

1899.
NEW ZEALAND.

IMPERIAL SOUTH AFRICAN ASSOCIATION:
CASE FOR THE BRITISH SUBJECTS IN THE
TRANSVAAL.

ISSUED BY THE IMPERIAL SOUTH AFRICAN ASSOCIATION, 66, VICTORIA STREET, WESTMINSTER, S.W.

Laid on the Table of the House of Representatives by Leave.

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I.—GRIEVANCES.

History.	References.	Remarks.
FRANCHISE.		
1. Originally every white man settling in Transvaal was entitled to vote at once.		
2. In 1855 it was enacted that persons not born in South Africa should pay £25 before receiving full franchise.	...	The £25 was for revenue purposes only.
3. In 1874 it was enacted that strangers not possessed of real estate should reside one year to obtain franchise, but if owning real estate received full rights at once.		
4. In 1882 the conditions were increased to five years' residence, registry on Field-Cornet's books for that period, and payment of £25.	...	The first attempt to restrict the franchise.
5. In 1890 the second Raad was established, with qualification for vote of two years' residence, which did not begin to count until, in terms of an obscure law, the candidate had been registered on the Field-Cornet's books, a payment of £5, and the taking of the oath of allegiance. Having had this vote for two years, the naturalised voter became eligible for membership; but it was	...	The second Raad was instituted as a great concession, but, being limited as to the subjects it might discuss, and having no money powers, and no control over the first Raad, and being liable to have all its decisions vetoed either by the first Raad or the President, it was of no value.
1—A. 5.		

I.—GRIEVANCES—*continued.*

History.	References.	Remarks.
FRANCHISE— <i>continued.</i>		
<p>stipulated that no person should vote for a member of, or become eligible for, a seat in the first Volksraad until the lapse of ten years after he had become eligible for a seat in the second Raad. As no person could be a member of the second Raad before he was thirty years old, the effect of this law was that no alien could acquire the franchise for the first Raad until after he was forty years of age. Even this "right" was made subject to the first Volksraad resolving to admit the particular alien, and was to be enjoyed only in pursuance of regulations "to be framed."</p>		
<p>"Naturalisation" does not, in the Republic, mean incorporation into the State. It is only a stepping-stone on a precarious path towards civic rights. The aspirant can never at all get the vote for the President or Commander-in-Chief—officials chosen by <i>plébiscite</i>, from which the Uitlander is excluded. Yet immediately he is naturalised he, having lost his former citizenship, becomes liable to all the burdens of citizenship, including military service.</p>	...	<p>This was not made effective, even in pretence, for no regulations were even framed.</p>
<p>6. In 1893 it was enacted that none who might receive the franchise under the foregoing condition should have the right of voting at the election of President or Commandant-General.</p>	...	
<p>7. In 1894 it was enacted that the children of aliens born in the Transvaal should receive the full franchise only after making claim and waiting for the full fourteen years, as above; and that even the children of naturalised aliens should only have the vote, though born in the country, provided they claimed the right at the age of sixteen.</p>	<p>Parliamentary Papers 311, p. 249; C.-7933, pp. 89, 226; C.-7933, pp. 92, 19.</p>	<p>This was the most serious violation of the vested rights of those who had entered the country under the guarantees of the Convention and the promise underlying it that equal treatment would be accorded to all; and in the case of those who had taken the oath of allegiance under the law of 1890 it was still more injurious.</p> <p>All future franchise reform was also barred by declaring that future amendments must be published for one year, and then should not be considered in the Raad until two-thirds burghers had approved.</p>

EDUCATION.

The absence of all State provision for education of children in the language of three-fourths of the people is another of the grievances only felt during the last few years with the growth of the young Uitlander population. The Rev. S. J. Du Toit was first Superintendent of Education till about 1890; then Dr. Mansfeld, a Hollander. Now, Dutch is the sole medium of instruction in Standard IV and upwards in all schools receiving State aid.

...

There is no grant in aid of voluntary educational efforts.
No provision for compelling attendance.

