

SELECTIONS
FROM THE
Smuts Papers

VOLUME II
June 1902 - May 1910

EDITED BY
W. K. HANCOCK
AND
JEAN VAN DER POEL

Cambridge University Press

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JUNE 1902—MAY 1910

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PART VI
DEFEAT AND RECOVERY

I JUNE 1902—16 SEPTEMBER 1905

DEFEAT AND RECOVERY

The documents in Part VI open with a group of letters, written during the second half of 1902, which show Smuts, after disbanding his commandos and visiting his relations in the Cape Colony, returning to Pretoria to re-occupy his rifled house and start practice all over again as 'plain Mr Smuts' while his wife remained in Pietermaritzburg to recover from an operation. They also show him suffering from the emotional effects of defeat. He found assuagement to some extent by writing about the war—besides the *Memoirs* and the earlier attempts at a book on the Cape Expedition, there are some war-time sketches among his papers. Assuagement was also sought in trying to help his stricken countrymen. Several letters reveal his efforts to ease the lot of the Cape rebels, to help prisoners of war and members of the war-time Boer Deputation to get home, and to organize relief for the ruined farmers.

At the end of 1902 the news that Chamberlain was to make a South African tour and visit the Transvaal roused the Boer leaders there to concerted action against certain aspects of Milner's regime, especially his assault on the Dutch language in his education policy and his intention to import Chinese labourers for the gold-mines. Soon they were committed to a political struggle. Evading Milner's attempt to include them in the nominated Legislative Council, they decided to create an organized opposition. They called a great meeting of Boer delegates at Heidelberg in May 1904, and in January 1905 launched *Het Volk*—the party of the Transvaal Boers. In these activities Botha was the acclaimed leader with undoubted prestige and popularity. He was the heart of the movement but Smuts was the brain. It was Smuts who formulated the arguments, presented the Boer case, devised the strategy of encounter with the High Commissioner and his officials, forged every major documentary weapon that was used in the fight against 'Milnerism'. Some of the papers printed below provide striking proof of that.

The later letters in this section show that in 1905, though still mistrustful, Smuts felt growing confidence that the worst wounds of the war could be healed by the achievement of self-government in the conquered Republics. He noted the appearance of a movement for responsible government among the 'moderate English' in the Transvaal (258); he bade Milner a generous, but no doubt relieved, farewell (266); he watched the disintegration of the Unionists in Great Britain and speculated on the quality and intentions of the Liberals who would soon replace them.

The most interesting developments in Smuts's personal life as recorded in the letters of this period are the birth of two daughters, a steadily growing legal practice (264), a renewal of the correspondence, interrupted during the war, with Wolstenholme and Merriman, and the beginning of a new one with Emily Hobhouse (233). Only his early letters to her are extant. Of special interest are his filial letter to Kruger and a unique letter in reply (217 and 218).

181 To S. M. Smuts

Vol. 2, no. 110

Pretoria
1 June 1902

My darling Isie, The tragedy is over. The curtain falls over the Boers as British subjects, and the plucky little Republics are no more. Peace was signed last night at Pretoria.¹ You can imagine my feelings on the subject; you will perhaps not be surprised to hear that I worked for peace. I did my best for our cause as long as there was any chance; but I had become convinced that the struggle had become hopeless. So we shall start afresh, working along the lines opened by the new conditions. I accept my fate—that is the only manly course left.

Tomorrow I am going to the Cape Colony to explain the new situation to the commandos there and to direct their surrender.² The rebels will all be amnestied with loss of their franchise, with the exception of the commandants and ex-officials of the Cape Government. These I must try to save in some other way. I hope they will be amnestied on the occasion of the coronation. This tour through the Cape Colony will take about a month. After that I shall return to Pretoria, and hope that our home will then again be at our disposal. I dare say everything there is in a deplorable state and will take some time clearing up. But I hope we shall soon be settled again and try to forget the past. Jim Roos will inform you when the house is vacant and I advise you to write to him. I hope your health will soon be so improved that you can come back to Pretoria; perhaps you will be there already to await my return from the Cape Colony. Perhaps I shall have an

¹ Smuts was not a signatory since he was not a member of the Executive Council of the South African Republic.

² He reached Concordia on 14 June.

opportunity of visiting Klipfontein and Stellenbosch,¹ but I shall be much pressed for time. I spent part of the forenoon with the Rooses; they were very glad to see me.

I shall be very glad to hear how your health is progressing; write to me c/o General Sir John French and don't forget I have reverted to plain J. C. Smuts. I am very sorry to tell you that President Steyn's health is quite gone; sort of gradual paralysis; he cannot last long. He was the last of the Romans.²

I am anxious to come back to Pretoria as soon as possible, as I think I may be of some service to our poor ruined people there. Their condition is really most deplorable and I can only hope that through the generosity of the new Government their recovery may be more rapid than I expect. Let us do our best to bind up the old wounds, to forgive and forget, and to make the future happier than the past has been. With love and best wishes for your health, Ever your Mios.

182 From O. Schreiner

Vol. 2, no. 83

Hanover
4 June 1902

Dear Friend, I hear you are about in this part of the world³ and am longing to see you once more. I heard from Isie yesterday and I know it would be a joy to her if I could tell her I had seen you and you were looking strong and well.

I am sending this line to Major [G. D.] White at the station and asking him very kindly to forward it to you if he knows where you are.

I would come to the station or anywhere where I was allowed just to shake hands with you: but if you could come here for a day or an hour it would be a great joy.⁴

Your little son will be with you no more when you and Isie form your home again; but it be such joy to me to know you are together again.

¹ To visit his and his wife's parents.

² 'the last of all the Romans.' Shakespeare, *Julius Caesar*, v. iii. 99.

³ The north-eastern Cape Colony.

⁴ Olive Schreiner did not meet Smuts, who had already gone on to the south-western Cape Colony.

My husband joins me in warmest and most heartfelt greetings. Yours ever,

Olive Schreiner

183 To S. M. Smuts

Vol. 2, no. 110A

Klein Libertas

26 Juni 1902

Mijn liefste, Gister ontving ik uw lieven brief waarin U echter niet zeide hoe of het met U ging. Ik ben echter zeer verheugd te vernemen dat jij zoo spoedig hersteld zal zijn, want ik verlang onuitsprekelijk veel naar mijn dierbaarste—de eenige ziel die ik in waarheid ooit heb lief gehad of nog zal kunnen liefhebben. Ach Lappie, alles hier te Stellenbosch herinnert mij zoo aan jou, aan die gelukkige dagen van het gulden verleden voor wij kommer en zorg, pijn en vernedering kenden, toen onze zielen als twee takken op één stam bloeiden — dat het nu voor mij te pijnlijk is alhier te zijn zonder jou. De huisgenoten en vrienden zijn bizonder lief en goed, maar er is een ledigheid welke niets en niemand kan vullen behalve mijn hart dat daar ver te PMaritzburg op een krank bed ligt. Ik ga a.s. week terug naar Pretoria en zal U diezelfde week komen opzoeken; wees dus nog maar geduldig wetende dat ik nog meer ongeduldig ben om jou te zien dan jij om mij te zien. Ik ben zoo trotsch op mijn ou vrouwtje omdat allen hier onder denzelfden indruk verkeeren als Pres. Kruger dat nl. 'mijn vrouw beter is dan ik'. Onze oude vriend Hobson heeft alhier aan een belangrijken persoon gezegd dat 'Mrs Smuts is the most remarkable woman I have ever met'. En onze oude vriendin O.S. maakt ook geen geheim van hare opinie. Dus moet ik hier tot mijn groot leedwezen (!) vinden dat ik maar 'second fiddle' speel in publieke estimatie. Maar ik zal maar mijn lot geduldig dragen, wetende dat er meester bo' meester moet zijn.

Op mijn weg van Clanwilliam kwamen ik en Tottie over Klipfontein en Riebeeck. Allen waren zeer lief en goed maar de ledige plaats heeft mij zeer smartelijk aangedaan. De nieuwe moeder kende ik goed in vroeger dagen daar wij in dezelfde klas op school waren. Wij hebben geen reden met de keuze ontevreden te zijn. Bools gade had ik niet de eer te

ontmoeten daar zij naar haar ouders op een visite weg was. Kitty en Bibas waren uitbundig blijde mij te zien. Zoodra wij weer thuis zijn moeten wij Bibas laten afkomen om jou behulpzaam te zijn. Zij zal jou van veel nut kunnen zijn.

Ik weet niet wanneer ons huis vrij zal zijn; ik zal mijn best doen de Imp. Yeomanry er uit te krijgen maar of ik zal slagen moet nog gezien worden. De boomen zijn mooi groot maar de tuin is in liederlijke toestand. Binnen was ik niet, maar het zal zeker tijd nemen om alles weer in order te krijgen. Ik ben echter zeker dat wij er zeer gelukkig in zullen zijn.

Ik zal geen nieuws van hier schrijven daar jou familie zulks zeker doet. Ik weet ook niet wanneer jij dit gekrap zal in handen krijgen.

Ik denk veel aan mijn liefste. *Ach keine, keine find ich je, Die so mich liebt wie Du.* Ik hoop dat wanneer ik a.s. bij jou aankom jij niet meer in bed zal zijn, hoewel jij natuurlijk nog niet hersteld zal zijn. Met diepste liefde

Jan Mios

TRANSLATION

Klein Libertas¹
[Stellenbosch]
26 June 1902

My dearest, Yesterday I received your dear letter in which, however, you did not say how you were. I am, however, very glad to learn that you will recover so soon, for I long inexpressibly much for my most precious one—the one soul that I have ever truly loved or ever will be able to love. Ah Lappie, everything here in Stellenbosch reminds me so much of you, of the happy days of the golden past before we knew worry and care, pain and humiliation, when our souls burgeoned like two branches on one stem, that it is too painful for me to be here without you. The family and friends are particularly dear and good, but there is an emptiness which nothing and nobody can fill except my heart who lies far away in Pietermaritzburg on a sickbed. I go back to Pretoria next week and shall come and see you the same week; so be patient knowing that I am still more impatient to see you than you are to see me. I am so proud of my little wife because

¹ The farm of Isie Smuts's parents.

everyone here is under the same impression as President Kruger, namely, that 'my wife is better than I'. Our old friend Hobson [J. A.] has told an important person here that 'Mrs Smuts is the most remarkable woman I have ever met'. And our old friend Olive Schreiner also makes no secret of her opinion. So I find here, much to my regret (!) that I only play 'second fiddle' in public estimation. But I shall bear my lot patiently, knowing that there must be a master above the master.

On my way from Clanwilliam I and Tottie came via Klipfontein and Riebeek.¹ Everyone was very dear and good but the empty place affected me very painfully. The new mother I knew well in earlier days as we were in the same class at school. We have no cause to be dissatisfied with the choice. Bool's wife I had not the honour of meeting as she was away at her parents on a visit. Kitty and Bibas were excessively pleased to see me. As soon as we are home again we must let Bibas come up to help you. She would be of much use to you.

I do not know when our house will be free; I shall do my best to get the Imperial Yeomanry out of it but whether I shall succeed remains to be seen. The trees are nice and big but the garden is in a filthy state. I was not inside, but it will no doubt take time to get everything into order again. I am sure, however, that we shall be very happy in it.

I shall write no news from here as your family will no doubt do that. I also do not know when you will receive this scrawl.

I think much of my dearest. *Ach keine, keine find ich je, Die so mich liebt wie Du.*² I hope that when I arrive presently to see you you will no longer be in bed, although you will of course not yet have recovered. With deepest love,

Jan Mios

184 To S. M. Smuts

Vol. 2, no. 111

Bus 1081

Zorgvliet

18 Juli 1902

Liefste Lappie, Het spijt mij dat ik gister geen tijd had aan jou te schrijven daar er zoo een toeloop van menschen en

¹ Riebeek West.

² Ah, never never shall I find one who loves me as you do.

vrienden was dat ik niet voor den avond laat eerst vrij was en toen moest ik met Jim Roos over onze private bezigheid spreken. Zelfs nu heb ik alleen een oogenblik tijd om jou het een en ander mede te deelen. Wat ons huis betreft zijn zaken niet zoo slecht als ik dacht. Ons zitkamer is nog alles compleet. Ons slaapkamer is ook zoo goed als compleet. Papier in huis is tamelijk goed met uitzondering van voor portaal reeds door Ella geplakt en mijn studeerkamer die nog moet geplakt worden. Ik denk met Ella dat jij jou slaapkamer moet behouden; zij is de grootste en beste in het huis; het is nu mijn slaapkamer. Ik zal boekrakken laten maken voor studeerkamer en dan boeken van v.d. B. laten halen en erin plaatsen. Wat wij noodig hebben is kombuis goed (behalve stove) en voorhuis tafel en stoelen. Ik denk dus dat het ons niet veel zal kosten om ons ou huisje weer in goeden order te krijgen.

Dan blijft er de tuin die in miserabelen toestand is. Veel boomen zijn verdroogd en alles is in een toestand van achteruitgang. Geen emmers, geen water pijpen; geen pomp daar die aan stuk is. Ik zal zoo gauw mogelijk een kaffer en gutta percha pijpen krijgen en dan den tuin in order tracht te krijgen. Er zijn er bijna geen boomen dood, dus is het verlies nog geenzins onherstelbaar. Ik zal jou later laten weten welke vordering ik maak.

Ella is bereid tot einde der maand in mijn huis te blijven. Wanneer zij weggaat zal ik iemand anders krijgen. Daar is Mrs Lambert die jij van gesproken hebt, en Jim spreekt van zekere Marthina Herbst ook niet aan jou onbekend. Eersgenoemde houdt van den bottel zooals jij weet; van tweede weet ik niets; wat is jou beste raad? Ik zal natuurlijk een kaffer krijgen zoo spoedig mogelijk. Hier vinden spoedig enige sales van huisraad plaats en dan zal ik het noodige koopen.

Jij moet betijds bij Dr Ward uitvinden wanneer jij den reis kan maken want dan zal ik jou hierheen krijgen. Jij zal zoo maar weer vet worden in de lucht van Zorgvliet. Ik zal veel naar mijn oudje verlangen maar natuurlijk moet jij niet komen alvorens zulks zonder gevaar kan geschieden.

Ella heeft zich zeer goed gedragen en neemt baing moeite met het huis. Jim heeft nog £500 van jou. Dus geen nood voor broodsgebrek. Zeg Daisy dat ik de gevraagde papieren van Charles Trevett ontvangen heb en bij de eerste gelegen-

heid mijn best voor hem zal doen. Laat haar zulks aan hem schrijven. Met hartelijkste groete

Mios

TRANSLATION

Zorgvliet
[Pretoria]
18 July 1902

Dearest Lappie, I am sorry that I had no time yesterday to write to you for there was such a concourse of people and friends that I was not free until late that evening and then I had to talk to Jim Roos about our private affairs. Even now I have only a moment to tell you a few things. As to our house things are not as bad as I thought. Our sitting room is still quite complete. Our bedroom is also as good as complete. The paper in the house is fairly good with the exception of the hall, already papered by Ella,¹ and my study which still has to be papered. I think with Ella that you should keep your bedroom; it is the biggest and best in the house; it is now my bedroom. I shall have bookshelves made for the study and then fetch books from v.d. B. and put them into the shelves. What we need is kitchen stuff (except a stove) and a hall table and chairs. I think therefore that it will not cost much to get our little house into good order again.

There remains the garden which is in a miserable condition. Many trees are withered and everything is in a backward condition. No buckets, no water pipes; no pump as it is broken. I shall as soon as possible get a Native and gutta-percha pipes and then try to get the garden into order. Hardly any trees are dead, so the loss is by no means irreparable. I shall let you know later what progress I make.

Ella is prepared to stay in my house until the end of the month. When she leaves I shall get someone else. There is Mrs Lambert of whom you have spoken, and Jim talks of a certain Marthina Herbst also not unknown to you. The first likes the bottle as you know; of the second I know nothing; what is your best advice? I shall of course get a Native as soon as possible. There will soon be some sales of household goods here and then I shall buy what is necessary.

¹ Ella de Wet.

You must find out in time from Dr Ward¹ when you can make the journey as I shall then get you here. You will quickly get fat in the air of Zorgvliet. I shall long much for my little one but of course you must not come until that can happen without danger.

Ella has behaved very well and takes much trouble with the house. Jim still has £500 of yours. So no threat of starvation. Tell Daisy² that I have received the requested papers of Charles Trevett³ and shall do my best for him at the first opportunity. Let her write this to him. With heartiest greetings,

Mios

185 To S. M. Smuts

Vol. 2, no. 114

Zorgvliet
22 Juli 1902

Zoetste klein Lappie, Dinsdagnamiddag, — ik ben niet naar kantoor gegaan daar ik begeerig was de stukken in een zaak bij mijn huis door te werken en op mijn kantoor is er zoo'n drang van menschen die meestal van commando terug zijn en nu posten willen hebben of die permitten voor een of ander doel wenschen dat ik aldaar geen werk kan doen. Daar ik reeds een groot gat in gemelden zaak heb gemaakt wensch ik nu alvorens verder te gaan weer een kort gezelsje met jou te hebben. Krohn brengt deze week mijne boomen in order; mijn kaffer beantwoordt goed; mijn gezondheid is eerste klas etc. etc. zoodat jij kan zien dat het met mij eerste klas gaat. Ik verlang maar net naar tijding wanneer ik jou zal kunnen afhalen. Ik heb een fraaien Franschen brief ontvangen van de moeder van het heilige hart waarin zij mij terugbedankt voor mijn dankbrief. Ik zal nu dat zaakje voor afgehandeld beschouwen. Jou eerste brief is mij ook ter hand gekomen en was zeer welkom. Ik kan Miss Nesor niet krijgen, maar er is een ander meisje van 17 jaar bij Mrs Jan Malherbe die gewillig is te komen en zij zal heden namiddag voor inspectie alhier zijn; dan zullen Ella en ik haar behoorlijk doorzien en dan

¹ Charles Ward, a surgeon and gynaecologist trained in England, was district surgeon of Pietermaritzburg.

² Daisy Trevett, born Krige, sister of Isie. She died in 1921, aged 44.

³ Husband of Daisy.

handelen. Ik denk ik zal geen moeite hebben een geschikte meisje te krijgen maar 17 jaren is een beetje jong, niet waar!

Ik heb mijne papieren van Roos terug bekomen maar vind er het MS. van *Walt Whitman* niet onder. Heeft jij eenig gedachten waar dat is? Ik heb tot dusver vergeten om Jim te vragen; ik weet ook niet of hij met het MS. bekend is. Ik zal hem echter vragen. Mijne rechts MSS. zijn alle veilig. Gister zijn Botha en de la Rey van hier vertrokken op weg naar Kaapstad; ik heb een telegram aan de vrienden gezonden dat zij komen en gevoel verzekerd dat zij een warm onthaal zullen hebben. Mrs Findlay zegt mij dat Olive Schreiner op 12 Augustus alhier zal zijn—zal jij dan nog niet thuis kunnen zijn?

Daar zijn nog andere dingen om over te schrijven maar zij zijn mij nu ontgaan dus zal ik maar uitstellen voor een ander gelegenheid. Tata,

Jan

TRANSLATION

Zorgvliet
[Pretoria]
22 July 1902

Sweetest little Lappie, Tuesday afternoon— I did not go to the office as I wished to work through the documents in a case at home, and at my office there is such a crowd of people who are mostly back from commando and now want posts or wish for permits for some purpose or other that I can do no work there. As I have already done a good bit of the said case, I wish now before I go further to have a little talk with you. Krohn is putting my trees to rights this week; my Native answers well; my health is first class etc. etc. so that you can see that everything is fine with me. I only long for news of when I can come and fetch you. I have received a beautiful letter in French from the Mother of the Sacred Heart in which she thanks me for my letter of thanks. I shall now regard that little matter as settled. Your first letter has also arrived and was very welcome. I cannot get Miss Nesor, but there is a girl of 17 at Mrs Jan Malherbe who is willing to come and she will be here for inspection this afternoon; Ella and I shall then interview her thoroughly and take steps. I do not think

I shall have any trouble getting a suitable girl but 17 is a little young, isn't it!

I have got my papers back from Roos but do not find the MS. of *Walt Whitman* among them. Have you any idea where that is? I have so far forgotten to ask Jim; I also do not know if he is acquainted with the MS. I shall nevertheless ask him. My law MSS. are all safe. Yesterday Botha and de la Rey left here on their way to Cape Town;¹ I sent a telegram to the friends that they are arriving and feel sure that they will have a warm reception. Mrs Findlay² tells me that Olive Schreiner will be here on 12 August—will you not be able to be home by then?

There are other things to write about but I have forgotten them now so I shall postpone them for another opportunity. Good-bye,

Jan

186 From Lord Milner

Vol. 2, no. 60

High Commissioner's Office
Johannesburg
24 July 1902

Dear Mr Smuts, You will remember that you promised to let me have the names of the Ministers of the Dutch Reformed Church who are at present detained in the Cape Colony. I shall be glad to settle this matter as soon as possible. Yours very truly,

Milner

P.S. I leave for Johannesburg to-morrow morning and shall not be back till the middle of next week.

187 To T. Lynedoch Graham

Vol. 2, no. 116

P.O. Box 1081
Pretoria
26 July 1902

My dear Graham, It is impossible for me to tell you how sorry I am to hear that large numbers of rebels are still de-

¹ They, with General de Wet, had been deputed by the delegates at Vereeniging to go to Europe to collect relief funds and obtain modification of the terms of peace.

² Wife of Olive Schreiner's nephew, Hudson Findlay.

tained in the gaols of the Cape Colony. I thought, after the representations I had made to you personally when I was last in Cape Town, that a wiser and saner policy would be followed—one which would give scope for the old wounds to heal and the old breaches to be closed up in this sorrow-stricken sub-continent. I was all the more hopeful, because I felt that you, as a South African born and as a lover of your country and its people, could not favour a policy of petty vindictiveness towards the unfortunate rebels after peace had once been finally concluded. Even aliens and soldiers, like Lord Kitchener and Sir John French, had so strongly expressed themselves both in public and in private in favour of a policy of forgive and forget as regards the rebels that I could not for a moment suppose that a South African and one who sits where great statesmen have sat, could be less generous in his sentiments and actions. And yet you have filled the gaols of the Cape Colony with rebels who voluntarily came in to surrender, and still keep them in gaol on the most frivolous and contemptible charges. The document which Lord Milner read and handed to the Republican Delegates at Pretoria¹ and which purported to represent the views of the Cape Government on the question of a general amnesty to the rebels, had led us to expect very different results. The first disillusion [*sic*] was your proclamation² which was drafted in a much less generous spirit; the second is the manner in which effect is given to that promise of amnesty. Instead of sticking to the idea—underlying that amnesty document—that what happened were acts of war over which the sponge ought to be passed, you are now prosecuting hundreds of these unfortunate

¹ On 19 May 1902 a Commission consisting of Botha, De Wet, de la Rey, Smuts and Hertzog had met Milner and Kitchener at Pretoria to discuss peace terms on the basis of the Vereeniging resolution passed a few days before (175). The question of the treatment of the Colonial rebels was discussed. Finally Milner read a document which stated that this matter would be determined by the Colonial Governments and which also contained the decisions made by those Governments.

² The proclamation (11 June 1902) was to the effect that the rank and file rebels would be required to admit themselves guilty of high treason and would, after trial, be disfranchised for life, and that the leaders would be tried for high treason and punished as the court might decide, except that the death penalty could not be imposed. These measures were contained in a minute of the Cape ministers to Milner and were communicated by him to the Boer delegates at Pretoria.

people as if they were not combatants but criminals. As the Boer Officer Commanding I had gone through most of these cases and had advised the men to surrender without fear of punishment as the Cape Government could never be so petty as to prosecute them for such genuine acts of war. And yet now I find that these acts of war are construed into 'theft' and 'murder' and all the other categories of the criminal code. Can you wonder that a man of honour and self-respect begins to regret the advice which he gave these men as much in your interests as in their own?

You know as well as I do that this has been a civil war, that thousands of burghers of the late Republics fought along with you just as thousands of Colonials joined us. The Cape rebels are at least no worse than the National Scouts and yet these are playing a great part in the administration of the new Colonies while those are filling the prisons of the Cape. The acts of war committed by the rebels are punished as private crimes while the crimes committed by the military in the Cape Colony under the guise of martial law—crimes which in their wanton and arbitrary cruelty have generated in the Cape Colony a spirit of hatred and a sense of injury such as exists nowhere else in South Africa—these crimes must be forgiven and forgotten and buried in the merciful oblivion of an Act of Indemnity!¹ Is that the highest and wisest statesmanship of which South Africa can at present boast? If that is so then I, who have never lost heart, begin to despair of our country, then I would as lief see your constitutional liberties disappear as ours have disappeared in this war of Liberty and Equality, then I would as lief see the whole show handed over to Downing Street or whatever other benign despot is willing to saddle himself with this *hereditas damnosa*. Then at any rate we shall be honest and not delude ourselves with the name and semblance of ideals which have disappeared from our public life.

Do you not see that South Africa is dying? I do not speak as one who draws his information from the carefully prepared hearsay of the newspapers or who has been pursuing those trains of thought in offices and studies but as one who has mixed with all sorts of men all over South Africa. And my

¹ The Indemnity and Special Tribunals Act (October 1900) passed by the Cape Colony Parliament.

melancholy creed is that South Africa is dying, not only to the British Empire, but in herself—dying of wasted blood and treasure, of a broken spirit, of crushed ideals of an ineradicable hatred and social disruption. Another generation of this sort of thing, and South Africa will revert—and rightly revert—to the Bantu.

The curious thing is that everybody is ashamed of this policy of persecution towards the rebels and tries to shift the responsibility therefor to somebody else. The military ascribe it to the politicians and the politicians return the compliment to the military, until at last one discovers that the real motive is fear of the attitude of the Cape ‘loyalists’.¹ Now I do not want to say hard things about the ‘loyalists’ as I do not want to hurt your feelings, but if things continue much longer as they have been going on for some considerable time, then the name of ‘loyalist’ will alike to Boer and Briton become the most odious name in our political vocabulary. The term ‘loyalty’ will become associated with the cause of race hatred and persecution, of warfare against constitutional liberties and equality and will become synonymous with that Nemesis which is riding South Africa to death.

God knows I am not condemning you. I know the extraordinary difficulties of the position in which you are placed. But I appeal to you as an old friend, to whom and to whose children as to me and mine South Africa is and will be the only home—to stop this policy of making martyrs of rebels, to open your prison-gates and to let the fresh breezes of a more generous statesmanship blow away their foetid air. Do not think of party but do the just thing and the fair thing—and your name will be ultimately blest by all South Africa. You have an unrivalled opportunity; would to God you might rise to it!

With friendly greetings and perfect good will, I remain,
Yours very faithfully,

J. C. Smuts

To the Hon. Attorney-General and Acting Prime Minister,
Cape Town.

¹ The Cape Colonists who supported the policy of the British Government during and immediately after the war.

Zorgvliet

27 Juli 1902

Liefste ou Lappie, Ik heb gister beloofd vandaag weer aan UEd. te schrijven en hoewel het al laat in den avond is (Jim Roos en vrouw zijn hier geweest om vaarwel te zeggen) is het nog niet te laat om mijn belofte na te komen. En eerst een paar woorden omtrent den tuin. De boomen zijn nu gesnoeid door Krohn; maar de macrocarpas moeten nog gekort worden. Alles zal echter recht zijn voor UEd. aankomt. Mijn kaffer is een groot succes, weet niets maar is zeer gehoorzaam en leert gauw. Niettegenstaande het vierde gebod hebben wij toe heden ochtend geplant 10 rij aardappelen, en drie rij erwten; zamen met de erwten en 3 rij aardappelen heb ik meer dan de helft van jou mielies geplant. Rijen zijn 12 tree lang net onderkant de pomp. Deze week zal ik met de erwten en boonen planten voortgaan totdat het geheele deel onderkant de pomp beplant zal zijn. De bovenste helft van dezen moestuin zal ik dan voor later laten liggen. Ik hoop de mielies erwten en aardappelen zullen reeds mooi staan wanneer UEd. terug komt. Ik heb vergeten jou vraag omtrent de Norfolk pine te beantwoorden, hij is in prachtigen toestand. Vandat de boomen water krijgen beginnen zij alle weer mooi te lijken, jammer maar dat water zoo uiterst schaarsch is. Ik zal echter trachten deze week de pomp gerepareerd te krijgen en dan zal het veel beter gaan.

Morgen komt het meisje Stapelberg naar ons om van Ella ons manier van leven te zien. Ik hoop ernstig dat zij een succes zal zijn en zal jou ten spoedigste zeggen hoe het gaat. Gister waren Ella en ik en Klaas op een goede sale. Ik kocht een massa potten en pannen voor het kombuis, 6 prachtige stoelen voor de eetkamer, een prachtige bed (tusschen dubbel en enkel en van koper) voor het meisje. De enkele bedden gingen over de £6 en waren zeer shabby terwijl ik deze voor £8.10 kreeg. Klaas kocht ook een dergelijke voor hem voor dezelfde prijs. Ook kocht ik een bedroom suite voor haar voor £5 bestaande uit kas, washtafel, tafel en stoel, kom en beker—dit is een bargain. Ella kocht een lot huisraad en heeft nu omtrent genoeg om begin te maken. Zij zal morgen beginnen

haar huis (oude huis van Reitz) in orde te brengen en zoodra in orde zal zij daarheen trekken.

Geef mijn hartelijke groeten aan alle vrienden vooral zuster Daisy die niet eraan moet denken van ons weg te gaan. Ik was zeer geamuseerd over jou brief omtrent Miss Nesor. Het lijkt of jij en Daisy soms ook wel aan herschen schimmen lijdt.
t.t.

J.C.S.

TRANSLATION

Zorgvliet
[Pretoria]
27 July 1902

Dearest old Lappie, Yesterday I promised to write again today to Your Honour and although it is already late at night (Jim Roos and wife have been here to say good-bye) it is not yet too late to keep my promise. And first a few words about the garden. The trees have now been pruned by Krohn; but the macrocarpas must still be topped. But everything will be right for Your Honour's arrival. My Native is a great success, knows nothing but is very obedient and learns quickly. Notwithstanding the fourth commandment we have this morning planted ten rows of potatoes, and three rows of peas; with the peas and three rows of potatoes I have planted more than half your mealies. The rows are twelve yards long just below the pump. This week I shall go on planting peas and beans until the whole piece below the pump is planted. The top half of this kitchen garden I shall then leave fallow for later. I hope the mealies, peas and potatoes will have grown well when Your Honour returns. I have forgotten to answer your question about the Norfolk pine; it is in beautiful condition. Since the trees have been watered they are all beginning to look lovely again, but it is a pity that water is so extremely scarce. I shall, however, try to get the pump repaired this week and then things will be much better.

Tomorrow the Stapelberg girl comes to us to be shown our way of living by Ella. I sincerely hope that she will be a success and shall let you know as soon as possible how things go. Yesterday Ella and Klaas and I were at a good sale. I bought a

mass of pots and pans for the kitchen, six fine chairs for the dining-room, a fine bed (between double and single and of brass) for the girl. The single beds went for over £6 and were very shabby while I got this one for £8.10.0. Klaas also bought one like it for himself for the same price. I also bought a bedroom suite for her for £5 consisting of wardrobe, wash-table, table and chair, jug and basin—it is a bargain. Ella bought a lot of furniture and now has about enough to begin with. She will start tomorrow putting her house (Reitz's old house) in order and as soon as it is in order she will move there.

Give my hearty greetings to all friends especially sister Daisy who must not think of leaving us. I was much amused at your letter about Miss Nesor. It seems as if you and Daisy sometimes suffer from hallucinations. *Totus tuus.*

J.C.S.

189 From T. Lynedoch Graham

Vol. 2, no. 39

Attorney General's Office
Cape Town
29 July [1902]

Dear Smuts, I have only just got your long and interesting letter and hasten to reply to the same. I think I am in a position to prove to you that I have not been guilty of all the terrible sins of omission and commission that you seem to imagine. And I wish particularly to impress upon you that I have endeavoured to carry out to the letter, all the promises I made you at our personal interview.

First of all I would say that the proclamation was drafted to cover the terms of the amnesty minute and so far as I am aware included no other terms or conditions whatever. In our minute we informed Lord Milner of the terms we were prepared to offer; these terms were such as to include a trial of *all* surrendered rebels. I know *you* did not realize this, but through no fault of mine.¹

The mere signing of a document admitting guilt had no legal effect. Some form of trial before a legal and competent court

¹ The report of the reading of the amnesty document by Milner, as given by J. D. Kestell and D. E. van Velden, does not mention trial of the rank and file rebels, but only of the leaders. (Op. cit. pp. 136-7).

had to take place. I had then to consider the best means of giving effect to the proclamation in so far as it concerned what may be termed the *rank and file*. I determined to remit their cases to the R.M.'s.¹ As you are aware no person accused of High Treason can be admitted to bail except upon an order of the court, or a judge thereof: was it wise to admit them to bail, only to be called upon to appear at various times during the course of the preliminary examination or was it best to complete the preliminary examination in each case and deal with the case finally when the matter was ripe for trial.

I came to the conclusion that the latter course was the wisest in the interest of the men themselves. They were well and kindly treated during their confinement, treated as prisoners of war and *not* as criminals. I took a personal interest in their trials. I appointed my best officers and a special staff of men with the result that out of a total of 3,400 surrendered rebels no less than 2,857 have already been tried and sentenced to *imprisonment to the rising of the Court*. I venture to say that this constitutes a record in the way of work and labour, when you consider that each case had to be considered and before remitting *I had to be satisfied* that there was evidence sufficient to convict, independently, of the confession of guilt. You understand of course that this is the duty *put upon me by law*. The work connected with the despatch of these cases was very onerous and laborious. Of the remaining 500 odd cases, some 384 will be disposed of in a few days. The remainder are the men against whom there are charges of having committed acts contrary to the usages of civilized warfare. With regard to these cases I have instructed the R.M.'s to send all the records to this office, so that I will be in a position to judge from the evidence whether the act is sufficiently grave to warrant the accused being sent before a jury.

This is briefly the position of affairs. I think you must credit me with having done my utmost to expedite matters. You must recollect that the country is only now settling down and that the difficulty of obtaining evidence, of overcoming questions of jurisdiction etc. were very great indeed. I much doubt if there are any cases in which men are still confined in

¹ Resident Magistrates.

gaol on 'frivolous and contemptible' charges. I have issued stringent instructions to the R.M.'s on this point, though it is possible that with so large a number of cases to deal with occasional hardships will occur—which I very much regret, but cannot prevent. I can assure you I am not in any way influenced by political feelings or fear of the so-called loyalists. I am trying my utmost to carry out the spirit as well as the letter of the proclamation. The men who have been released have expressed their gratitude at their treatment and realize that it was far better to remain in confinement for a month or so and have their cases finally disposed of. In some cases they actually return to their Districts and parade the streets with 'Rebel' inscribed upon their hats and go in for all sorts of jollifications! I think they have imposed upon your feelings and presented you with a picture which only exists in their imaginations.

You must not take such a gloomy view of the future of our grand old Land. We are going to be a great country and a great nation. Your comparison of the position of the National Scouts is not quite fair. Ask yourself this question: If the war had gone the other way, would your Government have treated these gentry with greater consideration than we have shown to the rebels? I have heaps of worry to tempt me to feel gloomy, but I resolutely resist the luxury of giving way to the sentiment.

I think it is the duty of every man who loves his country in this great crisis to look the future in the face fairly and squarely and to remember that a great war such as we have passed through leaves all kinds of evils in its train, which must of necessity be overcome before things resume their normal condition. You have done so much, and passed through so great an ordeal that you should determine to conquer the feelings of resentment and despair which—as I read between the lines—I recognize in your letter.

Excuse this hasty scrawl—I wanted to put myself right in your eyes. I trust I have succeeded in doing so. Send me a line to acknowledge the receipt of this note. Yours sincerely,

T. Lynedoch Graham

P.S. How am I to address you, I have dropped your military title. T.G.

190 To S. M. Smuts

Vol. 2, no. 120

Pretoria

31 Juli 1902

Liefste ou Lappie, Het spijt mij dat ik gister geen gelegenheid vond aan jou te schrijven. Ik blijf maar gedurende den voormiddag op mijn kantoor (van 9.30 tot 12) en als ik gedurende dien tijd niet kan schrijven dan moet ik zulks laten staan daar er geen post te Sunnyside is. Jou brieven zijn hartverkwikkend; het is altijd iets om naar uit te zien in den ochtend; en ik hoop dat jij elken dag aan mij zal schrijven totdat jij naar Pretoria komt.

Ik heb reeds al het zaad dat ik van Natal bracht gezaaid. Ik zal bij Krohn hooren of hij het andere heeft en dan aan jou schrijven. De man die mijn tuin in order zal snijden is jou neef Jan Krige alias Jannie. Jij kent hem zeker neh? Hij heeft reeds de vruchten bomen gesnoeid en zal ook de macrocarpas aanpakken.

Ik heb niets weer van Tottie gehoord en dus meen ik dat hij weg is naar [one illegible word].

Tot mijn grootste leedwezen heb ik vergeten werk te maken van Daisy's coffer. Ik zal er nu echter werk van maken.

Ik weet niet of ik zelf jou zal komen halen; als ik geen werk in het hof heb zal ik zeker komen, maar werk gaat natuurlijk voor want wij zijn zeer arm, neh? Als ik niet zelf kom zal ik voor permitten zorgen. Maar ik hoop nog dat ik zal kunnen komen. Tracht dien ouden Ward te bewegen jou voor einde Augustus te doen vertrekken; dan zal jij hier komen voor het meisje weggaat. Ella gaat vandaag of morgen. Met hartelijke groeten

J.C.S.

TRANSLATION

Pretoria

31 July 1902

Dearest old Lappie, I am sorry that I found no opportunity to write to you yesterday. I stay at my office in the forenoon (from 9.30 to 12) and if I cannot write during that time then I must leave it as there is no post at Sunnyside. Your letters are soul-refreshing; it is always something to look forward to

in the morning; and I hope that you will write to me every day until you come to Pretoria.

I have already sown all the seed that I brought from Natal. I shall ask Krohn whether he has the other and then write to you. The man who will prune my garden into order is your cousin Jan Krige, alias Jannie. You know him, don't you? He has already pruned the fruit trees and will also tackle the macrocarpas.

I have heard nothing more from Tottie and so I think that he has gone to [one illegible word].

I am extremely sorry that I have forgotten to see about Daisy's trunk. But I shall see about it now.

I do not know if I can come and fetch you myself; if I have no work in the courts I shall certainly come, but work, of course, comes first because we are very poor, are we not? If I do not come myself I shall see about permits. But I still hope that I shall be able to come. Try to persuade old Ward to let you leave before the end of August; then you will arrive here before the maid goes away. Ella goes today or tomorrow. With hearty greetings,

J.C.S.

191 From Lord Milner

Vol. 2, no. 62

Sunnyside
Pretoria

1 August 1902

Dear Mr Smuts, I am sorry I have been so fearfully busy during the two days of my stay here that I have not been able to write to you before.

As regards the D.R.C. Ministers, those whom you name in the Cape Colony can all come back on taking the oath of allegiance. I hope you will see your way to advise them to do this, as I think you said you would. Mr Postma, who is on your list, has already returned.

With regard to those abroad, they are all, with one exception, in Prisoners' Camps and will be dealt with like the other prisoners. I understand that Mr P. Postma, who was in Ceylon, is on his way back. As regards the Orange River Colony Ministers, I feel that I must leave this matter to be dealt with

by the Lieutenant-Governor, but I do not think there will be any difficulty. Sir H. Goold-Adams has had an interview with Mr [J. J. T.] Marquard, which appears to have been mutually satisfactory, and they have probably already arranged about the return of the Orange River Colony Ministers.

With regard to the one Minister in Europe, Mr van Broekhuizen,¹ I am sorry to say that I cannot promise that he will be allowed to return.

To turn to another subject—Mr Hans Malan. To be quite frank with you, I find he is very much in the black books of the Intelligence people, and under ordinary circumstances, would probably be among the last to return. Having regard, however, to your representations, and especially to what you told me about his having been in ill-health, I have arranged that he should be allowed to come back at the first opportunity if he is willing to do so at his own expense. Believe me, Yours very truly,

Milner

P.S. I shall be back in Pretoria next Wednesday and Thursday and glad to see you if you have any other matters you wish to bring to my notice.

192 To T. Lynedoch Graham

Vol. 2, no. 124

Box 1081

Pretoria

2 August 1902

My dear Graham, Many thanks for your prompt, full and encouraging letter. I feel now much more relieved and encouraged after having read it. The fact is I am inundated with oral and written complaints from all parts of the Cape Colony about the treatment of the rebels; I am however glad to hear and very grateful to you that things are better than they seemed. You must bear in mind that I personally feel a very heavy responsibility in the matter, for about 1,500–2,000 rebels joined my commandos during the time that I was commanding in the Cape Colony. I am in honour bound to do my utmost

¹ H. D. van Broekhuizen who, with his wife, a grand-daughter of President Kruger, was for a while a member of the President's household in Mentone.

for these poor fellows, and they in turn look to me to assist them in such ways as are still open to me. At the time of the surrender I took the liberty of informing them that they would have every consideration from you and I am afraid that many surrendered in consequence who would otherwise have preferred to have gone over the border. I shall not trouble you further about this matter and will only ask that you deal as leniently as possible with those who are charged with special crimes. You will agree with me that it is good policy to bury the memories of this war in everlasting oblivion and to close the eyes to many things that would not bear the light of day. On the whole I am convinced that the rebel forces were very well-behaved and I hope you will not come down heavily on particular cases. I hope too that you will do your best to have a general amnesty for all those who have already been sentenced and are languishing in prisons in many parts of the world.

About the general outlook I am very pessimistic—not 'resentful' as you seem to think, though of course I am bitterly disappointed. I was fighting for a United South Africa in which there would be the greatest possible freedom, but from which the disturbing influence of Downing Street would have been finally eliminated. I was not fighting for 'Dutch' supremacy or predominance over the English Afrianders. And now Downing Street will be with us yet for many a day. That I accept loyally as a fact, however disappointed I may be. But what makes me pessimistic is the fact that so many are still aiming at the old policy of trying to crush the spirit or dominion of Afrianderdom (whatever that may mean). The political vote, national sentiments, and language of the Dutch colonists must be eliminated, and they themselves transformed into full-blown 'Englishmen', in order that the racial pride of the opposite faction may be satiated to the full. That I say is a fatal policy—a policy which will make South Africa once more a black man's country. Is it not possible for you in the Cape Colony (for in the Cape Colony the immediate storm and stress will be most deeply felt) to try to get a common platform on which Dutch and English colonists can loyally work together? I have told my friends in the Cape Colony that my only hope for the future is that the two parts of the population will be sensible enough to work together on a common basis

and leave alone the old rivalries and feuds. But when a man of Sir Gordon Sprigg's political standing indulges on every platform his desire of gerrymandering the constituencies so as to neutralize and minimize the Dutch vote¹ and when Dr [T.] Muir with the connivance of his political superiors does everything in his power to undermine the Dutch from another point of view², I begin to think that this war has been in vain and that in its wake will only follow evils untold for this deeply distressed country.

Much will depend on you—you who understand and I feel certain sympathize fully with your Dutch fellow-colonists. Let us try so to arrange our politics, our administration and our legislation that a compact South African nationality may be built up with the best elements of both parts of the Colonial population, so that when eventually we become politically independent (as we necessarily must in course of time and who knows how soon) we shall no longer be at our old battle of the Kilkenny cats but shall be united within and present a united front to the outside world. Then this war which we have gone through will remain for *all* South Africa as a memory and heritage of glory and not as a nightmare. My wish for you as an old and valued friend is that you may have a large share in this work of social reconstruction and reconciliation. With my best wishes, Yours very sincerely,

J. C. Smuts

The 'general' was dropped long ago. J.C.S.

193 To S. M. Smuts

Vol. 2, no. 125

Pretoria

5 Augustus 1902

Liefste ou vrouwtje, Ik was toch zoo blij om uit jou voorlaatsten brief te vernemen dat jij midden Augustus kan terug keeren. Wel, ik ben zeer begeerig dat jij a.s. Vrydag van Maritzburg zal vertrekken, dan komt de trein Zaterdag avond bij Elandsfontein aan en ik zal altijd op een Zaterdag namiddag vrij genoeg zijn daarheen te kunnen gaan om jou in te

¹ The Dutch vote was considerably minimized by the disfranchisement Cape rebels for five years.

² Apparently in educational policy.

halen. Ik ben toen vanochtend naar de A.P.M. geweest en hij heeft dadelijk naar Johannesburg getelegrafeerd om een permit aan jou te telegrafeeren. Ik weet niet of het direct naar jou zal gaan dan of het naar den comdt. zal gaan. Indien het Donderdag nog niet aangekomen is moet jij weer naar mij telegrafeeren om mij zulks te zeggen. Komt permit in tijd dan moet jij een special compartment engageeren voor jou en Daisy. Tracht een door te krijgen naar Pretoria zoodat jij niet behoeft uit te klimmen op Elandsfontein. Ik ben bang dat als jij niet in een speciale gaat jij dan heelpad zal moeten zitten en dat zal jou veel kwaad doen. Laten wij liever iets meer betalen; misschien geef hul jou nog een present! Ik zal zeer blij zijn als jij Zaterdag hier kon zijn, dan kan jij Zondag lekker uitrusten; niemand behalve Ella zal weten dat jij hier is, en dan kan nicht Olive naar jou komen. Indien permit niet in tijd komt moet jij maar wachten met nemen van special compartment totdat het aangekomen is. Ik wil echter het beste hopen want het huis is nu zoo eenzaam dat ik bijna sterf van verlangen naar mijn ou hartlammetje.

J.C.S.

TRANSLATION

Pretoria

5 August 1902

Dearest little wife, I was so very glad to hear from the letter before your last that you can come back in the middle of August. Well, I should very much like you to leave Maritzburg next Friday, then the train will arrive at Elandsfontein on Saturday evening and I should always be free enough on a Saturday afternoon to go there to meet you. I went to the Assistant Provost Marshal this morning and he immediately telegraphed to Johannesburg to telegraph a permit to you. I do not know whether it will go direct to you or whether it will go to the commandant. If it has not yet arrived by Thursday you must again telegraph me to tell me so. If the permit arrives in time then you must take a special compartment for yourself and Daisy. Try to get one through to Pretoria so that you need not get out at Elandsfontein. I am afraid that if you do not go in a special compartment you will have to sit up all the way and that will do you much harm. Let us rather

pay a little more; perhaps they will give you one for nothing! I should be very glad if you could be here on Saturday, then you can have a nice rest on Sunday; no one except Ella will know that you are here, and then friend Olive can come to you. If the permit does not come in time then you must wait until it has arrived before taking the special compartment. But I hope for the best because the house is now so lonely that I very nearly die of longing for my little sweetheart.

J.C.S.

194 From A. J. Louw

Vol. 2, no. 48

Kaapstad.

12 Augustus 1902

J. C. Smuts
Advokaat
Pretoria

Wel Edl. Heer, Op 29 Juli hielden de Generaals alhier eene vergadering, als leden der Commissie door de Volksvertegenwoordigers te Vereeniging benoemd. Op die vergadering werd ook gij als lid dier Commissie toegevoegd: zooals ingesloten circulaire ook aantoonst.

Gelieve dus hierby ervan kennis te nemen.

De Generaals hebben ondernomen ons later breedvoeriger omtrent de werkzaamheden te schrijven. Hoogachtend, Uw dw. dr.

A. J. Louw
Secr. pro tem.

Ontvangen besten dank voor uw telegram en schrijven. Ik zal nu maar het onverbiddelijke moet ondergaan en hoop aanst. week te zullen kunnen afreizen. *t.t.*, A.

TRANSLATION

Cape Town.

12 August 1902

J. C. Smuts, Esq.
Advocate
Pretoria

Dear Sir, On 29 July the Generals held a meeting here, as members of the Commission nominated by the people's

representatives at Vereeniging. At this meeting you also were co-opted as a member of the Commission—as the enclosed circular indicates.¹

Kindly regard this as notification.

The Generals have undertaken to write to us later in greater detail about their activities. Yours faithfully,

A. J. Louw
Secretary pro tem.

My best thanks for your telegram and letter. I shall now have to resign myself to the inevitable and hope to be able to travel down next week. *Totus tuus*, A.

195 From F. W. Reitz

Vol. 2, no. 76

45 Kanaalweg
Scheveningen

22 Augustus 1902

Amice, Mijn vrouw kwam ons afhalen te Napels en op 9 dezer arriveerden wij (Deneys, Arnt en ik) alhier. Vrouw en kinders allen wel behalve de 2 jongste die verkouden waren en de jongste een operatie aan zijn voet had ondergaan en nog in bed was. Hjalmar is 5 dagen geleden uit Indië aangekomen. Joubert is in New York en zal voorloopig daar blijven (Hij heeft werk op een courant gekregen). Hij zal mij afwachten daar ik zoowat 1 September naar de Vereenigde Staten vertrek om het plan door U mij aan de hand gegeven uit te voeren (indien eenigszins mogelijk). Morgen ga ik naar Parijs met Deneys en Arnt om den Minister van Kolonies over Madagascar te spreken, waarheen mijne zoons, en later ook ik en mijn gezin zullen heengaan, als het een goed bewoonbaar land blijkt te zijn—Deneys en Arnt zullen (zoo wij van de Franschen goede termen krijgen) in begin September naar Madagascar gaan om te 'kijken' en rapporteeren. Hjalmar moet nog 1½ jaar studeeren om advocaat te worden en zal dus te Amsterdam blijven. Wel nu zoover aangaande mij en de mijne.

Wat betreft onze landszaak. Twee leden der Commissie

¹ At Vereeniging the delegates had appointed a Chief Committee (Hoofd Comitee) of six (Steyn, Burger, de Wet, Botha, de la Rey and the Rev. A. P. Kriel) to organize post-war relief among the Boers. The three generals were also specially deputed to go to Europe (*see* p. 13 *supra*, note 1). They arrived there in August 1902.

waarvan jij weet zijn hier t.w. Fischer en ik, terwijl twee t.w. jij en de heer Burger in Afrika zijn. Welnu hier kan niets gedaan worden tenzij er drie bij elkaar zijn *en dat alhier* waar the sinews of war zijn (hoeveel en waar weet ik nog niets van)—niemand heeft zich verwaardigd mij dat te zeggen, en verlang ik ook vooralsnog niet te weten doch wij moeten de ondernomene plichten (trust) volvoeren. En dat zoodra mogelijk. Kortweg, jij of de heer Burger *moet* hierheen komen, natuurlijk niet op eigene kosten, en hij die komt moet van den ander volmacht krijgen te handelen. (Luyt zooals jij weet is weggevallen als lid). Wordt dit *niet* gedaan dan blijven zaken nog lang onder personen niet door het Waterval Onder besluit bedoeld—wel eerlijke mannen, geloof ik, doch niet de aangewezenen. *Verbum sap!* Kom; dat is jou plicht en Fischer stemt met mij overeen. Met groeten,

F. W. Reitz

Spreek of schrijf den heer Burger hierover. F.W.R.

Wat onze generaals enz. betreft, zal jij wel uit de dagbladen vernemen. F.W.R.

TRANSLATION

45 Kanaalweg
Scheveningen
[The Netherlands]
22 August 1902

Amice, My wife came to meet us at Naples and on 9 August we (Deneys, Arnt and I)¹ arrived here. Wife and children all well except the two youngest who had colds and the youngest had had an operation on his foot and was still in bed. Hjalmar² arrived five days ago from India. Joubert² is still in New York and will remain there for the time being (he has got work on a newspaper). He will wait for me as I leave for the United States about 1 September to carry out (if at all possible) the plan suggested to me by you. Tomorrow I go to Paris with Deneys and Arnt to talk to the Minister for the Colonies about Madagascar, to which my sons and later I also and my family

¹ F. W. Reitz and his sons Deneys and Arnt.

² Elder sons of F. W. Reitz.

will go, if it seems to be a good habitable country. Deneys and Arnt will (if we get good terms from the French) go to Madagascar at the beginning of September to 'look round' and report.¹ Hjalmar must still study for one and a half years to become an advocate and will therefore stay in Amsterdam. Well, so much about me and mine.

As regards our national cause. Two members of the Commission of which you know are here, namely, Fischer and I, while two, namely, you and Mr Burger are in Africa.² Now, nothing can be done here unless there are three together *and that here*, where the sinews of war are (how much and where I still know nothing about)—no one has deigned to tell me that, nor do I as yet want to know, but we must carry out the duties (trust) undertaken. And that as soon as possible. In short, you or Mr Burger *must* come here, of course not at your own expense, and whoever comes must get full power to act from the other. (Luyt³ as you know has fallen away as a member.) If this is not done then matters will long remain in the charge of persons not intended by the Waterval-Onder resolution⁴—honest men, I think, but not those designated—*verbum sap!* Come; that is your duty and Fischer agrees with me. With greetings,

F. W. Reitz

Speak or write to Mr Burger about this. F.W.R.

As regards our generals⁵ etc., you will have been informed from the newspapers. F.W.R.

196 From E. G. Duncker⁶

Vol. 2, no. 33

St. Andrew's College

Grahamstown

13 September 1902

Dear Sir, Herewith I acknowledge the receipt of your letter dated 1 September, which, I am glad to state, ended further

¹ Reitz and his sons, having refused to become British subjects under the Peace of Vereeniging, were deported.

² The origin and purpose of this Commission are obscure. It was clearly not the Relief Committee appointed at Vereeniging. It seems to have been appointed in June 1901, when the Republican leaders met at Waterval, with the purpose of keeping the Afrikaner cause alive should the Republics be defeated in the war. (See also 199 and 202.)

³ Not traced. ⁴ Not traced. ⁵ The deputation of the three generals.

⁶ One of the Cape Colony men who joined Smuts's commandos.

trouble, and acting according to your advice, the charge of murder against me is withdrawn. General I see you were rather puzzled at my first letter, but the charge I was referring to, was that of Lieutenant Watson of Somerset East.

I must also thank you very much for your trouble and kindness. Sir, I suppose Father mentioned in his correspondence with you that we have decided to go to Europe in the beginning of the year; and my intentions are to join the German Army for a year. Therefore I ask you whether you will please give me an *aanstelling*¹ as Lieutenant as you yourself know, General, that I fully deserve it and also I was always trying to do my best to gain it, and also please give me a discharge as that is all that I can use as a token of a Boer. Sir, do your best please to assist me. I remain you obedient servant,

E. G. Duncker

197 From L. Botha

Vol. 2, no. 6

Den Haag

25 September 1902

Waarde Jan, Dank hartlijk voor uwe brief van den 1ste September zijnde de eerste die ik van U ontvangen heb. Smit heb ik gezien en heeft hij mij alles meegedeeld. Ons onderhoud met Heer C. heb tot niets uitgeloopt doch wij hebben nog niet den moet op gegeven en werk nog steeds voor de zaak. Mr C. weiger ons te zien over de door ons opgegeven punten, wij stel alles nu echter op papier om spoedig in te dienen, en wij zijn zeer sterk op Amnesty, en Compensatie. Chamberlain zegt duidelijk dat Amnesty geheel en al tehuis behoort bij de Coloniale Regeeringen, en dat hij hier niet hinderen zal amnesty te verleenen, het is dus best dat U daar nu sterk optreden vooral dat de Coms. nu daar bezig zijn. Ons Programma is heden eerst uit, ook het beroep op alle Volkeren. Laatste week zond Henry Phipps een Amerikaansche vriend mij een telegram dat hij mij 100,000 Honderd duizend dollars voor weduwe en wezen gegeven heeft, die geld werd gister op mijn naam in Bank te London geplaatst, de condities is als volgt. Dit moet beheer worden door de la Rey, Arnold White

¹ appointment (Dutch).

en mijzelf. Er moet direct in gehandeld worden zoo dat weduwe en wezen dadelijk daaruit proviteeren, dit is alleen voor weduwe en wezen en niet voor onderwijs. Hij zal uitgaven zelfs auditeuren. Kan U mij een voorstel zenden hoe met die geld weduwe en wezen te helpen, huisvestigen ingesloten, want dan kan wij wat geld of goed zenden, de helping moet in de meest behoeftigste gevallen geschieden en op zoo een wijze dat zij allen geholpen worden, werks.v.p. door elk dist. oud officieren of Predikanten. Wij verwachten terwijl ons beroep nu uit is van alle kanten hulp, en bezoeken nu de hoofd steden in Holland, op 6 October zal ons op Brussels wezen, en dan door naar Switzerland, Frankrijk of Duitsland en dan America, doch tegen 15 October zal ons terug in Londen zijn voor zaken daar, ik is zoo jammer dat de Engelsche niet meer ons advies volgen, vooral daar U en wij allen zaam werken voor de goede zaam leven, werken, en administratie van Zuid-Afrika, want ik ziet dit nu duidelijk dat hun Politiek alleen zijn van onderdrukken, en daarvoor is de in kampen houden van ons families voor hen zeer voordeelig, ook de onmanlijke houding tegenover de Kaffers.

Ik ben nu meer overtuigd dat in dit land of liever alle natien allen voor ons in sympathie zijn, met bezoeken ontmoeten wij duizende menschen, maar ik hoop zij zullen hun sympathie met hun zakken steunen.

De Koloniale Commandanten (5) zijn nu hier; zij hebben zich zeer sterk tegen U uitgedrukt, doch in een onderhoud hebben Oom Koos en ik hen de toestand en zaken duidelijk gemaakt en heb hen gezegd dat zij verkeerd zijn tegenover U. Zij zijn nu tevreden, ik ben maar net jammer dat de menschen in Afrika dinken dat wij hen in de steek lieten. Vooral nu temeer dat Kitchener ons niet manlijk help volgens zijn belofte. Zaken in Engeland moeilijk, maar toch hoop ik dat zij ons zullen recht doen. President K. deputatie en anderen allen wel. Reitz naar America vertrokken, President Steyn gaat mooi vooruit en is nu in Switzerland. Ons familie allen wel, wij verlangen reeds sterk om terug te gaan, wij treden sterk op tegen grondopkopen, trap vast man en hou moed. Echter als Lord Milner niet oppast dan wordt hij de meest gehaaten man in de wereld. Groete aan jullie allen, oprecht U

Louis

TRANSLATION

The Hague
25 September 1902

Dear Jan, Hearty thanks for your letter of 1 September, being the first that I have received from you. I have seen Smit¹ and he has informed me of everything. Our interview with Mr Chamberlain has come to nothing but we have not yet given up hope and continue to work for the cause. Mr Chamberlain refuses to see us about the points put forward by us. We are now, however, putting everything on paper for speedy submission and we are very strong on amnesty and compensation. Chamberlain says plainly that amnesty is entirely a matter for the Colonial Governments, and that he will not obstruct the granting of an amnesty here. So it is best that you now take strong action there, especially as the Commission is now busy there. Our Programme appeared only this morning, also the Appeal to all Nations.² Last week Henry Phipps,³ an American friend, sent me a telegram that he has given me 100,000—a hundred thousand—dollars for widows and orphans. The money was deposited in my name with a London bank yesterday; the conditions are as follows: it must be controlled by de la Rey, Arnold White and myself; steps must be taken at once so that widows and orphans benefit from it immediately; it is only for widows and orphans and not for education; he will audit expenditure himself. Can you send me a proposal as to how to help widows and orphans with this money—housing included, because then we can send some money or goods. The assistance must be given in the most needy cases and in such a way that all are helped. Please work through each district's ex-officers or ministers. We expect help from all sides now that our appeal is out and are now visiting the chief cities in Holland. On 6 October we shall be in Brussels and then through to Switzerland, France or Germany and then America; but towards 15 October we shall be back in London for business there. I am so sorry that the English do not follow our advice more, especially as you and we are all working together

¹ Perhaps Jacobus Stephans Smit (q.v.).

² 'Appeal of the Boer Generals to the Civilized World' appeared in the *Nieuwe Rotterdamse Courant* of 25 September 1902.

³ Of the Carnegie Steel Trust.

for good community life, work and administration in South Africa; for I now see clearly that their policy is merely oppression and for that this keeping of our families in camps is very advantageous for them, also the unmanly attitude towards the Natives.

I am now more convinced that in this country, or rather all nations, all are in sympathy with us. While visiting we meet thousands of people, but I hope they will back their sympathy with their pockets.¹

The Colonial Commandants (5) are now here.² They have expressed themselves very strongly against you, but in an interview Oom Koos³ and I have explained the state of affairs and have told them that they are wrong about you. They are now satisfied. I only regret that the people in Africa think that we left them in the lurch—especially now that Kitchener does not manfully help us according to his promise. Things are difficult in England, but yet I hope that they will do right by us. President Kruger, the deputation, and others all well. Reitz has gone to America. President Steyn is progressing well and is now in Switzerland. Our family all well. We already long to return. We are taking strong action against buying up of land. Stand fast, man, and keep up your courage. But if Lord Milner does not take care he will become the most hated man in the world. Greetings to you all, Sincerely yours,

Louis

198 From J. B. M. Hertzog

Vol. 2, no. 41

Bergvliet
nabij Wijnberg
27 September 1902

Amice, Den uwen van den 15den dezer ontvangen. Ik versta uwe moeilijkheden omreden dat ik precies dezelve hier heb ondervonden. Ik ga evenwel over eenige dagen naar Kaapstad speciaal met 't doel de A.G. nogmaals te spreken, zoowel over bijzondere gevallen als in 't algemeen, en zal je daarna 't resultaat mededeelen. Ik zal mijn best doen.

Ik denk in Januari e.k. naar Pretoria te komen om een begin te maken met mijn praktijk. Wees zoo goed en schrijf mij zoo

¹ Less than £125,000 was collected.

² Not traced.

³ De la Rey.

wat over de vooruitzichten mij aldaar te vestigen, en wat voor werk er te doen is. Met de beste wenschen, Je vriend

J. B. M. Hertzog

TRANSLATION

Bergvliet

near Wynberg

27 September 1902

Amice, Yours of 15 September received. I understand your difficulties because I have experienced exactly the same here. I am, however, going to Cape Town in a few days specially for the purpose of once more talking to the Attorney General, about particular cases as well as in general, and shall inform you afterwards of the result. I shall do my best.

I am thinking of coming to Pretoria this January to start my practice. Be so good as to write me something about the prospects of establishing myself there, and what kind of work there is to do. With best wishes, Your friend,

J. B. M. Hertzog

199 To A. Fischer

Vol. 99, no. 46

Pretoria

13 October 1902

Waarde Vriend, Ik heb de vryheid genomen mijne volmacht op de Commissie voor de Afrikaner zaak aan U te richten daar ik verzekerd gevoel dat in uwe handen het besten gebruik ervan zal gemaakt worden. Hoewel op economisch gebied onze menschen in de Republieken zeer achteruit zijn gegaan, is die verarming niet het eenigste gevolg van den oorlog. Wij hebben veel verloren, maar er is ook oneindig veel gewonnen. De Afrikaners zijn nu veel meer eens dan ooit te voren en onder de nieuwe condities zal het mogelijk zijn voor ons over geheel Zuid-Afrika samen te werken. Een groot proportie der 'matige' Engelschen zijn ook nu bereid met ons samen te werken, en indien wij matig zijn in onze toekomstige politiek en deze prospectieve vrienden niet door ultra ideën van ons vervreemden, dan zie ik geen reden waarom wij niet onze rechtmatige rechten zullen blijven handhaven en het zelfstandigheids beginsel, waarover het Afrikanerdom steeds gekampt heeft, nog een eventueele overwinning zullen bezorgen.

Er zijn echter jaren van groot gevaar voor ons — deels omdat onze menschen zoo diep, peilloos diep, gevallen zijn in armoede en ellende, deels omdat, door hun onderwijssysteem, als anderszins, alles door den anderen kant zal gedaan worden om het opgroeiend geslacht te Angliciseeren. Het is onze plicht hiertegen te waken, en daarom ben ik er zoo ernstig voor dat wij zelve desnoods voor de opvoeding onzer kinderen moeten zorgen. De pogingen onzer vrienden in Europa moeten m.i. voornamelijk dit doel nastreven en beoogen.

Botha heeft my geschreven mijn best te doen een permit voor U van Milner te verkrijgen. Ik zal mijn best doen, want ik beschouw U als den onmisbaren man in den Vrijstaat. Ik hoop van uw kant zal ook alles gedaan worden terug te keeren. Het vaderland *is* grooter geworden, maar de zon is nog niet er over opgegaan. Met hartelijkste groeten aan U en Mrs Fischer, Steeds getrouw de uwe

J. C. Smuts

Volmacht

In mijn hoedanigheid als lid van de Commissie voor de Boeren zaak aangesteld door de beide Regeeringen der Z.A.R. en O.V.S. gedurende den loop van den oorlog, benoem ik als mijn vertegenwoordiger en gemachtigde op de vergaderingen en in het verrichten der werkzaamheden dezer Commissie mijn medelid Abraham Fischer, dien ik machtig namens mij op de vergaderingen der gemelde Commissie te stemmen en alles in verband met hare werkzaamheden te doen welke ik zelve ingeval mijner persoonlijke tegenwoordigheid zoude kunnen doen of verrichten of goedkeuren.

Deze volmacht zal van kracht zijn van af heden tot tijd en wijl dat ik dezelve zal herroepen hebben.

J. C. Smuts

Pretoria

11 October 1902

TRANSLATION

Pretoria

13 October 1902

Dear Friend, I have taken the liberty of giving my power to act on the Commission for the Afrikaner cause¹ to you, as I feel

¹ See p. 31 *supra*, note 2.

sure that in your hands the best use will be made of it. Although our people have suffered severe economic decline, this impoverishment is not the only effect of the war. We have lost much, but infinitely much has also been gained. The Afrikaners are now much more united than ever before, and under the new conditions it will be possible for us to work together throughout South Africa. A large proportion of the 'moderate' English are now also prepared to work with us, and if we are moderate in our future policy and do not estrange these prospective friends from us by extreme ideas, I see no reason why we should not maintain our just rights and achieve eventual victory for that principle of independence for which Afrikanerdom has always striven.

But there are years of great danger before us—partly because people have fallen so deep, fathomlessly deep, into poverty and misery, partly because everything will be done by the other side, through their education system and otherwise, to Anglicize the generation now growing up. It is our duty to guard against this, and that is why I am so strongly in favour of ourselves, if necessary, providing for the education of our children. That is the object which, in my opinion, the efforts of our friends in Europe should chiefly envisage and strive for.

Botha has written to me to do my best to get a permit for you from Milner. I shall do my best, for I regard you as the indispensable man in the Free State. I hope that on your side everything will also be done to return. The fatherland *has* become larger, but the sun has not yet risen on it. With heartiest greetings to you and Mrs Fischer, Yours ever truly,

J. C. Smuts

Power of Attorney

In my capacity as a member of the Commission for the Boer cause appointed by the Governments of the South African Republic and the Orange Free State during the course of the war, I nominate, as my representative and proxy at the meetings and in the proceedings of this Commission, my fellow member, Abraham Fischer, whom I empower to vote on my behalf at the meetings of the said Commission and to do everything in connection with its activities which, were I

personally present, I would myself be able to do or carry out or approve.

This power of attorney shall be effective from this day until such time as I shall have retracted the same.

J. C. Smuts

Pretoria, 11 October 1902

200 From P. R. Viljoen

Vol. 2, no. 139

Heidelberg

20 October 1902

Zeerwaarde Jannie, Hier nevens sluit ik U een verklaring in dat de Engelsche nu met Poliesie rond sturen van plaats tot plaats en onder bedreigingen door de burgers late tekenen; een mijner burgers bracht mij ze. Ik heb de burgers gewaarschuwd niet te tekenen, wanneer zal de afpersing ophouden.

Het gaat met onze burgers maar zwaar, de hulp is maar schraal en onvoldoende om zelfs de armzaligste leven te voeren; grote ontevredenheid vind hier plaats. Kort na den Vrede kwam er oproepingen dat elkeen zijn schade lijst moet inzenden, dat werd gedaan met grote opoffering. Toen dat nu nagenoeg allen in was kwam er een nieuwe orde dat de vormen niet goed waren nieuwe vormen werden uitgedeeld en moest men opnieuw agenten employeren; dat is nu afgedaan nu komt een derde orde dat de lijsten niet goed zijn het moet nu gespecificeren worden welke schade door de Boeren en welke door de troepen gedaan werden. Mijn beschouwing is dat het alles zwendelarij is om de rekening zoo klein mogelijk te maken; onze burgers krijgen dus zwaar; telkens als zij kost tickets moete krijgen moeten zij tot 2 dagen als volk voor de kantoor staan te wachten; nog in deze week heb ik den dag waarop wij de wapenen hebben neer gelegd horen vervloeken; zij riepen uit, 'Ach hadden wij liefs aangehouden en tot der doodtoe gevecht dan sterven wij als mannen maar nu moete wij als machteloze sterven van elende'. Nu: toen ik vandeze week ging om een licentie voor mijn geweer nam den Magistraat het mij af wat of de rede is kan ik niet zeggen. Toen ik inkwam was er iemand dat ik voor een van ons burgers aanzach. Ik zei hem, 'Alla jij heb een Mauser'. Op een wreede wijze voegde hij mij toe, 'Yes this I took from a boer'. Ik lichte mijn

Metford op en zeide, 'Yes this I took from an Englishman' en of dat nu onze Magistraat niet beval weet ik niet. Ik toonde hem het permit door Generaal French aan mij gegeven maar dat hielp niets; hij nam het en zeide, 'You can make an application for it'. Nu eer ik dat doen kunne zij naar de maan gaan. O daar is veel, maar wij zulle maar dragen en stil zijn. God in den hemel ziet alles, Hij kent zijn tijd. Nu met beste groete ook aan de Mrs, U Vriendt

P. R. Viljoen

TRANSLATION

Heidelberg

20 October 1902

Dear Jannie, Herewith I enclose for you a statement that the English are now sending round by the Police from farm to farm and are getting signed by the burghers under threats; one of my burghers brought it to me. I have warned the burghers not to sign; when will the exactions stop.

Things are hard for our burghers; the help is meagre and insufficient to lead the poorest life. There is great dissatisfaction here. Shortly after the Peace there were notices that each one should send in his damages list; that was done at great sacrifice. When those were practically all in, there came a new order that the forms were not right. New forms were distributed and agents had again to be employed. That is now done; now comes a third order that the lists are not right; it must now be specified what damage was done by the Boers and what by the troops. My opinion is that it is all a swindle to make the account as small as possible. So our burghers are having a hard time. When they have to get food tickets they have to stand waiting up to two days like Native labourers at the office. Only this week I have heard the day on which we laid down our arms cursed. They called out: 'Ah, if we had rather gone on and fought to the death we should have died like men but now we must die, powerless, of misery'. Now, when I went this week for a licence for my rifle, the magistrate took it away from me. What the reason was I cannot say. When I came in someone was there whom I took for one of our burghers. I said to him: 'Oh, you have a Mauser'. In a rough way he answered me: 'Yes, this I took from a Boer'. I

lifted up my Metford¹ and said: 'Yes, this I took from an Englishman'. And whether that did not please our magistrate I do not know. I showed him the permit given me by General French but that did not help. He took it and said: 'You can make an application for it'. Now, before I do that they can go to Jericho. O there is much, but we shall bear it and be silent. God in Heaven sees all; He bides His time. With best wishes, also to Mrs Smuts. Your friend,

P. R. Viljoen

201 From D. van Velden

Vol. 2, no. 137

Londen

7 November 1902

Waarde Jan, U en Klaas klagen, hoor ik, dat wij zoo zelden aan U en de anderen schrijven. Wel, gij hebt grond, maar vergeet niet, wat mij aangaat, dat ik *zeer* veel correspondentie heb, en dan is het voor mij heel moeilijk te schrijven over zaken van belang, omdat men niet weet hoeveel het raadzaam is te zeggen en ook voel ik mij niet zoo vrij om alles op papier te zeggen wat ik *ex-officio* te weten kom. Echter, laat mij liever aangaan. Oom Schalk en Paultje zijn aangekomen. Genl. B. en Mnr Fischer gingen ze te Southampton ontmoeten. Hij heeft de Generaals alles medegedeeld wat hij te vertellen had. Ik zelf heb nauwlijks een $\frac{1}{2}$ uur met hem kunnen zitten praten—te druk. Gisteren zijn zij naar 't Vasteland vertrokken en zouden naar Scheveningen gaan zooals om bij A.D.W. te zijn. Donderdag had Mnr Burger een informeele onderhoud met den Heer Chamberlain, waar ik bij was als tolk. Mnr C. was bijzonder vriendelijk. Mnr Burger sprak met hem over drie punten: de wenschlijkheid van alle hier vertoevende burgers, vooral de deputatieleden, dadelijk naar Z.A. te laten terug keeren, de kwijschelding van alle krijgsgev. op de eilanden enz. van voor aldaar gepleegde overtredingen, en amnestie voor rebellen. Over het laatste punt wilde Mnr C. niet spreken. Hij wees alleen op de geschreven overeenkomst daaromtrent op 31 Mei aangegaan. Wat betreft de leden der deputatie, hun zaak had hij nog onder consideratie en wilde eerst overtuigd zijn dat zij, indien eens terug, zouden mede-

¹ The Lee-Metford rifle carried by the British soldiers.

werken om de Reg. te steunen en goeeverstandhouding te weeg te brengen of te helpen bevorderen. Hij meende die bewijzen nog niet te hebben, vooral op grond van eene zekere zaak, waarover ik meen niet te moeten schrijven. Het is mij bij die onderhoud duidelijk geworden dat hij ze hier houdt als een *hef*, om een zeker doel te bereiken. Niemand anders, beweerde hij, is nog een permit terug geweigerd. Wat het andere punt aangaat geloof ik dat Mnr Burger goed geslaagd is. Mnr C. scheen eenigzins verast te hooren dat so vele k.g. op de eilanden gehouden worden om hunne vonnissen uit te dienen en was het met Mnr B. volkomen eens dat alle voor mindere overtredingen gestraft dadelijk op dezelfde voet als andere k.g. geplaatst moesten worden. Hij beloofde de Gouverneurs der versch. k.g. kampen te verzoeken allen die voor kleinere overtredingen gestraft waren zooveel mogelijk op vrije voet te plaatsen. Mocht dit gedaan worden is dit toch iets. A.s. Dinsdag hebben de Generaals weder een onderhoud met Mnr C. Die zal ook informeel zijn. Met behulp van John Morley hebben de Generaals dit zoo verkregen. Met behulp van een Eng. vriend alhier heb ik de punten aangeteekend waarover zij zullen spreken (met verklaringen in het Huis gemaakt enz.) en hoop dat zij op die punten (7 of 8) sterk zullen uitpraten. Amnestie hebben wij no. 1. Gisteren ontving Genl. B. een langen brief van Mnr C. over o.a. hun Beroep op de beschaafde wereld, de groote milddadigheid van de Eng., de beweerde Govts. gelden in Europa enz. enz. Daarop gaan wij antwoorden. Mnr C. beschuldigd de Generaals van in hun Beroep erg overdreven voorstellingen gemaakt te hebben. Hij moest liever gewacht hebben totdat hij alles in Transvaal en O.R.C. gezien had. Uit dien brief te oordeelen gaat hij niet met een 'open mind' naar Z.A.

Verleden Dinsdag sprak Generaal B. eene groote private vergadering van Conserv. M.P.s, kerkelijken en andere voor-
mannen toe (door Adv. F. Mackarness bewerkt). Zijn toespraak van ongeveer een uur waarin hij zeer rechtuit sprak maakte een grooten indruk, maar wat het verder geven zal, weet ik niet. Het schijnt mij of men hier eenvoudig de waarheid niet *wil* weten. Generaal de la R. is van dezelfde meening en verzoekt mij te zeggen dat naar zijn oordeel het beste is dat jij en anderen zorgen dat onze menschen overal publieke

adressen aan Mnr C. aanbieden en drukken op de behoefte, de verwoesting, de noodzakelijkheid van meer hulp, de verliezen enz. enz. Generaal Botha denkt zaken loopen nu zoo dat wij binnen kort naar Z.A. moeten terugkeeren. Met deze post zend ik je de twee laatste *Speakers*. U, Klaas, Jacobsz enz. zullen ze zeker met genot lezen. Ik heb den Editeur (Hammond) goed leeren kennen en ga dikwijls 's avonds bij hem en Mevr. H. eten. Zij zijn aller liefste menschen; grooter 'gentleman' heb ik hier nog niet ontmoeten. (Ik weet niet of *Speaker* al in Transvaal toegelaten wordt, maar denk wel dat censuur niet meer zoo erg is.)

Generaal schreef zelf aan U verleden Donderdag en deelde zeker mede alles wat tot dien datum belangrijks plaatsvondt. Sedert toen hadden wij de volgende 'engagements': Vrijdag (4-6 uur) bij Lord Hobhouse, waar wij een aanzienlijk aantal notabiliteiten ontmoetten. Den middag lunch bij Editeur van *Daily News*, waar wij A. Elliott M.P., Lloyd George M.P. en eenige andere ontmoetten. Dien morgen had Genl. B. een onderhoud met Lord Roberts over in den krijg van hem genomen documenten. Geslaagd. Zaterdag en Zondag niets bijzonders. Maandag lunch bij Heer Dawnay, diné bij Adv. Mackarness (1ste klas man). Dinsdag vondt de vergadering waarover ik reeds geschreven heb plaats, ten huize van Lady Fred. Cavendish. Woensdag diné bij A. Elliott M.P. met Mnr Seeley en eenige andere leden in H. of Coms., en na diné gingen de Generaals naar het Huis waar zij de laatste lange spiets van Mnr C. hoorden. Ik was ongelukkig dien avond thuis gebleven aan den arbeid. Oom Schalk, Naas en Paul waren ook daar. Donderdag diné met een van hoofd schrijvers op *Daily Express* en met Sir Bindon Blood en Pearson (van de *Weekly* enz.) Heden hadden de Generaals lunch bij Mnr Courtney, en daarna gingen wij naar een grand reception bij Mrs Athalie Hancock (dochter van Carl Blind) waar er een trop 'big guns' en dames waren. Ik sprak daar veel met Mevr. Causton, M.P. (Liberal whip) en rubbed it in op mijn manier. Ik zei aan haar waarom zenden de Liberalen niet een hunner beste kerels uit naar Z.A. om zelf op hoogte te komen—indien zij werkelijk meer voor ons willen doen? Ik wees erop dat de Liberalen heelemaal 'at the mercy' van Mnr C. waren omdat zij onvoldoende op de hoogte waren. (Wie weet,

altermit broei die eiertje nog uit). Alhoewel ik overtuigd ben dat ons heil in onszelven ligt, geloof ik dat dit bezoek van de Generaals en de ontmoeting met zoovele voormannen hier veel goed zal doen voor de toekomst. Morgen gaan de Genls. naar de Dutch Club hier, en 's avonds om al de medewerkers van Miss Hobhouse enz. te Battersea privaat te ontmoeten (Constituency John Burns). Generaal heeft ook met Bruce Hamilton gelunched en gaat weer. Gnl. Ian H. has called and was very nice. Ik moet niet vergeten te melden dat de 3 Genls. en ik naar Buckingham waren, waar zij hunne namen 'in the King's book' schreven. Hotnot!

Verder zijn de plannen onzeker. Uitnoodigingen genoeg. Ik geloof dat wij a.s. week naar Vasteland gaan en begin Dec. trap naar Z.A. De Eng. Reg. heeft *eindelijk* de vredestermen begrepen en £6,000,000 gestemd of zo goed als gestemd — £3 vrijgegift en £3 voor de leeningen. Hartelijk gegroet van ons allen.

Dirk

TRANSLATION

London,

7 November 1902

Dear Jan, I hear that you and Klaas complain that we so seldom write to you and the others. Well, you have grounds, but don't forget, in my case, that I have a great deal of correspondence, and then, it is very difficult for me to write about important matters, because one does not know how much it is advisable to say and also I do not feel so free to say on paper everything that I get to know *ex officio*. However, let me proceed. Oom Schalk and Paultjie¹ have arrived. General Botha and Mr Fischer went to meet them at Southampton. He has told the Generals everything he had to recount. I myself was hardly able to sit talking to him for half-an-hour—too busy. Yesterday they left for the Continent and were going to Schevingingen so as to be with A. D. Wolmarans. On Thursday Mr Burger had an informal interview with Mr Chamberlain, at which I was present as interpreter. Mr Chamberlain was particularly friendly. Mr Burger spoke with him about three points: the desirability of letting all burghers who remain

¹ S. W. Burger and his secretary, Paul P. de Villiers.

here, especially the Deputation members, return at once to South Africa; remission for all prisoners of war on the islands etc. for all infringements committed there; and amnesty for rebels. Mr Chamberlain would not discuss the last point. He merely referred to the written agreement made about it on 31 May.¹ As regards the leaders of the Deputation, he was still considering their case and wished first to be convinced that they, once having returned, would co-operate to support the Government and to bring about or help to advance good understanding. He considered that he had not yet received these proofs—especially on the grounds of a particular case, about which I consider I should not write. It became clear to me at this interview that he is keeping them here as a lever, to attain a certain goal. No one else, he declared, has yet been refused a return permit. As regards the other point, I think Mr Burger has been very successful. Mr Chamberlain seemed somewhat surprised to hear that so many prisoners of war are being kept on the islands to serve their sentences and quite agreed with Mr Burger that all punished for lesser infringements should at once be put on the same footing as other prisoners of war. He promised to request the Governors of the various prisoner of war camps to set free, as much as possible, all those punished for smaller infringements. If that is done, it is at least something. Next Tuesday the Generals are again having an interview with Mr Chamberlain. This will also be informal. The Generals have obtained this with the help of John Morley. With the help of an English friend here I have noted down the points which they will discuss (with statements made in the House etc.) and hope that they will speak out strongly on these points (7 or 8). We have put amnesty as no. 1. Yesterday General Botha received a long letter from Mr Chamberlain about, among other things, their Appeal to the civilized world, the great generosity of the English, the alleged Government funds in Europe etc. etc. We are going to answer this. Mr Chamberlain accuses the Generals of having made much exaggerated representations in their Appeal. He should have waited until he had seen every-

¹ See p. 14 *supra*, notes 1 and 2. The amnesty document was not incorporated in the Peace Treaty. It had been handed to the Boer representatives on 28 May 1902.

thing in the Transvaal and Orange River Colony. Judging from this letter he is not going to South Africa with an open mind.

Last Tuesday General Botha addressed a large private meeting of Conservative M.P.'s, Churchmen and other leading men (arranged by Advocate F. Mackarness). His address of about an hour in which he spoke very plainly made a big impression, but what further will come of it I do not know. It seems to me people here simply do not want to know the truth. General de la Rey is of the same opinion and asks me to say that, according to his judgment, it would be best that you and others see that our people everywhere offer public addresses to Mr Chamberlain and stress the need, the devastation, the necessity for more help, the losses, etc. etc. General Botha thinks things are developing in such a way that we must shortly return to South Africa. With this post I send you the last two *Speakers*.¹ You, Klaas, Jacobsz, etc. will no doubt read them with pleasure. I have got to know the Editor (Hammond [J. L.]) well and often go and have a meal in the evening with him and Mrs Hammond. They are very dear people; I have not met a greater gentleman here. (I do not know if the *Speaker* is already allowed in the Transvaal, but think that censorship is no longer so severe.)

The General wrote to you himself last Thursday and no doubt told you everything of importance that has happened up to date. Since then we have had the following engagements: Friday (4-6 o'clock) at Lord Hobhouse's, where we met a considerable number of notabilities. In the afternoon lunch with the Editor of the *Daily News*,² where we met A. Elliott, M.P., Lloyd George, M.P. and others. That morning General Botha had an interview with Lord Roberts about documents taken from him during the war. Successful. Saturday and Sunday nothing in particular. Monday lunch with Mr Dawnay,³ dinner with Advocate Mackarness (first class man). Tuesday the meeting about which I have already written took place at the house of Lady Frederick Cavendish.⁴ Wednesday dined with

¹ A newspaper published in London.

² In 1902 F. Moy Thomas was Acting Editor.

³ This may have been R. H. Tawney.

⁴ Moyra, Lady Cavendish, wife of Richard Frederick Cavendish, Liberal M.P.

A. Elliott, M.P. with Mr Seeley¹ and some other members of the House of Commons and after dinner the Generals went to the House where they heard the last long speech of Mr Chamberlain. Unfortunately I had remained home working that evening. Oom Schalk, Naas² and Paul were also there. On Thursday dinner with one of the chief writers on the *Daily Express* and with Sir Bindon Blood and Pearson³ (of the *Weekly* etc.). Today the Generals lunched with Mr Courtney and after that we went to a grand reception at Mrs Athalie Hancock's (daughter of Carl Blind) where there were a lot of big guns and ladies. There I talked much with Mrs Causton,⁴ M.P. (Liberal whip) and rubbed it in, in my way. I said to her why do not the Liberals send one of their best fellows out to South Africa to get to know about things himself—if they really want to do more for us? I pointed out that the Liberals were quite at the mercy of Mr Chamberlain because they were badly informed. (Who knows, perhaps this little egg will hatch.) Although I am convinced that our salvation lies in ourselves, I believe that this visit of the Generals and meeting so many leading men here will do good in the future. Tomorrow the Generals go to the Dutch Club here and in the evening to meet all Miss Hobhouse's co-workers etc. privately at Battersea (constituency of John Burns). The General has also lunched with Bruce Hamilton and is going again. General Ian Hamilton has called and was very nice. I must not forget to say that the three Generals and I have been to Buckingham Palace where they wrote their names in the King's book. What ho!

For the rest, plans are uncertain. Invitations enough. I believe we go to the Continent next week and make tracks for South Africa at the beginning of December. The English Government has at last understood the peace terms and voted, or as good as voted, £6,000,000—£3,000,000 as a free gift and £3,000,000 for the loans. Hearty greetings from us all.

Dirk

¹ C. H. Seeley, Liberal M.P.

² Probably Ignatius S. Ferreira.

³ C. A. Pearson, proprietor and editor of *Pearson's Weekly* etc.

⁴ Wife of R. K. Causton, Liberal M.P.

Hotel du Vieux Doelen
La Haye
7 November 1902

Waarde Jan, Ik ben door Gods goedheid nog wel en hoop het ook van U allen. Bij mijn aankoms te Londen ontmoette ik Gls. Botha, de la Rey en ook de Heeren Fischer en Wessels. De Wet is de zelfde dag terug naar Z.A.R. Botha en de la Rey hebben het zeer druk en ondervind ook veele moeilijkheden op hun weg. Zij zullen a.s. Dinsdag weer een onderhoud met Mnr Chamberlain hebben. Fischer en Wessels zijn er om verlof te bekomen naar Z.A.R. terug te keeren maar Mnr Cbl. weigerd zulks tot hiertoe. Ik heb hem gevraagd en een onderhoud met hem verkregen op gister. Onder de punten die ik met hem besprak was ook het teruggaan van de 'Deputatie' leden, het is te veel u alles te schrijven, de argumenten tussen hem en mij gewisseld. Hij beroep hem op onze overeenkomst dat er van onze zijde geen voorwaarden voor die perzonen zijn bedingen—ik beroep mij eveneens op de overeenkomst die hun niet uitsluit, doch de slot van rekening is hij zeg hij heeft geen definitieve beschuldigingen tegen hun, maar hij meen het is niet wenschelijk hun nu reeds verlof te geven terug te gaan—daar hij vrees dat zij een verkeerde politieke gedragslijn zal opvat. Maar ik denk de wind waai uit Z.A.R., en ik schrijf aan Lord Milner over hun en hoop gij zult hem ook zien. Verder heeft wij hun gevraagd over geld, ongeveer £1,000,000 die hier moet zijn, en hij heeft mij er ook over gepolst. Ik heb hem gezegd dat of hier geld is en hoeveel en hoe en door wie de zelfde geadministreed is tijdens de oorlog weet ik niet—*wat ook trouwens de waarheid is*. Verder beweert hij dat er een Commissie van beheer over die gelden zijn, namelijk, U, Fischer, Reitz, Smit, en ik (enz.).

Ik hoop echter de 29ste van Londen terug te keeren. Wees zoo goed en vind uit of mijn broeder Willem Franca van Ermelo al terug is van Bermuda, zoo niet of gij niet er iets toe kan doen om zijn terugkomst te bespoedigen; ik sta in voor alle geldelijke uitgave daaraan verbonden. Ik ben nu in Den Haag en heb Mnr A. D. W. hier ontmoet.

Van ouden R. nog niets vernomen. Met beste groeten, in haast, U dw. Vriend

S. Burger

TRANSLATION

Hotel du Vieux Doelen
La Haye¹
7 November 1902

Dear Jan, I am, by God's grace, still well and hope it is so with you all. On my arrival in London I met Generals Botha and de la Rey and also Messrs. Fischer and Wessels. De Wet returned to the South African Republic the same day. Botha and de la Rey are very busy and also find many difficulties in their way. Next Tuesday they will have another interview with Mr Chamberlain. Fischer and Wessels are here to get permission to return to the South African Republic but Mr Chamberlain refuses this so far. I asked him for and obtained an interview with him yesterday. Among the points that I discussed with him was the return of the Deputation members; it is too much to write you everything, the arguments exchanged between him and me. He invokes our agreement that from our side no conditions are stipulated for these persons; I equally invoke the agreement, which does not exclude them; but the fact of the matter is he says he has no definite accusation against them, but he thinks it is not desirable already to give them permission to return as he fears that they will adopt a wrong political line of conduct. But I think the wind is blowing from the South African Republic, and I am writing to Lord Milner about them and hope you also will see him. We have also asked them about money, about £1,000,000 which should be here and he has also sounded me about it. I have told him that I do not know whether there is money here, or how much, or how and by whom it was administered during the war—*which is indeed the truth*. He also alleges that there is a Commission of Control over the money, namely, you, Fischer, Reitz, Smit and I etc.²

I hope to return from London on 29th. Be so good as to find out whether my brother Willem Francoa of Ermelo is

¹ In France.

² See p. 31 *supra*, note 2.

already back from Bermuda and, if not, whether you cannot do something to expedite his return. I shall guarantee all financial expenditure involved. I am now in the Hague and have met Mr A. D. Wolmarans here. Have as yet heard nothing of old R.¹ With best wishes, In haste, Your sincere friend,

S. Burger

203 From H. J. Wolstenholme

Vol. 2, no. 141

5 Oxford Road
Cambridge

19 November 1902

My dear Smuts, At last I have succeeded in obtaining an address to which I can write, expecting that the letter will reach you. I have got it from young Smit, of whom I happened to hear from another man who had met him.

You will perhaps remember my sending you a little book of John Hobson's. The enclosed letter² was written and posted at the same time. I was a little puzzled that your letter, acknowledging the book, made no reference to the letter or anything in it, but as it had been addressed in the same way and sent at the same time, it never occurred to me that it might never have reached you. Some time after your letter, my own came back to me through the dead-letter office. It seemed no use to send it again addressed as before, and I was some time in hitting upon the idea of sending it again and writing at the same time to the post-master at Pretoria, asking him to see that you got it. But then the war was imminent, and it seemed too late. I was exceedingly annoyed and grieved that—especially at such a time—you should have been left to think that I had been intentionally silent, either through indifference, or through estrangement on political grounds. I regretted intensely that I had not been able to send you at least a few lines to tell you what were my real feelings with regard to the course of action on the part of my misguided and unhappy country,—i.e., its Government, for the *people* were not *then* the victims of that insane Jingoism which was afterwards so deplorable—

¹ Probably F. W. Reitz.

² See 79.

which led to the fearful catastrophe of a war in the possibility of which I had never really believed, it seemed so iniquitous and monstrous, such a crime against political liberty and human civilization. Whatever had been my judgment in these matters, it would never have estranged me from you as a friend whom I had learned to respect and to value so highly—not even if the heat of *your* patriotism had led you for the time to turn the cold shoulder to *any* Englishman, so pardonable that seemed at the time. But in fact I had been following the course of things for some months more closely than I had ever done before in our political relations, and intensely disapproved of and deplored the diplomacy and action of the English Government and above all of Chamberlain. He is too cute and clever a man to allow of his diplomacy and despatches being regarded as so uniformly ‘blundering’ merely, and the only alternative was to regard it as criminal and monstrous. I could not but see that ever since the fateful ‘Raid’, and more especially since the wicked and stupid hushing up and condonation of it on the part of the English Government, the whole course of events could not but confirm and intensify the distrust of the Transvaalers against the English nation, and their conviction of its sinister intentions with regard to them. It is perhaps of little use to say it now, but in spite of all these appearances, I do not believe that at that time the English Government (one or two of its members perhaps excepted) really entertained the sinister designs imputed to them, or had any foresight (they showed themselves as blind as bats and perfect fools in many ways) of what they were afterwards led into by their own action. The ‘ultimatum’ of the Boers, and their commencement of the war as necessary self-defence, in order not to be taken at a disadvantage in a war which they regarded as a foregone conclusion on the part of England, was most natural and defensible, but *tactically* I thought and think it was a most regrettable mistake. I do not think that even then war was unavoidable, if only the misunderstandings, and that part of the mutual distrust which had no real foundation in truth, could have been cleared up by able, honest, and clear diplomacy. I am sure that English readers of newspapers must have had pretty generally a puzzled feeling of the two sides being to a certain extent at cross purposes. On both sides both

words and deeds which were based on hypotheses, and on distrust with regard to the motives and intentions of the other party, were misinterpreted by that other party; there seems strong reason to suppose that a few persons, or a very small party (at least in England, for the so-called 'loyalists' of South Africa have always been far worse than the English at home, and have poisoned the minds of those at home with falsehoods and calumnies) intentionally aggravated these misunderstandings and disagreements, until they plunged us into the most iniquitous war in modern English history, which must ever constitute the greatest blot upon the otherwise (by comparison) bright and glorious 'Victorian age'.

20 November. What is to be the future of South Africa? I have been unable to read the papers sufficiently to follow the questions of 're-settlement' in detail, but things do not seem to me reassuring or promising. Apart from the racial antagonism which has been so wantonly and wickedly stirred up by this war, it is to be feared that the baneful influence of the capitalists and their satellites will be little if at all less than before. Of the agricultural development of South Africa there seems little hope at present; it presupposes, in the first place, a large and costly scheme of irrigation which only a very competent, very enterprising and disinterested state-organization could carry out,—it is idle to expect that the necessary capital will be forthcoming. In the second place, it presupposes a large immigration of capable tillers of the soil, provided with capital for its development, and such immigrants will not be forthcoming from *any* country so long as Canada and other colonies present so much more promising conditions, and so long as emigrants from the older countries have such a dislike to the loneliness and monotony of rural pioneer life, and such a hankering after the excitements of town life. It does not seem likely that the expectations of the English party, at home and in South Africa, who look to a reinforcement of the English element in the colonies for the desired predominance of the English race there, will be realized. On the other hand, the renewed political predominance of the Dutch, when constitutional government is re-established, in connection with the arrogant and grasping temper of the English, and their cosmopolitan following, who will expect to be backed and guaran-

ted by the 'Imperialism' of the English at home, does not seem to give much promise of a restoration even of as much quiet and peaceful development and progress as existed and was gradually growing before the war. From what young Smit [J. S.] said, it would seem that the Transvaalers have but little hope of the re-establishment of constitutional government, similar to that in the other English colonies, which would give to the Dutch element its legitimate share of political influence, for a great many years to come—Smit said 'twenty'. I do not think there is much real reason for this fear, unless the racial antagonism and the conflict of interests and policies should continue in such an active and acute form as to keep alive in the English people and Government at home the imperialistic apprehensions, and the jingoistic temper of violent domination. Otherwise, the English people have so many other interests and imperative tasks and dangers, at home and abroad, that South Africa will occupy a less exceptional place in their minds, and the general principles of constitutional government and self-government, as the only form of government for white races under English rule, will regain their ascendancy. 'Crown Colony Government' for any but the 'inferior races' in 'dependencies', not 'colonies', is repugnant to English feeling, and I do not think this feeling will be permanently swamped by the wave of 'Imperialism'. One of the difficulties of the Colonial Office here has always been, at least in recent times, to restrain the English colonials from a tendency to unscrupulousness and lawlessness in the advancement of their own interests, over against those of other elements in the colonies, and to insist on the same principles of fairness and humanity which are traditional at home,—without estranging the English colonists. The 'loyalists' in South Africa are much more aggressive, jingoistic and unscrupulous than the great body of the English at home, though the home Government finds itself at present forced to be more compliant to the 'loyalists' than it would be or would approve, if it were not for the pressure of circumstances. Again, the present Tory Government and its following are getting weaker and more demoralized; the nation is getting more and more disgusted with it, and its fall can hardly be very long delayed even by the disorganized condition of the Opposition. In some form

or other, the more liberal elements of the nation will gain more control of the government. And I believe that there has always been, in the better and more thoughtful among the people, a large body of feeling and opinion which has condemned the wildly jingoistic sentiment and policy. During the period of mob excitement, and when the Government had the practical task of carrying through a war which, whether approved of or not, had to be conducted with all the energy and efficiency they could muster up, the more moderate kept quiet, partly from prudence (it being useless and dangerous to argue with a drunken man), and partly not to embarrass the executive in what was now unavoidable. But I think time will show that the 'imperialistic' insanity has not had as complete, nor will have as permanent, a hold of the English people as seemed for a time to be probable.

21 November. I have been examining again my returned letter and perceive for the first time that by a carelessness unusual with me the letter was overweight, and that consequently there was a fine to pay on its delivery in Pretoria. I had thought this 5d I paid on its return had been the charge for sending it back. Is it possible that some one of your subordinates refused to take in the letter on this account?

I was very sorry to hear from John Hobson (whom I saw after the war had begun) that you had lost your second little one, and from Smit that its place has not yet been filled. I heard through Hobson (Dr E. W.), and he through his brother, that you were in the war, and was much relieved and rejoiced to hear how well the campaigning had agreed with you physically, for remembering how slight and frail you looked when here, I feared that any participation in the war would wreck you physically. I debated the possibility of getting a letter sent which might in time reach you, but I could not get through Hobson Mrs. Smuts's address, and in any case a letter would probably have been opened by the censorship, so that it was useless to write anything of what I really wanted to say. I regularly scanned *The Times* 'Latest Intelligence', to see if I could catch sight of your name. Once or twice I found a short notice, and once or twice Hobson told me of something he had seen elsewhere, but for the most part I had to be content with reflecting that no news was good

news,—I knew that if anything happened to you it would be reported in our papers. Dr Hobson, by the way, at first somewhat undecided, and only dubious about the English policy, soon became more decided after the outbreak of the war, and became one of the strongest antagonists and bitterest critics of the whole English position. Others, as Cartmell¹ and Bond,² remained I think more in the undecided or dubious stage, condemning Chamberlain heartily, but hesitating to take up any anti-patriotic tone, and not clear in their minds as to the 'inevitableness' of the struggle.

Of myself there is but little to tell. My health is no better, I am a confirmed valetudinarian, dyspeptic, nervous, without any fund of physical or mental energy. I can rarely even go out to an evening meeting (for the discussion of social questions or the like), because it would be followed by a sleepless or dream-disturbed night. Nearly three years ago I went through a seven weeks' course of 'rest cure', massage, high feeding, etc., in the private hospital of a London physician, but it did me no permanent good,—partly, probably, because I had the ill luck to have at the very beginning a bad attack of influenza, the influences of which I felt for nearly two years. Perhaps I should not say that the 'cure' was entirely useless; I had been diagnosed as suffering from 'gastroptosis', an enlargement and displacement downwards of the stomach, leading to vitiation of the blood through autotoxins; this I think was to a considerable degree removed by the treatment, as I have suffered less since from the intense nervous depression often caused by it. But an additional anxiety that has struck me in a very vulnerable spot is the discovery by my oculist that there is incipient cataract in both my eyes. I knew long ago that there was in one, but I thought that it was quite stationary, and that the other was quite free. But the oculist says he can trace a present growth, though a very slow one, of the obscuration in both eyes. Such cases defy any prediction, and sometimes the expected is delayed many years, or indefinitely. Possibly a crisis may not come in the years left to me; if it does, I must hope that one eye will 'ripen' for operation before the other becomes too dim for use. To be unable, for any leng-

¹ James William Cartmell of Christ's College, Cambridge.

² Henry Bond of Trinity Hall, Cambridge.

thened period, to read, would be a very heavy infliction to me, more even [than] to those who are surrounded by friends to read to and talk with them, and by social influences. Poor Hicks¹—you will remember him—has in the last few years lost almost completely the sight, first of one eye and then of the other, by ‘detachment of the retina’, which is quite incurable. He has had great trouble and depression to go through, but has recovered more of equanimity and even cheerfulness than I could have thought at all likely. He has a young fellow to read to him and otherwise help him, besides his wife, who is a well educated woman, an old Girton student. When my psycho-physical machinery is in good order, comparatively speaking, I read a good deal, philosophy, political and social economy and philosophy, [*sic*] etc.; but only too often I have to drop off into lower planes of lighter and more desultory reading, and not seldom no reading of any kind is light and ‘diverting’ (in the literal sense) enough to ‘pass the time’. I have given up all examination work, and have very few private pupils, but still retain my two hours a week lecturing, with the appurtenant hours of paper work at home. Fortunately even this is not absolutely necessary, and I shall probably not carry it on very much longer.

This is the longest letter I have written for many years, indeed since the previous one which it accompanies. With warm and hearty good wishes, Yours sincerely,

H. J. Wolstenholme

204 Circular

Vol. 2, no. 6A

The original document is an unsigned draft in Smuts’s handwriting, to which is attached a list of names of leading Afrikaners from various districts of the Transvaal to whom this circular letter was sent.

Pretoria

14 December 1902

WelEd: Heer, Door een voorloopig comité van aanzienlijke burgers van het dorp en wijk Pretoria zijn eenige vergaderingen gehouden ten einde de kwestie te bespreken op welke wijze het best de belangen der oude burger bevolking kunnen

¹ Robert Drew Hicks of Trinity Hall, Cambridge.

bevorderen met de komst hierheen van den heer Chamberlain, Staatssecretaris van Kolonies. Generaals Botha en de la Rey en Ex-President Schalk Burger hebben met hem in Londen in ons belang onderhandeld, doch daar de heer Chamberlain niet met locale omstandigheden goed genoeg op hoogte was, was het resultaat niet zeer bevredigend en heeft hij het best geacht persoonlijk hierheen te komen teneinde zich van de ware toedracht der zaken te vergewissen.

Hoewel ons volk, met het oog op de smartelijke omstandigheden des lands, besloten heeft vooralsnog zich niet met de politiek te bemoeien, toch kunnen wij niet met leede oogen aanzien dat de toekomst van ons land gecompromitteerd wordt door ingrijpende maatregelen waarover wij niets te zeggen hebben. De komst van den heer Chamberlain en zijn verklaring dat hij bereid is allen te hooren over publieken kwesties van belang geeft ons echter de gelegenheid onze stem als een volk te laten hooren over zulke punten als algeheele amnestie voor rebellen en anderen het plaatsen van een groot oorlog schuld op ons land; het tegenwoordig school systeem en de taalkwestie; geldelijke tegemoetkoming voor ons volk; de toelating van Asiaten, en andere belangrijke kwesties. Op deze kwesties is het voor de toekomst van het uiterste belang dat wij met één stem als een volkspartij tot onze overheid spreken. Daar de heer Chamberlain reeds op 2 of 3 Januari hier verwacht wordt is er echter geen tijd meer en ook de omstandigheden des lands laten niet toe dat afgevaardigdes door de districten gekozen worden. Daarom hebben wij het goedgeacht een aantal aanzienlijke en vertegenwoordigende mannen uit alle districten uit te noodigen ten einde naar Pretoria te komen, de bovenaangeroerde punten te bespreken, een adres aan den heer Chamberlain goed te keuren waarin onze gevoelens te boek gesteld worden, en dan als een deputatie een opwachting bij hem te maken om de zaak verder toe te lichten. Wij hopen dat de heer Schalk Burger and Genl. de la Rey bij deze vergadering tegenwoordig zullen zijn om verslag van hunne werkzaamheden te doen.

Daar het zeer ongewenscht is politieke gisting onder onze menschen in het leven te roepen, verzoeken wij U geen vergaderingen te houden en de inzichten en gevoelens van uw district privaat in te winnen. Het is ook in ons belang dat onze

memorie zich tot zeker groote punten bepaalt en niet allen zaken van grief inga.

Wij sluiten in een lijst van de heeren die wij voorstellen uit te noodigen. Het zal daaruit blijken dat het onze bedoeling is de medewerking van aller klassen onder ons volk te verzekeren, en in een geest van verzoening samen te werken als vertegenwoordigers van onze geheele burger bevolking. Zoodanige samenwerking zal kracht geven aan onze stem bij den heer Chamberlain.

Gij wordt vriendelijk verzocht op eigen kosten op 3 Januari 1903 te Pretoria te zijn en U bij een der ondergetekenden aan te melden.

TRANSLATION

Pretoria

14 December 1902

Dear Sir, Various meetings have been held by a provisional committee of prominent burghers of the town and district of Pretoria in order to discuss (in connection with the arrival here of Mr Chamberlain, Secretary of State for the Colonies,) the question of how we may best advance the interests of the old burgher population. Generals Botha and de la Rey and Ex-President Schalk Burger have negotiated with him in London on our behalf, but, as Mr Chamberlain was not well enough acquainted with local conditions, the result was not very satisfactory and he thought it best to come here personally in order to inform himself of the true state of affairs.

Although our people, in view of the painful circumstances of the country, have decided not as yet to concern themselves with politics, we cannot with regretful eyes look on and see the future of our country compromised by far-reaching measures about which we have nothing to say. The arrival of Mr Chamberlain and his statement that he is prepared to hear everyone on public questions of importance gives us the opportunity to let our voice as a people be heard on such matters as a complete amnesty for rebels and others, the imposition of a large war debt on our country, the existing school system and the language question, financial assistance for our people, the admission of Asiatics and other important questions. It is of the utmost importance for the future that

on these questions we speak to our authorities with one voice as a people's party. As Mr Chamberlain is expected here on 2 or 3 January, there is no longer time, nor do the circumstances of the country allow, that delegates be chosen by the districts. Thus we have thought it well to invite a number of prominent and representative men from all the districts to come to Pretoria, discuss the above-mentioned points, approve an address to Mr Chamberlain in which our opinions are put in writing and then to wait upon him as a deputation to explain matters further. We hope that Mr Schalk Burger and General de la Rey will be present at this meeting to report on their activities.

As it is most undesirable to arouse political ferment among our people, we request you to hold no meetings and to gather the views and feelings of your districts privately. It is also in our interest that our memorial should be confined to certain major points and not go into all matters of grievance.

We enclose a list of the gentlemen whom we propose to invite. From this it will be seen that it is our intention to ensure the co-operation of all classes of our people, and to work together in a spirit of reconciliation as representatives of our whole burgher population. Such co-operation will give force to our voice with Mr Chamberlain.

You are cordially requested to be in Pretoria on 3 January 1903 at your own expense and to announce yourself to one of the undersigned.

205 Circular

Vol. 2, no. 19

The original document is one of several typed copies each signed by Burger, but almost certainly drafted by Smuts.

Pretoria

24 December 1902

WelEd. Heer, Gij wordt hiermede opgeroepen om op 6 Januari 1903 te Pretoria te zijn ten einde de drie Generaals, die als een deputatie naar Europa gingen te ontmoeten, verslag van hen te hooren omtrent hunne werkzaamheden, en ook plannen te bespreken om een deputatie naar den heer Chamberlain af te vaardigen om onze hoofdbelangen voor hem te leggen. Vertegenwoordigers worden van alle districten voor dit doel opgeroepen.

Gelieve U dadelijk na aankomst bij Advocaat Smuts, Lewis & Marks Gebouwen, Kerk Plein, aan te melden, die U in kennis zal stellen met plaats en tijd van bijeenkomst. Ik heb de eer te zijn, U Eds. dw. dienaar,

S. Burger

TRANSLATION

Pretoria

24 December 1902

Dear Sir, You are hereby summoned to be in Pretoria on 6 January 1903 to meet the three Generals who went as a deputation to Europe, to hear from them a report of their activities, and to discuss plans to send a deputation to Mr Chamberlain to put our chief interests before him. Representatives are being summoned from all districts for this purpose.

Please report immediately after your arrival to Advocate Smuts, Lewis and Marks Buildings, Church Square, who will inform you of the place and time of the meeting. I have the honour to be, Yours truly,

S. Burger

206 Pretoria Meeting Proposals [1903]

Box H, no. 2

Proposals submitted to the meeting at Pretoria on 6 January 1903. The original document, undated, is in Smuts's handwriting.

De Comissie in de informeele vergadering benoemd heeft de eer de volgende aanbevelingen te maken:

Dat een adres aan den heer Chamberlain door de Comissie zal worden opgetrokken waarin onze waardeering namens de Boerenbevolking wordt uitgedrukt voor zijne komst hierheen ten einde beter op hoogte van zaken te komen en met zijne herhaalde verklaringen dat zijn doel is de verzoening der rassen, de voorspoed van Zuid Afrika en de wegruiming van ontevredenheid, met welk doel wij ons hartelijk vereenigen. Zonder punten van groot politiek in te gaan wenschen wij er op te wijzen dat er thans twee groote vraagstukken zijn de oplossing waarvan meer dan iets anders zal bijdragen tot algemene bevrediging en verzoening: deze zijn, algeheele amnestie en de erkenning der Hollandsche taal als gelijke

rechten met Engelsch hebbende, en in verband met dit laatste, lokaal beheer der scholen. Andere punten van minder hoewel groot belang voor de locale Regeering te worden gebracht. De Commissie beveelt verder aan dat de heer Chamberlain in algemeene termen op het gevaar der naturellenkwestie wordt gewezen, maar dat de bijzonderheden met de locale Regeering wordt besproken.

De Commissie acht het van groot belang dat alleen deze drie groote kwesties in het adres aan den heer C. worden opgenomen, dat het adres door alle afgevaardigden worden geteekend, en bij presentie verder mondeling door eenige daar toe benoemde personen wordt toegelicht.

De Commissie geeft verder aan de hand in dit adres ons leedwezen namens de geheele boerenbevolking worden uitgedrukt dat de districten van Vryheid en Utrecht en gedeelte Wakkerstroom van het grondgebied der Transvaal zijn afgesneden en aan de kolonie Natal gehecht.

De Commissie beveelt verder aan dat de volgende punten voor de Regeering gebracht worden (eveneens in een adres vervat).

1. *Naturellen Kwestie en Arbeidskwestie*

Dat de Regeering aan de naturellen duidelijk dat de eigenaren van plaatsen niet de eigenaars rechten daarop hebben verloren, dat de naturellen alleen op de plaatsen kunnen wonen met de uitdrukkelijk toestemming der eigenaren en op de voorwaardes met de eigenaren overeengekomen.

2. *Verdere Hulp voor de landbouwbevolking*

(a) Dat de Regeering zal toezien dat alle vee aan de boeren zal worden verschaft tegen kost prijs zonder tusschenkomst van speculanten, en in verband hiermede op het Colenbrander contract te worden gewezen.

(b) Dat de 2 jaar rentelooze leeningen niet tot £900 beperkt worden maar dat bij de toekenning ervan rekening worde gehouden met de werkelijke behoeften van applicanten.

(c) Dat de 4½ per cent leeningen gegeven worden zonder de beperking dat die uitsluitend tot aankoop van vee zullen worden gebruikt.

(d) Dat meer groot en kleinvee worde ingevoerd door de Regeering ter verkooping aan de landelijke bevolking.

(e) Dat de repatriatie hulp niet zal ophouden voor en aleer de menschen zich zelve kunnen voorzien.

3. *Erkenning van verkregen grondrechten* onder de occupatiewet in Zoutpansberg en Waterberg en andere Districten.

4. *Verlof tot terugkeer* aan alle burgers der vroeger Republieken van Europa of elders.

TRANSLATION

The Commission, nominated at the informal meeting, has the honour to make the following recommendations:

That an address to Mr Chamberlain be drawn up by the Commission in which shall be expressed, on behalf of the Boer population, our appreciation of his coming here in order to become better informed, and of his repeated declarations that his objects are reconciliation of the races, the progress of South Africa, and the removal of discontent—with which objects we heartily identify ourselves. Without going into points of high politics, we wish to point out that there are at the moment two important problems whose solution would, more than anything else, contribute to general satisfaction and reconciliation. These are: complete amnesty, and the acknowledgment of the Dutch language as having equal rights with English, and, in connection with this last, local control of the schools. Other points of lesser, though considerable, importance to be brought before the local Government. The Commission recommends further that Mr Chamberlain's attention be drawn, in general terms, to the danger of the Native question, but that the particulars be discussed with the local Government.

The Commission regards it as most important that only these three big questions should be included in the address to Mr Chamberlain, that the address should be signed by all the delegates and further elucidated orally at presentation by some persons nominated for that purpose.¹

¹ Smuts was chosen as spokesman.

The Commission further recommends that in the address our regret be expressed, on behalf of the whole Boer population, that the districts of Vryheid and Utrecht and part of Wakkerstroom have been cut off from the territory of the Transvaal and attached to the Colony of Natal.

The Commission recommends further that the following points be brought before the Government (also to be set out in an address).

1. *Native Question and Labour Question*

That the Government make it clear to the Natives that the owners of farms have not lost their rights of ownership, that Natives may only live on farms with the express permission of the owners and on conditions agreed with the owners.

2. *Further Aid for the agricultural population*

(a) That the Government ensure that all cattle shall be available to the farmers at cost price without the intervention of speculators and that, in this connection, attention be drawn to the Colenbrander contract.¹

(b) That the two-year interest-free loans shall not be limited to £900 but that, when awarding them, the real needs of the applicants be taken into account.

(c) That the 4½% loans be given without the restriction that they shall be used exclusively for buying cattle.

(d) That more cattle and sheep be imported by the Government for sale to the rural population.

(e) That repatriation aid shall not cease until people are able to provide for themselves.

3. *Acknowledgment of land rights* obtained under the occupation law in Zoutpansberg and Waterberg and other districts.

4. *Permission to return* from Europe or elsewhere for all burghers of the former Republics.

¹ Johannes Wilhelm Colenbrander (q.v.) had formed the Bulawayo Cattle Syndicate which secured the right to buy remounts from the British army authorities and to re-sell them.

207 Address to J. Chamberlain

Vol. 2, no. 6B

This address to Chamberlain has been copied from a typescript corrected by Smuts. His original English draft is also in the Smuts Collection, together with a Dutch translation made by Isie Smuts.

Pretoria

8 January 1903

Sir, The undersigned delegates from all districts of the Transvaal have the honour on this occasion to welcome you to the Transvaal and to express their pleasure that you have come to this country in order better to understand its problems, and have learnt with the greatest pleasure that it is your object to reconcile the races and to bring contentment and prosperity to South Africa.

The undersigned give you the assurance that they identify themselves completely with that object and will heartily co-operate for its attainment.

They wish to point out to you that there are specially two subjects which the Boer people of the new Colonies and indeed over the whole South Africa feel most deeply, and whose correct settlement will, more than anything else, tend to create a spirit of reconciliation and hearty co-operation among the white races of South Africa.

The first is a complete amnesty for all offences committed, or alleged to have been committed, in the course of the late war, an amnesty which shall embrace not only former burghers and British subjects but also all subjects of His Majesty who during the course of the war took up arms on the Republican side. The undersigned have noticed your statement that this matter of amnesty rests with the local Colonial Governments, but we beg you to give your strong support to it as more than anything else it will tend to heal the deep wounds inflicted by the war. They feel assured that with your approval and support the local Governments will feel more at liberty to take upon themselves the responsibility of doing a gracious and generous act, which cannot but have a most beneficial effect on the general temper of the Boer people and the co-operation of the two white races in building up the future South Africa.

The second point on which the Dutch-speaking people of the new Colonies feel very strongly is the way their language is being treated by the new Administration. Not only are a large

portion of the Civil Servants unacquainted with their language, not only are no provisions made to bring official acts and information to the notice of the Boer people, the great majority of whom do not know English, but the provisions made for teaching Dutch in the Government's schools are quite inadequate.¹ What the Dutch people desire very strongly is that there shall be, together with the Government control, local management in the Government schools so that both in regard to the teaching of the Dutch language and other matters of grave importance effect can be given to the wishes of parents in the education of their children. The undersigned are convinced that the present Government policy in regard to the matter of education and the Dutch language, however well-meant, is calculated in the long run to produce grave irritation and discontent.

The undersigned also wish in general terms to bring to your notice the grave character of the Native question. While desiring nothing but justice for all parts of the population, irrespective of colour, they consider it their duty to point out that the events of the late war, and especially the political and social upheaval to which it has led, have tended to unsettle the minds of the Natives and to create a spirit or feeling among them which must be a matter of grave concern to the white population of South Africa. The undersigned feel that it is necessary by a firm though a just administration of the law to make it plain to the Natives that the war altered the relations between the two white races but not between the white and coloured population of the country.

The undersigned also wish to refer to another matter which, though not of immediate concern, may yet in future affect the prosperity of the country and especially of its chief industry adversely. There has been much public discussion as to the advisability of shifting a large part of the war debt on to the new Colonies.² The undersigned wish to point out that this

¹ English was the only medium of instruction and Dutch was to be taught as a subject for not more than five hours a week.

² Chamberlain and Milner arranged that the Transvaal should contribute £30,000,000 to the cost of the war. The loan was to be issued in three instalments, the first of which was to be guaranteed by certain mining houses and banks. This proved to be an impossible burden and the debt was cancelled by the Liberal Government in 1907.

country has just passed through one of the most ruinous wars of modern times which has resulted in the destruction of almost everything, except the soil and the principal towns of the new Colonies, and that it will take many years before the losses thus sustained shall have been recovered. The population of the country are entitled in a matter which may deeply affect their own future taxation to claim that they shall be heard in a constitutional manner before any such step as the putting of a war debt on their country is taken, and the undersigned therefore wish to place it on record as the opinion and desire of the Boer people that no such step be taken before free representative institutions have been given to the new Colonies and the people have been enabled to express their opinion through their parliamentary representatives on any such measure.

The undersigned have heard with great regret that, notwithstanding that peace was concluded on 31 May 1902 by the acting Governments of the late Republics for all the burghers thereof, a certain number of them are still detained abroad and cannot obtain leave to return to this country.¹ The undersigned do not think that it will be necessary to do more than point this out to you, as they feel assured that you will do all in your power to remedy this matter of grievance.

Another matter of grievance which the people whom the undersigned represent feel very strongly is the dismemberment of the Transvaal through the annexation of the districts of Vryheid, Utrecht and part of Wakkerstroom to the territory of the Colony of Natal. They wish to protest in the strongest terms against this act on which public opinion in this country never was consulted and to which the whole Transvaal population is bitterly opposed. They express the hope that the Imperial Government may yet see their way clear to undo this act or at least to suspend its operation until the people of the Transvaal shall have expressed their opinion in a constitutional manner thereon.²

In conclusion the undersigned wish once more to express

¹ This referred particularly to A. Fischer, C. H. Wessels and A. D. W. Wolmarans.

² The annexed districts are still part of the Province of Natal.

their great pleasure that you have come to this country and hope that the result of your labours may lead to the lasting good and contentment of South Africa. They feel, however, that in order to appreciate the magnitude of the work before the local Government and the difficulties of the work of reconstruction and the destitution and misery to which the country population have been reduced through the destruction and ravages caused by the war, it will be very advisable for you to make a closer acquaintance with the districts or some of the districts of the Transvaal. The undersigned therefore have the honour to invite you to visit some of the districts and on behalf of the whole Boer people assure you of a cordial reception. We have the honour to be, Sir, Your obedient Servants,

208 Draft of Speech [1903]

Box H, no. 2

A draft, in Smuts's handwriting, of his speech on presenting the address of the Boer delegates to Chamberlain and elucidating it. He spoke in Dutch through an interpreter. The meeting took place on 8 January 1903.

Wij zijn opgekomen van alle deelen des lands om den heer C. hartelijk welkom te heeten in ons midden, om ons respect voor hem te betonen en om nader zijn kennis te maken en namens het geheele Boerenfolk doen wij zulks. Hij heeft zeker vreeselijke dingen gehoord van de Boeren en van de geheime plannen en verwachtingen die zij hebben, wij hebben ook vreeselijke dingen van hem en zijne plannen tegen ons gehoord, maar het is ons vertrouwen dat nu wij elkaar van aangezicht tot aangezicht zien en wij elkander leeren kennen, deze denkbeeldige dingen zullen verdwijnen. En daarom zijn wij opgekomen in een van de invloedrijkste deputaties die zeker ooit in dit land is bijeengekomen.

Het wordt somtijds beweerd dat wij apart staan en niet willen samenwerken met de nieuwe Regeering en de nieuwe bevolking. Deze vergadering bewijst juist het tegenovergestelde. Wij zijn hier om zamen te werken en te verklaren dat wij willen samenwerken. Wij *kunnen* niet apart staan; de banden die ons aan dit land onzen vaders binden zijn sterker dan het leven en sterker dan de dood. De bloei en welvaart van dit land ligt ons te na aan het hart dan dat wij zouden kunnen

apart staan en zien dat zaken verkeerd loopen en het land eronder lijdt.

Maar het is ons verlangen dat die samenwerking op de rechte basis zal plaats vinden, op een basis van respect en vertrouwe zal rusten. Wij waren dankbaar uit de toespraken van den heer C. te zien dat ook hij van dat gevoelen was. Er is in het verleden te veel minachting van elkaar geweest en als de oorlog niets anders gedaan heeft dan deze minachting weg te ruimen en de blanke rassen elkaar te doen respecteeren en apprecieren dan zijn al de opofferingen eraan verbonden niet te vergeefs geweest. Wij kunnen elkaar nu gelijk *witmannen* in het aangezicht kijken en dat is al een groot stap vooruit in de geschiedenis van Z.A.

Wij willen op een basis van eer en zelf respect en vertrouwen samenwerken en in dien geest is ook onze memorie opgesteld. Het is een zaak die de eer van elken burger der oude Republieken aanraakt dat wij vrij zijn om te komen en te gaan en dat zij die aan onzen kant vochten in honderdtallen in de tronken zitten. Het is voor ons een bitter gedachte, daar de schuld toch op onze schouders rust. De rebellen in de K.K. en Natal zijn niet uit eigen beweging opgestaan, maar wegens de pressie die wij en de omstandigheden op hen hebben uitgeoefend. Daarom wenschen wij dat een algemeen amnestie aan hen zal worden gegeven. Wij wenschen hun last te dragen en zoolang nog een van hen in de tronken zit zullen wij als een volk treuren. Wij willen niet hun misdaad verkleineeren maar wij zeggen dat het *onze* misdaad is. En daarom smeeken wij den heer C. het woord 'verzoening' in groot letters over het gansche Zuid-Afrika te schrijven, en de deuren der tronken te openen en dan zal zijn komst naar Zuid-Afrika in duizenden huisgezinnen gezegend worden en steeds in dankbaarheid herdenkt worden. Wij vragen hem niet om iets onconstitutioneels te doen, maar slechts dat hij door goedkeuring en aanmoediging de Koloniale Regeeringen zal helpen tot den stap over te gaan.

Ons tweede verzoek spreekt ook voor zich zelf. De heer C. is evenals wij in een school van vrijheid opgevoed en hij zal dus verstaan waarom wij zoo sterk verlangen dat ons taal erkend zal worden en wij een stem zullen hebben in de opvoeding onzer kinderen. Hij zal verstaan waarom ons taal

voor ons niet een politieke speelbal is die maar zoo kan worden weggeschopt, en waarom de opvoedingskwestie ons zoo na aan het hart ligt. Wij zijn bang dat een verkeerde houding der Reg. op deze punten tot bitter ontevredenheid en oppositie zal kunnen leiden, en dat wanneer de dag van politieke en constitutionele samenwerking begint, de geheele zaak reeds bedorven zal zijn en onze politiek dan maar weer de oude rassenkleur aannemen. Wij *willen* geen rassenspolitiek meer hebben, daar die rassenspolitiek Zuid-Afrika ten gronde zal doen gaan en weer een zwartman's land zal doen worden. Daarom vragen wij dat er nu reeds zoo billijk en oprecht met ons gehandeld wordt ten opzichte van taal en onderwijs, dat wij in de toekomst hartelijk kunnen samenwerken.

Het derde punt dat wij kortelijk aangeroord hebben is de naturellenkwestie. Wij wenschen niet op dat belangrijk punt misverstaan te worden. Wij wenschen dat de Kaffer evenals de blanke man met recht en rechtvaardigheid behandeld worden. Maar door den oorlog is er veel misverstand ontstaan en in vele deelen des lands zitten de Kaffers op de plaatsen der boeren en denken en handelen ook alsof het *hunne* plaatsen zijn. Wij verlangen alleen dat het hen zal worden duidelijk gemaakt dat zij verkeerd zijn en dat de eigenaars van grond nog baas erop zijn.

Het vierde punt, over de oorlogschuld, spreekt voor zich zelve en behoeft geen toelichting.*

Het sesde punt, over de afsnijding van de districten Vryheid en Utrecht, is ietwat scherp uitgedrukt, maar de bevolking, niet alleen van deze districten maar ook van het gehele land, is zeer sterk ertegen gekant.

Het laatste punt is een vriendelijke uitnoodiging aan den Heer en Mevr. C. om eenige districten die ietwat verwijderd zijn van de spoor te bezoeken zoodat de landelijke bevolking beter kennis met hen kunnen maken. Wij verzekeren hen overal van een eenvoudige maar hartelijke ontvangst overeenkomstig de hospitaliteits gevoel dat diep in Z.A. is geworteld. De boerenbevolking der nieuwe Koloniën verwachten zeer veel van de komst van den heer C. hierheen en daarom is het ons aller begeerte dat hij zoo intiem mogelijk met de boeren in aanraking komen.

* A marginal note inserted here reads: ' 5de, Deputatie '.

Ten slotte wensch ik nog dit te zeggen. Er wordt veel door kwaadwillige couranten over de disloyaliteit der Boeren geschreven en allerhande bijoogmerken en nagedachten worden hen toegeschreven. Wij zijn niet disloyaal, wij zijn in den diepste zin des woorden loyaal en onderdanig. Loyaliteit is een diep karakterteeken der Boeren—niet de loyaliteit die zich zelve van de huistoppen aanbeveelt, niet de loyaliteit die betaalt, maar de loyaliteit die getrouw blijft tot den dood en in dagen van tegenspoed en ramp op gerekend kan worden. Wij vragen U te gedenken wat wij geweest waren—een vrije volk, het vrijste volk ter wereld. Wij vragen U tot ons uit te steken, niet de ijzer hand van den overwinnaar, maar als van broeder tot broeder; wij vragen U onzen gevoelens en tradities te respecteeren, ons naar alle recht en billijkheid te behandelen, en dan zal die loyaliteit waarvan ik gesproken heb voor altoos de uwe zijn.

TRANSLATION

We have come from all parts of the country to welcome Mr Chamberlain heartily in our midst, to show our respect for him and to make his closer acquaintance and we do so in the name of the whole Boer people. He has probably heard terrible things about the Boers and about the secret plans and hopes that they have; we also have heard terrible things of him and his plans against us, but we are confident, now that we see each other face to face and learn to know each other, that these imaginary things will disappear. And that is why we have come as one of the most influential deputations that has no doubt ever gathered in this country.

It is sometimes alleged that we stand apart and do not want to co-operate with the new Government and the new population. This meeting proves exactly the opposite. We are here to co-operate and to declare that we wish to co-operate. We *cannot* stand apart; the bonds that bind us to this land of our fathers are stronger than life and stronger than death. The growth and welfare of this country lie too close to our hearts for us to be able to stand apart and see things going wrong and the country suffering under it.

But it is our desire that this co-operation shall take place on

the right basis, shall rest on a basis of respect and confidence. We were thankful to see from Mr Chamberlain's addresses that he also was of that mind. There has been in the past too much contempt for each other and if the war has done nothing else than to remove this contempt and to make the white races respect and appreciate each other, then all the sacrifices connected with it will not have been in vain. We can now look one another in the face like *white men* and that is already a big step forward in the history of South Africa.

We want to co-operate on a basis of honour and self-respect and confidence and our memorial has been drawn up in that spirit. It is a matter which touches the honour of every burgher of the old Republics that we are free to come and go and that those who fought on our side sit in gaol in hundreds. It is a bitter thought for us, since the blame after all rests on our shoulders. The rebels in the Cape Colony and Natal did not rise of their own accord but because of the pressure which we and the circumstances exercised upon them. Therefore we wish that a general amnesty should be given to them. We wish to carry their burden and as long as any one of them sits in gaol we shall mourn as a people. We do not want to minimize their misdeed but we say that it is *our* misdeed. And therefore we beg Mr Chamberlain to write the word 'reconciliation' in large letters over the whole of South Africa, and to open the doors of the prisons, and then his coming to South Africa will be blessed in thousands of households and always remembered in thankfulness. We do not ask him to do anything unconstitutional, but only that he will by approval and encouragement help the Colonial Governments to take the step.

Our second request also speaks for itself. Mr Chamberlain has, like us, been educated in a school of freedom and he will therefore understand why we desire so strongly that our language shall be acknowledged and that we shall have a voice in the education of our children. He will understand why our language is for us not a political football which can simply be kicked aside and why the education question is so close to our hearts. We fear that a wrong attitude by the Government in these matters may lead to bitter dissatisfaction and opposition, and that when the day of political and constitutional

co-operation begins, the whole cause will be already vitiated and our politics will again take on the old racial hues. We do not want race politics any more, because race politics will drag South Africa down and make it again a black man's land. Therefore we ask that we should now be treated so fairly and sincerely in respect of language and education that we can heartily co-operate in future.

The third point to which we have briefly referred is the Native question. We do not wish to be misunderstood on that important question. We desire that the Kaffir, like the white man, shall be treated with justice and fairness. But because of the war much misunderstanding has arisen and in many parts of the country Kaffirs are sitting on the farms of the Boers and they think and act as if they were *their* farms. We desire only that it shall be made clear to them that they are wrong and that the owners of land are still masters of it.

The fourth point, about the war debt, speaks for itself and needs no explanation.*

The sixth point, about the cutting off of the districts of Vryheid and Utrecht, is somewhat sharply expressed, but the population, not only of these districts but also of the whole country, is strongly opposed to it.

The last point is a friendly invitation to Mr and Mrs Chamberlain to visit some of the districts that are rather distant from the railway-line, so that the rural population can make their better acquaintance. We assure them of a simple but hearty reception everywhere, in accordance with the hospitality that is deep-rooted in South Africa. The farming population of the new Colonies expects much of the coming of Mr Chamberlain and therefore it is the wish of all that he should come as intimately as possible into contact with the farmers.

In conclusion I wish to say this. Much is written by malicious newspapers about the disloyalty of the Boers and all manner of ulterior motives and afterthoughts are attributed to them. We are not disloyal; we are in the deepest meaning of the words loyal and subject. Loyalty is a deep characteristic of the Boers—not the loyalty that advertises itself from the housetops, not the loyalty that pays, but the loyalty that re-

* A marginal note inserted here reads: '5th, Deputation'.

mains faithful unto death and can be relied on in times of adversity and disaster. We ask you to remember what we were—a free people, the freest people in the world. We ask you to extend to us, not the iron hand of the conqueror, but as from brother to brother; we ask you to respect our feelings and traditions, to treat us justly and fairly and then the loyalty of which I have spoken will be yours for ever.

