial members of the Legislative Council would expire in May, 1905, and that it would be convenient to inaugurate elective representative government, if possible, by that date or not much later. Accordingly, on the 21st July, I made the already-mentioned announcement in the House of Commons, that His Majesty's Government had decided to give elective representative institutions to the Transvaal, and to substitute an elective element for the present nominated element in the Legislature.

Apart from the declarations which have been made and the pledges which have been given, the following considerations must be held to govern the grant of elective institutions to the new Colonies at the present time.

The Terms of Peace, to which I have referred, contemplate "representative institutions leading up to self-government." By "self-government" is meant, of course, the system under which not only legislation, but the very existence of the Executive, is based upon the consent of a majority in the Legislative Chamber. His Majesty's Government are aware that large sections of the people of the Transvaal have expressed the view that self-government in this sense should at once be granted, but they think now, as they did when the Terms of Peace were made, that some time, though not, they hope, a very long time, must still pass before the people of Colonies recently annexed after a long war should be entrusted with so great a control of their destinies.

Full self-government, as it is understood in the United Kingdom and in the self-governing Colonies, implies, and involves in practice, party Government; that is, control both

of administration and legislation by the political leaders of the party which holds a majority in the Legislature. In a country which possesses a certain degree of homogeneity based either on unity of race and language, or on a long history in common, or, better still, on both, this system can work well. It does not follow that the system of party Government would at once be beneficial to a country like the Transvaal inhabited by two distinct races, or until the memories of a war which of necessity caused much loss and suffering, and of the long period of political grievance and disability which preceded that war, have become less acute. Parties in the Transvaal must for some time yet mainly coincide with the line of races, and party Government would most probably mean government by one race or the other. It will become more practicable when the two races have, with equal rights of citizenship, lived and acted somewhat longer together, and when bitter memories have become softened by the healing effect of time.

Representative institutions, which bring together in one Assembly the freely elected representatives of all sections of the people to discuss questions of common concern and to transact common business, should materially aid in this harmonising process. But to constitute at once, and at the very birth of elective representative institutions, a complete system of Government by party would, it must be feared, as conditions stand at present, emphasise and stereotype the racial line, by making it also the dividing-line between Government and Opposition. His Majesty's Government are not prepared to take this responsibility, and they have reason to believe that they are supported in their view by a great body of opinion in the Colony itself. It must not be forgotten that a system of party Government would be new to the inhabitants of Dutch origin in the Transvaal, whose institutions differed materially from the system known in British Colonial history as "Responsible Government," with which Government by party is inseparably connected.

For these general reasons His Majesty's Government have always adhered to the policy stated by Mr Chamberlain in the House of Commons at the end of the year 1900, and embodied in the terms of the Agreement made with the Boer leaders at the end of the war. They have never swerved, or been tempted for a moment to swerve, from their view that the establishment

of elective representative institutions must precede by some interval the concession of full self-government.

This policy is dictated by the particular circumstances of the Transvaal, especially when regard is had to the fact that the precedent of the Transvaal will govern the procedure in the case of the Orange River Colony in due time. Moreover, it is based upon the lessons of experience. Other Colonies have passed through this stage on their way to full self-government. This was the history of Upper and Lower Canada before the union of 1840 and for some years after it; of the Australian Colonies, and New Zealand; of Cape Colony and Natal. There seems to be no reason for departing from precedents tested by experience in the case of a Colony like the Transvaal, in which the problems of government are so singularly difficult and the interests of the Empire are so closely concerned.

It is true that in the case of Canada full Responsible Government was conceded, a few years after a troublous period culminating in a brief armed rising, to a population composed of races then not very friendly to each other, though now long since happily reconciled. But the Canadas had by that time enjoyed representative institutions for over fifty years, the French Canadians had since the year 1763 been continuously British subjects, and the disorders which preceded Lord Durham's Mission and the subsequent grant of self-government could not compare in any way with a war like that of 1899 to 1902. It is also the fact that in the united Colony of Upper and Lower Canada during the period 1840 to 1867 parties were formed mainly upon the lines of races, and that, as the representatives of the races were in number nearly balanced, stability of Government was not attained, a difficulty which was not overcome until the Federation of 1867, accompanied by the relegation of provincial affairs to provincial Legislatures, placed the whole political Constitution of Canada upon a wider basis. It must further be remembered that, although there is an analogy between Canada and the South African Colonies, in that they alike comprise two European races of different origin, in South Africa the presence of a coloured population numerically much in excess of the white population makes it necessary to move with greater caution in the direction of political change.

The immediate grant of full self-government to the new

Colonies not being, in the opinion of His Majesty's Government, as yet practicable, they have had under their careful consideration to what degree the present purely nominative element in the Legislature should be replaced by one of an elective character. It might well be contended that the safest and most prudent course would be merely to replace the existing nominated non-official minority in the Legislative Council by an elected minority. In this way the Council would be brought into more direct touch with the people, but the ultimate decision in all matters would rest with the Government, supported if necessary by the official majority.

His Majesty's Government very carefully considered this expedient, but came to the conclusion that it would not satisfactorily meet the circumstances with which they had to deal. Although not prepared at present to give full self-government to the Colony, they wish to concede the utmost liberty compatible with safety and with the stability of the Administration. The form of Legislature in which the elected members are in a minority has much to recommend it where the European population is of a less permanent character or not likely to increase largely, but as a step towards full self-government, and a means of education to that end, it is of little practical value, and His Majesty's Government recognise that the inhabitants of the Transvaal have a right to expect such an elective majority as will give them an effective control of legislation.

His Majesty's Government decided, therefore, that the Constitution of the Transvaal should be re-cast by the establishment of a Legislative Assembly, in which, with the exception of the Executive officers, all members should be elected, and that there should be a very large majority of elected members. His Majesty's Government are quite alive to the difficulties which attend a system of this kind. Experience has frequently shown that when an elected majority are able to impede an Executive Government, though they cannot displace it, there may be much friction. On the other hand, a system of this kind proved in Cape Colony from 1853 to 1872, and in Natal between 1856 and 1893, to be a school for self-government, a means of bringing citizens together in political co-operation, and a sphere for the natural selection of the men most fit to lead and ultimately to undertake the responsibility of administration.

I have dealt so far with the fundamental character of the new Constitution. I now desire to direct your attention to certain important dispositions necessary to carry it into effect.

