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zur
Geschichte der Gegenwart.

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Friedensverhandlungen zwischen den Vereinigten Staaten von Amerika und Spanien 1898 und Dokumente über die Philippinen.*)

Nr. 11962. **SPANIEN.** — Der Minister des Auswärtigen an den Präsidenten der Vereinigten Staaten durch Vermittlung des französ. Botschafters in Washington.

- Spanien ist zur Einstellung der Feindseligkeiten bereit.

Madrid, July 22, 1898.

Mr. President: Since three months the American people and the Spanish nation are at war because Spain did not consent to grant independence to Cuba and to withdraw her troops therefrom. || Spain faced with resignation such uneven strife, and only endeavored to defend her possessions with no other hope than to oppose, in the measure of her strength, the undertaking of the United States, and to protect her honor. || Neither the trials which adversity has made us endure nor the realization that but faint hope is left us could deter us from struggling till the exhaustion of our very last resources. This stout purpose, however, does not blind us, and we are fully aware of the responsibilities which would weigh upon both nations in the eyes of the civilized world were this war to be continued. || This war not only inflicts upon the two peoples who wage it the hardships inseparable from all armed conflict, but also dooms to useless suffering and unjust sacrifices the inhabitants of a territory to which Spain is bound by secular ties that can be forgotten by no nation either of the old or of the new world. || To end calamities already so great and to avert evils still greater, our countries might mutually endeavor to find upon which conditions the present struggle could be terminated otherwise than by force of arms.

Spain believes this understanding possible, and hopes that this view is also harbored by the Government of the United States. All true friends of both nations share no doubt the same hope. || Spain wishes to show again that

Nr. 11962.
Spanien.
22. Juli 1898.

*) Die folgenden Aktenstücke bis Nr. 12005 sind entnommen der Botschaft des Präsidenten der Vereinigten Staaten an den Senat. Januar 1899.

Nr. 11962. in this war, as well as in the one she carried on against the Cuban insurgents, she had but one object: the vindication of her prestige, her honor, her name.
 Spanien.
 22. Juli 1898.

During the war of insurrection it was her desire to spare the great island from the dangers of premature independence; in the present war she has been actuated by sentiments inspired rather by ties of blood than by her interests and by the rights belonging to her as mother country. || Spain is prepared to spare Cuba from the continuation of the horrors of war if the United States are, on their part, likewise disposed. || The President of the United States and the American people may now learn from this message the true thought, desire, and intention of the Spanish nation. || And so do we wish to learn from the President of the United States upon which basis might be established a political status in Cuba and might be terminated a strife which would continue without reason should both Governments agree upon the means of pacifying the island. || In the name of the Government of H. M. the Queen Regent I have the honor to address this message to your excellency, with the expression of my highest consideration.

Duc d'Almodovar del Rio, Ministre d'Etat.

Nr. 11963. **VEREINIGTE STAATEN.** — Der Staatssekretär des Auswärtigen an den spanischen Minister des Auswärtigen. Antwort auf das Vorige.

Department of State, Washington, July, 30, 1898.

Nr. 11963. Excellency: The President received on the afternoon of Tuesday, the
 Vereinigte 26th instant, from the hand of his excellency the ambassador of France,
 Staaten. representing for this purpose the Government of Spain, the message signed by
 30. Juli 1898. your excellency as minister of state in behalf of the Government of Her Majesty the Queen Regent of Spain, and dated the 22d instant, as to the possibility of terminating the war now existing between the United States and Spain. || The President received with satisfaction the suggestion that the two countries might mutually endeavor to ascertain the conditions on which the pending struggle may be brought to an end, as well as the expression of Spain's belief that an understanding on the subject is possible. || During the protracted negotiations that preceded the outbreak of hostilities the President earnestly labored to avert a conflict, in the hope that Spain, in consideration of her own interests, as well as those of the Spanish Antilles and the United States, would find a way of removing the conditions which had, for half a century, constantly disturbed the peace of the Western Hemisphere and on numerous occasions brought the two nations to the verge of war. || The President witnessed with profound disappointment the frustration of his peaceful efforts by events which forced upon the people of the United States the unalterable conviction that nothing short of the relinquishment by Spain of a claim of sovereignty over Cuba which she was unable to enforce would relieve

a situation that had become unendurable. || For years the Government of the United States, out of regard for the susceptibilities of Spain, had by the exercise of its power and the expenditure of its treasure preserved the obligations of neutrality. But a point was at length reached at which, as Spain had often been forewarned, this attitude could no longer be maintained. The spectacle at our very doors of a fertile territory wasted by fire and sword, and given over to desolation and famine, was one to which our people could not be indifferent. Yielding, therefore, to the demands of humanity, they determined to remove the causes in the effects of which they had become so deeply involved. || To this end the President, with the authority of Congress, presented to Spain a demand for the withdrawal of her land and naval forces from Cuba, in order that the people of the island might be enabled to form a government of their own. To this demand Spain replied by severing diplomatic relations with the United States, and by declaring that she considered the action of this Government as creating a state of war between the two countries. || The President could not but feel sincere regret that the local question as to the peace and good government of Cuba should thus have been transformed and enlarged into a general conflict of arms between two great peoples. Nevertheless, having accepted the issue with all the hazards which it involved, he has, in the exercise of his duty, and of the rights which the state of war confers, prosecuted hostilities by land and sea, in order to secure at the earliest possible moment an honorable peace. In so doing he has been compelled to avail himself unsparingly of the lives and fortunes which his countrymen have placed at his command; and untold burdens and sacrifices, far transcending any material estimation, have been imposed upon them. || That as the result of the patriotic exertions of the people of the United States the strife has, as your excellency observes, proved unequal, inclines the President to offer a brave adversary generous terms of peace. || The President therefore responding to your excellency's request, will state the terms of peace which will be accepted by him at the present time, subject to the approval of the Senate of the United States hereafter. || Your excellency in discussing the question of Cuba intimates that Spain has desired to spare the island the dangers of premature independence. The Government of the United States has not shared the apprehensions of Spain in this regard, but it recognizes the fact that in the distracted and prostrate condition of the island, aid and guidance will be necessary, and these it is prepared to give.

The United States will require: First. The relinquishment by Spain of all claim of sovereignty over or title to Cuba and her immediate evacuation of the island. || Second. The President, desirous of exhibiting signal generosity, will not now put forward any demand for pecuniary indemnity. Nevertheless he can not be insensible to the losses and expenses of the United States incident to the war or to the claims of our citizens for injuries to their persons and property during the late insurrection in Cuba. He must,

Nr. 11963.
Vereinigte
Staaten.
30. Juli 1898.

Nr. 11963. therefore, require the cession to the United States and the immediate evacuation by Spain of the island of Porto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrões, to be selected by the United States. || Third. On similar grounds the United States is entitled to occupy and will hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines. || If the terms hereby offered are accepted in their entirety commissioners will be named by the United States to meet similarly authorized commissioners on the part of Spain for the purpose of settling the details of the treaty of peace and signing and delivering it under the terms above indicated.

I avail myself of this occasion to offer to your excellency the assurances of my highest consideration.

William R. Day.

Nr. 11964. **SPANIEN.** — Der Minister des Auswärtigen an den Minister des Auswärtigen der Vereinigten Staaten. Spanien nimmt die amerikanischen Bedingungen an.

Madrid, August 7th, 1898.

Nr. 11964. Mr. Secretary of State: || The French ambassador at Washington, whose good offices have enabled the Spanish Government to address a message to the President of the United States, has forwarded by cable your excellency's reply to this document. || In examining the arguments used as a preamble to the specification of the terms upon which peace may be restored between Spain and the United States, it behooves the Spanish Government to deduct from the order of events that the severance of diplomatic relations with the United States had no other purpose than to decline the acceptance of an ultimatum which Spain could only consider as an attempt against her rightful sovereignty over Cuba. || Spain did not declare war; she met it because it was the only means of defending her rights in the Greater Antilles. Thus did the Queen and the United States see fit to transform and enlarge the purely local question of Cuba. || From this fact your excellency draws the conclusion that the question at stake is no longer only the one which relates to the territory of Cuba, but also that the losses of American lives and fortunes incident to the war should in some manner be compensated. || As to the first condition, relating to the future of Cuba, the two Governments reach similar conclusions in regard to the natural inability of its people to establish an independent government; be it by reason of inadequate development, as we believe, or on account of the present distracted and prostrate condition of the island, as your excellency states, the fact remains that Cuba needs guidance. The American people are willing to assume the responsibility of giving this guidance by substituting themselves to the Spanish nation, whose right to keep the island is indisputable; to this intimation we have nothing to oppose. The

necessity of withdrawing from the territory of Cuba being imperative, the nation assuming Spain's place must, as long as this territory shall not have fully reached the conditions required to take rank among other sovereign powers, provide for rules which will insure order and protect against all risks the Spanish residents, as well as the Cuban natives still loyal to the mother country. || In the name of the nation the Spanish Government hereby relinquishes all claim of sovereignty over or title to Cuba, and engages to the irremovable evacuation of the island, subject to the approval of the Cortes — a reserve which we likewise make with regard to the other proffered terms — just as these terms will have to be ultimately approved by the Senate of the United States. || The United States require, as an indemnity for an equivalent to the sacrifices they have borne during this short war, the cession of Porto Rico and of the other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrões, to be selected by the Federal Government. || This demand strips us of the very last memory of a glorious past, and expels us at once from the prosperous Island of Porto Rico and from the Western Hemisphere, which became peopled and civilized through the proud deeds of our ancestors. It might, perhaps, have been possible to compensate by some other cession for the injuries sustained by the United States. However, the inflexibility of the demand obliges us to cede, and we shall cede, the Island of Porto Rico and the other islands belonging to the Crown of Spain in the West Indies, together with one of the islands of the archipelago of the Ladrões, to be selected by the American Government. || The terms relating to the Philippines seem, to our understanding, to be quite indefinite. On the one hand, the ground on which the United States believe themselves entitled to occupy the bay, the harbor, and the city of Manila, pending the conclusion of a treaty of peace, can not be that of conquest, since in spite of the blockade maintained on sea by the American fleet, in spite of the siege established on land by a native supported and provided for by the American admiral, Manila still holds its own, and the Spanish standard still waves over the city. On the other hand, the whole archipelago of the Philippines is in the power and under the sovereignty of Spain. Therefore the Government of Spain thinks that the temporary occupation of Manila should constitute a guaranty. It is stated that the treaty of peace shall determine the control, disposition, and government of the Philippines; but as the intentions of the Federal Government by regression remain veiled, therefore the Spanish Government must declare that, while accepting the third condition, they do not a priori renounce the sovereignty of Spain over the archipelago, leaving it to the negotiators to agree as to such reforms which the condition of these possessions and the level of culture of their natives may render desirable. || The Government of Her Majesty accepts the third condition, with the above-mentioned declarations. || Such are the statements and observations which the Spanish Government has the honor to

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Nr. 11964. submit in reply to your excellency's communication. They accept the proffered
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 7. Aug. 1898. terms, subject to the approval of the Cortes of the Kingdom, as required by
 their constitutional duties. || The agreement between the two Governments
 implies the irremovable suspension of hostilities and the designation of com-
 missioners for the purpose of settling the details of the treaty of peace and
 of signing it, under the terms above indicated. || I avail myself of this occa-
 sion to offer to your excellency the assurances of my highest consideration.
 Almodovar del Rio.

**Nr. 11965. VEREINIGTE STAATEN und SPANIEN. — Präliminar-
 frieden.**

Washington, 12. August 1898.

Protocol.

Nr. 11965. William R. Day, Secrétaire d'Etat des Etats-Unis, et Son Excellence M. Jules
 Vereinigte Cambron, Ambassadeur Extraordinaire et Plénipotentiaire de la République
 Staaten Française à Washington, ayant respectivement reçu à cet effet pleine autori-
 und Spanien. sation du Gouvernement des Etats-Unis et du Gouvernement d'Espagne, ont
 12. Aug. 1898. conclu et signé les articles suivants qui précisent les termes sur lesquels les
 deux Gouvernements se sont mis d'accord en ce qui concerne les questions
 ci-après désignées et ayant pour objet l'établissement de la paix entre les
 deux pays, savoir:

Article I.

L'Espagne renoncera à toute prétention à sa souveraineté et à tout droit
 sur Cuba.

Article II.

L'Espagne cédera aux Etats-Unis l'île de Porto-Rico et les autres îles
 actuellement sous la souveraineté Espagnole dans les Indes Occidentales, ainsi
 qu'une île dans les Ladrões qui sera choisie par les Etats-unis.

Article III.

Les Etats-Unis occuperont et tiendront la ville, la baie et le port de
 Manille en attendant la conclusion d'un traité de paix qui devra déterminer
 le contrôle, la disposition et le Gouvernement des Philippines.

Article IV.

L'Espagne évacuera immédiatement Cuba, Porto Rico et les autres îles
 actuellement sous la souveraineté Espagnole dans les Indes Occidentales; à
 cet effet chacun des deux Gouvernements nommera dans les dix jours qui sui-
 vront la signature de ce protocole, des commissaires, et les commissaires ainsi
 nommés devront, dans les trente jours qui suivront la signature de ce proto-
 cole, se rencontrer à la Havane afin d'arranger et d'exécuter les détails de
 l'évacuation sus-mentionnée de Cuba et des îles Espagnoles adjacentes; et chacun

des deux Gouvernements nommera également, dans les dix jours qui suivront la signature de ce protocole, d'autres commissaires qui devront, dans les trente jours de la signature de ce protocole, se rencontrer à San Juan de Porto-Rico afin d'arranger et d'exécuter les détails de l'évacuation susmentionnée de Porto-Rico et des autres îles actuellement sous la souveraineté Espagnole dans les Indes Occidentales.

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Article V.

Les Etats-Unis et l'Espagne nommeront, pour traiter de la paix, cinq commissaires au plus pour chaque pays; les commissaires ainsi nommés devront se rencontrer à Paris, le 1er Octobre 1898, au plus tard, et procéder à la négociation et à la conclusion d'un traité de paix; ce traité sera sujet à ratification, selon les formes constitutionnelles de chacun des deux pays.

Article VI.

A la conclusion et à la signature de ce protocole, les hostilités entre les deux pays devront être suspendues, et des ordres à cet effet devront être donnés aussitôt que possible par chacun des deux Gouvernements aux commandants de ses forces de terre et de mer.

Fait à Washington, en double exemplaire, anglais et français, par les Soussignés qui y ont apposé leur signature et leur sceau, le 12 Août 1898.

[seal.] William R. Day.

[seal.] Jules Cambon.

Nr. 11966. VEREINIGTE STAATEN und SPANIEN. — Protokoll der ersten Sitzung der Friedenskonferenz. Einleitendes.

1. Oktober 1898.

Present: On the part of the United Staates, Messrs: Day, Davis, Frye, Gray, Reid. || On the part of Spain Messrs: Montero-Rios, Abarzuza, Garnica, Villa-Urrutia Cerero. || There was present, as Secretary of the United States Commission, Mr. Moore, and as Interpreter of the same Commission, Mr. Ferguson. || Mr. Ojeda, Secretary of the Spanish Commission, not having arrived in Paris, his duties were, on motion of Mr. Montero Rios, the American Commissioners assenting, discharged by Mr. Villa-Urrutia. || The commissions and full power of the American Commissioners were exhibited to the Spanish Commissioners and copies given to them. || The commission of the American Secretary was also exhibited, and a copy furnished to the Spanish Commissioners. || The commissions, which where also full powers, of the Spanish Commissioners were exhibited, and copies given to the American Commissioners. || It was resolved that the protocols of the Conferences should be kept in English and in Spanish by the respective Secretaries, and that in the event of a disagreement between them it should be settled by the Commissioners,

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Nr. 11968. to whom the protocols should always be submitted for approval. || It was also
 Vereinigte resolved that the protocols should contain the propositions presented by the
 Staaten Commissioners and the action thereon, suppressing any record of the debates,
 und Spanien. in order that the discussions should be as full, frank, and friendly as was
 1. Okt. 1898. desired by all Commissioners. || The Spanish Commissioners moved that the
 Commissioners on either side should have the right to file memoranda on
 points deemed by them to be of sufficient importance to warrant such action.
 On this motion no decision was reached. || Upon the suggestion of Mr. Mon-
 tero Rios that an order of business be established by the Commission, Mr. Gray
 moved that a committee be appointed, to consist of a Commissioner on each
 side, to agree upon, frame and submit to the conference rules of procedure
 for the guidance thereof. The motion being agreed to, Mr. Gray and Mr.
 Villa-Urrutia were designated as the Committee, and requested to report to
 the Conference at the next session, which it was resolved should be held on
 October 3, at 2 o'clock, p. m. || The President of the Spanish Commission
 stated that he was charged by his Government to lay before the American
 Commissioners a proposition, in limine and of a pressing nature, which he
 presented in writing and of which a copy and translation are hereto annexed*).
 Mr. Day requested that it be read, which was done, the Interpreter transla-
 ting it into English. Upon the conclusion of the reading, Mr. Day said that
 the American Commissioners would examine the proposition and reply to it
 at the next session.

(Unterschriften.)

Anlage**).

Die spanische Kommission über die Philippinen.

The Spanish Commissioners to arrange with the American Commissioners a treaty of peace between Spain and the United States of America, have the honor to lay before the American Commissioners the following: || It having been agreed by Article VI of the Protocol signed in Washington on August 12 last by the Secretary of State of the Federal Government and the Ambassador of France acting as Plenipotentiary of Spain that "upon the conclusion and signing of this Protocol, hostilities between the two countries shall be suspended"; and it being a direct and necessary consequence of this arrangement that the statu quo at the time existing in the Philippines could not be altered to the prejudice of the two High Contracting Parties during the continuance of such suspension of hostilities, the Spanish Commissioners, understanding that the Protocol aforesaid and its observance must be the necessary basis of the treaty of peace they are called upon to arrange with the American Commissioners, feel bound to propose and demand of the said Com-

*) Von den Anlagen sind hier nur einige aufgenommen. Red.

**) Die spanischen Aktenstücke sind in der englischen Übersetzung gegeben. Red.

missioners that jointly with the undersigned they be pleased to declare that the said statu quo must be immediately restored by the contracting party that may have altered the same, or that may have consented to or failed to prevent its alteration to the prejudice of the other. || And the Spanish Commissioners, understanding that such statu quo was altered and continues being altered with daily increasing gravity to the prejudice of Spain by the Tagalo rebels, who formed during the campaign and still form an auxiliary force to the regular American troops, demand of the American Commissioners that jointly with the undersigned they be pleased to declare that the authorities and officers of the American forces in the Philippine Islands must at once proceed fully and absolutely to restore the said statu quo in the territories they may occupy, and must abstain from preventing, by any means, direct or indirect, the restoration thereof by the Spanish authorities and forces in the territory not occupied by those of the United States. || The Spanish Commissioners reserve the right to insist again upon this matter as well as upon the rights that may attach to Spain through the effect of the said alteration which the statu quo of August 12 last has suffered or may continue to suffer in the Philippines until its restoration.

True copy:

Emilio de Ojeda.

Nr. 11967. VEREINIGTE STAATEN und SPANIEN. — 2. Sitzung.
Geschäftsordnung.

3. Oktober 1898.

Messrs. Gray and Villa-Urratia, as a committee on procedure, reported that they had, after conferring together, decided that it was not advisable at present to recommend the adoption of any rules in addition to those already determined upon or still under discussion. || The question of annexing to the protocol memoranda on points of importance was then discussed. || The Spanish Commissioners proposed that the Commissioners on either side should have the privilege of filing memoranda on points which they should deem to be of sufficient importance to justify such action, the memoranda so filed to be annexed to the protocols. || The American Commissioners proposed that the right should be reserved to the Commissioners on either side to present memoranda on points which they might deem of sufficient importance to justify them in so doing, the question of annexing such memoranda to the protocol to be determined in each case by the Joint Commission. || No agreement having been reached, it was decided to refer the matter to the Secretaries for their consideration and adjustment, subject to the further action of the Commission. || The American Commissioners then read their reply to the communication presented by the Spanish Commissioners at the first conference in relation to the preservation of the status quo in the Philippines. A copy of the reply is hereto annexed. || The Spanish Commissioners reserved the right to put in

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an answer to the reply at the next session. || The Spanish Commissioners then asked for the opinion of the American Commissioners on the order of business. || The American Commissioners stated that they were ready with propositions as to matters determined by the Protocol. || The Spanish Commissioners said they were ready to receive them. || The propositions, as hereto annexed, were then read, and a copy of them handed to the Spanish Commissioners. || After the reading was completed, the Spanish Commissioners stated that they desired to examine the paper, and, if necessary, present amendments, and moved that an adjournment be taken until Friday.

Anlage.

Antwort auf die Anlage Nr. 11966.

The American Commissioners, having duly considered the communication made to them in writing by the Spanish Commissioners at their conference on the 1st instant, make the following answer: || The American Commissioners concur in the opinion, which that communication is understood to convey, that the Protocol of August 12, 1898, embodies the conditions on which negotiations for peace have been undertaken. || But in the proposal and demand of the Spanish Commissioners that the American Commissioners join them in a declaration that the status quo existing at the time of the signature of the Protocol "must be immediately restored by the contracting party that may have altered the same, or that may have consented to or failed to prevent its alteration to the prejudice of the other", as well as in the demand of the Spanish Commissioners that the American Commissioners join them in the declaration that the American authorities in the Philippines shall proceed to restore or else refrain from interfering with the effort of Spain to restore the status quo understood by the Spanish Commissioners to have been disturbed by the Tagalo rebels, who are described as an auxiliary to the American forces, the American Commissioners can see nothing but a proposal and demand to divert the conference from the object for which it has met to the consideration of a subject which properly belongs to the two Governments, and not to the Commissioners here assembled. The American Commissioners do not intend to intimate that the proposal was made with this design, but they think it evident that this would be the necessary result of its discussion. || The topics embraced in the communication of the Spanish Commissioners were set forth in much detail in notes of the French Embassy in Washington to the Department of State of the United States of August 29 and September 3 and 11. To these notes the Department of State replied on September 5 and 16. An examination of these diplomatic papers will show that they embraced contested matters of fact as well as contested matters of law. In respect of some of the questions of fact, it is probable that neither Government at present possesses full and accurate information;

while, in respect of other questions of fact, the reports in the possession of the Spanish Government were so entirely at variance with authentic information in the possession of the United States as to compel the conclusion that at least some of these reports were not of an official character. In respect of questions of law, the views of the two Governments were also at variance. || The American Commissioners, therefore, with a view to prevent the diversion and failure of the present negotiations, as well as on the ground of a want of power, deem themselves obliged to reply that the questions involved in the present proposals and demands of the Spanish Commissioners having heretofore been presented to the Government of the United States and answered in notes of the Department of State, any further demands as to military operations in the Philippines must be addressed by the Government of Spain to the Government of the United States at Washington, and consequently that they cannot join in the proposed declarations.

True copy:

J. B. Moore.

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Nr. 11968. VEREINIGTE STAATEN und SPANIEN. — Debatte über Cuba und Portorico.

7. Oktober 1898.

On the question of procedure referred to them at the last conference the Secretaries made the following report; || „Where a proposition is presented and rejected, the side presenting it shall have the right to file a brief memorandum giving its reasons in support of such proposition, and the other side shall have the right to file a brief reply, the written discussion to be confined to such memorandum and reply, which are to be annexed to the protocol.” || This report was adopted by unanimous consent. || The Spanish Commissioners then presented, in pursuance of the reservation made by them at the last conference, a reply to the American answer on the subject of the status quo in the Philippines, at the same time stating that the reply was presented for the purpose of reserving the right to bring up the subject hereafter. || The reply was received and filed; copy and translation are hereto annexed. || The Spanish Commissioners then presented, as an amendment to the American proposals, a set of articles, in Spanish, copy and translation of which are hereto annexed, in relation to Cuba and Porto Rico. || The American Commissioners, in order to afford opportunity for the translation and consideration of the articles, moved that the conference be adjourned till Tuesday, October 11, at two o'clock, p. m.

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Anlage.

Spanischer Friedensentwurf.

Article I.

Her Majesty the Catholic Queen, in the name and representation of Spain, and thereunto constitutionally authorized by the Cortes of the Kingdom,

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relinquishes her sovereignty over the Island of Cuba, transferring it to the United States of America, which accept it, in order that they may in their turn transfer it at the proper time to the Cuban people, upon the conditions established in this treaty, the United States promising hereby that as soon as they are ratified they will always be faithfully complied with.

Article II.

The relinquishment and transfer made by Her Catholic Majesty, and accepted by the United States of America, embrace: || 1st. All the prerogatives, powers and rights, which, as an integral part of the sovereignty, belong to Her Catholic Majesty both over the Island of Cuba and over its inhabitants; || 2nd. All charges and obligations of every kind in existence at the time of the ratification of this treaty of peace, which the Crown of Spain and her authorities in the Island of Cuba may have contracted lawfully in the exercise of the sovereignty hereby relinquished and transferred, and which as such constitute an integral part thereof.

Article III.

In compliance with the provisions of the two preceding articles, Her Catholic Majesty, acting in the same representative character with which she has entered into this treaty, relinquishes and transfers to the United States, which accept them, upon the conditions above stated, all the buildings, wharves, barracks, fortresses, establishments, public ways of communication, and all other immovable property which according to law attaches to the public domain, and which so attaching belongs to the Crown of Spain in the Island of Cuba. || All immovable property situated in the Island of Cuba which under the civil law belongs to the state as patrimonial property, and all rights and property of whatsoever kind, which up to the ratification of the present treaty have been peacefully enjoyed and held in ownership by provinces, municipalities, public and private establishments, ecclesiastical and civil corporations, or any other collective bodies lawfully incorporated and having legal authority to acquire and hold property in the Island of Cuba, and by private individuals, whatsoever their nationality, are therefore excluded from the above relinquishment and transfer. || Her Catholic Majesty further relinquishes and transfers to the United States all right to the documents and papers exclusively relating to the sovereignty hereby relinquished and accepted, to be found in the archives of the Peninsula, said documents and papers to be delivered to the United States by the Spanish Government. Copies of such portions of other documents and papers relating to other subjects foreign to the Island of Cuba, but relating to the sovereignty aforesaid which may exist in the said archives, shall be given to the United States whenever desired. A similar rule shall be reciprocally observed in favour of Spain regarding documents and papers foreign, in whole or in part, to the Island of Cuba,

which may be in the archives of the latter and of interest to the Spanish Government. || All archives and official records, executive and judicial, which are at the disposal of the Government of Spain and its authorities in the Island of Cuba, and which refer to the said island or its inhabitants, and to their rights and property, shall be at the disposal of the United States with the same rights and obligations as now attach to them while at the disposal of the Spanish Government and its said authorities. Private persons, Spaniards and Cubans alike, shall be entitled to make according to law authenticated copies of contracts, wills, and other instruments forming part of the notarial registers and files or in the custody of the executive and the judicial archives, be the same either in Spain or in the Island of Cuba.

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Article IV.

In order to establish the charges and obligations of all kinds which the Crown of Spain cedes and transfers as a part of its sovereignty over the Island of Cuba to the United States, and which the latter accept, the two rules following will be observed: || First: The charges and obligations to be transferred must have been levied and imposed in constitutional form and in the exercise of its legitimate powers by the Crown of Spain, as the sovereign of the Island of Cuba, or by its lawful authorities in the exercise of their respective powers prior the ratification of this treaty. || Second: The creation or establishment of such charges or obligations must have been for the service of the Island of Cuba, or chargeable to its own individual treasury.

Article V.

Pursuant to the provisions of the foregoing article, there shall be embraced in the said transfer all debts, of whatsoever kind, lawful charges, the salaries or allowances of all employes, civil and ecclesiastical, who shall continue to render services in the Island of Cuba, and all pensions in the civil and military services and of widows and orphans; provided that they conform to the requirements prescribed in the foregoing article.

Article VI.

Her Catholic Majesty, in the name and representation of Spain, and thereunto constitutionally empowered by the Cortes of the Kingdom, cedes to the United States of America, and the latter accept for themselves, the sovereignty over the Island of Porto Rico and the other islands now belonging to the Crown of Spain in the West Indies.

Article VII.

This cession of the sovereignty over the territory and inhabitants of Porto Rico and the other islands mentioned, is understood to embrace the cession of the rights and obligations, property and documents relating to the

Nr. 11968. sovereignty of the said islands, similar in all things to those which, with respect to the relinquishment and transfer of the sovereignty of the Island of Cuba, are defined in Articles II to V, inclusive, of the treaty.
 7. Okt. 1898.

True copy:

Emilio de Ojeda.

Nr. 11969. **VEREINIGTE STAATEN und SPANIEN.** — 4. Sitzung.
 Cuba und Portorico.