209 From H. J. Wolstenholme

Vol. 2, no. 142

5 Oxford Road
Cambridge
9 January 1903

My dear Smuts, I was delighted to get your two letters,¹ to be once more in direct communication with you, and to feel that the warmth and strength of the bond between us have not grown less through the lapse of time and sad, absorbing events. To me too the memories of that all too short time we passed here together belong to the pleasantest and most cherished of my life. I could *almost* have been selfish enough to wish that events *had* brought you again for a time at least to Cambridge. But I suppose you are wanted over there, and feel that there is your place. May the Milner incubus be soon removed! I should not wonder if it were, before very long. I quite agree with you as to his baneful influence in South Africa, let Ward [J.], who knew him personally, say what he will of his former character for good sense, good feeling and judgment.

You 'wonder whether they (the Boers) will ever have any compensation in history . . .'. I think that it is just there that they *will* have compensation, have it indeed already, if that can be any consolation to them in their troubles. Their brave endurance and self-sacrifice have drawn admiration from many who have sided politically against them, and the tenacity with which they held out for their independence made a comparison of them with the Swiss followers of the legendary Tell or of Andreas Hofer not an overstrained one.

I have delayed too late the beginning of my letter, and have

¹ Not extant.

been interrupted by a long visit from Hicks, so I must be brief, and put off most of what I have to say till another time. I am glad you are again taking up your study of philosophy and sociology. I will just mention some of the books which from my own knowledge of them I should recommend, leaving a fuller account until later. I do not often see Ward, but I will go to see him as soon as I can, and ask both him and Professor [W. R.] Sorley—[H.] Sidgwick's successor—what books—especially French and German, of which I know little—they would especially recommend. By the way, perhaps you have not even heard of Sidgwick's death, about two years ago, of internal cancer. The most important recent work in English on metaphysics is F. H. Bradley's *Appearance and Reality* (1st ed. 1893, 2nd ed. revised, 1902, published by Swan Sonnenschein & Co., 12s. net). A. E. Taylor's *The Problem of Conduct* (1901, Macmillan, 10s. net) is a very able book, applying to ethics what is in the main the metaphysics of Bradley. Professor Andrew Seth's (now Pringle-Pattison), *Hegelianism and Personality* (Blackwood, 2nd ed. 1893, 5s. (not net)), and his *Two Lectures on Theism* (Blackwood, 1897, 2s.) are also very well worth reading. O. Külpe's *Einleitung in die Philosophie* (I have a handy English translation, which seems well done and gives things with their English names, published by Swan Sonnenschein, 1897, 6s.) is a very useful little book. It is not 'elementary' philosophy, but rather a mapping out and defining of the departments, lines of thought, different schools, and terms of philosophy. I think that will do for the present; I will particularize more another time. I will just add Lester Ward's *Outlines of Sociology* (Macmillan 1898, 7s. 6d. net). There is a good deal of inadequate psychology and unsatisfactory philosophy generally in it, but he brings out well the 'dynamic' element in human society, and the significance in 'evolution' of man's purposive activity. I have sent to you by this morning's post my own copy of Sidgwick's posthumous work on *The Aim and Scope of Philosophy*. I do not think it will add to his reputation; indeed it has lowered considerably my own estimate of Sidgwick as a philosophical thinker. But it brings up a great many questions in a stimulating way—or at least in a way provocative to thought and criticism—and is in parts equal to his best work; it will at

least serve effectually to disperse any 'Rip van Winkle' mood, especially if you find it worth while to read some of my marginal notes and strictures. In reading my own books on important subjects I generally underline and mark them so that I can quickly renew my impressions or find any point I want to recur to. My slow-working mind and poor memory require a repetition of impressions and a mental chewing of the cud which may strike quicker wits as somewhat odd. I can spare the book long enough for you to read it at leisure, but I should like to have it (my own copy) back again because of the notes I have scribbled in it. I have got into the way of making such notes rather copiously in some of my books, as all that I am now equal to in the way of giving written form to my own ideas. I began in the hope that they might serve as material for expansion and digestion in any attempts I might take to communicate my ideas to others in writing or lecturing; but I fear now that any such endeavours will always be out of the question, and the notes I have often clumsily laboured at till my head ached will only serve for my own renewal of impressions and thoughts, or at most for some oral use in conversational intercourse with a few of the younger men in the university with whom I may have that passing acquaintance and intercourse which the short duration of the university course and residence here permits.

Do you know J. A. Hobson's *The Evolution of Modern Capitalism*? If not, I would recommend you to get it (published by Walter Scott, 3s. 6d.). It is a carefully written book, of wider interest than the title indicates, very moderate and judicial in tone and treatment.

I remember you used to speak of the 'theory of the Personality' (with a big P.) as what impressed you most as an important central idea—or basic conception—for the development of philosophical thought; but I never clearly understood quite what you had in mind. To *begin* with the problem of personality seems to be the very opposite of proceeding from the clear and simple to the complex and abstruse, being itself one of the most complex and difficult questions of philosophy, presupposing a great deal of psychological analysis and a keen metaphysical criticism of hypotheses. Has the leap from the 'psychic ego' of *psychology* as a science, to the Ego (of God

or Man) as a consistently conceivable, tangible and metaphysically impregnable *reality* ever yet been successfully made?

Can I be of any use to you in procuring English books? I must close and get this safe to post. More in another week, or two. Yours sincerely,

H. J. Wolstenholme

210 From H. J. Wolstenholme

Vol. 2, no. 143

5 Oxford Road

Cambridge

21 January 1903

My dear Smuts, I have seen Ward, but have not got out of him quite what I think you wanted. Like most specialists, he seems to have a difficulty in specifying any, say, half-dozen works as the most important that have recently appeared on his subjects; the specialist is bound to know *of* all that has appeared, and holds only *parts* varying in proportion, *of a great many* works, to be really important. Much of the best material is apt to be scattered over a number of periodicals and journals. The extent of his recommendations depends a good deal upon what you may have access to in the way of public libraries, or could get procured by such libraries, or would care to procure for yourself. He thinks you would do best to get the back numbers for, say, the past five years of the *Archiv für systematische Philosophie* (Berlin, Reunier), which contains summaries, analytic and descriptive, of all works, in various languages, on philosophy, that have recently appeared. Another important journal is the *Zeitschrift für Philosophie and philosophische Kritik* (Leipzig, Hermann Haacke). The principal French philosophical review is that of which I enclose a title-page. You may very possibly have access to a copy of the *Encyclopaedia Britannica* (9th edition, with a just completed supplement of about ten volumes, and with this called a 10th edition). At the end of the various articles on Psychology (by Ward himself), Metaphysics (that in the Supplement being unfortunately *not* by a competent man) etc., there is for the most part a bibliography.

From my own knowledge of English books (I know very

little of recent German ones, and hardly anything of French) I may add, now or from time to time, something to what I wrote in haste a fortnight ago. Bradley should I think be carefully read, though he is not easy or attractive reading (I have as yet only read a part of *Appearance and Reality* myself); Taylor is much more readable, but sometimes diffuse; his psychology may sometimes seem more bold and suggestive than at once conclusive; his metaphysical position seems to me the most important, the clear distinction of knowledge as starting from and based upon experience, and the necessity of applying a strict metaphysical criticism to all the working hypotheses, the categories and forms of thought that arise in the course of organizing and formulating experience. I may just note here that the *International Journal of Ethics* (American and English, London, Sonnenschein, 10s. yearly) sometimes has very good articles and reviews, though it is apt to be unequal. In the number for April, 1902, is a very good article by Taylor on 'The Metaphysical Problem with Special Reference to its Bearing on Ethics'. I dare say you know that the chief philosophical reviews in English are *Mind* and *The Philosophical Review*.

A new *Quarterly Review of Religion, Theology and Philosophy* called the *Hibbert Journal* (2s. 6d. quarterly, London, Williams and Norgate) has just been started. It contains at the end a list of contents (with brief indications of their character) of all the last numbers of the chief periodicals, English and foreign, for theology and philosophy. A volume of Bampton Lectures on *Personality, Human and Divine* has recently been published by a Rev. [J. R.] Illingworth; I mention it in view of your special interest in the subject, but I do not know what the value of the book may be. I saw some favourable reviews of it, but unfortunately that gives nothing to go upon, in England.

Ward's Gifford Lectures on *Naturalism and Agnosticism* are very able, and I think you would wish to read them. The book is out of print just now (appeared 1899), and the 2nd edition, with some additions, will not be out for six months at least. He submits to a keen criticism some of the highest generalizations and hypotheses of 'science', which is often thoroughly 'metaphysical' without knowing it, the mechanical theory of nature, Spencer's idea of evolution, the theory of

psychophysical parallelism, etc.; endeavours to refute dualism and points the way to a 'spiritualistic Monism'. Unfortunately the constructive part is very little developed. I have done what I could to induce Ward to make this good in the new edition by giving shape to material he already has in a rough form. I tell him frankly that I want to see his own *positive* attempts to solve some of these problems, the attempts of others to solve which he has so convincingly criticized; and that I believe any such attempts would lie open to just as destructive criticism as he himself has so successfully applied to the theories of others. But he works slowly and has great difficulty in getting into a shape for publication—that will satisfy himself—even ideas which he may have pretty fully and maturely developed.

22 January. In theology, a book by Professor Harnack, the most prominent German theologian at present, called *Das Wesen des Christentums*, translated into English under the title *What is Christianity?*, has excited a good deal of attention in England, alarming the more orthodox, but welcomed and in part approved by many in a way that shows how orthodoxy is gradually breaking down in England. A far abler and acuter work of a similar character, to my mind, is Professor Otto Pfeleiderer's Gifford Lectures* (Vol. 2), *The Philosophy and Development of Religion*, which traces the origin and development of Christianity, Paulinism, etc. It shows so convincingly the thoroughly human (non-supernatural) origin and growth of Christianity, that one wonders how the author can retain his belief that Christ and Christianity are unique or possessed of any claim to the character of *the* absolute religion. The first volume, containing the general philosophy of religion, I have not read. I will for the present mention only one more book; *Supernatural Religion, An Inquiry into the Reality of Divine Revelation* appeared anonymously some years ago, and a new edition has just been published, 'thoroughly revised and brought up to date by the author' (10s. net, published by Watts & Co., Agent for the Rationalist Press Association). I have not read it, but it seems to have acquired and retained a high reputation as a learned and candid inquiry into the

* Delivered and published in English; I do not know whether they have appeared in a German form.

historical claims of Christianity and its sacred documents, as well as the more general questions of religious philosophy.

23 January. I have just read in the *Hibbert Journal* a short review of a book that will probably be well worth reading; I think I shall get it myself: Professor H. Höffding: *Religionsphilosophie Aus dem Dänischen übersetzt von F. Bendixen*. (Leipzig, 1901 Reiland geb., M.7.60.) Höffding's *History of Philosophy*, recently translated into English (Macmillan, 2 vols. 30s. net), is regarded by many as in some respects (the organic development of philosophical thought) the most satisfactory history of philosophy.

Yes, I am living in the little house I built myself six years ago, the address of which is as above. Here I live, for good or ill—both elements are present, but *for me* the former decidedly preponderates—quite alone; I am literally—allowing for datives and accusatives—in the condition of the Berlin Cockney, who wrote to his mother, 'Ich wohne für mir und koche mich selber'. In the winter time I enjoy the quiet of my little 'detached' house, with its double—or rather, in my sitting-room, *treble*—windows; but in the summer I am often worried by the hammering, carpet-beating, street-crying, barking, crowing of my neighbours and their dogs and cocks, though this neighbourhood is considered to be very quiet, and is a quite suburban neighbourhood. It is the airiest and healthiest of the near suburbs of Cambridge.

I read of the deputation to Chamberlain, and your speech as spokesman. I am sorry to see that Chamberlain seems still emphatically to back and uphold Milner. Of course he would do so ostensibly, and there is still hope that before he leaves South Africa he will find that it may be expedient before long to replace Milner by some one less obnoxious to the Dutch—and many of the English? His last measure of suppression of freedom of speech, etc., as reported in the *Speaker*, is sad reading for an Englishman who prides himself on the British feeling for freedom and hatred of despotism.

I must close, for I have my paper-work for my to-morrow's lecture to do. Yours sincerely,

H. J. Wolstenholme

211 From Lord Milner

Vol. 2, no. 68

Private

High Commissioner's Office
 Johannesburg
 30 January 1903

Dear Mr Smuts, I am writing to ask whether you would be willing to serve on the Legislative Council.¹ It is intended to increase this body to 28 or 30 members.

There will be a small majority of officials, as we do not pretend, at the present stage, to give complete popular government. It is only a first step. The power and the responsibility will still rest with the representatives of His Majesty's Government, but we are anxious to have a number of members who will act as spokesmen of the different sections of the people.

In that capacity I need hardly say that you will be entirely free. The Government nominates because there is as yet no machinery of election, but in its unofficial nominees it seeks to find, not agents of its own policy, but representative men who will acquaint it with the views and wishes of the population. In that respect it is their belief that the unofficial members can render great service to the country.

The Council will meet about the end of March at Pretoria. It is not expected to sit for more than three months at the most. Members will not be paid any salary, but there will be a liberal allowance—£500—for expenses. Yours very truly,
 Milner

212 To Lord Milner

Vol. 2, no. 7

From Botha, de la Rey and Smuts to Milner. The original is an unsigned draft in Smuts's handwriting.

Box 1092
 Pretoria
 6 February 1903

Your Excellency, While we thank Your Excellency for the honour you have done us and the confidence you have shown in us in privately asking us whether we would be willing to serve on the Legislative Council, we deem it our duty to Your Excellency's Government, to ourselves, and to the people

¹ See Vol. I p. 599, note 1.

whom we are asked to represent on the Council, to address the following remarks to Your Excellency.

It is our earnest desire to co-operate with Your Excellency in promoting the welfare of the country and the growth of a good understanding between the various classes of its people. But we assure Your Excellency that we have grave misgivings as to whether this proposed Council will promote that welfare or good understanding.

We recognize that the time has not come for popular representative institutions and we would be the last persons in the world to unduly press the Government on that matter. But we doubt whether the time has come for even a nominated Legislature.

A Legislature, even of the nominated type, means public discussion of many of the topics on which public feeling is still in an unhealthy state of irritability. It means the declaration of public men and possibly of party leaders in favour of lines of legislation and administration to which the Government may be averse. It means therefore the public excitation and stimulation of all those passions which it is the sincere wish of every true friend of the country to see quietly die out. What the new Colonies specially want is a cessation from all political strife, a period of quiet rest and recuperation, from which they may in good time arise with kindlier memories of the past and more hopefulness and faith in the future. It cannot be denied that in the short period which has elapsed since the conclusion of the war great progress in that direction has already been made.

But we feel profoundly that all this good work may, nay almost certainly will, be jeopardized by this Legislative Council, which will throw almost every apple of discord into the arena. If it were possible to constitute a Legislative Council without politics or politicians, this evil might be averted; but that possibility is not worth discussion.

The existing nominated Councils in this country¹ have not been such a success as to make one hopefully disposed towards the future of this nominated Legislature, which will reproduce on an exaggerated scale the defects of the existing Councils. We fear that this body will create more irritation and grievances

¹ The second Houses in the Cape Colony and Natal.

than it will remedy and that its inauguration will soon be followed, among those classes of the community that have clamoured for it, by a dangerous agitation for its abolition and the substitution for it of representative institutions.

After all, the true position is quite clear and should be frankly faced by the Government—for the present at any rate. Notwithstanding this Legislature the power and responsibility will rest with the Government and the Government could very well dispense with it and acquaint itself in official and unofficial ways with the wishes of the population. Popular opposition in the Council will only accentuate the responsibility of the Government in pressing for unpopular measures, and will in no way lessen it. So long as the Government honestly tries to do its duty it is bound to be supported by the general population, even though it may occasionally make mistakes. That is the position as it exists today, and as it may very well be continued for some time to come.

We would therefore suggest to Your Excellency the extreme desirability of postponing for six months or a year longer the calling together of this Legislative Council.

If, notwithstanding our suggestion, Your Excellency decides that the Legislative Council should be constituted without delay, then we would request Your Excellency kindly to give us the honour of an interview in order to discuss with Your Excellency some of the questions arising out of our invitation to serve on the Council. We have the honour to be, Your Excellency's obedient servants

213 Circular

Vol. 2, no. 8

Circular letter from Botha, de la Rey and Smuts to representative Afrikaners in the Transvaal. Original is a draft in Smuts's handwriting.

Bus 1092, Pretoria

7 Februari 1903

WelEd. Heer en Vriend, Wij wenschen U mede te deelen dat wij door zijn Excellentie Lord Milner zetels zijn aangeboden op den Wetgevenden Raad, welke aan het einde van Maart a.s. zitting te Pretoria zal nemen. Volgens informatie zal dit lichaam bestaan uit omtrent 30 leden, waarvan de meerderheid officiële leden der Regeering en regeerings ambtenaren zal

zijn, terwijl omtrent 14 zetels bestemd zijn voor non-officiële leden, waarvan weer 6 voor de Boeren en de andere 8 zeker voor Engelsche leden bestemd zijn. Wij zijn geïnformeerd dat voor 4 der 6 zetels uitnoodigingen zijn uitgezonden; drie aan onszelf en één aan den heer Andries Cronjé van Potchefstroom; de andere twee zullen nog aangeboden worden aan personen wier namen ons niet zijn medegedeeld.

Wij worden gevraagd niet in onze persoonlijke hoedanigheid, want dan zou de beslissing voor ons zeer gemakkelijk zijn, maar als voormannen en vertegenwoordigers van de Boerenbevolking. Als zoodanig wenschen wij niets te doen dat niet overeenkomt met de waarachtige belangen van ons volk, en daarom wenden wij ons tot U en onze andere oude vrienden en kameraden ten einde U en hen over deze gewichtige zaak te raadplegen.

Wat ons persoonlijk betreft mogen wij eerlijk en oprecht zeggen dat wij geen verlangen hebben eenige betrekking te aanvaarden en wij zouden ons liefst uit zoodanige dingen willen houden; en wij worden in dit gevoelen gesterkt door het feit dat uit 30 leden wij drie misschien de eenige vertegenwoordigers der Boerenbevolking zullen zijn, en drie in een raad van dertig leden zullen maar bedroefd weinig kunnen uitrichten; ook zouden wij ons blootstellen aan allerhande verdenking en misverstand. Wanneer wij op gemelden raad zouden gaan en per slot van rekening niets voor ons volk konden doen, dan zouden er mogelijk lieden zijn die de blaam op ons zouden willen leggen. Daarom zouden wij persoonlijk maar liefst uit zulk een lichaam willen blijven.

Maar aan den anderen kant zijn wij nog steeds bereid ons volk op alle mogelijke wijze te dienen en zullen wij niet aan onze persoonlijke gevoelens denken wanneer het volk wenscht dat wij voor zijn belangen moeten werken. Nu is er het gevaar dat, zoo wij weigeren op den raad te gaan, de overheid daaruit zou kunnen afleiden dat de Boeren totaal weigeren om met haar samen te werken en zal die afleiding tot nadeel van ons volk kunnen misbruikt worden. Ook is er het gevaar dat, indien wij weigeren op den raad te gaan, mannen uit ons midden gevraagd zullen worden en ook zullen aannemen, die misschien niet in de ware belangen van ons volk zullen handelen, die als Boerenvertegenwoordigers ons volk zouden

kunnen compromitteeren, en gebruikt konden worden om ons volk nog dieper te vernederen, te verdeelen en te benadeelen. Het zou alleen zijn om een zoodanig gevaar te voorkomen en om de naam en de eer van ons volk zuiver te houden, al kunnen wij niets anders doen, dat wij ons de benoeming op een raad, die niet door het volk gekozen maar door de Regeering benoemd wordt, zouden laten welgevalen.

Wij wenschen uw eerlijke en oprechte opinie te hooren of U denkt dat wij de benoeming behooren aan te nemen of niet. Er is geen tijd of gelegenheid om het publiek te raadplegen, maar wij drukken het vertrouwen uit dat U uwe vrienden in het privaat hierover ook zal raadplegen en ons zoo spoedig mogelijk uwe gevoelens zal mededeelen.

Het is ons wensch om, wat wij ook doen of laten, niets zonder ons volk te doen, en daarom raadplegen wij in deze ernstige zaak zooveel onzer oude vrienden als mogelijk. Met groete en heilbede, Blijven wij, Steeds getrouw de uwen

L. B.

J. H. de la R.

J. C. S.

TRANSLATION

Box 1092

Pretoria

7 February 1903

Dear Sir and Friend, We wish to inform you that we have been offered, by His Excellency Lord Milner, seats on the Legislative Council, which will meet at the end of March in Pretoria. According to our information this body will consist of about thirty members, of whom the majority will be official members of the Government and government functionaries, while about fourteen seats are intended for non-official members, of which again six are intended for the Boers and the other eight for English members. We are informed that invitations have been sent out for four of the six seats; three to ourselves and one to Mr Andries Cronjé¹ of Potchefstroom; the other

¹ Andries Petrus Johannes Cronjé, brother of General P. A. Cronjé (q.v.), was a Commandant during the Anglo-Boer War. He surrendered when Potchefstroom fell on 11 June 1900 and in 1901 began to raise 'National Scouts', i.e. ex-members of the Boer forces who took service under the British military authorities. He accepted the invitation from Lord Milner to sit on the Transvaal Legislative Council.

two are still to be offered to persons whose names have not been communicated to us.

We have not been invited in our personal capacity, for then the decision would be very easy for us, but as leaders and representatives of the Boer population. As such we wish to do nothing that does not accord with the true interests of our people, and therefore we turn to you and our other old friends and comrades in order to consult you and them about this weighty matter.

As far as we personally are concerned, we can honestly and sincerely say that we have no desire to assume any position and we should prefer to keep out of such things; and we are strengthened in this feeling by the fact that among thirty members we three would perhaps be the only representatives of the Boer population, and three in a council of thirty members will be able to achieve precious little; we should also expose ourselves to all kinds of suspicion and misunderstanding. If we should go on to the said Council and in the long run be unable to do anything for our people, then there would possibly be people who would want to put the blame on us. We should therefore personally prefer to remain out of such a body.

But, on the other hand, we are still prepared to serve our people in every possible way and we shall not consider our personal feelings if the people wish us to work for their interests. Now there is a danger that, if we refuse to go on the Council, the authorities would be able to conclude that the Boers refuse entirely to co-operate with them, and this conclusion might be used to the disadvantage of our people. There is also a danger that, if we refuse to go on the Council, men will be invited from among us and will accept, who will perhaps not act in the true interests of our people, who, as representatives of the Boers, may compromise our people and be used to humiliate our people still more deeply, and to divide and injure them. It would only be to prevent such a danger and to keep the name and the honour of our people pure, even if we could do nothing else, that we should consent to appointment to a council which is not elected by the people but appointed by the Government.

We wish to hear your honest and sincere opinion—whether you think that we should accept the appointment or not.

There is no time or opportunity to consult the public but we express the hope that you will also consult your friends privately about this and let us know your feeling as soon as possible.

It is our wish, whatever we do or leave undone, to do nothing without our people, and therefore we are in this matter consulting as many of our old friends as possible. With greetings and good wishes, We remain, Always faithfully yours,

L. B.
J. H. de la R.
J. C. S.

214 From Lord Milner

Vol. 2, no. 70

Government House
Bloemfontein
9 February 1903

Messrs. Louis Botha
J. H. de la Rey
J. C. Smuts

Gentlemen, I have the honour to acknowledge your letter of February 6th, which has been forwarded to me at this above address and to thank you for the expression of your desire to co-operate with the Government in promoting the welfare of the country.

The Government is alive to the considerations which you so forcibly urge in favour of postponing an enlargement of the Legislative Council. For my own part I share your anxiety to a very great extent.

But it has appeared to the Government that the counterbalancing advantages of the proposed course greatly outweigh any inconvenience which may result from it.

The fact of laws being passed in an open Council, in which not only will representatives of different sections of the community be able to make their opinions felt, but the Government itself will be able to explain its policy, is calculated not only to prevent mistakes, but to remove misconceptions.

While quite agreeing with you that what the country most wants at present is a cessation of political strife, I am more hopeful than you appear to be of the effect of bringing leading

men of various sections, men with a sense of responsibility, to discuss together matters affecting the general welfare. The questions which most press for attention in the immediate future are not so much political (for I believe, as you say, that there is a general willingness to accept for the present the existing form of government) as social and economic. Co-operation in such matters will, I hope, lead to mutual respect and better understanding, and will thus tend rather to soften than to exacerbate the political controversies which are doubtless inevitable in the future.

May I add that my hopes in this respect are greatly strengthened by the tone and spirit of your letter, and by your evident desire to promote the gradual growth of better relations between different sections of the community, so deeply divided from one another by the events of the immediate past.

For these reasons I hope you may be willing to accept the offer which I have made to you on behalf of the Government. In any case I shall be happy to see you, and further to discuss the matter. I fear I cannot be at Johannesburg before late to-morrow evening, but shall have much pleasure in seeing you the following day at 11.30, if that hour is convenient to you. I have the honour to be, Gentlemen, Yours very faithfully,

Milner

215 To Lord Milner

Vol. 2, no. 9

The document in the Smuts Collection is in Smuts's handwriting and is marked: 'True copy, J. C. Smuts'.

Johannesburg
11 February 1903

Your Excellency,

We regret greatly that we do not feel at liberty to accept the invitation to serve on the Legislative Council which Your Excellency has done us the honour of sending us. We have stated our position and difficulties to Your Excellency both in our joint letter of 6 February and in the interview which Your Excellency was good enough to grant us this morning, and we therefore consider it unnecessary to repeat them here. We do not think that we can be of any real service either to the

Government or to the country at large by accepting positions on the Legislative Council at present. We have the honour to be, Your Excellency's obedient servants,

(signed) Louis Botha
J. H. de la Rey
J. C. Smuts

216 From Lord Milner

Vol. 2, no. 71

High Commissioner's Office
Johannesburg
11 February 1903

Dear Mr Smuts, Many thanks for your letter just received. I regret the decision conveyed in it, but feel that I could add nothing to the considerations which I have already urged upon you with reference to this matter.

The fact of the invitation having been given and declined is certain to become public. In that case a wrong interpretation may be put upon what has passed. It seems to me that it would tend to prevent any bad impression being created by the incident if the correspondence could be published—I mean your letter of 6 February and my reply of 9 February, also your letter of to-day and this reply. Believe me, Yours very truly,

Milner

217 To S. J. P. Kruger

Vol. 2, no. 128

The document in the Smuts Collection is a typed copy of a letter in the possession of Dr H. J. Raubenheimer of Pretoria. The letter to which it is a reply is not in the Smuts Collection.

Bus 1081, Pretoria
22 Maart 1903

Hooggeachte President, Het is mij een begeerte des harten een paar regels aan U te schrijven en U hartelijk te danken voor de heerlijke aanmoedigende woorden die U laatst aan mij schreef. Ach, wanneer ik vandaag den toestand van het Afrikaansche volk gadesla dan trekt mijn hart ineen van vrees en van jammer. Bovenop al de rampen die ons overvallen zijn komen nu nog een droogte zooals in geen jaren gekend en allerhande pesten waaraan ook het weinige vee dat nog

overgebleven is bezwijkt. Met den ploegtijd kon men op het hoogveld een geheele familie zien—ouders, kinders, meisjes, allen—ploeg trekken, en nu komt de droogte en de rijp en neemt de vrucht van al die arbeid weg. Waarlijk Gods hand is zwaar op ons volk. Soms lijkt het mij alsof wij een erfdeel voor den vreemdeling hebben schoon gemaakt en hetzelfde niet zelve zullen bezitten. Maar dan weer gevoelen wij ons aangemoedigd door die heerlijke beloften die toch weer zullen blijven wanneer hemel en aarde niet meer zullen bestaan. En de Heer heeft een geduld, een geest van stille lijdszaamheid aan dit volk gegeven welke alle bewondering te boven gaat. Maar er zijn ook teekenen van verval op allerlei gebied. Vele plaatsen worden verkocht en die reeds tevoren arm was wordt nu nog armer. Maar hoe arm wij ook mogen zijn of worden wij zullen met Gods hulp onze uiterste kracht inspannen om onze nationaliteit in stand te houden, en onze taal te blijven handhaven.

Ik weet niet wat uwe plannen zijn, maar indien het uwe begeerte is naar uw volk en land terug te keeren, dan moet U zulk aan mij mededeelen en ik en anderen zullen ons best doen de zaak bij de Engelsche Regeering door te werken.

Met hartelijke groete, en heilbede en de vertroosting des geestes op uw ouden dag. Getrouw de uwe,

J. C. Smuts

TRANSLATION

Box 1081

Pretoria

22 March 1903

My dear President, I feel that I must write you a few lines and thank you heartily for the beautiful encouraging words which you last wrote to me. When I contemplate the condition of the Afrikaner people today my heart contracts with fear and pity. On top of all the disasters that have overtaken us there now also appear a drought such as has not been known for years and pests of which the few cattle that have survived are dying. At ploughing-time one could see on the highveld a whole family—parents, children, girls, everyone—drawing the plough, and now drought and frost come and take away the fruit of all that toil. Verily God's hand is heavy on our people.

Sometimes it seems to me that we have prepared a heritage for the stranger and shall not ourselves possess it. But then again we feel encouraged by the beautiful promise which will remain when heaven and earth no longer exist. And the Lord has given this people a patience and a spirit of quiet endurance which passes all admiration. But there are also signs of degeneration in all sorts of ways. Many farms are being sold and those who were already poor before now become even poorer. But however poor we may be or become, we shall with God's help summon up our utmost strength to preserve our nationality and maintain our language.

I do not know what your plans are, but if it is your desire to return to your people and country, then you must inform me of it and I and others will do our best to put the matter through with the English Government.

With hearty greetings and good wishes and the comfort of the Spirit in your old age, Yours faithfully,

J. C. Smuts

218 From S. J. P. Kruger

Vol. 2, no. 44A

Villa Gena I

Menton

14 April 1903

Zeer Geachte Heer Smuts, Hartelijk dank voor uw belangstellende brief van den 22 Maart. Het was mij waarlijk aangenaam weer van U te hooren. Met mijn gezondheid gaat het, door God's grote liefde, nog redelijk wel op mijn oude dag. Ik vind uw toestand volgens vers 8, (in rijm) van Psalm 25,

Zie op mij in gunst van boven;
 Wees mij toch genadig, Heer;
 Eenszaam ben ik en verschoven,
 Ja, de ellende drukt mij neer.
 Ik roep U aan in angst en smart;
 Duizend zorgen, duizend dooden
 Kwellen mijn angstvallig hart;
 Voer mij uit mijn angst en nooden.

Wankelt toch niet op de beloften van den Heer. De Heer tucht zwaar, doch het is geen straf—het is alleen om zijn volk te louteren. Lees met aandacht het tweede hoofdstuk van

Joel, maar lees ook het eerste en daarmee in verband het derde hoofdstuk van zelfde Profeet. Daarin vindt gij ons gansche toestand.

Ik vraag U ook met aandacht te lezen het derde vers van Psalm 25:—

Denk aan het vaderlijk meedoogen,
Heer, waarop ik biddend pleit;
Milde handen, vriendlijk oogen
Zijn bij U van eeuwigheid,
Sla de sonde nimmer ga,
Die mijn jonkheid heeft bedreven;
Denk aan mij toch in gena,
Om uw goedheid eer te geven.

Dit is waar Hij ons tot vernedering brengt. En hoort U wat de Heer uit vers [4] aan de ziel antwoordt:—

'sHeeren goedheid kent geen palen;
God is recht, dus zal Hij door
Onderwijzing hen die dwalen,
Brenge in het rechte spoor.
Hij zal leiden het zacht gemoed
In het effen recht des Heeren;
Wie Hem nederig valt te voet
Zal van Hem zijn wegen leeren.

Hieraan behoeft gij niet te twijfelen. De Heer weet zijn tijd door Hem bepaald, en op die tijd zal Hij komen om Zijn volk te leiden en te troosten.

Ik hoop en vertrouw dat de groote en zware droogte nu door een milde regen is vervangen en dat het U allen spoedig beter zal gaan.

U des Heeren zegen toewenschende en zoo met hartelijke groeten en heilbede,

S. J. P. Kruger

TRANSLATION

Villa Gena I
Menton

14 April 1903

Dear Mr Smuts, Sincere thanks for your solicitous letter of 22 March. I was really pleased to hear from you again. My health, by God's great love, is still reasonably good in my old

age. Your condition I should find as in verse 8 (rhymed) of Psalm 25:

Look upon me with favour from above,
 Be merciful to me, O Lord;
 I am solitary and cast aside,
 Yea, misery oppresses me.
 I call upon Thee in fear and pain;
 A thousand cares, a thousand dead
 Trouble my fearful heart;
 Lead me out of fear and trouble.

Do not waver from the promises of the Lord. The Lord chastises hard, but it is no punishment—it is only to temper his people. Read carefully the second chapter of Joel, but read also the first and, in connection with it, the third chapter of the same prophet. There you will find our entire condition.

I also ask you to read carefully the third verse of Psalm 25:

Remember the fatherly compassion,
 Lord, for which in prayer I plead;
 Kind hands, friendly eyes
 Are eternally Thine;
 Do not look upon the sins
 Done in my youth;
 Remember me in Thy mercy,
 That I may praise Thy goodness.

That is how He humbles us. And do you hear what answer in verse [4] the Lord gives to the soul:

The Lord's goodness knows no bounds;
 God is just; therefore He will
 By teaching put upon the right path
 Those who stray.
 He will lead the pliant heart
 In the strict righteousness of the Lord.
 Who humbly falls at His feet
 Will learn of Him His ways.

Have no doubt of this. The Lord knows His appointed time, and at that time He will come to lead and comfort His people.

I hope and trust that the great and terrible drought has now been succeeded by a beneficent rain and that it will soon go better with you all.

Wishing you God's blessing and with hearty greetings and prayers for your welfare,

S. J. P. Kruger

219 From J. X. Merriman

Vol. 2, no. 56

Schoongezicht

Stellenbosch

4 May 1903

My dear Smuts, I am glad to hear that you are an extremely busy man but nevertheless I take up your time without any remorse. The case is as follows. Some three weeks ago my wife in despair went to a registry office where she was put in communication with a Hollander. She liked his looks and we engaged him with the idea that he should bring his wife down to act as cook. When we heard the man's whole story we found that this was quite unadvisable. He is a Hollander, a burgher of the Transvaal, came out in the service of the N.Z.S.M.¹ married a Boer girl and got a farm. When war broke out he was first under de la Rey, then Cronjé. Fought at Magersfontein² and accompanied Cronjé in his disastrous retreat. Was wounded at Paardeberg and captured there. After four months in hospital was sent to Ceylon, when there he was pressed to take the oath of allegiance³ but refused as long as his generals were in the field. On conclusion of war he was sent to Java, then to Holland, whence he found his way here anxious to join his wife and his property.

On application his permit to go to Transvaal was refused and he took service with me. I interested myself in his case and eventually the authority for permit was granted and also authority for free three-day passage. On presenting himself to take the oath of allegiance the poor fellow was bandied about from one office to the other and was finally told that he was on the 'black list' for refusing to take the oath in Ceylon and was refused permission to take it now!

What is his condition? We have made him perforce a British subject, his own national Consul disowns him for he is

¹ Nederlandsche Zuid-Afrikaansche Spoorweg Maatschappij.

² Battle near Kimberley in which General P. A. Cronjé defeated Lord Methuen, December 1899.

³ Required of burghers of the former Republics by the Treaty of Vereeniging.

or was a Transvaal burgher and we will not allow him to get to his home. Surely this is quite contrary to Vereeniging conditions ?

I have made personal application to the Resident Magistrate here and that functionary, with true official *morgue*, told me that he had sent the papers to Pretoria 'from which an answer might be expected in two or three weeks'. Not a word of regret for the poor fellow eating his heart out here.

The man's name is Hendrik Ten Kate of Potchefstroom. He is, I can testify, an honest, sober, hard-working fellow. I appeal to you to help him if you can for I cannot tell you how much I feel for him.

I will write no more though there is *much* I should like to write were conditions favourable. But do get poor Ten Kate his rights. Yours very truly,

John X. Merriman

220 To J. X. Merriman

Vol. 2, no. 129

Box 1081

Pretoria

26 May 1903

Dear Mr Merriman, I have been delaying my answer to your letter in reference to Ten Kate, because I had hoped to tell you the result of my representations to the Government. However the final answer has not yet come; so I shall in the meantime tell you how the case stands.

The Vereeniging Agreement makes it impossible for the Government to keep burgher prisoners of war out of the country. Unfortunately the Government take it upon themselves to decide who are and who are not burghers. And, as you know, they have decided that naturalization just before the war and presumably in view of war was a mere form which failed to effect its object. I have, however, represented to Sir A. Lawley the extreme hardship of applying such a rule to a case like that of Ten Kate and he has promised favourable consideration of the case. As soon as a definite answer comes I will let you know.

Things up here wear a rather black look. The Government are trying to tackle problems far beyond their powers and the

result is that the general population is more and more splitting up into factions—over the Native question, the Chinese question, the Municipal question, the School question.¹ If this continues much longer the fine music of Imperialism will surely be drowned by the creaking of the Parish Pump! Yours very faithfully,

J. C. Smuts

221 To J. X. Merriman

Vol. 2, no. 130

Box 1081

Pretoria

29 May 1903

Dear Mr Merriman, The Chief Secretary for Permits writes me that so far back as 6 April ult. instructions had been sent to the Permit Secretary at Cape Town to issue a permit to Mr Ten Kate. As Sir A. Lawley was still considering the matter a fortnight ago I do not quite follow the development of the matter. However I hope that Ten Kate will now be able to return to his family.

Our Legislative Council has so far excited very little public attention. The Councillors as well as the public know that they are mere puppets in a play in which Destiny is the one real actor.

During the last months I have had many letters from Liberal friends in England who represent that our apparent contentedness (which they say cannot be real) is doing our cause as well as the Liberal cause lots of harm, and that it would be advisable for us to growl a bit in view of the approaching General Election. I cannot agree with them. At critical times the English electorate and the English press, controlled by financial magnates, will leave us in the lurch, while the Liberal Party seems to me a broken reed to rely on. The best appears to be to hasten responsible government by our quiet demeanour and thereby to obtain control of the management of our own affairs. Don't you think so too? Yours very faithfully,

J. C. Smuts

The originals of the letters from Botha to Milner (222 and 223) are drafts in Smuts's handwriting.

¹ See 226.

Pretoria
1 June 1903

Your Excellency, I have had several communications from Mr Tom Kelly¹ and Major [J. L.] Pretorius whom I sent with Your Excellency's concurrence and assistance to the burghers who are still prisoners of war in India and Bermuda. They represent to me strongly the desirability of having these prisoners of war brought to some place in South Africa where Generals de Wet, de la Rey and myself could have the opportunity of speaking personally to them. It appears that they are so suspicious that they refuse to believe the credentials which we gave to those gentlemen, and absolutely decline to come back unless they are told to do so by us personally.

This being so, and there being no other ground for their refusal to return, I would ask Your Excellency kindly to give effect to the suggestion of the above gentlemen and to have all these prisoners brought to some camp on the coast of South Africa where we could have the opportunity of explaining to them the real state of affairs and thereby induce them to return to their homes.

I feel all the more confidence in preferring this request to Your Excellency as I am convinced that the course proposed will end all further trouble and vexation in connection with these people, and that they could be induced by us personally to sign the declaration in terms of the Vereeniging Agreement.² I am sure that Your Excellency will feel some sympathy for these people in their strange perseverance in what appears to them under the circumstances to be their duty and that Your Excellency will be as anxious as ourselves to put an end to their sufferings both in mind and in body. I have the honour to be, Your Excellency's faithful servant

L. B.

¹ Towards the end of 1901 Field-Cornet Tom Kelly crossed the border of Portuguese East Africa with his forces and surrendered there.

² Prisoners of war abroad who signed a declaration accepting the position of British subject would be repatriated.

223 L. Botha to Lord Milner

Vol. 2, no. 11

Pretoria

1 June 1903

Your Excellency, At the time of Mr Chamberlain's visit to this country Your Excellency requested me and General de la Rey to start no political associations among the burghers without consulting Your Excellency in the matter.

Since then an enlarged Legislative Council has been created which will have to deal shortly with important public measures without having any mandate from the people of the country; the question of labour for the mines, of the status of coloured people, of popular education and many other questions of vital importance for this country have been raised. These questions are being discussed almost daily by the press which speaks, and can speak, only for a certain section of the population. Under these circumstances my friends and myself would be failing in our duty if we did not speak out and give the burgher population of the country an opportunity for expressing their opinions on some of the most important public questions of the day. We therefore propose to hold some meetings at the more important centres during this and the following months. I feel sure that these meetings will do much good and will materially assist the Government and the legislature in their important work, as it will show what the public think and feel on current political issues. I have the honour to be, Your Excellency's faithful servant

L. B.

224 From J. X. Merriman

Vol. 2, no. 58

Confidential.

Schoongezicht

Stellenbosch

3 June 1903

My dear Smuts, Your letter [of] 29 May crossed, as you will see, one of mine in which I detailed the further adventures of Ten Kate. I also explained that it was not the permit that was the difficulty but the permission to take the oath of allegiance.

I answer your letter at once because of the question that you put at the end of yours. I entirely agree with you in deprecating in the strongest way anything that could aggravate

the discontent that must of necessity under the circumstances exist, and in agreeing with you that responsible government is the true solution for the evils arising from those circumstances. There may be some doubt as to whether you and others should not have taken a share, even in the mongrel sort of check on pure autocracy that the so-called Legislative Council presents. Upon that I shall not offer an opinion and trust entirely to the judgment of you and your colleagues. But having taken the course you did, it would not only be suicidal folly, but even a sort of breach of faith, to do anything to stir up discontent. Our friends to whom you allude in England are excellent good fellows, but they do not live on the spot, and have not to bear in their own persons the effect of a policy of recalcitrant irritation. I have myself been surprised at their comments upon the action of the South African Party¹ in the Colony. Apparently they cannot understand that we are sincere in our wishes for a fusion of races, nor do they seem to grasp the fundamental point that the question at issue is between capitalist rule and the creation of a state on the model of Canada and Australia. Feeling all this very strongly I have discountenanced the formation of any South African Committee in our supposed interests in England, as in the face of our protests against Imperial Leagues² and similar bodies and their continued interference in our internal affairs, such a body would utterly destroy the arguments we use for a free control of our own affairs. As long as one body of colonists in South Africa—I do not care which it is—continues to look across the water for aid in our own political questions, so long there will be a continuance of strife and confusion. In saying this I fear that I must add that my advice was most unpalatable to those good people who think, perhaps justly enough from their point of view, that the political odium they have faced during the late struggle has given them a sort of prescriptive right to benevolent interference on our behalf.

As to what you say about the Liberal Party, I wish I could

¹ See Vol. I p. 32, note 2 and p. 229, note 2.

² An offshoot of the South African League had been established in Great Britain in May 1896, known as the Imperial South African Association. Its professed aim was to inform the British public on South African affairs. Committees of the Association were set up in Canada and Australia.

think that it was unjust. Apart from individuals like C.B.,¹ Thomas Shaw, John Morley, and others who have risked much personal obloquy in defence of what they considered right, as a party they are feeble beyond words. How for instance can any set of men calling themselves liberal be consenting parties to such a violation of all—I won't say liberal even—but all English principles as the imposition of that thirty million war loan on an unrepresented community, to say nothing of your Peace Preservation Act,² without any protest I cannot conceive. Such Laodiceans can never do much. Yet with all their faults they are better than a Tory plutocracy—and I do not believe that under any circumstances England will long consent to govern communities of white men without representative institutions. Your policy is well summed up in the old O.F.S. motto *Geduld en Moed*,³ particularly *geduld*. Probably the fight against the corruption of money and all that means will be even more arduous than the war just ended.

To come to personal matters. You seem to me to be taking a very wise course. I look to you to do great things on constitutional lines, and to do good service to South Africa. If I might advise you I should strongly recommend your utilizing your enforced leisure from active political life in studying fully the colonial history of England as bearing upon the questions that must come up for discussion and settlement in the near future. I append a list of books that I have found most helpful, though I dare say you are familiar with them. Any time that you feel disposed to write to me I shall be very glad. With kind regards, Believe me, Yours very truly,

John X. Merriman

Egerton's *Colonial Policy of Great Britain*—general review.

Lord Grey: *Colonial Administration of Lord John Russell*; deals with initiation of responsible government.

Walrond: *Life and Letters of Lord Elgin*; most valuable.

Lord Durham: *Report on Canada*, republished by Methuen.

Bryce: *Studies in History and Jurisprudence*; most valuable on federation.

¹ Sir Henry Campbell-Bannerman.

² The Peace Preservation Ordinances of November 1903 restricted civil rights, especially freedom of movement, in the new colonies.

³ Patience and Courage.

Jenkyns: *British Rule and Jurisdiction beyond the Seas*; interesting from legal point.

225 From J. X. Merriman

Vol. 2, no. 57

Schoongezicht

7 June 1903

My dear Smuts, I was glad to get your note and thank you for all you have done in the matter of Ten Kate; before I got your letter the poor fellow got his permit and free pass and finally was allowed to take the oath and has, I hope, by this time rejoined his family. His case was one that threw a somewhat lurid light on policy and practice.

I wish I could write to you fully but the detestable system of legalized espionage prevents me from doing so.

There is nothing to prevent me from saying, however, that this new move of Chamberlain has taken everyone by surprise.¹ You cannot set the clock back without damaging the works—as he will too late find out.

I saw your good father the other day at Malmesbury looking the very picture of a sturdy yeoman. We begin our session next Friday. I wish you were one of us but you are quite right to stick to your business and try to rebuild the ruins of society.

Wishing you all sorts of good fortune, Believe me, Yours truly,

John X. Merriman

226 To L. T. Hobhouse

Vol. 2, no. 12

This letter, signed by Botha but written by Smuts, was addressed to L. T. Hobhouse. It was published in *The Times* on 15 July 1903, accompanied by a letter from Leonard Courtney recommending its publication.

Box 1092, Pretoria

13 June 1903

Dear Mr Hobhouse, I have delayed rather long before writing to you; the fact of the matter is that one does not like to express an opinion on events before one is at some distance from them and can discern their effects. And although I personally never

¹ His retirement from the Colonial Secretaryship to pursue Tariff Reform.

had a doubt about the meaning of Mr Chamberlain's visit to this country, still I did not like expressing my opinion while there was yet a chance of matters turning out better than I had anticipated.

However there is or can be no doubt any longer that, at any rate so far as the Transvaal is concerned, Mr Chamberlain's visit to South Africa has been a dismal failure, and has left matters worse than he found them. We did our best to gather at Pretoria at the time of his visit all the most influential and representative burghers of the Transvaal in order that he might have an opportunity of acquainting himself at first hand with the views and sentiments of the people. We saw him only once in a joint body as a public deputation. For the rest he saw none of us and preferred to gather his information and advice from quarters about which the less I say the better. At the public meeting he adopted a line of reply which could not but be considered insulting and which was so considered by everybody present. When we prayed for amnesty he pointed out how we had sjambokked and shot *our* rebels; when we asked for equal rights for Dutch and English, he asked us whether that was in our Charter—the conditions of surrender at Vereeniging; when we asked that, in view of the impoverishment and devastation of the country, no war debt be laid on the country until the population had been given self-government and the people's voice could be heard thereon, he did not even deign to reply to us. His great taunt was our ingratitude and non-recognition of the fact that the Government was spending 15 millions sterling on the restoration of the country to its pre-war condition. Everybody then and since has been wondering and asking where and how and on whom this vast sum of money has been spent, for there is certainly no public evidence of it, except perhaps in the blue-books which are sent to the Colonial Office for home consumption.

From Pretoria Mr Chamberlain went to Johannesburg and as he was there dealing with men who represented nobody but themselves, unless it be their financial principals in Europe, he seems to have had much easier work in persuading them to assent to this poor country being saddled with a war debt which, in proportion to the white population of the country, is probably one of the largest in the world. Rumour has it—

I repeat it for what it is worth—that even this reluctant assent was only given when dark threats were made of a much larger debt being placed on the country and the mineral assets being withdrawn from public participation and earmarked specially for the payment of the war debt. It thus became a case of Hobson's choice, and there is no doubt now that these individuals with whom Mr Chamberlain conducted these interesting negotiations through Lord Milner unfortunately chose wrongly. However the main point to bear in mind is that an unprecedented war debt was placed on the Transvaal against the express declarations of the burgher representatives and without the consultation or concurrence of a single section of the population of the country. And in the face of this Mr Chamberlain declared at his recent Birmingham meeting that 'the representatives of *every* class in the Transvaal took upon themselves' this burden of a war debt. As it has been a governing principle of English colonial policy and, as I am told, even law since the American War of Independence that the colonies shall not be taxed without their constitutional assent, I shall be much surprised if the great political parties of Great Britain ratify this strange procedure on the part of Mr Chamberlain.

From Johannesburg Mr Chamberlain went to Bloemfontein, where matters seem to have gone less smoothly and where, equally as at Pretoria, a protest was made against the imposition of a war debt on the country before the grant of representative institutions.

I emphasize these facts because they are bound to exercise great influence on the future politics of the two new colonies.

At Cape Town Mr Chamberlain seems to have felt some misgivings about his policy of 'firmness'. It is needless for me to point out that at this time of day the Boer is thoroughly wide-awake, and that firmness makes as little impression on him as weakness and that the only thing that impresses him is justice and fairness.

While Mr Chamberlain was at Cape Town Lord Milner offered to Generals de la Rey, Smuts, and myself seats on the new Legislative Council. As, however, we could not act in our individual capacity, and as no opportunity could be given us of consulting the burgher population, and as, moreover,

nothing whatever had been done to give effect to the solemn representations which we had made to Mr Chamberlain at Pretoria, we felt bound to decline this honour. We took, however, the liberty of pointing out to Lord Milner that it was better to face the situation honestly and manfully and that it was undesirable to retain all power in the hands of the Government under the Crown Colony system and to share its responsibility with a nominee Legislative Council; in other words that the Government, having all the power, should also retain all the responsibility, and that there would be no objection to this so long as it continued to govern justly and fairly. The warning to govern justly and fairly seems to have been as little heeded as the warning against a mongrel nominee Legislature.

Well, we have our Legislative Council now, but as I myself declined to sit on it, it is not for me to criticize it. The burgher population however laugh to scorn the very idea that it is represented on that Council.

The warning which we conveyed to Lord Milner—that the Legislative Council would set the ball of high politics rolling—has come true. One of its very first tasks was the changing of the status of the coloured people, which however the good sense of Sir Richard Solomon negated after it had been solemnly passed. The Government, having avoided one extreme, has now run a rock on the other. As the Municipal franchise was not to be given to the coloured people, no more was it to be given to the overwhelming population of white aliens in this country—in other words the coloured British subject and the white alien should be regarded as equal in this British Colony. The logic of this may be sound, but its policy, in view of the universal opinions of South Africans, is more than questionable; while the situation becomes utterly ridiculous when you remember that it was Lord Milner's advocacy of the cause of the white alien which was the direct cause of the war.

Leaving the Legislative Council alone, I wish to refer very briefly to some other questions of grave importance. The work of the Repatriation Department is a complete and dismal failure. However good the intentions of the Government with this branch of the Administration might have been, still

it cannot be denied that the Repatriation Boards have been struck with a strange powerlessness, for which their composition, in the teeth of our advice and recommendations, has been largely responsible. Lord Milner's despatches about the huge success of this Department are nothing more than a fairy tale. Will you believe it that now, more than twelve months after the conclusion of the war, these boards are still travelling over the country and wasting the public funds in order to apportion the 'free grant' of three millions? No wonder that the burghers have given up all hope of ever having anything given them out of this 'free grant'. Although this relief fund was in the Vereeniging conditions of surrender called a 'free grant', I have not yet met a single burgher in the Transvaal who has received anything free or gratis from the Government, all relief having to be signed for or secured by sureties or promissory notes.

Then there is the School and Language question which we brought to the attention of Mr Chamberlain and which has already in every form been brought to the attention of the Government. But in vain. The Government has imported a number of English educational experts under whose care and instruction the education of the Boer children is now directed to a goal which no Boer professes to foresee or understand. An intensely religious, moral, and conservative people, the Boers find their whole existence torn up by the roots, as it were, their children educated by strange people who may be Romanists or sacerdotalists, and probably are; who do not know their language or modes of thought; who teach the children Dutch, without knowing it; who teach them history which every child knows to be a travesty of the facts, and whose whole influence is unconsciously directed to making plain to the ordinary Boer the gulf which separates him from his conquerors. Do you think that such an educational system, administered too with that red-tape which before was almost unknown in this country, is a factor for conciliation in this country? Do you think the Boers will love and admire their conquerors for openly trying to Anglicize their children and for putting their language on the same footing practically as Zulu, Sesuto or any other foreign language? It sometimes seems to me that the Government has forgotten every lesson of

Transvaal history. We have asked for school boards to direct local education along general lines to be supervised by the Education Department. This system, which is only one form of that local self-government which alone suits free and progressive peoples, worked perfectly well all over South Africa before the war. No doubt it is derided by the imported educational experts who are now experimenting with their abstract theories on the Boer children. These experiments will, however, in all probability turn out failures and discredit in the eyes of the people the Government that started them. Free Schools, administered by School Committees nominated by the parents, are now in operation in many parts of the country and are frequented by more than 4,000 children.¹ In these schools the fundamental principle is the equality of English and Dutch; and when you consider that the parents have in these hard times to pay for the teaching of their children in these free schools, while next door the Government school affords gratis education, you can understand with what rooted suspicion they must consider these Government schools.

You see very little writing in the paper on those subjects. The fact is that the Boers are a silent people and would rather suffer in silence than make a parade of their grievances. The grievances that you mostly hear of in the Transvaal are, strangely enough, those of the capitalists and mining magnates. And the particular grievance which is now most popular is the want of Native labour for the mines. Before the war, one did not hear so much of this as of the kindred complaint that the Native labour cost too much. No doubt one of the hopes which these people built on the successful issue of the war was that of cheap Native labour. Unfortunately this hope has turned out a complete delusion. The Natives are there right enough, but their suspicions have been thoroughly roused; most of them have made much money out of the military during the war

¹ These were the C.N.O. (Christelijk-Nationaal Onderwijs) schools set up by the Afrikaners in the Transvaal and the Orange River Colonies because, in the Government schools, the use of Dutch as a medium of instruction hardly found a place and because parents had no share in their control. Assisted by funds from the Netherlands, arranged for by Dr N. Mansvelt and others, some 200 C.N.O. schools were set up under the control of a central committee to conduct examinations and inspections, and local committees elected by parents. These schools played an important part in the preservation of the Dutch language and the stimulation of Afrikaner nationalism.

and are now quietly waiting for the fulfilment of the many other promises by which the military secured their co-operation in the late war.

So now the cry is all for cheap Chinese labour. In other words, the vastly preponderant black population of South Africa must now be reinforced by hordes of the yellow races from Asia in order that the mining ventures of the Transvaal may pay dividends. These financial gentlemen are not deterred by the prospect that such a step will degrade South Africa for ever and prevent it from being a country for white immigrants and finally make it once more a black man's land. What feeling have they for South Africa or the coming generations of its people? We are convinced of their utter and naked selfishness; and what is more, we are convinced of their stupidity and want of foresight in all matters of politics. Their general interference in the politics of South Africa from the days of the Jameson Raid up to the present contributes one unbroken record of stupendous blundering and miscalculation, and we do not think that the destinies of this sub-continent ought to be entrusted to such people.

Unfortunately, however reluctantly I say it, I have no doubt that the Government of this country is almost completely dictated by the mining magnates. And that makes the situation all the more serious for the general population of the country, English as well as Dutch.

You see in what a difficult position my colleagues and myself are placed. If we sit still while the country is going to the dogs, we fail in our most important duty to the State. If, on the other hand, we criticize the policy of the Government and those who stand behind the Government, we are branded as agitators and are taunted with starting a revolutionary propaganda. However it seems that the time has come for us to speak out and not by our silence to appear to acquiesce in the wrong course affairs are taking.

It will be with great reluctance that we shall do so. God only knows what a chance this Government had of winning the respect and the confidence of the Boer population. A singular misconception of their character, however, has led the Government into a policy of firmness and assimilation, which has completely precluded all possibility of the Boers revising their

notions of British policy. It is to them still the same policy which drove their forefathers from the Cape and which has drenched South Africa in blood and tears. If they were prepared to have an open mind after the war, I am afraid they are less so today. If the Government had started the administration of the country on broad and statesmanlike lines and on the democratic principle of trusting the people, then nothing would have been too great for the silent forces of respect, co-operation and conciliation to have accomplished in time. Instead, however, the whole policy of the Government has been inspired by fear and distrust and cast along those narrow bureaucratic lines which are equally abhorrent to all colonials and South Africans.

The consequence of all this is that the Transvaal is today in a most unhappy and dissatisfied temper. The English, even more than the Dutch, are bitterly complaining. The only redeeming feature of the situation is that in this common adversity English and Boer are being drawn together; but it is not a work of which the Government has any reason to be proud.

You must not infer from all this that the Boers are seething with discontent. There is a wonderful calm everywhere observable. All their energies are engaged in the work of rebuilding their homes and repairing the losses of the war. Nothing is more touching and inspires me with more hope for the future of this country than the whole-hearted way in which the people have thrown themselves into this work. The summer harvest was a failure because of the severe drought, but even now as much ploughing has been done for the winter as probably in any previous year. Yours very faithfully,
s. L. B.

227 To H. C. Bredell

Vol. 2, no. 131

Hermanus C. Bredell was President Kruger's private secretary during his exile. On 28 April 1903 Smuts cabled to Kruger urging him to return to South Africa and live in the Cape Colony where no permit would be necessary. Bredell's reply is not in the Smuts Collection.

Box 1081

Pretoria

28 Juni 1903

Lieve Manie, Een paar weken geleden ontving ik jou brief in antwoord op mijn telegram. Uit jou brief kan ik goed zien wat

in het gemoed van den ou baas omgaat en daarom zal ik nu een ander weg inslaan. Oom Frikkie gaat a.s. Augustus naar Europa en ik hoop dat wij voor dien tijd alles zwart op wit zullen hebben om den ou baas veilig terug te krijgen. Intusschen moet hij er niet aan denken zich elders te laten naturaliseeren, want dan ziet hij zijn volk en land nooit weer, daar in dat geval de Regeering hem niet terug zal laten. Laat hem stil wachten totdat Oom Frikkie aankomt. Intusschen zullen wij trachten schriftelijke waarborgen van de Regeering te bekomen. Wij verlangen zeer naar U allen en hoop en vertrouw dat onze wenschen U spoedig allen terug te zien, zullen vervuld worden. Ach, het moet bitter zwaar voor den ou baas en U allen zijn zoo lang van land en volk en maagschap verwijderd te zijn. Maar alles zal recht komen. God is een waarmaker van Zijn woord en ter bestemder tijd zullen al de beloften vervuld worden. Het Transvaalsche volk is wachtend — wachtend op God; en ik weet dat wij niet beschaamd zullen worden. Het zal een heerlijk dag zijn, wanneer wij onzen ouden en hoog geachten President weer in ons midden mogen verwelkomen.

Met zeer hartelike groeten aan U allen en beste wenschen en heilbeden, *t.t.*

J. C. Smuts

TRANSLATION

Box 1081

Pretoria

28 June 1903

Dear Manie, A few weeks ago I received your letter in answer to my telegram. From your letter I can see very well what is going on in the mind of the old *baas*¹ and therefore, I shall now try another tack. *Oom Frikkie*² is going to Europe next August and I hope that we shall have everything in black and white before then to get the old *baas* safely back. In the meantime he must not think of having himself naturalized elsewhere, for then he will never again see his people and country, as in that case the Government will not let him come back. Let him wait quietly until *Oom Frikkie* arrives. In the

¹ Literally 'master' (Afrikaans).

² F. C. Eloff, son-in-law of President Kruger.

meantime we shall try to obtain written guarantees from the Government. We long very much for you all and hope and trust that our wish to see you all back soon will be fulfilled. It must be bitterly hard for the old *baas* and all of you to be separated so long from people and kindred. But all will be well. God makes good His word and in due time all the promises will be fulfilled. The people of the Transvaal are expectant—waiting on God; and I know that we shall not be disappointed. It will be a glad day when we can again welcome our old and most respected President in our midst.

With very hearty greetings to you all and best wishes for your welfare, *totus tuus*,

J. C. Smuts

228 From N. Mansvelt

Vol. 2, no. 54

Vertrouwelijk

Amsterdam

3 Juli 1903

Waarde Heer en Vriend, Het moet U verwonderd hebben, tot heden nog geen antwoord te hebben ontvangen op uw uitvoerig en belangrijk schrijven van 8 April l.l. waarvoor ik U, al is het wat laat, bij dezen mijn hartelijken dank betuig. Zoo ook voor het portret, waarmee ik erg ingenomen ben en waarop ik bijna dagelijks een blik werp. 't Is merkwaardig, dat alles wat gij doorgemaakt en geleden hebt zoo weinig sporen op uw gelaat heeft achtergelaten, of juist: dat gij er zoo flink,forsch en gezond uitziet en wel de ernst des levens, maar niet het lijden (zedelijk en stoffelijk), zijn stempel op uw gezicht heeft gedrukt. Nu, ik ben er dankbaar voor en, waar ik vroeger te Stellenbosch meermalen de vrees heb uitgedrukt, dat de 'romp' van Smuts niet sterk genoeg zou blijken om lang den 'kop' te dragen, daar heeft thans de vreugd de vrees verdreven bij het zien van de kloeke gestalte en breede borst van den tot generaal en leidsman ontpopten Stellenboschen student. Gij zijt werkelijk zoo veranderd, dat mijn kinderen, die U toch zoo goed kennen, U bij den eersten oogopslag niet uit uw portret herkenden. Doch ik moet mij haasten, daar de mail aanstands vertrekt.

Ik wou U nog even in 't kort zeggen, waarom ik U niet eerder geantwoord heb. De reden was, dat ik uit uw opmerking: 'onze onderwijscommissie zal eerstdaags voort komen met een

omvattend voorstel' verstaan had, dat wij met elke postboot dat voorstel konden verwachten en dat ik dan terstond aan U mijn eersten indruk en meening daarover zou kunnen schrijven. Tot heden echter heb ik nog niets van de Commissie vernomen en zoo is het beantwoorden van den brief ook van de een week tot de andere uitgesteld geword. Ik hoop, dat het belofte voorstel nu onderweg is en dat we dus spoedig zullen weten, wat wij voor U kunnen doen. Onze eerste leening, die de vorige week plaats had, is nu wel geen groot succes geweest, maar we hebben toch een f.130.000 by elkaar gekregen en daarmee kunnen we toch vooreerst weer voortwerken. Als de werking der Voorschotbank beter bekend zal zijn en daarmee het vertrouwen van het publiek zal gewonnen zijn, zullen we zeker bij een volgend leening ook wel meer steun ondervinden. Dit althans is de algemeene opinie.

Met veel belangstelling heb ik de beraadslagingen en besluiten, door de Transv. en Vrijst. Synoden gehouden en genomen, gelezen en wat daar gezegd en gedaan is, bevestigd volkomen wat gij mij in uw laatsten schreeft en geeft moed voor de toekomst.

Laat ons nu maar spoedig weten, waarmee we U helpen kunnen en laat het ons niet aan uw voorlichting ontbreken.

Ik moet thans eindigen. Ontvang met uwe gade een hartelijken groet van, uw zeer toegenegen

N. Mansvelt

TRANSLATION

Amsterdam

3 July 1903

Confidential

Dear Sir and Friend, It must have surprised you to have as yet received no answer to your detailed and important letter of 8 April last¹ for which, although it is rather late, I hereby express my hearty thanks. Also for the portrait, with which I am most pleased and which I glance at almost daily. It is remarkable that all that you have experienced and suffered has left so few marks on your face, or rather, that you look so vigorous, robust and healthy and that the seriousness of life, yes, but not its suffering (moral and material) has impressed its stamp upon your face. Well, I am thankful for it and,

¹ This letter is not in the Smuts Collection.

whereas formerly at Stellenbosch I often expressed the fear that the 'rump' of Smuts did not appear to be strong enough to carry the 'head' for long, joy has now driven out the fear at the sight of the stalwart figure and broad chest of the Stellenbosch student blossomed out into the general and leader. You are really so much changed that my children, who know you so well, did not at the first glance recognize you from your portrait. But I must hurry, as the mail is leaving soon.

I wanted just to tell you briefly why I have not answered you sooner. The reason was that I had understood from your remark: 'our education commission¹ will presently produce a comprehensive proposal' that we might expect that proposal by each mail-boat and that I should then at once be able to write you my first impression and opinion about it. Until now I have, however, heard nothing of the Commission and so the answering of the letter has also been postponed from one week to the next. I hope that the promised proposal is now on the way and that we shall thus soon know what we can do for you. Our first loan, which took place last week, has, it is true, not been a great success, but we have nevertheless collected f.130.000 and with that we can go on to begin with. When the functioning of the Loan Bank is better known and the confidence of the public won, we shall no doubt find more support for a subsequent loan.² That at any rate is the general opinion.

I have read with much interest the deliberations conducted and the resolutions taken by the Transvaal and Free State Synods,³ and what has been said and done there fully confirms what you wrote me in your last letter and gives courage for the future.

Let us know soon how we can help you and do not leave us without your guidance.

I must now end. Hearty greetings to you and your wife from,
Yours most sincerely,

N. Mansvelt

¹ The body which managed the C.N.O. schools.

² See 234.

³ Of the Dutch Reformed Church.

229 To Sir A. Lawley

Vol. 2, no. 13

From Botha, drafted by Smuts. The original document is a neat copy in Isie Smuts's handwriting. Attached to it are the three resolutions signed by the movers and the chairman, and also the original drafts of English translations of these resolutions in Smuts's handwriting.

Box 1092
Pretoria
4 July 1903

Your Excellency, I have the honour herewith to enclose for the information of Your Excellency's Government translations of three resolutions passed unanimously at a large public meeting of burghers of the Heidelberg town and district.

As Your Excellency will see from the tenor of the resolutions, it was the wish of the meeting that these resolutions should be brought to the notice of His Majesty's Imperial Government. I have therefore the honour to request Your Excellency to transmit these three resolutions to the Secretary of State for the Colonies for the information of His Majesty's Government. If Your Excellency requires any further information in reference to this meeting I shall be pleased to supply it. I have the honour to be, Your Excellency's obedient servant,

s. L.B.

ENCLOSURES

Voorstel C. Muller—inzake *Onderwijs*, sekondeer—Georg Meyer

Deze vergadering wenscht eerbiedig ter kennis der Hoog Edele Regeering te brengen de diepe teleurstelling der bevolking over het tegenwoordig openbaar ondersijstelsel en in het bijzonder de behandeling der Volkstaal in de publieke scholen.

Het Volk der Transvaal heeft het niet verdiend dat zijn taal op denzelfden voet behandeld zal worden als een vreemde taal en drukt zijn overtuiging uit dat er geen tevredenheid zal zijn alvorens aan de landstaal dezelfde voorrechten en in staat en in school zijn toegestaan als aan de Engelsche taal, en verzoekt eerbiedig dat de school- en andere wetten dienovereenkomstig gewijzigd worden, zoodat aan Hollandsch dezelfde rechten zullen worden toegestaan als aan Fransch in Canada of aan Hollandsch in de Kaapkolonie.

Deze vergadering acht het verder noodzakelijk dat er lokaal beheer door de ouders over het onderwijs hunner kinderen zal worden uitgeoefend door het kiezen van plaatselijke schoolcommissies volgens die vorige wetten en gewoonten der bevolking.

Zij draagt Generaal Louis Botha op dit besluit eerbiedig ter kennis der Hoog Edele Regeering te brengen.

Origineel
P. R. Viljoen
Voorzitter
Boerevergadering

Voorstel—H. Alberts—W. J. Bezuidenhout inzake *Arbeidskwestie*

Deze vergadering heeft met leedwezen kennis genomen van de poging der mijnkapitalisten om Aziaten als een arbeidsbevolking in dit land in te voeren en drukt hare wensch uit dat de Regeering vooralsnog op geenerlei wijze de uitvoering dezer poging zal bevorderen. Zij gaat van het standpunt uit dat het van het grootste belang is, niet alleen voor de blanken, maar ook voor de gekleurde bevolking van Zuid-Afrika dat Zuid-Afrika als een blanke mans land ontwikkeld zal worden; zij wijst er verder op dat de tegenwoordige blanke bevolking van Zuid-Afrika een kleine minderheid vormt tegenover de groote gekleurde bevolking ervan, en dat de toevoer van Aziaten als een arbeidsbevolking de gekleurde bevolking van Zuid-Afrika zeer zal versterken en er veel toe zal bijdragen de Transvaal als een Kolonie voor blanke immigratie te sluiten, en zij meent dus dat het gebruiken van Aziaten voor gemeld doeleinde niet bestemd is de blijvende belangen der Afrikaansche bevolking te bevorderen en dus een maatregel is waartoe niet besloten moet worden tot tijd en wijle dat de blanke bevolking der Transvaal onder zelfbesturende instellingen erover kan beslissen, temeer daar er nog geen genoegzaam bewijs geleverd is dat de arbeidskrachten van Zuid-Afrika niet voldoende zijn voor tegenwoordige doeleinden.

Deze vergadering draagt Generaal Louis Botha op door

bemiddeling der Koloniale Regeering dit besluit onder de aandacht der Imperiale Regeering te brengen.

Origineel
P. R. Viljoen
Voorzitter
Boerevergadering

Voorstel Rechter Kock—P. J. Uys inzake *Oorlogsschuld*

Deze vergadering heeft met leedwezen kennis genomen van de plaatsing van een oorlogsschuld van 30 millioen pond op de bevolking der Transvaal, alsook van een verdere leening van 35 millioen pond waarvan een gedeelte ook voor oorlogsdoeleinden bestemd is. Zij wijst erop dat de vertegenwoordigende Boeren Deputatie die hare opwachting bij den heer Chamberlain te Pretoria op 8 Januarië l.l. maakte, den Secretaris voor Kolonien eerbiedig verzocht dat er geen oorlogsschuld op de Transvaal geplaatst zou worden alvorens de bevolking ervan op constitutionele wijze onder zelfregeerende instituties hare toestemming eraan had gegeven.

Zij meent verder met recht te kunnen zeggen dat sedert den afval der Amerikaansche Koloniën van Engeland in de 18e eeuw, er geen belasting of schuld op een kolonie is gelegd ten behoeve van Engeland zonder consent van de bevolking van zodanige kolonie.

Zij meent verder dat de schuld van 65 millioen door toedoen van de heer Chamberlain op de bevolking der Transvaal gelegd niet alleen naar evenredigheid der bevolking de grootste nationale schuld in de gehele wereld is, maar dat zulks in strijd is met alle Britsche koloniale tradities voor meer dan een honderd jaren.

Zij neemt verder in aanmerking dat deze schuld op het land gelegd wordt op een tijd wanneer het geheele land verwoest en uitgeput is door een der bloedigste en vernielendste oorlogen der moderne tijden en wanneer alle pogingen dienen aan de hand genomen te worden om het land in zijn vorige welstand te herstellen.

Zij draagt Generaal Louis Botha op deze beweegredenen bij de Hoog Edele Regeering in te brengen en haar nederig te verzoeken bij de Imperiale Regeering erop aan te dringen dat

geen uitvoering aan de bovengemelde plaatsing der oorlogsschuld zal gegeven worden alvorens de bevolking der Transvaal op constitutioneele wijze erover zal hebben beslist.

Origineel
P. R. Viljoen
Voorzitter
Boerevergadering

TRANSLATIONS

Motion—C. [H.] Muller seconded by Georg Meyer¹
re Education

This meeting wishes respectfully to bring to the notice of the Government the profound disappointment of the people with regard to the present system of public education and especially with regard to the treatment of the Dutch language in the public schools.

The people of the Transvaal have not deserved that their language should be treated as a foreign language and express the conviction that there will be no contentment until the same privileges are accorded to Dutch both in public and in the schools as are accorded to English, and respectfully request that the Education Law and other laws be altered in such a manner that the same rights be accorded to Dutch which are accorded to French in Canada or to Dutch in the Cape Colony.

This meeting is further of opinion that it is necessary to give local control to parents over the education of their children through the election of local school committees in accordance with the former laws and usages of the population.

This meeting empowers General Louis Botha to bring this resolution respectfully to the notice of the Government.

Certified a correct translation
L.B.

Heidelberg
2 July 1903

¹ J. Georg Meyer, formerly field-cornet of Kliprivier, Heidelberg District, became a Commandant during the Anglo-Boer War.

Motion—H. Alberts¹ seconded by W. J. Bezuidenhout
re the Labour Question

This meeting has regretfully noticed the attempts of the mining capitalists to introduce Asiatics into this country as a labouring population and expresses the hope that the Government will not, as yet, allow these attempts to be carried into effect.

It is the opinion of this meeting that it is of the greatest importance, not only for the white, but also for the coloured population of South Africa, that South Africa shall be developed as a white man's country.

This meeting further points out the fact that the present white population of South Africa forms a small minority of its large coloured population and that the importation of Asiatics as a working class will materially strengthen the coloured population of South Africa and will largely contribute to the closing of the Transvaal for white immigration.

This meeting is therefore of opinion that the employment of Asiatics for the above purpose is not calculated to promote the permanent interests of the people of South Africa, and is therefore a measure which ought not to be adopted until such time as the white population of the Transvaal will be able to decide thereon under self-governing institutions; especially as no conclusive proof has been given yet that the labour capacity of South Africa is not sufficient for present purposes.

This meeting authorizes General Louis Botha to bring this resolution to the notice of the Imperial Government through the Colonial Government.

Certified a correct translation
S. L.B.

Heidelberg
2 July 1903

Motion—A. [F.] Kock seconded by P. J. Uys²
re the War Debt

This meeting has regretfully noticed that a war debt of £30,000,000 (thirty million pounds sterling)³ has been placed

¹ Hendrik Abraham Alberts was Commandant of the Heidelberg Commando and a delegate at the Vereeniging Conference.

² Petrus Johannes Uys fought in the Anglo-Boer War, was wounded and sent to India as a prisoner of war, and returned to South Africa in October 1902.

³ See p. 65 *supra*, note 2.

on the population of the Transvaal, besides a further loan of £35,000,000 (thirty-five million pounds sterling),¹ part of which is also devoted to military purposes.

This meeting draws attention to the fact that the representative Boer deputation which met Mr Chamberlain at Pretoria on 8 January 1903, respectfully requested the Secretary of State for the Colonies that no war debt be placed on the Transvaal until the population thereof shall have consented thereto in a constitutional manner under self-governing institutions.

This meeting is further of opinion that it may be truthfully asserted that since the disruption of the American Colonies from England in the eighteenth century no tax or debt has been placed on a colony for the benefit of England without the consent of the population of such colony.

This meeting is further of opinion that the debt of £65,000,000 (sixty-five million pounds sterling) placed on the population of the Transvaal through the instrumentality of Mr Chamberlain is not only the largest national debt in the world in proportion to the population, but is also contrary to all British colonial traditions for more than a century.

This meeting further notes that this debt is put on the country at a time when the whole country has been destroyed and exhausted by one of the most bloody and destructive wars of modern times, and at a time when every effort should be made to restore the country to its former condition.

This meeting authorizes General Louis Botha to draw attention to these facts and respectfully to request the Government to ask the Imperial Government that no effect be given to the imposition of the said war debt until the people of the Transvaal have decided thereon in a constitutional manner.

Certified a correct translation
S. L.B.

Heidelberg
2 July 1903

¹ This amount was to be raised to take over the railway system from the Netherlands South African Railway Company, to meet the liabilities of the former Government, to finance new public works, and to pay war compensation to the Cape Colony and Natal.

5 Oxford Road
Cambridge
29 July 1903

My dear Smuts, With this I send you a book some parts of which you may find of interest, in the chief place probably the last essay, which you may possibly find more convincing and satisfactory than I can. (I have not yet read this essay, but I know pretty well the author's way of thinking and line of argument.)

I have been hoping I might be able to put together into some fairly clear and coherent form the views that life and thought have brought *in me* to such maturity as I am ever likely to attain. The matter of your letters and the thoughts and questions there suggested have long been familiar to me; and while, I hope, retaining as open a mind as ever, I have definitely and with ever growing confirmation taken up an attitude to these matters which has proved itself, to *me*, as the only possible one. But to give it adequate expression, to make it as clear, not to say convincing, to another mind, is another thing; and to me, with my very small stock of nerves or brain force, the task of setting down in written form the complex processes and results of long thinking is one of great difficulty and strain. I am afraid that anything I have to say must just come out when it can and as it can, in whatever letters I may be able to write. As regards Sidgwick (by the way, I have not yet received the book back. It is not that I am in any way in a hurry for it, but there are always chances of miscarriage, etc.), you are certainly quite unjust to the man, whatever you may think of his work. He was very far from being a mere sophist or a 'logic-chopper'; there never was a more sincere or determined truth-seeker, never one who, deeply desiring to reach results after which his heart longed, kept himself more resolutely open-eyed, refusing to solace himself in the semi-sophistical way of most modern theists, yet cleaving in desire and endeavour, to the very end, to the effort to penetrate the mysteries which all his life long had baffled him. My criticisms of his book had quite another reference than yours; the want, as it seemed to me, of philosophical grasp, the lack of clearness

and effectiveness in his demarcation of the various departments of philosophy, his leanings to an unphilosophical 'common sense', his shallow defence of 'Natural Realism' and his unsatisfactory treatment of the 'secondary qualities of matter', and finally, the very persistence I have already alluded to, in the attempt and even expectation of finally (he or his successors in speculation) crossing the bounds of the unknown to which all his thinking had always brought him, and of establishing just those positions of which all his repeated endeavours had failed to bring *any* grounds of conviction. He thus, as it appears to me, shut himself out from the ways of thinking and feeling in which alone such satisfaction in face of the riddle of existence as is possible to finite man may be attained.

Nor can I agree with your preference of the methods of Kant, Hegel, Schopenhauer, with their *a priori* speculations, *beginning* with the abstract, and made to support 'large conclusions', which are speedily undermined or swept away by the criticism of a following time, to those of moderns and contemporaries like Lotze [P. H.], Paulsen [F.], Cornelius [H.], Ward [J.], Taylor [A. E.], and some of the writers of 'Personal Idealism', with the whole school of those who insist upon building only on the basis of *experience*, i.e. of a patient ascertainment of its true *facts*, psychical (or 'spiritual' if you like) as well as physical (we know as yet nothing of the separate existence of either 'matter' or 'mind'; no one has ever yet succeeded in reducing the one to terms of the other, nor yet in showing *how* they are different manifestations of a real unity), and then of a true interpretation of these facts; true, that is, as far as our finite minds can grasp and interpret them. The details upon which any scientific or philosophic formulation of human knowledge must rest, must always seem dry and to a superficial glance barren; in the vast mass of tentative endeavour there may be much that may always seem to have been useless; but the modern spirit of slow and patient study of fact (as apprehended by the whole 'unity of apperception' in man's undivided nature), with the closest criticism of all the abstractions, working hypotheses, 'regulative principles', 'categories', or what not, of which we make use in elucidating and framing our knowledge, promises to be more fruitful in permanent results (even if these be more

scant, more negative than our hearts could wish), than the speculation 'in the air' which has filled the histories of philosophy with 'systems', not one of which has survived the criticisms, not to say simply of modern sceptics and agnostics, but of the rival makers of systems. As I read philosophical reviews, nothing strikes me as so remarkable as the great ability with which reviewers of works old and recent expose by their clear and convincing criticism the weakness and untenableness of the theories of the authors under consideration, taken together with their own unabated confidence in their own views and theories, which I may find in the next review I take up treated with equal ability and success in the same destructive way. All these people, many of them acute and sincere thinkers, seem to be still engaged, like Sidgwick, in the almost pathetically sanguine endeavour to penetrate beyond the limits to the human mind which are so clearly shown by all the history of speculation. Not that I would have them all, or perhaps any of the younger ones, desist from their endeavours, if they feel inwardly impelled, for it is desirable that there should always be efforts made to extend even the apparently final bounds of human knowledge, which can never be marked out with perfect certainty and to the satisfaction of all minds, nay, which may with the further growth of man become really extended; and many of the most thoughtful and inquiring minds will only be able to realize human limits and to rest with content or resignation in them and in the realities of life, if they have themselves first made a strenuous effort to get as far as they can in the direction of the apparently unknown and possibly unknowable.

30 July. It is Friday, I am not feeling at all well just now, and must close with 'To be continued in our next'. We are having very bad and depressing weather; it is said that there has not been such a wet summer since 1888, and we seem just here to come in for some of the worst of it.

I was very sorry to read Botha's letter in *The Times*,¹ though I cannot but fear that there is only too much truth in it. The same baneful influence of plutocracy with its evil ambitions and unscrupulous use of power seems to be still at work. I

¹ See 226.

find it somewhat difficult to understand the force of the reasons why you with Botha and others refused to sit on the Legislative Council. I should have thought that quiet and persistent protest and criticism would have been useful in the interests of those you represent, and of the whole country. Our Irish members do not refuse to sit in the 'Imperial' Parliament; many would be very glad if they did. With kindest regards,
Yours affectionately,

H. J. Wolstenholme

231 To H. C. Bredell

Vol. 2, no. 132

Box 1081

Pretoria

15 Augustus 1903

Lieve Manie, Louis Botha en ik waren een paar weken geleden bij Milner om een permit voor den President te vragen. Hij zeide ons dat hij niet de persoon was bij wien aanzoek moest worden gedaan, daar hij er niet aan zou droomen op eigen verantwoordelijkheid in een zaak als deze te handelen; de President stond niet onder hem en daarom moesten wij rechtstreeks bij het Koloniale Kantoor in Londen aanzoek doen. Wij wilden toen van hem weten of hij, wanneer zijn advies daarop gevraagd wordt, het aanzoek zou aanbevelen. Hij antwoordde dat dit een zeer moeilijke kwestie was en dat hij de zaak zou moeten overdenken en ons geen bepaald antwoord kon geven. Wij wezen erop dat het volk den President beschouwt als een verbannen persoon en zoo de President in het buitenland mocht komen te overlijden, dan zal het geheele volk zeggen dat hij in ballingschap gestorven is, en dat zulks tot groote ontevredenheid zou leiden. Hij antwoordde dat hij dit argument zou overwegen, maar moest ook bedenken dat er reeds een beweging in het land is in de richting van politieke agitatie en dat in een paar jaren die beweging groot kon zijn en dan zou men van de President een kwaad gebruik konde maken. Wij antwoordden dat de President reeds zoo oud is dat wij geen gevaar gevoelden dat hij zich ooit weer met de politiek zou bemoeien. Hij wilde toen weten of de President zelf verlangde terug te komen. Wij zeiden dat hij te voorzichtig is zich daarover uit te drukken, maar dat zijn

familie en vrienden en het gansche volk verlangen dat hij zijn laatste dagen onder ons en niet onder vreemden zal slijten. Hij vroeg toen of de President de verklaring van Britsch onderdaanschap zal afleggen en wij zeiden dat wij er geen moeilijkheid over gevoelden maar dat men niet den eed van getrouwheid van den President moest vorderen. Hij dacht dit ook niet nodig. Daarop zeide hij dat het beste plan zou zijn dat U of eenig ander vriend bij den President een vriend in Engeland zou verzoeken om bij het Koloniale Kantoor uit te vinden welk antwoord op een dusdanig verzoek namens den President zal worden gegeven. Indien dat Kantoor zich gewillig verklaarde om de applikasie toe te staan, dan kon formeel en direkt applikasie voor een permit gemaakt worden door U, waarin Milner aanraadde dat de bereidwilligheid van Z.H.Ed. moest worden uitgedrukt om de gemelde verklaring af te leggen. Indien de President wenscht terug te keren, dan is deze dus de aangewezen weg en raden wij aan denzelven te volgen. De eerste persoon om U in Engeland in deze te helpen, is onze oude vriend Leonard Courtney, die het een groot eer zal beschouwen iets voor Z.H.Ed. te kunnen doen en die ook veel invloed heeft. Mijn indruk van het gesprek met Milner was dat hij de terugkeer van den President niet zou tegengaan, hoewel hij zich niet vooraf reeds tegenover ons wilde verbinden. Wij denken niet dat Z.H.Ed. bevreesd moet zijn voor slechte behandeling of andere moeilijkheden, zoo hij mocht terug keeren. De Regering weet maar te goed dat alle leed aan den ouden President aangedaan als een persoonlijke grievé door het gansche volk zal worden opgevat en dus aanleiding tot de uiterste ontevredenheid zal geven—en daarvoor is natuurlijk ieder Regeering bang. Ik denk ik heb nu genoeg hierover gezegd om u in staat te stellen de geheele zaak aan Z.H.Ed. duidelijk te maken.

In het algemeen gaat het maar zeer treurig; grote depressie op de goudvelden en dus bittere ontevredenheid onder de Uitlanders, die nacht en dag bidden dat de oude Regeering met al de grieven maar moet terugkeeren. Onder ons volk diepe ellende, zelfs hongersnood in gedeelte van het land, droogte, pest en ongekende armoede. Soms vraag ik mijzelf in ongeduld of ons volk het dan verdiend heeft zoo bitter te worden gekastijd; maar de uitkomst zal misschien nog heerlijk zijn. De

woorden van aanmoediging in den laatste brief van Z.H.Ed. waren mij zeer troostrijk en ik dank hem er hartelik voor. Geef mijn hartelike groeten aan Z.H.Ed., aan Mevr. Eloff en de lieve dochters, en niet 't minst aan u zelf. Wees van harte gegroet. *t.t.*

J. C. Smuts

TRANSLATION

Box 1081

Pretoria

15 August 1903

Dear Manie, Louis Botha and I went to Milner a few weeks ago to ask for a permit for the President. He told us that he was not the person to whom application should be made, as he would not dream of acting on his own responsibility in a matter like this; the President did not come under him and therefore we must apply direct to the Colonial Office in London. We then wished to know from him whether he would recommend the application when his advice about it is asked. He answered that it was a very difficult question and that he would have to think over the matter and could give us no definite answer. We pointed out that the people regard the President as an exiled person and, should the President die abroad, the whole nation will say that he died in exile and that this would lead to great dissatisfaction. He answered that he would weigh this argument, but had also to consider that there is already a movement in the country in the direction of political agitation and that the movement might be large in a few years and misuse could then be made of the President. We answered that the President is already so old that we saw no danger that he would ever again concern himself with politics. He then wished to know whether the President himself desired to return. We said that he was too prudent to express himself about this, but that his family and friends and the entire people desired that he should spend his last days among us and not among strangers. He then asked whether the President would make the declaration of British citizenship and we said that we felt no difficulty about that, but that the oath of allegiance should not be demanded of the President. He also thought that unnecessary. He then said that the best plan would be that

you or any other friend who is with the President should ask a friend in England to find out at the Colonial Office what answer would be given to such as request on behalf of the President. Should that Office declare itself willing to grant the application, then you could make a formal and direct application for a permit in which, so Milner advises, the willingness of His Excellency to make the said declaration must be expressed. If the President wishes to return, this then is the way to proceed and we advise that it be followed. The first person to help you in this matter in England is our old friend Leonard Courtney, who will regard it as a great honour to be able to do something for His Excellency and who also has much influence. My impression of the conversation with Milner was that he would not oppose the return of the President, although he does not wish to commit himself in advance. We do not think that His Excellency need fear bad treatment or other difficulties should he return. The Government knows only too well that any injury done to the old President would be taken as a personal grievance by the whole people and thus give rise to the utmost dissatisfaction—and of that every Government is, of course, afraid. I think I have now said enough about this to put you in a position to explain the whole matter to His Excellency.¹

On the whole things are very sad; a big depression on the gold-fields and thus bitter dissatisfaction among the Uitlanders who pray day and night that the old Government, with all the grievances, should return. Among our people deep misery, even famine in part of the country, drought, pest and unprecedented poverty. Sometimes I ask myself impatiently whether our people have deserved to be chastised so bitterly; but perhaps the outcome will still be happy. The words of encouragement in His Excellency's last letter were very comforting to me and I thank him heartily for them.² Give my hearty greetings to His Excellency, to Mrs Eloff and the dear daughters³ and not least to yourself. With sincerest wishes,
totus tuus,

J. C. Smuts

¹ Bredell replied on 10 September 1903 that Kruger would await the arrival of F. C. Eloff, who had been delayed, before trying to obtain a permit to return to South Africa.

² 218.

³ The daughters of Mrs Eloff.

232 Memorandum to Labour Commission (1903)

Vol. 2, no. 15

Memorandum of evidence submitted to the Labour Commission by Botha on 15 September 1903. The original document is a draft in Smuts's handwriting. The Commission was appointed by Sir Arthur Lawley in July 1903 to inquire into the labour needs of the Transvaal and possible sources of supply. The memorandum was not accepted by the Chairman on the grounds that it dealt mainly with the question of Chinese labour which was not before the Commission. Botha was, however, examined and gave extempore answers. (*See Cd. 1896 of 1904.*)

1. I have been requested by the Labour Commission to give evidence before it and, although I cannot pretend to have any special knowledge of all the problems with which the Commission are confronted, yet, whatever knowledge I have, I place most willingly at their disposal. I do so with the greater pleasure because that part of the Transvaal population with whom I have the honour to be more specially associated has repeatedly in public meetings and otherwise expressed its willingness to co-operate heartily in the solution of the difficulties with which the mining industry in the Transvaal has to contend.

2. In my humble opinion there lies a great danger before the Labour Commission in recommending any particular solution of the labour difficulty which the mining industry has at present to face. As I shall state immediately with greater detail, I look upon the present labour crisis as quite abnormal and temporary; and the danger is that, in endeavouring to remove this temporary evil, the Labour Commission may call into life a permanent evil which will weigh as a heavy incubus on the future industrial and social development of this land.

3. As an instance of what may happen in the Transvaal I may point to the Colony of Natal, which some years ago, when in some difficulty to obtain sufficient and suitable cheap labour for its agricultural development, resorted to the importation of Asiatics.¹ The consequence is that the white population of Natal

¹ Indentured Indian labourers first arrived in Natal to work on the sugarcane plantations in 1860.

has ever since remained almost stationary, that the Coolie population of Natal is today nearly equal to its white population; and that the immense Native population of Natal is taking almost no part whatever in its economic development. What is more, the Coolie and the Kaffir are gradually encroaching on ground which formerly belonged to whites, and in many of the towns and villages the Coolies are becoming a permanent, if not predominant, factor. It is not denied that the labour resources of Natal are more than equal to all its needs; yet the results of a mistake made years ago are now being perpetuated to the permanent injury of the country. It would be disastrous to the interests of the white population of South Africa if a similar mistake were made in the Transvaal and it is therefore in my opinion necessary to exhaust all other alternative solutions of the labour difficulty before the desperate and ruinous example of Natal is followed.

4. It seems to me that the statistics of the Native population of the Transvaal as given by Sir Godfrey Lagden are very far from accurate. He estimates the Native population at something over half a million and he arrives at this result on the returns of the hut tax. Now the returns of the hut tax are a very inaccurate mode of arriving at the total figures of the Native population. Not only is it always liable to lead to an under-estimate, but especially now, when the machinery of the new administration is yet far from working smoothly and satisfactorily; and, as this is true in regard to the Native Department perhaps even more than to any other department of the administration, any figures based on the tax-collecting activities of that Department must be taken with a good deal of reserve and caution. And, as in times when the Natives were thoroughly in hand and the Native Department had every means of arriving at a proper estimate, the number of the Native population of the Transvaal was estimated at a little below a million, I think that that figure is nearer the truth and that the figures given by Sir Godfrey Lagden as representing the labour power of the Transvaal, have to be nearly doubled. This view is further strengthened by the fact that in the times of the greatest prosperity before the war, even while a defective system of labour recruiting was in vogue, there never were any

complaints as to the insufficiency of labour, the only complaint being that, owing to the maladministration of the Liquor and Pass Laws, a large proportion of the Natives were continually inefficient or absent from their duties.

5. Now, after the war, one does not hear complaints against the administration of the Liquor and similar Labour Laws, but evils of much greater compass have taken their place; and it is necessary thoroughly to understand these before the labour question in this country can be properly and successfully attacked.

The greatest of these is due, not so much to any change in the laws or in the attitude of the civil administration towards the Natives, because in this respect very little alteration is noticeable; but it is traceable to the effect which the war and the military administration has had on the minds and sentiments of the Natives as a whole. During the earlier stages of the late war the Natives kept aloof from the military operations and Native servants were employed by the burgher forces only in purely menial employments subsidiary to such operations. In the later stages of the war, however, after the principal centres in the Transvaal had been effectively occupied by the British forces, a complete change took place. A vast proportion of the adult Native population was forced in various ways to take part in the war. Not only were high wages paid by the military which, in many cases, have sufficed to supply the primitive needs of those Natives up to the present: not only were the Native chiefs given a free hand to loot cattle from the burghers; but, what was worse, promises of territorial restoration were made to the Native chiefs, whose military co-operation could only be secured by the promises lavishly and recklessly given by irresponsible subordinates, that, after the war, they would be restored to that territorial sovereignty which they were erroneously supposed to have exercised before the occupation of the country by the Voortrekkers. The result was that the Natives, as a rule, were by the military amply provided with the funds with which to pay future taxes; a more baneful result was the thorough disappointment and disillusionment of the Native chiefs when they found after the conclusion of the war that the promises made to them were worthless; that the Boers retained

their property and that their farms were not to be given to the Natives. The consequence of this disappointment has been that the Native chiefs have come to look upon the present administration as a breaker of its pledges, and that they refuse to co-operate with the labour agents or anybody whom they suppose to represent the Government, for the purpose of supplying labour to the mines or public works. They are sulking and will continue to sulk until they have reconciled themselves to the new situation.

6. The Natives squatting on the farms refuse to work, but for a different reason. They look upon the Boers as a humbled and subordinate race, put on the same level as themselves under the heel of the conqueror. The Boer farmer, on the other hand, does not find his old officials in the form of field-cornet and assistant Native commissioner to whom to appeal. He does not understand the language of the new officials, nor their official routine, and consequently he prefers to leave the insolent Natives on his farm alone rather than embark on expensive and cumbersome litigation in order to have them ejected by process of law.

7. The result, as a whole, is that the vast majority of the Native population—whether in locations¹ or on farms—do no work at present. It is however easy to see that this cannot last much longer. The Natives both in locations and on the farms will soon learn to grasp the real inwardness of the new situation, and return to work in even greater numbers than before the war. A little vigorous administration of the existing laws and a little less red-tape among the officials will, together with the natural and inevitable causes, soon have the effect of driving the Natives to the labour market and thereby removing the main part of the tension which is at present felt. Where one Native is working today five will be working tomorrow; and in this way the more serious difficulties in connection with the Native labour supply will pass away in the natural course of events.

8. There is no doubt that the vigorous application of the Squatters Law will also have a beneficial effect on the labour

¹ Separate living quarters for Natives in South African towns.

market. Not only are large numbers of Natives squatting on farms properly occupied and worked by whites, but a far larger number of them squat on farms belonging to the numerous large land companies which do not trouble themselves about agricultural development and hold their properties simply for future mineral exploitation. Many millions of acres are thus held by these companies, and the farms form attractive centres for a workless Native population in defiance of the law of the land. Measures should be taken by the Government to put a stop to this state of affairs, not only in the interests of the labour market but also of the Natives themselves who on these farms simply continue their old life of lazy barbarism.

Another measure which will tend to benefit both the Native and the employer of labour and for which the time seems to have come, is the gradual break-up of the large Native locations. And wherever Natives occupy Government lands, whether in the form of locations or otherwise, the Natives should be charged a proper and fair rent just as whites would be in similar circumstances. This would obviate the necessity of imposing taxes on the Natives which are not also imposed on the whites, and would probably have a much more marked effect on the supply of the labour market than any mere taxation would have.

In these and other ways the Government could gradually foster the desire for work and increase the economic value of the Natives and do much to solve a problem which, whether Asiatics are or are not imported into the country, will for a long time to come remain one of the most important in South Africa.

It is to be sincerely regretted that the policy of the Government seems to be rather in an opposite direction, that new locations are said to be formed on Government lands and that a large territory like Swaziland is to be perpetuated as a Native reserve and as a breeding place for all those evils which exist in Basutoland and Zululand.

9. I am hopeful that the natural course of events as well as the measures above briefly indicated will be found before long to relieve all the more pressing necessities of the labour market and thus obviate the necessity of adopting drastic measures

which might in due course give rise to even more serious questions than that of labour which at present troubles us. I would therefore deprecate all haste and the taking of all short cuts towards the desired goal. The labour problem is one which eminently requires patience; and measures taken in haste, however well-meant, may in the end accentuate the very difficulties which they were intended to obviate and besides create other difficulties of an even graver character.

10. Should these hopes however be falsified and it be ultimately found necessary to have recourse to imported labour, the important question will arise, what that labour is to be. My conviction is that that should be white labour; and that the worst day's work that could be done for South Africa will be to add to its black population with its insoluble problems a yellow population with still more insoluble problems. South Africa as the home of a white race is young yet and the introduction of Asiatics on the scale contemplated by its advocates will probably seal its fate forever.

On the other hand, a large influx of a white labouring population is most desirable. The still precarious position of the white race in South Africa in the midst of such numbers of prolific Native races will be greatly strengthened thereby; and the prospect of making this country really great and winning for it an honourable place among the nations of the world will be greatly improved. Other young countries with far less resources than the Transvaal, but with the instinct of futurity strong in them, are crying for white immigrants, while we, with our immense resources, but with our eyes selfishly turned to the economic interest of the present, scout white labour and will be satisfied with nothing but Chinese.

It must also be borne in mind that the great majority of the white population of South Africa are firmly opposed to the importation of Asiatic labour; and there is no probability that this opposition will grow less when the population make a closer acquaintance with the class intended to be imported, at any rate if the experience of Australia and America is to serve as a guide to us. The danger thus will be that the employment of Asiatic labour by the mines will in years to come, apart from other evils, bring a political cleavage between the mines and the

rest of the population—a cleavage which is bound to react disastrously on the fortunes of the mining industry.

11. It is however urged that proper restrictions and regulations for the repatriation of Chinese labourers will minimize the anticipated evils to the general population. To this, however, there are two answers.

In the first place, the restrictions contemplate that Chinese labour shall only be obtainable for rough mining work, shall be confined in compounds so as to prevent desertion and dispersal over the country, and shall in due course be repatriated dead or alive to the Celestial Empire.

Now it is easy to foresee that the introduction of the compound system will operate to the grave detriment of the mercantile community, and it is by no means certain that the imported Chinese will submit to such isolation; the consequence will be that, in a short time, both the mercantile community and the mining industry itself will demand the removal of all isolation restrictions.

In the second place, these restrictions seem unfair to the general community. Why should the mines be favoured above any other employer of labour? If the mines may have their Chinese, why not the merchant, the manufacturer, the farmer and every other employer of labour. If, therefore, Chinese labour is a failure, it will only increase tenfold the present depression, and if it is a success, the whole community will clamour for Chinese labour all round; and as such a demand would be just and fair, I see no good ground on which it could be resisted. It therefore requires no prophet to foresee that if Chinese labour is introduced and the experiment is a success, the restrictions at present contemplated will soon disappear before the general and reasonable demand for such labour all over the country. It is as well to face this at the very start and not to deceive ourselves with the false hope that in the restrictions lies our protection against the known evils of importing Chinese.

It is urged that the employment of Chinese by the mines will set free a large amount of Native labour which will be available for agricultural and other work. This is, however, not the case. The Native labour at present employed in the mines

comes almost exclusively from Mozambique; and if for this labour other foreign labour is substituted, that will in no way benefit the farmer or other employer of labour who is in no position to send recruiting agents to foreign countries but has to be satisfied with the labour already in this country.

Further, it has to be borne in mind that Great Britain is already in alliance with Japan, and that she may tomorrow be in alliance with the Celestial Empire, and that in this way political grounds may also arise for removing degrading restrictions from the employment of Chinese labour in this country. I understand that this is the main difficulty against employment of Indian or Japanese labour in the mines; but I see no reason why the same difficulty will not soon arise in regard to Chinese labour. Our Imperial connection makes it imperative for us to look ahead on these matters.

12. As for the restriction of the Chinese to rough and unskilled labour, that seems even more unsatisfactory and temporary than the other restrictions already referred to. The importation of Chinese labour therefore opens up an awful prospect before South Africa, and I would urge, with all the force and seriousness of which I am capable, that it is our duty to gauge and to exhaust all other remedies before taking this plunge into the abyss. A temporary boom in the mining market may be purchased at a price which no one can at present estimate, and awful will be the responsibility resting on the authors of any such measure.

As an alternative I would suggest a manful tackling of the Native question more or less on the lines above laid down; I would suggest a careful inquiry into the conditions of obtaining white labour from Ireland, Italy or any other white community in the world; I would urge the Government to assist financially and otherwise the passage of these immigrants to the Transvaal. In this way the mining and other industries will be made to develop *pari passu* with the social development of the country, and the social dislocation and perhaps eventual revolution which will or might follow the importation of Asiatic artisans will be prevented.

I am not an alarmist, but I would be failing in my public duty if I did not speak plainly about the probable consequences

of the importation of Chinese. As a result of the lassitude and despair bred of the war, all classes of the Transvaal population are today apathetic even on the most important public questions; but this apathy will pass away, the general population of the country will return with renewed energy to the arena of politics; and, in advocating the importation of Chinese, the leaders of the mining industry are selecting for themselves a battlefield on which they will almost certainly be defeated in the years to come and involve in their disaster the future of the mining industry of the country.

233 To E. Hobhouse

Vol. 2, no. 133

The earliest letter in the Smuts Collection of the notable correspondence between Smuts and Emily Hobhouse. A large number of her letters survive but few of his.

Box 1081

Pretoria

5 October 1903

My dear Miss Hobhouse, With regard to assistance to widows and suchlike in the Orange River Colony, that has to come from the Bloemfontein Administration. I remember that our representations on behalf of the war widows took such a time in being acted on here because the Lieutenant-Governor wanted to confer with the Lieutenant-Governor at Bloemfontein in order to secure uniformity of action in the two Colonies. It is quite clear that Bloemfontein, while admitting its liability in this respect to be the same as that of the Pretoria administration, has simply done nothing. Under the circumstances, our Bloemfontein friends might see the Lieutenant-Governor there about the matter; from here, obviously, nothing can be done.

Mr van Gass¹ was here yesterday and, on my asking him what the Government had done for the persons on whose behalf you made representations to Mr Duncan, he said that absolutely nothing had been done. You see, all this anxiety and fuss to help the widows are so much elaborate fooling.

I expect nothing from the Government; their point of view is wrong, their vision, I think, blurred by the recent past. If rain

¹ One of Emily Hobhouse's assistants in her rehabilitation work in the Transvaal and the Orange River Colony.

would only come and dispel this drought, all will yet be well. And if not—well, then let us submit to our sovereign ruler Fate, however evil it may be. With best wishes, Ever yours very sincerely,

J. C. Smuts

234 From N. Mansvelt

Vol. 2, no. 55

Zuid-Afrikaansche Voorschotkas
Amsterdam

16 October 1903

Weledelgestreng Heer, Namens het Bestuur der Zuid-Afrikaansche Voorschotkas neem ik de vrijheid mij tot U te wenden betreffende eene voor onze Vereeniging zeer belangrijke zaak.

Onze Vereeniging heeft zich o.a. ten doel gesteld gelden te leen te verstrekken ter bevordering en instandhouding van het Nationaal onderwijs in Zuid-Afrika, bijv. voor het bouwen van schoollokalen, het aanschaffen van leermiddelen, schoolmeubelen, enz. Uit een schrijven van de Commissie van Christ. Nat. Onderwijs te uwent, per voorlaatste mail ontvangen, in welke Commissie gij, naar wij meenen, zelf ook zitting hebt, hebben wij de zekerheid verkregen, dat dit doel verwezenlijkt kan worden en zoo is thans voor ons de tijd aangebroken om praktisch in die richting te gaan werken. Wij hebben daarom ook naar aanleiding van een ons door gezegde Commissie gegeven wenk besloten, onzen Vertegenwoordiger te Pretoria de macht te geven voor ons dergelijke leeningen af te sluiten.

Met het oog op de verantwoordelijkheid, welke ons Bestuur tegenover onze schuldbriefhouders op zich genomen heeft, achten wij het echter zeer gewenscht, de beoordeeling van de te verlenen voorschotten niet geheel aan één persoon over te laten. Daarom zouden wij gaarne zien, dat naast onze Vertegenwoordiger een paar vertrouwbare personen wilden optreden, die een Commissie van Advies of Toezicht zouden vormen en ons de overtuiging konden verschaffen, dat wij de ons toebetrouwde fondsen zonder bedenking op bovengenoemde wijze kunnen beschikbaar stellen.

Wij hebben daarbij in de eerste plaats aan U gedacht als iemand bij uitnemendheid geschikt om zoowel voor onze

belangen te waken als die der Schoolbesturen te behartigen en hopen nu maar, dat gij vrijheid zult kunnen vinden om in zulk een Commissie als bovenbedoeld zitting te nemen. Ons plan is, de Commissie van Advies of Toezicht slechts uit twee personen te doen bestaan en behalve tot U hebben wij een dergelijke verzoek gericht tot den heer H. C. Jorissen van de Nederlandsche Bank van Z.A. te uwent. Wij vleien ons, dat gij beiden aan ons verzoek zult willen voldoen en dat gij, evenals onze Bestuursleden, U geheel uit liefde van de goede zaak en dus belangeloos met deze taak zult willen belasten. Voor het geval gij bezwaar mocht hebben als medelid van de Commissie te fungeeren, zouden wij het ten zeerste op prijs stellen, wanneer gij met den heer Jorissen te rade wildet gaan omtrent het vinden van een ander daarvoor geschikt persoon en wanneer gij ons verder het groote genoeg zoudt willen doen om in afwachting van een nieuwe benoeming te zamen met den heer Jorissen onze belangen voor te staan.

Wat de taak van de Commissie van Advies of Toezicht betreft, stellen wij ons voor, dat deze niet in bijzonderheden behoeft omschreven te worden, wanneer de leden met het doel bekend zijn en tevens doordrongen van de noodzakelijkheid dat de gelden onzer Vereeniging, die op *zakelijken* grondslag is gevestigd, ook zooveel mogelijk op *zakelijke* wijze moet aangewend worden. Wel hebben wij het noodig geoordeeld, eenige algemeene regels vast te stellen, door onzen Vertegenwoordiger bij het verleenen van voorschotten in acht te nemen, en hiernaar zouden de leden der Commissie zich in hoofdzaak kunnen gedragen.

Terwijl wij ten gevolge van eigen verplichtingen gebonde zijn niet minder dan 6% rente van ons geld te vragen, kunnen wij echter, wat de voorwaarden en den duur onzer leeningen betreft, veel liberaler termen toestaan dan dit van bepaalde bank- of credietinstellingen mogelijk is. Het spreekt van zelf dat hierbij veel aan de discretie van onzen Vertegenwoordiger zal moeten worden overgelaten, maar juist daarom zal hij zelf, zoowel als ons Bestuur, de noodzakelijkheid inzien van het bestaan van een Commissie als door ons bedoeld, die hem ter zijde staat en de verantwoordelijkheid van de veilige belegging onzer gelden met hem deelt.

Wij stellen ons voor, dat de Commissie en onze Vertegen-

woordiger bij de beoordeeling der onderpanden en borgstellingen, zoowel als bij de bepaling van de termijnen van aflossing, zich grootelijks zullen laten leiden door hun kennis van de persoonlijke zoowel als van de plaatselijke omstandigheden der aanvragers en van hun karakter, en behoeven hun zeker dienaangaande geen wenken of voorschriften te geven.

De rentebetalingen dienen minstens tweemaal per jaar te geschieden en wel op den 2de Januari en den 1sten Juli, zijnde dit de datums, waarop al onze voorschotnemers hun rente moeten betalen. De termijnen van eventueele aflossing behooren zooveel mogelijk met deze datums samen te vallen.

Mochten er in de van onzen Vertegenwoordiger gezonden instructies bepalingen zijn die wijziging, of leemten die aanvulling behoeven, dan houden wij ons ten zeerste voor eventueele op- of aanmerkingen aanbevolen.

Wij veroorloven ons, U hierbij een exemplaar onzen Statuten en van ons Prospectus aan te bieden, ten einde U in staat te stellen over den aard en het doel onzer Vereeniging beter te kunnen oordeelen. Het zal ons ten zeerste verblijden, als wij mogen vernemen, dat gij vrijheid hebt kunnen vinden om aan ons verzoek gehoor te geven doch, mocht dit onverhoopt niet het geval zijn, dan vertrouwen wij, dat wij toch op uw tijdelijke hulp mogen rekenen, zoowel als op uw advies met betrekking tot uw eventueelen plaatsvervanger.

Ten slotte heb ik U nog mee te deelen, dat wij na het bedanken van de heeren De Wildt en <Enschede> de vertegenwoordiging onzer Vereeniging hebben opgedragen aan den heer A.W. Roosegaarde Bisschop te uwent, van wien wij eerlang een gunstig antwoord hopen te ontvangen. Met bijzonder hoogachting, Uw dnw. dn.

Dr N. Mansvelt

Z.A. Voorschotkas Secs. v.h. Bestuur

TRANSLATION

Zuid-Afrikaansche Voorschotkas
Amsterdam

16 October 1903

Dear Sir, On behalf of the Management of the Zuid-Afrikaansche Voorschotkas¹ I take the liberty of approaching you regarding a matter of great importance for our Society.

¹ South African Loan Bank.

Our Society aims at providing money on loan for the advancement and maintenance of National education in South Africa, for example, for school buildings, the provision of school requisites, furniture, etc. We are assured, in a letter from the Commission for Christian National Education at Pretoria received by the mail before last (on which Commission we believe that you also sit), that this aim can be realized, and the time has now come for us to work practically in this direction. We have therefore decided, also following a suggestion made to us by the said Commission, to give our Agent in Pretoria power to arrange such loans for us.

In view of the responsibility which our management has to our debenture-holders, we regard it as most desirable not to leave entirely to one person the determination of the advances to be made. We should therefore like a few responsible people, acting with our Agent, to form a Commission of Advice or Supervision and give us the assurance that we may make the funds entrusted to us available in the above-mentioned way without hesitation.

In this connection we have in the first place thought of you as one exceptionally fitted to watch our interests as well as to pursue those of the School Committees, and only hope that you will be free to sit on such a Commission. Our plan is that the Commission of Advice or Supervision should consist of only two persons and, besides yourself, we have made a similar request to Mr H. C. Jorissen of the Netherlands Bank of South Africa in Pretoria. We flatter ourselves that you will both grant our request and that you, like our Management, will take this task upon yourself entirely for love of a good cause and thus disinterestedly. In case you should object to acting as co-member of the Commission, we should be very glad if you would consult with Mr Jorissen about finding another suitable person for it, and if you would also do us the great pleasure of supporting our interests, together with Mr Jorissen, until a new nomination is made.

As regards the task of the Commission of Advice or Supervision, we think that this need not be defined in detail as long as the members are acquainted with our aims and at the same time impressed with the necessity that, as far as possible, the funds of our Society, which is founded on business principles,

must be used in a businesslike fashion. We have, however, judged it necessary to lay down some general rules to be taken into account by our Agent in making advances, and the members of the Commission would, on the whole, act according to them.

While we, as a result of our own commitments, are bound to require not less than 6% interest on our money, we can nevertheless, as regards the conditions and duration of our loans, grant much more liberal terms than are possible from a bank or credit institution. It is obvious that here much will have to be left to the discretion of our Agent, but just because of that he himself, as well as our Management, will see the necessity for a Commission such as we intend, who will stand by him and share with him the responsibility for the safe investment of our funds.

We suppose that the Commission and our Agent will, in judging securities and guarantees and in laying down the terms of repayment, let themselves be guided largely by their knowledge of the personal and local circumstances of the applicants and of their character, and we need not give them any suggestions or directions about this.

Payment of interest should be made at least twice a year on 2 January and 1 July, these being the dates on which all our recipients of advances must pay their interest. The periods of possible repayment ought as far as possible to coincide with these dates.

Should there be points which need amendment or omissions which need to be added in the instructions sent to our Agent, we should be very glad to consider possible criticisms.

We take the liberty of offering you herewith a copy of our Statutes and of our Prospectus in order to enable you the better to judge the nature and aims of our Society. It would please us very much to hear that you are free to grant our request, but if that should unfortunately not be the case, then we trust that we may nevertheless count upon your temporary help, as well as on your advice about your possible substitute.

In conclusion I have to inform you that, since the resignation of Messrs De Wildt and <Enschede>, we have given the agency of our Society to Mr A. W. Roosegaarde Bisschop¹

¹ Vice-Consul for the Netherlands in Pretoria. He had met Smuts at Standerton in June 1901.

in Pretoria, from whom we hope soon to receive a favourable answer. Yours faithfully,

Dr N. Mansvelt
Secretary to the Management, Z.A. Voorschotkas

235 To J. X. Merriman

Vol. 2, no. 134

Gordon's Bay¹
Somerset West

11 December 1903

Dear Mr Merriman, Thanks for your wire that you are anxious to see me. I am also most anxious to meet you and discuss some matters with you. I intend going to Stellenbosch some days before Christmas and shall then drive up to you. I hope this will suit you. If, however, you wish to see me before then, I shall come over to Stellenbosch any day you may appoint.

Your speech at the Paarl on the Chinese invasion was very interesting reading to me. The question is one of the utmost gravity, and, as regards the Transvaal at any rate, one of great difficulty and complexity. Just before I left Pretoria Botha and myself were approached by [Sir G.] Farrar and other leaders of the mining industry with a view to securing our neutrality in the coming struggle. That, of course, is out of the question, and yet the subject, in whatever way regarded, presents such difficulties that we are still watching events and opportunities, while you have already taken the field. You can therefore understand how anxious I am to see you before I return to Pretoria early next year. With best wishes, Ever yours very sincerely,

J. C. Smuts

236 To E. Hobhouse

Vol. 2, no. 135

Gordon's Bay
Somerset West

16 December 1903

My dear Miss Hobhouse, Bibas² received a note from you just on the point of our leaving Pretoria for this place and showed it

¹ Smuts and his family were on holiday at the sea some ten miles from Stellenbosch, where Merriman lived.

² Adriana Smuts.

me. At that time I was under the impression that you were on your way to London, and that was the cause of my not acknowledging earlier the receipt of the £205 you so kindly sent.

Well, I bought a span of oxen with plough and all accessories for £180; gave Mr van Gass £20 for seed and kept £5 in reserve and have it still in reserve. Mr van Gass has been superintending the ploughing along Apies River¹ and neighbourhood and when I left Pretoria he had already ploughed for almost every needy person in that neighbourhood. The arrangement I have made with van Gass is that the cattle remain communal property under his charge; that he is to look after them and keep them in good condition for future use on behalf of the poor.

I wonder whether it is not possible for you to come over for a day, at least, to this little secluded seaside place. My wife and self are longing to see you once more before you finally leave our shores. If it is possible, simply send me a wire (Gordon's Bay, Sir Lowry's Pass Station) and I shall be at the station to meet you.

When I left the Transvaal, matters were getting worse and worse for the town populations. Fortunately, heavy rains had been falling over three-quarters of the country, which will make the mealie crop this year a success. The general political outlook remains very dismal. The Chinese are almost certainly coming, and their advent will be the beginning of a fresh chapter of disasters for this benighted country. It seems that there will be no reference to the people at large, the Government knowing what to expect from such a course.

But I will not trouble you now, as I certainly expect to see you before you go. With best wishes, Ever yours most sincerely,

J. C. Smuts

²Dear Miss Hobhouse, I am only writing to tell you how pleased we shall be if you will come and spend a few days with us here at the Strand.³ You could come by Friday's train and stay over till Monday or as long as you like, the longer the better. We are living a simple, lazy life here and you and my husband could talk all day long and half the night if you wished! I am sure you would enjoy a few days here, so be good and come

¹ Near Pretoria.

² Written at the foot of Smuts's letter.

³ A seaside place a few miles from Gordon's Bay.

over. We are all getting on splendidly and little Sannie is growing into quite a big girl.¹ I cannot leave her alone or I would come and see you, and she is too young to travel so much. Yours sincerely,

Isie K. Smuts

237 Circular

Vol. 3, no. 8

Printed circular letter with the personal signature of Botha. It was almost certainly drafted by Smuts.

Pretoria

5 Februari 1904

Waarde Heer en Vriend, Uit de kabels van heden blijkt dat de Secretaris van Koloniën in het Britsche Parlement zou verklaard hebben dat de Regering overtuigd was dat het de wensch der Transvaalse bevolking was, dat Aziaten voor de mijnen zouden ingevoerd worden. Aangezien het volk in dit land nooit over de kwestie geraadpleegd is en de overgrote meerderheid sterk ertegen is, en een zoodanige verklaring veel kwaad zal doen, wensch ik van U te vernemen of ik uw naam kan gebruiken in een protest bij de Secretaris voor Koloniën tegen de goedkeuring der wet op invoer van Aziaten. Een dergelijke brief wordt aan alle generaals gezonden.

Gelieve mij dadelik, indien ge met mij instemt, het woord 'ja' te telegrafeeren, daar de zaak aanstaande week voor het Britsche parlement komt. Getrouw de uwe,

Louis Botha

TRANSLATION

Pretoria

5 February 1904

Dear Sir and Friend, It appears from today's cables that the Secretary for the Colonies² has declared in the British Parliament that the Government was convinced that it was the wish of the Transvaal people that Asiatics should be imported for the mines. Seeing that the people in this country have never been consulted in the matter, that the great majority are strongly opposed to it, and that such a declaration will do much

¹ Susanna Johanna (Santa) eldest daughter of Smuts; born 14 August 1903; married Andries Weyers 1925.

² Alfred Lyttelton.

harm, I wish to know from you whether I may use your name in a protest to the Secretary for the Colonies against approval of the law on the importation of Asiatics.¹ A similar letter is being sent to all the generals.

Should you agree with me, please telegraph me the word 'yes' immediately, as the matter will come before the British Parliament next week. Yours faithfully,

Louis Botha

238 To E. Hobhouse

Vol. 3, no. 81

Box 1081, Pretoria

8 February 1904

My dear Miss Hobhouse, Just a few lines to let you know how we are now getting on. You will be glad to have heard that the rains which followed your departure have completely dispelled the drought and fear of famine from South Africa. I have seen people from all parts of the country and they all unite in saying that the crops are fine and that the fear of famine is now gone for ever (we hope). Especially is this true of such parts as Zoutpansberg, where you found the greatest distress.

We are now trying to help the hundreds of belated prisoners of war whom General de la Rey brought back and who are almost all in a state of complete destitution. The close [*sic*] of all the repatriation depots naturally brings all these people now to us, and we are doing our best and hope to get this matter also right.

The spread of the Rhodesian Pest is making havoc among the cattle and I suppose among your charity teams also. This morning I instructed van Gass to slaughter his team in order that the meat may be sold on the market, and an absolute loss thus prevented.

The general condition is still dismal in the extreme. We seem now to be rapidly verging to [*sic*] public bankruptcy. The entire financial condition is bad; you know the causes. Well, the cure is now Chinese. General Botha and myself are going to make representations to the Home Government which I hope will come in time for the debate in the House of Commons. There is nothing else that we could do.

¹ The protest took the form of a telegram from fifteen leading Transvaal Afrikaners.

The newspapers this morning have the news that Russia and Japan have suspended relations; is it going to be a general war?¹

Isie and Sannie are both doing very well and send kind greetings. With best wishes, Ever yours very faithfully,

J. C. Smuts

239 From E. Hobhouse

Vol. 3, no. 26

c/o 15 Bruton Street
London, W.

11 February 1904

Dear General Smuts, Just a line to tell you we *are* working hard in this country about the Chinese question. As testimony to this assertion I am sending some pamphlets which are being issued by various bodies—which please hand on to General Botha and wherever of interest. Moreover last Tuesday we held a meeting in Caxton Hall, Westminster, and Sir Charles Dilke, Sir Brampton Gurdon, Mr Courtney, your humble servant and others speechified for all they were worth to a half empty room. Last night, while I was belabouring the Repatriation Board at a large drawing room meeting, a big gathering protested in the Queen's Hall, with Lord Carrington in the chair, against Chinese slavery.

The country is angry on the subject, the Tories as well as Liberals, but there exists not the man capable or free to handle the subject and the populace in a way which should really be efficient. All the best leaders are paralysed by the fiscal question and the extraordinary and unparalleled chaos in which the House of Commons attempts to work; and our hopes, our well-nigh certainty that a dissolution must come immediately, are damped by the outbreak of war in the East, and it is said in such a critical moment it would not do to have a change of government. That I think is nonsense, for the present Government is no government at all.

I have been hard at work interviewing the leading men—Sir H. C.-B., Lord Spencer, John Morley and others and trying to get them to grasp matters as they really exist in South Africa.

¹ Japan attacked Port Arthur on 8 February 1904. Russia declared war two days later.

I do wish you good people who can handle the pen would leave the handling of the hose in your leisure moments to lesser men and keep us regularly informed of what goes on amongst you all. Remember *The Times* has to be perpetually contradicted. I tell people that on all South African questions they must read it upside down—but without continual up-to-date knowledge one cannot fight a newspaper.

And it says everything with such a grave air of exalted truth, that it is all I can do myself not to be led away and I have to pinch myself and shut my eyes and recall Pretoria scenes and atmosphere in order not to believe that you and General Botha are now advanced pro-Chinese, and have accepted with penitence the view that the capitalists are the wisest of men and Milner your best friend. By this time you are again basking in the sunshine of his presence. As you know my interest in him is profound, do write and tell me all about him and his doings.

I think you made a mistake in not coming over to England yourself as a deputation and fighting the Chinese question here. For 'how shall they know without a preacher?' Mr [F. H. P.] Cresswell is doing good work but he was an unknown man, and is in no way representative of Transvaal feeling. Moreover he puts forward only one side of a many-sided question.

Mr Mackarness is very busy working up a constituency for the next election, and though his interest in South Africa never flags yet the bulk of his time has to be devoted to his meetings and canvassing.

Now I must close. I hope Esperanza is well; for I prefer my own name for her¹—also Mrs Smuts and Adriana (whose dignified and beautiful name I also prefer). There is plenty more to say, but no time to say it in. Yours very sincerely,

E. Hobhouse

240 To J. X. Merriman

Vol. 3, no. 82

Pretoria

15 February 1904

Dear Mr Merriman, I have delayed till now writing to you, because I would not trouble you while you were busy cam-

¹ Smuts's infant daughter.

painging. You will have seen that all the more prominent men among the Boers have signed a statement to the Secretary of State for the Colonies, in which the attitude of the great majority of the Boers towards the Chinese question is defined. It was no good appealing either to the Legislative Council of officials, which we do not recognize, or to Lawley or Milner. I hope that our protest will have some effect when the debate comes on in the House of Commons. I note with special pleasure Sir W. Harcourt's letter in which he says that the Liberal Government which is to follow the present moribund rump of a government will not consider itself bound by the decision of the present House of Commons in favour of Chinese. Lord Milner and the magnates are naturally furious with us over this business, but that is as it should be.

I feel awfully sorry that you and also Sauer [J. W.] have failed to carry your respective constituencies with you. I assure you, we up here, who have followed your brilliant work in Parliament as leader of the South Africans,¹ feel this as a personal blow. If I could be of any assistance to you, I would do my best to see you in without delay. If no other remedy suggests itself I shall try to prevail on my father to withdraw in your favour.² (I am also writing to Malan [F. S.] to the same effect.) So kindly let me know whether any alternative course has been decided upon. Even if the Progressives³ get a small majority, I rely on the fighting power of the South Africans to prevent the passing of a Redistribution Bill,⁴ which will only mean another bloody revolution in South Africa at no distant date. We are rapidly going to a great political crisis and I want *you* to lead the battle in Parliament, as you alone could do it. Ever yours most faithfully,

J. C. Smuts

¹ The South African Party.

² J. A. Smuts held the Malmesbury seat in the Cape House of Assembly.

³ The Progressive Party came into existence in the Cape Colony in 1897 to support Rhodes. Later it represented the British imperialists in opposition to the Afrikaner Bond and the South African Party. In February 1904, when over 10,000 Afrikaner voters were still disfranchised, the Progressives won the election with a majority of one in the Legislative Council and five in the House of Assembly and L.S. Jameson became Prime Minister.

⁴ A Bill to redistribute seats in the Cape Parliament in favour of the towns as against the rural areas.

241 From J. X. Merriman

Vol. 3, no. 45

Schoongezicht
Stellenbosch

[c. 22 February 1904]

My dear Smuts, I thank you very much for your letter which gave me fresh heart. The one thing to avoid is depression; this temporary reverse should draw those who really love South Africa together and teach them the need for organization. These elections have been fought on race lines—English *v.* Dutch and Fingo *v.* Kaffir.¹ It is curious to notice that the race feeling on the part of English *v.* Dutch is far more exacerbated than before the war—which is a notable result of ‘Milner’s great work’. I only hope and trust that their phlegmatic nature will prevent the Dutch from being goaded into reprisals.

Now we have the arch disturber of the peace as our Prime Minister. There might be some excuse if he were chosen for any special ability but he [is] as incompetent in political knowledge as he is [in] courage or military leadership and one cannot but feel that he is chosen, not in spite of, but on account of, his past career, as a means of irritation to all right-thinking men.

I need not, I hope, tell you that I most warmly approved of your protest against Chinese. The only fault I have to find is that you did not make it earlier. But fate must work out its course and it seems that there is much trouble and misery still before this unhappy land.

It is incredible that even Milner with all his short-sighted folly could have been in favour of a scheme which will obviously diminish the British population while it will leave the Dutch landholders untouched. It is an infamous crime, of the same class as the *Asiento* treaty,² and it will draw down the same punishment.

Your position under the domination of the self-styled ‘Magnates’ must be intolerable but *morgen is ook een dag*.³

¹ The Fingos were despised by the Xhosa of the Transkei as the remnant of tribes broken by them in the early 19th Century.

² By the *Asiento* provision of the Treaty of Utrecht (1713), England secured a limited right to trade in South America and also to sell 4,800 slaves there annually. These rights were exceeded and the ensuing quarrels led to an unsuccessful war with Spain (1739–48).

³ To-morrow is another day (Dutch).

Thank you very much for what you have done for me in the election matter. I do feel very much that I ought to get back to the House as soon as possible. Believe me, Yours truly,

John X. Merriman

242 To E. Hobhouse

Vol. 3, no. 83

This letter was sent to *The Times* by Emily Hobhouse without consulting Smuts. It appeared in that newspaper on 15 March 1904 in a toned-down form, after some expurgation by the recipient.

Box 1081, Pretoria

21 February 1904

My dear Miss Hobhouse, Your letter arrived a few days ago, just after we had received news of the defeat of the amendment of Samuel [H. L.] *re* Chinese. It would be wrong to say that we were disappointed because we never expected any other result; the Government still have a sufficient majority to complete the work they began in South Africa. I hope they are proud of that work. But about this a little later.

I came back from the Cape only towards the end of January and set to work at once to have our position with regard to the Asiatic question rendered perfectly clear; our note to the Secretary for the Colonies was the result. I do not know whether it has done any good in England; it however served to clear the air here, as all sorts of reports were about to the effect that we were 'neutral' in this fight. I saw in the cables too that Lord Milner had represented the majority of the Boers as in favour of Chinese or at any rate as quite apathetic. That a large proportion of the Boers are apathetic is no doubt true; but these are the people who have lost all hope and heart; who are prepared to see this Government do anything in the Transvaal; who see that the course of the administration is, in spite of all warnings and remonstrances, directed towards ruin and disaster. Naturally, to such people (and in my bitterness I sometimes think they are right) the importation of Chinese is but an incident, one item in the main account which is being rapidly run up to a gigantic amount. But surely such apathy ought to give Lord Milner even greater pangs than the fiercest opposition. For beneath this apathy there burns in the Boer mind a fierce indignation against this sacrilege of Chinese importation

—this spoliation of the heritage for which the generations of the people have sacrificed their all. Often when I think of what is happening now all over South Africa, my mind stands still—for the folly, the criminality of it all is simply inconceivable. The spirit of South Africa is crushed by the disappointments, the ruin, the losses of the past. And in this dire distress when, as a people, we ought so to say to be in hospital, we are turned adrift and the wild beasts (you know whom I mean) are let loose on us. I sometimes ask myself whether South Africa will ever rise again; whether English statesmen will ever *dare* to be liberal and generous in South Africa. They, however, ought to know what is best for the British Empire. An awakening will come some day; but I am afraid it may come too late to save either South Africa or the British Empire.

You must not blame me too much for sitting still and doing nothing. There is a strong desire in me and in us all to do something; but what? There seems to be nothing in common between our ideas of public policy and those of the authorities. *We* think that government must be for the greatest good of the greatest number; *they* think that the mining industry must be saved at all costs. And it *cannot* and will not be saved, for the major part of it is bogus and a sham. If all the mines which have no reasonable chance of working at a profit (that is, about 80 per cent of them) were allowed to go to the bankruptcy court, the country will once more return to a normal condition, there will be more than sufficient labour for the 20 per cent which can be worked at a profit; the Transvaal will cease to be the happy hunting ground of the fraudulent company-promoter, and all will yet be well. Now, however, we have a bogus gold industry; its reputation is kept going for the purpose of still further swindling the investing public of Europe; the general good of this country and I may say of South Africa is sacrificed for this sham industry—and so we are merrily spinning along to perdition. Sir Richard Solomon asked me the other day what remedy I proposed as a solution of the labour problem. He was horrified to hear me say that there is no such problem; that there is quite sufficient labour in South Africa for all the mines that could reasonably be worked at a profit; and that the solution of the supposed difficulty was general insolvency so as to clear the air.

Well, they call me cynical and bitter. But do you think it possible to keep your temper sweet and serene under such provocation? These people have never loved their country or felt a passion for it in any shape or form. South Africa they regard with unconcealed contempt—a black man's country, good enough to make money or a name in; but not good enough to be born or to die in. What is there in common between such people and the Boers, the fibres of whose very soul are made of this despised soil? And if there is nothing in common, how can you help them with advice or otherwise? Hence I prefer to sit still, to water my orange trees and to study Kant's Critical Philosophy—until in the whirligig of time new openings for doing good offer themselves.

When this reaches you Dr Jameson will be Premier of Cape Colony and Lord Milner's heart will be thumping with holy joy. For he has dreamed a dream of a British South Africa—loyal with broken English and happy with a broken heart—and he sees the dream is coming true. But will it not yet be with this South Africa as it is today with the British population on the Rand? Today they are imploringly stretching forth their hands to the Boers to save them from the consequences of their evil work in the past. But the Boers, like Rachel's children, are not. Similarly, I see the day coming when 'British' South Africa will appeal to the 'Dutch' to save them from the consequences of their insane policy of today. And I fear—I sometimes fear, with an agony bitterer than death—that the 'Dutch' will no more be there to save them or South Africa. For the Dutch, too, are being undermined and demoralized by disaster and despair—and God only knows how far this process will yet be allowed to go.

This is a very depressing letter. But it faithfully reflects the gloom of dull despair which is more and more enfolding us all. Isie and Sannie both well; send you hearty greetings. Farewell.