As regards the franchise, there appears to be a general agreement that it will be well to adopt a franchise similar to the municipal franchise already existing for the towns, but somewhat lower, so that it may be applied to the whole country, subject to the proviso that ex-burghers over the age of twenty-one, whose names were on the voting lists under the South African Republic, should be allowed to continue to exercise the franchise without pecuniary qualification. This will secure a very liberal measure of representation, and at the same time will confirm in their electoral privileges a class which the misfortunes of war have, it is hoped, only temporarily impoverished. His Majesty's Government have been unable, having regard to the Terms of Peace signed in 1902, to make provision for the representation of any of His Majesty's coloured subjects. As a protection, however, for the interests of those sections of the population which are not directly represented in the Legislature, the Governor will, as now, be required by his Instructions to reserve any Bill whereby persons not of European birth or descent may be subjected to any disability or restriction to which persons of European birth are not also subjected.

His Majesty's Government consider that, having regard to the number of members in the former Volksraad, and to the present population, the Legislative Assembly should consist of from thirty to thirty-five elected, in addition to from six to nine official, members. This number will, they understand, meet the wishes of the community. A smaller number of elected members would be insufficient to ensure a Legislature thoroughly representative of the various interests of the country, whilst a larger number would seem to involve for the present too great a demand upon the community, especially in view of the fact that the system of automatic redistribution which has been adopted will inevitably lead to a considerable increase in the number.

His Majesty's Government have fully considered the possibility of preserving the old constituencies while adding new ones to them, but an examination of the result of the recent Census reveals very serious inequalities between them. At one end of the scale is Barberton, with a white population of 2,642, of

whom 1,143 are adult males; at the other end, Standerton, with a white population of 11,192, of whom 3,267 are adult males. The whole policy of the late South African Republic was in the direction of giving altogether disproportionate power to the country population, of which a striking proof is afforded by the disfranchisement of towns in 1886. Even in the last year of the Republic only one Representative was allotted to Johannesburg, with a population at that time of 76,500, while the districts of Rustenburg and Lydenberg, with populations of 13,000 and 3,500 respectively, each possessed two. It is difficult to justify in a new country, in which there are no constituencies dating back to a distant past, the perpetuation of an electoral system which would allot to constituencies such as Barberton, with 1,143 possible voters, equality of representation with (say) Standerton, which has 3,267, and would add to these inequalities the grave anomaly of new urban constituencies, deliberately created, which would have necessarily as their basis the maximum electorate of the rural constituencies. Such a proceeding would revive and accentuate antagonism between town and country, and His Majesty's Government have come to the conclusion that the right course is to follow the numerical principle, as has been done in the most recent and important Colonial Constitutions, with its accompaniment of automatic redistribution.

The question whether the electoral districts should be framed on the basis of the number of voters or on the basis of population has also been carefully considered. In many countries where population has been taken as the basis, the number of voters in each constituency bears a fairly even ratio to its total population. But the peculiar circumstances of the Transvaal have led to the result that at present the adult male or voter population in certain regions is much larger in proportion to the rest of the population than it is in others. The reason for this is that in the rural districts early marriages and large families are the rule, while in the rapidly increasing industrial and urban districts there are at present a great number of young unmarried men. If, therefore, the whole population were taken as the electoral basis, a man in one district would have an unjustified preference over a man in another and a vote the value of which would be out of proportion to his contribution to the wealth of the country. Moreover, if population be taken as the basis,

redistribution must be governed by the Census, which is in ordinary course taken every ten years, and to take it more frequently would involve unusual and serious expense; thus automatic redistribution would be hampered and delayed, and large numbers would be deprived for unduly long periods of an adequate voice in the political affairs of the country.

A Commission will be appointed to create from thirty to thirty-five electoral districts upon the principle of an equal number of voters, and, for the purpose of enabling voters' lists to be compiled in advance, an Order in Council, a copy of which is inclosed, has been passed, making the necessary provision for registration of voters. This Commission will give due consideration to boundaries of existing administrative divisions, and will have power to adopt, in settling the boundaries of electoral districts, a margin of 10 per cent. of the quota of voters.

In accordance with the practice in similar Constitutions a Civil List has been reserved, which makes provision for the salaries of the Lieutenant-Governor, the Judges of the Supreme Court, and the members of the Executive Council, and also for the sums payable out of the revenues of the Colony to the Intercolonial Council under the Order in Council of the 20th May 1903.

I have now reviewed the matters of vital importance, and it is not necessary for me to refer to the details of the provisions which are set out in the Letters Patent.

In dealing with this question of a change of Constitution, His Majesty's Government have not overlooked the fact that the United Kingdom has a great financial interest in the political stability of the Transvaal, because as part of an arrangement whereby the British Exchequer guaranteed to the Colony the interest and principal of a loan of £35,000,000, certain prominent and representative persons undertook that the Colony should make a contribution of £30,000,000 towards the cost of the war. The Colony has reaped the advantage of the guarantee which has enabled the taxpayers to obtain the resources necessary for the development of the country on considerably easier terms than would otherwise have been possible.

His Majesty's Government are aware that it would be competent to them to ask the existing Legislative Council to pass the necessary legislation for the purpose of raising a war

contribution loan, and that the issue of the first instalment of £10,000,000 might then be made as soon as the financial position of the Colony enabled it to meet the charges of the additional debt; but they are anxious to avoid any appearance of imposing or exacting this contribution by compulsion. They desire that the contribution should be made—not so as to arrest the sufficient development of the Colony, or to impose undue taxation upon its citizens, but in the same willing spirit in which it was promised, reflecting the worthy desire to share the immense burthens which have fallen, as the result of the war, on all classes in the Motherland.

Actuated by this desire, and relying on the loyal spirit of their fellow-subjects in the Transvaal, His Majesty's Government have decided not to press forward the necessary legislation in the Legislative Council which is so shortly to expire, and have deliberately left the matter to the new Representative Assembly, in the assured belief that they will do what is right and just.

It is necessary to state here briefly the reasons why His Majesty's Government have not proposed that a change similar to that now made in the Constitution of the Transvaal should be simultaneously made in that of the Orange River Colony. They recognise that there are industrial and economic conditions peculiar to the Transvaal which make it very desirable in that Colony to have, at the earliest possible date, some better means of ascertaining the views of the different sections of the population than the present system affords. The question as regards the Orange River Colony being a less urgent one, it appears to them that there will be advantage in allowing a short period to intervene before elective representative institutions are granted to the last-named Colony, because this will permit His Majesty's Government to observe the experiment, and, if need be, to profit by the experience so gained.

His Majesty's Government recognise that the grant of the new Constitution in the present circumstances of the Transvaal, and so soon after the end of the war, will be regarded by some as a step not unattended by risk. On the other hand, they are aware that this Constitution will not satisfy the aspirations expressed recently by a large number of people in the Colony itself. It has, however, been the subject of their most careful deliberation, and it represents their final view as to the extent to which it is reasonable to proceed at the present time.

His Majesty's Government trust that those of British origin in the Transvaal who, with honest conviction, have advocated the immediate concession of full Responsible Government will recognise the soundness and cogency of the reasons, both in their own interests and in those of the Empire, for proceeding more cautiously and slowly, and that under a political system which admittedly has its difficulties they will, notwithstanding a temporary disappointment, do their best to promote the welfare of the country and the smooth working of its institutions.