I.—GRIEVANCES—*continued.*

History.	References.	Remarks.
<i>EDUCATION—continued.</i>		
<p>There are 11,438 pupils in Government schools, at a cost of £8 5s. 11d. per head; 216 only are from the gold-fields, at a cost of £12 12s. 8d. each.</p>	<p>Parliamentary Papers C.-9345, pp. 70-74; C.-7933, p. 69.</p>	<p>£230,000 voted this year. Nearly all comes from Johannesburg, but only a fraction spent there. (See Volksraad Reports.)</p>
<p>The State gymnasium at Pretoria costs £88 12s. 9d. for each pupil.</p>		<p>£50,000 was voted in 1896 for Uitlander education, but only a few hundreds were spent, owing to refusal of Government to allow English to be medium of education after the Third Standard.</p>
<p>The School of Mines at Pretoria costs £235 6s. 1d. for each pupil.</p>		<p>The Uitlanders, who are compelled to bear almost the entire cost of the State schools, are maintaining their own separate schools, with their own Superintendent of Education.</p>
<i>JUDICIAL.</i>		
<i>(A.) Dependence of the High Court upon the Executive.</i>		
<p>The Volksraad and Executive Council repeatedly attempted to influence the Courts by resolutions — in one case actually throwing the plaintiff in a pending action against the Government out of Court. Finally, in February, 1897, in violation of the written Constitution, it was enacted that resolutions of the Volksraad should have the effect of law, and that their validity should not be subject to review by the Court. The Bench protested, and Chief Justice Kotze was dismissed.</p>	<p>Parliamentary Paper C.-9345, 1899, pp. 51, 210.</p>	<p>Mr. Gregorowski, who was appointed Chief Justice <i>vice</i> Kotze, had declared when the law was passed that "no man of self-respect would remain on the bench of the Republic while this was the law."</p>
<i>(B.) Right to Trial by Jury of our Countrymen denied.—Police.</i>		
<p>Only drawn from the ranks of the burghers or naturalised aliens. They are mostly ignorant of English, incompetent from want of training and knowledge, alien in sympathy to and having huge contempt for Uitlanders (especially Englishmen). The most serious crime is rampant, and perpetrators of serious crimes frequently escape punishment. The conduct and attitude of the police is only a reflection of the hostility and contempt of the Legislature and Government. This hostility has its natural result in setting up a corresponding antagonism on the part of Englishmen, who otherwise would be friendly enough with their Dutch neighbours.</p>	<p>Parliamentary Paper C.-7933, p. 67.</p>	<p>The unenfranchised population have thus lost their only safeguard against arbitrary or unconstitutional acts or resolutions.</p>
<i>Absence of Municipal Institutions.</i>		
<p>Johannesburg remains without proper municipal government. In September, 1897, as a great concession, it was created a municipality, with Burgomaster and Council. The real effect of this was materially to restrict the very limited powers of local self-government which the old "Sanitary Committee" possessed.</p>	<p>Parliamentary Papers C.-9345, 1892, pp. 65, 75-76; C.-7933, pp. 40, 90.</p>	<p>The Burgomaster is a Government official; and of the Councilors half are elected by the burghers of the town, who constitute only 5 per cent. of the ratepayers. The hollow mockery of the municipality was exposed when a concession was granted by the Government in Pretoria to E. Mendelssohn for a drainage scheme, and the first duty of the municipality thus removed from its care.</p>