J. C. Smuts

243 To E. Hobhouse

Vol. 3, no. 84

Box 1081, Pretoria

28 February 1904

My dear Miss Hobhouse, Rains have been falling practically over the whole [*sic*] South Africa; at Pretoria there was such a

steady downpour as I have not seen for years. The country is looking beautiful, the fear of want is, I hope, permanently past. You know the old Greek saying that the water was the best. Well, you will admit that as a benefactor of the rural people you can't compete with the rain; still the memory of your good work is still green and will remain so through many a dry and rainy season.

Tomorrow afternoon General Botha and myself go to see Lord Milner; he has expressed a royal command for us to wait on him. What it is about we are not aware. I hope we shall find an opportunity to refer to his allegation in a despatch to Mr Lyttelton to the effect that the Boers as a whole were in favour of Chinese! What must we do with such a man and such a statement? If you call this by the proper name you will have to get past the law which makes his person sacrosanct in this country and makes aspersions on him treason or sedition. So we shall keep quiet and wish him all the enjoyment to which his character entitles him.

There are no new developments in the Chinese situation. We are preparing for the coming invasion and are being gradually moulded to the coming environment. Truly, to be weak is to be miserable.¹ To see your fate coming, coming, coming, and to be unable to offer any effective opposition; to be so weak as to be only capable of feeling self-pity, even self-contempt—is the direst punishment which could be inflicted on a human being. In that position of passive expectancy we are today, scarcely even looking for some *deus ex machina* to save us from our desperate fate. Has England then sunk so low and is she so utterly lost to all feelings of honour and shame as to stoop to such degradation of British South Africa? Has her name not suffered enough during the late war, and is she going to be still more a byword among the nations—not only the destroyer of body but also of soul in this land of sorrow and suffering? I thought the infamy of the Asiento Treaty was only an historical memory; now it has become a dread reality in this country. I ask you, what allegiance could you expect the Boer race of South Africa to feel to such a mother-country;

¹ 'Fall'n Cherub, to be weak is miserable
Doing or suffering.'

Milton, *Paradise Lost*, Bk. i, l. 157.

what resentment will not fill the Natives who even now have—poor deluded creatures—made Dr Jameson Premier of Cape Colony; what dark despondency must not fill the thousands of loyalists who fought for England in the late war and everywhere passed resolutions against the importation of Chinese? As sure as I write here there is a God that will judge; now is our dark hour and agony of bloody sweat. But I can already hear the distant tramp of Nemesis, and unless the conscience of England is roused now and she undoes the foul deed of shame, there will be many dry eyes when *her* hour comes, as come it will. God help you and us. *Totus tuus,*

J. C. Smuts

P.S. I forgot to draw your attention to Lord Milner's amazing speech before the Inter-Colonial Council¹ last Friday. You know this is a make-believe Council, appointed without legislative powers, and whose sole business is to discuss, like a debating society, the affairs of the Central South African Railways² and the South African Constabulary.³ Both these bodies belong to the most expensive and worst managed in South Africa; but they cannot even be discussed in the ordinary Legislative Council, as they have been specially placed under the Inter-Colonial Council in which Lord Milner presides with such distinction. The Legislative Council is, of course, a farce, but the sham Inter-Colonial Council will take a lot of beating in that line. You know, it is such a comfort to have a little kindergarten show of dolls—all your own, moving at your sweet will, not asking inconvenient questions, not making factious opposition, and making only so much criticism as only dear and well-meaning friends (not sycophants) will make. No wonder that there is an enormous deficit in this inter-colonial budget. The rule is so simple: the inter-colonial budget takes all the profits of the railways, and when these don't suffice, the Legislative Council must make up the deficit. That is the way we are ruled here by the 'finest flower of Varsity scholarship'.⁴

¹ Set up in June 1903 to advise the High Commissioner on matters common to the Transvaal Colony and the Orange River Colony.

² The railway systems of the two Colonies, which had been combined.

³ A defence force common to the two Colonies.

⁴ Many of Milner's chief officials, the 'Kindergarten', were graduates of New College, Oxford.

Well, but read his speech, copy of which I enclose from the *Daily Mail*.¹ Now you know the Press—in spite of the capitalist and Milner influences—even the capitalist dailies of the Rand, have lately been going day by day for the wasteful maladministration of the Government. The situation here is so serious that Milner himself a few weeks ago cabled to England that he was at the end of his local resources. The Government are absolutely ruining this country, and even the most Jingo paper recognizes that unless a change comes soon, it may be too late. Well, this is the situation Milner has to face; and see how he does it, and then form your own opinion as to the man's capacity. The opposition of the journals which formerly supported his policy is not genuine, but proceeds from the desire to make their stuff readable; mere laudation of the Government is never interesting reading. The cure for all ills is to increase the Inter-Colonial Council, and have more debates by nobodies leading to nowhere! Have you ever heard such stuff? Such criminal trifling with a dangerously acute situation? Mind you: there are those who say that all this is a blessing from the Boer point of view, and that Milner is a friend in disguise. But look at him from your English point of view and ask yourself whether he is good enough for you—politically I mean. The other day he was at Krugersdorp to meet a body of local Boers and, among other interesting questions, old Oosthuyzen asked him whether he was not married. He said no. Oosthuyzen asked why not. He replied that he was too old. Oosthuyzen thereupon said that he would undertake to find a wife for him that would make him a good governor. This was told me by one who was present. You see, there is more straightforward plain speaking from this old backveld Boer than from all the Councils. No wonder the Boers are not loved. In the interview Botha and I had with him I told him to leave the great schemes and far future alone and devote himself to making straight what was crooked now. He asked me whether that was my view of government. You see, the man is a hopeless visionary.

J.C.S.

N.B. The William Mather² who now stumps England in

¹ The *Rand Daily Mail*, established in Johannesburg in 1902.

² William Mather, born 1873 in Lancashire, was a Labour leader on the Rand c. 1903, and a fitter by trade; died 17 November 1948.

favour of the Chinese is the very person I told you of, who dared to tell me that the Boers were cowardly in not kicking up a row to keep out Chinese! *Paid heroism* is evidently his special qualification.

244 To E. Hobhouse

Vol. 3, no. 85

Box 1081, Pretoria

6 March 1904

My dear Miss Hobhouse, With last mail I received your interesting letter; and it did my heart good to see how strenuously you and other good friends are fighting for poor South Africa. You twit me with watering my orange trees when I ought to be up and doing. What is there for me to do? I and mine belong to the vanquished, and over our country is now being written—with ink which no time will ever let fade—the brutal *vae victis* policy of the conqueror. To scream or make a noise, even resolutely to agitate, is not in my line. South Africa is on the downward grade in every sense, and at present I see no ray of light in the future. The whole country reminds me of that gloomy line in Keats in which he speaks of the ‘weariness, the fever, and the fret, Here, where men sit and hear each other groan’. In the events behind us South Africa has been untrue to herself and now she is plucking the fruit. The heroes who ought now to man the walls lie buried under the shattered ramparts, and the attacking forces are pouring into the breach. The feeble and exhausted defenders who still survive are, in many senses, only shadows of their former selves. For their faith has been undermined. How many people in South Africa today still believe in justice and righteousness? Here is our own Milner—the incarnation of British political ideals. Here are the fettered Chinamen with a fate awaiting them worse than that of the galley slaves of the pirate Dey of Tunis who flourished in the palmy days of slavery. Here are the birds of prey voraciously feeding on the corpse of liberty. Here is the moral stench which has followed the dissolution of the old order. One’s only consolation in such a scene is to watch the trees grow; to see how Nature teems with ever new and fresh life and absorbs the evil and decay of yesterday into the beauty of tomorrow, and so to learn from Nature that lesson which it is now impossible to learn from affairs—the

lesson of quietness and strength, of ever fresh effort and of 'never say die'.

General Botha and myself had an interview with Lord Milner last Monday about the education question; you know we want elective school committees, but he wants to appoint two-fifths of the committees as Government nominees. We pointed out to him that such hybrid committees will repeat the farce of the Repatriation Boards. Naturally one despairs of making any headway with him. It is a pity Heligoland has been ceded to Germany, otherwise he would have been an excellent Emperor of that flourishing island. His financial allies are now stamping out the last vestiges of resistance to their Chinese scheme on the Rand. If there is such a thing as political retribution, what an awful future must await these men! But what is the good of moralizing and depressing you with my dismal croaking. Go on with your work—for such salvation as there is still for us lies entirely with the British public. That august body could not undo the past but could at any rate rid us of several of our worst tormentors and could demonstrate to South Africa that England is not so effete and pusillanimous and contemptible as her present South African policy leads people to infer that she is. England has been going downward and losing ground in South Africa ever since the Jameson Raid, and I am afraid that—to use the phrase of our great statesman—the sands in the hour-glass are here too running down. If a vital reversal of British policy in South Africa does not take place soon, she may expect anything from the despair of its population. In her hour of need she will have but poor friends in the millionaires whose interests she is now so zealously furthering at the expense of the rest of the population. With best wishes, Ever yours truly,

J. C. Smuts

245 To E. Hobhouse

Vol. 3, no. 86

Box 1081, Pretoria

13 March 1904

My dear Miss Hobhouse, Just a line this time to tell you how sorry we were last week to see that the King had not disallowed the Labour Importation Law¹ and that John Chinaman

¹ Ordinance No. 17 of 1904.

will therefore certainly come. There is much bitterness about the matter here. You see we are so miserably weak, so utterly helpless. We could not even derail the first train coming here with a batch of celestials. We can protest, but what is the earthly good of that? Anyhow, I am myself beginning to deteriorate, for after all I shall have to descend to the ranks of the protesters. A big meeting of the white workers on the Rand is to be held on 1 April and I have promised to be one of the speakers. I am sorry to be compelled to do so, but I think it my duty to stand by the white workers in the calamity which is now threatening them and, through them, all South Africa.

Our only hope now is that the Government will fall early and that a thorough change will be made here too. Do you think it likely that, if the Liberals get into power, they will stop Chinese importation? If they don't, God alone help us! There is more to be feared from the despair than from the hopes of brave men. Do you think there is really a chance for an honest and *bona fide* grant of self-government to this country if the Liberals were to get into power? Ever yours most faithfully,

J. C. Smuts

P.S. I am sending to you this or next week Mr R. L. Outhwaite, Editor of the *South African Guardian*, a fearless and strenuous worker for the cause, and hope he will do much good in England. Kindly give him introductions to our real friends. J.C.S.

246 From E. Hobhouse

Vol. 3, no. 27

15, Bruton Street
London, W.

15 March [1904]

Dear General Smuts, I was very glad to get your most interesting letter of 21 February by last mail. I read it to several people who were profoundly touched by it, and great pressure was put upon me to publish it—in view of the present controversy on Chinese Labour and people's excited feelings about it. In spite of the passing of the Ordinance we are continuing the fight. Not a day passes without meetings of protest all over the country, and petitions and resolutions against it come in to the Colonial Office at the rate of forty a day. But of course on this

side the subject is approached from a different standpoint and I welcomed your letter as a means of putting the South African's point of view more truly before the country. I have had some qualms lest you should disapprove but, after consultation with legal and sympathetic minds, we decided that with a few eliminated sentences it *could* do you no harm, and the moment is so crucial, so intense, that immense *good* might be done. Forgive me if I have erred, but, if so, it was done for the helping on of the cause you have at heart. Besides, I felt you had written it with a view, on my request, to keep us here better informed. And certainly it brought me back a whiff of Pretoria mental atmosphere and I saw the garden-hose snake-like on the ground, the parched orange trees, the perambulator in the verandah, and the hills circling you about.

I sent the original of your letter to Lord Spencer, whom I regard as our coming Premier, and a copy I took to the Lobby of the House where I waylaid John Burns M.P. who made the ablest and strongest speech on Chinese Labour. He said every word should be published. So also said Mr Thomas Shaw, one of our leaders, and others. If it deports you, cable me, and I will raise a wind. But I do not think it will do aught but good and clear the air.

I enclose you Lord Spencer's little note of reply on returning your letter. The Bishops of Hereford¹ and Worcester² have spoken out, and the Archbishop³ first did so, but now is weakening. I shall try to speak boldly in Manchester on the 20th.

Today I have had my interview with Lyttelton—1½ hours' hard talking—I came away much exhausted. I put before him—*the widows* and their grant, *the military receipts unpaid*, giving him many instances; the Boer Police Force—men who have lost their profession in life and, being ex-officials, should have a small pension each; the *general* condition of things; Chinese labour; and then the individual cases—Lily Rautenbach⁴—and others.

¹ The Right Reverend John Percival.

² The Right Reverend Charles Gore.

³ The Most Reverend Randall Thomas Davidson, Archbishop of Canterbury.

⁴ Lily Boshoff, born Rautenbach, was severely wounded in January 1902 in an attack by British soldiers on the Boer hospital, near Harrismith, Orange Free State, where she was a nurse. Her story is told in *War without Glamour* by Emily Hobhouse, pp. 142-6.

In the individual cases he was decidedly sympathetic—for he has a kind heart. But it is not a big one and I found it impossible almost to get real sympathy in the *big questions* and he is so full of misinformation that correct information could find no room to squeeze in. However, he promises help in some ways—though at every definite point shrinks back with ‘but there is no money neither *here* nor there’. I suggested a lady being sent to see into the needs of the widows and the carrying out of the grant and he acquiesced and asked my ‘suggestions’ as to a lady suitable for the work—but soon after said there was no money. Still, I shall send suggestions and see what comes of it.

At the end of the interview we had a great fight over Chinese labour. He was gloating over the passing of the Ordinance. I told him he ‘would rue the day’—and so we separated quite agreed to differ. But he is a gentleman and that, at least, is good.

I must close this. I am sending also a *Daily News* and hope to hear from you again as before. Yours very sincerely,

Emily Hobhouse

28 St. James’s Place, S.W.

15 March 1904

Dear Miss Hobhouse, I am much obliged to you for sending me Advocate J. C. Smuts’s letter, it is indeed sad and distressing to read.

It has my warm sympathy. God knows how this feeling is to be soothed and brought into kindly touch with British Administration.

I have not looked at the letter in the Press but I suppose it is the letter which you sent to me. I return it.

We have another conversation on Friday on the Chinese labour question. The Bishop of Hereford will speak, and if he does, it will not be in the sadly faltering tone of the Archbishop, who has the right feeling but dares not express it!! Yours very truly,

Spencer

247 To J. X. Merriman

Vol. 3, no. 87

Pretoria

17 March 1904

My dear Mr Merriman, I am very much disappointed that my father did not retire in your favour and that you have now to fight

such a scattered constituency as Victoria West. However I hope you will not be discouraged and disappointed—although it is hard on you at your age that you should be put to such physical trouble. Do not be discouraged; for the work you are doing today will bear fruit in the years to come and do honour to your memory long after you are gone. I sometimes feel as if the struggle is simply against invincible fate and feel inclined to ask myself *cui bono*? But the next moment the other part of me replies: well, if we are to be overpowered and vanquished, let it then be in open fight and let death still find us in harness. How often have those beautiful words of Abraham Lincoln braced me in moments of weariness and despondency: ‘Let us have faith that right is right and in that faith as to the end do our duty’.¹

This Chinese business, with all its unutterable sordidness and selfishness and reckless unscrupulousness, shows me more and more that there can be no peace with the enemy—that they must be fought till either they or we are finally vanquished. I agree with you that our protest ought to have gone earlier; still, we could not have appealed to the Imperial Government before the measure had been sent to them for approval.

A private letter of mine in which I damn the financiers for all they are worth has been published in London without my permission. It has raised quite a hornet’s nest round my head. I am very much annoyed over the business, but I am not going to eat my words. The financial people want to declare war against me. If they do that, I shall make the fight worth their while and try to give them more than they bargain for. Things look black up here. The Government has fallen into utter contempt out of which not even their beautifully drafted blue-books will save them. Poor Stead has even been refused a permit. Well, some clever people are really very stupid. Good-bye. *Totus tuus*,
J. C. Smuts

248 To E. Hobhouse

Vol. 3, no. 88

Box 1081, Pretoria

19 March 1904

My dear Miss Hobhouse, A tremendous sensation was created last week by the cables of my letter which you had published.

¹ ‘Let us have faith that right makes might; and in that faith let us to the end dare to do our duty as we understand it.’ A speech of 27 February 1860.

As later letters were hostile to Lord Milner and their publication would have meant my enforced departure from this country, I took the precaution of warning you against further publication.

On the whole, I feel sorry that the letter was published as I would have expressed myself more cautiously had I known it would be published. As it is, it appears exaggerated and unfair. To say that the financiers are swindlers and that 80 per cent of the mines are insolvent is scarcely excusable exaggeration. I have kept quiet and said nothing, although the papers came to me for an explanation. The financiers are naturally furious and I am afraid our hitherto easy relations will henceforth be very much embittered. Lord Milner is said to be very pleased, as the letter confirms his view that I am the great 'irreconcilable' still at large in his blessed satrapy. I have been intending to write to Farrar or some other of them that I stand by what I have said but do not intend that to affect our personal relations—although that seems very much like adding insult to injury, does it not? So far I have kept quiet and sat tight; but I am very much afraid that, all unwittingly, I have crossed the Rubicon and that I shall have to fight for dear life very soon. However, Providence has endowed me with a fair share of confidence, and I hope to have better luck than in some previous undertakings!

I feel certain that the Government will be beaten soon and that a general election will bring back the Liberals with a great majority. What I am not quite certain about is whether the Liberals will not look upon the situation here as a *fait accompli* and simply continue the present ruinous policy. If that should happen, God alone help us. Milner had a chance after the Peace which he ruined and which will never come again. Now the people are simply waiting to see what the Liberals will do. If they do not immediately grant self-government to the Transvaal under such conditions that the Boers will know and feel that they are again governing themselves, an agitation will start in this country, the consequences of which none can foresee. I think it will be good policy to grant to the Boers everything barring their flag. The danger is, if this is not done, that they will agitate for their flag. But if this is done, England will secure the loyal co-operation of all the Boer leaders in the

old Republics and thus render her position here impregnable. Mind you, I do not advocate generosity, or magnanimity, but simply good, sound policy. An army of occupation won't keep the Boers down; honest, real, *bona fide* self-government will satisfy them and make them really contented. But are the Liberals educated up to this point? That is what I want to know from you. England is at the parting of the ways, it will be too late to meet the Boers when she is in difficulty. Let the Liberal party choose to do the right thing and the just thing, and all will yet be well. Very sincerely yours,

J. C. Smuts

249 From J. X. Merriman

Vol. 3, no. 46

Schoongezicht
22 March 1904

My dear Smuts, Do not be too hard on your father who, perhaps not unnaturally, did not see why he should be evicted when another had offered to make way. I do not conceal from you that my enforced absence from what has grown to be my principal interest in life, is very bitter to me, and the factious opposition raised at Victoria West is an insult both to me and to the community, but you need not fear that I shall ever give up the struggle for what I think is the right. If men had done this in the past, England and Holland would have had different histories and we must lay the example of our fathers to heart.

You have been scurvily used in the matter of the publication of your letter. When we saw the notice my wife and I suspected some indiscretion on the part of our good friend Miss Hobhouse, having both in the past suffered from similar action on the part of English friends. Not that I think that much harm has been done. Still, I quite see that you would have put the same views rather differently. Old Lord Rosmead once told me 'Always write as if you knew your letter would appear in a blue-book'—good advice, which I wish I could think that I had always followed—but *nemo omnibus*¹ etc.

The political situation here is not very cheerful. Though confused by cross issues the main feature is to me plain—the attempt of the plutocrats to set up an oligarchy and to control

¹ *Nemo mortalium omnibus horis sapit* (Pliny). No mortal is wise at all times.

the fortunes of the whole of South Africa. That most incompetent creature Jameson is merely the figurehead. I should be inclined, next to Milner, to put down Abe Bailey as the ruling factor here, and Abe Bailey stands for the clever men who pull the wires at Johannesburg. They have destroyed the power of the yeoman in the Republics *vi et armis* and they are trying to do the same here by what they are pleased to call 'constitutional means', masking their designs by all sorts of appeals to a spurious patriotism founded on race hatred. There is a danger that those who desire a South African policy may be sand-bagged into a sullen indifference and the weaker brethren corrupted by ease and money. Our hope is in the young men. I look to you in the Transvaal and to Malan [F. S.] here in the Cape to keep the lamp of liberty alight—and you will have many to help you—for the time will come when the scales will drop from the eyes of my benighted countrymen, who will decline to be used as the tools of the selfish few.

Largely the situation is dominated by the financial outlook, which is as gloomy here as it is with you. Lay this to heart and study the figures, however distasteful the process may be, for nothing will give you more power—that and constitutional law. Malan down here is doing good work, hard and thorough and he is gaining respect by his moderation. I have great hopes of him.

Just got visitors; must close but will write you again soon. Believe me, Yours truly,

John X. Merriman

Could you send me your Transvaal Budget and any supporting figures, also Customs blue-book for last year?

250 From E. Hobhouse

Vol. 3, no. 29

Venice

11 April 1904

Dear General Smuts, Yours of 19 March has come—and I am deeply, deeply sorry if I have really vexed or injured you by that publication of your letter. And yet I *can't* feel sorry that it *is* published, for continually I am thanked for it—and everyone seems to think I did right in doing so, and that the letter has done good. I was, of course, careful to cut out remarks about

Milner but will never act in this wise again without first cabling to make sure. You really are good to write your disapproval without *one word of scolding*, so of course I feel all the more scolded! Still, I trust no real harm is done, and if it has made you cross the Rubicon so much the better I think. How did your meeting at Johannesburg get on? I heard no word of that.

As to Liberal policy. If Lord Spencer and Sir H. C-B. head the Liberals (and *not* Rosebery and Asquith), you may be sure of the recall of Milner and everything put in train for self-government as speedily as possible. If the bracketed pair, which may Heaven forbid, I doubt of *bona fide* improvement but honestly I don't think they will get the chief places—for Rosebery has lost, not gained, in public confidence—and 'C-B.' has steadily increased his power and position this session. There will *have* to be some Liberal Imperialists in the Cabinet but if in the lesser places, and not in the majority, all will be well for South Africa.

John Burns and Lloyd George, true Liberals, are safe for office—and Morley, 'C-B.', Thomas Shaw, Bryce, Courtney—all sound. Of course Asquith and Sir Edward Grey and [Sir H. H.] Fowler etc. would have to come in but they would be outnumbered.

Don't mind Milner. *Laat hom blitz*¹ or do anything else he likes—his hour-glass is running out.

I am looking forward to Mr Outhwaite's arrival—and he will be a *great* help. Meantime we do all we can to keep the Liberals educated. I am getting as much as possible published of Mr [R. J.] Pakeman's articles in the *Friend*² on Transvaal finance. These are slashing.

I shall be in London again by 1 May and full of work. Just now I am learning the lace industry with a view to planting it amongst the *bijwoner* girls³ in their homes who have nothing now to do. Please forgive me. Yours sincerely,

E.H.

On second thoughts I have written to Sir H. C-B. to ask him if

¹ This Germano-Afrikaans imprecation might be translated 'Let him explode'.

² Established in March, 1896 at Bloemfontein.

³ *Bijwoners* in South Africa are akin to share-croppers.

he could and would outline what a Liberal policy would be, for private information, and so that you should not all be waiting and working in the dark. I cannot get a reply by this mail, and possibly I may have gone *contra* to all etiquette in asking him.

I was immensely impressed by Mr Kruger whom I saw at Mentone. A most powerful personality.

My arm is too bad to write more today—or I would dilate to Mrs Smuts on the interests and beauties of the lace industry, which I also find tires my arm a good deal.

I shall never forgive myself if I have done you or your position any real injury. Yours etc.

E.H.

Milner will not dare to deport you—but if he did it would have a splendid effect. It would be a nice holiday for you in which you could come to England and work wonders. I wish he would do it but he is too canny for that.

251 To E. Hobhouse

Vol. 3, no. 91

Box 1081, Pretoria

8 May 1904

My dear Miss Hobhouse, Judging from your last letter from Italy you are by this time back in London and I suppose back to the political fray. You know, it is really curious how differently people are constituted. I could spend all my days in peace and quiet and would far prefer that state of existence; whereas you seem made for battle, for the excitement which accompanies great endeavours and achievements. And sometimes, when I think over the past and my own now vanished and subdued pugnacity, I wonder whether after all it would not be best for the Africander people to quit the lists, to resign the arena to their English opponents and in peacefulness and quiet to find that consolation to which they are now justly entitled after a century of fruitless strife. One comes to disbelieve in progress—at least, that spiritual progress in which, as a Sisyphus toil, humanity has now been involved to no purpose for thousands of years. The delicate flower fades in the scorching sun; the fine soul is ground down under the Juggernaut car; the heaven-high aspirations vanish like phantom shadows. Is not that the true summary of life? One becomes sick and tired of life's toil

and endless endeavour and begins to long for rest, as somebody has expressed it. Ever since the war I have been in this mood of ennui. I wonder whether one will ever again get out of it. But would you not be the same in similar circumstances? Suppose you were an Afrikaner and had our traditions behind you and you had to undergo what we have had. I doubt whether you would have any heart left for the hopeless old struggle. But belonging as you do to a conquering, a victorious race, and just now refreshed with Italy's magic air, you would probably laugh at all these dismal croakings.

I have no mind for politics tonight; so I hope you will excuse me from writing shop. Yours very sincerely,

J. C. Smuts

252 To E. Hobhouse

Vol. 3, no. 92

Box 1081, Pretoria

27 May 1904

My dear Miss Hobhouse, I suppose I drop you a note by every mail, although I am not quite sure. There is not always something to write, but that you will at once perceive from my letters. I am always glad to get your cuttings and papers; although as a rule I go through the more important English newspapers and magazines with some care. I am also glad to see that Outhwaite has been to you and other leaders of the Liberal Party; I hope he will do some good. You see, he is not quite in the know from our point of view but he represents a section of Rand opinion with which I, again, am less conversant. From his letters he seems not to be quite satisfied with the attitude of Liberals towards South African questions, but this seems more a matter of ignorance than of ill will. He is an Australian and has a fairly wide outlook on questions of colonial politics.

Well, this week we have been having our Congress—a most successful and inspiring one.¹ The anti-Chinese resolution was passed unanimously—no one even venturing to say a word

¹ At a series of public meetings in March and April held by the leaders of the Transvaal Afrikaners, the various districts were asked to send delegates to a People's Congress (Volkskongres) at Pretoria. This met from 23 to 25 May 1904 and marks the beginning of political organization among the Transvaal Afrikaners. A committee was appointed to create a permanent party.

against the resolution. So much for Milner's valuation of Boer opinion. We refused to say anything about responsible or representative government, as we are not certain of what we are going to get while Lord Milner has to settle the terms of the grant. We prefer to wait and have a gift from our friends than having it from—well, those who are not exactly our friends. Milner did not come to the Congress as he got frightened by the character of our resolutions. Lawley made a very conciliatory speech; it is a pity he is essentially so insignificant. The conciliatory tone arose largely from the sad mess which the police had made over the Lydenburg revolt.¹ Fancy, the houses of Burger and Botha were on the point of being searched for incriminating documents and the search was only stopped by the good sense of Richard Solomon!² Perhaps it would have been better if their houses had been searched—that would still further have discredited the South African Constabulary.

Van Gass is doing very well; he has some remedy (quack I suppose) for Rhodesian tick fever and is making money among the farmers.

My wife and daughter both very well. I am, as usual, devoting my spare time to vain imaginings and useless studies. With our best wishes, Ever yours very sincerely,

J. C. Smuts

253 From E. Hobhouse

Vol. 3, no. 32

15 Bruton Street
London, W.

29 May 1904

My dear General Smuts, Today is real summer, the first we have had, when we can sit out of doors in perfect bliss without one's papers blowing away or any fear of a cold draught behind one's back. There is a wide stretch of smooth green lawn in front of me, stretching away about a mile up the avenue and dotted with the gold and silver of buttercups and daisies

¹ On 18 April 1906, one William Hendrik Durand and six confederates were arrested as leaders of a large gang which was alleged to have intended to loot Lydenburg and raid the banks. An Afrikaner revolt was believed to be imminent and the arrested men were charged with high treason. Durand tried to implicate Botha, Burger and General Kemp. Later the charge was amended to contravention of the Peace Preservation Act of 1902.

² Then Attorney-General of the Transvaal Colony.

which have escaped the cruelty of the gardener. A day of perfect beauty, its stillness only broken by the songs of nightingales and innumerable other birds.

Your letter came this morning just before I started for Church. Shiplake is the parish church of this country-house, and it is a very picturesque one, standing on an eminence overlooking one of the most beautiful reaches of the Thames, itself embedded in trees. Herein Lord Tennyson was married after thirteen years of weary waiting for sufficient means to wed, and his future justified the belief that his wife must have had to wait out her youth for him.

So I spent the time at service in thinking over your letter and the questions it raised and feel impelled by the peace of the afternoon in this garden to reply.

Perhaps nature intended you for a philosopher rather than a fighter, but circumstances made you that—and you braced yourself to fight and now, both physically and mentally, you are suffering from the reaction, and long, naturally enough, for the peace of a quiet life. I am, however, confident that if you transplanted yourself to some ideal spot far from Pretoria and from all worries, you would soon be restless to return to the scene of action. The consciousness of power, the sense of justice, and the impossibility of composure when one *knows* things are going wrong, would not allow you to rest in rural peace. That is all very well as a thing to look forward to and enjoy when your powers have had their full scope and done their work; but they would stir in you like leaven if you attempted to retire into quiet life now. I suppose we have to accept the disadvantages of our powers as well as their advantages, and amongst those disadvantages are to be reckoned a long strife against evil in its endless forms—a hydra-headed monster—and the inability to share the rest that lesser folk enjoy until one's very last scrap of fighting power is exhausted. Holding the position you do, there is no escape for you, I feel sure of that. Perhaps you hardly realize that you are the *only* Afrikaner, unless we except Olive Schreiner (whose sphere after all is the purely imaginative one), who has the power of expressing on paper the sentiments, moral and political, of your people. For the most part the Afrikaner people are still dumb, only able to express themselves in deeds, and one longs

for one of them to speak and make England and the world know what they think and feel. *I know* what they are and think and feel, having imbibed it amongst them, but I cannot, except here and there, hand on my knowledge. It lies with you to do this and to be the tongue for your people. In the whole continent I have not seen or met another who can do it. It was because all who read it recognized this, that I published your letter which went right to the *hearts* of the country and, unknown before, made you at once a figure in the South African scene.

I feel so sure you ought to use that gift—but how is not for me to decide. If you would write a series of articles, either for a paper there, which could be re-produced here, or better still, direct for some great and influential paper like the *Manchester Guardian* or, perhaps, a pamphlet on the ‘Present Discontents’ or some such general subject, it would do untold good. Your power of portrayal of feeling is so great and you stand alone in that power in your country. Other men here and there write laboured articles but their words do not live and glow.

Where is an Afrikaner writing? Not in Johannesburg—and in the *Volksstem*¹ is a Hollander.² And the *Friend* has Mr [D. W.] Drew. Only far south, in *Ons Land*,³ and that is never read in English. Perhaps legal duties take all your time but if not do try to wield your pen as alone you can.

I quite understand how hopeless your people must feel with such a century of suffering—and I wonder if it was not the same with us in bygone days when Danes and Saxons came time after time worrying the country finishing up with the Normans. You say I belong to the conquering race—but only half of me is Anglo-Saxon; the other half is Celt, pushed away by the conquerors into the remote Cornish hills where, ever since, my family in unbroken line have lived, never feeling one with the rest of England. So you see I have, by inheritance, sympathy with those who love liberty and independence.

You urge that always in the fray one loses one’s finest side and most delicate bloom and that is on the whole true, but I

¹ Established in Pretoria, August 1873; ceased publication, 1900; re-established, August 1904; title changed to *Die Volksstem*, 1915; transferred to Johannesburg, 1949; ceased publication 30 June 1950.

² The Editor was F. E. Engelenburg.

³ *Ons Land* was edited by F. S. Malan from 1895 to 1908.

suppose in this world one has to consider alternatives and, after all, what would be the good of remaining an unsoiled flower, however delicate and beautiful, if only in a desert where it could achieve no useful purpose? Perhaps it is better, though suffering loss of bloom and beauty in the doing, to make oneself of use in one's short day. Certainly the high aspirations are harder to keep aloft, but that can be done, and what use are they nourished unknown and unheard of?

I used to feel like this during the long years I lived alone in a Cornish village, growing up alone, dreaming of what could be and should be, full of unattainable ideals, and I know by experience it is almost madness to have no scope to work out your ideals, and to feel the years slipping past bearing one's youth and strength with them, dreading that one's life will be only dreams and never *acts*. One can only go back to that sort of existence when every shred of active power is consumed.

But I grant you it is crushing to bring the high ideals of manhood and girlhood into life and measure them against the received standards of the world. One recoils with the blow, which begins by shattering one's faith in every authority once revered. I think, after the deadness caused by the impact has passed off, one simply longs for quiet to pick up and piece together the broken shreds of one's beliefs and begin to construct a fresh framework on which to build one's ideals. The only thing I feel sure of is that the ideals remain, though they may bear different names and be clothed in varying robes.

You think it bad to be an Afrikaner at this moment—believe me, it's *far* worse to be an English person. Your defeat may be bad but it is material; *ours* is moral. Your country is in its youth and will overcome all difficulties—ours is, we greatly fear, undergoing decadence—at any rate for the time—if not permanently.

Curiously enough I am just now contemplating my final settling down in life—or, at least, the place where I shall finally settle down. I am thinking of buying a cottage residence somewhere in the country and so establishing a base to retire upon in sickness or old age. At first, perhaps, I shall only put my furniture into it, as I think I have another five years' active work left in me, but I feel I must not delay in making a home for myself as there is no one to make it for me.

I am just now engaged in arranging and editing a number of stories and experiences of the Ministers' wives and other ladies during the war.¹ I want to publish in a second volume these simple pathetic accounts just as they are written. I think they will be very effective. The experiences are so varied—not camps only—but veld or occupied town, all comes in. I have been wondering if Mrs Smuts would care to write a short account of her experiences to make this more complete.²

I am impressed with the view that this bit of the world's history must be fully made known in all its variations of suffering—so that it may *never* happen again. That is why I ask. In no other war in the world's history have the details of sufferings of women and children ever been made known for perhaps in earlier days few could write them—and I doubt if such *widespread* devastation ever took place.

My teams I hear of from time to time and they have done good work. I do not think any have died in the Free State, but a few animals here and there in the Transvaal succumbed to the Pest.³ I am still giving fresh teams while the old ones are at winter ploughing or breaking ground for the spring. Phillipolis was the last and today appeal has come from Parys. By the way how goes it with the Woolf Carlis Settlement?⁴
Yours ever sincerely,

E. Hobhouse

Do not imagine we have stopped fighting Chinese. We continue daily. I have not considered either grammar or stops!!!

254 To J. X. Merriman

Vol. 3, no. 93

Box 1081, Pretoria

30 May 1904

My dear Mr Merriman, Owing to great demands on my time I have not yet answered your last letter and have not even yet congratulated you on your signal victory at Victoria West.

¹ *War without Glamour*, by Emily Hobhouse, published 1924 in Bloemfontein.

² Isie Smuts did not contribute her story.

³ Rinderpest, or cattle plague.

⁴ This appears to have been a speculative venture by Woolf Carlis to accommodate landless families after the war. The Transvaal Government had made a large loan, said to be £250,000, to Carlis, who had then gone bankrupt.

Your election was, of course, a certainty but we were very glad to see the magnitude of your success as the tactics of the De Beers party¹ have thoroughly disgusted fair-minded men.

The past session has been a disappointing, in some respects even a humiliating, one for the South African Party. They have lost ground which at first sight one thinks they will never make up again. And yet I cannot say that I feel discouraged. I look upon this Jingo fever as a moral and political distemper which must work its way, and the capitalistic crowd praise this hectic flush on the cheeks of South Africa as a sign of health and strength. But the renovating influences are at work, the fever has even now passed its crisis, and the future improvement may be more rapid than we think. You must remember that the war was bound to react unfavourably on the prospects of the popular party; I sometimes incline to think that in many ways it might have been a good thing if the Constitution had been suspended.² Now the same result has been attained through the Additional Representation Bill³ and the odium of the measure is much less. However, I believe thoroughly in liberty, in patriotism and in those who are faithful to South Africa; the future is with them—and sooner than we think we shall find that Imperialism has spent its force and has come down never to rise again in South Africa.

As you will have seen in the papers, we had a very representative Congress here last week, and a resolution was passed in favour of an organization on broad national lines. Our anxiety is to avoid racial issues and to have such a platform that every fair-minded Englishman can take his place on it beside the Boer. Could you suggest some programme of principles? Some time ago you referred to the desirability of substituting for the Bond a broader organization which would not have to contend with the same rooted prejudices. Well, we wish to follow up your suggestion and make an experiment of such a policy here. If it succeeds, the organization, or at least its principles, could spread over the whole South Africa. I shall be most grateful

¹ The Progressives of Kimberley.

² There was an attempt, during the Anglo-Boer War, to suspend the Constitution of the Cape Colony.

³ The Progressives in the Cape Parliament were able to carry a bill creating twelve new, mainly urban, constituencies.

if you could assist now with some suggestions. We must now try to lay the common foundation for the policies of the future when Federation would have consolidated the popular party in South Africa just as it has consolidated the Labour Party in Australia; and I am sincerely anxious that that foundation shall be a durable one in all respects.

Don't you think as soon as the Liberals get into power we ought to make a move in the direction of Federation? That would perhaps take us out of the narrow rut into which we have been getting and supply a larger and ampler ideal for South African patriotism. You know, with the Boers, 'United South Africa' has always been a deeply-felt political aspiration and it might profitably be substituted for the imperialism which imports Chinese, a foreign bureaucracy, and a foreign standing army. Ever yours most sincerely,

J. C. Smuts

255 From J. X. Merriman

Vol. 3, no. 48

Schoongezicht

Stellenbosch

4 June 1904

My dear Smuts, I was very glad to hear from you, and to know that amid all the cares of a busy life you are looking forward. Only, you will forgive me for saying, there is one expression in your otherwise admirable letter which jars upon me and that is when you speak of 'foreign' troops. I know, or think I know, what you mean, and what the expression would mean in the mouth of an Australian or Canadian, but in your position you cannot be too careful, and as your correspondence may be, and probably is, subject to espionage, such a phrase may be twisted out of your true meaning and be used some day to your disadvantage. We must look forward to the time when British troops will be the troops of the British Commonwealth of which South Africa as well as Australia, New Zealand and Canada will form an integral part with all the rights of a free, self-governing community. There is much truth in what you say about the past session but I think that the South African Party did not perhaps emerge quite so disastrously from the fray. We held together for one thing, even through the difficult and embarrassing period of imposing taxation. We showed that we

preferred patriotism to faction and by so doing greatly disappointed the De Beers faction. And I think I may without vanity say that the brains of the House were on our side.

There are growing signs of a divergence of opinion on the side of the so-called 'Progressives'. The mining magnates, the commercial men, and the farmers form anything but a happy family. They are only united by this horrible race prejudice. Once remove that and they will dissolve as snow in sunshine. Everything depends upon our party bringing in young and intelligent men. This I think they are doing. H. Currey and Malan were notable successes during the last session. We must also learn to adopt principles and live up to them, disregarding mere political schemes which snatch at a momentary advantage. This, too, I hope we have done. The redistribution Bill was a wicked trick but, provided we follow the lines laid down above, I do not fear it. 'Their wickedness will fall on their own pate.' For remove the cement of race prejudice and you will not find the ordinary townsman much in love with progressive principles whose object is to exploit him for the sake of Hoggenheimer & Co.¹

We have made a beginning in the direction of trying to organize the feeling of people who wish to see South Africa on the same footing as Australia. I enclose you the programme.² I am not responsible for (*h*) which I do not much like. Otherwise I think you might perhaps find them of some use, and I do not think that the most captious person could raise any objection, although the *Cape Times* and *Argus*³ scent disloyalty!! in my speech advocating and trying to explain the objects of the association.⁴ Let me know what you think of the idea.

I am extremely glad that you are taking up the question of Federation or Union. I have always been of opinion that one Parliament and one Ministry would be enough for South Africa, with strong local Governments but I fear that local jealousy

¹ A satirical name for the mine-owners and capitalists of the Witwatersrand. Its origin is obscure.

² Not in the Smuts Collection.

³ The *Cape Argus*, established in Cape Town in January 1857.

⁴ In April-May 1904, on the initiative of Merriman, the South African Liberal Association had been formed with the general aim of working with the Liberal Party in Great Britain to bring about a South African Federation. For its Constitution see *The Owl* of 3 and 10 June 1904, published in Cape Town.

will prevent this. The next best thing will be the Canadian model rather than the Australian, i.e., reserving to the central power all those functions not specially delegated to the subordinate legislatures rather than the reverse. The crux of any union in South Africa will be Native policy, and I fear that recent events may set up the sort of division that there used to be between the North and South in America, which indeed still operates. Natal seems hopelessly Asiatic and the Transvaal drifting that way. Would it be possible to get over the Native difficulty by a very much higher franchise for the Union legislature, reversing, in fact, the German example? Anyhow, I quite agree with you that the time has come for discussion which should be by a convention of *elected* delegates. The danger is that we may have some scheme evolved from a packed nominated conference, such a body in fact as those which have done much harm already. I must say that, no doubt with the best intentions, Lord Milner, in his attempts at federation by means of material interests, reminds me of the famous projector in the Lagado academy who had a plan for building a house from the roof downwards. When you have nothing to do look up the account in Swift's *Gulliver's Travels, Voyage to Laputa*¹ where indeed the description of Tribnia may interest you. Write to me again. Yours truly,

John X. Merriman

256 To E. Hobhouse

Vol. 3, no. 94

Box 1081, Pretoria

13 June 1904

My dear old Friend, I am amused at you. Do you *really* expect me to take notice of such stuff as [Sir G.] Parker's address to the I.S.A. Association?² And do you really want me to reply to it in the English press? It is such a tissue of misrepresentation that no thinking person would take it seriously; and the unthinking I would rather not be at the pains to enlighten. You know I have no longer your inexhaustible optimism and patience. The Sisyphus task of enlightening the B.P. on South African or indeed any other questions I would never have the heart to undertake. By a little turn of a wise Scottish

¹ Chapters V and VI.

² See p. 98 *supra*, note 2.

saw you will have a brief statement of my attitude towards the B.P. (which stands both for public and Press): 'They lie, let them lie'. Life would be too short to contradict even a fraction of the falsehoods disseminated with such royal liberality. Besides I am lazy and my longing for rest is often much keener than my desire for the dissemination of the truth.

Thank you very much for the trouble you have taken to bring Outhwaite on the right track. As you say he is very mild and gentle, but I thought that his transparent honesty would go further than a more forceful personality with the mark of Boer *slimness*¹ against him. He is himself a little disappointed, being by nature something of an enthusiast. However, I am certain good will come of his visit.

Here the census seems to have come as a blow to many imperialist aspirations. For after all the Boers are not yet in a minority.² What with this Chinese policy I doubt whether they ever will be in a minority.

The distress, especially in Zoutpansberg and Waterberg, is said to be very great, and now there is in addition the scare of Kaffir troubles. The Government have sent rifles for the Boers and General Beyers has gone north to assist so far as possible. There is all over South Africa a very sinister spirit among the Natives who are disappointed because promises made during the war have been broken. You know what I mean. Tata, *totus tuus*,

J. C. Smuts

257 From E. Hobhouse

Vol. 3, no. 35

15 Bruton Street
[London], W.
30 June 1904

Dear General Smuts, Mr Outhwaite has been lunching with me this week so we had a long chat. We agreed that we were

¹ *Slim* (Afrikaans) means either 'clever' or 'cunning' according to context or intonation. Smuts's detractors called him 'Slim Jannie'.

² The census of 17 April 1904 does not report what proportion of the white population of the four Colonies was 'Boer'. But an indication of the Afrikaner proportion of the white population of the Transvaal appears in the figures showing religious affiliation, according to which 49.32 per cent of the white people belonged to the Dutch Reformed Churches. See L. M. Thompson, *The Unification of South Africa*, p. 129, footnote 83.

out of heart with the Liberal Party—though I feel this, that I think they will do far better in office than out of it because they are without the especial qualities which belong to good fighters. In a word, they cannot oppose. So as long as Rosebery does not come in I believe in the dawn of better days, but if he *does* I believe in nothing. However, that alternative has grown less and less likely, because his influence has lessened in the country very perceptibly during the past year. Besides, I feel that if we are to be purified and emerge from our downward courses that can only be done by men of the highest and cleanest life. But Mr Outhwaite has been cheered by coming into contact with the *people* of England—not Londoners, who are so different, but the masses of voters he has been speaking to in Leicestershire and the Chertsey division and elsewhere. Their interest and attitude delight him, and Chinese labour remains their prime matter of indignation in spite of our other grievances—the Licensing Bill, Education Act, and so forth. In the people lies our salvation and from the people some strong leaders may soon come forth. It is as Mr Outhwaite says, coming home to them at last, that they were hoodwinked over the war. The recent elections have been great triumphs and our hopes are high for Chertsey.

Last night I was at the Royal Academy soirée and there met M.P.s and others who all believe a dissolution is imminent, that it must come not later than about the 15th (Joe's¹ speech). If so it would be a relief indeed and the response of the country to an appeal for its decision is quite certain.

I wonder if you are sending me any answer to my recent letter about a cottage on the veld.² Probably you are too busy to turn your mind to any extraneous matters. I am myself swayed from side to side by varying interests and emotions, one day deciding for England the next for Africa. It seems as if the physical side of me clings here to all that is familiar and comfortable in climate and material things, and where, if sickness or trouble come, here are those to whom I have a right to turn for help; while the mental and soul side of me finds no life here and turns to the country and people with

¹ Joseph Chamberlain.

² Emily Hobhouse had had 'a windfall of about £500' and had thought of buying 'a cottage either here or in South Africa'. (Vol. 3, no. 33.)

whom I have been so strangely linked. If I were as strong as I was five years ago—or if I had a companion—I should not hesitate. Of one thing however I am certain. I cannot go on living this dual life with my body in England and my mind in South Africa. I must cut myself free on one side or the other. But which? So it had seemed to me that the best way out of the difficulty would be by building a cottage there to make it possible to live—if the sum I mentioned would any way cover such a scheme—and I wanted your opinion. That would set me free from the burden of the high rents in your country, which I could not face, and from being too near a town and town life, which I do not care for. Then I might manage to live even in your expensive land.

You see, the letter you wrote me when I left was prophetic. It has come back to me since. With love to Mrs Smuts, Yours very sincerely,

E. Hobhouse

Somewhere near the [railway] line just about Fountains¹ attracts me.

258 To E. Hobhouse

Vol. 3, no. 95

Box 1081

[Pretoria]

4 July 1904

My dear Miss Hobhouse, Last week I did not answer your interesting letter because it was the end of our law term and I was rather hard pressed for time. In the meantime another letter has arrived so that I shall now answer both.

Van Gass was very glad to have a little loan from you; it comes in handy as he has just married. I advised him to give you a promissory note for it, as being the most handy form of security. He is a very good boy and deserves all your kindness.

With regard to your request to me to look out for a piece of ground not far from Pretoria, I think the thing is possible and I shall advise you as soon as I have come across anything that appears suitable. I rather like the idea of your spending your far-off old age among the people for whom you did so much

¹ Near Pretoria.

and in whose hearts and history you will ever occupy a prominent place.

Things out here are moving slowly but I hope surely; there is a strong agitation in favour of representative and, if possible, responsible government springing up among influential sections at Johannesburg.¹ Our friend Lord Milner is acting as an irritant on all classes and the prolongation of his stay may yet be for our real good, who knows? Meanwhile the capitalists are tightening their grip; Farrar has brought about the dismissal of Sir P. Girouard who stood in the way of these people, and who, as a mere French-Canadian, was not sufficiently strongly backed to make Lord Milner stand by him. We are watching the political development in England with intense interest. If the Government fall in the autumn I shall come to England next winter but probably not otherwise. Here are the powers of darkness that work in silence and one has to be ever on the spot and on the watch. Ever yours most faithfully,

J. C. Smuts

259 To E. Hobhouse

Vol. 3, no. 96

Box 1081, Pretoria

17 July 1904

My dear Friend, Many thanks for your weekly letters which are deeply interesting to me and in many ways a source of strength withal. I am a somewhat lax correspondent but by this time you know my weaknesses and will bear with me, knowing that the mind feels what the pen does not usually express.

I have been away for a week with Mr van Gass into the back parts of the Rustenburg district (Pilansbergen etc.) to see how things are getting on. On the whole I am well satisfied. The people have sufficient to live of [*sic*] and are in good spirits and but for the cattle pest and the consequent Government restrictions on all forms of locomotion, they would be in a thriving position in a few years. They are so resigned, looking upon all misfortune as the work of a beneficent will, that one

¹ The Transvaal Responsible Government Association had been formed, led by E. P. Solomon. It was composed mainly of English-speaking Transvaalers who opposed the Milner policy and demanded responsible government.

feels continually the deep pathos of the situation. There is that in them which comes from the highest and best and which will work a work in this country that will be a marvel to future generations. Truly there is a blessedness in rural life and in the tranquillity of the rural mind which makes one long to leave all this turmoil and strife and be 'made one with Nature'¹ as one of your poets has put it. The pleasure of my trip was spoilt by the news which I received at the town of Rustenburg that our old President had passed away in Switzerland. I knew him so well and the relations between us were so much like those of father and son that I could not but be deeply affected by this more than national loss. He typified the Boer character both in its brighter and darker aspects and was no doubt the greatest man—both morally and intellectually—which the Boer race has so far produced. In his iron will and tenacity, his 'never say die' attitude towards fate, his mystic faith in another world, he represented what is best in all of us. The race that produced such a man *can* never go down, and with God's help it never will.

Well, I shall say nothing about politics this time. Politics is in a very bad state here, we are in the throes of the worst reaction; but the end *must* come. We must practise patience and eschew all hurry, for those that wait may live to see a great dawn yet. Ever yours very sincerely,

J. C. Smuts

260 From E. Hobhouse

Vol. 3, no. 37

15 Bruton Street
London, W.

21 July 1904

Dear General Smuts, You will all have been feeling saddened by the death of your poor old President. It seems so tragic that he should die an exile after so long. I had hoped he would have lived long enough to have had free permission granted him by a Liberal Government to go home when and how he chose without let or hindrance. I feel so glad now that I stayed at Mentone in April and so had the last opportunity of paying him my respects—and respect him I always did. After seeing

¹ Shelley, *Adonais*, xlii.

him I loved him too. A pathetic but truly dignified figure, wholly of another world and era.

I wish *we* would offer to send his body in a warship to the Transvaal; but, in any case, I *hope* the Dutch Government will do him that honour.

I have not heard from you for three weeks so I feel behind-hand with Pretoria news and feelings. However we have had a blue-book issued which reports how all goes smoothly under that best of all possible governments.

I was having tea with the Bryces yesterday and giving Mr Bryce some pointers for the South African debate which was to come on today—but everything is so topsyturvy in the House one never knows what will happen. I rubbed into him your views on representative government as far as I know them. But all my documents I had already put into the hands of Sir R. Reid¹ and hope he will do his best. I would not ask to go and hear the debate, they are maddening—and I fear I should lose control and scream out ‘lies’ through the grille.

Yesterday I heard at last (after waiting four months) from Mr Lyttelton about the widows. You know he had said he was willing to send two ladies to investigate and relieve, and asked me to suggest suitable people. I did so. It now appears all this time has been consumed in writing for Milner’s consent and today he tells me Milner would put no obstacle in the way of such ladies going though, as he considers it ‘wholly unnecessary’, he refuses any public funds for them to distribute!! So I have done my best and have utterly failed to get them to keep their promises about the widows. I am writing back a very sharp letter to Mr Lyttelton.

Mrs Potgieter and her girls² leave London in the *Saxon* on the 23rd and are taking to you the books of which I spoke. We all leave London next week for the country and do not reassemble till October in all probability. This address always finds me quickly and easily. With love to Mrs Smuts and the baby, Yours ever sincerely,

Emily Hobhouse

Mr van Gass tells me he is going to be married!

¹ Afterwards Lord Loreburn.

² A Transvaal family with whom Emily Hobhouse had travelled to England in May 1901.

261 To E. Hobhouse

Vol. 3, no. 98

Box 1081, Pretoria

22 August 1904

My dear Miss Hobhouse, Ever so many thanks for the gift of books which Mrs Potgieter brought, which I shall ever value all the more highly because of the giver. Mrs Potgieter delivered them to Mr Jacobsz so that I did not see her myself to ask how you were and whether you are really as despondent as your letters seem to indicate. It is now my turn to cheer you, although I am never at my worse [*sic*] than in the ridiculous role of comforter. However in your own beneficent and ever-active personality you have an abundant source of latent joy and comfort, so that I shall not trouble you with my religion of resignation. This, however, I may say without fear of ridicule or contradiction, that I have found out more and more that the world is not exactly made after our pattern and that things do not usually come out in the way we choose—and somehow the world's and nature's way is fundamentally no worse than what we would have chosen. We learn more and more what our Dutch word expresses so aptly—to *berusten*, to 'rest' in the world-order, to attain the attainable and to pay silent homage to the unattainable.

Now about your piece of ground. Do not think it is a trouble for me to do what you ask. Nothing would be easier than to buy you a piece of ground at some distance from here. I have, however, hesitated because I do not know whether it is right to uproot you at your time of life from your native country. You know, in old age (which to you will come as to all) we turn back to our youth and relive the beginnings of our life. In youth we want to get away from it, in mature years we smile at it, in old age we return to it with its hallowed associations, its little joys and sorrows warm our slow blood with new fire. I think you will be happier in that England of yours than you will be here. I would have the same feeling. Place me in old age among the hills and kopjes where as a little kid I looked after the sheep and the cattle and let me lie where I was raised from mother Nature. Think of these points of view and reflect before you make up your mind finally. Ground is still falling in value, just as everything is still going more rapidly to the

deuce—so that I am in no immediate hurry to purchase. Under the present conditions—what with Chinese etc.—this is an evil country, its best friends are looking with more and more of concern to its future, and in the immediate future there will be too much unhappiness and strife to make it worth living in except for those on whom fate has set its seal—Boers and Kaffirs I mean.

We are viewing with the gravest concern the grant of 'representation' to us, I have drafted a strong memorandum¹ to Lord Milner which is now being circulated for approval among our leaders. So long as we are distrusted we don't want anything, and if we are not distrusted, why retard self-government? God save us from our present friends and rulers—and He will. Ever yours most sincerely,

J. C. Smuts

262 From E. Hobhouse

Vol. 3, no. 40

15 Bruton Street
London, W.

11 November 1904

Dear General Smuts, I am indeed very grateful and much touched by your letter and Mrs Smuts's kind welcome to me to your house to be present at the great funeral which is preparing.² It will be a solemn and imposing spectacle and I should value the privilege of being present and shewing what last respect I could to a man whom I have always admired. I am enclosing another card to tie to my wreath in case Mrs Smuts should prefer that the words should be Dutch. I feel more and more that I should like the wreath to be simply the weeping willow of Pretoria, tied in one place with the *Vierkleur* ribbon or the Transvaal green. Be sure I shall be present in spirit in Pretoria on the 16th.

I got so far when a Secretary³ came in and I am glad to go on with her help. I am anxious to tell you more fully about my plans for the future, an intimation of which I gave you in recent

¹ Not in the Smuts Collection.

² On 17 October 1904 Smuts had written: 'My wife says you must come over here for 16 December when we bury our old President . . .' (Vol. 3, no. 99.)

³ M. C. Gillett, then Margaret Clark, in whose handwriting the letter is continued after a type-written opening.

letters. These plans are now shaping themselves, and I look forward to leaving England early in January with a friend and probably a salaried teacher. So, as three times one are three, it is hardly likely that the invitation you sent me last mail can be accepted! It is still hanging in the balance whether I go by the Cape or by Delagoa Bay, and upon that point depends whether or no I should visit Pretoria. You see, my intention is to give what little help I can in the form of planting industries suitable for home life amongst your women and girls. Clothes have become in the country districts a grave problem, and we shall be able to teach all the stages of making material from the sheep's back to the finished garments, and this in the homes of the women without expenditure of cash. Of course, I do not know how far they will welcome this teaching, but my belief is that they will like it. Mr Fick¹ asked me recently to come and teach these things in Potchefstroom Orphanage, but my desire is to make it more immediately practical by teaching it in the farms and homes of the country. Now, as I have only a limited amount of money to carry out this scheme, I must plant myself in *one* district until it shall have firmly taken root; and I thought while in this district, more or less stationary, I would take the opportunity of using the rest of my charitable fund in developing the agricultural resources and helping the farmers to help themselves on co-operative lines. This would be a kind of development of the co-operative ox-teams already started. A sum of money which would be useless applied to the whole country might, if thus concentrated, effect something really useful. My difficulty is to make a wise selection as to district, and I may say I am torn to pieces betwixt Free State and Transvaal. Climatic reasons must weigh with me in my choice. Thus the *very* high veld is cut off. One strong reason for selecting the Transvaal is that I have a medium with the Government as you know in the person of Mr [P] Duncan. I do not, however, mean to have any connection with the Government or the local officials but to work on purely independent lines, with the necessary assistance of the minister and *Kerkraad*.² For this reason I should like to find a young and active minister, and I feel drawn towards Wolmaransstad, which I believe is not one of the highest altitudes. I aim at a parish off

¹ The Reverend M. L. Fick.

² Church Council.

the railway-line, and typically Boer in character. On these points, the selection of district particularly, I should *very* much value your opinion. Would it be possible for you to give it me?

You will get this letter about 30 November and if you think the scheme good and would advise me as to district, would it be too much trouble for you to cable at my expense the one word of the district you advise? I think that would not be too late. To reply by letter would, I fear, probably be so, though a letter to follow and amplify your cable would be much appreciated. For instance, you might feel strong reasons for my selecting a parish on the railway-line. I know that houseroom is a difficulty, and it will be absolutely necessary for us to live independently and not in any family. Consequently we intend bringing tents (of the most comfortable kind) so as to be sure of shelter, and should a house turn up, the tents will come in for class-rooms. So you see, if we did go through to Wolmaransstad (and I have written proposing this provisionally to the clergyman), we should pass so near Pretoria via Delagoa Bay that I should like to pop in and see you and Mrs Smuts. I am also communicating with one or two Free State parishes, but I rely so largely on your opinion that a cable from you would probably decide me.

The reason why I ought to know definitely where I am going a few weeks before sailing is because I shall have a large number of packages and shall want to consign them to their destination. I am very anxious to settle in before the fruit season is at an end, because we are bringing machines for drying fruit and vegetables, which the people can store in the district for use during the winter. I ought to tell you that I went over to Paris purposely to talk to Mr Steyn¹ upon this subject. I received his approbation with also a few warnings to be prepared to meet many disappointments. These I quite expect. He gave me various principles upon which to act, but is himself convinced that the women's industries I propose will be a great help to the people. Now I think I have given you the outline of my scheme, and am fully prepared for all the criticisms you can launch at my head. I feel sure that it will add to your interest in my scheme when I tell you that the lady who is going to

¹ President Steyn.

help me to carry it out is a grand-daughter of John Bright and like yourself studied at Cambridge, and says that she often heard of you there!¹

If you do send a cable, 'Hobhouse 15 Bruton Street London' is enough.

The accounts you send me are very sad. All one can do in the face of need so great is to work in one little district with the funds at one's command; and I feel inspired to try and make one district 'blossom like the rose' and then other people can take up other districts and do likewise. With love to Mrs Smuts,
Yours most sincerely,

E. Hobhouse
p.pro. M.C.

263 From E. Hobhouse

Vol. 3, no. 41

15 Bruton Street
London, W.

5 December 1904

Dear General Smuts, Your cable has reached me safely today for which very many thanks. I am herewith enclosing a cheque for £1—with apologies for not having sent it before.

So you think Klerksdorp district a good and suitable field and that is, I presume, the same as Wolmaransstad with which place I am corresponding. I mean they are contiguous and much the same conditions prevail in each.

However since I wrote to you came a most unexpected offer of a large and very suitable house at Phillipolis and at the same moment an English lady offered the rent of it as her contribution. So I was obliged to decide—and I felt these premises would make such an admirable base for all our operations that I could not refuse, but I shall take myself, my furniture, my helpers and my 'plant' there and work further ahead from there. I shall take the neighbourhood you propose second and, having helpers, shall hope to establish a branch in the Transvaal very shortly, and I am therefore bringing my tents (living and working) with me and all necessary appurtenances thereto.

Our first objective being thus decided upon, we had to secure berths and have got these in the *Kronprinz* which leaves

¹ This was Margaret Clark.

25 January and we hope to find the Steyns and their party on board. From them we shall be able to learn much of the language and other matters.

Meanwhile, my active plans are saddened by the complete failure of my uncle's¹ powers and as he is sinking fast I can just now do nothing but nurse him. A few days and it will be over. It will be hard to leave my aunt in the early days of her widowhood, but they are the last people to keep me back when a plan is made which may help the Boers a little. Very many thanks from yours ever sincerely,

E. Hobhouse

264 To S. M. Smuts

Vol. 3, no. 101

Pretoria

15 Januari 1905

Liefste Hartlam, Gister was ik in de Gatsrand om een skool vergadering te houden; ik besprak ook onze politiek. Mijne oude burgers waren zeer aangedaan om hun oud generaal na 3½ jaren afwezigheid weer onder zich te zien en ik zag tranen van aandoening in de oogen van menigen held. Jij moet toch kennis met de menschen maken want er zijn geen echter op Gods aarde.

Beslissing in de Rand Water Board zaak is gegeven—de uitslag is een groote overwinning voor ons daar slechts £1,800,000 gegeven is uit een som van £5,000,000 die geeischt werd. Ik geloof niet dat mijne fooien in dezen zaak minder dan £1,200 zullen bedragen—en dus genoeg om voor jou strandreis te betalen! Spreek er echter vooralsnog niet over.

Thuis gaat het wel; Elsie zorgt nog goed. De keukentjes worden mooi groot, hoewel een onzer hennen gevrekt is volgens Nysie's mededeeling. Alles ziet er goed uit—alleen de nooi en de klein noois worden diep gemist volgens allen getuigenis.

De vorige brief werd Vrydag 13 geschreven maar wegens overzicht niet gepost. Schrijf toch breedvoerig over je allen. Met een zoetekus aan jou en de kleinen en groeten aan zuster en de ouders, *t.t.*

J.C.S.

¹ Lord Hobhouse.

TRANSLATION

Pretoria

15 January 1905

Dearest Heart, Yesterday I was in the Gatsrand to hold a school meeting; I also discussed our politics. My old burgers were most moved to see their ex-general among them again after an absence of $3\frac{1}{2}$ years and I saw tears of emotion in the eyes of many a hero. You really must get to know the people for there are none more genuine on God's earth.

Judgment has been given in the Rand Water Board case—the result is a great victory for us, as only £1,800,000 was awarded out of a sum of £5,000,000 which was claimed. I do not think that my fees in this case will amount to less than £1,200—and thus enough to pay for your trip to the seaside!¹ However, do not talk of it as yet.

At home all goes well. Elsie still looks after things well. The chickens are growing nicely, although one of our hens has died according to Nysie's information.² Everything looks fine—only the mistress and the little misses³ are deeply missed according to all the evidence.

The former letter was written on Friday the 13th but by an oversight not posted. Do write in detail about all of you. With a loving kiss to you and the little ones and regards to sister and the parents, *totus tuus*,

J.C.S.

265 G. S. Preller to S. M. Smuts

Vol. 3, no. 59

Volksstem Kantoor
Zaterdag
[1905]

Zeer Geachte Mevrouw, Ik wens UEd. mijn oprechte dank te betuigen voor uwe bemoedigende woorden inzake ons streven naar een Afrikaanse schrijftaal—zelfs onverdiende lof is soms welkom waar men zoveel tegenstand ondervindt. Wat ons

¹ Isie Smuts was staying at Gordon's Bay.

² Deneys Reitz, having returned on the advice of Smuts and his wife from voluntary exile in Madagascar, lived with them from 1905 to 1908 while he recovered from severe malaria and prepared for his attorney's examinations.

³ A second daughter, Catharina Petronella (Cato) had been born on 3 December 1904. She married Bancroft Clark in 1928.

bizonder aangenaam heeft verrast, en wat door ons allen op hoge prijs zal worden gesteld, is UEds. blijkbare goedkeuring van dat streven. Een van de vele beweegredenen die bijdroegen ter vestiging van de overtuiging waarvan de vernieuwde Afr. taalbeweging het resultaat is, was geweest 'n min vleiende vergelijking door Genl. Smuts van onze (*Volksstem*), schrijftrant met die van *Ons Land*. Echter liever dan de door ZEd. gepresen preektoon van laatstgenoemde over te nemen—gesteld de mogelijkheid!—meende ik nog aan't Afrikaans de voorkeur te moeten geven. Het is steeds mijn begeerte geweest en ik vlei mij met de hoop eenmaal nog te zullen vernemen hoe UEd. en de Generaal denken over 't innerlike der taalkwessie in verband met onze nasionaliteit. Ik heb de Generaal daar nog nooit over horen spreken. Nogmaals dankend, en met de betuiging mijner hoogachting, van UEd. de dienstw. dienaar

Gustav S. Preller

TRANSLATION

Volksstem Office
[Pretoria]
Saturday [1905]

Dear Madam, I wish to thank you sincerely for your encouraging words in regard to our struggle for an Afrikaans written language—even undeserved praise is sometimes welcome when one has so much opposition. What in particular has pleasantly surprised us, and what will be much valued by us all, is your obvious approval of that struggle. One of the many incentives that contributed to the establishment of the conviction of which the renewed Afrikaans language movement¹ is the result, was an unflattering comparison by General Smuts of our (*Volksstem*) manner of writing with that of *Ons Land*.² However, rather than adopt—if that were possible!—the sermonizing

¹ The first Afrikaans language movement, begun in 1875, had been interrupted by the outbreak of the Anglo-Boer War. The second movement began after the war. Afrikaans language associations were formed in the Transvaal and the Cape Colony between 1905 and 1906. Gustav Preller took a leading part in the Transvaal movement. A series of articles by him in *De Volksstem* (19 April 1905 *et seq.*) probably prompted the letter from Isie Smuts to which 265 is the reply.

² *Ons Land* used Dutch. Smuts's preference for Dutch over Afrikaans as the written language of the Afrikaners was at this time shared by the great majority of educated Afrikaners, including the ministers of the Dutch Reformed Church.

tone of the latter praised by His Honour, I still consider that Afrikaans is to be preferred. It has always been my wish to know, and I flatter myself with the hope of one day being able to know, what you and the General think about the intrinsic merit of the language question in connection with our nationality. I have never yet heard the General speak about this. With renewed thanks and respectful regards, Yours truly,

Gustav S. Preller

266 From Lord Milner

Vol. 3, no. 53

Private

S.S. Koerker

11 April 1905

Dear Mr Smuts, Many thanks for your letter,¹ which was handed to me by Mr [J. de V.] Roos, whose acquaintance I am happy to make.

It would not be right for me to leave you under the impression that I feel any *personal* dislike of those who in the great South African controversy of our time have been my opponents, and I am quite willing to believe that they do not feel any of me.²

We have both been fighting for causes and principles, not for any personal gain. And, no doubt, as you say, something will ultimately be evolved out of all this, which will be different from either of the policies which have contended in the past. Indeed my own ultimate ideal is something different from what I have striven for at this time, which has only been, as it seemed to me, a necessary stage on the road. And I feel that I have always been able at least to understand the point of view of my opponents.

Again thanking you for your letter, and with best wishes for your future health and happiness, Believe me, Yours very truly,

Milner

The Committee nominated at the Pretoria Congress in May 1904 to organize a political party had carried out its task by January 1905, when Het Volk was founded under a *Hoofd Comitee* (Head Committee)

¹ An extract from Smuts's letter of farewell to Milner is printed in Headlam: *The Milner Papers*, Vol. II, pp. 541-2.

² Smuts had written: 'I am afraid you have not liked us but . . . History writes the word "Reconciliation" over all her quarrels'.

consisting of Botha (Chairman), S. W. Burger, de la Rey, Beyers, Smuts, A. D. W. Wolmarans and Ewald Esselen. Branches were soon formed throughout the Transvaal. The next step was a *rapprochement* between Het Volk and the Responsible Government Association.

267 From E. P. Solomon

Vol. 3, no. 78

Private

Johannesburg

Transvaal

26 April 1905

My dear Smuts, I thank you for your letter of the 25th inst. I cannot at present state what effect the publication of our agreement will have upon the public generally. Many with whom I discussed the matter hail it with considerable pleasure, as they realize that by this arrangement co-operation between the two races is possible, and that something should be done to effect a method by which the two parties can work in this Colony. Then, of course, you have the attacks which have been made upon us by the *Star* and the *Rand Daily Mail*. The *Leader*,¹ of course, is also in opposition to us, but it has recognized in its articles that it is a workable arrangement, and although they disagree with many of the points which we have agreed upon, yet the tone of the articles is fair and reasonable, considering that they are in opposition to us. Of course we do not worry ourselves very much about the unfair attacks which have been made by the *Daily Mail*, as we fully recognize that the paper belongs to Abe Bailey, as I discovered to-day that out of an issued capital of £40,000 he holds 39,479 shares, the other shares are shares which he has put in the names of the Directors to qualify them for the position of Directors, so that practically Bailey holds every share in the Company. The other shares are held by individuals, one share being set opposite each name, and they are mostly held by Bailey's clerks and his solicitors' clerks. This was done to enable the Company to be registered with 25 shareholders, as required by law. The articles in the *Daily Mail* are most unfair, as they make wilful and deliberate mistakes, but they do not worry us, and we do not intend to take any notice of them.

I think that when this matter has calmed down a bit, you will

¹ The *Transvaal Leader*.

find that the Responsible Party here will stick to us, and that we shall be able to co-operate with your Party in the future. At any rate, if the majority in this town decide against us, then I agree with you that bad days are ahead of us, as it will prove conclusively that the British population in this town is not prepared to co-operate with you on a basis of conciliation.

Strictly private

With reference to what you say about my brother,¹ I may inform you that I received a letter from him and he strongly urged me to induce you and Botha and your Party to come in under this new Constitution,² as he says that if you do not, you will lose the support of a very large number of Liberal members at home, who will view your action with great disfavour. I trust, therefore, that, although the Constitution, so far as I have read it, is very far from that liberal form which I expected the Government would give us, you will come in, as it is only by coming in and joining hands that we can obtain the full measure of self-government we all so eagerly desire.

I confess I am very much disappointed with this Constitution, but there it is, and I think we must all put our heads together and work under that Government to obtain a fuller measure of representative and self-government.

I presume you have seen the correspondence which I have had with [Sir Lionel] Phillips, and so far as I can gauge the feeling of the reading portion of the people here, they quite agree with the view I have taken.

Kindly show this to [Ewald] Esselen. Yours faithfully,

E. P. Solomon

268 To a firm of Attorneys

Vol. 3, no. 106

The original document is a draft in Smuts's handwriting.

P.O. Box 1081, Pretoria

4 July 1905

Dear Sirs, In answer to your letter of the 29 ult. I have the honour to state that the Directors of the National Options

¹ Sir Richard Solomon.

² The Lyttelton Constitution, by which the Transvaal was to have a predominantly elective legislature, but an executive consisting of British officials. It was never implemented. As a Conservative creation it lapsed when the Liberals came into power in Great Britain in December, 1905.

Syndicate Ltd. have been misinformed and that I have never in public called their Syndicate either a swindle or any other name. Out of respect and personal regard for two of the Directors I have refrained from publicly expressing any opinion about the Syndicate.

I have, however, privately, and most strongly of all to Mr [W. H.] Poultney, the Secretary, I believe, of the Syndicate, expressed my disapproval of the terms of the contract between farm-owners and the National Options Syndicate, as I consider these terms most unfavourable to the farm-owners.

I have also to various parties who consulted me expressed my abhorrence of the manner in which many farmers have been induced to sign the contract or to give their power of attorney for signature on their behalf.

For the purpose of inducing farmers to sign the contract, representations have been made all over the Transvaal that the Syndicate is a national undertaking, and that it is supported by leaders like General Botha and de la Rey, in whom the people of the Transvaal have the greatest confidence—representations which are not only untrue but have been repudiated by them with indignation. General Botha has in consequence remonstrated with Mr Poultney against the misuse of his name and threatened to make a public statement unless the agents of the Syndicate desisted from claiming the support of his name. General Beyers, again, was ultimately forced by the misuse made of his name to repudiate publicly in the press any other than a purely legal connection with the Syndicate.

Representations have also been made to many people whose farms were wanted by the agents of the Syndicate to the effect that the Syndicate would advance money to farmers who gave options over their farms; and in consequence repeated applications for such financial assistance were made to General Botha and myself by these people who had been led to believe that we were interested in the Syndicate. The options have been acquired but, so far as I have been able to ascertain, the financial assistance is still conspicuous by its absence.

What is most painful of all is that these representations have often been made to ignorant people who never saw the pros-

pectus or the draft contract of the Syndicate and who, in simple good faith and implicit reliance on the honour of the Transvaal Boer leaders whose names were mentioned, parted with their hard-won properties.

I cannot believe that the Directors of the Syndicate either authorized or were aware of these practices of their agents, or at least some of them, nor could they honestly condemn my censure of such practices.

You will therefore see that I have not gone out of my way to condemn the Syndicate but so many complaints have reached me and my friends that I think the time has come to give publicity to these matters. I am therefore happy to hear that you intend taking proceedings against me, as an action will, more than any other form of publicity, direct attention to the matters I have referred to. I am, Yours faithfully,

J. C. Smuts

269 P. Duncan to D. P. Graaff

Vol. 3, no. 23

Private

Colonial Secretary's Office
Pretoria, Transvaal
10 August 1905

Dear Mr Graaff, I understood from our recent conversation that you had reason to think that the representatives of the Boer section of the people considered that an effort should be made to arrive at an agreement with the Government as to the system of public education in the Colony.

I brought your suggestions before the Executive Council as I promised to do and I wish to inform you of their views as to what should be done if the matter can be carried farther.

They are of opinion that the representatives of Het Volk should formally write to the Government expressing their desire for such an arrangement and indicating the lines which they desire such an arrangement to follow.

The Government is and always has been willing to consider any such proposals and I can assure you that any proposal which is intended to lead to an agreement in regard to the system of public education will be considered by the Government with an earnest desire to meet all reasonable requirements

on the part of those who now stand outside the Government educational system.

It will be clear to you however that if any agreement arrived at involved the passing of a new general Education Ordinance the Government would be bound to consult representatives of all sections of the people, as any such legislation would necessarily affect the whole population and not one section only.

If, therefore, the proposals put forward were such as seemed likely to lead to a general agreement and if they necessitated a new General Education Law, the Government would think it right to discuss them at a conference of representatives of all the main sections of the people before putting forward legislation to give effect to them. Yours sincerely,

P. Duncan

270 To P. Duncan

Vol. 3, no. 12

The original document is a draft in Smuts's handwriting. It was probably sent as from Botha.

Pretoria

29 August 1905

Sir, The Hoofd Comitee of 'Het Volk' have noted with great pleasure, not only from your recent letter to Mr D. P. Graaff, but also from other expressions and especially from the interview which Messrs Esselen, Smuts and myself had the honour of having with Their Excellencies Lord Selborne, Sir Arthur Lawley and yourself last Saturday, that it is the sincere and earnest desire of the Government that a system of public education should be adopted in the Transvaal which may be satisfactory to all parties and form a basis of co-operation for all sections of the population.

I need not assure you how deeply we sympathize with this object the more so as we recognize that the education of the youth is the most important matter of public concern and the one on which the future prosperity and racial harmony of this country will most largely depend.

In view of the great importance of the subject to all parents and the fact that no representative legislature yet exists, we have consistently resisted the adoption of any large and far-reaching

plans, and in making the following suggestions for a modification of the present system of public education we confine ourselves to such subsidiary measures as may be dealt with by regulations or administrative provisions under the present Ordinance on Public Education.

Our proposal then is as follows:

1. In each district and sub-district of the Transvaal, an advisory School Board shall be constituted for public elementary education, consisting of not more than 9 and not less than 6 members elected as hereinafter set forth, and of which the Resident Magistrate or Assistant Resident Magistrate of the district or sub-district shall be the *ex officio* chairman.

2. The members of the School Board shall be elected for the period of 3 years by the members of the various elected School Committees of the district or sub-district, sitting as an electoral body according to regulations framed by the Director of Education.

3. The functions of the School Board shall be as follows:

(a) To exercise a general supervision over the public elementary schools existing in the district or sub-district and to be a channel of communication in all matters between the School Committees and the Director of Education.

(b) To exercise such further functions, not repugnant hereto, as the Director of Education may from time to time delegate to them.

(c) To take part in the appointment and dismissal of teachers as hereinafter specified.

4. Every elementary public school established or to be established under the Ordinance shall be managed by a School Committee.

5. The School Committee which is to manage any elementary public school in terms hereof, shall consist of not less than 6 and not more than 9 members and shall be elected for a period of three years by the parents having one or more children on the roll of the school at the time of the election; or, where the School Committee is elected prior to the establishment of the school, by all parents who give a bona fide undertaking that they

will send one or more children to the school. The election shall take place at a public meeting held according to regulations framed by the Director of Education. Vacancies in the School Committee shall be filled up in the same manner.

6. Whenever parents intend to send together at least 30 children to a school which they desire to establish for the purpose, and obtain the consent of the School Board thereto, they may hold a public meeting for the purpose of electing a School Committee.

7. The functions of the School Committee shall be as follows:

(a) To exercise a general supervision over the school, including the buildings and grounds, subject to the regulations of the Education Department.

(b) To appoint and suspend teachers subject to the conditions hereinafter specified.

(c) To deal with the representations of parents and to advise the School Board in all matters affecting the welfare of the school.

8. When a teacher is to be appointed, the School Committee shall submit to the School Board their selection for transmission to the Education Department for approval and the School Board shall transmit the selection of the School Committee with such remarks as they desire to make, and the said selection shall be subject to the confirmation of the Director of Education as regards qualifications and fitness of the teacher so selected.

9. In the event of any School Committee considering it advisable that the services of a teacher shall be dispensed with, they shall, with or without suspending the said teacher, communicate the name of the teacher to the School Board along with the reasons for their desire to remove the said teacher. On the receipt of this communication, it shall be the duty of the School Board to investigate the matter, and to confirm or otherwise deal with the action of the School Committee; provided that in no case shall a teacher be dismissed by a School Committee without the previous approval of the Education Department.

10. School Boards and School Committees shall fix their own statutes and keep minutes of their meetings and proceedings and nominate their own Secretary, who shall receive a salary in such cases and for such amounts as the Director of Education may approve.

11. In all elementary public schools the teacher may in consultation with the School Committee adopt such medium of instruction as may seem to them most conducive to the progress of the children, provided that, when any parents object to the medium adopted, the difficulty may be settled by the School Board.

12. In all elementary public schools equal time and attention shall be devoted to the teaching of English and Dutch as languages and the Director of Education shall take all necessary steps to insure the efficiency of the teaching and inspection as regards Dutch.

13. Secondary schools not established or directed under Government control shall be entitled to subsidies on the pound for pound system, provided they adopt the curriculum of the Education Department with such modifications as may be agreed upon with the Director of Education, and provided further that they are subject to inspection by the Education Department in the usual way.

14. As we fear that, with the scanty means of conveyance which exist at present, it will be practically impossible in certain parts of the country to afford all children the chance of an elementary education if the limit of 30 children per school is rigidly observed, we would suggest that private farm schools situated at least 3 miles from an elementary public school be subsidized on similar principles to those adopted at the Cape, provided they are subject to inspection by the Education Department.

15. Our final suggestion will, we hope, be accepted in the spirit in which it is made, as it is earnestly desired to avoid all future sources of friction and annoyance. It is this: no school books shall be authorized or prescribed by the Education Department which, by their statement or interpretation of historical facts, are likely to cause pain or wound the feelings

of any section of the children. The one desire and object of the Education Department, as the Trustee for all the children of this land, shall be, in this as in all other respects, to inculcate in all the children of whatever race sentiments of reverence for the past, of mutual forbearance and co-operation, and of national self-respect.

If the above proposal is accepted, the points mentioned by us may as far as necessary be taken up in regulations framed under the existing Education Ordinance.

We are prepared at any time to discuss the above proposal with you or the other members of the Government. I have the honour to be, Sir, Your obedient servant

271 To J. X. Merriman

Vol. 3, no. 107

Box 1081, Pretoria

31 August 1905

My dear Mr Merriman, It is a long time since I last wrote to you. I hope you have not misconstrued my silence. I have always and ever shall continue to look up to you with feelings of veneration as to one who, through good report and evil, has stood up for the true South African ideal—which in one form or another we all would fain follow, but from which I fear we are now rapidly falling.

My present point is the Chinese question. Malan has forwarded me your letter of 27 inst. and I can assure you that it is some time since I have read a communication with so much pleasure. You are quite right, the Chinese business is contaminating the very well-spring of our national and social life, and I feel sure that we shall not soon get another such opportunity for getting rid of it as now. Feeling in the Transvaal has been profoundly stirred; those people (along the Rand) who were for sordid reasons in favour of Chinese labour repent and suffer bitterly now; the question, from letters I receive from England, seems still the most potent electioneering weapon there; and if we start agitating now, the result may soon be tremendous and force even a lukewarm Liberal Government to action.

Some members of the Central Committee of Het Volk had an interview with Lord Selborne. The official communiqué

hardly does justice to our representations. We affirmed our unalterable opposition to Chinese labour and told Lord Selborne that a vast agitation would soon spring up for the repatriation of the Chinese. Meetings are already starting in the country and delegates being chosen to urge this view on the Government—and next Wednesday (6 September) these delegates are meeting our Hoofd Comitee. Nothing would please me more than a simultaneous agitation in the Cape Colony. Let those who will be lukewarm remain out if they so choose; the question is great enough to found its own party, which will yet be the most powerful in South Africa—unless we are really going to be an annexe of China, a Hongkong. Besides, your agitation will emphasize the South African character of the question—which I think one of its most important features. To foster the federal spirit we ought to seize every opportunity to emphasize common South African interests. If we had federation, we would not have had this Asiatic curse. Let us therefore work as strongly for the one as against the other. Yours very sincerely,

J. C. Smuts

272 From J. X. Merriman

Vol. 3, no. 49

Schoongezicht

Stellenbosch

5 September 1905

My dear Smuts, The interruption to our correspondence has arisen on my part from a fear of the infamous and degrading espionage that is sanctioned by your laws, but the present occasion is one on which I do not care whether or not all the Government spies know my opinions. I was, of course, glad to hear from you, and thank you for your kind references to myself. My chief object now, and the only reward to which I can look forward, is to hand on the love of civil liberty—that before these dark days we used to associate with the name of English—to young men like yourself and others, who may perhaps live to see South Africa an oasis in the wilderness of democratic socialism which seems overrunning the world and which is used by plutocracy for its own ends. But we have much to contend against. Race prejudice, which here seems to be

invoked as a sort of handmaid of autocracy, a degrading plutocracy that by fostering a love of vulgar luxury saps the foundations of freedom, and above all the easy-going indifference born of ignorance, and indolence, that finds so many excuses for doing nothing and for submitting to authority even when authority is wrong. One often loses heart even here, but what must it be in the very centre and focus of corruption, at Johannesburg? I am glad you see eye to eye with us on the Chinese question, which is, I agree with you, quite the largest issue that we have before us just now, because it affects all the others, free government, the Native question, the whole development of society. It is of no use to have any half measures—repression, regulation, and a commission of inquiry. The first will in the long run do more harm to the community, even than the present lawlessness for it means training up a race of Legrees,¹ with all that that signifies for a community—a subtle poison the effects of which we already suffer under in the natural admixture of the black races, to the great detriment of our national fibre. Regulation means relaxing the terms of the Ordinance which, of course, the mine owners are quite ready to do, caring nothing for the future; you will then learn that the virtues of the Chinaman are far more to be dreaded than his crimes, and an industrious population of coolies with their wives and families settled on the ground will eat our European population out, and will, as they have done in North Java, prove far more expert and successful in dealing with the Native population than the European.

The other course, by a commission of inquiry, is the one most likely to be tried; it is just that middle course that appeals to people who wish to palter with their consciences, and to find an excuse for doing what they know is wrong in order to utter the prayer so dear to cowards, 'Give peace in our time, O Lord!' This will be the English, I fear the Liberal, policy, and against this we must fight with all our strength on Colonial lines. Once get the commission and the Chinese are riveted on our necks in a much more objectionable form than ever. The only clean and distinct course for those who wish to save South Africa for the white man is 'Back to China' and we have

¹ Simon Legree was a brutalized slave-dealer in Harriet Beecher Stowe's *Uncle Tom's Cabin*.

the far more difficult precedent of the dealing of the Australian Commonwealth with the Kanakas¹ to go upon. Unless we adopt the clear line that the coolies must go, cost what it will and be the consequences to the 'industry'! what they may, we had better keep quiet and not agitate at all. There is no middle course. The whole thing was a great crime against South Africa and it should be redressed as soon as may be. Personally I am quite ready to do my share and I am going to Cape Town to consult our friends to see what can be done. An appeal from you in the Transvaal setting forth the facts and the issues bound up in the settlement of this question would be of great value in appealing to the people, who are indifferent because ignorant, but who if roused will be irresistible.

What one feels only one degree less keenly than the Chinese stain itself, is the utter and gratuitous contumely with which the representations of the Cape Colony were treated and the rascally double-dealing of our 'Progressive' Ministers over the matter.

It is a comfort that in dealing with this question one gets off the usual race lines, for indeed the Englishman if left to himself is rather more prejudiced in racial questions where non-Europeans are concerned, than his Dutch cousin. I suppose you are in touch with Orange Free State friends. Natal is I fear hopeless, dominated entirely by the paltry greed of commercial gain.

With kind regards to yourself and Botha, Believe me, Yours truly,

John X. Merriman

273 From J. X. Merriman

Vol. 3, no. 50

Schoongezicht
Stellenbosch

16 September 1905

My dear Smuts, I do not think that I wrote to you to tell you the result of my consultation with our friends in Cape Town. There was a general consensus of opinion that it would be unwise to start an agitation down here until some definite

¹ Some 60,000 South Sea Islanders, called by the white men Kanakas, had been brought into Queensland to work on the sugar plantations. Further importation was prohibited in 1906.

action had been taken in the Transvaal by those more immediately concerned. There is a general feeling here that we might come forward with a 'Back to China' policy only to find that some compromise had been come to on the spot that would—as before—completely neutralize our efforts and possibly weaken our power for doing good when the time comes. Nothing, you must understand, can in any way lessen my opposition to Chinese labour, which is based on the conviction that it is a crime, sure to lead—perhaps intended to lead—to the ruin of all we hold dear in South Africa. But I cannot be blind to the vast power that works for it and to the powerful official backing that is behind it. The threats as to the dismissal of Europeans, and Lord Selborne's declaration that Chinese labour prevented a crisis, point to this and I fear that our Liberal friends at headquarters are deeply imbued with the same heresy. It is pitiful to have to think that our surest hope is in the wretched Chinese themselves. Sooner or later they will take to murdering their overseers as they did in Cuba, and then the financial conscience may wake up. But you should see that we are kept advised of your doings. At present we have to depend almost entirely on the Press, and our minds are blank as to your policy and intentions. *Divide et impera* is a classical quotation that even Hoggenheimer understands and acts upon.

But truly, all through South Africa indifference on great questions is lamentable. The prospect of making a few pounds in the share market is of far more importance than the future welfare of our population. Farrar's speech¹ on the indissoluble alliance between the Progressives of South Africa and the mining interest was true and suggestive. It was hailed by the *Cape Times* as a sort of oracular pronouncement that means that South Africa is still to be governed by Park Lane.² What a prospect!

With kind regards, Believe me, Yours truly,

John X. Merriman

¹ See the *Star*, 11 September 1905, p. 9.

² 'Hoggenheimer', at that time, usually had a London house in Park Lane.

PART VII

SELF-GOVERNMENT ACHIEVED

14 DECEMBER 1905-4 MARCH 1907

SELF-GOVERNMENT ACHIEVED

The period opens with Smuts's departure for England at the end of 1905 to urge upon the new Liberal Government the wisdom of granting responsible government to the Transvaal and the Orange River Colony without delay. He took with him a supporting memorandum (277). His talks with the Liberal leaders, and the details of this mission, which he always regarded as the most successful and important of his life, are not recorded in his papers. This English visit was significant for another reason—it saw the beginning of his close and life-long friendship with the Clark family of Street in Somerset, which is recorded in the most valuable series of letters in the Smuts Collection. The opening letter of the series (279) was written to Margaret Clark (M. C. Gillett), who had worked with Emily Hobhouse in South Africa and been a fellow-passenger on the voyage to England.

The letters of 1906 record the increasing tempo of Smuts's political life. It was chiefly concerned with the fight against Chinese labour and the all-important question of what the basis of representation under responsible government should be. This last involved a number of conflicts—town against country, Dutch against English, blacks against whites. These matters are discussed with animation in the contemporary correspondence of Smuts and Merriman. There was enough common ground and enough difference between them to make these exchanges fascinating to any student of South African history. Other notable correspondents of this period were President Steyn, spokesman of Orangia Unie—the counterpart of Het Volk in the Orange River Colony—and Sir Henry de Villiers, Chief Justice of the Cape Colony.

By July 1906 Smuts had drafted a programme for Het Volk in readiness for the election to come (314). Soon after the announcement of the new Constitution in August he flung himself with ardour into his first election campaign. An approach to him by Lionel Curtis, with the object of drawing his strongly rising party into a scheme for South African union under 'Kindergarten' auspices, was evaded (330, 332), although Smuts and Merriman were already discussing their own sort of union (326, 328). The closing letters of this period record the victory of Het Volk in February 1907 and the taking of power by its leaders (335-338).

274 To M. T. Steyn

Vol. 99, no. 47

Gordon's Bay
14 December 1905

Waarde President, Het speet mij zeer dat wegens onvoorziene omstandigheden ik niet te Bloemfontein heb kunnen afstappen en U niet een bezoek heb gebracht volgens afspraak en telegram. Ik hoop zulks echter einde van Februari te zullen doen.

Ik ga hedenavond per *Herzog* naar Europe. Zooals U weet is mijn gezondheid veel achteruit gegaan en komt een kort uitstapje naar Europe mij gewenscht voor. Met mijn terugkomst zal ik mijn best doen bij U aan te komen.

Met zeer hartelijke groeten aan U en familie, Steeds getrouw de uwe

J. C. Smuts

TRANSLATION

Gordon's Bay
14 December 1905

Dear President, I very much regret that, because of unforeseen circumstances, I was not able to stop at Bloemfontein and did not visit you according to the arrangement and telegram. I hope, however, to be able to do so at the end of February.

This evening I go by the *Herzog* to Europe. As you know my health has deteriorated a good deal and a short trip to Europe seems to me desirable. On my return I shall do my best to come and see you.

With very hearty greetings to you and your family, Always faithfully yours,

J. C. Smuts

275 To S. M. Smuts

Vol. 3, no. 110

Herzog
Zondag morgen, 17 December 1905

Liefste Mammie en Santa en Katota, Het is nu Zondag morgen en daar ik vandaag niet naar gewoonte naar kerk kan gaan zal ik den tijd nuttiglijk besteden door aan jullie drie te schrijven. Als Santa en Katoa niet alles verstaan moeten zij maar wachten totdat zij wat ouder zijn. Jullie kan zien dat ik met mijn nieuw fountain-pen schrijf; het schip rolt een beetje baing

zoodat mijn handschrift beeft—maar dat is niet van zoeten wijn maar van zeeziekte—een ziekte die mammie aan de andere twee kan uitleggen, waarmee John Chinaman de menschen op de groote zee lastig valt.

Wel, die fountain-pen is de eenige koop die ik nog heb kunnen maken Vrijdag namiddag. De trein komt in Kaapstad een beetje voor zes; om zes uur sluiten alle winkels in Kaapstad volgens wet. Ik was dus leelijk gefopt, zonder boordjes, met maar een zachte hemd (ik dacht dat Natie 3 had ingepakt) zonder warme sokken etc. Ik dacht dat ik veel beter dan mammie kon pakken en kijk hoe ben ik nu gefopt! Maar dit is de straf voor mijn groot praat en tergen van lieve mammie, hetwelk ik hoop nooit weer te doen als ik veilig van Jan Ropa terug keer.

Bij de statie kwam Frans Malan mij zeggen dat ik onmiddellijk naar Mevr. Koopmans moest gaan die mijn verzuim haar te komen zien diep ter harte ging; daarna moet ik een diner, ter mijner eer door Graaff gegeven, bij wonen. Maar er was geen tijd naar de lieve spraakzame oude vriendin te gaan en ik verwacht dat mammie met beide dochters zal gaan ten einde mijn verzuim goed te maken. Ik ging naar de D.O.A.L. kantoor waar mij werd medegedeeld dat de *Herzog* aan kaai was en dat ik zonder verzuim mijne baggage daarheen moest nemen. Zwager Charlie was bij mij en terwijl ik mijn lange haarlokken liet afsnijden ging hij de fountain-pen koopen; daarna brachten wij onze baggage op schip en ging ik naar Daisy om haar vaarwel te zeggen. Ik liet bij hen ook de twee pakken papieren tot nader order; ik denk zij zijn daar veilig genoeg. Van daar kon ik net in tijd bij de Royal Hotel komen om de diner bij te wonen. Daar vond ik Graaff, Hofmeyr, Sauer, Charlie de Villiers, Centlivres, Malan, van der Horst, Fremantle, Dr Petersen, Schultz, Adv. van Zyl en procureur Ryneveld. Wij hadden een zeer aangenamen avond en er werd smakelijk gegeten en hartelijk gebooid [*sic*] en gepraat en gespeechified tot over 11 uur. In mijn speech wees ik erop dat op mijn ouden dag ik nog een mijner jeugdige idealen behield—en dat was de vriendschap. En dus gaf het mijn des te meer vreugde rondom mij te zien de vrienden die mij op mijn loopbaan hadden voortgeholpen—Hofmeyr en Sauer in de politiek, Centlivres in de journalistiek (hij was manager van

de *S.A. Telegraph*) Charlie de Villiers van wien ik mijn eerste civiele zaak had, Ryneveld van wien ik mijn eerste crimineele zaak had etc. etc. Ik werd veel bewierookt daar bijna ieder een een speech maakte, maar ik nam natuurlijk alles *cum grano salis* (dit kan mammie aan Santa en Katoa uitleggen). Ou Jan Hofmeyr wou van mij weten of de 'go John etc.' storie omtrent jou waar was! Hij scheen zeer teleurgesteld toen ik hem zeide dat het niet zoo was. Hij komt jou echter aan strand met zijn vrouw zien en ik hoop dat jij hem zeer goed zal onthalen—hij heeft in vroeger jaren zeer veel gedaan om mij voort te helpen. Sauer heb ik uitgenoodigd een paar weken met ons in Pretoria door te brengen; hij nam de invitatie gretig aan. Zij zijn lieven menschen en vooral zij is een voorbeeldige Afrikanerin (kan echter niet Hollandsch spreken) en ik hoop mammie zal niet boos zijn over wat ik gedaan heb.

Wel, een beetje na elf kwam ik aan boord met lieve ou Schultz die een uiterst goed kameraad is; hier vonden wij Miss Clark; ook een briefje van Nysie die in mijn afwezigheid mij had komen opzoeken. Zeer fluks van Nysie. Ik sliep dien nacht op schip en 4 à 5 uur Vrijdag morgen gingen wij voort en begon mijn worsteling met de John Chinaman der zee. Het was echter niet zoo slecht als 14 jaar geleden op de *Roslin Castle*. Zaterdag ochtend kon ik reeds een goed ontbijt aan tafel genieten en van ochtend nog beter. Ik gevoel reeds geheel wel—vooral daar de zee nu ietwat stiller is. Als daar echter weer een storm komt zal ik maar weer met J.C. moeten worstelen.

Er zijn maar al te zamen 4 passagiers op de eerste klas; echter meer op de tweede klas, ook kleine kinderen die rond hardloopen en vroolijk zijn, maar zij durven niet huilen daar die leelijke ou John Chinaman maar altijd op de loer in het water ligt.

Ik heb nu al het nieuws geschreven en ben huiverig verder te schrijven daar ik bevreesd ben dat mammie niet mijn schrift zal kunnen lezen. Santa schrijft echter nog meer onduidelijk dan Pappie en zij zal zeker mammie kunnen helpen mijn gekrap uit te maken. En als zij niet weet, zal Katoa zeker weten want ik kan bij hare oogen zien dat zij weet alles wat in pappie zijn hart omgaat.

Namiddag komen wij te Swakopmund aan waar deze brief

gepost zal worden. Ik hoop dat mammie hem zal krijgen terwijl zij nog aan strand is. Van Las Palmas zal dan mijn volgende brief gezonden worden.

Het is zeer snaaksch aan boord. Alle ochtende wordt er om ons wakker te maken 'Freut euch der Lebens' op een trompetter geblaast. Maar het gaat maar zwaar om 'der lebens' te 'freuen' als jij zeeziek is en die stoute John Chinaman met zijn groote bek vreeselijke branders op de zee blaast.

Nu vaarwel, mammie en Santa en Katoa. Geeft ook groete aan Betsy en vraagt haar of zij nog bang is voor John Chinaman die haar in die zee wou verzuipen. Met vele liefdekussen, Jullie ou Pappie

J. C. Smuts

TRANSLATION

Herzog

Sunday morning, 17 December 1905

Dearest Mamma and Santa and Katota, It is now Sunday morning and, as I cannot go to church as usual today, I shall spend the time usefully in writing to you three. If Santa and Katoa do not understand everything they must wait until they are a bit older. You can see that I am writing with my new fountain-pen; the ship is rolling rather a lot so that my handwriting shakes—but that is not because of sweet wine but of sea-sickness—a sickness that Mamma can explain to the other two and with which John Chinaman pesters people on the big sea.

Well, the fountain-pen is the only purchase that I was able to make on Friday afternoon. The train arrives in Cape Town a little before six; at six o'clock all shops in Cape Town close by law. So I was badly caught out, without collars, with only one soft shirt (I thought that Natie¹ had packed three), without warm socks etc. I thought that I could pack much better than Mamma, and now see how I am caught out. But that is the punishment for my boasting and for teasing dear Mamma, which I hope never to do again if I return safely from Jan Ropa.

At the station Frans Malan came to tell me that I had to go at once to Mrs Koopmans who had taken my neglecting to visit

¹ Ignatius Ferreira, a legal colleague and neighbour of Smuts.

her much to heart; after that I had to attend a dinner given in my honour by Graaff [D. P. de V.]. But there was no time to go to the dear garrulous old friend and I expect that Mamma will go with both daughters in order to make good my neglect. I went to the German East Africa Line office where I was informed that the *Herzog* was at the quay and that I should take my baggage there without delay. Brother-in-law Charlie¹ was with me and, while I had my long locks cut off, he went to buy the fountain-pen; after that we got our luggage on to the boat and I went to Daisy² to say good-bye to her. I also left the two packets of papers with them until further orders; I think they are safe enough there. From there I could just reach the Royal Hotel in time to attend the dinner. There I found Graaff, Hofmeyr [J. H.], Sauer, Charlie de Villiers, Centlivres, Malan, van der Horst [J. G.], Fremantle [H. E. S.], Dr [A. H.] Petersen, Schultz [C. P.], Advocate [H. S.] van Zyl and Attorney [A. van] Ryneveld. We had a very pleasant evening and there was tasty eating, hearty [drinking?] and talking and speechifying until past eleven o'clock. In my speech I pointed out that in my old age I still retained one of my youthful ideals—and that was friendship. And so it gave me the more pleasure to see around me the friends who had helped me on in my career—Hofmeyr and Sauer in politics, Centlivres in journalism (he was manager of the *South African Telegraph*), Charlie de Villiers, from whom I had my first civil case, Ryneveld, from whom I had my first criminal case, etc., etc. I was offered much incense as almost everyone made a speech, but of course I took everything *cum grano salis* (Mamma can explain this to Santa and Kotoa). Old Jan Hofmeyr wanted to know from me whether the 'go John etc.' story about you was true! He seemed very disappointed when I told him that it was not so. He is, however, coming to see you at the sea with his wife and I hope that you will entertain him very well—in earlier days he did a great deal to help me on. I have invited Sauer to spend a few weeks with us in Pretoria; he accepted the invitation eagerly. They are dear people and she, especially, is an exemplary Afrikaner woman³ (but can speak no Dutch) and I hope Mamma will not be angry at what I have done.

¹ C. Trevett.

² Daisy Trevett.

³ Mary Catherine Johanna Sauer, born Cloete, 1863–1937.

Well, a little after eleven I came on board with dear old Schultz who is an exceedingly good comrade; here we found Miss [Margaret] Clark; also a note from Nysie who had come to look me up in my absence. Very smart of Nysie. I slept on board that night and at four to five o'clock on Friday morning we set off and my struggle with the John Chinaman of the sea began.¹ However, it was not so bad as fourteen years ago on the *Roslin Castle*.² On Saturday morning I could already enjoy a good breakfast at table and this morning still better. I already feel quite well—especially as the sea is now somewhat calmer. But if there is another storm I shall have to wrestle again with J.C.

There are only four passengers altogether in the first class, but more in the second class, also small children who run about and are jolly, but they don't dare to cry because the ugly old John Chinaman always lies on the watch in the water.

I have now written all the news and hesitate to write more as I am afraid that Mamma will not be able to read my writing. But Santa writes even more illegibly than Pappa and she will no doubt be able to help Mamma to make out my scrawl. And if she doesn't know, Katoa will surely know because I can see in her eyes that she knows everything that goes on in Pappa's heart.

This afternoon we arrive at Swakopmund where this letter will be posted. I hope that Mamma will get it while she is at the sea. My next letter will be sent from Las Palmas.

It is very funny on board. Every morning, to wake us, '*Freut euch der Lebens*' is sounded on a trumpet. But it is hard to '*freuen der lebens*' when one is seasick and the naughty John Chinaman blows enormous waves on the sea with his big mouth.

Goodbye-now, Mamma and Santa and Katoa. Also give my regards to Betsy³ and ask her if she is still afraid of John Chinaman who wanted to drown her in the sea. With much love and kisses, Your old Pappa

J. C. Smuts

¹ Smuts always suffered severely from sea-sickness.

² He had sailed on 23 September 1891 on his way to Cambridge.

³ A domestic servant.

276 To S. M. Smuts

Vol. 4, no. 84

Horrex Hotel
Strand

12 Jancari 1906

Mijn liefste Mamma en Santa en Katota, Ik heb laatst van Las Palmas aan jullie geschreven, en ik hoop dat jullie die brief veilig ontvangen hebben te Stellenbosch. Nu wil ik een paar regels schrijven van wat sedert gebeurd is. In de eerste plaats wensch ik te zeggen dat ik oudejaarsdag te Las Palmas was; daar bleef het schip een dag overleggen om kool te laden, en ik en Miss Clark, tezamen met een zeker Duitsch passagier, gingen de bergen uit naar Monte—een dorpje gelegen hoog in de bergen van het eiland. Het was een der aangenaamste en prachtigste dagen die ik in mijn leven gehad heb. Winter—maar nog zoo warm dat men overal bloemen zag. Diepe kloven vol pisang plantages, met wijngaarden en limoenboorden tusschen in en overal fraaie witte huisjes; en het pad rees op langs deze kloven totdat wij bijna boven op de hooge bergen waren. De vogels zongen, de menschen waren vroolijk en opgeruimd en mooi gekleed daar het een feestdag was; alles was heerlijk en de dag zal lang in mijn geheugen blijven als een zeer aangename herinnering van een onaangename zeereis. Dien avond vertrokken wij van Las Palmas en meteen begonnen de stormen en wij hadden stormen totdat wij op Zaterdag ochtend 6 Jan. te Dover aankwamen. Ik was gedurig miserabel van zeeziekte; ik ben maar blij dat wij veilig aankwamen, daar er een aantal schepen gedurende dien tijd in de Golf van Biscaje en de Engelsche Kanaal vergaan zijn, zooals jullie drie misschien in de couranten zal gezien hebben. Te Dover waren de moeder en de zuster van Miss Clark om haar af te halen en ik heb meteen vrienden gemaakt en hoop Zaterdag en Zondag bij hen in Somerset te gaan doorbrengen. Van Dover kwam ik naar Londen naar dit hotel alwaar ik dezelfde twee kamers heb welke Genl. de la Rey indertijd in 1902 hier occupeerde. Ik vind hier alles in de haak en gevoel mij recht wel. Het is natuurlijk winter en koud, maar niet te koud en ik heb warm boven en onder kleeren gekocht en lijk nu weer heel respectabel. Werk heb ik nog niets kunnen doen daar al de regeeringspersonen weg zijn en bezig met de

electies; ik hoop eerst aanstaande week kans te hebben de hooge lui te kunnen zien en zaken met hen te bespreken. Ik vind dat hier de grootste onkunde bestaat en dat menschen verbaasd zijn over wat ik te zeggen heb omtrent politieke toestanden in de Transvaal. L. T. Hobhouse, broeder onzer vriendin, heb ik gesproken; hij is natuurlijk een warm vriend onzer zaak. Ook was ik te Cambridge om Wolstenholme en andere vrienden te zien en heb een zeer aangenaam dag en nacht daar doorgebracht. Dr. Hobson zegt dat hij een van de brieven, door Mammie uit Natal gezonden, gekregen heeft. John Hobson heb ik nog niet kunnen zien daar hij weg was naar Amerika maar hij is nu terug of zal spoedig terug zijn en dan zal ik hem zien. Ik had een brief van Ethel Brown dat zij zeer verlangt mij te zien en ik zal haar schrijven dat zij naar Londen zal moeten komen. Miss Clark is nu weer in Londen in verband met het werk van Miss Hobhouse en gister avond gingen wij naar het theater en zagen Shakespeare's *Twelfth Night* opvoeren. Het stuk werd uitstekend gespeeld en wij hebben zeer veel gelachen. Zooals ik reeds gezegd heb ga ik met haar Zaterdag naar Street, alwaar zij in Somerset wonen.

En dit is nu genoeg omtrent mijzelf, maar nu wil ik weten hoe het met Mammie en de twee ou dochtertjes gaat. Verlangt Santa nog naar Pappa of moet Pappa maar nu helemaal wegblijven? Ik was toch zoo blij Mammies eerste brief Maandag te ontvangen, waarin Mammie zei dat Santa zoo bitterlijk geweend heeft toen Pappie wegging. Denkt zij nog aan haar ou Pappie? En zoekt Katota nog haar ou Pappie? Of heeft zij hem glad vergeten? Zij moet haar best doen en Santa moet haar leeren om te loopen zoodat zij mooi zal loopen wanneer Pappie thuis komt. Jullie is bij de aankomst van dezen brief zeker weer thuis zoodat ik dit naar Pretoria zal adresseeren.

Ik denk het zal best zijn voor Mammie na ontvangst hiervan geen verdere brieven aan mij te schrijven. Ik weet niet of ik zoo gauw terug zal keeren maar mijn plan is geen dag langer dan noodzakelijk te wachten. Mijn werk wacht en mijn hart verlangt vurig naar de dierbaren daar zuids in het lieve vaderland. Zijn zeer hartelijk gekust—van jullie ou Pappie.

TRANSLATION

Horrex Hotel
Strand
[London]

12 January 1906

My dearest Mamma and Santa and Katota, I wrote to you last from Las Palmas, and I hope that you have received this letter safely at Stellenbosch. Now I want to write a few lines about what has happened since. In the first place I wish to say that I was at Las Palmas on New Year's eve; the ship lay there one day to load coal and I and Miss Clark and a certain German passenger went up the mountains to Monte—a little village situated high in the mountains of the island. It was one of the most pleasant and beautiful days that I have had in my life. Winter—but still so warm that one saw flowers everywhere. Deep ravines full of banana plantations, with vineyards and orange orchards between and everywhere pretty little white houses; and the road climbed up along these ravines until we were almost on top of the high mountains. The birds sang, the people were gay and cheerful and nicely dressed as it was a feast day; everything was lovely and the day will long remain in my memory as a very pleasant remembrance of an unpleasant voyage. That evening we left Las Palmas and at once the storms began and we had storms until we arrived at Dover on Saturday morning, 6 January. I was continually miserable with sea-sickness; I am glad we arrived safely, as a number of ships were lost during this time in the Bay of Biscay and the English Channel, as you three will perhaps have seen in the papers. Miss Clark's mother¹ and sister² were at Dover to meet her and I at once made friends and hope to spend Saturday and Sunday with them in Somerset. From Dover I came to London to this hotel where I have the same two rooms that General de la Rey formerly occupied here in 1902. I find everything in order here and feel very well. It is, of course, winter and cold, but not too cold and I have bought warm top- and under-clothes and now look quite respectable again. I have not yet been able to do any work as all the Government people are away and busy with the elections; I hope to have a chance next week of seeing

¹ Helen Priestman Bright Clark.

² Alice Clark.

the important people and discussing matters with them. I find that the greatest ignorance exists here and that people are surprised at what I have to say about political conditions in the Transvaal. I have spoken to L. T. Hobhouse, brother of our friend; he is of course a warm friend of our cause. I was also at Cambridge to see Wolstenholme and other friends and spent a very pleasant day and night there. Dr [E. W.] Hobson says that he has received one of the letters sent by Mamma from Natal. I have not yet been able to see John Hobson, as he was away in America, but he is back now or will soon be back and then I shall see him. I had a letter from Ethel Brown¹ that she very much wants to see me and I shall write her that she will have to come to London. Miss Clark is now again in London in connection with Miss Hobhouse's work and last night we went to the theatre and saw Shakespeare's *Twelfth Night*. The play was excellently acted and we laughed a great deal. As I have already said I am going with her on Saturday to Street, where they live in Somerset.

And now this is enough about myself, but now I want to know how Mamma and the two little daughters are. Does Santa still long for Pappa or must he now stay away altogether? I was so very glad to get Mamma's first letter on Monday in which she said that Santa had cried so bitterly when Pappa went away. Does she still think of her old Pappa? Or has she quite forgotten him? She must do her best, and Santa must teach her, to walk so that she will be walking nicely when Pappa comes home. You will probably be home again when this letter arrives so I shall address it to Pretoria.

I think it will be best for Mamma, after receiving this letter, to write no more letters to me. I do not know if I shall return so soon but my plan is not to wait a day longer than necessary. My work waits and my heart longs ardently for the precious ones away in the south in the dear fatherland. Many kisses from your old Pappa.

277 Memorandum on Transvaal Constitution (1906)

Box G, no. 1

The document in the Smuts Collection is a typescript with a note in Smuts's handwriting as follows: 'Presented to Colonial Office in London

¹ Smuts had met her when he was a student at Cambridge.

in January, 1906. J.C.S.' Another copy is marked by Smuts: 'Copy to Merriman'. There is no evidence that he submitted the memorandum to anyone else in South Africa.

MEMORANDUM OF POINTS IN REFERENCE TO THE TRANSVAAL CONSTITUTION

(A) *General*

1. What South Africa needs above all things after the storms and upheavals of the past is tranquillity. But that can only be secured by the removal of all just grounds of discontent and the unreserved application of Liberal principles to the government of the new Colonies, by showing a statesmanlike trust in the people of the land, of whatever race, and granting them a fair and equitable Constitution under which they can work out their own salvation.

There may be some danger in trusting the people too soon, but there may be much greater danger in trusting them too late.

2. If a fair and just Constitution is not granted to the new Colonies, there is great probability that the Boers of the Transvaal will not take part in the elections; they will stand aloof and the state of affairs in South Africa will go from bad to worse. At the last Annual Congress (July 1905) of *Het Volk*, which comprises all sections of the Boer people, the vote on the present Constitution had to be postponed, because, from the direction the debate was taking, it became clear to the leaders that the great majority would vote for abstention from participation in that Constitution.

3. Let it be clearly understood once for all that the Boers and their leaders do not wish to raise the question of the annexation of the new Colonies or the British flag. They accept accomplished facts and desire to take part in the affairs of the country on that basis and hope that a Constitution will be granted to the country under which the legitimate interests of the people as a whole may be secured and their legitimate aspirations realized under the protecting aegis of the British flag, just as a similar result has been achieved under similar conditions in Canada.

4. In our opinion the only security for the British connection lies—not in armies or the ostentatious loyalty of mine-owners

—but in the trust and good will of the people of South Africa as a whole. Let the permanent population (English and Dutch) who are not speculators and birds of passage, come to realize that under the British flag there are peace and contentment, there are justice and equal rights for all, and there is the free scope to follow their own national ideals and destiny—and the beneficent results will be far-reaching. I can conceive no nobler task for Liberal statesmanship than that it may inaugurate in South Africa such an era of trust and goodwill and reliance on the people of the land, and bring healing to the wounds which the errors of the past have inflicted.

5. It cannot be too strongly insisted that the great practical issue in Transvaal politics, before which the racial issue has receded, is the distribution of political power as between the mine-owners and the permanent population of the land, English as well as Dutch. The struggle by the mine-owners for political domination, which began before the war, but has been enormously accentuated since the war, is obliterating all other issues and is to-day, and will long continue to be, the dominant factor in Transvaal, perhaps in South African, politics. English and Dutch alike, who are jealous of the political ascendancy of the mine-owners, will combine (as they already do) on a defensive basis for the protection of the general interests and the liberties of the people; English and Dutch alike, who are dependent on the mines, will, for the present, at any rate, go with the mine-owners. The racial issue which the mine-owners are doing their best to raise is a false issue, and is only intended to excite English suspicions against the Boers and to divert attention from the unreasonable and somewhat discredited pretensions of the mine-owners.

6. There is a strong impression among the Boers—an impression which is growing also among the British section of the population—that, in the years since the conclusion of the war, the balance has not been held evenly between the people and the mine-owners, that the economic aims of the mining magnates have been unduly favoured to the detriment of the general interest, and that the real balance of political power has passed over to the Chamber of Mines. This policy, shown by innumerable acts of legislation and administration, but most

unmistakably in the way that the importation of Chinese labour was brought about, is producing a state of tension not only among the Boer, but also large sections of the English population which cannot but have disastrous results in the long run. Once the people of South Africa come to the conclusion that the Imperial Government and their representatives have—for whatever good economic or Imperial reasons—espoused the cause of cosmopolitan finance as against them, the moral hold of the Imperial Government on South Africa will be gone, and a new situation will arise.

(B) The Present Constitution

7. The most flagrant result, however, of this policy of favouring the mine-owners at the expense of the population as a whole, is the present Constitution of the Transvaal, in which the position of the mine-owners is rendered impregnable to future attack by the principles adopted in it. I shall here note the most salient points.

8. The adoption of the so-called principle of one-vote-one-value constituencies, equal not in point of population but of voters, will make the minority controlled by the mine-owners rule the majority in the Transvaal.

Out of a total number of 80,324 voters (according to the provisional registration lists which were published when I left the Transvaal) the Witwatersrand has 40,143, or half, and on a voters' basis of constituencies it will have exactly half the number of representatives in the Legislative Assembly (say 30 out of 60). In point of population, however, the Rand has only 114,021 out of a total of 289,062 for the whole Transvaal (according to the census of 1904) or 39 per cent of the whole and is therefore only entitled to 23 out of 60 members of the Legislative Assembly. The present Constitution is therefore cleverly devised to give the mine-owners—who may fairly rely on carrying the whole Rand with them—7 seats or 11.5 per cent more than they are entitled to, that is to say, an undue advantage of 78 seats on the House of Commons basis. The final registration lists as cabled comprise 91,000 voters, of whom the majority are on the Rand, and the gain to the Rand on the principle of one-vote-one-value becomes so much greater.

9. The disparity between voters and population on the Rand and in the rest of the Transvaal arises from the fact that the population of the Rand consists largely of bachelors and therefore yields a higher percentage of voters.

The principle of one-vote-one-value is unsound, and a misnomer, as it really gives a higher value to a vote on the Rand than in the rest of the Transvaal; and undemocratic, as it assumes that the State consists only of qualified male adults, and neglects not only the unqualified, but also the women and children, who constitute from many points of view the most important part of the population and an asset infinitely more important than all the gold and diamond mines in the country.

The principle, moreover, is not law anywhere in the British Empire nor, I imagine, in any part of the modern world, with the exception of the Australian Commonwealth.

10. This principle secures to the mining magnates on the Rand alone at least half the members of the Legislative Assembly, and, what with the seats they are certain to capture elsewhere, at such English centres as Pretoria, Barberton, Klerksdorp and Potchefstroom, will give them an unassailable position in the Legislature and Government of the country. They will thus be enabled to carry any labour proposals in the teeth of the great popular opposition in the Transvaal and all over South Africa, and will carry all those schemes, such as the amendment of the gold and other laws, which they are studiously keeping in the background at present. They will continue to pose as Imperialists and as the true bulwark of the British connection, and the popular antagonism to them will gradually tend to drive the people of South Africa to political discontent and disaffection as the only alternative.

11. Let me here point out that neither I nor the Boers as a whole are actuated by any unfriendly feelings towards the mine-owners or to mining interests in general. The great mining industry never had a happier or more prosperous time than during the Boer administration before the war. I think this is generally admitted. Nor have the Boers the slightest intention to depart from their historic attitude of good will to this vast industry. But we say that the claims of capital are very exacting everywhere, and that the power and influence of the mine-

owners are so great in a poor and sparsely populated country like South Africa, that every precaution ought to be taken to safeguard the interests of the people and to prevent their political submersion.

12. While the Boers generally favour the distribution of constituencies on a population basis, they believe that no arithmetical principle ought to be rigidly followed but that legitimate vested interests (e.g. existing districts and divisions) as well as territorial extent should to some extent be considered, while the large Native population in the outlying districts might also have some weight in electoral distribution.

13. Besides this fundamental objection to the Constitution, the Boers object very strongly against some other important provisions:

(a) They object to the occupation and salary qualification of voters (residence on premises worth £100 or producing £10 rental a year, or receipt of £100 salary per annum, Art. 3) and claim manhood suffrage as the only true democratic principle. This qualification has led to the disfranchisement of thousands of voters. Comparing the census and preliminary registration figures, it appears that 26,169 males above 21 in 1904 (the number in 1905 must be much larger) have been disfranchised, of whom 11,375 are on the Rand and must include a goodly proportion of aliens. Even making the necessary deductions for aliens (resident mostly on the Rand) the proportion of disfranchised under the above qualification still remains alarming. I have not yet seen the exact figures according to the final registration lists though the number of the non-registered has been largely reduced on the Rand.

(b) They object to one-member constituencies all over the country (Art. 6 (4)) as being unfair to the numerous minorities (Boer on the Rand and British in the country towns). They claim either [*sic*] larger constituencies of two to three members so that the influence of minorities, which may yet be the surest and best influence in Transvaal politics, may be duly felt. The most practical course would be to maintain the present magisterial districts in the rest of the Transvaal with slight readjustments but to cut Pretoria (Town and District) and the Rand (Central East and West).

(c) They object to the mathematical division of electoral areas by a commission of three appointed by the Lieutenant-Governor (Art. 6) as quite impracticable, and they object to automatic redistribution by such a commission every four years and the throwing of all electoral boundaries into the melting-pot (Art. 7). The arrangement opens the door to every sort of gerrymandering and political trickery. Decennial redistribution on the census basis as laid down in the Canadian Constitution is the proper course.

(d) They object to the humiliating provision that a member of the House may address it in Dutch only with the permission of the President (Art. 15) and claim equal rights for English and Dutch as they exist in the Cape Legislature.

(e) They object to the novel provision that the Lieutenant-Governor shall preside at the meetings of the Legislative Assembly (Art. 8) and to the still more dangerous innovation whereby the Governor gets the power, not only as in other Colonies to assent or refuse to assent to Bills passed by the Legislature, but also to return them to the House with amendments (Art. 10). Such a provision gives unnecessary power to the Governor and may make him a partisan in the legislation of the country.

(f) They object to the provision that the Constitution can be amended by Letters Patent (Art. 20) and claim the right, conceded, I believe, in all other colonial Constitutions, to have the Constitution or any irksome provision thereof amended by the Colonial Legislature. If it is deemed necessary to confer an unalterable Constitution on the Transvaal, it would be better to follow the precedent of having it settled by Act of the Imperial Parliament and not by mere Letters Patent.

(g) They object most strongly, as I believe the majority of even English Colonists object, to the provision (Art. 18) whereby the railways—the most valuable asset of the country and its principal source of income—are placed under a nominated Inter-Colonial Council and excluded from the jurisdiction of the Legislative Assembly. Such a reservation really nullifies the grant of a representative Legislature to the country.

(h) Finally they object to the military having a vote in the

Transvaal and interfering in the elections of the representatives of the people. The military are not in the Transvaal in order to take part in party politics, and though the mine-owners are strongly in favour of their having a vote, that seems only an additional reason for excluding the military from the arena of party politics.

14. May I point out in conclusion that the Boers were not consulted in the framing of this Constitution and were taken by complete surprise when they found the above provisions contained in it. Some members of the Central Committee of Het Volk had the honour of an interview with Lord Milner, at which he discussed with them several methods of electoral distribution, all of which, however, favoured the country as distinguished from the large towns. The principle of one-vote-one-value was never even mentioned. The present Constitution represents the suggestions of the Progressive or mine-owners' party,¹ which unfortunately must have overborne Lord Milner's own ideas.

(C) *Responsible Government*

15. While the Boers think that responsible government will be the proper and natural remedy for many of the ills under which the new Colonies are at present suffering and that the time has come when the grant of responsible institutions might fairly and safely be ventured, they wish it to be clearly understood that responsible government granted on the basis of the present Constitution will only make matters worse and is strongly disapproved of by them. Responsible government under such conditions will simply substitute the mine-owners for the Colonial Office in the government of the Transvaal, and the Boers would rather have an indefinite period of Crown Colony administration than see the Transvaal permanently put under the government of the financial magnates. With a fair Constitution, adjusted on a population basis, responsible government will bring tranquillity to the land; on the basis of

¹ The Transvaal Progressive Association, led by Sir George Farrar (President), Sir Drummond Chaplin, Sir J. Percy Fitzpatrick and other prominent financiers and directors of gold-mining companies, supported Chinese labour, representative government and 'one vote, one value'.

the present Constitution, it will simply add a new and most potent source of discord and agitation.

16. In taking up this attitude the Boers are not acting in a narrow, selfish spirit. They want a constitutional settlement which will commend itself, not to the passions, but to the conscience of South Africa, not to this or that sectional interest, but to the abiding interests of the permanent population of the land. They have the consciousness that, inferior as they are in culture and many other respects to the newcomers, they yet stand in a very true sense for the liberties of the people as against the encroachments of the money power, and cherish the hope that in time the newcomers will also rally to their standpoint. And they do not wish to see the rights and liberties of the people prejudiced by a patched-up and opportunist settlement conceived in the supposed interests of British supremacy, but really operating only in the interests of the mine-owners, unjustifiable in principle and fruitful of future discord.

If the British people and Government do not see the situation in a clear light at present and are still apprehensive of the Boers, it would be better far to delay the grant of a Constitution until the truth has been fully ascertained, either by an impartial commission or in any other way, and it has become possible for a policy of trust and reliance on the people to be inaugurated.

And the further question arises whether it would not be advisable to embody the Constitution, under which the new Colonies will receive responsible government, in an Act of Parliament, so that ample opportunity may be afforded for discussing the principles involved and some security for the permanence of the Constitution may be obtained.

This would naturally involve the suspension of the present Constitution and the continuance for some time of the present régime of Crown Colony administration, against which there could, under the circumstances, be no objection.

17. I repeat again that this is not a question of English against Dutch. The Boers are in a minority in the Transvaal and even a population basis for the Constitution will give them only a minority in the House. I have carefully gone into the figures

and have come to the result that, on a population basis and the maintenance more or less of the present districts (except Pretoria and the Rand), the Boers will command at the outside 23 and the English 27 in a House of 50 members. On the basis of one-vote-one-value the Boers will be in a permanent minority of at most 18 as against 32 in a House of 50. Those who say that the Boers will get a majority on the population basis have not studied the figures of the last census.

18. Finally, the Boers of the Transvaal desire that, whatever rights are conceded to the Transvaal, the people of the Orange River Colony shall be dealt with in the most generous spirit. Whatever our mistakes in the Transvaal before the war, it is generally admitted that the administration of the Orange Free State was the simplest, most efficient and satisfactory in South Africa. The Orange Free State, in a spirit of chivalrous attachment to its legal obligations towards the Transvaal, sacrificed its all in the war. And it is our sincere wish that to the Orange River Colony may be given the freest and best Constitution in all South Africa, as its people is in every way worthy of and ripe for it.

(D) Federation or Unification

19. Even larger issues than those already referred to will be profoundly affected by the character of the Transvaal Constitution. The South African Colonies are so situated geographically and economically that the question of federation, or perhaps even unification, will become a practical one as soon as responsible government has been granted to the new Colonies. The people, and I may perhaps add, the statesmen, of South Africa are in favour of federation, and with a truly popular Constitution in the Transvaal we may see federation or union in South Africa perhaps within the next five years. But a plutocratic Constitution in the Transvaal will militate most powerfully against this consummation. The mine-owners, once they have ascendancy assured them in the Transvaal, are not likely to run the risk of losing this by entering into a federation in which they will have to contend, not with the helpless people of the Transvaal, but the people of South Africa. And conversely, the people of the Cape and Orange

River Colony at least will be far less anxious for federation when they know that the most powerful State in the group is devoted to a selfish mine-owners' policy. In granting a Constitution to the Transvaal this larger South African aspect of its probable operation must not be lost sight of.

(E) Additional Compensation

20. Next to a free and proper Constitution the measure which will give the greatest satisfaction in the new Colonies and tend most to remove irritation and ill will is the grant of additional compensation to those who lost everything in the war. During the war the entire country outside the larger towns was desolated and laid waste as a measure of military necessity, and one could not impress too strongly on the heart and conscience of the English people the moral obligation resting on them as far as possible to compensate those whose private property was sacrificed for public ends. The three million free grant given in the Vereeniging agreement has produced no more than two shillings in the pound on the assessed value of these losses plus £25 to each sufferer. A grant of more adequate compensation will not only harmonize with the traditions and generous instincts of the British people but will be appreciated in the new Colonies far above its mere money value. And it will raise the rural districts and villages of the new Colonies out of that economic ruin into which they now seem permanently plunged.

Perhaps the simplest way in which this compensation could be given will be for the British Government to enforce the first instalment of ten million pounds which the Rand magnates guaranteed as a war contribution,¹ and then to restore this amount to the Transvaal Government for further payment to those who have received only two shillings in the pound. The money would really come from the Transvaal taxpayer, but instead of going into the British Exchequer it would return to those who suffered most in the new Colonies.

(F) A Practical Scheme of Representation

21. The annexed table shows a practical scheme of the representation of the Transvaal in a House of 50 members,

¹ See p. 65 *supra*, note 2.

who are apportioned on a population basis (one member for every 5,400 persons). The districts which are Boer in population are maintained as the basis of electoral areas, but the boundaries are shifted so as to give the necessary quota of population to each; this does not, however, affect the aggregate result arrived at.

The principle of one-member constituencies is also abandoned, so that the minorities might have some chance of representation, the number of members for the electoral districts being fixed as in the table.

The Rand, being too large, must be cut up into three districts (Central, East, and West), and Pretoria for the same reason is cut up into two districts (Town and District, which latter will include the suburbs of Pretoria).

Barberton, which is again too small, is lumped with Lydenburg, so that the English minority in Lydenburg might combine with Barberton (a purely mining community) to return one English member.

The Rand, the towns of Pretoria and Barberton, will return English members. The district of Pretoria, which will include the suburbs and some thousands of persons cut off from the town on the readjustment of the electoral boundaries, will return one English member, and the two others I assume to be Boer.

Klerksdorp in the Potchefstroom district is a mining centre and will return an English member; the other two members for Potchefstroom I assume to be Boer.

The Boers will thus get 23 out of the 50 members. But this represents the most sanguine view of their position. Of this number they are likely to lose, either now or in the immediate future, one other seat in the Pretoria district (the Premier Diamond Mine). Krugersdorp on the Rand is also a very unsafe seat for them, while Zoutpansberg, which is a rising mining district, will also be lost in the future. If only two seats are lost by the Boers they will have only 21 as against 29 members in the House.

On the so-called principle of one-vote-one-value, the Rand will get 26 instead of 21 members; the Boers will then get 18 out of the 50 seats, and if they lose two more as I have indicated, they will have only 16 out of the 50, which is less than a third of the House.

Districts	Population	No. of Members	English	Dutch
Rand	114,021	21	21	
Pretoria Town and Railways	21,587	3	3	
Pretoria District and Suburbs	19,033	3	1	2
Potchefstroom	24,416	3	1	2
Lydenburg	6,978	2	1	1
Barberton	2,645			
Krugersdorp	5,630	1		1
Lichtenburg	6,294	1		1
Wolmaransstad	9,061	2		2
Rustenburg	11,451	2		2
Zoutpansberg	7,799	1		1
Waterberg	4,349	1		1
Middelburg	10,795	2		2
Ermelo	7,536	1		1
Wakkerstroom	8,584	2		2
Standerton	11,323	2		2
Heidelberg	10,833	2		2
Marico	6,787	1		1
	<hr/>	<hr/>	<hr/>	<hr/>
Total	289,062	50	27	23
	<hr/>	<hr/>	<hr/>	<hr/>

278 From W. S. Churchill

Vol. 4, no. 13

Private

Colonial Office
Downing Street, S.W.
1 February 1906

Dear Mr Smuts, Let me thank you for the Memorandum on the Transvaal Constitution which you have been good enough to send me. I will read it with attention. We shall I hope be able to come to a settlement accepted as fair to both parties in South Africa. In any event I shall always be glad to learn your views and hope you will not hesitate to communicate them frankly.

With good wishes for a pleasant voyage, Believe me, Yours very faithfully,

Winston S. Churchill

279 To M. C. Gillett

Vol. 4, no. 102

The first letter of the most valuable correspondence, ranging from 1906 to 1950, in the Smuts Collection.

Horrex [Hotel]
[London]

1 February 1906

My dear old Tante,¹ Many thanks for your letter² which helped to brighten me a bit this morning. Fact is I am getting a little weary and melancholy amid these surroundings. Do not be surprised if I run away next Saturday. I really do not know what more I can do here. Most of the Ministers I have seen. Kindest of all were C. B. and John Morley. The latter felt very deeply what I told him (and as I left he said, 'I wish I could say what it is in my heart to say to you'. Keep this to yourself.) I feel certain that the Government mean well, but whether we shall get justice is another matter. If God wills that we shall still continue to bear our cross, that we shall continue the victims of that Jewish-Jingo gang, and that our fate is to be a martyr people, so be it—but it is in one's inmost being to long for something better, to long for that Right and Justice which is as the sun of the soul. Sometimes you get weary of the strife and long to sit down and loiter in the shade and be reconciled to the wrong. And yet you cannot; you are impelled by a deeper force within to continue the march, to strive for what is best, and to 'build Jerusalem' as Blake says. But I must not continue in this strain. Only, you see, when one is left alone with oneself and with one's Idea, melancholy necessarily arises.