11. Oktober 1898.

Nr. 11969. The American Commissioners presented a paper, copy of which is hereto
 Vereinigte Staaten annexed, in which they rejected the articles submitted by the Spanish Com-
 und Spanien. missioners at the last session as an amendment to the proposals of the
 11. Okt. 1898. American Commissioners on the subject of the relinquishment by Spain of
 sovereignty over Cuba and the cession of Porto Rico and other islands in the
 West Indies, and the island of Guam in the Ladrões. || The paper having
 been read in English and in Spanish, and the Spanish articles having been
 rejected, the President of the Spanish Commission on behalf of the Spanish
 Commissioners, presented under the rules a memorandum, setting forth their
 reasons in support of their propositions. || The American Commissioners in-
 quired whether the Spanish Commissioners considered their propositions as
 finally rejected. || The Spanish Commissioners replied that the rejection was
 set forth in the very terms of the American reply, and that the occasion had
 therefore arisen for the presentation of their memorandum; but that, before
 filing the latter, they were ready and even preferred to discuss the subject
 of it orally, since this might result in an agreement and render the filing of
 the memorandum unnecessary. || The American Commissioners said that the
 memorandum could be read, but that they reserved the right under the rules
 to make a written reply, and that any oral discussion into which they might
 enter was not to be considered as a waiver of that right. || The memorandum,
 copy and translation of which are hereto annexed, was then read. || The
 reading having been completed, the American Commissioners stated that their
 understanding of the situation was this—that, the articles presented by the
 Spanish Commissioners having been rejected, and the Spanish Commissioners
 having thereupon filed a memorandum under the rules, the American Com-
 missioners were entitled to make a written reply, and that the question now
 recurred on the articles proposed by the American Commissioners. || The
 Spanish Commissioners declared that in their opinion the propositions on both
 sides had been rejected, and that both propositions were before the Commission
 on an equal footing for oral discussion. || The American Commissioners stated
 that they were ready to hear the Spanish Commissioners. || The Spanish Com-
 missioners suggested that, as the American Commissioners wished to reply to
 the Spanish memorandum, it would be advisable to postpone the oral dis-
 cussion till the reply was before the Commission. || To this the America

Commissioners assented. || The President of the Spanish Commission then stated that from the rapid reading of the paper presented by the American Commissioners at the opening of the session, they had derived the impression that those Commissioners were laboring under a misapprehension as to the stipulation in the Spanish articles touching Spain's relinquishment of sovereignty over Cuba. In proposing that the sovereignty should be relinquished to the United States in order that the latter might transfer it to the Cuban people, Spain had merely conformed to the letter and spirit of the joint resolution of the American Congress; but it was not her intention to impose upon the United States an obligation to make such transfer, as was shown by the fact that it was said in the articles that the United States „may“ transfer the sovereignty, not that they were bound to do it. || The American Commissioners replied that the language employed in the article would, under the American law, impress the relinquishment with a trust. || The Spanish Commissioners said that if the phraseology would, under American law convey that meaning, they would change it in the sense in which they had just suggested.

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Anlage.

Amerikanische Antwort auf Anlage 11968.

The American Commissioners, when they presented in the conference of the 3rd instant a draft of articles for the relinquishment by Spain of sovereignty over and title to Cuba and for the cession of Porto Rico and other islands in the West Indies, and the Island of Guam in the Ladrões, stated that the disposition of these subjects was determined by the Protocol of August 12, 1898. || The two articles of the Protocol relating to these subjects are brief, and, as it seems to the American Commissioners, easy of comprehension and readily to be carried into effect. || They are: || “Article I. Spain will relinquish all claim of sovereignty over and title to Cuba. || “Article II. Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrões to be selected by the United States.” || The American Commissioners were careful, in the articles proposed by them, to express the relinquishment or cession, as the case might be, in the very words of the Protocol, merely adding thereto the usual subsidiary and incidental clauses touching public property and archives, with a view to making the treaty effectual, and preserving evidence of public and private property rights. || The American Commissioners regret to find in the articles presented by the Spanish Commissioners on the 7th instant a departure from the terms of the Protocol in the following particulars: || To the unconditional engagement of the Protocol to relinquish all claim of sovereignty over and title to Cuba, they have proposed conditions: || 1. That Spain shall transfer her sovereignty over the island to the United States, and that the United States “shall in their turn

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transfer it at the proper time to the Cuban people." || 2. That this transfer shall be made upon the conditions to be established in the treaty between the United States and Spain. || 3. That the United States shall engage itself to Spain for the performance of these conditions. || In place of the unconditional relinquishment agreed to in the Protocol, it is proposed that the relinquishment now offered shall embrace all charges of every kind which Spain and her authorities in Cuba have lawfully contracted heretofore, and may hereafter contract, prior to the ratification of the treaty of peace; and these "charges and obligations," past, present, and future, which it is proposed to "transfer" to the United States, are declared to include debts, civil and ecclesiastical salaries, and civil and military pensions, ostensibly in arrears, as well as yet to accrue. || To the American Commissioners this appears to be not a proposition to "relinquish all claim of sovereignty over and title to Cuba", but in substance a proposition to "transfer" to the United States and in turn to Cuba a mass of Spanish charges and obligations. || It is difficult to perceive by what logic an indebtedness contracted for any purpose can be deemed part of the sovereignty of Spain over the Island of Cuba. In the article proposed it is attempted to yoke with the transfer of sovereignty an obligation to assume an indebtedness arising out of the relation of Spain to Cuba. The unconditional relinquishment of sovereignty by Spain stipulated for in the Protocol is to be changed into an engagement by the United States to accept the sovereignty burdened with a large mass of outstanding indebtedness. || It is proper to say that if during the negotiations resulting in the conclusion of the Protocol Spain had proposed to add to it stipulations in regard to Cuba such as those now put forward, the proposal, unless abandoned, would have terminated the negotiations. || The American Commissioners, therefore, speaking for their Government, must decline to accept the burden which it is now proposed shall be gratuitously assumed. || The American Commissioners further observe that in article 3 of the draft there is a negative clause, by which property not belonging to the Crown of Spain is excepted from the proposed relinquishment and transfer of sovereignty. In one respect this exception appears to be unnecessary, and in another illogical. So far as it affects the question of legal title is unnecessary, since such title, if not held by Spain, would not pass to the United States by Spain's transfer of sovereignty. On the other hand, so far as it affects the question of sovereignty, it is illogical, since the sovereignty, which includes the right of eminent domain, would, if excepted from the relinquishment, remain with Spain. We would thus have the singular spectacle of Spain relinquishing her sovereignty over property belonging to the Crown, but retaining it over all other property. || Thus again we should witness the utter defeat of the explicit engagement in the Protocol that Spain would „relinquish all claim of sovereignty over and title to Cuba." || In the articles presented by the American Commissioners there were stipulations in relation to archives and official records, which stipulations were

intended to secure, and, as the American Commissioners believe, would effectually secure, the object of preserving and of furnishing to those in interest evidence of title to property in the islands in question. || In the articles submitted by the Spanish Commissioners, it is provided that documents and papers relating to sovereignty to be found in the archives of the Peninsula shall be furnished to the United States; also "copies of such portions of other documents and papers relating to other subjects foreign to the Island of Cuba and the sovereignty aforesaid as may exist in the said archives." || It is difficult for the Americans to understand this latter clause; perhaps its exact meaning is not conveyed in the English translation of the Spanish text. || It is to be further observed that in the provisions of the Spanish articles relating to the furnishing of record evidence of titles to lands in Cuba and Porto Rico, it is stipulated that the archives and records shall be at the disposal of the United States "with the same rights and obligations as now attach to them while at the disposal of the Spanish Government and its said (insular) authorities." This restriction, the object of which is not perceived, would seem to limit the control over archives and official records, after Spain's relinquishment of sovereignty, to the same power, both in kind and in extent, as was formerly possessed by the Spanish Government. This appears to be inconsistent with the right of control which every sovereign power should possess over its archives and official records. || All the conditions and qualifications above referred to are by general reference incorporated in the articles relating to the cession of Porto Rico and other islands in the West Indies, and render these articles equally inadmissible.

True Copy:

J. B. Moore.

Nr. 11969.
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Nr. 11970. VEREINIGTE STAATEN und SPANIEN. — 5. Sitzung.
Cubanische Schuldfrage.

14. Oktober 1898.

The American Commissioners presented a reply to the memorandum submitted by the Spanish Commissioners at the last session on the relinquishment of sovereignty over Cuba and the transfer of debts. The paper was read, and a copy of it is hereto annexed. || The Spanish Commissioners, referring to the paper in which the American Commissioners rejected at the conference of the 11th instant the articles presented by the Spanish Commissioners at the conference of the 7th, on the subject of Cuba and Porto-Rico, called attention to the following sentence: || "To the American Commissioners this appears to be not a proposition to 'relinquish all claim of sovereignty over and title to Cuba,' but in substance a proposition to 'transfer' to the United States and in turn to Cuba a mass of Spanish charges and obligations." || The Spanish Commissioners desired a modification of this sentence on the ground that it might be thought to imply that they were not acting in good faith.

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Nr. 11970. The American Commissioners stated that in their opinion the sentence did not convey such an imputation, but, out of deference to the Spanish Commissioners, they altered it so as to read as follows: || "To the American Commissioners this appears to be not a proposition to 'relinquish all claim of sovereignty over and title to Cuba,' but in effect a proposition to 'transfer' to the United States and in turn to Cuba a mass of charges and obligations which, in the opinion of the American Commissioners, properly belong to Spain." || This matter having been disposed of, the Spanish Commissioners stated that, before proceeding with the discussion of the questions under consideration, they desired it to be understood that, if certain articles should be agreed to, but in the end no treaty should be signed, the articles so agreed to should not in such case be taken as expressing either Government's estimation of its just rights in respect of the subjects to which the articles related. || The American Commissioners concurred in this view. || The Joint Commission then proceeded to the oral discussion of the points discussed in the Spanish memorandum of October 11 and the American reply of to-day. || After the discussion of the first point, — the question whether the sovereignty over Cuba should be relinquished to the United States — was exhausted, without any agreement having been reached upon it, the American Commissioners proposed to take up the second point, — the question whether charges and obligations constituted a part of the sovereignty and as such passed with it. || The Spanish Commissioners suggested that if no agreement could be reached on the first point, it seemed to be needless to discuss the second. || The American Commissioners, concurring in this view, proposed that, owing to the lateness of the hour, the conference be adjourned to continue the discussion of the first point at the next session, which should be held on Monday, the 17th of October, at two o'clock, p. m. || The Spanish Commissioners agreeing, the conference was adjourned accordingly.

Nr. 11971. VEREINIGTE STAATEN und SPANIEN. — 6. Sitzung.
Verstärkung der amerikanischen Garnison von
Manila. Cuba.

17. Oktober 1898.

Nr. 11971. The President of the Spanish Commissioners stated that, without making any formal protest, he desired to bring to the attention of the American Commissioners the fact that he had received from his Government a telegram referring to reports to the effect that two American men-of-war were about to leave American ports with reinforcements of troops for the garrison at Manila, and that Spanish prisoners in the possession of the Tagalos are ill-treated. He would not read the telegram, but as such reports tended to excite the public mind and embarrass the efforts to establish peace and concord

between the two nations, he hoped that the American Commissioners would bring the matter to the knowledge of their Government. || The President of the American Commission replied that the American Commissioners possessed neither information nor instructions such as would enable them to deal with the subject, which properly belonged to the two Governments, but that, prompted by motives similar to those avowed by the President of the Spanish Commission, they would communicate to their Government the fact that the reports in question had been brought to their attention. || The discussion of the business before the Joint Commission having been resumed, the Spanish Commissioners stated that although the articles presented by them were not couched in the same words as the Protocol of August 12, 1898, and the propositions in the notes preceding its conclusion, the sense was in their opinion, the same. Still, they were ready to withdraw their articles, and to substitute for them articles more nearly in conformity with the language of the Protocol. || The American Commissioners, in reponse to this statement, presented a paper, copy of which is hereto annexed, in which, while recognizing the fact that the Government of the United States assumed all responsibilities for protection of life and property that legally attach to it during the occupation of Cuba, they finally declined to assume the burden of the so-called Cuban debt, either for the United States or for Cuba, and offered as a substitute for the articles previously presented by them the precise stipulations of Articles I and II of the Protocol, as to Cuba, Porto Rico, and other islands in the West Indies, and the islands to be ceded in the Ladrões. || The Spanish Commissioners stated that they reserved the right to examine this proposal and to present another draft of articles which should conform to the Protocol.

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Nr. 11972. VEREINIGTE STAATEN und SPANIEN. — 7. Sitzung.
Dasselbe.

21. Oktober 1898.

The American Commissioners stated that they had telegraphed to their Government the representations made to them by the Spanish Commissioners at the last session, as to the reports of the sending of two American men-of-war with reinforcements for the garrison at Manila and of the ill treatment of Spanish prisoners by the Tagalos, but that they had as yet received no reply, probably because of the absence of the President from Washington. || The Spanish Commissioners expressed their thanks for the action of the American Commissioners. || The Spanish Commissioners stated that they regretted to reject the proposals presented by the American Commissioners at the last session, and that they therefore presented certain articles as a substitute for the articles previously submitted by them in relation to Cuba and Porto Rico.

Nr. 11972.
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21. Okt. 1898.

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21. Okt. 1898.

Anlage.

Neue Spanische Vorschläge über Cuba und Portorico.

Article I.

Her Catholic Majesty, the Queen Regent of Spain, in the name of her August Son Don Alfonzo XIII, King of Spain, thereunto constitutionally authorized by the Cortes of the Kingdom, relinquishes her sovereignty over and title to Cuba. || The United States of America, accepting said relinquishment, receive the Island of Cuba from Spain to lend it aid and guidance and hold it under their control and government until the pacification thereof realized, they leave said control and government to the Cuban people.

Article II.

The relinquishment and transfer made by Her Catholic Majesty and accepted by the United States of America embrace: || 1. All prerogatives, attributes and rights appertaining to Her Catholic Majesty as part of her sovereignty over the Island of Cuba and its inhabitants. || 2. All pecuniary charges and obligations outstanding upon to the ratification of this treaty of peace which, after a minute examination into their origin, purpose, and the conditions of their creation, should be held, pursuant to strict law and undeniable equity, to be distinct from such as are properly and peculiarly chargeable to the treasury of the Peninsula, and to have been always properly and peculiarly Cuban. || To make the strike examination provided for in the foregoing paragraph, the two High Contracting Parties shall name a Commission of competent and impartial persons in the manner to be determined in the proper article of this treaty.

Article III.

In obedience to the stipulations of the two preceding articles, Her Catholic Majesty, in the representative character with which she concludes this treaty, relinquishes and transfers to the United States all the buildings, wharves, barracks, forts, establishments, public high-ways and other immovable property which in conformity with law are of the public domain, and which being of the public domain belong to the Crown of Spain in the Island of Cuba. || Therefore there are excepted from this relinquishment and transfer all rights and property of whatsoever kind which up to the ratification of this treaty may have been peacefully enjoyed as owners by the provinces, municipalities, public or private establishments, ecclesiastical or civil bodies and any other associations having legal capacity to acquire and possess property in the Island of Cuba, and private individuals, whatever may be their nationality. || Her Catholic Majesty also relinquishes and transfers to the United States, to which they shall be delivered by the Spanish Government, all documents and titles exclusively referring to the sovereignty transferred and accepted, and to all its rights, which may exist in the archives of the Penin-

sula. Copies of the part relative to the said sovereignty which may appear in other documents, and titles which refer moreover to other matters distinct from the Island of Cuba or its sovereignty and rights, existing in said archives, must also be furnished when the United States shall require the same. A like rule must be reciprocally observed with respect to Spain in so far as relates to documents and titles unconnected in whole or in part with the Island of Cuba that may now be in its archives and which are of interest to the Spanish Government. || All official archives and records, executive as well as judicial, at the disposal of the Government of Spain and of its authorities in the Island of Cuba, and which refer to the said island or its inhabitants, their rights and property, shall remain without any reservation whatever of this kind at the disposal of the United States, to preserve the same or dispose of them with the same authority exercised over them up to the present time by the Spanish Government and its authorities. Private parties, Spaniards as well as Cubans, shall have the right to make in accordance with law authenticated copies of the contracts, wills, and other instruments forming part of notarial protocols or files, all of which may be in the executive and judicial archives, be the latter in Spain or in the Island of Cuba.

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Article IV.

As compensation for the losses and expenses occasioned the United States by the war and for the claims of its citizens by reason of the injuries and damages they may have suffered in their persons and property during the last insurrection in Cuba, Her Catholic Majesty, in the name and representation of Spain, and thereunto constitutionally authorised by the Cortes of the Kingdom, cedes to the United States of America, and the latter accept for themselves, the Island of Porto Rico and the other islands now under Spanish sovereignty in the West Indies, as also the Island of Guam in the Mariana or Ladrones Archipelago, which island selected by the United States of America in virtue of the provisions of Article II of the Protocol signed in Washington on August 12 last.

Article V.

This cession of the sovereignty over the territory and inhabitants of Porto Rico and the other islands mentioned is understood to embrace the cession of the rights and obligations, property and documents relating to the sovereignty of said islands alike in all respects to the relinquishment and transfer of the sovereignty of the Island of Cuba as defined in the foregoing articles.

Nr. 11973. VEREINIGTE STAATEN und SPANIEN. — 8. Sitzung.
Ablehnung der spanischen Forderungen.

24. Oktober 1898.

Nr. 11973.
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Staaten
und Spanien.
24. Okt. 1898.

The American Commissioners stated that they had carefully considered the articles tendered by the Spanish Commissioners at the last meeting, by which, while Spain was to relinquish sovereignty over Cuba, such relinquishment was to be accepted by the United States and was to include such charges and obligations, outstanding at the ratification of the treaty as should be held by a Commission not to be properly and peculiarly chargeable to the treasury of the Peninsula, but to be properly and peculiarly Cuban, and that they must reject the articles in question as well as any articles that required the United States to assume, either for itself or for Cuba, the so-called Cuban debt. They were willing, however, to add to the article in which Spain relinquished sovereignty over and title to Cuba, a suitable stipulation by which the United States would assume the obligations as to the protection of life and property imposed by its occupation, so long as such occupation should continue. || After much discussion, the President of the Spanish Commission stated that the Spanish Commissioners did not care for the phraseology in which the relinquishment of sovereignty was expressed, so long as it embraced an obligation as to debts, such as was stated in the second of the articles presented by them. || The President of the American Commission, replying to this statement, inquired whether the President of the Spanish Commission intended thereby to say that the Spanish Commissioners would refuse to consider any articles as to Cuba and Porto Rico which contained no provision for the assumption of indebtedness by the United States, or Cuba, or both.

Nr. 11974. VEREINIGTE STAATEN und SPANIEN. — 9. Sitzung.
Schuldfrage für Cuba und Portorico.

26. Oktober 1898.

Nr. 11974.
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26. Okt. 1898.

The Spanish Commissioners filed under the rules a memorandum, copy and translation of which are hereto annexed, giving their reasons in support of the articles presented by them on the 21st. of October, and rejected by the American Commissioners on the 24th. || The American Commissioners stated that they would file under the rules a written reply which should be annexed to the protocol. || The Spanish Commissioners then made to the inquiry addressed to them by the American Commissioners, at the close of the last session, the following reply: || "The Spanish Commissioners, having become acquainted with the questions propounded to them at the end of the last conference by the President of the American Commission — having read it and studied it in order to understand with all clearness its meaning and its scope; || "Considering that in the conference held by the two Commissions on the 14th of this month it was resolved that no agreement reached upon any article should be considered as the final expression of the views and opinions

of either Government on the points and matter contained therein, until after an agreement should be reached on all other articles of the treaty, or in other words upon the whole of it: || "Considering therefore that the question propounded by the President of the American Commission cannot now be given any answer, which without violation of the resolution unanimously adopted by the two Commissions at the aforesaid conference of the 14th instant, may involve the final approval of the article or articles to which the question refers: || "Considering furthermore that even in case such resolution as the above had not been agreed upon by the Commissioners, its adoption would have been required by the very nature and essence of the mission entrusted to them, which is to frame a treaty of peace, settling not only the question of the Antilles but also that of the Philippine Islands and all other questions, even of lesser importance, which may exist between the two High Contracting Parties: || "Considering that this treaty is not to be framed, as no other treaty has, or can, be ever framed, upon the exclusive basis of strict justice, as understood by each party, but also upon the basis of the advantage to be derived by either or by both, thus modifying in harmony there with the demands of strict law; and that, therefore, the Spanish Commissioners, although understanding that strict law decides the question of the Cuban debt in their favor, are in duty bound and are willing to moderate the said strictness in view of the advantages which Spain may derive from other stipulations of the treaty which, without being prejudicial to the United States, may be favorable to Spain; || "Considering therefore that the article or articles to which the President of the American Commission refers can not at this time be the subject of final approval, since they must remain subject to the others to be included in the same treaty, meeting the approval of both High Parties: — || "The Spanish Commissioners answer the said question by stating that, reiterating their conviction that pursuant to law the colonial obligations of Cuba and Puerto Rico must follow these islands and their sovereignty, they do not refuse 'to consider any articles as to Cuba and Puerto Rico which contain no provision for the assumption of indebtedness by the United States, or Cuba, or both', subordinating the final approval of such articles to that of the others which are to form the complete treaty, and they, therefore, invite the American Commissioners to enter upon the discussion of the other points to be embodied in the Treaty, and, at the outset, to take up the discussion of the Philippine Archipelago, and to propose to the Spanish Commissioners what they understand should be agreed upon in said Treaty with respect to this subject." || The American Commissioners, after the reading of this paper, inquired whether they were to understand that the Spanish Commissioners accepted the articles previously presented by them as to Cuba, Porto Rico, and Guam. || The Spanish Commissioners replied that they accepted them in the sense stated in the paper — provisionally, subject to the conclusion of a treaty of peace.

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Nr. 11975. VEREINIGTE STAATEN und SPANIEN. — 10. Sitzung.
Diskussion über Cuba und Portorico.

27. Oktober 1898.

Nr. 11975.
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 und Spanien.
 27. Okt. 1898.

The American Commissioners presented their written reply, copy of which is hereto annexed, to the memorandum filed by the Spanish Commissioners at the last session in support of the articles which they presented on the 21st instant, and which were afterwards rejected by the American Commissioners.

The American Commissioners, referring to the acceptance by the Spanish Commissioners, in the terms expressed in the protocol of the last session, of the articles presented by the American Commissioners, said that they were uncertain whether the acceptance was intended to apply to the articles first or to those last presented by them, and suggested that, if it was immaterial to the Spanish Commissioners, the American Commissioners preferred that the acceptance should be taken to refer to the articles first presented by them, as those articles contained provisions as to public archives and records. || The President of the Spanish Commission replied that, as his acceptance of the articles was conditional upon the approval of the treaty of peace, he had no objection to accepting these or any other articles, and especially as the first article of the American project was the same, saving differences in diplomatic form, as the first paragraph of the first Spanish article; but that he did not mean that he renounced the second paragraph of that article, and that with respect to this part and to the other articles presented by Spain, he reserved, as provided in the protocol of the 5th session, all the rights therein contained if there was no ultimate agreement upon the whole. || The President of the American Commission replied that the American Commissioners were content to take the acceptance of the Spanish Commissioners, as expressed in their paper and entered in the protocol of the last conference, as applying to the articles last submitted, which were expressed in the words of the Protocol of August 12, 1898. || The President of the Spanish Commission repeated that the form or wording of those or of the other articles was a matter of indifference to him; and he asked whether the American Commissioners would object to inserting in the article in which the cession of Porto Rico and the other islands in the West Indies and the island of Guam was made, or in any of the other articles of the treaty, a statement that the cession was made as indemnity for the expenses of the war and the injuries suffered during it by American citizens. || The President of the American Commission replied that the articles should stand as when they were accepted, and be considered as disposed of for the present, adding further that the American Commissioners did not mean to be understood that it should not appear in some proper form in the treaty that the cession of Porto Rico and the other islands above referred to was on account of indemnity for the losses and injuries of American citizens and the cost of the war. This view had been expressed in

the note addressed to the Spanish Government containing the demand of the President of the United States, and the American Commissioners recognized the force and meaning of that demand. || The President of the Spanish Commission said that it was not his intention now to discuss this point, but to state his desire that the question and the answer to it should be entered in the protocol. || The President of the Spanish Commission then inquired whether the American Commissioners were ready to answer the written proposal presented by the Spanish Commissioners at the last session, in which they accepted conditionally the two articles of the American draft. || The President of the American Commission said that he understood that in the said proposal the American Commissioners were invited to present their propositions in regard to the Philippine Islands, and said that as this matter was of capital importance, and as the American Commissioners were not yet ready to submit a proposal in regard to it, he would propose an adjournment in order that they might have an opportunity to do so, and would suggest that in the mean time the Secretaries should endeavor to agree on the terms of the article relating to public property, archives and records in Cuba, Porto Rico and other islands in the West Indies, and Guam, for submission to the Joint Commission.

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This suggestion was adopted, as well as the proposal for an adjournment; and it was agreed, on motion of the American Commissioners, that the Joint Commission should meet again on Monday the 31st of October, at two o'clock, p. m., when the American Commissioners should present a proposal on the subject of the Philippines; and that if by that time the American Commissioners were not prepared to do so the meeting should be postponed to a later day.

Nr. 11976. VEREINIGTE STAATEN und SPANIEN. — 11. Sitzung.
Amerika verlangt die Philippinen.

31. Oktober 1898.

The American Commissioners stated that, in accordance with the understanding expressed in the protocol which had just been read, they were prepared to present their proposal on the subject of the Philippines. The proposal was read in English and translated into Spanish, and delivered to the Spanish Commissioners. It was as follows: || "The American Commissioners, having been invited by the Spanish Commissioners at the last conference to present a proposition in regard to the Philippine Islands, beg to submit the following article on that subject: || 'Spain hereby cedes to the United States the archipelago known as the Philippine Islands, and lying within the following line: A line running along the parallel of latitude 21° 30' North from the 118th to the 127th degree meridian of longitude East of Greenwich, thence along the 127th degree meridian of longitude East of Greenwich to

Nr. 11976.
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Nr. 11976. Vereinigte Staaten und Spanien. 31. Okt. 1898. the parallel of 4° 45' North latitude, thence along the parallel of 4° 45' North latitude to its intersection with the meridian of longitude 119° 35' East of Greenwich, thence along the meridian of longitude 119° 35' East of Greenwich to the parallel of latitude 7° 40' North, thence along the parallel of latitude of 7° 40' North to its intersection with the 116th degree meridian of longitude East of Greenwich, thence by a direct line to the intersection of the 10th degree parallel of North latitude with the 118th degree meridian of longitude East of Greenwich, and thence along the 118th degree meridian of longitude East of Greenwich to the parallel of latitude 21° 30' North.' || A proper reference to the cession thus proposed may be inserted in the article of the treaty relating to public property, archives and records in territory which Spain cedes or over which she relinquishes her sovereignty. || The American Commissioners beg further to state that they are prepared to insert in the treaty a stipulation for the assumption by the United States of any existing indebtedness of Spain incurred for public works and improvements of a pacific character in the Philippines." || The Spanish Commissioners asked for an adjournment in order that they might examine the proposal, and either accept it or present a counter-proposal, and suggested that the Commission should meet again on Friday, the 4th of November, at two o'clock, p. m., without prejudice to asking for a postponement, if it should be necessary. || This suggestion was accepted, and the conference was accordingly adjourned.

Nr. 11977. VEREINIGTE STAATEN und SPANIEN. — 12. Sitzung.
Antwort der Spanier auf das Vorige.

4. November 1898.

Nr. 11977. Vereinigte Staaten und Spanien. 4. Nov. 1898. The President of the Spanish Commission stated that, having carefully examined the proposal of the American Commissioners in relation to the Philippines, he presented a counter-proposal on that subject, which counter-proposal he delivered to the Secretary of the Spanish Commission, who handed it to the Secretary of the American Commission. || The American Commissioners desiring to have the counter-proposal translated to them immediately, it was read in English by their Interpreter; and it is annexed to the protocol. || The President of the American Commission then stated that as they understood from the reading of the paper that their proposal was rejected, they had under the rules a right to file a memorandum in writing in support thereof, and that, under the circumstances, and in order that the paper presented by the Spanish Commissioners might be carefully translated and considered, the American Commissioners desired an adjournment till Tuesday, the 8th of November, at two o'clock, p. m. || The Spanish Commissioners agreed to the adjournment, but stated that, as their paper, besides rejecting the American proposal, also put forward a counter-proposal, they understood that they would have the right to submit a memorandum in writing in support of such

counter-proposal, if the American Commissioners should reject it. || The Commissioners concurring in opinion upon these matters, the conference was adjourned to the day previously fixed.

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4. Nov. 1898.

Anlage.

Gegenvorschlag der Spanier.