The inhabitants of Dutch origin have recently witnessed, after their gallant struggle against superior power, the fall of the Republic, founded by the valour and sufferings of their ancestors, and cannot be expected, until time has done more to heal the wound, to entertain the most cordial feelings towards the Government of the Transvaal. But from them also, as from a people of practical genius, who have learned by long experience to make the best of circumstances, His Majesty's Government expect co-operation in the task of making their race, no longer in isolated independence, a strong pillar in the fabric of a world-wide Empire. That this should be the result, and that a complete reconciliation between men of two great and kindred races should, under the leading of Divine Providence, speedily come to pass, is the ardent desire of His Majesty the King, and of His Majesty's Government. I have the honour to be, Sir, Your most obedient humble servant, ALFRED LYTTTELTON.

INDEX

- AFRICANER BOND, the, birth of, 10; policy of, in the Cape Legislature, *ib.*; influence of, in the Transvaal and Orange River Colony, 193; the aims of, 241
- African Methodist Episcopal Church, the, 141-143
- Agricultural and Pastoral Prospects of South Africa*, O. Thomas's, 26
- Agricultural Department, an, creation of, 24; labours of, 254
- Agriculture, expenditure of public funds in connection with, 27
- Alcoholic drink, restriction of, 99
- Altenroxel, Mr., his study of the growth and curing of tobacco in America, 24
- Amalgamated Society of Engineers, meeting of, at Pretoria, 242
- Anderson, Mr W. T., his experience of the Chinese, and opium, 110
- Anstruther, Colonel, attack on, 9
- Arms, the question of carrying, Sir A. Lawley's remarks on the delegates at the Boer Congress, 290
- Arthur, Sir George, 10 (note)
- Asiatics, 97-118; the importation of, 48; charges levelled against those who employ them, 106; their moral influence on Kaffirs, 107; the intercourse of white men with, 116; prejudice against, in South Africa, 125
- Australia, yield per ton of the mines in, compared with those in the Witwatersrand, 79
- Aylward, Alfred, 3
- BAILEY, MR ABE, his letter to *The Transvaal Leader* on Self-government, 203; his charges against General Botha, 204; his description of Het Volk, *ib.*; his letter on education to the *Rand Daily Mail*, 207
- Baker, Mr Herbert, 35 (note)
- Banket beds, 81
- Bantu race, the, 97, 138; healthy and prolific nature of, 99
- Barberton, the school committee of, 30
— district, mines in, 81
- Basutos, the, 98
- Bechuanaland, frustration of President Kruger's plans in, 11
- Bechuanas, the, 98
- Beit, Mr Alfred, presents land to the Government, 256
- Belfast, moderate speech of Schalk Burger at, 193
- Bell, Mr C. M., his statement as to the programme of the Transvaal Progressive Association, 173; his communication to the Press upon Lord Milner's interview with the Responsible Government and Progressive Associations, 175
- Beyers, General C. F., reception of his views by "coloured" men, 126; delivers a speech on the placing of Boer children in English schools, 170; on the Head Committee of Het Volk, 185; speech by, 186; forms a branch of Het Volk at Pietersburg, 197; indiscreet utterances of, 197; speaks at Nylstroom and Warmbaths, 199; a violent speech of his, reported by the *Star*, 200; his speech at the Boer Congress, 8th July 1905, 230; frankness of, 231; aim of, 238
- Bezuidenhout incident, the, 197
- Bloemfontein Conference, Sir A. Milner unmasks President Kruger's insincerity at, 11; resolution passed at, 122

- Bloemhof district, mines in, 81
- Boer, definition of the term, 150
- leaders, present at garden party in honour of Mr Chamberlain, 162; tactics of, 199, 244; attitude of, towards the Constitution, 231
- nation, the, birth of, 10
- Congress at Pretoria, 168; speech of General Botha at, 228; extracts from the *Star* of the proceedings, 270
- Boers, the, qualities of, 6; effect upon them of the massacre at Isandhlwana, 8; renewed prosperity of, after the Zulu war, 9; sufferings of, through the war, 31; scale of wages in mines worked by, 42; their aloofness from the question of the importation of labour, 51; cause of their antagonism to, 52; their tenacity of purpose, 149; characteristics of, 151; their religion, 153; their attitude towards Englishmen fresh from home, *ib.*; antagonism between them and Englishmen, *ib.*; differences in language, customs, and habits from Englishmen, 154; growth of their political animosity, *ib.*; their antagonism to Concentration Camps, 155; their mental attitude, 156; their conception of independence, *ib.*; their arrogance after 1881, 158; their aspiration to gain at the polls what they have lost in the war, 161; the motives of their greeting to Lord Selborne, 163; their aspirations, *ib.*; Congress of, at Pretoria, 168; their attitude to the Terms of Surrender, 210, 211; ungenerous spirit in which they approach the Constitution, 225; their objections to a Boundary Commission, 225
- and Britons, 149-165
- Botha, General Louis, present at garden party in honour of Mr Chamberlain, 162; delivers the opening address at the Boer Congress at Pretoria, 168; protests against the importation of the Chinese, 169; his view of the Repatriation Commission, 169; moderate speech by him on the deputation to Sir Arthur Lawley, 171; his address at the Boer Congress 172; opens the proceedings at a Het Volk meeting at Pretoria, 183; on the Head Committee of Het Volk, 185; his interpretation of the Statutes of Het Volk, 187; extract from his speech at the Krugersdorp branch of Het Volk, 195; speaks at the Heidelberg branch of Het Volk, 196; expresses regret at the tone of General Beyers' speech at Pietersburg, 197; present at a meeting of farmers at Ermelo, 198; visits Middelburg to strengthen the adherence there to Het Volk, 199; his view of "one vote, one value," *ib.*; Mr Abe Bailey's charges against him, 204; J. W. Leonard's challenge to him, *ib.*; his speech at the Het Volk meeting at Johannesburg, 209; attacks Mr J. W. Leonard's speech on the Constitution, *ib.*; his attitude to the Terms of Surrender, 210, 211; signs the communication to the Press of the Head Committee of Het Volk on the Constitution, 222; his speech at the Boer Congress, 8th July 1905, 228; criticism of his action during the latter part of the war, 232; invites Het Volk to give a good reception to Lord Selborne, 237; his speech at a meeting of the Amalgamated Society of Engineers at Pretoria, 242; his address at the Boer Congress at Pretoria, 270 *et seq.*; his speech when introducing the deputation to Sir A. Lawley, 277
- Boundary Commission, a, Boer objectionists, 225
- Bourke, Mr E. F., 19
- Braamfontein plantation, the, 34
- Brain, Mr Thomas, 19
- Brand, President, the influence of, 192
- Brandford Congress, the, bitterness of the speeches at, 189; resolution passed on Compensation, 190; resolutions passed on the language and education questions, 191; condemns the conduct of the South African constabulary, *ib.*; passes a resolution in favour of Responsible Government, 192; the spirit evinced at, 193
- Brink, Mr J. C., 43, 44
- British and Dutch ideals, antagonism between, 262