Tell Miss Alice³ that I shall be very happy to lunch with her at the Lyceum⁴ on Friday. No, this won't reach in time, and I shall wire today.

Your books have arrived from Germany and will be handed over to her—the first part of *Faust* will at least remind you of our readings on the voyage.

Elliott and Fry have taken my photo for the press and I shall try to secure a photo before I go back and send it to Mrs Clark. Of course I have not seen the result and don't know whether

¹ The feminine of *oom* in Afrikaans colloquial usage—a familiar but respectful form of address from younger persons to older ones, literally 'aunt'.

² Not in the Smuts Collection.

³ Alice Clark.

⁴ A women's club in London.

it is good or not. Tell her not to forget her promise of *John Woolman*.¹

If you will come to London next week I shall also stay over to say farewell—perhaps for a long time. That is to say, if I don't return to Street with Miss Alice.

Am I not a provoking, tantalizing person? Ever yours,
Oom Jannie

280 From L. H. Courtney

Vol. 4, no. 20

Eastbourne
(till Monday)

15 Cheyne Walk
Chelsea, S.W.
4 February 1906

Dear Mr Smuts, We are down here for the week-end but return to-morrow. If I do not see you before, I shall look to your coming to the Political Economy Dinner at the Hotel Cecil on Wednesday. We sit down quite punctually so please come if you can a minute or two before seven and we do not dress.

My wife hopes to see you again before you leave next Saturday but she knows how your time must be occupied. We shall both be at home quietly Tuesday and Thursday, five o'clock or later if you can look in and take a cup of tea (Wednesday, we understand, you cannot come).

I have read your memorandum through and think you put your case very clearly, but what success may attend it seems to me very uncertain. The Government will not venture directly to overrule from here what they have found settled more or less locally however questionable may have been the process of settlement, but it may be open to them to suspend the installation of the Constitution² until they have received reports from an independent Commission sent out on a special mission of inquiry. The object of desire which I have myself is to prevent the organization of parties in the Transvaal into two phalanxes each uniform in itself and each dominated by hostility to the other. The margin of difference between the two forces is not I think so important, and no one can say how long any balance would be maintained. The only promise of peaceful

¹ *Journal of John Woolman*, a Quaker classic.

² See p. 190 *supra*, note 2.

evolution must lie in the diversified character of the Representative Assembly. Yours very faithfully,

Leonard Courtney
per K.C.¹

281 From M. C. Gillett

Vol. 4, no. 29

Millfield
Street

6 February 1906

My dear Oom Jannie, As the expectation of letters at the Grand Canary seemed to you so very ridiculous, I can't help justifying my then expectation by writing to you at Madeira. It proves my point, you see.

I am sending you a little volume of poetry of which I am fond. When you wonder whether or not I return to the veld, a glance at its pages may remind you of some subterranean influences.

I think some of them (I mean the verses) have a lucidity and simplicity very refreshing in a generation of rather cloying poetry, and that they remind one of the very best.

It has been hard to know how you were contending in great issues and to have been useless to help. I would have given a great deal to have been of use, and I feel annoyed with myself quite unreasonably but not the less vexatiously because I could not. But it really was hard to stand by useless, both because of the issues themselves and because I value your friendship very much. Many times thanks. Your grateful 'ou Tante'

Margaret Clark [Gillett]

282 From A. Clark

Vol. 4, no. 15

Mill Field
Street

Somerset

8 February 1906

Dear Mr Smuts, I hope the parcel I sent for the two little girls has not been troublesome to you. I meant to have told

¹ Lady (Catherine) Courtney, born Potter. Married L. H. Courtney, later Lord Courtney (q.v.) in 1883.

Margaret to find out if you had room for it and if not to tell you to leave it behind. However my letter to her did not get written.

I wonder whether she gave you the *Trojan Women* as well as the *Electra*, and send you a copy in case she did not, for I like it better. The *Electra* is more suitable for acting, though they both suffered from the stage lighting. Such things want to be seen in the open air on a mountain side by the sea. I remember in the opening scene of the *Trojan Women* the stage was dark and Poseidon and Athena were lit up, one with red and the other with blue light.

It is a great advantage to hear noble verse read or recited well, because then you gain the full value of the rhythm and melody, but there has always been something unsatisfactory in the part which is provided for the eye at a theatre, except in the case of modern plays. Poetry seems to need much more restraint in the acting.

The *Electra* does not interest me nearly so much as the *Trojan Women*; it seems so remote; but the other concerns the problem which most sorely tests my faith; and because it has faced it at its worst and shed one ray of light upon it, it comforts me, and because you have still further illuminated that problem I am much more grateful to you than to Gilbert Murray or even Euripides.

So that you may have still more of Euripides' company on that disagreeable ship, you will find also the volume of Browning which contains 'Balaustion's Adventure'. The piece that shines out most radiantly is the description of Herakles, which is always inspiring to think of.

Matthew Arnold said that the best test in the study of poetry is to keep in one's mind a few lines of the great masters which will soon reveal the quality of other poetry. That character of Herakles is rather a good test in the judgment of other men.

*The Meaning of Good*¹ is out of print at the moment so Margaret has allowed me to send you her copy in the meantime. You will find it a very entertaining and pleasant companion on the voyage. I do hope that voyage will be a comfortable and safe one. It is sad to think that it carries you away so far. But above all I wish that your mission here may prove to have been successful.

¹ By G. Lowes Dickinson.

If the Liberal Party does not prove faithful perhaps you will find us on your next visit to England joining the ranks of the Labour Party. I don't see why they should reject any person who labours. With all good wishes, I am, Yours very sincerely,
Alice Clark

283 To M. C. Gillett

Vol. 4, no. 103

R.M.S. *Carisbrook Castle*
10 February 1906

My dear Tante, I have just had lunch and there will be an interval of some hours before the ship sails and my agony begins; that interval could not be better spent than in a short talk with you. . . . I see already little Santa asking where her cheese is. (She told her mother to write to me that she had become a Hollander and that I must bring her a cheese to eat; is that not a pretty conceit, worthy of an older woman?) And I see little Cato toddling towards me with her sweet piping of 'Pappie, Pappie!'

An old acquaintance of mine at the Cape Bar who is now Attorney-General of Rhodesia is on the ship,¹ so that I shall not be quite alone. He is quiet and a good sort, and I shall not challenge him to discuss the immortality of the soul.²

Tell Mrs Clark that I have already started reading *Woolman* and that I anticipate much good and pleasure from meeting such a noble soul. You all have been so kind to me—I don't mean this in the conventional, but the really human and spiritual sense—that my departure from England this time has been rather painful, while eleven years ago it was unalloyed pleasure. Tata, dear Tante.

284 From H. J. Wolstenholme

Vol. 4, no. 117

5 Oxford Road
Cambridge
16 February 1906

My dear Smuts, I was of course very much disappointed not to see you again; but I had prepared myself for it, knowing

¹ C. H. Tredgold.

² A favourite theme which Smuts throughout his life would throw into conversation, often in order to by-pass what did not interest him. (Note by M. C. Gillett.)

the pressure of the struggle you were engaged in in London, and its importance. I truly hope that the result will show that you have been successful. The present reticence of the Government seems to be hopeful. Possibly we may get a hint from the King's Speech next Monday.

I think we did make good use of our one short day together after so many years. It gave me great satisfaction and a welcome reassurance to see you looking so well and vigorous, so cheerful and full of interests; for your letters for some time after the war had given me a rather sad impression of downheartedness and depression, natural enough to be sure, but I felt that it would be a melancholy thing for you in your strenuous life, and for me by reflection in my life of enforced inactivity and much leisure for meditation, if this shadow should throw itself far forward into your future. The memory of our talk will be to me a very pleasant one of life and of such hope as it is given to mortals to entertain.

But I hope it will not be long before you contrive to take a longer trip, and make a good stay in Cambridge, bringing with you Mrs Smuts and Santa, whose acquaintance I am very desirous of making. Last Tuesday I completed my sixtieth year, and this makes me feel that I am becoming really an old man, not only in physical health and feeling; so that I cannot look forward with any confidence to anything that is not likely to happen *soon*.

With this I send a little book for Santa—i.e., to be read or told to her when she is old enough—which I had meant to give you to take to her. I am much interested in the question of moral instruction as a part of the moral training of young folks. Some people are opposed to any formal instruction in morals or didactic inculcation of principles, leaving everything to the educational influences of home and school life with its incidental imperatives and warnings. This seems to me unsatisfactory and insufficient, in many cases at least, though there is no doubt a great danger of making regular moral instruction 'formal' in a bad sense, perfunctory and worse than ineffective. I am curious to know—what my own direct acquaintance with children is not sufficient to make clear—how far young children perceive and resent or dislike the didactic note in the early lore and literature of the nursery and

school. I feel that I should myself, but people who ought to know say that small children do not. As children grow older I fancy that if they are taught to think on moral questions in the same frank and simple way, as on other matters, seriously but not solemnly, and without personalities, where children are taught together, they can be brought quite naturally to take a great interest in them and the discussion of them, if the teaching is carefully adapted to their stage of development, and kept within the sphere of their own experiences, in which illustrations will be really intelligible and interesting. If Mrs Smuts is concerned or interested in any way in the teaching of children rather older, say 10-14, I will send a copy of a little book, *The Children's First Book of Moral Lessons*, which is being used in a number of schools with us. I should like to know the opinion on such books of those who know children and their ways.

I had noted two additional books to recommend to you: Jastrow, *A Study of Religion*, and Reinsch, *Colonial Administration* (by the author of *World Politics*). If you will let me know what books (that you think I should be at all likely to recommend or procure for you) you have already got, I will make a list of any others that I think you would like to have, either for yourself or for Mrs Smuts. Or shall I straightway direct my bookseller (Messrs Heffer and Sons, Petty Cury, Cambridge) to send them to you? As to the mode of settling the bills: (1) you could send me a convenient sum, which I could either hand over to them to be used up as long as it lasts (this 'deposit' system is common in Cambridge), or out of which I could pay for the books as long as any was left, or (2) I could pay for the books and send you an account from time to time of my disbursements. I think it would be well in any case if their accounts came under my supervision; they are quite capable of making mistakes.

John Hobson was here a fortnight ago; I spent a very pleasant afternoon with him at his brother's on the Sunday. He said he had spent a couple of very pleasant evenings with you in London. I am sorry the opportunity did not occur for you to introduce to me your young countrymen here (I think there was one of whom you spoke as being a nice thoughtful fellow). If you will give me at any time the name and college of anyone who you think would care to come and see me

sometimes, I will call on him and invite him. I want to keep as much in touch as I can with a few of the young folks here who pass so quickly over the shifting panorama of life here, and then go out to various parts of the big world of which I shall never *see* any more.

I hope you will have found Mrs Smuts and Santa quite well, and Santa very happy to find that after all Pappa *has* come back again. Ever yours affectionately,

H. J. Wolstenholme

285 From M. C. Gillett

Vol. 4, no. 30

19 Linden Gardens
London, W.

22 February 1906

My dear Oom Jannie, It seems a long time that you are on the sea. I shall picture your arrival at home with much pleasure in sympathy. If you write to me, tell me anything you can about my Missis.¹

I am reminded of you each evening before my candle is put out by reading *Torquato Tasso*²—your gift. It is a curious soul analysis—almost too terrible as a picture of unnecessary suffering, and suggests much discussion, but you are not here to discuss it with, and I have not at present any friend to take your place and discuss with me that and many other things. It also has gone about with me when I have had journeys on the underground etc. for meetings. I like having a book of that kind to remove such surroundings from one's world—as Wordsworth to remove Johannesburg to and from Langlaagte.³

It is stirring here. The air is full of a kind of glowing passion of new Faith and Courage and Hope. All the liberal M.P.s fling themselves into their work with fervid delight. I, certainly, can remember nothing in the least like it. Society itself is overshadowed, and the centre of London is shifted away from it to these serious people at Westminster. All the old and middle-aged are young again—yes, indeed,

¹ Emily Hobhouse.

² A poem by Goethe.

³ Emily Hobhouse had set up handicrafts schools in the orphanages at Langlaagte, near Johannesburg, and at Heidelberg, Transvaal.

Bliss was it in that dawn to be alive,
But to be young was very heaven!¹

But no use when you are a wretched woman. I am nearly stifled with what I want to say, and cannot say, about South Africa, and if I had been a man, all this time I would be working at those Liberals who mean well but who are so ignorant that they will be the prey of any misleader.

So I have to explode uselessly to myself, and be content with the few people who come my way. The week has been very busy with Boer Home Industries, two meetings and many interviews, and visits to some rug centres. I saw some glorious things at a great rug dealers—one carpet of which I dream now each night, of a design in colour and line such as hitherto I have looked for in vain, as being an example of what I believe the girls would work to of their own nature, suited to the conditions of their industry and expressing feeling akin to the character of veld-lovers. But this carpet is of priceless value, and I know no one to get around J. B. Robinson and show him the merit of buying such a thing for South Africa.

Friday. One of my meetings was horrible, for I was so dull that I did not know what to do with the people or myself, and it made me consider seriously your plan of becoming a man and dropping all this. (There is an article in the *Westminster Gazette* about people who have disappeared, last night.) But the other time the people were lovely to be with—some of them working class women who have given up their time week by week, for years now, to sew; first to make things for the camps, and now to keep an orphan at Heidelberg—and the other people had always helped too. So that it was good to be there and to have the chance of telling them things.

I saw John Edward Ellis, dining there, and told him many things, to which he listened eagerly. It really is good to know all these men are now in office instead of the others. The world is different. He spoke of your memorandum as quite excellent! But no one gives one any comfort about Lord Elgin or Winston. They speak of C.B. himself, as you did, as the rock. The papers seem to have taken the dropping of the Milner Constitution² very calmly, except *The Times*. I cut out a

¹ Wordsworth, *The Prelude*, bk. vi, l. 121.

² The Lyttelton Constitution.

number of articles from various papers to send you, and then reflected you probably see them all at a club, so they go instead to the Missis. They recognize of course that the crucial point is the electoral divisions and are ready to explode over that. I am afraid that many Liberal M.P.s are not in the least aware of the vital importance of this, and imagine that to drop the Milner thing is enough. I have not heard any guess as to who the Commission would be,¹ so cannot proceed to fall in with a scheme of the Missis, and marry one of them with a view to assisting matters! I do feel that people are not awake to the meaning of that one vote one value, in spite of the *Tribune*. *Can't you get men there to write articles for the English periodicals?* An English-Boer country dweller, for example.

From Alice this morning I hear you have had a rough bad time so far as Madeira—as we feared.

There is much to write, of dull business character, and I must not go on longer with the pleasanter occupation of speaking with you across 7,000 miles. Yours,

Margaret Clark [Gillett]

My greetings to Mrs Smuts.

286 To M. C. Gillett

Vol. 4, no. 104

R.M.S. *Carisbrook Castle*

25 February 1906

My dear Tante, From the date you will see that we are nearing the end of our voyage; on the 27th we shall be at Cape Town. The voyage has been a very dull one to me. I found no companion; such advances as were made from various quarters I prudently discouraged, and I had therefore to fall back on my thoughts, my books, and my pen. You will be surprised to hear that I have written seventy pages close-written MS. of my war memories. Thus I have dulled in hard work the feeling of regret that I had this time no agreeable comrade with whom to discuss whatever whim drifted to the surface of thought. I have besides read *The Meaning of Good*, and some pieces of

¹ A Commission to report on the constitutional question in the Transvaal and Orange River Colonies.

Browning in a volume which Miss Alice kindly sent me along with *The Meaning of Good*. I have read the *Life* of Walt Whitman and much of the *American Civil War*, and now I am reading the *Life* of Sir John Molteno, who was the first Prime Minister of the Cape Colony (1872-78). English politics and politicians I have for the present dismissed from my mind. I shall on landing have sufficient of both and to spare. Thank you very much for the little volume of Housman. If I omit to thank you for any particular book, please bear with me, for there are so many of them that my weak memory refuses to bear the burden. I hope, however, to enjoy them in detail in the good times that are coming.

With the exception of the first two days, which were days of violent storm outside and cruel suffering to me inside, we have had most calm and enjoyable weather. At Madeira I went up the hill on a railway and had lunch in very beautiful surroundings. On my return to the boat I was agreeably surprised to find your little letter, which gave me as much pleasure as a mere letter could give.

Tell Mrs Clark how much I appreciated her coming to Waterloo to see me off, and that no attempt has thus far been made to throw me overboard.¹ With kindest regards to you all, Yours,

Oom J.

287 From J. X. Merriman

Private

Vol. 4, no. 53

Schoongezicht

Stellenbosch

4 March 1906

My dear Smuts, I was very sorry not to have met you in Cape Town. My private arrangements did not permit my leaving and when I got in on Thursday you had flown.

Thank you for sending me a copy of your memorandum which I read with great interest. Any criticisms I may make you will, I hope, understand are subject to the proviso that I am entirely and absolutely at one with you in wanting to see the

¹ Mrs Clark had expressed suspicion of one of Smuts's fellow-voyagers. (Note by M. C. Gillett.)

capitalist power controlled and to prevent South Africa from falling into the hands of those who have wrought us so much evil and brought scarcely less on the head of England. What struck me at once in reading your admirable remarks on liberal principles was that they were open to the same objection in kind as the American Declaration of Independence, viz., that you ignore three-quarters of the population because they are coloured. I know what a very delicate subject this is and believe me I touch on it with great reluctance. I am sorry to see that since I got your memorandum the matter has been brought up in the House of Commons and some very—in my opinion—injudicious speeches made on it. Nothing can do more harm to all of us, to those who, like myself, incline to a liberal policy and to those who wish to adhere to the written agreement of Vereeniging in spirit as well as in letter. I can see an infinity of trouble in this Native question however carefully we handle it. I gather that the policy of Milner and of those on whom his mantle has fallen is to unite the two white races in opposition to the black. From their point of view this is Machiavellian in its astuteness.

Now taking myself as an example of those who are not negrophilists but at the same time believers in our Native policy, I do not like the Natives at all and I wish we had no black man in South Africa. But there they are, our lot is cast with them by an overruling Providence and the only question is how to shape our course so as to maintain the supremacy of our race and at the same time do our duty. Two courses are open. One is the Cape policy of recognizing the right to the franchise irrespective of colour of all who qualify.¹ This right may be safeguarded as much as you like, and I think we do not safeguard it enough, as the educational test has been deliberately set at naught by Progressive agents for their ends—*never by the Bond* who discourage Native registration. The drawbacks of our system are the fear that in some time the Natives, owing to their numbers, may swamp the white man, and that white people truckle to Natives for their votes. For the first I think the distance is remote when Natives as

¹ The franchise was open to any male British subject of mature age who could sign his name and write his address and occupation, and who either earned £50 a year in wages or occupied a house and land together worth £75.

Natives will exercise any preponderating or even great weight on elections. They are as much split up as we are and during the last election it is rather remarkable that in constituencies where they might have turned the scale their best friends, Sauer [J. T.], myself, and Molteno were ejected. As for the second objection, certainly some very foolish and mischievous speeches were made during the last election, mainly by Progressives, who held up the Bond to ignominy and vaunted their own superior merits. This sort of thing may pay once but not for long.

I now come to the second method which is that adopted by the two Republics and Natal, viz. the total disfranchisement of the Native. What promise of permanence does this plan give? What hope for the future does it hold out? These people are numerous and increasing both in wealth and numbers. Education they will get, if not through us then by some much more objectionable means. They are the workers and history tells us that the future is to the workers. And above all we have the saddest of all spectacles the 'poor white', that appalling problem which must cause the deepest anxiety to anyone who loves South Africa, or who wishes to see it flourish; people who in many cases sink below the level of the clean-living Native. Does such a state of affairs offer any prospect of permanence? Is it not rather building on a volcano the suppressed force of which must some day burst forth in a destroying flood, as history warns us it has always done?

Our policy you may say is unpleasant, it is derogatory to the pride of the European—but so is the poor white. But it is a safety-valve and though it makes some noise and a nasty smell, it is the most reasonable guarantee against an explosion. I write this, I know, to my own detriment, as you will probably think all my doctrines very unsound, but I could not do my duty if I did not tell you what I thought on this subject, which is bound to be in the future, as it has been in the past, the source of most infinite trouble. The worst of which is that it affords a pretext for the fussy interference of busy-bodies on both sides of the water. Really, as a practical matter, it does not seem to me that it affects you so very much. If you had our franchise with the educational test I wonder how many coloured names would appear on the register. I doubt if there would be a

hundred, but you would at one blow strike at the root of what will be made, I fear, the ground for much ill feeling.

I do not understand your advocacy of manhood suffrage; to me that always seems false doctrine apart from the special circumstances of the case. Give every man who qualifies a vote but set the qualification reasonably high. With all respect to your local knowledge it seems that you will cut your own throat by the adoption of such a principle as you advocate; the poor white will be as venal as any Native.

Nor do I understand your qualified assent to that loan of ten millions, which is simply tribute exacted from a conquered country; so wholly bad in principle that in my eyes nothing can excuse it.

You have not mentioned any provisions for either an upper house based on property and a high qualification or otherwise a referendum, which would be a great safeguard. So much depends on the Chinese going. If they remain, if the forces of capital win that victory, then no Constitution and no form of government can save you; that is an essential. Do you know that in the Southern States the cotton mills, which are a huge and growing industry, are worked almost entirely by white labour 98 to 99%, the poor white, exactly analogous to the class we have here. And this in a country swarming with negroes. Why should our people who are driven off the land not take to mining, colour being, except for merely the lowest form of manual labour, excluded by convention as in the case mentioned. Surely that would not be derogatory to their pride, and what a difference it would make to South Africa!

Well, forgive me for my long letter of criticism. I am so very anxious to see things turn out well. What a pity we never had that conference which I suggested in 1899.¹ With kind regards,
Yours truly,

John X. Merriman

P.S. Of course my views on Native policy are merely a pious opinion. I know how impossible they are, particularly with those who wish to use Native policy as a rod for the 'Dutch' back!

¹ See Vol. I, p. 218, note 1.

288 To J. X. Merriman

Vol. 4, no. 88

Box 1081, Pretoria

13 March 1906

My dear Mr Merriman, Many thanks for your long and interesting letter and your comments on the memorandum. With much that you say I most cordially agree. In principle I am entirely at one with you on the Native question. I sympathize profoundly with the Native races of South Africa whose land it was long before we came here to force a policy of dispossession on them. And it ought to be the policy of all parties to do justice to the Natives and to take all wise and prudent measures for their civilization and improvement. But I don't believe in politics for them. Perhaps at bottom I do not believe in politics at all as a means for the attainment of the highest ends; but certainly so far as the Natives are concerned politics will to my mind only have an unsettling influence. I would therefore not give them the franchise, which in any case would not affect more than a negligible number of them at present. When I consider the political future of the Natives in South Africa I must say that I look into shadows and darkness; and then I feel inclined to shift the intolerable burden of solving that sphinx problem to the ampler shoulders and stronger brains of the future. Sufficient unto the day etc. My feeling is that strong forces are at work which will transform the Africander attitude to the Natives. As against the somewhat crude missionary policy Africander views were bound to be somewhat anti-Native; but the mine-owner and exploiter has taken the place of the missionary and as against him we are rapidly all becoming negrophilists.

On manhood suffrage I frankly disagree with your old-world Toryism. The poor white is corruptible, but my experience is that the rich white is even more so. And the way to raise up the poor white is not to ostracize him politically. So let us agree to differ.

You must bear in mind that I discussed many matters with the English Government to which I have not referred in the memorandum. The Native question I discussed on the above lines, and they seemed surprised that a Boer should hold such views. But events are showing them who is the real slave-driver in South Africa.

Now that the Commission¹ is coming out to take evidence on the question of the Transvaal Constitution, I am rather anxious that you and other leaders at the Cape should also give evidence. As I told the British Government, the Transvaal Constitution affects profoundly not only the people of the Transvaal but all South Africa, and on the principles laid down in that Constitution will depend in large measure the future welfare and prosperity of South Africa. Should the mine-owners get the lead in the Transvaal their policy will be to cut themselves off the Bond-ridden Cape and use Delagoa Bay as their port and run the Transvaal as a close corporation or pocket-borough of Wernher Beit and Co.² That must be prevented at all costs and you must help us out of this gerrymandering process embodied in the principle of one vote one value. It seems to me that in federation or unification lies the solution of our and your troubles. If Hoggenheimer has to do, not only with the crippled population of the Transvaal, but with the people of South Africa, there will be some chance of keeping him in his right place politically. But the only way of bringing about that consummation is to introduce into the Transvaal such a Constitution as will give the general population and not the mining population the balance of power.

I am rather sanguine that the Chinese question will now solve itself. The British Government, whose vast majority is in no little measure due to the Chinese question, seem determined to remove the servile restrictions (repatriation etc.) from the Chinese contracts. If that is done, even the mining population will declare itself opposed to further importations.

I am sorry I did not see you in Cape Town, but I told Sauer that I think we ought to keep in closer touch in future, and you ought really to come and pay us a visit, even if you have to carry a pass for the purpose. After all, the privilege of coming to this domain of Hoggenheimer must not be regarded lightly. My wife and self shall feel ever so happy and honoured to have Mrs Merriman and yourself as our guests. With very best wishes, Yours ever sincerely,

J. C. Smuts

¹ The report of this Commission, with Sir J. West Ridgeway as Chairman, was never published.

² The most powerful of the gold-mining companies in the Transvaal, deriving its name from Alfred Beit and Julius Wernher.

289 From J. X. Merriman

Vol. 4, no. 54

Schoongezicht

Stellenbosch

18 March 1906

My dear Smuts, I was pleased to get your letter. From what you say about the Natives I gather that you take the view of those good men the missionaries who have done, with much good, an incredible amount of harm in South Africa, viz. keep the Native as a child, give him all the moral pocket handkerchiefs and flannel petticoats he requires with a birch-rod when he is naughty provided *we* manufacture them. This is pleasant as long as it lasts but unfortunately the children grow up, or someone ill-treats them, and then there is always a demand for the interference of those good, ignorant, hysterical people in England like Stead and Byles [W. P.] which is the *fons et origo* of all our evils in South Africa.

God forbid I should advocate a general political enfranchisement of the Native barbarian. All I think is required for *our* safety is that we shall not deny him the franchise on account of colour. We can then snap our fingers at Exeter Hall¹ and Downing Street and experience teaches me that there is no surer bulwark for all the legitimate rights of any class or colour than representation in Parliament. The only alternative is physical force and the volcano.

With much that you say about the change in Africander feeling I agree. The greatest enemies of the Native are the newcomers who dread them as rivals and the capitalists who wish to exploit them as machines. I am never quite sure that a great Native war was not at the bottom of Milner's budget of policy for South Africa. There are certain aspects of this Natal rising² that require explanation. The sudden appearance of [Sir A.] Woolls Sampson, for instance, in one direction and the ominous recrudescence of the British interest in the other, as shown by the sudden appearance of all those articles on the 'Black peril'. What I write to you on this subject is mainly academic for Steyn has explained to me the position *vis-à-vis* to [*sic*] the Vereeniging agreement, but I should not be the candid

¹ Head office of the Aborigines Protection Society in Great Britain.

² In February 1906 a Zulu rising took place in Natal following the imposition of a poll-tax. Imperial troops from the Transvaal helped to suppress it.

friend if I did not point out how infinitely to your advantage as a party it would be if you could in some way recognize that there were four millions of South Africans with black skins for whom we who live here are in some measure trustees and to whom, as to us, the benevolent and wholly ignorant interference of England does infinite harm. Do not flatter yourself that you can push this question off. The very existence of our race in this country depends on our Native policy; if for no other reason than that the natural tendency of one section of our population is to sink and the natural tendency of one section of theirs, which we cannot prevent, is to rise.

Allow me to say that for an ardent young liberal who reproves my Toryism your frank expression of disbelief in politics as 'a means for the attainment of the highest ends' does somewhat surprise me! Surely to all men 'politics' are not the means, they are themselves the highest end; not politics which centre themselves on the dreary wrangles of the ins and the outs but the politics which aim at making a small city great, and at raising the whole life and character of *every class* in the community. There can be no higher ambition nor any more worthy object. Otherwise let materialism have full swing.

I am sorry that you are still wedded to manhood suffrage. Do not think that I want to ostracize the poor white as we ostracize the poor black, but I want to say to him: come up to our platform, don't ask us to step down to yours.

Of course the Transvaal Constitution is a question that affects the whole of South Africa, and I am far stronger than you can be on the ruin that will attend the rise of the money power. Therefore I have advocated the calling of a Convention of all the European communities in South Africa. I resent the notion that this or any other South African matter is to be settled by a wandering Commission or by party politicians and newspaper editors in London. Surely we are men enough to know what is good for us and if we make mistakes it is we who must pay for them. The Convention should be on the basis of the European population, one member for each 50,000, to be chosen either by the people or by delegates elected *ad hoc*.

It was such a congress that drew up the Declaration of Independence and a similar Convention forged the Australian Constitution. It is only by free and open discussion of people

with divergent views that you can ever arrive at a satisfactory conclusion. *Ex parte* evidence before the best of Commissions is a very poor substitute and I never recollect a Commission that came to South Africa that did not do more harm than good. We are such good easy people, so ready to swallow anything that comes from outside whether it is a political nostrum or anything else. Even now I get warm when I think of that loathsome tour of Chamberlain and the kind of people who kowtowed to him! With kind regards, Yours truly,

John X. Merriman

What has come to Botha with his woman's franchise? Tell him from me

*Met vrouwen raad en brandewijn
Moet men regt voorzichtig zijn.*¹

290 To M. C. Gillett

Vol. 4, no. 106

Box 1081, Pretoria
25 March 1906

My dear Tante Margaret, I had two very welcome letters from you—one last week, one the week before—and proceed to answer both at once. Or rather, I am going to write one in return, for I don't think there was anything to answer in yours. I am deeply interested to see how earnest people are and how determined to inaugurate a new era of reform. Of course I don't believe all you say because, like Lord Milner, you are 'an incorrigible optimist', and ascribe to your dull-witted and duller-hearted fellows the visions of reform and sensations of enthusiasm which spring from your own generous instincts. Still, I must believe that there are some good intentions about, and that they mean good to South Africa—which does not necessarily follow. I see our friend Winston is occupying the stage under the full lime-light and that his pity for the Chinese-flogging Milner is no less Olympian than for the benighted radical who thought the Chinese indentures partook of the nature of slavery.² You must indeed be on Olympian heights,

¹ With women, advice and brandy
One must be very cautious.

² For a report of Churchill's speech and Press comments upon it, see the *Star*, 15 March 1906.

if Lord Milner and the pro-Boer appear to you equally small down below. I see also that the Commission on the Constitution has been appointed, but nobody here knows anything about them. Are they good or are they not?

We are starting what goes here under the grandiloquent name of a political campaign; so far however there are no casualties to record. I spoke last Friday night at the Empress Theatre here in a speech which was very well received but reported very poorly. However I send you a cutting from the *Transvaal Advertiser* to show you the drift of it. My friend Hoggheimer will not be pleased with it, but that is my great misfortune. Day after tomorrow I speak with Botha at Germiston, and thereafter at Fordsburg, Potchefstroom, Klerksdorp etc. etc. We are not fired with that divine enthusiasm which seems to keep the Westminster legislators going, still, we mean to go on according to our lights. The Missis was to have been at the meeting on Friday but never turned up—prevented by poor health, I gather from Japie.¹ Japie has been staying with me since yesterday and is leaving tonight for the Rand; he speaks very well of you. Sir William Butler has also been spending the day (Sunday) with us and is most interesting, as ever. He is very much taken up with the line of my argument on Friday night, so far as he can gather it from the papers. I wish he were a member of the Commission; but he is really too good.

Tell Miss Alice that her letter I shall answer next week. Tell Mrs Clark that I did not see Hembury² at Beaufort [West] but hope later to tell him all about old Peter. I am still thinking very much of you all and retain still some of the inspiration I caught in the county of Alfred and Arthur. Whether one is successful like Alfred or fails like Arthur, one can but act according to one's best lights and fight according to one's best power. But when my courage droops, I still think of the Tor³ and of the noble inspiring friends who live near it. With best wishes and love to you all, Yours,

Oom J.

¹ J. A. J. de Villiers.

² A member of the staff, Glastonbury Station, who, on emigrating to South Africa, left his cat, Peter, in the charge of Mrs Clark. (Note by M. C. Gillett.)

³ An imposing hill at Glastonbury, near Street.

291 To J. X. Merriman

Vol. 4, no. 89

Box 1081, Pretoria

25 March 1906

My dear Mr Merriman, Enclosed rough report¹ of a speech I made two nights ago might interest you. You will note the reference to the political position of Natives.

I have an appointment with Dr [A.] Abdurahman tomorrow and shall discuss the question with him. Yours very sincerely,

J. C. Smuts

292 From P. A. Molteno

Vol. 4, no. 70

Confidential

10 Palace Court, W.

28 March 1906

My dear Mr Smuts, I am sending you a few lines in regard to the question of the new Constitution for your Colony.

You will have observed the debate in the House on the question of the position of the Natives, and from that you will see that there is a strong disposition to exercise the veto and interfere on behalf of the Natives. There is no doubt considerable obligations have been incurred to them, particularly arising from the fact that they have been disarmed in reliance on British troops; and the public statements made at various times by the late Government, and also the instructions sent by Mr Lyttelton in connection with his Constitution, have led to an expectation that the Government here is bound to consider any measures which may place disabilities upon the Natives.

In my view, the Native question is a local one, and it is most desirable to avoid constant interference from this country with the details of Native policy, but I frankly say that I do not think it will be possible, in the present state of public feeling, for the Government not to do this, unless the Government can see that steps have been taken in the new Constitution to render this interference unnecessary, and the only way of doing this, it seems to me, is to follow the lines of the Cape Constitution.

¹ Not in the Smuts Collection.

In fact I would recommend that the model of the Cape Constitution be followed in its entirety. It will be acceptable to South Africans, because of its acknowledgment of the principle of area and population in forming the constituencies and also on account of its two-member constituency plan, but I know that the franchise for the Native would not be so acceptable to you and your friends. I would, however, strongly urge upon you that the franchise for the Natives has worked well in the Cape Colony for fifty years, and if you take the good with the evil the Cape Constitution would be far better than a Constitution modelled on voters' lists and artificial constituencies constantly altered, provisions which must lead to gerrymandering in the future.

You may not be aware that when the Cape Constitution was introduced¹ the question of population and area was carefully considered by the Committee of the Privy Council, which was asked to report upon the terms of that Constitution. Lord Campbell and Sir James Stephen were members of that committee, and their opinion would carry great weight. They pointed out that a concentrated population, if it had the same representation as a more scattered population of equal numbers, would have a great advantage over the latter, because its solid body of members and its other means of influencing public opinion would outweigh the influence of the scattered section of the community.

With regard to the franchise, if that were the same as in the Cape Colony, there would be very few Native voters, because, as you are aware, tribal Natives would not be entitled to the franchise,² and therefore there could be no serious interference with the representation as settled by the white population in your Colony. There would only be a safety-valve and a means of knowing what the Natives want, principles which have been of the greatest value in the Cape Colony in harmonizing the policy of the Government with the wishes and desires of the Natives. I think that upon consideration it will commend itself to you that this mode of dealing with the difficulty of protection of Native rights is the best solution.

¹ In 1854.

² Land occupied under tribal tenure could not be taken into account for the property qualification. *See* p. 239 *supra*, note 1.

I know that the terms of the Vereeniging Treaty were that no Native franchise shall be given until self-government is granted, but as self-government is now to be given the question is ripe for settlement, and I would not in any way recommend its being forced upon you, but rather I have the hope that you will see the advantage from your own point of view of getting complete power of dealing with your own internal affairs by this means rather than having constant interference from this country, an interference which, as you know, was most disastrous to the Cape Colony and to England when it prevailed, as it did down to 1856 in the Cape Colony. It meant endless complaints from the white man and endless warfare against the black man, with the resulting unsettlement and disturbance of every interest. Is it not wise to accept the Cape plan, which has the sanction of fifty years' practice and experience in the Cape Colony?

I have, as you know, frequently defended the policy of the two Republics in regard to the Natives, as I have pointed out that their policy had to be a different one from the policy of this country and of the Cape Colony because the latter had an enormously greater population and greater resources to depend upon. The Republics with their very limited population and very limited resources were unable to pursue the same policy, but now your population has grown greatly in numbers and your Colonies in resources. The Natives have also been disarmed in your Colonies. Therefore you are able now to pursue a policy of a similar kind to that pursued in the Cape Colony with so much success.

I need hardly say to you that I have nothing [*sic*] but the interests of all concerned in this matter and the desire to find the best solution for what is undoubtedly a very difficult situation. Of course I am not able to say whether this solution would be accepted by the Cabinet, but I think there are very good hopes of it if you were willing to agree. I am on such terms with many members of the Cabinet that I am in a position to approach them freely upon these matters. I would ask you, therefore, to consider this letter most carefully and, if you see fit, to write me your views upon the subject, which could be utilized in the proper quarter. Believe me, Yours sincerely,

P. A. Molteno

P.S. I have also written General Botha. P.A.M.

293 From J. X. Merriman

Vol. 4, no. 55

*Private*Schoongezicht
Stellenbosch
30 March 1906

My dear Smuts, Thank you for your note and the copy of your speech which I read with much pleasure. The tone of your remarks is excellent on Native matters but you will forgive me for saying that a benevolent paternal policy will never take the place of political status. *Mutato nomine* that is Milnerism—who professed to wish to treat the Dutch as we propose to treat the Natives. In that case the *reductio ad absurdum* was manifest because it was easy to show that man for man the Dutch are as good as the English. In the Native case we are fettered by the notion which all of us entertain that the native is a *schepsel*.¹ But he is a human being though an undeveloped one and my contention is that the only *safe* way of management is to give him a chance to acquire political rights if he shows himself fit to exercise them, however unpleasant this necessity may be and that it is unpleasant I do not deny. Therefore I confess I dread what you call manhood suffrage. In my humble opinion this is a country for a high franchise, and for a property qualification. I am a Whig, you are a radical, as far as regards white men at any rate.

May I without offence advise you to be cautious with Dr Abdurahman. He is himself a pathetic figure with European culture and the fatal bar of colour but the men whom he represents never appeal to me much. They are deficient in moral and political stamina. As voters they have never shown any grasp of political questions, like the best Kaffirs and Fingoes, and you will seldom indeed find any Coloured people that have acquired property—not a very high form of intellectual aim you may say—like the aborigines, many of whom have under our rule acquired by honest toil really substantial property. The Coloured people are far more venal and I look upon them with some dread. If I was to choose I would rather disfranchise the Coloured man than the Kaffir but of course there are good Coloured men that are perfectly fitted to enjoy political rights.

¹ creature (Dutch).

This news from Natal is very disquieting. The one thing that we should strive to avoid is a conflict with the English Government over Native matters—with invincible prejudice on one side and incurable ignorance on the other and the wretched Natives between the upper and the nether mill-stone.

In this case there seem, at any rate from the facts that are supplied to us, to be faults on both sides. The Natal Native policy, that I venture to think is a very faulty one, is the creation not of the Colonists, but of the Imperial authority. They tax the people who have no voice. Then there is a scuffle and immediately panic sets in. Martial Law is proclaimed, but all the while Civil Courts are open and no one affects to believe that they are not accessible or operative. Having arrested a number of men they try them by Court Martial, a form of procedure that we are only too familiar with. After a trial of this sort twelve men are sentenced to death—up to this time it seems to me that the fault is with the Natal Government, but then these sentences are confirmed by the duly constituted Executive and the Governor and then the Imperial Government brushes them aside and issues its orders.¹ This seems to me to be a most serious infringement of the rights of self-government and one which exercised as it has been is likely to do incalculable harm.

One point I am not clear upon. Does the proclamation of Martial Law *ipso facto* set on one side the power of the Executive and vest it in the hands of the Commander-in-Chief who of course is only accountable to his immediate superior? This is of course a very important point. If it holds good it will form some safeguard against the proclamation of Martial Law for party purposes, which seems to be a possible danger in South Africa. At present the doctrine seems to have crept in that at any time a Government, if they can find a complacent Governor, may for their own ends abrogate the Civil Law by the proclamation of what is known as Martial Law. During the recent troubles in this country this power was a fearful engine of tyranny and it may be that this deplorable action of the Imperial Government may have a good result if it puts an end to this practice.

¹ The intervention of the British Government was followed by the resignation of the Natal Government.

Another question I should like to ask. Has the Rand directly or indirectly any hand in these Natal troubles? Of course the interest of the magnates lies in troubling the waters and in an attempt to set the sympathy of South Africa against England and on their side, and I must confess I thought the interference of Sir Woolls Sampson somewhat ominous. That the black man was intended as a bait to catch the 'Boer' I am quite sure. With kind regards, Yours truly,

John X. Merriman

294 To J. X. Merriman

Vol. 4, no. 90

Box 1081, Pretoria

3 April 1906

My dear Mr Merriman, Many thanks for your last letter just received in which you ask two questions. The proclamation of Martial Law in Natal did not place the military over the civil Administration, and according to clear authority the Kaffirs had the right to be indicted before the Supreme Court. The whole incident—which to me is melancholy in the extreme—shows two things: 1. the danger of leaving large questions affecting the future of all South Africa to be dealt with by a small Colony like Natal where there is neither the largeness of vision nor the wholesome check of a strong opposition and influential leaders; 2. the demoralization which has set in in South Africa since the war, evidenced by the brutal forcing of servile labour on the Transvaal and now the off-hand way Martial Law is applied after the murder of *one* policeman and the court-martialling and sentencing of twenty Natives after the war (?) is over. I quite agree with you that there is grave danger that in future Martial Law will simply be used as a political engine against a recalcitrant minority. Of course the capitalist press applauds the melodramatic attitude of the Natal Government simply because any stick is good enough for the Liberal Government and the brutal treatment of the Kaffirs is in keeping with the inner policy of the mining magnates. I do not think that the magnates are behind the Natal Government in this case; no Native recruiting for the mines is allowed in Zululand. But there is a strong party on the Rand (among whom

is our friend Woolls Sampson) who pray ardently for a Kaffir war, which will mean a relieving of the great pressure at the Rand, military contracts galore, and probably the forcing of the Natives to go and work in the mines. We shall have to watch this new spirit very carefully for it bodes innumerable ills to this country in common with the rest of South Africa.

We have had to go in for manhood suffrage, not only because it existed among the burghers before the war, and seems a democratic principle to which it shows high principles to appeal, but also because even the low franchise of Milner's Constitution resulted in the disfranchisement of some 10,000 *bywoners* and grown-up sons on farms, the loss of whom we cannot afford.

Sauer and <Stowe>¹ have spent a couple of days with us and carry away, I hope, pleasant memories of Pretoria. I only hope that you will condescend to visit us too and discuss matters with us and Bloemfontein friends. There are great questions ahead of us and we are anxious to have the advantage of your experience and insight in public affairs. And more and more in future those who mean well by South Africa will have to consult for the common good and try to save the country from its new friends. We discussed a number of questions with Sauer who will tell you particulars.

Though late I enclose a cutting of speeches by Botha and myself which will show our attitude on the Chinese question—speeches of which our friends the Responsibles² have expressed strong approval. Yours very sincerely,

J. C. Smuts

295 To M. C. Gillett

Vol. 4, no. 107

Box 1081, Pretoria

6 April 1906

Many thanks for your last letters—the last of all written from Switzerland—from which I was glad to see that you were both happy and usefully occupied.³ Your Geneva letter was written

¹ Possibly Colonel Stowe, United States Consul-General in Cape Town.

² The Transvaal Responsible Government Association.

³ She went to Switzerland to report to some of Miss Hobhouse's supporters. (Note by M. C. Gillett.)

from such high altitudes of feeling and inspiration that you appeared to be not merely in the Alps but in the very heavens. Even I was drawn by the mere reading from my habitual dullness and felt a new access of enthusiasm.

As a rule my life now is as prosaic as ever—the practice of the law varied by intervals of political campaigning. Last week Botha and myself held a very successful meeting at Germiston. I enclose a cutting (*Transvaal Leader*, 29 March 1906) giving a short summary of the proceedings. On Saturday night we are having a Cambridge dinner—non-political—at which I shall have to reply for the Varsity, and next week I have a meeting at Wolmaransstad and the week thereafter at Potchefstroom and Klerksdorp. I do not like this sort of political vagrancy but have the feeling that the other side must be beaten if it is humanly possible. So much depends on the Commission which the Government are sending, but so far as we are concerned we want to do our duty. The rest will come right, if not today, then tomorrow.

We have been having quite a storm in the teacup over the Natal imbroglio. The Natal Government have adopted a line of action towards the Natives which I am afraid will tend to goad the Natives to a general revolt, in which the Boers will again be the victims. I am sorry that the Home Government caved in so easily and did not take a more determined course.¹ Since I spoke at Pretoria I have had Native papers sent me in which our policy is approved of. The day will come when the Natives will see who have been all along their best friends. But the scales have not yet fallen from their eyes and if there is to be an indiscriminate massacre, Boer women and children will again be the first victims.

I have sent the *Independent Review* to Miss Rowntree² with a strong invitation to come over to Pretoria. From the Missis I have not heard for some time.

¹ After protests from the Australian Government, the British Government withdrew its objections, the Natal Government resumed office, and the executions were carried out. Thereupon the Zulus broke out in renewed and serious revolt.

² Marion Rowntree, one of Emily Hobhouse's assistants. She later married Kenneth Wilkinson.

296 From J. X. Merriman

Vol. 4, no. 56

Schoongezicht
Stellenbosch
11 April 1906

My dear Smuts, Yours of the 3rd interested me greatly, notwithstanding your little dig at my 'condescension'. It is a matter of principle with me to keep clear of countries where there are such laws as your Peace Preservation Act which is a blot upon the English name.

By the way, I wish you would look up Vol. X of the *Political History of England* just being published by Longmans. This volume deals with George III and is written by a dull fellow called Hunt [William] who I gather is a bitter Tory of the Oxford type. On page 184 you will find a reference to the Boers as compared with the Americans which, though it does them, the Boers, scant justice, is distinctly flattering. Fortunately the writer did not know the seamy side of your cause—the Frasers¹ and their like and the National Scouts.

I am greatly indebted to you for what you write about the Natal tragedy. Winston Churchill's last pronouncement on Martial Law certainly should not go unchallenged. That is a most fearful engine in the hands of the unscrupulous crowd who have the control of our destinies.

This Native business is really terrible in all its aspects. Apart from the savagery and the attendant demoralization the business is sure to rip up the interference of well-meaning men who will keep us in a constant commotion. It is for that reason that I have myself interfered in your affairs with suggestions about Native representation because I feel that, little as we may like *that*, it is the only door to escape the meddlesome and ignorant philanthropy of Downing Street, so prompt to find out motes in their brother's eye and so very oblivious of the beam in their own. This business I must frankly tell you causes me a great deal of uneasiness for the future because I remember what a plague it was in the past.

I am glad to see that you keep hammering on the Chinese; that is the keystone of the Rand policy; if they keep the Chinese they will rule South Africa. If we get rid of them then

¹ Sir John G. Fraser, leader of the Imperialists in the Orange River Colony.

the mines will have to take their share like anyone else. May I say that I think you insist too much on Native labour as a substitute. What we really want is that the mines should be worked, mainly at any rate, by white labour. Think what a community of 100,000 white workers would mean to South Africa. If I had my way I would keep the Natives out of the mines as they keep the Chinese out in California and as they keep the negroes out of the mills in the Southern States. Let the blacks till the soil, hew wood, and draw water and let white men do work that is done by white men all over the world. If you were to advocate this, or half this, you would enlist an enormous amount of sympathy both outside and inside South Africa. Recollect our poor whites, of all races, who are being shouldered out of their heritage of labour that can afford to pay well. Closely connected with this is the question of the over-capitalization of the mines; this has never been dealt with and it is a subject that makes every magnate shiver. That and the cost of working American and Australian mines, which they misrepresent in every way. With kind regards, Yours truly,

John X. Merriman

297 From M. T. Steyn

Vol. 4, no. 81

Onzerust

Kaalspruit

12 April 1906

Waarde Vriend, De uitknipsels zijn mij ter hand waarvoor mijn dank. Ik was verblijd om te zien dat gij en Botha een weinig beginnen te dreigen. Ik denk op langen duur zal voorzigtig dreigen meer helpen dan 'mooi praat'. De toestanden met de Chinesen beginnen dan ook onhoudbaar te worden en kunnen gemakkelijk tot ongeregeldheden leiden. Laat hen goed verstaan bij wie de verantwoordelijkheid zal rusten. Ik zal op 3de Mei het Congres van de Unie Orangia toespreken wanneer ik zal kennis geven dat ik nog voor een tijd buiten de politiek zal blijven. Ik zal van de zelfde gelegenheid gebruik maken om de Afrikanders en Vrijstaters in bijzonder tegen de aanval Milner te verdedigen.

Er ontbreekt nog twee van mijne brieven privaat van Milner aan mij als ook telegrammen. Vraag onze vrienden s.v.p. of zij die niet misschien nog hebben. Met hartelijke groeten, *t.t.*

M. T. Steyn

TRANSLATION

Onzerust¹

Kaalspruit

12 April 1906

Dear Friend, I have received the cuttings for which my thanks. I was glad to see that you and Botha are beginning to threaten a little. I think in the long run cautious threatening will help more than talking nicely. Conditions among the Chinese are also beginning to be intolerable and might easily lead to disorders. Let them understand well upon whom the responsibility will rest. I shall address the Conference of the Unie Orangia² on 3 May, when I shall give notice that I shall still remain out of politics for a time. I shall use the same opportunity to defend the Afrikaners, and particularly the Free Staters, against Milner's attack.

Two of my private letters, from Milner to me, and also telegrams are still missing. Please ask our friends whether perhaps they still have these. With hearty greetings, *totus tuus*,

M. T. Steyn

298 From H. J. Wolstenholme

Vol. 4, no. 118

5 Oxford Road

Cambridge

20 April 1906

My dear Smuts, With this I am sending you two books, J. A., Thomson's excellent little monograph on Herbert Spencer which I am just reading myself, and the *Life of Mrs Lynn Lynton* (a cheap 'new remainder'), which I read when it came out a few years ago, and which I think Mrs Smuts will be glad

¹ President Steyn's farm, about ten miles from Bloemfontein.

² The political party of the Afrikaners in the Orange River Colony, which came officially into being at the Conference of May 1906, its active leaders being Hertzog, Fischer and C. R. de Wet. Steyn's part in it was, because of his chronic illness, advisory.

to have. At least, it will be some guide to my choice in the future if I hear whether she has liked it or not.

Thanks for the report of your speech; I wish *The Times* (and its readers) could be got to believe you, or at least to put your expression of your views more fairly before its readers. But the plutocratic interest (Jew financiers and promoters) seems to have got the greater part of the London Press, as of the Continental Press, under its control, and views and interests which are not those of the British people are being represented by its supposed organs of public opinion. It almost looks (from his recent speech¹ which has been greeted by *The Times*, etc. with such satisfaction) as if even Winston Churchill, or his superiors in office, had been to some extent 'got round' in the same way as Lord Milner and others. I am afraid you will have heard with disappointment his utterance on the question of voters or population as a basis for representation. However, the Commission still has to have its say, and the issue is quite uncertain. The Native question is I know a very thorny one, but I cannot help regretting that you do not see your way to the cautious and gradual granting of the franchise to such of the Natives as in education, etc. show themselves capable of exercising it. No class of subjects with any degree of intelligence, and ambition to raise its standard of living and to enjoy its rightful share in civilization, has ever obtained justice from a ruling class over whom they have no control or check by a share in the representation; and no such class will ever be content to remain in such subjection. The U.S.A. committed an act of great folly in giving the franchise at first and indiscriminately to all the negroes, but they are committing something worse than folly now in the way in which by various crooked methods, by social intolerance and injustice, they are now still trying to deny to the considerable number of negroes who are showing full capacity for progress in education, culture and efficiency as civilized citizens, all opportunity for industrial, commercial, civic and social progress. And it seems pretty clear that the negroes (though they seem for the most part to be sensible enough to see that for the present their wisest efforts are after education of every kind) will not obtain their rights as human

¹ Reported in *The Times*, 6 April 1906, pp. 7-8.

beings except so far as they gradually strengthen their effective hold upon the franchise.

We have had a very fine Easter-time, but I have had but a bad time of it, being confined to the house during many of the sunny days. I am getting round again, but I do wish my *corpus* was as *sanum* as my *mens* is *sana*! The books lying about me would not be so 'tantalizing' then! Ever yours sincerely,

H. J. Wolstenholme

299 From L. Curtis

Vol. 4, no. 24

Private and Personal

Colonial Secretary's Office
Pretoria, Transvaal
25 April 1906

My dear Smuts, Your letter of the 23rd April. You are quite at liberty to use my letter in any way which may seem good to you, and I am obliged for any steps you may have taken which will tend to bring home the real facts to the persons interested. If things are wrong, then we have every interest in knowing it here in order to put them right. If they are not wrong, it is equally in our interest to clear away any misunderstandings which may exist on the subject.

2. I have long hoped to have had a talk with you on the subject generally, but as no opportunity has offered, I beg to be allowed to address you in writing and to ask you to be so good as to turn over what I say to you in your own mind, in order that we may discuss it at some later date.

3. I have now had to deal for a considerable time with the question of poverty in this country, and I have been greatly astonished to find how large a number of people born and bred on the soil, are economically incapable of earning their own living. The most alarming part of the problem is that they rear large families who are no more capable than they are themselves of standing on their own feet and making their way in the world in after years. You raised your eyebrows the other day when I told you that the Burgher Settlements supported about 1% of the entire white population of this country, but I regret to say that the people in the settlements are but a small proportion of the class in this country who are not so well

equipped in life as to enable them to maintain a decent standard of living. We are such a small population that the question does not attract so much notice as it ought, but no one who goes into it can deny that the proportion of the population who may be classed as indigents, is startling, and as far as I can see if matters are allowed to drift, it will be far more startling in a few years. As a person not born and bred in this country I have a natural sympathy for immigration which I think it wholly unreasonable to expect that men born in the country should share. At the same time it seems to me a shocking thing that the white population in the country should be allowed to go to rack and ruin. You will I am sure agree with me when I say that, whatever our views on immigration may be, any question of immigration must always be second in importance to seeing that the population born in the country is able to make its own way and to progress in life, and does not become parasitic, living in part on the State, and in part on private individuals.

4. The causes which produce the whole class of men who cannot support themselves are so difficult to discover that I hesitate to offer any strong opinion as to what those causes are, but that this class exists now and existed before the war, and has for the last fifteen or twenty years been a growing embarrassment to the Government of the country is undeniable. My opinion, offered with the greatest diffidence, is that the causes are to be found deep-seated in some of the fundamental laws of the country. The cure of the evil is a question which one approaches with even more hesitation. Everyone whom I have consulted assures me, and their assurances are borne out by my own experience, that very little can be done with the adults who are unable to make their own living. Of this I am convinced, that any solution of the question which is to be successful, must look to fitting the next generation for earning their own living by giving them such training as will enable them to do so. One cannot but be struck with the fact that, while the agriculture of this country as in all other countries fails to absorb the surplus population which is constantly produced in agricultural districts, the whole of the skilled craftsmen are drawn from over the sea. I can only say that if England began

to draw a large proportion of its skilled craftsmen from abroad, that in ten years the country districts would be afflicted with a pauper class consisting of the weaker members of the rural population who were unable to support themselves by agriculture.

5. Believing as I do that this question is second to none in importance I discussed the whole matter at great length last year when I was in England, with Mr Leonard Courtney, whose private secretary I used to be. His view was that the best hope of solving the question was to prevent it from becoming a party question and to get the leaders of both parties to see that it was a matter which deserved study by the best men on both sides, and that until the whole difficult subject had been submitted to a searching enquiry, it was premature to put forward any scheme for remedying the evil. He particularly recommended that the question should be brought to the notice of some of the younger men on both sides. I have considered his advice long and earnestly, and have at last made up my mind to lay bare the whole subject before you and to suggest that a Commission should be appointed which would sit and deal with the subject at leisure, and which would not be expected to produce a report until after responsible government was established in the country. The sort of Commission which I have in mind would consist of Mr Richard Feetham, yourself, Mr Hugh Crawford and Mr [J. W.] Quinn. I myself should be prepared to act as a member of the Commission or as its secretary, or to assist in any other way that it was possible for me to do. My feeling is that such a Commission could deal with the whole question of poverty including the growingly difficult question of orphan asylums. I think that it could devise some law or system of technical education followed by apprenticeship, which would open the way for the children of the poor farmer to earn the exceedingly good salaries which are paid to engine-drivers, to the carpenters and fitters at the railway works, post-office operators, and indeed to avail themselves of all the opportunities of advancement which are permanently closed to nine out of ten children who are brought up in a *byzwner's* hut.

6. Please regard this letter as confidential to yourself, and I

shall certainly regard any reply which you may make to it as strictly confidential. If you do not see your way to take part in such an enquiry the matter will end there and I shall say no more about it either to you or to anyone else. I can only say in conclusion that I most earnestly hope that after careful consideration you will see your way to help in the matter. The problem is how to make in the future a certain proportion of the population a strength and support to the country as a whole, instead of being as they are at present, a burden which it has to carry. I should be glad if you care to do so, to discuss the matter personally before you make up your mind as to your answer. Yours sincerely,

L. Curtis

300 From J. H. de Villiers

Vol. 4, no. 26

Confidential

Wynberg House

Wynberg

25 April 1906

My dear Smuts, I have just had a long interview with Sir West Ridgeway and the other members of the Transvaal Commission and I thought it might assist you in your negotiations if I gave you a general view of what passed. They seem very anxious, if possible, to get both parties to come to an agreement as to the future Constitution, more especially upon the franchise question. Their idea is not to take any formal evidence but by means of informal interviews with the representatives of all parties to arrive at some result satisfactory to all. For that purpose they wished to know whom I could recommend as a kind of go-between but I was not prepared to name any one. Sir West Ridgeway asked me whether Sir Richard Solomon would not be a *persona grata* to all but I did not see that a go-between was really required. If the representatives of each side would tell the Commission exactly what their aspirations are the Commissioners might themselves formulate some plan and submit it to the representatives. In this way a final settlement might be arrived at which would be far more satisfactory than a report which gives a victory to the one side or the other. I suggested to the Commission that it would be advisable to have a second chamber upon the lines of our own

Legislative Council. For that purpose the Transvaal might be divided into say five circles and any undue advantage given to either party by the distribution of seats for the popular house might to some extent be neutralized by the distribution of seats for the upper house. The system has worked well in this Colony and I certainly think an elected Council would answer much better than a nominee Council which the Commission would seem to favour. I told them that, in my opinion, it is not so much British domination as Rand domination that the Dutch populations dread. It is quite clear from what they said that the British Government have a very difficult part to play. The fear in England seems to be that the settlement may prove a political Amajuba¹ and of course the Commission as well as the Government seem anxious to avoid any scheme which might justify the appellation. I frankly told the Commission that whatever they do they must show that they thoroughly trust the loyalty and honesty of the Dutch population. A Constitution based upon distrust of one portion of the population will never work satisfactorily. They seemed to think that whatever majority might be given at the start to the Progressive Party would in a few years be neutralized by the access of strength to the other side by reason of increase in population or from other causes. My own view is that it is the unexpected that will happen. The result of every great measure of reform has always been different from what its supporters and opponents anticipated and the same thing is sure to happen in the Transvaal. Even therefore if your people do not now get everything they might wish it is consoling to think that the ultimate result may be to give them more than they now wish for. In haste and in confidence, Yours sincerely,

J. H. de Villiers

301 From J. X. Merriman

Private

Vol. 4, no. 57

Schoongezicht

Stellenbosch

1 May 1906

My dear Smuts, I had the pleasure of hearing about you from General Butler who gave me a good deal of information. This

¹ See Vol. I, p. 104, note 1.

Natal business is horrible. An outburst of savagery which reminds me of 1899 with the same sinister influences behind the screen. Obviously the *mot d'ordre* is to make things hot for the Liberals in South Africa and their own weakness makes them only too easy victims. It is hard to understand how they calmly endure having *all* the posts in South Africa from the High Command downwards filled with bitter enemies of the Liberal Party and as strong friends of the moneyed power that masquerades as 'Imperialism'. What can they expect but disaster?

Apparently your friends at the Rand look on this Natal business as a godsend. *Multis utile bellum*¹ and they are playing it for all it is worth. Have they abandoned the notion yet of using the black man as a bait to catch the Boer? I am convinced that this was part of the diabolical plot and I thank God that it has failed up to now. But they will at any rate succeed in diverting attention from their own doings on the Rand and they will enlist a certain amount of admiration for their *patriotism*!! in playing the swashbuckling game. That Martial Law has been a horrible scourge to South Africa. I hope the day may come soon when we are strong enough to take some steps for its regulation. At present it seems to be laid down that any Government who can secure the ear of a facile Governor may practically for its own purposes suspend all civil rights in a community. We must have a Bill of Rights before we are many years older.

Now to turn to your affairs. I suppose you have seen Creswell. He is to my thinking a type of the best sort of man England produces and he may be an invaluable ally to you. I may mention in confidence that though he is quite South African he still has some nervous qualms about the flag. I hope you will take some opportunity of reassuring him, for he is quite too good a man not to be a whole-hearted ally.

I want you most carefully to consider his project of a European Rand. It seems to me to be the only real alternative to the Chinese. 1. It would at once enlist in favour of those who advocate it, the warm sympathy and support of the whole left wing of the Liberal Party at home, i.e. of all those who are

¹ To many war is useful.

untainted by the Stock Exchange and also of all the rest of the English-speaking world. I venture to think that this is a great thing. The men who advocate this will at once gain a position of the greatest popularity and I want you and Botha to use this card which you can legitimately do to get this support not alone in South Africa but elsewhere. To get rid of the Chinese is something but you must have a constructive policy along with it to enlist full sympathy. 2. A white Rand would mean an enormous increase to South African resources in every respect, and to my mind it is in the direction of the affording of well-paid employment to Europeans, and not to taxation, that we ought to look to procure from the mines the maximum of prosperity to South Africa. If I mistake not this was old President Kruger's idea though perhaps it was never actually formulated. 3. And this perhaps I consider of the greatest importance of all. A white Rand would afford a means of employment for a class that must give every thinking man at present the greatest uneasiness. I refer to the *arme blanken*¹ a class which the unhappy wars, the droughts, and the extension of railways has so largely increased. Now these people are generally looked on as hopeless. I am by no means of that opinion. Before the war Bronger [R. E.] had some 400 of them in the Bloemfontein workshops. On commando, at any rate in our Colony, many of them learnt discipline and became *ontwikkeld*.² Creswell showed me a very remarkable letter from some overseer of his in which he mentioned by name two young Dutch fellows who were getting on contract work £35 a month, who had been ousted by Chinese. Creswell told me he used to take these men on at 8s. a day; they then became instructed and if they were useful they could earn from £20 to £35 a month at piece-work, and show as cheap results as at present. From another point of view the employment of this class would be most important as it would form a counterpoise to the regular British working man, though I must tell you that a friend of mine surprised me the other day. He is an iron-master and coal-owner employing thousands of men. He spoke very much in favour of trades-unions and said that they had been the means of setting his industry on a firm basis as

¹ poor whites (Dutch).

² developed (Dutch).

the masters recognized them and dealt with them openly. He also said that a good deal as the result of this trades-union work the standing and the social status of the miner had been enormously raised of late years, that they were less drunken and more self-respecting but the same did not apply to the men in his rolling-mills. The man was a bitter Tory, a whole-hogger, and I quote his testimony as showing that the dread of Hoggenger of trades-unions simply arises from the fact that the men who dominate the Rand are not captains of industry, they are only successful gamblers; that is the curse of South Africa. It is just the difference between Rhodes and the crew who got hold of him and exploited his later years.

All this is rather beside the question, but to come back to it, you must recollect that of late years a great many young South Africans have been educated as mining engineers; these are qualified to be the leaders and instructors of the poor whites and it is not an idle dream that the Rand should play so great a part in the true economic future of South Africa as the gold-fields did in that of Australia. It would be a sound policy, a constructive policy, and one that would do more to win support from outside for the South African cause than anything I can think of *but* it must be advocated by Dutchmen. It is no use for me, sympathizer as I am known to be, to go and propose that poor whites should do the work in mines that is done all over the world by white men. They would say at once that I was insulting them by proposing Kaffir work. And the first people to take this up would be the jingo press, but if you, Botha, Fischer, Hertzog and Steyn take the matter up it will be a different thing and will have enormous weight. If you want to get Chinese away that is the course to take; white labour, efficient and well-paid, and let the black man as far as possible keep to the land. You will by this time have seen the Commission; *entre nous* from what Botha tells me I question whether we have much to expect from them. Elgin is a wobbler and these people are weaklings.

You might consider whether it is possible to isolate the Rand as Joseph¹ once had the cheek to propose in the time of the Republic. I mean to make it a free city with its own government like a Hanseatic town used to be in the German Empire

¹ Sir J. B. Robinson.

and Hamburg is now. It is not impossible to imagine but there are many *cons* as well as *pros*. You would get rid of Hoggenheimer and he would in any federation only come in as one small state. I think such a proposal might be acceptable in England. And there is a good deal in its favour. Otherwise I can plainly see you are going to be ridden by Hoggenheimer, kick and struggle as you may, and the only thing to help you is a white Rand hostile to the brute.

I have written you a long letter because I feel very much that the questions that affect you affect us also. If during our Session you or Botha or both could run down, especially when the Customs Convention comes on, it will be of great use. Practically Jameson has trucked Brandy against Chinese.¹
Yours truly,

John X. Merriman

302 To M. T. Steyn

Vol. 99, no. 50

Bus 1081, Pretoria

4 Mei 1906

Lieve President, Mijn vrouw en ik hebben zoeven uw toespraak voor de Unie—zooals in de Engelsche bladen getelegrafeerd—gelezen, gelezen niet alleen met groot genoegen, maar tevens met diepe aandoening. Ik hoop dat het in pamflet vorm gedrukt en alom verspreid zal worden. Misschien was Milner niet zooveel kruit van U waard, maar zijn politiek spookt nog steeds in het land, en ik weet van geen beter middel ertegen als uw toespraak.

Ik heb een onzer vrienden gezien over uwe missende brieven; hij weet er niets van. Ik zal den anderen vragen zoodra ik hen zie.

De Commissie op de Constitutie zit nu hier; neemt geen formeel getuigenis, maar gezelt breedvoerig om te zien wat de verlangens er inzichten zijn. Zij zijn 'well-meaning', maar ik verwacht niet veel. De Constitutie zal maar zijn zooals alles dat wij voor een honderd jaren van dat kwartier hebben ontvangen, zoodat zij die op die gebroken riet leunen geen

¹ Merriman seems to be saying that the Cape Government had not opposed the importation of Chinese labour into the Transvaal in exchange for import facilities for Cape brandy.

excuus zullen of mogen hebben voor hunne dwaasheid. Maar 'the unexpected often happens', en dit mag het geval thans zijn, hoewel ik niet zulks verwacht.

Wij waren heden middag met een groote Boeren deputatie bij Selborne om anti-Chineesche besluiten voor te leggen en tegen de gruwelen te protesteeren. Botha sprak met zooveel aandoening dat ik tranen in veelen oogen zag. Het Afrikaander volk gaat door diepe wateren, en hij naar wien wij allen opzien als onzen leider spreekt van zichzelf als een gebroken paard. Echter ik heb het gevoel dat wij ondanks alles moeten voortgaan de tanden op elkaar te bijten en te volharden door alles heen totdat de dageraad aanbreekt. Hartelijke groeten van huis tot huis, *t.t.*

J. C. Smuts

Mijn vrouw wil weten of Mrs Steyn heeft een copie van *Songs of the Veld*. Zooniet zal zij een zenden.

TRANSLATION

Box 1081, Pretoria
4 May 1906

Dear President, My wife and I have just read your address to the Unie¹—as telegraphed to the English papers—read it, not only with great pleasure, but also with deep emotion. I hope that it will be printed in pamphlet form and widely distributed. Perhaps Milner was not worth so much of your powder, but his policy still haunts the land, and I know of no better remedy against it than your address.

I have seen one of our friends about your missing letters; he knows nothing about them. I shall ask the others as soon as I see them.

The Commission on the Constitution is now sitting here; takes no formal evidence but has wide-ranging conversations to see what people's wishes and attitudes are. They are well-meaning, but I do not expect much. The Constitution will be like everything else that we have received for a hundred years from that quarter, so that those who lean on that broken reed will not and cannot have any excuse for their folly. But the

¹ The Orangia-Unie.

unexpected often happens, and that may be the case now, although I do not expect it.

This afternoon we went as a large Boer deputation to Selborne to submit anti-Chinese resolutions and protest against these evils. Botha spoke with such feeling that I saw tears in many eyes. The Afrikaner people are going through deep waters, and he, to whom we all look up as our leader, speaks of himself as a worn-out horse. However, I have a feeling that, in spite of everything, we must go on clenching our teeth and persevering through everything until the dawn breaks. Hearty greetings from house to house, *totus tuus*,

J. C. Smuts

My wife wishes to know whether Mrs Steyn has a copy of *Songs of the Veld*.¹ If not, she will send one.

303 To J. X. Merriman

Vol. 4, no. 91

Box 1081, Pretoria

5 May 1906

My dear Mr Merriman, Many thanks for your last long letter, the substance of which I communicated to Botha and is approved cordially by both of us. That the best solution of the labour difficulty in the Transvaal is a white Rand in which our South African poor have their share of work and benefit seems to my mind beyond question and only requires time to receive general acceptance. The Kaffir is economically more useful as an agriculturalist and becomes thoroughly demoralized on the mines and many of their young men return to their kraals mere physical wrecks. But you are wrong in thinking that the advocacy of this policy is likely to be very popular. The white miners on the Rand are somewhat of a pampered class and seem afraid that unskilled white labour will mean a reduction in white wages all round. The mine-owners are dead against such a policy, which the rest of the community look on with indifference. But to my mind the policy ought to have a fair trial and so far as lies in my power I intend to work in that direction as soon as I get a chance.

You are right; Creswell is a most sterling chap with whom

¹ *Songs of the Veld and Other Poems*. 1902. By various authors. Reprinted from *The New Age*.

I would venture through fire and water. Persecution and suffering have only brought out the manhood in him and we shall do our best to put him in Parliament. I know that he is not quite certain of us on the flag question. But the future must teach him that we are more essentially trustworthy on that score than his own compatriots.

An important deputation on Chinese labour met Selborne yesterday and some very interesting speeches were made by old farmers. The condition of affairs is now intolerable and I could see that even Selborne does not pretend to defend it any more. Their evidence was unanimous that such a state of terrorism and unrest has not been known in the Transvaal since the occupation of the country by the Voortrekkers. One old farmer alone had captured 250 on his farm within the last eleven months. I agree with you that if we could kill Chinese labour, and get white labour substituted, the baneful power of Hoggheimer will be broken for ever.

Every sort of inducement has been brought to bear on Botha and myself to show our approval of the Natal campaign. We have refused as we are convinced that, because of the pecuniary straits of the Natal Government, the profits to be made from military contracts, and the idea that the impoverishment of the Kaffirs will force them to the mines, a horrible iniquity is being perpetrated in Zululand. The campaign in Natal is simply a record of loot and rapine and shows how profoundly the late war has demoralized certain sections of the population. It seems to me that those who are going to stand for the worn-out ideals of fairness and righteousness in public life will have an uphill fight in South Africa in future; but in the wreck of political aims and aspirations the faith in the right is about the only one I have still retained, and to the measure of my humble power and ability I mean to persevere in that faith. It is Abraham Lincoln who formulated what is also my creed. 'Let us have faith that Right is Right, and in that faith as to the end do our duty.'¹

We are very busy now with the Constitution Commission. They are well-meaning but weak and I at any rate expect very little from them. Still the unexpected sometimes happens, so I shall not yet despair. They do not take evidence but have

¹ See p. 158 *supra*, note 1.

confidential conversations so as to get at the inwardness of the situation. Sir H. de Villiers had a long talk with them in Cape Town and I hope you will also use your influence with them. We are fighting a big fight and must bring every bit of reserve into the field. On the Native question their idea seems to be to reserve certain powers to the Crown until such time as the Colony makes arrangements for Native representation. I am afraid that public opinion is solid against Native representation at present; and it is a question which requires the most cautious handling, otherwise it will become one of party politics—which would be fatal.

I have not been able to get the volume of the Political History (Hunt's volume) to which you refer. Our Library is so slow. I have made arrangements with a Cambridge friend to buy and send me out all books of sociological, economical, or philosophical interest which he thinks I ought to read; but I shall be glad if you come across anything which you think I should read and will write me the name. One lives here in an atmosphere which is entirely devoid of all culture and is frankly materialistic in the worst sense.

I note what you say about Botha or myself coming down during session and shall keep your suggestion in mind. Meanwhile with kind regards to you and Mrs Merriman. Yours very sincerely,

J. C. Smuts

304 From W. S. Churchill

Vol. 4, no. 14

Private
Dictated

Colonial Office
Downing Street, S.W.
12 May 1906

Dear Mr Smuts, Many thanks for your letter of the 15th April and its enclosures which I have read with interest. I have no doubt that by this time you will have had some opportunity of laying your views before the Commission and I feel convinced that you have expressed yourself to them with your usual force and fluency.

You will, I dare say, also have followed the course of affairs in the House of Commons, and the regular developments of Government policy which have taken place. From all this, I

trust you will have concluded that it is the desire and intention of those who now advise the Sovereign to do their best to strike a fair and just balance between the Dutch and British races in South Africa, to secure either race from danger of oppression by the other, and then, while preserving at all risks and at all costs the authority of the British Crown, to leave South Africa as much master of its own fortunes as the Australian Commonwealth or the Dominion of Canada. If we are enabled to carry this policy to its conclusion, I am not without hopes that the darkest days of South African history may have drawn to their close. The power of the Government has greatly strengthened as the Session has advanced, and our great majority is proving a much more stable foundation than many people had at first supposed.

I am very sorry to hear of the distress which prevails not only on the Rand but among the farmers. It is my hope that when the period of uncertainty which our deliberations upon the Constitution have rendered necessary shall have come to an end, business and industry will revive.

If there should be any matter on which you wish to write to me, I shall always be very glad indeed to hear from you, though it will not always be possible for me to reply with unfettered freedom while I continue to occupy my present post. Yours very truly,

Winston S. Churchill

305 From J. X. Merriman

Vol. 4, no. 58

Schoongezicht

Stellenbosch

12 May 1906

My dear Smuts, I was delighted to get your letter [of] 5 May and to find that we are quite in accord on the great question. You can do far more than I can to drive home the doctrine that the mines are the heritage of the labouring man for you know how delicate a task it is for an Englishman to hint to an Afrikaner that manual toil is ennobling even though he may show that it is profitable. *Kaffer werk*¹ is the cry which is sedulously

¹ Kaffir work (Afrikaans).

backed up by the whole pack who desire to make this an Asiatic dependency, led by such papers as the *Cape Times* which is the first to sneer at the people for their laziness. I note what you say about the attitude of the majority of the miners and quite believe it. They are morally drugged by the magnates. Paid highly for doing little and encouraged to gamble so that they may believe that their future rests on Chinese labour. Naturally they view with great suspicion and dislike any movement that will introduce a new element. I meant when I alluded to the popularity of the advocacy of a white Rand that it would be very popular among the Labour Party at home and the great English-speaking democracies of America and Australia and you will agree with me that these are the allies you want which are worth far more than the demoralized hirelings of Hoggenheimer.

But my earnest advice to you and Botha is to lose no time in getting in touch with Creswell and through him with those mining people who are not yet blinded and drugged. Of all the curses that this hideous crew have brought upon us the destruction of character and of morale through their infernal gambling is the very worst. Keep me advised as to your programme with the Commission—what line you take up as regards franchise, second chamber and referendum. Personally as you know I do not understand the new shibboleth; I cannot see why property, education, and fixity of residence should not count. You, I understand, pin your faith to manhood suffrage. Very dangerous in a community like yours for it means that the ochlocracy may plunge you in all sorts of financial obligations, extract your wealth, and then sail off leaving you to bear the burden.

My own idea of liberalism is old-fashioned. Debar no one the franchise, but make that franchise high enough to secure that those who get it know how to use it. Otherwise you have in the long run to resort to the Belgian expedients.

However it is not very practical to discuss first principles on paper when we are in a general action fighting for our lives.

I was glad to hear what you say about the Natives in Natal. Nothing can do more good, nothing can more confound the enemy, than the attitude the Dutch have assumed for they reckoned, perhaps they still reckon, on a general Native rising

to obliterate the memory of the past in a sort of general harvest of rapine and oppression for all Europeans. A damnable idea!!

I note what you say about the Native franchise and I do not in the least quarrel with it. Even down here it is very distasteful to the majority though they are beginning to see that it is a safety-valve. With you it would probably be quite impossible even though you could demonstrate that it would affect few—only, and here comes the rub, the alternative undoubtedly is friction and interference on the part of the Imperial power which cannot abdicate its functions. This interference is often, perhaps generally, ill-judged, ill-timed and ill-considered; but sometimes it is reasonable enough but it is always resented. The Native question will be made a rod to beat the Dutch with by those very brutes who are now burning Native churches in Natal because they are Native. This is one of the worst features of the case. The 'loyal' Press is always ready to hold up the Dutch as slave-driver and oppressors while they claim for themselves a perfect immunity from criticism whatever they may please to do. This aspect of the question is probably familiar to you but I am sure it is not much considered by those who naturally enough hesitate before they put into the hands of the Native a weapon that recognizes his political status. It may be bad to have Native voters wooed by contending white partisans; it is in my opinion far worse to have the Natives the wards, as it were, of a power outside South Africa which is sedulously indoctrinated with the notion that one section of the community only want the chance to establish slavery. However we have to deal with facts as they are and not with theories.

Pray do not forget the importance of either sending a deputation or of sending a message to the South African Party. I see the Customs matter is to come forward soon after the 25th.

The Transvaal purchased the introduction of the Chinese by one conference¹ and they are going to purchase their continuance by another.

As you cannot get Hunt I send you the quotation.² Shadwell on *Industrial Efficiency* (2 vols.) would interest you

¹ Presumably the Bloemfontein Railway and Customs Conference of March 1903.

² Not enclosed.

greatly. It compares England, Germany, and America. Also *Newest England* by Lynch, which gives an account of democracy in New Zealand which is a warning. I will send you Plunkett's *Ireland, New Century*. Very full of meat for South Africans. Yours truly,

John X. Merriman

306 To M. C. Gillett

Vol. 4, no. 110

Pretoria

25 May 1906

I am glad you are reading *Don Juan*. It is undoubtedly Byron's best work, and you know Byron at his best is very good indeed. There is no nonsense about Don Juan; and if you have rid your mind of cant you can listen to this confession of a master sinner with a good deal of quiet amusement and even edification. And behind it all I feel the throbbing of a passion for the highest. The man who wrote 'The Isles of Greece' had himself sounded great depths.

I note what you say about the Kaffir question. It is not quite serious yet but may soon become so, though I hope it won't. Natal has been very short-sighted in her policy and is in many quarters held responsible for the outbreak. And the war is accompanied by the usual burnings of kraals and churches, loot of cattle and gross behaviour towards non-combatants which we know so well. All this may goad the Kaffirs into a general rebellion in which the innocent dwellers on the veld would be the first to suffer. The Kaffirs say that they mean no ill to the Boers, but in the last resort it will be simply a case of Black versus White. The outbreak now is among the missionary Kaffirs who took a prominent part against us in the war. How the world changes! I am told that the twelve men sang hymns as they were marched to execution; no doubt their compatriots looked upon them as martyrs and who knows but that they may be right. To me this Native question is a most difficult one, where the higher ethical doctrines reach deep down to the foundations of expediency and self-preservation, and it becomes difficult to see which road to take. You English say, 'My country right or wrong'. You have the same moral tangle in the issues of South African politics.

The Constitution Commission is doing its best here. We Boers have practically accepted one vote one value on the basis of simple manhood suffrage. The Commission has told us that our reasonableness is highly appreciated and will be recognized in the proper quarters. The mine-owners' party are putting forward the most extraordinary and senseless proposals; and I am having some quiet fun, for the idea must be in the minds of the Commission that, if they deal thus with an English Government, what must not have been their treatment of our Government before the war.

To my mind the Chinese question is becoming the root question of Transvaal politics. If the magnates win there, they will rule this country as sure as Satan rules in the world below. But beaten there in their central contention, and there will be hope yet.

But I am wearying you with our local troubles, and you are immersed in the affairs of that greater world from the point of view of which our interests appear puny indeed.

Tell Mr and Mrs Clark how often I still think of them. Is it not possible for them to come and pay South Africa a visit? If you come for your Matlabas trip next year, will you not bring them with you? After all the world is greater than Street, and there are more soul-moving sights than the Tor. Surely they wish to see Rhodes's grave in the Matoppos; and you can assure them that Millfield is not the only happy home in the world. If they saw me with my two daughters climbing the hill behind our house and perfectly happy, they will see that this is not a country of undiluted tears and sorrow. The gods chastise us because they love us, and we simple children of nature love the gods. So leave the factories and dark Satanic mills and come out into God's open country and smokeless skies.

You see what a long letter I have written. I hope you will off and on relax your political bow and write me equally long letters.

307 From M. T. Steyn

Vol. 4, no. 82

Onzerust
Kaalspruit
27 Mei 1906

Zeer geachte Generaal en Vriend, Uw schrijven van 4 Mei is reeds te lang onbeantwoord gebleven niet zoozeer door mijn

schuld als door samenloop van omstandigheden. Ik dank U voor de vriendelijke beoordeeling van mijn toespraak, want ik waardeer die (van U) hoog. Zooals gij wel kunt begrijpen was de moeilijkheid niet om te weten wat om te zeggen, maar wat niet te zeggen, want als ik aan dien man denken dan raak ik bijna alle zelfbewang kwijt. Ik zie in de courant van heden dat hij en Chamberlain weder bezig waren aan het fabricceeren van geschiedenis.

Met U verwacht ik niet veel van de Constitutie Commissie. Als het anders per ongeluk mocht komen, dan zou ik begin te denken dat ons lot een verkeerde richting heeft genomen en dat wij ons bestemde doel niet zullen bereiken; maar het kan ook zijn dat een ander wet dan in werking zal komen: n.l. dat de straf voor kwaad komt uit de plaats of persoon die oorzaak was van het kwaad. Johannesburg wordt dan de Nemesis van het Britsche Rijk. Het is zeker nu al de nachtmerrie. 'Maar wacht, ik moet ophou om te profeteer anders kan helle [sic] mij nog voor Niklaas Rensburg aanzien.'

Ik kan U niet zeggen hoe ik voor onze menschen in de nabijheid van Johannesburg gevoel met al die Chineesche gruwelen.

Ik weet niet of het niet misschien nuttig zal kunnen zijn om de magnaten en Regeering ernstig te waarschuwen dat als zij niet ophouden om de wind te zaaien zij zekerlijk den warrelwind zullen maaien.

Mijne vrouw laat Mev. Smuts hartelijk danken voor haar vriendelijk offerte om haar de *Songs of the Veld* te zenden. Zij zegt zij heeft reeds een copij.

Wanneer gij weer komt moet gij uwe vrouw meebrengen; wij zullen zoo gaarne met haar kennis willen maken en zooals gij weet ons huis is altijd voor U en de uwe open. Ik schrijf dit niet als een bloote wellevende vorm maar als een waarachtige gemeente uitnoodiging. Met de hartelijkste groeten van huis tot huis, *t.t.*

M. T. Steyn

TRANSLATION

Onzerust
Kaalspruit
27 May 1906

Dear General and Friend, Your letter of 4 May has remained unanswered too long, not so much through my fault as by

force of circumstances. I thank you for your friendly appraisal of my address because I value this (from you) highly. As you can well understand, the difficulty was not to know what to say, but what not to say, because when I think of that man I almost lose all self-control. I see in today's paper that he and Chamberlain have again been busy fabricating history.

Like you, I do not expect much of the Constitution Commission. If by accident it should happen otherwise, then I should begin to think that our destiny had taken a wrong direction and that we shall not reach our intended goal; but it may also be that another law will then come into force, namely, that the punishment of wrong will come from the place or the person who caused the wrong. Johannesburg will then become the Nemesis of the British Empire. It is probably already its nightmare. But I must stop prophesying or they will think I am Niklaas [van] Rensburg.¹

I cannot tell you how concerned I am for our people in the neighbourhood of Johannesburg with all the Chinese horrors.

I do not know if it might not perhaps be useful to warn the magnates and Government seriously that if they do not stop sowing the wind they will surely reap the whirlwind.

My wife thanks Mrs Smuts heartily for her friendly offer to send her *Songs of the Veld*. She says she already has a copy.

When you come again you must bring your wife with you; we should so much like to meet her and, as you know, our house is always open to you and yours. I write this not as a mere form of courtesy but as a sincerely meant invitation. With the heartiest greetings from house to house, *totus tuus*,

M. T. Steyn

308 From M. C. Gillett

Vol. 4, no. 38

Millfield

31 May 1906

My dear Oompje, This is business; and strictly confidential, please. I have seen Leonard Hobhouse twice lately, three weeks

¹ A farmer in the Western Transvaal who had a considerable reputation as a prophet. His prophesies of the downfall of the British Empire influenced many rebels in 1914.

ago and last Monday. He is gloomy over the Government and South Africa, on account of Elgin, Winston Churchill and Selborne and permanent officials and he thinks much is lost because you have no one here who sees people and keeps your side vivid with the Government; the other side one gathers is always vivid. I may say that his gloom is shared by all the people interested in South Africa whom I come in touch with. Then he smiles and draws a picture of General Botha addressing meetings here on Chinese labour, and the position this would make for the Government. This, however, is not my business.

He considers the Missis has the Premier's trust, and, if she could be here at once, could influence. As you know *Methods of Barbarism*¹ made the personality which is now Premier; and it was the Missis who created the situation in which C.B.'s native worth could not choose but commit itself. Well, here we are, fretting at helplessness and inaction, and here is one stone which could be turned. It might not achieve what we want but that ought not to check our turning the one stone within reach. We know that it is impossible for her, having just built a house, to come to Europe at her own charges. She can only come if she can let or sell, some months later. We want her here at once. When I left L. T. Hobhouse and came home and talked to Mother, I resolved that if L. T. Hobhouse gave the scheme his approval I should enquire secretly in certain quarters where I believe people would be glad to do the political service of furnishing her return fare. I have laid the plan before him and told him that the best method for producing Emily Hobhouse promptly will be for me to cable to you and ask you to act, you knowing the circumstances. I plan also to cable you her passage money. I am awaiting his reply, before taking steps about money. It must of course be carried through innocently in the world's eyes—her holiday is purely for rest and change. And indeed I will acknowledge that I want it done for the sake of her health and spirits and through them for the prospering of Boer Home Industries, as well as

¹ A phrase first used by Campbell-Bannerman in a speech at a dinner of the National Reform Union in June 1901 and later in the House of Commons when speaking on Emily Hobhouse's report on the concentration camps. The phrase became a Liberal slogan. W. H. Stead wrote a pamphlet entitled *Methods of Barbarism—the case for Intervention* in July 1901.

for High Politics. I believe also that her coming will commend itself to you for both reasons, as it does to him. Such an embassy would give her a reason and interest in the change, which she wants. But I don't believe she will move, unless we enlist someone there to urge, to take the high decisive hand, and to remove difficulties, and naturally I turn to you. How lucky that I should be able to cable to you without using her name! I write you this not knowing whether 'my plans which soar, to earth may fall' and perhaps I shall never be able to send you the cable at all. *The sooner she can sail, the better.* But all these things you will understand without my writing them and you will understand what a deep secret it is that there is any political reason for the move. Yours,

Margaret Clark [Gillett]

I write by this mail to Emily Hobhouse that we wish very much she could be here for political reasons. But I do not unfold any scheme.

309 To J. X. Merriman

Vol. 4, no. 92

Pretoria

2 June 1906

My dear Mr Merriman, I was very glad to see that you were reviving the Anti-Chinese motion¹ as the effect must be good from every point of view. Your own view of this grave matter so entirely agrees with my own that I don't think it necessary to go into details. The policy represented by Chinese labour makes it impossible for us ever to solve the question of our own poor whose best opportunity of industrial training and employment is thus taken away; it makes it possible for the mine-owners to put up a fence round the mines and keep away the public from sharing in what is after all our greatest present economic asset; it makes them independent of us and through the power of the purse enables them to rule us unchecked. In order to consolidate this rule they are setting the white races by the ears and will not hesitate to encompass the economic ruin of South Africa as that will only cripple the

¹ Merriman had given notice in the Cape House of Assembly of a motion on the Chinese question for 14 June 1906.

people further and make them more subservient and servile. Servile Chinese labour means in the long run a servile white South Africa. Even now already a large section of our white population have lost their economic and political independence and are simply at the beck and call of the mine-owners.

I have appended a list of the principal stages in the development of this great question on the issue of which depends in a large sense the future of South Africa.

I am sorry that the motion comes on so early, as I cherish the hope that I may yet come to the Cape at the end of June. The Constitution Commission leave Bloemfontein on 21 June and are very anxious to see you, Sauer, and other leaders and it is very desirable that I enlighten you as to what has happened here. They are well-meaning but I am afraid weak-kneed. On the Constitution depends everything for South Africa. It will settle the Chinese question one way or the other, and many other questions of the same character. We do not wish for political power, but when I look at the dark and dreary prospect before us I could almost pray to be invested with despotic power. I am sure a determined stand by you and others at the Cape will have a most beneficial effect, and will never be forgotten by us. If I do come I shall be at the Cape on 20 June or shortly thereafter and would much like to hear you speak on the Chinese question. Ever yours most sincerely,

J. C. Smuts

HISTORICAL MEMORANDUM ON CHINESE QUESTION

1. During the last stages of the war Kaffir wages lowered. (Sufficiency of labour for the mines up to then; the only complaint made before the Industrial Commission of 1897¹ having been the dearness of Kaffir labour. You remember Rhodes's statement in the Legislative Assembly about the Fellahs getting 2d. a day.)

At end of war Witwatersrand Native Labour Association created by law with a virtual monopoly for recruitment of Native labour. All private recruiting done away with.

2. Chamberlain's visit at beginning of 1903 and mine-owners

¹ Appointed by the Volksraad of the South African Republic.

promise of 30 million war contribution for which the secret *quid pro quo* was commonly reported to be Chinese labour.

3. Bloemfontein Conference of 1903¹ which, without investigation, expressed opinion that Native labour supply for South Africa insufficient. (I believe Jameson proposed this put-up job.)

4. Farrar returning from Bloemfontein spoke on the East Rand in favour of Chinese and could scarcely get a hearing.

5. The screw was put on, white employees dismissed and one mine after the other was closed. Tarbutt's² letter to Creswell.

6. Lawley in latter part of 1903 appoints carefully packed Labour Commission which refused to hear Botha on Chinese Labour.³ Quinn and Whiteside [P.] made minority report in favour of sufficiency of labour supply.

7. Huge meeting at Wanderers⁴ protest against Chinese labour. The depression becomes worse and the process of conversion proceeds rapidly.

8. At end of 1903 Quinn wants to hold anti-Chinese meeting at the Wanderers and fails to get a hearing through the obstruction of paid ruffians.

9. Early in 1904 Legislative Council called to pass Foreign Labour Ordinance; Botha and others protest and when this proved ineffectual an emphatic protest is made to Home Government which Milner called a political dodge.

10. Law is finally promulgated in April or May and in June the first Chinese arrive. Till end of 1904 no complaints about their behaviour outside the mines.

11. Early in 1905 Joubert is murdered at Moabsvelden and the long list of tragedies begins.

12. Throughout 1905 meetings of protest held among the

¹ Primarily a customs conference which abolished the tariffs between the four colonies and Southern Rhodesia. But it also adopted a resolution foreshadowing the importation of 'Asiatic' labour.

² Percy Tarbutt. Director of the Consolidated Goldfields of South Africa, 1892-1904. Died 1904.

³ See 232.

⁴ In Johannesburg.

farming population and deputation after deputation sent to Government without avail.

13. Finally Botha's letter to the Government which you have seen and a still stronger cable to British Government not yet published.

310 To M. C. Gillett

Vol. 4, no. 111

Pretoria

3 June 1906

I am sorry that I am not in a position yet to send you the additional chapters of my memories. I must have them typed first as my writing will be too great an infliction even on a friendship like ours. Besides I have made no headway. I wrote four chapters on the return voyage as I told you and only one since—bringing down the whole to the end of 1900. You will see from this how busy I am. Besides the usual sources of bother, there has been this Constitution Commission which thank goodness has left Pretoria for good. They go to Bloemfontein and then to London. They have cost me a very large amount of time and no end of trouble. Good, right-minded people of the cautious type who if they had the power and the courage could do the right thing. I know we made an excellent impression on them by our unexpected moderation and point of view. Certainly the eyes of four Britishers have seen the truth.¹ But unluckily there are forty million Britishers who live in darkness and we can spare no missionaries for their benefit.

I am not surprised at your disappointment with Liberal laxity and ineptitude. They seem to be bungling frightfully over this Chinese muddle, and in the end I am afraid we poor Boers will again have the worst of it.

Letters I receive from England are full of disappointment. But I console myself that those who have looked fixedly at death ought not to be frightened by the phantoms and phantasms of ordinary politics.

¹ The other members of the Ridgeway Commission were Lord Sandhurst, Sir Francis Hopwood and Colonel Johnston.

311 To J. X. Merriman

Vol. 4, no. 93

Box 1081, Pretoria

22 June 1906

My dear Mr Merriman, I enclose for your information a short statement of what has transpired before the Constitution Commission. You will see that the result is most disappointing. We were willing to accept one vote one value on the basis of manhood suffrage, taking the last census figures, but the Progressives wrongly contended that the Rand population has largely increased since the Census was taken in 1904 and that they are entitled to more seats. You will see that the Commission have actually offered them a representation which gives them a majority of three over any hostile combination, and this too they rejected. I think the Commission have gone too far and that a Constitution framed on their advice will be unfavourable to popular interests.

I hope you will be able to make them see the error of their ways. Fitzpatrick and Bailey are going to England to fight for their cause and goodness alone knows what the result will yet be. Yours very sincerely,

J. C. Smuts

Please show this to Malan.

ENCLOSURE

Allocation of seats between Rand, Pretoria town, and Districts

	Rand	Pretoria	Districts
Het Volk originally advocated distribution of seats on population basis which on the census of 1904 would give following seats in House of 60 members:	24	5	31
Progressives and Responsibles contended for one-vote-one-value which on manhood suffrage on last census would give following apportionment in House of 60: but which according to the last registration, 1905-06, which Het	27	5	28

Volk contended to be too high and to include aliens but which Progressives supported, would give in House of 60:	28.5	5	26.5
On May 11th the Commission proposed and Progressives accepted House of 63 as follows:	29	5	29
but Progressives withdrew two days afterwards and demanded in House of 70:	34	6	30
Het Volk then offered in House of 66:	30	6	30
but has now left matter in hands of Commission. Commission has now offered Progressives in House of 69:	33	6	30
which I presume they will accept subject to concessions to them in other directions. ¹			

It is admitted that on census basis of one-vote-one-value the Rand is not entitled to more members than districts but the Progressives contend that there has been large increase since in Rand population, which Het Volk denies. Het Volk contends for keeping the present districts intact as electoral constituencies even where a district would return two or three members. This to prevent appearance of gerrymandering and as concession to very strong rural sentiment. This Het Volk considers very important. Progressives contend for one-member constituencies all round.

Probable effect of above allocation on parties

	Boer-Labour- Progressives	Responsible
Progressives will probably carry all Rand seats except 2 which Responsibles will capture with aid of Het Volk.	31	2

¹ On the original typescript at this point there is a note in Smuts's handwriting as follows: 'This offer they have rejected'.

Progressives will capture 4 seats at Pretoria, Het Volk 2	4	2
Het Volk will lose Barberton to Progressives but keep other dis- tricts	1	29
	—	—
	36	33

There is the chance that Progressives may lose some more seats on Rand but there is about an equal chance that Het Volk will lose some district seats where Independents will fight in Progressive interest. Progressives will then carry Chinese question with small majority, especially as Responsibles will probably vote with them on this matter. Het Volk has asked Imperial Government in that case to settle Chinese question itself.

If seats are apportioned according to offer of Het Volk (30-6-30) Progressives and Boer-Labour-Responsible combination will be equal, and evolution of a moderate policy will become necessary. Progressives wish to fight elections on old Milner register, Het Volk has strongly objected, as that means loss of 10,000 rural voters who had not Milner qualifications.

312 From J. H. de Villiers

Vol. 4, no. 27

Legislative Council

Cape Town

25 June 1906

My dear Smuts, I was on the point of meeting Sir West Ridgeway at his request when I received your letter of the 22nd inst. with enclosure.¹

I did not of course show him your letter but I told him what your objections were to the proposed settlement. He said that so far as he could gather you are mistaken in supposing that Progressives will capture four seats at Pretoria. His own view seems to be that the Progressives will not obtain a single seat at Pretoria and that the Responsibles will obtain most of the seats there. He thought that Sir R. Solomon, whom he classes with the Responsibles and Anti-Chinese, will secure

¹ This letter is not in the Smuts Collection. It was probably similar to 311.

the seats at Pretoria along with others of his way of thinking. As to your fear that Responsibles may vote with the Progressives upon the Chinese question he seems satisfied that such will not be the case. The Imperial Government would veto any bill which does not place the Chinese on the same footing as the imported labourers in British Guiana. That would mean the permanent stay of thousands of Chinamen in the Transvaal and eventually in South Africa, a result which, in his opinion, the Responsibles would not countenance. I am not sure that I am at liberty to mention all the details of our conversation, but there is one matter of great importance which I should mention, trusting to your not mentioning it to anyone but General Botha. He thought the Commission would advise a nominee Council to continue for four years only with the Chief Justice as President. In the meantime the Parliament of the Transvaal would decide as to what form, if any, the Second Chamber should assume after the expiry of four years. The members are to be twelve in number, six of whom to represent the British element, including Progressives and Responsibles, and six the Dutch element. The nominations are not to be made by the Governor of the Transvaal but the names to be selected by the Imperial Government from a larger list to be submitted by the Governor. Sir West Ridgeway seems to be very sympathetic towards your people and he says that they were much more reasonable throughout the negotiations than the Rand magnates.

A deputation from the Rand is again to meet the Commission before the latter leave for England. I urged what I could against some of his proposals, but it is clear to me that whatever his personal views might be, the Report of the Commission will be framed with the view to appease the British public. The Liberals have a large majority but a great number of Liberals would make common cause with the Opposition if any scheme is recommended which in their opinion would be injurious to British interests. Influential Ministers like Grey, Asquith and Haldane are as imperialistic in their views as the most thorough-going Tories. C.B. will therefore have a difficult part to play and the desire of Sir West Ridgeway seems to be to concede to the Dutch party as much as he can without alienat-

ing the right wing of the Liberal Party. I am not sure that all the members of the Commission agree with him, for on this point he was rather reticent. I am satisfied that officialdom in South Africa has not done much to assist the Commission in its labours. I still think that it is the unexpected that will happen when once the Constitution is in working and I agree with the concluding sentence of your letter that the popular cause will win. In the meantime much mischief may no doubt be done but my own view is that with a Legislative Council such as that foreshadowed it would be impossible for the Transvaal to carry a measure to facilitate the further importation of Chinamen. In haste, I am, Yours sincerely,

J. H. de Villiers

P.S. If manhood suffrage is adopted the question whether the basis of representation should be population or number of voters is not of very great importance, but I understand from Sir West Ridgeway that he favours the population basis.

I have just been informed that the deputation from Johannesburg is going to England by the same boat as the Commission.¹

313 From J. X. Merriman

Vol. 4, no. 60

Private and Confidential

Cape Town
26 June 1906

My dear Smuts, Thank you for your letter. I am going to see the Commission this morning and will of course let you know the result. Generally I gather your wishes are the same as my own, viz., to keep the government of South Africa out of the hands of the clique of mine-owners who call themselves 'magnates'. But we certainly approach the matter with a very different plan of campaign. I dare say yours may be the best but I cannot agree with it. You accept the whole batch of ridiculous democratic shibboleths 'One man one vote' 'One vote and one value' and all the rest of it and having done so you proceed to chaffer with your enemies who knock you out each time.

¹ The Progressive Association, having found the recommendations of the Constitutional Commission unacceptable, sent a deputation to the British Government with the consent of the Commission.

You make no provision for a second chamber, nor for a referendum nor for any of the safeguards that are supposed to hedge round the antics of democracy. I confess the prospect as far as you are concerned is pretty hopeless. You accept a faulty basis and then proceed to build illogical conclusions thereon. How can you without blushing talk of manhood suffrage and exclude of design two-thirds of the population? God forbid you should dream of including them on that basis—but then what becomes of your shibboleth. South Africa is and I hope will remain a society on an aristocratic basis. You wish to pretend that it is a democracy which in your case will inevitably turn into a plutocracy of the most odious kind dominated by strangers and run in their interests. You might not, it is true, have got all you wanted on the other lines, but at any rate you would have been logical and have had the respect of your enemies, but when the yeoman poses as a democrat he does not cut a very admirable figure. Of all ways of settling the representation of a country the mechanical one of basing it on the numerical proportion of registered voters seems to me the most unfair as it opens the door to so much trickery on the part of agents who pack the registers, of which we have a notable instance in this country.

I question whether we have improved very much on the wisdom of our forefathers in this respect who took locality and population into consideration in fixing the electorates. The method adopted by you will inevitably give the preponderance of power to the Rand, will ye, nill ye, and this in my opinion will be an evil, perhaps a fatal, thing for South Africa.

How to neutralize this has often occupied my attention and I put forward certain suggestions as mere crude opinions knowing that they are not practicable and that they will not get beyond the theoretic stage.

1. You might join the Orange River Colony and Transvaal which would give the older population a majority. The Orange River Colony might object, the Rand certainly would, but the plan is feasible.

2. You might join Orange River Colony and Cape Colony and Transvaal and Natal. This would give the older population a majority in one state and the British element in the other. But

it would [not] be a natural union as you would unite two Asiatic and two non-Asiatic communities. To this the Transvaal and I think the Cape would object.

3. You might isolate the Rand—treat it as an enclave, as a free-town in the German Empire, as Hamburg for instance. You might put restrictions on certain matters and give certain guarantees but you—we all—should be free from the detestable element that bids fair to dominate us.

This I fear, though I think it desirable, is a dream, I merely mention the foregoing as academical opinions and I have no doubt you will consider me as a sort of Abbé Sieyès.

To come to practical matters, since I wrote the above I have seen Sir West Ridgeway and had a long talk with him. The impression left on my mind is that he is entirely sympathetic to your section and very anxious to avoid putting the power into the hands of the Rand section, which he professes to mistrust as much as we do. He told me that he considered a small British majority absolutely necessary in order to avoid an outcry in England. He added that he dreaded the weakness of the present Government and above all he seemed to mistrust Churchill, the biggest jingo in the House. This is I must confess not very reassuring. He acknowledged that a 'Progressive' majority if uncontrolled would mean 'free Chinese labour' that might place the Imperial Government in a very awkward position both here and in England. I consider this one of your best cards.

I gathered that an attempt would be made to secure fair play by means of a nominated Upper House so arranged that Boers and moderate British would balance. I confess that under the existing most unsatisfactory outlook this proposition does offer a safeguard. For if the nomination is made by the Imperial Government (not by the man on the spot) no doubt every care will be taken to arrange matters so as to avoid friction which would react on the House of Commons. And I think anyone who knows anything of South Africa recognizes that friction does not emanate from Boers. It was an interesting sidelight to find that Sir West Ridgeway looked on our own respected Prime Minister¹ as an active ally of the Progressives

¹ L. S. Jameson.

and as a pro-Chinese man and that one of the arguments advanced by the Progressives in your part of the world was that any diminution of their influence would react in this Colony. So, in the words of a great man, does 'one hand wash the other'!¹

I have written the foregoing rather hastily but I thought you would like to know how far I had got. With kind regards,
Yours truly,

John X. Merriman

314 To J. X. Merriman

Vol. 4, no. 94

Box 1081, Pretoria

11 July 1906

My dear Mr Merriman, Many thanks for your letter *re* the attitude of the Constitution Commission. I could not help smiling at your sharp criticism of our false position. We are so absolutely in accord with you and made strong representations against any numerical principle. But we saw that the day was going against us, and what could one do but study discretion. I sometimes think you have not fought sufficiently with these beasts of Ephesus² with whom our hard lot has been cast. You *cannot* expect any British Government to put in the wrong their own compatriots in the Transvaal, even in the year 1906; and when these compatriots are such as you and I know them to be, the position of a poor devil of a 'Dutchman' becomes very difficult indeed. No wonder that you sometimes surprise us in a little supper with the Devil, but we do our best to use long spoons. Let us never be in too great a hurry, knowing that 'the good can well afford to wait'³ and will yet assuredly arrive. Our English friends have to be conciliated and their suspicions have to make way for whole-hearted confidence and loyalty of spirit before we shall succeed.

Meanwhile I have drafted a programme (both of ideal aims and practical measures) for our party and shall be most thankful for any hints or suggestions or criticisms from your experienced pen. We want to change our name too, which is a stone of

¹ *Manus manum lavat.* Seneca.

² 'I have fought with beasts at Ephesus.' 1 *Corinthians* xv. 20.

³ J. G. Whittier, 'For Righteousness' Sake'.

stumbling to many a weak brother, but we hear the Responsibles are going to take the name of the South African Party which we should have preferred for ourselves.

We are keeping up the fight against Chinese labour, and I am now becoming fairly confident of victory, unless the Constitution handicaps us too heavily. I believe that Chinese labour more than anything else will prove the nemesis of the Progressive Party. With best wishes, Yours very sincerely,

J. C. Smuts

315 To A. Fischer

Vol. 99, no. 51

Bus 1081, Pretoria

11 Juli 1906

Waarde Oom Abram, Ingesloten vindt U een *concept* programma van Het Volk, bevattende beide ideale beginsels en praktische maatregels met het oog op de electies. Indien U tijd heeft er een beetje aandacht aan te schenken en ons uw gewaardeerd advies erover wilt geven, zal zulks ons zeer aangenaam zijn. Vraag s.v.p. ook Barry's opinie. Met hartelijke groeten, *t.t.*

J. C. Smuts

TRANSLATION

Box 1081, Pretoria

11 July 1906

Dear Oom Abram, Enclosed you will find a *draft* programme¹ of Het Volk, including both ideal principles and practical measures with a view to the elections. If you have time to give a little attention to it and will give us your valued advice upon it, we shall be very pleased. Please ask Barry's² opinion as well. With heartiest greetings, *totus tuus*,

J. C. Smuts

316 To M. T. Steyn

Vol. 99, no. 52

Bus 1081, Pretoria

18 Juli 1906

Waarde President, Hartelijk dank voor uwe opmerkingen over het Programma. Ik denk dat wij uwen wenk omtrent par. 1

¹ Smuts Collection, Box Z, no. 4.

² J. B. M. Hertzog.

zullen volgen. Ik had het zoo gesteld *deels* omdat *suprematie* zoo 'n vage term is en niet te identificeren met de vlag, *deels* omdat ik het Vereeniging tractaat zie meer als een op ons geforceerde dwang en toegeving dan als iets waarnaar wij als een soort van Magna Charta kunnen terugwijzen. Ik gevoel echter diep uwe bezwaren die op een punt als deze voor ons beslissend zijn.

Ik stem met U samen dat er fraaie sentimenten in het Programma steken; maar als men met den duivel dineert moet men een langen lepel gebruiken. Met hartelijke groeten, *t.t.*

J. C. Smuts

TRANSLATION

Box 1081, Pretoria

18 July 1906

Dear President, Thank you very much for your remarks on the Programme. I think that we shall accept your suggestion about para. 1. I put it like that *partly* because *supremacy* is such a vague term and not to be identified with the flag, *partly* because I see the Treaty of Vereeniging more as a compulsion and a concession forced upon us than as something to which we can point as a sort of Magna Carta. However, I am deeply sensible of your objections which, on a matter like this, are for us decisive.

I agree with you that there are pretty sentiments in the Programme; but if one sups with the Devil, one must use a long spoon. With hearty greetings, *totus tuus*,

J. C. Smuts

317 To M. C. Gillett

Vol. 4, no. 113

Box 1081, Pretoria

10 August 1906

I have just read your last dear letter in which you detail certain excursion experiences with Miss Hilda¹ in a way which made my old heart leap inside of me. But immediately in the wake of that healthy feeling comes a metaphysical afterthought of a semi-morbid character in which one reflects on the value of this life of joy or rather episodes of joy in a life of care. Yes, it

¹ Hilda Clark, sister of M. C. Gillett.

is a *Tochter aus Elysium*¹—the divine leaven that works in our inert clay. And don't you think that this joy—physical, natural—is one of the neglected factors in our Christian religion. We are too sombre, too intent on the darker aspects of existence, and when we do rejoice, it is 'in the Lord' as they say, and as the dead die. Why should I rejoice 'in the Lord' with a pious look to the other world? Is not Joy our Lord? Haven't you walked over bounding hills and felt inside of you this joy as a physical force? Is it quite true, as Goethe says, that he who has not eaten the bread of tears and spent the sleepless nights of sorrow knows not God? But on the other hand, would this pitiable experience alone lead to God, if we had not this divine spark of joy glowing in the dull embers of experience?

I saw in the letter how you were hob-nobbing with Lady Portsmouth, Lady Carlisle (I believe) and other similar folks. Beware that you do not lose your Quaker simplicity of soul. And to think [of] you going to dances!

Here all is quiet. The bomb in the shape of a Constitution² has fallen, and all is still. I think it will be a workable instrument, and although we shall be in a minority, we have on our side the big battalions of the Ideal of Justice, of Patriotism, and we shall win tomorrow or the day after. *Morgen is nog een dag*.³ When we signed the Vereeniging Treaty one Boer said to me, 'There is one consolation left us, we are young'—meaning of course the South African infant race whom we represented.

How I do long to be at Street and walk the hills with you and spend the evenings in conversation with those dear friends. Oh, life is cruel and mixes bitter with all its sweets.

The sweets are there of course, among which I reckon the birth of a son and heir⁴ two weeks ago.

318 To E. Hobhouse

Vol. 4, no. 95A

Pretoria

16 August 1906

My dear Miss Hobhouse, I have not answered your last earlier as I had hoped to see one of the local booksellers first in

¹ A daughter of Elysium. Schiller, *An die Freude* (Hymn to Joy).

² The Constitution providing for self-government in the Transvaal Colony was promulgated by Letters Patent on 6 December 1906.

³ Tomorrow is another day (Dutch).

⁴ Jacob Daniel (Japie).

reference to the balance of your *Brunt of the War*.¹ But I have not yet found an opportunity to see any of them. I hope to do so soon and let you know the result.

It is quite a long time since we last saw you. Have you developed some aversion to Pretoria, or is it the attractions of <Mara> or the occupation of your work which makes you keep so still? There is so much to talk over, I do hope you will come over soon. The first time I come to Johannesburg I shall try to look you up, but you know I seldom go there—my time is so occupied in one way or another.

I am not surprised at your disappointment with the Constitution; I am not, as I have learned that omitted beatitude about expecting little. The object of the Ridgeway Commission, as I saw early in their negotiations, was simply to see how little they could give to the Boer without making the latter stand aside. They found that out and made their report accordingly. Englishmen are very human and very English.

I am invited to the reburial of some fallen heroes at Lady Grey next Wednesday, and have half a mind to go, but it is most inconvenient. Still, I am afraid I shall have to go, though these things are very painful to me to whom they open again an aspect of my experience which as a rule I keep under seven seals. Ever yours most sincerely,

J. C. Smuts

319 From J. X. Merriman

Private

Vol. 4, no. 62

Schoongezicht

Stellenbosch

26 August 1906

My dear Smuts, I take the advantage of the termination of our Session to write to you. I am most deeply interested in your affairs though it is difficult for us at a distance to get a very clear understanding with only the wandering lights of the press to guide. One thing however seems clear and that is that the ranks of the so-called Progressives are much divided and the lack of cohesion and want of leaders ought to make the South African Party much stronger. I see that it is held possible in some quarters that R. Solomon is to be your Prime Minister;

¹ *The Brunt of the War, and where it fell*, by Emily Hobhouse. Published in 1902.

is there any truth in this? He is a man who is very well-meaning but most deplorably weak and I should think the last person to choose as a pilot to weather any sort of storm. For his own sake I hope the report is not true for such an office will only bring him misery and discomfort. He and Innes are both friends of mine but I can never forget that they were aiders and abettors of South Africa's greatest enemy Milner in the darkest days of our misfortunes.

I take it for granted that the Chinese will go. The last dodge of 'the magnates' is to enlist Cape boys,¹ and, by depleting our labour market, to try and get up a reaction in favour of Mongolian labour in this Colony. This is artlessly confessed in a leader in the *Cape Times*, 25 August, which reveals the whole plot. No doubt the Cape boy can be, *if* he chooses, a most excellent workman but he is a turbulent creature full of assumptions and to my mind a far worse citizen than the aboriginal Native. Did you read Kipling's doggerel? When will poor South Africa be left alone by these outside scribes!

Our Session has been very disappointing. The situation is not very unlike that in the last English Parliament, an utterly incompetent Government held together by a majority that dreads a dissolution and is prepared to swallow anything rather than face that dread contingency. Meanwhile there has been a subtle force of disintegration at work in our party that distresses me. Huge bribes in the shape of public works and all kinds of doles have had some effect. That the result is a fearful disorganization of our finances and a weakening of our credit does not seem to affect the mind of the average member as long as the pressure of taxation does not touch him visibly. I expect you will soon experience the same kind of insidious corruption which has in modern times succeeded to the grosser forms of personal bribery and constitutes one of the great dangers to free government.

Let me hear from you when you have a spare moment. Yours truly,

John X. Merriman

Your friends the Somerset East contingent applied the other day for compensation for losses, and for medals. I suggested that they should get a report from *you* on their case.

¹ Coloured men.

320 To J. X. Merriman

Vol. 4, no. 96

Box 1081, Pretoria
30 August 1906

My dear Mr Merriman, Thanks for your letter just received which I proceed to answer without delay. I am very sorry to hear about the corrupting influence of the Government party at the Cape and had noticed from the votes in connection with the Customs Union¹ that something was wrong with some members of the South African Party. There are always in every army cowards and fools who want to surrender on the eve of victory, and your army is no exception. But victory will come all the same and will be all the more decisive in consequence of the unnatural prolongation of the present ministry's life.

Here with us the same baneful influences are at work and no doubt a certain percentage are corrupted, but I hope the elections will not be very materially affected thereby.

Chinese labour is proving a veritable millstone round the Progressive neck. They are now making frantic efforts to break away from this issue which is their own work and instead to raise the racial issue. But they won't succeed, we are determined to make Chinese labour *the* issue of the first elections and so lay low for ever this baleful spectre which has loomed over South Africa for three years. The Responsibles after much coaxing and indirect pressure from us are now also falling into line on the question.

We are making big efforts to strengthen the hands of the moderate English sections. If they had a leader the victory would be overwhelming, for the disgust with the mine-owners is universal. But there is no leader and so E. P. Solomon fills the gap.

Richard Solomon is determined to be first Premier and has I believe even declined a governorship elsewhere in order to realize this darling ambition. I think he will be Premier, although I perfectly agree with your personal judgment of his character. Without a party or a hold on the electorate he will be entirely dependent on his colleagues in the ministry, and his position is bound to be most uncomfortable. But there is no one here (except Bailey) who wishes to be Premier, and so

¹ See p. 382 *supra*, note 1.

Richard Solomon's personal wishes will settle the matter. As he is weak, wise and strong colleagues (if such there be) will mould him, and after all his sympathies (apart from personal ambition) are with the general population. As I gauge the situation in South Africa, the currents are slowly but steadily settling in the right direction, the dupes and their deceivers are gradually drifting apart and the fundamental issues are becoming clearer. If we could only manage to be both moderate and strong, and further racial union in politics, the future no doubt is assured. Money will continue to be a tremendous power, but the foundation of racial distrust and suspicion, on which it wished to raise a monopoly of power, will be shaken for ever. But after all I come round to my conviction that unless the power of the magnates in the Transvaal is broken by our entry into a unified or federal South Africa, the danger of their capturing supreme power here and so over the rest of South Africa (which they will rout piecemeal) will continue to exist. Now already they are hypnotizing poor, petty-spirited Natal into an act of suicide, and their only object is to neutralize the Boer vote in the Transvaal. We must checkmate them by working for the only real and possible Union, viz., of all South Africa. I hope to speak on this subject at a banquet tomorrow night at Krugersdorp.

Are you not coming to visit us and discuss subjects? I shall not come to the Cape before December. Yours very sincerely,

J. C. Smuts

321 To M. C. Gillett

Vol. 4, no. 114

Box 1081, Pretoria

8 October 1906

. . . Truth is, I am now so often away from Pretoria on political business that my correspondence like my legal work suffers in all directions. I could wish to be out of it, to be far away and roam the hills and uplands and feel myself a free man in God's free world, and leave this inane babble of politics alone for ever. You know that passage in *Faust* where the *Lerche* rises to its region of song and the *Kranich* flies homeward. Well, I have that tendency in me—to leave this alien world of

endless endeavour and enter the strifeless world of the spirit, where the flowers of friendship bloom for ever, and all is undisturbed repose. But here I am chained like a fly to a wheel, and round and round I have to whirl—to no good purpose that I can see. Still, how could one get out of it? You curious Quaker folks hold that politics is part of one's religion, and I am not quite without religion. Again, there is no decent excuse to give to the world for leaving all this severely alone. It would seem cowardly and selfish. So I must continue to suffer and you to forgo the doubtful pleasure of deciphering my letter.

The Delimitation Commission is busy cutting up the country into single member constituencies, and generally the result is not very favourable to us. One feels like getting savage with rage at the continual injustice, but *cui bono*? We must learn to accommodate ourselves to the ways of our governors—Liberal and Conservative. The race is young yet and maybe these buffetings will do us good. The depression still continues or rather deepens as time goes on. I believe half the country is hopelessly bankrupt and is pathetically looking for salvation to self-government. Poor dupes; for self-government will be but a shadow, and may under certain contingencies (Rand rule e.g.) be a very baleful shadow.

But I am depressing you. Have you seen George Santayana's *Life of Reason*? It is a very striking work written in the most splendid English by an American professor. The fifth volume on Religion is quite one of the best things I have seen for a long time. He says many things I have thought or felt all along, but have never seen put with such force and splendour of expression. Somehow I think headway is being made even in these decadent days.

The cricketers are doing very well in England.¹ The Captain, Paul Roos, is a very fine fellow—was a pupil of my wife in those far-off days when she did some schoolmastering and infused her own heroic spirit into a younger generation. Kindly remember me to Mr and Mrs Clark and all the family circle at Street and don't forget that that circle is often in my thoughts.

¹ The completeness of Smuts's lack of interest in sport is shown by his confusing the most famous of all South African Rugby football teams with cricketers.

322 To J. X. Merriman

Vol. 4, no. 97

Box 1081, Pretoria

12 November 1906

My dear Mr Merriman, I owe you now answers to no less than three letters and feel ashamed of my apparent neglect. I have, however, done a good deal of knocking about the country in connection with registration and was hoping to see you at the University Council meeting.¹ At the last moment I was prevented from attending by law work which I could not get rid of.

I note what you say of Botha's speeches in regard to the suffrage for women. I quite share your views on the matter and so I believe do the great majority of South African women. I do not however understand Botha seriously to advocate this measure. Like Campbell-Bannerman he is merely coquetting with what appears to be a harmless delusion. C.B. has already found out his mistake and has had almost as much trouble from 'suffragettes' as from the I.L.P.² Botha may yet be undeceived in a similar manner. He has never yet spoken to me about the matter, but I shall warn him now to be careful. Afrianders are conservative and will resent these revolutionary innovations.

I am not astonished at what you report of Richard Solomon. I am afraid he can only be a politician with the firm hand of a Milner round his back. How one can dream of being the leader of the politics of this country without any party to support him passes my understanding. But he is seriously contemplating this feat. One cannot help feeling genuinely sorry for him, for he has many good points. He will find his true level of influence and power as soon as he comes down from his Olympian elevation and I am afraid he will be a very disappointed man. I believe that he wants to co-operate with us, and as long as he is sound on Chinese (which I rather doubt considering his past performances) we shall not object to this.

His brother E.P.'s organization is not quite a success. It has now an extreme right or Chinese-capitalist wing as well as an extreme left (Outhwaite, Creswell etc.) and between these two poor E.P. is worried to death. Besides, all these people are absurdly sensitive to press criticism which seems to me a

¹ Smuts was a member for the Transvaal (1906-7) and Merriman a member for Natal (1903-9) of the Council of the University of the Cape of Good Hope.

² Independent Labour Party.

serious disqualification for a politician in this country, where all the papers belong to the mine-owners. The mine-owners are straining every nerve to further the Chinese cause. Their latest dodge, which is influencing a large number of weak-knees, is the cry for a 'substitute'. They profess their willingness to let the present labourers go as soon as a substitute has been found—and in the meantime if they are victorious at the elections they will take good care that no substitute is found. We have done our best to lick a moderate English party into shape, but I must confess the results are disappointing. It is however possible that serious men like Creswell and Hull [H. C.] may yet succeed where the so-called moderate has failed.

I hope to come down next December or January for a couple of days and will make a point of it to look you up. Our elections are not likely to come off till next February. With best wishes, Yours very sincerely,

J. C. Smuts

323 From J. X. Merriman

Vol. 4, no. 66

Private

Schoongezicht
Stellenbosch

16 November 1906

My dear Smuts, Do not, I pray you, think that I take it amiss if your letters are infrequent for I know what an immense amount of public and private work you have on hand and I am only too anxious that you should not strain the bow too far. Your letters are however always a great pleasure. It was a relief to me to find that you were not a convert to the 'monstrous regiment of women' that annoyed John Knox so much. Botha ought to be careful for those chickens come home to roost.

I follow your political career with deep interest and I may add admiration for moral courage to say what one thinks is none too common in South Africa. The tide seems to be flowing with you but I mistrust some underhand work of the financiers. *Il y'a toujours une présomption défavorable contre ceux qui marient de l'argent* was an *obiter dictum* of one who at any

rate had no inconvenient scruples. That is an evil conjunction under the roof of our revered Monarch. Solomon, Jameson, Farrar, [Sir S.] Neumann!! The former as weak as water. All servants of the inner court of the temple of Mammon, therefore I say, be vigilant.

I am sure Creswell would be a man after your heart, a good type. What are we to say about Milner and his utterances on the British settler and the need for his protection? That is another pretext for giving self-government with a difference. As if in the days of the Republic any *settler* had been defrauded. The whole thing is an insult and makes one hopeless.

This raid of Ferreira¹—a not unfaithful imitation of another raid ten years ago—is rather a mysterious affair. The connection between a box of the Christmas ammunition makes it still more curious. Has it anything to do with your elections? For the wiles of Hoggenheimer are many.

You talk about a substitute for Chinese. It is to be found in the poor white. Any one of those men with five Natives will do as much work as an English miner with ten. I am going to enlarge on this at Port Elizabeth for I can see that from our side the poor white ought to be one of our very best assets instead of as at present a scandal and a problem. I think the Chinaman is doomed; even his friends in the Church seem inclined to throw him over.

I shall be very glad to see you in December and hope that you will be able to spare us a few days. Believe me, Yours very truly,

John X. Merriman

324 To J. X. Merriman

Vol. 4, no. 98

Box 1081, Pretoria
28 November 1906

My dear Mr Merriman, Many thanks for your last letters and offer to send Hobson's *Canada*. A friend at Cambridge has

¹ On 7 November 1906 Jan Ferreira and five other Transvaalers who had been in German South West Africa after the war, attacked police posts in the north-western Cape Colony and were joined by some forty Colonists. Ferreira had informed the German authorities that he meant to start a rebellion and there were rumours of a general Afrikaner uprising—which Smuts described as nonsensical. By 17 November the raiders had been captured or dispersed by a force of the Cape Mounted Rifles.

instructions to send me all works as they appear that will be instructive or interesting to me, and from him I shall in due course get Hobson's work. My friend, who is an old don past three score years and ten¹, is of a philosophical turn of mind and in these days of decadence evidently thinks that large doses of metaphysics will do me good for lately he has been sending me great numbers of metaphysical works. Hobson discussed with me the features of his work and told me many interesting observations of his in Canada—told me this when I was in London last January. He is rather too much of what Burke calls 'an economist and calculator' but has an acute intellect and sound heart, and I feel sorry that he should be wasting himself on daily journalism. If you get the *Tribune* you will see many interesting articles on economical topics by him. His brother, the great mathematician at Cambridge, was like him a thorough-going pro-Boer and has been a very good friend to me since my College days; but he has the same element of hardness in him. Their father was a Radical journalist of the Cobden school and I suppose that accounts for both their good and other qualities.

Your *caveat* about programmes is all too true; programmes are really odious to me, as are all formulas which attempt to express man's endless endeavour and strivings. But what can you do? Programmes and parties and all such abominations are part and parcel of the Constitutional life on which we have now launched forth. Ours has been drafted and will be launched early next week with much misgiving. There is much in it that is quite honest and sincere, although under the present political circumstances it will sound claptrap or vote-catchy. The one true creed for us is South African self-rule, as you say. But it sounds almost like a mockery at present—what with the malevolence of Conservative Governments and the stupidity of Liberals. However, we can but do our duty, knowing that the events of the last seven or eight years have stirred and set free forces in South Africa which are quite beyond the control of Downing Street or any other street or lane in London. To me it is a supreme satisfaction to know that in the end we—or those who come after us—will assuredly win. There is some-

¹ Wolstenholme was at this time sixty years old.

thing great and strengthening in the honest appeal to the future. I believe that is the root of our views of faith. The man that has faith in the future and, in brave disregard of present appearances, strives for a good and true thing to come, will not be put to shame. You have striven now for thirty years in public life for your ideal for South Africa. You have often suffered defeat, but you are not sorry. I would rather suffer total defeat in such a cause than triumph with the satanic success of a Milner or a Rhodes. For their work will go—the bacilli of right and justice are gnawing away at it and in due course the whole structure will topple even as it is toppling today already. With best wishes and hoping to see you soon,
Yours very sincerely,

J. C. Smuts

325 To M. C. Gillett

Vol. 4, no. 115

Pretoria

2 December 1906

... And in the first place let me express my sympathy in your great loss of Mrs McLaren.¹ She was a noble soul, with that human touch in it which is the true, if not the only, divine. I did not know your grandfather Bright, even by his writings or speeches, which you have not edited yet, but from his sister one can get an idea what he must have been as a man. I wonder what will become of England when the small percentage (I believe something like .00001 per cent) of such really good people have passed away. I was much interested to hear that she took such an interest to the end in the Women's Suffrage movement. In my eyes her adhesion would do much to redeem the movement from the taint of unwomanliness which the methods of its promoters have cast over it. Screching, scratching and kicking never inaugurated any really spiritual movement in the history of the world; and I cannot conceive that they will avail in the hands of women. And it does require some strength of conviction to believe in the godness of a cause, the most palpable ——² of which are the said kicking,

¹ A great-aunt of M. C. Gillett.

² An omission in the Gillett typescript.

scratching and unseemly violence. But when such people as you Clarks and other salt of the earth believe in it, I feel also reluctantly persuaded to stand by it, even though I do so with blushes and apologies. Mind, however, you don't get into prison with Annie Kenney¹ and her friends as I don't feel impressed by this species of martyrdom. Far rather come out to the Boers and in that fruitful soil sow the seeds which from the hands of Quakers have borne such noble fruit all the world over. The abjuring of violence which is such a noble tenet of your faith is all the nobler and more necessary as a creed for women.

Aren't the Springboks splendid? Somebody has remarked here how pleased he is that they are teaching the English what Afrikanders can do when matched against equal numbers. There are some very fine fellows among them, especially Paul Roos who received his schooling from my wife and therefore needs must be *sans peur et sans reproche*.

My wife and family I sent away to the Cape last night and now occupy the house alone with Schalk Burger. Tomorrow General de la Rey will join us for the Congress of Het Volk which commences the day after, and on this latter date I also expect the Missis and Miss Rowntree in connection with their exhibition.

The election is drawing nearer and great activity already prevails; I shall be in the thick of the fighting till next March.

326 From J. X. Merriman

Vol. 4, no. 67

Grahamstown

[Cape Colony]

6 December 1906

My dear Smuts, Your letter of 28th November followed me down here. I have been 'on the stump', not from any love of that eminence but being asked I did not like to refuse. I addressed between 3,000 and 4,000 people at Port Elizabeth—very orderly. One does not attach much value to such things but it is a sign of the times; when these jingo communities will listen to justice possibly some souls may be snatched from imperialism.

¹ A leading suffragette.

I was rather disturbed by seeing in a telegram that Botha had said that if Swaziland were separated from Transvaal Het Volk would take no part in the Constitution. This would be playing the enemies' game with a vengeance. No matter how few you may be or whatever adverse circumstances you may have to encounter you are bound to win *if you fight*; for *speaking politically* the Progressives have not the brains of a rabbit among the lot of them. But abstention is just what they want and would be fatal.

I thought Botha's reply to Fitzpatrick admirable and everyone enjoyed it. Your programme was unexceptionable and did not err in being too specific.

Two points I think you might find gain you sympathy—the employment of 'poor whites' and the legitimate protection of bona fide settlers. It is almost an insult to suppose that the latter should be in any way required but the enemy find that they can sow suspicion and distrust by slandering the people. It is really a game to protect not the so-called settlers but the official gang who batten on that business.

We shall have infinite trouble with Federation and the Native question. *Festina lente* will be the words of wisdom. The primary fault of politics is 'hurry'.

I quite agree in what you say about Hobson; it is the great fault of these doctrinaire folk that they make no allowance for the natural man who is not to be governed by formulae. With kind regards, Yours truly,

John X. Merriman

Did you ever come across these lines of Watson's

'Great is the facile conqueror
Yet haply he, who wounded sore
Breathless, unhorsed and covered o'er
With blood and sweat
Sinks foiled but fighting evermore
Is greater yet.'¹

I saw Abe Bailey in Cape Town. He seemed uncommonly *bek af*.²

¹ A stanza from 'In Laleham Churchyard'.

² Down in the mouth (Afrikaans).

327 From J. X. Merriman

Vol. 4, no. 68

Schoongezicht

Stellenbosch

18 December 1906

My dear Smuts, I am curious to know what you think of the new Constitution and hope you will find time to send me a line. The best omen is the sort of impotent raving to which Leonard [J. W.] treated you. Imagine what would have been said if any of us had ventilated such comparisons. Of course the restrictions are unpleasant but many of them are in the nature of the *brutum fulmen*¹ that is so dear to the English Constitution and all the written imitations that derive from it.

The provisions about 'the settlers' are not nearly as bad as I expected. The wretched fellows will be praying to be delivered out of the clutches of their 'board'² before they are many months older but a more inglorious way for depriving them of the sympathy of their fellow South Africans could not be contrived.

The Native question is more serious but there we are face to face with a secular problem in Africa. The whole idea of an *imperium in imperio* is distasteful, sure to lead to friction, sure also to make people more unsympathetic but you will doubtless make allowance for the position of the Government which has behind it an immense brute mass of ignorant ill-informed prejudice that is always trying to compromise for the beam in its own eye by keeping a clear outlook for the mote in its colonial brothers'.