The Spanish Commission has read with great surprise the proposition presented by the American Commission at the meeting held on the 31st of October, ultimo. || The only article which said proposition contains is reduced to providing for the cession by Spain to the United States of the archipelago known as the Philippine Islands, situated within the perimeter geographically determined in its text. || But in addition thereto the proposition contains two paragraphs, not intended to form a part of the article, the second of which is of such importance as to demand from the Spanish Commission to deal with it specially in this paper. || The Spanish Commissioners have stated that the American proposition excited in them great surprise, and it is their duty to set forth the reasons which explain that feeling. || From the first to the last conference, the American Commissioners have been alleging constantly — and that allegation was the principal ground upon which their drafts relating to Cuba and Porto Rico were based — that in their conferences the two Commissions have to abide by the bases established in the preliminaries of peace agreed upon and signed on the 12th of August ultimo. The same was said and continues to be said by the Spanish Commissioners. One difference, however, has existed in this respect between the two Commissions, and this has been that the American Commissioners understand that the Protocol should be construed according to its letter, strictly, and without taking into consideration any data, antecedent or document. For this reason, as the words "Debt of Cuba, or of Porto Rico" were not written on the Protocol, they have deemed that Spain should transmit or cede her sovereignty over the islands, but should retain the latter's obligations. The Spanish Commissioners understand, on the contrary, that for determining the literal meaning of the Protocol it is necessary not only to bear in mind the general rules of international law as to the interpretation of treaties, but also the negotiations carried on between the two parties which culminated in this agreement, and in which the interpretation of the latter had been given beforehand and officially. || Therefore the proposition relating to the cession by Spain to the United States of the Philippine Islands, besides not being included in or covered by the articles of the Protocol, appears to be in open contradiction of its terms. In the opinion of the Spanish Commission it is a flagrant violation of the agreement. || The Protocol contains six articles, and only one, the third, refers to the Philippine Archipelago. Literally translated (into Spanish) from the official French text, it reads as follows: — || "The United States

Nr. 11977. shall occupy and hold the city, the bay and the harbor of Manila pending
 Vereinigte the conclusion of a treaty of peace which shall determine the inspection
 Staaten (contrôle), the disposition, and the government of the Philippine Islands." ||
 und Spanien. This is all that the Protocol says about the archipelago. || Even accepting
 4. Nov. 1898. as a proper standard for the interpretation of this article the narrow one of
 the literal meaning, as claimed (no matter how strange it may appear) by the
 American Commission, the Spanish Commission would have only to reply that
 the text of the Protocol refers to nothing else than the temporary or pro-
 visional occupation by the United States of Manila, its harbor, and its bay,
 until the treaty of peace, determining or agreeing upon the inspection, dispo-
 sition and government of the Philippine Islands, should be concluded. || What
 has this to do with any change or cession of sovereignty?

The first part of the articles is perfectly clear. Not even the slightest
 doubt can exist as to the fact that the only agreement as to Manila, its bay
 and its harbor, referred to the occupation thereof, not final but provisional,
 by the United States; said occupation to last only until the conclusion of the
 treaty of peace. No proof is necessary to corroborate this literal construction
 of the text. But should it be required, the American Commission would find
 it in document number 19 in the Yellow Book just published by the Govern-
 ment of the French Republic. Said document contains the circular addressed
 by the French Minister of Foreign Affairs to the French Ambassadors in
 Europe, three days after the signing of the Protocol, acquainting them with
 the mission which the Government of the Republic had allowed to be entrusted
 to the French Ambassador at Washington, to offer peace to the Govern-
 ment of the United States in behalf of the Government of Her Catholic
 Majesty. This circular states that the French Ambassador at Washington had
 signed, in the name of Spain and at her request, a Protocol setting forth the
 demands of the United States, and after enumerating those demands, and in
 referring to the Philippine Islands, the French Minister of Foreign Affairs
 says that the only one contained in that document was the provisional occu-
 pation of Manila by the American forces. || The American Commission will not
 disregard the unquestionable moral weight of the testimony of the Minister of
 Foreign Affairs of the French Republic, equally friendly to the two belligerent
 states, who could know nothing about the Protocol except through the most
 authoritative channel of the French Ambassador who had discussed it with
 the American Government, and agreed to it and signed it, in the name of
 Spain. || The mere provisional character of that occupation remained even after
 the Protocol was signed, when General Merritt, contrary to what had been
 agreed upon in Article VI of the same, forcibly took possession of Manila.
 In the last paragraph of number 5 in the rules for capitulation agreed upon
 and signed on August 15, on the part of the United States by Brigadier
 General of Volunteers E. V. Greene, by Captain Lamberton of the United
 States Navy, by Lieutenant-Colonel and Inspector-General Whittier, and by

Lieutenant-Colonel Judge-Advocate Crowder, the following was said: — || "The return of the arms surrendered by the Spanish forces shall take place when they evacuate the city or when the American army evacuates." || Therefore it was understood by those who signed this agreement that the American forces did not permanently occupy the place, as they anticipated the case that they would have to evacuate it. And if they anticipated this, it is clear that they understood their occupation of the place to be merely provisional. || True it is that the words "inspection, disposition and government of the Philippine Islands" have not a clear meaning. The Spanish Government and its representative at Washington had noticed this fact and asked for the proper explanation thereof (which was not given) by the American Government, before the Protocol was signed. But whatever construction may now be placed upon these words, the fact is that in no case can their meaning be so stretched as to involve in any way the idea of cession of the sovereignty of Spain over the archipelago. Such a cession or acquisition in perpetuum of the archipelago by the United States, had it been agreed upon in the Protocol, would have been in contradiction with the mere temporary occupation of Manila, which at the same time was agreed upon in the same clause of that instrument. || Nor could the said construction ever be admitted as valid, under the rules of interpretation of treaties, because the said admission would result in benefiting a party who refused to explain, when asked at the proper time to do so, the meaning of the words which even then were considered ambiguous and indeterminate. Even if this were not the case, the rule which the Spanish Commission understand to have been applied to them without reason, set forth by the American Commissioners in their last "memorandum", namely, that "the abstention of Spain from proposing in the Protocol the condition of the transfer of the debt precluded her from proposing it now", would be applicable to the case. The United States abstained from proposing to Spain in the Protocol, frankly and openly, as frankly and openly as all things must be set forth in all treaties, which must never be concluded unless to be understood and complied with in good faith, the cession of her sovereignty over the archipelago. They did not do it, and they became thereby precluded from proposing it now. || All the foregoing statements must really be considered in excess of necessity, as it is a fact, perfectly well known to the American Commissioners, that when the Protocol was signed at Washington the most worthy President of the Union not only had no idea that Spain would have to cede the Philippine Archipelago to the United States, but entertained, on the contrary, an opposite idea, namely, that Spain would retain her sovereignty over it.

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In the conference held on August 4 last, between Mr. Cambon, Ambassador from France, and President McKinley, in the presence of the United States Secretary of State, Mr. Cambon made some remarks as to the cession of Porto Rico in compensation for the expenses of the war, and the President,

Nr. 11977. showing himself inflexible upon that point, repeated his assertion that the
 Vereinigte Philippine question was the only one not finally settled in his mind. It was
 Staaten then that Mr. Cambon asked for an explanation about the meaning of the
 und Spanien. above cited phrases in Article III of the Protocol, relating to the Philippine
 4. Nov. 1898. Archipelago, as the language of said article might lend itself to inspire fear
 in Spain in regard to her sovereignty over these islands. President McKinley
 answered him, verbatim, as follows: || "I do not want any ambiguity to be
 allowed to remain on this point. The negotiators of both countries are the
 ones who shall resolve upon the permanent advantages (notice that he said
 „advantages" and not "rights") which we shall ask in the archipelago, and
 decide upon the intervention (contrôle), disposition and government of the
 Philippine Islands." || He further said: "The Madrid Government can rest
 assured that up to now nothing is decided a priori, in my own mind, against
 Spain, nor do I consider anything decided by it against the United States." ||
 Is it therefore doubtful that on the 12th of August, when the Secretary of
 State of the United States signed the Protocol, the President of the United
 States had no idea of demanding from Spain the cession to the United States
 of her sovereignty over the archipelago? || But there is something more. The
 President of the United States, far from entertaining that purpose, clearly
 showed by his language that he desired that Spain should preserve her sove-
 reignty. He said that the Commissioners at Paris would have to come to an
 agreement as to the permanent advantages to be demanded by the United
 States in the Philippine Archipelago. If Spain was to be deprived of her
 sovereignty, what future advantages could possibly be asked from Spain by
 the United States Commissioners, or granted them by Spain? How would it
 be possible for the American Commissioners at Paris to ask Spain for advan-
 tages in an archipelago which they at the same time had to demand and
 receive as their own property? || There is still another proof, as irrefutable
 as the above, that the Washington Government, far from having at that time
 any idea or intention to acquire sovereignty over the Philippine Archipelago,
 consented that said sovereignty continue to be vested in Spain, by removing
 from its own mind all idea of change in this respect, either when framing or
 signing Article III of the Protocol. || When the Spanish Government, by its
 despatch of the 7th of August, answered the note of the Honorable Secretary
 of State of the United States of the 31st of July, wherein he informed Spain
 of the conditions, such as set forth in the Protocol, upon which the American
 Government was disposed to put an end to the war, the Spanish Secretary of
 State used in regard to basis 3 the following language: || "The basis relating
 to the Philippine Islands seems, according to our understanding, to be too
 indeterminate. In the first place, the title invoked by the United States for
 the occupation of the bay, harbor and city of Manila, pending the conclusion
 of a treaty of peace, cannot be conquest, as the city of Manila is still de-
 fending itself. In spite of the blockade by sea and the siege by land, the

former by the American fleet, the latter by forces commanded by a native encouraged and assisted by the American Admiral, the Spanish flag has not been lowered. In the second place, the Philippine Archipelago is wholly in the power and under the sovereignty of Spain. The Spanish Government understands, therefore, that the temporary occupation of Manila must constitute a guarantee. The treaty of peace, it is said, shall determine the intervention, disposition and government of the Philippine Islands, and as the intention of the Federal Government is too much veiled in this clause, it is important for this Government to state that while accepting the 3d basis, it does not relinquish a priori the entire sovereignty over the Philippine Archipelago, and leaves to the negotiators the care to stipulate in regard to such reforms as it may be advisable to introduce there, — in view of the situation of those possessions and the degree of cultivation of their inhabitants. The Government of Her Majesty accepts the 3d clause as supplemented by the aforesaid declaration.”

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It appears very plainly that the Spanish Government did not accept the only item of the Protocol which relates to the Philippine Islands, except in so far as it meant that the occupation of Manila should be only temporary and in the nature of a guarantee, and that the intervention, disposition and government spoken of in the item should refer to the interior regime and administration of the government of the said islands, and not to the entire sovereignty, which Spain expressly reserved and was entitled to retain. || Against this construction placed beforehand by the Government of Her Catholic Majesty upon the 3d basis of the Protocol, — a construction upon which exclusively it was accepted, — the Washington Government said or suggested nothing, before signing the instrument. On the contrary, the Secretary of State of the United States, when sending to the French Ambassador the draft of the Protocol which was to be signed, said to him in a letter that the note of the Spanish Government (the one in which the above quoted phrases appear) contained in its spirit the acceptance by Spain of the conditions proposed by the United States. Therefore, the third condition had been framed by the American Government in the same sense in which it had been understood by the Spanish Government. Otherwise it would have been impossible for the Secretary of State of the United States to say, upon examination of the note in which the Spanish Government explained the only meaning of the article which would be acceptable to it, that the Spanish Government did accept it. || The result is that while the United States may now come and claim the said sovereignty, the claim can never be founded upon the Protocol.

And what other title, different from that agreement, can they allege, against the will of Spain, to be vested in them? || The bases upon which the United States agreed to make peace with Spain, or, in other words, the conditions which the United States imposed upon Spain for the reestablishment of peace between the two countries, were set forth in the Protocol. An imme-

Nr. 11977. diate suspension of hostilities was also agreed upon in that instrument; and
 Vereinigte Spain up to the present time has scrupulously kept the agreement. Therefore
 Staaten the United States can have no right to demand now from Spain any onerous
 und Spanien. conditions not contained in the Protocol, either because of events prior to its
 4. Nov. 1898. date, — since when the Protocol was signed the United States did not make
 more demands than are written therein, and were satisfied with their acceptance by Spain, — or because of subsequent events, since Spain, after the instrument was signed, did not commit any aggression or give the United States any occasion to make further complaints or demands. || If for reasons which are beyond the sphere of jurisdiction of the Spanish Commission, the American Government wishes now to acquire sovereignty over the Philippine Archipelago, the proper way to accomplish that purpose is certainly not a claim based upon the preliminaries of peace agreed upon between the two High Contracting Parties and set forth in the Protocol signed at Washington on the 12th of August. || The Spanish Commissioners stated at the beginning of this paper that the second paragraph which the American proposition contained after the proposed article was of such importance that it imposed on them the necessity of dwelling especially upon its import. || The Commissioners assert therein that they are disposed to insert in the treaty a stipulation whereby the United States will assume any debt of Spain contracted for public works or improvements of a pacific character in the Philippines. || The archipelago is in fact burdened with a debt of 200 millions of pesetas, secured by mortgage on the proceeds and revenues of the Manila custom house; and there further rest upon the Crown obligations, just charges and other pensions of lesser importance, exclusively connected with the service of that colony. || With respect to the mortgage debt, the Spanish Commissioners have already stated with relation to the debt of a like nature which by way of mortgage burdens the revenues of the custom houses and all the taxes, direct and indirect, of the Island of Cuba, that they cannot even admit any discussion relative to the validity and efficacy of such mortgages. || Legally created by a legitimate sovereign, and legally acquired by the individuals of various nationalities who interested themselves in those provincial operations, Spain is not the proprietor of the rights of these third parties, who are under the aegis of the laws protecting private property, so as to consent in a treaty with the United States or any other power in any way to anything which means or implies an impairment of rights which are not hers. The most elemental duties of public and private probity forbid this. || Spain does not demand the recognition of these secured debts for her own benefit, since her treasury has not bound itself to pay the same, save subsidiarily, that is, only in the event that the revenues and taxes mortgaged are insufficient to meet them. If she makes the demand it is only in obedience to a moral duty resting upon every honest debtor, and, further, in behalf of the holders of her own debt, who could not but see a danger tho their interests in the fact that Spain, without

being bound thereto, should overburden her treasury with other heavy obligations for which it would be liable jointly with her own, and running the risk of her resources being insufficient to meet them all. The debt and obligations of the colonies which directly interest her are those not enjoying the privilege of security, because with respect to these she is primarily bound, and she understands that it is not just that when she has contracted them for her colonies she should continue, after losing them, burdened with such charges, which are, after all, a small part of the immense capital invested in those colonies which was furnished from her own resources. || Let it be understood therefore, and the Spanish Commissioners hope there will be no necessity to repeat it, that Spain cannot and ought not, since respect for the rights of others forbids it, to agree in this treaty or in any to anything the impairment or suppression or even disregard of the private rights of others against the will of their legitimate and special proprietors.

Still more with respect to the unprivileged (unsecured) colonial debt, their dignity and the respect due to their own selves likewise forbid them accepting the bases which stand out in the paragraph of the proposition under consideration, which consists of the looking into the investment Spain may have made of the proceeds resulting from the creating of such debts. This would be equivalent to submitting to the judgment of a foreign power the acts of her internal government. Judicious or not (and the Commissioners understand they have all been judicious) they were perfectly legitimate acts and they are protected by her sovereignty. || And even in the inadmissible hypothesis that such judiciousness were wanting in them, the Spanish Commissioners do not know that there is anyone who can cause the legitimacy of a legally contracted debt to depend upon the investment, good or bad, which after its creation, the debtor may have made of its proceeds. || The Spanish Commissioners cannot close this paper without calling the attention of the honorable American Commissioners to a point which cannot but be resolved in the treaty, in obedience to the stipulations of the 6th basis of the Protocol, which is as follows: "Upon the conclusion and signing of this Protocol, hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each Government to the commanders of its military and naval forces." || Even before the signing of the Protocol the President of the Union, after apprising the Ambassador of France on the 30th of July last of the conditions the United States imposed on Spain for restoring peace therewith, said to him that he consented to granting the suspension of hostilities as soon as the "Spanish Minister of State should make known to the Ambassador of France, his representative Washington, that he accepted the negotiations upon the bases suggested by the Federal Government; and authorized the said Ambassador to sign in his name the preliminary minute which put an end to the hostilities." || The Spanish Government made known its agreement to such bases, and authorized the Am-

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Nr. 11977. Vereinigte Staaten und Spanien. 4. Nov. 1898. bassador of France to accept and sign them in its name through its despatch of August 7, which was immediately communicated to the Government at Washington. Notwithstanding this, the hostilities were not then suspended. But finally the suspension thereof was agreed to a few days later, that is on the 12th, in the said 6th article of the Protocol. || In spite of this, on the 13th, General Merritt, commander of the American forces in Manila, and the Admiral of the fleet in that bay, demanded the surrender of the place, and as its authorities did not agree thereto, the said forces opened fire on the San Antonio Abad powder-magazine and on the trenches which defended the city on the land side, unnecessarily causing a considerable number of losses to the Spanish forces, who would have peacefully delivered the city over to the Americans in obedience to the third basis of the Protocol that they might hold it as a guaranty pending the conclusion of the treaty of peace.

General Merritt entered Manila by force, he made prisoners of war of its garrison made up of eight or nine thousand men, he took possession of the public funds and the collection of taxes, including customs receipts, he named as Intendant General and Administrator of the Public Treasury, and Tax Collector, the officers of his army he saw fit, thereby displacing the Spanish officials. He relieved the Spanish Commander of the civil guard charged with the maintenance of public order; he constituted military courts; he opened the port of Manila and all the other ports of the Philippines in the possession of his land and naval forces to the commerce of his nation and of neutral nations, conditioned on the payment of the dues in force at the time of his arrival, which were collected by his officials. All of this is recorded in the preliminary minute of the capitulation of August 13, in the capitulation of the 14th itself, in the proclamation of General Merritt of like date, in his orders of the 22nd and 23rd of the same month and in the others dictated by the American authorities and officials in Manila. || The Spanish Government remonstrated to that of Washington through the French Embassy against everything that occurred there on August 29 and the 3rd and 11th of September last, repeating such remonstrances since and down to the present time, signally insisting upon the immediate release of the garrison held prisoners in Manila and upon the return of their arms, since, on the one hand, it could not send reinforcements from the Peninsula to the archipelago, nor would the United States look favorably upon such an action, and, on the other hand, it needed those forces to liberate the thousands of Spanish prisoners of the Tagalo insurgents, victims of their ill-treatment, and to combat and dominate that insurrection of its own subjects. The remonstrances of the Spanish Government have been up to the present fruitless. These acts are daily assuming a worse phase. On September 21 Captain W. P. Moffatt, appointed by the American Provost-Marshal in charge of the Bilibid prisons with authority to regulate the entrance and release of all kinds of prisoners, released two named Silvestre Lacoy and Marcos Alarcon, charged with the

offense of highway robbery; two others charged with desertion; six charged with contempt of authority; another charged with assault and robbery, and three others charged with homicide. As is seen, all these prisoners were in jail for common crimes. This unheard of act was communicated to the Government of Her Catholic Majesty by the Commandant General's Office of the station of Manila. || Very well; it becomes necessary to examine all these acts from the standpoint of their legality and with relation to what was agreed on in Article VI of the Protocol, which constituted a formal obligation for both Governments. || When was the suspension of hostilities agreed on in said Article VI to go into effect? The answer is not doubtful. The text is clear and explicit: the hostilities were to be suspended upon the conclusion and signing of the Protocol. This occurred on the afternoon of August 12. Therefore from that afternoon the warlike acts which either of the belligerents should commit were to be held as not done in order to restore the statu quo ante at the moment of signing the Protocol. || It is idle, and may even be an insult to the great learning of the American Commission, to expound here the doctrine, not only admitted without contradiction since the time of Grotius in international law and usage, and to which all the learned Anglo-American treatise-writers have given their assent and support, but which is furthermore raised in the United States to the category of established law in article 140 of the Instructions to Armies in the Field, which reads as follows: "The armistice binds the belligerents from the day agreed upon between them for its going into effect; but the officers of the two armies are not responsible for this except from the day upon which they are officially notified of the armistice." || The day when it was to go into effect determined in Article VI of the Protocol was that on which it should be concluded and signed. There it says verbatim: "Upon the conclusion and signing of this Protocol, hostilities between the two countries shall be suspended."

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General Merritt and the Admiral of the squadron may not be personally responsible for the blood they unnecessarily shed on the 13th if they had no official notice then of the Protocol which had been signed on the previous day in Washington; but this does not conflict, as one of the most learned writers on international law says, with military honor, demanding that they scrupulously abstain from profiting by any advantage that may be gained through the ignorance of troops who may not yet have been informed of the armistice. In cases like this the belligerent power whose forces through ignorance commit a warlike act, cannot profit by its advantages, and should restore things to the statu quo ante, indemnifying the belligerent injured for the damages and injuries he may have suffered through said warlike act, and restoring, as is said by the learned Anglo-American publicist Dudley Field, all prizes taken in violation of the armistice. || This is so elementary and common in the United States that in their colleges the work entitled "Elements of International Law and Laws of war", written by Major General

Nr. 11977. Halleck, serves as a text-book, and in the Philadelphia edition thereof, page 283, appears the following:

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"The truce binds the contracting parties from the moment of its conclusion unless otherwise specially stipulated; but it does not bind the individuals of a nation to the extent of making them personally responsible for its rupture until they have actual and positive notice thereof. || Consequently, if individuals without knowledge of the suspension of hostilities, kill an enemy or destroy his property, they do not by such acts commit a crime, nor are they bound to pecuniary indemnity, but if prisoners or prizes are taken the sovereign is bound to immediately release the former and restore the prizes." || The American Government has not released, up to this time, the imprisoned garrison of Manila, nor has it reduced its military occupation to the limits of a simple right to garrison it, which is, according to Article III of the Protocol, the only thing it had a right to do as a guaranty until the signing of the treaty of peace. || The Spanish Commissioners, therefore, in obedience to what was expressly agreed to in the Protocol, understand that the treaty of peace ought to embody: || 1st The immediate delivery of the place to the Spanish Government. || 2nd The immediate release of the garrison of the same. || 3rd The return to the Spanish Government of all the funds and public property taken by the American army since its occupation of the place, and of the taxes of every kind collected or to be collected up to the time of returning the same. || 4th The obligation on the part of the United States to indemnify Spain for the serious damage occasioned her by the detention as prisoners of the said troops, to which detention is due the spreading with impunity of the Tagalo insurrection in the island of Luzón and its invasion of the Visayas islands, and because, moreover, to this same cause has been due the ill-treatment of thousands of Spanish prisoners, civil and military; treatment to which the Tagalo insurgents have continued to subject them with impunity.

In virtue of what has been said the Spanish Commission has the honor to make to the American Commission the following proposition:

First. — That it cannot accept the propositions it has presented asking for the cession of the sovereignty of the Philippine Archipelago to the United States, as it understands that this is contrary to the preliminaries of peace agreed upon in the Protocol of Washington.

Second. — In consequence of this it invites the American Commission to present, in accordance with the stipulations of Articles III and VI of the Protocol, a proposition concerning the control, disposition and government of the Philippine Archipelago and concerning the obligation which, as has just been said, it is the duty of the United States to contract because of the acts of war committed by its troops after the signing of the Protocol in forcibly seizing the city of Manila and performing acts beyond the scope of the only

rights the United States could exercise in that city, its bay and harbor, pursuant to the stipulations of the said Article II of the Protocol.

True copy:

Emilio de Ojeda.

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Replik der Amerikaner.

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The American Commissioners presented an Answer to the Counter Proposition submitted by the Spanish Commissioners on the 4th instant in relation to the Philippines. A copy of the Answer is hereto annexed. || The Spanish Commissioners stated that they would examine the answer, but that its length and the necessity of having it carefully translated made it impossible for them at the moment definitely to state what time would be needed for a reply; and the proposed either to advise the American Commissioners later in the day when the Commission might meet again, or at once to designate a day without prejudice to asking for a postponement, should it be necessary and should the nature of the document require it. || The American Commissioners preferring the latter course, the conference was adjourned till Saturday the 12th of November at two o'clock, p. m., with the understanding that the Spanish Commissioners might if necessary ask for a postponement.

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Anlage.

Antwort der Amerikaner auf Anlage 11977.

The American Commissioners, replying to the Spanish proposition of the 4th instant, will proceed at once to the examination of the grounds on which the Spanish Commissioners endeavor to justify their expression of surprise at the American proposals of the 31st of October on the subject of the Philippines. || The Spanish argument sets out with the erroneous assumption that the United States bases its demands in respect of the Philippines upon the terms of the Protocol in the same sense as it bases its demands in regard to Cuba and Porto Rico upon the terms of the same instrument; and, proceeding upon this assumption, it finds in the position of the United States on the two subjects an inconsistency. The United States, it declares, adhered, in respect of Cuba and Porto Rico, to the "letter" of the Protocol, while in the case of the Philippines, it has presented a demand "not included in or covered by the articles" of that agreement. || The American Commissioners are not disturbed by this charge of inconsistency, since they deem it obviously groundless. They based their demands in regard to Cuba and Porto Rico upon the precise terms of the Protocol, because it was in those very terms that the United States had made its demands and Spain had conceded them, by promising to "relinquish all claim of sovereignty over and title to Cuba",

Nr. 11978. and to "cede" to the United States Porto Rico and certain other islands.
 Vereinigte The United States, in insisting upon the words of the Protocol on these sub-
 Staaten jects, merely asked that the precise concessions of Spain be made good. || In
 und Spanien. the case of the Philippines, the United States, except as to the bay, city, and
 9. Nov. 1898. harbor of Manila, confined itself to demanding that the subject should be left
 in the widest and fullest sense for future negotiations. While it did not, with
 the exception referred to, demand specific concessions, it reserved and secured
 the right to demand them. Its position, therefore, is, not that its present
 demands in respect of the Philippines were specifically set out in the Protocol
 but that they are justified by and included in the right which it therein ex-
 pressly reserved and secured to make demands in the future. || Putting aside,
 however, the erroneous assumption of which notice has just been taken, it
 appears that the Spanish Commissioners differ with the American Commissioners
 as to the scope and meaning of the third article of the Protocol signed by
 the representatives of the two Governments at Washington on the 12th of
 August, 1898. This article is as follows: || "Article 3. — The United States
 will occupy and hold the city, bay and harbor of Manila, pending the con-
 clusion of a treaty of peace, which shall determine the control, disposition
 and government of the Philippines." || The Spanish Commissioners contend that
 in the negotiation and settlement of a treaty under this article nothing can
 be demanded by the United States which impairs the sovereignty of Spain
 over the islands, and that a fair construction of the terms of the article can
 require only such changes in the government of the islands, reforms in ad-
 ministration and kindred changes, as do not affect ultimate Spanish sovereignty. ||
 It is the contention on the part of the United States that this article leaves
 to the determination of the treaty of peace the entire subject of the future
 government and sovereignty of the Philippines necessarily embraced in the
 terms used in the Protocol. || The Spanish Commissioners support their con-
 tention upon two grounds: First, that the meaning of the words is not such
 as to include the sovereignty of Spain in the Philippines. Second, that the
 history of the negotiations, and the reservations made by Spain in the course
 thereof, preclude the United States from making its claim. || It is a principle
 of law no less applicable to international differences than to private contro-
 versies that where the result of negotiations has been embodied in a written
 compact, the terms of such agreement shall settle the rights of the parties.
 The reasons upon which this doctrine rests are too well known to need
 recapitulation here. While the United States might well rest its case upon
 a construction of the terms used, it has no disposition to avoid the fullest
 examination and the most searching scrutiny of the negotiations which preceded
 the making of the Protocol, as they but serve to make clear the purpose of
 the parties to leave to the treaty now in process of negotiation the fullest
 opportunity to dispose of the government and sovereignty of the Philippine
 Islands in such a manner as might be recorded in the treaty.