- British settlement in South Africa, 59
- Britons, definition of the term, 150
- Bronkhurst Spruit, attack on Colonel Anstruther at, 9
- Browne, Mr A., 19
- Burger, Mr Hans, extract from his speech at Krugersdorp, branch of Het Volk, 195
- Mr Schalk, at the Boer Congress at Pretoria, 170, 274; motion by, against a War Tax, 171; his address at the Congress, 172; on the Head Committee of Het Volk, 185; present at a meeting of farmers at Ermelo, 198; moderate speech of, at Belfast, *ib.*; is interviewed by a correspondent of the *Star* with reference to General Beyers' speech at Pietersburg, 198; his closing words to the Boer Congress, 297
- Burgers, President, his protest, 7; intrigues of, 11
- Burns-Thomson, Mr Wm., 19
- CANADA, yield per ton of the gold-mines, compared with those in the Witwatersrand, 80
- Cape Colony as a distributing centre, 1; war in, with the Gaikas and Galekas, 8; condition of, 14; railway extension in, 20; dissents from the introduction of the Labour Importation Ordinance, 51; the natives in, 98, 132; position of natives in, 121; privileges of natives in, 127; growth of white population in, 128; financial position of, 235; the commercial outlook in, 259; race feeling in, 262
- Legislature, the, policy of the Africander Bond in, 10; action of, in the past over the native problem, 139; political parties in, 261
- Town, Afrianders in, 6
- Carnarvon, Lord, insists upon stopping the Transvaal War, 7; his scheme of Federation, 260
- Carrington, General, 3
- Carter, Mr Lane, his experiences in working with coolies, 107, 108; his opinion of the Chinese, 109
- Cattle disease, Sir A. Lawley's remarks on, to the delegates at the Boer Congress at Pretoria, 288
- Cetewayo, his action upon hearing of the annexation of the Transvaal, 8
- Chamberlain, Right Honourable J., his policy of conciliation, 12; garden party in honour of, 162
- Chamney, Mr M., his figures of Indians working in Natal, 114
- Chinese, 97-118; cost of the importation of, 41; artistic tastes of, 103; friendly relations with natives, *ib.*, 112; their love for plants and birds, *ib.*; cost of feeding, 105; value of their introduction, 106, 107; their tastes, 108; piece-work amongst them, *ib.*; compared with Kaffirs as workmen, *ib.*; the management of, *ib.*; factions amongst, 109; self-control of, *ib.*; cleverness of, 111; love of theatricals, 113; clothing of, *ib.*; compulsory return of, 114, 116; outrages by, a punishment of, 117; General Louis Botha protests against their importation, 169
- compounds, disturbances at, 111
- labour, the influence of, 3 the political opponents of, in England, 64; effect of the employment of, 104; signatories to the Minority Report against the introduction of, 203
- police, necessity of white supervision over, 109
- Cold Storage Company, the sales of, 36
- "Coloured" men, political organisation of in Johannesburg, 126
- people, the position of, 122
- Commerce, the chamber of, meeting of, in favour of a Labour Commission, 50
- Compensation, General Botha's views on, expressed at the Boer Congress at Pretoria, 271; Sir A. Lawley's reply, 283
- Commission, the, charge brought against, 190
- Compound System, the, its introduction into Kimberley, 113

- Concentration Camps, the, education in, 29; the policy of, 154; their establishment by Lord Kitchener, *ib.*; Boer antagonism to them, 155
- Conglomerate beds, 81
- Constitution, the, 214-239; publication of, 214; reception of, and views upon, 214; covering despatch of the Colonial Secretary on, 215; communication to the Press on the Constitution by the Head Committee of Het Volk, 216; ungenerous spirit in which the Boers approach it, 225; attitude of the Boer leaders towards, 231; satisfaction of the Progressive Party with, 233
- Cronje, General Piet, present at a garden party in honour of Mr Chamberlain, 162
- Crown Colony form of government, the, the proposal to continue, 247
- Lands Disposal Ordinance, the, 23
- Curtis, Lieutenant-Colonel R. S., 19
- Customs Union, the, 21, 258
- DANIELS, MR LESLIE, 43, 44
- De Beers, 3
- De Kaap goldfields, the, discovery of, 10
- De la Rey, General J. H., present at a garden party in honour of Mr Chamberlain, 162; makes a violent speech on the placing of Boer children in English schools, 170; on the Head Committee of Het Volk, 185; remarkable speech by, 186; extract from his speech at Krugersdorp branch of Het Volk, 195; speech by, at the Boer Congress at Pretoria, 276
- Denny, Mr G. A., extract from his report to the General Mining and Finance Corporation, 62
- Dereksen, Commandant, presides at a meeting of ex-burghers at Johannesburg, 232
- De Wet, General, takes an active part in the Brandfort Congress, 190
- Diamond fields, the, "rebellion" in, 3; the road to, *ib.*
- law, the, General Botha's views on, expressed at the Boer Congress at Pretoria, 270
- Diorite dykes, 69
- Districts, alterations of, Sir A. Lawley's reply to objections raised against, 281
- Divisional councils, Sir A. Lawley's remarks on, to the delegates at the Boer Congress, 295
- Donaldson, Mr J., 43, 44
- Doorfontein, 34
- Duncan, Mr P., 18
- Dutch, the, national aspirations of, 240
- Dutch party, the, 162; formation of a moderate party, 232
- EDUCATION, attention of Lord Milner to, 29; resolutions passed on, by the Brandfort Congress, 191; understanding between the Transvaal Responsible Government Association and Het Volk on, 205; Mr Abe Bailey's letter on, to the *Rand Daily Mail*, 207; importance of, 256; General Botha's views on, expressed at the Boer Congress, 272; Sir A. Lawley's reply, 291; Sir A. Lawley's remarks on, to the delegates at the Boer Congress, 291
- Ordinance, the first, 29
- Electoral areas, the formation of, 225
- English schools, violent speeches on the placing of Boer children in, 170
- Erasmus, General D. J., expresses disapproval of General Beyers' attitude, 197
- Ermoelo, meeting of farmers at, 198
- Esselen, Mr Ewald, urges the necessity for organisation, 171; his speech at a Het Volk meeting at Pretoria, 184; his interpretation of the Terms of Surrender, *ib.*; an accepted leader of the Boer party, 185; extract from his speech at Krugersdorp branch of Het Volk, 196; his rhetoric at the Heidelberg branch, *ib.*; his speech at the Boer Congress, 8th July 1905, 229
- Ethiopian mission, the, criticism of, at the Boer Congress, 171
- movement, the, 141
- Evans, Mr Samuel, 43, 44
- FARRAR, Sir George, 19; on the Labour Commission, 43, 44; brings before the public the need of importing labour, 48; is one of a deputation to Lord Milner to