I.—GRIEVANCES—*continued.*

History.	References.	Remarks.
<i>JUDICIAL—continued.</i> <i>Dutch Language enforced.</i>		
Whereas in Cape Colony Dutch and English languages are equal, in the Transvaal Dutch alone is the official language of the Courts and public offices, though not understood by a third of the people.	Parliamentary Paper C.-9345, 1899, p. 73.	The Landrost of Johannesburg and the second Public Prosecutor were both fined recently for permitting a witness to be examined in English.
<i>Open-air Public Meetings can be held only with Government Sanction, while Indoor Meetings may be broken up by Order of the Police in Terms of the Law.</i>		
This grievance dates from September, 1896.	Parliamentary Paper C.-9345, 1899, p. 140, <i>et seq.</i>	Only two public meetings have so far been sanctioned by the Government; and of these the first was broken up by bands of Boers with the knowledge of public officials, while Messrs. Dodd and Webb were criminally prosecuted for being associated with a peaceful open-air gathering.
<i>Outrages to Persons and Property.</i>		
Under revised Volksraad laws of 1896 all coloured men are required to take out and pay for passes. The houses of coloured British subjects were broken open in the night on several occasions, passes demanded, and the people brutally used. On complaint by British Government the Field-Cornet Lombaard, responsible, was suspended, but a Court of inquiry reinstated him.	Parliamentary Paper C.-9345, 1899, pp. 82-83; also pp. 87, 98, 102.	Coloured men had been commandeered for a native war, and refused service. The raids upon them were acts of retaliation, and the Boer Magistrates convicted and fined them without hearing defence.
Uitlanders had to carry passes under immigration law until it was withdrawn under pressure from British Government.	Parliamentary Paper C.-9345, p. 108.	Sir A. Milner, in a final despatch to the Transvaal Government, stated, "These incidents leave a painful impression on the mind."
For other instances of white persons (Edgar and Applebe).	Same, p. 176.	Policeman broke into house without a warrant, and shot Edgar inside his own door. Mrs. Applebe, British subject, wife of Wesleyan minister, attacked by gang of men. Lady dead. No arrests.
<i>(C.) Commandeering.</i>		
British subjects were commandeered for personal service and money for the Malaboch Campaign, 1894. This led to the appeal to the High Commissioner and Sir H. Loch's visit to Pretoria. British subjects were again commandeered for the Mpefu Expedition, 1898, and Transvaal Government throw blame for this upon unruly local officials; nevertheless goods and money seized have not been returned.	Parliamentary Papers C.-9345, p. 82; also C.-8159, pp. 3, 18, 25; and C.-8423, p. 63.	Five white men, British subjects, were actually seized and despatched by train to the scene of operations.
<i>(D.) Alien Expulsion Act.</i>		
Enacted June, 1896. Under this Act the President, with the State Attorney, have power to expel from country or assign a place for residence to any one without trial.	Parliamentary Paper C.-9345, p. 61.	Any alien under this would be accused and judged by the same two persons. Quite inconsistent with clause 14 of the Convention.

I.—GRIEVANCES—*continued.*

History.	References.	Remarks.
MONOPOLIES.		
<i>(A.) Dynamite.—Economic.</i>		
Granted to E. Lippert, 1887, but cancelled at demand of British Government, after long correspondence, in 1892.	Parliamentary Paper C.—9317, No. 1.	Dynamite, an article of prime necessity to the gold industry, was raised to a preposterous figure merely to benefit the concessionaire and those members of the Government who were his allies.
Declared Government monopoly, and contract concluded to Vorstmann for fifteen years, in 1893.	Same, No. 3.	This was practically handing the monopoly back to Lippert, who was in the background.
Transvaal Industrial Commission reported in 1897 that the monopolists had been making a profit exceeding £2 a case, of which only 5s. went to the State.	Parliamentary Papers C.—9345, 1899, p. 7; C.—8423, p. 130.	The Commission recommended the abolition of the monopoly, as it pressed unduly upon the mining industry, and hindered development.
OTHER MONOPOLIES.		
Matches, paper, chocolate, wool, starch, mineral waters, soap and oils, sewage, &c.	Parliamentary Paper C.—9345, p. 227.	A new monopoly was created for the making of brushes on the eve of the Bloemfontein Conference.
TAXATION.		
<i>Uitlanders pay Nine-tenths.</i>		
Transvaal revenue, 1884, £150,000; 1897, £4,500,000, or, on a total population of 250,000, at the rate of £18 each.	Parliamentary Paper C.—9345, pp. 7, 12, 28.	The Industrial Commission recommended abolition of all duties on food-stuffs, as the country could not produce enough; but in the result the Government made large increases.
Taxation so arranged that the articles required by Boers—as coffee, sugar, clothes, corn—is practically duty free. Result, that the Uitlander and mining industry pay nine-tenths.	Same, p. 44.	
In November, 1898, the Raad, being short of money, passed, within twenty-four hours from the first motion, a new law levying 5 per cent. on the net profits of the mines, and this in spite of solemn promises that no further tax should be levied without ample consideration and notice.		
EXPENDITURE.		
The gravest scandals have frequently occurred, and money, including large sums for secret service, is squandered in enormous sums. Any impartial authority will admit that the Government can be administered much more economically.		
Constant intrigue to obtain illicit advantages in matters affecting industries.		
RAILWAY CHARGES AND MISMANAGEMENT.		
The Netherlands Railway Company, largely owned and guaranteed by Transvaal Government, but purposely managed from Amsterdam, has the right to collect Customs dues from Delagoa Bay. Charges at rate of 6d. per ton per mile, and 3d. for rough goods. The Government has right to expropriate, but Mr. Kruger opposes, giving as his reason that things can be done through the railway company which through their own Government they could not do.	Parliamentary Paper C.—9345, pp. 10, 11.	The Industrial Commission suggested reduction of 25 per cent. in charges for goods, larger reduction still for coal, and of two-thirds of the fares of natives coming to the mines; but Volksraad disallowed, and in the result the charges were made more onerous. All claims exceeding £100 have to be preferred in Amsterdam, and the bulk of the officials are Hollanders. English is not permitted in the railway offices. C.—8423, p. 139.