The two Governments being at war, negotiations with a view of obtaining a treaty of peace were opened by the Government of Spain through the Minister of State addressing to the President of the United States, in the name of the Government of Her Majesty the Queen Regent, a note dated the 22nd of Juli, 1898, which it is not necessary to set out in full here. It is sufficient to say that therein the President of the United States is asked to name the terms upon which peace may be had between the two countries. This note was presented to the President of the United States of the 26th day of July, 1898, by Mr. Cambon, Ambassador of the French Republic at Washington, authorized to make the application, and represent the Spanish Government in the subsequent negotiations which led up to the execution of the Protocol. At that meeting the President received the note of July 22 from the Spanish Government and advised Mr. Cambon that after consultation with his Cabinet he would prepare an answer which could be transmitted to the Spanish Government. On July 30, following, the terms of peace having been carefully considered and agreed upon by the President and his Cabinet, the President received Mr. Cambon at the Executive Mansion in Washington, at which meeting were also present Mr. Thiébaud, Secretary of the French Embassy of Washington, and the then Secretary of State of the United States. The answer of the President to the communication of the Spanish Government, dated July 30, 1898, was then read to Mr. Cambon. This note was in the exact form in which it was afterwards signed and delivered to Mr. Cambon to be sent to the Spanish Government, with a single exception. After some discussion of the terms of the note as to Cuba, and Porto Rico and other West Indian islands, Mr. Cambon said he did not know what the Spanish Government would desire as to the Philippines, and no matter what the note might say as to the Commission, the Spanish Government would regard the purpose of the United States as being fixed to acquire not only Cuba and Porto Rico, but the Philippines as well. The President said that as to the Philippines the note expressed the purposes of this Government, and their final disposition would depend upon the treaty to be negotiated by the Commissioners and ratified by the interested Governments. ¶ After further discussion, in which the President reiterated that the treaty must determine the fate of the Philippines, and the note of the President on that subject reading then as now with the single exception that the word "possession" was then in Article III, so that it read "control, possession and government of the Philippines", where it now reads "control, disposition and government of the Philippines" Mr. Cambon said that the word "possession" translated into Spanish in such a way as to be regarded as of a severe and threatening nature, and suggested a change in that word. He suggested the word "condition". The President declined to change the word except for a word of similar import or meaning. The word "disposition" being suggested, after considerable talk the President consented that that word, not changing the meaning, being indeed

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a broader one and including possession, might be substituted. Thereupon the note at the close of the interview of July 30, in exactly the form it was originally cast with the single change of the word "disposition" for "possession" was delivered to Mr. Cambon to be communicated to the Spanish Government. || On Wednesday, August 3, in the afternoon, Mr. Cambon having intimated a desire for a further interview with the President, another meeting between the same persons was held at the Executive Mansion. Mr. Cambon said the Spanish Government had received the answer of the President, and that it was regarded by Spain as very severe. After asking a modification as to Porto Rico, to which the President promptly answered that he could not consent, Mr. Cambon said there was a disposition to believe in Spain that the United States intended to take the Philippine group; that the Spanish Government appreciated that reforms were necessary in the government; that American privileges should be granted; but that Spanish sovereignty should not be interfered with was a matter which Spain would insist upon. The President answered that the question of Cuba, Porto Rico and other West India islands, and the Ladrões, admitted of no negotiation; that the disposition of the Philippine Islands, as he had already said to Mr. Cambon, must depend upon the treaty which might be negotiated, and that he could not make any change in the terms theretofore submitted. Mr. Cambon called attention to the wording of the note as to the possession of the city, bay and harbor of Manila to be retained during the pendency of the treaty, and asked what was to be done with them afterwards. The President said that must depend upon the terms of the treaty. || This is the same interview alluded to in the memorandum of the Spanish Commissioners as having occurred on the 4th of August. It in fact occurred on the afternoon of August 3, the difference in date arising from the fact, no doubt, that it was reported on the 4th of August. This can make but little difference, as there was but one interview at that time. || In reporting the conversations, and comparing the memoranda made by Mr. Cambon with those made by the representative of the American Government then present, it must be borne in mind that Mr. Cambon did not speak or understand English, but communicated with the President through the medium of an interpreter, his Secretary, and that neither of the American representatives understood or spoke the French language. Making this allowance, it is perfectly apparent that the American President even in the version reported and transcribed in the memorandum of the Spanish Commission, at all times maintained that the treaty of peace should determine the control, disposition and government of the Philippines. The President did say that the Philippine question was the only one left open for negotiation and settlement in the treaty. It is undoubtedly true that it was not then fully settled in his own mind as to what disposition should be made of the Philippines. Had it been, there would have been nothing to leave to negotiation and settlement in the treaty. It was the purpose of the President

in everything written and spoken to leave to the negotiators of the treaty the most ample freedom with reference to the Philippines, and to settle, if their negotiations should result in an agreement, the control, disposition and government of those islands in the treaty of peace. When Mr. Cambon spoke of Spain's purpose to retain sovereignty over those islands, the President did say he wanted it clearly understood that no ambiguity should remain upon that point, but that the whole matter should be decided as set forth in the treaty of peace, which should determine the control, disposition and government of the Philippine Islands. He certainly did not use the word "intervention" nor limit the subject of negotiation to „advantages" in the Philippines; nor can it be claimed that any report was made to the Spanish Government of the precise English words used by the President. In the same paragraph quoted in the memorandum of the Spanish Commission in which it is said he used the words above quoted, it is added that the President also said the negotiators should decide upon the "intervention" (contrôle), disposition and government of the Philippine Islands. Even this version of the conversation is ample proof that the President showed no uncertainty as to the scope and meaning of the terms used. He did say in substance, in reply to the inquiry of Mr. Cambon as to whether the United States had prejudged the matter of the Philippine Islands and the rights to be acquired therein by the United States, that the case had not been prejudged either as to the United States or as to Spain. The whole matter would be left to the Commission for negotiation, and to be settled by the treaty of peace. In the meantime the United States would insist upon holding Manila as laid down in the note, and its disposition thereafter would depend upon the terms of the treaty. This is reported in the quotation in the Spanish note as the utterance of the President that „the Madrid Government can rest assured that up to now nothing is decided a priori in my own mind against Spain, nor do I consider anything decided by it against the United States". This may not be an unfair interpretation, though not the exact words used by the President. It shows clearly that he did not regard the United States as limited to "advantages in the Philippines", but the whole matter, being undecided in the President's mind, was left open in accordance with the terms of the note. The case was not decided in advance in any of its aspects either for or against either government.

Great stress is laid in the Spanish memorandum upon the allegation that the President had not then determined to take the Philippine group, and indeed did not intend to do so. It is utterly immaterial to inquire as to what either Government would then have insisted upon. There was a mutual agreement that the question should not then be decided. Opportunity for full investigation was reserved, the final conclusion to be arrived at as the result of the negotiations now in progress, in the treaty of peace to be here concluded. || Further conversation as to the number of Commissioners, the place

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of meeting, et cetera, terminated the interview. || On the afternoon of August 9, Mr. Cambon, having received the note of August 7 sent by the Duke of Almodovar, called by appointment at the Executive Mansion in Washington, at which interview were present the same parties as at the last meeting. The part of that note which relates to the Philippines, in the exact terms in which it was then presented in English text by the French Ambassador to the President of the United States, is as follows: || “The terms relating to the Philippines seem, to our understanding, to be quite indefinite. On the one hand, the ground on which the United States believe themselves entitled to occupy the bay, the harbor and the city of Manila, pending the conclusion of a treaty of peace, cannot be that of conquest, since in spite of the blockade maintained on sea by the American fleet, in spite of the siege established on land by a native supported and provided for by the American Admiral, Manila still holds its own, and the Spanish standard still waves over the city. On the other hand, the whole Archipelago of the Philippines is in the power and under the sovereignty of Spain. Therefore the Government of Spain thinks that the temporary occupation of Manila should constitute a guaranty. It is stated that the treaty of peace shall determine the control, disposition, and government of the Philippines; but as the intentions of the Federal Government by regression remain veiled, therefore the Spanish Government must declare that, while accepting the third condition, they do not a priori renounce the sovereignty of Spain over the archipelago, leaving it to the negotiators to agree as to such reforms as the condition of these possessions and the level of culture of their natives may render desirable. || “The Government of Her Majesty accepts the third condition, with the above mentioned declarations.’ || “Such are the statements and observations which the Spanish Government has the honor to submit in reply to your Excellency’s communication. They accept the proffered terms, subject to the approval of the Cortes of the Kingdom, as acquired by their constitutional duties. || “The agreement between the two governments implies the irremovable suspension of hostilities and the designation of Commissioners for the purpose of settling the details of the treaty of peace and of signing it, under the terms above indicated.” || It is translated in the memorandum of the Spanish Commissioners in language differing somewhat from the terms of the note as presented to the President. In the translation in the memorandum it is said that the treaty shall determine “the intervention, disposition and government of the Philippine Islands”. In the note as presented to the President it reads “it is stated that the treaty of peace shall determine the control, disposition and government of the Philippines”. The word “entire” precedes “sovereignty” in the translation embodied in the Spanish note. || It is true that, taking these words of the Duke of Almodovar either as they were conveyed to the President of the United States, or as they are now quoted in the Spanish proposition, it may be argued that they do no more than reserve to Spain the right to maintain that she did

not in advance of the negotiations for peace renounce her sovereignty over the archipelago. She did this, by her own declaration, for the reason that the intentions of the United States were "veiled"; clearly perceiving that by the terms of the demand the United States would have the right, if it saw fit to exercise it, to ask that she yield her sovereignty over the group, and that her sovereignty was thus put in jeopardy, she took the precaution to say that she did not intend, in assuming the chance of such a demand, to concede it in advance.

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The American Commissioners do not deny that this may be a fair construction of this particular paragraph of the Duke's note. The representatives of the United States were not willing, however, to leave anything to construction. When therefore the Duke's answer was read to the President it was immediately objected to by him and the Secretary of State, in that it was vague and indefinite, purporting to accept the terms laid down in the note of the United States, while requiring some modification. In referring to the Philippines, while in one paragraph it stated the acceptance of the terms, in another it seemed to retain the full right of sovereignty, with such reforms, etc., as that Government might see fit to grant. The unsatisfactory character of this answer is more clearly shown when in the subsequent part of the same note, not quoted in the memorandum of the Spanish Commissioners, it was said without qualification that they (the Spanish Government) accept the proffered terms, subject to the approval of the Cortes of the Kingdom, as required by their constitutional duties. In the part of the note referred to above it is said "the Spanish Government must declare that, while accepting the said condition, they do not a priori renounce the sovereignty of Spain over the archipelago, leaving it to the negotiators, etc." These contradictory statements were called to the attention of Mr. Cambon, and made the note, as was said to him, unsatisfactory to the United States. || It is to be observed, as has already in effect been pointed out, that even the terms of this note are inconsistent with the claim now put forward that Spanish sovereignty shall not be interfered with, for the length to which the statement goes in the note is that the Spanish Government does not a priori relinquish entire sovereignty over the Philippine Archipelago, thus leaving it clearly to be inferred that the Spanish Government recognized that the negotiations resulting in a treaty might require a relinquishment of Spanish sovereignty consequent upon such negotiations. || Mr. Cambon, having heard the objections raised by the American representatives to the note, asserted that allowance must be made for different translations which the note had undergone in course of transmission, and to the desire of the Spanish Government to express regret at the loss of its colonies; and he was very confident that it was the intention to accept the terms of the United States. It was then suggested by the American Representatives that if this be true, and the note was to be regarded as a full acceptance, the best way to settle the matter was to put the

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terms in the shape of a definite Protocol, which the President would authorize the Secretary of State to sign for the United States, Mr. Cambon to submit to the Spanish Government the exact terms of the Protocol, to which an answer Yes or No could be had; and if the Spanish Government accepted the Protocol, that would end the controversy. Mr. Cambon concurred in this view and said if the Protocol was drawn up in proper form he would submit it to the Spanish Government, and if authorized would execute it on its part. || On that evening, August 9, the protocol was prepared in the State Department at Washington, and taken to the Executive Mansion, where it was submitted to the President and members of the Cabinet there present. On the morning of August 10, Mr. Cambon called at the State Department at Washington, a draft of the Protocol was submitted to and approved by him, and put into French by Mr. Thiébaud, Secretary of the French Embassy at Washington, and experts in the State Department. It was carefully compared with the English text, and then telegraphed by Mr. Cambon to the Spanish Government. On the same day, August 10, the note of the Secretary of State enclosing the Protocol was sent to Mr. Cambon in Washington. This note, it is said, contains the admission of the Secretary of State of the United States that the note of the Duke of Almodovar of August 7 "contained in its spirit the acceptance by Spain of the conditions proposed by the United States." The best answer to this obvious misconception of the terms of the note of the Secretary of State is in the text of the note itself, which is as follows:

Department of State, Washington, August 10, 1898.

Excellency, Although it is your understanding that the note of the Duke of Almodovar, which you left with the President on yesterday afternoon, is intended to convey an acceptance by the Spanish Government of the terms set forth in my note of the 30th ultimo as the basis on which the President would appoint Commissioners to negotiate and conclude with Commissioners on the part of Spain a treaty of peace, I understand that we concur in the opinion that the Duke's note, doubtless owing to the various transformations which it has undergone in the course of its circuitous transmission by telegraph and in cipher, is not, in the form in which it has reached the hands of the President, entirely explicit. || Under these circumstances, it is thought that the most direct and certain way of avoiding misunderstanding is to embody in a Protocol to be signed by us as the representatives, respectively, of the United States and Spain, the terms on which the negotiations for peace are to be undertaken. || I therefore enclose herewith a draft of such a Protocol in which you will find that I have embodied the precise terms tendered to Spain in my note of the 30th ultimo, together with appropriate stipulations for the appointment of Commissioners to arrange the details of the immediate evacuation of Cuba, Porto Rico, and other islands under Spanish sovereignty in the West Indies, as well as for the appointment of Commissioners to treat

of peace. || Accept, Excellency, the renewed assurance of my highest consideration.

(Signed:) William R. Day.

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His Excellency M. Jules Cambon, etc.

In this note, so far from saying that the Secretary of State of the United States understands that the note of the Spanish Government of August 7 accepts the American terms, it is distinctly said "although it is your (Mr. Cambon's) understanding that the note of the Duke of Almodovar is intended to convey the acceptance by the Spanish Government of the terms set forth in my note of the 30th ultimo, * * * I understand that we concur in the opinion that the Duke's note, doubtless owing to the various transformations which it has undergone in the course of its circuitous transmission by telegraph and in cipher, is not, in the form in which it reached the hands of the President, entirely explicit." || Here it is distinctly stated that the Secretary of State and Mr. Cambon concur that the note is not entirely explicit. Was it then to be expected after all this careful negotiation that a note which the American representatives contended did not accept the terms of the United States, and which both negotiators agreed was not explicit, was to be received as a satisfactory answer to the American demand? Not so. || "Under these circumstances it is thought that the most direct and certain way of avoiding misunderstanding is to embody in a Protocol, to be signed by us as the representatives, respectively, of the United States and Spain, the terms on which the negotiations for peace are to be undertaken." This is a most emphatic and definite declaration that the note of August 7 was not satisfactory, and that it was the purpose of the United States to leave nothing open to misunderstanding, but to embody, in a contract so plain that dispute would be forever foreclosed, the exact terms upon which negotiations for peace would be undertaken. The note goes on to say "I therefore enclose herewith a draft of such a Protocol, in which you will find that I have embodied the precise terms tendered to Spain in my note of the 30th ultimo, together with appropriate stipulations for the appointment of Commissioners, etc." What does this note mean? Does it admit the construction that the proposal was intended to embody the acceptance of August 7, reserving Spanish sovereignty? It is definitely settled, as a perusal of the document will show, that the Protocol embodied, not the uncertain and equivocal terms of the note of August 7, but the precise terms stated in the note of the American Government of July 30. This note to Mr. Cambon enclosed the Protocol just as it was written and just as it was signed by the parties. It would seem, if ever an attempt was fairly made to have a clear understanding, if ever all precautions were taken which could leave no room for misunderstanding, such was the course pursued in the present case. || It is thus seen how utterly groundless is the declaration in the Spanish "proposition" that, in order to determine the meaning of the Protocol, it is necessary to "bear in mind * * * the negotiations carried on between the two

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parties which culminated in this agreement, and in which the interpretation of the latter had been given beforehand and officially"! In the correspondence thus invoked by the Spanish Commissioners as an interpretation of the Protocol, the two Governments did not contemplate the execution of such an instrument; and if the response of the Spanish Government to the American demands had taken the form of a simple acceptance, no Protocol would have been made. The first suggestion of such an instrument was that made in the interview in which the Spanish response was declared to be unsatisfactory. It was because the Spanish response was unacceptable that the United States demanded a Protocol. And it is upon this rejected response that the Spanish argument for the limitation of the clear scope and meaning of the Protocol is built. || If further proof of the soundness of the position of the United States were needed, it would be found in a most convincing form in the telegram sent by Mr. Cambon to the French Minister of Foreign Affairs. See the French "Yellow Book" referred to in the Spanish memorandum, telegram number 9, Mr. Cambon to the French Minister of Foreign Affairs.

No. 9.—M. Jules Cambon, Ambassador of the French Republic at Washington, to M. Delcassé, Minister for Foreign Affairs.

Washington, August 10, 1898.

The Federal Government has decided to state precisely (*préciser*), in a Protocol, the bases upon which the peace negotiations must, in its judgment, be entered upon.

I send you herewith this document, which I shall thank you to transmit to the Spanish Government.

(Signed:)

J. Cambon.

In this telegram, which was immediately communicated to the Spanish Government, and which led to the telegram to Mr. Cambon authorizing him to sign the Protocol, followed by full power from the Queen Regent to Mr. Cambon to that effect, Mr. Cambon distinctly says, not that the American Government has accepted the note of August 7, or in any wise agreed to such reservations as are contained therein, but that "the Federal Government has decided to state precisely (*préciser*), in a Protocol, the base upon which the peace negotiations must, in its judgment, be entered upon. I send you this document, etc." || It thus clearly appears that the bases of peace negotiations were to be determined by the instrument which was enclosed, and which it was understood put in definite terms the ultimate agreement of the parties. || It was because the answer made in the note of August 7 was rejected by the United States, and for this reason alone, that hostilities were not upon the receipt of that note declared so be suspended; and it has remained for the Spanish Commissioners in their "proposition" to advance for the first time in behalf of their Government the suggestion that such a declaration should then

have been made. It was not so made because that note was not received as an acceptance of the American demands. Hostilities were declared to be suspended only upon the signature of the Protocol. || The correspondence quoted in the French "Yellow Book", no less than the subsequent communications from Mr. Cambon to the American Government, shows distinctly that with the exact terms of this Protocol before it, the Spanish Government, on the 11th instant, and subsequently by full power of the Queen Regent, authorized Mr. Cambon to execute the Protocol in behalf of Spain. Observe the language of the note of Mr. Cambon to the American Secretary of State of August 12, 1898:

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Embassy of the French Republic in the United States,

Washington, August 12, 1898.

Mr. Secretary of State: I have the honor to inform you that I have just received, through the intermediation of the department of foreign affairs at Paris, a telegram, dated Madrid, August 11, in which the Duke of Almodovar del Rio announces to me that, by order of Her Majesty the Queen Regent, the Spanish Government confers upon me full powers in order that I may sign, without other formality and without delay, the Protocol whereof the terms have been drawn up by common accord between you and me. The instrument destined to make regular the powers which are thus given to me by telegraph will be subsequently addressed to me by the post. || "His Excellency the Minister of State adds that in accepting this Protocol, and by reason of the suspension of hostilities which will be the immediate consequence of that acceptance, the Spanish Government has pleasure in hoping that the Government of the United States will take the necessary measures with a view to restrain (*empêcher*) all aggression on the part of the Cuban separatist forces. || The Government of the Republic having, on the other hand, authorized me to accept the powers which are conferred upon me by the Spanish Government, I shall hold myself at your disposition to sign the Protocol at the hour you may be pleased to designate. || Congratulating myself upon thus cooperating with you toward the restoration of peace between the two nations, both friends of France, I beg you to accept, Mr. Secretary of State, the fresh assurances of my very high consideration.

(Signed:)

Jules Cambon.

In the light of these facts, it appears there is absolutely no foundation for the claim that the American Government accepted the Spanish reservations so far as they are contained in the note of the Duke of Almodovar of August 7. Had that note been only a distinct and unqualified acceptance of the terms as contained in the American note of August 30, it would have been unnecessary to require that all uncertainty and doubt should be removed by reducing into few and simple terms, which it was believed could never be misunderstood, the final agreement of the parties. So far from remaining

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 Vereinigte to the President. Thus ended the attempt to come to an agreement by corre-
 Staaten spondence; and it was decided that a Protocol should embody the ultimate
 und Spanien, terms. || The Spanish Government telegraphed the amplest authority to Mr.
 9. Nov. 1898. Cambon to execute it. We are then remitted to the terms of the Protocol
 itself. || The American Government is at a loss to know how stronger terms
 could have been used to evidence the purpose of the President to keep open
 the most full and absolute right to deal with and determine the dominion
 over the Philippine Islands. This was the purpose of inserting the third
 article of the Protocol, which embodied the terms of the third demand of
 the United States, as set forth in the note of July 30 of the American Go-
 vernment to the Duke of Almodovar, wherein it is said: "Third. On similar
 grounds the United States is entitled to occupy and hold the city, bay, and
 harbor of Manila pending the conclusion of a treaty of peace which shall
 determine the control, disposition and government of the Philippines." || What
 are these similar grounds? They are to be found in the next preceding
 paragraph of the note of July 30, in which the President says that, though
 not then making any demand for pecuniary indemnity, nevertheless he cannot
 be insensible to the losses and expenses of the United States incident to the
 war, or to the claims of our citizens for injuries to their persons and pro-
 perty during the late insurrection in Cuba. He must, therefore, require the
 cession to the United States, and the immediate evacuation by Spain, of the
 Island of Porto Rico, etc. On similar grounds, to wit, among others the right
 of the United States to have indemnity for its losses, the United States will
 hold the city, bay and harbor of Manila pending the conclusion of a treaty
 of peace, which shall determine the control, disposition and government of the
 Philippines. || How could the United States receive indemnity in whole or in
 part from the control, disposition and government of the Philippines, if Spa-
 nish sovereignty was not to be touched? It is difficult to conceive what terms
 could have been used which would more clearly have evidenced the purpose
 of the parties to afford the fullest latitude in dealing with the Philippine
 question. The treaty was to determine not alone the control, disposition and
 government, but at the same time had full power to determine all that is
 implied in control, disposition and government. Certainly the word "control"
 was not used here in the sense of "register" or "inspection", but in its broader
 sense of "authority or command; authority over; power over; the regulation
 or rule of." || What word could be broader than "disposition", which has
 practically the same meaning in both the French and English languages?
 "The disposal of; distribution of; alienation of; definite settlement of; ultimate
 destination." We have in these two words, then, authority over, dominion of,
 final and ultimate destination of the subject matter. What is "government"
 but the right of administration, or exercising sovereignty, the direction, the
 political management of a state? Either of these terms implies power of

interfering with sovereignty. Taken together, they give the fullest scope in dealing with all power, governmental, territorial and administrative. || It is not argued in the Spanish "proposition" that these words should have a narrow meaning so far as disposition and government are concerned, but transcribed into the French language it is sought to give a narrower meaning to the word "control". It must be construed in the connection in which it is found in the Protocol, in its broader sense of power or dominion. "Noscitur a sociis" is a legal maxim which applies to the discussion or determination of the meaning of phrases. "Control" associated with disposition and government of territory might have a very different significance when used in another relation in its less familiar meaning of "inspection or register". The word "disposition" used in another association might have an entirely different meaning, and a meaning which, in connection with government and control, would deprive it of all sense.

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The American Government, then, feels itself amply supported in its right to demand the cession of the Philippines with or without concessions, relying upon either the exact terms of the Protocol or those terms interpreted in the light of the negotiations, oral and written, which led to its execution. || The Commissioners of the United States notice with regret that an attempt has been made in the memorandum of the Spanish Commissioners to invoke the high authority of the French Minister for Foreign Affairs in the interpretation of the Protocol, so as to exclude therefrom all mention of the right of the treaty to deal with the control, disposition and government of the Philippines. In the French "Yellow Book" cited by the Spanish Commissioners, it is apparent that as early as the 10th of August the French Government was in possession of the exact terms of the Protocol, transmitted in the note of that date of its Ambassador, Mr. Cambon. Would anybody believe that in summing up this note the Minister would intentionally omit one of the most essential parts of the Protocol? || The note number 19 referred to is no part of the negotiations; its purpose was merely to advise the Ambassadors of the French Republic at London, St. Petersburg, Berlin, Vienna etc., of the result of the action of the representative of France in bringing about a suspension of hostilities, and the preliminary agreement as to peace, between two nations toward which the French Government was actuated by feelings of humanity and mutual friendship. In this note it is said that the points upon which both parties have reached an agreement were set forth in a Protocol. In stating the contents of that instrument doubtless through inadvertence, it is not stated that the treaty shall determine the control, disposition and government of the Philippines. || The attention of the Minister being called to this matter by the American Ambassador in Paris, he very promptly corrected any misapprehension which might exist as to his despatch. This appears in the following letter from the American Ambassador, which has just been received by the American Commissioners:

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Ambassade des États-Unis, 18, Avenue Kléber,

Paris, November 5, 1898.

Dear Sir: I beg to inform you that I saw the French Minister of Foreign Affairs in regard to that portion of the reply of the Spanish Peace Commissioners in which they refer to a letter sent by him to the French Ambassadors dated August 15, 1898, which appears in the French "Yellow Book", and attempt to construe the language used therein as an interpretation of the French Minister of the meaning of the Protocol, and speak of the unquestionable moral weight of the testimony therein given by him regarding that instrument. He assured me emphatically and unreservedly that the letter referred to was intended to be simply a brief résumé of the general features of the preliminary peace negotiations carried on between the two belligerents, and that he did not attempt to quote the precise language of the Protocol. He disclaimed any intention of given any views of his own regarding it, having no authority for so doing, and declared that the brief mention contained in his letter could in no wise be construed as an interpretation by him of the terms or meaning of that instrument. He promised that he would at once send to the French Ambassadors the full text of the Protocol in order that they might be informed of its conditions in extenso and that there might be no ground for misapprehension as to its terms. || The Minister repeated what he had said several times before, and which I know to be true, that he and his Government had all along observed a strict and impartial neutrality between the two powers which were negotiating, being equally friendly to both, and that he intended to continue the observance of such neutrality.

Very truly yours,

(Signed:) Horace Porter.

Hon. William R. Day,

President of the American Peace Commission, Paris.

It is stated that the occupation of Manila was to be only temporary. This is undoubtedly true. The Protocol, so far as it relates to the Philippines, is itself provisional. It expressly provides for the doing of certain things pending the conclusion of a treaty which is in this particular to supersede it. Had it provided for the permanent occupation of Manila by the United States, it would have withdrawn the Philippines to that extent from the sphere of future negotiation. || While the terms of surrender cited in the Spanish memorandum, negotiated after the execution of the Protocol and having nothing to do with the negotiations for peace, show the character of this occupation, it is to be noticed that the very paragraph cited from the terms of that document shows that it was equally contemplated that conditions might arise which would require the evacuation by the Spanish forces of the city. In it it is said "the return of the arms surrendered by the Spanish forces shall take place when they evacuate the city or when the American army evacuates it". The commanders of the American and Spanish forces did not undertake to determine the right of either party permanently to hold

Manila, but contemplated conditions which might require its evacuation by the forces of either country. || But it is as idle to cite the stipulations of the capitulation for the purpose of determining the meaning of the Protocol as it would be to cite the stipulations of the Protocol for the purpose of determining the meaning of the capitulation. It is notorious that, owing to the interruption of telegraphic communication, Manila was captured and the capitulation arranged and concluded by the commander of the American forces in the Philippines without communication with his Government, which was at the moment as uninformed of what was taking place at Manila as was its commander of what was taking place at Washington. It is superfluous, therefore, to argue, even if it were material to do so, that the stipulations of the capitulation cannot be invoked in explanation or limitation of the stipulations of the Protocol. For the same reason it is perhaps unnecessary to comment upon the statement that "General Merritt, contrary to what had been agreed upon in Article VI of the same (Protocol), forcibly took possession of Manila". The American Commissioners are loth to assume that the Spanish „proposition" employs these words for the purpose of intimating that General Merritt could at the time of the capture of Manila have had knowledge of the Protocol. It is a fact doubtless well known to the Spanish Government that on the 16th of August last, four days after the signature of the Protocol, and four days before the receipt at Washington of the news of the capture and capitulation of Manila, the Department of State addressed to the French Ambassador a note soliciting the consent of the Spanish Government to the restoration of cable communication between Manila and Hong Kong, in order that continuous telegraphic connection with the Philippines might be reestablished. | It is observed that the Spanish Commissioners in their "proposition" say that the words of the Protocol in relation to the Philippines "have not a clear meaning", but that no matter what construction may be placed upon them, "in no case can their meaning be so stretched as to involve in any way the idea of cession of the sovereignty of Spain over the archipelago", since "such a cession or acquisition in perpetuum of the archipelago by the United States, had it been agreed upon in the Protocol, would have been in contradiction with the mere temporary occupation of Manila, which at the same time was agreed upon in the same clause of that instrument". This statement, as well as the paragraph that immediately follows it, merely reiterates the erroneous assumption, to which we have already adverted, that the ultimate demands of the United States in respect of the Philippines were embodied in the Protocol, while, as a matter of fact, the instrument shows upon its face that it was agreed that the formulation of those demands should be postponed till the negotiations for a treaty of peace should be undertaken. || How, then, stands the demand of the Government of the United States for the cession of the Philippine Islands with the concessions which it is willing to make, as set forth in its proposition of the 31st ultimo? This demand might be limited

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 Vereinigte sioners do not herein concede. The United States does not now put forward
 Staaten any claim for pecuniary indemnity to cover the enormous cost of the war.
 und Spanien. It does not take the sovereignty of Cuba; as has been shown in former me-
 9. Nov. 1898. moranda submitted by the American Commissioners, it assumes only burdens
 there. It does demand, and Spain has agreed to cede, the Island of Porto
 Rico and the small Island of Guam in the Ladrone. What is Spain asked
 to give up in the Philippines? A country constantly in rebellion against its
 sovereignty, so that if the United States were to withdraw therefrom to-day,
 Spain would immediately have to resort to arms to overcome a rebellious and
 discontented people. || This situation could not be more vividly portrayed than
 to use the words of the Spanish memorandum in which, after speaking of
 Spain's neglect of her own welfare to the detriment of her full development,
 this condition is attributed to "her desire to preferentially attend to her co-
 lonies, creatures who, like all others in the order of nature, enlist the utmost
 solicitude on the part of their mother, who feeds and supports them at the
 sacrifice of her welfare".