- Farrar, Sir George (*continued*)—ask for a commission on the Labour Question, 49; speech by, at a meeting of the Progressive Association, 94; President of the Transvaal Progressive Association, 182; interprets the policy of the Progressive Association, 234
- Federal capital, a, selection of, 261
- Federation, nucleus of, 21; difficulties in the path of, 258; economies feasible under, 260; Lord Carnarvon's scheme of, *ib.*; prospects of, 264
- Ferreira Company, the, the formation of, 93
- FitzPatrick, Sir Percy, 49
- Forbes, Mr David, 43, 44
- Forestry department, the, work of, 25
- Frankenwald, the Government Estate of, 256
- Fraser, Mr J. G., 19; the influence of, 192
- Frère, Sir Bartle, Sir Owen Lanyon's description to him of the evil consequences of the retrocession after Majuba Hill, 9; his opinion of the retirement, 10 (note)
- Friend, the*, circulation and views of, 193; its comments on Lord Selborne's speech at Cape Town, *ib.*
- Froude, J. A., want of tact shown by him in his speech at Cape Town, 260
- GAIKAS, the, make war in Cape Colony, 8
- Galekas, the, make war in Cape Colony, 8
- General Mining and Finance Corporation, the, extract from G. A. Denny's report to, 62
- German East Africa, reported trek to, 295
- Glen Deep Mine, the, coolie dining-room at, 110
- Glyn, General, 3
- Goch, Mr G. H., 43, 44; his criticism of the leaders of Het Volk, 200
- Gold Law, the, in Republican days, 85; General Botha's views on, expressed at the Boer Congress, 271
- Gold-mining industry, the. *See* Mining Industry
- Government mining engineer, the, report of, on unskilled white labour, 62
- Government purchases, Sir A. Lawley's remarks on, to the delegates at the Boer Congress, 282
- Greenlees, Mr M. R., speech by, at the dinner given to the Transvaal Responsible Government Association, 311
- Grondwet, the, natives under, 121
- HEIDELBERG, meeting at, in favour of a Labour Commission, 49; branch of Het Volk established at, 196; collapse of Responsible Government Association meeting at, 203
- district, conglomerate beds in, 81
- Hertzog, General, presides at the Brandfort Congress, 190; his speech at the Congress, 192
- Het Volk, the, birth of, 181; the statutes of, 183, 302; the proceedings of the Het Volk meeting at Pretoria opened by General Louis Botha, 183; the Head Committee of, 185; marked difference in the public utterances of the leaders of, *ib.*; resolutions passed by, 186; the authority of the Head Committee, 188; resolutions passed by, as to the Terms of Surrender, *ib.*; branches of, 195; strengthening of, at Middelburg, 199; the inner motives of, *ib.*; Mr George Goch's criticism of the Het Volk leaders, 200; Mr Leonard's description of, *ib.*; Mr Abe Bailey's description of Het Volk, 204; meeting of, at Volksrust, *ib.*; understanding with the Transvaal Responsible Government Association on education, 205; the Executive of the Responsible Government Party play into their hands, 208; meeting of, at Johannesburg, 208, 209; communication to the Press by the Head Committee on the Constitution, 219; admissions made by, 223; representative character of the Head Committee of, 231; objections to their policy, 232; Mr J. A. Naser's letter commenting on their policy, *ib.*; the Head Committee convenes a meeting at

Het Volk, the (*continued*)—

Johannesburg, 237; invited by General Botha to give a good reception to Lord Selborne, 237; their objections to the vote of the South African Constabulary, 243; their endeavours to sow dissension in the British camp, 244

Hichens, Mr W. L., 18

Hope Town, the approach to, 3

Hosken, Mr William, 19

Hull, Mr H. C., 19; his suggestions as to the position of the State, 85

Husbandry, the promotion of, 90

IMPERIAL FEDERATION, 17

Imperial Government, the action of over the Labour problem, 57

Imported labour, opponents of, 50

India, yield per ton of the gold mines compared with those in the Witwatersrand, 80

Indians, importation of, into Natal, 114

Indigent, the, General Botha's statement as to, at the Boer Congress, 270

Intercolonial Council, the, members of, 18, 19; nucleus of the ideal federation in, 21; its ability to unify the Transvaal and Orange River Colony, 262

Irrigation Department, the, 26

Isandhlwana, the massacre at, 8

JAMESON, DR ADAM, 18

—Raid, the, 11

Jeppes Town, 34

Johannesburg, the city of, 34; architecture of, 35; cost of living in, 36; climate of, 37; action of the Urban Government of, 44; the pinch of poverty in, 48; anti-Chinese meeting at, 49; political organisation of "coloured" men in, 126; missionary conferences at, 142; the people of, 167; British section of the population in, 168; programme of the Progressive Party of, 173; branch of Het Volk established at, 196; meeting held under the auspices of the Transvaal Responsible Government Association, 202; Het Volk, meeting at, 208, 209; General Botha's speech at, 209; meeting of ex-burghers at Grand National Hotel, 231; meeting convened at, by Het Volk Head Committee, 237; local

jealousy with Pretoria, 251; the Technical Institute at, 257

KAFFIRS, 97-118; energy of, 5; their point of view, 100; their nature, 101; the effect of their first contact with civilisation, 102; their heeds, 103; physique of, 104; cost of feeding, 105; moral influence of Asiatics on, 107; compared with Chinese as workmen, 108; relations with the Chinese, 112

Khama, the Chief, 98

Kimberley, the journey to, 1; the line of coaches to, 3; studies at, 5; introduction of the compound system into, 113

— reef, the work on, 4

Kitchener, Lord, establishes Concentration Camps, 154

Klerksdorp, farmers in, 24; new railway from, to Fourteen Streams, 28; meeting at, in favour of a Labour Commission, 49

— district, conglomerate beds in, 81
Kruger, President, the policy of, 11; frustration of his plans, *ib.*; his intrigues, *ib.*; his insincerity unmasked, *ib.*

Krugerism, the spirit of, 150

Krugersdorp, branch of Het Volk established at, 195

LABOUR COMMISSION, the, appointment of, 43; members of, *ib.*; conclusions of, *ib.*; meetings in favour of, 49

— Importation Ordinance, the, introduction of, 51; dissent of Cape Colony from, *ib.*; approval of, in Natal, *ib.*; Boer aloofness from, 51; cause of Boer antagonism to, 52; antipathy of some British Colonials to, *ib.*; agitation against, in England, *ib.*; a result of the ordinances, 263