I.—GRIEVANCES—*continued.*

History.	Reference.	Remarks.
LIQUOR TRAFFIC.—ILLICIT LIQUOR.		
<p>The administration of liquor-laws has been found corrupt, and the Industrial Committee—1897—acknowledged that in this the mining industry has a real grievance. The law of 1896 is not carried out. Under this law Johannesburg is entitled to eighty-eight licenses only, but has 438.</p>	<p>Parliamentary Paper C.-9345, p. 5.</p>	<p>Is the cause of the greatest immorality; debauches and ruins thousands of natives; causes nearly all the crime. Most striking proof of the unfitness of the Government, either through unwillingness or inability to enforce the law. Is said to be controlled by men who are making enormous fortunes and corrupting public men.</p>
<p>There is more illicit liquor trading now than ever, and 30 to 40 per cent. of the native labourers are constantly incapacitated by it.</p>	<p>Same p. 27.</p>	<p>The liquor trade is, in its lowest phases, in the hands of the Russian and Polish Jews, the worst class on the Rand. It is the great curse and hindrance to the native labourer, while the Government overlooks the daily breaches of the liquor-law of 1896.</p>
<p>Mrs. Applebe was murdered, 28th April, 1899. Her husband, a Wesleyan minister, had been particularly zealous in denouncing the illicit drink traffic.</p>	<p>Same, pp. 176-179.</p>	<p>In the course of a Raad debate on the liquor-law, a member said white men ought not to be prevented from selling liquor to Kafirs, for the Kafirs could always be flogged.</p>

GOLD.—AMALGAM THEFTS.—ILLICIT GOLD-BUYING.

<p>This crime has been on the increase from the early days of the Raad, and it is estimated that now 10 per cent. of the total production is stolen by organized system of robbery. A Government officer proved, in former years, to have been concerned in this was dismissed the Force in 1894. The Industrial Commission recommended the revision of the special law for prevention of these thefts, on the ground that the present administration was faulty.</p>	<p>Parliamentary Paper C.-9345, p. 11.</p>
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PRESS LAW.—PRESS GAGGED.

<p>Enacted, June, 1896. Under this law every comment and article in the Press must be signed, and the President has power to suppress at will. Revised and made more stringent, June, 1898.</p>	<p>Parliamentary Papers C.-9345, pp. 53, <i>et seq.</i>, 58, 61; C.-8423, pp. 56, 117.</p>	<p>The <i>Star</i> was suppressed, but on appeal the high Court held suppression to have been illegal. N.B.—This took place prior to the passing of the Act which makes the high Court subject to the resolutions of the Volksraad. The <i>Critic</i> was suppressed for six months.</p>
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N.B.—For succinct official statement of principal grievances, consult Mr. Conningham Greene's despatch to Lord Rosmead, 31st December, 1896 (C.-8423, pp. 93, *et seq.*), and Mr. Chamberlain's despatch to Lord Rosmead (C.-7933, p. 81).

II.—CONSTITUTIONAL ATTEMPTS AT REDRESS.