The American Commissioners note, with some surprise, that the Spanish
 Commissioners, so soon after having provisionally accepted the American
 articles as to Cuba and Porto Rico, now return to the question of the
 so-called Cuban debt. They regret to find a position which, under certain
 reserves, had been distinctly waived, immediately resumed, and now expressed
 in language rarely employed in diplomacy, unless to convey a deliberate ulti-
 matum. The Spanish Commissioners assume that this debt, for the most part
 incurred by Spain (not Cuba) in the effort first to subjugate the Cuban insur-
 gents, and subsequently to overcome the United States, has the binding effect
 of a mortgage upon the very land wrested from Spain through the defeat of
 this effort. They then say that they cannot even admit any discussion as to
 the validity and efficacy of such mortgages. In language equally unusual,
 they continue: "Let it be understood, therefore, and the Spanish Commissioners
 hope there will be no necessity to repeat it, that Spain cannot and ought
 not to agree in this treaty" etc. Now, since Spain, as lately as in the next
 to the last paper filed here by her Commissioners did, under reserve, agree
 in this treaty to waive objections to our articles containing no reference to
 the so-called Cuban debt, the American Commissioners feel themselves justified
 in inquiring distinctly whether this sudden change of position is final? Do
 the Spanish Commissioners wish it to be understood now, without any neces-
 sity for repetition, that they will accept no treaty which does not provide for
 an assumption of this so-called Cuban debt, or for some part of it, by the
 United States, for itself or for Cuba? || The American Commissioners observe
 also the declaration that the dignity and self-respect of Spain forbid an in-
 quiry into the use Spain may have made of the proceeds of these loans.
 Now — to consider only a single aspect of the issue thus raised — it is not

denied that the proceeds of a part of these loans were employed directly in making war upon the United States. Is it to be understood that the United States, after succeeding in the war, is forbidden to take notice even of this fact? That would be to require the successful nation to pay the war expenses of the defeated nation. Is it an acceptance, without inquiry, of this part of the so-called Cuban debt, that the Spanish Commissioners declare is demanded by the dignity and self-respect of Spain — which they wish therefore to have now understood, and which they hope there will be no necessity to repeat? || The American Commissioners do not here examine the statements that these debts were legally created, that they may have been legally acquired by individuals of various nationalities, or that Spain is not the proprietor of these rights of third parties. They do question the statement that Spain does not demand the recognition of these so-called “secured debts” for her own benefit. They are bonds of the Spanish nation, guaranteed by the faith of the Spanish nation, with another guarantee (which might more properly have been called a “subsidiary” one), pledging Spanish sovereignty and control over certain Spanish colonial revenues. Spain has failed to maintain her sovereignty and control over these revenues, and is bound to the third parties with whom she dealt for that failure to make good her title to the security she pledged. The third parties knew what it was pledged for — the continuous effort to put down a people struggling for freedom from the Spanish rule. They took the obvious chances of their investment on so precarious a security, but they must have relied on the broad guarantee of the Spanish nation. It is not for us to deny that “the most elementary duties of public and private probity” justify that reliance, but we do deny, emphatically, that they require the freed people, or anyone acting for them, to pay the cost of all the efforts for their subjugation. To admit that such costs could be attached ineradicably to the soil they lived on, is to put it in the power of any unjust ruler to condemn a colony to perpetual subjugation and misgovernment by simply loading it with so-called “mortgages” for loans effected without their consent by their oppressors, till it can neither bear them itself nor find anyone else to assume them. That would be a conclusion alike repugnant to common sense and menacing to liberty and civilization. || After reviewing in their “proposition” the provisions of the Protocol, the Spanish Commissioners proceed to inquire whether there is any other “title”, not founded on that agreement, upon which the demand for the cession of the group can be supported. Under this head they discuss the capture of Manila by the American forces, and, after concluding that the capitulation was invalid, they declare that the treaty of peace should provide for the immediate delivery of the place to the Spanish Government, the immediate release of the Spanish garrison, and the performance of various acts which imply that the military occupation and government of the city by the United States has been illegal. || These startling pretensions require at the hands of the American Commissioners a comprehensive examina-

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tion. || On the 22nd of July, 1898, the Government of Spain, impelled by and admitting the adverse results of the war, made representations to the President of the United States by written communication of its Minister of Foreign Affairs, transmitted through the Ambassador of France at Washington, to the expressed end that "the calamities already so great" and "evils still greater" to the two countries might "be terminated otherwise than by force of arms". The response of the President, through Mr. Day, Secretary of State, to this communication was made July 30, 1898, and was in part as follows:

The President therefore responding to your Excellency's request will state the terms of peace which will be accepted by him at the present time, subject to the approval of the Senate of the United States hereafter. || Your Excellency in discussing the subject of Cuba intimates that Spain has desired to spare the island the dangers of premature independence. The Government of the United States has not shared the apprehensions of Spain in this regard, but it recognizes the fact that in the distracted and prostrate condition of the island, aid and guidance will be necessary, and these it is prepared to give. || The United States will require: || First. The relinquishment by Spain of all claim of sovereignty over or title to Cuba and her immediate evacuation of the island. || Second. The President, desirous of exhibiting signal generosity, will not now put forward any demand for pecuniary indemnity. Nevertheless, he cannot be insensible to the losses and expenses of the United States incident to the war or to the claims of our citizens for injuries to their persons and property during the late insurrection in Cuba. He must, therefore, require the cession to the United States and the immediate evacuation by Spain of the Island of Porto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrões, to be selected by the United States. || Third. On similar grounds, the United States is intitled to occupy and will hold the city, bay, and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines. || If the terms hereby offered are accepted in their entirety, Commissioners will be named by the United States to meet similarly authorized Commissioners on the part of Spain for the purpose of settling the details of the treaty of peace and signing and delivering it under the terms above indicated.

The negotiations thus entered into were followed by the Protocol of agreement between the United States and Spain signed at Washington August 12, 1898, by which it was provided:

Article I.

Spain will relinquish all claim of sovereignty over and title to Cuba.

Article II.

Spain will cede to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrões to be selected by the United States.

Article III.

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The United States will occupy and hold the city, bay and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines.

Article IV of that instrument obligated Spain to the immediate evacuation of Cuba, Porto Rico and the other islands under Spanish sovereignty in the West Indies, and provided for the appointment by each government, within ten days of the above date, of Commissioners who should meet at Havana in Cuba and at San Juan in Porto Rico within thirty days after such date for the purpose of arranging and carrying out the details of such evacuation. || By Article V of the Protocol, the Contracting Parties agreed to appoint each not more than five Commissioners to treat of peace, who should meet at Paris not later than October 1, 1898, and proceed to the negotiation and conclusion of a treaty of peace. Article VI of the Protocol is as follows:

Upon the conclusion and signing of this Protocol, hostilities between the two countries shall be suspended, and notice to that effect shall be given as soon as possible by each Government to the commanders of its military and naval forces.

Before the notice provided for in Article VI could possibly be given, and on the 13th day of August, 1898, the next day after its signature, the American land and naval forces at Manila attacked that city and, upon the 14th of August, 1898, compelled its surrender under the terms of a military capitulation, which comprehended not only the surrender and occupation of the city, but also the surrender of its garrison, being from 9,000 to 11,000 troops in number, and comprising substantially the entire Spanish military force in the Philippine Islands. The United States thereupon, having previously for a long time been in possession of the bay and harbor of Manila, took military possession of that city, and has ever since been in military occupation thereof, administering its government concerns in the manner usual in such cases. In so doing, the United States took possession of the public property of Spain situate in Manila, including certain moneys due to that Government which had been collected as revenues; proceeded to administer, collect and expend the taxes and customs of that port, and also to take charge of and administer the police government of the city; and generally continued to exercise over the city, harbor and bay the rights and powers of a belligerent in rightful military occupancy. || It is now contended by Spain, who also, as a part of that contention, rejects the articles tendered by the United States for the cession to that Government of the Philippine Archipelago, that such occupation and acts were in violation of the Protocol, and that, for that reason, she is entitled: || 1. To the immediate delivery of the place (Manila) to the Spanish Government; || 2. The immediate release of the garrison of the same; || 3. The return to the Spanish Government of all the funds and public pro-

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erty taken by the American army since its occupation of the place, and all the taxes of every kind collected or to be collected up to the time of returning the same; || 4. The recognition of the obligation on the part of the United States to indemnify Spain for alleged serious damage occasioned by the detention as prisoners of her troops, to which detention it is alleged is due the spread with impunity of the Tagalo insurrection in Luzón and its invasion of the Vizayan islands, and, moreover, because to the same has been due the alleged ill-treatment of thousands of Spanish prisoners, military and civil. || In the dilatory assertion of these extraordinary claims the Spanish Commissioners have at times repudiated and at other times have appealed to and claimed rights under the stipulations of a convention entered into between Spain and the United States, by and under which the rights, duties, liabilities and status of the contracting parties were explicitly settled. That convention is the Protocol of August 12, 1898. || It is contended by the American Commissioners that an establishment of the status quo provided for by that Protocol, and comprehended within its intent and meaning upon a fair construction of its terms, is the only demand that Spain can, upon her own theory, make in the premises, even if it is hypothetically conceded, for the mere purposes of this branch of the discussion, that the legal propositions which she advances are at all applicable to the alleged breach of the armistice. For the United States insists and has always insisted (except hypothetically as stated above and merely for purposes of this argument) that the military operations by which Manila was captured were justifiable and lawful. The status quo is the right of the United States to occupy and hold the city, harbor and bay of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines. That condition exists. The United States does so hold such territory. It has been so conceded and insisted by Spain in correspondence which will be particularly considered in another portion of this paper. That occupancy is referable to, and is justified by, the Protocol, and cannot be defeated by the alleged illegality of hostilities. To so invalidate it, it will be necessary for Spain to denounce and repudiate the Protocol in all its parts, including, of course, the authority under which this Commission is proceeding and the stipulation for an armistice, and thus produce a renewal of active war, as we shall elsewhere more fully demonstrate. || It is maintained by the American Commissioners that all and singular the acts done after the surrender of Manila and complained of by Spain were and are rightful acts under the Protocol itself; that they would have been rightful if no naval or military operations whatever had been conducted against that city after the signature thereof, and that their rightfulness is not impaired by such hostile operations. || The Protocol presents two features: One, general in its character, pertaining to negotiations for peace; the other, subordinate and special in its provisions, pertaining to the capitulation of the city of Manila and its bay and harbor,

but which is also an inseparable part and parcel of the stipulations and processes by which a treaty of peace is to be effected.

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The second of these features presents a case of the military capitulation of a certain defined territory, to be occupied and held by the United States "pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines". This stipulation is sometimes ignored and sometimes relied upon by the Spanish Commissioners to meet the various exigencies of their argument. || The Spanish Commissioners are entirely correct in treating this particular stipulation of the Protocol (as they do in one branch of their argument) as a military convention providing for a capitulation, and in citing (as they do) the laws of war applicable to military occupancy of a conquered or surrendered portion of the territory of one of the belligerents. If, therefore, as the American Commissioners contend, the acts complained of, and for which Spain now demands reparation, were rightful acts under the Protocol, and could rightfully have been done by that Government if no hostilities whatever had been conducted against Manila after its signature, the entire contention of Spain for reparation on account of those acts fails. The Protocol, as respects the occupation by the United States of the city of Manila and its bay and harbor, was, as we have observed, a military convention for the capitulation of certain territory therein specifically defined. When executed by the United States taking possession it presented a case of military occupation of that certain defined territory, and vested in that Government all the rights which the laws of war give to a military occupancy. This capitulation was general in its character and terms. It comprehended the defined territory and all that it contained, including the forts, the munitions of war, the barracks. It included every thing and every person left in the city by Spain. It included the garrison for that reason. Under the special circumstances of the case the surrender of the garrison was necessarily contemplated by the Protocol. The city was closely besieged on the land side by the insurgents. It was in extremity for provisions and the insurgents controlled the water supply. The Spanish forces had been unable to raise the siege, and therefore could not escape from the city on the land side. The city was blockaded by the American fleet; the fleet of Spain had been destroyed and there was no escape for her troops by water. The conditions were such that even if an escape could have been effected by land or sea, the forces of Spain would have had no base whatever for any military operations. So clearly was this the situation that the Spanish Commander-in-Chief fled from the city shortly before it was attacked, took refuge on a neutral man-of-war, and was conveyed by it to Hong Kong. Had it been intended that the garrison should be permitted to depart from the capitulated city, the usual provision would have been made that it should march out with its arms and with the honors of war. Containing no such provision, the exaction that the Spanish troops should surrender to the occupying power

Nr. 11978. was as justifiable and legal under the Protocol as was the taking possession
 Vereinigte by that power of the forts, barracks and munitions of war. Consequently,
 Staaten no rightful claim whatever against the United States can be made that after-
 und Spanien. wards it refused to permit the capitulated army to resume its arms and pro-
 9. Nov. 1898. ceed beyond the limits of the capitulated territory as an organized military
 force for the purpose of suppressing the Tagalo insurrection, or for any
 military purpose whatsoever. That this has always been the position of the
 United States upon this question plainly appears from the diplomatic corre-
 spondence between the two Governments, and particularly in the letter of the
 Secretary of State to Mr. Cambon dated September 16, 1898. The argument
 which would sustain the right of Spain to the release of her army would,
 with equal cogency, support a claim on her part to have delivered up to
 her for the same purpose a ship of war that might have been included in
 the capitulation, and all the munitions of war which came into the possession
 of the United States under and by virtue of its stipulated right of occupancy.
 In all cases where, pending war, a certain defined part of the territory of
 one of the belligerents is by the terms of a military convention, agreed to
 be put in the military occupation and possession of the other belligerent, the
 sovereignty of the occupying party (the United States in the present instance)
 displaces or suspends the sovereignty of the other belligerent and becomes
 for the purposes of the military occupation a substitute for it. || It is not
 necessary to multiply citations of the many authorities which sustain this
 proposition. General Halleck's work on International Law has been invoked
 by the Spanish Commissioners and the citations in this paper will be limited
 to that work, observing that they are made from the chapter which treats
 of the rights of military occupation during war as contradistinguished from
 the rights of a complete conquest.

"Capitulations are agreements entered into by a commanding officer for
 the surrender of his army, or by the governor of a town, or a fortress, or
 particular district of country, to surrender it into the hands of the enemy."
 (Halleck, Vol. II, p. 319.) || "It follows, then, that the rights of military
 occupation extend over the enemy's territory only so far as the inhabitants
 are vanquished or reduced to submission to the rule of the conqueror. Thus,
 if a fort, town, city, harbor, island, province, or particular section of country
 belonging to one belligerent, is forced to submit to the arms of the other,
 such place or territory instantly becomes a conquest, and is subject to the
 laws which the conqueror may impose on it; although he has not yet acquired
 the plenum dominium et utile, he has the temporary right of possession and
 government." (Halleck, Vol. II, p. 434.) || To consider more specifically the
 claims advanced by the Spanish Commissioners: || The first is, that Spain "is
 entitled to the immediate delivery of the place (Manila) to the Spanish Go-
 vernment." || To do this would contravene the provisions of the Protocol by
 which it is agreed that "the United States will occupy and hold the city,

bay and harbor of Manila pending the conclusion of a treaty of peace," which treaty the two Commissions have been negotiating ever since October 1, 1898. They are negotiating under the Protocol. That instrument is an entirety. Neither party, having entered into it and continued the negotiations for which it provides to a date more than two months after the acts were done of which Spain now complains, can now allege such acts as grounds for the rejection of the obligation of that instrument. || If any right of repudiation ever existed, it should have been asserted in due time as against the entire instrument and all of its provisions. This has never been attempted. On the contrary, the contracting parties have proceeded to negotiate, agree, and perform under the requirements of that instrument. || By so doing, Spain has waived the alleged breaches of the Protocol which she now advances. || The second demand is for the immediate release of the garrison of Manila. We show in another place that this garrison was, under the facts and circumstances, necessarily included in the capitulation provided for by the Protocol. || The third demand is for the return to the Spanish Government of all funds and public property taken by the American army since its occupation of the place (Manila) and all taxes of every kind, collected or to be collected. || We have maintained in another portion of this paper that the occupation of Manila is justly referable to the Protocol; that that instrument is a military capitulation; that the effect of the occupancy by the United States was to suspend the sovereignty of Spain in the territory so occupied, and to substitute for the purposes of military occupation the sovereignty of the United States. It follows upon principle and authority from these considerations that the United States had the right to take the public property, and to collect the taxes demanded, and has the right to retain the same.

"Political laws, as a general rule, are suspended during the military occupation of a conquered territory. The political connection between the people of such territory and the state to which they belong is not entirely severed, but is interrupted or suspended so long as the occupation continues. Their lands and immovable property are, therefore, not subject to the taxes, rents, etc., usually paid to the former sovereign. These, as we have said elsewhere, belong of right to the conqueror, and he may demand and receive their payment to himself. They are a part of the spoils of war, and the people of the captured province or town can no more pay them to the former government than they can contribute funds or military munitions to assist that government to prosecute the war. To do so would be a breach of the implied conditions under which the people of a conquered territory are allowed to enjoy their private property, and to pursue their ordinary occupations, and would render the offender liable to punishment. They are subject to the laws of the conqueror, and not to the orders of the displaced government. Of lands and immovable property belonging to the conquered state, the conqueror has, by the rights of war, acquired the use so long as he holds them. The

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of that country, or the State, is not in the possession of the conqueror, and he, therefore, cannot claim the incorporeal rights which attach to the whole country as a State. But, by the military possession of a part, he will acquire the same claim to the incorporeal rights which attach to that part, as he would, by the military occupation of the whole, acquire to those which attach to the whole. We must also distinguish with respect to the situations of the debts, or rather the locality of the debtors from whom they are owing, whether in the conquered country, in that of the conqueror, or in that of a neutral. If situated in the conquered territory, or in that of the conqueror, there is no doubt but that the conqueror may, by the rights of military occupation, enforce the collection of debts actually due to the displaced government, for the de facto government has, in this respect, all the powers of that which preceded it." (Halleck, Vol. II, p. 461.)

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In other particulars Spain has not only waived any right to insist that the hostilities at Manila were in violation of the Protocol, but has acted upon the assumption that they were not such acts of violation. || On August 15, 1898, the French Ambassador, acting for Spain, in a letter of that date, addressed to the Secretary of State, inquired as follows: "May the postal service by Spanish steamers be reestablished between Spain and Cuba, Porto Rico, Philippines?" || "Will Spanish merchants be permitted to send supplies in Spanish bottoms to Cuba, Porto Rico, Philippines?" || To these inquiries the Department of State answered by letter dated August 17, 1898, that: || "1. This Government will interpose no obstacle to the reestablishment of the postal service by Spanish steamers between Spain on the one side and Cuba, Porto Rico and the Philippines on the other. || "2. The United States will not object to the importation of supplies in Spanish bottoms to Cuba and the Philippines, but it has been decided to reserve the importation of supplies from the United States to Porto Rico to American vessels." || Though it is probable that both of these communications were written before notice of the capture of Manila had been received, yet it is believed that Spain has, down to the present time, availed herself of the privileges thus solicited and granted. || On August 29, 1898, the French Ambassador, acting for Spain, by letter of that date, addressed to the Secretary of State, suggested that "the Spanish troops, whom the capitulation of the city of Manila has reduced to inaction, might be placed at once at the disposal of Spain, who would use them for the defense of the islands against the insurgents. || "The Minister of State at Madrid thinks that, if the United States Government sees any objection to this arrangement, it will, at least, have no reason to oppose the despatch of troops directly from the Peninsula to the Philippines. || To this letter the Department of State made answer under date of September 5, 1898, and observed, among things: || "In your informal note of the 29th ultimo it is stated that the Spanish Government suggests that, for the purpose of checking insurgent hostilities, the Spanish troops now held as prisoners of war by the

Nr. 11978. American forces may be placed at the disposal of Spain, to be used against
 Vereinigte the insurgents; or, if this be objected to, that the Spanish Government may
 Staaten be allowed to send troops from the Peninsula to the Philippines. It can
 und Spanien. scarcely be expected that this Government would even consider the question
 9. Nov. 1898. of adopting the first alternative, in view of the fact that for some time before
 the surrender of Manila the Spanish forces in that city were besieged by the
 insurgents by land while the port was blockaded by the forces of the United
 States by sea."

It seems impossible to conceive that the correspondence from which the
 above quotations have been made could have taken place except upon the
 basis of the opinion then entertained both by the United States and Spain,
 that the possession by the former power of the City of Manila, and the sur-
 render to it of the Spanish forces were either lawful ab initio, or had become
 lawful by acquiescence and waiver by Spain, and that nothing had been done
 or required by the United States that was not warranted by the terms of
 the Protocol respecting the occupation by that Government of the city, harbor
 and bay of Manila. || And, on the 11th day of September, 1898, the Amba-
 sador of France, acting for Spain, in a letter of that date to the Secretary
 of State, distinctly stated that "the Spanish Government is of opinion that
 the occupation by the American forces of the city, bay and harbor of Manila
 must be considered in virtue of the Protocol of August 12, and not in virtue
 of what was agreed to in the capitulation of the 14th of the same month,
 which is absolutely null by reason of its having been concluded after the
 belligerents had signed an agreement declaring the hostilities to be suspen-
 ded." || Considering together these requests and concessions, and particularly
 the explicit admission above quoted, it seems a feat of forensic and dialectic
 hardihood to assert now that the military occupation by the United States of
 the City of Manila is void under the Protocol, and that, for that reason, the
 city ought to be delivered up to Spain, its garrison liberated, its forts, bar-
 racks, and munitions returned, the moneys collected paid back to Spain, and
 the United States to be mulcted in damages for the military operations of
 the insurgents. || And, considering from altogether another point of view the
 claim that, since Manila was actually captured a few hours after the Protocol
 was signed on the other side of the globe instead of a few hours before, it
 should be returned, the thought might occur to a just and impartial mind to
 remember why it was not captured earlier. The world knows that the attack
 was only delayed to protect the city and its Spanish inhabitants from the
 dreaded vengeance of the insurgents. It would be extraordinary if this act
 of humanity should now be claimed by the beneficiary as the sole reason for
 depriving the benefactor of his victory. || It might further occur to a just and
 impartial mind that the General and the Admiral commanding, to whom that
 humane delay was due, were entitled to a more generous recognition of per-
 fectly well known facts than is implied in the statements of the Spanish Com-

missioners that "in spite of this (the signature of the Protocol) General Merritt and the Admiral of the fleet demanded the surrender of the place, etc. * * * opened fire, * * * unnecessarily causing a considerable number of losses to the Spanish forces;" and again that "General Merritt and the Admiral of the squadron may not be personally responsible for the blood they unnecessarily shed on the 13th, if they had no official notice then of the Protocol which had been signed on the previous day in Washington." The American Commissioners have too high an estimate of the chivalric honor of the Spanish people to accept that as the final record Spain would wish to make of this incident. || The American Commissioners for the various reasons hereinbefore stated are constrained to reject the several demands embodied in the "proposition" to which the present paper is an answer. John B. Moore.

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The Spanish Commissioners presented their answer, copy and translation of which are annexed to this protocol, to the American Memorandum relating to the Philippine Islands, and in so doing the President of the Spanish Commissions stated that the document, besides being an answer to the American Memorandum, was also a Memorandum in support of the last proposition presented by the Spanish Commissioners; and he called attention to the concluding part, wherein a motion or proposition was made with reference to the contingency that the American Commissioners should think that they must insist upon their former proposal on the Philippines. || The American Commissioners asked that the final part of the Memorandum, to which the President of the Spanish Commission referred, be read, and it was orally translated into English by their Interpreter. || The American Commissioners moved that, in order that the whole paper might be carefully translated and attentively examined, the conference be adjourned till Saturday, November 19, at two o'clock, p. m., without prejudice to asking for a postponement if necessary. || The Spanish Commissioners expressed their assent to this motion, and it was therefore decided that the next conference should be held on Saturday, the 19th instant, at two o'clock, p. m.

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Die Amerikaner machen Konzessionen, um zum
Schluss zu kommen.

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The President of the American Commission presented a reply to the Memorandum presented by the Spanish Commissioners at the last session on the subject of the Philippines. In so doing, he called attention to the con-

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cluding part of the reply, and suggested that it be read. But, before it was read, he stated that he desired to say that the American Commissioners had carefully examined the very able argument of the Spanish Commissioners, but had felt obliged to adhere to their construction of the powers of the Joint Commission under the Protocol. The Joint Commission had been in session for several weeks, and it was the opinion of the American Commissioners that a conclusion should be reached. They had consulted their Government and had decided to make concessions, which were embodied in the concluding part of their reply, which was intended to bring the discussion immediately to a close || The concluding part of the reply of the American Commissioners was then read by their Interpreter to the Spanish Commissioners. || The President of the Spanish Commission, after the close of the reading, stated that if the memorandum of the American Commissioners contained nothing more than what had just been read, he could give an immediate answer; but, as it was necessary to translate and to become acquainted with the preceding part, some time would be needed in which to prepare a reply. He then proposed that the Commissioners meet on Wednesday the 23rd instant, unless something should arise to require a postponement. || The American Commissioners concurring, it was agreed to adjourn the conference to the 23rd of November, without prejudice to the right of the Spanish Commissioners to ask for a postponement.

Anlage.

Schlussvorschlag der Amerikaner.