— problem, the, 38 to 67, 255; action of the Imperial Government over, 57

Lagden, Sir Godfrey, appointed President of the South African Native Affairs Commission, 121

Language Question, the, resolution on, passed by the Brandfort Congress, 191

Lanyon, Sir Owen, the administration of, 9; his description to Sir

- Lanyon, Sir Owen (*continued*)—
 Bartle Frere of the evil consequences of the retrocession after Majuba Hill, *ib.*
- Lawley, Sir A., his labours, 15; deputation to, 171; his reply to the points raised by the deputation at the Boer Congress at Pretoria, 280 *et seq.*
- Legislative Assembly, the, nominated members of, 238; the Constitution of, 317-347; official members of, 318; qualification of voters to, *ib.*; disqualification of voters, 319; conduct of elections to, 320; electoral districts for, *ib.*; registration of voters for, 321; the President of, 322; its legislative power, *ib.*; its powers of dealing with revenue and taxation, 323; prorogation and dissolution, *ib.*; language to be used in debates, 324; oath to be taken by members, *ib.*; powers of legislation reserved to the Crown, 325; duties of the registering officers, 327; duties of the revising officer, 331; power of registering officer to demand information concerning voters, 336; offences by registering officers, 337; invalidation of voter's lists, 338; qualification of members, *ib.*; first election of members, *ib.*; nomination of candidates, 339; polling stations, *ib.*; election arrangement, 340; presiding officers at polling stations, *ib.*; retirement of candidates from contest, *ib.*; candidates agents, *ib.*; the register as evidence of right to vote, 341; enquiries as to the right to vote, *ib.*; penalty for false answers, *ib.*; manner of voting, *ib.*; duties of returning officer, 342; publication of names of members, *ib.*; how vacancies are to be filled, *ib.*; procedure upon any general election by dissolution, 343; provision in case the same person is elected for more than one electoral division, *ib.*; electoral expenses, *ib.*; quorum and debates, 344; questions to be decided by majority, *ib.*; rules and orders, *ib.*; when laws reserved are to take effect, 345; copies of laws, *ib.*; the enrolment of certificates of disallowance, *ib.*;
- power of the Governor to transmit drafts of laws, 346; sessions of the Assembly, *ib.*; place and times of meeting, *ib.*; vacating seats, *ib.*; resignation of members, *ib.*; payment of members, 347; Governor's power to modify orders, *ib.*; definition of terms, *ib.*
- Legislative Council, the, formation of, 15; proposal to modify the membership of, 247; dissolution of, 324
- Leonard Mr J. W., his speech at the Wanderer's Hall, 179; his description of Het Volk, 200; his challenge to General Botha, 204; his speech on the Constitution attacked by General Botha, 209
- Living, the cost of, 28, 252
- Lo Bengula, the concession procured from, 11
- Lombard, Mr, attacks the Government, 171
- Lourenço Marques, the geographical position of, 259; suggestion to declare it a free port, 263
- Loveday, Mr R. K., 19
- Lydenberg district, mines in, 81
- Lyttelton, Rt. Honourable Alfred, the conditions imposed by him on the mining industry, 106; his covering despatch on the Constitution, 215, 239, 348 *et seq.*
- MAJUBA HILL, the disaster at, 9
- Malays, the position of, 125
- Mansfield, Mr C., his report on the Pretoria School Committee, 30
- Market garden produce, price of in Johannesburg, 36
- Mashonas, the, 97
- Matabele, the, 97
- Meiring, Mr J. H., 19
- Members, payment of, 239
- Mexico, yield per ton of the gold mines compared with those in the Witwatersrand, 80
- Middelburg, strengthening of the adhesion to Het Volk at, 199
- Mills, Mr H. P., his report on the Barberton School Committee, 30
- Milner, Sir A. (now Viscount), unmasks President Kruger's insincerity at the Bloemfontein con-

- Milner, Sir A. (*continua*)—
 ference, 11; his policy of concilia-
 tion, 12; takes up his residence in
 the Transvaal, 13; the achieve-
 ments of, 14; judgment evinced
 by, 15; novelty in Government
 introduced by, 18; far-reaching
 aim of, 20; his attention to edu-
 cation, 29; deputation to, to ask
 for a commission on the Labour
 Question, 49; appoints the South
 African Native Affairs Commission,
 121; extract from his speech at
 the farewell banquet given at
 Johannesburg, 160, 167; absence
 of the Boers from the farewell
 dinner, 162; interviews the Trans-
 vaal Progressive and Transvaal
 Responsible Government Associa-
 tions, 175; his correspondence with
 General J. C. Smuts, 176; his
 reply to the deputation of the
 Progressive Association 178;
 extract from his speech at the fare-
 well banquet, 227; his departure,
 240; exposes the aims of the
 Africander Bond, 241; his advice
 on the local jealousy existing
 between Pretoria and Johannes-
 burg, 251; opposition to him in
 Johannesburg, 258; words uttered
 by, in his farewell speech, 265
- Mines, the, labour for, 21; the
 situation at after the war, 43;
 increasing number of natives work-
 ing in, 55; development of, 70;
 work involved in the extraction of
 gold from, *ib.*; machinery employed
 in, 74; capital expenditure in
 developing, 75; revenue derived
 from the profit-tax on, 88 (note);
 large dividends paid by some, 93
- Mines, the chamber of, action of
 the members in lowering wages, 42
- Mining industry, the, 68-96; losses
 sustained by, in consequence of the
 war, 31; conditions imposed on,
 by Rt. Hon. A. Lyttelton, 106;
 obligations of, 251; importance
 of lowering the operating expenses,
ib.
- Missionary conferences, held at
 Johannesburg, 142
- Muller, Ex-General, forms a
 branch of Het Volk at Johannes-
 burg, 196; presides at Het Volk
 meeting at Johannesburg, 209
- Munnik, Mr, urges the necessity
 for organisation, 171
- NATAL, approves the Labour
 Importation Ordinance, 51; im-
 portation of Indians to work sugar
 estates in, 114; position of natives
 in, 121, 133; growth of the white
 population in, 128; financial posi-
 tion of, 235
- Native, definition of the word, 123
- Affairs Commission, the, 45
- chiefs, the rule of, 140
- electoral areas, the delimita-
 tion of, 145
- Labour Association, the, 38
- labour supply, sources of, 41;
 causes of the scarcity of, 47
- locations, 48
- problem, the, 119-148; its
 definition and complexity, 119;
 attitude of the English towards,
 120; gravity of, 138; action of the
 Cape Legislature over, in the past,
 139; discussion on, at the Boer
 Congress, 171; Sir A. Lawley's
 remarks on, at the Boer Congress,
 293
- teachers, training institutions
 for, 129
- the, 97; their reason for not
 returning to work, 42; influence of
 the rate of pay on, 43; estimated
 number of, available for labour,
 46; their position in Cape Colony,
 Natal, and Rhodesia, 121; under
 the Grondwet, *ib.*; Parliamentary
 representation of, 122; their privi-
 leges in Cape Colony, 127; their
 rise in the scale of civilisation,
 128; education of, *ib.*; political
 representation of, 130; mental
 power of, 135; their mental dis-
 similarity from whites, 137
- Neser, Mr J. A., his letter com-
 menting upon the policy of Het
 Volk, 232
- Niven, Mr A. Mackie, 43, 44;
 challenges General Beyers' and
 Mr A. D. W. Wolmarans' state-
 ments at Warmbaths, 199
- Nylstroom, speeches of General
 Beyers and Mr A. D. Wolmarans
 at, 199
- OPIUM, smoking, 110
- Opperman, Mr, meeting of burghers
 at the farm of, 197