I hope you will not find out too late the inconvenience of manhood suffrage which always seems to me to put power in the hands of those most unfit to use it. What an age this is for the worship of shibboleths! And what devout worshippers the Liberals are of that cult!

I hope the elections will ensure the end of the Chinese. I have just come back from the Eastern Province; everywhere one sees and hears much of the seamy side of our social system

¹ A harmless thunderbolt, thus a noisy but empty threatening.

² The Constitution provided for the establishment of a Land Settlement Board to control lands held by the settlers. It consisted of three nominated residents of the Transvaal and was to function for five years. See Cd. 3250 of 1906.

—the mean white—who is a menace to our future. If you and your friends can give him a chance of retrieving his position by well paid work on the mines for which he is well fitted you will be conferring the greatest boon on South Africa.

I am amazed at the insensibility of the Church that spends—I will not say wastes—money and lives on compassing proselytes in Central Africa while at our very doors this plague spot is festering. I think that the tone of the so-called moderate men is improving. They will at any rate give a hearing to their opponents. Progressivism has been tried in the balance and found wanting. See that you never give its professors a chance in your country—and do not let Selborne's friend the knight¹ get in for Pretoria. Believe me, yours very truly,

John X. Merriman

328 To J. X. Merriman

Vol. 4, no. 100

Box 1081, Pretoria

23 December 1906

My dear Mr Merriman, Many thanks for your last two letters which I read with great pleasure. I saw in the papers that you had had a very successful political tour through the Eastern Province and rejoice to see that in the old Colony, as here, the South African idea is silently working to the front. That idea—and its noiseless operation and progress—is our chief political asset. It is waging a mortal war with the organized money power which is corrupting politics and tampering with men's souls all over South Africa. That is why I rejoice at the treatment of Pim [H.] and Creswell and others similarly situated. People's eyes are gradually opening to the moral abyss into which we are sinking unless a great stand is made.

This too is my reason for favouring federation or rather (if possible) unification. Believe me, as long as we stand divided and separated in South Africa the money power will beat us in the Transvaal first and as a consequence over the rest of South Africa. I know the practical difficulties which will be well-nigh insurmountable. Greatest caution too will be necessary otherwise we may buy a cat in the bag.² But once we are

¹ Sir J. Percy Fitzpatrick.

² Smuts has translated literally the Afrikaans *n kat in die sak koop*, meaning to buy a pig in a poke.

convinced that that way alone lies the true solution and the triumph of the people's interest all over South Africa, we should go that way and not be deterred by practical difficulties. A tremendous effort will be made, as soon as Parliament meets here, to get rid of the Customs Union and to isolate our railway policy.¹ The Rand is clamouring against protection and railway receipts here are falling at the rate of almost a million per annum. Unless we have political union commercial union will become impossible and an intolerable situation will soon arise. I am against public selfishness as much as against private selfishness, and therefore I say let us follow the better way and through mutual self-sacrifice proceed to lay the foundation of a united South African people. I was very glad to see that you had laid stress on the necessity of development of our internal resources. Your speech at Port Elizabeth I read *in extenso* in the *South African News*² and to me it formed one of the most instructive and illuminating expositions of the situation I have seen for years. Your Graaff Reinet speech in a later number I have not yet seen.

In regard to our Constitution my view is that it lays a thoroughly satisfactory basis, and the blemishes on it are temporary and will, I hope, soon disappear. The Progressives, as you will have seen from Leonard's furious philippics, are determined to pick a quarrel with the Liberals over the Chinese provisions.³ To the Boers the provisions ought to and will be quite acceptable. Among the urban populations and especially along the Rand a strong current is setting in against Chinese repatriation. The cry of a substitute first is proving very successful. This, combined with the wretched weakness of the National Association⁴ to whom we have had to give some good seats, is making the situation very awkward for us. If the British Government assist us however, I hope and feel certain that the matter will come right. My meeting in the

¹ The Transvaal had joined the Customs Union in 1903 and its railway system had been united with that of the Orange River Colony in 1902.

² Established in Cape Town in 1899. Ceased publication in 1914.

³ These were that bills providing for the importation of indentured labourers were to be reserved, and that no further importation under the Ordinance of 1904 would be allowed.

⁴ The Transvaal Responsible Government Association had been renamed the Transvaal National Association.

Wanderers was held to stem this Chinese undercurrent, but it has not been successful in achieving this object. The cosmopolitan population of the Rand, with its political apathy and want of principle and its sordid absorption in material things, makes one sometimes despair. To them loss is loss and gain is gain and they have never risen and are perhaps incapable of rising to the height from which the Apostle saw that loss was gain.¹ And there is a flabbiness in the political texture of our English friends and an inherent tendency to waver and wobble which is very annoying. The Boers are much more staunch and I have no doubt that the ark of the covenant is still in their possession—despite the war and the despair it has created.

I find that it will not be possible for me to run down to the Cape. I am already fixed up for political meetings to the middle of January, and after that the electioneering battle will open with all its fury. I hope to run down after the elections. Richard Solomon we have pitted against Fitzpatrick in order to give him an opportunity to burn his boats. We shall be prepared to accept him and work with him if he is sound on fundamentals and recants his Chinese heresy. But his position will be difficult and anomalous and unhappy. You cannot be the chief henchman of Milner and aspire to be the saviour of South Africa. However, the future is dark enough and sufficient unto the day is the evil thereof. I have selected as my constituency the northern suburbs of Pretoria—a large, virile community, mostly English, arisen after the war. I held a meeting last night and foresee no difficulty in getting elected.

With best wishes for a merry Christmas and happy New Year to Mrs Merriman and you, Ever yours sincerely,

J. C. Smuts

329 From J. X. Merriman

Vol. 4, no. 69

Confidential

Schoongezicht

Stellenbosch

30 December 1906

My dear Smuts, I am truly sorry not to have the prospect of seeing you as there are so many subjects on which I should

¹ 'But what things were gain to me, those I counted loss for Christ.' *Epistle of Paul to the Philippians* iii. 5.

like to talk to you, but I quite appreciate your anxiety not to quit the field of action till the battle is over. Do let me warn you to be careful about Solomon. He betrayed us at a very critical time and though I have not broken off personal relations I can never feel any confidence in him. On his passage through Cape Town he was occupied in trying to undermine our influence by getting some members of our party to adopt Schreiner, of course in the imperialist interest and with a view of my own political destruction. From what I see in the papers I doubt if he will face Fitzpatrick on the platform and he will either throw you over or embarrass you by withdrawing at the eleventh hour. So be prepared in that event with another candidate and in any case have some very clear and definite understanding. I cannot believe that he will be sound on the great question of Chinese. By the way I enclose a cutting which astonished me for in your last you indicated that 'finding a substitute' is just the point on which the magnates are playing. I have never altered my opinion that the true substitute is the 'poor white' who can manage Native labour in a way that no English miner will ever be able to do. And in any case his employment would solve one of the greatest problems that beset the thorny path of this country. If a portion of the wage fund was deflected into the pockets of these people it would mean so much in every way, economically and politically. I do not know anything that gives me greater concern as a public man than the two movements that go on together—the degradation of a large and increasing class of our white population (not confined to any race) and, at the same time, the rising of the Native, which, inevitable and creditable and even, from the point of view of civilization, admirable as it may be, is at the same time when coupled with the other movement a grave national menace. For, my dear Smuts, when we discuss our politics and the large question of federation, commercial union, development and so forth, we are working from the top downwards. It is the large, silent movement of the foundation of society that really matters, and it is in that quarter that the danger lies.

This is no country where we can add to the European garrison by immigration; slowly indeed does any true accretion come from that direction and dismal are the failures of

any attempts to force the pace by that means. We have it is true evolved in some 200 years a most valuable element, the Dutch Boer and the English who have adopted his ways, but owing to the discovery of our mineral wealth and the spirit of gambling, owing also to the railways and even to our mistaken notion of education, this element has weakened while the Native has advanced. To remedy this ought to be the constant aim of everyone who, like yourself, has an ideal for the future. For my part I hail with joy any and every sign that I see of this part of the population taking to work, whether on the railways or in the mines or in the police. That way and that way only does salvation lie.

Now De Beers does employ hundreds of these men and finds them better than any imported people. Believe me it is not the difficulty of finding a substitute for Chinese but the dread lest the substitute may have a preponderating voice in politics that is operating on the magnate mind. Once let the mines be as they ought to be, the heritage of the workers of South Africa and not merely the gambling-table of European speculators and a good many of our problems would be solved. Therefore I urge you and Botha to believe that Creswell and Wybergh will be far safer allies in any future political scrimmage than people like Solomon.

I was greatly interested in what you write about federation. Do not think me lukewarm in wishing to unite, only, *timeo Danaos*.¹ I do not want to see any union hastily patched up with a view of sowing the seeds of imperialism—that the whole of South Africa may have one neck in order to fit the yoke easier on to it. The proper course to adopt is to call a national convention, each Colony to be represented by one representative for each 50,000 Europeans, the local Parliaments to pass Bills providing for the election of these delegates. This was the course adopted in Australia; it took ten years to hammer out their Constitution and even now it has been found very faulty. The rock they split on is expenditure and localism.

If we could adopt unification it would indeed be a great thing. Have you ever considered that at the present time we have some 200 members for 1,200,000 people. Very soon we

¹ I fear the Danaans. Virgil, *Aeneid*, ii. 48.

shall have 300, and if we put a federal legislature on top of these! We have a debt of £100,000,000 with four borrowing bodies, if we add a fifth with an anxiety to placate local interests we shall be in a parlous state. All these considerations make me lean to one central legislature with administrative powers devolved on local councils. This may be a counsel of perfection.

Address yourself also to the difficulty of meeting the question of so representing the Natives that we may shake ourselves free from the futile, well-meant, and theoretically justifiable, though practically impotent, interference by a central power to whom those Natives owe allegiance and also from whom they claim protection. It is round this point that much centres. But a sheet of note-paper is a poor medium for giving even the baldest sketch of the question.

With kind regards and best wishes for the new year and for the success of your cause, Believe me, Yours truly,

John X. Merriman

330 From L. Curtis

Vol. 5, no 4

Rand Club

Johannesburg

7 January [1907]

My dear Smuts, Duncan, Hichens [W. L.] and I felt that the presence here of representatives from the other Colonies for the Defence Conference offered an opportunity for a meeting between men from different parts of South Africa who share the belief in common that South African union is the only measure which will give self-government in its true form, which is a necessary condition of good government. At first Duncan thought of asking everyone to his house but it seemed to us that young and comparatively new arrivals like ourselves had better stand aside, and offer their services to the recognized South African leaders so far as they might prove acceptable. The idea then occurred of asking Tucker [W. K.] to preside over a dinner but that appeared to be too public. Finally Bailey offered to give a perfectly private dinner in honour of Duncan in view of his pending departure from office and temporarily from this country. This will enable Duncan, who

for the moment stands in an absolutely neutral position, to tell those present how urgent the case for union in South Africa is, not merely from the sentimental but from the official and technical point of view. Such meetings are very difficult to organize and the time for mere after-dinner speaking on this subject is over, and it would be a pity if nothing could be done that might set on foot some such enterprise as we discussed together the other day in this club. I want therefore to set down my ideas on paper for your consideration. Would it, do you think, now be possible to establish a 'National Union' presided over by Chief Justice de Villiers and by Sir James Rose Innes, and perhaps also by the Chief Justices of the Orange River Colony¹ and Natal,² in order to assure the non-political character of the organization. The only qualification should be persons who believe in superseding the present system of divided government by a National Union extending from Tanganyika to the Cape of Good Hope. Given that common ground all shades of opinion inside that limit will be admissible, for the very purpose of the Union will be to thrash out the issues between these differences of opinion in such a way that the whole nation may take part in the discussion.

Now in order to carry out this programme, you must first of all have your raw material of fact and figure, and the first duty of the Union would be to collect in its office, collate, and print, all the necessary facts of South African Governments such as the duties undertaken by the different Governments, how performed, their debts and all details, their assets, population, franchise etc. If a conference met today to form a Constitution it would have to adjourn for six months for all this information to be collated. We can help on matters by beginning to do that now. If such work is dry and unromantic it is at least absolutely non-partisan.

This is number one duty. Duty number two would be what you described as writing a *Federalist*³ only I suggest that what we want is something which is less a disquisition on federal government in general and more of a discussion of the hard concrete

¹ Sir Andries F. S. Maasdoorp.

² Sir Henry Bale.

³ *The Federalist* was a collection of eighty-five essays in defence of the American Constitution, written by Alexander Hamilton, James Madison and John Jay, and published in 1787-88.

problems which have to be met in South Africa. The first paper might lay bare the issues between unification and federation. The difference is one of degree which when carried beyond a certain point becomes a difference of kind. The merits of closer union can be illustrated from existing Federations and the history of the United Netherlands etc. Everyone will agree that there must be provincial administrations just as England must have counties and France departments; and the next paper might go on to show what duties were proper for the central government and what for local administration.

These two papers would raise a host of controversial points and, if well printed in both tongues and distributed freely, would start discussion in the press and elicit perhaps other papers which might be published by the Union.

The subject could then be broken up and each branch assigned to the person best qualified to deal with it, or rather to lead off with proposals which would elicit discussion. [Sir W.] Stanford could deal with Native administration, you with the consolidation of statute law, Schreiner or Sir James with the federal courts, Duncan on railways, Hichens on the separation of taxes between the national government and local administrations. [Sir E. H.] Walton on the consolidation of debts and so on, in such a way that definite proposals on all the main problems would be put forward and sifted.

Now all this needs a deal of editing. It is a compliment which could be fittingly paid to the old Colony for the Transvaal to propose to put the central offices of the organization in Cape Town. Now what do you think of a publication committee consisting of Malan, [Sir M.] Park (of the *Cape Times*), Feetham and yourself. They could not often meet but I should be prepared to dedicate myself in an honorary capacity to keeping the two in touch and in organizing the actual production of the papers.

Thus in course of time Governments and legislatures will find in front of them volumes of concentrated fact, figures, and discussions which will tend to put concrete and definite plans in the place of vague aspirations, will give reality to their own discussion and make them feel that union, if difficult, is a practical possibility to be effected by those who will tackle it courageously.

But the Union should not I think rely on printed matter which never reaches a great mass of the people. It should have its branches and send its lecturers to every part of South Africa to bring the subject home to the very doors of the people and recruit their support for the Union.

I would suggest that membership in the Union be dependent upon an annual subscription of 5s. which shall entitle the member to receive all the literature published free. (It could also be put on sale at the book stalls.) Everything should be published in both languages. Besides the 5s. subscription, annual contributions not exceeding say £50 from any one person might be accepted, so as to ensure from the outset that if the Union exists at all it shall exist on a broad foundation.

I think there should also be a provision that the Union be dissolved the moment its object is effected, like the Corn Law League.

Please don't think that, if in dashing off this letter I have expressed myself absolutely, I am putting forward any single detail otherwise than for consideration. But the only way to make a start is for someone to have the hardihood to make proposals and for that reason I have gone into some detail, to make criticism an easier task for you. Will you revolve the plan in your mind as you journey to and fro and meet me as soon as you get back? I would rather hear what you have to say than ask you to sit down to write it. Yours sincerely,

L. Curtis

331 From J. X. Merriman

Confidential

Vol. 5, no. 21

Schoongezicht
Stellenbosch

19 January 1907

My dear Smuts, You are much in the public eye and seem to be the 'whipping boy' of your party as far as the *Cape Times* is concerned. I read what you said about Chinese and think it ought to satisfy any fair-minded man. Personally I should have been glad if you had not introduced the substitute business as it gives a loop-hole to the financiers to humbug but I suppose you have to deal with men as you find them—only do not fall

between two stools. I see you have 'that staff of a bruised reed' Solomon with you. See to it that he does not pierce your hand if you lean on him.¹ His personal qualities are so attractive and his political ones so utterly untrustworthy that I fear that any ship with him as captain is bound to get on the quicksands.

Malan told me of his invitation to walk into Abe Bailey's parlour and I was very pleased to learn that you and Botha had refused overtures from that quarter. That party, from Lord Selborne downwards, are desperately anxious to break up our party by professions of civility to some members of it. Their notion of conciliation is to call every Englishman who disapproved of the war and who has been South African, a renegade and at the same time to shower a good deal of nauseous adulation upon the honest but misguided 'Dutch' who have been misled. As these people have money and position and their attentions are flattering; this is a danger. The besetting sin of the South African Party is to be too afraid of 'what people will say' and too anxious to conciliate by concession to a sort of flabby imperialism that has its roots in the Stock Exchange.

There is a danger too that in our anxiety for union we may rush the federation business too soon before the foundations are firmly laid. Our policy should be to, at the earliest date, pass measures in all our Parliaments providing means for the election of delegates to a central National Convention. Whether this election should be by direct vote or by election by the Legislatures is a matter that should be left to the Legislatures themselves. My idea would be one member for each 50,000 European inhabitants.

The contrary policy which is being worked by Lord Selborne and the magnates, by the former from personal ambition and by the latter from personal ends, is a nominated conference with Lord Selborne presiding. I hope that when you get your own Government you will see to it that these days of nominated imperial conferences are put a stop to. They are the origin of all our ills. Just now I see that notable fellow [Sir C.] Crewe is on a conference to settle some general defence scheme which, as you are just about to get parliamentary government, looks

¹ 'Thou trustest upon the staff of this bruised reed, this Egypt, on which if a man lean, it will go into his hand, and pierce it.' *2 Kings* xviii. 21.

to me a bit of the greatest impudence. But to your true imperialist Parliaments are a stumbling block. Our finances are in a bad way. With kind regards to Botha and yourself, Believe me, Yours truly,

John X. Merriman

332 From L. Curtis

Vol. 5, no. 5

The White House
Muckleneuk
Pretoria
24 January [1907]

My dear Smuts, Your courtesy this afternoon was very welcome and very opportune, and I was glad of the opportunity offered of telling you that we had abandoned the idea of forming any formal organization at present, but that I and my friends had decided to confine ourselves to a study and digestion of the facts and, until we knew them, felt that further action was premature. When I say I and my friends I should like to think that I was so far honoured as to be allowed to include you in that circle, and that I was included in the circle of yours. But apart from that you are an able and acknowledged political leader who has the cause of national union closely at heart, and as such the results of any private labours of mine will be entirely at your disposal. I have no secrets and intend to have none.

But I go further than this. I am very willing to be guided in pursuing those labours and in the use I make of them by your advice. If at any moment you thought this or that step should not be taken your opinion would have immense weight with me, as it has already done. Please always remember this.

You know that I have not taken up this subject either lightly or lately. I hold that it is above all party politics and for that reason I have, contrary to all my instincts, refused to take any part in them. I have even, at the risk of grave misunderstanding with friends, refused the services of my pen to the Party to which I should naturally belong, because I felt that I was dedicated entirely to this work. But I do not intend to appear in the matter and would prefer that my name should never be mentioned in connection with it. All I want is Leaders to

serve as a Junior, in the legal sense, or perhaps I might say, Counsel for whom I may work as a Solicitor.

If, as you suggested, you are able to devote half an hour some evening in the course of the next week either at your house or mine, I shall tell you without reserve all I have done or am thinking of doing. I shall in any case value your advice exceedingly and if you see any room to co-operate I shall value that opportunity still more. I say during the next week for after that I am leaving the Transvaal for some time, but till then I should consider any appointment you cared to make as prior to all others. Sincerely yours,

Lionel Curtis

P.S. I am engaged tonight (Saturday) but am free on the following three nights, Sunday, Monday, Tuesday. On Wednesday I may leave, but if I heard that you cared to meet that night or Thursday I should postpone my departure till Friday.

333 To J. X. Merriman

Vol. 5, no. 54

Johannesburg
25 January 1907

My dear Mr Merriman, Just a line in answer to your last or rather your two last. I need scarcely tell you that I am very busy now, smoothing over difficulties as regards candidates during the day and speaking every night at the various points where the cause can be best served. My impression now is that our organization seriously under-estimated its strength and influence along the Rand and that we gave away a number of seats to our allies which we should have retained as some of them will now be in great jeopardy. The mistake cannot be rectified any more (*you* pointed it out to me long ago, but I then thought you wrong); now one can only fight to get in these rather weak persons.

As regards Chinese the position here is simply this: the miners have been thoroughly frightened by the cry that the Boers intend to wreck the mining industry by holus-bolus repatriation, and unless they were reassured on that point every mining seat would have been lost. That is my view and

the view of all our candidates on the mines, many of whom are as bitterly hostile to Chinese as you or I. In consequence of that I restated our case without really shifting our position, and I am glad to think that so far the result intended is being achieved. We must use the Chinese argument against the mining houses and not allow them to exploit it against us. The question itself is naturally troublesome and difficult but I am sanguine that our policy of repatriation will succeed, and six months sooner or later is to me a detail.

As regards federation, your remarks are but too true. I am naturally most keen to have, it or rather unification, but one cannot shut one's eyes to the fact that there are sinister influences at work—submarine operations which will have to be carefully watched. Bailey wants to run federation as a sort of Barnum policy to advertise himself; some other highly-placed persons want to achieve their ambitious hopes, and others no doubt have purely personal ends to serve. Still, the thing itself is very good, and if it is initiated in the proper spirit and from and on the right basis, a tremendous step in advance will be achieved. I would however wait till there is self-government in the Orange River Colony and a general election at the Cape has given the quietus to the Jameson crowd. Not that I wish this movement to be engineered in favour of one party or set of parties, but because I think a hopelessly weak and discredited Government is not the proper authority to deal with a matter of such far-reaching importance.

We are having splendid rains all over the country, and although the financial outlook is gloomy, a slow improvement can now be confidently anticipated. With best wishes, Ever yours very sincerely,

J. C. Smuts

334 From H. E. S. Fremantle

Private

Vol. 5, no. 9

Library of Parliament

Cape Town

14 February 1907

My dear Smuts, I cannot refrain from sending you one line of cordial good wishes for the success of your party and especially

of yourself at the elections. I devoutly hope that you will 'smite once and smite no more', as Milton puts it, that is, leave nothing to be smitten. We are looking to you and your friends with the most earnest hope. Yours sincerely,

H. E. S. Fremantle

335 From J. X. Merriman

Vol. 5, no. 24

Schoongezicht
Stellenbosch

24 February 1907

My dear Smuts, I ought to have written to you before but I have been very busy both with Railway and University matters.

I need not tell you that the result of the elections filled me with joy—not quite unmixed for I regret the failure of Creswell and Pim. As to Solomon's defeat you know my views—I think that you have escaped a great danger—that of being tied on to one who, whatever his personal merits, has no heart for the fray and is never certain from one moment to another what his opinions are. Such a man would have been the mere tool of Selborne. I rejoice more than I can say at the fact that now your party will take the reins and will show, I hope, what honest administration can do for the country. Do not I pray you fall into that too common South African error of trying to conciliate your opponents at the expense of your principles. I have never known that pay. *Fais le droit advienne que pourra* should be our motto.

I am curious to see how things will develop. I suppose Botha will be the Prime Minister, though I confess I should like to see *you* in that position. But what a work you have before you to undo Milnerism, not *per saltum* but gradually, to put the Kindergarten¹ in their proper place, to rid the country of the Mongolian curse, and above all to regulate the finances and prevent the land falling into the hand of the absentee landlord. It will be a task indeed and you will have to work in the face of the most unscrupulous opponents and with the thinly-veiled hostility of the representative of the Imperial power. But *L'audace ! L'audace ! Toujours l'audace* as Danton said.

¹ See p. 151 *supra*, note 4.

Pass a good Audit Act the first thing. It is a self-denying ordinance but I am convinced that it is the very root and foundation of liberty. Ours, passed last year, is not a bad model. We have, I think, cut Selborne's claws in the university matter.¹

Doubtless you will see our letter and, I hope, approve. I think that among all classes down here there is a feeling that the best men have won. It was curious to note that Solomon's defeat was only regretted by the extreme imperialists. I wish you and Botha the fullest measure of success. How strange it must seem when you look back on the Stormberg² and Botha on Bakenlaagte!!³

I suppose that ridiculous statement in the papers about knighthoods is as false as the usual reports. I pray that no South African will ever take these so-called honours which Rhodes so heartily despised. With kind regards, Yours very truly,

John X. Merriman

336 To J. X. Merriman

Vol. 5, no. 55

Pretoria Club

Pretoria

25 February 1907

My dear Mr Merriman, The fight is over and parties stand as follows (when the few final results will be in):

Het Volk	37
Nationals	6
Labour	3
Progressives and Independents	21 ⁴

So that our victory in the Lower House is complete. Against this must be set off the nominations to the Second Chamber

¹ Selborne and others supported a proposal to establish a national university to include all the colleges in South Africa. Their opponents fought for the granting of separate charters to certain colleges. The federal plan collapsed early in 1907 when the Council of the University of the Cape of Good Hope would not confirm it.

² On 5 September 1901 Smuts reached the Stormbergen in the north-eastern Cape Colony. Two days later he was almost killed in Moordenaarspoort.

³ On 30 October 1901 Botha wiped out a British force under Colonel Benson at Bakenlaagte, near Bethal.

⁴ The final results gave the Progressives and Independents a total of 23.

which will now have a Progressive majority. Through Selborne the Liberal Government has created for us here the identical position with which they are confronted with the House of Lords. We have protested, but *cui bono*?

[R.] Solomon's defeat settled any doubt that there might have been as to the premiership. Botha will now form the Government. At the same time we feel sorry for Solomon and if he will serve under Botha (as I think he will) he may be A.G.¹ I am exceedingly anxious *not* to have a pure Het Volk Ministry. On our policy of racial peace we carried many English constituencies with us, and I think we should continue that policy night and day. Unfortunately the Nationals have few men of particular note or ability; we shall take I believe Hull and [E. P.] Solomon.

The predicted fall in the market has not yet taken place. In fact the market is rising. Bailey has not yet sold the York mine,² so that we have still a few days' grace.

There is a great work ahead; we mean to proceed very cautiously but very firmly. I hope your party will soon be victorious at the Cape, so that a great forward start could be made all over South Africa. There will be a great chance which we ought never to miss. With best wishes, Yours very sincerely,

J. C. Smuts

Many thanks for your congratulations.

337 To M. T. Steyn

Vol. 99, no. 53

Pretoria Club

Pretoria

[25 Februari 1907]

Waarde President, Hartelijk dank voor uwe gelukwenschingen.

Wij volgen uw wenk en zullen Botha premier maken. Het ministerie zal heel mogelijk bestaan uit Botha, Jaap, R. Solomon, Hull, Rissik en mijzelf.

Een groot werk ligt voor ons waarvan veel afhangt voor ons volk. Ik hoop wij zullen kracht hebben om ons plicht te doen. Met hartelijke groeten, *t.t.*

J. C. Smuts

¹ Agent-General—the representative of the Transvaal in Great Britain.

² A mine on the West Rand.

TRANSLATION

Pretoria Club
 Pretoria
 [25 February 1907]

Dear President, Hearty thanks for your congratulations.

We are following your suggestion and shall make Botha Premier. The ministry will most probably consist of Botha, Jaap,¹ R. Solomon,² Hull, Rissik [J.] and myself.

A great work, upon which much depends, lies before our people. I hope we shall have strength to do our duty. With hearty greetings, *totus tuus*,

J. C. Smuts

338 To J. X. Merriman

Vol. 5, no. 56

Box 1081, Pretoria
 4 March 1907

My dear Mr Merriman, Many thanks for your all too generous remarks at the Stellenbosch meeting in regard to myself and my colleagues. Coming as they do from the veteran that you are, you can understand how deeply they touched us—especially on this day when we were sworn in as His Majesty's Government for the Transvaal. One is apt to look upon an event as this as a matter of course after the great fight we have had since December; but after all, viewed from a larger standpoint, it is really most remarkable. My mind went back to Vereeniging—separated from the present by only six brief years—and to the determination to win finally which buoyed me up even there in that darkest hour of our history. You will have seen in the appendix to de Wet's history³ some remarks of mine spoken at the last moment in which I referred to the great victory which was surely in store.⁴ For six years we worked away from the chasm which divided South Africa and in which its peoples had been almost engulfed—and here is the result. I do not know whether the new Government will succeed

¹ J. A. J. de Villiers.

² A slip of the pen for E. P. Solomon.

³ C. R. de Wet: *Three Years War*, Appendix C.

⁴ See 177.

or fail—but this I know, that the people of South Africa have advanced at an astonishing rate for the last six years, that they are really ripe for great things, and that failure will be due either to the weakness of leaders or to cursed fate, but not to the people. They have done their duty. It now remains for us to try to do ours. It is almost appalling in its magnitude after the accumulated blunders of the past six years. And all remedies have to be pursued, not only on their merits, but ever in view of this racial question which we are anxious to avoid. A one-sided educational system, a top-heavy administration in urgent need of curtailment, a paltry revenue crying for retrenchment—all will have to be attacked in face of the cry of racialism which is bound to be raised. However, my experience has been that questions generally appear more formidable at a distance and that, when closely grappled with, the solution also becomes more evident. So things may yet be better than we anticipate.

I might have been Premier, but considered that it would be a mistake to take precedence over Botha, who is really one of the finest men South Africa has ever produced. If he had culture as he has chivalry and commonsense, there would not be his equal in South Africa. The varsity boys in the team will help him most loyally, and I hope that events will justify the arrangement of the Cabinet.

Parliament will have to meet soon—I think 26 March for the election of Mr Speaker and other business. The opportunity may also be seized of making a statement of policy. We are now tackling the labour question and it may be that we shall propose deferring repatriation for some time pending an inquiry. We like to be sure, but are absolutely determined to end the Chinese curse within a limited time. If we do only that, our work will not have been in vain. But we are all for starting warily and moving circumspectly—but moving.

None of us has any parliamentary experience and I feel horribly afraid. I have an idea that it would be wise to get as Clerk of the Assembly a competent man, knowing both English and Dutch and thoroughly versed in the forms and usages.

Have you not got such a man in the service of your Assembly whom we might tempt away? Mr Speaker and Members will all be profoundly ignorant of the procedure and forms. But if you can help us to a first-rate clerk, a great difficulty will be

solved. Please look round, and let me know as soon as possible. I also write to Malan about this.

I regret the failure of Pim and Creswell exceedingly. I fought hard to get both in and they would have succeeded but for defective organization. But the failure may be a blessing in disguise, if my ideas could be carried out. Pim might make an admirable Auditor-General and Creswell as principal man in the Mines Department would be more useful than Creswell the politician with one idea. With kindest greetings from Botha and self, Yours very sincerely,

J. C. Smuts

PART VIII
MAKING THE UNION

8 MARCH 1907-27 MAY 1910

MAKING THE UNION

The papers of this period cast revealing flashes of light on the main historical issues in South Africa at that time and on the public tasks at which Smuts was then working. But they do not constitute a continuous record, for much of what Smuts wrote and did at this time was officially recorded and does not appear in his private papers. He was apparently too busy to write many private letters. Moreover, regular correspondents like Emily Hobhouse and Margaret Clark [Gillett] were in South Africa for part of the period and his letters to others, for example Wolstenholme, have almost all been lost. The best correspondence of these years is again that with Merriman.

In the Transvaal Government Smuts was Minister of Education and Colonial Secretary. In the first capacity his most notable achievement was an Education Act which aroused sharp criticism and had political consequences (344, 347, 349). In the second capacity he was confronted by the intractable Indian problem (359-361, 365-367, 369, 406, 441).

The most important papers are those on the activities that brought about the political union of the four South African colonies, and this is the main theme of the letters exchanged between the two men who were the pre-eminent makers of the Union—Smuts and Merriman. Steyn, de Villiers and others make contributions to the private debate. In the course of the debate the question of the political status of the Natives is raised, leading Smuts to explain and defend the position of his party to its Liberal supporters in Great Britain (385, 388). Merriman's victory over Jameson in the Cape parliamentary election in February 1908 marks the point at which the makers of Union move into action, and Smuts urges quick action to forestall a fresh swing towards separatism in the Transvaal (370, 371). The first stage of action—the Intercolonial Conference of May 1908 at which it was resolved to call a National Convention to draft a Union Constitution—is almost without record in the Smuts Papers. But Smuts's own preparations for the Convention are shown in a group of papers described in a separate note on p. 456.

On the Convention itself, the proceedings of which were strictly secret, there is also very little material in the Papers, apart from a large number of draft resolutions. But there are interesting documents on the quarrel about the site of the capital (418, 419), on the views of critics of the draft Constitution (422-429), and on the Transvaal-

Mozambique Agreement which almost wrecked the work of the Convention (432, 433). Finally, a group of important letters throws some light on an obscure subject—the party relations and the personal motives of the makers of the Union when the first South African Cabinet was being formed (452–455, 459–468, 470–472, 477).

In Smuts's personal story his papers for this period record the entry into his circle of close friends of Arthur Gillett, who became the husband of Margaret Clark (413). They record, too, the acquisition of Doornkloof, which was to be his permanent home (416), and, in Wolstenholme's letters, the growth of his library.

339 From J. X. Merriman

Vol. 5, no. 25

Schoongezicht

Stellenbosch

8 March 1907

My dear Smuts, Curiously enough I was just thinking of sitting down to write you a line of good wishes when yours of the 4th arrived. Very pleased was I to get it. If you go on in that spirit you have nothing to fear and everything to hope. You have been through too much to need Talleyrand's *point de zèle jeune homme*,¹ and you know how the hour of success is the one which causes most apprehension. I am glad to hear what you say about Botha. He is a Bayard in the field but I always had a sort of feeling that he was rather inclined to our great South African fault of leaning over-much to the conciliation of enemies rather than taking up a line and sticking to it *advienne que pourra*. I hope I may see him before he gets to England.² They want to bird-lime him there for their imperial circus. You ask about a clerk. The best in South Africa is G. R. Hofmeyr, who is now our Assistant Clerk in the House of Assembly. He is to us invaluable but I feel that, great as our loss would be, the work he could do in starting your Parliament would be of more South African importance. You would never get a better man, though I must say Roos [J. de V.] who is I think a lawyer in your parts is almost as good, but he has not Hofmeyr's practical experience.

Yes, you have a stormy time before you. Everything depends on your finance. My earnest advice is to secure a good Audit

¹ Talleyrand's recorded words were: '*N'ayez pas de zèle*'.

² To attend the Colonial Conference of April 1907.

Act, otherwise you will get into the same mess we have done. Constitutional liberty is founded on the power of the purse and the control by Parliament that was Kruger's stumbling-block. Your idea of Pim is *excellent* but without an Act the best of men is powerless. Of course the newspapers will supply you with all kind of wild schemes. Finance and your Native policy will be the lions in the path.

I note what you say about Chinese labour; if the demoralization of Africa is to be prevented and if our population is to be kept from degradation you must rid us of that curse. The gold will never run away but if once the Mongolian gets a footing the European race will wither. The whole face of Africa will be changed. Have you ever thought of a surtax on mines diminished in proportion to number of Europeans employed?

What a strong point it was in Kruger's Government—his absolute refusal to countenance anything like forced labour or Asiatic labour. That old man had some very good notions.

Well, you will not want long stories from a veteran. I wish you the most entire success, and I have confidence that you will attain it. Kind regards to Botha. Yours very truly,

John X. Merriman

340 To M. C. Gillett

Vol. 5, no. 57

Pretoria

9 March 1907

I have only just time to drop you a note to welcome you on your arrival at Table Bay,¹ and to invite you to come and have a long stay with us at Pretoria. I don't think you ought to make a long stay with the Missis at Johannesburg as that would not conduce to your rapid recovery from the after-effects of seasickness. Besides I want to hear the latest political news and all about the suffragettes direct from you. I am sure you will enjoy your stay with us, even in spite of the fact that I am now much occupied with official work. Come over the Saturday after your arrival—16 March—and stay here till Parliament opens (on 21 March) and thereafter.

About the election here, the way we fought and slew the

¹ Margaret Clark [Gillett] returned to South Africa to help Emily Hobhouse.

Amalekites and possessed ourselves of the high places—is not all that written in the newspapers? But I can add some poignant details in personal conversation.

General Botha is going to London to the Colonial Conference immediately after Parliament has adjourned (it will only sit a day). Some wag has said that the British people paid 250 million in cash and thousands in lives in order to make him Prime Minister, and surely he ought to go and show them what value they have received for that little outlay. If I could, I would accompany him, but the work is here now, and you know that is my principal attraction.

I thought January 1906 a memorable thing in British politics, but perhaps February 1907 may become far more memorable still in South African political history.

341 From J. X. Merriman

Vol. 5, no. 26

Private

Schoongezicht
Stellenbosch
16 March 1907

My dear Smuts, I suppose by this time you are inspanned and I hope your collar is not chafing. You certainly have a wide field of usefulness before you and your friends have every confidence that you will add to your reputation; ‘μηδεν ἄγαν’¹ says the veteran.

I read Botha’s speech with perhaps mingled feelings; it was eminently *politiek*² but woe unto you when your enemies all conspire to praise you. Trust them not, they are fooling thee. Nor do I fancy that your Government will be strengthened by Botha’s going off to England dancing attendance on this Conference where all kind of inconvenient topics crop up, upon which he has no sort of opportunity of getting at the opinion of his Parliament; and there is always an atmosphere of warm gush about the business which is not practical.

As for Jameson, he has a programme as long as your arm upon which he has not dared consult either Parliament nor even to announce it to the public. It crept out in the columns

¹ ‘Nothing in excess’. Inscription in the temple at Delphi. Quoted by Plato in *Protagoras*, 343 b.

² politic, wily, (Afrikaans).

of the *Cape Times*. I should be easy in my mind if Botha would maintain a sturdy attitude of non-committal, but I fear. Half our trouble here had its origin in that 1897 Conference.¹ It is some consolation to see that both Canada and Australia are very lukewarm and that they are trying 'with one accord to make excuse'² from attending that most embarrassing wedding-feast.

You have done most admirably in getting Hofmeyr who is the most competent and industrious of men who knows how to combine an absolute impartiality with a strong South African feeling. He will bring the custom of your House into line with ours—though I must say that in several matters our standing rules and orders might be improved. But I always hammer away at the same thing—get a good Audit Act, which is the foundation of liberty.

Kindly wire me on receipt of this what are Botha's movements. When will he be in Cape Town?

I hope you notice that the undue haste in the matter of federation is bearing fruit in the lecturing propaganda of P. Fitzpatrick who is I doubt not pushed on by his patron Lord Selborne. Do they hope to restore their influence by falling into line with De Beers? With kind regards, Yours truly,

John X. Merriman

Do not forget to wire me about Botha.

342 From J. X. Merriman

Private

Vol. 5, no. 27

Schoongezicht

Stellenbosch

5 April 1907

My dear Smuts, As I take it you are Acting Prime Minister I suppose that you have very little spare time to indulge in correspondence. Still you may care to have the views of a well-wisher who is not destitute of experience. I saw Botha on board. He was surrounded by such a mob of all sorts and

¹ There was no Colonial Conference in 1897. This may be a slip of the pen for 1887 when, at the first Colonial Conference, J. H. Hofmeyr had advocated an Imperial customs tariff against foreign imports, the proceeds of which would help to maintain the Royal Navy.

² 'And they all with one consent began to make excuse.' *St Luke* xiv. 18.

conditions of men that I could not have much speech with him and when at his request I got away to talk we were broken in upon by the Rev. [J. J.] McClure, who came to wish him 'godspeed' much as Judas did on a famous occasion. Botha made a very good impression as he is a fine, manly fellow with an excellent address. I had a private letter from one of our best friends in the House of Commons pointing out to me the alarm that was felt lest your Government should show any weakening on Chinese questions. It appears that any renewal of expiring contracts will be made the most of by their opponents as showing ministerial insincerity. I can quite understand how difficult it is for you to take steps that will be trumpeted forth as an attack on 'the industry'. At the same time I do not see that you are called on to do anything that will interfere with your fixed determination to put an end to the scandal.

So few recognize, and I fear one must add so few really care about, the effect of this scourge on the future of the European race. Apart from the economic danger from competition it is not outrages upon white women but the other thing that one dreads. Very disquieting stories reach one about the results that miscegenation have already attained. All the gold-fields in the world will not repay us if the sex barriers are broken down between the European and coloured races. I remember how you and I in 1900 tried in vain to prevent that syndicate venture of sending savages for exhibition in London. The appalling increase in the crimes committed on white women by Natives have no doubt been helped on by that and kindred ventures.

I see you are coping with the unemployed problem. But what a paradox that is! You have one of the richest and the largest fields of labour in the world—according to their own account—languishing for want of labour and the Government is obliged to give a dole of work at starvation wages to keep Europeans from starvation. A more rotten, topsyturvy state of affairs cannot be imagined. How is it that De Beers employs hundreds of poor white men from Boshof and elsewhere and your mines steadily refuse to do so?

Dr Bonn,¹ whom I think you know, noticed the different

¹ Moritz J. Bonn, a political economist, published in Berlin, in 1908, a book on Native policy in British South Africa.

attitude of the mine-owners in the Transvaal and Kimberley to this question. The encouragement by the so-called 'magnates' of the attitude by which the imported miner sets up a sort of trades-union which refuses to instruct the man of the country has everything to say to this.

Can you as a Government do nothing to break this down? Employing white men at starvation wages on public works is pauperization. It only aggravates the evil for which it is a temporary palliation [*sic*]. The one true remedy is to get these people on the mines at a fair wage with the prospect of piece-work. Johannesburg ought to absorb the whole poor white population in South Africa.

I know that you have to contend with the fatal doctrine that miner's work, which is the occupation of millions of white men all over the world, by some occult law is barred to any but the black man in South Africa. But this is not an insuperable difficulty at De Beers, and at Indwe¹ Colonial white men have proved themselves far more economically effective than imported, and surely there is nothing racially elevating in living like Hottentots as too many do, or in accepting pauper wages or relief work. The difficulty is with the employer, but you might turn over in your mind the possibility of taxing more heavily those mines who employ under a given percentage of white labour. I dare say I am preaching to the converted but my excuse must be in the fact that to me this poor white question with all that it means both to men and to women, is by far the most important question for all South African statesmen. It is mere nonsense to fix our eyes in the clouds and to talk about 'nations' and 'federations' and all kind of high-sounding things when a large and increasing number of our European population are sinking into apathetic, indolent degradation. This is the handwriting on the wall.

I dare say you will say 'Physician heal thyself'. Well I do, so as far as I can, both by precept and by example. Perhaps things are a little better in the Colony than they were though the evil is still gigantic. One tries to wake the Dutch Reformed Church up but they compass sea and land to make one proselyte in Central Africa while at their very doors our own flesh and

¹ The Indwe coalfields in the north-eastern Cape Colony.

blood are far more forlorn. Still there is a movement, and we may be thankful.

I have given you a long enough dose and will let you off any more. Only, as a last word, the poor white is *the* question of South Africa, and Johannesburg ought to be the remedy. Everything else can wait but delay in this matter is fatal because the evil increases in geometrical ratio. Twenty-five millions of gold and men starving in the streets!! A pretty industry. With kind regards, Yours very truly,

John X. Merriman

343 To J. X. Merriman

Vol. 5, no. 58

Colonial Secretary's Office
Pretoria, Transvaal
10 April 1907

My dear Mr Merriman, Many thanks for your very welcome letter; never think that I do not appreciate to the full the privilege of your advice and even scoldings. There is no man to whom I would sooner listen than to you in the great difficulties and anxieties of our present position. What these difficulties are it is difficult for anyone not in the know to appreciate. That conditions are rotten to the core I grant you; that a town of 75,000 whites exporting 26 millions in gold per annum should have a threatening unemployed question is a sufficient proof of that. I have addressed a strong communication to the Chamber of Mines and am to meet a deputation from them tomorrow. But I know that their one remedy is and will be Chinese labour and ever more Chinese labour. A policy of agricultural expansion with the consequent cheapening of the cost of living plus a vigorous educational policy seems to me the great desideratum just now. But we are so wretchedly poor that such a policy will be enormously difficult to carry out. A million sterling now judiciously spent on small irrigation works all over the country will not only solve some of our present pressing problems but lead to a new era in agricultural development and production in future. But we haven't the money.

22 April 1907. So far I got before and then mislaid this letter. The Chamber of Mines told me at above interview that white

labour was impossible; too expensive, too inefficient (in fact much worse than Kaffir labour) and too intermittent and discontinuous. They tried white labour some years ago and employed between 2,000 and 3,000 men on unskilled labour. On an average the men did not stay more than twenty-six days at a time. They would rather make contributions direct for relief purposes than employ the sort of white labour which is now on the Rand. The Boers they say make good labour material but these are not very numerous among the present unemployed, as they always shift somehow. The question is no doubt very difficult, as there is a sound substratum of fact in the contention of the Chamber of Mines. The question has occurred to me whether, as an experiment, the Government should not itself work a mine direct with white labour, just as it runs experimental farms. On such a mine machinery experiments could also be instituted and the Government thus acquire independent information. Perhaps such a mine may throw new light on the whole question of white unskilled labour. What do you think of it ?

The question of Kaffir and Chinese labour is also enormously difficult. I am doing my part of arranging the present Native supply on a more satisfactory basis but the danger is that we may put ourselves too much in the hands of the Portuguese authorities who would use their power to bargain for a *quid pro quo* in other directions.¹ With best wishes,
Yours very sincerely,

J. C. Smuts

344 To M. T. Steyn

Vol. 99, no. 55

Colonial Secretary's Office
Pretoria, Transvaal
23 April 1907

Hooggeachte President, Hartelijk dank voor uw brief en de gewichtige punten door U aangestipt. Denk toch niet dat ik niet het gewicht ervan gevoel. De onderwijs kwestie is voor ons zeer moeilijk en zeer gevaarvol. Ik ben geheel niet hoopvol

¹ In December 1901 Milner had made an agreement with the Portuguese Government by which limited recruitment of Native labour was allowed in Portuguese East Africa in return for a guarantee of preferential railway rates and customs duties in favour of the port of Lourenço Marques.

over de situatie maar denk dat de ingeslagen koers alleen tot succes zal leiden. Mijn toespraak tot het C.N.O. Congres is zuiver Art. 6 van ons Programma waarop geen kritiek werd uitgesproken, waarop wij de electies wonnen en waarop onze Engelsche vrienden met ons in 1904 overeenkwamen en sedert hebben samengewerkt. Hoe wij daar voorbij komen weet ik niet. Inderdaad zouden wij onzen nek breken indien wij voor het subsidie stelsel thans ingaan, daar wij niet alleen tegen onze Engelsche bondgenooten maar de meerderheid van onze eigen partij ter wille der minderheid zullen moeten gaan. Wij hebben nu de politieke heft in handen en hebben de kans een breede staatsmannelijke regeling der onderwijs kwestie te maken, en behooren van die kans gebruik te maken. Het alternatief is de Regeering stelsel met zijn 32,000 kinderen, waarvan de groote meerderheid de onze, zoo te laten, en voorziening te maken voor eenige duizenden kinderen door een systeem dat noodwendig op kerkscholen uitloopt. Maar ik herhaal oude argumenten. Ik gevoel het gewicht van wat U zegt maar zie daarin veel politiek en nationaal gevaar dat vermeden dient te worden. Het spijt mij dat U niet zal kunnen komen; mogelijk kunnen de andere vrienden. Wij wilden ook gaarne spoorweg zaken bespreken.

Het schijnt of Generaal Botha een magnifiek onthaal te Londen heeft; ik verwacht dat hij goed werk voor ons in andere richtingen zal kunnen doen. Met zeer hartelijke groeten,
Steeds de uwe

J. C. Smuts

TRANSLATION

Colonial Secretary's Office
Pretoria, Transvaal
23 April 1907

Most respected President, Hearty thanks for your letter¹ and the important points made by you. Please do not think that I am not sensible of their weight. The education question is very difficult and dangerous for us. I am not at all hopeful about the situation but think that only the course taken can lead to success. My address to the C.N.O. Congress is purely Article 6 of our Programme, of which no criticism was expressed, on

¹ Not in the Smuts Collection.

which we won the elections, and upon which our English friends agreed with us in 1904 and have since co-operated. How we can get past that I do not know. Indeed, we should break our necks if we now went in for the subsidy system,¹ as we should not only have to go against our English allies, but also against the majority of our own party for the sake of the minority. We now hold political power and have the chance to make a broad, statesmanlike settlement of the education question, and we ought to make use of the chance. The alternative is to leave as it is the Government system with its 32,000 children, of whom the great majority are ours, and to make provision for a few thousand children by a system which necessarily amounts to church schools. But I am repeating old arguments. I feel the weight of what you say but see in it much political and national danger that ought to be avoided. I am sorry that you will not be able to come; perhaps the other friends can do so. We very much wished to discuss railway matters as well.

It looks as if General Botha is having a magnificent reception in London; I expect that he will be able to do good work for us in other ways. With very hearty greetings, Yours ever,

J. C. Smuts

345 From J. X. Merriman

Vol. 5, no. 28

Private

Schoongezicht

Stellenbosch

28 April 1907

My dear Smuts, I have not bothered you lately as I knew that you must have your hands full. It was a great pleasure to me to get yours of the 10th–22nd for as you may easily imagine we are all of us keenly interested in the success of your Government. One member of it at any rate seems to have created quite a furore. I mean Botha. Of course one discounts a good deal that the newspapers send us and I do not believe that he is quite so enthusiastic about ‘preference’ or that he is quite such a friend to the Hero of Doornkop² as they make

¹ The proposal that the C.N.O. schools should receive Government subsidies.

² Jameson.

out. But enough remains amid all the mist of gush and guzzling to make one uneasy and to cultivate a faint hope that the whole affair will end without any damage being done. It is a trying position for Botha and, as I told you before he went, every engine of anti-South African influence will be set agoing with a view of shaking Botha's position with his own countrymen.

I am glad to see that as far as one can judge the Colonial Council proposal¹ has come to nothing. But all the talk about defence etc. fills one with alarm.

I sympathize most heartily with you in your troubles *re* the unemployed or rather, in many instances, the unemployable. I have regarded it as the chief paradox in South Africa that the production of twenty-five millions of treasure should lead to such a result. It is easy to say this but to find a remedy is not so easy. You will find Government employment, whatever it may be, a two-edged sword tending in the long run to accentuate the evil. Doubtless you have read the result of these socialist experiments in Australia and New Zealand. They are full of warning for us who have to deal with a mixed population. The crux of all labour problems in South Africa lies in the fact that the odds are on the cheaper man and whenever the pinch comes the coloured man ousts his white brother. That seems a natural law and you may go contrary for a time but *naturam expelles furca tamen usque recurret*.² As for the lot with whom you have to deal, the only ones for whom much sympathy need be wasted are those whom the war has driven off the land and who might conceivably be put back again, but of whom every month adds to their demoralization and to the difficulty of dealing with them.

For the others, for those gentlemen who want Government to pay them 10s. a day, I confess I am not so sorry; half of them are the parasites of the industry who shouted for Chinese and now they have got them, refuse to be comforted. For them the mines who created the situation should be made to provide, whether by taxation or by finding employment is an open question, preferably the latter. You may depend on it the Chinese are the root of the whole business. When they are

¹ See p. 344 *infra*, note 1.

² If you drive nature out with a pitchfork she will still come back. Horace, *Epistles*, I. x. 24.

gone you may hope to get to a normal equilibrium; as long as they remain the 'magnates' will lie and bluff in the hope of shaking your resolution. If it is true—which I do not believe—that this class of European is so hopelessly demoralized that he cannot be got to work, then neither should he eat except just bare food; the minute you give him more you pauperize him and you accentuate the evil that you have to deal with. How does De Beers get on without Chinese? How is it that they manage to get our Natives to work underground? How is it that out of their 4,000 European *employés* there are 1,600 South African born? No royal secret. Good pay, humane treatment and patience. With all their shortcomings their mines have been run by men. Yours have been exploited by financiers who just tried to kill out the Boer and then to get rid of the European by the Chinese—a hope that is not dead only sleeping. Compare De Beers capital and its production with your watered stock. Why should South Africa suffer as a whole for these greedy fellows?

I should, if I might venture on a word of advice, be *very* chary of the Government mine project. You would be robbed in every way. If you feel that you must do something, start a railway and employ your men as far as possible on *piece work*,* or a large reservoir, or a road. I think they have found this answer better than anything in New Zealand. There is a good—rather favourable—account in a book called *Newest England* by Lynch. There is also some allusion in *Australian Experiments* by Reeves. Also do not take it amiss if I counsel you in dealing with the magnates to remember Danton's *L'audace, l'audace, toujours l'audace!* They are terrible fellows for bluff.

Is there any possible chance of your getting down to the University meeting. There is so much to discuss. *We* are making very heavy weather with our finances. Believe me,
Yours truly,

John X. Merriman

*It is not beyond practical politics to get engineers who can work this. A good sympathetic engineer or a sailor is the best man for the unemployed. We politicians are too emotional and don't understand the class.

346 From J. X. Merriman

Vol. 5, no. 29

Private

Schoongezicht

Stellenbosch

22 May 1907

My dear Smuts, By all means encourage that scheme of Lionel Phillips to establish a school of mines for workers; it will socially, politically and economically reform South Africa. I agree with you as to your Cornishmen; the sooner they leave South Africa the better for all of us—overpaid, insolent fellows with their family ties across 6,000 miles of water. If your Government can carry out the substitution of the South African for the Uitlander miner you will have done much. But the whole question of your unemployed is a paradox. As a correspondent writes to me from Johannesburg, ‘Although they say there are unemployed and starving you can’t have your garden hedge clipped under £1 per day or a water-tank cleaned out under 15s. or a carpenter to drive in a few nails under £1 and the women, big strong Dutch and English girls and women, go to the Rand aid and beg for groceries but you can’t get a woman to wash a floor or sweep a room and a decent plain cook gets £6 to £8 a month and must have a Kaffir to wait on her’.

I expect from what I saw of your interview that there is a good deal of truth in this and we are not far off the sort of labour problem they have in Australia, which God forbid. I am always irritated by the sort of flirtation some members of our party carry on with ‘Labour’. If only these people would see that the so-called ‘dignity of labour’ lies in *work* and not in jaw and politics. Do not let your folk be too ready to condemn Botha. After all he kept his head in preference and in the Colonial Council matter.¹ Perhaps he was a bit gushing but he is a Frenchman² and he got a good solid sheaf to bring back. I think the expression about Jameson³ was an

¹ The project of an Imperial council which might have advisory or even executive functions had been increasingly advocated since 1902, and was again discussed at the Imperial Conference of 1907. Laurier and Botha strongly opposed it.

² Although there is a Botha family with a Huguenot ancestor (Boudier), Louis Botha’s ancestor was Frederik Boot of Wagenheim in Central Germany.

³ This may refer to a remark made by Jameson at the 1907 Conference in a speech supporting the proposal to set up an Imperial secretariat: ‘We want no new departure . . . but you must put the seed in first that it may begin to grow’.

invention of the neurotic cablegrammer; no one can find it in the reports of his speeches. I am sorry to hear what you say about J. B. Robinson. From his attitude to me personally I should say that he was genuinely anxious for the success of the South African Party. But, with all his talents, he lacks the gift of sympathy. That was one of Rhodes's greatest assets. I will write to him and tell him not to lose heart. Of course his millionaire brethren hate him intensely. There is as much brotherly love among that guild as there is among a pack of wolves on the hunting trail. With kind regards, Yours very truly,

John X. Merriman

I do not know if you found time to look at my little pro-
lusion upon Federation.¹ I suppose we shall have to tackle that seriously. *Do not let us be rushed to please the English newspapers or Lord Selborne.*

347 To A. Fischer

Vol. 99, no. 56

Colonial Secretary's Office
Pretoria, Transvaal
16 Juni 1907

Amice, Een paar regels in antwoord op den uwen. Wat betreft concept wetten die U van nut zullen zijn, zal ik U steeds exemplaren zenden. Het is van belang voor U te weten dat de taal en medium artikels der onderwijswet opgetrokken zijn na raadpleging onzer beste C.N.O. onderwijzers en dat zij feitelijk het stelsel op C.N.O. scholen gevolgd nu op de staatscholen overplanten.

U vraagt wenken omtrent registratie. Ik zal alleen zeggen wat hier door ons gedaan werd. Wij hebben tijdens registratie onze wijks en districts besturen in elk district byelkaar geroepen en bezoekt en toen met hen geregeld dat elk een hunner verantwoordelijk zou zijn voor de volledigheid van de lijsten bij den betrokken registratie officer voor een zekere aantal

¹ This may be an article in the *Nineteenth Century*, April 1887, entitled 'The Closer Union of the Empire'. It argues against an Imperial Parliament and proposes 'to substitute a number of self-governing democracies for the present Empire' which should be 'turned into the British Commonwealth'.

plaatsen &c. Op hun wenken zijn de lijsten toen aangevuld, en waar aanvulling geweigerd werd, werd rapport aan ons gemaakt en door ons representaties aan de Regeering. Op die wijze werden ook spelfouten verbeterd. Alles werd voor niet en zeer effectief gedaan. Ik meen dat U met nut dit stelsel ook ten uwent zal kunnen toepassen. Het vereischt veel moeite van U persoonlijk maar werkt zeer doeltreffend. Wij bespreken alhier de kwestie van een kleine geldelijke bijdrage om U te helpen; ten minste, indien U zulks wenschelijk acht. Generaal de la Rey heeft mij verzocht U te zeggen dat, indien tijdens de electie strijd U hem van noode heeft, hij gaarne sal komen helpen. Hij heeft een verbazende invloed onder onze menschen en zijne diensten alhier waren van het grootste nut. Met hartelijke groeten, *t.t.*

J. C. Smuts

TRANSLATION

Colonial Secretary's Office
Pretoria, Transvaal
16 June 1907

Amice, A few lines in answer to yours. As regards draft laws which will be useful to you, I shall always send you copies. It is important for you to know that the language and medium articles of the Education Act¹ were drawn up after consulting our best C.N.O. teachers, and that they virtually transplant to the state schools the system followed in C.N.O. schools.

You ask for suggestions about registration.² I shall merely say what was done here by us. During registration we called together and visited our ward and district committees in each district and then arranged with them that each of them would be responsible for the completeness of the lists with the registering officer concerned for a certain number of farms etc. On their suggestions the lists were then added to, and where

¹ Transvaal Act No. 25 of 1907. It provided that the mother-tongue, English or Dutch, should be used as the medium of instruction until Standard IV, at which stage English would become the sole medium and Dutch be taught only as a subject.

² Self-government became operative in the Orange River Colony on 5 June 1907. The general election took place in November.

additions were refused, they were reported to us and we made representations to the Government. In this way spelling errors too were corrected. Everything was done for nothing and very effectively. I think that you also will be able to apply this system with advantage. It puts one personally to a great deal of trouble, but works very effectively. We are discussing here the question of a small money contribution to help you; at least, if you regard that as desirable. General de la Rey has asked me to say that, should you need him during the election struggle, he would be pleased to come and help. He has an amazing influence among our people and his services here were extremely useful. With hearty greetings, *totus tuus*,

J. C. Smuts

348 From J. X. Merriman

Vol. 5, no. 31

Schoongezicht

Stellenbosch

7 July 1907

My dear Smuts, I have been wanting to write to you for some days to tell you on no account to miss reading *The Race Question in Canada* by A. Siegfried, published by Nash, London. It is most fruitful for us here and reminds me in many respects of De Tocqueville.

Now comes in Lord Selborne's windy effusion.¹ Surely the price of flunkeyism can go no further than the attempt to compare it with Lord Durham's Report. I do not think that it will do much to help the cause of union forward, but it is useful as a warning of the spirit that is abroad that seeks to unite communities, not on the basis of national aspirations, but on that of material and trade interests with a strong imperial bias. It will be a misfortune for all of us if we allow ourselves to be 'rushed' on those lines.

By the way with regard to the new Customs Convention²

¹ The Selborne Memorandum, published in June 1907, putting the case for 'closer union'. It was mainly the work of Lionel Curtis and other members of the 'Kindergarten'.

² In June 1907 the Transvaal Government had given notice of its intention to withdraw from the existing Customs Union and had declared its readiness to consider a new Convention.

would it not be possible to create a sort of Customs Parliament in which each legislature should elect delegates in proportion to its white population (with perhaps an allowance for the Natives to allow for Natal)—such Parliament to frame the tariff, the members voting *per capita* not *per stirpes*. You will perhaps remember that after the war of 1867 Bismarck created such a body but of course the events of 1870 superseded it. You will find an account in [Charles] Lowe's *Life of Bismarck* Vol. II. Anyhow it was generally looked on as being a very material aid to Confederation. You see, in such a body the traders who have hitherto had all the say would be overbalanced by the professional and agricultural representatives, and generally speaking the interests and feeling of the latter are not so hide-bound by localism as the former who fight exclusively for their own hand.

Such a body would in a way—imperfect perhaps but still a real way, be representative of the population. The voting by states and not by individuals in all our previous conferences has led to all the mischief. If your Government propose any scheme of this kind with what modifications you may suggest, it will be carried, and it will be a more practical step to ultimate union than all the 'Kindergarten' memoranda that ever were written.

The general customs revenue might also be allocated upon some fixed basis—population, or consumption, or a combination of both. If any action is to be taken you should do so in your present Session. The question is likely to be raised down here, but it had better come from you.

I see you are having smooth weather with your Education Bill. You will see that our incompetents have paid you the sincerest form of flattery by introducing a Land Bank Bill, upon very different lines however and in our existing financial position. It is much as if on board some ship in the breakers, steering slap on the rocks, the Captain and passengers were to discuss holding a fancy-ball. We have some five millions of unraised but authorized loans already on hand and until we get our finances in order any new schemes are perilous. What is really wanted in our country is to evolve some scheme of co-operative banks that may help the industrious man who has no security to offer, on the [F. W.] Raiffeisen principle.

That is really with us a most serious question. With kind regards to Botha and yourself, Believe me, Yours truly,

John X. Merriman

349 To J. X. Merriman

Vol. 5, no. 59

Colonial Secretary's Office
Pretoria, Transvaal
8 July 1907

My dear Mr Merriman, Many thanks for your last letter and the valuable criticism of the Education Bill¹ of which I made use by bringing forward an amendment in favour of an Education Council, which will advise as to all regulations to be issued and all disputes which may arise between the School Boards and the Director, Estimates etc. etc. The Opposition is suspicious of a Boer Colonial Secretary and was also anxious to see the change. Of course, as you know, it all depends on the Council you succeed in getting together, and in this country the matter presents some considerable difficulty. Parsons and teachers are the only people who really make a study of educational matters, and neither is a desirable class on the Council.

I read your speech on the responsible government motion with the keenest pleasure. I think this Liberal Administration will be known in history by its South African policy which largely atoned for the deplorable mistakes of the past.

The difficulty with Natal over the freights question² has been satisfactorily settled owing to the moderation of Botha who has a personal regard for Moor [F. R.] as a good South African. I am told that Jameson is very much disheartened about the future prospects of Progressives at the Cape. So after all the last Cape general elections have not reversed finally the verdict of South Africa in regard to Jameson and his associates. God's mills only grind slow. Yours very sincerely,

J. C. Smuts

¹ In a letter of 15 June 1907, Merriman had warned Smuts against 'a Director of Education uncontrolled by any Council of Education'.

² An alteration in the freight charges of a group of shipping lines in favour of Durban threatened to disturb the existing division of trade with the internal colonies.

350 From J. H. de Villiers

Vol. 5, no. 6

Smuts's reply to this letter is printed in E. A. Walker, *Lord de Villiers and His Times*, pp. 421-3.

Confidential

Legislative Council
Cape Town
11 July 1907

My dear Colonial Secretary, I have received from your Premier an official intimation of the Resolution arrived at by the Colonial Conference in regard to the proposed Court of Appeal for South Africa.¹ I have not answered him officially because I do not know whether your Government intends to take the initiative in acting upon the Resolution but I thought I might take the liberty of writing informally to you as a member of the legal profession and an important member of the Government of the Transvaal.

Two years ago the Attorney-General of this Colony approached the other Governments of South Africa upon the subject of a South African Court of Appeal but, so far as I can gather, his proposals met with a rather chilly reception and thus far no practical scheme has been agreed upon. My own view then was and still is that if there is any likelihood of a federal government being established for British South Africa in the near future, the establishment of a Court of Appeal should form part of the scheme of union or federation. I hope to live to see the day when such a Union will be effected although I am sorry to see that there is not so much zeal for the cause among the older politicians as there is among the younger men. Owing to your position in the Transvaal and your reputation in South Africa you will be able to effect a great deal and I believe in all sincerity that you are destined to take an important part not only in bringing about a Union but in assisting to guide the destinies of all South Africa after union has been brought about. There are no doubt difficulties in the way but no great step is taken in statesmanship without encountering difficulties, and the more important the step is the greater the difficulties generally are. At all events I certainly think our South African statesmen

¹ The Conference had approved of the creation of a federal court of appeal in South Africa.

should begin as soon as possible to remove all the obstacles supposed to stand in the way of union. Advantage should be taken of the wave of popular feeling before the inevitable reaction sets in. If each Colony meets its neighbours with the determination to yield not as little but as much as possible consistently with its own legitimate interests the desired end would not be far off.

I observe from the Minute of the Transvaal Ministers on the High Commissioner's Memorandum that they have some idea of associating the Portuguese Colonies with the advantages to be derived from a federation of the British Colonies. This has been construed by some people here as meaning that your Government aims at establishing a federation of Colonies some of which will remain outside the British Empire. I presume, however, that what was really meant was that the federal government should take over all the obligations which the Transvaal owes to the Portuguese Colonies and that a Union of British Colonies should not deprive the Transvaal of any natural advantages which it enjoys by reason of its proximity to Delagoa Bay. The best solution would of course be for part of the Portuguese territory to come voluntarily into the British Empire but that would be too much to hope for.

If there is no probability of federation or union being carried out in the near future it would be well for the Legislatures of the different Colonies to pass identical Acts of Parliament for the establishment of a South African Court of Appeal but I doubt if the Government of the Cape would again take the initiative in the matter. Believe me, Yours sincerely,

J. H. de Villiers

351 To J. X. Merriman

Vol. 5, no. 60

Colonial Secretary's Office
Pretoria, Transvaal

15 July 1907

My dear Mr Merriman, I have just been reading *Newest England* and noticed the trend of arbitration policy in Australasia. The best examination of the subject is however a book called I believe *Labour Politics in Australia* by an American. The writer goes carefully into the history and operation of the

Wage Boards and Arbitration Courts and to me the result seems melancholy. The Boards by settling wages really settle social conditions and are both legislators and judges. How a system like that can last I fail to understand. Quite recently I saw in the English papers that the Arbitration Act passed by Canada last year is working most satisfactorily and that the previous compulsory arbitration Act was a failure. The present Act is described as half conciliation, half compulsion. I have not been able to secure it yet. Our Parliamentary Library contains debates but not the laws of the other colonies! As if anybody cared twopence for their debates.

The federation business is very melancholy. You know I am an enthusiast for federation or (if possible) unification. But the procedure adopted in certain quarters is in my humble opinion only calculated to damn the cause. Johnson said of Goldsmith (I believe), *Nihil tetigit quod non ornavit*.¹ About these estimable advocates of federation I can only say the exact opposite. They damn everything they touch. And that is what makes me afraid. The problem of federation is a great and noble one for our political intellects to wrestle with and will lift South Africa out of the rut of selfish commercialism in which it is now stagnating. But we shall do nothing till affairs are straighter in the Orange River Colony and at the Cape. That is why I am so anxious for an early change at the Cape. You know that early next year a fresh railway and customs conference will have to be held;² that Conference will be of the greatest importance and I could have wished that a new Cape Government could have taken part in it.

As things now stand I am afraid your idea of a Customs (and railway) Parliament will not work. The Governments are responsible as things are and would not resign that responsibility to an experimental body like that. On the present constitutional basis I am afraid we have to deal with each other as Governments. The Parliament you want is the Federal Parliament. Yours very sincerely,

J. C. Smuts

¹ *Nullum quod tetigit non ornavit*. 'He touched nothing that he did not adorn'—the closing words of Johnson's epitaph on Goldsmith.

² The grant of responsible government to the inland colonies had opened the question of whether their railway systems would remain united or be separated.

352 From J. X. Merriman

Vol. 5, no. 33

Private and Confidential

Schoongezicht

Stellenbosch

28 July 1907

My dear Smuts, I see that you have withdrawn your Beer Bill from which I gather that your ways amid liquor are nearly as troublous as our own. The part I like least about it is the chorus of English interference which is a foretaste of future meddling in Native matters. Apart from the gross hypocrisy of the most drunken country in the world being up in arms 'to compound for sins they are inclined to by damning those they have no mind to'¹ there is the broad principle of whether you are going to make the hopeless effort to keep the Kaffir in a sort of *status pupillaris* or whether it is not better to accustom him to a temperate use of alcohol. Saul Solomon who was certainly no enemy of the Native races was always a staunch anti-prohibitionist—probably the truth lies in the middle, it is a matter of police not of morals. We cannot let these people drink because we cannot control them if they do but I cannot see any moral wrong in letting them use what we do ourselves but what do they know of the question in all its aspects in England?

I do not know whether you follow our proceedings at all. Things are not going well with the South African Party. First of all we had the revolt of the wine-growers who have been led off by vague promises and by the doles of the brandy advances. Then there is the irresistible hankering after little jobs and big jobs which in the present state of our finances spell ruin. Things culminated by Malan's federation motion which gave Jameson an opportunity which he made the most of, by an effusive welcoming of Malan and an eulogy of Lord Selborne, meanwhile reading into the motion a sort of vote of confidence in his Government coupled with some nasty back-handers at myself and Sauer. As for the discussion it was beneath contempt. Neither Malan nor Jameson rose above the merest debating club platitudes. There was not the most remote hint of a single one of the real difficulties that lie in the path of those who wish to bring about a true union—the

¹ Samuel Butler, *Hudibras*, pt. I, c. I, l. 213.

Native question, the financial problem, the Asiatic trouble, nor the monstrous over-government under which we stagger. Nor the dimmest hint of the *modus operandi* which should be followed.

The debate was nearly as shallow as that mischievous pamphlet of Lord Selborne which seems to me very like the apple of discord that was thrown before the guests on a certain famous occasion. Jameson announced his intention—as I thought he would—of treating the motion as an authority to hold a conference on federation, but of course to that proposal you have the ruling voice.

Beneath the whole movement one sees the anxiety of the Rhodesian group to plant off that desirable dependency with its liabilities on South Africa. It was gall and wormwood to have to sit tongue-tied for fear of enlarging the too palpable rift. It may be that one takes a too gloomy view of the situation but at present it looks as if the work of the last five years in building up a party on South African lines was shattered. Few know how hard a job this has been nor how much self-control has had to be exercised, and it makes it all the harder to see the victory slip into the hands of the incompetents, not from their merits but as the result of being in a hurry. How true it is that ‘in the Cape an Opposition exists not to turn the Government out but to get all it can out of the Government’. We have an appalling deficiency and our finances are at sixes and sevens. With kind regards, Yours very truly,

John X. Merriman

Let me hear when you have time what view you take of the federation movement.

353 To J. X. Merriman

Vol. 5, no. 61

Confidential

The Speaker's Chambers
Pretoria

1 August 1907

My dear Mr Merriman, Many thanks for your last letter which I read with considerable pain. I have been noticing recently disquieting signs in Cape politics; both the Railway Board and federation debates point to possible danger. I rely however

on your wisdom and tactful handling to smooth away possible difficulties. Malan is an old friend of mine and I know his enthusiastic temperament all too well. You can moderate him and give wise counsel just as you are giving to me. Do not think that he has any vulgar ambition. I feel certain that if you do not get impatient and bring wisdom and sympathy to bear on the situation, you will find in him just the loyal lieutenant whom you need.

Meantime much harm is being done and bankrupt politicians are being rehabilitated by their opponents. Jameson wants to raise the new election issue of federation and wants no doubt to make out that you and Sauer are at heart hostile to an issue which is ever dear to the South African heart and in these times of depression appeals forcibly to his pocket. Your wisest course is not to be deflected from the South African national course by your antipathy to the rotten or disgraceful tactics of opponents. My own position is that federation or rather unification is a good and wise ideal; it is the only alternative to Downing Street which is a most baneful factor. But great caution and circumspection is required in pushing it and in working towards it. I agree with you that almost insoluble problems stand in the way and that the fanatics have not yet faced the facts—perhaps they are incapable of doing so. Only make allowance for effervescence and optimism and enthusiasm on the part of others in a great cause. Do not throw cold water; but wisely guide a movement which, under favourable circumstances, *may* possibly lead to great things. I shall not be rushed. The Progressives wish to introduce Malan's motion here, but I have absolutely declined to join. To me the issue is sacred and ought not to be a party pawn. I shall write to Malan and give him brotherly advice. Ever yours most sincerely,

J. C. Smuts

354 To J. X. Merriman

Vol. 5, no. 62

Colonial Secretary's Office
Pretoria, Transvaal
28 September 1907

My dear Mr Merriman, You are now so busy with your campaign work that I feel I ought not to trouble you with

correspondence. I must however tell you how pleased we all are here at the turn of events at the Cape which ended a situation that had already become impossible.¹ My impression is that the Progressives are totally smashed and that you will have to deal not with an organized force but with political guerillas and snipers who will annoy and trouble you to the utmost. The adoption of an alias by the Progressive Party² or rather by Dr Jameson seems a fitting conclusion to their criminal record in a political sense. Our wishes and prayers go with you, for much, very much for South Africa depends on your victory. By good fortune and hard work we have got together a majority here—which though apparently large is by no means stable. You will win at the Cape—and a unique opportunity will present itself for righting the situation in South Africa, an opportunity such as may not recur in our life-time. The Orange River Colony is all right, Natal has also a well-disposed Government. There is the chance to neutralize all the evil effects of the war, to weld South Africa into a compact South African nation, and to rid ourselves of those internal discords which always and inevitably invite Downing Street interference. Your manifesto³ which the newspapers reproduce this morning has given me the greatest pleasure, because it breathes the wise spirit of a common national sentiment as distinguished from commercial makeshifts which simply lead to fresh trouble.

Your Government will be confronted with a most difficult task. The conference on railway and customs policy to be held next year will mark the cross-roads; if by any possibility we could make that the starting-point for a united South Africa, no consummation could be better. Otherwise I am afraid we shall drift further apart and develop vested rights alien to the establishment of union. I look forward with grave misgivings to that Conference. Yours very sincerely,

J. C. Smuts

¹ After a defeat in the Legislative Council, the Progressives had been granted a dissolution.

² It had changed its name to Unionist Party.

³ A letter from Merriman to A. G. Visser, dated 26 September 1907, was published as a pamphlet entitled *Mr Merriman's Manifesto*.

355 From J. X. Merriman

Vol. 5, no. 35

*Private*R.M.S. *Armada Castle*

3 October 1907

My dear Smuts, I have been anxious to write to you for some time but the influenza has made me such a worm that anything beyond the daily task has been an effort. As you will see from my paper I am trying the effect of a sea voyage to Natal. On my return I hope to bring off a long-promised visit to the Transvaal when I shall look forward to meeting you and Botha. Thanks for all your good wishes. There is just a danger that some [of] our friends may forget the scriptural admonition 'Let not him that putteth on his armour boast as him that putteth it off'¹ for I can see that desperate efforts will be made to retain the last stronghold of 'Milnerism' in South Africa, and we have to do with a very wealthy and very unscrupulous set of men; fortunately their ability is not on a par with these other qualities or we should be in a bad way. The Tory garrison in the shape of [Sir W.] Hely-Hutchinson and Selborne are also factors. Still, with all these handicaps our men are full of fight and very solid. Of course you will have noticed the attempt made to create a dissension between Malan and myself, the object of course being to be able to say that the South African Party was a purely Dutch one and that the Bond, having used their allies, had thrown them over. Malan's conduct has been beyond praise and his personal relations with myself have been marked by a generous affection that has placed me under a great obligation. I think that they have abandoned this line of attack and I hope and believe that the coming elections will show the beginning of a real fusion between English and Dutch South Africans that will be following your lead. As to the importance of the issue I am quite alive. If we gain the day we may do much to lay the foundation for the future. At any rate we shall think alike on the object to be attained and when people do that and are in sympathy they have the 'faith that removeth mountains'. I have never been more pleased than I have been to see from what you and Botha say and from what Steyn writes that you all incline to unification. The more one

¹ 'Let not him that girdeth on his harness boast himself as he that putteth it off.' I *Kings* xx. 11.

sees of the Australian experiment the less one likes it. I do not know if you are a student of their papers. They are almost ludicrous in the jealous squabbling that they reveal. They have 666 Members of Parliament for 4,000,000 Europeans. We have 300 for 1,000,000! In every way the result is bad financially and intellectually. Can we get the people to see it?

I hope you have been able to read that book about Canada that I mentioned *The Race question in Canada* by Siegfried. I sent a copy to Steyn which I am sure he would lend you. It is of surpassing interest to us here.

But if we can ever work together we ought to send the best men we can to study—Australia, Canada, and Switzerland—from our point of view as affecting us.

Have you any idea why the organs of public opinion in Great Britain that were the chief promoters of the war are now so desperately anxious for immediate federation? Is it anything to do with the Charter?¹ If one were not convinced that union is so desirable one would remember that axiom of strategy 'Find out what your enemy wants you to do and—do not do it'.

I liked your speech to the Agricultural Union especially what you said about wine. If only they would listen but just now the wine farmers are very out of hand. With kind regards to yourself and Botha, Believe me, Yours very truly,

John X. Merriman

What a just retribution to [Sir W.] Laurier for his indifference to our trouble is this mess about Asiatics;² he will be more sympathetic next time.

356 To J. X. Merriman

Vol. 5, no. 63

Sunnyside

[Pretoria]

18 October 1907

Dear Mr Merriman, I write from my house where I have been confined for the last week owing to an injury to my foot. I do

¹ The Charter of the British South Africa Company.

² Laurier had relied on voluntary action by the Japanese Government to restrict emigration to British Columbia. This understanding broke down in 1906 and Asiatic labourers streamed in. In September 1907 serious race clashes occurred in Vancouver.

my work here and shall have to continue here till next week.

I am very glad to see you are coming to us after all. You have a heavy task in front of you and you are no longer young, and I think a quiet time in the Transvaal will do you much good. My wife and myself will appreciate it very much if you and Mrs Merriman would come and stay with us. You will have a perfect rest, and Botha is a couple of hundred yards from me, so that we can talk over lots of subjects.

I saw a statement that you might stand for Stellenbosch. It seems to me that would be a happy solution of the electoral trouble in that constituency. Yours very sincerely,

J. C. Smuts

357 From J. X. Merriman

Vol. 5, no. 36

Schoongezicht
Stellenbosch

2 November 1907

Dear Smuts, I hope to have the pleasure of seeing you next week; meanwhile I send you a few copies of what they are pleased to call my 'manifesto' which perhaps some of your colleagues may care to see.

Also a speech on female suffrage which I am afraid will not meet your approval. Elections going I think all right though Schreiner is trying to upset the apple-cart in alliance with the old professor of that game!¹ Yours very truly,

John X. Merriman

358 From J. X. Merriman

Vol. 5, no. 36A

Private

Schoongezicht
Stellenbosch

23 November 1907

My dear Smuts, I must send you a line to say how greatly I enjoyed my visit to Pretoria and how much I valued the kindness of yourself and your colleagues; you will allow me to add that I am greatly impressed by the progress you have

¹ When Jameson started on the Raid, Rhodes is reported to have said: 'He has upset my apple-cart'.

made in your great task. Botha and yourself may on our smaller stage be compared to Washington and Hamilton. Though our stage is smaller the problems are as difficult and I am hoping that the time will come when I shall be able to take a hand in their solution. Botha's views on the Native and poor white questions pleased me much. I only wish that one could make more fully known the work that he has done in curbing Natal. Yet here we have a wretched Malay,¹ who has been captured by the Progressives, going round stirring up the Coloured people by abuse of Botha, with whom I am honoured by being associated! Such men it is hoped do not realize the harm they are doing their own cause in playing the party game. But I think they are quite powerless to affect the Bantu section of the Coloured folk—who have a much shrewder notion of politics than the Coloured man.

I had the great pleasure of spending a day with President Steyn who is an example to all of us. He spoke most kindly of you; and was very wise in his view of public affairs.

Your speeches on the Rand have been very well received here. I hope that the *rapprochement* between your Government and Phillips & Co. may bear good fruit, for of course they can help you greatly in your plans for educating the whites in manual labour.

By the way would it not be worth your while to send or better still to run down to Uitenhage where we have a most successful school of industry, for the class you have to deal with? The moving spirit is the Rev. D. J. Pienaar who is a fine example of tact and enthusiasm tempered by common sense. Perhaps you would mention this to General Botha. It is one of the few things of the kind that has proved satisfactory.

I hope the report on local self-government turned up all right. Kilpin [E. F.] tells me he sent it. I shall watch your efforts with much interest as it is one of the things I have specified in my address as requiring special attention here. With kind regards to yourself and General Botha, Believe me,
Yours very truly,

John X. Merriman

¹ Probably Dr A. Abdurahman.

359 From Lord Selborne

Vol. 5, no. 46

*Confidential*Government House
Johannesburg
30 November 1907

Dear Mr Smuts, You asked me to think over the position created by the refusal of the Asiatics to comply with the provisions of the recent Act,¹ and I now propose to jot down the reflections which have occurred to me.

I may say that several gentlemen in Johannesburg have been to see me to talk over the matter with a view to finding some way out of the impasse. The gentlemen are Mr [H. J.] Hofmeyr, Mr Pim, Dr [E.] Pollak, and Mr [W.] Hosken. As far as I can make out, in each instance the Indians had been to them, and the suggestions the Indians had made to them were that the Government was in an impossible position; that they, the Indians, were determined and resolute, and that the Government had, in some way or other, got to climb down.

Now I do not consider the fact of these Indians approaching these gentlemen in this way to be a real sign of strength on their part, but rather an evidence of their anxiety that some way should be found out of the position in which they had placed themselves.

I must also add that the Rev. C. Phillips, who is a Congregational minister greatly interested in the Native question, but specially connected with the Coloured people, has informed me that the Coloured people and the educated Natives are watching this struggle closely, and that for the first time they recognize that they have an instrument in their hands—that is, combination and passive resistance—of which they had not previously thought. Whether either the Coloured people or the educated Natives are capable of combination and organized action, time alone can show. I should doubt it very much in respect of the Natives; but I should not be surprised if the Coloured people were able to develop on these lines.

Now, what was the object of the legislation to which Parliament unanimously assented? It was not to turn out of

¹ Act 2 of 1907 re-enacted an ordinance of the Crown Colony which prescribed finger-print registration for all unindentured Asiatics, i.e., Indians. Act 15 of 1907 was an immigration measure which required an education test and finger-print registration. Non-violent resistance to these laws was organized by Gandhi.

the Transvaal any Asiatics who were domiciled here before the war; it was not to impose on these Asiatics any disabilities under which they do not at present labour. On the contrary, I think I shall not be inaccurately estimating the attitude of the Government, if I say that it was lenient, even to those Asiatics (not under indenture) here in the Transvaal at the time the Act was passed, even if they had not been domiciled here before the war and therefore had no real right to be in the Transvaal at all. This leniency has been manifested by the fact that the Government has accepted registration from a good many Asiatics, whose claim to be registered on the ground that they were in the Transvaal before the war was, to say the least, weak.

No, the sole object of the legislation was to give the Government power to control the future immigration of Asiatics into the Transvaal, for which purpose it was essential that they should first know how many and which Asiatics were already in the Transvaal.

It is undoubtedly a fact that the Act has met with an organized resistance from the Asiatics, the possibility of which was never contemplated, and the grounds for which are still difficult for us to understand.

It must be borne in mind that the British Indians in the Transvaal have themselves always admitted, and, I am told, still admit, the right of the Government to limit, or prohibit, future immigration. If this is so, as I believed till lately it undoubtedly was, the resistance of the Asiatics is directed entirely against the provisions applied to those already in the Transvaal with the object I have already stated.

Now, however, it would perhaps be more accurate to say that the Asiatics now in the Transvaal are not prepared publicly to disavow the right of the Transvaal Government to limit future immigration, because they do not feel themselves strong enough to challenge that right. The protest against the prosecution of the Hindu priest at Germiston can only be accounted for on the supposition that they would like to raise the bigger question if they felt able to do so.

That many of the best members of the Asiatic community, men who deserve our respect, do really object to registration and to the finger-print impressions, because they feel these

special provisions to be derogatory to their civilization and position in the country, I believe. That there are others less deserving of our respect and sympathy, who, either on national grounds, quite intelligible, desire that the immigration of Asiatics should be unrestricted, or who, from personal interest in the introduction of unauthorized Asiatics into the Transvaal, do not desire to see any strengthening of the law which would make that introduction of Asiatics more difficult, I suspect. That either registration or finger-print impressions are against their religion and that, therefore, they object to them on conscientious grounds—a phrase obviously borrowed from the English Nonconformists in their resistance to the English Education Act—is obviously an afterthought, and an attitude adopted for consumption in England.

Now, what is the Government to do? The figures which Mr Pim and Mr Hofmeyr gave me, and which I think they obtained from Mr [M. K.] Gandhi, are to the effect that there are now 7,000 Indians in the Transvaal, of whom 700 have registered. These figures, if true, are very striking, and I should be glad to know if your Office in any degree confirms them? Observe that if there are really only 7,000 Indians in the Transvaal, there must have been a stampede from the Transvaal since the Act was passed of Indians, who had no business to be in the Transvaal and who had entered it illicitly, to a number which cannot be placed at less than 5,000 (again I understand from Mr Hofmeyr and Mr Pim that that is Mr Gandhi's own statement) and which may easily be 6,000, 7,000, or 8,000. If this, or anything like this, exodus has taken place, then the Act has already abundantly justified itself and has been a triumphant success, for, without any administrative action on the part of the Government, it has purged the Transvaal of thousands of Asiatics who had no business to be there at all. Parliamentarily this fact, if true, ought to be of great use to you, and I am sure you will make the most of it.

Well, assuming that there are 6,300 Asiatics remaining in the Transvaal who were here before the war and have a right to remain here, but who have refused to register themselves, the Government cannot put the heads of the families represented by 6,300 people into prison; nor can they put 6,300 people of both sexes and of all ages over the border. They can single

out specific cases for prosecution and expulsion, though the manufacture of martyrs in any degree is in itself always an evil. The Government could refuse to issue trading licences to any and all; but even that weapon, I understand, is a somewhat feeble one, because, although the Government can prosecute and imprison men for trading without a licence, it cannot close the stores of such men. Therefore, what will happen will be this, that the Indian trader, prosecuted and imprisoned, will become a martyr, while his business is carried on by another Indian just as before.

I am told that the Asiatics have, for some reason or other which I do not understand, been regarding it as certain that His Majesty's Government would disallow the Immigration Act passed last Session. I never for a moment thought that His Majesty's Government would do anything of the kind. As you now know from the telegram which I forwarded to the Prime Minister on Friday last, His Majesty's Government have decided not to advise His Majesty to disallow the Act, though they ask for certain assurances from the Transvaal Government on certain important points of detail. These assurances I sincerely hope Ministers will not hesitate to give so that the non-disallowance of the Act may at once be gazetted. I think it probable that this announcement, when it appears, will have a very important effect upon the position of the Asiatics.

The question remaining then is what can the Government and the Asiatics do? If the Asiatics were in a body to express their desire to register under the Act, then I think Ministers should undoubtedly allow them to do so, and if there is any doubt as to the legality of this late registration, they should get an Act of Indemnity passed at the next meeting of the Transvaal Parliament.

But the Asiatics, through the mouth of Mr Gandhi, demand the total repeal of the existing Act. This, in my opinion, would never be permitted by Parliament, and ought never to be permitted by Parliament. The Asiatic is a very bad person from whom to run away, and I do not think that any such repeal would be consistent with the self-respect of the Government or of Parliament. But, if the Asiatics are at the last prepared to be reasonable, then I would make the way easy

for them. The one simple object of the Government is to get them registered so that the Government may control future immigration. I would advise the Government to accept any proposals which the Asiatics may make which *really* would effect this object, even should it require a supplementary Act on this subject next Session. But the movement must come from the Asiatics to the Government, and it must come in a form which the Asiatics cannot afterwards repudiate. It must be on paper and vouched for by men who undoubtedly represent the Asiatics.

The only point which remains to be considered then is whether the Government can help the Asiatics to make this movement. What bridge, in fact, can the Government build for them? The Government can say through the mouth of the Prime Minister, or through your mouth, that it never had the slightest intention of endeavouring to turn out of the Transvaal Asiatics who had a right to be there, or to impose upon them any additional disabilities. Further, if the Government had intended to be lenient to those Asiatics now in the Transvaal, but who were not here before the war, if they had registered, it could be so stated. If, in fact, it meant to pass a sponge over any illicit immigration which had taken place during and after the war and to confirm in the Transvaal the position of those now there and only to exercise rigorous exclusion for the future, then that would be a great inducement to the Asiatics to be reasonable. The matter, however, should be so stated as not to hold out any hope of return to any who may have fled the Transvaal owing to the provisions of the Act and since it was passed.

Finally, is it possible for the Government to go a step further and state that it had intended to remove certain of the existing disabilities of Asiatics now in the Transvaal, after they had registered? I only know of three such disabilities—(1) the franchise, (2) the ownership of land, and (3) the power to work a mining proposition. There may be others.

Now, as regards the franchise, the Government obviously can do nothing, and should do nothing. But I would ask whether the other two disabilities are worth retaining? My own personal opinion is that on grounds of abstract justice those disabilities cannot be defended in the case of Asiatics

who were here before the war and have a right to be here. But there is another ground on which I should like to put it, and that is, that these disabilities, which can be paraded as a great hardship by the Asiatics, are wholly inoperative and useless for their purpose. Although an Asiatic cannot own land in the Transvaal, he does own land whenever he wishes to do so. He does exactly the same thing which Roman Catholics did in England in the days when they were not allowed to own land—they retain some one else to own it for them. If the Government could go as far as I have suggested, then their action would command the gratitude and warm confidence of men of all parties in the United Kingdom and would surely break down the present organized opposition of the Asiatics and enable an arrangement to be made entirely securing the only objects the Transvaal Government ever had in view.

The Government, however, must consider public opinion in the Transvaal. With its own supporters it alone can deal; if it wishes to ascertain the views of the Opposition or to secure their co-operation in the matter, then I think you should go direct to the leaders of the Opposition and talk the matter out with them, for, in my opinion, it is most important that, as Parliament has hitherto been unanimous on this question of Asiatic immigration, so it should continue to be unanimous.

If, however, Ministers would prefer that I should approach the Opposition leaders for them, then my services are at their disposal. I should, of course, require very precise information as to what Ministers desired me to say in order that there might be no possible room for misunderstanding. Believe me,
Yours sincerely,

Selborne

360 From R. Solomon

Private

Vol. 5, no. 52

72 Victoria Street
Westminster, S.W.
6 December [1907]

My dear Smuts, With regard to the Immigration Act I have been told by [Sir F.] Hopwood that the Colonial Office had

received a telegram from the Governor saying that Ministers would give the assurances asked for by the Secretary of State with regard to the deportation clause in that Act.

I enclose a cutting from *The Times*¹ containing a letter from Mr Ritch, the Secretary to the British Indian Association. He is constantly writing to the papers on the probable deportation of British Indians from the Transvaal. I hope when you have decided what action you propose taking under the Asiatic Law Amendment Act you will let me know so that I can reply to letters like the one I enclose. I believe you will be able to arrange a policy with regard to the carrying out of this Act which will commend itself to all moderate men. Now that under the Immigration Act you can stop Asiatics from coming into the country, a patient policy with regard to those lawfully in the country will do no harm.

I had concluded my letter to General Botha when I received his telegram of 6 December in reply to mine of the 5th informing him of the statement in a telegram published in the *Tribune* from its Natal correspondent to the effect that the action of Natal in making an armed demonstration in order to arrest Dinizulu² was taken on the advice of General Botha. Please tell the General how delighted I was with his telegram. It has given great satisfaction here at the Colonial Office. I quite agree with him that it might be better not at present to contradict these newspaper lies. His whole action in the matter has been most statesmanlike.

I have to thank you for your interesting letter by last mail. I am anxious to see you all convince the world by your actions that your Government is the best that could possibly have been constructed for the Transvaal. You will have a busy session next year but you will get through it all right and become more firmly established than ever. A good Gold Law, Companies Law, Civil Service Pension Act will be a fine record. Best wishes for the New Year, Yours very sincerely,

Richard Solomon

¹ Not attached.

² The Natal Government suspected Dinizulu of fomenting the Zulu rebellion. It again proclaimed martial law and called up a large force to arrest Dinizulu.

361 From Lord Selborne

Vol. 5, no. 48

*Private*Government House
Johannesburg
9 December 1907

Dear Mr Smuts, Of course I agree with your general principle that if the law is to take severe action, it should not take it against the most insignificant, but against the most important people concerned in that movement of which the law must take cognizance.

I agree also that you cannot sit still pending an advance to the Government from the Asiatic community.

As I think I remarked to you before, Orientals are, of all people in the world, the worst to run away from. At the same time Mr Gandhi ardently desires martyrdom, and when a man ardently desires such a thing under such circumstances one's natural instinct is not to give it to him. Still, that consideration must be balanced against others. What I am most anxious for you not to do is to close the door or to prevent friends of the Asiatics building a bridge of retreat for them. Therefore I still think that, if the Government agreed with me as to the policy which should be pursued towards Asiatics after registration, it would be a wise thing to say so now.

Assuming you shared my view, if I were you I should take an early opportunity of making a speech on the following lines:

I should set forth clearly what purpose the Asiatic Act was meant to serve; I should then express my regret that the object of the Act had been misunderstood; I should then analyse the objections to the details of the Act and answer them, and state the exact scope, purpose, and necessity of each provision; I should then state that I should regret the necessity of applying compulsion, but that the law was there; it was not going to be repealed, and that the Government were going to take steady action under it, in its own time, in its own way, and at its own pace; that you regretted above all the fact that it should have been misunderstood, and that the opposition to the Act must inevitably postpone the time when the Government would carry out to completion the policy which

they had in view; and I should then proceed to lay down that policy as exclusion of Asiatics not already in the Transvaal, but a most favourable, and even generous, treatment of those already here, and deal with that policy in detail.

As I have already said, the reason why I advocate this policy is because, in the first place, I think it is in itself wise and just, and, in the second place, that it would do more, in my opinion, to break down the resistance to the Act than anything else. And the longer resistance goes on the more difficult will it be for you to say anything of the kind.

If the Government do not go as far as I do in this matter, the next best alternative would, in my opinion, be for you to make such a speech but only alluding to future good treatment in general terms. The weakness of this position, however, would be that Mr Gandhi would at once ask you to be more precise.

Failing this, then all you can do is to make your own selection of the cases to be tried and await the overtures which the Asiatics will certainly make through such persons as Pim or Hofmeyr.

You will have noticed that they have already made such an overture in a letter to me from Mr Gandhi, which he says he sent at the suggestion of Mr Hosken, and which I forwarded to the Prime Minister on Saturday. It is, of course, very far from suggesting a solution which you could accept, but it is *pro tanto* interesting as a direct overture from them.

I presume you will not commence proceedings until the non-disallowance of the Immigration Act has been gazetted? When will that be?

In selecting your persons for prosecution, bear in mind that, if they persist in their passive resistance, you will be urged to eject them under the Immigration Act, and it will not be easy for you not to do so. Therefore, while adhering to your policy of not striking at the tail but at the head, remember to select those cases which, in the event of expulsion, would be of a character to lend themselves to the least manufacture of sympathy. Believe me, Yours sincerely,

Selborne

362 From W. S. Marris

Vol. 5, no. 20

High Commissioner's Office
Johannesburg
21 December 1907

Dear Mr Smuts, I have decided to write to you, as being the member of the Government who knows most about the work of reorganization, with regard to certain matters which may make it difficult for me to go on with it.

2. You know what criticism is being aroused by this inevitable but invidious business of retrenchment: and to such criticism your Government has a perfectly effective and legitimate reply—of which it has frequently made use—in the fact that, with certain exceptions, all retrenchments have been carried out on my recommendations. For these I am prepared to take full responsibility. It happens that other removals and appointments have been laid to my account as well, with which I have not been concerned in theory or in fact. This is inevitable in the circumstances, and I have no intention of making a grievance of it. But bearing these matters in mind you will probably agree that as regards the questions for which I am properly required to accept responsibility it is only reasonable that I should be enabled to discharge that responsibility properly.

3. When it was settled that I should advise upon the reorganization of the Civil Service under your Government, the arrangement was expressed in certain rules and orders. I refer particularly to rules 4 to 6 of the late Civil Service Board rules and the Executive Council Resolution of 28 March last. These decisions are not being observed as scrupulously as seems to me necessary. If there is any doubt whether they are still in force, I must ask leave to reconsider my position. I should be sorry to leave work unfinished, but that after all is a minor consideration.

4. I will confine my remarks to recent cases. Three of these I have no wish to lay stress upon, though they are worth mention as instances of a departure from the rules. As regards the case of a successor to the late Mr Baxted, I unreservedly accept the Government's statement that there was no intention

of disregarding the standing rules or the claims of candidates in the Civil Service, and that the fact that an order directing the appointment of Mr [B. G. L.] Enslin was issued before such claims were considered was entirely due to an omission on the part of the Head of the Department. Similarly the fact that the Law Department also issued orders directing that Mr Colley¹ should be retrenched, before the papers were sent to me, may be explained as the result of an oversight. I may add that from papers which have come before me recently it seems that Mr Colley's is not the only case of the kind in the Law Department. The third case, that of Mr [H.] Rowbotham—who if my information is correct has been transferred from the Native Affairs Department to the Law Department—was also in my opinion not dealt with in the manner contemplated in the orders of March last: but I do not wish to labour the point.

5. The case which presents to my mind far greater difficulty is the recent exceptional promotion of a junior clerk in the Native Affairs Department over the heads of several of his fellows. Under the Government's order, of March last, such a proposal should have been initiated by me or if initiated by the Department it should have come to me and I should have advised upon it; and I should subsequently have been informed of the decision by the Government. This procedure was not followed. The orders promoting Mr Moor were not passed on any recommendations made by me: and I can only conjecture the reasons for them. I assume that the Ministry considered that the universal rule of government service that a man who resigns the Service has no claim to be reinstated in his former position is a harsh one: and that Mr Moor's merits were so well known to Ministers despite his very subordinate position, that without any recommendation from the Department and indeed against its advice, they thought that there was a decisive case for waiving the rule on his behalf and for lifting him out of the grade he was in into a superior grade. Even so, I submit that seeing what close

¹ Captain Gerald Henry Pomeroy Colley, born in Dublin, educated at Haileybury, member of the Inner Temple, was Inspector of Constabulary in Jamaica, served in the Anglo-Boer War, was Military Magistrate at Boksburg (Johannesburg) and, in 1907, Assistant Resident Magistrate there.

consideration of individual claims was involved the matter was essentially one for reference to the special officer who has been appointed to advise upon this very class of questions: and that in proportion as the Government believed that the circumstances demanded unusual treatment so much stronger were the reasons for consulting their adviser upon service matters. Surely after the willingness expressed in the Prime Minister's recent letter to me that such matters should be freely discussed, not to consult him was an unexpected departure from the approved rules and orders. But I am bound to point out to you that a different construction may be placed on the transaction by the Service and by the public at large. Mr Moor is, I believe, the son of the Premier of Natal, and therefore his unusual advancement may be attributed to motives of policy with a resulting bad effect upon the contentment and stability of the Service. For this reason I exceedingly regret that the ordinary procedure was not followed, and I should not be fulfilling what I conceive to be the duties of my appointment if I refrained from comment upon the matter. If one such promotion is made without reference to the Civil Service Commissioner another and another may be. In that case his office will be of no effect in ensuring that the service is treated on uniform and impartial principles and no one who attaches importance to these matters could retain it with any satisfaction.

6. I am sure that you will not suppose that in putting my views before you I have any desire to be obstructive or to assert my own importance. Your Government has maintained from the beginning that an important question of principle underlay this reorganization of the Civil Service; and you yourself can judge how far I am correct in suggesting that the retention of my services may be associated in the public mind with the intention of your Government to secure impartiality and efficiency. On my side I have always recognized that the decision rests solely with the Government. But if the treatment of the Civil Service is going to be such as will lend any colour to the suggestion that it is affected by political considerations I would rather not be concerned with it. My reason for saying this is that I fear lest the procedure adopted in Mr

Moor's case may give rise to some apprehensions upon the point.

7. If therefore the Government wishes me to stay until the reorganization is complete I should be obliged if you can see your way personally to assure me that the orders of March last will be exactly complied with. Yours faithfully,

W. S. Marris

P.S. I hope to complete the examination of the draft Civil Service and Pension Bill while I am in Cape Town and I think it will be wise to consult the Cape Actuary, Mr McGowan, on the pensions part of it. W.S.M.

363 To J. X. Merriman

Vol. 6, no. 85

Colonial Secretary's Office
Pretoria, Transvaal
8 January 1908

My dear Mr Merriman, Many thanks for your two letters¹ which I received on my return from a tour in the country. The Indian question is a very difficult one here—under the influence of their leaders they have made a very successful resistance to the finger-print registration, and it seems as if the Government will in the end be forced to resort to drastic steps such as the deportation of the leaders. I do not fear the Indians already here so much, but future entry into the country will have to be prevented, and that could only be done effectively after all here have been carefully registered. I like deportation as little as the British Government does, but the evil can still be coped with and should be coped with I think at this stage.

The Swaziland trouble to which you refer is no longer to be remedied. Botha when in London last did his utmost to have it placed under the jurisdiction of the Transvaal Government and we have repeatedly made strong representations on the subject. Lord Selborne however favours the Basutoland idea²

¹ Not in the Smuts Collection.

² Swaziland became a Protectorate of the South African Republic in 1895. In 1903 it came under the rule of the Governor of the Transvaal Colony. When the Transvaal received self-government Swaziland became a British Protectorate under the High Commissioner. Basutoland became a British Protectorate in 1884.

and what with strong pro-Native feeling in the Government and Liberal Party in England, he has so far had the best of the struggle. If we could have secured the co-operation of the Opposition to have a unanimous vote of Parliament last session on the subject, some useful work could have been done. However the Opposition declined to co-operate, and a divided House would have carried no weight. Lord Selborne's idea is to hand over the Native protectorates, not to this or that Colony, but to the future Federation, and in the meantime to have them run from Downing Street. I am afraid the British Government is in full agreement with him on the question so that nothing will be done unless we hurry on union.

Many thanks for your mentioning Egerton's book; I already have his *British Colonial Policy* which is interesting from several points of view. The Canadian Constitution supplies some very useful ideas for us in South Africa.

Perhaps you don't know that the Cape Government has formally suggested that at the Customs and Railway Conference the subject of union shall also be discussed. Yours very sincerely,

J. C. Smuts

364 From Lord Selborne

Vol. 6, no. 61

Johannesburg
Transvaal
9 January 1908

Dear Mr Smuts, Some time ago, when we were discussing Native policy together, General Botha said he would like me to put my ideas down on paper. I have done this and today I have sent him my rough notes on the subject. As you and I have more than once exchanged ideas on the subject may I give myself the pleasure of sending you a copy? Yours sincerely,
Selborne

ENCLOSURE

Confidential

Notes on a Suggested Policy towards Coloured People and Natives

1. I propose to treat the question of Coloured people separately from that of Natives.

2. Both in respect of Coloured people and of Natives, I propose to deal with the question of franchise or representation separately from all other aspects of their position and treatment; and I propose to deal with the question of franchise or representation last.

3. Coloured people. Our object should be to teach the Coloured people to give their loyal support to the white population. It seems to me sheer folly to classify them with Natives, and by treating them as Natives to force them away from their natural allegiance to the whites and into making common cause with the Natives. If they are so forced, in the time of trouble they will furnish exactly those leaders which the Natives could not furnish for themselves. It is, therefore, in my opinion, unwise to think of treating them as Natives; and it would be as unjust as unwise. There are many Coloured people who are quite white inside, though they may be coloured outside. There are some, indeed, who are quite white outside also. The problem of the treatment of the Coloured people is, indeed, sadly complicated by the fact that they vary in every shade of character and colour from pure white inside and outside to pure black inside and outside.

I suggest that the wise policy is to give them the benefit of their white blood—not to lay the stress on the black blood, but to lay the stress on the white blood, and to make any differentiation of treatment between them and whites the exception and not the rule. A case for such differentiation would only arise when a coloured man showed by his manner of living, e.g., by the practice of polygamy, that he had reverted to the tribal type.

Before the law in the Transvaal the Coloured people are given, with certain exceptions to which I shall refer presently, complete equality with the white population—(remember, I am not dealing with the franchise question at all in this part of the memorandum)—that is, so far as I am aware, they can own land or any other form of property; they can live where they like, and they are free to seek employment in any trade or profession.

In respect of certain trades, I foresee a time when the white trades-unions may attempt to debar Coloured people

from certain classes of employment. Pressure towards this end should be steadily resisted by the Government, and Coloured people should be allowed to find employment in any sphere for which they are qualified. If the trades-unions want to ensure their own position against Coloured people, they should admit the Coloured people to the trades-unions.

In the matter of education, a good deal has been done for the Coloured people, and such elementary education as is given to them is given to them free; but while, as I shall state presently, the education of the Natives should be dealt with on different lines from those of Europeans, I think the Coloured people should be educated on the same lines as Europeans.

I alluded just now to certain exceptions to the general rule of equality before the law between Coloured people and whites: the most important of these exceptions is that they are not allowed to embark on any mining enterprise. I may be wrong, but I think that this is so. If I am accurate, I do not think it is a disability which can be defended, and the law ought to be altered. It will only be very exceptionally that a Coloured man will be capable of embarking on any mining enterprise, and when he is so capable, it will only be when he is practically a white man.

There are certain other minor matters in which the Coloured population suffer disabilities, which they feel acutely, as I should in their place. They are allowed to use no railway carriages except (*a*) carriages reserved for Natives, and (*b*) carriages reserved for themselves. They shrink from using the former for fear of losing status, and the supply of the latter is inadequate. I do not think their treatment on the railways can be defended either on grounds of abstract justice or of policy. It is not just to force them towards the level of Natives, and they might contribute much to the revenue by frequent railway travelling; but a Coloured person, if he or she is sensible, will never travel if travelling can be avoided, because of the inconveniences to which they are subjected. The Government has it in its own power to remedy this grievance through the railway administration.

Further, they are debarred, in the same way as the Natives are, from using public parks, and they are not allowed to ride

on any trams which carry white people—that is, they are practically not allowed to ride on any trams at all. This is totally different from the practice in Durban or Cape Town, where Coloured people are allowed to ride on the tops of trams. Why they should not be allowed to ride on the tops of trams, I am quite unable to understand. It is sheer selfishness and prejudice on the part of the whites. If necessary, a certain section of the seats on the tops of trams might be reserved for them. Again, this is bad business, because a free use of the trams by the Coloured people would largely increase the tram receipts; and it is unjust, because many of the Coloured people are rate-payers, and to such the trams belong just as much as they do to the white rate-payers. Also, indirectly, it is bad for the industry of the town, because the Coloured people are the employees of the white people, and the employers must suffer from the obstacles to free movement put in the way of their employees.

The Town Councils have the power to grant exemptions to Coloured people to ride on trams; if they used this power freely, the grievance would cease to be a practical one; but they do not, and, therefore, it remains a very burning grievance.

I think the interference of the Government, or, if necessary, of the Legislature, to protect the Coloured people from this pin-prick policy of the Municipalities, would be amply justified.

4. Natives. The objects which the Government must have in view in their Native policy are:

- (i) to preserve the peace of the country, for nothing is so demoralizing or injurious to its true welfare as a native war;
- (ii) to promote the steady development of Christianity and civilization among the Natives;
- (iii) to ensure the gradual destruction of the tribal system, which is incompatible with civilization.

An important feature of this policy will be teaching the Natives to work. A large proportion of them do work now, but mostly in a desultory and inefficient manner. The object must be to teach them to work as continually and effectively as the whites are supposed to but do not always do.

There will be no surer way of teaching them to work than by increasing their wants, and especially the wants of the women. These wants can be engendered, and are engendered constantly, by contact with whites; but education, wisely directed, may do much to assist the movement.

I lay particular stress on the women. If the women can be got out into domestic service, they would set free a large number of men for proper men's work, and the women, being themselves brought into contact with whites, would quickly develop their wants, which in turn would react upon the men. There are, of course, difficulties in the way of the employment of women in this capacity; but those difficulties do not seem to me to be insurmountable, but rather to be a question of supervision and organization. The South African Native Affairs Commission, 1903/1905, deals with this point, as with so many others, admirably in its Report.

I cannot leave the question of work without alluding to the influence upon it of our system of Pass Laws. I shall deal with the question of the Pass Laws presently at greater length, and I do not now say whether the Pass Laws are in whole or in part unnecessary. What I do point out is that, whether necessary or unnecessary, they must militate seriously against the freedom with which Natives leave their homes to seek work. After all, Natives are very like other human beings in their essentials, and I say without hesitation that, if an English labourer had to get the passes which a Native has to get in the Transvaal before he could leave his village, say, in Hampshire, to obtain work, say, in London, the circulation of labour would be enormously decreased in England. If this would be so in the case of a white man, how much more must it be so in the case of a black man to whom the whole proceeding must appear quite incomprehensible?

I am not afraid that the freer circulation of labour in the Transvaal would diminish the number of Natives seeking work on the farms; the effect, in my opinion, would be just the contrary, because, given reasonably considerate treatment by the farmer, farm labour is the sort of labour which the Natives prefer to all other.

In one thing, indeed, we are more fortunate in the Transvaal than they are in Natal. We have no code of Native Laws here

such as they have in Natal, and which is there a terrible obstacle to the Natives who want to emerge from tribalism into the atmosphere of civilization.

Before pursuing the subject of Native policy further, I should like to face a question which is constantly being asked, and that is, can the black man be allowed to become a rival to the white man? I have no hesitation in answering that question, because I believe the idea to be simply a nightmare. The black man is absolutely incapable of rivalling the white man. If the white man is ever out-rivalled by the black man, it will be entirely the fault of the white man. No one can have any experience of the two races without feeling the intrinsic superiority of the white man. All history in addition proves it. In the United States of America, for instance, where the black man has been under the influence of civilization for at least three times as long as he has been in South Africa, where there are absolutely no legal impediments to his evolution, and where he is provided with the same opportunities of education as the white man, in every walk of life he finds himself unable to compete with the white man. A black man may emerge, from time to time, like Booker Washington in the United States of America or Khama in South Africa, who is centuries ahead of his fellow black men; but these exceptions only prove the rule, and it is my profound belief that the white man has nothing to fear from giving the black man the freest opportunities to evolve himself under the best conditions and free from any artificial impediments. For this really is the question we have to put to ourselves: Should we be justified in putting any artificial impediments in the way of the development of such character and such capacity as Providence has given to the black man? My answer is that we should not be justified, because, if we rule an artificial line and say to the black man 'no matter with what qualities Providence may have endowed you, thus far you shall go and no farther', let us not deceive ourselves, that is simply slavery. The degree will be different no doubt from what we generally regard as slavery, but the principle will be the same. Moreover, if there is one thing which history teaches more surely than another, it is that no human laws can chain the evolution of the human mind. Such laws may warp that evolution into unnatural and

noxious directions, but they cannot arrest it. It follows from what I have written that, in my opinion, there should be no legal bar to the Native seeking employment or an outlet for his energies in any capacity for which he may be fitted. If he is fitted to become a good carpenter, he should be allowed to do so; if he is fitted to become a good doctor, he should be allowed to do so. No white man need employ him, and, as I have already said, in my opinion, no white man worth the name need have any fear of his competition, because the black man is essentially his inferior. If any law exists in the Transvaal which is a bar to the Native developing in any direction of civilized order or advancement, such law should be repealed.

Let me say here that I believe that not only is this policy just and wise in respect of the black man, but that it would bring with it a real resultant benefit to the white man. The great danger to the white man in this country is lest he should lose those characteristics which have made him what he is by being pampered and coddled and insured against competition in the struggle for life, and by being allowed always to regard the black man as his hewer of wood and drawer of water, an attitude of mind which leads inevitably to the surrender by the white man to the black of much more than half of the field of labour and honourable employment, and which, therefore, in turn, surely limits the expansion of the white race by one-half or two-thirds of what it might otherwise have been.

In the Transvaal we have to consider the Natives under three heads:

(i) Those who live in Government locations or tribal Natives; and what is said of them applies also to Natives living in a tribal condition on private lands;

(ii) Natives living on the farms of white men and serving them as bona fide agricultural labourers;

(iii) Natives living in town locations, among whom will be found the small class of educated Natives.

(i) Natives who live in Government locations or tribal Natives: These locations are not popular with the white population, and there are respectable objections to them as well as indifferent objections. It seems to me, however, that their real value is apt to be over-looked. I would say that they

are a safety valve, an insurance of orderly progress. Would the Natives have been as contented as they are if they had seen the whole of the land in the country, which they once regarded as their own, pass into the hands of the whites and none reserved for them? Surely they would not have been as contented as they are! Therefore, while I should be the last person to say that the present position of Government locations is permanently compatible with the evolution of the Native to civilization, yet I do say that, during the past, the present, and for some time to come, these locations fulfil a very necessary function. They sort out automatically the less from the more progressive part of the Native population. It is the less progressive part which gravitates into the locations. If they were not in locations, in their present condition they would probably give more trouble than they now do in the locations, while those who really are desirous of progressing towards civilization shun the locations.

It may be said that the existence of these locations makes the progress of the mass towards civilization slower. This is very likely true; but I believe that, when we are dealing with vast and unknown forces, such as the evolution of millions of human beings from barbarism to civilization, the pace had best be slow. I am not prepared to admit, however, that there can be no progress towards civilization within Government locations. I think that by the agency of missionaries, and still more by that of thoroughly competent officers of the Native Affairs Department, there can be a steady movement of progress within the locations, a movement which gradually should lead away from the tribal tenure to individual tenure of land by Natives within what are now tribal locations. Any help or instruction which the Native Commissioners can give to, or any influence they can bring to bear on, the Natives within these locations, to teach them better agriculture, will all tend in the same direction. This view is not mere theory on my part, because I have seen this movement going on in Basutoland, where the conditions are, of course, exactly the same as those in a Government location in the Transvaal, and where the progress of the mass of the people towards civilization is quite unmistakable. The progress no doubt is slow, but it is all the surer because it is slow.

(ii) Natives living and working as bona fide agricultural labourers on the farms of white men: This is usually a very satisfactory method of advancing the Native in the path of civilization. He has the example of the white people in front of him, and, where that example is good, the effect can be nothing but good on him.

I am convinced that in the great majority of cases the treatment of these labourers by their masters is fair and just, and that the influence of the masters on the servants is good. As one goes about the country one finds, time after time, that here and there is a farmer who can keep no Native servants on his farm, while his neighbours round him have no difficulty. This man's complaints against the Natives are always loud, and he is always clamouring that the Government should in some way assist him to secure or retain the services of Natives who do not wish to work for him. But it is quite obvious that in such cases the fault does not lie with the Natives but with the farmer, and nothing could be worse for such a man, or more unfair to the Natives, than that the Government should interfere to protect him from the consequences of his own harshness, or injustice, or incapacity.

Every encouragement should be given to Natives by the Government to settle on the farms of white men when they are going to work there as bona fide farm labourers. But the Government should be equally solicitous to do all that it can to discourage the farming of Natives by the owners of the farms. That evil has grown to great lengths in Natal and has brought dire consequences in its train. But, while the Government should do all it can to encourage the settlement of Natives on the farms of white men as bona fide labourers, it should also make it quite clear to all concerned that the labourer is free to move from that farm whenever he chooses, consistently with the proper observance of the contract he has entered into. For this system, excellent as it is, carries within itself a danger. A Native who has become largely civilized on a farm through contact with white people may, and very probably will, become desirous of bettering himself, and consequently of leaving the farm. This is one of the consequences of his civilization, which have to be taken into account, and, if the Native wants so to move, he must be free to do so; but the

farmer, who may have become accustomed to regard the man in question as an inseparable part of his farm, may be tempted to put indefensible obstacles in the way of the Native leaving. This is not an imaginary danger, because the phenomenon has occurred in the relations between those who own the soil and those who till the soil in every country in Europe within the last 500 years, and we see the elements of the same situation in the Transvaal of today. It is essential for the good of the white and the black alike that it should always be clearly understood that the Native is free, consistently with the fulfilment of contractual obligations, to sell his labour wherever he can get the best market for it, and correspondingly that the farmer is not obliged to retain on his land, either as a labourer or as a tenant, any Native that he does not so desire to retain.

(iii) Lastly, there are the Natives living in town locations, a class necessary to the convenience of white dwellers in the towns. This is the class from which domestic servants, and all those who serve in shops and warehouses are drawn, as well as the assistants to builders and others who make towns the headquarters of their business. This is the class which, from the constancy of its contact with the white population, most quickly develops its civilization. I have myself been in houses in such locations, the interiors of which were furnished and ordered in precisely the same manner as would be the interior of the house of the best class of white labourer in England. I venture to think that a real mistake has been made in not making the conditions of occupation of houses on stands in such locations sufficiently attractive. In my opinion, absolute fixity of tenure ought to be given to any Native building his own house in such a location. Then you would see neat houses, instead of the miserable biscuit-tin structures, with gardens, fruit trees, etc. When I say 'fixity of tenure', I do not mean without proper organization. There must be adequate police and sanitary regulations and inspections, and there should be full power to eject any objectionable character from the location for sufficient reason; but, if a man who had built a good house were ejected, that house ought not to be confiscated by the local authority, but proper compensation should be paid to the ejected man; otherwise he should have fixity of tenure, subject to good behaviour, with the power to

transfer his house to any purchaser approved by the local authority.

It is in these town locations that the small class of educated Natives is to be found, and, in my opinion, it is important that good Government schools should be established in them, because, in the first place, a wisely graded education will make the domestic servants and employees better and more useful as domestic servants and employees, and, in the second place, if the Government does not establish schools, other people, very likely half-educated Natives, will. The education I would give in the schools in these locations would be elementary in kind and of the common type, only I would substitute a good deal of music for some of the subjects usually taught to white children.

The question really is, not whether there is to be education in such locations, but whether that education is, or is not, to be under the control of the Government ?

This brings me to the consideration of the subject of Native education as a whole, and my views will be simply stated.

Education should not be forced on any Natives who do not desire it. Those, on the contrary, who really desire it, should have it, and the proof that they really want it should be that they are prepared themselves to find a certain proportion of the cost. I would adopt as my principle that the Government should contribute £1 for every £1 contributed by the Natives, whether in the form of a voluntary levy, or a special rate for education in any specific locality, such as a town location, Native *stat*, Government location, etc. My reason for saying this is that, I repeat, that it is not a question as to whether the Natives are going to have any education or not, but whether the Government is going to keep that education in its own hands or not. Natives who really desire education will get it, even if the Government gives them no facilities; but they will probably get it under pernicious influences. Therefore I say that the Government itself must take this matter in hand.

But I would not be understood as thinking that education for the Natives is nothing but an unavoidable evil. It is true that I regard much of the education which has been given to the Natives as evil; but it was not an unavoidable evil. The evil rests in the fact that well-meaning, but foolish, white men

have given the Natives the wrong class of education. The lines on which I think Native education ought generally to go are mainly agricultural. The Native must be taught a little ordinary elementary knowledge, elementary arithmetic, and how to read and write, and I should add a considerable proportion of music. The former would make him a more useful servant, and the latter a happier being; but the main lines on which I should like to see his education developed, are those of what in England I should call a first class agricultural labourer. The one thing which the farmers of the Transvaal most require is steady and efficient labour; the one work for which the Native is most suited is agricultural work; and as an agricultural labourer he will never come into competition with the white man.

A first-rate agricultural labourer in the Transvaal ought to know a great many things. He should know a good deal about the care of all kinds of stock, and how to apply remedies to them under the instructions of his master; he should know how to plough a straight furrow, and how to work a drill and other labour-saving appliances which have been gradually introduced; he should be able to erect fences, and effect small repairs in fences; he should be able to do a little rough carpentering and masonry so as to save the farmer sending hours to the nearest town for a white man for every little repair, or to save the farmer from having to do this work himself as he is usually competent to do. Also, as machinery becomes more in vogue on farms, the first class agricultural labourer should be able to help his master in executing small repairs to that machinery, so as to avoid sending that machinery several hours into the nearest town for repairs. And there are many similar ways in which, with proper instruction, he may make himself a most valuable servant to the farmer. This is the kind of industrial education I would advocate for a Native school on a Government location, at a mission station, or in a Native *stat*; or, indeed, anywhere except in a town location.

Now I am afraid that the Legislative Assembly will always be very chary of voting money for Native education. I say this regretfully, because I do not think it is to its credit. I therefore look round for some other source from which at least a certain

amount of revenue for this purpose may be derived, and one has been suggested to me.

Whenever minerals are found on a Government location, all that part of the revenue derived from working those minerals which, in the case of a private farm, would accrue to the owner, (including that derived from *mijnpacht*,¹ etc.), should be paid to the Minister for Native Affairs and be held by him in a trust fund to be applied for the purpose of Native education. On the one hand, there is no reason why prospectors who find minerals on a Government location should pay less than those who find minerals on a private farm; on the other hand, to hand over large sums of money to some Native Chief is a preposterous proposal, which can spell nothing but ruin for himself and his tribe. I have already suggested this to Mr Rissik.

I do not think, however, that any funds derived from such a source as this would be sufficient, and I earnestly hope that the Legislative Assembly may be induced to be generous in the matter of Native education, for, I think, if the Native side of the case is impartially considered, they have some grounds of complaint in the matter.

This brings me to the consideration of the incidence of taxation in this country. I have seen several calculations made—I cannot vouch for their accuracy, but my impression is that they are not very far from the mark. It has been stated that the Natives of the Transvaal pay, roughly, half a million in taxation, and that that is about the same as the farmers of the Transvaal pay. The farmers of the Transvaal have had a very hard time in recent years, and at the present moment they certainly could not as a class bear heavier taxation than they are bearing; but, in normal times, when cattle disease has disappeared and they are once more in a prosperous condition, then it certainly will be the case that, in the matter of taxation, the Transvaal farmer will be the envy of his European and American colleagues. The taxation he will then be paying will be out of all comparison lighter than that which the Dutch, or English, or American farmer now pays. Now, the friend of the Native starting from the assumption that the

¹ Mining lease (Dutch).

white farmer as a class pays as large a contribution to the revenue as the Natives do in the aggregate, proceeds to compare the amount of public expenditure which is directly aimed at the improvement of the position of the farmer and the amount which is similarly devoted specifically to the improvement of the Native, and he points out that, while the amount of the proportion of expenditure devoted to the farmer is very large, the proportion devoted to the benefit of the Native is very small. Now, I am one of those who think that the money spent on the farmers is excellently spent, and most wisely spent; but I also think that the amount spent on the Natives is too small.

The more I study the Native question, the more impressed I am with the immense responsibility of the Government in the matter. In respect of the Natives, the sphere of responsibility of the Government is far wider than it is in any other field of administration. The Natives are wholly unrepresented in Parliament, and therefore the attitude of the Government towards Members of Parliament in respect of Native questions must be quite different from what it is in respect of other questions. The Government is the trustee for the Natives in a very special degree; and although, of course, the Natives do not realize that in the sense in which you and I do, yet their attitude towards the Government is curiously consistent with that idea. It comes out in almost every line of the Natal Native Affairs Commission Report,¹ that every evil under which they suffer is put down by the Natives to the Government. In three cases out of four the evil has not been caused by the action of the Government; yet it is always put down to the Government, just exactly as the Natives, in the old days, would have attributed every good or evil which they enjoyed or suffered to their Chief. Therefore, the Government cannot afford to exclude from its purview any detail of Native life. For instance, it cannot afford to allow Natives to be unsympathetically treated by Municipalities on the ground that Municipalities must decide for themselves their own Municipal Regulations. It must try and look at every little thing from the Native point of view as well as from the white point of view, and it should

¹ Cd. 3889 of 1908.

use the whole of its authority to prevent Natives being irritated by what I may call a policy of pin-pricks.

Take, for instance, the Pass Law. Now, if one wants to know how Natives regard the Pass Law, one has only got to ask oneself how one would regard it oneself? It is irritating to them in the highest degree. Do you know that it is possible that a Native may be expected to understand, and conform his conduct to, twenty different regulations on the subject of passes! That is the maximum, no doubt; but still, if you consider the very ordinary case of a Native who lives on a farm and who wishes to get work in a labour district, he has, (1) to obtain a pass from the farmer to go to the nearest Pass Office; (2) at the Pass Office, he has to take out a travelling pass to go to, say, Germiston; (3) at Germiston, he has to provide himself with a six days' pass to look for work; (4) having obtained work, he has to procure a passport to that effect; (5) he has to take out a new pass every month during the period of his employment; (6) whenever he has to move on his master's business, he has got to get a special three days' pass; (7) if his master sends him out after nine o'clock at night, he has to procure another special and quite different pass; (8) when his employment is terminated, he has to procure a new pass in order that he may return to the farm on which he lives; *and in several of these cases he has the added pleasure of paying 1s. for his pass.*

Now, to a white man, to have to comply with such conditions would be simply maddening. Do you think that they are much less maddening to a black man? And what is the use of them? I have asked Judges, Magistrates, Native Commissioners, and many others, and they practically agree that, except in two cases, the Pass Law is a quite unnecessary infliction on the Natives and an impediment to their seeking employment. The two exceptions to which I refer are the cases of a Native travelling with any stock or being out after dark in towns.

I do commend this subject to your very earnest attention.

Again, there is the question of the Morality Law. This law seems to me to be very unequal. It prescribes, and very properly prescribes, the severest penalties on a black man who cohabits with a white woman; but it leaves a white man

free to do just what he likes with a black woman. The evil, I am glad to say, is not at present as great here as it is in Natal; but how serious the evil is there, you will see from the Report of the Natal Native Affairs Commission. I think that the law ought to be equally severe in both cases.

It may be said that in my remarks as to the sphere of Government, I am ignoring Parliament. I admit it, and I do so deliberately, because I wish to lay great stress on the fact, which I believe to be a profound truth, that the worst form of government for Natives is direct government by a Parliament of white men. Such a Parliament represents whites only; in no sense does it represent Natives, and the interests of the whites, whom the members of that Parliament represent, are different from, and very often conflict with, the interests of the Natives.

Again, few of the members of such a Parliament really know much about Natives or have studied them profoundly, and this is true also of the constituents whom they represent, and therefore the legislation applied to Natives is sometimes unjust, and often unwise, and that injustice and unwisdom, though sometimes the result of selfishness, are more often the result of ignorance and thoughtlessness.

Apart from these considerations altogether, the parliamentary form of government is quite unintelligible to the Native mind. It is chiefly characterized by the complete absence of the two principles of government which the Native most thoroughly understands, that is, that government should be personal and that it should be consistent and continuous. Parliamentary government is the embodiment of impersonality, and incontinuity and inconsistency are risks inseparable from it, because the changes among the persons who compose a Parliament are constant. The result is that the Native is bewildered; he is troubled by the absence of any permanent personality to which he can look as the authority to command his obedience and respect. The Ministers come and go; and to him the changes are incomprehensible. New laws are constantly made and old ones repealed or amended; the policy of one day is reversed the next, and his conservative mind is perplexed beyond endurance. He simply gives up in despair any attempt to understand what it all means and becomes suspicious and sulky.

All this is brought out so forcibly and so completely in the Report of the Natal Native Affairs Commission, that I need only refer you to it. Surely there is good reason for us to pause and reflect, when a Native, giving evidence before that Commission, allowed himself in his bitterness to exclaim that he personally would prefer the days of Tshaka to the days of parliamentary government.

Therefore, I say, that personality and continuity are everything in the administration of Natives, and that we cannot expect them to understand, or be suited by, a system which has been evolved by white men out of the centuries of their experience as that which suits them best. Therefore, it is, that I lay stress on the Government and not on the Parliament, and I ask: How is the Government to combine with that parliamentary government which is necessary for the whites, that personal, consistent, and continuous, government which is necessary for Natives? I say that the problem is not insoluble, but that it can only be solved by the Government providing itself with a very strong, fully equipped, Native Affairs Department, to which it will give the whole of its support against any ill-judged criticism by whites, both in its central administration and in the persons of the Native Commissioners and Sub-Commissioners scattered throughout the country. If the Government has, scattered through the country, an efficient body of Native Commissioners and Sub-Commissioners, and if it gives them its whole-hearted support, then in each district is provided that personal, consistent, and continuous government which the Native most requires; and behind these scattered Native Commissioners and Sub-Commissioners it can support a Native Affairs Department, the general influence of which will also be personal, consistent, and continuous.

The Head of the Native Affairs Department should be permanent. He should be the very best man that can be found for the work, and he should be proportionately paid. He should *not* be tied to his office; he should be so adequately provided with assistance as to be free to see important Natives who come to Pretoria to see him and free also to pay constant visits to the different districts. There should be no Minister for Native Affairs; the Prime Minister himself, and no one else, should be responsible to Parliament for the work of the

Native Affairs Department. It should not be necessary for him to give that Department constant and detailed labour; he should only satisfy himself that the general principles being followed are sound, and give to the work of the Department a general superintendence.

5. I will now deal separately with the question of franchise or representation. This is a question, the calm consideration of which has been obscured by partisanship on the one side and violent prejudice on the other. It is suggested on the one side that Coloured people and Natives have the same right to the franchise under the same conditions as white people, that is, that if, in the Cape Colony, for instance, they can fulfil the same conditions as to education and ownership of property as the white people, they should have the same votes, or, in the Transvaal, that, if they are of full age, they should have the same votes. The absurdity of this proposition is best illustrated in the case of the Transvaal, as nobody who has been a week in the country could possibly honestly say that every Native of full age was entitled to, or competent to receive, the vote. To my mind the position in Cape Colony is only less absurd in degree. There a Native who possesses property worth, I think £75, and can write, I think, his name and address, is entitled to vote!

Now, of what are such qualifications a test in the case of a Native? Those qualifications have been arrived at, in the case of a white man, as a rough and ready method of separating those who are better qualified to have a voice in the government of the country from those who are less qualified. But what application has that test in the case of a Native? If it is suggested, as I suppose it will be, that it is a test of a civilized, as opposed to a barbarous, Native, a very little examination will expose the absurdity and futility of such a test. Any Native in a Government location, for instance, could, by the exercise of a certain amount of labour of himself and his family, build a hut with one or two windows and a door, which might pass muster as worth £75; and he might also, with a little patience and with the assistance of a Native teacher, be taught to write down his name and address in our characters. But he might just as profitably be taught to write his name and

address in hieroglyphics, for it would mean exactly the same thing to him! I myself saw, in the Herschel Reserve in Cape Colony, a considerable number of voters who had fulfilled these two tests; but they were red Kaffirs, smeared all over with red clay, and were no more civilized than most of the Kaffirs in the Government locations in the Zoutpansberg! I do not say that no Native voters in Cape Colony, who have fulfilled these tests, have achieved a meritorious standard of civilization; I have no doubt that there are such; but I do say that this purely arbitrary test is worthless as the guarantee of the achievement of a certain standard of civilization.

After all, let us consider what is the history of the white man's franchise. I will take the history of England, as that is my own country, and therefore the one I know best, and as that in which parliamentary institutions had their first birth.