The American Commissioners have examined the memorandum of the Spanish Commissioners with that deliberate care and attention which they have been accustomed to bestow upon all the representations which those Commissioners have been pleased to submit touching the questions before the conference. || They note, in the first place, that the Spanish Commissioners disclaim any intention by their paper of the 3rd of November to withdraw their previous acceptance of the American articles on the subject of Cuba, Porto Rico and the other Spanish islands in the West Indies, and the Island of Guam in the Ladrões. || This disclaimer, in spite of the form in which it is expressed, the American Commissioners would be content simply to accept without comment, were it not for the fact that it is accompanied with certain observations on the so-called Cuban debt that impose upon them the necessity of recurring to what they have previously said on that subject. || In citing the Royal Decrees of 1886 and 1890, and the contents of the bonds issued thereunder, as something with which the American Commissioners were previously unacquainted, the Spanish Commissioners seem to have overlooked or forgotten the paper which the American Commissioners presented on the 14th of October. In that paper the American Commissioners expressly mentioned

and described the financial measures of 1886 and 1890 and the stipulations of the bonds thereby authorized. But they did more than this. Being concerned with the substance rather than with the form of the matter, they reviewed with some minuteness the history of the debt and the circumstances of its creation. They showed that it was in reality contracted by the Spanish Government for national purposes; that its foundations were laid more than twenty years before the Royal Decree of 1886, and at a time when the revenues of the island were actually producing a surplus, in national enterprises in Mexico and San Domingo, foreign to the interests of Cuba; and that it was soon afterwards swollen to enormous dimensions as the result of the imposition upon Cuba, as a kind of penalty, of the national expenses incurred in the efforts to suppress by force of arms the ten years' war for the independence of the island. At this point the American Commissioners in their paper of the 14th of October referred to the financial operation of 1886, but they properly referred to it in its true character of a national act for the consolidation or funding of debts previously incurred by the Spanish Government, and expressly quoted the national guaranty that appears on the face of the bonds. At the risk of a repetition which should be unnecessary, the American Commissioners will quote from their paper of the 14th of October the following paragraph: || "Subsequently the Spanish Government undertook to consolidate these debts [i. e., the debts incurred in Mexico, San Domingo, and the ten years' war] and to this end created in 1886 the so-called Billetes hipotecarios de la Isla de Cuba, to the amount of 620 000 000 pesetas, or \$ 124 000 000. The Spanish Government undertook to pay these bonds and the interest thereon out of the revenues of Cuba, but the national character of the debt was shown by the fact that, upon the face of the bonds, "the Spanish Nation" (la Nación Española) guaranteed their payment. The annual charge for interest and sinking fund on account of this debt amounted to the sum of 39 191 000 pesetas, or \$ 7 838 200, which was disbursed through a Spanish financial institution, called the Banco Hispano-Colonial, which is said to have collected daily from the custom house at Havana, through an agency there established, the sum of \$ 33 339." || The American Commissioners then referred in the same paper to the authorization by the Spanish Government in 1890 of a new issue of bonds, apparently with a view to refund the prior debt as well as to cover any new debts contracted between 1886 and 1890, and stated that, after the renewal of the struggle for independence in February, 1895, this issue was diverted from its original purpose to that of raising funds for the suppression of the insurrection. || The American Commissioners are at a loss to perceive how, in reciting these transactions, in which past and not future obligations were dealt with, they could have been understood to intimate that Spain, through what is described in the Spanish memorandum as a "supernatural gift of divination", foresaw the insurrection of 1895 and the ultimate intervention of the United States. The American Commissioners

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Nr. 11980. will not indulge in the ready retort which this fanciful effort at sarcasm invites. Whether the consequences of imposing upon Cuba burdens not to be Vereinigte Staaten borne, were or were not foreseen by Spain, is a question upon which it would und Spanien. be idle now to speculate. || As to the special "Cuban War Emergency Loan", 21. Nov. 1898. composed of "five per cent peseta bonds", which were referred to as part of what was considered in Spain as properly constituting the Cuban debt, the American Commissioners expressly declared that it did not appear that in these bonds the revenues of Cuba were mentioned. || The American Commissioners, in reviewing in their paper of the 14th of October the history of the so-called Cuban debt, necessarily invited the fullest examination of their statements. They have yet to learn that those statements contained any error. || They freely admit, however, that they had never seen it asserted, till they read the assertion in the Spanish memorandum, that the deficiencies in the Cuban appropriation bills or budgets which the debts are said to represent were "due to the great reductions of taxes made in Cuba by the mother country". If, as they are now assured, this is a fact "well known", they are compelled to admit that they were, and that they still remain, ignorant of it. Indeed, the American Commissioners were not aware that Cuban appropriation bills or budgets existed prior to 1880, in May of which year the first measure of the kind was submitted to the Spanish Cortes. During the discussion of that budget, a distinguished Senator, not a Cuban, who had been Minister of State in the Spanish Cabinet, Señor Don Servando Ruiz Gomez, presented to the Senate an official statement of the Colonial Department, showing that the alleged debts of Cuba amounted to \$ 126,834,419.25 in gold and \$ 45,300,076 in paper, or, in round numbers, \$ 140,000,000 in gold. || It is true that after 1880, and especially after 1886, deficiencies appeared in the budgets, but a correct conception of their cause may be derived from the budget of 1886—1887, when the prior debts were consolidated. The amount of the burdens imposed upon Cuba by that budget, eight years, as the Spanish memorandum observes, "after the reestablishment of peace," was \$ 25,959,734.79, which was distributed as follows:

General obligations	\$ 10,853,836.79
Department of Justice	863,022.22
Department of War	6,730,977.17
Department of the Treasury	903,326.29
Department of the Navy	1,434,211.40
Department of the Interior	3,935,658.92
Department of Fomento	1,238,702.00
	<hr/>
	\$ 25,959,734.79

Of the sum total of this burden, it is seen that the three items of General Obligations, War, and Navy, constitute nearly three-fourths. And what where the „General Obligations"? The principal item — nine-tenths of the whole — was that of \$ 9,617,423.02, for interest, sinking-fund, and

incidental expenses, on the so-called Cuban debt. The rest went chiefly for pensions to Spanish officials. || The budget for 1896 — 97 amounted to \$ 28,583,132.23. || These figures, which speak for themselves, seem to render peculiarly infelicitous the novel suggestion that the deficiencies in the Cuban budgets have been due to the reduction of taxes. || As to that part of the Spanish memorandum in which the so-called Cuban bonds are treated as "mortgage bonds," and the rights of the holders as "mortgage rights," it is necessary to say only that the legal difference between the pledge of revenues yet to be derived from taxation and a mortgage of property cannot be confused by calling the two things by the same name. In this, as in another instance, the American Commissioners are able to refer to previous statements which, although the Spanish memorandum betrays no recollection of them, for obvious reasons remain unchallenged. The American Commissioners have shown, in their argument of the 27th of October, that the Spanish Government itself has not considered its pledge of the revenues of Cuba as in any proper legal sense a mortgage, but as a matter entirely within its control. In proof of this fact the American Commissioners quoted in that argument certain provisions of the decree of autonomy for Cuba and Porto Rico, signed by the Queen Regent of Spain on the 25th of November 1897, and counter-signed by Señor Sagasta, as President of the Council of Ministers. By that decree it was declared that the manner of meeting the expenditures occasioned by the debt which burdened "the Cuban and Spanish treasury" should "form the subject of a law" wherein should be "determined the part payable by each of the treasuries, and the special means of paying the interest thereon, and of the amortization thereof, and, if necessary, of paying the principal;" that, when the "apportionment" should have been "made by the Cortes," each of the treasuries should "make payment of the part assigned to it," and, finally, that "engagements contracted with creditors under the pledge of the good faith of the Spanish nation shall in all cases be scrupulously respected." || In these declarations the American Commissioners find, as they stated in the argument above referred to, "a clear assertion not only of the power of the Government of Spain to deal with the so-called Cuban debt as a national debt, but also a clear admission that the pledge of the revenues of Cuba was wholly within the control of that Government, and could be modified or withdrawn by it at will without affecting the obligation of the debt," and, so long as the stipulated payments upon the debt were made, without violating the engagements of Spain with her creditors. || No more in the opinion of the Spanish Government, therefore, than in point of law, can it be maintained that that Government's promise to devote to the payment of a certain part of the national debt revenues yet to be raised by taxation in Cuba, constituted in any legal sense a mortgage. The so-called pledge of those revenues constituted, in fact and in law, a pledge of the good faith and ability of Spain to pay to a certain class of her creditors a certain part of her

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Nr. 11980. future revenues. They obtained no other security, beyond the guarantee of the „Spanish Nation,” which was in reality the only thing that gave substance or value to the pledge, or to which they could resort for its performance. || One more remark, and the American Commissioners have done with the renewed discussion into which they regret to have been obliged to enter on the subject of the so-called Cuban debt. The Spanish Commissioners are correct in saying that the Government of the United States repeatedly urged Spain to reestablish peace in Cuba, and did not exclude the use of arms for that purpose; but the impression conveyed by this partial statement of facts is altogether erroneous, as is also the implied representation that Spain's course in the matter may be considered as a compliance with the demands of the United States. The Government of the United States did indeed repeatedly demand that order be reestablished in Cuba; but through long years of patient waiting it also tried and exhausted all the efforts of diplomacy to induce Spain to end the war by granting to the island either independence or a substantial measure of self-government. As early as the spring of 1869, not long after the deepening gloom of the ten years' war began to settle upon the island, the United States offered its mediation and its credit for the reestablishment of peace between Spain and her colony. Spain then as afterwards preferred war to the relinquishment of her rule, and the United States did not assume to discuss the legitimacy of the expenses incurred in the pursuit of that policy. But the question of Spain's right to incur those expenses, and that of her right or her power to fasten them as a perpetual burden upon the revenues of Cuba, after those revenues have passed beyond her control, are questions between which the American Commissioners feel neither difficulty nor hesitation in declaring and maintaining a fundamental difference both in law and in morals. || The American Commissioners, before passing to the principal subject before the conference, will briefly notice that part of the Spanish memorandum which treats of the occupation of Manila by the American forces. || With the elaborate references to the apparent implication in a previous paper that General Merritt and Admiral Dewey might have knowingly violated the armistice in their capture of Manila a few hours after its signature, and with the new remarks about Admiral Dewey's draconian order, the spontaneousness of his kind feelings, and other and similar phrases, we do not occupy ourselves; nor with the objections to our use of the word "fled" in describing the escape of the Spanish General before the surrender. We are entirely content on these points with the record. For the same reason we pass without comment the remark concerning the claim for indemnity "on similar grounds" in the Philippines that "on first sight this argument is not wanting in force; but the American Commissioners know perfectly well that this is only apparent, and that what did occur proves absolutely the contrary." We interpret this apparent charge of intentional deceit in the light of the valued assurance given in another part of the same paper

by the Spanish Commissioners when they, themselves, admit that "no language or even a phrase improper to a diplomatic discussion has been used by them" and "they avoid with the greatest care the use of any phrase which might be personally unpleasant."

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With regard to what is stated in the Spanish memorandum as to the occupation of territory as a guaranty in time of peace, and the limitations that are usually affixed to such occupation, the American Commissioners have only to advert to the fact that, as has often been observed by the Spanish Government in its communications, the state of war between the United States and Spain is not yet ended. In its original demands, just as in the Protocol of August 12, the United States declared that it would "occupy and hold the city, bay and harbor of Manila, pending the conclusion of a treaty of peace". These words imported a military occupation, with all its usual incidents, political and administrative, during the continuance of the state of war. || The distinction between the occupation of territory as a guaranty in time of peace, and the military occupation of the enemy's territory in time of war, is well illustrated in the case of France and Germany in 1871, which the Spanish memorandum, unfortunately for its purpose, cites in support of its contention as to the nature of the American occupation of Manila under the Protocol. By a convention concluded on January 28, 1871, France and Germany agreed to a general armistice, which took effect immediately in Paris and three days later in the departments. Under this convention the belligerent armies were to preserve their respective positions, which were separated by a definite line of demarcation, and, simply in recognition of the nature of the occupation, each of the armies reserved the right "to maintain its authority in the territory that it occupies, and to employ such means as may be considered necessary for the purpose by its commanders". By a subsequent convention of February 15, 1871, the fortified town of Belfort, which was besieged by the Germans, but had not been taken when the armistice was made, was brought within the German lines of occupation. On February 20, 1871, the belligerent powers concluded a preliminary treaty of peace. By this treaty, which, unlike the convention for an armistice, required the formal ratification of the two governments, the sovereignty of France over Alsace-Lorraine was renounced, and provision made for the payment to Germany besides of a war indemnity. By an additional convention signed on the same day it was agreed that the German troops should "refrain for the future from raising contributions in money in the occupied territories", but, on the other hand, it was declared that the German authorities should "continue to collect the state taxes" therein. And it was provided by the preliminary treaty that not until the conclusion and ratification of the definitive treaty of peace should "the administration of the departments" remaining "in German occupation" be "restored to the French authorities". || "The United States will occupy and hold", so reads the Protocol, "the city, bay and harbor of Manila, pending the conclusion of a treaty

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of peace". These brief words obviously and necessarily imported the military occupation, in time of war, though not of active hostilities, of a designated territory, with the usual incidents of such occupation, and not an occupation as a guarantee in time of peace. From the incidents of one kind of occupation nothing is to be inferred as to the incidents of the other, for the simple reason that the two things are different in their nature. The occupation by a belligerent army of a hostile territory is conceded to involve the exercise of a paramount power of control which would be utterly inconsistent with the rights of the titular sovereign over his territory and its inhabitants in time of peace. || The American Commissioners have examined with special care that part of the Spanish memorandum which deals with the "control, disposition and government of the Philippines", and to the consideration of that subject they will now address themselves. || The American Commissioners are obliged at the outset to call attention to the fact that the present argument of the Spanish Commissioners contains the same defects as the previous one, in being directed against a position which the American Commissioners not only have never assumed, but which they expressly repudiate. The American Commissioners now repeat that their proposal for the cession of the Philippines is neither based nor alleged to be based upon a specific concession of Spanish sovereignty in the Protocol, but upon the right secured to the United States by that instrument to make in the negotiations for peace such demands on the subject as it should then deem appropriate under the circumstances. The only obligation therefore now resting upon the American Commissioners is to show not that their proposals in regard to the Philippines are founded on the Protocol, in the same sense as their demands in the case of Cuba, Porto Rico, and Guam, but that those proposals are embraced within the right thereby expressly secured to the United States to make demands in the future.

In the light of this plain and simple proposition, which is sustained not only by the Protocol itself, but by every document referred to or quoted in the present discussion, how idle and unavailing is the characterization of the present demands of the United States as "tardy", as well as the insinuation that that Government in postponing, with the express concurrence of Spain, the formulation of its demands, was guilty of a want of "frankness"! || The American Commissioners are gratified to find in the passages quoted in the Spanish memorandum from Mr. Cambon's reports of his conferences with the President, the amplest confirmation of their position. Those reports, as quoted by the Spanish Commissioners, show that the Spanish Government, far from asking, in any proper sense of the word, "explanations" of the phrase "control, disposition and government", fully understood its meaning, and sought but failed to obtain a limitation of it. Indeed, there is not to be found from first to last a suggestion that if the words "control, disposition and government" were allowed to stand they did not embrace the amplest right to deal

with Spanish sovereignty in the islands. || In this relation it is the duty of the American Commissioners to notice the fact that the Spanish memorandum, in comparing the reports of Mr. Cambon with those quoted by the American Commissioners, intimates that the former are entitled to preference because they were contemporaneous. But the record quoted by the American Commissioners was also contemporaneous, and was made by the Secretary of State under the supervision of the President himself. With this observation, the American Commissioners will pursue their argument. || In his report of the conversation of the 30th of July, Mr. Cambon is quoted as stating that "the President of the Republic was firm in not changing the terms of Article III", but that, as the result of an appeal to his generosity, he consented to substitute the word "disposition" for "possession". || The American Commissioners have already stated that the President refused to change the word "possession" except for a word of equally extensive meaning, and that the reason for which Mr. Cambon was understood to desire the change was that the word "possession" would, when translated into Spanish, seem to be of a severe and threatening nature. The meaning of Mr. Cambon, as defined in his report to the Spanish Government, was that the word "disposition" did not "prejudge" the result of the negotiations, and that it had not so "comprehensive" a meaning as the word "possession". || The American Commissioners are unable to concur in Mr. Cambon's estimate of the relative comprehensiveness of these two English words; but they are obliged to point out, as a matter more material to the present discussion, that he does not, as the Spanish Commissioners affirm, allege that he "accepted the change because he understood that all question about the sovereignty of Spain over the Philippine Islands was thereby eliminated". On the contrary, his only claim is that the word "disposition" did not "prejudge" the "result" of the "negotiation". His understanding therefore appears to have been precisely the opposite of that ascribed to him in the Spanish memorandum. || That this is the case is confirmed beyond all peradventure by the unsuccessful efforts subsequently made by Mr. Cambon, under instructions of the Government at Madrid, to obtain a limitation of the American demand, as it then and has ever since stood, that the treaty of peace should determine "the control, disposition and government of the Philippines". || The telegram of the Spanish Government to Mr. Cambon, in relation to this demand, has now for the first time been disclosed to representatives of the Government of the United States. What other instructions Mr. Cambon may then have had in his possession, it is not material to conjecture. But, according to his own report, as quoted in the Spanish memorandum, he requested the President, in the interview of the 3rd of August, "to have the kindness to state as precisely as possible his intentions in regard to the Philippine Islands. On this point", continues Mr. Cambon, "I told him 'the answer of the Federal Government is couched in terms that may lend themselves to all claims on the part of the United States, and consequently to all

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apprehensions of Spain in regard to her sovereignty'." || Here is a clear declaration of Mr. Cambon that the phrase "control, disposition and government", admitted of "all claims" on the part of the United States", and that it created apprehensions on the part of Spain in regard to her "sovereignty"; and he asked, not for an "explanation" of the phrase, but for a statement by the President, as "precisely as possible", of his "intentions". In other words, Mr. Cambon, acting under the instructions of the Spanish Government, endeavored to obtain at that time a statement of the demands which the United States would make in regard to the sovereignty of Spain, and thereby at least an implied limitation of the rights in that regard. The reply of the President, as reported by Mr. Cambon, shows that he was firm in his determination both to retain the precise words of the demand and the full liberty of action which they secured. On this subject the President, as reported by Mr. Cambon, declared that he did not want "any misunderstanding to remain"; nothing was decided as against either Government; the negotiators of the treaty of peace must determine the matter.

This is from first to last the sum and substance of Mr. Cambon's reports, as quoted in the Spanish memorandum. The recurrence in that memorandum to Mr. Cambon's apparently casual use of the words "permanent advantages", as an evidence that sovereignty was not in question, when he himself declares that the words "control, disposition and government" lent themselves to "all claims" and therefore raised apprehension as to Spain's "sovereignty", discloses the infirmity of the contention in which the argument is employed. Indeed, the words "permanent advantages" are not in the context of Mr. Cambon invested with the importance which the Spanish memorandum now ascribes to them. As the American Commissioners pointed out on a previous occasion, it is not pretended that Mr. Cambon attempted to report the original words of the President, who spoke in English; and, immediately after attributing to the President words which he translates by the terms "permanent advantages", Mr. Cambon narrates the President's undoubted declaration that the "control, disposition and government" of the Philippines must be determined in the treaty of peace, in advance of which the case was not to be considered as decided against either Government. || In his report of the interview of the 9th of August, Mr. Cambon, as quoted in the Spanish memorandum, states that, when the note of the Spanish Government of the 7th of that month, in reply to the American demands, was read, the President and the Secretary of State were visibly displeased, and that, after a long silence, the President objected to that part of the reply which related to the evacuation of Cuba and Porto Rico. The Spanish memorandum declares that neither the President nor the Secretary of State advanced any other reason than this for their displeasure, and that, "according to Mr. Cambon, these gentlemen said nothing during the conversation respecting the said reservation made by Spain of her sovereignty over the archipelago". As no direct assertion to this effect by Mr. Cambon

is quoted, the American Commissioners are obliged to assume that he made none, and that the statement in the Spanish memorandum is a mere inference from an omission to report what was said on the subject of the Philippines. This omission may be accounted for by the fact that Mr. Cambon, although he had previously declared that the American demand admitted of "all claims", on the part of the United States, expressed and maintained the opinion that the Spanish reply fully accepted it, and therefore left nothing in that regard to be conceded, while in respect of the demand for the evacuation of Cuba and Porto Rico, which was to be immediate, the reservation by Spain of the approval of the Cortes, which was not then in session, presented an obstacle to an agreement. This objection he deemed it necessary to report, since it required, in his own opinion, a modification of Spain's reply to the American demands. But whatever may have been the cause of the omission, it is a fact that no small part of the "visible displeasure" of the President and the Secretary of State arose from the apparent design, upon which comment was duly made, in some way to limit the scope of the demand in regard to the Philippines — a design then as ever afterwards frustrated. In the opinion of the American Commissioners the note in question was far from "explicit"; nor can it be maintained that the President, while hearing that note with "visible displeasure" and adhering with "real stubbornness" to the phrase "control, disposition and government", because it "prejudged" nothing, at the same time accepted the words of limitation. || But what does Mr. Cambon say as to the introduction of the subject of the Protocol, which had not previously been suggested? After further conversation the President, as reported by Mr. Cambon, said: "There might be a means of putting an end to all misunderstanding; we might draw up a projet, which shall reproduce the conditions proposed to Spain in the same terms in which I have already framed them, and which shall establish the terms within which there shall be named on the one hand the Plenipotentiaries charged with negotiating the treaty of peace in Paris, and on the other hand the special Commissioners entrusted with the determination of the details of the evacuation of Cuba and Porto Rico." || The American Commissioners are unable to perceive the "immense difference" between this version of the President's words and that given in their own paper. The President suggests a means for putting an end, not to any particular misunderstanding, but to "all misunderstanding". And how does he propose to do this? By drawing up a Protocol, which "shall reproduce the conditions proposed to Spain", not with qualifications, reservations or explanations, but "in the same terms in which I have already framed them". There was not, nor could there be, any misapprehension as to the meaning and effect of these words, nor was any betrayed in the telegram, heretofore quoted by the American Commissioners, in which Mr. Cambon advised the Spanish Government that the Government of the United States had "decided to state precisely (*préciser*), in a Protocol, the bases upon which peace nego-

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Nr. 11980. Vereinigte Staaten und Spanien. 21. Nov. 1898. tations must, in its judgment, be entered upon". || With this telegram Mr. Cambon communicated the text of the Protocol; and if his telegraphic summary of the note of the Secretary of State of the 10th of August was, as the Spanish Commissioners admit, inaccurate, it is equally true that his previous telegram conveyed with no uncertainty the purpose of the United States in requiring the adoption of a Protocol. || If the fact were less clear than it is, that the refusal of the President to accept the Spanish reply of the 7th of August as in any respect a satisfactory answer to the demands of the United States, gave rise to the Protocol, the American Commissioners would deem it proper to examine in detail the references to that note in the Spanish memorandum. But they will, under the circumstances, merely advert to the statement that Spain in the paragraph relating to the Philippines explicitly "reserved" her sovereignty over the archipelago, the implication being that she expressly withdrew it from the sphere of negotiation. The language of the note is, however, that "the Spanish Government must declare that, while accepting the third condition, they do not a priori renounce the sovereignty of Spain over the archipelago". This language, instead of withdrawing the sovereignty from discussion, implies that it may, as the result of the negotiations, be necessary to renounce it. The American contention, however, does not require further analysis of the note of August 7 than has been given in this and the preceding memoranda of the American Commissioners. It was rejected by the President, and the final agreement of the parties reduced to the clear and unequivocal terms of the Protocol.

The Spanish Commissioners endeavor to argue that there could have been no intention to include in the powers of this Joint Commission the question of the sovereignty of the Philippines, because the Secretary of State of the United States, in his note of the 30th of July last, after stating the demands of his Government, added: "If the terms hereby offered are accepted in their entirety, Commissioners will be named by the United States to meet similarly authorized Commissioners on the part of Spain for the purpose of settling the details of the treaty of peace and signing and delivering it under the terms above indicated." Is the "unexpressed demand" of the United States, inquire the Spanish Commissioners, for the cession of an immense territory, understood by the American Commissioners to be a detail of the treaty of peace? || The American Commissioners have no difficulty in replying that they do so understand it, but not in the sense which the question implies. It is evident that the Spanish memorandum seeks to construe the language of the Secretary of States as if he had used in connection with the word "details" the word "unimportant," and actually proposed to refer to the Commissioners the settlement of only "unimportant details." It should seem unnecessary to say, however, that in speaking of "details" he merely referred to the particulars of the treaty as considered separately and in relation to the whole. It can hardly be supposed that if the two Governments

had intended that the negotiations of the treaty of peace should be occupied with details of little importance, they would each have sent five commissioners to a neutral capital for the purpose of arranging them. || But it is argued by the Spanish Commissioners that the words "control, disposition and government", even taken by themselves, do not comprehend the subject of sovereignty, but merely that of governmental "reforms". To the American Commissioners such an interpretation is incomprehensible. If nothing but "reforms" had been intended, it could never have occurred to either party to employ for that purpose three words none of which expressed its meaning, while each of them contained a broader one. On the other hand, the use of the word "sovereignty" in conjunction with the words actually employed was unnecessary, while, if used alone, it would have defeated the very object of postponing the whole subject of the Philippines for future determination. "Control, disposition and government" included everything. "Sovereignty" would have excluded everything but itself, and have left to future determination merely the question of its own existence, supreme and unconditional. In the event of the United States desiring to take only a part of the archipelago, such a limitation of the scope of the negotiations would have been injurious to both parties. || The Spanish Commissioners, however, have sought to restrict the meaning of the words "control, disposition and government," by an appeal to the French text, into which the original English was translated; and as the French word "contrôle", by which „control" was translated, bears a significance less extensive than the latter, they seem to contend that all the other words, both in the English and in the French text, should be reduced to harmony with it. || To the American Commissioners, this argument appears to involve the elimination of the entire English text and of the greater part of the French. It first strikes out, as at least superfluous, the English words "disposition and government," and the French words "disposition et gouvernement", and then limits the meaning of the English "control" to that of the French "contrôle". It thus virtually reduces the stipulation to the single French word last mentioned. By no principle of construction can this process be defended. || The American Commissioners are therefore, for the reasons which they have stated, compelled to maintain that by the plain and comprehensive terms of the Protocol, as construed in their normal sense and in the light of all the circumstances of its adoption, the future of the Philippines was left, in the fullest measure, to the determination of this Joint Commission. || This conclusion renders it necessary to answer the proposals of the Spanish Commissioners for the resignation by this Commission of its peace-making functions under the Protocol of the 12th of August, and the transfer to other persons of the duty of determining the question now particularly before it. || The Spanish Commissioners propose that the Joint Commission, shall, instead of disposing of the question of the Philippines, adopt one of the following courses: || I. Remit that question to the two Governments, for ad-

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Nr. 11980. justment, if possible, by direct negotiation, or || II. Advise those governments
 Vereinigte to submit it to an arbitration, in which the true sense of Articles III and VI
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To the first of these proposals it is sufficient to reply that both governments have by the solemn engagement of the Protocol committed to their direct representative here assembled the duty of concluding a definitive treaty of peace which shall determine the destiny of the archipelago. That these representatives shall, after weeks of patient investigation and interchange of views in oral discussion and written argument, surrender their task unaccomplished to other representatives of the same Governments, is a suggestion which cannot be seriously entertained. Indeed, the memorandum of the Spanish Commissioners frankly admits that in the event of a new disagreement the situation would be the same as that which now confronts the Paris conference. || It is equally futile now to invite arbitration as to the meaning of terms plainly expressed in the Protocol. "To avoid misunderstanding," as the United States declared in its note of the 10th of August, the precise agreement of the two Governments was put into a concise and simple form. Shall it be said that this Joint Commission is incapable of interpreting the very compact under which it has assembled? The principle of international arbitration can have no application to such a case. To avoid war no government, it is believed, will do or suffer more than the one which the American Commissioners have the honor to represent in this conference. Unfortunately no way for arbitration was opened before the actual conflict began. Arbitration, as we have had occasion heretofore to observe, precedes war, to avoid its horrors; it does not come after the trial by battle to enable either party to escape its consequences. || The American Commissioners, feeling that this body must accept the responsibility of reaching conclusions, must decline to ask the assistance of an arbitrator. It is true that the very constitution of a joint commission like the present presupposes a possible irreconcilable difference of opinion of representatives of one nation opposed to others of equal number and authority. In such an event, nothing remains but for one of the contesting parties to yield its opinions in order that a peaceful solution may be reached. In the present case the American Commissioners have determined to make concessions to the extent embodied in the proposals which will conclude this memorandum.

The United States is accused by the Spanish Commissioners of harsh and severe measures in dealing with a discomfited enemy. In the light of events which led to and characterized the war, no less than of historical precedents which might be cited, this charge is found to be entirely groundless. For half a century the attempts of the Cubans to overthrow the sovereignty of Spain over the island, within a hundred miles of the shores of the United States, have produced serious disturbances in that country, grave and constant interference with its commerce, and frequent danger of the rupture of

friendly relations with Spain. How could the conditions existing in the island be otherwise than of vital concern to us? The Cubans were our neighbors, with whom our relations were necessarily intimate and extensive; and they had been engaged in a struggle for independence with stronger reasons than existed in our own case when we rebelled against the mother country. The revolution of 1895, like the prior attempts at independence, entailed upon us heavy burdens. It made it necessary to patrol our coasts, to tax both civil and military resources in order to detect and prevent expeditions from our shores in the interests of the insurgents, and to repress the natural sympathy of our citizens, while we remained passive witnesses of misery, bloodshed and starvation in a land of plenty almost within sight of our borders. At length came the destruction of the battleship Maine in the harbor of Havana, with the loss of 266 of her crew. While we may not attribute this catastrophe to the direct act of a Spanish official, it betrayed, in the opinion of the United States, such neglect or inability on the part of Spain to secure the safety of the ship of a friendly nation in the principal harbor of the island as to induce Congress to recite it as an outgrowth of conditions which required our intervention. || War ensued; and in less than four months nearly all the ports of Cuba were blockaded, Santiago was taken, the Spanish fleets in the West Indies and the Philippines destroyed, Porto Rico was about to surrender, Manila was on the point of capitulating, and all the colonies of Spain lay practically at the mercy of the United States. This recital is made, not in an unbecoming spirit of triumph, but because it exhibits the conditions that existed, and the advantages that the United States enjoyed, when, preferring peace to war, it agreed to the Protocol. || The Spanish Commissioners in their memorandum have in diplomatic words expressed their surprise at our want of magnanimity to a defeated country. How does the case appear in the light of what has been stated? We might have demanded from Spain indemnity in money for the cost of the war, which, even if no unforeseen contingencies occur, will have amounted to \$ 240,000,000, at the close of the present calendar year, to say nothing of further expenses which will be required under the laws of the United States existing at the outbreak of the war. We might have required compensation for our injuries and losses, national as well as individual, prior to the outbreak of the war. Yet we have asked for no money. From the relinquishment of Spanish sovereignty in Cuba we derive no compensation. Porto Rico, Guam and the Philippines will bring burdens as well as benefits, and, regarded simply as indemnity, will be grossly inadequate to compensate the United States for the mere pecuniary cost of the war; and yet, in spite of all this, for the sake of peace, we propose to make to Spain liberal concessions. Can we be justly charged with abuse of our opportunities, or with taking undue advantage of the misfortunes of an adversary? The American Commissioners can perceive no ground for such a charge. On the contrary, they think that the Spanish Commissioners

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Even if the United States were disposed to permit Spanish sovereignty to remain over the Philippines, and to leave to Spain the restoration of peace and order in the islands, could it now in honor do so? The Spanish Commissioners have, themselves, in an earlier stage of the negotiations, spoken of the Filipinos as our allies. This is not a relation which the Government of the United States intended to establish; but it must at least be admitted that the insurgent chiefs returned and resumed their activity with the consent of our military and naval commanders, who permitted them to arm with weapons which we had captured from the Spaniards, and assured them of fair treatment and justice. Should we be justified in now surrendering these people to the Government of Spain, even under a promise of amnesty, which we know they would not accept? || If, on the other hand, the United States should be content to retain Luzón alone, could anything but trouble be expected from the division of the group? Would not contrasts in government, in modes of administration, and in the burdens of taxation, in different islands lying so closely together, but largely inhabited by kindred peoples, produce discontent among the inhabitants? If the natives of the islands that remained under Spanish rule should, as doubtless would be the case, continue in insurrection, would not the natives of the American islands endeavor to help them, by fitting out hostile expeditions and furnishing arms and supplies? Would not complaints then be made by one Government against the other, leading to crimination and recrimination and probably in the end to another international war? || The situation that has arisen in the Philippines was neither foreseen nor desired by the United States, but, since it exists, that Government does not shirk responsibilities growing out of it; and the American Commissioners now make to the Spanish Commissioners, in the light of those responsibilities, a final proposition. || The proposal presented by the American Commissioners in behalf of their Government to the cession of the Philippines to the United States having been rejected by the Spanish Commissioners, and the counter-proposal of the latter for the withdrawal of the American forces from the islands and the payment of an indemnity by the United States to Spain having been rejected by the American Commissioners, the American Commissioners, deeming it essential that the present negotiations, which have already been greatly protracted, should be brought to an early and definite conclusion, beg now to present a new proposition embodying the concessions which, for the sake of immediate peace, their Government is under the circumstances willing to tender. || The Government of the United States is unable to modify the proposal heretofore made for the cession of the entire archipelago of the Philippines, but the American Commissioners are authorized to offer to Spain, in case the cession should be agreed to, the sum of twenty million dollars (\$ 20,000,000) to be paid in accordance with the terms to be

fixed in the treaty of peace. || And it being the policy of the United States to maintain in the Philippines an open door to the world's commerce, the American Commissioners are prepared to insert in the treaty now in contemplation a stipulation to the effect that, for a term of years, Spanish ships and merchandise shall be admitted into the ports of the Philippine Islands on the same terms as American ships and merchandise. || The American Commissioners are also authorized and prepared to insert in the treaty, in connection with the cessions of territory by Spain to the United States, a provision for the mutual relinquishment of all claims for indemnity, national and individual, of every kind, of the United States against Spain and of Spain against the United States that may have arisen since the beginning of the late insurrection in Cuba and prior to the conclusion of a treaty of peace. || The American Commissioners may be permitted to express the hope that they may receive from the Spanish Commissioners, on or before Monday the 26th of the present month, a definite and final acceptance of the proposals herein made as to the Philippine Islands, and also of the demands as to Cuba, Porto Rico and other Spanish islands in the West Indies, and Guam, in the form in which those demands have been provisionally agreed to. In this event it will be possible for the Joint Commission to continue its sessions and to proceed to the consideration and adjustment of other matters, including those which, as subsidiary and incidental to the principal provisions, should form a part of the treaty of peace. || In particular the American Commissioners desire to treat of religious freedom in the Caroline islands, as agreed to in 1886; of the release of prisoners now held by Spain for political offenses in connection with the insurrections in Cuba and the Philippines; the acquisition of the island variously known as Kusaie, Ualan, or Strong Island in the Carolines, for a naval and telegraph station, and of cable-landing rights at other places in Spanish jurisdiction; and the revival of certain treaties heretofore in force between the United States and Spain.