- Orange Free State, the, boundary dispute, 6; the Republican Government of, 192
- River Colony, the, devastation in, 13; rehabilitation of, 21; rural population of, 22; lives lost and money expended in the conquest of, 53; growth of the white population in, 128; predominance of Boer elements in, 189; attitude of the Responsible Government Association towards the withholding of Representative Institutions from the Colony, 217
- Organisation, the necessity for, urged at the Boer Congress, 171, 272
- PALMER, Mr C. W. J., 19
- Papenfus, Mr H. B., moves a resolution in favour of an immediate grant of Responsible Government, 203
- Parker, Sir Gilbert, attack on, 201
- Parktown, 34
- Parliament, native members of, 134
- Parties, the Genesis of, 166-194
- People's Congress, the, 227
- Perrow, Mr E., 43, 44
- Philip, Mr J. W., 43, 44
- Pietersburg, branch of Het Volk established at, 197
- Political reform, the agitation for, 166
- tactics, 195-213
- Politics, active interest in, 173
- Polygamy, diminution of, 140
- Portuguese Kaffirs, 41
- South Africa, the labour supply from, 106
- Potchefstroom, farmers in, 24; meeting at, in favour of a Labour Commission, 49
- district, conglomerate beds in, 81
- Premier Diamond Mine, the, 83; output and value of, 84
- Pretoria, the School Committee of, 30; Boer Congress at, 168, 208; Het Volk, meeting at, 183; local jealousy with Johannesburg, 251
- Primary school - teachers, in the Transvaal, 31
- Progressive Association, the. *See* Transvaal Progressive Association.
- lunch, the, Mr George Goch's speech at, 305
- party, the, their satisfaction with the Constitution, 233
- Public bodies, meetings of, in favour of a Labour Commission, 149; deputation of, to Lord Milner, 50
- QUARTZ MINING, hazardous nature of, 68
- Quinn, Mr J. W., 43, 44; his views on Chinese labour, 45; signs the Minority Report against the introduction of Chinese labour, 203
- RAILWAY CONSTRUCTION and Administration, 262
- extension, 20
- Raitt, Mr A. S., 49
- Rand, the, the number of men employed in, since 1st January 1903, 54
- Rand Daily Mail*, the, suggestions made to, by H. C. Hull, as to the position of the State, 85; Mr Abe Bailey's letter to, on the Education Scheme, 207
- Rand Mines Limited, white unskilled labourers employed by, 61, 62
- Redwater, Rhodesian, 25
- Reef, the, meetings along, in favour of the appointment of a Labour Commission, 49
- Registration of voters, 238
- Rensburg, Mr H. P. J. Van, 19
- J. F. J. Van, 19
- Repatriation Commission, the, General Louis Botha's view of, 169, 271
- the task of, 22; the sum spent on, 212
- Responsible Government, resolution in favour of, 192; General Botha's views on, 272
- Association, the. *See* Transvaal Responsible Government Association
- Rhodes, Cecil J., frustrates President Kruger's plans, 11; the life work of, 265
- Rhodesia, position of natives in, 121
- Rinderpest, the eradication of, 25
- Rissik, Mr Johann, 19
- Rural existence, the struggle for, 24
- SCHLAGTER'S NEK REBELLION, 197
- Schlickman, Von, filibusters under, 7
- Scientists, meeting of, in favour of a Labour Commission, 49

- Secocoeni, failure of the burghers to conquer, 7
- Secondary and Technical Education, in the Transvaal, 31
- Selborne, the Earl of, deputation to, of miners begging protection against the obscene language of the Chinese, 116; comments of *The Friend* on his speech at Cape Town, 193; his arrival at Cape Town and welcome in the Transvaal, 241; the first speeches of, *ib.*; the work before him, *ib.*
- Settlers, the number of, in actual possession of allotted land, 23; area of cultivation under, 24
- Settlers' Ordinance, the, 23
- Shepstone, Sir Theophilus, his mission and blunder, 7
- Smuts, General J. C., present at a garden party in honour of Mr Chamberlain, 162; delivers a speech on the placing of Boer children in English schools, 170; seconds a motion against a War Tax, 171; his correspondence with Lord Milner, 176; on the Head Committee of Het Volk, 185; forcible speech by, 237; his speech at the Boer Congress at Pretoria, 275
- , General Tobias, delivers a speech on the placing of Boer children in English schools, 170; present at a meeting of farmers at Ermelo, 198
- Solomon, Mr E. P., elected President of the Transvaal Responsible Government Association, 183; his conception of moderation, 201; addresses a meeting held at Johannesburg under the auspices of the Transvaal Responsible Government Association, 202; speech by him at the dinner given to the Transvaal Responsible Government Association, 311
- , Sir Richard, 18
- South Africa, the trade of, 1; the white population of, 2; the journey up country in, 2; crossing a river in, 3; British Settlement in, 59; the natives of, 97; proposed University for, 256, 257; the curse of, 258
- African Colonies and Possessions, population of, 127
- South African Constabulary, the, conduct of, condemned by the Brandfort Congress, 191; objections of Het Volk to their vote, 243
- Native Affairs Commission, appointment of, 121; its scope of enquiry, 122; unanimity of, 123; the labours of, 141; its recommendations as to native representation, 146
- South African News*, the, articles in, on the Vereeniging Peace, 210
- Standerton, meeting at, in favour of a Labour Commission, 49
- Star*, the, a correspondent interviews Schalk Burger with reference to General Beyers' speech at Pietersburg, 198; reports a violent speech of General Beyers, 200; extracts from, of the Proceedings of the Boer Congress at Pretoria, 270
- Stockdale, H. W., 19
- Stock Exchange, the, meeting of, in favour of a Labour Commission, 49
- Surrender, the Terms of, 299; Mr Esselen's interpretation of, 184; resolutions upon the terms passed by the Head Committee, of Het Volk, 188; interpretation put on by the Boers, 205; attitude of General Botha and the Boers to, 210, 211; object of the British Government in granting, 211
- Swaziland, deposits of alluvial tin in, 87; Sir A. Lawley's remarks on Government policy *re* Swaziland at the Boer Congress, 295
- Swine fever, the eradication of, 25
- TAAL, the use of, in the Legislature, 224; love for, in South Africa, *ib.*
- Tainton, Mr C. F., 43, 44
- Thomas, Colonel Owen, on the future of South Africa, 26; on market gardening in Johannesburg, 37 (note)
- Tobacco, the cultivation of, 24
- Trade, the chamber of, meeting of, in favour of a Labour Commission, 49
- Transkei, the, restoration of peace in, 8
- Transvaal, the, annexation of, in 1877, 6; emptiness of the Treasury, 7; grievances of the burghers, 9; devastation in, 13; formation of the Legislative Council in, 15; narrow outlook of some of the