Now, parliamentary institutions in England are 550 years old, and yet the great bulk of the population, white working men, have not yet had a vote for 50 years! If, in the case of a country which came into contact with Roman civilization nearly 2,000 years ago, and which has actually had parliamentary institutions for 550 years, the great bulk of the population has only been considered fit for the exercise of the franchise for less than 50 years, how absolutely absurd it is to suppose that the Natives of South Africa, the great majority of whom have not been in contact with any civilization for 100 years, should be fit to exercise the franchise on the same basis as the white man of the country, by extraction either British, or Dutch, or French, all three nations whose first contact with civilization dates back to Roman times before the Christian era! No, if the Natives of South Africa are to receive the franchise at all, they must be led up to it in exactly the same gradual way in which the white men were, and, in my opinion, no system can be wisely devised which will apply equally and similarly to Natives as to white men.

On the other hand, I am not with those who say that the Natives require no system of representation whatever. On the contrary, I do not believe in the possibility of the white men, however good their intentions, being able to rule the Natives wisely and justly unless the Natives have an opportunity of being heard and expressing their views on what concerns them most.

The method which I would propose, for allowing the voice of the Natives to be heard, is as follows :

I would provide for the summoning of an adequate representation of the Natives at periodic intervals, to meet the permanent Head of the Native Affairs Department, and I would allow these gatherings of Natives to express, in the freest manner, their opinion on all that concerns their welfare. I would give no power whatever to such gatherings; but I would give complete freedom of speech; and I would give these gatherings a statutory existence as Native Councils.

I do not think it would be wise to summon to such a gathering representatives of all the different tribes and conflicting Native interests in the Transvaal at one time and at one place. My idea is rather that the representatives of the different interests and different localities should meet the permanent Head of the Native Affairs Department at different times and in different places. I would, in fact, establish several Native Councils. For instance, there might be one for the Zoutpansberg District, and another for the Lydenburg District. There the Natives are tribal Natives, and the proper people to voice Native opinion would be the Chiefs and Headmen. But the interests of Natives living in municipal locations are quite different from the interests of Natives living in the tribal state, and I would allow the Natives living in locations, such as those of Pretoria, Johannesburg, Potchefstroom, etc., to elect representatives to meet the permanent Head of the Native Affairs Department in a Council of their own. And so with the other groups of Natives in the Transvaal.

As regards the Coloured people, they are practically to be found only on the Witwatersrand and in the Pretoria District, and I would allow them also, but separately, to send representatives, not to meet the permanent Head of the Native Affairs Department, but the Prime Minister. This plan would at any rate ensure that there was an outlet for the expression of their opinions by these people themselves.

Now in respect of the franchise, I would not exclude from the franchise Coloured people, or even Natives, who have really reached the average level of civilization of the white man. Among the Natives of the Transvaal there are very few such; among the Coloured people there are many such.

The questions are: How to judge whether these people have reached the standard of civilization? And who shall be the judges? In my opinion, no artificial test, such as that applied in Cape Colony, will meet the situation; nor would it be safe to put the decision in the hands of politicians. The temptation to use the power for party ends would be too great. All experience shows this; and we have not further to look than Cape Colony for evidence of the truth of this reflection. Nor could the power be safely put into the hands of any elected representatives of the white people. The way in which the Municipal Council of Johannesburg have used, or rather have not used, their power to grant exemptions to Coloured people in respect of the use of the trams, is proof of this. The only authority to which such power could, in my opinion, be given is to three Judges of the Supreme Court, nominated by the Governor-in-Council for the purpose. To them a Coloured man, or a Native, might make application, and on him would rest the burden of proof to show that, by his general standard of living and conduct, he was a civilized man. In the case of the Coloured man the privilege would be freely accorded, because those Coloured people who were reverting to tribal conditions would not make application, and the privilege of the enfranchised Coloured man should descend by inheritance to his sons. In the case of the educated Native more particularity of investigation would be necessary and more caution, because reversion from civilization is much commoner with them than with the Coloured people, and the franchise should not descend by inheritance till the third consecutive generation has been reached of enfranchised Natives leading a monogamous and civilized existence.

S.

9 January 1908

365 From J. X. Merriman
Confidential

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Stellenbosch
13 January 1908

My dear Smuts, Thank you for your letter which must have crossed mine. I hope that you will not think that in writing

I am presuming to meddle in your affairs but will rather look on what I say as being prompted by the anxiety of an elder brother whose only wish is to see your Government achieve all the success that it deserves.

I agree with you in looking on this Indian business as a very serious and unpleasant one. My action on the Chinese question will be I hope a proof that I have no love for the Asiatic, whose presence I regard as a menace to the future of any European country. I would keep them out at almost any cost. The present situation is however somewhat different. Rightly or wrongly a certain number of these people have been allowed to settle down, acquire property, and carry on their avocations. Is it worth while to harry them by imposing what may be considered vexatious regulations, provided that you can obtain a registration that will secure you against any further influx by other means? Does it not savour of the yellow cap of the Jew, or the harrying of the Moriscoes by Spain? I do not know that the expulsion of the Jews from England or of the Moors from Spain are considered to be bright episodes in the history of either country while the liberal attitude of Holland in this respect has always redounded to her credit as well [as] adding to her prosperity. You must recollect that the very same class who are now loudest against the Indian are the very same who were shouting death and destruction to 'the Boers' only a year or two ago, and that those who view the situation with sadness—a tolerant sadness—are those who were denounced for espousing what was then the weaker cause.

Recollect also that the place of these people, unsavoury as they are, will be taken by the lower class Jew, who is scarcely a more wholesome element in the population. If you persist as you are entitled to do, you will succeed but I much fear that you will alienate the bulk of liberal opinion in England, you will give the Imperial Government a most serious blow in her most vital part—India, and you will above all furnish a pretext for a great deal of mischievous interference in Native matters in the future particularly in Swaziland and Basutoland. Is it not possible, now at the eleventh hour when you have asserted your right, to yield gracefully and by so doing to pave the way for future concessions on the part

of the Power who would be obliged by your action. Would there be any loss of dignity on your part if you said that in deference to the expressed wish of Great Britain and solely with a view to *her* interests you would withdraw the obnoxious provisions on the clear understanding that you would be protected or would be allowed to protect yourselves against any further influx and that measures for the strictest registration would be carried out.

It seems to me that you would gain much and that your moderation would be a ground for future trust and confidence that might otherwise be endangered.

Pray do not misunderstand me in writing this. I dislike the Indian element in South Africa as much possibly more than you do, but as an Englishman I should be very reluctant, even at the cost of some self-sacrifice, to add to the burdens of the Imperial Government in India. I feel as I have always felt a sympathy for the weak and down-trodden and I think it is the true mark of a true South African to remember the lines *Parcere subjectis et debellare superbos*¹ which must be our guiding principle.

Forgive me if I have written too much and believe me that whatever your decision I shall if need be make the best of it. With kind regards, Believe me, Very truly yours,

John X. Merriman

366 From R. Solomon

Vol. 6, no. 67A

Confidential

72 Victoria Street
Westminster, S.W.

17 January [1908]

Dear Smuts, I have been worrying you a good deal about this Asiatic question but I can assure you the feeling here is very strong on the subject. I think a large majority of reasonable people quite understand the policy of preventing further immigration of Asiatics, but they cannot understand a law which enables the Government to deport those who have resided for years in the Transvaal and are well behaved. I sent General Botha a copy of the *Morning Post* which contains an

¹ To spare the humble and subdue the proud. Virgil, *Aeneid*, vi. 851.

interview I had on the subject and which the Editor tells me enlightened a good many. I had another interview with the *Tribune*, after the Caxton Hall meeting, copy of which I enclose. I wish you could have seen your way to altering the regulation with regard to finger-impressions by requiring only the thumb-mark for I think this would have satisfied a great many of the strong sympathizers with the British Indians here. Expert opinion here, I am told, says that for all practical purposes the thumb-mark is sufficient. I am sure you won't try to get your pound of flesh out of these people who after all are a most inoffensive law-abiding people and better than many of the European traders (Russian Jews) who would like to drive them all out of the country. I would be glad if you could also make the regulation for finger-impressions so that the Registering Officer could dispense with it in the case of men who are so well known that their finger-impressions are not required for purposes of identity. You may say how are these people to be determined? I know that is the difficulty, but I would leave it either to the discretion of the Registering Officer or else dispense with finger-impressions in the case of those who can write their names, addresses, occupations etc. in English. Would not this meet the difficulty? I am sure you want to settle matters with as little friction as possible and I am sure you won't be driven beyond what you think right by the clamour of public meetings in the Transvaal urging the Government to carry out the law in letter and in spirit. You have great strength and I am sure you will use it wisely with every regard for the feelings of these unfortunate Asiatics, keeping only in view the main object of the law, that is, to have the Asiatics in the Colony registered in such a way as to prevent evasions of the Immigration Act.

There is one other point in the Registration Law which is made much of here and that is the section which requires an Asiatic to produce his certificate of registration to any police constable at any time he demands it. Is this necessary in view of the section in the Immigration Act which allows a police constable to arrest a person he believes to be a prohibited immigrant? The policeman before making the arrest of an Asiatic would naturally ask him if he had a certificate of registration and the Asiatic to prevent arrest would be only

too glad to show it to him if he had one and if he had it not on him he would tell the policeman he had it at his residence and could show it to him there.

When I read over the Act I can't help thinking that it might have been toned down a bit without affecting its main object, but it was initiated and drafted by officials (Lionel Curtis etc.) who, though very clever, do not understand human nature and can therefore never be legislators.

You will pardon me for writing as I have and you may call me a crank on this subject; I won't mind, but I do feel that something might yet be done which would make the law acceptable to the Asiatics without risking its main object.

I am writing to the General and to Hull, to the latter about the loan principally. Kind regards and best wishes, Yours sincerely,

Richard Solomon

367 From R. Solomon

Vol. 6, no. 68

Private

72 Victoria Street
Westminster, S.W.
24 January [1908]

My dear Smuts, You will excuse me, I am sure, if I worry you again on this Asiatic question. Churchill returned from East Africa last week and I lunched with him two days after his return when he had a long talk with me on this vexed question. He will strongly support your Government on its policy of preventing further immigration of Asiatics into the Transvaal and on the policy of compelling those lawfully in the country to register as the only method of properly carrying out the Immigration Act. He thinks however something might be done in the administration of the Asiatic Law Amendment Act which would reconcile the Asiatics to it. He approves of exempting from finger-impressions those who can write their names, addresses etc. in English and ex-soldiers who have service papers by which they can be identified; but he suggested the following to me as an alternative:— That the Government should open a register on which would be placed the names of the Asiatics who are well known and can be identified without their finger-impressions whether they apply

to be registered or not. He says if this were done the other Asiatics not put on the register would become so anxious to be registered that they would not hesitate to apply. Whether this is so or not you will know better than he does. I pointed out however that this suggestion of his could not be acted on under the law as it stands which requires application to be made for registration and a certificate of registration to be issued which must be produced before a trading licence can be issued and also when a police officer demands its production. If the Act is altered so as to enable you to carry out Churchill's suggestion, should you approve of it, the licensing authorities would be empowered to issue licences to Asiatics who are on the register. I told Churchill I would write and inform you of his suggestion, but my own opinion is that there will be no necessity to amend the Act if you could only by regulations hit upon a satisfactory method of identification which is not offensive to the Asiatics. Experts here who have lived in India assure me that there is a genuinely strong feeling on the part of the Indians to the five- or ten-finger impressions which in India are only required in criminal procedure where, in civil matters such as registration of deeds, receipts for salaries etc., only the thumb-impression is required. I went over to Sir Edward Henry's office yesterday to consult him on the matter. He is, as you know, the real author of finger-impressions and no one understands the system as well as he does. He took me all through his finger-impression department. He is quite positive that for purposes of identification the thumb-impression is quite sufficient. I asked him why he required *ten* finger-impressions in criminal cases. He said that in criminal cases he has sent to him finger-impressions and he has to find out the man in the world whose impressions those are and therefore he requires as many impressions as possible: but he said that in case of certificates of registration or the registration of deeds—in India all you wish to know is whether the *particular* holder of the certificate or deed is the person to whom it was issued and it is quite sufficient for that purpose to get the holder to make a thumb-impression and compare it with the thumb-impression (which must of course be recorded in the office of the official issuing the certificate or deed) of the person to whom the certificate or deed was issued.

If on comparison it is found the impressions are identical you may conclude without hesitation that the holder is the person [to] whom the document was issued, if not identical the contrary conclusion is equally certain. I asked him about defacement. He said if a man can deface one finger-impression he can deface ten finger-impressions, but that it is very difficult to deface beyond recognition. He got me to make my thumb-impression and then study it through a magnifying glass: he then told me to rub that impression with my sleeve which I did vigorously and then examined the blurred impression through the glass. I, as a novice, could see the blurred impression was made by the person who made the original impression. Is there however any reason why opportunity should be given for defacing finger-impressions? Why should the finger-impression be made on the certificate? I believe this is Lionel Curtis's idea but he has had no experience in finger-impressions. Why not, as Henry suggests, take the finger-impression of the person to whom the certificate is issued on a separate piece of paper and file it in the office of the issuer, marking it 'thumb-impression of holder of certificate No. o'? At any time you can find out whether the holder of that certificate is the bona fide holder by forcing him to make his thumb-impression and comparing it with the one which is filed. I don't see the difficulty, and it will rarely be necessary to get the holder of a certificate to make his thumb-impression for I doubt whether there will be much trafficking in these certificates.

Experts like Henry think there must be some serious defect in the administration of the system of finger-impressions in the Transvaal when it is held that a thumb-impression is not sufficient for purposes of identification.

The India Office, I understand, is very anxious about the ex-soldiers and suggests that as most of them would hold service papers relating to pensions etc. they may be identified by means of these and thus relieved from making ten-finger impressions which they are opposed to. Of course if you are satisfied that the thumb-impression is sufficient it will not be necessary to dispense with it in the case of anyone, but if you insist on the ten-finger impressions you might consider the case of these ex-soldiers as well as of those who can write

their names, addresses etc. in English. I telegraphed to you today (24 January) on the lines I have written above. Don't think I am unnecessarily worrying you. It is most important to satisfy public opinion that you have done everything that is reasonable in carrying out the absolutely essential policy of preventing further immigration of Asiatics at the Transvaal.

I am much distressed at the death of my very dear friend and brother-in-law, Lawson Walton. He was a fine man. I thank you all for your kind message of sympathy. Yours sincerely,

Richard Solomon

368 To J. X. Merriman

Vol. 6, no. 86

Confidential

Colonial Secretary's Office
Pretoria, Transvaal
27 January 1908

My dear Mr Merriman, Many thanks for you last letter and your kind offer to approach Mr Morley. You will be glad to hear that unofficially we are in communication with him already and he has submitted to us his suggestions. They will however never satisfy the Indians here as they are not substantially different from what we have already unsuccessfully attempted to do. I am now working on lines which I hope will bring the matter to a successful issue.

Dr Jameson has actually written to General Botha that he has heard (at the Cape!) that there is some opposition to the High Commissioner presiding at the Inter-Colonial Conference and that he and his colleagues are unanimous in their desire to see Lord Selborne preside.

The elections are going very well for you and it seems as if you will have to wield a very big majority. I do hope that it will be possible for the South African Governments to do a great day's work. Such a chance does not occur in a lifetime. Let us try on sound lines to reunite this land of ours and so safeguard its future autonomy and independent development along natural lines. There will be immense opposition, and we must proceed with all due caution. But the opportunity will in many ways be unique. Yours very sincerely,

J. C. Smuts

369 From R. Solomon

Vol. 6, no. 70

*Private*72 Victoria Street
Westminster, S.W.
30 January [1908]

My dear Smuts, Thanks very much for your telegram yesterday informing me that a settlement on the Asiatic question was in sight. I shall indeed be delighted when it is all over. I have worried you people a good deal on the subject, but I knew the feeling here and my desire was that all sane people here should admit that you have done everything within reason and that if the Asiatics take up an impossible attitude they must blame themselves if they suffered. I am sure both Elgin and Churchill will give the Transvaal Government credit for having all throughout acted with the greatest consideration and having never shown any desire to have their pound of flesh. I have written a memorandum for Churchill on Asiatic legislation in the Transvaal since 1885 giving reasons for the necessity for the Immigration Act and the Asiatic Law Amendment Act of 1907. I hope it will be of some use to him should the Government be attacked on this Asiatic question in the Transvaal. A blue-book was issued yesterday containing all the correspondence on this question. I think the Transvaal Government has nothing to fear from this publication. A blue-book was also this morning issued on recent Native events in Natal and I do not think the Natal Government comes out very well. The love of Natal people for martial law is amazing. They seem to proclaim it on the slightest provocation and like to stick to it like terriers even when the slight reason for its proclamation has ceased to exist. I don't think Natal has shown much wisdom in the government of Natives. I hope yet to see your Government adopting a Native policy similar to that in Cape Colony!

I hope you are all well. I suppose you are now trying to prepare for the next Session in which I hope your success will be as great as in the last and that you will smash up your Opposition. Kind regards, Yours very sincerely,

Richard Solomon

370 To M. T. Steyn

Vol. 99, no. 57

*Privaat*Colonial Secretary's Office
Pretoria
17.2.1908

Hooggeachte President, Reeds lang heb ik gemeend aan U te zullen schrijven, maar er kwam steeds een of ander hindernis. Met Xmas of Nieuw Jaar wou ik U komen bezoeken, maar het werd ten slotte beter geacht dat ik vergaderingen zou gaan houden in de westelijke Transvaal en zoo bracht ik Nieuw Jaar by Generaal de la Rey door. Maar nu zal ik maar kortelijks schrijven.

De positie is deze in kort. Er is hier een zeer sterke strooming ten faveure van finale vaarwelzegging van het Tolverbond protectie tegen alle Zuid-Afrikaansche staten insluitende de O.R.K. oprichting van een ringmuur om de Transvaal—in kort, terugkeer tot de politiek van voor den oorlog in nog ergeren vorm. Botha en ik hebben ons reeds by een menigte vergaderingen zeer sterk tegen deze politiek uitgelaten, met het gevolg dat er een groote ontevredenheid onder onze ondersteuners is. Een groote associatie wordt opgericht voor protectie en vele van onze partij sluiten natuurlijk aan. Wat het uiteinde zal zijn valt moeilijk nu reeds te zeggen. Hoe wij in de Transvaal na de gebeurtenissen van den oorlog, en de wijze waarop de boeren van Vrystaat en K. K. alles voor ons hebben opgeofferd, hen nu van uit onze markten zullen kunnen weren, is my onbegrijpelijk. Het behoort een zedelijke onmogelijkheid te zijn—afgezien van alle ander nadeel. Hoe dit echter zijn, het is duidelijk dat de oude geest van separatisme en isolatie werkt weer onder ons. Dingen loopen vinnig en gaan naar een punt, en de punt is deze: of een Vereenigd Zuid-Afrika of een geïsoleerde Transvaal. Het eerste alternatief is niet populair, maar het is het hoogste en beste ideaal in onze politiek, waarvoor, volgens mijn zienswijze, de opofferingen van den oorlog grootendeels zijn gebracht. En daarvoor is het waard verder te vechten en op te offeren. Het alternatief van een klein ringmuur Transvaal zal onder de bevolking zeer populair zijn, maar met hard vechten is het misschien nog te overwinnen. Ik ben bang echter dat als met vereeniging gedraald worden, de Transvaal natuurlijkerwijze weer in de

oude groeve zal raken—wat een noodlottig ding zou zijn én voor Transvaal én elk deel van Zuid-Afrika. Wij zijn by de verdeeling den wegen, en als de betere koers niet wordt ingeslagen dan wordt de andere gekozen. Dat zal bitter en noodlottig zijn. U zal trouwens in de koeranten gezien hebben van de hevige protectie alhier en het is niet noodig verder erover uit te wijden.

Ik wil gaarne hebben dat U de zaak overweegt en uwe opinie erover geeft. Indien mogelijk zou het zeer gewenscht zijn indien U de Vrijstaatsche vrienden op het gevaar wou wijzen en hen aanwakkeren wat betreft Zuid-Afrik. vereeniging. Het zal een zwarte dag zijn in de geschiedenis van het Afrikaansche volk wanneer dit land ingesloten wordt tegen de K.K., om niet van de O.R.K. te spreken, maar indien wij niet zeer voorzichtig zijn komt die dag. Misschien kan U ook by een of ander publieke gelegenheid zekere groote en nooit te vergeten dingen op het gemoed van ons volk drukken. Zij zullen naar u luisteren, meer dan naar anderen.

Misschien getuigt dit schrijven van te groote bezorgdheid. Maar ik verzeker U dat zij die zaken hier kennen reden hebben om bezorgd te zijn. Ons Congres komt 8 April bij elkaar en in Mei zal de Tol- en Spoorweg Conferentie verzamelen.

Hoe gaat het met uwe gezondheid? En wanneer komt U ons bezoeken? Mijn vrouw zal toch te blij zijn als U en Mevr. Steyn nu naar ons komt—zeggen 8 April, zoodat u al de oude vrienden weer kan zien. Met zeer hartelijke groeten aan U beiden ook van mijn vrouw, Uw getrouw

J. C. Smuts

TRANSLATION

Private

Colonial Secretary's Office
Pretoria
17 February 1908

Dear President, I have long been thinking of writing to you, but there was always some hindrance. I wanted to visit you at Christmas or the New Year, but in the end it was thought better that I should hold meetings in the western Transvaal, and so I spent the New Year with General de la Rey. But now I shall write briefly.

The position, to be brief, is this. There is here a very

strong current in favour of a final farewell to the Customs Union, protection against all South African states, including the Orange River Colony, the erection of a ring-wall round the Transvaal—in short, a return to the pre-war policy in a worse form. Botha and I have already expressed ourselves very strongly at many meetings against this policy, with the result that there is great dissatisfaction among our supporters. A large pro-protection association is being set up and many of our party are, of course, joining it. It is hard to say now what the outcome will be. It is to me incomprehensible how we in the Transvaal, after what happened in the war and the way in which the Boers in the Free State and the Cape Colony sacrificed everything for us, can now keep them out of our markets. It ought to be a moral impossibility—apart from any other disadvantage. But, however it may be, it is clear that the old spirit of separatism and isolation is again at work among us. Things are moving fast and reaching a point—and the point is this: either a united South Africa or an isolated Transvaal. The first alternative is not popular, but it is the highest and best ideal in our politics for which, as I see it, the sacrifices of the war were largely made. And it is worth more fighting and sacrifice. The alternative of a small ringwalled Transvaal will be very popular among the people but it may be defeated by hard fighting. But I am afraid that if we dawdle with union, the Transvaal will naturally again fall into the old groove—which would be a fatal thing both for the Transvaal and every part of South Africa. We are at the parting of the ways, and if the better road is not taken, the other will be chosen. That will be bitter and fatal. You will indeed have read in the newspapers about the heavy protection here and it is not necessary to enlarge on it.

I should like you to consider the matter and give your opinion of it. If you could possibly point out the danger to the Free State friends and arouse them as regards South African union, that would be most desirable. It will be a black day in the history of the Afrikaner people when this country is locked against the Cape Colony, not to mention the Orange River Colony; but, if we are not very careful, that day will come. Perhaps you could also, on some public occasion or other, impress upon the hearts of our people

certain great and unforgettable things. They will listen to you, more than to others.

Perhaps this letter shows too great anxiety. But I assure you that those who know conditions here have reason to be anxious. Our Congress meets on 8 April and in May the Customs and Railway Conference will convene.

How is your health? And when are you coming to visit us? My wife would be so glad if you and Mrs Steyn would come to us now—say on 8 April, so that you could see all the old friends again.

With heartiest greetings to you both and also from my wife, Yours sincerely,

J. C. Smuts

371 To J. X. Merriman

Vol. 6, no. 87

Private

Colonial Secretary's Office
Pretoria

18 February 1908

My dear Mr Merriman, I read your Robertson speech with great pleasure. A wider outlook on imperial concerns, a spirit of amity and brotherhood between the races and states of South Africa, a spirit of self-help in economic matters, and closer union to crown all—surely this is as wise and broad a foundation as could be laid by South African statesmen. It is a pleasure to find that at the Cape just as here racialism has receded, that there is more tolerance and co-operation and that the old narrow outlook is widening.

Your letter to Botha about the next Conference has not yet been answered owing to his continued absence in the districts. He will however return to Pretoria in a couple of days and will then deal with the points raised by you. There is no objection to the date you mention—early in May, nor to the number of Ministers (three) you desire to see as representing their Governments. I think your number better than ours. You will see also that besides customs and railways, the Cape has formally raised closer union, Natal defence, Transvaal weights and measures. We have also procured the consent of Natal to raise the whole question of Indian immigration. You now also mention insurance, which is most important, but so are

insolvency, patents and trades marks and a South African Patent Commissioner—which are all important. Perhaps we shall find that federation is so near that we had better address ourselves to the greater issue without too much waste of time.

I wish to put to you briefly the situation here as affecting a Customs Union and federation. For the last few months a very dangerous movement has been growing in the Transvaal—a movement of separatism similar to that which existed before the war. Farmers and industrialists clamour for protection against the rest of South Africa, for putting a ring-fence round our borders and for forced development of our own industries and agricultural production and for protecting local markets. For some months now General Botha and myself have been stumping the country in order to combat this insane retrograde movement; but there is no denying that it is strong and becoming stronger, and that it may possibly yet sweep us off our feet. The fact is the Transvaal is now at the parting of the ways; henceforth we must move either in the direction above indicated or we must hurry on union. There is no middle course. Perhaps we who are now at the head of affairs are still strong enough to carry the day for union; but much delay would be fatal, for very powerful and sinister influences are secretly at work among every section of the population.

Such being the political situation here just now, you will understand that it is impossible for us to do more now than renew the Customs Union for another twelve months with such modifications in detail as seem most pressing. However, we have notified the cancellation of the Convention, and any proposal as indicated had better come from some other member of the Union. You have not had much time to go into the intricacies of the question of local industries, nor have we; and under these circumstances I favour the idea of the continuation of the Convention for another twelve months with necessary modifications in detail (and not in principle). Don't you agree that this is the better course? The questions of railway policy that will be raised will be most important and will require much time.

Another consequence of our position is that the only safe course for the friends of South African union is to be quite

serious about it and to let no grass grow under their feet. Otherwise the separatist movement will sweep us away and you will soon see such a state of turmoil and strife and inter-colonial bitterness between the Transvaal and the rest as has not been known since the war. We could become one either as the result of war or of a very happy combination of circumstances. For a very short while the latter alternative is left us. Let us make the most of our opportunity. You must not consider me alarmist, but I assure you there is a very ugly spirit growing—the same that almost drove me to despair before the war. Do not let us give it too much time. Ever yours sincerely,

J. C. Smuts

Please show this to Malan. J.C.S.

372 From M. T. Steyn

Vol. 6, no. 82

Privaat

Onzerust
Bloemfontein
23 Februari 1908

Zeer Geachte Vriend, Beiden mijne vrouw en ik zouden zeer gaarne van uwe vriendelijke uitnodiging gebruik maken om bij ons eerste bezoek bij U en Mev. Smuts thuis te gaan maar wij hebben Jaap reeds beloofd om wanneer wij nu te Pretoria komen bij hem te blijven. Ook zou ik gaarne den 8sten April al de oude vrienden weder willen ontmoeten en de hand drukken, maar er zijn zoo vele aardse moeielijkheden die ons hinderen op reis te gaan. Als die hindernissen uit den weg kunnen geruimd worden dan heb ik mijn oud Secretaris in den oorlog den heer Rocco de Villiers beloofd om op den 11den April bij zijn huwelijk te Somerset Oost tegenwoordig te zijn.

Uw brief moet ik erkennen heeft mij met bezorgheid vervuld—zoozeer dat ik dadelijk na ontvangst naar Bloemfontein ging om Fischer te spreken. Ik heb de vrijheid genomen hem die brief te laten zien; ook hij gevoelt met U dat het noodlottig voor de Afrikaansche bevolking zal zijn als de Transvaal wederom hare zelfzuchtige isolatie politiek zou volgen. Ik

deel volkomen uw zienswijze (daar ik reeds lang die stroom van publieke opinie heb zien groeien) dat de eenigste wapen tegen dit gevaar de vereeniging van Zuid-Afrika is maar Fischer vreest dat als de Transvaalsche bevolking niet bereid is de kleinere vereeniging van 'Customs Union' enz. in te gaan gij hen niet zult kunnen overhalen voor de grootere vereeniging van Zuid-Afrika. Die vrees deel ik niet want ik denk als ons volk met tact geleid wordt zij niet zullen terug deinzen van dit groot doel, die het ideaal is en was van allen, die een hart voor Zuid-Afrika hebben en hadden. Fischer stond op het punt om naar Johannesburg te vertrekken; ik ben in de hoop dat gij hem daar misschien zult zien.

Als de gelegenheid zich moge voordoen zal ik over deze zaak van protectie en vereeniging spreken, maar gij moet herinneren dat wij thans hier onze eigene Regeering hebben, en ik niet gaarne den politiek wil influenceeren waarvoor ik niet verantwoordelijk kan worden gehouden. Fischer heeft reeds over de ringmuur politiek van sommigen in Transvaal gesproken toen hij onlangs te Winburg was, en hij zal zulks weer doen wanneer hij de volgende week naar Bethlehem gaat. Ik vertrouw dat gij en Generaal Botha deze ringmuur politiek de nek zal inslaan, daar ik geen beter middel ken om de Transvaal zwart te smeeren in de oogen van de buiten wereld, zich gehaat te maken in Zuid-Afrika, en de Afrikaanders wederom uit elkander te jagen dan juist die politiek die zijn geboorte te danken heeft aan hebzucht en zelfzucht. Hoe ongelukkig zoo een politiek zal zijn juist op een oogenblik dat de Afrikaanders voor de eerste maal in Zuid-Afrika sympathieke Regeeringen hebben, zal een ieder kunnen verstaan. Wij moeten ons beschermen tegen het buiten wereld maar niet tegen elkander. De ringmuur politiek loopt nog een ander gevaar, namelijk deze, dat de andere Kolonies niet moge en niet kunnen dulden, dat de Transvaal een zelfzuchtig politiek gaat volgen waardoor zij en hunne rechtmatige handel zullen worden belemmerd. Onderlinge botsing tusschen de Kolonies meent interventie van Engeland.

Bij mij weegt al de bovenstaande niet zoo zwaar als de gedachte dat de Transvaalers niettegenstaande het verleden zoo een politiek volgende zichzelf zullen verkladden en alle samenwerking voor de toekomst voor altijd zal vernietigen.

Het is waarlijk om weemoedig te worden en soms te twijfelen aan de toekomst van de Afrikaander!

Wij zijn nu in staat om een politiek te volgen om geheel Zuid-Afrika te vereenigen en de Afrikaansche nationaliteit te bevestigen. Zullen wij nu van die gelegenheid gebruik maken? Of zal de Afrikaansche Duivel van Verdeeldheid ons wederom uit elkander jagen? Ik voel zoo sterk op dit punt dat ik meen dat als er geen Z.A. Vereeniging tot stand kan worden gebracht wij moeten trachten de oude Republieken te vereenigen; als dat gedaan is dan zal Natal bij ons kunnen aansluiten en uiteindelijk de Kaap Kolonie. Hoe het zij, de vereeniging van geheel Z. Afrika of van de twee oude Republieken indien de eerste onmogelijk blijkt te zijn is naar mijn beschouwing een dringende vereischte. Want ik voorzie in de naaste toekomst zoo vele punten voor wrijving tusschen ons dat samenwerking zeer bemoeilijkt zal worden tenzij er een groote mate van geven en nemen zal zijn.

Van de Conferenties in April zal voor Afrika veel afhangen maar ik heb geloof en vertrouwen in de mannen die daar zullen zijn. Voor de Transvaal om sterk mede te spreken is een ding absoluut noodig, dat Generaal Botha en gij en de andere voormannen de 'Ou Volk' als één man achter U houden.

Als ik van eenig hulp kan zijn wil ik van mijne kant doen wat ik kan. Gij kunt op mij rekenen als gij meent dat die 'Ou kreupel perd' nog iets zal kunnen doen.

Mijne vrouw en ik leven nog in de hoop om U en Mev. Smuts wanneer de Land Bank niet meer knijpt en de Aziaat niet meer bijt eenmaal te Onzerust te verwelkomen. Met de hartelijkste groeten van huis tot huis. Uw vriend

M. T. Steyn

TRANSLATION

Onzerust
Bloemfontein
23 February 1908

Dear Friend, Both my wife and I would very much like to make use of your kind invitation to stay with you and Mrs Smuts on our first visit, but we have already promised Jaap¹ to stay with him when we come to Pretoria. I should also

¹ J. A. J. de Villiers.

like on 8 April to meet all the old friends and shake their hands but there are so many physical difficulties that prevent us from travelling. If these difficulties can be removed, I have promised my ex-secretary during the war, Mr Rocco de Villiers, to be present at his wedding on 11 April at Somerset East.

I must admit that your letter filled me with anxiety—so much so that immediately after receiving it I went to Bloemfontein to talk to Fischer. I took the liberty of letting him see the letter; he also feels with you that it would be fatal for the Afrikaner population if the Transvaal again follows her selfish isolationist policy. I entirely share your view (for I have long seen this stream of public opinion growing) that the only weapon against this danger is the union of South Africa but Fischer fears that if the Transvaal population is not prepared to go into the smaller union of 'Customs Union' etc., you will not be able to persuade them into the greater union of South Africa. This fear I do not share because I think that if our people are led with tact they will not recoil from this great goal, which is and was the ideal of all who have and had a heart for South Africa. Fischer was on the point of leaving for Johannesburg; I hope that you will perhaps see him there.

If the opportunity offers I shall speak on this matter of protection and union, but you must remember that we now have our own Government here, and that I do not like to influence a policy for which I cannot be held responsible. Fischer has already spoken about the ring-wall policy of some in the Transvaal when he was at Winburg recently, and he will do so again when he goes to Bethlehem next week. I trust that you and General Botha will kill this ring-wall policy; for I know no better means of blackening the Transvaal in the eyes of the outside world, making itself hated in South Africa, and once more driving the Afrikaners apart than this very policy, which owes its birth to covetousness and selfishness. Anyone can understand how unfortunate such a policy will be at the very moment when, for the first time in South Africa, the Afrikaners have sympathetic Governments. We must protect ourselves against the outside world but not against each other. The ring-wall policy has another danger, namely, that the other Colonies may not and cannot allow the Transvaal to pursue a selfish policy by which they and their legitimate trade will be

hampered. Mutual conflict among the Colonies means intervention by England.

With me all the above does not weigh so heavily as the thought that the Transvaalers, in following such a policy in spite of the past, will besmirch themselves and destroy for ever all future co-operation. It is really enough to depress one and make one sometimes doubt the future of the Afrikaner!

We are now in a position to pursue a policy to unite all South Africa and to consolidate the Afrikaner nationality. Shall we use this opportunity? Or will the Afrikaner Devil of Separatism again drive us apart? I feel so strongly on this matter that I think that if no South African Union can be brought about, we must try to unite the old Republics; if that is done Natal will be able to join us and eventually the Cape Colony.

However it may be, the union of all South Africa or of the two old Republics if the first should appear impossible, is to my mind an urgent requirement. For I foresee in the near future so many points of friction between us that co-operation will become very difficult unless there is a large measure of give and take.

Much will depend for South Africa on the Conferences in April but I have faith and trust in the men who will be there. One thing is absolutely necessary if the Transvaal is to take part strongly—that you and General Botha and the other leaders keep the ‘Old Nation’ behind you as one man.

If I can be of any help I want from my side to do what I can. You can count on me if you think that the old lame horse will still be able to do something.

My wife and I still live in hope of welcoming you and Mrs Smuts at Onzerust when the Land Bank no longer nips and the Asiatic no longer bites. With heartiest greetings from house to house, Your friend,

M. T. Steyn

373 From J. X. Merriman
Confidential

Vol. 6, no. 26
Treasury
Cape Town
24 February 1908

My dear Smuts, Your letter of 18 February just anticipated me as I was sitting down to write to you on the very subject you

have touched on. I quite agree with you as to the necessity for pushing the question of union. There is just a possibility that if we three states—Transvaal, Orange River Colony and Cape—insist we can carry the thing by a *coup de main* while if we wait I can foresee that it may be a very long business; and in the interval we may be crushed by the financial situation. We are something like the Allied army after the battle of the Alma. If they had marched on they might have carried Sebastopol, but they chose to proceed *secundum artem*¹ and the result was a prolonged and inconclusive campaign and much misery.

I am not ignorant of the feeling of narrow isolation that you describe. With you it is material, with us it also exists but it is based on the natural jealousy of an old community that does not like to lose what it has for so long held. I feel that beneath the surface the same force is at work. With you it appeals to self-interest, with us to local jealousy. It finds its natural allies in the Rhodesian clique who wish to saddle South Africa with the Charter liability and the feeling not yet extinct in England that a 'Dutch' majority is something to be dreaded; I think this is strong on the Tory side but it also exists on the Liberal benches though they are afraid or ashamed to own it. It is for this reason that I think it so supremely important that our party should be strengthened by members from English communities. And incidentally I think that the visit of yourself and Botha to Port Elizabeth would have a *very good* effect. You will gather from what I have said that I, and I am sure that I can answer for my colleagues, will be prepared to meet you more than half-way. So much for the general aspect of the case. When we come to details the trouble begins. I am entirely at one with what I take to be your view, that the nearer we get to a unified form of government the better it will be. And I think that we may accomplish this in spirit if we do not in letter.

We might e.g. have one Parliament retaining the States as Provinces with Provincial Councils and elected Presidents who should be the principal executive officers. We might divide the Cape Colony into two or more provinces. The Central Parliament would be the law-giving body and it would

¹ According to rule.

be responsible for all administration not expressly delegated to the Provinces. The great difficulty is the franchise. This might, I think, be overcome, by allocating members to each Province in proportion to European inhabitants only, leaving the question of the franchise to the Provinces themselves and providing that the local franchise should not be altered except on a two-thirds majority to be ascertained by a plebiscite of registered voters in the province.

Should there be two Houses or one? Personally I incline to the latter if some carefully arranged referendum could be adopted, but I cannot conceal from myself that the general weight of experience is against me and *securus judicat orbis terrarum*.¹ If there was a second chamber it would work out better if it was elected by the Provincial Councils, an Upper House elected by manhood suffrage or, I suppose you would add, by colour vote would not add much weight. Where should the capital be placed? This is a question which bulks very large in the minds of some people; for myself I am quite indifferent. Debts I think you will agree with me should be taken over. So should railways, defence, Native affairs and the higher Courts, but one might fill pages with the mere suggestion of these details. I only mention them in order that we may get our minds working on the same plane.

I hope you will find time to study the working of the Swiss Confederation. It is a fruitful example of a Government which, though it is composed of sovereign States, very jealous of their sovereignty, still seems to have more of the functions of a centralized Government than that of the United States, which in the beginning was formed from communities that had a common citizenship and only a dependent autonomy. The reasons for this and the machinery by which it is brought about are very deserving of close study.

We must depend in the main on the *sentiment* of the South African Party, always recollecting that the defence of prejudice and self-interest always tends to be far stronger than the attack.

I take this opportunity of mentioning one or two other matters—the Mail Contract. I am sorry to have to differ from

¹ The verdict of the world is conclusive. St. Augustine.

Hull, but surely in our relations with the Imperial Government it is well to meet them more than half-way, and in this special case where they pay more than half the cost of the piper they have some right to a voice in the tune, but this is only private as I am addressing you officially.

The other subject is that of 'Malagasy labour'. I see all kind of rumours in the Press (which is not in our favour). Surely any importation of non-Africans will lay us open to the charge of raising a sham issue in the Chinese matter—for those syphilitic Malagasys are far worse. I have no fear that all labour cannot be supplied from South Africa, but this, though of general import, is a domestic concern in which I must ask you to forgive me for seeming to meddle. In conclusion do let me ask you to try and persuade Botha to come with you to the Port Elizabeth Show and to get Fischer and Hertzog also, it will be such a good opportunity for friendly conversation. With kind regards, Believe me, Yours very truly,

John X. Merriman

374 To J. X. Merriman

Vol. 6, no. 88

Colonial Secretary's Office
Pretoria
3 March 1908

My dear Mr Merriman, The voting for de Wet¹ and Schweizer [C. A.] shows how strong the tide is still flowing with you.² I hope the Assembly Elections will be at least equally favourable.³

Many thanks for you long letter which touches on so many interesting points. I regret the matter of Malagasy labour which I only saw in the newspapers for the first time. I believe all the Government have done is to forward a request of the W.N.L.A.⁴ to the British Government but even that was too much. About the Mail Contract I know practically nothing and will consider your official representations.

¹ N. J. de Wet senior.

² The two South African Party candidates polled 30,504 votes against 26,627 for the three Unionist candidates.

³ The elections for the Legislative Council took place first. Jameson resigned on the result and Merriman became Prime Minister on 3 February 1908.

⁴ The Witwatersrand Native Labour Association approached the British Government about recruiting labour in Madagascar.

Now about union. There are two separate points to be considered (1) the principles to be embodied in any document of union (2) the procedure by which union is going to be achieved. You touch on the first, but just at present and in view of the fact that the question of union is going to be discussed at the forthcoming Conference I think the subject of procedure requires more urgent consideration. And I think at the Conference we ought to settle the procedure which the South African Governments ought to follow in trying to bring about union. A wrong procedure will lead us to a blind-alley and delay or wreck the cause.

You remember in the U.S.A. the procedure adopted was briefly as follows: the State legislatures chose delegates to a Convention who framed the Constitution and transmitted it to Congress. Congress remitted it to the States who ratified it separately from time to time. In Canada the Governments (I believe) nominated delegates to a Central (Quebec) Convention who drafted resolutions afterwards embodied in the Act of Union. The legislatures of the Colonies then embodied these resolutions in an Address to the Crown and the British Parliament passed the Act. The question was never referred to the Canadian people; no rigid draft was made as in Australia, with the result that modifications could be and were made even in the final stages of the Bill.

In Australia Parliaments elected delegates to the Convention of 1891 which made the first draft of the Constitution and reported again to their Governments. The matter then came before the Parliaments who however were so slow or lukewarm or hostile that no chance appeared of the Constitution ever passing. Then the alternative idea was suggested of electing delegates by popular vote to a Federal Convention who drafted the final Constitution which was again ratified by majorities of the electorates of the Colonies and then sent up by the Parliaments to the British Government to be introduced in the British Parliament. Here finally neither Governments as such nor Parliaments had anything to do with the Constitution—which was the work of the popular Convention and the people of the Colonies. As such, however, it was rigid and unalterable and you remember Mr Chamberlain's amendment in reference to the Privy Council Appeals almost wrecked it.

Are we going to adopt the Canadian or Australian procedure or combine the two? It will be a question of nice calculation whether the Parliament or the peoples of the Colonies will be more favourable and that time alone can show. I would favour the idea (as a first stage) of delegates being chosen by Parliaments in our forthcoming Sessions to a Convention which will sit after the prorogation of Parliaments and report before the Sessions of 1909. The Constitution will be published and if favourably received might be pushed through Parliaments, or referred to another Convention of parliamentary delegates for ratification. If Parliaments are hostile and peoples more favourable, a referendum to the electorate might be taken for final confirmation.

It seems to me that this question of procedure will be very important and therefore I wish you to consider it very carefully. A wrong procedure might prove very dilatory or even fatal. Yours very sincerely,

J. C. Smuts

375 From J. X. Merriman

Vol. 6, no. 27

Confidential

Cape Town
[?] March 1908

My dear Smuts, Yours of the 3rd opens up a very important question. Anxious as I am to push the thing through we must avoid 'Raw haste the sister of delay'.¹

I favour, subject of course to discussion, 1. That at the Conference while entering into the fullest discussion of the main points—e.g. the federal or the unified system i.e. one parliament delegating powers to provincial councils or many parliaments with one central parliament dealing with specified matters, the nature of the franchise and so forth—we should not go further than to approve the principle of union in a resolution and further ask that the several Parliaments should nominate delegates to a Convention, such delegates to be on the basis of the European population in each state and to be chosen as each Parliament may prescribe.

2. The Convention so chosen should proceed to draw up the

¹ 'Raw Haste, half-sister to Delay.' Tennyson, *Love thou thy Land*, xxiv.

Constitution, which instrument should be submitted to the several Parliaments for acceptance or amendment.

3. That such amended Constitution should be again considered by a Convention and then
4. Submitted for ratification to plebiscite by States.

In Canada there was a preliminary conference which met at Charlottetown in September 1864 and adjourned to Quebec where they sat from 10 October in secret session (28 meetings) and drew up 72 resolutions which were submitted to the Legislatures and after endless 'fluctuations and disappointments' deputations from all States met in London in December 1866, when the British North America Act was drawn up, which was signed by [the] Queen on 29 March 1867.

But another question arises. Our Constitutions are not parliamentary Constitutions. They are given by the King who has no power except with our consent to revoke his gift, see *Campbell v. Hall* (Mansfield, C.J.); and we should consider carefully whether we should desire a parliamentary Constitution for our Union—whether it should not be our own Act approved by the Crown. Both in Canada and Australia they had a number of jarring communities; here in South Africa *at present* there is among the Governments, with the exception perhaps of Natal, a strong sense of and feeling for union which ought to smoothe away difficulties.

I do not see why the several stages I have sketched need take more than twelve months. The constituent Convention might meet at the end of this year and the Constitution be submitted to the Parliaments at their Sessions in April–March 1909; that is, if we are determined. Much will depend on the attitude of the Orange River Colony which is I am afraid rather *difficile*.

I think the effort to put a stumbling-block by raising the question of federation as against unification has fallen very flat, the good sense of most people recognizing that it was quite premature.

I do not know if you have *Canadian Constitutional Development* by Egerton and Grant (London, John Murray). You will find it useful. Oh, these elections! They are a sad waste of mental tissue and a sore trial to the temper.

Would you mind discussing with Botha my suggested proposal to submit the question of martial law to the Conference? It is one upon which we all feel very strongly. Believe me, Yours very sincerely,

John X. Merriman

376 From H. J. Wolstenholme

Vol. 6, no. 111

5 Oxford Road
Cambridge

4 March 1908

My dear Smuts, I send (1) Lewes's *Life of Goethe*, which did not come in time to be sent along with Bielschowsky. It is just appearing in cheap editions, the copyright having expired. With all defects it is still the most interestingly written and readable life of Goethe, and I thought Mrs Smuts might like to read it, rather than tackle the big Bielschowsky. (2) Kirkup's *Inquiry Into Socialism*, which I had already got before your remark on the subject. It is a good, thoughtful book by a cultured man. I shall send you shortly Mallock's new book on Socialism, which I am just reading; meanwhile you should read the review of it in this week's *Nation*. It is not a complete answer to Mallock (so far as he is wrong), but it is good so far as it goes. My own idea as to the progress of Socialism I will write some other time. (3) Charlton, *The Rating of Land Values*. (4) Murray, *The Taxation of Land Values*. (5) Adam, *Land Values and Taxation*, (6) *The Children*. The last is a very good little book, and worth your reading, though your problems are not all quite like ours.

If you can get the *Fortnightly Review* for February 1908, you should read (if you have not already done so), the first article, *Asia contra mundum*. It shows more grip of the 'Asiatic question' as a whole than anything else that I have seen. A writer in the *Nation* should know better than to say (if he did say) that Indians as British subjects should be admitted freely as emigrants anywhere in the Empire. No English Government will ever take up that position. I have myself always maintained the right of any people, in the interests of its development as a civilized country, and in defence of its standard of living, to control and restrict immigration, on just principles, impartially

applied, with a view not to individual or class interests, or even of exclusive race or national interests, but to the interests broadly viewed of human society and the world generally. Such a view might but a short time ago have appeared utopian and somewhat absurd and sentimental; but it is no longer so; it is practically necessary for the peace and harmony in the future of this small world, no part of which can in the long run disregard with impunity the sense of right and the susceptibilities of any other part, though remote and at the time incapable of reprisals. I wish the idea of a great international conference could be carried out, to discuss impartially and dispassionately the whole question of international exchanges of population. I think the governing classes of the non-white peoples would probably prove more reasonable, and more content with a policy strictly just and impartial, than the arrogant and masterful stirrers-up of race-hatred—largely on selfish grounds of material interest—among some of the younger white peoples. The Japs are certainly behaving with more calm reasonableness and dignity than any white people nearly interested in the question. Let general principles be established, not on the basis of race or colour in itself, but on testable facts and qualities. Let it be recognized that no country can admit an uncontrolled influx of *any* class of immigrants which so flood the labour-market as to lower injuriously the standard of living—if that is a reasonable one—or will introduce perilous discord, or lower morality, or threaten the higher civilization among the people; but let the sifting-net be the same for all, brown or white, English, Roumanian or Jap; and let the same principles be applied by the excluded peoples in their own country, against unwelcome intruders there. Which would an impartial umpire from Mars adjudge to be the worst offenders in this matter, the ‘civilized’ whites, or the inferior ‘coloured’ races? But I do not see why there should not be admission, if not welcome, in all not over-filled countries, unless they have a specially difficult race problem to solve (as South Africa has), for small numbers of other peoples or races who represent a sufficiently high standard of civilization to be assimilated to the civilization of their new country. Except that we are too crowded already, I should be ready to welcome a moderate

influx of Indians, Chinese and Japs who came ready to appreciate and adopt our civilization, while retaining all idiosyncracies which are consistent with a satisfactory human standard. It seems to me that the means for excluding 'undesirables' should be an insistence, in the various departments of national life, upon certain standards which are not to be imperilled by the influx of *any* elements that would be prejudicial. This would exclude, on good grounds, *all* masses of under-priced labour contracted for by individuals, all persons or classes of unsanitary habits of living, all masses of men coming, without wives, to work in masses for long periods under conditions which breed vice and immorality, etc.; in each case without reference to race or colour. In the recent case of the Transvaal the most regrettable blunder was undoubtedly the adoption, without discrimination, against a particular people, of measures (in part apparently objectionable to all on racial and religious grounds), which could not but be highly offensive to the cultivated and educated Indians who were in theory equally liable with the lowest to the indignities involved in the measures enacted. It is shocking to my feelings as a civilized man to think that¹ my learned and kindly friend Sayyid Ali Bilgrami, or his brother, a member here of our Council of India, or one of my intelligent and gentlemanly young Mohammedan friends here among the undergraduates, if he went to the Transvaal for any purpose, would be, nominally at least, subject to be required to identify himself by finger-prints, like a criminal, and to be overhauled by any policeman as the member of an inferior and proscribed race. There is of course a difference according as this question affects fresh immigration, or aliens who have already acquired settled rights. I do not think a fair-minded statesman could object if South Africa, with its formidable domestic racial question, candidly and courteously explained the necessity of a very cautious and conservative policy in the admission of aliens whose presence would further complicate the race question, and who would not readily assimilate with the rest of the population. But the measures adopted should be as far as possible based on general principles, not specially directed

¹ Here the writer inserted 'under the now modified regulations'.

against any race, singled out for opprobrious distinction. If fair tests and standards excluded the low populations of eastern Europe, or British 'unemployables', as much as the undesirables of coloured races, so much the better. Much more difficult and intricate is a wise and just policy where strongly contrasted races are destined to live and develop together in the same country, as in the U.S.A. and South Africa. In spite of the bitter prejudice against the coloured people in America since the Civil War, and the brutal social and economic oppression under which they still suffer, it seems pretty certain that the ultimate (if not very near) solution of the question will be the gradual rise in economic efficiency and in culture of the coloured people, bringing the admission of their best classes to equal civic and even social privileges, so as finally to leave only their lowest strata excluded, in the same way as the lowest strata of 'whites', from the civic life of the country. It will take time, but there is no other solution possible. And I do not see how it can be otherwise in South Africa, though one would expect the process to be slower. I suppose the coloured population must always remain so formidable in numbers as to be a great danger if made discontented by forcible suppression and denial of the means of development. Even if kept down by a despotic regime like that of Russia, and denied the means of education and of organization into intelligent solidarity and aggressive power, they would ultimately by their own efforts, by their very environment, and the training unavoidably involved in their service of the white man, attain to these ends sufficiently to become a power dangerous to the safety and even the very existence of the whites and their civilization. We know something of the sense of insecurity of the Greeks against their own helot population, and the savage, inhuman policy of spying and murder that they found necessary to safeguard themselves. But their helots were much more ignorant, more unfree in their movements, and altogether more helpless, than even the lowest class of 'hewers of wood and drawers of water' can be kept in any civilized country nowadays.

I have never meant to imply that the settlement of these questions (or any others) is likely ever to lead to any attempt on the part of England to coerce the colonies by active force.

I only trust that the help or countenance of England will never be given for any measures out of harmony with the sense of justice and liberty, which is none too strong among us, and yet seems to be stronger with us than in most countries of the earth. The colonies can 'cut the painter' and be 'independent' when they like (if they are agreed among themselves), but they must be ready to be independent of help as well as of control. To my mind such independence must come sooner or later. I trust that the interests and intercourse of our common civilization and of our ethical and human aims may keep up and strengthen the natural ties between us, so that we may stand together for what is best in this not very good, but very small, world of ours.

You will see that I fully recognize the need of caution, of *gradual* progress, of thoughtful wisdom, in the development of just but authoritative paternal rule of ignorant and undeveloped peoples or classes into self-government in political and social life. There will be no repetition of the crass and fateful blunder of the U.S.A. in at once giving the franchise to the slaves. Many English people realized the danger—neutralized by the ignorance, the stupidity and apathy of the masses—in the sudden enfranchisement of large masses of the lower population, throwing in theory into their hands the whole governing power. To me it seems that the Americans have not been wise in giving American municipal and national citizenship so quickly and on such insufficient guarantees of qualification to low-class aliens, who have only served as material for exploitation by corrupt boss politicians. It is only the great difficulty of applying educational or other tests in the apportionment of civic and political rights, and the further consideration that some degree of political power seems to be the only effectual way of training for the use of political power, that can reconcile one at all with the somewhat reckless and risky way in which the principles of 'democratic equality' have been applied to the giving of that voting-power which, when it is understood and used, must determine the government and fortunes of a country. But democratic government, in its true sense, seems to me to be inevitable, and the only hope of final good government and stable civilization, in the stage of history we are entering upon; and inevitable too is

its final application to every element or class in a national state, without regard to race, colour, or industrial function, so soon as it becomes qualified by culture and character for the discharge of civic and political duties and rights. In time even the lowest classes of the people, the mere 'unskilled' labourers, will become so far educated, or at least instructed, as to be aware that their work is as necessary as any other to society, that by their numbers, made effective through organization, they can enforce the demand for a just share in the rewards of industrial and social service, and make themselves felt as a power in any society, in which they represent the overwhelming preponderance of the brute force that after all is the basis of all human government. The work of the world can now only be done by human beings with intelligence and knowledge which can be turned not only to the doing of their tasks, but to the assertion of rights and powers; with freedom of movement and of association, with opportunities of organization and of acquiring the means of self-defence and aggression. Only the sense of a tolerable degree of equity in administration, and distribution of what makes life desirable, can under such conditions secure peace and order to human society.

Again I have written a far longer screed than I had any intention of doing. I wish we could have a talk occasionally on these and similar matters. Ever yours sincerely,

H. J. Wolstenholme

I wish you and Botha all success in resisting the narrow fiscal particularism and self-interested protectionism of the Transvaal farmers in the matter of Customs Union and federation.

377 From J. X. Merriman

Vol. 6, no. 28

Treasury
Cape Town
3 April 1908

My dear Smuts, I am enclosing the comments of the Chief Justice on our correspondence. Criticism from such a source is valuable.

The most important is that which pertains to stage two, viz.,

the Constituent Convention. You will notice that he is not in love with my suggestion of proportional representation. I confess that I am not convinced on that point; the reasons for my position I think we discussed at Port Elizabeth¹ and the more I reflect on it the stronger is my opinion that a course which ignored the relative proportion of States would open the door to opposition in this Colony, and perhaps in yours, that might wreck the prospect of union. But by fixing a minimum and by adopting your suggestion as to voters a *modus vivendi* may I hope be arrived at. I confess that in any Constituent Convention to give satisfaction the Cape Colony ought to have the following represented:

- | | |
|-------------------------------|----------------------------|
| 1. the Government | 2. the Opposition |
| 3. the West | 4. the East |
| 5. the agricultural [element] | 6. the commercial element. |

I suppose something of the kind would obtain in your country. We must before all things avoid the idea that the Convention is to be a mere hole-and-corner meeting of a few politicians. It is a great national issue in which the whole of South Africa is concerned. I am very glad to think that I shall have an opportunity of discussing the matter with President Steyn. At present it seems to me that we should fix our attention upon (a) the form of resolution to be submitted to the Conference (b) the nature of the Convention and its constitution. I hope you agree.

The elections have gone favourably for us though I deeply regret that the [Cape] Peninsula and the coast towns have not thrown in their lot with the rest of South Africa.

May I again venture to direct your attention to the diamond matter and to express the hope that you will use your good offices to bring about some understanding which may restore confidence. It will pay neither the Cape Colony nor the Transvaal to have these two institutions cutting each other's throats.²

I have no particular love for De Beers—except as a milch cow—but in that aspect it is very dear to a Colonial

¹ Smuts and Merriman had met there on 24 March.

² The De Beers Diamond Mining Company at Kimberley suffered severely at this time from falling demand, a tax on mineral profits and the competition of the new Premier Mine near Pretoria.

Treasurer, and of course the maintenance of the diamond market is of common interest to both of us. With kind regards to yourself and colleagues, Believe me, Yours very truly,

John X. Merriman

P.S. I am sorry to hear of the divagations of Redelinghuis.¹

ENCLOSURE

Confidential

Wynberg House
Wynberg
30 March 1908

My dear Merriman, I have read the correspondence between yourself and Smuts with much interest and pleasure and am anxious to know what reply he has given to your last letter.

The proposals shadowed forth in that letter seem to open up the way to a practical solution of the question of union. In regard, however, to the number of delegates to be nominated by each Colony for the proposed Convention, would it not be better to have the same number of delegates for each Colony rather than to proportion the number to the European population of each Colony? In the decision of the question whether there shall be a Union, and, if so, what its Constitution shall be, each Colony has an equal interest, and should, I am inclined to think, have an equal vote. It would certainly render it less unpalatable for Natal and the Orange River Colony to agree to the meeting of a Convention if they are to have an equal voice with their more powerful neighbours in deciding whether the individuality of the smaller States is to be practically extinguished. The Convention, in framing the Constitution, would, of course, have to proportion the Parliamentary representation of the different States to their respective wealth, area and population, but until the new Constitution is established each State, as a separate entity, stands in a perfect equality with its neighbours. I would suggest that each Colony should nominate either three or five delegates, and, in order to invest the Convention with a perfectly representative and national character, it would be well that the Parliamentary Opposition of each Colony should be fully represented. If each Colony sends three delegates

¹ See 378.

there would, I presume, be only one member of the Opposition nominated, and I therefore suggest that the number should be five so that any Colony, if so advised, may appoint two representatives of its Opposition as delegates.

Your proposal is that the Convention should draw up the Constitution, which instrument should be submitted to the several Parliaments for acceptance or amendment. As you do not provide for the third alternative, viz., that of rejection by one or more of the Parliaments, I presume that, in your opinion, the acceptance by any Colony of the principle of union would prevent it afterwards from altogether rejecting any Constitution framed by the Convention. It is possible, however, that the different Parliaments may make different amendments in which case there will not be, as you anticipate, one, but several, amended Constitutions to be considered by the second Convention. If all the Colonies are in earnest, they could, by conferring plenary powers on the second Convention, expedite the Union and dispense with the proposed notification by a 'plebiscite of States'. I confess, indeed, that I do not quite know what you mean by 'a plebiscite of States'. Perhaps you mean that each State is to ascertain, by means of a plebiscite of its own electors, whether a majority is in favour of the Constitution, as finally amended by the second Convention, but, if so, the machinery by which this is to be done should be indicated. The constitutional mouthpiece of each Colony is its Parliament and I would not advise that the different Parliaments should be passed by for the purpose of ascertaining the opinions of the electors. The wise course would be to exercise the greatest care in the selection of delegates for both Conventions and to entrust to the second Convention plenary powers to settle the Constitution and submit it to the Imperial Government for acceptance or rejection by the Imperial Parliament. I do not see how a scheme of union could be carried through without the assistance and intervention of the Imperial Parliament. That is the only Legislature which in theory has the power of legislating for South Africa as a whole. It is a power which would not be exercised except at the request of the Colonies of South Africa and it may be taken for granted that a Constitution approved of by them would be sanctioned by the

Imperial Parliament. You say that we should consider carefully 'whether the Constitution should not be our own Act approved of by the Crown', but, without the intervention of the Imperial Parliament, there would have to be several identical Colonial Acts of Parliament and the fatal objection would remain that, in order to effect the Union, each of these Acts, by dealing with the affairs of other Colonies, would be *ultra vires* of the Legislature which passes it. No such objection would exist to an Imperial Act of Parliament.

I shall be glad at any time to discuss the whole subject with you, as I consider it to be quite outside party politics. Many ideas have suggested themselves to me as I wrote, but I thought it best to confine my remarks to the pressing matter of procedure. I agree with Smuts that a wrong procedure might greatly delay and even wreck the cause of union.

You will pardon me for referring to a proposal which you once spoke to me about and which I see mentioned in your letter, viz.:—to submit the question of martial law to the forthcoming Conference. Would it be well just now to introduce a matter which could not be satisfactorily dealt with by a Customs Conference? I fear the introduction of the subject will be regarded as a kind of protest against acts done during the recent war, and will not tend to smooth the way to an adoption of your proposals for a Convention, etc. The Convention, in drawing up a Constitution, would have to deal with Martial Law and other constitutional questions, but to single out Martial Law at the present time as a matter to be dealt with apart from other constitutional questions would not tend to disarm opposition to the more pressing objects you have in view. Natal is still maintaining martial law within part of its jurisdiction and there would be difficulty enough to induce that Colony to send delegates to the Convention without introducing a subject about which it must at the present time be feeling very sore.

I was much pleased with your speech at Port Elizabeth, and especially with the reference to Smuts. If you can also secure the co-operation of men like Fischer and Hertzog, the cause of union in the near future will be assured.

I herewith return the correspondence. Believe me, Yours
sincerely,

s. J. H. de Villiers

378 To J. X. Merriman

Vol. 6, no. 89

Colonial Secretary's Office
Pretoria, Transvaal
5 April 1908

My dear Mr Merriman, You have scored a very brilliant victory at the Assembly elections¹ and you are now in possession of a majority large enough to satisfy the most exacting demands. I need not tell you how pleased I and we all feel. You have waited long, but your great services have at last met with their reward. And now I wish you success—success, the only object for a Government to achieve. Twelve months of a similar undertaking here have sobered me a good deal and shown me how little—with the best will in the world—a Government can do during the short span of existence allowed a Ministry nowadays. You seem to be for ever assaulting an impregnable fortress, and the impression even your best efforts make seems almost ludicrous in comparison with your large and noble aims. Once more success to you and a long spell of beneficent power.

I wish also to thank you for your very kind references to me at Port Elizabeth. I know I don't deserve them and yet I am pleased for I know they genuinely reflect your feelings of good will towards one who has only recently started in the great race which has already occupied you for a generation. I am only afraid people may get some exaggerated idea of me; however it will soon be dispelled on a personal acquaintance with the object of your praises.

Old Redelinghuis deserves all your praise, I had a very good time while in his charge. It was most ludicrous to hear him speaking some ancient antiquated Dutch to Lane [E. F. C.]. Most unfortunately however the train left Bloemfontein while he was still collecting something worthy of his ability as a chef for us, and so for the rest of the journey we had to do without him. Lane however arranged that he should come up to Germiston to see some son or other near relative of his now working on the mines.

Fischer and some colleagues were here last week; we agreed

¹ The South African Party won 64 seats; the Unionists and Progressives 29 seats.

as to the liquidation of the Inter-Colonial Council and also to continue the railway pool.¹

Hull tells me there is now some chance of a settlement of the diamond business. The Premier [Mine] wants a guarantee of the purchase of sufficient diamonds by the Syndicate to prevent the Premier from being shut up. The Syndicate has offered to guarantee a monthly purchase of £50,000 but the working expenses are between £80,000 and £90,000. Hull thinks a settlement likely. With best wishes, Ever yours sincerely,

J. C. Smuts

379 From M. C. Gillett

Vol. 6, no. 10

Holly Lodge
Campden Hill
London
24 April 1908

My dear Oom Jannie, It is a long time since I wrote, and this week the death of that good old man turns one's mind very much to things which he helped to bring into life and to make to grow in the world at the other end of this mail, and to you with whom he worked, and particularly to you (second person singular) who stirred up his responsive heart. In reading what the papers say, I often think of what you said constantly 'that C.B. was a rock, and a long way your best friend'. You will be very sorry, and we are very sorry, because we always had confidence he would do the utmost it was in his power to do, with his colleagues, and there seemed to be a good solid human something in common between him and the best feelings of his Party. I wonder if he realized how much he had done in South Africa. You used to say that the Liberals hadn't the least idea what they had done—that it was a pure fluke. Well, I think it was a fluke, in a way, just in the way most good things are, but it was one which happened to fulfil what in our better moments we really wanted to do, and I suppose we all realize now that C.B. made use of our better wishes and moments and wonder whether what is said of him

¹ See p. 151 *supra*, notes 1, 2.

will make better men of Asquith and the other lot. What, one wonders, is the effect of it in that interesting mind of Churchill's? I didn't mean to fill a letter with such reflections. How will you like the new people at the Colonial Office? We have a high opinion of Seeley—for courage and honesty. I wish I could be a Colonial Secretary! Oh dear!

Mother and Father are in Corsica. I am keeping house at home, but at this moment am visiting my dear old Fairy Godmother Mrs Winkworth, who is now an invalid and likes to have visitors who will read to her and talk about the politics and social matters which are as the breath of life to her. And then she sends one out in her carriage to call on one's friends, so it is very pleasant. I called yesterday, at the wish of Constance Cloete,¹ on Mrs Hans Sauer,² who is a sister of Sir Percy Fitzpatrick but I didn't derive much from her. It was pleasant to see Mrs Hull. Though she was very unkind and didn't come down to Street. The Missis writes in great disgust of her and most of the Board,³ which I am sorry for. Otherwise her accounts of the Industries are very glowing. How are all of you? My love to Mrs Smuts *en vir de kinders*.⁴ Your ever affectionately,

Margaret Clark [Gillett]

380 To M. C. Gillett

Vol. 6, no. 102

Pretoria

14 May 1908

Many thanks for your dear letter which I read with great pleasure. The loss of C.B. we have felt severely, but really so far as South Africa was concerned his work was done. It is enduring work and will ever remain a monument to Liberal policy at its very best. Botha had a letter from Ridgeway last mail in which he said the success of the Transvaal Government had exceeded their most sanguine expectations. C.B. and

¹ Constance Annie Matilda Cloete. Born 15 October 1868, daughter of Jacob Cloete of Groot Constantia, near Cape Town. Sister-in-law of J. W. Sauer. She was one of Emily Hobhouse's assistants in the Home Industries work. Died 6 November 1958.

² Cecile Sauer, sister-in-law of J. W. Sauer (q.v.).

³ The Board of Home Industries in the Transvaal.

⁴ 'and to the children' (Afrikaans).

Louis Botha—both men of the same type and mould—will ever remain in history as co-workers of this miracle in South Africa. The one is dead and the other may not live to work still greater miracles. For we are now busy with closer union, and if the stars continue to fight in their courses for us, there may yet be in a short number of years a united South Africa. In the meantime, we shall keep before the people a lofty political ideal which will prevent them from sinking into morbid introspection and the consideration of their grievances. When are you coming back to help in all this work? Is that not better than being Colonial Secretary in Downing Street?

I had an exceedingly nice letter from Mrs Clark and my wife was even more pleased with it than I was. I hope you will bring the family out with you and make them stay with us. I shall take them round and make them ten years younger. What is the use of staying for ever near the Thorn of Joseph of Arimathea?¹

‘To give space for wandering is it
That the world was made so wide.’

The Missis is just now at Cape Town and I dare say winning more golden opinions than friends Industries are flourishing all right and would do even more so if you were here.

Please remember me to the family especially Miss Alice whom I should dearly love to see again; but unless you induce her to take a holiday to South Africa there is no chance of that.

My wife and youngsters are all well and often speak of you. They all grew to love you as a member of the family and now you take back to your old life.

381 From L. Phillips

Vol. 6, no. 44

Private

P.O. Box 149, Johannesburg
Transvaal
26 May 1908

My dear General, I tried to get hold of Mons. Grosclande today but failed. I will have a chat with him as soon as possible.

¹ Street is near Glastonbury to which, according to Arthurian legend, Joseph of Arimathea came and where he planted his staff, the Thorn, which took root and flowered each Christmas Eve.

If he is really likely to have strong financial support in Paris I am rather surprised not to have heard it from my friends. I see Rooth [E.] is taking the chair at a Creswell meeting in Pretoria! Is that entirely unauthorized? To see your Chief Whip mixing up with that chimerical propoganda is rather disquieting.

The last speeches by you and the Prime Minister have made a very good impression. The police business is nasty.¹

Hope things are shaping well at the Cape.² Let me know when you will be free after your return and I will run over. Yours very sincerely,

Lionel Phillips

382 To J. X. Merriman

Vol. 6, no. 91

Colonial Secretary's Office
Pretoria, Transvaal
10 June 1908

My dear Mr Merriman, Thanks for your note and for the enclosed cuttings which I shall return to you. I am not surprised at the tone of the British Press which is a mere reflex of the vapourings of the Press out here. I see however no cause for discouragement in all this, and indeed we who have taken up this issue have practically burnt our boats and may therefore not look back.³ If we fail, we shall be ruined politically, so that there is this additional inducement to do our best to achieve success within a reasonable time.

I had so little time to speak to you at Cape Town that I forgot to tell you that in my opinion it would not do much

¹ The police forces of the Transvaal and Orange River Colonies had been jointly controlled by the Inter-Colonial Council since 1903. When responsible government was established in the Colonies, separate control became necessary. The Transvaal police system was therefore reorganized. The new system was strongly attacked by the Progressives, partly because of differential rates of pay, partly because it was alleged that British policemen were being dismissed and replaced by Afrikaners.

² The Inter-Colonial Conference met in Pretoria from 4 to 9 May 1908 and was resumed in Cape Town on 26 May.

³ At the Inter-Colonial Conference it had been resolved, on the motion of Smuts, to obtain the consent of the Governments concerned to the appointment of delegates to a National Convention to draft a Constitution.

good and may do very much harm if you tried to right the financial position there this year. In all these matters we should now be slow to create local ill-feeling, and you might very justifiably take up the position that the financial recovery of the Cape must be spread over a certain limited number of years and cannot be brought about in one year. Perhaps this is your own view, so I shall not labour it further. Graaff's idea of a 10% export tax on diamonds is unworkable; I showed him that it would be tantamount to a 30-40% tax on net profits and would shift the whole onus for the ruin of De Beers from the shoulders where it now rightly rests to your innocent shoulders.

We are going to drop some of our heaviest bills in view of closer union. Even so we are going to have a long and difficult session. We shall however do our best to finish by the end of August, so as to have some two months clear to consider the larger issue.

Lord Selborne is soon going to Natal for a couple of weeks and will do his best to disarm opposition to union there. With best wishes, Yours very sincerely,

J. C. Smuts

383 From J. X. Merriman

Vol. 6, no. 30

Confidential

Treasury

Cape Town

13 June 1908

My dear Smuts, Thanks for your letter. I am glad to see that your loins are still girded. I hope you and Botha will persuade Steyn to sit as a delegate. His counsel and influence will aid us materially in our fight against parochialism.

What a struggle we shall have in England if we get so far! All the forces of the Milners and Parkers¹ will be drawn out.

With regard to what you say about the financial position, the situation is briefly this: we have at the end of June accumulated deficiencies totalling £3,000,000. I can do nothing to meet this which must stand over, but: for the ensuing year the gap between revenue and expenditure *estimated* is £1,600,000!!

¹ A reference to Gilbert Parker.

We shall reduce this by retrenchment to £1,000,000; obviously we cannot contemplate budgeting for a deficiency like this in view of our accumulated deficit. It would shake not only our own credit but that of the whole of South Africa, and in my opinion it would furnish an absolutely conclusive argument against closer union to those of your people who now are inclined to view the movement with squint suspicion. Had we no deficit piled up I might be inclined to take your view; as it is I must square revenue and expenditure *coûte que coûte*, and this will be a painful business but unless it is done we shall never bring home to the people of this country, who have been taught to regard the Treasury as a sort of mysterious earthly providence, the true meaning of self-government. I have written to you frankly because I appreciate the spirit in which you have written. Our difficulties are the result of over-government, spendthrift borrowing, and I fear that I must add dishonest finance in over-estimating revenue. It has been fearfully accentuated by the Kimberley catastrophe which I think you might lessen by forcing on some reasonable arrangement in regard to the Premier output but that is a domestic concern on which I will not intrude.

You may imagine from what I have written that the lot of the Treasurer is not a peculiarly happy one. What I regret most of all is that I cannot devote as much attention as I should wish to the great question. As soon as the clouds lift a bit I shall renew our previous discussion on the subject. With kind regards, Believe me, Yours truly,

John X. Merriman

384 From R. Solomon

Vol. 6, no. 72A

Private

72 Victoria Street
Westminster, S.W.
13 June [1908]

My dear Smuts, I read your speech at the Cornish banquet with much interest and admiration. How the correspondent of the *Standard* could have twisted your remarks into the version he sent to his paper about the British flag, Heaven

only knows. These correspondents will however do anything. I wrote to Botha telling him not to be discouraged by the attacks made in certain papers here on his Government for party purposes in this country, but to go steadily on on the sound lines of fair play to both races. The great majority of people here are I am sure, fair-minded and watching your efforts with great sympathy. Do me the favour of reading the article 'Our South African Experiment' in the *Spectator* this week, June 13th. It is admirable and so true as a whole. I am writing to the Editor to thank him for it.

I think my letters to *The Times* on the charges of Lord Milner and others about retrenchments in the Civil Service have had a good effect already. I hope you will read them. This morning's papers announce the resignation of Burns Begg [R.], Playfair [L. L.], Carstairs [H. G.] and one other Assistant Magistrate in Pretoria. The news is rather disconcerting and I am anxious to know the reasons.

Will you tell General Botha, since I wrote to him about the two Native Bills (Native tax and occupation of lands), I have [had] sent to me the official memorandum accompanying the Bills when sent to the Landowners' Association. I fully see the reasons for their introduction but if I may be allowed to say so I would urge caution on Native legislation pending unification. There is nothing in the Native Tax Bill however which is objectionable except perhaps the clause giving power to arrest without warrant a person suspected of not having paid his taxes. Can't you manage to leave this out. With regard to the Occupation of Lands Bill can't you propitiate the Landowners by making the tax on each family resident on a farm much smaller. What I am afraid of and I tell you this in all earnestness [is] that if the effect of the Act is that the Natives cultivating land on private farms are ejected and get no other land, you will be blamed with having done this to force them to labour. I would sincerely like you to avoid this for you know it would make a very bad impression. I do hope therefore you will all seriously consider the views of the Landowners' Association in connection with this Bill. Kind regards and the very best wishes for a very successful session.

Yours sincerely,

Richard Solomon

385 From J. A. Hobson

Vol. 6, no. 15

Elmstead
Limpsfield
Surrey

14 June [1908]

My dear Smuts, A little body of radical M.P.s and others entitled The New Reform Club Political Committee, of which I am a member, is concerning itself with the question how the coming federation or unification of South Africa is likely to affect the position of the Natives. All of us were strong opponents of the war and are sympathetic with recent movements in South African politics. We recognize, as you doubtless do, the extreme importance of getting a settlement of the Union of States during the present Imperial Parliament. The question of the political status of the Native States and of Natives within the self-governing Colonies seems however to present difficulties, and we are very anxious to learn *informally* from leading South Africans how it seems to them the question may most conveniently be solved. In the House of Commons Ministers have several times intimated that both the Transvaal and the Orange River Colony would be willing to give some sort of Native franchise, and there will certainly be a disposition among many of our Liberals to seek to secure some real representation for Native interests in the federal or central government. The criminal folly of the Natal Government has of course contributed to this desire. Can you give me, *not for publication*, some idea of your views on the ways in which your people will treat this claim, if it is urged from this side? Of course a good deal must depend on how far it is to be a federation or a unification, and whether it is deemed urgent that the central government should take over the administration of Basutoland, Bechuanaland etc. There would be a strong feeling here in favour of removing Zululand from the special control of Natal and putting her under federal control. If you can find time, let me know what you think.

I don't know how closely you can follow things here. Unless there is a strong recovery of trends before this Parliament ends, I think it more likely than not that the Unionist-Protectionist

Party will by 1910 or 1911 again be in power. This Government has done and is doing badly, and Tariff Reform is gaining considerable ground. Is it likely that you will be over here soon? It is surely important that you should come over. With kindest regards to your wife and yourself, I remain,
Yours sincerely,

John A. Hobson

386 To J. X. Merriman

Vol. 6, no. 92

Confidential

Colonial Secretary's Office
Pretoria, Transvaal
26 June 1908

My dear Mr Merriman, You wrote to General Botha in reference to [B.] Dernburg's proposals in respect of Walfisch Bay.¹ He has already replied to you that he does not think it good policy in any way to strengthen the position of Germany in South Africa. I understand that that is also your attitude on the matter. You will remember that I also mentioned the matter to you in Cape Town. From the point of view of South Africa's future the German Empire is no desirable neighbour, and I think you would expose yourself to just and damaging criticism if you were ever to listen to the German proposals. Now that we are on the eve of closer union as we all hope, it would be the very worst time to strengthen the German position by making them use Walfisch Bay for the development of their territory.

I am glad you did not listen to Hofmeyr's suggestion to alter the basis of representation at the Convention. The public or rather Press outcry in connection with our action has practically died away, and it would show weakness and produce confusion at this stage to alter. Indeed your members are already nominated, and ours will be almost immediately.

We cannot take Phillips and the Progressives refuse to take him as one of their delegates. At the same time he could be a most useful man to have at the Conference. Have you ever thought of our having some advisory members at the Conference? That might be a way out of the difficulty.

¹The German Government approached the Cape Government about building a railway to Walfisch Bay and tried to lease that port.

I see from the papers that your Brandy section are causing some trouble. You have our profoundest sympathy in the tough job of Cape finance and I sincerely hope you will be able to surmount all difficulties. Yours ever sincerely,

J. C. Smuts

387 From J. X. Merriman

Vol. 6, no. 32

Private

House of Assembly
Cape Town
2 July 1908

My dear Smuts, I should have acknowledged your letter before but I have been so busy and worried about my Budget. I think you have rather misinterpreted my view *re* Walfisch Bay. I am sending you a copy of my letter to His Excellency on the subject. I do not think it is a very pressing one. We have just had a magistrate down; he gives a very doleful account of our German brethren. *Inter alia* he tells me that you can distinguish between a German South West Boer and one in our Colony. The former is *drilled with subservience*. They treat the Natives horribly and he tells me that the physique and discipline of the Germans is very slack and bad. We have not much to fear but the sooner they go the better.

I suppose after Natal has agreed we may consider the Convention as formed. The Orange Free State nomination was most excellent. I am so glad they got de Wet [C. R.], he will carry weight with the *platteland*.¹ I had a very nice letter from Botha telling me all your difficulties in which I cordially sympathize. I must say that I regret that you did not see your way to knock those wretched so-called Progressives on the head. My own opinion is they would have come to heel but of course you know best. I should like you to consider the question of Secretaries. We can never do with Brand [R. H.] who is without exception the worst fellow at the job I ever came across. I would strongly suggest two, Kilpin and Hofmeyr, who are both first-rate men for that business—one in Dutch and the other in English and both short-hand writers

¹ The rural areas (Afrikaans).

of the first quality who would do credit to us, which certainly the minutes of the last Conference did not do. With kind regards, Yours truly,

John X. Merriman

388 To J. A. Hobson

Vol. 6, no. 93

Colonial Secretary's Office
Pretoria
13 July 1908

My dear Hobson, I was very glad to hear from you and to see that your interest in South Africa remains unabated. We are now passing through a most interesting stage in the political development of this country and many problems are pressing for solution which will specially appeal to you and friends who regard South African questions from the same point of view. I assure you nothing will please me better than to see the great task of Liberal statesmanship completed in the union of British South Africa before the reaction to which you refer sets in.

You ask me for my views as to the way the Native question has to be dealt with in the Union. I don't mind telling you quite frankly what are my views. They are for your information and not for publication.

My impression is that the only sound policy at this stage is to avoid any attempt at a comprehensive solution of the various questions surrounding the political status and rights of the Natives. With the chaotic state in which public opinion on this subject is at present, any solution at present would be a poor compromise which might probably prejudice a fairer and more statesmanlike settlement later on. Public opinion in the majority of the South African States is against a Native franchise in any shape or form, and while it cannot be denied that on this delicate subject responsible public men are probably in advance of the rather crude attitude of the people at large and would be prepared to consider the subject on its merits, still the fear of the people will be with them and they will probably shrink from any far-reaching innovation. The danger then is that a poor makeshift arrangement will be framed; and there is the further and graver danger that the

people, who will have to ultimately ratify any Constitution, may veto it on the ground that it confers the franchise on Natives. This latter danger is a very real one, and will be a strong inducement to all who seriously desire to bring about a united South Africa to shelve this question at this stage in order to attack it under more favourable conditions after union has been brought about. My view is that the different franchise laws of the several Colonies ought to be left undisturbed and that the first Union elections ought to take place thereunder, and that the question of a uniform franchise law be gone into only after the Union has been brought about. You will then avoid the dangers I have referred to; and you will in the Union Parliament, representing as it will all that is best in the whole of South Africa, have a far more powerful and efficient instrument for the solution of the question along broad and statesmanlike lines than you will have in the Union Convention which is going to meet next October or November. The political status of the Natives is no doubt a very important matter, but vastly more important to me is the union of South Africa, which if not carried now will probably remain in abeyance until another deluge has swept over South Africa. If you have union you will also admittedly have a far better chance of handling the whole Native question properly. Let us therefore approach the subject in this light and not, by attempting too much at present, wreck everything at the start. I think it will be found that (with the exception of a few men at the Cape) these views will commend themselves to most of the leading South Africans. The shelving of the Native franchise will undoubtedly be distasteful to Liberals, but I appeal to you and other friends to say whether the course above sketched will not really be the wiser—not only from the point of view of those who desire union above all things, but also those who are looking forward to some fair solution of the Native question.

When union has been brought about, and supposing it assumes the form of unification or approaches the unified type as I think it will, a general franchise law for South Africa will become necessary. And it seems to me that the great probability is in favour of a simple manhood suffrage for all whites such as we have now in the Transvaal and

Orange River Colony. Now evidently that franchise could not be conferred on the Native population also. Manhood suffrage for whites would inevitably mean a different franchise for Natives. And I think such a differential franchise could be justified on the strongest grounds. Every white man, however poor or ignorant, is born into a community with a long civilized past behind it and with training and traditions which constitute a strong presumption in favour of his being capable of exercising his franchise properly. But in favour of the Native there is no such historical and cultural presumption. The *onus probandi* is distinctly on him; he has first to prove his fitness before he is admitted into the charmed circle. In other words any Native franchise will have to contain certain tests of education and civilized life which would not be applied to the whites. What these tests are to be I do not consider it above the wit of man to determine. But I do think that the problem should not be attacked before the consummation of union.

You raise the further question of the inclusion of the great reserves like Basutoland, Bechuanaland, etc. in the Union from the start. I think there cannot be two opinions about the advisability of that. Zoutpansberg in the Transvaal has as large a Native population as Basutoland, and Zululand in Natal, has a much larger population. There cannot therefore be any reason in entrusting the Natives of Zoutpansberg and Zululand to the Union and keeping out those of Basutoland and similar reserves. If I were a British statesman I would trust the people of South Africa in this matter and commit the government of the whole of British South Africa unreservedly to their charge. Such trust is not likely to be misplaced and will most impressively bring home to South Africans their solemn duties in the matter.

I should be very glad if you would discuss these views among your friends and let me know what the trend of opinion is. We are sincerely anxious to work with our friends in England, and the Native franchise is *par excellence* one of those questions on which differences may arise. All the more reason therefore for a frank exchange of opinions.

We are in the midst of our Parliamentary Session and I am immersed in work. A number of very important measures

are being brought forward by the Government. On the whole our policy has been strikingly successful. The Chinese experiment is rapidly coming to an end, prosperity is slowly but surely coming both to the mines and to the country generally. We have reorganized the Civil Service with which Lord Milner saddled the country and in doing so we have held the balance absolutely evenly between the white races—in fact since our advent to office we have appointed more English than Dutch officials and now we are moving forward to a united South Africa. Everyone except the incorrigible Milnerite is more hopeful and looking forward with fresh interest to the course of events and developments.

My wife still has the pleasantest recollections of your stay with us and often still speaks of you. She sends heartiest greetings. Will you not visit us again in these interesting times? Perhaps I shall come to England after the Convention has concluded—and perhaps not. With kindest regards, Yours sincerely,

J. C. Smuts

389 To J. X. Merriman

Vol. 6, no. 94

Legislative Assembly
The Transvaal
Pretoria
13 July 1908

My dear Mr Merriman, Many thanks for your last two notes. I think your courage in your Budget arrangements superb and wish you all the success you deserve. If you can manage your brandy crowd I have no doubt that you will weather every storm.

I have spoken to Botha who approves of Kilpin and Hofmeyr as Secretaries to the Conference. I think you should formally submit the proposal to all the Governments and ask them to consult their respective delegates. We should not wait till the Conference to settle who are to be the Secretaries.

I believe you know John Hobson? He belongs to a society to which many Liberal M.P.s belong who are interested in the Native franchise. He wrote me for my views and I enclose

for your information copy of the letter I have just sent him. I am afraid the Liberals will create some trouble on this delicate subject. With kindest regards also to Mrs Merriman,
Yours sincerely,

J. C. Smuts

390 From R. Solomon

Vol. 6, no. 73

Private

72 Victoria Street
Westminster, S.W.
17 July [1908]

My dear Smuts, I communicated your telegram of the 14th to Marris as soon as I received it, but have not yet had a reply. As soon as I receive one I shall telegraph it to you. I wrote to General Botha last mail and told him Marris had been to see me. He was very pleasant and had a long talk and there was nothing he said which could have produced the impression that there was any serious conflict between him and your Government. In fact whatever the difference may be I am satisfied that on his evidence the charge which has been so freely made in certain quarters here that on the pretence of retrenchment the Transvaal Government has discharged English officials and put into their places men of Dutch origin will be completely smashed up. I have read the debate in your Assembly on the Police organization. I must say after all the agitation the opposition boiled down to very little. The conditions were approved of and it appeared that the only real objection to the action of the Government was that it called on the men of the Transvaal Police to decide whether they would join the new force before the Bill establishing it had passed Parliament. I think this objection might have been put before the Government without all the agitation that took place.

The Colonial Office saw me the other day with regard to a claim made by Aston Webb and Company against the Northern Rifles for the supply of clothing etc. to that corps on the order of Glynn [T. G. P.] who was then its Colonel. Aston Webb and Company represented to the Colonial Office that you were encouraging technical defences to the action and had said

that if they succeeded in getting judgment against the corps it would be disbanded. I would like you to send me some information on which I could meet this statement. I believe Aston Webb and Company intended to bring the matter forward in the House of Commons but I told the Colonial Office I was writing to you on the subject. I think it is felt here that it is a very hard case as far as Aston Webb and Company are concerned. They undoubtedly supplied goods to the corps (which has had the benefit of them) and have not received one penny payment. If you can do anything to help them in recovering this money I hope you will do so. It would make a bad impression if Aston Webb and Company got people to believe that not only has the Transvaal Government repudiated the debt contracted by this corps but is helping the corps to get out of paying it. This I understand is the substance of his charge against you. Anyhow if you would give me the facts and the attitude of the Government towards Aston Webb and Company in this matter I shall let the Colonial Office know.

Your Session seems to be going smoothly and before long you will be attending the National Convention to deal with unification or federation. I do with all my heart hope the Convention will produce a scheme of closer union which will be acceptable to all the Colonies and that we shall see the scheme embodied in an Imperial Act passed while the present Imperial Government are in office. I suppose the two questions which will give rise to most discussion are (1) the capital and (2) the Cape Native franchise. With regard to the capital it must be Cape Town or Pretoria and I do hope differences on this question will not knock the whole of this great scheme of union on the head. If you can't settle it amicably in any other manner why not leave it to be decided by the South African Parliament, making some place temporarily the capital until Parliament decides where it is to be. Temporarily you might agree to Cape Town.

With regard to the Cape Colony Native franchise why not follow what was done in Canada? Let each Colony elect its representatives to the federal Parliament on its own franchise. Let the federal Parliament have power to alter the franchise for each Colony with the view of making a uniform franchise

for the whole of South Africa but make a proviso that the amendment of the franchise by the federal Parliament must be passed in the Assembly by a majority of two-thirds or else provide that the franchise of a Colony cannot be altered by the federal Parliament unless two-thirds of that Colony's representatives in that Parliament agree. You will have, I think, to leave each Colony with its own franchise to start off with for the Convention will never agree to a uniform franchise for the whole of South Africa. Leave as much to the South African Parliament as you can. I am going to bore you with some notes on the whole subject of federation before you attend the Convention. Meanwhile kind regards and best wishes. Yours sincerely,

Richard Solomon

391 From J. X. Merriman

Vol. 6, no. 35

Confidential

Treasury, Cape Town
19 July 1908

My dear Mr Smuts,¹ I read with the greatest interest the letter to Hobson that you were good enough to send me and the importance of the subject leads me to reply at once, though the dust and strife of the political arena is not exactly the best surrounding in which to concentrate one's ideas on such a matter.

Undoubtedly the Native question is one of the most delicate that confronts us when we seriously consider the form and conditions of future union. For this reason I have tried to discourage any public discussion of this most thorny subject which is bound to raise an amount of heat and prejudice that may wreck the best conceived plan.

From the broad point of view the mere enumeration of the relative numbers of the population makes it clear that the Imperial Authority undertakes a grave responsibility in handing over the entire tutelage of 4,500,000 of their Native subjects to the unrestrained dominance of 1,200,000 Europeans. That the dominance must be uncontrolled is quite clear for I am sure that you will agree with me that one of the chief, if not the

¹ The unusually formal address was due to the letter having been typed by a secretary and intended for sending on to J. A. Hobson.

chief, objects of union is to rid ourselves of the pernicious and ill-informed interference that has worked so much mischief in the past by using the Natives as a sort of stalking-horse. This responsibility will, you may be sure, be most present to the mind of our Liberal friends and may be used by the other party for creating an opposition to our Constitution by imposing impossible guarantees.

I entirely agree with you that it would be quite impossible to dream of any general Native franchise at the present time. If it were adopted at the Convention it would unquestionably lead to the rejection of the Constitution in the majority of the States. I ought also to add that in the Cape we are pledged as far as the most solemn assurances can go to maintain the rights conferred by our franchise.

I have always looked to effecting a compromise on the basis of a separate franchise for the provinces with material safeguards in the Constitution as regards alteration. At the same time we should base the distribution of representatives purely on the European population. This, as it seems to me, would, while fulfilling our obligations, not offend the susceptibilities of any community. I have tried to find a better solution in vain. One alternative would be to cut off the Native territories and govern them as provinces allowing large privileges in local government as we do in the Transkei, and as we shall have to do if Basutoland is annexed. To this solution Natal, and indeed our own Eastern Districts and the Northern Transvaal, would form a grave difficulty to any scheme of fancy representation on the New Zealand plan. The relative numbers form the gravest objection as indeed they do constitute, and always will remain, our gravest menace. Those 4,500,000 souls are in different stages of progress but they are all progressing. When one looks back twenty-five years and sees their present condition 'it gives one furiously to think'. They are unfortunately the workers and in every country the future belongs to the worker. At their best they are, to our shame be it said, above, in many cases far above, our lowest stratum of Europeans and there are not wanting evil signs, which we would like to shut out but cannot, of an intermingling that bodes ill for the future. When one sees on one side the drunken, degraded European or the apathetic, hopeless poor white and on the

other the decent, respectable Native farmer or artisan, one has misgivings as to the future akin to despair. Still, as Burke said of India, 'There they are and there the Almighty has placed us, the situation of man is the preceptor of his duty'.

To me personally the idea of a Native franchise is repellent but I am convinced that it is a safety-valve and the best safety-valve, and that so far from its leading to any immediate danger it will be generations before the European political supremacy will be menaced, while it does undoubtedly not only safeguard the rights of the inferior race but also gives them a content which puts an end to the political unrest that any unrepresented population always will have. For this reason I am in favour in a country like ours of a high franchise, the higher the better and I bitterly regret that in the Transvaal and Orange River Colony you were led away by the *ignis fatuus* of manhood suffrage which is to my mind the most anti-liberal among all the idols of the modern market-places. However it is no use crying over spilt milk, we have to make the best of the situation as it is and face all the dangers of the future with what wisdom we may. I have gathered from our intercourse that men like yourself, General Botha and President Steyn hold not very dissimilar views on Native matters from myself but I quite recognize that you are in advance of the majority of your own people and that it would be mere midsummer madness to court disaster by pushing things.

There is another point that Hobson and his friends do not sufficiently recognize and that is that the most violent and illiberal Native views are to be found in the large centres among the new-comers especially among working men who regard the Natives, not unjustly, as their most dangerous rivals, and having been regarded, however unjustly, as 'the lower classes' in Europe are delighted on arrival here to find themselves in a position of an aristocracy of colour.

Now the attitude of the Boer, though perhaps not more sympathetic, is quite different but that is another story and I have taken up too much of your time already.

I will send a copy of this letter to P. A. Molteno who will do us good service. With kind regards, Believe me, Yours truly,

John X. Merriman

392 From J. X. Merriman

Vol. 6, no. 36

*Confidential*Treasury, Cape Town
20 July 1908

My dear Smuts, Thank you for your letter of 13 July and for the opportunity of perusing the enclosure which interested me greatly. I am sending you an answer separate as you might think fit to send it on to Hobson. There can be no doubt that in the matter of everything that appertains to Natives we shall have more trouble from our own friends the Liberals over the water than perhaps from the other side and this will cause one of the greatest stumbling-blocks in our path.

Hely-Hutchinson, who I may say is one of the warmest friends of unification, has warned me about this more than once, particularly as regards Basutoland, though personally I think that Great Britain would be only too glad to get rid of her undoubtedly grave responsibilities in that quarter if it were possible to do so without raising a hubbub.

We are, as you will see, having a bad time over our financial proposals. Everyone is sore at the revelation of our financial condition and everyone is ready to object to pay taxes. I must say that considering it was the other party who got the country into this most horrible mess one would have looked for something better than the mere political wrangling. Incidentally the appeal to the working classes makes one rather wonder what the prospect will be if the future capital is located in some large centre of population, where there is bound to be all kind of this sort of pressure. Still, one must go on with the distasteful job.

I think we have managed to arrive at a *modus vivendi* with the liquor people. You will see that I have anticipated your wish in writing semi-officially to Botha *re* the Convention. I sent a copy to Fischer and perhaps I ought to do so to Moor now he is out of his troubles.

I hope we shall meet early in October or Durban will be out of the question¹ and time is an important element in getting the thing fixed up. If we could submit the draft to our Parliaments in February we might get a ratification in time for the 1909 session in England, an *all-important* matter. With kind regards, Yours truly,

John X. Merriman

¹ Because of the summer heat.

Lyndall

Newlands

2 August 1908

My dear Smuts, Thanks for your letter, and ready promise to look at Mrs [C.] Penstone's pictures and perhaps take some.

I do feel with you that the occasion is all-important for South Africa and that the work to be done at the Convention must have enormous and far-reaching consequences on our destiny as a people. We are both deeply earnest about it, and I live in hope that the divergence of views may possibly after all not be so wide. I am strenuously resisting in myself the tendency towards crystallized opinion on the great question of union: but, as you say, we must approach the subject in a perfectly open and candid manner, and I am bound to respond by saying that to my mind *the* fundamental question is that of our policy regarding 'colour'. I prefer to put it in that form to myself,—because the 'Native question' is a far less precise phrase than the 'colour question'.

*Humani nil a me alienum puto.*¹ To embody in the South African Constitution a vertical line or barrier separating its people upon the ground of colour into a privileged class or caste and an unprivileged, inferior proletariat is, as I see the problem, as imprudent as it would be to build a grand building upon unsound and sinking foundations. The *freedom* to which all men are born in a free land is as true as their alleged *equality* is false. But their freedom cannot be real if they have not full opportunity to achieve equality. That is the root of the matter, the very essence of just Constitution and government. How union, as you nobly plead its cause, is to be reconciled with justice and freedom, is then the great problem. Is there not here to be found perhaps some radical difference between our standpoint? I hope not. Your weight and influence at this crisis is rightly and must be very great. Your life is still for the most part before you, large as have been your past achievements. My career is near its close. Your natural, admirable, personal ambitions are strong; let them not be dominant; mine have been, and are no more. Perhaps that causes me to

¹ I count nothing human indifferent to me. Terence.

see more clearly a little way into the mist of the future. In our South African nation there must be room for many free peoples, but no room for any that are not free and free to rise. With most earnest regard, Yours ever truly,

W. P. Schreiner

394 From M. T. Steyn

Vol. 6, no. 83

Onzerust

6 Augustus 1908

Zeer Geachte Vriend, Met blijdschap hebben wij vernomen dat U een dochter rijker geworden is, en willen wij beiden U en Mev. Smuts van harte gelukwenschen; hoe meer hoe beter. U weet het aartsvaderlijk getal is 16—hou maar moed.

Wij zien met verlangen uit naar de komst van U en Generaal Botha, en hoewel ik niet het gemeste kalf zal kunnen slachten zal ik toch trachten er zoo nabij aan te komen als mogelijk door een speenvark te offeren.

Het was zeer vriendelijk van U om mij eenige boeken te willen zenden. Ik zal met genoegen van dit aanbod gebruik maken, want hoewel ik nog niet veel lees kan ik toch een paar uur per dag studeeren. Hertzog heeft mij juist *Canadian Constitutional Development* gebracht.

Dank voor de toezending van uw brief aan Hobson. Ik kan mij er ten volle mee vereenigen, en ik geloof dit zal de houding zijn van bijna al de leden van de Conventie.

Met vriendelijkste groeten van huis tot huis, en hopen de dat Mev. Smuts en dochtertje in goeden welstand verkeerden, Noem ik mij, Uw vriend

M. T. Steyn

TRANSLATION

Onzerust

6 August 1908

Dear Friend, We have heard with gladness that you have gained a daughter,¹ and we both wish to congratulate you and Mrs Smuts heartily—the more the better. You know that the patriarchal total is sixteen—courage!

¹ Sybella Margaretha (Sylma), third daughter of Smuts. Born 27 July 1908. Married J. Coaton, 1930.

We look forward to the coming of yourself and General Botha, and although I shall not be able to kill the fatted calf, I shall try to get as near it as possible by offering a sucking-pig.

It was very kind of you to wish to send me some books. I accept this offer with pleasure because, although I do not yet read much, I can nevertheless study for a few hours a day. Hertzog has just brought me *Canadian Constitutional Development*.

Thank you for sending your letter to Hobson. I can associate myself with it entirely, and I believe this will be the attitude of almost all the members of the Convention.

With the friendliest greetings from house to house, and hoping that Mrs Smuts and daughter are in good health, I am, Your friend,

M. T. Steyn

395 From R. Solomon

Vol. 6, no. 77

Private

72 Victoria Street
Westminster, S.W.
7 August [1908]

My dear Smuts, Many thanks for your private letter of the 13 July. I much appreciate the desire of your Government to have had my presence at the Durban Conference. I would have liked it above all things and would have done my best to help things on but I can quite understand the suspicions of the other Governments that the Transvaal wished to strengthen its own position. I only hope I will be made use of on this side when the Bill is to be prepared for presentation to the House of Commons.

I read your letter to Hobson with much interest and agree with what you say. In a speech I made in Pretoria during the elections I said that no conference could settle the Native question (franchise etc.) for South Africa; that it must be left to the South African Parliament and that I had confidence that the men in that Parliament would deal with the subject generously and liberally. I also said that the first elections should be on the existing franchises leaving it to the South African Parliament to make the franchise uniform. This was

what was done in Canada. I don't know whether at present the franchise there is uniform; I rather think each Province has still its own franchise on which its representatives to the federal Parliament are elected. I think such a proposal as you suggest would satisfy Cape Colony especially if you further provide that the South African Parliament should not alter the franchise of any particular Colony without the consent of a majority of its representatives or (in case you continue local parliaments) without the consent of the local parliament of that Colony. I see Kilpin has been writing something on private bill legislation in the event of unification. You know there is a very simple procedure here for private bill legislation in Scotland which I am going to get and send out to you. The Lord Advocate of Scotland has promised me that his office will give me all assistance I require in the matter.

I read very carefully Marris's memorandum and your reply which you were good enough to send me. I think your reply crushing and I only wish you had laid the correspondence on the table so as to give the Opposition every opportunity of an attack on your retrenchment policy and the way it has been carried out. You would have scored and I doubt whether they would have raised a debate on the subject. I was waiting until the end of the session to write another letter to *The Times* on the subject of retrenchment and it would have been a strong argument for me to have used that in the Transvaal Parliament no attack was made on the Government in respect of its retrenchments. If I do so now it will be said that by not laying the correspondence with Marris on the table the Opposition was deprived of information on which it could have based an attack. I still hope that the session will not close without this correspondence being laid on the table. I expect Marris will not hurry to answer your letter.

Seeley did not make the most of the figures I gave him on the retrenchments. He tried to average, that is to say he thought it would be more convincing to give the proportion of English and Dutch in every hundred of the existing service and of the new appointments and the reporters rather bungled the figures. Gilbert Parker, the self-constituted defender of the rights of the loyalists! in South Africa, has written a letter to *The Times* complaining that Seeley had misled the House.

You will see the letter in *The Times* of Tuesday, 4 August. It is just rot. Seeley has all the information now for a reply except the retrenchments in the South African Constabulary since March 1907 for which I telegraphed yesterday. I told Seeley there would be some difficulty about this as the force was disbanded on the termination of the Inter-Colonial Council and all you could be expected to give were the retrenchments up to the disbanding. I am glad Burns-Begg has accepted the appointment of Commissioner of Police. He will do the job well. I suppose Papenfus [H. B.] will go back to the Bench. He was an admirable magistrate, none better in South Africa.

I suppose Tennant [H.] will be leaving soon on pension. Has de Villiers thought of a successor? If not he might think of Smuts [J.], Registrar of Deeds, who is a good Civil Servant and would do well in the position of Secretary to the Law Department.

I have troubled you with a lengthy epistle. Tell the General I have not written this week but will write him next mail. I forgot one more subject. Creswell called on me yesterday and is going to spend an evening with me next week. He is a nice fellow, very courageous and able and in my opinion there is undoubtedly a great deal in his white labour policy which I see, reading between the lines, is really approved of by the Indigency Commission in its report,¹ which is admirable but much too lengthy and verbose. I feel sure that South Africa will never be a great country until unskilled work is done by white men. I know the change can't be brought about by hasty legislation nor even by legislating against the employment of Natives. It can only be brought about gradually. The country has to be educated up to it before the Government can give any effect to it and you are wise in leaving legislation on the recommendations of Creswell's Commission² alone for the present especially while closer union is pending. A subject of such importance to South Africa should be dealt with by a South African Parliament. Yours sincerely,

Richard Solomon

¹ Report of the Transvaal Indigency Commission (T.G. 13 of 1908).

² The Mining Industry Commission (T.G. 2 of 1908). The chairman was Sir A. Stockenström but Creswell was the outstanding member.

396 From L. Phillips

Vol. 6, no. 46

*Private*P.O. Box 149, Johannesburg
Transvaal
14 August 1908

My dear Smuts, I note that Lord Selborne does not think that your proposal, or the possible alternative outlined by me at our last interview, would secure my presence at the Convention. You now suggest that I should go down to Durban during the sittings of the Convention, to be available for consultation. Does it not occur to you that such a course would place me in an extremely invidious position? Would it not have the appearance of trying to thrust my uninvited opinions upon the delegates? You may reply that at a time of a great national crisis one should sink personal considerations altogether, and indeed if I thought a useful purpose were to be served I should be quite prepared to make sacrifices for the object in view. But, viewing the situation all round, I can only conclude that the sacrifice of my own self-respect would not bring a corresponding advantage to the cause. To be of any real service one must sit at the Convention, and follow the entire proceedings. To be consulted at odd times upon given questions, without knowing the whole trend of the discussions, would be an enormous disadvantage, and utterly destructive to the formation of a well-grounded opinion. Any attempt to use influence under such conditions, when difficulties arise, would be laying myself open to misconception, and to possible rudeness.

I fully appreciate your kind references to the value of the services I might be able to render at the Convention, but I feel bound to point out that if a real importance is attached to my presence by Lord Selborne, by the Government of the Transvaal, and, as I understand it, by the Government of the Cape Colony as well, it is surely possible to arrange the matter without asking me to pursue an equivocal course. Believe me,
Yours sincerely,

Lionel Phillips

I am off to Rhodesia on Wednesday morning next. Expect to be back in three or four weeks.

397 To M. C. Gillett.

Vol. 6, no. 104

Pretoria

24 August 1908

. . . Did I tell you before that my wife has presented me with another daughter—now just four weeks old? She looks a good deal like Cato and will be a credit to the family I feel sure.

Saturday 22 August our Parliament was prorogued after ten weeks' sitting and passing forty Bills, many of them long and complicated. Even today I feel more dead than alive with all the work and worry of the last few weeks. I send you a cutting from the *Sunday Mail*¹ [undated] which will give you some idea of the high pressure at which I was working. Nor will there be any rest yet. The Union Convention will meet on 12 October and I shall have to set to work at once in order to prepare for that ordeal. I am sure most of the work will fall again on the few who are willing to work and whose hearts are in the business. The Missis is going away about the same time. Garnett² told me that the Board³ was anxious to get your services, at least temporarily. I believe he has written to you. If you do come, as I most earnestly hope you will, come and stay with us *all the time*. My wife is very anxious that you should do so. So don't disappoint us. If you do come, we shall this time go on that long trek into the Bushveld⁴ of which you have dreamt so often. I promise you a great treat—greater far than a view at the Alps.

I have still to write a great deal of mail matter and Lane is troubling me. So I must close.

Smuts's preparations for the first meeting of the National Convention (12 October 1908) are described in *The Unification of South Africa, 1902-1910* by L. M. Thompson, pp. 152-64. Of the documents in the Smuts Collection that record these activities, the most important is a complete Draft Constitution of South Africa, a neat typescript marked

¹ The only Sunday newspaper in the Transvaal at this time was the *Sunday Times*, founded 4 February 1906 in Johannesburg.

² Ernest Garnett was Principal of the Teachers' Training College in Pretoria from 1905 to 1921.

³ The Board of Home Industries in the Transvaal.

⁴ The north-eastern Transvaal.

in Smuts's handwriting 'August 1908 J.C.S.' (398). It contains 133 sections, many of which are followed by references, e.g. A 13, C 121, Tr. 23, to corresponding sections of the Constitutions of Australia, Canada and the Transvaal Colony. The Collection also contains a rough draft, in Smuts's handwriting, of the first 53 sections of 398. 399 (enclosure) is a memorandum, based upon his complete Draft Constitution, which Smuts sent to Merriman, Steyn and De Villiers at the end of August. Their comments upon it appear in 400 (Steyn), 401 (De Villiers), 402 and 403 (Merriman). Having received these comments, Smuts, in consultation with advisers, notably R. H. Brand, drew up, in September, two alternative 'Proposed Plans', dealing mainly with the relations between the central government and the provinces and the provincial Constitutions (404). For a detailed comparison of 399 and 404 see Thompson, *op. cit.*, pp. 157-60.

398 Draft Constitution

Vol. CVI, no. 11

I. THE UNION

Proclamation of Union

Section 1. It shall be lawful for the King, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein appointed, not being later than six months after the passing of this Act, the Colonies of the Cape of Good Hope, the Transvaal, Natal and the Orange River Colony, (hereinafter referred to as the Colonies) together with any other Possessions or Territories of the Crown in South Africa, shall be united in an indissoluble Union under the name of South Africa. But the King may, at any time after the proclamation, appoint a Governor-General for the Union. (A.3)

Commencement of Act

Section 2. The Union shall be established, and the constitution of the Union shall take effect on and after the day so appointed. (A.4)

Operation of this Act and Laws of the Union

Section 3. This Act and all Laws made by the Parliament of the Union, shall be binding on the Courts, Judges, and people of every part of the Union; and the Laws of the Union shall be in force on all British ships, the King's ships of war excepted, whose first port of clearance and whose port of destination are in the Union. (A.5)

The Provinces

Section 4. The Union shall mean the Union of South Africa as established under this Act, and shall include the following Provinces with limits as defined in Schedule I to this Act: the Western Province of the Cape of Good Hope, the Eastern Province of the Cape of Good Hope, the Transvaal, the Orange Province and Natal; and any other Provinces which may be admitted into or established by the Union; and shall further include any Territories admitted into or established by the Union. (A.6)

II. THE PARLIAMENT

*Part I. General**Legislative power*

Section 5. The legislative power of the Union shall be vested in a Parliament, which shall consist of the King, the Senate and the House of Representatives, and which is hereinafter called The Parliament or the Parliament of the Union or of South Africa. (C.17. A.1)

Governor-General

Section 6. A Governor-General appointed by the King shall be His Majesty's representative in the Union, and shall have and may exercise in the Union during the King's pleasure, but subject to this Constitution, such powers and functions of the King as His Majesty may be pleased to assign to him. (A.2)

Salary of Governor-General

Section 7. There shall be payable to the King out of the Consolidated Revenue Fund of the Union, for the salary of the Governor-General, an annual sum which, until the Parliament otherwise provides, shall be £10,000. (A.3) The salary of the Governor-General shall not be altered during his continuance in office.

Provisions relating to Governor-General

Section 8. The provisions of this Act relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the King may appoint to consider the Government of the Union; but no such person shall

be entitled to receive any salary from the Union in respect of any other office during his administration of the Government of the Union. (A.4)

Sessions of Parliament, prorogation and dissolution

Section 9. The Governor-General may appoint such times for holding the Sessions of the Parliament as he thinks fit, and may also from time to time, by proclamation or otherwise, prorogue the Parliament and may in like manner dissolve the House of Representatives.

After any General Election the Parliament shall be summoned to meet not later than thirty days after the day appointed for the return of the writs.

The Parliament shall be summoned to meet not later than six months after the establishment of the Union. (A.5)

Yearly Session of Parliament

Section 10. There shall be a Session of the Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one Session and its first sitting in the next Session. (A.6)

Part II. The Senate

The Senate

Section 11. The Senate shall be composed of forty-eight members, who shall be styled Senators, and shall be elected by the people of the Provinces as follows: twelve by the Transvaal, twelve by the Orange Province, twelve by Natal, six by the Western and six by the Eastern Province of the Cape of Good Hope. The Parliament may make laws increasing or decreasing the number of Senators to be elected by each Province, provided that for twenty-five years after the passing of this Act, the above proportion of Senators to the Provinces shall remain unchanged, and that the number of Senators elected by any Province shall never be less than the number hereby assigned to it. (A.7)

Qualifications of Electors

Section 12. The qualifications of electors of Senators shall be in each Province that which is prescribed by this Act, or by

the Parliament, as the qualifications for electors of members of the House of Representatives.

Issue of writs

Section 13. The Governor-General shall cause writs to be issued for the election of Senators for any Province. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution. (A.12)

Senators' term of service, rotation of Senators

Section 14. The Senators shall be chosen for a term of six years. As soon as may be after the Senate first meets, and after each first meeting of the Senate following a dissolution thereof, the Senate shall divide the Senators chosen from each Province into two classes, as nearly equal in number as practicable; and the places of the Senators of the first class shall become vacant at the expiration of the third year, and the places of those of the second class at the expiration of the sixth year, from the beginning of their term of service; and afterwards the places of Senators shall become vacant at the expiration of six years from the beginning of their term of service. (A.13)

Further provision for rotation

Section 15. Whenever the number of Senators for a Province is increased or diminished, the Parliament may make such provision for the vacating of the places of Senators for the Province as it deems necessary to maintain regularity in rotation. (A.14)

Filling of vacancies

Section 16. If the place of a Senator becomes vacant before the expiration of his term of service, an election shall be held in his electoral area to fill such vacancy until the completion of the period for which the person in whose place he is elected would have served. (A.15)

Qualifications of Senators

Sections 17. The qualifications of a Senator shall be the same as those of a member of the House of Representatives. (A.16)

Election of President

Section 18. The Senate shall, before proceeding to the despatch of any other business, choose a Senator to be the President of the Senate, and as often as the office of President becomes vacant the Senate shall again choose a Senator to be the President.

The President shall cease to hold his office if he ceases to be a Senator. He may be removed from office by a vote of the Senate, or he may resign his office or his seat by writing addressed to the Governor-General. (A.17)

Absence of President

Section 19. Before or during any absence of the President, the Senate may choose a Senator to perform his duties in his absence. (A.18)

Resignation of Senator

Section 20. A Senator may, by writing addressed to the President, or to the Governor-General if there is no President, or if the President is absent from the Union, resign his place which thereupon shall become vacant. (A.19)

Vacancy by absence

Section 21. The place of a Senator shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the Senate, fails to attend the Senate. (A.20)

Quorum

Section 22. Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the Senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers. (A.22)

Voting in Senate

Section 23. Questions arising in the Senate shall be determined by a majority of votes, and each Senator shall have one vote. The President shall not vote unless the numbers are equal and then he shall have a casting-vote. (A.23)

*Part III. The House of Representatives**Constitution of House of Representatives*

Section 24. The House of Representatives shall, subject to the provisions of this Act, consist of 120 members elected by the people of the Provinces in the following proportion: 32 by the Transvaal, 20 by the Orange Province, 20 by Natal, 24 by the Western and 24 by the Eastern Province of the Cape of Good Hope. The Parliament may increase or diminish the number of members of the House of Representatives, provided that for twenty-five years after the passing of this Act the above proportion of members of the House of Representatives assigned to the Provinces shall remain unchanged. (A.26)

Duration of House of Representatives

Section 25. The House of Representatives shall continue for five years from the first meeting of the House and no longer, but may be sooner dissolved by the Governor-General. (A.28)

Qualifications of Electors

Section 26. Until the Parliament otherwise provides, the qualifications of electors of members of the House of Representatives in the several Provinces shall be the same as the qualifications for electors of members of the House of Assembly in the corresponding Colonies at the passing of this Act. (A.30)

Application of existing Laws to Elections

Section 27. Until the Parliament otherwise provides, but subject to this Act, the laws in force in each Colony at the passing of this Act relating to elections for the House of Assembly of such Colony shall, as nearly as practicable, apply to elections in the corresponding Province or Provinces of Senators and members of the House of Representatives.

Writs for General Election

Section 28. The Governor-General-in-Council may cause writs to be issued for General Elections of members of the House of Representatives.

After the first General Election the writs shall be issued

within ten days from the expiry of the House of Representatives or from the proclamation of a dissolution thereof. (A.32)

Writs for vacancies

Section 29. Whenever a vacancy happens in the House of Representatives, the Speaker shall inform the Governor-General thereof and the Governor-General-in-Council thereupon take the necessary steps for filling such vacancy. (Tr.23)

Qualifications of members

Section 30. Until Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be as follows:

(1) He must be of the full age of 21 years and must be an elector entitled to vote at the election of members of the House of Representatives, or a person qualified to become such an elector, and must have been for three years at least resident within the limits of the Union as existing at the time when he was chosen;

(2) He must be a subject of the Colony, either natural born or for at least five years naturalized under a Law or Convention of the United Kingdom, or of a Colony which has become or becomes a Province, or of the Union. (A.34)

Election of Speaker

Section 31. The House of Representatives shall, before proceeding to the despatch of any other business, choose a member to be the Speaker of the House, and as often as the office of Speaker becomes vacant the House shall again choose a member to be the Speaker.

The Speaker shall cease to hold his office if he ceases to be a member. He may be removed from office by a vote of the House, or he may resign his office or his seat by writing addressed to the Governor-General. (A.35)

Absence of Speaker

Section 32. Before or during any absence of the Speaker, the House of Representatives may choose a member to perform his duties in his absence. (A.36)

Resignation of member

Section 33. A member may by writing addressed to the Speaker or to the Governor-General if there is no Speaker, or if the Speaker is absent from the Union, resign his place, which thereupon shall become vacant. (A.37)

Vacancy by absence

Section 34. The place of a member shall become vacant if for two consecutive months of any session of Parliament he, without the permission of the House, fails to attend the House. (A.38)

Quorum

Section 35. Until the Parliament otherwise provides the presence of at least one-third of the whole number of the members of the House of Representatives shall be necessary to constitute a meeting of the House for the exercise of its powers. (A.39)

Voting in House

Section 36. Questions arising in the House of Representatives shall be determined by a majority of votes other than that of the Speaker. The Speaker shall not vote unless the numbers are equal, and then he shall have a casting-vote. (A.40)

*Part IV. Both Houses of Parliament**Electoral Areas*

Section 37. Until the Parliament otherwise provides, a Census of the white population of the Union shall be taken immediately after the passing of this Act by the Governors in Council of the Colonies and every tenth (fifth) year thereafter by the Governor-General-in-Council. As soon as the first Census after the passing of this Act is complete, the Provinces shall be divided into Electoral Areas for the elections of Senators and members of the House of Representatives respectively.

For the purpose of electing Senators the Western and Eastern Provinces of the Cape of Good Hope shall, subject to any law of the Parliament each be considered as one

Electoral Area, while the Transvaal, Natal and Orange Province shall each be divided, on the basis of population, into two electoral areas, and each such electoral area shall return six Senators on the principle of proportional representation as defined in Schedule 2. For the purpose of electing members of the House of Representatives each Province shall, subject to any law of the Parliament, be divided, on the basis of population, into electoral areas each of which shall return four members to the House of Representatives on the same principle.

Section 38. The first division shall be carried out by five Commissioners to be agreed upon by the Governments of the Colonies after the passing of this Act, and in default of such agreement to be nominated by the King-in-Council, and shall further be in accordance with the instructions contained in Schedule 3 to this Act.

A list of the electoral areas for both Houses of the Parliament when defined and named by the Commissioners for each Province shall be proclaimed by the Governor-General and each such area shall return one member of the House of Representatives.

A Voters' Roll shall be prepared in respect of each such electoral area. (A.24)

Section 39. Until the Parliament otherwise provides, the Union shall, on the completion of each decennial (quinquennial) period, be re-divided into electoral areas for the purpose of electing members of the Senate and the House of Representatives. The Governor-General-in-Council shall appoint five Commissioners to effect such re-division, and may, on the death, resignation or absence from the Union, of any of the Commissioners appoint another Commissioner, and any person so appointed shall have all the duties of the Commissioner in whose place he is appointed. Unless the Parliament otherwise provides the Commissioners shall for the purpose of such re-division proceed in accordance with the instructions contained in Schedule 3 to this Act. (Tr.50)

Section 40. The Commissioners shall submit to the Governor-General-in-Council:

- (a) a list of electoral divisions for both Houses of the

Parliament with the names given to them by the Commissioners, and a description of the boundaries of every such division;

(b) a map or maps shewing the electoral divisions into which the Union has been divided;

(c) such further particulars as they consider necessary.

The Governor-General-in-Council may refer to the Commissioners for their consideration any matter relating to such list or assigned within the powers or duties of the Commissioners.

The Governor-General-in-Council shall publish the names and boundaries of the electoral divisions, as finally settled by the Commissioners in the Gazette of the Union, and thereafter until there shall be another re-division, the electoral divisions so named and defined shall be the electoral divisions of the Union.

If any discrepancy shall arise between the description of the divisions and the aforesaid map or maps, the description shall prevail. (Tr. 16)

Section 41. Any re-division of the Union made as aforesaid shall come into operation at the next General Election held after the completion of the re-division, and not earlier. (Tr.17)

Oath or affirmation of allegiance

Section 42. Every Senator and every member of the House of Representatives shall, before taking a seat, make and prescribe before the President or Speaker respectively or some person authorized by the Governor-General, the following Oath or affirmation of Allegiance:—

‘I, A.B. do solemnly and sincerely swear that I will be faithful and bear true allegiance to His Majesty King Edward VII, his heirs and successors, according to Law, so help me God’

provided that any person may make a solemn affirmation or declaration instead of taking an Oath.

Member of one House not eligible for the other

Section 43. A member of either House of the Parliament shall be incapable of being chosen or of sitting as a member of the other House. (A.43)

Disqualification

Section 44. Any person who—

(1) is under any acknowledgment of allegiance, obedience or adherence to a Foreign Power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a Foreign Power: or

(2) is attainted of treason, or has been convicted or is under sentence, or subject to be sentenced, for any offence punishable under the law of the Union, or of a Province, by imprisonment for one year or longer: or

(3) is an undischarged bankrupt or insolvent: or

(4) holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the Revenues of the Union: or

(5) has any direct or indirect pecuniary interest in any agreement with the Public Service of the Union otherwise than as a member and in common with other members of any incorporated company consisting of more than twenty-five persons—

shall be incapable of being chosen or of sitting as a Senator or a member of the House of Representatives.

Sub-section (4) does not apply to the office of any of the King's Ministers of State for the Union, or any person who is remunerated out of the Public Revenues for any of the services described in Schedule 6 to this Act. (Tr. Act 1/1907; A.44)

Vacancy on happening of disqualification

Section 45. If a Senator or member of the House of Representatives—

(1) becomes subject to any of the disabilities mentioned in the last preceding section: or

(2) takes the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors: or

(3) directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Union other than

services excepted in the preceding section, or for services rendered in the Parliament to any person or Province—
his place shall thereupon become vacant. (A.45)

Penalty for sitting when disqualified

Section 46. Until the Parliament otherwise provides, any person declared by this Act to be incapable of sitting as a Senator or as a member of the House of Representatives shall, for every day on which he so sits, be liable to pay the sum of £100 to any person who sues for it in any Court of competent jurisdiction. (A.46)

Disputed elections

Section 47. Until the Parliament otherwise provides, any question respecting the qualification of a Senator or of a member of the House of Representatives, or respecting a vacancy in either House of Parliament, and any question of a disputed election to either House, shall be determined by the Supreme Court of the Union. (A.47)

Allowance to members

Section 48. Until the Parliament otherwise provides, each Senator and each member of the House of Representatives shall receive an allowance of £400 a year, to be reckoned from the day on which he takes his seat. (A.48)

Privileges, etc. of House

Section 49. The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom and of its members and committees before the establishment of the Union. (A.49)

Rules and Orders

Section 50. Each House of the Parliament may make rules and orders with respect to—

(1) the mode in which its powers, privileges and immunities may be exercised and upheld;

(2) the order and conduct of its business and proceedings, either separately or jointly, with the other House.

Ministers right to speak in both Houses

Section 51. Every Minister who is a member of either House of the Parliament shall have the right to sit and speak both in the Senate and the House of Representatives, but shall only vote in the Senate or House (as the case may be) of which he is a member.

III. EXECUTIVE GOVERNMENT

Executive power

Section 52. The executive power of the Union is vested in the King and is exercisable by the Governor-General as the King's representative and extends to the execution and maintenance of this Constitution, and of the laws of the Union. (A.61)

Executive Council

Section 53. There shall be an Executive Council to advise the Governor-General in the government of the Union, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors and shall hold office during his pleasure. (A.62)

Governor-General-in-Council

Section 54. The provisions of this Act referring to the Governor-General-in-Council shall be construed as referring to the Governor-General acting with the advice of the Executive Council. (A.63)

Ministers of State

Section 55. The Governor-General may appoint officers to administer such Departments of State of the Union as the Governor-General-in-Council may establish.

Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Executive Council and shall be the Ministers of State for the Union. (A.64)

Number of Ministers

Section 56. Until the Parliament otherwise provides Ministers of State shall not exceed eight in number, and shall hold such office as the Parliament prescribes, or, in the absence of provision, as the Governor-General directs. (A.65)

Appointment of Civil Servants

Section 57. Until the Parliament otherwise provides, the appointment and removal of all other officers of the Executive Government of the Union shall be vested in the Governor-General-in-Council, unless the appointment is vested by the Governor-General-in-Council or by a law of the Union to some other authority. (A.67)

Command of Naval and Military Forces

Section 58. The command-in-chief of the Naval and Military Forces of the Union is vested in the Governor-General as the King's representative. (A.68)

Transfer of Departments

Section 59. The Governor-General may from time to time after the establishment of the Union by proclamation fix the date or dates on which any Department or branch of the Public Service in each Province shall become transferred to the Union.

But the following Departments in each Province shall become transferred to the Union on its establishment:—

- Railways and Harbours
- Customs and Excise
- Posts, Telegraphs and Telephones
- Naval and Military Defence
- Natives
- External Relations
- Immigration
- Quarantine. (A.69)

Certain powers of Governors to vest in Governor-General

Section 60. In respect of matters which, under this Constitution, pass to the Executive Government of the Union, all powers and functions which at the establishment of the Union are vested in the Governor of a Colony, or in the Governor

of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General-in-Council, or in the authority exercising similar powers under the Union, as the case requires. (A.70)

The Capital

Section 61. The capital of the Union and the seat of the Executive Government shall be situated at. . . .

IV. THE PROVINCIAL CONSTITUTIONS

I. Provincial Legislature

Legislative Assembly

Section 62. There shall be a Legislature for each Province consisting of the Lieutenant-Governor and one House called the Legislative Assembly of the Province.

The Legislative Assembly of a Province shall be composed of the same number of members as represent the Province in the House of Representatives, and the limits of the electoral areas for electing such members shall be identical with those of the electoral areas for the election of members of the House of Representatives.

Summoning of Legislative Assembly

Section 63. The Legislature of each Province shall be called together not later than six months after the establishment of the Union.

The Lieutenant-Governor of each Province shall from time to time, by instrument under the great seal of the Province, summon and call together the Legislative Assembly of the Province. (C.82)

Duration of Legislative Assembly

Section 64. The Legislative Assembly of a Province shall continue for five years from the date of the return of the writs for electing the same (subject nevertheless to the Legislative Assembly being sooner dissolved by the Lieutenant-Governor of the Province) and no longer. (C.85)

Yearly session of Legislative Assembly

Section 65. There shall be a session of the Legislative Assembly of a Province once at least in every year so that 12 months shall not intervene between the last sitting of the Legislative Assembly of a Province in one session and its first sitting in the next session. (C.86)

Colonial Constitution and Laws to remain in force

Section 66. Subject to this Act and to any Laws made by the Parliament of the Legislature of a Province the Constitution of a Colony as existing at the establishment of the Union shall remain in force for the corresponding Province or Provinces and all laws which on the establishment of the Union are in force in such Colony relative to any of the following matters:— the qualifications and disqualifications of persons to be elected to sit and vote as members of the Legislative Assembly; the qualifications and disqualifications of voters; the Returning Officers, their powers and duties; the proceedings at elections; the periods during which such elections may be continued; the trial of controverted elections and the proceedings incident thereto; the vacating of the seats of members and the issuing and execution of new writs in case of seats vacated otherwise than by dissolution shall remain in force for the corresponding Province or Provinces. (C.84)

Speaker, Quorum, etc.

Section 67. The following provisions of this Act respecting the House of Representatives shall extend and apply to the Legislative Assembly of each Province, that is to say—the provisions relating to the election of a Speaker, originally and on vacancy, the duties of the Speaker, the absence of the Speaker, the quorum, and the mode of voting, as if its provisions were here re-enacted and made applicable in terms to each Legislative Assembly. (C.87)

*2. Provincial Executive**Appointment of Lieutenant-Governor*

Section 68. For each Province there shall be an officer, styled the Lieutenant-Governor, appointed by the Governor-

General-in-Council by instrument under the Great Seal of South Africa. (C.58)

Tenure of office of Lieutenant-Governor

Section 69. The Lieutenant-Governor shall hold office during the pleasure of the Governor-General-in-Council; but no Lieutenant-Governor shall be removable within five years from his appointment except for cause assigned which shall be communicated to him in writing within one month after the order for his removal is made, and shall be communicated by message to the Senate of the House of Representatives within one week thereafter if Parliament is then sitting, and if not then within one week after the commencement of the next session of Parliament. (C.59)

Salaries of Lieutenant-Governors

Section 70. The salaries of Lieutenant-Governors shall be fixed and provided by the Parliament. (C.60)

Oaths, etc. of Lieutenant-Governor

Section 71. Every Lieutenant-Governor shall before assuming the duties of this office, make and subscribe before the Governor-General or some persons authorized by him, Oaths of Allegiance and Office similar to those taken by the Governor-General. (C.61)

Application of provisions referring to Lieutenant-Governor

Section 72. The provisions of this Act referring to the Lieutenant-Governor extend and apply to the Lieutenant-Governor for the time being of each Province or otherwise the chief executive officer or administrator for the time being carrying on the Government of the Province by whatever title he is designated. (C.62)

Certain powers of Governors to vest in Lieutenant-Governor

Section 73. In respect of matters which, under this Constitution, pass to the Executive Government of a Province, all powers and functions which at the establishment of the Union are vested in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony,

shall vest in the Lieutenant-Governor or in the Lieutenant-Governor in Council, or in the authority exercising similar powers in the Province, as the case requires. (A.70. C.65)

Lieutenant-Governor-in-Council

Section 74. The provisions of this Act referring to the Lieutenant-Governor-in-Council shall be construed as referring to the Lieutenant-Governor of the Province acting by and with the advice of the Executive Council thereof. (C.66)

Administration in absence, etc. of Lieutenant-Governor

Section 75. The Governor-General-in-Council may from time to time appoint an Administrator to execute the office and functions of the Lieutenant-Governor during his absence, illness or other inability. (C.67)

Capitals of Provinces

Section 76. Unless and until the Executive Government of a Province otherwise directs, with respect to that Province, the seats of Government of the Provinces shall be as follows, namely:—

Of the Western Province of the Cape of Good Hope, Cape Town;

Of the Eastern Province of the Cape of Good Hope, Port Elizabeth;

Of the Transvaal, Pretoria;

Of the Orange Province, Bloemfontein;

Of Natal, Pietermaritzburg. (C.68)

V. LEGISLATIVE POWER

Legislative power of Parliament

Section 77. The Parliament shall have power to make laws for the peace, order, and good government of South Africa.

Legislative power of Provincial Legislature

Section 78. A Provincial Legislature shall have power to make laws for the peace, order, and good government of a Province in relation to all matters of a merely local or private nature in the Provinces.

Section 79. Until the Parliament exercises its power of legislation in relation to any matters affecting the Union, the Provincial Legislatures shall have power to legislate on such matters for their respective Provinces.

Laws of Parliament to prevail

Section 80. Whenever any law passed by a Provincial Legislature comes into conflict with a Law passed by the Parliament and it is doubtful whether the former is of a merely local or private nature, the latter shall prevail.

Colonial laws to remain in force until altered

Section 81. Subject to the provisions of this Act the laws existing in the Colonies at the establishment of the Union shall continue in force in the corresponding Provinces until altered by the Provincial Legislatures or by the Parliament.