John B. Moore.

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Nr. 11981. VEREINIGTE STAATEN und SPANIEN. — 16. Sitzung. .
Antwort der Spanier auf den amerikanischen Vorschlag.

28. November 1898.

The conference which was to have been held on the 23rd instant having been adjourned in consequence of the correspondence exchanged between the Presidents of the two Commissions, which is appended to the present protocol, in the shape of two letters of the President of the Spanish Commission and the answers thereto of the President of the American Commission, the Joint Commission met to-day at two o'clock, p. m., when there were || Present: — On the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid,

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Nr. 11981. Moore, Fergusson. || On the part of Spain: Messrs: Montero Ríos, Abarzuza, Vereinigte Garnica, Villa-Urrutia, Cerero, Ojeda. || The protocol of the preceding conference was read and approved. || The President of the Spanish Commission, Staaten und Spanien. in accordance with the agreement previously reached, presented to the American 28. Nov. 1898. Commissioners a document containing the final answer of the Spanish Government to the proposition as to the Philippine Islands which the American Commissioners presented as final at the last session.

The language of the answer is as follows: || "The Spanish Commissioners hastened to lay before their Government the proposition which, as final, was presented to them at the last session by the American Commissioners, and they are now specially authorized to give within the time designated and under the conditions expressed the reply which was requested of them by the American memorandum. || "Examined solely in the light of the legal principles which have guided the action of the Spanish Commissioners during the course of these negotiations, the latter consider the American proposition in every way inadmissible for the reason repeatedly set forth in previous documents forming a part of the Protocol. || "Neither can they consider the said propositions as a satisfactory form of agreement and compromise between two opposing principles, since the terms which by way of concession are offered to Spain do not bear a proper proportion with the sovereignty which it is endeavored to compel us to relinquish in the Philippine Archipelago. Had they borne such proportion, Spain would have at once, for the sake of peace, made the sacrifice of accepting them. The American Commission knows that the Spanish Commission endeavored, although fruitlessly, to follow this course going so far as to propose arbitration for the settlement of the principal questions. || "Spain then having on her part exhausted all diplomatic recourses in the defence of what she considers her rights and even for an equitable compromise, the Spanish Commissioners are now asked to accept the American proposition in its entirety and without further discussion, or to reject it, in which latter case, as the American Commission understands, the peace negotiations will end and the Protocol of Washington will, consequently, be broken. The Government of Her Majesty, moved by lofty reasons of patriotism and humanity, will not assume the responsibility of again bringing upon Spain all the horrors of war. In order to avoid them it resigns itself to the painful strait of submitting to the law of the victor, however harsh it may be, and as Spain lacks material means to defend the rights she believes are hers, having recorded them, she accepts the only terms the United States offers her for the concluding of the treaty of peace." || This answer was delivered to the American Commissioners and translated by their Interpreter into English.

The President of the Spanish Commission expressed the opinion that, the proposition of the American Commission having been accepted, it was in order for the Secretaries of the two Commissions to confer and agree upon the form in which the articles relating to Cuba, Porto Rico, and the Philip-

pine Islands should be drawn up, which articles they should afterwards submit to the Joint Commission for approval or modification. || The American Commissioners assented to this proposal, and suggested that the correspondence exchanged between the last and the present session be appended either to this protocol or to the next. || The President of the Spanish Commission concurring in this suggestion, it was agreed that the two letters which he had addressed to the President of the American Commission and the answers thereto given by the latter be appended to the present protocol. || The President of the American Commission expressed the hope that a mutually satisfactory agreement might be reached as to all matters other than those disposed of by the acceptance of the American proposition, and, in order to hasten the conclusion of the treaty, he proposed that the American Commission should draw up articles and present them at the next conference to be orally discussed, thus avoiding the presentation of memoranda which would delay the negotiations. || The President of the Spanish Commission answered that the form in which the American Commissioners should desire to proceed was left entirely to their choice and that he had nothing to suggest in this respect; and he also expressed the opinion that the presentation of memoranda would be unnecessary, except in some special case which might occur. He proposed that the meeting should be adjourned until the Secretaries should have drawn up the draft of articles previously mentioned by him. || The President of the American Commission concurred in this proposal, and, being desirous also to present the articles referring to the subsidiary points of the treaty at the next session, he moved that that session should be held on Wednesday the 30th instant, at two o'clock, p. m. || The President of the Spanish Commission concurred in this proposal, and requested the American Commission to hasten as much as practicable their proceedings, so as to terminate at the earliest possible moment the labors of the Commission.

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Anlagen.

Korrespondenz zwischen den spanischen und amerikanischen Delegierten.

I. Die spanische Kommission fordert über 7 Punkte Aufklärung.

My dear Sir, In order that this Commission and, if necessary, the Government of H. C. M., may study with a full and exact knowledge the proposition which closes the memorandum presented at yesterday's session by the Commission you worthily head, the translation into Spanish of which has just been completed, it becomes necessary to beg you that with all possible haste you will be pleased to make clear the meaning of the following points of said proposition, which to me is obscure and vague:

First. Is the proposition you make based on the Spanish colonies being transferred free of all burdens, all, absolutely all outstanding obligations and debts, of whatsoever kind and whatever may have been their origin and pur-

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pose, remaining thereby chargeable exclusively to Spain? || Second. Is the offer made by the United States to Spain to establish for a certain number of years similar conditions in the ports of the archipelago for vessels and merchandise of both nations, an offer which is preceded by the assertion that the policy of the United States is to maintain an open door to the world's commerce, to be taken in the sense that the vessels and goods of other nations are to enjoy or can enjoy the same privilege (*situación*) which for a certain time is granted those of Spain, while the United States do not change such policy? || Third. The Secretary of State having stated in his note of July 30 last that the cession by Spain of the Island of Porto Rico and the other islands now under Spanish sovereignty in the West Indies, as well as one of the Ladrões, was to be as compensation for the losses and expenses of the United States during the war, and of the damages suffered by their citizens during the last insurrection in Cuba, what claims does the proposition refer to on requiring that there shall be inserted in the treaty a provision for the mutual relinquishment of all claims, individual and national, that have arisen from the beginning of the last insurrection in Cuba to the conclusion of the treaty of peace? || Fourth. Upon stating that the treaty must contain an agreement as to the release of those held by Spain for political offenses connected with the insurrections of Cuba and the Philippines, is it desired that it be taken as meaning that at the same time there is to be no agreement as to the release of the Spanish prisoners held in the possession of the American forces and their auxiliaries, the insurgents of Cuba and the Philippines? || Fifth. In the treaty there is also to be an agreement as to the acquirement by the United States of cable landing privileges in other places under the jurisdiction of Spain. Where are such places? Does this sentence only include territories of Spain in the Orient, or in the Peninsula also? || Sixth. It is also said that certain treaties which were in force between the United States and Spain up to this time will be revived. What are these treaties? || And, finally, seventh. The American Commissioners say that if the Spanish Commissioners accept their proposition finally and definitely and the previous proposals as to Cuba, Porto Rico and other islands, it will be possible for the Joint Commission to continue its sessions and proceed to the examination and arrangement of other points. Do these words mean that if the Spanish Commission does not finally and definitely accept said propositions without substantial modifications, the Joint Commission will not continue its sessions?

I beg and earnestly request you to settle these doubts, should you be so disposed, as to the meaning of your proposition as soon as may be possible, in order that the Spanish Commission may, in a session of the Joint Commission, furnish the reply it may deem proper. || Accept, Sir, I pray you, the expression of my distinguished consideration.

Paris, November 22, 1898.

Signed: E. Montero Ríos.

II. Antwort der amerikanischen Kommission.

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My dear Sir. Having received and read your letter of today, touching the final proposition presented by the American Commissioners at yesterday's conference, I hasten to answer your enquiries seriatim, first stating your question, and then giving my reply. || "First. In reply to this question, it is proper to call attention to the fact that the American Commissioners, in their paper of yesterday, expressed the hope that they might receive within a certain time "a definite and final acceptance" of their proposal as to the Philippines, and also "of the demands as to Cuba, Porto Rico and other Spanish Islands in the West Indies, and Guam, in the form in which those demands have been provisionally agreed to." || The form in which they have thus been agreed to is found in the proposal presented by the American Commissioners on the 17th of October and annexed to the protocol of the 6th conference, and is as follows:

"Article 1. Spain hereby relinquishes all claim of sovereignty over and title to Cuba. || "Article 2. Spain hereby cedes to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also the Island of Guam in the Ladrones". || These articles contain no provision for the assumption of debt by the United States. || In this relation, I desire to recall the statements in which the American Commissioners have in our conferences repeatedly declared that they would not accept any articles that required the United States to assume the so-called colonial debts of Spain. || To these statements I have nothing to add. || But, in respect of the Philippines, the American Commissioners, while including the cession of the archipelago in the article in which Spain "cedes to the United States the Island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also the Island of Guam in the Ladrones," or in an article expressed in similar words, will agree that their Government shall pay to Spain the sum of twenty million dollars (\$ 20,000,000).

"Second. The declaration that the policy of the United States in the Philippines will be that of an open door to the world's commerce necessarily implies that the offer to place Spanish vessels and merchandise on the same footing as American is not intended to be exclusive. But, the offer to give Spain that privilege for a term of years, is intended to secure it to her for a certain period by special treaty stipulation, whatever might be at any time the general policy of the United States. || "Third. While the idea doubtless was conveyed in the note of the Secretary of State of the United States of the 30th of July last that the cession of "Porto Rico and other islands now under the sovereignty of Spain in the West Indies, and also the cession of an island in the Ladrones, to be selected by the United States," was required on grounds of indemnity, and that "on similar grounds the United States is entitled to occupy and will hold the city, bay, and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, dis-

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position and government of the Philippines," no definition has as yet been given of the extent or precise effect of the cessions in that regard. The American Commissioners therefore propose, in connection with the cessions of territory, "the mutual relinquishment of all claims for indemnity, national and individual, of every kind, of the United States against Spain and of Spain against the United States, that may have arisen since the beginning of the late insurrection in Cuba and prior to the conclusion of a treaty of peace." || And I may add that this offer is made by the American Commissioners in full view of the fact that the citizens of the United States, having claims that come within the foregoing relinquishment, will, on the strength thereof, apply to their own Government for indemnity.

As to the fourth, fifth and sixth questions contained in your letter, permit me to point out that they do not relate to matters concerning which the American Commissioners stated that the acceptance of our proposals within the time mentioned would be a condition of continuing the conferences. The American Commissioners confined that condition to their proposals touching Cuba, Porto Rico and other Spanish islands in the West Indies, Guam, and the Philippines. In respect of the other matters referred to, they expressed their readiness to "treat", in case the Spanish Commissioners should remove the obstacle to so doing, by a definite and final acceptance of the proposals abovementioned, the refusal of which would render the continuance of the conferences impracticable. || In what I have just said, you will find an answer to your seventh question. || It does not appear to be necessary to specify at this moment the particulars of the subjects referred to in your fourth, fifth and sixth questions, since, if our proposals in regard to Cuba, Porto Rico and other Spanish islands in the West Indies, Guam, and the Philippines, are not accepted, the negotiations will end. I deem it proper, however, even at the risk of seeming to anticipate, to say, so far as concerns the subject of your fourth question, that the American Commissioners would expect to treat for the release of prisoners on the basis of absolute equality. All Spanish prisoners in the possession of the American forces would necessarily be released as the result of a treaty of peace; and the American Commissioners would be willing to stipulate that their Government would undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines. || With an expression of regret that the process of translating your letter has somewhat delayed my reply, I beg you to accept, my dear sir, the expression of my distinguished consideration.

Signed: William R. Day.

III. Die spanische Kommission wünscht einige Milderungen.

My dear and esteemed Sir, In order to push to the utmost the work which has been entrusted by the two Governments to one and the other Commission and which now requires a prompt termination, I beg you, in the

name of this Commission, to be pleased to propose to that worthily headed by you whether it is willing to accept, by way of compromise in re the sovereignty of the Philippine Archipelago, any of the three propositions following: || A. "Relinquishment by Spain of her sovereignty over Cuba and cession of Porto Rico and other Antilles, Island of Guam in the Ladrões and the Philippine Archipelago, including Mindanao and Sulu, to the United States, the latter paying to Spain the sum of one hundred million (\$ 100,000,000) dollars as compensation for her sovereignty in the Archipelago and the works of public utility she has executed during her rule in all the islands of the East and West the sovereignty over which she relinquishes and cedes." || B. "Cession to the United States of the Island of Cusaye in the Carolines, of the right to land a cable on any of these or of the Marianas, while they remain under Spanish rule, and (cesión) of the Philippine Archipelago proper, that is, beginning on the North, the Islands of Batanés, Babuyanés, Luzón, Visayas, and all the others following to the south as far as the Sulu Sea, Spain reserving to the south of this sea the Islands of Mindanao and Sulu which have never formed a part of the Philippine Archipelago proper." || "The United States, as compensation for said islands, for the right to land cables and for the public works executed by Spain in said islands during her rule will pay to Spain the sum of fifty million (\$ 50,000,000) dollars." || C. "Spain relinquishes her sovereignty over Cuba and gratuitously cedes to the United States the Philippine Archipelago proper, besides Porto Rico, the other West Indies and the Island of Guam, which she cedes as compensation for the expenses of the war and as indemnity to American citizens for injuries suffered since the beginning of the last Cuban insurrection." || "The United States and Spain will submit to an arbitral tribunal what are the debts and obligations of a colonial character which should pass with the islands the sovereignty over which Spain relinquishes and cedes." || I beg you that said Commission be pleased to deliberate over each of these propositions so that, should it consider anyone of them acceptable, it may be communicated to me, should you be so disposed, before Monday next, the 28th instant, or your mind being already made up, on that day (which is the one set in the last proposition of the said Commission) when the two Commissions may meet jointly at the usual hour of two, p. m., at which session this, the Spanish Commission, will give its final reply, upon which, according to the answer of the American, must depend the continuation or termination of these conferences.

I remain, with the greatest consideration, your obedient servant.

Paris, November 23, 1898.

Signed: E. Montero Ríos.

IV. Die Vereinigten Staaten lehnen die Milderungen ab.

My dear Sir, Your letter dated the 23rd instant, in which you propose, by way of compromise, the adoption of one of three alternative propositions, in place of the proposition submitted by the American Commissioners at our

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Nr. 11981. last conference, was not received by me till the evening of the 24th. || I at
 Vereinigte once had it carefully translated, and, in compliance with your request, laid
 Staaten it before my associates. || We maturely considered it, and, although our last
 und Spanien. proposition, which was submitted under instructions, was expressly declared to
 28. Nov. 1898. be final, we decided, in view of the importance of the subject, to communicate
 your proposals to our Government. || Its answer has just been received; and,
 as we anticipated, it instructs us to adhere to the final proposition which we
 have already submitted. || It is proper to say that my associates and myself,
 during the long course of the negotiations, have, in accordance with the
 wishes of our Government, given the most deliberate attention to everything
 in the way of argument or of suggestion that has been brought to our notice,
 in the hope that some basis of mutual agreement might be found. But, un-
 fortunately, our discussions seemed to divide us, rather than to bring us
 together, and no progress was made towards a common accord. || Under these
 circumstances the American Commissioners, acting upon explicit instructions,
 offered at once, for the sake of peace, all the concessions which their Govern-
 ment was able to make concerning the particular matters embraced in the
 proposition the acceptance of which was made a condition of further nego-
 tiations. || As I stated in my letter of the 23rd instant, if that proposition
 should be accepted, the matters referred to in the concluding paragraph of
 the paper submitted by the American Commissioners at the last session, would
 become the subject of negotiations, and, in regard to them, I should hope for
 a mutually satisfactory arrangement. || The American Commissioners expect to
 be present at the Ministry of Foreign Affairs on Monday next for the purpose
 of receiving the answer to their final proposition. || I remain, with the highest
 consideration, your obedient servant. Signed: William R. Day.

Nr. 11982. **VEREINIGTE STAATEN und SPANIEN.** — 17. Sitzung.
 Vorlegung eines Friedensentwurfs.

30. November 1898.

Nr. 11982. The President of the American Commission presented a draft of articles
 Vereinigte with reference to the conclusion of a definitive treaty, in the first part of
 Staaten which draft were included the articles agreed upon by the two Secretaries for
 und Spanien. submission to the Joint Commission, in relation to, the matters comprised in
 30. Nov. 1898. the proposition accepted by the Spanish Commissioners at the last session. ||
 The Joint Commission then proceeded to the consideration of the draft, article
 by article, and, after discussing some of the articles, decided to adjourn the
 session, and to continue the discussion at the next conference, which was fixed
 for Thursday, the 1st of December, at three o'clock, p. m.

Nr. 11983. VEREINIGTE STAATEN und SPANIEN. — 18. Sitzung.
Diskussion über den Entwurf.

2. Dezember 1898.

The session which was to have been held yesterday having been postponed by mutual agreement, owing to a lack of time to examine the modifications and additions proposed by the Spanish Commissioners to the draft of a treaty presented by the American Commissioners at the session of November 30, the two Commissions met to-day at two p. m., there being || Present On the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid, Moore, Fergusson. || On the part of Spain: Messrs: Montero Rios, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda. || The President of the American Commission observed that at the last session he had presented a draft of articles for a final treaty, and asked the Spanish Commissioners if they had examined it, and were ready to give their reply. || The President of the Spanish Commission answered that he had consulted his Government, and that he could not reply until he had received its instructions; but that, in any case, the Spanish Commission was not inclined to treat of subsidiary points as the American Commission desired, without having first disposed of all the points essential to the treaty of peace. || The President of the American Commission asked the President of the Spanish Commission whether he could state when he would receive the instructions; and the latter replied that he would probably receive them to-day or to-morrow. || The American Commissioners proposed that the Commission proceed to the reading and discussion of the articles presented by them that were not taken up at the last session. The President of the Spanish Commission observed that as those articles were divided into two parts, one comprising the first eight articles examined and approved at the last session with the exception of four points, three of which the Americans were to examine and the fourth of which was to be submitted by the Spaniards to their Government, and as the other part also was dependent upon instructions from that Government, he deemed it useless to examine and discuss the latter part. And, on the other hand, he stated that the Secretary General of the Spanish Commission had delivered to the Secretary General of the American Commission a draft of other articles which must necessarily form part of the treaty of peace and with respect to which the American Commissioners had not as yet given an answer; and further that the American Commission was to have consulted its Government and to give an answer to-day on the three points above mentioned as forming a part of some of the eight articles already approved, which answer was necessary in order that the agreement previously reached upon these articles might be enlarged; and that, therefore, with a view to preserve in the discussion the natural order, he considered it requisite that the articles that were indispensable to such treaty should be completed by the answer of the American Commissioners before passing on to the discussion of points of minor interest which did not affect

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Nr. 11983. the concluding of peace, though this did not imply that the Spanish Commissioners did not entertain the desire to take them up at the proper time. ||
 Vereinigte Staaten! The American Commissioners insisted that these subsidiary points be taken
 und Spanien. up, or all discussion be postponed until the Spanish Commissioners shall have
 2. Dez. 1898. received instructions to treat upon all the points which have been submitted to them. || The President of the Spanish Commission held to his opinion, insisting that even after the instructions of his Government with respect to the subsidiary points were received, the Spanish Commission would not discuss them until after the termination of the discussion of the articles which it had presented, and which related to the treaty of peace proper. The American Commission having inquired as to what were the three points to which the President of the Spanish Commission had above referred, which the American Commissioners were to examine, he replied that they were as follows: The extending to Cuba and Porto Rico of the commercial treatment granted to Spain in the Philippines; the repatriation at the expense of both nations of the prisoners taken, and the return to Spain of the war material in Cuba and Porto Rico with respect to which the evacuation commissions had not come to a decision, since such material in the Philippines, he understood, belonged to Spain. He added that the Spanish Commission had promised to consult its Government regarding the maintenance of public order in the Philippines, and that if the American Commissioners were ready to enter upon the discussion to which they were invited, he would, without having received instructions, undertake to give a categorical answer upon this point, which answer he was confident his Government would ratify. || The discussion continued, the American Commission insisting on its proposal to discuss the whole of its draft, or to postpone all discussion until the Spanish Commission should have instructions upon all points. The Spanish Commission, holding to its opinion that it was duly authorized to treat upon everything essential to the treaty of peace, and therefore ready to sign its articles at once, but determined not first to treat of those points which are not essential to the treaty, asked that its readiness to discuss in the natural order whatever related directly to the treaty of peace, be spread upon the minutes. || The arguments on both sides having been repeated, the President of the American Commission stated that he as well as his colleagues hoped that the relations of the two countries might not be limited to the strict terms of a treaty of peace, but rather that an agreement might be reached for mutual concessions which would be beneficial to both Governments and promote the cordiality in their relations. The President of the Spanish Commission stated that this was also the desire of the Spanish Commissioners, but that to his mind it would be easier to reach an understanding upon the less important points if the decisions arrived at on the necessary articles of the treaty of peace were satisfactory. || The American Commissioners proposed to adjourn the session in order that the instructions awaited by the Spanish Commissioners might arrive,

and to examine the articles presented by the latter. || The Spanish Commissioners agreed to this, and the session was adjourned till Saturday, the 3rd instant, at two p. m.

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Nr. 11984. VEREINIGTE STAATEN und SPANIEN. — 19. Sitzung.
Dasselbe.

5. Dezember 1898.

At the request of the American Commissioners the session which was to have been held on Saturday the 3rd instant was postponed until today at three p. m., when there were || Present On the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid, Moore, Fergusson. || On the part of Spain: Messrs: Montero Ríos, Abarzuza, Garnica, Villa-Urrutia, Cerero, Ojeda. || The President of the American Commission asked the President of the Spanish Commission whether he had received instructions from his Government touching the points on which the American Commissioners desired to treat. || The President of the Spanish Commission replied that he had in fact received them; but he reiterated his purpose not to take up those points until the matters inherent in and essential to the treaty of peace proper should be discussed and finally approved. || It was agreed that the Commissions should communicate to each other the answers of their respective Governments to the questions previously submitted to them. The President of the American Commission stated, in the first place, that his Government was not willing to grant and embody in the treaty of peace the extension to Porto Rico and Cuba of the commercial treatment offered to Spain in the Philippines for ten years; but that, recognizing the advisability of concluding a commercial agreement between the countries, the subject might be treated of in a general commercial convention. || With respect to the return and transportation at the expense of each nation of the prisoners taken by it, it was agreed, as an addition to Article VIII, that Spain and the United States should transport them at their expense to the nearest port of their respective countries, but that the transportation of prisoners of war taken in the Philippines should not include native soldiers but only Peninsular Spaniards in the army. The Secretaries-General of the two Commissions were charged with the framing of this addition to Article VIII. || With regard to the return of the war material in Cuba and Porto Rico not disposed of by the evacuation commissions, the American Commissioners declared that they were not authorized to treat. || With respect to the war material in the Philippines, the American Commissioners stated that it should be governed by the same conditions as were agreed to by the evacuation commissions in the West Indies. || The President of the Spanish Commission and his colleagues maintained that the cession of the archipelago did not carry and could not carry with it anything except what was of a fixed nature; they explained the character of the siege artillery and heavy

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ordnance which the Americans claimed for themselves, and after some discussion to the end of determining precisely what each Commission understood as portable and fixed material, it was agreed that stands of colors, uncaptured war vessels, small arms, guns of all calibres, with their carriages and accessories, powder, ammunition, live stock, and materials and supplies of all kinds belonging to the land and naval forces shall remain the property of Spain; that pieces of heavy ordnance, exclusive of field artillery, in the fortifications, shall remain in their emplacements for the term of six months to be reckoned from the ratification of the treaty; and that the United States might, in the mean time, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject should be reached. || It was agreed that the Secretaries-General of the two Commissions should be entrusted with the framing of such an article. || The President of the Spanish Commission, having agreed at the last session to consult his Government regarding the proposal of the American Commissioners that the United States should maintain public order over the whole Philippine Archipelago, pending the exchange of ratifications of the treaty of peace, stated that the answer of his Government was that the authorities of each of the two nations should be charged with the maintenance of order in the places where they might be established, those authorities agreeing among themselves to this end whenever they might deem it necessary. || In view of this reply the American Commissioners did not insist that their proposal should be incorporated in the treaty. || The reading in English and Spanish of the articles of the treaty from the first to the eighth inclusive was then proceeded with, and they were approved by both Commissions, which declared them to be final save as to mere modifications of form, upon which the Secretaries-General might endeavor to agree. || The President of the American Commission, desiring that the discussion of the matters presented by that Commission should next be taken up, the President of the Spanish Commission maintained the opinion which he had expressed at the last session, and at the beginning of this, to the effect that the examination of those matters should not be entered upon until the Commissions had discussed what was essential to the treaty of peace, and that therefore the articles proposed by the Spanish Commission as additional to the first eight, should be taken up. || It was agreed that in view of the lateness of the hour the session should be adjourned until tomorrow, Tuesday, the 6th instant, at two, p. m.

Nr. 11985. VEREINIGTE STAATEN und SPANIEN. — 20. Sitzung.
Diskussion über die Fassung der Artikel.

6. Dezember 1898.

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The President of the American Commission, referring to the discussion that had taken place at the two preceding sessions on the subject of procedure, stated that he recognized the force of the position of the President of

the Spanish Commission that the articles relating to the necessary part of the treaty should first be taken up; but that, in the opinion of the American Commissioners, nothing was more strictly pertinent to a treaty of peace than a clause for the revival of treaties, which the war had suspended or terminated, such, for example, as the extradition treaty between the two countries; and he therefore proposed that the Joint Commission should take up, first, the article proposed by the American Commissioners for the revival of former treaties, then the articles proposed by the Spanish Commissioners, and then the rest of the articles proposed by the American Commissioners. || The President of the Spanish Commission replied that he felt compelled to insist upon the contention of that Commission on the subject of procedure, and that he begged to differ as to the order in which the article for the revival of treaties should be discussed; while such an article might be relevant to a treaty of peace, yet it was usually the last article of all, and should therefore be the last considered. || The President of the American Commission observed that, while the American Commissioners felt that their view was reasonable and proper, they desired to proceed with the business of the Joint Commission; and he inquired whether, if the articles proposed by the Spanish Commission were taken up and considered, all the articles proposed by the American Commission would then in like manner be taken up and considered. || The President of the Spanish Commission answered in the affirmative, adding that he had not proposed to take up the articles of the Spanish Commission because they were its articles, but because they were specially appropriate to a treaty of peace. || The President of the American Commission then took up the subject of nationality, in regard to which the American Commission originally presented the following article:

“Article VI. Spanish subjects residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty may remain in such territory, or may remove therefrom, retaining, in either event, all their rights of property; and, in case they remain, they may preserve their allegiance to the Crown of Spain, by making, before a court of record, within a year from the date of the signature of this treaty, a declaration of their decision to reserve such allegiance, in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside. Except as provided in this treaty, the civil rights and political status of the inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.” || To this article the Spanish Commissioners proposed on the 30th of November the amendments contained in the two following articles:

“Nationality.