Nature.	To whom addressed.	Result.
(A.) APPEALS TO THE TRANSVAAL GOVERNMENT.		
National Union founded at Johannesburg, 1892, and a statement of the grievances drawn up in Dutch was sent out to every burgher.	...	Answered by <i>quasi</i> -official pamphlets disseminated through the country, breathing the bitterest spirit of hostility and having insult in every line.
Constant deputations getting more or less fair promises and little result.		
<i>Continual Rebuffs.</i>		
First public meeting, 22nd August, 1892.	Resolution conveyed to the President by deputation.	President said, "Cease holding public meetings and be satisfied. Go back and tell your people I shall never give them anything. I shall never change my policy—now let the storm burst."
Several meetings between 1892 and 1894.		
Petition to Raad for franchise, signed by 13,000, March, 1894.	President and First Volksraad.	Rejected with ridicule.
Petition in favour of expropriation of Netherlands Railway, signed by burghers and Uitlanders, 1895.	President and Volksraad.	The petition was considered by Raad, and President reported to have besought the members not to give heed to it, "because we can do many things through the railway company that we could not do ourselves by reason of the London Convention."
Petition for increase of judicial salaries, and municipal government for Johannesburg, 1895.	Ditto.	
Petition for franchise, signed by 38,500 people, 1895.	Ditto.	Rejected after heated debate, Jozen declaring that if the petitioners wanted their rights they would have to fight for them.
(B.) APPEALS TO THE PARAMOUNT POWER.		
Appeal to High Commissioner <i>re</i> commandeered British subject, June, 1894.	...	Sir H. Loch visited Pretoria, and the Transvaal Government undertook to exempt British subjects. (This has never, however, been clearly settled by express enactment.)
<i>To the Queen for Protection and Redress.</i>		
Petition on the murder of Edgar, praying for protection, signed by 5,000, hastily got up, January, 1899.	Her Majesty the Queen.	Not forwarded by British Resident at Pretoria on ground of informality.
Petition praying for protection and redress, signed by 21,600, April, 1899.	Her Majesty, and forwarded by the High Commissioner.	For reply, dated 10th May, 1899, C.P. Parliamentary Paper C.—9345, pp. 226, <i>et seq.</i>

III.—PLEDGES GIVEN TO UITLANDERS BY REPRESENTATIVES OF THE SUZERAIN POWER.

Author.	Nature of Pledge and References.
<i>The Root Cause of Trouble.</i>	
Mr. Chamberlain ...	"The people of Johannesburg laid down their arms in the belief that reasonable concessions would be arranged by your intervention; and until these are granted, or are definitely promised to you by the President, the root cause of the recent troubles will remain."—C.-7933, pp. 55, 57.
Sir Hercules Robinson (Lord Rosmead)	"I have privately recommended them [the Reform Committee] to accept ultimatum."—C.-7933, p. 33. But add with reference to "privately."—C.-8063, p. 40. "I intend, if I find that the Johannesburg people have substantially complied with ultimatum, to insist on the fulfilment of promises as regards prisoners and consideration of grievances."—C.-7933, pp. 39, 60; and C.-8043, p. 40.
Lord Loch ...	C.-8159; add also his speech in the House of Lords, 1896.
Sir Jacobus de Wet ...	C.-8346; but compare C.-8423, p. 138.

IV.—BREACHES OF THE CONVENTIONS.

OF THE SPIRIT AND LETTER.

Equality taken for granted in granting Independence.

The Transvaal was given its independence under its liberal Constitution, which distinctly laid down that the children of the suzerain should be on an equality in all things with the Boers, whom, of her own movement, Great Britain had made into a free nation. The right of self-government is, by the Convention, conferred upon the "inhabitants," not a section of them. A glance at the list of Uitlanders' grievances given above (see pp. 1 to 6) will show how far that understanding has been observed in *spirit*. And, loosely drawn as the Conventions were, there are certain definite breaches of the *letter* also, which will be found below.

Passing by such former breaches as the several "treks" into Bechuanaland and Zululand, and the "commandeering" of British subjects, the letter of the London Convention has been infringed by—

Dynamite.

(1.) The dynamite monopoly, which (see Mr. Chamberlain's despatch, C.-9345, p. 227) is a violation of Article XIV.

Cape Boys.

(2.) Ill-treatment of Cape boys and other British subjects of colour (see Mr. Chamberlain's despatch, C.-9347, p. 229: "However long-suffering Her Majesty's Government may be in their anxious desire to remain on friendly terms with the South African Republic, it must be evident that a continuance of incidents of this kind"—i.e., murder—"followed by no redress, may well become intolerable").