Parliament may delegate legislative power

Section 82. It shall be lawful for the Parliament at any time after it has assumed power of legislation in respect of any matters to delegate to any Provincial Legislature the power to pass further legislation for the Province in reference to such matters.

Restriction of alteration of some laws

Section 83. The laws mentioned in the Fourth Schedule to this Act shall not be alterable either by the Parliament or a Provincial Legislature without the concurrence of the other.

Matters withdrawn from Provincial Legislatures

Section 84. The following matters shall be withdrawn from the legislative power of the Provincial Legislatures as from the establishment of the Union and shall fall within the exclusive legislative power of the Parliament:—

1. Matters relating to any Department of the Public Service, the control of which is by this Act transferred to the Executive Government of the Union;

2. Other matters declared by this Act to be within the exclusive power of the Parliament.

Money Bills to originate in House of Representatives

Section 85. All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty or impost, shall originate in the House of Representatives. (Tr.55)

Senate not to alter Money Bills

Section 86. The Senate may either accept or reject any Money Bill passed by the Legislative Assembly, but may not alter it. (Tr.56)

Taxation or appropriation to be recommended by Governor-General

Section 87. It shall not be lawful for the House of Representatives to pass any law, vote or resolution which shall have the effect of appropriating any part of our Revenue within the Union or of imposing any rate, tax or duty unless such law, vote or resolution has been first recommended to the House by message of the Governor-General during the Session in which it is proposed. (Tr.57)

Disagreement between Houses

Section 88. If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if the House of Representatives in the next Session again passes the proposed law with or without any amendments which may have been made, suggested or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may during that Session convene a joint sitting of the members of the Senate and the House of Representatives in the manner hereinafter provided, or may simultaneously dissolve the Senate and the House of Representatives, but such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

If, after such dissolution, the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested or agreed to by the

Senate, and the Senate rejects, or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the members of the Senate and the House of Representatives, at which the Speaker of the House of Representatives shall preside.

The members present at any joint sitting, convened under either of the preceding paragraphs, may deliberate, and shall vote together upon the proposed law, as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are returned by an absolute majority of the total number of the members of the Senate and the House of Representatives shall be taken to have been carried and if the proposed law with the amendments, if any, so carried is returned by an absolute majority of the total number of the members of the Senate and the House of Representatives, it shall be taken to have been duly passed by both Houses of Parliament and shall be presented to the Governor-General for the King's assent. (A.57. Tr.37)

Assent to Bills

Section 89. When a proposed law passed by both Houses of Parliament is presented to the Governor-General for the King's assent he shall declare, according to his discretion, but subject to this Constitution, that he assents in the King's name, or that he withholds assent or that he reserves the law for the King's pleasure.

Recommendations by Governor-General

The Governor-General may return to the House in which it originated any proposed law so presented to him, and may transmit therewith any amendments which he may recommend, and the House may deal with the recommendation.

Disallowance by the King

Section 90. The King may disallow any law within one year from the Governor-General's assent and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of the Parliament, or by

proclamation, shall annul the Law from the day when the disallowance is so made known. (A.59)

Section 91. A proposed law reserved for the King's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the King's assent the Governor-General makes known, by speech or message to each of the Houses of Parliament, or by proclamation, that it has received the King's assent.

VI. THE JUDICATURE

A Supreme Court of South Africa

Section 92. There shall be a Supreme Court of South Africa consisting of a Chief Justice and so many other Justices, not less than two, as the Parliament prescribes. (A.71)

Colonial Supreme Courts and High Courts Become High Courts and District Courts respectively of Provinces

Section 93. The Supreme Courts and High Courts of the Colonies existing at the establishment of the Union shall become the High Courts and District Courts respectively of the Union for the Provinces or parts of Provinces where they are situated and exercise jurisdiction.

All Justices of the Supreme Courts and High Courts of the Colony in office at the establishment of the Union shall become officers of the Union.

Existing laws to apply to High Courts and District Courts

Section 94. The Parliament may make laws in regard to the High Courts and District Courts for the Provinces and pending such legislation the laws in regard to the Supreme Courts and High Courts of the Colonies existing at the establishment of the Union shall *mutatis mutandis* apply to such High Courts and District Courts respectively.

Appointment and removal of Justices

Section 95. After the establishment of the Union the Governor-General-in-Council shall appoint the Justices of the Supreme Court of South Africa and of the High Courts and District Courts for the Provinces or any Territories of the

Union. The Justices of the Supreme Court of the Union and of the High Courts and District Courts for the Provinces or Territories—

(1) shall not be removed except by the Governor-General-in-Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity;

(2) shall receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during their continuance in office.

Appeals to the Supreme Court

Section 96. The Supreme Court of South Africa shall have exclusive jurisdiction, with any exceptions or subject to any restrictions which Parliament may prescribe, to hear and determine appeals from any judgments, decrees, orders and sentences of the High Courts of the Provinces, and the judgment of the Supreme Court in all such cases shall be final and conclusive.

Until the Parliament otherwise provides the conditions and restrictions on appeals to the King in Council from the Supreme Courts of the Colonies shall be applicable to appeals from them to the Supreme Court of South Africa, provided that, unless the Parliament otherwise provides, no judgment, decree, order or sentence shall be appealed from, the subject matter of which is not of the value of £500 or more.

Appeals to Privy Council

Section 97. This Act shall not impair any right which the King may be pleased to exercise by virtue of his Royal Prerogative to grant special leave of appeal from the Supreme Court of South Africa to His Majesty in Council. The Parliament may make laws limiting the matters in which such leave may be asked but proposed laws containing any such limitation shall be reserved by the Governor-General for His Majesty's pleasure. (A.74)

Original jurisdiction of the Supreme Court

Section 82. In all matters—

(1) arising under any treaty;

(2) affecting Consuls or other representatives of other countries;

(3) in which the Union or a person suing or being sued on behalf of the Union is a party;

(4) between Provinces or between residents of different Provinces or between a Province and a resident in another Province;

(5) in which a writ of mandamus or prohibition or an injunction is sought against an officer of the Union—

the Supreme Court of South Africa shall have original jurisdiction. (A.75)

Additional original jurisdiction

Section 99. The Parliament may make laws conferring original jurisdiction of the Supreme Court of South Africa in any matter—

(1) arising under this Constitution or involving its interpretation;

(2) arising under any laws made by the Parliament;

(3) of all Admiralty and maritime jurisdiction;

(4) relating to the same subject matter claimed under the laws of different Provinces. (A.76)

Proceedings against Union or Province

Section 100. The Parliament may make laws conferring rights to proceed against the Union or a Province in respect of matters within the limits of the judicial power.

Trial by jury

Section 101. The trial on indictment of any offence against any law of the Union, shall be by jury and every such trial shall be held in the Province where the offence was committed and if the offence was not committed within any Province the trial shall be held at such place or places as the Parliament prescribes. (A.80)

Section 102. The advocates and attorneys on the Rolls of the Supreme Courts of the Colonies at the establishment of the Union may on taking the Oaths of Allegiance and Office

become advocates and attorneys respectively of the Supreme Court of South Africa.

VII. FINANCE AND TRADE

Consolidated Revenue Fund

Section 103. All duties and revenues over which the Legislatures of the Colonies before and at the establishment of the Union have power of appropriation, except such portions thereof as under this Act become appropriable by the Legislatures of the Provinces, or are raised by them in accordance with the powers conferred on them by this Act, and all revenues or moneys raised or received by the Executive Government of the Union shall form one Consolidated Revenue Fund, to be appropriated for purposes of the Union in the manner and subject to the charges and liabilities imposed by this Act. (A.81. C.102)

Expenditure charged thereunder

Section 104. The costs, charges, and expenses incident to the collection, management, and receipt of the Consolidated Revenue Fund shall form the first charge thereunder; and the revenue of the Union shall in the first instance be applied to the payment of the expenditure of the Union. (A.82)

Money to be appropriated by law

Section 105. No money shall be drawn from the Treasury of the Union except under appropriation made by law.

But until the expiration of one month after the first meeting of the Parliament the Governor-General-in-Council may draw from the Treasury and expend such moneys as may be necessary for the maintenance of any Department transferred to the Union, and for the holding of the first elections for the Parliament. (A.83)

Provincial Consolidated Revenue Fund

Section 106. Such portion of the duties and revenues over which the Colonial Legislatures had, before the establishment of the Union, power of appropriation, as belong under this Act to the Provincial Legislatures, and all duties and revenues

raised by them in accordance with their powers under this Act, shall in each Province form a Consolidated Revenue Fund to be appropriated for the Public Service of the Province.

Taking over of national debts

Section 107. The Union shall be liable for the national debts and liabilities of each Colony coming into the Union and the annual interest of the said debts shall form the second charge on the Consolidated Revenue Fund of the Union. Half of the municipal debts and liabilities of those capitals of the Colonies entering the Union which did not become the capital of the Union shall be taken over by the Union.

Transfer of assets and securities

Section 108. All stocks, cash, bankers' balances, and securities for money belonging to each Colony on the establishment of the Union, shall become the property of the Union and shall be taken in reduction of the amount of the Colonial debts and liabilities taken over by the Union. (C.107)

Transfer of property in Schedule Five

Section 109. The public works and property of each Province enumerated in the Fifth Schedule to this Act shall be the property of the Union. (C.108)

Mines, etc. belong to Union

Section 110. All mines, minerals and mining royalties and revenues in the Colonies shall belong to the Union, subject to any interest other than that of any Colony in the same. (C.109)

Form of payments

Section 111. All payments to be made under this Act or in discharge of liabilities taken over under this Act by the Union shall, until the Parliament otherwise provides, be made in such form and manner as may from time to time be ordered by the Governor-General-in-Council. (C.120)

Financial assistance to Provinces

Section 112. The Parliament may grant financial assistance to any Province on such terms and conditions as the Parliament thinks fit. (A.96)

Audit

Section 113. Until the Parliament otherwise provides, the laws in force in any Colony which has become or becomes a Province or Provinces with respect to the receipt of revenue and the expenditure of money on account of the Government of the Colony, and the review and audit of such receipt and expenditure, shall apply to the receipt of revenue and expenditure of money on account of the Union in the Provinces in the same manner as if the Union or the Government of an office of the Union were mentioned whenever the Union, or the Government of an office of the Colony, is mentioned. (A.97)

Transfer of property with Departments

Section 114. When any Department of the Public Service of a Province is transferred to the Union, all the property of the Province of any kind, used in connection with the Department, shall become vested in the Union, and the Union shall assume the current obligations of the Province in respect of the Department transferred. (A.85)

South African Free Trade

Section 115. All articles of the growth, produce or manufacture of any one of the Provinces shall, from and after the establishment of the Union, be admitted free into each of the other Provinces. (C.121)

Customs and Excise Laws

Section 116. The Customs and Excise Laws of the Union shall, subject to the provisions of this Act, continue in force until altered by the Parliament. (C.122)

Exemption of public lands, etc.

Section 117. No Lands or property belonging to the Union or any Province shall be liable to taxation. (C.125)

The Railway Board

Section 118. The Minister in charge of the Department of Railways and Harbours shall be advised by a Railway Board on which the Lieutenant-Governor-in-Council of each Province shall have the right to nominate a member.

The members of the Railway Board shall be appointed by the Governor-General-in-Council, shall hold office for five years, but may be removed within that time by the Governor-General-in-Council, on an address from both Houses of the Parliament in the same session praying for such removal on the ground of proved misbehaviour or incapacity; and shall receive such remuneration as the Parliament may fix; but such remuneration shall not be diminished during their continuance in office.

Railways run on commercial lines

Section 119. The Railways of the Union shall be run on commercial lines as a business undertaking with a view solely to the development of the territory and resources of the Union.

Railway rates shall be so arranged as to reduce the burden of transportation and the cost of living to the people of the inland Provinces.

Railway rates shall be so regulated from time to time that the net railway revenue does not exceed the amount of interest and sinking fund payable on the total railway capital.

No preferential railway rates

Section 120. No preferential or discriminating railway rates shall be maintained or imposed in future which are unreasonable or unjust to any Province, provided that no preference or discrimination shall, within the meaning of this Section, be taken to be unreasonable or unjust to any Province unless so adjudged by the Court of Arbitration hereinafter mentioned.

Court of Arbitration

Section 121. Should the Government of any Province complain to the Executive Government of the Union that the provisions of the last two preceding Sections are not observed and demand the appointment of a Court of Arbitration, the Governor-General-in-Council shall appoint such Court, consisting of a Justice of the Supreme Court as Chairman, and two other members, one of whom shall be appointed on the nomination of the complaining Government. The Court shall have full power to compel the attendance of witnesses and the production of evidence and its decision on the matters in dis-

pute shall be final and binding on the Railway Administration.

VIII. NATIVES

Governor-General paramount chief of Natives

Section 122. The Governor-General shall be the Paramount Chief over all Chiefs of Natives in South Africa and shall, on the advice of the Executive Council, exercise all power and authority at the establishment of the Union vested in the Governors of the Colonies or His Majesty's High Commissioner for South Africa in that behalf.

Governor-General has Legislative power over Natives

Section 123. The Governor-General-in-Council shall possess and exercise all legislative power in respect of all Natives and Native territories which are at the establishment of the Union directly administered by His Majesty's High Commissioner for South Africa and may thereon or thereafter be admitted into the Union. This Section shall also extend to Zululand and the Transkei.

Native Conferences

Section 124. The Governor-General-in-Council may at any time summon an assembly of Native chiefs, and also if it shall seem expedient, of other persons having special knowledge and experience in Native affairs, to discuss with the Governor-General, or such representative as the Governor-General-in-Council may appoint, any matters concerning the administration of Native affairs or the interests of Natives, and the Governor-General-in-Council shall consider any reports or representations submitted to him by any such assembly, and shall take such action thereupon as may seem necessary or proper. (Tr.57)

Native Locations inalienable

Section 125. No lands which have been, or may hereafter be, set aside for the occupation of Natives, shall be alienated or in any way diverted from the purpose for which they are set apart otherwise than in accordance with a law passed by the Parliament.

IX. NEW PROVINCES AND TERRITORIES

New Provinces

Section 126. The Parliament may admit to the Union or establish new Provinces and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit. (A.121)

Government of Territories

Section 127. Subject to the provisions of this Act the Parliament may make laws for the Government of any territory surrendered by any Province to and accepted by the Union, or of any territory placed by the King under the authority of and accepted by the Union, or otherwise acquired by the Union, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit. (A.122)

Alteration of limits of Provinces

Section 128. The Parliament may, with the consent of the Legislature of a Province, increase, diminish or otherwise alter the limits of the Province, upon such terms and conditions as may be agreed on and may, with the like consent, make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any Province affected. (A.123)

Formation of new Provinces

Section 129. A new Province may be formed by separation from the territory of a Province, but only with the consent of the Legislature thereof, and a new Province may be formed by the Union of two or more Provinces or parts of Provinces, but only with the consent of the Legislatures of the Provinces affected.

X. MISCELLANEOUS

Transfer of Civil Servants to the Union

Section 130. Until the Parliament otherwise provides all officers of the Colonies or Provinces having duties to discharge

in relation to matters other than those coming under the jurisdiction of the Legislatures of the Provinces, shall be officers of the Union and shall continue to discharge the duties of their respective offices under the same liabilities, responsibilities and penalties, and shall remain entitled to the same rights and benefits, as if the Union had not been made. (C.130)

Treaty obligations

Section 131. The treaty rights and obligations of any Colony entering the Union shall be taken over by the Union and the Parliament and Government of the Union shall have all powers necessary or proper for performing the obligations of the Union and any Province thereof as part of the British Empire towards foreign countries arising under such treaties.

Use of English and Dutch languages

Section 132. Either the English or the Dutch language may be used by any person in the debates of the Houses of the Parliament; and both those languages shall be used in the respective records and journals of those Houses, and either of those languages may be used by any person or in any pleading or process in or issuing from the Supreme Court of South Africa or the High Courts and District Courts for the Provinces.

The Acts of the Parliament shall be printed and published in both those languages. (C.133)

Alteration of this Act

Section 133. This Act shall not be altered except by a law of the Parliament which has been passed by an absolute majority of both Houses of the Parliament, and which has been approved by the Legislatures of any Provinces directly affected by the alteration.

399 To J. X. Merriman

Vol. 6, no. 96

Colonial Secretary's Office

Pretoria, Transvaal

29 August 1908

My dear Mr Merriman, I have just dictated the main results of my cogitations on the subject of closer union and send you

a copy for your consideration. The paper represents merely my own personal opinions. It aims at a form of union which is really unification, but leaves sufficient to provincial bodies to carry local feeling with us and to prevent the overloading of the central authority with detail work. The part of the scheme which is novel refers to the elastic definition of the provinces of the central and local authority. After careful thought I consider my idea better in theory and more likely to prove workable in practice than the models of America and Australia. The arrangement of constituencies on a population basis is intended to meet our Oppositions which will I fear insist on the voters' basis as settled in the Constitutions of the Transvaal and Orange River Colony. I am sending copies also to President Steyn and Chief Justice de Villiers for their remarks. You are at liberty to show it to such friends (delegates to the Convention) as you deem proper. For the rest it is really confidential. If the main ideas are approved, I am prepared to proceed with the drafting of a Constitution on the lines sketched¹ especially as some such basis as a draft Bill will enormously expedite the work of the Convention, and time is very important in this matter.

Please therefore let me know your ideas as soon as convenient. If necessary I may yet run down to Cape Town to see you.

I feel much worried over your difficulties in Parliament and sincerely hope the strain of all this trouble will not sap your health or spoil your temper; all of both is needed for a greater job. Yours ever sincerely,

J. C. Smuts

ENCLOSURE

Highly Confidential

SUGGESTED SCHEME FOR SOUTH AFRICAN UNION

The question of South African political union presents many difficulties but the most fundamental of all centres round the question whether any, and what form of, local government should be permitted and provided for inside the Union. It is

¹ Smuts had already drafted a Constitution 'on the lines sketched'. See 398.

felt that to sweep away the present Colonial administrations and legislatures and to erect in their stead one common Parliament and Government for South Africa would not only meet with the most determined opposition from the people of the various Colonies but may also prove in the end an unworkable scheme, as it would overload the Central Parliament and Government with work with which, for many years to come, at any rate, they would not be able to cope, thus resulting in an administrative and legislative deadlock which might seriously retard the peaceful progress of South Africa.

On the other hand it is felt equally strongly that any form of political union must provide for a central authority which is supreme and whose supremacy is undisputed. The problem therefore is to devise a form of political union which will, as far as possible, leave in existence a substantial form of local administration and legislation to carry on the work with which a central authority could not usefully cope, and to erect, over and beside these local administrations, an undoubtedly supreme authority for all common concerns of South Africa as a whole.

The solution here suggested is as follows. An Act of the Imperial Parliament should be passed creating an indissoluble union of the various South African Colonies under the name of South Africa. The Union shall consist of five Provinces, namely, the Eastern and Western Provinces of the Cape of Good Hope, the Orange Province to which Griqualand West is added, the Transvaal to which Bechuanaland is added, and Natal. Any future Provinces or territories not of the status of Provinces may be established or admitted by the Parliament of the Union. The division of the Cape Colony into two Provinces is rendered absolutely necessary by its enormous area and the impossibility of any small local legislature coping with the diverse needs of so large an area and so scattered a community as that of the Cape Colony. The arrangements suggested would create within the area of the present Cape Colony two Provinces which would be somewhat larger than the present Orange River Colony, and somewhat smaller than the Transvaal, and would therefore tend as far as possible to equalize the Provinces in the Union.

The Central Parliament of the Union will consist of a

Senate and a House of Representatives. It would be advisable from many points of view to follow in regard to the Senate the precedent which has been laid down in the Constitutions of the United States and Canada and of Australia and to give equal representation in the Senate to all the existing South African Colonies. Such a step would not only be in accord with precedents but would materially smooth away the difficulties of the smaller Colonies in entering into a Union in which their influence will be considerably reduced. Taking the Senate as consisting of 48 members, this would mean that the Transvaal and Orange Provinces and Natal would each get 12 representatives therein, and the two Provinces of the Cape Colony would each get 6 members therein.

With regard to the representation of the Provinces in the other Chamber which it is proposed to call the House of Representatives, it is felt that it would be impossible to carry the principle of representation on the basis either of the total population or the registered voters of the Provinces, as that would be practically tantamount to the annexation by the Cape Colony of the rest of South Africa. The Cape Colony outnumbered the whole of the rest of South Africa both in white population and in registered voters. A compromise is therefore necessary and it seems that no fairer compromise would be possible than that which was originally adopted in the allocation of representation to the various Colonies at the Convention for closer union. That is to say, the allocation of representatives from the various Colonies must be, at any rate for some period of years (say twenty-five years) fixed arbitrarily and should be some multiple of their representation at the Union Convention. Taking the House of Representatives as consisting of 120 members, this means that the Cape Colony would get 48 for its whole area, or 24 for each of its Provinces, Natal and the Orange Province would get 20 members and the Transvaal would get 32 members.

It would be impossible for the Convention to settle the vexed question of a universal franchise law for the Union, which would involve the solution of the most difficult question of the Native franchise for the Union, and it is therefore proposed that until the Parliament of the Union deals with the matter the various franchise laws of the existing Colonies should

apply in the corresponding Provinces. The Dominion of Canada, although established in 1867, continued to work without a uniform franchise until 1885, and in the meantime all the elections for the Dominion Parliament were held under the varying franchise laws of the Provinces of the Dominion. In South Africa the need for letting well alone is even greater than it was in Canada.

Both the Senate and the House of Representatives will be elected bodies and the question arises as to the basis on which electoral areas ought to be settled in the various Provinces. In two of the present Colonies constituencies are based on the numbers of registered voters, while, in the remaining two, electoral areas have been settled on a more or less arbitrary basis. It is suggested that the most feasible course is to have electoral areas both for the Senate and the House of Representatives fixed on a population basis, which is a course intermediary between two extremes now obtaining in South Africa. A census of the white population would have to be held immediately after the passing of the Act of Union and thereafter every five or ten years, and Commissioners would have to be appointed to demarcate the Provinces into electoral areas. It is suggested that for the Senate an electoral area should return its members on some such principle as that of proportional representation which will ensure the representation of minorities. The Provinces of Natal, the Orange and the Transvaal would each be cut up into two electoral areas for this purpose whereas in the Cape Colony each Province would vote as one constituency; each such electoral area would return six Senators.

For the House of Representatives it is suggested that constituencies should each return four members, also on some principle of proportional representation in order to give some voice to minorities. The Commission would divide all the Provinces into electoral areas on this basis. Automatic redistribution will take place every five years or ten years according as the census is taken every five or ten years, and attempts at gerrymandering by political parties will be avoided as far as possible.

As regards the relations of the two Houses the ordinary principles of the British Constitution which are very clearly

laid down in the present Constitutions of the Transvaal and the Orange River Colony may be followed; and the machinery provided in these two Constitutions for preventing legislative deadlocks by making the two Houses vote together in cases of prolonged disagreement may also be usefully adopted.

The Provinces will have a legislature consisting of a Lieutenant-Governor appointed exactly as in Canada by the Governor-General-in-Council, and a House of Assembly containing the same number of members as represents the Province in the House of Representatives. That is to say, the Houses of Assembly of the Eastern and Western Provinces of the Cape of Good Hope will each contain 24 members and those of the Orange Province, Natal and the Transvaal will contain 20, 20 and 32 members respectively. Provinces will continue to be administered by Responsible Governments, although the number of Ministers may be very usefully reduced. For the rest the Colonial Constitutions and constitutional laws will remain unimpaired until altered by the local legislatures, or Parliament.

The next and the most difficult question of all is that of the allocation of powers between the Central Parliament and the local legislatures. The Constitutions of the United States, Canada and Australia provide for a separation of powers as between the two, but it is felt that such an arrangement is very difficult in itself, would be practically unworkable in South Africa and must be avoided at all costs. It is clear that for a long time to come a Central Parliament could only deal with a limited number of the most important of the common concerns of South Africa and would gladly leave all the rest to the local legislatures. The proper arrangement therefore seems to be not to create a hard and fast division of power at the outset but to provide for a large amount of elasticity in the Constitution, so that the Central Parliament may gradually assume more and more of the functions which properly belong to it without being saddled with all of them from the beginning. It would therefore be necessary to declare that the Central Parliament is the supreme legislative authority, that the local legislatures are the proper legislative authority for all matters of a merely local or private nature in the respective Provinces, that all matters in regard to which the Central Parliament has

not yet assumed power of legislation must continue to be dealt with by the local legislatures as heretofore, and that as the Central Parliament takes up a matter as the subject of legislation it becomes no longer possible for the local legislature to deal therewith, and finally that all laws of the local legislatures in conflict with any laws of the Central Parliament should be null and void. Under such an arrangement the Central Parliament could, as the years go on, gradually extend its sphere of legislation, and yet there would always be left quite sufficient work of an important character for the local legislatures to perform in respect of their Provinces. The value of this scheme is that it removes all doubt as to the supremacy of the Central Parliament, and at the same time it may leave in practice a larger field of operation to the local legislatures than is left to them either in Australia or in Canada.

It will however be necessary from the very outset in the Constitution to withdraw from the province of local legislation certain matters of very urgent common concern, such as railways and harbours, customs and excise, posts and telegraphs, naval and military defence, Natives, external relations, immigration etc., etc. To leave it possible for local legislatures to deal with these subjects might provoke the very conflicts which the Union is established to deal with in the present situation of South Africa. Again, a scheduled list of local laws will be unalterable without the concurrence of the local legislatures.

What is said here in regard to the relations of the Central Parliament and local legislatures would apply also to the central and local Governments. It would be unwise to overwhelm the central Government from the outset with a vast number of administrative questions, and it would be a far better course to leave a good deal of the administration of the Province to be carried on by the local Governments until the central Government feels itself fairly in the saddle. It seems therefore advisable to provide that the central Government shall from the outset deal only with a limited number of important South African questions, such as those just enumerated, and have the power from time to time to assume control of departments, which concern common South African interests. Here too the principle of elasticity would prevent an

administrative deadlock and would leave it free to the Government of the Union to consider larger questions of policy and development instead of being immersed in the administrative detail of a large number of departments.

The capitals of the Union and of the Eastern Province of the Cape of Good Hope would probably have to be settled in the Constitution.

It would be necessary to create a Supreme Court of South Africa which would not only be a Court of Appeal from the High Courts of the Provinces, which will take the place of the present Supreme Courts of the Colonies, but will also have original jurisdiction in a large number of questions arising under the Constitution or between the Provinces or residents of different Provinces, or under any special laws of the Central Parliament. It would be advisable to provide that all present Judges of the Supreme Courts of the Colonies should become officers of the Union, and that all the Superior Courts should also be Courts of the Union.

As regards the Natives, the Governor-General would be the paramount chief and would exercise, on the advice of the Executive Council the powers which have hitherto been vested in the Governors of the Colonies or in His Excellency the High Commissioner for South Africa.

The precedent of the Transkei might be usefully followed and the Governor-General-in-Council might be invested not only with administrative but also with legislative power over the various Native territories which are at present directly administered by the Governor-General-in-Council, and among these territories it might also be advisable to include the Transkei and Zululand, as being large Native reserves, very much on the same footing as Basutoland and Bechuana-land.

As regards finance it would be advisable for the Union to take over all the national debts of the Colonies, and also all the railways which are the principal assets corresponding to these debts. Customs would also immediately go to the Union and probably some other large sources of income out of which the interest and sinking-fund of the consolidated national debt would have to be met. Provision will have to be made for financial assistance to be given by the Union to the Provinces

in case the assumption of many sources of revenue by the Union would tend to cripple the finances of the Provinces.

The railways and harbours will have to be run by a Railway Board on which the Provinces are represented on commercial lines as a business undertaking with a view solely to the development of the territory and resources of the Union. Railway rates will have to be so regulated that the net annual revenue does not exceed the amount of interest and sinking-fund payable on the total railway capital. No preferential railway rates will be allowed which are unreasonable or unfair to any Province. In case the Government of a Province complains that any of these provisions have been broken a Court of Arbitration will be appointed to enquire into and decide on the matter, and its decision shall be binding on the Railway Administration.

The treaty obligations of any of the present Colonies will have to be respected by the Union.

Equal rights will have to be accorded to the English and Dutch languages in the Parliament and Law Courts of the Union.

Provision will have to be made with regard to the rights and the duties of Civil Servants transferred to the Union. And finally provision will have to be made for any alteration which may become necessary in the Constitution. It is suggested that such an alteration shall not be possible except by a law of the Central Parliament which has been passed by an absolute majority of both Houses of Parliament, and which has also been approved by the legislatures of any Provinces directly affected by the alteration.

400 From M. T. Steyn

Vol. 6, no. 84

Onzerust

3 September 1908

Zeer geachte Vriend, Uw brief met concept schema voor unificatie heb ik ontvangen. Mijn dank ervoor. Tot mijn leedwezen moet ik U verzoeken onze ontmoeting een weinig uit te stellen daar mijn vrouw nog zeer krank is. Ik kan mij grootelijks met uw schema vereenigen. Vele punten dienen echter zeer overwogen te worden. Met één kan ik U al dadelijk

zeggen ga ik in het geheel niet mee i.e. op punt van de taal. Ik meen wij moeten niet alleen gelijke rechten eischen in de hoven en parlementen maar ook in de *scholen* en in den *publieke dienst*. In andere woorden de Hollandsche taal moet ook tezamen met de Engelsche de officieele taal zijn.

Vergeet niet onze taal was eens de officieele taal van al de Kolonies. Door geweld alleen was zij van haar plaats gestoten. Voor geweld konden wij bukken, maar thans zal het ons eigen daad worden. Vrijwillig ga ik niet onze ras onder die van de ander partij stellen. Gelijkheid zal alleen ware vereeniging brengen. Het is onbegonnen werk om de landen te vereenigen als het volk verdeeld blijven. De taal is voor mij een van de kardinale punten. Met de hartelijkste groeten aan U beide van ons beide, Uw vriend,

M. T. Steyn

TRANSLATION

Onzerust

3 September 1908

Dear Friend, I have received your letter with the draft scheme of unification. My thanks for it. To my regret I must ask you to postpone our meeting a little as my wife is very ill. I am largely in agreement with your scheme. Many points, however, should be very seriously considered. I can say at once that I do not agree at all with one, i.e. the point about language. I think we should demand equal rights not only in the courts and parliaments but also in the *schools* and in the *public service*. In other words the Dutch language must be the official language together with English.

Do not forget that our language was once the official language of all the Colonies. Only by force was it pushed from its place. We could bow to force, but now it would become our own deed. I shall not voluntarily place our race below that of the other party. Only equality will bring true union. It is futile work to unify the countries if the people remain divided. For me language is one of the cardinal points. With heartiest greetings to you both, from both of us, Your friend,

M. T. Steyn

401 From J. H. de Villiers

Vol. 6, no. 5

Cape Town
5 September 1908

My dear Smuts, I have read your scheme of closer union with the greatest possible interest. For the greater part it embodies my own views but there are some details in regard to which I would suggest certain modifications.

Rather than divide Cape Colony into two Provinces I would—if your proposed allocation of powers is to be maintained—add a larger slice than Griqualand West to the Orange River Colony and, if possible, a larger slice than Bechuanaland to the Transvaal. A separation of Cape Colony into Eastern and Western Provinces would, I fear, revive all the old animosities which were stilled by the Seven Circles Act¹ and would accentuate the differences between the Dutch and English sections of our population. It would add greatly to the cost of administration by necessitating the appointment of an additional Lieutenant-Governor and an additional local Executive Government. If on the top of all the Provincial Governments and Parliaments there is to be a large federal Parliament and well-paid Ministry the expense of administration would be more than South Africa could bear. Moreover, if owing to its greater size, population, and importance the Cape Colony is to be divided, each of the Provinces would be entitled to equal representation with the other Provinces in the Senate.

In regard to the constitution of the Senate I would like you to consider whether the members for each Province should not be elected by the Provincial Council or Assembly of such Province. Such a scheme would give the local Councils one very important function to perform and help to reconcile the different Colonies to their local legislatures being shorn of many powers hitherto exercised by them.

In regard to the allocation of powers between the Central Parliament and local Assemblies your proposals seem to be well suited to the circumstances of South Africa. I am not sure, however, that it would be advisable to have a scheduled

¹ By this Act of 1874 the Cape Colony was divided into seven circles, each returning three members to the Legislative Council, in order to weaken the divisions between the Western and Eastern parts of the Colony.

list of local laws which are to be unalterable without the concurrence of the local Assemblies. If such a provision should be insisted upon as a *sine qua non* it might be adopted but it would be a serious limitation of the powers of the Central Parliament and might lead to great embarrassment in the future.

As to the title of the united Provinces you use the term 'Union' and it would be worth considering whether that should not be the official designation. It is rather a misuse of an abstract term but the same objection might be raised to the term 'Dominion'. You propose that the popular House should be styled the 'House of Representatives', but would not 'House of Commons' be more acceptable to English-speaking South Africans?

In regard to the representation of the Provinces in that House you say that it would be impossible to carry out the principle of representation on the basis either of the total population or the registered voters as that would be practically tantamount to the annexation by Cape Colony of the rest of South Africa. That view assumes that the Cape Colony is a homogeneous whole the parts of which are likely to act together as against the remainder of the Union, but is it not more likely that, when once the Union is in operation, the northern parts of this Colony will have a greater political affinity to their northern than to their southern neighbours? It is the unexpected that happens in politics and in framing a Constitution the safest course is to be absolutely fair and just to every section of the country without regard to the immediate effects on particular local interests or personal ambitions. If a basis of representation is to be ultimately established would it not be best to tackle the question at once and fix the basis in the Act for establishing the Union? This was done in Canada with excellent results. In this Colony the basis of registered voters has been objected to by some on the ground that it would give an unfair advantage to the Transvaal and Orange River Colony where manhood suffrage has been adopted. My answer has been that the advantage is counter-balanced by the fact that we admit Natives to the franchise but that even if it were otherwise the supposed advantage to the Transvaal and Orange River Colony should not stand in

the way of the adoption of a sound principle assuming it to be sound. In Canada population was made the basis of representation as determined by the official census every ten years, with power to make readjustments in such a manner that to the Province of Quebec should always be assigned sixty-five members. If the Native element of our population stands in the way of a similar settlement here might not the European population or the European registered voters be taken as the basis or, if this would not be fair to Natal, might not a definite number of Natives be fixed as the political equivalent of a single European ?

I am entirely at one with you as to the franchise question. This is one of those vexed questions which will probably have to be relegated to the future Parliament of the Union. It is, however, one of the few questions in regard to which the British Government would wish to have some guarantees. The Native franchise and the Native protectorates are the two matters on which they seem to feel strongly but I am inclined to think that they would not object to these matters being reserved to the Parliament of united South Africa. The only objection I heard in England was that such a Parliament would be too strong for the British Government to cope with but that is not an argument which would have much weight here.

I am glad that you favour proportional representation for the popular House. It is a novel principle but it seems to work well in Belgium and elsewhere. Unfortunately I have not been able to obtain any clear exposition of its actual working. It should be made as simple as possible so as to be 'understood of the people' and I hope you will be prepared with definite proposals.

You propose to have a Lieutenant-Governor, a House of Assembly and a small responsible Ministry for each of the Provinces. I confess this is a point which I find it more difficult to decide upon in my own mind than on any other. The expense is a great objection to your proposal but it is not the only or chief one. The effect would be to introduce federation pure and simple. A full-fledged legislature and responsible Ministry, however small, would never remain satisfied with very limited powers and instead of the powers

of the Central Parliament being gradually increased, as anticipated by you, the tendency would probably be the other way. In Canada, where the fathers of confederation were wise enough to reserve the residuum of power not specially provided for to the Federal Parliament, the Provincial Parliaments are continually seeking to encroach on the federal powers and the Courts of Law are busily employed in deciding constitutional questions between the federal and provincial Governments. Then as to the Lieutenant-Governors in Canada, they are generally men of little weight and standing but they insist upon gubernatorial honours and emoluments and they generally remain partisans of the Governments which appointed them. If, however, there are to be Lieutenant-Governors I would prefer their being appointed by the federal Government rather than by the Imperial Government as in Australia where they claim the right to represent the Sovereign directly. The ideal Constitution would be one under which all local affairs could be administered by an efficient Executive Officer appointed by the Central Government and assisted by a Provincial Assembly or Council with powers limited in the same way as the powers of Municipalities and Divisional Councils are now limited. If, however, we cannot get such an ideal Constitution we may attempt to come as near to such an ideal as the circumstances of South Africa will permit.

If the federal form of government should be adopted the Supreme Court will have to be invested with original jurisdiction in the classes of question mentioned by you. If, however, the Central Legislature should be made supreme with power to modify the Constitutions of the local Councils the ordinary Courts of Law would have jurisdiction to decide as to the exercise of their powers by the Councils just as Courts have now to decide as to the exercise of their powers by Municipalities and other local bodies. In regard to the judicial system for the whole of the Union I think it would be advisable for you to obtain in advance the opinions of your Judges. The Supreme Court of the Union will be the Appeal Court for South Africa, but an important question will arise whether there should be an intermediate appeal to the Supreme Courts of the different Provinces from Superior Courts presided over by single Judges.

I am so pleased with the general tenor of your memorandum that I almost feel it to be ungracious to have offered so many criticisms on it. There are several other matters on which I would have wished to write but my time is so fully occupied that I must leave them until we meet. In the meantime, Believe me, Yours sincerely,

J. H. de Villiers

402 From J. X. Merriman

Vol. 6, no. 38

Private

Treasury

Cape Town

7 September 1908

My dear Smuts, I am ever so much obliged to you for sending me your memorandum.

Pardon the rather scrappy nature of my remarks which have had to be evolved under fire, if I may say so. I should dearly like to talk matters over with you when the tyranny is overpast. With kind regards, Yours very truly,

John X. Merriman

403 Memo by J. X. Merriman

Merriman's memorandum on Smuts's 'Suggested Scheme for South African Union' is not attached to his letter. 403 is a copy of an undated document in Merriman's handwriting, which is among his papers in the South African Public Library, Cape Town (No. 159 of 1908).

MEMORANDUM ON MR SMUTS'S PAPER

1. I have read with great interest the suggested scheme for South African union, and would venture to offer the following criticisms and tentative suggestions.
2. I start from the assumption that the whole aim and object of the Convention is closer union—not the creation of some elaborate and costly machinery which while perpetuating local jealousies will superadd to them an entirely new set of differences.
3. The crying need of South Africa at the present moment is economy of administration. A very superficial study of the figures will serve to convince anyone in this respect.

4. Any proposed system that does not deal with this manifest evil is foredoomed to failure, and on the other hand success can only be achieved if we keep this vital matter steadily in view.

5. I am therefore of opinion that we should at the outset lay down the principle that there should be only one legislature in South Africa, that it should be supreme both over the Courts of Law and the local bodies that may hereafter be created.

6. I mean that the Legislature and not the Courts should lay down the law of the Constitution and that the Courts should be bound to administer the law so laid down without cavil or dispute. This is the Swiss system, as opposed to that of the United States, Canada and Australia where endless friction is caused by the power given to the Courts to override the Legislature in the interpretation of a written document.

7. I recognize the position taken up by Mr Smuts that there will be a reluctance in some communities to surrender certain rights. But surely this lies at the very root of the whole movement. No State makes a surrender, it merely merges itself in the common body for the general good of the whole of South Africa with the object of forming one strong political entity in the place of a bundle of jarring and wrangling little communities—extravagant and over-governed. In a word I am for 'unification' and I think that any form of government that approaches the federative model will increase rather than diminish the difficulties under which we now suffer.

8. At the same time I recognize that local administration must be provided for on broad and generous lines. There should be provincial councils and provincial executive officers who may be styled Presidents or Secretaries. To have a set of subordinate responsible 'ministers' with Lieutenant-Governors would simply perpetuate the ruinous extravagance that is now the vogue.

9. The power and the functions of these local councils will have to be very carefully considered. Primary education? health, agriculture, roads and bridges, Private Bill legislation (within limits). They should be empowered to issue ordinances subject to the veto of the central Government.

10. As to the constitution of the Central Legislature, I suppose we must follow the beaten track and have two Houses—though I confess that I hanker after a single chamber and a restricted referendum. As regards the House of Assembly, I am inclined to agree with Mr Smuts as to numbers. It will be a certain sacrifice for the Cape Colony, but not I think an undue one in view of its size and numbers which are out of proportion to those of the other communities concerned. Quality in these matters is far more important than quantity.

11. The principle of dividing the Cape into Provinces would I think be a convenient one but I question whether the annexation of Griqualand to the Orange Free State would be agreeable or whether that of tacking Bechuanaland on to the Transvaal would be convenient. The area of the Transvaal is inconveniently large as it is. I should incline, if a division is to be made, to suggest the formation of a new Province, but this is a minor detail.

12. As regards the Senate (if we fix on the name) I would rather suggest that the members should be elected by the Provincial Councils. Experience has certainly taught us that the system of large constituencies in our Colony has not worked well. I do not think that anyone would contend that it has resulted in getting together the cream of the legislative ability in the Colony. I would certainly also plead for the inclusion of a certain official element—the Provincial Secretaries, the Judges who have retired on pension, Cabinet Ministers who have had a certain length of official tenure, might have *ex officio* membership. Not perhaps a very democratic doctrine but one which would certainly add weight to the Senate.

13. The mode of distributing the seats in the Assembly and the franchise are both highly contentious matters upon which it is difficult to lay down hard and fast rules. Taking the population basis (European population only) would tend to throw the weight of representation into urban communities, largely non-South African, which would certainly not give satisfaction. Wealth, occupation, and area are all factors to say nothing of the Native population which has been always taken into consideration in this Colony. I do not believe that we can

hit on any doctrinaire contrivance and we shall be driven back on the old-fashioned rule of thumb solution in one shape or another. The question of periodical redistribution according to census figures seems to presuppose a failure in our attempt to form one people and a perpetuation of our mischievous local divisions.

14. On the franchise question I agree with Mr Smuts. For the present each division must retain its own and certain guarantees will have to be inserted in the Constitution to this effect. After all, this departure from the Procrustean democratic rule is, or was, an outstanding feature of the British system, and as Mr Smuts rightly points out, was followed in Canada without, as far as I know, any inconvenience. To me manhood suffrage is intensely distasteful, to others I suppose the Native vote would be equally unpleasant—but we must have toleration or we shall achieve nothing.

15. I do not understand the allusions in the memorandum, in connection with Native affairs, to the Supreme Chief. We cannot have anyone supreme except the Parliament of the country. I am totally opposed to anything in the shape of an *imperium in imperio*. I think we should be very unwise to embody in our Constitution any hard and fast rule as to the way in which the Parliament of South Africa shall exercise its functions. Provisions of that kind will surely create suspicion and friction.

16. There should be one Supreme Court sitting in Divisions though personally I think single-judge Courts of first instance have much to recommend them, and one Appeal Court, which, if possible, should be final without appeal to the Privy Council—that rich man's luxury.

17. The question of the capital I confess does not greatly interest me in comparison with the larger issue, but it bulks disproportionately large in the minds of many. I think therefore it would be well to fix it in the Constitution and it will probably lead to more dissension than much more important matters.

18. Above all we must constantly bear in mind that as Europeans we are but a handful in the face of an overwhelming mass of an inferior race; that we have what is, I verily believe,

the most costly government in the world—totally disproportionate to our resources and singularly inefficient. Our task is to mend this if we can and no sacrifice in reason will be too great if we can achieve a satisfactory result.

19. I must apologize for the fragmentary nature of these remarks as I have only been able to devote a few moments at the fag-end of a most troublesome Session to the consideration of this grave subject which requires the closest study.

s. John X. Merriman

404 Two Plans for the Constitution

Vol. CVI, no. 4

The original document is a typescript with emendations, some in the handwriting of Smuts, some in the handwriting of R. H. Brand, some in an unidentified hand. These appear to have been made in order to summarize the plans and to revise them for submission to the Transvaal delegates to the National Convention in the first week of October 1908. (*See* Thompson, *op. cit.*, pp. 160–2.) The text below is the unamended typescript; the emendations are indicated in the footnotes.

OUTLINE OF PROPOSED PLANS

First Plan

1. Present Colonies to become Provinces; boundaries to remain as at present, Cape Colony possibly being divided into more than one Province.

Colonial Constitutions to remain except as altered by Union Constitution.¹

Parliament

2. Parliament to consist of King, Senate and House of Commons.

3. Governor-General to be appointed and to have power to summon, prorogue and dissolve Parliament.

4. Parliament to meet once a year and in the first instance not later than six months after establishment of Union.

¹ This sentence has been enclosed in square brackets.

Senate

5. Each Province to be represented in Senate by eight¹ elected senators. Equality of representation to remain for twenty-five years.²

(*N.B.* If population basis is not adopted, but Convention or some other arbitrary basis representation of Provinces in Senate should be not equal but identical proportionately with the representation in the lower House.)

6. Senators to sit for six years; one half retiring every three years.

7. Senators to be elected by same electors as House of Commons. (An alternative plan would be to have a property or educational qualification and possibly no colour bar.)

8.³ Each Province to be one⁴ electoral area for the election of Senators.

9. Senators to be elected by proportional representation.

10. Qualifications of senator to be same as House of Commons except that

- (a) he should be 30 years old;
- (b) he should have a property qualification.

House of Commons

11. Number to be three times that of Senate but number of members of Senate and House of Commons may be increased or diminished.

12. Number in each Province to be in proportion to respective numbers of white population.⁵

13. General census to be taken in 1911 and every tenth year thereafter.

¹ Amended as follows: 10.

² Here is inserted: $\left. \begin{array}{r} 14 \\ 12 \\ 8 \\ 6 \end{array} \right\} 40$

³ The whole clause has been enclosed in square brackets.

⁴ Here is inserted: two or three.

⁵ Here there is an addition, in Brand's handwriting, as follows: (*N.B.* If Convention basis is adopted, population basis only after lapse of 10 years.)

14. At the first election the number of members to be the following:—

	Population Basis	Convention Basis ¹
Cape Colony (2 Provinces (?))	62	48
Transvaal	32	32
Orange Province	15	20
Natal	11	20

15. Electoral areas to be divided by Commissioners before first general election and on the completion of the census in 1911 and every tenth year thereafter; no redivision taking effect, until the general election following it; each member to represent as nearly as practicable the same number of white population.

16. Members to be elected by proportional representation, no area returning less than three members.

17. Qualifications of electors to be identical in each Province with those now prescribed in the corresponding Colonies.

18. House of Commons to last for five years subject to dissolution.

19. Qualification of a member

- (a) 21 years old;
- (b) qualified as elector in one or other Province;
- (c) three years resident in Union;
- (d) British subject.

Both Houses

20. Every Minister to have right to sit and speak in both Houses.

Executive Government

21. Exercisable by Governor-General and Executive Council.

22. Ministers at first not to exceed eight² in number.

¹ Here there is an addition, in Smuts's handwriting, as follows: Proposed Basis 54

32

18

16

² Amended, in Brand's handwriting, as follows: nine.

23.¹ Following departments to be transferred to Union on its establishment, others being transferred as occasion arises :—

- Railways and Harbours.
- Customs and Excise.
- Post, telegraphs and telephones.
- Naval and Military defence.
- Natives and Asiatics.
- External relations.
- Immigration.
- Defence.
- Lands (?)
- Mines.
- Agriculture (?)

Provincial Constitutions, Provincial Legislatures

24. Legislative power of each Province to be vested in Governor-General-in-Council and one House called the Legislative Assembly.

25. Legislative Assemblies to consist of² not less than 20 and not more than 40 members.³

26. Election areas for election of Assembly members to be identical with those for House of Commons; members being elected by proportional representation.

27. Provincial Legislatures to be called together by Governor-General-in-Council within six months of establishment of Union.

28. Legislative Assemblies to continue for five⁴ years subject to dissolution by Governor-General-in-Council; and to hold yearly sessions.

Provincial Executive

29. Exercisable by Provincial Executive Council; the power of summoning a Provincial politician to form a Ministry resting with Governor-General-in-Council.

¹ The whole of this clause is scored out.

² Amended, in Smuts's handwriting, as follows: same number as representatives in House of Commons with minimum of 25.

³ Here there is an addition, in Brand's handwriting, as follows: (possibly more, if Cape Colony remains undivided).

⁴ Amended as follows: 3.

30. Executive Council of each Province to be composed of such persons as the Governor-General-in-Council may see fit.
31. Governor-General-in-Council to have active power of assenting to or withholding assent to Provincial Bills.
32. Seats of government of the Provinces to be as follows...

Legislative Power

33. Parliament to have full power to pass all laws for the peace, order and good government of South Africa.

34. The following matters to pass to the Union on its establishment, and the Parliament to retain exclusive power to make laws thereon:—

- (i) The public debt, land and property of the Union.
- (ii) Trade and Commerce.
- (iii) Customs Duties, Excise and Bounties.
- (iv) Postal, telegraph, telephonic and other like services.
- (v) Naval and Military Defence. (Police ?)
- (vi) Lighthouses, lightships, beacons and buoys.
- (vii) Astronomical and meteorological observations.
- (viii) Quarantine.
- (ix) Fisheries in South African waters beyond territorial limits. (Fisheries in South African waters ?)
- (x) Census and Statistics.
- (xi) Currency, coinage and legal tender.
- (xii) Weights and Measures.
- (xiii) Naturalization and aliens.
- (xiv) Immigration and Emigration.
- (xv) Superior Courts of Law, civil and criminal, their maintenance and organization and the service and execution of the civil and criminal process and the judgment of the Courts.
- (xvi) External affairs.
- (xvii) Navigation and Shipping.
- (xviii) Railways and Harbours.
- (xix) Natives and Asiatics.
- (xx) Mines and Minerals.
- (xxi) Civil, commercial and criminal law procedure.
- (xxii) The seat of government of the Union and all places required by the Union for public purposes.

(xxiii) Matters relating to any department of the public service the control of which is by this Act transferred to the Executive Government of the Union.

(xxiv) Amendment of Provincial Constitutions.

(xxv) Public Works, Civil Service, Education, Irrigation, Labour importation, Crown lands, Banking, Animal and plant pests and diseases.

35. Provincial Legislature to pass laws for the peace, order and good government relating to matters not passing to the Union but any such law to have effect only until repealed by the Parliament, the exclusive power of legislation¹ then vesting in the Parliament.

36. Law of Province if inconsistent with law of Union to be invalid.

37. All Colonial laws to remain in force until altered or repealed by Parliament or Provincial Legislature.

38. Parliament or Governor-General-in-Council may entrust execution of any laws or administration of any departments or services to the Executive of a Province with or without the right of supervision or control by the Union Executive.

(*N.B.* The above scheme for the distribution of powers might be amended by the addition of the following clause:

In regard to the following services of the Union, viz.,

- Elementary and secondary education
- Agriculture, afforestation and irrigation
- Public Health and Quarantine
- Public Works
- Police and Prisons and Reformatories
- Inferior Courts both Civil and Criminal
- Natives and Asiatics
- Mines and Minerals
- Liquor Regulations
- Lands

the Parliament or the Governor-General-in-Council shall entrust the detailed administration to the Provincial Executives subject to regulations framed by the Governor-General-in-Council and the supervision and control of the Governor-

¹ Here is inserted, in Brand's handwriting: thereon.

General-in-Council with whom the¹ appointment and removal of all the higher officers shall be.)

Finance and Trade

39. For three years until after an enquiry into the best division of revenues between Union Government and Provincial Governments the Union to receive all revenues now raised and to give Provinces the necessary financial assistance; the estimates of the Provinces being subject to the supervision of Union Government.

41. Trade and commerce between Provinces to be absolutely free.²

42. Crown Lands and Lands the property of any Colony to belong to the Union also certain Public Works and Mines and Minerals.

43. Railways to be managed subject to authority of Parliament and Governor-General-in-Council by a Board of three Commissioners appointed for five years and removable only by Parliament.

44. Railways and Harbours to be administered as commercial undertakings and not used as instruments of taxation.

45. Rates to be so fixed that earnings only cover charges for working, maintenance, betterment, depreciation and payment of interest.

46. Railway rates to be so fixed that burden of transportation is as light as possible for inland Colonies.

47. On demand of a Provincial Government Governor-General-in-Council to appoint a Court of Arbitration to decide whether any undue or unreasonable preference in railway rates is being given.

Judicature

48. Supreme Court of South Africa to be established.

49. Supreme Courts and High Courts of Colonies to become High Courts and District Courts respectively of the Union.

¹ Here is inserted: final.

² Here there is an addition, in Brand's handwriting, as follows: (Liquor ? A.113).

50. Judges of Supreme, High and District Courts not to be removable except by Parliament.

Natives

51. Governor-General to be paramount Chief over all chiefs in South Africa and to exercise on the advice of the Executive Council, power now vested in Governors of Colonies by High Commissioner.

52. Governor-General in Council to exercise all legislative power in respect of Native territories now directly administered by High Commissioner together with Zululand and the Transkei.

53. Native locations and lands set apart for the occupation of Natives to be inalienable except in accordance with law passed by Parliament.

New Provinces and Territories

54. Parliament may alter boundaries of Provinces and admit new Provinces and make laws for any territories acquired.

*Amendment of Constitution*¹

55.² Constitution to be capable of amendment by an absolute majority of both Houses of Parliament.³

Second Plan

1. Division of the Union into the following seven Provinces:

	<i>Population</i>
Western Province of the Cape Colony	281,624
Eastern Province of the Cape Colony	183,289
Midland Province of the Cape Colony	114,684
Transvaal Province	169,117
Witwatersrand Province	119,472
Orange Province	142,679
Natal Province	97,109

2. The provisions with regard to Parliament, the Senate, the House of Commons, both Houses and the Executive Govern-

¹ Scored out and amended, in Brand's handwriting, as follows: Miscellaneous.

² Amended, in Brand's handwriting, as follows: 57. Two clauses, in Brand's handwriting, inserted as follows: 55. Treaty rights and obligations of any Colony to be taken over by Union. 56. English and Dutch languages to be equal.

³ Here there is an addition, in Smuts's handwriting, as follows: subject to reservation on certain possible points.

ment of the Union, remain practically as in first plan, each Province being represented in the Senate by six Senators.

Provincial Constitutions

3. Provincial Constitutions to be identical with those in first plan with the following exceptions:—

(a) Assembly to elect members to be members of the Executive Council of the Province, and to choose one of the members so elected to be President.

(b) President to represent Province in all transactions between Province and Dominion.

(c) Assembly not to be subject to dissolution but to sit for three years.

(d) Executive Council also to sit for the same length of time as Assembly.

4.¹ Executive power of Province to reside in Executive Council Province.

Legislative and Executive Power

5. Parliament to have power to make all laws for peace, order, and good government of South Africa.

6. In each Province the Legislature may make laws in relation to matters coming within the classes of subjects next hereinafter enumerated viz.,

(a) Direct taxation within the Province in order to the raising of a revenue for Provincial purposes.

(b) The borrowing of money on the sole credit of the Province with the concurrence of the Governor-General in Council.

(c) The establishment and tenure of Provincial officers and the appointment and payment of Provincial officers.

(d) The establishment, maintenance and management of hospitals, asylums, charities and eleemosynary institutions in the Province.

(e) Municipal institutions in the Province.

(f) Local works and undertakings in the Province except such as are before or after their execution declared by the Parliament or the Governor-General in Council to be for the

¹ The whole of this clause has been scored out.

general advantage of the Union or for the general advantage of two or more of the Provinces.

(g) The imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this Section. (C.92 (15))

(h)¹ Game preservation.

(i)² Generally all matters which are in the opinion of³ the Governor-General in Council of a merely private or local nature in the Province.

7. The Parliament or the Governor-General in Council may entrust the execution of any laws or the administration of any department or service to the Executive of a Province with or without the right of supervision or control by the Union Executive.

8. In regard to the following services of the Union, viz.,

Elementary and secondary education
Agriculture, Afforestation and Irrigation
Public Health and Quarantine
Public Works
Police and Prisons and Reformatories
Inferior Courts both civil and criminal
Natives and Asiatics
Mines and Minerals
Liquor Regulations
Lands

the Parliament or the Governor-General in Council shall entrust the detailed administration to the Provincial Executives subject to regulations framed by the Governor-General in Council and the supervision and control of the Governor-General in Council with whom the appointment and removal of all the higher officers shall be.

9. Law of Province if inconsistent with law of Union to be invalid.

10. All Colonial laws to remain in force until altered or repealed by Parliament or Provincial Legislature.

¹ The whole of this clause has been scored out.

² Amended, in Smuts's handwriting, as follows: (h).

³ Here is inserted, in Smuts's handwriting: the local Executive and.

11. Other provisions with regard to the Judicature, Finance and Trade, Natives,¹ etc., remaining substantially the same as in the First Plan.

405 From R. Solomon

Vol. 6, no. 79

Confidential

72 Victoria Street
Westminster, S.W.
10 September [1908]

My dear Smuts, With reference to that part of the memorandum I sent you last week on closer union which deals with the Native territories like Basutoland etc. I think perhaps I ought to explain a little more fully my reasons. I have assumed that at the start of unification only the self-governing Colonies will be included in the Union. I doubt very much whether you will be able at once to include these Native territories. At the same time I think it is most important to make provision in the Constitution for the admission of these territories into the Union by Order in Council, otherwise an Imperial Act might be required and you know that there might be difficulty in returning a Bill annexing, say, Basutoland to the Union through the House of Commons. All manner of terms of annexation will be suggested and the Bill may come out of the House containing some impossible conditions. With an Order in Council you will only have to deal with the Imperial Government and not with the House of Commons. But then if the Constitution provides for the admission of Basutoland etc. into the Union by an Order in Council the House of Commons would insist on some fundamental conditions being stated in the Constitution on which such admission should take place. They will say no opportunity will be given to us to discuss the terms of an Order in Council and therefore we must be satisfied that when such admission takes place certain conditions will be observed. I think this is probably the view the Government here will take and I do therefore think it would avoid much trouble in the future if you ascertained from the Imperial Government what conditions for the future

¹ Here is inserted, in Brand's handwriting: Miscellaneous.

admission of these territories into the Union they suggest so that they might be discussed at your Conference and embodied in the Constitution if possible. I don't expect they will ask for many conditions; probably they will want some assurance that Native lands will not be alienated except by Act of Parliament which must be reserved for the King's assent. This, as you know, is a provision in the Transvaal Constitution and also in the Cape Colony Act annexing British Bechuanaland.¹ Then again they may want some assurance that the liquor laws now prevailing in these territories will stand until altered by Act of Parliament also reserved for the King's assent. I think these two conditions would not be unreasonable because the House of Commons would probably insist on them. Anyhow I believe it is a good thing to know beforehand what the main conditions of annexation would be so that they might be discussed at the Conference.

When you get this you will be about starting for Durban. May you have every success. I think your new Gold Law an excellent measure. I am told you did not give way to the Opposition on the question of open prospecting. I think your provisions in that respect are quite liberal enough. I am very sorry at the revival of the Asiatic agitation. I think Gandhi a dangerous fellow. There was a letter by Lord Amptill on the subject in *The Times* yesterday to which I hope I will be able to reply effectively; but I shall wait and see exactly what amendments you make in the Registration Act. I am also anxious to read the debate in the Assembly on the subject. Best wishes, Yours sincerely,

Richard Solomon

406 From R. Solomon

Vol. 6, no. 80

Private

72 Victoria Street
Westminster, S.W.
16 September [1908]

My dear Smuts, I am leaving tonight for Scotland for a short holiday and I therefore write two or three days before the mail leaves.

¹ British Bechuanaland was annexed in October 1895.

I read the debate on the second reading of the Bill framed by a Select Committee amending the Asiatic Law Amendment Act (2 of 1897). You put the case very clearly and I very much regret the attitude of the Asiatics towards your efforts to meet their objections to registration as far as possible. It is quite clear that the reason why they want that Act repealed is because its repeal would make the clauses of the Immigration Act which makes an Asiatic not entitled to a certificate of registration a prohibited immigrant of no effect, and the consequence would be that Asiatics could enter the country and reside on the same conditions as Europeans. The effect of the repeal of the Act is in itself sufficient to disprove the allegation that it was part of the compromise of February last to repeal that Act. Fortunately that compromise is embodied in two letters, one from the Asiatic leaders to you and the other your reply and these letters completely refute that allegation. There was a letter in *The Times* by Lord Ampthill on the subject of the British Indians in the Transvaal to which I would have replied but I thought it better to wait until I received the papers which would contain the discussion in Parliament on the subject. The letter has however from all I can hear fallen so flat that it is quite unnecessary to reply to it now that I have seen those papers. I thought however it would be well for the Colonial Office to have a correct view of the situation and I accordingly sent Hopwood the report of the debate on the second reading of the Amending Act as also the correspondence which contains the compromise of February last. I forwarded these with a letter from myself, copy of which I enclose. I have written him privately saying that the Secretary of State should through the Governor let the Asiatics know that they can expect no sympathy from the Government here in their policy of passive resistance. I stated that if this were done the agitation would probably come to an end but as long as it continued it could not only be disastrous to the British Indians but very embarrassing to the Government and that in the interests of law and order it should stop. I have not heard from Hopwood in reply but I hope the Secretary of State will see his way to act on my suggestion. This is of course quite private.

My thoughts are full of the Conference at Durban, for the

success of which I earnestly pray. I hope Fitzpatrick will not be a disturbing element. All his speeches during the Session appear to me to have been spoilt by his insinuations against the honesty of the Government. However I think his opposition will not be of much value. Kind regards and best wishes,
Yours sincerely,

Richard Solomon

ENCLOSURE

September 1908

My dear Hopwood, I take the liberty of sending you certain documents which reached me by the last mail relating to the Asiatic trouble in the Transvaal. I am anxious that you should see these as it appears to me not unlikely that the question will be raised in the House of Commons.

The first document of importance is the newspaper-cutting enclosed, giving a report of the debate on the second reading of a Bill to amend the Asiatic Law Amendment Act under which Asiatics lawfully resident in the Transvaal were compelled to register themselves. The history of the Bill is this:—

Under the compromise effected in February last between the Transvaal Government and the Asiatics the latter were allowed to register voluntarily and the Government undertook to introduce a Bill during the next Session of Parliament legalizing this voluntary registration. The Bill was prepared and introduced, but the strongest opposition was taken to its provisions by the Asiatics, although the Colonial Secretary states that it faithfully carried out his part of the compromise referred to. In order to meet the objections of the Asiatics as far as possible the Government referred the Bill to a Select Committee of five members of the House of Assembly consisting of the Colonial Secretary and Mr Jacobsz (Ministerialists) Sir Percy Fitzpatrick and Mr Chaplin (Progressives) and Mr Wybergh (Independent).

The debate reported in the newspaper-cutting was on the second reading of the Bill prepared by this Select Committee.

I may say that the Committee interviewed the leaders of the Asiatics and in the Bill which it prepared endeavoured to meet their objections to the Registration Act of 1907.

In an interview with Gandhi, published in the [*Transvaal*]

Leader of 22 August, it will be seen that he admits that the Bill of the Select Committee, which was passed by both Houses of Parliament with absolute unanimity, was on the whole a good one; but that the Indian community could not accept it unless the Immigrants Restriction Act was so amended as to allow of the future immigration of Asiatics who could pass the education test; or in other words that Asiatics should be allowed to enter the Transvaal on the same terms that Europeans are. On this point, as you know, the Transvaal Government and the Transvaal Parliament will not give way. The policy laid down in the Immigrants Restriction Act is the total prohibition of Asiatic immigration. As you know this is not done in express terms but by reference to the Asiatic Law Amendment Act. When these two Acts are read together it is clear that every Asiatic not entitled to a certificate of registration under the Asiatic Law Amendment Act is a prohibited immigrant under the Immigrants Restriction Act. The reason why the Asiatics press for the repeal of the former Act is because they know that in that case they can only be excluded from entering the Transvaal under the same provisions by which Europeans are excluded.

The policy of Asiatic exclusion, whether one agrees with it or not, is unanimously approved of in the Transvaal and has been settled once for all in the Acts to which I have referred. It is no use the Asiatics fighting against this policy; they are only running their heads against a stone wall. As regards the Asiatics lawfully in the Transvaal, I think it is clear that to the Act amending the Asiatic Law Amendment Act (referred to in the debate, a report of which is enclosed) even Gandhi appears to have little objection.

If you would read the speech of the Colonial Secretary in the debate (newspaper-cutting enclosed) you will have all the facts connected with this Asiatic controversy.

As you know the Transvaal Government has been charged by some ill-informed people in this country with a breach of faith to the British Indians in connection with the compromise effected last February. There is not a word of truth in this charge. You will see what Smuts says about it.

Fortunately the compromise is in writing; it is embodied in two letters, one from the Asiatic leaders to Smuts, the

other his reply. I enclose a blue-book in which these letters are published and you will see for yourself that it is absurd to try and make out from those letters that Smuts promised to repeal the Asiatic Law Amendment Act. It is the non-observance of this alleged promise which is the breach of faith complained of and which the Indians say justifies them in not observing their part of the compromise.

The British Indians made an application to the Supreme Court of the Transvaal for an order on the Asiatic Registration Officer to return them their applications for registration certificates, which they alleged had been sent in on the understanding that the Act requiring them to register would be repealed. They relied on the two letters I have referred to in support of this application, but the Supreme Court refused their application and said those letters could not possibly stand the construction the Asiatics sought to place on them, viz., an implied promise to repeal the Act. Having failed in making out a case against the Transvaal Government on the letters, which contain the compromise, Gandhi now asserts that in conversation with Smuts the latter promised to repeal the Act. Smuts says there is not a word of truth in it, and the following argument appears to me to be conclusive. The very reason why the Asiatics wanted a repeal of the Act is the very reason why the Transvaal Government should oppose such repeal. If the Act were repealed as I have already pointed out that part of the Immigrants Restriction Act which practically makes every Asiatic not entitled to obtain a certificate of registration a prohibited immigrant would become of no effect and the Immigrants Restriction Act would make no difference between Asiatics and Europeans. Is it likely that the Transvaal Government would agree to a repeal the effect of which would be to frustrate the policy on which the whole of the white population is agreed, the prohibition of Asiatic immigration?

The Asiatic leaders having failed to get Parliament to budge from this policy (though they have no substantial objection to the Act which has just been passed providing for the registration of Asiatics lawfully resident in the Transvaal and which at the same time makes legal the voluntary registration already effected and therefore practically the registration

of all Asiatics now in the Transvaal lawfully resident therein) are urging their people to disobey laws unanimously passed by Parliament. They are urging them to trade without licences (though any Asiatic who can produce his certificate of registration is entitled to a licence) and are also urging Asiatics in Natal to enter the Transvaal contrary to the provisions of the Immigrants Restriction Act. No Government can allow the laws of the country to be set at defiance by any class of people within its jurisdiction. Naturally therefore the Asiatics who are breaking the laws I have mentioned are prosecuted and when convicted are sentenced to imprisonment. Every consideration is being shown them in these prosecutions but the object, as far as I can see, of this determination to break the laws is to get sympathy from England on behalf of those sentenced to imprisonment in the hope that such sympathy will bring pressure to bear on the Imperial Government to intervene and get the laws objected to amended in such a way as to satisfy the claims of the Asiatics. I need not say how unfortunate such intervention would be. I have tried to show that there is no reason for it. I feel that the sooner the Asiatics in the Transvaal are informed that the so-called passive resistance to the laws of the Transvaal is useless and will not enlist any sympathy here on their behalf, the sooner will there be an end to an agitation which if continued can only be most disastrous to those who take part in it.

The British Indians no doubt understand that this action must embarrass the Government and probably believe that to get out of this embarrassment the Government will yield to their demands. The sooner they get rid of this delusion the better. The Government cannot yield on a question on which the whole of the Transvaal has spoken with no uncertain voice. Not only has the Government a mandate from the Transvaal Parliament to adhere to the policy of total prohibition of Asiatic immigration, but it is party to a Resolution which was carried unanimously at the Conference of South African Governments at Pretoria¹ on the proposal of Mr Merriman, Prime Minister of Cape Colony, in the following terms:— That this Conference declares itself strongly opposed to the introduction of Asiatics from any part of the world into South Africa and resolves

¹ See p. 433 *supra*, note 2.

that the members of the Union introduce legislation to prohibit such immigration if they have not already taken such steps.

By the 'Union' in this resolution is meant the Customs Union and includes all the self-governing Colonies of South Africa.

In the interests of the British Indians in the Transvaal I do hope they may be advised of the folly of their present action.

Pardon me for again troubling you with this matter and for this indefensibly long letter, but I am so anxious to see this useless agitation at an end. I am, my dear Hopwood, Yours sincerely,

407 To J. X. Merriman

Vol. 6, no. 97

Colonial Secretary's Office
Pretoria, Transvaal
16 September 1908

My dear Mr Merriman, Many thanks for your remarks on my scheme. There is a lot in what you say and I am now trying to recast my ideas. It deserves consideration whether Transvaal should not be divided into two Provinces (Rand and the Rest) and the Cape into three—West, East, and North—with Provincial Assemblies and Councils to look after their local affairs. That I take to be fundamentally your view. The difficulty about it is that all existing machinery is swept away in South Africa and all the substituted institutions both central and local are new. That makes the transition from the present to the future particularly difficult. But no doubt you will give your best attention to this thorny point. Yours very sincerely,

J. C. Smuts

408 From J. X. Merriman

Vol. 6, no. 39

Confidential

Treasury
Capetown
27 September 1908

My dear Smuts, As the time draws near and we have to translate general ideas into concrete resolutions one sees many 'lions in the path'. I will not repeat what I have written to Botha on the general question. The main struggle will of

course centre round the question of whether we are to have a legislative union or a federative one. In the former case our task will be comparatively simple for the central united legislature will have the power to delegate from time to time all the powers that it sees fit to any form of local bodies that it may choose to set up. It will be supreme and within limits will have the power of reform. It will also be unhampered by any decisions of the Courts which always seem to me to be the greatest stumbling-blocks, and incentive to friction in any federal pact. We shall in a word be one country and with a fair chance of starting a national existence. On the other hand if we adopt or are driven to adopt a federative form of union we shall require a most carefully drawn Constitution which will be the federal pact subject to interpretation by the Courts. In this event I fear that our prospects of a national existence will be further off than ever and, as it seems to me, all the questions connected with Native administration will present wellnigh insuperable difficulties. Even now we find the greatest difficulty with municipalities who pass irritating bye-laws and often display a most regrettable indifference to Native rights which form a source of much embarrassment to the central Government. But when this power would be in the hands of State Governments who might by harsh and arbitrary measures drive a section of the population into a revolt, which the central Government would have the responsibility of putting down whether in their opinion the quarrel was just or the reverse, the situation would be almost intolerable. On the other hand, to place the whole Native administration under the central Government would create a sort of *imperium in imperio* that would be sure to lead to friction. The misfortune is that the population is so intermingled and the Natives form so large a factor in our daily life that it is impossible to treat them on the basis of the Maoris in New Zealand or the Indians in Canada. I state these points not you may be sure for the pleasure of raising up the phantoms of difficulty but because I feel that when we get to practical work it will be the height of folly to pretend that they have not a very real existence.

It is because I think that the whole future of South Africa is bound up in our wise administration of the Native question

that I urge the vast importance of a legislative union which would at any rate remove one difficulty from our path.

I hope to get you to agree with me on this point for with you, Botha, and Steyn the decision largely lies. I therefore think that we should debate this all-important matter at the earliest possible date in the Convention for it is quite evident that the whole of the future proceedings hinge on the decision we arrive at. I therefore take leave to enclose a draft resolution for your criticism. If you agree I should like you or Botha to move it and I may tell you that Sir J. H. de Villiers is entirely of this opinion. A mere clever 'pact' arrived at after bargaining will be a poor and I fear in the circumstances of South Africa an inconclusive arrangement but a South African Parliament supreme in its own sphere will be a grand and what is more a most beneficial achievement; therefore do not dismiss it lightly. With kinds regards, Believe me, Yours very truly,

John X. Merriman

ENCLOSURE

Confidential

Draft resolution

'That it is desirable in the best interests of the future progress and civilization in South Africa that the several Colonies form a legislative union under one general government with due provision for extended powers of local administration; that this Union shall at present embrace the Cape Colony, the Transvaal, Natal, the Orange River Colony; and that due provision shall be made for the admission into the Union of Rhodesia upon suitable terms and conditions; that the Union shall be styled "The Commonwealth of South Africa" or "South Africa".'

409 To E. Hobhouse

Vol. 6, no. 98

A collective letter of farewell, drafted by Smuts.

Pretoria

1 October 1908

Dear Miss Hobhouse, We have learnt with great regret that it is your intention to leave the Transvaal and to return to England.

For eight years now you have laboured for this country and its people, especially the women and children, in a way which must have sadly overtaxed your strength and undermined your health. You did your best to mitigate the miseries of war and thereafter you did your best to repair its ravages by introducing into the homes of the people those manual industries which have been practised in other countries with such beneficent effect. The success of your efforts has been so great that the work has been taken up by several South African Governments and gives fair promise of becoming in the best sense national. The people and especially the women of South Africa appreciate most deeply these self-sacrificing labours which you have carried on without any reward except such as you may find in the success of your work and in the affection of the people among whom your name has become a household word.

We regret that owing to all this severe work your health has become worn out and that you need a thorough rest. We cherish the hope however that you will soon be well and strong again and will return to the country and the people to whose service you have so unselfishly given many of the best years of your life.

We beg you to accept of us a painting of yourself by one of South Africa's most promising young artists, Mr Hugo Naudé. We are, Very sincerely yours,

410 To J. X. Merriman

Vol. 6, no. 99

Colonial Secretary's Office

Pretoria

2 October 1908

Dear Mr Merriman, I have read your letters—one to General Botha and one to me—with great interest and with a large amount of agreement. I do very strongly agree with you that any scheme of essential federation is out of the question and that the legislative union is the only union worth having. At the same time as prudent men we shall not quarrel about the form if the substance is secured. Even with a scheme of legislative union it will be necessary to delegate to provincial assemblies the management of parochial concerns, and to meet the smaller Colonies I would have this delegation embodied in

the Constitution. I agree with you that this fundamental issue should be raised *in limine*, but I would frame the resolution so as not to rouse the fears of Natal and the Orange River Colony that unification pure and simple is intended. I would sugar the pill by referring to Provinces endowed with local self-government subject to the sovereign authority of the Union. If necessary in order to soothe the smaller States, I would even say that they shall be maintained as units of local government. I have redrafted your resolution from this point of view and think it will prove more palatable to the weaker brethren.

On the question of the Native franchise my mind is full of Cimmerian darkness and I incline very strongly to leaving that matter over for the Union Parliament. I also feel pretty certain that a Native franchise imported into the Constitution would make union impossible of acceptance by the people. Let us therefore adhere to the comfortable gospel of *laissez faire*. To us union means more than the Native question and it will be the only means of properly handling that vexed problem.

I am interested in your protest against the new-fangled notions of equal voters' areas and automatic redistribution. Our Progressive friends however decline to consider union except on such terms of 'equal rights' and it may be that you will have to move with the times, however distasteful the process may seem to such an old-fashioned Tory. No doubt there is much in all this to justify your fears, but remember that we achieved victory in our last elections notwithstanding these doctrinaire aids to the manhood of the Rand. At present I incline to have an open mind on these matters.

I regret that I could not join your party at Port Elizabeth. I am such a wretched sailor that my company on the voyage would be more of a nuisance. We shall have ample time for comparing notes at Durban. We hope to arrive there on Saturday evening and I shall look you up immediately on your arrival. Ever yours very sincerely,

J. C. Smuts

411 To S. M. Smuts

Vol. 6, no. 100

11 October 1908

Mijn liefste, Wij zijn gister avond om 11 n.m. veilig alhier (Durban) aangekomen. Ik gevoelde ietwat ziek van de kron-

kelingen van de spoor, maar ben heden weer in goeden vorm. Durban heb ik van ochtend met een motor gaan zien. Het is zeker de mooiste stad in Zuid-Afrika. Het is gebouwd tusschen al de groote boomen van dit sub-tropische woud die nog hier ongestoord staan. Straten zijn in goede orde, electriche tram gaat in alle richtingen, maar wij hebben ook 4 motor-cars voor ons gebruik medegebracht. Al de afgevaardigdes der Kolonies zijn nu hier. Ik heb ze nog niet gezien maar ga heden namiddag een beetje de rondte doen. Oom Koos heeft van ochtend reeds gaan baden en was verbaasd om te zien dat mans en meisjes zamen baden—ik denk dit was de reden waarom hij zelf toen inging. Morgen begint onze verrichtingen. Ik wonder wat het uiteinde zal zijn. Wij zullen ons best voor Pretoria doen.

Hoe gaat het met de kleinen? Ik denk veel aan jullie almal en hoop jullie is ver Mama baing zoet en dat jullie vir Mama goed oppas. Mama moet papa's verrekijker naar de kantoor zenden vanwaar ze hierheen zal gezonden worden. Nu vaarwel met alle hartelijkste groeten. Ik hoop Mama zal ook zoo nu en dan schrijven en boodschappen van de kindertjes zenden. Tata

J. C. Smuts

TRANSLATION

11 October 1908

My dearest, We arrived here (Durban) safely last night at 11 p.m. I felt a bit sick because of the windings of the railway line but am in good form again today. This morning I went to see Durban by motor-car. It must be the most beautiful town in South Africa. It is built among all the great trees of this sub-tropical forest which still stand here undisturbed. The streets are in good order, the electric tram runs in all directions, but we have also brought four motor-cars with us for our use. All the delegates of the Colonies are now here. I have not yet seen them but shall go this afternoon to do the rounds. Oom Koos¹ has already gone bathing this morning and was surprised to see that men and girls bathe together—I think that was the reason why he went in himself. Tomorrow our proceedings

¹ J. H. de la Rey.

begin. I wonder what will be the final outcome? We shall do our best for Pretoria.

How are the little ones? I think much of you all and hope you are very obedient to Mamma and that you look after Mamma well. Mamma must send Pappa's binoculars to the office, from which they will be sent here. Now, good-bye, with the very best wishes. I hope Mamma will write now and then and send messages from the children. Tata,

J. C. Smuts

412 From L. Curtis

Vol. 6, no. 4

53 Sauer's Buildings
Loveday Street
Johannesburg
1 November 1908

Dear Smuts, I am writing to Crawford and others whom we mentioned, at Pretoria, to start a Closer Union Society¹ but I think that before anything is done there the position of the Civil Servants should be made clear. At Cape Town Mr Merriman issued to the Civil Servants a special permission authorizing them to join the Closer Union Society and I suggest that it would be well if the same could be done in Pretoria in the form of a letter to Mr Crawford. I understand that it has already been tacitly understood that Civil Servants might belong to these societies for indeed several of them have joined the Johannesburg branch.

After speaking at Bloemfontein tomorrow night I am going on to Cape Town to arrange the details of the publication of the magazine with Kerr.² After talking to our committee up here which consists of Lance [W. F.], Feetham, Hofmeyr, Burgers,³ Frames [P. R.], myself and Duncan as Chairman, I have come to the conclusion that it will be far better if we possibly can to have the magazine printed and distributed from the Trans-

¹ Closer Union Societies had been formed in Cape Town and Johannesburg in May 1908. By the end of that year there were twenty-two in South Africa. Their aim was to prepare the public for unification and to discuss the main difficulties in achieving it.

² Journal of the Closer Union Societies called the *State*, edited by Philip Kerr.

³ Probably F. Burger, who had been Secretary of Het Volk.

vaal. But as soon as I can get matters fixed up with regard to the magazine we must set to work to create societies throughout the smaller centres of the Transvaal. This of course must be done as the result of personal work and I intend to go round and hold meetings at Klerksdorp, Potchefstroom, Barberton, Boksburg, Krugersdorp and all places accessible on the railway. The ideal plan would be for this work to be done apostolically, that is to say in couples, men like de Wet [N. J.] and myself going together, and I should be deeply grateful if you could use your influence with the Bar to get the younger men to work in this way so that in this fight for union we may reproduce throughout the country the same solidarity which the Transvaal delegates have maintained from the outset irrespective of party. It will probably happen however that every now and again I may have to go and hold meetings alone and that it will not be possible to find anyone from the other side to go with me. On these occasions one wants to be able to offer some unmistakable indication that we are carrying on a propaganda which has no relation whatever to ordinary routine party politics. In the Cape Colony this is easy enough for men like Malan and [Sir T. W.] Smartt are both active members of the Cape Society. Now I think it would be an immense help to us if General Botha, yourself and Fitzpatrick would all offer to become original members of the Pretoria Society as soon as it is formed. I wonder whether you would be good enough, if you agree, to speak to them on the subject and if they consent, to send a note to Mr Crawford to that effect. Yours sincerely,
L. Curtis

413 To A. B. Gillett

Vol. 6, no. 105A

Cape Town

1 December 1908

Dear Mr Gillett, Although I have not yet the privilege to know you personally, I feel that your engagement to Margaret Clark has brought you within the inner circle of my friends. That is my excuse for writing to you and congratulating you most heartily on the happy event. You will get a wife who will indeed be a prize—a woman with a fine mind and a finer character. My sincerest wishes for the happiness of you both

accompany you on this great undertaking. For some years now I have known her most intimately, indeed I do not know that I have a dearer friend in the world. You can therefore understand my deep joy in seeing her happy and satisfied in life.

It would be a happy idea for you two to spend your honeymoon in South Africa where she has troops of friends and has laboured so successfully. At Pretoria you will find the warmest welcome at all times from my wife and Yours very sincerely,

J. C. Smuts

414 From J. A. Hobson

Vol. 6, no. 16

8 Stafford Terrace
Kensington, W.

16 December [1908]

Dear Smuts, My long delay in acknowledging your interesting letter dealing with difficulties of the Native questions has not been due to indifference but from a desire to get some clearer grasp of the trend of feeling here among Liberals before replying. I am not in personal touch with the Colonial Office and the Government in relation to the subject and what I write here expresses views of private Liberals who would generally be classed as 'pro-Boer' and 'humanitarian' in their sympathies, the two being largely but not entirely coextensive. Your letter to me has been shown to a certain number and opinion has been canvassed on the points it raises.

With regard to Native franchise I find and entertain a strong feeling that if it is impracticable to secure a uniform federal franchise on a 'civilized man' basis, (i.e. with sound educational tests), a sufficient 'state separation' should be preserved to permit Cape Colony to retain her Native franchise, and any other state, which felt disposed, to experiment in this direction.

The disappearance of the Native franchise in the Cape, or its conversion into an inferior right of electing separate representatives in no equal proportion, or the substitution of some merely consultative Native assembly, would be deeply regretted here as a backward step in imperial civilization. I do not suppose that this feeling among Liberal politicians would carry them into active hostility towards a proposal to defer the whole

question until unification or federation had become a reality, for they would recognize that it would be impracticable to force a Native franchise upon an unwilling nation. But both private members, and I rather think the Government, would strongly support Cape Colony if the latter insisted on retaining her Native franchise.

As to the Protectorates I find among Liberals a quite clear and pronounced objection to handing them over to any unified or federal government without explicit guarantees, having particular reference to the alienation of Native lands but extending also to other matters political and economic. Though it is here quite fully recognized that the recent abuses of Native policy by Natal¹ are not to be taken as representative of South Africa as a whole, these disclosures do not incline us to hand over imperial wards without restrictions. There is a good deal of reluctance to hand them over at all, for the present, though doubtless it is recognized that eventually the country must pass under a single government. This feeling has perhaps especial reference to Basutoland which it is feared might either become the prey of prospectors and land-grabbers or become the ground of some dangerous outbreak resulting from an attempt to disarm the Basutos. I only name these views not to endorse them but simply to put you in possession of the notions and feelings which are actually operative here. Of course we know very little and see these problems only in broad and I fear loose outlines. But we feel that the Imperial Government ought not to hand over these millions of British subjects to a Government that must necessarily be outside our control without such formal guarantees as are or seem to be practicable.

Some of us are also influenced by the special fear that the concentrated economic interests of the mine-owners will in the long run be so dominant in South African politics that the real Native policy will be the policy most convenient and profitable to them. Perhaps the growth of other interests and industries in South Africa may dispel this bogey but the Chinese labour experiment has left it as a legacy.

I don't know how closely you are watching our political

¹ The policy of the Natal Government in the Zulu rebellion of 1906.

situation. The Government is steadily losing ground in the country, and though the endeavour which is made in some quarters to force an early dissolution by blocking all effective legislation will probably fail, the Government is not likely to last more than another year. If I were betting, I should say that at the beginning of 1910 they must dissolve. But it is *possible* that this summer might see their end. Indeed some of us are trying to incite them to dissolve after the Budget is got through and a Veto Bill¹ has been put up to the Lords and rejected. But it is unlikely our attempt will be successful.

I have heard some personal news of you lately from Miss Hobhouse who was at our house lately. You must be terribly full of work. I wish very much I could get out to South Africa again but am tied by literary work at present. I am completing a big book *The Economic System* a copy of which I will send you when it appears. If after the Convention you are able to come over please let me have your plans in advance. With kindest regards to Mrs Smuts and yourself, I remain, Yours very sincerely,

J. A. Hobson

415 From R. Solomon

Vol. 6, no. 81

Private

72 Victoria Street
Westminster, S.W.
22 December [1908]

My dear Smuts, Many thanks for your letter by last mail. Will you also thank General Botha for the copy of the resolutions of the Conference he sent me by my brother and which, you may be sure, I read with the greatest interest. It was most thoughtful of the General knowing how deeply anxious I am about your proceedings to send me these resolutions. I think it is wonderful with what unanimity you have overcome great difficulties and were it not for that burning question, the site of the capital, I should be confident of seeing a South Africa united under one Parliament during 1909. I know that you were all sanguine the Bill to be passed by the Imperial Parliament giving effect to the Constitution would be ready for an autumn Session next year. You must have it here not later

¹ A bill to restrict the legislative powers of the House of Lords.

than 15 July if you want to get it through this year as I don't think it likely there will be an autumn Session in 1909 and it is possible there may be a general election at the end of that year with what result I cannot say. You will see therefore how advisable it is to get the Bill here by end of June or middle of July 1909. I am not saying this without some authority, but keep it to yourselves.

I can't say I like the resolutions of the Committee on Provincial Councils and I hope the Conference will very considerably modify them. Of course I detect the influence of Natal in these: but you must not give way too much to the narrow-mindedness of the Natal delegates; although I see the advisability of getting the *voluntary* assent of all the Colonies to the Constitution which your Conference will propose. I think it is right to have in each Colony a provincial administrative Council and I don't object to giving it powers of legislation on certain purely local matters, but *do* make it clear in your Constitution that the powers of administration and legislation are delegated to these Councils by the Supreme Parliament which must have an unchallengeable right of altering these powers from time to time as necessity may demand. Only in this way will you have that elasticity which is essential to a South African Constitution. Why not provide that the matters in which the Provincial Councils can administer and in respect of which they can legislate 'shall be such as Parliament may determine and until Parliament shall so determine or otherwise provide powers of administration and legislation shall be entrusted to them in relation to the following matters:—' Then set out the matters mentioned in resolution No. 13 excluding therefrom education and agriculture which should be entirely under the control of the Supreme Parliament and Government. There may be a difference of opinion about this, but do make it clear that the powers of the Council are derived from Parliament.

I entirely disagree with the first resolution of the Committee recommending an Administrator in each Province. I think it is quite unnecessary and will be very expensive. To get a good man you must pay him well. I think you should dispense with both Administrators and Executive Councils in the Provinces and appoint in each Province a Secretary to Government to be

the executive of the Provincial Council. I can't imagine a satisfactory Executive Council *elected* by the Provincial Council. It would be better if you are going to have an Executive Council, in each Province, to have the members appointed by the Governor-General-in-Council. I do hope the Conference will reject Resolutions 1, 2, 10 and 11 of the Committee and give the powers therein given to the Administrator and his Executive Council to the Secretary of Government appointed by the Governor-in-Council. I am afraid the glorified Provincial Councils which the Committee have recommended will only serve to keep up the parochial feeling which you want to kill in South Africa.

I have also read with much interest the memorandum Innes and my brother¹ gave you on the Court of Appeal. I entirely agree with their proposal to have a Supreme Court of South Africa with an appellate branch consisting of five of the best men you can get and have single-judge Courts substituted as a rule for your present three-judge Courts with an appeal from the decision of these and the appellate branch of the Supreme Court. Among the resolutions which you have already passed there are three on which I would offer a few comments.

Resolution No. 33 provides that any law passed by the Parliament prescribing the qualification of voters for members of the House of Assembly shall not 'disqualify any person in the Province of the Cape of Good Hope² by reason of their race or colour only unless such law be passed by both Houses of Parliament sitting together and approved of by two-thirds of the total number of members of both Houses'. Does this mean that the two Houses sit together as one from the time the Bill is introduced or that the Bill is to pass both Houses in the ordinary way and then be submitted to both Houses sitting together. It is important that this be made clear for if it means the first then your resolution about the two Houses sitting together when a Bill has been twice rejected by the Senate must be enlarged so as to include the particular case of a Bill dealing with the franchise. In either case the Constitution must make this matter clearer than the resolution does.

¹ Sir William Solomon.

² The official name of the Cape Colony.

Resolution No. 37. I read this to mean that one Commission of four Judges is to deal with the delimitation of the electoral divisions throughout the whole of the Union. If this is so it will take a tremendous time. Why not have a Commission of three persons one of whom shall be a Judge of a Supreme Court (as President) in each Colony for this purpose. The work of delimitation will then be completed in one-quarter of the time. I suppose the idea is uniformity. The principles on which the delimitation is to be made are however so clearly laid down that with a Judge on each Commission you should obtain that uniformity almost as precisely as if you had one Commission for the whole of the Union.

Resolution 3. Will this permit of, say, three of the self-governing Colonies forming a Union if the fourth stands out and then the fourth coming in afterwards? I take it that is your idea. Would it not be made clearer if in Resolution No. 1, after the word 'Colonies', you insert the words 'or any three of them', and in Resolution No. 2, after the word 'Colonies', insert the words 'included in the Union'?

Pardon these criticisms. I am delighted with the work you have done and I sincerely hope it will be completed by its acceptance by the present Parliaments of South Africa during the year 1909. Best wishes, Yours sincerely,

Richard Solomon

P.S. I see a publication has just come out edited by Kerr for which Abe Bailey is sponsor. I think it is called the *State*. It is with the object of educating the people to accept the Union. Would you give instructions to have these sent direct to me from the first publication? The Editor can put me down as a subscriber and draw on me through the Standard Bank for the amount of the subscription. R.S.

416 From E. Hobhouse

Vol. 6, no. 14

c/o Professor Hobhouse
2 Lansdowne Road
Wimbledon
London, S.W.
Christmas Eve 1908

Dear Oom Jannie, It is really sweet of you to have thought of me in the midst of Convention work and to have sent me such

a charming book of fairy-tales to make one feel young again and take one out of horrid practical life into the realms of spirit and fancy—where indeed my reallest self always abides.

I am glad you think that the Convention work is getting on fairly well; in fact it would be a catastrophe of the first magnitude if it failed so the very word failure must not exist for you. But oh! how much easier it would be for you all, if only you would all seize this golden opportunity to sweep away the leavings of bad systems and governments and boldly adopt the only equitable system of Socialism, living for 'public service' as opposed to 'private good'.

Do at this juncture read Lowes-Dickinson's *Justice and Liberty*. It is most inspiring, the argument clear and well-sustained, sober and reasoned. It has bowled over my remaining difficulties and made me a complete Socialist. You *must* read it, try and get it at once in Cape Town and read it carefully. You had better at the same time read H. G. Wells's *New Worlds for Old*. And in South Africa you *could* make a New World with comparative ease, more especially at this epoch. Of course I am not such a fool as to think the *whole* can come at once, but you could lay the foundations with such a great ideal before you and make it easier to realize that ideal than in our countries where custom and precedent keep us tied and bound.

You should have been in the Queen's Hall and seen 3,000 women plead their cause with dignity and force on the 17th and later in the Albert Hall where 11,000 men and women were gathered for the same purpose.

I have had a nice long talk with Lord Ripon over politics generally and South African affairs particularly, but I kept back the Indian question as I know he is sensitive thereon. Next time I see him I suppose we shall have to argue it out, about everything else he is very sympathetic.

The Courtneys have a good deal run downhill. In fact he was quite ill for some weeks in a way that alarmed us a good deal, but now he is better and we hope the Christmas rest may set him up. Are you adopting his beloved proportional representation system. They want me to live in Chelsea and work at the propagation of that hobby of his, but so far I hesitate. Can one fill one's life with figures only?

I stayed a week with Marion Rowntree and her baby. At

present she is too absorbed in it to have any outside interests, and she seems very happy, but I don't find her husband very interesting though quite a good creature and clever in his way. Not however the god she had led me to expect. The same may be said of Margaret's 'intended'. Quite nice and pleasant, but somehow the husbands of one's friends *are* disappointing. I think the standard of masculinity is low at present; so many girls are telling me there are no men they meet worth marrying.

I am glad Mrs Smuts and the babies are at the sea with you¹ and Japie will soon wear roses and Sylma begin to grow apace. How funny about the house, taking one from the Cantonments.² Oddly enough I had meant to write to you about these buildings, because as I passed Middleburg I saw them and wondered at the waste and was going to propose to you to found an industrial colony there, silkworm or otherwise. Poor [Rev.] Mr [J. F.] Naudé's plans all wasted!!!

But you won't have time to read this so no more. I am spending Christmas with the Ellis family,³ late Under-Secretary for India, and am going for New Year to Sir Edward Fry near Bristol. Love to all,

E. Hobhouse

417 From J. X. Merriman

Vol. 6, no. 41

Treasury

Cape Town

25 December 1908

Dear Smuts, Let me begin by wishing you all good wishes for the New Year.

I have been spending my time in looking through the *magnum opus*. I think it does very great credit to you and your

¹ The National Convention sat in Cape Town from 23 November to 18 December 1908 and from 11 January to 3 February 1909.

² At this time Smuts bought the farm Doornkloof at Irene, near Pretoria, and put up there what was intended as a temporary house. Some corrugated iron and wooden cantonments used by British officers during the war were bought and re-erected as a farm-house. With later additions, it became the permanent home of the Smuts family.

³ J. E. Ellis.

staff. It is a very creditable performance and you must have put in a good deal of hard work.¹

Most of the criticism I have to offer is of a verbal nature. I will make out a list and bring it up on Tuesday. Could we not have a meeting of the drafting committee on that day?

I am writing to Sir Henry² to suggest this. I hope when this work is finished that you will seriously consider our proposed trip to Worcester Valley.³ With all good wishes, Believe me, Yours truly,

John X. Merriman

418 From Lord Selborne

Vol. 7, no. 90

Very private

Newlands

[Cape Town]

26 January 1909

My dear Mr Smuts, I only realized after I had seen you yesterday that in respect of the contemplated compromise with Cape Town you and General Botha are proposing to claim the seat of Government for Pretoria and to give the seat of Legislature to Cape Town.

I confess I am of opinion most strenuously that if you do this you will be exchanging the substance for the shadow.

The Legislature is what matters; the Executive is its creature; wherever the Legislature becomes rooted, there will the Executive surely follow. Therefore if you secure the seat of Legislature for Pretoria, quite surely will the seat of Government eventually come there too. Similarly, if you yield the seat of Legislature to Cape Town, so surely will Pretoria lose eventually the seat of Government also. Again, what we have been endeavouring to secure is that the development of South Africa should not be hide-bound at the coast but should expand freely inland. For this purpose it is not the Civil Service you want to influence but the Legislature and therefore you must secure the Legislature for Pretoria.

¹ By 18 December the National Convention had adopted a number of resolutions which were then embodied in a draft Constitution by a committee consisting of Smuts and Hull and four secretaries. The draft was incomplete since important questions were still unsettled, e.g. the site of the capital.

² Sir Henry de Villiers.

³ About eighty miles from Cape Town.

Wherever the legislative body is there will the eyes of the world turn. If the Legislature is at Cape Town, the eyes of the world will not turn to Pretoria. The whole world talks of Westminster and Washington, not because the Governments are there but because Parliament and Congress meet there.

To me these arguments are absolutely conclusive; but let us look at the question from a more personal point of view. The Sessions of the Legislature of South Africa for several years will be very long ones, six months at least I expect. How much better for our best men in the Transvaal, whether a farmer like de la Rey or a mining man like Phillips, to have the Legislature in which we hope they will sit, at Pretoria instead of at Cape Town.

The Transvaal must be the dominant factor in a united South Africa; it is of the first importance that we should have our best men in the South African Parliament. Is it likely that we shall get our best men if they have to go to Cape Town for six months?

Then about the Cabinet. It will be an inevitable result of the 'splitting the capital' plan that Ministers will have to have residences in both Pretoria and Cape Town and be paid accordingly. For years to come they will have to spend six months in each place, however the 'split' is effected, and even supposing the Cabinet was mainly Transvaal, I do not see what the individual Transvaalers would gain by having the seat of Government at Pretoria rather than at Cape Town.

Lastly, if there is to be a split, is it sensible to so arrange it that the Legislature will meet in the horrid winter climate of Cape Town instead of the glorious winter climate of Pretoria? or so that the Civil Service will have to live in Pretoria, the more expensive, and not in Cape Town, the less expensive place? The danger of the Civil Service 'vegetating' down in Cape Town will be wholly obviated by the perpetual stir up they will receive from the influence of the northern Parliament. Yours sincerely,

Selborne

P.S. As for accommodation we can knock up first-class temporary accommodation in Pretoria in a few weeks. I would never let the Legislature meet at Cape Town, not once.

419 Notes for Speech [1909]

Box O, no. 8

Smuts's notes for a speech made on 27 January 1909 in the National Convention on the question of the site of the future capital of the Union—an issue which almost wrecked the Convention.

So far avoided all interference in debates. Twice heated discussions arisen, largely owing to misunderstanding.

Glad committee cannot report so that there is the opportunity of exchange of ideas. Committee's scheme: tricky and capable of leading to unexpected results. Gone thoroughly into it and think Pretoria has fair chance of election, but will not agree. This is not a matter for dodges or clever manipulation. Nothing so easily overreaches itself as mere cleverness in these great affairs. Not matter for cleverness but for wisdom and foresight. We shall have to justify the result and the mode of reaching result to our consciences. And behind us is the people of South Africa who will scrutinize our methods carefully and who will be rightly shocked to find that a question which means so much to them and to Union has been settled by a process open to fakes, manoeuvres and dodges. They will condemn the process and also the result and blame us for petty handling of a great issue. Let us adopt a method of settling capital which will be *honest, sound and unassailable*, whatever the result. Shall come to that.

Argued that subject if vital ought to have been brought up at start. To me only one vital question and that is the Union itself and capital is vital only in so far as it bears on that question. Am glad subject was not brought up at start as it might have wrecked Convention at start. Gone so far that that retreat is practically impossible. (No retreat intended by us.)

Sir, we must see thing through. If we fail *now* the noblest dream of South African statesmanship will be shattered and South Africa will be launched on sea of differences and unhappiness. I agree with President Steyn about fraternal strife. Effect of differences here developed will be most disastrous in future. Convention will be not dawn of a nobler time but of a black day in history of South Africa.

If Union is dead, the hope that has inspired some of us so far in public life is dead too, and the prospect is dreary and black in the extreme.

Must see it through and take such steps here as will assure acceptance by people of South Africa. That is why we consider Pretoria so vital. Not question of particular place but of acceptance of Union. Vital with our people. And their claim is reasonable. When draft comes to be carefully weighed by people of South Africa they will all see that, where all have made sacrifices, Transvaal has sacrificed most and surrendered most. It is in position of greatest independence of all Colonies and its entrance into the Union will add great material strength and stability to Union. They will admit that Transvaal is entitled to some consideration and all that is asked is the capital.

Position of Transvaal delegates quite plain and clear.

Question has to be decided by us. So resolved and wisely. *Cannot be relegated to Parliament.* (1) People must know whole position when they enter into Union. (2) Will be impossible ever to form a Union Government so long as this question cuts athwart all parties.

Cannot be relegated to Committee—as decision lies with Parliaments of Colonies and recommendation of this Convention will carry far more weight than outsiders sent here.

How to be settled. I think, Sir, quite honestly by narrowing the issue in the ordinary way by resolutions. Let us proceed on principles and step by step. Not game of dice, but principles. After principles decided we can proceed to particular places and choice may not be very difficult then.

One principle to me of vital importance is that capital should not be seaport town and that might fairly be voted on. I object on principle to seaport town. It will be said that that is aimed at Cape Town, but I cannot help it. No animus against Cape Town. Born here. But its position is too exposed and it is too far from the heart of the Union. Union will go up to Congo soon and perhaps embrace whole continent south of that. Is it wise to fix on most extreme point in south almost on an island away from continent for capital? People of at least three Colonies will object in strongest terms to coast capital. That is a matter to settle fairly before particular places discussed.

Another matter to decide is whether it is worth while going to expense and trouble of new capital. That means (1) vast expense for already over-burdened country, (2) settlement of

interim capital which will be just as difficult. These and other matters should be discussed and settled before exact place comes up for settlement. I propose that this course be now followed.

420 From Lord Courtney

Vol. 7, no. 23

15 Cheyne Walk
Chelsea, S.W.

11 February 1909

Dear Mr Smuts, I must not let this week's mail go without sending you a word of the heartiest congratulation on the draft of the new Constitution which has just appeared in the newspapers. It is a very remarkable piece of work and, as I have told my wife, the young men have done it. They have had the courage and energy to conceive this project and to carry it right through. I will frankly confess that I doubted at first whether it would not be better to proceed cautiously through federation towards unification. But I am now inclined to think that your scheme of Provincial Councils will satisfy local wants and feelings leaving the unified Parliament in undisputed possession of all the greater fields of action. You see I am not a young man and you must forgive my caution. The thorough-going way in which you have embodied proportional representation and the single transferable vote in every branch of your scheme naturally excites my most lively sympathy: and here it is that I feel so strongly that youth must have prevailed. You are of course foremost of the younger generation in persuading your elder colleagues (I cannot call them old) to go along with you—but I am sure you will be the first to agree with me in recognizing in my old friend and quondam secretary Curtis and in Mr Brand the zealous co-workers and supporters of your proposals. Now I must not add more to claim the attention of a man who has already got, I am sure, more correspondence than he desires and I will therefore conclude with saying that my wife agrees in every word I am writing and joins in sending most cordial remembrances. Very faithfully yours,

Courtney of Penwith
per K.C.

421 From H. A. L. Fisher

Vol. 7, no. 31

New College
Oxford

11 February 1909

Dear General Smuts, Please—without troubling to answer—accept my cordial congratulations on the draft Constitution. It strikes me as a most fair and statesmanlike settlement of a very difficult set of problems, and I think that the Convention and in particular those who like yourself have taken a prominent part in the Convention may justly feel proud of the results of their work. The division of the capitals strikes me as the most doubtful point, but people here who know the Indian system are hopeful that the difficulties may not prove insuperable; and in any case, if after a few years the machine is found difficult to work, it will be to the common interest to change the arrangement. The provisions for proportional representation, for Native experts in the Senate, and for automatic redistribution seem to me to be peculiarly wise and well adapted to a society containing so many large and unrealized possibilities of expansion and so many minority interests. I shall be intensely interested in following the fortunes of the measure in Natal. Will that exclusive little Colony swallow the baits? I hope so.

You will be pleased to know that over here there is nothing but praise for this extremely large-minded Act.

With my kind regards to Mrs Smuts—in which my wife wishes to join, Believe me, Yours sincerely,

Herbert Fisher

422 From J. B. M. Hertzog

Vol. 7, no. 38

Written in English. Annotated by Smuts as follows: 'Answered negating his contentions'.

Bloemfontein

12 February 1909

My dear Jan, The Chief Justice¹ and Judge Fawkes have been to see me on several points concerning the provisions of

¹ Sir Andries F. S. Maasdorp.

Sections 96 and 100 of the South Africa draft Act, which I think deserve our attention, and are the following:

1. Section 96 provides that the Governor-General-in-Council can from time to time assign two temporary judges to the Court of Appeal. The objection is that if only two judges are so assigned at any particular time and a case comes on for hearing on appeal in which one of the two judges so assigned has previously sat, the Governor-General-in-Council may, should it be a case in which the Government of the day has any interest directly or indirectly, assign a third judge specially with a view to having a judgment according to their desire—and so as it were pack the Bench.

In order to prevent that or even the suspicion, it is suggested that 3 (three) judges should be so assigned from time to time, two of whom will sit [at] a time according to rules to [be] framed by the Chief Justice, say.

2. The second point raised by them was that the provision that these judges shall be assigned from *any of the Provincial Divisions* (line 5, Section 96) would exclude the Eastern District Court and the Griqualand West High Court,¹ or rather the judges thereof, from being so assigned. Now I do not think that that was intended and therefore think the words: *any of the Provincial Divisions* should be deleted and the words *amongst the judges of the Supreme Court* substituted.

3. The third point to which they referred was in regard to Sections 99 and 100. They are of opinion that the last two lines of 99 do not sufficiently guarantee that the salaries of *existing* judges shall not be reduced during their term of office, and think it advisable that a sub-section be added to [Section] 100 containing the provision that *the remuneration of no judge shall be reduced during his term of office*. Perhaps the same end can be attained by making the words in lines 4 and 5 from the word *prescribe* read as follows: '*and the remuneration of no judge shall be diminished during his continuance in office*'.

I shall be glad if you will consider these objections and let me know your views so that we may have these alterations made when Parliament meets. When I have received your

¹ Divisions of the Supreme Court of the Cape Colony.

answer I hope to write to Sir Henry and Natal also—that is if you agree. Yours very sincerely,

J. B. M. Hertzog

423 From J. X. Merriman

Vol. 7, no. 58

Private

Treasury
Cape Town

16 February 1909

Dear Smuts, Since I wrote to Botha things have I think improved here a good deal and the efforts of the wreckers¹ will be futile. I shall drive home as well as I can the unwisdom of reopening contentions and shall try to get the Constitution accepted *en bloc*. I enclose a letter that shows what delay may mean. The writer is our friend Mackarness.

Did you notice a sermon by the Rev. McClure. Some of his remarks were an outrage to every right-minded man and I shall tell him so. It is a curious alliance of the wrecker Bill Schreiner, old Hofmeyr, v.d. Horst, the Rev. McClure!! It has had one effect; it has converted my somewhat Laodicean attitude into the old enthusiasm.

‘To die be given us, or attain,
Fierce work it were to do again.’

But muzzle your Lindsays²!! With kind regards, Believe me,
Yours truly,

John X. Merriman

Burn Mackarness’s letter.³

424 To J. X. Merriman

Vol. 7, no. 106

Colonial Secretary’s Office
Pretoria, Transvaal

19 February 1909

Dear Mr Merriman, Many thanks for your note which arrived this morning and in which I once more detected the tone proper to a boy of the bulldog breed. I feel certain that we are going to carry this Constitution all over South Africa, though

¹ Those in the Cape Colony who publicly opposed the draft South Africa Bill.

² A reference to H. L. Lindsay.

³ This was apparently done.

not without much trouble in certain quarters. I cannot understand a man of Hofmeyr's position now cutting himself practically adrift from the noblest aspirations of the people of South Africa and apparently on mere paltry grounds—for the reasons given in his document¹ for differing from the Constitution are purely paltry. Fitzpatrick held a very good meeting here last night. We hold a caucus of our parliamentary Party on Wednesday and thereafter we shall start with meetings all over the country. Everywhere we shall press for resolutions approving of the Constitution as a whole, so that the road may be clear for an address from Parliament on the lines suggested by you in your letter to Botha.

Some trouble has been made by Sauer's reference to a five years' period; people here take everything from him in the most serious light, as indeed they have a right to do. Lindsay is a horse of a different colour. I think it will be most useful if you were to give the hint to your members to hold meetings in their constituencies and get resolutions generally approving the Constitution. That will forestall charges of bad faith etc. later. With kindest regards, Yours very sincerely,

J. C. Smuts

425 From J. X. Merriman

Vol. 7, no. 59

Confidential

In the train
2 March 1909

My dear Smuts, Thanks for your letter. You will see that we are in the thick of the campaign, things are going pretty well. The wreckers have failed I think in stirring up the Natives who are contented—as well they may be—with the compromise. They now confine themselves to demanding amendments and a referendum which they know, if successful, will wreck the Union.

I think however that this movement is mainly confined to Cape Town. Cronwright-Schreiner (the husband of Olive Schreiner) has started a campaign in the Midlands but he is rather a crank. I see you are billed for a great speech on the 10th. Do I pray you recollect that all our speeches are

¹ Hofmeyr issued a Press statement which sharply criticized the draft Constitution. See *Cape Times*, 19 February 1909.

boomerangs; what is received with applause in Cape Town is anathema at Pretoria and vice versa but I fancy I hear you saying: He preaches to others while he himself is a castaway¹—anyhow I try not to be one.

I cannot understand how people do not grasp the fact that delay means a prolongation of uncertainty and the consequent pecuniary loss.

Moor seems to be doing well, you ought to send him some assistance. Steyn writes me that the Orange Free State is secure for the Bill the whole Bill and nothing but the Bill.

We shall indeed be fortunate when we get over our obstacles for few people recognize the enormous task that lies before us in getting the machine to work. With kind regards to yourself and colleagues, Believe me, Yours very truly,

John X. Merriman

Excuse writing.

426 From J. W. Sauer

Vol. 7, no. 84

Cape Town
3 March 1909

My dear Smuts, Just a line to you. Centlivres leaves by the train that takes this to Pretoria to see you about the future of the *South African News*. He has locally a splendid offer to purchase the concern, but sale of it may mean later the loss of control. And looking to the future it is essential to us and the cause that we should have a paper here. The importance of that I know you will appreciate. Therefore do your utmost to arrange matters with Centlivres—who is the most estimable of men.

We are having a deal of trouble about the 'one vote one value'—a damnable doctrine which works out most unequally in practice. The man who lives in a constituency of two square miles is advantaged over the man who is a voter in a constituency ten thousand times as big. The feeling in our Parliament is strong against the principle laid down in the draft Constitution and still more against the effect of its application.

¹ '... lest that by any means, when I have preached to others, I myself should be a castaway'. 1 *Corinthians* ix, 25.

The opposition on this ground plus what comes from other quarters causes us some anxiety. With kindest regards, Yours very sincerely,

J. W. Sauer

427 From J. X. Merriman

Vol. 7, no. 60

Confidential

Treasury
Cape Town
12 March 1909

My dear Smuts, I have been away 'on the stump' which is bad for correspondence. On the whole things are going well here outside Cape Town where the sappers and miners keep up their work. They made a great mess of it at the Bond conference for which I am very sorry as it gives a *point d'appui* for all other objectors. I never thought to see Hofmeyr and 'Major' [P. A.] Silburn marching under the same banner.

I enclose a rather hysterical letter I got from Percy Molteno. In replying I reminded him of those favourite lines from Lucretius¹ beginning *Suave, mari magno* and ending *tua sine parte pericli*—of course you remember them. Still this kind of thing may cause trouble not lessened by speeches like [F. E. T.] Krause's or by addresses like Selborne's. I wish you could put a muzzle on that orator just now.

I was on the border² and told them that you hoped to make a tour with me to see that part and our system. Of course this depends on how the Convention matter goes but I hope you will be able to come. With kind regards, Always yours truly,

John X. Merriman

Read *Tono-Bungay* by H. G. Wells—very clever.

¹ *Suave, mari magno turbantibus aequora ventis,
E terra magnum alterius spectare laborem;
Non quia vexari quemquamst iucunda voluptas,
Sed quibus ipse malis careas quia cernere suave est.
Suave etiam belli certamina magna tueri
Per campos instructa tua sine parte pericli.*

Sweet it is, when on the great sea the winds are buffeting the waters, to gaze from the land on another's great struggles; not because it is pleasure or joy that anyone should be distressed, but because it is sweet to perceive from what misfortune you yourself are free. Sweet it is, too, to behold great contests of war in full array over the plains, when you have no part in the danger. *De Rerum Natura*, ii. 1. Translated by Bailey.

² In the eastern Cape Colony.

428 From J. W. Sauer

Vol. 7, no. 85

*Confidential*Cape Town
29 March 1909

Dear Smuts, I was sorry that you too had not come to Bloemfontein¹ as I was particularly anxious to discuss the 'one vote one value' principle with you. That I may say is the only amendment to the draft Act I would like to see. One man never was and never will be of the same value as another. But allowing that for theoretical purposes there is equality under the provisions of the draft Act there will be serious practical inequality: centres of population can quietly and effectively exercise influence which sparse population cannot. Therefore in England, Australia, and New Zealand the large centres of population have on the basis of numbers less representation than the country proper. And in New Zealand as you know it is fixed by law that fewer votes in the country are required to get a member than in the towns.

In the Colony the country proper today has an advantage of forty-two per cent over the centres of population. And I can assure you that unless we get this full advantage of the 'fifteen per cent above or below'² and a liberal application of the principle of one- or two-member constituencies our majority would vanish. I have heard of the result you have worked out, but take it from me to quote a great man, I am right. And I know the difficulty and danger of rushing in with amendment, but this is a vital question and we should do what we can in the matter. Botha and Hull will tell you that it came up for discussion in Bloemfontein last week, and that it was understood that Fischer should take the lead in the matter. Natal is entirely with the view herein expressed. Now you will have seen that the clause of the 'fifteen per cent above or fifteen per cent below' excluding density and sparseness of population has given rise to difference of opinion as to its meaning. Some read it to mean something considerable,

¹ The four Prime Ministers and four other Ministers met in Bloemfontein on 24 March to arrange the further procedure for enactment of the draft Constitution.

² Under the draft Constitution delimitation commissioners might depart from the quota of voters per constituency to the extent of fifteen per cent more or less than the quota.

others as mere pious opinion. And in Bloemfontein Hull, Hertzog, Greene [E. M.] and I did not agree as to the meaning of the clause or clauses in question. It has occurred to me that we might say it is necessary to *define* or *make clear* what was intended by the Convention. That would not be like coming with an amendment. Hull will tell you how it was suggested to make clear what was intended, and he will also tell you what interpretation a Judge of the Free State gave to the clauses.

I beg of you to give this matter your most earnest consideration as the consequences to the future of the country and the cause will be serious if we have anything like a mathematical application of the principle of 'one vote one value'. It is really the only matter criticized in the draft that I wish or care much to see altered or correctly defined, and if we are not careful it may yet stop union for the present at least. With kindest regards, Yours very truly,

J. W. Sauer

429 From J. X. Merriman

Vol. 7, no. 61

Confidential

Treasury
Cape Town
1 April 1909

My dear Smuts, We are having more trouble than I anticipated. Hofmeyr with his aide-de-camp Te Water, and Schreiner and his little band of lawyers, are very busy sowing tares but I do not think they will do much for though many may be willing to wound they are afraid to strike so strong and genuine is the feeling for union in the minds of the people. You can regard the foregoing as the musings of a pessimist. What I wished to tell you was that I yesterday saw Morrison [J. T.], your old Professor, who has just returned from German South West Africa where he has been on a magnetic survey for some months. He may be taken as a sort of 'man in the street' as far as opinion goes. He certainly has no axe to grind. Now he says that he was shocked and pained by the *universal* feeling among the German troops and settlers as to the imminence of a war between Germany and Great Britain and further, the expression of the extremely popular character

of the war. There is something in this for Morrison is not a silly military Jingo nor is he a Press man who would gladly see empires ruined if he could get a 'scoop'.

The contingency is undoubtedly probable, or rather possible, and we should be prepared for it. Nothing can be done without union and we may delay with all our fine schemes until it is too late. Do not think me an alarmist. I am very far from being one in that respect for I consider such a war would be a useless unprovoked crime but it will affect us profoundly in South Africa. Yours truly,

John X. Merriman

430 Speech [1909]

The main part of the speech on the draft Constitution made by Smuts in the Legislative Council of the Transvaal Colony on 3 April 1909 (*Transvaal Debates of both Houses of Parliament, Extraordinary Session, First Parliament, 1909, columns 19-28*). The draft was accepted without amendment by the Transvaal Parliament.

Mr President, it will not be necessary for me to speak at any length on the motion which stands in my name on the order paper, viz., 'That this House approves of the draft South Africa Act agreed to by the South African National Convention at Cape Town on the 3rd February, 1909'. It will be quite unnecessary for me to say anything on the question of the desirability of union. The matter was so fully discussed in this House and in another place, and all over the Transvaal last year, and after the fullest consideration the House came to the conclusion that union was good, and that it was in the permanent interests of the Transvaal, and by a great majority, by an almost unanimous vote, resolved to send delegates to the National Convention. That was done last year, and nothing that has happened in the meantime has, I think, cast any doubt whatever upon the wisdom of the step which was taken by this Council. For a long number of months the advisability of union has been thrashed out at the National Convention, and by the public of South Africa, and more and more the impression has deepened that the step was wise, and that union was in the interests of the Transvaal and of South Africa as a whole. Indeed the wonderful unanimity

that has prevailed all over South Africa on this most fundamental of all questions is a convincing proof that this movement is not a mere movement of the surface in South Africa, is not a movement of politicians, but is a truly national movement, has originated from the people, and is carrying along with it the vast bulk of the white population of South Africa. I think it must be very gratifying to this House that the action they took last year has received such powerful confirmation at the hands of the people of South Africa. The effects of this movement are already being felt in the direction of the subsidence of the party spirit, in a spirit of co-operation which is more and more engendered amongst the people of South Africa, and I am certain that this movement, in its full fruition, will be the remaking of South Africa and start it on a higher plane of political and national life. I am certain that better days are in store for this country and for the whole of South Africa, and that the whole body corporate will benefit. I do not want to argue the question of union. The more important question now is the form of union, and that is the question of the draft Act, which now lies before this Council for confirmation or rejection.

Now, Sir, in regard to the form of this union which the Convention has prepared for South Africa, it cannot be denied that what is proposed is the most drastic alteration which has been made for a hundred years in the Constitution of any united country, and in view of the enormous change now proposed to be effected, it is incumbent upon the people of South Africa to consider the matter most carefully, to review the whole situation, and to bear in mind that what is really put before them means in effect a complete revolution. In other countries, and in other times, really such a change as we are trying to bring about in South Africa could only be brought about as the result of a great war of conquest. For what do we do here? We propose to sweep away all the existing political institutions of South Africa, and we propose in effect, if I may put it so, to go back on the creations of almost a hundred years; we propose to sweep them away and to put in their stead entirely novel machinery for the government of South Africa, and that could only have been brought about in other countries and in other lands as the result of a

great war of conquest. I repeat that the fact that the whole of South Africa, after mature consideration, has not only acquiesced in this revolutionary change, but is actively supporting and favouring it, shows that a complete revolution has taken place in the people's mind itself. In other countries, where different units had to unite, it was found more convenient to leave existing institutions as they were, and simply impose something additional upon them. Of course that is the easier course. Then you do not touch vested rights, you do not interfere with existing arrangements; you simply utilize existing machinery for the government of the country, and only add something additional. Here we propose not to do that. The difficulty of the course which has been followed elsewhere, in the United States of America, in Canada, in Australia, and in a number of countries in Europe, and the drawback of the course followed there, where you leave existing institutions practically intact and create some additional machinery, is that you create a system which is inherently weak, because at once a certain amount of competition and rivalry must start between the ancient institutions which are continued and the new institutions which are brought into force. The result is at once a certain amount of rivalry and competition, which mean political conflict and constitutional conflict, which do not tend to really help the country.

Now honourable members can understand that if we left intact existing Colonial Governments in South Africa which are now rooted in the affections of the people, and gave the country a superimposed Union Government, the result would have been that the affections of the people would have been divided between the two institutions. Some people would have supported their local Colonial Government under whatever political conflict would arise in South Africa. Others again, would have given their affections to the Union, and the result would have been that in the years that lie before us we would have wasted a large amount of our political energy, not in pushing forward with business, but in constitutional conflicts of one kind and another. We wish to be finished with constitutional conflicts. We want to come to business. This is a young country. It has to a large extent been marking time, and, I almost said, has been going backward for the last ten years,

and we wish to see the end of that period of retrogression or stationariness. We wish to come to business and move on. I think the only way that could have been encompassed in this country was by sweeping away existing machinery, and existing organs of government and putting another in their place, a central government which would have no rival whatever, and would have no competitor in South Africa. Of course, it is not an abstract question—this question of the form of government best suited for any country. The best form of government for a country is not a question for professors or constitutional lawyers. No doubt one form of Constitution is better than another, but in approaching a question like this you cannot simply argue as it were in the abstract what is the best form of Constitution we should adopt. Because you have to consider the practical political forces in the field. You have to consider the whole national trend of mind and the circumstances of the country before you can make up your mind as to the question of what is the best form of government. We have a very remarkable instance in history of how one Constitution is good for one people and perhaps bad for another. Take the union of Great Britain and the union of the United Kingdom and Ireland. Centuries ago a united form of government was obtained for the two kingdoms of England and Scotland. The form of union employed was a great deal more unified than that we are now trying to create for South Africa. The results of that union between England and Scotland have been most fruitful for good, good not only for England but for Scotland, and the chief result has been that from two petty kingdoms, Great Britain has become the mistress of the world, very largely as the result of that far-reaching step that was taken when the two countries were united under a unified form of government. When that was a great success in regard to England and Scotland, an effort was made at the beginning of the nineteenth century to apply the same system to Ireland. There was a great deal of doubt as to the wisdom of the step then taken, and if we look at the constitutional conflicts that have raged in the nineteenth century between Great Britain and Ireland, we see that what was good for England and Scotland was perhaps not good for Great Britain and Ireland. That arose very largely from the different trend of mind of the

people, and from the different circumstances of the countries, and Honourable Members will see that what was good in one case was not good in another. You have in each case to consider carefully, on the facts of the case, whether one form of union will suit the people better than another. The same difficulty existed in Canada. There many of the finest minds that had to consider the question of union were in favour of the form of Constitution we are adopting in South Africa today, but they considered on grounds very much like those in the case of Ireland, that a purely unified form of government would not be a success. I would quote a few words that the Attorney-General, Sir John Macdonald, made use of on the occasion of the Quebec resolutions, in the Parliament of Canada. What he said was: 'The only means of solution for our difficulties is the junction of the Provinces either in the federal or legislative union. Now, as regards the comparative advantages of the legislative and federal union I have never hesitated to state my opinions. I have again and again stated in the House that, if practicable, I thought legislative union would be preferable. I have always contended that if we could agree with one government and one parliament, legislating for the whole of these peoples, it would be the best, the cheapest, the greatest, and the most vigorous system of government we could adopt. But on looking at the subject in the Conference, and discussing the matter as we did most unreservedly, and desiring to arrive at a satisfactory conclusion, we found such a system impracticable. Why? In the first place it would not meet the assent of the people of Lower Canada, because they feel in a peculiar position, being in a minority with a different language, nationality and religion from the majority. In the case of the junction with the other provinces, their institutions and their laws might be assailed, and their ancestral associations on which they pride themselves attacked and prejudiced. It was found that any proposition involving the absorption of Lower Canada would not be received with favour by her people.'

So you see, where there was an important national cleavage, reaching down to the foundations of society such as was the case in Canada, it was considered that they could not adopt what was theoretically the best form of Constitution, but they were forced to accept the second best form in this federal

constitution which was accepted by Canada. We have no such important cleavage in the social and political structure of South Africa today. We have all over South Africa conditions almost similar. We have no doubt, as in Canada, two white races, but they can be considered as one in the political development of South Africa. Here you have these races who live side by side in every Colony of South Africa, and they are already fusing and being fused under the existing form of Colonial Constitutions under which they live in the various Colonies. Any attempt to keep up racial distinctions through such a distinction as was made in Canada need not be made here, and, indeed, cannot any longer be made here. There being such a difference between the situation that was in Canada forty years ago and that in South Africa today, there is no reason why we should not adopt the advice of Sir John Macdonald and adopt the best, cheapest, greatest, and most vigorous form of government that is possible. By departing from traditional lines, and by adopting a form of Constitution of this kind, you are not only proceeding on the best possible lines in regard to the political and constitutional question, but on the best lines as regards the great national problem with which South Africa has been confronted in the past. By adopting this measure, which entails the signing away of the existing Constitutions and their replacement by a central government, you at once solve a whole host of political difficulties with which other forms of Constitution have been confronted. You have at once a form of Constitution which follows more or less the principles of the British Constitution. You get a Constitution which is entirely flexible, and which can be moulded by the wants and the experiences of the people of South Africa. You do not now, as it were, put the people of South Africa in swaddling-clothes or into a strait-jacket; you are providing a form of government for them which can be moulded and altered at their will as they gather experience and find themselves confronted with new problems in their political development. You get a form of Constitution which makes the people really supreme. Whether you take the United States, Canada, or Australia, you find everywhere that in the last resort it is the law courts that hold the power and decide the validity of legislation. Everywhere where you have a federal form of government you

have in the last resort to say who has to decide between conflicting elements of legislative authority, and you are faced with this difficulty, that in big constitutional questions there is a power quite apart from the desires or will of the authority elected by the people. All these difficulties drop at once under our form of Constitution. I wish we could have gone the whole length and had a Constitution which was entirely flexible in all its points of view. I am sorry we were not successful in getting that. On four points no alteration can be made except by a two-thirds majority of the two Houses sitting as one House. I think that is the most regrettable feature of the whole Constitution. And when this matter of special machinery for constitutional alteration was mentioned at the Convention I felt at once that we were confronted with one of the most dangerous and difficult matters that we were called upon to decide. Sir, we were forced ultimately by considerations that proved too strong for us to give in and agree that a certain small number of points could not be altered except by a two-thirds majority. To that extent we have departed from the principle of trusting the people of South Africa. In all other matters we have trusted the people that were to follow us. We have left the whole matter confidently in their hands. But on four points we have not trusted them, and we have tried to prevent constitutional change by making the machinery for change more difficult. I regret that, Sir, but as I said, circumstances proved too strong for us. I do not want to criticize now the work we did. I felt all along that by introducing provisions of this kind we were defeating the very object we had in view. Take the Coloured vote at the Cape, which is entrenched by this two-thirds majority. What is the ultimate effect according to the provisions of the Constitution? The Constitution lays down that a change can be made, but the change is made a little more difficult than usual. What was intended by the friends of the Natives was to prevent change. But they have not done that. They have laid down a principle of alteration which can be applied; and if ever there is a two-thirds majority it will be competent and entirely in the spirit of the Constitution to introduce that change. I am glad, Sir, that this provision of the Constitution has not been extended further and has been laid down only in four cases. Well, Sir, that is

the form of Constitution which you will find in this draft Act.

Once we decided to sweep away the existing machinery of government and create a new Central Government we were confronted with one great difficulty, and that was the difficulty of arranging a new system of local government for South Africa, and honourable members will see in the Constitution before them a system of Provincial Councils, which I see has sometimes been called crude, and which has been criticized considerably, but which in the end may prove, and I hope will prove, one of the strongest and best features of the whole Constitution. It has been felt all along that some system of local government must be arranged in a country so large and in a territory so diverse in its interests as South Africa. It was felt that some form of local government was necessary, but it was difficult to arrange it. In England we have a precedent in a most admirable form of local government, but the County Councils in England do not have to any great extent legislative powers. Legislative power remains vested in the Parliament at Westminster; but for administrative purposes a large delegation of power takes place to these councils, and that is a system which has worked well in England, so far as I have been able to find out. That is a system, however, which we could not with any success have advocated at the Convention. It is a system which the Provinces would not have agreed to. What was wanted by the advocates of the provincial system was to have legislative power in addition to administrative power, and the system that has been adopted is provided in this Constitution. It will on further examination be seen that this system, though novel so far as British institutions are concerned, is really not novel in South Africa, because the system of provincial government follows to a large extent the system that obtained here before the war in the South African Republics. If honourable members will compare the provisions with regard to Provincial Councils with what existed in the Free State or the South African Republic before the war they will see that that is really the archetype we have followed in this Constitution. You have in the Administrator a person who has been very strongly criticized because he is not, as are his colleagues on the Executive Committee, elected by the local

legislature. Well, Sir, the Administrator takes very much the same place that the President took in the Republic before the war. He was not elected by the Volksraad; he was elected by popular vote. In the case of the Administrator, instead of having him elected as the President was before the war, by the public will, he is appointed by the Central Government. But he is an official not really very different from what the President was in the Transvaal. The other members are elected by the Provincial Councils, which is the system we had in the Transvaal before the war, and as I could watch that system working from inside I found it worked very well. The old Legislative Council of the South African Republic contained men representing both parties that were then in the Volksraad, and in the administrative machinery of the country they co-operated well, and I think that that machinery was really benefited by both parties represented in the Volksraad being also represented in the Government of the country. Strong party lines were departed from in the administration of the country. I think that the system is going to work well, although it seems novel, and although some wise people call it crude, if only it is given a fair trial. If it works successfully I am sure it will be one of the greatest successes of the Constitution, and will probably be followed in other countries which are confronted with the same constitutional trouble that we are confronted with. I see a movement in certain parts of South Africa to entrench these Provincial Councils. I have already expressed myself very strongly in favour of these Provincial Councils, but my opinion is not so favourable that I should like to entrench these Provincial Councils, because we must bear in mind that we are practically breaking new ground, and are trying to graft, as it were, the ancient institutions of the Republic on to new ideas. I hope that the people of South Africa will agree to give this a fair trial. They must give this principle of elasticity in regard to this part of the Constitution a fair trial. It must be elastic in order that when it is necessary to curtail or expand the powers of the Provincial Councils Parliament should have the power to do it. These are the four main [*sic*] features of the Constitution, the unified form of central government, and, secondly, the form of provincial government to which we have agreed. There remain some few points in the

Constitution to which a great deal of attention has been already drawn by public discussion, and to which I wish briefly to draw attention, and that is the compromises of the Constitution.

I think these compromises—some of them, at any rate—among the most regrettable parts of the whole Constitution. I am not speaking of small matters, because in all matters of detail you have to give and take, but I do not call them compromises. But there are certain large and almost vital matters in the Constitution on which it was found impossible to achieve union except on a basis of compromise. Solutions were adopted which were really in conflict with fundamental ideas of the Constitution. The first is the Senate.

The underlying idea of the Constitution is that South Africa becomes one, and that territorial boundaries be swept away to create one huge country. The Senate as proposed is in direct conflict with that underlying idea. If members will read the Constitution carefully they will find that it is almost the only case in the Constitution where it was found necessary to keep the old Colonial divisions. Honourable Members can understand the difficulty with which we were confronted. We wanted, if we had to adopt a unified form of government, also to make one country of South Africa, and as far as possible do away with existing boundaries. It was found impossible to carry the smaller Colonies with us. The smaller Colonies claimed, and claimed with a good deal of reason, from their point of view, that a period of transition was necessary in South Africa, that to create this revolution in a day would not work well, and they claimed that there should be a transition period of ten years, during which they should have the same representation in the Senate as the other Colonies. The result is that you have to-day a Senate which is not a central body at all. You have a Senate, which is a provincial body, which represents the Provinces, and I am afraid if it is not a very wise body it may look upon its functions in that light, and not work for South Africa, but try to work for individual Provinces. It would be a most regrettable result if it should take place, and that is the danger we run in regard to the constitution of the Senate. The Senate will be elected by the present Parliaments for ten years. We fought against this compromise, because, as I say, it departs essentially from our fundamental idea, but we

found that if union had to be carried this had to be swallowed, and we preferred the swallowing rather than fail on the main issue. I hope that members of this House and the country will feel that the compromise is not so vital, and that what has been surrendered here is not so large as to really stand in the way of the acceptance of the Constitution.