- Transvaal, the (*continued*)—
 inhabitants of, 16; rehabilitation of, 21; rural population of, 22; rainfall of, 26; winter and summer in, 27; high cost of living in, 28, 252; new railways constructed in, *ib.*; primary school teachers in, 31; secondary and technical education in, *ib.*; exports and imports of, 33; excessive importation into, in 1903, 56; shrinkage of imports into, in 1904, 57; lives lost and money expended in conquest of, 58; auriferous mineralisation of, 81; coal mines in, 82; output of the coal mines in, 83; diamond mines in, 84; position of the State respecting mineral wealth in, *ib.*; minerals in, 87; sedimentary deposits of, 91; the new Constitution in, 189; main reasons for granting representative institutions to, *ib.*; financial position of, 235; number of registered voters in, 248; changes likely to take place in, *ib.*; capabilities of, 253; commercial position of, 262
- Transvaal, Progressive Association, speech of Sir George Farrar at a meeting of, 94; programme of, 173; correspondence with the Transvaal Responsible Government Association, 174, 180; interviewed by Lord Milner, 175; Lord Milner's reply to their deputation, 178; private conference with the Responsible Government Association, 179; primary principles of its statutes, 182; Mr George Goch delivers a criticism on the leaders of Het Volk in a speech at a meeting of, 200; meeting of, at Johannesburg under the presidency of Sir George Farrar, 234
- Responsible Government Association, the, 173; correspondence with the Transvaal Progressive Association, 174, 180; interviewed by Lord Milner, 175; private conference with the Progressive Association, 179; adoption of the Constitution of, 182; activity of, 201; meeting held at Johannesburg under the auspices of the Association, 202; understanding with Het Volk on education, 205; the executive of the party play unwittingly into the hands of Het Volk, 208; their views upon the Constitution, 214; their attitude towards the withholding of Representative Institutions from Orange River Colony, 217; tactics of their leaders, 244; speeches by Mr M. R. Greenlees and Mr E. P. Solomon at the dinner given to the Association, 311
- Transvaal Government, the, population and capital under the control of, 10; resources at the disposal of, 249; financial problem of, *ib.*
- *from within*, *The*, 11 (note)
- *Leader*, *The*, Mr Abe Bailey's letter to, on Self-Government, 203
- War of, 1881, the effects of, 240
- Tribal System, the, 140
- Wars, a result of the abolition of, 121
- UITLANDERS, the, 11; sufferings of, 13; losses sustained by, in consequence of the war, 31
- United States, yield per ton of the gold mines in, compared with those in the Witwatersrand, 80
- VENEZUELA, yield per ton of the gold mines compared with those of the Witwatersrand, 80
- Vereeniging, the peace of, Mr Esselen's interpretation of, 184; the stipulations of, 186; articles on, in *The South African News*, 210
- Veterinary science, the application of, 25
- Village Main Reef Mine, white unskilled labourers in, 267
- Volksrust, branch of Het Volk established at, 196; meeting of Het Volk at, 204
- Volksstem*, the, control of, 229
- Vos, Mr, of Waterberg, delivers a speech on the placing of Boer children in English schools, 170
- Voters, registration of, 238
- WAGES, paid for white labour, 63
- War Debt, the, General Botha's views on, expressed at the Boer Congress, 271; Sir A. Lawley's reply, 281
- War Tax, a, opposition to, 170, 171
- Warmbaths, statements by General Beyers and Mr A. D. W. Wolmarans at, 199

- Waterberg district, the, distress in, 24; destruction of locusts in, 26
- White and native workers, the relations between, 67
- labour, employed in Rand Mines Ltd., 61, 62; report of the Government Mining Engineer on, 62; wages paid for, 63; advantages and disadvantages of, 63; objections to, 65, 66; memorandum *re* in the Village Main Reef Mine, 267
- population, the, progress of its growth in Cape Colony, Natal, and Orange River Colony, 128
- Whiteside, Mr. P., 43, 44 signs the Minority Report against the introduction of Chinese labour, 203
- Widows and orphans, Sir A. Lawley's views on the question, 292
- Wilson, Mr. H. F., 19
- Witwatersrand, the, discovery of, 10; gold production in, 33; scarcity of manual labour in, 38; the population of, on 31st December 1902, 53; number of whites employed in the mines of, *ib.*; number of blacks employed in the mines of, 54; shortness of hand labour in, 56; gold production of, in 1904, *ib.*; output from and cost of working the mines of, in 1904, 59; wages paid in the mines of, 60; white labour in the mines of, *ib.*; professional agitators in, 65; a result of the discovery of gold in, 68; a mental picture of the creation of, 69; rise of temperature in the earth in, 77; potentialities of the mines in, *ib.*; gold production of, 78; claims worked out in, *ib.*; the grade of the ore in, and its value, 79; yield per ton compared with Australia, India, United States, Venezuela, Mexico, and Canada, 79, 80; thickness of the beds in, 80; output of the mines in 1904, 87; number of men employed in the mines and their wages, 88; population of, *ib.*
- Witwatersrand Church Council, meeting of, in favour of a Labour Commission, 49
- Wolmarans, Mr. A. D. W., his opposition to a War Tax, 170; on the Head Committee of Het Volk, 185; speech by, 186; establishes a branch of Het Volk at Pietersburg, 197; speaks at Nylstroom and Warmbaths, 199; extract from his speech at Nylstroom, 308
- Wonderboom, General L. Botha gives his view of "one vote, one value" at, 199
- ZAMBESI, the, number of natives in British Possessions, south of, 128
- Zoutpansberg district, the, distress in, 24; indications of gold in, 81
- Zoutpansberg Review*, the, chronicles the indiscreet utterances of General Beyers, 197
- Zulu power, the, destruction of, 98
- Zulu war, the, outbreak of, 8