Press Law.—Aliens Expulsion Law.

(3.) By provisions introduced into the Constitution since the Convention in 1884, the Uitlander is, in Mr. Chamberlain's words, "not only deprived of any effective political representation, but has also been placed, by recent legislation, under new liabilities if he appeals to public opinion, or attempts to bring his complaints to the notice of the Government." It is contended that all the franchise legislation since the Convention is a breach of that instrument. The Press Law (No. 26 of 1896) and the amending Law (No. 14 of 1898), enabling the President to prohibit the circulation of printed matter; the Alien Expulsion Law (No. 25 of 1896) and Law 1 of 1897, laying down that the Courts have no power to refuse to apply a resolution of the Volksraad because it is, in their opinion, invalid, and instructing the President to dismiss any Judge who, in his opinion, returns an unsatisfactory answer to questions put to him on the subject by the President; and the laws curtailing the right of public meeting have all destroyed or impaired safeguards of public liberty and right, and are all breaches of Article XIV. of the Convention.

Article XIV.

(4.) Finally, as Article XIV. gives right of entry and domicile and exemption from exceptional taxation "to all persons, other than natives, conforming themselves to the laws of the South African Republic," it is plain that all the grievances of this character set forth above are infringements of the letter as well as of the spirit of the Convention.

Did the Convention contemplate that the Boers should (a) destroy the right to the franchise; (b) cripple the independence of the Supreme Court; (c) arrange taxation so as to throw nine-tenths of it on to the unfranchised; (d) make men liable to arbitrary expulsion without trial; (e) muzzle the Press; (f) cripple the right of public meeting; (g) make only burghers jurors? Was this liberty conferred upon the Boers by the Convention?

Owning half the land, all the mines and commerce, contributing nearly the whole of the revenue, deprived of all representation, taxed by the minority far in excess of the legitimate requirements of Government, burdened with unjust monopolies, grievously injured by illicit liquor traffic, denied education in their native language, subject to arbitrary expulsion, the rights of a free Press and free public meeting mutilated, the Courts of justice subject to any chance resolution, jury-trial by peers denied, menaced by forts and the threat of military force, the present position of the Uitlanders, deprived of their arms, is to-day not such as could possibly have been contemplated by those who framed the Convention.

V.—CLAIMS MADE BY HER MAJESTY'S GOVERNMENT AS TO SCOPE OF THE PARAMOUNTCY.

Author.	Reference.		
Mr. Chamberlain ...	C.-7933, pp. 51, 89. C.-8063, p. 16. C.-8721, p. 21. <table style="display: inline-table; vertical-align: middle; margin-left: 10px;"> <tr> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="vertical-align: middle;">Great Britain will maintain her position as paramount Power in South Africa. By provision of Article II., London Convention, Her Majesty's Government intend to maintain suzerainty. Under these Conventions, therefore, Her Majesty holds towards the South African Republic the position of a suzerain, who has accorded to the people of that Republic self-government upon certain conditions.</td> </tr> </table>	}	Great Britain will maintain her position as paramount Power in South Africa. By provision of Article II., London Convention, Her Majesty's Government intend to maintain suzerainty. Under these Conventions, therefore, Her Majesty holds towards the South African Republic the position of a suzerain, who has accorded to the people of that Republic self-government upon certain conditions.
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Sir M. Hicks-Beach ...	C.-2308, &c. "The power and authority of England have long been paramount, and neither by the Sand River Convention of 1862, or at any other time, did Her Majesty's Government surrender the right and duty of requiring that the Transvaal should be governed with a view to the common safety of the various European communities."		
Lord Derby ...	C.-3947.		
Lord Carnarvon ...	Contemporary despatches, <i>passim</i> .		
Sir George Grey ...	Contemporary despatches, <i>passim</i> .		
The preamble to the Convention of 1881, which is the basis, too, of the Convention of 1884.			
Also Articles III., IV., and XIV.			
Lord Kimberley ...	C.-2586, p. 12, to Sir Bartle Frere: "The sovereignty of the Queen over the Transvaal could not be relinquished."		

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