A more serious matter, to my mind, was the Coloured franchise in clause 35. Now the difficulty which I foresee is this: we are now introducing into the Constitution of South Africa the principle of dualism. You are recognizing that there should be a Coloured and a Native franchise in one part of South Africa; to some extent you are entrenching it, whereas in other parts there will be no such franchise. The result will be that you are in this Constitution creating dualism on the most fundamental matter in South African politics, which in the end, unless it is handled very carefully by the people of South Africa, may lead to grave consequences and disastrous difficulties. I said last year, in the discussion of this question in another place, that the thing that was to be feared was not so much the Native question, because that question will ultimately be solved by the people of South Africa, but what was to be feared, and what was already developing in South Africa, is the division of the white people in this country on this Native question. Members will bear in mind that it was not a question of slavery which brought the war in the United States in 1861. It was the division of the white people in the United States on that question. If they could eliminate that disunion and bring the white people into line they were going to solve the problem. We could not do that. Every attempt was made in the Convention in order to have a uniform system of franchise in South Africa, but it was found to be impossible. It was only after much discussion and probing into this most difficult problem that it was found impossible to abolish the Native franchise in the Cape. Nor could we find any alternative solution, and we left the Native question practically where it was. If there is one thing in the Constitution which I regret it is that there should be this apple of discord placed before South Africa—an apple of discord which, unless Providence is kind to us, may afterwards lead to very grave consequences in the history of South Africa. Sir, on this question, too, we

could only take up an attitude of trust—trust in the future, trust in the wisdom and foresight and experience of the coming generations. Honourable Members will see that we have not put this apple of discord forward. It is not of our creation. It is embedded in the structure of South Africa today. All we could do was to admit our inability to remove it. We have to admit that, and that it is for the future South Africa to remove.

431 From F. J. Centlivres

Vol. 7, no. 13

Private

South African Newspaper Co., Ltd.
Keerom Street
Cape Town
8 April 1909

My dear General, I reached home early this morning and have since received the money, for which accept my best thanks. The script has already been posted under registered cover to Batty.¹ Sauer and Currey are both very pleased with the result of my mission and I am also grateful, although personally I could have done very much better for myself, i.e. for immediate results—but then there would have been no guarantee that the paper would remain in the hands of friends and that it would not eventually have been used against us. For these and other sentimental reasons I am very glad that I took your advice and went to Pretoria. Please convey my thanks to your colleagues also for having so kindly given me their time and assistance.

We must all now put our shoulders to the wheel and make the paper not only a financial success but also a power in the land! I hope you and your friends will be able to do good work in getting the mining houses to use the advertisement columns of our paper. There are a lot of meetings of shareholders taking place and after each meeting the financial statements are generally published in extended form.

For the purpose of keeping in touch with you politically it would be well if you could arrange with a friend who is in the know to send us a weekly letter on political and other topics.

¹ Attached to 431 is a cheque stub filled in by Smuts, dated 8 April 1909, and reading: 'J. A. Batty for S. A. News (loan from Boeren Hulp Fonds) £4,000'. James Ashford Batty had practised in Pretoria as an attorney since 1888.

There should be a fixed day for publishing it, say on Thursdays, in which case it would have to be posted on Mondays by the mail-train. At present we cannot afford to offer any remuneration but the time may and I hope will come when we shall be in a position to do so. Try to arrange with a friend who will assist for the good of the cause.

With kind regards and all good wishes to yourself, General Botha and Mr Hull, Yours sincerely,

Fred. J. Centlivres

ENCLOSURE

AGREEMENT OF PURCHASE AND SALE *made at Pretoria on the 2nd day of April 1909 between* FREDERICK J. CENTLIVRES *of Cape Town as Vendor, and* THE RIGHT HONOURABLE LOUIS BOTHA AND JAN CHRISTIAAN SMUTS *of Pretoria, as Purchasers.*

The Vendor agrees to sell and the Purchasers agree to purchase 8,000 (eight thousand) fully paid shares of £1 each in the SOUTH AFRICAN NEWSPAPER COMPANY LIMITED on the following terms and conditions:—

1. The purchase price shall be the sum of Four thousand pounds (£4,000) sterling payable on transfer of the said shares to the nominee of the Purchasers as hereinafter provided.
2. It is a condition of this Agreement that the Vendor shall out of the said sum of £4,000 advance to the said Newspaper Company the sum of Two thousand pounds (£2,000) sterling. Such advance shall be free of interest so long as the Company does not pay any dividend to its shareholders, and thereafter shall bear interest at the rate of five per cent per annum. The Vendor shall not be entitled to claim repayment of the advance until such time as the Company shall consider that it is in a position to repay the advance without crippling its undertaking.
3. The said shares shall be transferred into the name or names of any nominee or nominees appointed by the said Purchasers, and shall immediately thereon be endorsed in blank, and the scrip certificates delivered to the Purchasers.
4. If the said Newspaper Company be placed in liquidation before the said advance is repaid, and it be found that the assets of the Company are not sufficient to pay creditors in

full, and a dividend to shareholders equal to twenty shillings (20/-) per share, the Vendor undertakes to pay to the Purchasers out of any dividend awarded to him in respect of the said advance so much thereof as shall together with any dividend received by the Purchasers in respect of the 8,000 shares be sufficient to recoup to the Purchasers the sum of two thousand pounds (£2,000) sterling.

432 From Lord Selborne

Vol. 7, no. 92

Government House
Pretoria
9 April 1909

Dear Mr Smuts, This telegram from Sir Matthew [Nathan] will show you how critical the moment is at Durban¹ and that Maydon [J. G.] and Smith [C. G.] could turn the scale there, and so in Natal, against union.

Moor has telegraphed freely consenting to your seeing Maydon and Smith, and indeed I think it very important that you should spend great pains on them.

Remember that Maydon may try your temper ; he is really a very good fellow and able, but he is hot-tempered and excitable and may easily try your temper, as he has before now tried mine. But, if one keeps calm, he eventually cools and comes round. Yours sincerely,

Selborne

ENCLOSURE

Dated 8 April 1909

From: Governor, Pietermaritzburg

To: Chiltonite, Pretoria

Thank you for your reassuring telegram stop Curtis now in Durban reports by telephone that feeling against Transvaal Mozambique agreement is very strong there and if referendum were taken now there would be large majority against union

Nathan

¹ On 1 April 1909 a treaty had been concluded between the Transvaal and the Portuguese Government by which fifty per cent of the seaborne traffic to the Witwatersrand was to pass through Lourenço Marques, in return for facilities to recruit native labour in Portuguese East Africa. Although Durban had been guaranteed at least thirty per cent of this traffic, there was considerable dissatisfaction in Natal with the terms of the treaty. *See* p. 339 *supra*, note 1.

433 From Lord Selborne

Vol. 7, no. 93

Governor's Office
 Johannesburg
 14 April 1909

Dear Mr Smuts, I have just received a telegram from Sir Matthew Nathan in which he says that after discussing the matter with some moderate Durban representatives, and after hearing from Mr Moor the result of Mr Maydon and Mr Smith's visit to Johannesburg, he is satisfied that it is essential at this juncture that you should give a definite and formal assurance which will satisfy Mr Moor that the Transvaal will assist Natal at the second National Convention¹ to get some such inter-colonial agreement as was suggested by Sir Matthew Nathan in a telegram to me of the 6th April. It was suggested in that telegram that an inter-colonial agreement should be made which would secure protection in the Transvaal for the produce of the soil of other Provinces of the Union from competition assisted in any way by the Portuguese Government, the protection to be secured by excise duties or by countervailing bounties; the inter-colonial agreement also to define what the Transvaal Government will treat as branch lines in any arrangement which may be made with Mozambique under Article 22(c) of the recent treaty.

In view of the great importance of allaying the fears which have been excited in Natal by this treaty, I hope you will give your most serious consideration to the question whether such an assurance as Sir Matthew Nathan asks for can now be given to Mr Moor. Believe me, Yours sincerely,

Selborne

434 From L. Phillips

Vol. 7, no. 73

Private

Mount Nelson Hotel
 Cape Town
 21 April 1909

My dear Smuts, I enclose a letter² which will I hope steady opinion down here and meet with your approval. From what

¹ The National Convention met again at Bloemfontein, 3-11 May 1909.

² Published in the *Cape Times* of 21 April 1909. It opposed the Cape Parliament's amendments to the electoral clauses of the draft Constitution in favour of rural constituencies. See L. M. Thompson, op. cit., pp. 335-75.

I can hear it looks as though they are 'trying it on'. The Convention must stand firm. Any straying from the straight path is so hopeless because you can never get back. You might agree—if absolutely forced to—to the insertion of something about 'extreme cases' but directly the Convention tries to define 'sparsity and density' they will be like a motor-car in a wet vlei¹!!

I have hinted at the Transvaal joining with the Orange River Colony and Natal if the Cape stands out! Show this to Botha and with good wishes and good-bye, Yours very sincerely,

Lionel Phillips

There is a vast difference between an impartial Commission allowing a *fair* departure from the mathematical equal rights basis and the Constitution providing for it in detail. Exceptional and enormous constituencies are at a disadvantage with small, thickly-peopled constituencies and each case must be dealt with on its merits. I am not opposed to the idea of the country people having more representation than the towns where the conditions justify it. It wants doing with great discrimination. The *bijwoner* class for instance is not entitled to consideration!! The real farmer is. But I must go. Such a pen!

435 From F. Phillips

Vol. 7, no. 72

Tylney Hall

Winchfield

Hampshire

24 April 1909

My dear General Smuts, I have to thank you for your kind letter about our proposed Exhibition in Johannesburg. I told you that one of its objects was to found a permanent picture gallery with contributions from people here. I have been fortunate enough to interest Mr Hugh Lane in our project—he is the founder of the Dublin Municipal Gallery of Modern Pictures and has done much for art. I know he will be of immense practical assistance in our getting up a really fine art gallery.

¹ A hollow or shallow depression (Afrikaans).

As I find it is never any use preaching without practising I am happy to inform you that I have purchased three important works by William Steer which will be my contribution towards the gallery and which will, I hope induce others to follow in my footsteps. I enclose a cutting from *The Times* containing the criticism of Steer's work and have marked in ink the pictures I bought.

But my object in writing to you is to remind you that works of art must be safely and well housed, and to beg that you will bear us in mind. I heard rumours before I left Johannesburg, of a proposed Town Hall for that place. Would it be possible to have a room there with proper top-lighting for our purpose ?

I do not apologize for troubling you this time as I am so convinced of your sympathy in any scheme which has for its object the education of our countrymen and countrywomen. Sincerely yours,

Florence Phillips

436 From F. J. Centlivres

Vol. 7, no. 14

Confidential

The South African Newspaper Co., Ltd.

Keerom Street

Cape Town

12 May 1909

Dear Mr Smuts, I suppose you are home again and not sorry that the Convention has finished its work.

Shortly after my return from Pretoria I wrote to you about advertisements etc. but, owing to your travels and many engagements, you presumably did not find time to write and we are not yet receiving any Transvaal advertisements, other than a few small school advertisements, the same as we got before my visit to Pretoria. Mr Sauer promised to have a good talk with Mr Fischer about Orange River Colony advertisements and I wrote a private letter to General Hertzog on the same subject. It is quite imperative that we soon get more advertisements, otherwise the £2,000, which the Company has meanwhile placed on fixed deposit in the Standard Bank, will all dwindle away to make up the monthly deficits. Business is always bad in the winter months and for some

reason or other we are getting less and less work from our local auctioneers.

It is sincerely hoped that the amendments to the Constitution will prove to be a satisfactory solution of all the difficulties that were raised. When union is established the *News* should become a strong self-supporting paper! Confidentially I may say that I was recently again approached but this time for half *my* shares. My reply was: 'Wait until the fate of the Constitution has been decided and then I will see you again'. I added that I would not treat on a share basis but, if I did anything, it would be a partnership to buy the business out-and-out. If we get union there must be no talk of selling the business or parting with the controlling power. The paper will be required as a Government organ and it must be kept as such, only don't allow it to become a drain on the Party! Assist us in making it self-supporting and I here must say that I have asked Batty to see you with a view of appointing a smart canvasser, on a commission basis. We want a reliable person who has some influence with the mining houses. Perhaps you are in a position to give Batty a few names.

A 'rumour' has been going about here to the effect that more than half of the Company's shares are held in the Transvaal—some people think Johannesburg. I fear it is more than a rumour and that the information came from Pretoria. I have kept the matter so secret that not even the Board of Directors nor a single member of our staff know about it. The money was wired to me through a Bank other than where I deal so as to keep them off the scent. If it has become public at Pretoria you must please let me know at once. With all good wishes and kind regards, Yours sincerely,

Fred. J. Centlivres

437 From H. J. Wolstenholme

Vol. 7, no. 128

5 Oxford Road
Cambridge

14 May 1909

My dear Smuts, This week I send: (1) Benn: *Modern England*, 2 vols.; (2) Wallas: *Life of Francis Place*; (3) Mody: *Political*

Future of India, an interesting presentation of the new ideas that are becoming practical among the Oriental peoples. It seems rather strange, and disappointing, to find of the three best essays out of thirty-five, one is by a Parsee, two by Anglo-Indians, and not one by a Hindu or a Mahomedan. And yet the Bengalis are as quick-witted as any race. I suppose the assessors found them wanting in the practical wisdom and moderation that come of experience and mature years; (5) [*sic*] Kügelgen: *Jugenderinnerungen einer alten Manner*, a delightful old book, which is still brought out in new editions and has become quite a classic. It delighted me thirty years ago, and I hope it will please Mrs Smuts now; (6) Symonds: *A Study of Walt Whitman*, which has hitherto been accessible only in a very expensive edition, and has just been reprinted in this cheap form.

I looked in the University list to see if Krige¹ had come up this term, though I thought it unlikely he would come now to keep this short term just before another long vacation. I hope I shall see him, in robust health again, in the October term.

As regards my comments on the Indian question in the Transvaal: they were of course not directed at you personally, not against you at all, except so far as you are an influential member of the Government. Of course I do not know how far you may have been limited by the necessity of co-operation with your colleagues. I am quite sure I said nothing to imply that I thought you 'took a delight in baiting and persecuting these poor devils'; I know you too well for that. But the very form of your expression shows how little you enter into the way in which we here—an increasing number of us, of all parties—look at this whole matter of the relations between Occident and Orient. It is not only or chiefly the handful of 'poor devils' who have been roughly handled in the Transvaal that I am thinking of, but the international and inter-racial hatreds and bitter resentments that are aroused, and that just at a crisis in world-civilization when a good understanding and a quiet reasonableness in all parties concerned are of the very first importance. You look at home and are

¹ Leo Krige, younger brother of Isie Smuts.

content to hope that the agitation with you is 'dying out', but its reverberations in India and its embarrassing effect on the English government of India, its effect on the relations of East and West, will not readily die out. You forget that these 'poor devils' belong to a race, or complex of races, with an ancient civilization behind them, and a mental capacity not inferior to that of the highest Western peoples, who are developing rapidly a feeling of nationality and a capacity for the more active and practical life of the more materialized West. Those Indians with whom you have to deal may have little share in this civilization of their race, through lack of education, and this through national poverty, but they are championed by leaders who identify themselves with them, and resent keenly what they regard as unjust and insulting treatment of their people, the more keenly because this is directed against them as a race, a race marked out as 'inferior', like the 'niggers' of America and the 'heathen Chinees', as 'coloured'. (I am not speaking of your personal views, but of the average sentiment, which determines public action.) An English aristocrat may look with contempt upon the clod-hopper or slum-dweller of his own country, but let them be mishandled in another country, and because they are Englishmen, and he is up in arms to take their part and to show fight.

So I think that the Indian people, and through them the British Empire of which they form a part, and indeed the Occident generally, which is realizing the necessity of a *modus vivendi*, on a basis of equity and good will, with the developing peoples of the East, the holders of vast territories, in the material development of which the industrialists of the West are eager after opportunities of gain for themselves,—all these, I say, have a just ground of complaint against the Transvaal (and Natal) for its narrow, one might almost say parochial, views and policy—so different from the broad, calm statesman-like procedure in framing the Constitution—with regard to this Indian question. I am sure that future historians will set it down as a blunder, though one not very immediately affecting South Africa itself, which with its chiefly domestic policy and its comparative freedom from foreign contingencies and complications is very differently situated from, say Australia, with its desirable territory and its proximity to

Japan and China. A perfectly 'epoch-making' change is taking place in the relations between East and West. Less than half a generation ago the European peoples were calmly discussing the possibility of an agreement among themselves for the 'partition of China', and the policing and commercial exploitation of the Oriental peoples generally. That has all been quietly dropped now, as a grotesque mistake. President Roosevelt found it diplomatic (though I do not think he was actuated by diplomacy alone) to be as polite and reasonable in his dealing with the 'elder statesmen' of Japan as with the representatives of Kaiser Wilhelm himself. Not that there would be much *immediate* danger in allowing the Californians to have their own way; the Japs would 'bide their time'. And so with the Chinese; it might be a generation before they could be really formidable either as military foes or industrial rivals and invaders, though they would soon learn the use of that powerful modern weapon the boycott, which may often make the weakest strong for retaliation.

But mere wordly wisdom is prescribing now a policy of reasonableness, equity and courtesy; even if there be the guile and the iron hand of a Bismarck, it must be hidden in the velvet glove of polite diplomacy, untinged with racial hauteur or assumption of superiority. It is quite note-worthy how *The Times*, the astute spokesman of the worldly-wise possessing and ruling classes of England, has been changing its tone in these matters. It has even afforded me the luxury of heartily agreeing with it for once, by its adhesion to the proposal of a general conference of all nations, to agree upon principles equitable and acceptable to all, for the regulation of such matters as alien immigration, rights of settlement, commerce, and ownership of land, railway concessions, disabilities of foreigners, 'extra-territoriality', etc., etc. Bullying is being found to be a clumsy and damaging weapon in the struggles of modern civilization, which are becoming world-wide and international. The peoples who are comparatively new to them have no doubt much to learn, but I do not think that if they are met in a fair and reasonable way, on terms of equitable reciprocity, they will show themselves less reasonable or less amenable to what is fair and just, than the western nations which are now seeing that they must no longer rely on the

advantages of force and unscrupulous tactics by which they have hitherto got the better of their less advanced and more unprotected fellow nations.

Once recognize this basis of equitable reciprocity, allow honestly that 'what is sauce for the goose is sauce for the gander'; let the distinctions, disabilities, prohibitions that are necessary be such as are dictated by public, social, international welfare, resting not on distinctions of race or colour, nationality or language, but on the intrinsic qualities and capacities, good or evil, of individuals or classes, as they affect civic life and human civilization,—and I do not think that the Japs and Chinese and Indians will show themselves less reasonable than the British or Germans; they will be much more reasonable than the Australians and the Americans of the western States have shown themselves. All alike will admit, and claim for themselves, the right of any people to defend themselves by just and impartial measures against any influx into their country of foreign elements which by their magnitude or quality threaten to overthrow their institutions, lower their standard of living or of culture, or in any way to endanger the aims of civilization. It may no doubt sometimes be difficult to frame exclusion and disability laws to apply to men as *menschen*, not as white, black, or yellow, as Europeans or Asiatics. The U.S.A. is wishing now, quite reasonably, to put some check on immigration from south and south-west Europe, because of the large number of criminals and people of very low civilization that have swarmed in from there. But their ingenuity has to cope with 'the difficulty that no invidious distinctions can be made in the laws'. It may at first require some courage to make laws that shall disable and exclude some 'mean whites', while enabling and including for rights and privileges some 'coloured' persons of higher personal and civic qualifications. But the determination of rights or disabilities by superficial differences instead of differences in human and social quality is bound to give way ultimately under the influence of the forces on which modern civilization rests—the spread of knowledge, of freedom of movement and action for individuals and classes, which means power of organization and of pertinaciously elbowing a way to greater equality and to influence. Many of these 'inferior peoples' are

showing themselves by no means inferior in capacity, and only need the teaching and training which the Japanese have already in a great measure secured, and which even the negroes of the U.S.A. are striving after, to enable them to take up competition on equal terms with the older nations, which are coming to see that they will have to bestir themselves in order to keep their place in modern progress. And it would surely be wise statesmanship, as well as good human fellowship, to concede in time and with a good grace what is sure eventually to be won by struggle.

I suppose that a good deal of all this may seem very 'theoretical', perhaps even 'academical', to you 'practical' statesmen; and I am quite alive to the difficulties in the way of applying such ideas and principles in practice. But we who have the leisure and detachment for observation and reflection may see further forward, and look at things more widely and in the whole, than the practical politicians who are absorbed in the work that is near at hand, in their own particular sphere and time.

I am glad to see that the South African Constitution seems to be in a fair way of clearing the dangers that seemed to be besetting it through the action of the Cape and Natal. Yours sincerely,

H. J. Wolstenholme

I am sorry that many of my sentences are so clumsy and involved, but I hope you will not grudge the effort to make out what I mean, for I do *mean* it, very seriously.

438 To M. C. Gillett

Vol. 7, no. 125

Pretoria

14 June 1909

I hope you have recovered from your first raptures and have an ear to hear that I hope to be sailing for England in a fortnight's time in connection with the South African Union Act which is to be passed through the Imperial Parliament. This is quite prosaic and yet to me it opens the pleasing prospect of seeing dear old friends and you among them. I don't know whether marriage has changed you but if not I sincerely hope

Mr Gillett will not be jealous to see on what terms we are. However, I shall see—at Banbury Road¹ and perhaps in London, if you will once again accompany me to the theatre on odd nights.

My little family is quite well and happy, not of course at the prospect of another long separation. General Botha is also going and if business will permit I will also, as we have important business in connection with his Department in London. This going to London makes matters very awkward for us here. Among other troubles we shall have to hurry on with parliamentary business at top speed. This means my working at full pressure and not having much time for the delights of private correspondence. However, I shall meet you soon and talk over what is omitted from this already lengthy epistle. My wife sends her kindest regards, and the children still remember you with lively affection. So does their dear father.

439 To S. M. Smuts

Vol. 7, no. 108

R.M.S. *Carisbrook Castle*
Zaterdag, 10 Juli 1909

Liefste Mamma, Zooals jij ziet zijn wij nu reeds 10 dagen op reis en gister avond gingen wij Kaap Verde voorbij en het wordt tijd dat ik het een en andere neerschrijf voor de mail te Madeira. Zoover is onze reis voorspoedig en aangenaam geweest. Gezelschap is zeer goed. Daar is ons span van Transvaal waaronder drie vrouwen (Botha, Hull and Fitzpatrick), dan de Vrystaters, waaronder Mrs Steyn en Fischer en een paar van Natal behalve de vele handlangers. Jij kan dus zien dat er genoeg zijn om mede te gezelsen—niet zooals op mijn laatste reis toen ik alleen Margaret Clark had. Ook hebben wij vele boeken onder ons en wordt er veel gelezen. De zee is niet zeer slecht geweest behalve alleen het vertrek van Tafelbaai waar zooals altoos de Kaap van Stormen haar ouden naam waardig bleef. Ik was een of twee dagen ziek maar ben daarna in goede gezondheid geweest. Overmorgen

¹ M. C. and A. B. Gillett lived after their marriage at 102 Banbury Road, Oxford.

(Maandag) gaan wij Tenerife voorbij en de volgende dag zijn wij te Madeira; over acht dagen van heden komen wij te Southampton aan. Ik verlang al naar het einde want ik gevoel mij nooit zeer gelukkig op zee. Ik verlang nog meer om spoedig door de reis te zijn en weer bij mamma en al de lieve kleinen te wezen. Hoe dikwijls zit ik op het groote waterplas te kijken zonder iets te zien en alleen te denken aan Zorgvliet en al de lieve dierbaren aldaar. Ik zie hen in de boomen, ik zie hen op het perdje, ik zie hen in lachen en tranen en overal. En mamma ziet ik ook met klein Sylma, die nu aldag grooter en mooier en slimmer wordt. Ja, mijn hart is bij jullie, waar ook het oude lichaam moge zijn. Vandaag is de dag dat jullie zeker weer allemaal naar Doornkloof gaan; ik wonder hoe ver het huis is en of er niet weer een of ander fout gekomen is. Ik hoop echter dat alles goed gaat en dat het huis spoedig in goede orde zal zijn. Indien jullie mooi plek gevonden hebben voor boompjes dan moet mamma aan Davis (Government Horticulturalist) Landbouw Dept. schrijven om de beste peer, perzikken, pruim en andere boomen van Potchefstroom Exp. plaats. Jan moet ook van onzen granaten planten. Ik hoop het zal alles wel gaan in mijne afwezigheid en dat er niet foute zal zijn bij mijn terugkomst. Jan moet ook kijken waar de geschikste plek zal zijn voor een kleinen wijngaard en de geënte stokken kan jullie van pa dan krijgen. Ik denk jij moet eerst wachten met het koopen van de piano totdat ik terug kom en mog weten hoe de finances staan. Nu mamma, hartelijkste groeten aan mamma en pappa se klein lammertjes, alsook aan Auntie, Petrus, Raffeltjes, en de andere huisgenoten. Met vele liefdekussen

Pappa

12 Juli. Vandaag zijn wij Tenerife voorbij gegaan in al zijn glorie, morgenochtend vroeg te Madeira. J.C.S.

TRANSLATION

R.M.S. *Carisbrook Castle*

Saturday, 10 July 1909

Dearest Mamma, As you see we have now been travelling for ten days and yesterday evening we passed Cape Verde and it is time I write down one or two things for the mail at

Madeira. So far our voyage has been successful and pleasant. The company is very good. There is our team from the Transvaal among whom are three women (Botha, Hull and Fitzpatrick), then the Free Staters, among them Mrs Steyn and Fischer and a few from Natal besides the many hangers-on. So you can see that there are enough to talk to—not like my last voyage when I had only Margaret Clark. We also have several books between us and there is a lot of reading. The sea has not been very bad except the departure from Table Bay where, as always, the Cape of Storms remained worthy of its old name. I was sick for one or two days but have been in good health since. The day after tomorrow (Monday) we pass Tenerife and the next day we shall be at Madeira; eight days from today we arrive at Southampton. I am already longing for the end because I never feel very happy at sea. I long even more to be done with the voyage quickly and to be with Mamma and the dear little ones again. How often I sit looking at the great expanse of water without seeing anything and only thinking of Zorgvliet and all the dear ones there. I see them in the trees, I see them on the pony, I see them laughing and in tears and everywhere. And I also see Mamma with little Sylma, who is now growing bigger and prettier and cleverer every day. Yes, my heart is with you, wherever the old body may be. Today is the day when you are probably all going to Doornkloof; I wonder how far the house is and whether there has not again been some hitch or other. I hope that all is well and that the house will soon be in good order. If you have found good places for trees then Mamma must write to Davis (Government Horticulturalist) Department of Agriculture for the best pear, peach, plum and other trees from Potchefstroom experimental farm. Jan¹ must also plant some of our pomegranates. I hope everything will go well in my absence and that there will not be mistakes when I return. Jan must also look for the most suitable place for a small vineyard and you can then get the grafted vines from Father. I think you must wait to buy the piano until I come back and can know how finances stand. Well Mamma, heartiest greetings to Mamma and Pappa's little lambs, also to Auntie², Petrus²,

¹ Jan Krige, farm-manager; an uncle of Isie Smuts.

² Not identified.

Raffeltjes¹ and the other inmates of the house. With many kisses,

Pappa

12 July: Today we passed Tenerife in all his glory, tomorrow morning early at Madeira. J.C.S.

440 To S. M. Smuts

Vol. 7, no. 113

Hyde Park Hotel
Knightsbridge
London, S.W.

30 Juli 1909

Liefste Mamma, Het is alweer Vrijdag namiddag en ik heb nog niet aan mamma geschreven zoo bezig word ik gehouden en zoo min tijd heb ik. Alle avonden uit naar dinners, alle ochtenden op een of ander commissie en alle middagen lunch hier of daar. Ik heb op die wijze vele belangrijke en interessante personen ontmoeten, maar ik behoef schaars te zeggen dat ik vinnig aan moe begin te worden van dit alles. Woensdag avond was hier een groot diner aan de Delegates gegeven in de Guild Hall en bij die gelegenheid heb ik een korte speech moest maken waarvan ik een rapport zal insluiten voor jou informatie. De Regeering alhier is wonderlijk opgenomen met ons werk, en dit is dan ook omtrent het eenigen succes door hen in 4 jaren behaald. Zaterdag ben ik met Mrs Clark (de oude) per motor naar Oxford gegaan en weer terug met Gillett Zondag namiddag. Ik vind hem een baing ordentelijke zeun en zij beide zijn zeer gelukkig met elkaar. Morgen ga ik de revue van de Vloot te Portsmouth bijwonen (als de zee kalm is) en Zondag ga ik naar Cambridge om Wolstenholme te zien. Maandag ga ik de landbouw plaats van de Universiteit kijken in gezelschap met Merriman and Hertzog. Dinsdag gaan wij weer met Defence aan.

Maar hoewel ik zoo bezig ben is mijn gedachte maar gedurig daar in de verte bij mamma en de liefste klein kindertjes. Pappa verlangt baing naar hul en zoo gauw als hij kan komt hij weer terug naar hul almal. Mamma haar brief was baing lief en welkom en Santa haar brief was ook mooi vol

¹ Nickname of Bosman di Ravelli.

nieuws. Jammer maar dat Totie en Japie nog niet kan schrijwe, maar mamma moet maar al die nieuws vir hul vra en dan alles vir pappa schrijwe. Pappa lees baing graag alles wat mamma en hul zê. Mamma moet ook schrijwe hoe dit op die plaats gaat, of Jan al daar is en alles reeds in orde is. Pappa denkt hier de laatste week van Augustus te vertrekken en midden September te Pretoria te zijn met mooi persentjes voor die kleintjes. Als het kan kom ik nog eerder maar het lijkt niet mogelijk. Nu Mamma zal pappa maar met soentjes aan jul almal sluiten en jul alles goed toewenschen tot wij weder zien.

Pappa

TRANSLATION

Hyde Park Hotel
Knightsbridge
London, S.W.
30 July 1909

Dearest Mamma, It is again Friday afternoon and I have not yet written to Mamma, I am kept so busy and have so little time. Every evening out to dinners, every morning on some commission or other and every noon lunch here or there I have in this way met many important and interesting people, but I need hardly say that I am rapidly getting tired of all this. On Wednesday evening a big dinner was given here for the Delegates in the Guild-Hall and on this occasion I had to make a short speech of which I shall enclose a report for your information. The Government here are wonderfully pleased with our work, and it is indeed about the only success they have achieved in four years. On Saturday I went to Oxford by car with Mrs Clark (the elder) and back again on Sunday with Gillett. I find him a very decent boy¹ and they are very happy together. Tomorrow I am going to attend the review of the Fleet at Portsmouth (if the sea is calm) and on Sunday I go to Cambridge to see Wolstenholme. On Monday I go to see the agricultural farm of the University in company with Merriman and Hertzog. On Tuesday we continue with Defence. But although I am so busy my thoughts are continually far away with Mamma and the dearest little children. Pappa longs for them greatly and as soon as he can he is

¹ Arthur Gillett was then aged 34 and Smuts was 39.

coming back to them all again. Mamma's letter was very sweet and welcome and Santa's letter was also nice and full of news. A pity that Totie and Japie can't write, but Mamma must ask them all the news and then write it all to Pappa. Pappa likes very much to read what Mamma and the others say. Mamma must also write how things are going on the farm, whether Jan is already there and everything already in order. Pappa thinks of leaving here in the last week of August and of being in Pretoria in mid-September with pretty presents for the little ones. If I can I shall come sooner but it does not seem possible. Well Mamma, Pappa will close with kisses to you all and wish you everything good until we see one another again.

Pappa

441 From R. Solomon

Vol. 7, no. 100

72 Victoria Street
Westminster
8 August [1909]

My dear Smuts, I have gone completely through the Asiatic Acts and I enclose a memorandum which I would like to discuss with you at any time convenient to you. I see no reason why Act 2 of 1907 should not be repealed. Such repeal will not affect the policy endorsed by the Transvaal, and would require no amendments of importance in either the Registration Amendment Act 1908 or the Immigration Restriction Act 1907, although I would like the latter to lay down the policy with regard to the exclusion of Asiatics in more express and intelligible terms than it does.

If therefore the repeal of Act 2 of 1907 and the giving of permanent permits to enter the Transvaal to not more than six educated Indians annually will satisfy the Imperial authorities, I hope you will see your way to doing it. Yours sincerely,

Richard Solomon

ENCLOSURE

I have carefully gone through the above Acts and have no hesitation in saying that not only is Act 2 of 1907 no longer

necessary and therefore ought to be repealed, but it is most inconvenient to have it remaining on the Statute Book.

The Asiatic Registration Amendment Act (No. 36 of 1908) provides all the machinery necessary for the registration of Asiatics entitled to registration and not already registered under Act 2 of 1907. It also provides similar procedure for dealing with Asiatics found in the Transvaal without certificates of registration to that laid down in Act 2 of 1907.

There are one or two provisions however in Act 2 of 1907 not re-enacted in Act 36 of 1908 which should be mentioned so that if considered of any practical value they may be specially retained in any repeal of that Act.

(1) Section 4 sub-section 2 of Act 2 of 1907 provides for the registration of an Asiatic who enters the Transvaal after the taking effect of the Act and who has not previously been registered thereunder. It gives him eight days after his entering the Colony within which to make his application for registration. It appears to me that this section is unnecessary in view of the provisions of sub-sections (2) and (3) of Section 4 of Act 36 of 1908 which require Asiatics resident outside the Colony who have not obtained certificates of registration to apply for them from a place outside, before entering the Transvaal. Adequate provision is made for dealing with such applications in sub-section (3) of Section 6 of the Act. These provisions are very much better than Section 4 sub-section (2) of Act 2 of 1907 and there is no reason for retaining the latter.

(2) Sub-section (2) of Section 8 of Act 2 of 1907 punishes (a) any person who brings into the Transvaal an Asiatic under the age of 16 not lawfully resident therein and (b) any person who employs such a child in any trade or business.

This sub-section is not taken over in Act 36 of 1908. Is there any reason for retaining it? As far as I remember the reason for that sub-section was that it was reported that Asiatics in the Transvaal were bringing a great number of boys under 16 into the Transvaal who were not lawfully resident therein and when these reached the age of 16 it would become very difficult to dispute facts on which applications for their registration were based. I do not know whether existing circumstances necessitate the retention of that sub-section. I merely mention

the fact that it does contain a provision not taken over in the Amending Act No. 36 of 1908.

(3) Sub-section 4 of Section 17 of Act 2 of 1907 gives the Colonial Secretary power to exempt an Asiatic, to whom a temporary permit has been given to enter the Transvaal from the operation of certain provisions in the Liquor Licensing Ordinance. I do not know whether this provision is of any value and the difficulty which sometimes arises in the case of Asiatics of social distinction visiting the Transvaal because of the prohibition of the sale of liquor to coloured persons might be better met by an Amendment of the Liquor Licensing Law.

(4) Section 20 of Act 2 of 1895 is omitted from Act 36 of 1908 but it does not appear to me of such importance as to specifically retain it in any repeal of the Act.

(5) Section 21 of Act 2 of 1907 is not re-enacted in Act 36 of 1908. Probably all the cases contemplated under it have been dealt with and the Section has been spent. It is like the sub-section referred to in (3) above in favour of the Asiatics, and as they urge the repeal of Act 2 of 1907 without any reservations they evidently do not attach much value to this.

The next point to consider is whether if Act 2 of 1907 is repealed any amendment will have to be made in the Immigration Restriction Act (No. 15 of 1907) so as to maintain the policy of preventing Asiatics, not entitled to receive certificates of registration, from entering the Transvaal. It does not appear to me that any amendment is necessary as sub-section (4) of section 1 of that Act which really gives effect to that policy will, in view of the provisions of Act No. 36 of 1908, be as effective if Act No. 2 of 1907 is repealed as if it remained on the Statute Book. I must confess, however, that sub-section (4) of Section 2 of Act 15 of 1907 is the most cumbrous and involved provision for excluding Asiatics from the Transvaal who are not entitled to registration and that it would be much better to include in the definition of 'prohibited immigrant' the following:—

Any Asiatic as defined in the Asiatic Registration Amendment Act 1908, who has not obtained a certificate of Registration under that Act or under the Asiatic Law Amendment Act 1907 or a permit under Section 16 of the first mentioned Act.

I suggest this Amendment because under Act No. 36 of 1908 there is no necessity for an unregistered Asiatic, entitled to be registered, coming into the Transvaal for that purpose. Provision is made for his making his application for registration from outside the Transvaal and if his application is refused and an appeal is made by the applicant a temporary permit can be issued to him entitling him to enter and remain in the Colony until the appeal has been determined.

I would call attention to the fact that under Act 15 of 1907 a prohibited immigrant shall not include:—

Any Asiatic who is eligible for or has obtained a certificate of registration under the Asiatic Law Amendment Act 1907 and who does not come within the scope of sub-sections (3), (4), (5), (6), (7), or (8) of the definition of 'prohibited immigrant'.

I think this should be amended by omitting the words (for the reasons given above) 'is eligible for or' and adding after the words 'Act 1907' the words 'or the Asiatic Registration Amendment Act 1908'.

442 To J. X. Merriman

Vol. 7, no. 112

Hyde Park Hotel
Knightsbridge
London, S.W.
[August 1909]

Dear Mr Merriman, I return the draft instructions. The reservation in regard to the Cape Native franchise seems to me to be in accordance with the provisions of the Constitution and we could not therefore very well object to it.

I regret exceedingly that another engagement prevents me from accepting your kind invitation to dinner tonight. Ever yours,
J. C. Smuts

Moor agrees with me. J.C.S.

443 From L. Botha

Vol. 7, no. 9A

Privaat

Kissingen
[August 1909]

Waarde Jannie, Vandag is ik net 8 dagen onder behandeling van Dapper, de dag toen ik kwam nam hij mijn gewicht en vanochend weder en in de 8 dagen heb ik 6½ lb. in gewicht

verloren, zoo dat uw zien kan ik werkelijk ernstig werk om lichter beter en sterker te worden, en ik ben blij om te zeg zoover is de pijn onder mijn borst die ik al maanden lang heb bijna geheel verdwenen; ik voel ook beter, net beetje afgemat, maar ik slaap goed, en midden van al die werk rust men goed.

Lionel Phillips en zijn familie is hier, en Hull kwam gister, Dapper heb hem heden leeg gepomp en heb hem ook goed onder behandeling. Phillips kwam mij zien omtrent de klippings van de Cullinan Diamant, hij zeg dat het zeer onwenschelijk is dat dit niet [*sic*] aan Amerikaners of andere wordt verkocht, dit behoort of bij de andere of in de Mesuam [museum] van Transvaal, hij toonde mij een brief dat zekere persoon heeft zich berreed verklaard de diamanten te koopen en aan de Koning te geven, maar dat de Koning zou gezegd heb niet van een persoon een gift te kunnen ontvangen, maar alleen van een Regeering of Corporatie. Hull kwam mij heden ook daarover zien, en hij meent wij behoort dit in handen te krijgen, want dit was de bedoeling toen wij de gift aan de Koning gaf, en alleen door lompe onderhandelingen werd de klippings aan de slijper voor zijn werk betaald, terwijl de klippings endien verkocht veel meer behoort op gebracht te hebben dan wat aan de slijper moest betaald worden, in elk geval meen ik dat dezelve vandaag noch gekocht kan worden onder de werkelijke waarde, zonder om de sentmeenteele waarde in te rekenen, wat dink jij hiervan? De gedachte was als jij instem dan dezelve geheel aan mij over te laten, en dat ik de eigenaar in Holland zelf zien, of door ons Hollansche vrienden te handelen, en niet door Phillips of Levy, want ik dink ons vriend wil langs die lijn opklim en verkrijgen wat J.B. zoo kwaad op is.

Ik sluit jou hierin brief van Levy aan Phillips, gelieve dit te retourneeren aan mij.

Wel en hoe gaan het met jou en de werk ? Wat is van Klasië geworden ? Beste groete, Uw

Louis

TRANSLATION

Private

[Bad] Kissingen

[Germany]

[August 1909]

Dear Jannie, Today I shall have been just eight days under Dapper's treatment. The day I came he took my weight and

again this morning and in the eight days I have lost six and a half pounds in weight, so you see that I can really work seriously to get lighter, better, and stronger, and I am glad to say that so far the pain under my breast, which I have had for months, has almost entirely disappeared. I feel better too, only a little tired, but I sleep well and in the midst of all this work one rests well.

Lionel Phillips and his family are here and Hull came yesterday. Dapper pumped him out today and has him well under treatment. Phillips came to see me about the clippings of the Cullinan Diamond.¹ He says it is most undesirable that they be sold to Americans or others. They belong either with the others or in the Transvaal museum. He showed me a letter saying that a certain person has declared himself ready to buy the diamonds and give them to the King, but that the King has said that he cannot receive a gift from an individual, but only from a Government or Corporation. Hull also came to see me today about it and he thinks we ought to get hold of them, for this was the intention when we made the gift to the King, and only by clumsy negotiations were the clippings paid to the cutter for his work, since the clippings, if sold, should have fetched much more than had to be paid to the cutter. In any case I think that they can still be bought below the true value, without counting the sentimental value. What do you think of this? The idea was, if you agree, to leave the whole matter to me, and that I see the owner in Holland myself, or act through our Dutch friends and not through Phillips or Levy, for I think our friend wishes to climb up by this rope and get what J.B.² is so keen about.³

I enclose the letter from Levy to Phillips; please return it to me.

Well and how are you and the work? What has become of Klasie? Best wishes, Yours,

Louis

¹ This stone, found in the Premier Mine in January 1905, weighed 3,025 carats. The Transvaal Government offered it to Edward VII. In 1908 it was cut by Asscher Bros. of Amsterdam. The cost of cleaning, polishing and setting the stones was £35,000 which, after embarrassing negotiations and debates, was eventually voted by the Transvaal Legislative Assembly under 'unforeseen expenditure'.

² J. B. Robinson.

³ a peerage.

444 From J. P. Fitzpatrick

Vol. 7, no. 32

Bad Kissingen

[Germany]

25 August 1909

My dear Smuts, You were asleep when I tried to see you on Friday morning to say good-bye and I did not see you at the close of the debate¹ on the stroke of midnight! Well, it's through now and I only wanted to shake hands on it and congratulate you on, and thank you for, all the earnest work you have put into it. Balfour struck the right note: some day a lot of people will realize what has been done. There are very few who do today.

Botha looks 'tons' better: his colour and movements and spirits show that he has improved greatly; and Dapper told me that he is doing *very* well, but that if he had delayed taking the matter seriously 'it would not have been an easy case'!

You can believe that I feel very thankful and relieved of anxiety about it, as I knew it was taking a good deal of responsibility to so strongly urge Dapper as the man to go to.

Good-bye and I hope you will have as nearly decent a sea voyage as may be—from your point of view. I am off to Canada on 17 September and return home early in December for the youngsters' holidays. All I wanted to say to you is that, come what may in the future, it has been a great pleasure, and more than that, to have worked with you during this year for the Union of South Africa and I know that the work of the Transvaal is going to be 'blessed of our people'. Yours very sincerely,

J. Percy Fitzpatrick

445 From M. C. Gillett

Vol. 7, no. 36

102 Banbury Road

Oxford

27 August 1909

My dear Oom Jannie, Good-bye to you and blessings on you always. Love to you always too, from your friends here.

I hate to think you are going away. It has been a great thing in this wonderful year of Arthur's and mine to have you

¹ The debate on the South Africa Bill in the House of Commons.

again within reach, and to have the joy of you and him and me all friends together. It would have been sad if you couldn't like one another!

Well, I wish you weren't going away, and I wish some big things had been different in your Act of Union, but perhaps some of those things you will be able to alter. I have a great belief in Afrikaners not wishing to leave women outside their own liberty,¹ and also in their being too great to perpetuate the foolish words about European descent.² Arthur and I are coming to see in two or three years' time—we hope—but how many things may prevent! However that may prove, we shall not the less feel the bond of kinship, and you know that whoever has grown up in your house you cannot be quit of for life.

Arthur came in unexpectedly to lunch, and told me he thought of something to send. I am very glad and they are from me too. I send also a parcel with some little things for the children, a lecture on Wordsworth and Philosophy for you, and a little book of poetry for you and Mrs Smuts. Much love to you, Yours,

M.C.G.

446 To J. X. Merriman

Vol. 7, no. 117

After 1 April 1909 there are no further letters from Merriman for that year in the Smuts Collection.

Colonial Secretary's Office
Pretoria, Transvaal
19 September 1909

My dear Mr Merriman, I have arrived here safely with my family³ and like you have started with my work forthwith. We are however having a much easier time than you, and I have still ample leisure to look back upon the good time we all had on board the *Kinfauns*, what with your 'bountiful Jehovahs' and other good things.

I shall be very glad to read Burton's report⁴ on the Transkei.

¹ The Act of Union left women unenfranchised.

² Under the Act only persons 'of European descent' were eligible for membership of either House of Parliament.

³ Smuts means that he is again with his family; they did not accompany him to England.

⁴ H. Burton's report was published as a pamphlet.

I think Roworth's idea good and his proposal quite fair. It will however be desirable for you to have a talk with him first about the ultimate price of the painting,¹ otherwise we may get ourselves into a mess later. The South African Republic Government engaged a man Wichgraf to paint a picture of the last Executive Council and paid him £500 for expenses. When the picture was completed he asked for £1,500 more, which we have refused to give, and the picture now lies in a cellar in Berlin. We should prevent a similar fiasco on this occasion. Would he agree, if the price could not be otherwise settled, that that should be done by two arbitrators, to be appointed by him and the Union Government and an umpire to be appointed by the two arbitrators?

I don't suppose anything will be done about the appointment of the Delimitation Commission until Fischer is back from Europe, and indeed there is now no special hurry. I wished however to make a suggestion to you in reference to the Secretary to this Commission whose functions will (judges being what they are) be most important. My Assistant Colonial Secretary [E. H. L.] Gorges is a Cape man who as parliamentary Clerk at the Cape had to see to registration matters; here he has also been responsible for the same kind of work and has done it to my entire satisfaction. He is most capable and I feel certain that his appointment will be in every way desirable. I suggest his name to you, so that you might think over the matter and speak to [Sir P.] Laurence. A wrong secretary would be a fatal blunder.

I hope your political troubles over education and excise² will in the end prove not really formidable. With kind regards to you and Mrs Merriman, Ever yours sincerely,

J. C. Smuts

447 To J. X. Merriman

Vol. 7, no. 121

Colonial Secretary's Office
Pretoria, Transvaal
4 October 1909

My dear Mr Merriman, I do not know why you should be under the impression that I would scout the idea of an

¹ E. Roworth made a painting of the National Convention in session.

² The wine farmers demanded the removal of the brandy excise.

historical pageant to be held at the time of the first Union Parliament.¹ There is far more to be said in favour of such a pageant than of a commercial exhibition intended to advertise [Sir P.] Bam. If there is sufficient time to make the necessary arrangements and there are the elements of success in prospect I would certainly favour the idea, and in that case a strong Committee ought to be brought together for the purpose. Botha will be in Cape Town soon after you receive this and I shall be glad if you would talk the matter over with him. We are rather deficient in the historical sense in South Africa and have too little feeling for what is picturesque in our past, and a pageant would help to give historic feeling and a sense of perspective to our people.

We have already appointed Sir W. Solomon as our Delimitation Commissioner by Executive Resolution. He will be ready to act whenever you deem it necessary. You have not answered my question about Gorges as Secretary. He will be a very good man. With kind regards, Ever yours,

J. C. Smuts

448 To J. X. Merriman

Vol. 7, no. 123

Colonial Secretary's Office
Pretoria, Transvaal
15 October 1909

My dear Mr Merriman, I am glad you got out of your trouble with the brandy people, but regret that you have now the other good people on your hands. I sincerely hope your efforts will be equally successful with them.

I enclose to you a letter from Lord Courtney with an enclosure from William Watson the poet whose brother-in-law you have unfortunately retrenched. There is great force in the appeal of Watson on behalf of his brother-in-law, and I think the letter ought to have our fullest sympathy. Is it not possible for you to reinstate the young man? I do most sincerely hope you will see your way to do so and enable Lord Courtney to comfort the soul of our poet. With kindest regards, Yours very sincerely,

J. C. Smuts

¹ Such a pageant did in fact take place.

ENCLOSURES

15 Cheyne Walk
Chelsea, S.W.

24 September 1909

My dear Mr Smuts, William Watson, the poet, married a few weeks ago and here is a letter I have just received from him. You will know that he wrote some fine Sonnets during your war and has otherwise proved himself a poet of distinction. I know nothing of his brother-in-law and have told him in answer to his letter that you have had to retrench and that there is much jealousy in the Transvaal of imported Civil Servants but I felt sure you would do what was possible. Perhaps you will take the trouble to find out from the Cape what is the record of Mr Pring's qualifications and service, and if he is fit and there is a possible opening you may be able to afford to give him a chance.

I am a little ashamed that this should be the subject of my first letter after your departure. I wrote Humphreys¹ last week and he may have told you that we had a very good time in Switzerland and have returned in apparently sound working condition. I hope on your voyage back you proved a better sailor than when coming here. Anyhow the difficulties of transit will be long over before this reaches you. The Bothas have been too busy to be seen this week but we hope to wish them good-bye at the Waterloo station tomorrow. I remain,
With all good wishes, Yours very faithfully,

Courtney of Penwith

Our political struggle will have reached a very critical stage when this comes to hand. I will offer no prophecy and indeed the prospect is most uncertain.

Cliff Cottage, Howth
County Dublin

23 September 1909

Dear Lord Courtney, I am writing to ask you if you could conveniently exert something of your great influence in South

¹ John H. Humphreys, Secretary of the Proportional Representation Society in Great Britain.

Africa on behalf of a young brother of my wife's (you may possibly have heard of my recent marriage) whose wish it is to be reinstated in the Civil Service, which he quitted not long ago under circumstances implying no suggestion of a fault on his part. He is twenty-three, has numerous official testimonials from his former chiefs testifying to his ability and excellent character, and being an Irishman he does not in the least share the English prejudices (if they still survive) against the South African Dutch, and would be glad of any Civil Service post in the Transvaal or the Orange Colony. Your influence with ministers and high officials there must be very powerful, and I imagine that a word from you would go a great way. I have the less hesitation in asking you to say a word for my young relative as you are aware that I suffered and sacrificed much, in popularity and therefore in purse, by espousing, as you did, the cause of the Boers at a time when every other English poet was either furiously against them or discreetly silent. In fact—though I shall never regret taking the unpopular side—I am to this day the poorer for having done so, but I should consider myself repaid if I could obtain for my young brother-in-law the opening he desires. His name is John Stanley Pring, he has served with credit in the Colonial Office and the Treasury at Cape Town for four years, and his services were dispensed with in the last-named Department solely because of the reduction in the Excise Establishment, as his late chief attests. In fact I am sure his record is excellent, and such as should ensure him a useful career in the Civil Service, given the requisite opportunity of re-entrance.

This Irish address finds me directly till 12 October; will you do me the favour to let me have a word from you here? I shall not be back in town till a month hence, when perhaps—if you should have returned to Cheyne Walk—Lady Courtney would permit me the pleasure of calling, and of bringing my young wife to be introduced to her. Believe me, dear Lord Courtney, Yours sincerely,

William Watson

449 From T. Hyslop

Vol. 7, no. 44

*Confidential*Legislative Assembly
Pietermaritzburg
Natal

22 November 1909

My dear Smuts, Living as I do in the backwash, out of the main current of political life in South Africa, I am dependent on passing straws, which may be driven in this direction, for information as to the movements that are going on. The other day I had a conversation with one of these straws in the shape of a visitor from the Transvaal, who appeared to be well informed. He told me that it had been finally decided to retain the present party organizations in the Transvaal and the Cape Colony and that Jameson was to lead the combined Opposition. Our Governor¹ also told me on his return from England that Botha had convinced him that he (Botha) was right in continuing to lead *Het Volk* as a separate party. As you are aware I was in hopes that Botha would lead a party of moderate men of both races, and allow the extremists on either side to do their worst. I do not presume to say whether or not the policy decided on is a good one as far as the Transvaal is concerned, for I do not know all the circumstances, but I do say it puts us here in this Colony in a very difficult position. Many of us find ourselves fairly well in agreement with Botha's general policy and would have been prepared to follow him, but with the present parties (which I understand are mainly on racial lines) perpetuated we run the risk of being dubbed renegades. Now, no one of whatever race likes to lay himself open to the charge of deserting his own people. During the referendum campaign² here we succeeded in convincing the majority of our people that racialism, if not dead was on the fair way to extinction, and I think there is every disposition here at present to support a Government on its merits. If, however, a campaign commenced in the adjoining Colonies with the parties ranged on racial lines, I fear that candidates would be forced into a position they do not wish

¹ Sir Matthew Nathan.

² A referendum had been held in Natal in June 1909 on approval or rejection of the draft Constitution.

to occupy. Will you give me some idea of how things are shaping and point out some way out of this racial tangle?

There has been a strong move here amongst the rank and file of the members to have a change of Ministry. On Smythe's return from England we had a meeting attended by more than half the members of the House at which many members urged Smythe to lead an attack on the Government and turn them out. We then had a meeting of the late Ministers¹ and decided that it was not advisable, so near the end of the present form of government, to take any steps in the direction indicated. You may know how strong the feeling is when I tell you that the Prime Minister's own brother, Jack Moor, who sits for the same constituency as the Prime Minister, is amongst those who are keen for a change. He says the people of the Colony expect us to reform the administration, even at the eleventh hour. Smythe however, who dislikes fighting and has no ambition, is not disposed to move and I think he is quite right.

I observed some time ago an advertisement from your Education Department in the *Times of Natal*² so I presume you have taken some action. A few days ago however I noticed another in the *Witness*³ for masters for the Johannesburg College. Probably it is put in by another official.

Though I have no objection to your telling Botha the contents of this letter I hope you will keep it otherwise as strictly confidential. With kind regards, Yours sincerely,

T. Hyslop

450 From M. T. Steyn

Vol. 7, no. 105

Onzerust

12 December 1909

Zeer Geachte Vriend, Uw schrijven heb ik ontvangen. De zaak omtrent de Conferentie te Kaapstad hebben Hertzog en ik reeds zoo terloops besproken. Ik zal echter trachten hem weer daarover te zien. Ik stem volkomen met u in dat als men nu dadelijk bij de examen papieren de gelijkheid der twee talen wil uitoeven het een fiasco zal zijn en wel om de reden

¹ C. J. Smythe's ministry, which had held office from May 1905 to November 1906.

² Established 19 August 1865, ceased publication 1927.

³ *Natal Witness*, established in Pietermaritzburg in 1846.

door U genoemd, namelijk dat in al de Colleges Engelsch nu nog het medium is. Iets moet echter gedaan worden om een verandering teweeg te brengen, anders zal het argument hierboven genoemd een permanente blijven, totdat uiteindelijk de Hollandsche taal geheel gesmoord is.

Mij dunkt de eerste stap moet zijn om Hollandsch verplichtend te maken en het examen papier geheel in Hollandsch te stellen. Het is voor ons beledigend om Hollandsch optioneel te maken met Sesuto, en dan meen ik dat men [kan] bepalen dat na een zekere tijd zekere onderwerpen in Engelsch en andere weer in Hollandsch zullen worden geëxamineerd. Of dit uitvoerbaar zal zijn zal de Conferentie moeten beslissen.

Voor mij echter zal een van de beste wijzen om uitvoering te geven aan de bepaling in de Constitutie zijn om dadelijk als politiek neer te leggen dat in de toekomst niemand in de *publieke dienst* zal worden aangesteld of gepromoveerd tenzij hij de beide talen volkomen machtig is, want zooals de spreekwoord zegt slaat hem op zijn zak dan slaat jij hem op zijn ziel.

Wij zijn zeer verblijd om het vooruitzicht te hebben U hier bij ons met nieuw jaar of daaromtrent die tijd bij ons te hebben. Als het mogelijk is stel het niet uit, ik denk uw bezoek zal goed doen. Laat mij betijds weten wanneer wij U bij Kaalspruit moeten afhalen.

Ik kan goed begrijpen dat Mev. Smuts en de kleinspan aller gelukkigst op de plaats zijn en ik voorzie ook de dag dat Jan Smuts langs de kraal muur zit te mijmeren over de weerspanningheid van de stomme dieren dat zij zich niet geheel en al willen schikken naar 'the principles of heredity' bij Mendel en over het feit dat, alles in alles bij elkander genomen, de politiek niet opweegt tegen het genoegen van een Boeren leven. Hartelijk dank voor uwe vriendelijke uitnoodiging waarvan wij zeker hopen later gebruik te maken. Met de besten groeten van huis tot huis, Uw vriend

M. T. Steyn

TRANSLATION

Onzerust

12 December 1909

Dear Friend, I have received your letter. Hertzog and I have already in passing discussed the matter of the Conference in Cape Town. I shall however try to see him about it again.

I entirely agree with you that if one were to apply the equality of the two languages at once in the examination-papers, it would be a fiasco and for the reason you give, namely, that English is still the medium in all the Colleges. But something must be done to bring about a change, otherwise the argument mentioned above will remain a permanent one, until eventually the Dutch language is completely smothered.

I think the first step must be to make Dutch compulsory and to set the examination-paper entirely in Dutch. It is insulting to us to make Dutch optional along with Sesuto; and then I think one can stipulate that after a certain time certain subjects will be examined in English and others in Dutch. The Conference will have to decide whether this will be practicable.

To me, however, one of the best ways to implement the stipulation in the Constitution will be to lay it down at once as policy that in future no one will be appointed to or promoted in the *Civil Service* unless he is fully conversant with both languages; for, as the proverb says, touch his pocket and you touch his soul.

We are very glad at the prospect of having you here with us at the New Year or about that time. If possible, do not postpone it; I think your visit will do good. Let me know in good time when we must meet you at Kaalspruit.

I can well understand that Mrs Smuts and the young ones are most happy on the farm and I also foresee the day when Jan Smuts will sit on the kraal wall reflecting on the recalcitrance of the dumb beasts who will not entirely conform to 'the principles of heredity' according to Mendel, and on the fact that, taken all in all, politics cannot match the pleasure of a farmer's life. Hearty thanks for your friendly invitation of which we certainly hope to make use later. With best wishes from house to house, Your friend,

M. T. Steyn

451 From H. Lindsay

Vol. 7, no. 51

14 December 1909

Dear Smuts, There is a rumour over here and particularly prevalent in Troyeville¹ that you intend to contest that seat

¹ A suburb of Johannesburg.

against Quinn. I have been asked if I know anything about it but of course I said no as I do not. I have not failed however to express my conviction to all and sundry there that if you do stand as a member of the Party we have in view,¹ you will wipe the floor with Master Quinn. You must try and get Bezuidenhout Valley divided so that the southern half falls with Troyeville as our constituency. The Valley-ites are not friendly disposed to the Progressives as at present run and controlled and I am informed the Quinn-ites are in mortal fear of your contesting the seat. You know my majority last election was 305. If your candidate at the time had not been such a rotter, I would have had a narrow shave. Heaps told me they voted for me personally, but utterly distrusted the leaders, many assured me they abstained from voting because they could not vote for a man like Abercrombie [H. R.]. Now you will have a further favourable element in the Valley vote.

I don't want you to disclose your hand nor need you tell me what you intend to do, but if you have an intention that way it would be well to give strength to the rumour and you will save many votes that may perhaps meanwhile be promised to Quinn.

If you stand as *Het Volk* purely (and I hope that will not happen as I earnestly pray that at *this* juncture in our country's life, the *big thing* will be done) you won't have so good a chance. A great many people are now awaiting the formation of this party as they feel it is the one wanted to run the country and form a strong nation. This is merely to give you an idea of what is doing here and needs no reply as I know you have lots to do. With kind regards, Yours sincerely,

Henry Lindsay

452 Manifesto

Box Z, no. 30

This manifesto was sent as from Botha to Merriman, F. S. Malan and Fischer in December 1909 with the object of amalgamating like-minded political parties in the Cape, the Transvaal and the Orange Free State. As this did not come about, the manifesto became, with some alterations, the programme upon which the South African

¹ There were hopes of founding a new Union-wide party under the leadership of Botha which would include moderate Progressives.

National Party—at that time merely a combination of Het Volk and the Transvaal 'Nationalists'—fought the general election of September 1910. Only in 1911 did the South African National Party embrace the other Afrikaner parties.

The document in the Smuts Collection is a typed draft amended by Smuts and based upon an earlier draft (Box Z, no. 29), also by Smuts.

MANIFESTO

1. On the 31 May 1910 the Union of South Africa will become an established fact and the present self-governing Colonies will disappear. The time has therefore come when all serious-minded and thinking people who have made South Africa their home should take steps to formulate and determine the chief points of policy which should be adopted in order to make the Union a success.

2. The task of initiating and carrying through this fundamental and far-reaching constitutional change will be an enormously difficult one, involving as it will a number of difficult and intricate problems relating to Finance, Railways, Native Affairs, Land Settlement, Customs, the Public Services and other questions; and will demand the best efforts of the people and statesmen of South Africa.

3. It is essential to the success of the Union that, consistently with the maintenance of the party system which is a necessary evil under the system of responsible government, practical co-operation between the two white races in South Africa be secured, and that racialism be eliminated from all national and political questions. It follows from this therefore that the division of political parties should rest upon differences of principle on practical questions and not upon differences of race.

4. It is believed that a great majority of men among both races are in favour of the formation of a political party whose fundamental object shall be to make union a new and real force in the national development of South Africa. It is with the object of forming such a political party that the following statement has been prepared setting out the fundamental principles of the party.

The South African National Party

The name of the Party shall be THE SOUTH AFRICAN NATIONAL PARTY.

The fundamental objects underlying the principles of the Party are the following:—

(1) To make a success of union, to promote the spirit of union throughout South Africa and among all sections of its people, and to make of unionism a new force in the national development of South Africa, under the guidance of Providence;

(2) To emphasize the South African spirit and standpoint of the Party.

To secure these objects the Party advocates the following principles:—

(1) The just and equal treatment of all Provinces of the Union, and the development in all of the same healthy national South African sentiment;

(2) The maintenance of the equality provisions in the Constitution, and the avoidance of all causes of estrangement and misunderstanding between the various sections of the people of South Africa;

(3) The fostering of the principle of white labour in the industrial expansion of South Africa.

(4) A Native policy which, while avoiding mere repression and uplifting the Natives by all means suitable to their ideas and conditions, will as far as possible prevent their political, social and industrial mixture with the whites.

(5) The prevention of Asiatic immigration into South Africa;

(6) The establishment of an adequate system of national defence for South Africa as part of the Empire;

(7) The efficient organization of the State Departments with due regard to the vested rights of Civil Servants;

(8) The re-casting of economic and railway policy so as to give greater freedom of expansion to South African industries and commerce;

(9) The fostering of existing industries and the promotion

of further industrial development by means of cheap transport, readjustment of the customs tariff and by state assistance in suitable cases;

(10) The promotion of agricultural expansion and land settlement, the improvement of methods of production, the combating of diseases, and the opening up of foreign markets for South African products.

453 From F. B. Adler

Vol. 7, no. 1

Transvaal National Association
20 Old Stock Exchange Buildings
Johannesburg
23 December 1909

Dear Sir, I am instructed to inform you that at a meeting of some of the Members of my Executive the draft manifesto of the proposed new party was considered. It was thought by the members present that the proposed name of the party was exceedingly well chosen, and they found themselves in complete agreement with the 'fundamental objects'.

With regard to clause 2 of the principles they were of opinion that it would be advisable to leave out the phrase 'the full and frank recognition of racial equality',¹ as it was generally felt that this should be understood and that there should be no necessity to set it out.

Though the majority of the members present thought that, with certain amendments in the phraseology, the remaining portion of the principles would answer very well, there were certain of them who considered that they were too vague and that the manifesto should set out more clearly the method by which it was intended to bring these principles into force. Most of them also felt that there was nothing in the manifesto with which to go to the country in the time of the election fight and that there was an absence of any 'battle-cry'.

However, no definite decision was arrived at, the members feeling that they would like to consider the manifesto more closely, and for that purpose asked to be provided with copies. Mr Henry Adler, the Vice-President, pointed out that he was

¹ This phrase appears in the typescript and is amended, in Smuts's handwriting, as in 452.

unable to let members have a copy of the manifesto without your concurrence. And I was therefore instructed to ask you whether you have any objection to those members who were present being supplied with copies, so that they can meet again and consider the manifesto more closely.¹ It was also thought that after this meeting had been held a further meeting might be arranged with you, if you are agreeable, so that you could have the views of the members at first hand. Yours faithfully,

Fritz B. Adler
Acting Honorary Secretary

454 F. S. Malan to L. Botha

Vol. 8, no. 59

The document in the Smuts Collection is a copy of the original, probably passed to Smuts by Botha.

Kantoor van de Sekretaris van Landbou
Kaastad
4 Januarie 1910

Waarde Louis, Ik heb uw brief van 29 December met de daarbij ingesloten kopie van een voorgesteld manifest ontvangen, zoals ik U heden morgen reeds heb getelegrafeerd. Ontvang mijn oprechte dank voor de goeden wensen die U jegens mij koestert in verband met mijn benoeming tot voorzitter van de Kommissie van Toezicht op Elekties. Hoewel ik mijn eigen zwakheid diep gevoel, toch leeft bij mij de overtuiging, dat als men zich geroepen gevoelt tot een grootse taak en de ondersteuning van zijn volk wegdraagt, men dan tot het verrichten van elke taak bekwaam is.

Ik meen ook dat de tijd gekomen is om met de meeste takt te werk te gaan en om met elkaar duidelijk, eerlik en openlik te handelen. Met genoegen zie ik dat U nog van dezelfde gevoelens zijt omtrent een Koalitie Regering, als toen U laatst met mij over deze zaak heeft gesproken.

Ook ben ik het eens dat een poging moet aangewend worden om de gematigde aanhangers van andere partijen zich bij ons te doen aansluiten.

¹ See 470.

‘Om dit te bereiken meen ik dat de beste weg zou zijn om de drie partijen (Bond, Unie, Het Volk) te amalgameren en om dan onder een nieuwe naam te trachten alle gematigden onder de aanhangers van de tegenpartij bij ons te doen aansluiten’. Voor dit plan valt ongetwijfeld van een politiek oogpunt veel te zeggen, indien het uitgevoerd kan worden. Er is, echter, een andere weg die zou kunnen worden ingeslagen n.l. om een werkende overeenkomst tussen de genoemde lichamen tot stand te brengen, zoodat zij met gezamenlike krachten bij de volgende algemene verkiezing kunnen optreden.

Laat mij toe U er aan te herinneren, dat er in Kaap Kolonie in 1903 na de oorlog reeds een grote verandering in de organisatie van de Afrikander Bond werd gemaakt. Volgens die verandering is de Bond slechts een onderdeel van de Zuid-Afrikaanse Partij. Die verandering werd niet zonder gevaar van verdeeldheid te verwekken doorgekregen, en ik meen dat men met de meeste voorzichtigheid zal moeten te werk gaan om enige ingrijpende verandering in de Bond daar te stellen.

Het Bonds Kongres dat waarschijnlijk in Maart kort voor de zitting van ons Parlement, om de Senaatleden te kiezen, te Beaufort West zal vergaderen heeft volgens de Bondskonstitutie het recht die konstitutie te veranderen. De zaak zal dus nauwkeurig overwogen moeten worden voordat ze in behoorlijke vorm voor dat lichaam kan worden gelegd. Intussen zie ik met genoegen uw komst hierheen tegemoet om de gehele zaak te bespreken.

Wat de inhoud van het manifest betreft, meen ik dat daarin mogelijk enige veranderingen en bijvoegingen zullen moeten komen. Ik acht het echter voorbarig tans in de merieten daarvan te treden, daar de aard van dit dokument afhankelijk is van de vraag of de bestaande organisaties zullen amalgameren of tot een werkende overeenkomst zullen komen.

Om tijd te besparen en de zeer gewenste voeling tussen de drie partijen te bewaren zend ik een kopie van deze brief aan vriend Fischer te Bloemfontein.

Van harte vertrouwende in belang van ons land en volk dat wij tot de gewenste samenwerking zullen geraken. Met de meeste achting, Uw vriend

F. S. Malan

TRANSLATION

Office of the Secretary of Agriculture
Cape Town
4 January 1910

Dear Louis, I have received your letter of 29 December with the enclosed copy of a proposed manifesto, as I telegraphed you this morning. Accept my sincere thanks for the good wishes you cherish towards me in connection with my nomination as chairman of the Commission for the Supervision of Elections. Although I feel my own weakness deeply, yet I am convinced that if one feels called to a great work and enjoys the support of one's people, one is capable of performing any task.

I think also that the time has come to go to work with the greatest tact and to deal with one another clearly, honestly and openly. I see with pleasure that you still feel the same about a Coalition Government as when you last spoke to me about this matter.

I also agree that an attempt must be made to get the moderate supporters of other parties to join us.

'To achieve this I think the best way would be to amalgamate the three parties (Bond, Unie, Het Volk) and then, under a new name, to try to get all moderates among the supporters of the Opposition party to join us.' There is undoubtedly much to be said, from a political standpoint, for this plan, if it can be carried out. There is however, another road that might be followed, namely, to bring about a working agreement between the above-named bodies, so that they could act with combined strength at the next general election.

Allow me to remind you that in 1903, after the war, a big change was already made in the organization of the Afrikaner Bond. According to this change the Bond is only a subdivision of the South African Party. This change was not put through without danger of arousing division, and I think one will have to go to work with the greatest caution to establish any far-reaching change in the Bond.

The Bond Congress, which will probably meet at Beaufort West in March, shortly before the session of our Parliament, in order to choose the members of the Senate, has, according

to the Constitution of the Bond, the right to change that Constitution. The matter will thus have to be carefully considered before it can be laid before that body in proper form. In the meantime I look forward with pleasure to your coming here to discuss the whole matter.

As regards the contents of the manifesto, I think that there will probably have to be some changes and additions to it. But I consider it premature to go into its merits now, as the nature of this document depends on the question of whether the existing organizations will amalgamate or come to a working agreement.

To save time and to preserve the very desirable feeling between the three parties, I am sending a copy of this letter to our friend Fischer in Bloemfontein.

In the sincere hope that, in the interests of our land and people, we shall achieve the desired co-operation. With best regards, Your friend,

F. S. Malan

455 J. X. Merriman to L. Botha

Vol. 8, no. 62

The document in the Smuts Collection is the original letter.

Private and Confidential

Prime Minister's Office

Cape Town

5 January 1910

My dear General, I was glad to get your letter and enclosure to both of which I have given the most careful attention.

You will not perhaps wonder that I have been somewhat surprised at all the rumours which have appeared from time to time in the newspapers and particularly at the comments which emanate from the Johannesburg Press, following on the somewhat cryptic utterances of our friend Hull. However I am reassured to find that you are still of the same opinion as regards the favourite Progressive nostrum of a 'Coalition' Ministry. How any people can attempt to draw an analogy between the Convention which was ostensibly a body composed of all shades of political opinion, brought together with the object of seeing how those opinions could be harmonized in some working Constitution, and a Government, where, as was once wittily said, it does not matter what the members

say, but they must all say the same thing, I have never been able to understand.

If any warning were wanted to show the futility of such an arrangement it will be found in a study of Washington's first Cabinet; and in the United States they had not party government which for good or evil—the latter I am inclined to think—is our system. I consider a good strong Opposition is as necessary as a good Government, under that system, and I often have had to deplore that our Opposition in the Cape is so lamentably weak.

Nor do I think that it is quite the best thing for the country to have too long-lived a Ministry. In Canada, which has I think the longest-lived Ministry in the Empire, security has brought corruption in its train. I hope this will never be the case in South Africa where a good Parliament is even more important than a strong Government.

I therefore understand all your references to amalgamation to be solely to the drawing together of the different parties now existing under the names of 'The Bond', 'Het Volk' and 'De Unie' in the Cape, Transvaal and Orange Free State respectively, under some designation which would enable English people to join the party without the fear, however groundless, of taking up a racial attitude.

May I venture to point out that this is exactly what has been done in the Cape Colony where the South African Party embraces and is supported by the Bond, though more than one-third of the members do not belong to that organization. This party as you are aware has accepted an Englishman as its leader and has loyally supported him through a most trying time. In the Cabinet of seven three bear English names¹—almost exactly in proportion to the numbers of the two races in the Colony. This party after two years of the most arduous parliamentary work involving retrenchment and taxation retains its parliamentary majority unbroken.

I should therefore see no reason why the same thing should not be repeated in the Union Parliament. A better name than South African Party you could not have. It really embraces all we stand for, all we have accomplished. It would embrace

¹ J. X. Merriman (Prime Minister), H. Burton, H. L. Currey.

'Het Volk' and 'De Unie' as it has embraced the Bond, and it would, I think, attract many others who might not see their way to joining those organizations.

To destroy them would be a difficult, and in the case of the Bond I think an impossible, task. The country people desire and have a use for an Agrarian Association that carries on its business in the language of the country districts. In our Colony I must say the Bond has always been most reasonable in Parliament and the Party in Parliament and the Organization in the country have not clashed.

I am not sufficiently acquainted with your conditions to know whether the same remarks would hold good in your country.

As regards the suggested programme,—speaking generally written documents of that kind always seem to be singularly inconvenient. Either they are so broad as to be platitudinarian, or if they are specific they are often impracticable. The constitutional course seems to be to wait until the Governor-General calls on someone to form a Cabinet. The man so selected will naturally call on his friends to join him and it will be his first duty to formulate a policy for submission to the electors. If the future Prime Minister is to be hampered either by the platitudes or the too specific pledges of a written programme he will start with a heavy handicap.

Holding these views I do not venture on any criticism of the document you enclose in your letter. It is, I think, open to criticism on both sides, but then I am sure that any similar programme drawn up at this date, rather, if I may presume to say so, for the purpose of attracting stray adherents than for the object of real business, would not escape objection on that score.

I need not say that I shall be delighted to see you here.¹ I am obliged to leave Cape Town on 20 January on a visit to my constituents, returning on the 25th *idem*.

You are aware that we have now with the British Government an Agent at Lüderitzbucht.² I enclose for your information *private and confidential* a recent report of his on the diamond

¹ Botha had suggested a meeting in Cape Town at which Merriman, F. S. Malan, Fischer and himself might discuss the formation of a national party.

² In German South West Africa.

discoveries which will, I think, be read by you with interest.
With kind regards, Believe me, Yours truly,

John X. Merriman

456 From E. Hobhouse

Vol. 8, no. 35

Palazzo Orsini
Monte Savello
Rome

2 January 1910

Dear Oom Jannie, 'All work and no play makes Jack a dull boy' so I was taught in youth and so I have learnt by experience. And the idea that you (however brilliant) can do the work of three Ministerial Departments is terrible—bad for the country and, worse still, bad for yourself. Ministers who can't do their own work should either resign or have temporary deputies appointed. Is not that sound sense which during this New Year you should lay to heart? I perceive you have not yet studied that chapter in Deuteronomy upon which I so often wanted to preach you a Sunday sermon.

How nice to hear that you are all really installed at Doornkloof! Give my love to Mrs Smuts and my congratulations on this realization of her dream. It has been hard to me to leave London, not only when I had just settled into my new house, but still more when I was involved in the work of our People's Suffrage Federation which is going ahead like steam, and most of all at this turning point of the whole country to be decided this election. If it goes against us England is done for; one cannot contemplate what it means—to be thrust back 'into the night, into the night'.

Still, had I remained in England I should have been useless, for neither heart nor limbs would work. So I was packed off but not before a specialist had seen me. He takes the more modern view of rheumatoid arthritis, viz., that it is due to microbes and if taken in time can be cured by slow poison. So I have to fight them, and must not expect any result from the medicine for twelve months but may hope to be cured or at least the disease arrested in two years. That is better, is it not, than the prospect of twenty or thirty years' ossification but

I think that it takes a younger person to get over it, or at least one who has a strong hold on life or keen desire to live and that is not my case.

Rome is wonderful, and staying as I am with Lucia's¹ aunt, the Marchesa De Viti de Marco, I am seeing it from a fresh and most delightful standpoint.

I particularly value the friendship of Professor Boni who is in charge of the Forum and is a man of deep learning and most charming and lenient towards us ignoramuses. He is a great excavator and tells me thrilling stories of how he found wondrous things and how they enlightened the Past.

I am taking an apartment shortly and expect to have a very restful winter the holiday of my life.

I wish you would plane across on the breath of the sirocco which blows to us from Africa and have a holiday for your mind too from the problems of the Present, by delving here into what seems at this distance the far simpler Past. With love to your home circle and good advice for yourself, Yours ever sincerely,

Emily Hobhouse

P.S. I have been making acquaintance with H. G. Wells, but alas! we have all had to drop him and cut him and I fear lest he will go out to South Africa and be 'taken up' by *everyone*. Alas it is true about Gladstone [H. J.] being your new Governor-General—a very bad appointment,² thinks Lord Courtney.

457 To J. X. Merriman

Vol. 8, no. 102

Colonial Secretary's Office
Pretoria, Transvaal
20 January 1910

My dear Mr Merriman, I regret very much that owing to an oversight I did not before reply to your letter in reference to our historical records and Dr [G. McC.] Theal's letter. I do most strongly agree with you that our records should be made complete. Is it not possible for you to secure the services

¹ Lucia Gargasole, one of Emily Hobhouse's assistants in the Home Industries work.

² As first Governor-General of the Union of South Africa.

of Dr Theal (notwithstanding his previous superannuation) for the purpose of collecting in Europe the valuable records to which he refers. His work would go on under the Union Government, but I feel certain that your action now in that direction would be heartily endorsed by that Government, whoever they may happen to be. Dr Theal evidently has valuable information and it would be easiest to secure the desired material under his direction. I hope therefore you will be able to make some arrangement with him whereby he will be induced to undertake the job.

I have information about a valuable series of maps made for Sir David Baird near the beginning of the nineteenth century, of Cape Town and its surroundings, which I am told are unique. I am trying to find out something more about their authenticity and value. I do think that historical records of an official character like that should not be in private possession. And indeed they are only in private possession in an illegitimate way.

Sauer and Graaff [D. de V.] have been here and have talked over various party and political matters of which Sauer has no doubt informed you. Graaff is still in the Transvaal, but I have not seen him again.

I hope you are doing well and continuing your exercises as faithfully as I do; my weight has gone down some four or five pounds. With kindest regards both to you and Mrs Merriman, Ever yours sincerely,

J. C. Smuts

458 From M. C. Gillett

Vol. 8, no. 28

102 Banbury Road
Oxford

28 January 1910

My dear Oom Jannie, We should like to have you here to have great talks on politics. What a time we should have!

I am sorry to say that people did not seem to be greatly alive about *Lords v. Commons*, they understood Food Taxes better. There has been a great deal of rowdyism and excitement and we 'suffragists' are amused over 'hysterical' men! Most

of us are such quiet self-contained people that hysterical men don't understand at all how we feel at being shut out from political rights. Yet we have sallied forth in some hundreds of constituencies to picket at the polling stations from seven in the morning till eight at night in order to get the electors to sign our petition for the suffrage. And it has been most instructive to us to see the men who have the vote and who rule us—the crowds of depraved, ill-living people with faces written over with brutality—and then the drunken ones who toppled in. The police seemed to sympathize fully with our view that it would be well if some of us changed places. However many of the voters were very friendly and pleasant, and the frequent exhortation to go home and mend the socks didn't hurt us. We concluded that many men imagine the human race is clad entirely in socks and has no other need, mental, moral or physical!

It was a great opportunity for dealing with the electors and making them see women have also the need of the vote that men have. But needless to say the Press takes no notice of this great campaign. It is exclusively occupied with what concerns men and with what the leaders wish the voters to consider, and it only breaks this boycott when there are suffragette disturbances. The Editor of the *Daily News* frankly admitted to a friend of mine not long ago that there is a boycott in the Press. It is very difficult to make an effective agitation when the Press is closed to you. And yet any argument to be used against the House of Lords is an argument *we* are using to claim our liberty. I can't see how there can be 'a blessing', as old-fashioned people say, upon the Liberals when they try to settle the Lords if they go on hardening their official hearts against us; as individuals by far the greater number are with us, but as officials they are hardened.

Mr Gladstone does not seem to me to come out very creditably in the last scandal about prison abuses, in the case of prisoners on remand. I am very indignant when I think of you made a rubbish heap for him! Perhaps you will be able to teach him better.

Poor Oom Jannie, you will be tired of this letter. I will only add that we both send our love—and we were very much pleased at getting your letter.

Alice is still far from well. She is at a sanatorium on the Mendips now.

Give Mrs Smuts my love. Ever yours,

Margaret C. Gillett

459 To J. X. Merriman

Vol. 8, no. 103

Colonial Secretary's Office
Pretoria, Transvaal
10 February 1910

My dear Mr Merriman, I do not know Godée-Molsbergen [E. C.] but from what you say he is probably the right man to attend to the business.¹ One might perhaps put him on a three years' contract to do the job.

I spoke last night at Middelburg in this Colony and reproved the Press for their wild writing after your Worcester speech.² Your speech seemed a perfectly legitimate one, but the papers all over South Africa raise a racial scare whenever they are hard pressed for copy or arguments. Lane is sending Apthorp [K. P.] a copy of the leader containing my remarks which I feel sure you will agree with.

Yes, I really did not think you referred to the Transvaal as the would-be topdog, but I found your remarks a rather convenient peg to lecture some of our friends who are inclined to think that worldly possessions are everything. You know it is a peculiarly English failing to attach undue importance to worldly goods.

Botha enjoyed his stay at the Cape very much. The business of party reorganization which he went to urge on you and the other friends has become imperatively necessary in the Transvaal. Our present name is narrow and savours of racial arrogance and is a serious handicap, and it will be wise to spread our nets somewhat wider. And it was [one illegible word] impression that the name 'Bond' is a handicap to you too. If we finally adopted all over South Africa some such

¹ In a letter of 6 February 1910 Merriman had recommended Godée-Molsbergen to collect South African historical records in preference to Dr Theal, then retired.

² At Worcester on 5 February Merriman had spoken against party amalgamation and coalition with Progressives.

name as 'South African Party' we would consolidate under a good name and prevent provincial sectionalism inside the party. The question of principles is a very difficult one but if you start a party you must have some, otherwise people will laugh at you. Het Volk Congress meets 23 March and [we] shall then try to put through our reorganization. Mind you, my private impression is that we shall have to be careful or we shall not have a really workable majority in the Union Parliament. Your policy—however beneficial—has not been popular at the Cape; I am afraid Fischer has also lost ground in some ways, whereas with us you will have the see-saw tendency to a change. The Progressives have behaved well over Union and have to some extent rehabilitated themselves, and if they were really well led, they could make a good show at the elections. With kindest regards to you and Mrs Merriman, Yours ever sincerely,

J. C. Smuts

460 From J. X. Merriman

Vol. 8, no. 64

Confidential

Prime Minister's Office
Cape Town
15 February 1910

My dear Smuts, It is always a pleasure to me to hear from you. Thank you for what you said *re* Worcester. You have since no doubt read Jameson's speech which, apart from its gross personalities about myself, seemed to be a direct incentive to racial distrust—if he does not get a finger in the pie.

There is a sensible article in *Ons Land* of today on the subject of 'racialism' and the South African Party showing what our action has been. I think it is worth looking at. The idea of Jameson who in 1904 raised the election cry of 'Fight the Dutch politically' lecturing me on racialism is rather like the famous occasion when 'Steenie held forth on incontinency and Baby Charles on the vice of dissimulation'.¹ I agree with you that we should do everything to avoid getting on race lines. The first step is to avoid talking about them on every occasion.

¹ 'Steenie' and 'Baby Charles' were nicknames given to George Villiers, Duke of Buckingham, and Charles, Prince of Wales, by James I.

As regards the Progressives, do not be too effusive. To me it is quite clear the situation is not unlike 1895.¹ The actors are the same—Jameson; the Press, skilfully engineered by clever fellows from abroad; the magnates. And above all the object is the same—to secure the dominance of the money power in South Africa *per fas aut nefas*.² The cry then was ‘women and children’,³ now it is ‘race question’; but we are forewarned this time and I pray God the attempt may fail. With kind regards, Yours truly,

John X. Merriman

I am attending to the Godée-Molsbergen matter.

461 To J. X. Merriman

Vol. 8, no. 104

Colonial Secretary's Office
Pretoria, Transvaal
22 February 1910

My dear Mr Merriman, With all you say in yours of the 15 inst. I most cordially agree. I have never for a moment considered coalition possible—not even advisable in the sense proposed by Jameson, that is to say, the entry of men like Farrar and himself into the same Cabinet as yourself and Botha. But to me it is as clear as daylight that the Progressive tactics is to use the failure to bring about a coalition Government as an argument of a racial character against us. They would argue: ‘We were so fair, asked for so little, but our opponents, having obtained union with our assistance, were determined to play the topdog and leave us in the cold. Hence coalition failed.’ In what I have said in public I have tried in some way to anticipate this and to argue that ours is not a policy of the topdog but of union, and the co-operation of all moderate men of whatever race on broad South African lines. The Progressives are determined to steer the issue of the next elections in the direction of racialism, as they expect in that way to prevent their moderate followers from going

¹ The year of the Jameson Raid.

² By fair means or foul.

³ Jameson had, at his own request, been furnished with a spurious letter asking him to come to the rescue of ‘unarmed men, women and children of our race’ in Johannesburg.

over to us. We on the other hand must lose no occasion of driving home the fundamental truth that our party is already racially composite and our policy is absolutely non-racial, as our past record also shows. Some of my friends have called my recent speeches mystifying, but my real object was clear, although as one of the juniors I could not speak with clearness and authority like yourself. Botha has always been opposed to coalition and has repelled these repeated advances from the other side. To me the puzzle is why they repeat these advances, as they know the result can only be failure. My idea is that they want to make use of that failure for electioneering purposes.

Jameson's attack on you has of course done you no end of good. These men are small and their methods are still smaller. Ever yours sincerely,

J. C. Smuts

462 To H. E. S. Fremantle

Vol. 8, no. 105

Colonial Secretary's Office
Pretoria, Transvaal
22 February 1910

My dear Fremantle, I don't think the history of education in the Transvaal can be found anywhere recorded in succinct form, and I hesitate to promise the getting up of such a record for you. If [Sir J.] Adamson gives evidence he could broadly state the sequence of modifications in the system, and with that I hope you will be satisfied.

I read your Uitenhage speech with much interest. Mind, I have never preached coalition, and in fact where I have used the word it was merely to disapprove of the thing. Frankly there are some good men among the Progressives whom I would gladly see among us and even in a Government of the South African Party. But that is not the coalition they are aiming at. I want our party to be so broad in its policy as to attract the real South Africans, in whatever party they might find themselves at present. It is only as men join that broad party that they can co-operate politically and in the administration of the country. A coalition of political opposites is of course mischievous. I fear an attempt will be made to steer

the coming electoral struggle in the direction of racialism. If that succeeds the moderates on the other side will not join in. Blood will be thicker than water. I think our policy should be to reassure the moderates, to point out to them how composite we already are racially in our party, and how non-racial our policy is. *That* has been the object of my recent speeches.

I think we shall have to proceed warily; I am afraid the Progressives have to some extent rehabilitated themselves in connection with union. And the results of the next election may be in the nature of a surprise, unless we choose our ground most carefully. Yours very sincerely,

J. C. Smuts

463 To M. T. Steyn

Vol. 99, no. 59

Colonial Secretary's Office
Pretoria, Transvaal
22 Februari 1910

Hooggeachte President, Ik ben niet zoover gevorderd als U met typing en daarom moet ik maar mijn best doen met een handschrift welke ik hoop nog leesbaar voor U zal zijn.

Christiaan Beyers was hedenochtend hier en vertelde mij dat hy met U over politieke zaken gesproken had. Ik wist niet dat hy naar U zou gaan, anders zou ik hem gevraagd hebben U over iets te spreken dat my besorgd maakt. U heeft eenmaal gezegd dat de Unie kan ons de grootste zegen, maar ook (als wij de electie verloren) de grootste vloek worden. Nu geloof ik niet dat de positie erg rooskleurig is. O.V.S. en Natal gaan elkaar balanceeren. Aan de Kaap geloof ik niet dat onze partij een groote overwinning zal behalen. Het wegvallen van Jan Hofmeyr en de onpopulaire politiek door de Merriman regeering gevolgd staan ons zeer in den weg. Hier in de Transvaal zijn er 17 buiten zetels (waaronder een voor Barberton en Pilgrim's Rest) en 19 voor den Rand en Pretoria stad. U kan dus zien hoe hachelijk de positie is, daar wij op 16 zetels uit 36 kunnen rekenen; in al de andere is de Engelsche stem beslissend. Indien de Progressieven nu reeds met hun geld en pers een politiek van verdachtmaking en rassenhaat gaan prediken, zullen de gematigden bang

worden, en dan zijn de electies verloren. Daarom (hoewel noch Genl. Botha noch ik ooit over coalitie gedacht heb) praten wij òf verzoenend òf blijven geheel stil en houden dingen op een sleep touw. Dat wordt nu echter onmogelijk gemaakt; de Progressieven werken nu hard in alle richtingen en wij zullen zwaar krijgen. Waar onze meerderheid vandaan moet komen als de Engelsche moderates bang worden weet ik niet. Het gevaar is nu zeker daar. Ik wil U maar de positie uiteen zetten. Wij verdeelen het vel, maar de leeuw is nog niet gedood. Met zeer hartelijke groeten, *t.t.*

J. C. Smuts

Ik denk de geheele poging om coalitie te krijgen is bedoeld ons in een verkeerde licht by de bevriend Engelschen te brengen. Het argument is dat zij zoo redelijk zijn en willen samen werken, maar wij willen niet etc. etc.

TRANSLATION

Colonial Secretary's Office
Pretoria, Transvaal
22 February 1910

Dear President, I have not progressed as far as you with typing and so I must do my best with a handwriting which I hope will still be legible to you.

Christiaan Beyers was here this morning and told me that he had spoken to you about political matters. I did not know that he was going to you or I would have asked him to discuss something which makes me anxious. You said once that the Union could be our greatest blessing but also (if we lose the election) the greatest curse. Now I do not think that the position is too rosy. The Orange Free State and Natal will balance one another. In the Cape I do not think that our party will win a great victory. The death of Jan Hofmeyr and the unpopular policy followed by the Merriman Government is a great handicap to us. Here in the Transvaal there are 17 rural seats (including one for Barberton and Pilgrim's Rest) and 19 for the Rand and Pretoria city. So you can see how precarious the situation is, since we can rely on 16 seats out of 36; for all the others the English vote is decisive. If the Progressives, with their money and their Press, should now

preach the politics of suspicion and race hatred, the moderates will take fright and then the elections will be lost. For that reason (although neither General Botha nor I have ever thought of coalition) we either talk in a conciliatory way or remain silent and keep things on a string. That, however, is now being made impossible; the Progressives are now working hard in all directions and we shall have a hard time. Where our majority will come from if the English moderates take fright I do not know. The danger is certainly there. I merely want to explain the position to you. We are dividing the skin but the lion has not yet been killed. With very hearty greetings,
totus tuus,

J. C. Smuts

I think the whole attempt to get a coalition is intended to put us in a wrong light with the friendly English. The argument is that they are so reasonable and want to co-operate, but we do not want to, etc. etc.

464 To F. S. Malan

Vol. 8, no. 106

Colonial Secretary's Office
Pretoria, Transvaal
23 Februari 1910

Lieve Fransie, Slechts een regel om mijn hartelijke erkenning en waardeering te betuigen van jou toespraken te Malmesbury. Die politieke grootpraterij in dezen tijd doet ons alleen kwaad en verwijder van ons welgezinde Engelschen die onder den indruk komen dat wij onverdraagzaam zijn en dat de Hollandsche Afrikaners vast besloten zijn het land te regeeren. Ik denk het coalitie voorstel van Jameson is bedoeld om dat duidelijker te maken want Jameson weet van vorige gesprekken met Botha dat er geen kans is voor coalitie. Maar hij meent zeker dat de mislukking van coalitie de oogen van matige Engelschen zal openen voor de situatie. Ik denk wij moeten het evangelie van rassen-samenwerking (apart van coalitie) blijven prediken tenzij wij een terugkeer naar die voor-Conventionie politiek willen zien. Ik moet eerlijk zeggen dat ik een geest van onverdraagsaamheid bespeur die mij ontstemt. Als wij niet voorzichtig zijn twijfel ik zelfs of wij

een parlementaire meerderheid gaan krijgen. In de Transvaal is de Engelsche bevolking de groote meerderheid in 20 uit de 36 zetels; Natal en O.V.S. gaan elkaar balanceeren. In de Kaap verwacht ik geen groote meerderheid voor ons, daar de Merriman finantieel politiek niet populaire is geweest. Ik ben bevreesd dat wij de vel verdeelen voor de bok geschoten is. Indien wij de moderate Engelschen niet bij ons houden gaan wij schipbreuk lijden. En ik vrees er wordt dingen gezegd en gedaan die de geheele positie in gevaar brengen. Het is omdat ik het gevaar besef dat ik jou speech waardeer, want ik zie dat jij nog bij den ouden Conventie geest blijft die m.i. alleen heil aan dit diep geteisterd land zal brengen. Met zeer hartelijke groeten van huis tot huis, Jou vriend

J. C. Smuts

TRANSLATION

Colonial Secretary's Office
Pretoria, Transvaal
23 February 1910

Dear Fransie, Only a line to show my hearty acknowledgement and appreciation of your speeches at Malmesbury. Political big talk at this time does us all harm and separates from us well-disposed Englishmen who get the impression that we are intolerant and that the Dutch Afrikaners are firmly determined to rule the country. I think Jameson's coalition proposal is intended to make this clearer because Jameson knows, from earlier conversations with Botha, that there is no chance of coalition. But he probably thinks that the failure of coalition will open the eyes of moderate Englishmen to the situation. I think we must go on preaching the gospel of racial co-operation (apart from coalition) unless we wish to see a return to pre-Convention politics. I must honestly say that I detect a spirit of intolerance that vexes me. If we are not careful I even doubt if we are going to get a parliamentary majority. In the Transvaal the English population is in the great majority in 20 of the 36 seats. Natal and the Orange Free State are going to balance one another. In the Cape I do not expect a big majority for us, as the Merriman financial policy has not been popular. I am afraid that we are dividing the skin before the buck has been shot. If we do not keep the moderate

Englishmen with us, we are going to suffer shipwreck. And I fear things are being said and done that are endangering the whole position. It is because I realize the danger that I value your speech, for I see that you will stand by the old Convention spirit which alone, in my opinion, will bring salvation to this sorely afflicted land. With very hearty greetings from house to house, Your friend,

J. C. Smuts

465 From T. Hyslop

Vol. 8, no. 53

Confidential

369 Commercial Road
Pietermaritzburg
24 February 1910

My dear Smuts, Since leading men in the other Colonies have spoken on the political situation, there has been a demand in the Press here for Natal politicians to declare themselves. I have been using my influence to keep people quiet as I cannot see any good purpose which would be served at the present time by members orating. I was in Durban the other day and pointed out to the members there, who were becoming restive, that speaking could do no good and might embarrass Botha in the delicate work which I understand he is at present engaged in. The members for Durban will I think remain quiet. I write now to let you know that though the Natal people are saying nothing, the leading politicians, both in town and country, are all with you and Botha in the work in which we understand you are engaged, viz., the building up of a party of moderate men of both races. If you succeed, you may rely on the practically unanimous support of the people of this Colony. When we got the electors of Natal to accept the Constitution we assured them that we were sure, from our experience at the Convention, that there was no desire on the part of the leading Dutchmen to try to get race dominance. Some of the other politicians seem to prove that we were wrong in our conclusions, but I am glad to say that some are acting quite as we anticipated. Will you kindly convey to Botha my thanks for the tone of his remarks at Carolina and assure him that the people of this Colony highly appreciate his attitude. He can rely on our support in the

policy he has adopted. I hope he and you may be able to bring with you the whole of the people of the Transvaal. I fear the Orange River Colony is hopeless, judging from Hertzog's speeches and from what I have heard. As for the Cape I have no information except what is known to the public from the speeches delivered. Malan's tone seems moderate and I should think he is still animated by the Convention spirit.

I shall be glad to hear from you, when you can find time to write, how the movement is progressing and what the prospects of success are. If you fail, we in this Colony will be placed in a very difficult position. I fear we'll be forced to follow paths into which we do not wish to enter. The issues are most serious and we are all looking to Botha and you to save South Africa from relapsing into racialism. With kind regards, Yours sincerely,

T. Hyslop

466 From M. T. Steyn

Vol. 8, no. 101

Confidentieel

Onzerust

25 Februari 1910

Zeer geachte vriend, Hartelik dank voor uw brief die mij eergisteren ter hand is gekomen. Ik kan niet zeggen dat ik de toestand zo rooskleurig inzie want van het ogenblik dat te Durban de populatie basis over boord werd geworpen en daarbij nog werd aangenomen het beginsel van een stem een waarde heb ik nooit gerust gevoeld. Ik heb toen geprotesteerd maar gebogen omdat het een compromis was en omdat het de Vrystaat als zodanig overschillig was welke basis aangenomen werd. Maar ik wil ook nu niet de toestand door al te donker brillen bekijken. Ik gaan mij niet in een al te fijne berekening verdiepen. Ik redeneer eenvoudig:— de census toont mij dat wij de meerderheid in het land hebben, dus moeten wij ook de meerderheid in het parlement krijgen—'bar accidents'. Nu een van de grootste ongelukken die ons kan overkomen is verdeeldheid, maar dit is iets dat kan vermeden worden want het kan alleen op twee manieren gebeuren doordat òf de leiders onder elkander verdeeld raken, òf dat zij een verkeerde politiek volgen. De geschiedenis leert ons dat het Afrikaanse volk zowel politiek als op kerklijk gebied steeds door zijn

voormannen verdeeld is geworden. Als zulks nu weer mocht gebeuren, wel, dan verdienen wij al de ellende die daarop mocht volgen. Ik heb dan ook geen ogenblik vrees dat zo iets zal gebeuren. Uw brief heeft mij in die overtuigen gesterkt. Ik versta uw politiek goed en was zeer blij van U te horen iets dat ik trouwens wel overtuigd van was, dat noch U noch de Generaal voor een coalitie was. Coalitie op dit ogenblik zal een verdeling onder onze mensen brengen die misschien de partij voor altijd zal vernietigen. Ik geloof niet dat coalitie nodig is om de gematigde Engelsman bij ons te brengen. De ministrie wordt immers eerst gevormd en dan vindt de electie plaats. Wel tegen die tijd zal U al zulk een brede Z. Afrikaanse politiek hebben neergelegd dat ieder wel zal kunnen zien dat het geen rassen regering is. Wat ik het meest in coalitie vrees is dat dit ons zal verhinderen om de Senaat zuiver Afrikaans te maken. Mogen zij zoals U vreest soms de electies winnen en als er dan nog 'n zwak Senaat is dan vrees ik zullen zij Rhodesia in de Unie laten in komen onder termen die ons voor altijd aan de magnaten zullen overleveren, laat staan de finantieele transacties die dan zullen plaats hebben ten koste van Z.A. belastingbetaler terwijl met 'n sterke Senaat men iets ten minste voor 'n tijd kan tegenhouden.

Zoals gezegd ik ben niet gerust voor de verkiezingen doch ben toch vol moed. Zorg slechts dat er tijdens de electies iets is waarmee de Boers enthousiasme kan worden opgewekt of waarin er gevaar voor hem zit, dan staan zij als een man bij elkaar. Bij ons is het ou volk weer wakker. Het spijt mij dat ik uw brief niet eerder kreeg dan kon ik Fischer en Hertzog de wenk hebben gegeven, maar denk hunnen aanspraken waren in de zelfde richting. Generaal Botha heeft U waarschijnlijk reeds gezegd dat de heer Fischer niet denkt om Administrateur te worden. Wanneer verwacht U Jaap? Hoe staat het met zijn kansen om herkozen te worden? Ik zou niet gaarne zien dat hij moet uitvallen. Ik houd mij stil, maar als ik helpen kan laat mij dan s.v.p. weten. Ten slotte nog dit: uit Beyers meen ik op te maken dat men in de Transvaal denkt dat Merriman door Fischer onnodig gesterkt wordt. Men doet Fischer daar onrecht aan. Zover ik weet doet hij niets van dien aard. Hij houdt zich neutraal en zal Generaal hart en ziel ondersteunen als hij Premier is.

Nu eindig ik want uw tijd is bezet. Mogen wij thans de rechte weg inslaan.

Mijn vrouw blijft nog maar sukkelend; misschien komen wij nog eerstdaags naar de Transvaal om geneesheren te raadplegen. Met de hartelikste groeten van huis tot huis blijf ik, uw vriend

[No signature]

TRANSLATION

Confidential

Onzerust
25 February 1910

Dear Friend, Hearty thanks for your letter which reached me the day before yesterday. I cannot say that I see the situation in such a rosy light for, from the moment when at Durban the population basis was thrown overboard and in addition the principle of one vote one value was accepted, I have never felt easy. I protested then but submitted because it was immaterial to the Free State as such which basis was accepted. But I also do not wish to look at the future through too dark spectacles. I am not going to indulge in too subtle a calculation. I simply argue:— the census shows me that we have the majority in the country, thus we must also get the majority in Parliament—bar accidents. Now, one of the greatest accidents that can happen to us is division, but this is something that can be avoided because it can happen only in two ways—either if the leaders become divided among themselves or if they pursue a wrong policy. History teaches us that the Afrikaner people, in political as well as church matters, have always been divided by their leaders. If this were now to happen again—well, then we deserve all the misery that might ensue. I do not for a moment fear that such a thing will happen. Your letter has strengthened me in this conviction. I understand your policy well and was very glad to hear from you what I was indeed convinced of—that neither you nor the General were for a coalition. Coalition at this moment would bring a division among our people which would perhaps destroy the party for ever. I do not believe that coalition is necessary to bring the moderate Englishman to us. After all, the ministry is formed first and then the election takes place. Well, by that time you will already have laid down such a

broad South African policy that everyone will be able to see that it is not a racial Government. What I fear most in coalition is that it will hinder us in making the Senate purely Afrikaner. Should they, as you fear, perhaps win the elections, and should there be a weak Senate as well, then I fear they will let Rhodesia into the Union on terms that will deliver us for ever to the magnates, not to mention the financial transactions which will then take place at the expense of the South African taxpayer; while with a strong Senate one can make some resistance, at least for a time.

As I have said I am not easy about the elections but nevertheless full of hope. Only see that during the elections there is something to rouse the Boers' enthusiasm or something that holds danger for them, and they stand together as one man. With us the old nation is again awake. I am sorry I did not receive your letter sooner, or I could have given Fischer and Hertzog the hint, but I think their speeches were in the same direction. General Botha has probably already told you that Mr Fischer does not consider becoming Administrator.¹ When do you expect Jaap?² What are his chances of being re-elected? I would not like to see him fall out. I keep quiet, but if I can help please let me know. In conclusion, this also: from Beyers I gather that it is thought in the Transvaal that Merriman is being unnecessarily supported by Fischer. This is unjust to Fischer. As far as I know he is doing nothing of this nature. He remains neutral and will support the General heart and soul if he is Premier.

Now I close, for your time is occupied. May we now follow the right road.

My wife is still ailing. Perhaps we shall soon come to the Transvaal to consult doctors. With heartiest greetings from house to house, I remain, Your friend,

467 From J. X. Merriman

Private

Vol. 8, no. 65

Schoongezicht

Stellenbosch

27 February 1910

My dear Smuts, I was very glad to get your letter. Not that I had any doubt as to what your views were on the so-called

¹ Of the Province of the Orange Free State. ² J. A. J. de Villiers.

'coalition' engineered by Jameson and his friends with the view that was before them in 1895-6 and 1899. You will forgive me however for saying that some of your speeches earlier in the day might have another meaning read into them—always very dangerous when we have to deal with an unscrupulous Press. You see you make no allowance for the man in the street, who has a vague or misty idea of 'Government', and confuses the formation of a Government *before* with the formation of parties *after* the Union Parliament has come into being. This, which is very present to your mind and to mine, leads us both to be misunderstood. One thing is quite clear; we are forewarned as to Jameson's intention unless he gets a share of the 'plunder' to start the old racial agitation. Our object is to defeat him. They are foolish enough to openly avow—what of course we knew all along—that their party in our Parliament rested solely on the race cleavage. They conveniently forget that ours did not and that its success was due to that fact. Out of 68 members 18 were English in name and speech or twenty-six per cent. This has always galled the Progressives and *hinc illae lacrimae*.

You will no doubt have noticed the discussion on coolie emigration in the Council of India and the decision. This will smooth the way for the Union Government. With kind regards, Yours truly,

John X. Merriman

468 From F. S. Malan

Vol. 8, no. 60

Vertrouwelijk

28ste Februarie 1910

(Op Trein nabij Graaff-Reinet)

Lieve Jannie, Het was mij aangenaam uw brief van 23ste dezer te ontvangen. Uit uw toespraak te Middelburg, gelijktijdig gehouden met die van mij te Malmesbury, had ik reeds opgemerkt dat wij in geestes overeenstemming zijn met betrekking tot de tegenwoordige politieke situatie in Zuid-Afrika. Ik ben tans op reis naar en door de Oostelike Provincie van de Kaap-Kolonie en zal de gelegenheid hebben het evangelie van het brede Zuid-Afrikaanse nationalisme te prediken. Van harte vertrouw ik dat het ons mag gelukken met behoud van onze beginselen om de Engelsprekende

Afrikaanders zich bij ons te doen aansluiten. Te Graaff-Reinet heeft mijn toespraak bij de lunch op allen een gunstige indruk gemaakt en ik zie met belangstelling uit naar mijn ontvangst te Oost Londen morgen.

Enige dagen geleden was Schreiner bij mij op kantoor en uitte het gevoelen, dat het wenselijk was voor de voormannen in de verschillende Kolonies om in de Unie rond te gaan en vergaderingen toe te spreken, om langs die weg voeling tussen hen en de bevolking te bewerkstelligen. Ik denk het idee is goed doch onder de omstandigheden meen ik dat het verstandiger is om te wachten met de uitvoering ervan tot na de 31ste Mei.

Sedert het bezoek van Botha in Kaapstad, heb ik hem twee maal geschreven in verband met het ontwerp-manifest dat hij mij in het begin van dit jaar heeft toegezonden. Ik hoop U heeft deze brieven gezien. De clausule omtrent de Naturellen behoort U in nauwkeurige overweging te nemen, omdat de publikatie ervan grote invloed zal hebben op de Naturellen stem in de Kaap-Kolonie.

Koalitie in de zin van het behouden van de bestaande politieke partijen met vertegenwoordigers in dezelfde regering beschouw ik even onwenselijk als de poging om de politiek van de Unie te baseren op de partij-politiek van een of ander Kolonie. De gezonde oplossing komt mij voor te zijn het vormen van een Unie-Ministerie van mannen die met elkaar in sympathie zijn en die bekwaam en bereid zijn om een brede Zuid-Afrikaanse opbouwende politiek te volgen. Ik twijfel er niet aan dat zulk een regering met zulk een politiek het vertrouwen van de meerderheid van de bevolking der Unie zal wegdragen.

De zamenstelling van zulk een regering is een zaak van het aller grootste gewicht en behoort door geen politieke voorman, waar ook woonachtig, bemoeilikt te worden door het aangaan van relaties of het maken van beloften zonder in overleg met andere voormannen te handelen. Met hartelike groeten, Uw vriend,
F. S. Malan

TRANSLATION

28 February 1910

(On train near Graaff-Reinet)

Dear Jannie, It was a pleasure to receive your letter of 23 February. I had already noticed from your speech at Middel-

burg, made simultaneously with mine at Malmesbury, that we are in spiritual accord with regard to the present political situation in South Africa. I am now on a journey to and through the Eastern Province of the Cape Colony and shall have the opportunity of preaching the gospel of a broad South African nationalism. I hope from my heart that, while preserving our principles, it may be our good fortune to get the English-speaking Afrikaners to join us. At Graaff-Reinet my speech at the lunch made a favourable impression on everyone and I am looking forward with interest to my reception at East London tomorrow.

Some days ago Schreiner was in my office and expressed the feeling that it was desirable for the leaders in the various Colonies to go round the Union and address meetings, in order in this way to establish contact between themselves and the population. I think the idea is good but, under the circumstances, I think that it is more sensible to wait to put it into practice until after 31st May.

Since Botha's visit to Cape Town I have written to him twice in connection with the draft manifesto which he sent me at the beginning of this year. I hope you have seen these letters. You ought to weigh the clause about the Natives carefully, because its publication will have great influence on the Native vote in the Cape Colony.

I regard coalition, in the sense of the preservation of the existing political parties with representatives in the same Government, as equally undesirable as the attempt to base the policy of the Union on the party policy of one or other of the Colonies. The sound solution appears to me to be the forming of a Union Ministry of men who are in sympathy with one another and who are able and ready to follow a broad constructive South African policy. I do not doubt that such a Government with such a policy will have the confidence of the majority of the population of the Union.

The composition of such a Government is a matter of the very greatest weight and should not be made difficult by any political leader, wherever he lives, establishing relations or making promises without acting in consultation with the other leaders. With hearty greetings, Your friend,

F. S. Malan

469 To J. X. Merriman

Vol. 8, no. 107

Colonial Secretary's Office
 Pretoria, Transvaal
 1 March 1910

My dear Mr Merriman, In these busy times I am sorry to have to trouble you with small details but cannot help myself in the present case.

A gentleman called Trevor-Battye [A. B. R.] has appeared here, with credentials from the London Zoo addressed to Lord Selborne (who vouches for him), and with the request that the Governments of South Africa should co-operate in making a presentation of live animals to the Prince of Wales. Their destination is the London Zoo, and I suspect the whole move is by way of the Prince to obtain gratis a valuable collection of animals for the London Zoo. He is enthusiastic about the support you have promised him. Please tell me what you propose doing. Are you going to catch elephants in the Addo Bush¹ or undertake other perilous ventures? I do not want to appear churlish, but do not really feel disposed to try and catch valuable animals in our Game Reserve² which it has taken us many years and much money to preserve in the wild state. I am however willing to be guided in so knotty a matter by your sense of the fitness of things and await the favour of your advice. I enclose two documents³ from Lord Selborne on the matter. Yours very sincerely,

J. C. Smuts

470 From F. B. Adler

Vol. 8, no. 1

Transvaal National Association
 20 Old Stock Exchange Buildings
 Johannesburg
 10 March 1910

Dear General Smuts, At a meeting of the Executive held on Wednesday last the draft manifesto was discussed and it was resolved:—

That the Executive is prepared to accept the draft manifesto

¹ About thirty miles from Port Elizabeth.

² The Kruger National Park.

³ Omitted by the editors.

of the proposed new Party, but suggests the following amendments:—

(a) That clause 8 should be altered to read as follows:—

The development of economic and railway policy along lines which will give greater freedom of expansion to South African industries and commerce.¹

(b) That a clause should be inserted dealing with the education policy of the Party.²

Yours sincerely,

p.p. F. B. Adler

Acting Honorary Secretary

Encl.:— Copy of minutes of meeting.

ENCLOSURE

Copy of the Minutes of a Meeting of the Executive Committee of the Transvaal National Association, held at No. 20 Old Stock Exchange Buildings, on Wednesday, 9 March 1910

Present

The Hon. M. R. Greenlees, M.L.C., Vice President, in the Chair, Messrs R. Goldman, M.L.A., H. Adler, P. McIntosh,³ H. B. Papenfus, S. F. Goch, L. Northcroft, I. M. Goodman⁴ and F. B. Adler. Apologies for absence were received from Messrs A. Johnston, M.L.A. and H. J. Hofmeyr.

Minutes

The Minutes of the Meeting of 9 December 1909 were read and confirmed.

The Secretary reported what has taken place at the meeting with the Head Committee of Het Volk held recently and was instructed to prepare minutes of that meeting to be attached to these Minutes.

¹ The original clause in the typescript of the manifesto reads: 'The carrying out of the transport policy laid down in the Constitution of South Africa and the recasting of the economic system so as to give greater freedom of expansion to South African commerce and industries'. This is amended, in Smuts's handwriting, as in 452.

² This was not done.

³ Phineas McIntosh, born 1859 in Scotland. Was a general merchant in Johannesburg. Died 8 February 1949.

⁴ Isaac Meyer Goodman, born 1871 in Liverpool. Went to the Transvaal in 1893. Hotel proprietor.

Mr H. Adler read a letter dated 22 February 1910 to General Smuts and a reply thereto.

The Meeting then proceeded to discuss the revised Manifesto of the proposed new party.

It was resolved:—That the Executive is prepared to accept the Draft Manifesto of the proposed new Party.

But suggests the following amendments:—

(a) That Clause 8 should be altered to read as follows:—
The development of economic and railway policy along lines which will give greater freedom of expansion to South African industries and commerce.

(b) That a Clause should be inserted dealing with the education policy of the Party.

The question of nominating candidates for the forthcoming election was discussed, as also the question of the advisability of nominating a candidate for the Senate. These and other matters were left over for a meeting to be arranged after the return of the President from England.

Confirmed
Chairman

Appendix

Minutes of a Meeting of the Executive with the Head Committee of Het Volk and various Members of Parliament for the Witwatersrand division, held in the Board Room, Cullinan Buildings, at 2.30 p.m. on Saturday, 5 March.

Present

The Right Hon. L. Botha, P.C., M.L.A.

The Hon. J. C. Smuts, K.C., M.L.A.

The Hon. H. C. Hull, M.L.A.

The Hon. M. R. Greenlees, M.L.C.

Sir Willem Van Hulsteyn, M.L.A.

Messrs R. Goldman, M.L.A., F. W. Beyers, M.L.A., H. Lindsay, M.L.A., H. Adler, H. J. Hofmeyr, Manfred Nathan, L. Northcroft, F. E. T. Krause, M.L.A., [P. J.] Wannenburg, M. L. A., T. M. Cullinan, M.L.A., H. B. Papenfus, G. A. Mulligan, S. F. Goch, W. E. Bok, P. J. Jooste¹ and F. B. Adler.

¹ Probably J. P. (Piet) Jooste.

General Botha stated there were two points he wished to discuss with the gentlemen present.

The first was with regard to the negotiations which had taken place for the amalgamation of the Parties. For various reasons it had been found advisable at the time not to proceed with the negotiations. In view of the Union of South Africa it was now, however, advisable that the matter should be discussed again. If the Union was to be a success, it should be a union of the people as well as a union of States. Localism would kill South Africa, and no party was strong enough to prevent that. A responsibility rested on them all to do something, and there was no reason why they should not make a start in the Transvaal.

With this object in view the Head Committee thought it best that the present parties should drop their names, and that a new organization should be started with a new name, on such principles that all sections of the community, both English and Dutch, would be able to join. Opposition would be encountered but it would be for them to see the thing through. Their friends did not want coalition and had condemned it, as it seemed to him, without enquiry. Coalition would be a most difficult thing, because it would be a coalition of Parties, and they would remain and a Government of representatives of the existing parties would be formed and in a critical time one would be killed. They did not want coalition but a party on such broad lines that everyone could come in. They had extremists on both sides, the wild Boer and the wild Englishman who would probably not come in. Let them stay out. That was the proposal which he was going to lay before the Het Volk Congress. He thought that the name of the new party should be the South African National Party. He would ask Mr Bok to read the draft Manifesto and the meeting to consider it.

General Smuts explained that the draft which had been submitted to the Executive of the Nationalist Association had been slightly recast and altered as a result of certain criticisms.

The Draft was then discussed.

It was suggested and agreed that a clause should be added dealing with the mining industry.

During discussion it was also suggested that General Botha

should consult his party on the advisability of issuing the Manifesto over his own name before it was considered by the Het Volk Congress.

Mr Papenfus moved that the Manifesto be approved of in principle and submitted to the Executive of the National Association for consideration. This was agreed to.

General Botha said that the second point he wished to discuss was one of local politics.

The parties as they were at present had members in several of the local constituencies, in several they had no members. And their Progressive friends were putting up candidates and working constituencies for their own benefit. The question was whether they should not put forward candidates. They could not yet put forward official candidates for the new party but they could not afford to lose time in Johannesburg. In the country districts they could wait for the Report of the Delimitation Commission, but in Johannesburg they could estimate roughly what the divisions would be. And there too the question of the personality of the candidate weighed a great deal more than in the country. He wished to know whether anyone had any proposal to make.

After some discussion it was agreed that the gentlemen present should try to induce likely candidates to come forward and declare themselves.

471 From H. Adler

Vol. 8, no. 2

Transvaal National Association
20 Old Stock Exchange Buildings
Johannesburg
10 March 1910

My dear General Smuts, You said on Saturday the Nationalists were all generals,—all the more creditable to some of them for doing outpost duty, the only chance they had of gathering information of different movements of opposing as well as friendly forces.

We, as an Association, had no intimation of the demands made by the Progressives. We have not been asked or consulted on the candidature for the Senate. As a fact, we were forced to inactivity by our loyal adherence to the compact

under which we agreed to merge in the one great unit, and whilst we on our side stand at ease, Het Volk was no doubt on active service. We may appear to be cut up with only the head alive over the gate-post. The election will show whether the men who stood together during the last campaign will forsake their General, or reassemble around their leaders.

I have arranged for a meeting of our Generals to be held on Saturday the 19th at 2.30 to meet our President, old E. P.¹ Meanwhile we have passed your Manifesto with slight addition to clause 8, and we are ready to join the great National Party in a body as active members, fully determined to see some of our leaders amongst the Generals who will direct its future development. Yours sincerely,

Henry Adler

472 From T. Hyslop

Vol. 8, no. 54

Confidential

369 Commercial Road
Pietermaritzburg
Natal

15 March 1910

My dear Smuts, Many thanks for yours of 28th ultimo. I regret to see that the outlook is not as bright as it might be but am glad to hear that you and Botha, notwithstanding rebuffs, are determined to work for the great ideal. I am sorry and surprised to hear that you do not look for much sympathy from the Transvaal Progressive leaders. I understand from Mackie Niven, whom I saw in Durban recently, that the Progressive members of your Houses were unanimously in favour of what is known as 'coalition'. Possibly however the formation of a party out of the old materials may frighten them as they may imagine that the control will be the same.

With a view to putting our position before them, and possibly influencing them to support the wider view, I wrote to Messrs Steyn and Malan. The former seems to be quite against our views but the latter should I think, under certain circumstances, co-operate. Malan appears to be still animated by the Convention spirit.

I am quite pleased with the attitude of our people. Before

¹ E. P. Solomon.

the referendum we had a job to convince them that the whole union movement was not an attempt on the part of the Dutch leaders to dominate South Africa, but having done so there is no recrudescence to speak of of the old feeling. I do not think that anyone of any consequence will ally himself with any political party in the other Colonies. We are all watching and waiting, hoping that developments will be in the direction of co-operation. I was asked to address the Durban Political Association on the position the other day but declined on the ground that no good could be done by speaking at the present time and harm might eventuate. For a wonder politicians, Press and people are all pretty well agreed as to what is required in the first Union Ministry. I recognize, as everyone must do who considers the question, that the personal equation has a lot to do with the difficulty in connection with the formation of the Ministry. It will not be easy to give each Colony fair representation, have a mixed ministry and yet have all in from the Transvaal and the Cape whom you would desire to see included. I rather fancy that the knowledge that Merriman could not be Prime Minister in a mixed Ministry had much to do with the speech he delivered. He no doubt saw that the only way to dish Botha was to appeal to sectional interests.

I shall be glad to hear how you propose forming the new party and how you intend to obviate the accusation that it is Het Volk under a new name. You have a difficult job in front of you. With kind regards and best wishes for success in your efforts, Believe me, Sincerely yours,

T. Hyslop

473 From R. Solomon

Vol. 8, no. 94

Private

72 Victoria Street
Westminster, S.W.

28 April [1910]

My dear Smuts, Only a line to acknowledge the receipt of your letter of 4 April with reference to the Japanese merchant in Cape Town who wished for some exception to be made in his case under the Immigration Act so that he might open a business in Johannesburg.

I quite understand your decision and it agrees with what I told the Colonial Office. I also read your letter to Hopwood so that he might know the reasons why you have not introduced legislation during the last Session of your Parliament amending the Asiatic Acts on the lines of the letter you wrote to Lord Crewe. I think your reasons are fully appreciated and I believe myself it is much better to postpone any amendments to be dealt with by the Union Parliament. It is no use tinkering now with your existing legislation especially as it will not satisfy Gandhi and others.

I am to see Seely and have a talk with him on Monday on the subject you wrote to me in a previous letter, viz., Indian indentured labour in Natal. I shall be able to write you next week as to his views, but I know they will be sympathetic. I see from a cable in *The Times* that Bam's Society¹ (whose name unfortunately makes some people here think it is the National Convention which settled the Act of Union) has passed a resolution in favour of steps being taken at once to promote emigration from here to South Africa with a *view to strengthening the Imperial tie*. In the underlined words I see the finger of that jackass Bam. Can't you restrain him from coming here? I have already received a letter from the London office of his Society asking for all the information I can give with the view of inducing people to go out from here to settle on the land, and that fossilized institution the Colonial Institute is holding a conference on the subject of emigration to the Colonies. Now I'm all in favour of well supervised emigration of the right people but such emigration should be controlled by a Government Department and not be in the hands of voluntary and irresponsible societies who might induce most undesirable people to go to South Africa. When the Union Government is in existence no doubt this subject will be taken up in good time when there are openings for emigrants in South Africa and the High Commissioner's office here should be a bureau of information to intending emigrants. That office should have information as to the situation and description of land available to settlers, the amount of capital required by a settler, the openings for artisans

¹ Sir Pieter C. van B. Stewart-Bam of Ards was the founder of the South African National Union, an organization to promote South African business.

etc. and the High Commissioner should see that only suitable persons emigrate. It is a big question and will require careful consideration and everything must be done to prevent people here being misled and becoming in consequence dissatisfied when they get out to South Africa.

General Botha will be in Cape Town to meet Gladstone who goes out by this mail. I hope everything will turn out well and that the Union Government will be formed and ready to be sworn in on 31 May, otherwise there may be criticism of Gladstone not having gone out before and that will be unfortunate in the commencement of his career. His private secretary Mr [H. J.] Stanley is a very nice fellow; he is not in the Civil Service here and has none of the red-tape notions of the young men from the Colonial Office. I hope you will be nice to him and make him feel he can consult you with confidence. It will be most useful I am sure.

Now my dear Smuts, good-bye and best wishes. Soon after this reaches you, you will be busy helping to form the first Government of South Africa, which I pray may be strong and moderate and devoted to the best interests of the land of our birth. Yours sincerely,

Richard Solomon

474 From R. Solomon

Private and Confidential

Vol. 8, no. 95

72 Victoria Street
Westminster, S.W.

6 May [1910]

My dear Smuts, I had a long talk with Seely last Monday on the subject of indentured Indian labour in Natal and showed him your letter to me. His account of what has taken place here is slightly different from what Hopwood gave me and of which I informed you by previous letter. Seely says the Government of India are very anxious to stop this labour because of Natal's treatment of British Indians and more especially in not allowing appeals to the Supreme Court from the decision of the Town Councils on trading licences. They passed an Act in India enabling them to stop this labour at any time. When you were all here last summer Seely saw Greene [E. M.] from Natal on the subject and told him that

this labour would be stopped at once unless Natal did something in the way of allowing appeals on the matters I have mentioned; but if they did the Indian Government would postpone acting under this Act until October 1910 so as to give Natal time to look round and make provision for labour. Seely tells me that Natal has now passed an Act allowing these appeals to the Supreme Court and the Indian Government have undertaken not to stop this labour until October. When October arrives Seely has no doubt but that if they are asked by the Union Government to stop this labour it will be done with the greatest pleasure both by the Imperial Government and by the Indian Government; and even if the Union Government do nothing the Indian Government; will probably nevertheless stop the labour in October as the consideration to Natal for having the Act allowing appeals was to postpone action only until October. I told Seely (I don't know whether I was right in doing so) that it would be a troublesome matter for the Union Government to take action so shortly after coming into office and that naturally they would prefer the initiative being taken here. It seems to me that the best thing is to wait until October and see what the Indian Government will do. You can, after you are in the Government of South Africa, communicate confidentially to me on the subject, if of course I am here as High Commissioner, and if you then want the labour stopped on the initiation of the Government here or the Indian Government without the South African Government making a formal request to that effect, I have no doubt it can be done.

You will now be very busy helping Botha to form his Government¹ and I shall not therefore trouble you with a long letter. My earnest prayer is that you may be successful in forming a strong and moderate Government, one which will govern South Africa according to the best South African ideals and traditions. I read Farrar's speech reported in the papers which reached me last week. It was a poor thing and his reference to J. B. Robinson meeting you, intended to be humorous, was exceedingly vulgar, and yet he talks of coalition and co-operation. Fortunately Jameson and not he will be

¹ Botha was asked on 21 May to form the first Government of the Union of South Africa.

leader of the Opposition. You must do your best to get the High Commissioner here, whoever he may be, appointed a day or two after your Government is formed. It is, I can assure you, most essential. Kind regards and best wishes,
Yours sincerely,

Richard Solomon

Tear this up as the conversation on the Indian labour matter with Seely was very confidential. R.S.

475 From C. Bird

Vol. 8, no. 5

Personal

Colonial Secretary's Office
[Pietermaritzburg]
Natal

14 May 1910

Dear General Smuts, On my return to Pietermaritzburg last Thursday afternoon I saw Dr [C. O'Grady] Gubbins and informed him what I had done at Pretoria, shewing him also the draft memorandum I drew up. Since then I have talked matters over with the Heads of the Departments concerned who agree generally with my suggestions, and I have accordingly drawn up the enclosed memorandum¹ which is in substance practically the same as that I shewed you in Pretoria.

Telephone communication will of course very much help the matter of communication between the Secretaries away from Headquarters and the Ministers at Pretoria. Additional telephone lines are likely to be put up, and in the meantime I understand that the use of the trunk telephone exchanges for official purposes would interfere very little with the requirements of the public if the use of the telephone could be deferred, as far as practicable, to the evening.

I do not think I sufficiently thanked you for your courtesy in seeing me last Tuesday and thus enabling me to form some better idea of the arrangements that might be carried out for facilitating the despatch of the business of Government Departments after the 30th May. I need hardly say that as soon as any decision is come to on the subject no time should

¹ Suggestions for the conduct of public business of Departments of State after 30 May 1910. Omitted by the editors.

be lost in sending the information to all concerned in order that everything may be put in train before closer union comes about. Yours very truly,

C. Bird

476 From L. S. Amery

Vol. 8, no. 3

2 Temple Gardens

Temple, E.C.

27 May 1910

My dear Smuts, I am sending you under another cover a copy of the Empire Day supplement of *The Times*. I dare say you will be too busy just now to read it all, but I should like you to cast your eye over the article on 'Preference in its relation to South Africa' and to show it to General Botha or others of your colleagues if you think they would be interested.

The composition of the new Union Government in South Africa has not reached us here as yet, but no doubt you will be playing an active and prominent part in it. You will have an enormous amount of current work to get through to get the machine started, and I hardly imagine that there will be room for any controversial legislation for some time.

Over here the King's¹ death has had, for the moment at least, a very salutary effect in turning the minds of the public away from the merely party aspect of things and making them look at the broader, national and Imperial side. I am afraid, however, the lull is likely to be shortlived and that we shall be hard at it again before many weeks are out.

I am sending a memorandum to Solomon, which you may care to look at, on the suggestion for amalgamation of the Messina Company and the railway company into a single company.² This, you may remember, was rather your original idea but one which I resisted, as I was anxious to keep the company's hands free if it wanted to raise fresh debenture capital. Since I came back, however, it has been urged on us that the position of the debentures would be very much improved if they had the whole of the assets of the Messina

¹ Edward VII.

² L. S. Amery went to South Africa in February 1910 to negotiate with the Transvaal Government for the construction of a line to link the Messina copper mine in the Northern Transvaal with the main railway system.

Company directly behind them, and Grenfell¹ has been quite prepared to accept that, being of the opinion that he can raise the money required for the development of the mine by the issue of ordinary shares, and seeing some advantage in the greater simplicity of having a single company. Solomon and the manager of the National Bank were of course in favour of the change as improving the position of the departures, but Solomon thought it advisable that we should get counsel's opinion as to the extent to which it was a departure from the agreement. That opinion, which you can see if you look at my memorandum to Solomon, is to the effect that it is substantially carrying out the agreement though it could not well be done without the consent of the Transvaal Government. Meanwhile Solomon has had a cable from Hull who apparently is rather opposed to the suggested modification, on what ground I naturally cannot judge, but possibly because Solomon's cable may not have conveyed the purport of the proposed modification quite clearly. As the railway company has to be formed within three months, it is very desirable that we should get a definite answer from the Government without delay, otherwise we shall be bound to carry out the agreement as it stands, which is undoubtedly not quite so good from the point of view of the debenture holders and of the Government. Yours sincerely,

L. S. Amery

477 From R. Solomon

Private

Vol. 8, no. 96

72 Victoria Street
Westminster, S.W.

27 May [1910]

My dear Smuts, Only a line to offer you my hearty congratulations and sincere good wishes for future success on your appointment as a member of the first Union Government. I have not yet had official confirmation of such appointment but I am so certain of it that I venture to take it for granted. I am sure you and Botha between you will form a strong Government, thoroughly South African in its ideas and aspirations and that it will hold office for many years. I saw

¹ John Grenfell, Secretary of the Messina Company.

a telegraphic summary of the programme of the Progressive Party decided on at their Conference at Bloemfontein.¹ The declaration that citizenship is to be based on civilization and not on colour is amusing in view of the fact that there is an assurance in their programme not at present to extend the Cape franchise. It seems absurd to me to speak of citizenship and deny the most valued right of citizenship in the same breath. I hope you will have a strong workable majority in Parliament. I feel sure you will. Botha's personality is so great that it will secure that.

I have written to Botha about the Chairman of the Commission you are to appoint to consider the financial relations between the Government and the Provincial Councils.² I would like you to read what I have written to him about Meston [J. S.]. I don't think either Sir Francis Mowatt or Lord McDonald would do. If you are early going to consider the question of unifying the laws in South Africa on patents and trade-marks and amalgamating the present offices into one big central department, will you think of Bucknill [J. A. S.] for that work. He is at present Attorney-General for Cyprus but would, I believe, gladly return to South Africa on such work. He is a first-class official and has great knowledge of the laws on these subjects. He ought to have been appointed Comptroller of Patents here, but the influence in favour of the man who has been appointed was too great. I am now anxious about my own appointment, but before you get this, it will have been decided. Your last letter confidentially informing me that Merriman would like to be High Commissioner here if he were not Prime Minister made me anxious as, though I know you and Botha support me against all comers, I am not sure of your new colleagues especially those from Cape Colony. However it is useless saying any more on this matter which you are probably at this very time considering. With best wishes for the future, I am, dear Smuts, Yours sincerely,

Richard Solomon

¹ On 23 May 1910 delegates of the Transvaal Progressives, the Cape Unionists and the Orange River Colony Constitutionalists met at Bloemfontein. Next day the amalgamation of these parties into the Unionist Party of South Africa was announced.

² The Commission was appointed in June 1910 with Sir George H. Murray as Chairman. It reported in 1912. (U. G. 11 of 1912.)