“Article —. Spanish subjects now or hereafter residing or domiciled in the territory the sovereignty over which Spain relinquishes or cedes by the

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Nr. 11985. present treaty may live in or withdraw from said territory, acquiring and retaining in either case every kind of property, or, alienating and freely disposing thereof or of its value or proceeds; practice, with the freedom they now enjoy, industry, commerce, and other mechanical or liberal professions, and enjoy their personal status, without being subject to any exception prejudicial to the rights secured to them by this treaty. If they remain in the territory they shall be allowed to preserve their nationality by making before the proper officer a declaration of such intention, within the term of one year, to be reckoned from the date of the exchange of ratifications of this treaty or the taking up of their residence therein. || "Failure to comply with his requirement shall be considered as a renunciation of their nationality, and the adoption of that of the territory in which they may reside. Save in the cases covered by this treaty, the civil rights and political condition of the Spaniards living in ceded territories shall be governed by the laws applicable to all other foreigners in the territory of their residence. || "Article —. All the other inhabitants of the territories ceded shall have the right to choose the Spanish nationality within the period of one year to be reckoned from the date of the exchange of the ratifications of this treaty, the choice to be made in the manner provided for in the preceding article. Notice thereof shall be given immediately to the Spanish Government, or to its consular officers, and without which requisite the nationality thus chosen shall not be at any time recognized." || The American Commissioners proposed, at this meeting, as a substitute for the foregoing articles, the following article:

"Article VI. Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside. || "The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress." || The President of the Spanish Commission objected to this article, as it was read, on various grounds; and, after some discussion, the President of the American Commission stated that with respect to the article in question, as well as the other articles which the American Commissioners might adopt, they would require, as a necessary condition of their adoption, the insertion in each article that was to run for a length of

time of a clause limiting the obligation of the United States thereunder, in respect of Cuba, to the time of its occupation of the island, or else the insertion in the treaty of a general clause to this effect, as follows: || "It is understood that any obligation assumed by the United States with respect to Cuba is limited to the time of its occupancy thereof."

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No conclusion having been reached on the articles in question; it was agreed that the rest of the articles should be read and then handed to the Spanish Commissioners in order that they might consider them and give their answer to the counter-proposals of the United States at the next conference, and that all the articles should be inserted in the protocol of today's conference. || Pursuant to this agreement, the following articles offered by the Spanish Commission were read:

"Grants and Contracts for Public Works and Services.

"Article —.

All grants and contracts for public works and services in the islands of Cuba, Porto Rico, the Philippines and other ceded territory shall be maintained in force until their expiration, in accordance with the terms thereof, the new Government assuming all the rights and obligations thereby attaching up to the present time to the Spanish Government.

"Public Contracts.

"Article —.

"Contracts formally entered into by the Spanish Government or its authorities for the public service of the islands of Cuba, and Porto Rico, the Philippines and others ceded by this treaty, and which contracts are still unperformed, shall continue in force until their expiration pursuant to the terms thereof. Such contracts as also cover the service peculiar to Spain or any of her other colonies, the new Government of the above mentioned islands shall not be called upon to carry out, save only in so far as the terms of said contracts relate to the particular service or treasury of such islands. The new Government will therefore, as regards the said contracts, be holden to all the rights and obligations therein attaching to the Spanish Government. || "List of Pending Contracts for Public Works and Services. || "Mail and Transportation contract with the Compañia Transatlantica. || Contract with English Company ('Cuba Submarine') for the cable on the south of Cuba. || Cable contract, Manila to Hong Kong, with another English Company ('The Eastern'). || Railroad concession from Manila to Dagupan. || All other concessions for railroads now in operation or under construction in Cuba or Porto Rico. || The above are all the contracts at present recalled, although it cannot be stated that there are not others relative to public works and services. None of recent date. || December 1, 1898." || The President of the American Commission stated that the American Commissioners were constrained to reject these

Nr. 11985. articles. The United States did not propose to repudiate any contract found
 Vereinigte upon investigation to be binding under International Law; but no such clauses
 Staaten as now proposed had been inserted in treaties heretofore made by the United
 und Spanien. States with Spain, France, Mexico and Russia, for the acquisition of territory;
 6. Dez. 1898. and it might be assumed that the United States would deal justly and equitably in respect of contracts that were binding under the principles of International Law. || The following article, proposed by the Spanish Commission, was then read:

"Religion.

"Article —.

The Roman Catholic Apostolic Religion, its institutions and ministers, shall continue to enjoy in all the territories which are the subject of this treaty the liberty and the rights in the undisturbed possession of which they are at present. || The members of this Church, whatever their nationality, shall continue to enjoy the same liberty they now enjoy with respect to the profession of their religion and the exercise of their form of worship. || The President of the American Commission stated that the United States could make no distinction as to religion, and proposed the following article:

"Religion.

"Article —.

The inhabitants of the territory over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion. || The following article, proposed by the Spanish Commission, was read:

"The 'Maine'.

Draft of additional articles to the Treaty of Peace with the United States.

'Maine'.

"Article —.

At the request of the Spanish Government, the two High Contracting Parties agree to appoint an International Commission to be entrusted with investigating the causes of and responsibility for the 'Maine' catastrophe which occurred in the harbor of Havana on February 15, 1898. This International Commission shall be composed of seven experts to be appointed as follows: "Three by the Spanish Government — one to be a Spanish subject, another a British subject, and a third a French subject. || Three by the United States Government — one to be a citizen of the United States, another a British subject, and a third a French subject. || The Commission to be presided over, with a deciding vote, by a German expert, chosen by mutual agreement by the Spanish and American Governments. || Should no agreement be reached hereon, the Spanish Government shall designate one person and the United States Government another, both persons to be experts and of German nationality, the choice for President to be decided by lot and the drawing to take

place at the Department of State at Washington. || The expenses of this Commission are to be borne in equal moieties by the two Governments, the Commission to meet in Havana at the earliest possible moment after the consent of the Governments of Germany, France and Great Britain is secured. || In the event of the Spanish Government being found responsible, it shall pay to the United States its share of the expenses of the Commission. Further, a Spanish warship must go to New York and salute the flag of the United States. || If, on the contrary, the Commission shall decide that Spain is not responsible, attributing the catastrophe to an accident inside the vessel or other fortuitous cause, the Government of the United States shall pay to Spain its share of the expenses of the Commission. || Moreover, the President of the United States shall report the arbitral award to the Congress of the United States, setting forth in the official message the righteous course of the Spanish nation." || This article was rejected by the American Commissioners, who stated that they considered the case as closed. || The President of the Spanish Commission stated that he was unable to consider it as closed, since the President of the United States had referred to it in his message to Congress on Monday last. || The President of the American Commission stated that the American Commissioners had not received a copy of the message and therefore had not read it. || The President of the Spanish Commission replied that he had in his possession an extract from it, which he could produce. || The President of the American Commission answered that the American Commissioners did not care to continue the discussion of the subject on the present occasion. || The following article proposed by the Spanish Commissioners was read:

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"Pension to the Duke of Veragua.

"Article —.

The United States will continue paying to the descendants of the Great Discoverer of America, Christopher Columbus, the portion still payable of the pension they have been collecting since the time of their illustrious predecessor, as a proof of the gratitude of modern civilization which Spain has been paying. || This pension, since the Royal Order of November 11, 1829, has been reduced to the two sums following: || \$ 3,400 (hard dollars) annually, chargeable to the treasury of Porto Rico and \$ 4,000 (like dollars) to the treasury of Manila. || The United States and the said descendants by mutual agreement may fix the principal represented by these pensions and liquidate the latter by delivering over the principal thus agreed on, if deemed mutually advisable." The American Commissioners stated that they rejected this article. || The following article, proposed by the Spanish Commissioners, was read:

"Deposits and Bonds.

"Article —.

Moneys received by Government offices and establishments in the aforesaid territories from Spanish citizens in the way of deposits, consignments,

Nr. 11985. loans and security of all kinds shall be returned to the lawful owners, whe-
 Vereinigte never proper, either because of the expiration of the time for which they
 Staaten were made, or because of the fulfilment of the principal obligations by them
 und Spanien, guaranteed. This restitution shall be made by the Head of the Office where
 6. Dez. 1898. the sums of money were deposited, consigned, loaned, or given as security;
 and in default thereof by whoever is responsible for such sums under the
 law." || The American Commissioners stated that they rejected this article. || The
 following article, proposed by the Spanish Commissioners, was then read:

"Consuls.

Article —.

Spain shall have the power to establish Consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty." || This article the American Commissioners accepted. || The following article, proposed by the Spanish Commissioners, was then read:

"Jurisdiction of Courts.

"Article —.

The Spaniards residing in the said territories shall be subject in matters civil as well as criminal to the jurisdiction of the Courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before said Courts, and to pursue the same course as citizens of the country to which the Courts belong." || This article the American Commissioners accepted. || The following article, proposed by the Spanish Commissioners, was read:

"Jurisdiction of Courts.

"Article —.

Civil and criminal actions and suits against the Government that may be pending at the time of the exchange of the ratifications of this treaty, to which the citizens of the countries the sovereignty over which has been relinquished or ceded are a party and who pursuant to such treaty cease to be Spaniards shall be tried and determined subject to the following rules: || "First. Judgments rendered either in civil or criminal matters, before the date afore-said, and with respect to which there is no recourse, under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out. "Second. Personal actions and cases against the Government which may be pending before the Courts of the Peninsula or the islands adjacent thereto, wherein a citizen of the said territories who by this treaty ceases to be a Spaniard is the plaintiff, shall, if the defendant is a Spaniard, continue to be tried in due form before the said Courts to the rendition of the final

judgment. Personal actions wherein the defendant is an inhabitant of the said territories which by this treaty cease to be Spanish, shall be tried by the competent Court of the domicile of the defendant. Actions "in rem" or mixed actions, when the immovable property in litigation is situate in the Peninsula or adjacent islands, shall be pursued to final judgment and until the same is executed before the Courts having cognizance thereof. || "Third. Criminal actions pending on said date before the Supreme Court of Spain against citizens of the territory relinquished and ceded, which ceases to be Spanish by this treaty, shall continue under its jurisdiction until final judgment; but this having been once rendered, the cases shall pass for execution to the jurisdiction of the competent Court at the place where the same should be carried out." || The American Commissioners proposed, in place of the foregoing article, the following:

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"Jurisdiction of Courts.

"Article —.

Judicial proceeding pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules: || "1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out. || "2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgment before the Court in which they may then be pending, or in the Court that may be substituted therefor. || "3. Criminal actions pending on the date mentioned before the Supreme Court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose." || The following article, proposed by the Spanish Commissioners, was read:

"Copyrights and Patents.

"Article —.

The rights of property secured by copyrights and patents acquired by Spaniards in the islands of Cuba, and Porto-Rico, the Philippines, and all other territories ceded, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and artistic works, not subversive of public order in the said territories, shall continue to be admitted free of duty in the said territories, for twenty-five (25) years, to be reckoned from the date of the exchange of the ratifications of this treaty

Nr. 11985. and the proprietary rights of their authors shall be protected for a like
 Vereinigte period." || The American Commissioners proposed, as a substitute, the following
 Staaten article:
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“Copyright and Patents.

“Article —.

The rights of property secured by copyrights and patents acquired by Spaniards in the island of Cuba, and in Porto-Rico, the Philippines, and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and artistic works, not subversive of public order in the territories in question shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty." || The reading of the articles proposed by the Spanish Commissioners having been completed, the President of the American Commission stated that it was his understanding that the articles proposed by the American Commissioners would be accepted or rejected by the Spanish Commissioners at the next meeting. || The President of the Spanish Commission replied that the Spanish Commissioners would pursue the same course with respect to the American articles as the American Commissioners had pursued with reference to the Spanish articles. || On motion of the American Commissioners the conference was adjourned till to-morrow, Wednesday, the 7th of December, without prejudice to the right of the Spanish Commissioners to request a postponement.

William R. Day.
 Cushman K. Davis.
 Wm. P. Frye.
 Geo. Gray.
 Whitelaw Reid.
 John B. Moore.

Nr. 11986. VEREINIGTE STAATEN und SPANIEN. — 21. Sitzung.
 Fortsetzung derselben Diskussion.

8. Dezember 1898.

Nr. 11986. The Spanish Commissioners proposed that the American Commissioners
 Vereinigte modify the clause presented by them and mentioned in the protocol of the
 Staaten last session relating to the limiting of the obligations of the United States in
 und Spanien. Cuba to the time of its occupation thereof. || The American Commissioners
 8. Dez. 1898. took this proposition under consideration and submitted to the Conference a
 new wording of the clause which was approved and which is as follows: || "It
 is understood that any obligations assumed in this treaty by the United States
 with respect to Cuba are limited to the time of their occupancy thereof; but
 they will, upon the termination of such occupancy, advise any Government

established in the island to assume the same obligations." || The Spanish Commissioners observed that although the American Commissioners had rejected at the last session the article presented by the Spanish Commissioners relating to the „Maine," they considered it their duty to insist upon this question being submitted to arbitration. || The American Commissioners answered, referring to the observations made by them on this subject at the last session. || The Spanish Commissioners replied that since this new proposal for arbitration was also rejected, they would ask the American Commissioners to be pleased to propose some method of clearing up the matter of the „Maine," and the responsibility growing out of it, so that the unjust prejudice against Spain shown in the United States by reason of an incomplete investigation might disappear, and the resentment of Spain, because the uprightness of her authorities or subjects, and the capacity of her administration to guarantee the safety in her ports of vessels of a nation with which she was at peace, had been placed in doubt, might also be blotted out. || The American Commissioners replied that they had no method to propose. || The President of the Spanish Commission, pursuant to the rules, presented a memorandum, which is hereto annexed, in support of the propositions rejected by the American Commissioners at the last session. || The American Interpreter proceeded to translate the Memorandum and to read it in English. || The President of the American Commission reserved the right to reply in writing to the memorandum at the next session. || After explanations interchanged by the Presidents of the two Commissions, such articles presented by the Spanish Commissioners as were accepted or modified by the American Commissioners were approved. || The reading of the articles presented by the American Commission was then entered upon. || The articles were read, one by one, in the order in which they stood. || The first was as follows:

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“Article —.

“Spain hereby cedes to the United States the island variously known as Kusaie, Ualan, or Strong Island, in the Carolines; and also concedes to the United States the right to land telegraph cables in the Canary Islands, or on any territory owned by Spain on the coast of Africa, or in the Peninsula. || “In consideration of what is set forth in this article, the United States will pay to Spain the sum of one million dollars, (\$ 1,000,000) within three months from the exchange of the ratifications of the present treaty.” || The President of the Spanish Commission declared that even in the event of an agreement being reached upon this article, it would have to figure elsewhere than in the treaty, as it was foreign thereto; but that he was compelled to reject it, because the Spanish Government at this time neither entertained the idea of disposing of one of the Caroline Islands, nor could it do so for want of Constitutional authority, previous authorization of the Cortes being necessary in the premises. Neither could what related to cable landings be accepted, be-

Nr. 11986. cause if stipulated in a treaty it might imply an easement on the national
 Vereinigte territory which the Spanish Government was not empowered to create, and
 Staaten because any American Company might request through the executive channel
 und Spanien. as other alien companies have done, such a concession, which was foreign to
 8. Dez. 1898. an international treaty. || The following article was then read:

“Article.

“In conformity with the understanding established by an exchange of notes in the year 1886, Spain agrees that American missions and missionaries shall be allowed to resume and hereafter freely to carry on their work in the Caroline Islands that remain under Spanish sovereignty. || The President of the Spanish Commission observed that it was not known that any claim was pending in the premises and that as the Constitution of the State laid down the rights of private individuals in religious matters, there was nothing in this regard to insert in the treaty. || The following article was then read:

“Article.

“The United States and Spain will reciprocally accord to the ships of each other, in their respective ports, most favored nation treatment, in respect of all port charges, including entrance and clearance dues, light dues and tonnage duties. || “It is further agreed that the two Governments will enter into negotiations with a view to the conclusion of a commercial convention.” In place of the first paragraph, the American Commissioners now propose the following: || “Spain will in her ports accord to vessels of the United States the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as is accorded to Spanish vessels in the ports of the United States.” || The President of the Spanish Commission objected to the second paragraph of the article as unnecessary; and suggested that the first paragraph be amended so that it should be reciprocal in its provisions and be limited as to its duration. || After discussion, the following article was drawn up: || “The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance dues, light dues and tonnage duties, as it accords to its own merchant vessels not engaged in the coastwise trade. This article may at any time be terminated on six months’ notice given by either Government to the other.” || The following article was then read:

“Article.

“The following treaty stipulations heretofore entered into by the United States and Spain shall be held to continue in force: || “Treaty of October 27, 1795, so far as it is confirmed by Article XII of the Treaty of February 22, 1819; || “Treaty of February 22, 1819, so far as its provisions have not been executed or become obsolete; || “Convention of February 17, 1834, for the

settlement of claims; || "Agreement of February 11—12, 1871, for the settlement of claims, Article VII; || "Convention of January 5, 1877, and the supplementary convention of August 7, 1882, for the extradition of criminals; || "Protocol of January 7, 1877, concerning Judicial procedure; || "Convention of June 19, 1882, concerning trade-marks; and the agreement between the two countries in relation to international copyright. || The President of the Spanish Commission stated that the Spanish Commissioners were unable to accept this article. Some of the treaties to which it referred were obsolete or related to conditions which no longer existed, and it would involve a more extended examination than the Joint Commission was in a position to give. But this did not imply that the two Governments might not take up the subject themselves. || The American Commissioners inquired whether the objection of the President of the Spanish Commission applied to the extradition treaties. || The President of the Spanish Commission replied that it did, as those treaties needed revision. || The American Commissioners urged the revival of the extradition treaties, the convention concerning trade-marks, and the agreement in relation to international copyright; and proposed that, in view of the immediate importance of the subjects to which they related, they should, if the Spanish Commissioners were not prepared to revive them fully, be revived temporarily as a *modus vivendi*, for a period of a year or even for six months, so as to enable the two Governments to consider the question of their renewal. || The President or the Spanish Commission adhered to the views which he had expressed, and the article was rejected. || The following article was then read:

"Article.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible. || "In faith whereof, we, the respective Plenipotentiaries, have signed this treaty, and have hereunto affixed our seals. || "Done in duplicate at Paris, the — day of — in the year of Our Lord, one thousand eight hundred and ninety eight." || This article was accepted. || The conference was then adjourned, with the understanding that the Joint Commission should reassemble for the purpose of signing the treaty, whenever it should be ready for signature; and that, in the mean time, each Commission might communicate to the other any memoranda which it should desire to file under the rules.

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8. Dez. 1898.

Nr. 11987. VEREINIGTE STAATEN und SPANIEN. — 22. Sitzung.
Unterzeichnung des Friedens.

10. Dezember 1898.

Nr. 11987.
Vereinigte
Staaten
und Spanien.
10. Dez. 1898.

Present: on the part of the United States: Messrs: Day, Davis, Frye, Gray, Reid, Moore, Fergusson.

On the part of Spain: Messrs: Montero Ríos, Abarzuza, Garnica, Villarrutia, Cerero, Ojeda.

The protocol of the preceeding session was read and approved.

The American Commissioners presented a written reply to the memorandum of the Spanish Commissioners read at the last session. The reply is hereto annexed.

The Treaty of Peace (Annex No. 2.) was read and approved and was signed by Plenipotentiaries of the two High Contracting Parties.

The President of the Spanish Commission expressed his thanks to the American Commissioners for the kind phrases with which their last memorandum concluded. He had much pleasure in acknowledging also the courtesy and consideration which had been shown by them in their personal intercourse during the continuance of the negotiations, which, however painful to the Spanish Commissioners, would leave with them the personal remembrance of the attentions which had been bestowed upon them by the worthy members of the American Commission. The President of the American Commission replied that the words to which the President of the Spanish Commission referred were but the spontaneous expression of the true feelings of the American Commissioners toward the Spanish Commissioners, for whom they entertained sentiments of the highest esteem and regard. || The protocol of this session was read and approved, and the Joint Commission ended its labors.

Eugenio Montero Ríos.

B. de Abarzuza.

J. de Garnica.

W. R. de Villa Urrutia.

Rafael Cerero.

Emilio de Ojeda.

William R. Day.

Cushman K. Davis.

Wm. P. Frye.

Geo. Gray.

Whitelaw Reid.

John B. Moore.

Nr. 11988. VEREINIGTE STAATEN und SPANIEN. — Friedensvertrag.

Paris, 10. Dezember 1898.

Nr. 11988.
Vereinigte
Staaten
und Spanien.
10. Dez. 1898.

The United States of America and Her Majesty the Queen Regent of Spain, in the Name of Her August Son Don Alfonso XIII, desiring to end the state of war now existing between the two countries, have for that purpose appointed as Plenipotentiaries: || The President of the United States, || William R. Day, Cushman K. Davis, William P. Frye, George Gray, and Whitelaw Reid, citizens of the United States; || And Her Majesty the Queen Regent of Spain, || Don Eugenio Montero Ríos, President of the Senate, Don

Buenaventura de Abarzuza, Senator of the Kingdom and ex-Minister of the Crown, Don José de Garnica, Deputy to the Cortes and Associate Justice of the Supreme Court; Don Wenceslao Ramirez de Villa-Urrutia, Envoy Extraordinary and Minister Plenipotentiary at Brussels, and Don Rafael Cerero, General of Division; || Who having assembled in Paris, and having exchanged their full powers, which were found to be in due and proper form, have, after discussion of the matters before them, agreed upon the following articles:

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Article I.

Spain relinquishes all claim of sovereignty over and title to Cuba. || And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.

Article II.

Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam in the Marianas or Ladrones.

Article III.

Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following line; || A line running from west to east along or near the twentieth parallel of north latitude, and through the middle of the navigable channel of Bachi, from the one hundred and eighteenth (118th) to the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich, thence along the one hundred and twenty-seventh (127th) degree meridian of longitude east of Greenwich to the parallel of four degrees and forty-five minutes ($4^{\circ} 45'$) north latitude, thence along the parallel of four degrees and forty-five minutes ($4^{\circ} 45'$) north latitude to its intersection with the meridian of longitude one hundred and nineteen degrees and thirty-five minutes ($119^{\circ} 35'$) east of Greenwich, thence along the meridian of longitude one hundred and nineteen degrees and thirty-five minutes ($119^{\circ} 35'$) east of Greenwich to the parallel of latitude seven degrees and forty minutes ($7^{\circ} 40'$) north, thence along the parallel of latitude seven degrees and forty minutes ($7^{\circ} 40'$) north to its intersection with the one hundred and sixteenth (116th) degree meridian of longitude east of Greenwich, thence by a direct line to the intersection of the tenth (10th) degree parallel of north latitude with the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich, and thence along the one hundred and eighteenth (118th) degree meridian of longitude east of Greenwich to the point of beginning. || The United States will pay to Spain the sum of twenty million dollars (\$ 20,000,000) within three months after the exchange of the ratifications of the present treaty.

Article IV.

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The United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.

Article V.

The United States will, upon the signature of the present treaty, send back to Spain, at its own cost, the Spanish soldiers taken as prisoners of war on the capture of Manila by the American forces. The arms of the soldiers in question shall be restored to them. || Spain will, upon the exchange of the ratifications of the present treaty, proceed to evacuate the Philippines, as well as the island of Guam, on terms similar to those agreed upon by the Commissioners appointed to arrange for the evacuation of Porto Rico and other islands in the West Indies, under the Protocol of August 12, 1898, which is to continue in force till its provisions are completely executed. || The time within which the evacuation of the Philippine islands and Guam shall be completed shall be fixed by the two Governments. Stands of colors, uncaptured war vessels, small arms, guns of all calibres, with their carriages and accessories, powder, ammunition, livestock, and materials and supplies of all kinds, belonging to the land and naval forces of Spain in the Philippines and Guam, remain the property of Spain. Pieces of heavy ordnance, exclusive of field artillery, in the fortifications and coast defences, shall remain in their emplacements for the term of six months, to be reckoned from the exchange of ratifications of the treaty; and the United States may in the mean time, purchase such material from Spain, if a satisfactory agreement between the two Governments on the subject shall be reached.

Article VI.

Spain will, upon the signature of the present treaty, release all prisoners of war, and all persons detained or imprisoned for political offences, in connection with the insurrections in Cuba and the Philippines and the war with the United States. || Reciprocally the United States will release all persons made prisoners of war by the American forces, and will undertake to obtain the release of all Spanish prisoners in the hands of the insurgents in Cuba and the Philippines. || The Government of the United States will at its own cost return to Spain and the Government of Spain will at its own cost return to the United States, Cuba, Porto-Rico, and the Philippines, according to the situation of their respective homes, prisoners released or caused to be released by them, respectively, under this article.

Article VII.

The United States and Spain mutually relinquish all claims for indemnity, national and individual, of every kind, of either Government, or of its citizens

or subjects, against the other Government, that may have arisen since the beginning of the late insurrection in Cuba and prior to the exchange of ratifications of the present treaty, including all claims for indemnity for the war. || The United States will adjudicate and settle the claims of its citizens against Spain relinquished in this article.

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Article VIII.

In conformity with the provisions of Articles I, II, and III of this treaty Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways and other immovable property which, in conformity with law, belong to the public domain, and as such belong to the Crown of Spain. || And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, cannot in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatsoever nationality such individuals may be. || The aforesaid relinquishment or cession, as the case may be, includes all documents exclusively referring to the sovereignty relinquished or ceded that may exist in the archives of the Peninsula. Where any document in such archives only in part relates to said sovereignty, a copy of such part will be furnished whenever it shall be requested. Like rules shall be reciprocally observed in favor of Spain in respect of documents in the archives of the islands above referred to. || In the aforesaid relinquishment or cession, as the case may be, are also included such rights as the crown of Spain and its authorities possess in respect of the official archives and records, executive as well as judicial, in the islands above referred to, which relate to said islands or the rights and property of their inhabitants. Such archives and records shall be carefully preserved, and private persons shall without distinction have the right to require, in accordance with law, authenticated copies of the contracts, wills and other instruments forming part of notarial protocols or which may be contained in the executive or judicial archives, be the latter in Spain or in the islands aforesaid.

Article IX.

Spanish subjects, natives of the Peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce and professions, being subject in respect thereof to

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such laws as are applicable to other foreigners. In case they remain in the territory they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications of this treaty, a declaration of their decision to preserve such allegiance; in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside. || The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the Congress.

Article X.

The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.

Article XI.

The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong.

Article XII.

Judicial proceedings pending at the time of the exchange of ratifications of this treaty in the territories over which Spain relinquishes or cedes her sovereignty shall be determined according to the following rules: || 1. Judgments rendered either in civil suits between private individuals, or in criminal matters, before the date mentioned, and with respect to which there is no recourse or right of review under the Spanish law, shall be deemed to be final, and shall be executed in due form by competent authority in the territory within which such judgments should be carried out. || 2. Civil suits between private individuals which may on the date mentioned be undetermined shall be prosecuted to judgments before the court in which they may then be pending or in the court that may be substituted therefor. || 3. Criminal actions pending on the date mentioned before the Supreme Court of Spain against citizens of the territory which by this treaty ceases to be Spanish shall continue under its jurisdiction until final judgment; but, such judgment having been rendered, the execution thereof shall be committed to the competent authority of the place in which the case arose.

Article XIII.

The rights of property secured by copyrights and patents acquired by Spaniards in the Island of Cuba, and in Porto Rico, the Philippines and other ceded territories, at the time of the exchange of the ratifications of this treaty, shall continue to be respected. Spanish scientific, literary and

artistic works, not subversive of public order in the territories in question, shall continue to be admitted free of duty into such territories, for the period of ten years, to be reckoned from the date of the exchange of the ratifications of this treaty.

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Article XIV.

Spain shall have the power to establish consular officers in the ports and places of the territories, the sovereignty over which has been either relinquished or ceded by the present treaty.

Article XV.

The Government of each country will, for the term of ten years, accord to the merchant vessels of the other country the same treatment in respect of all port charges, including entrance and clearance dues, light dues, and tonnage duties, as it accords to its own merchant vessels, not engaged in the coastwise trade. || This article may at any time be terminated on six months notice given by either Government to the other.

Article XVI.

It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.

Article XVII.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by Her Majesty the Queen Regent of Spain; and the ratifications shall be exchanged at Washington within six months from the date hereof, or earlier if possible. || In faith whereof, we, the respective Plenipotentiaries, have signed this treaty and have hereunto affixed our seals. || Done in duplicate at Paris, the tenth day of December, in the year of Our Lord one thousand eight hundred and ninety eight.

[seal] William R. Day.
[seal] Cushman K. Davis.
[seal] William P. Frye.
[seal] Geo. Gray.
[seal] Whitelaw Reid.
[seal] Eugenio Montero Río.
[seal] B. de Abarzuza.
[seal] J. de Garnica.
[seal] W. R. de Villa Urrutia.
[seal] Rafael Cerero.

Konsulatsberichte über die Philippinen vor und aus dem Kriege.

Nr. 11989. **VEREINIGTE STAATEN.** — Der Konsul in Manila an das Ministerium des Auswärtigen. Auf den Philippinen herrscht Bürgerkrieg.

Consulate of the United States,
Manila, Philippine Islands, February 22, 1898.

Nr. 11989.
Vereinigte
Staaten.
22. Feb. 1898.

Sir: Without specific instructions it seems my duty at this critical period to inform the Washington Government somewhat as to political conditions here. But as I have been here less than a month vigilance has not overcome all difficulties, and the rigid censorship of the press in general and the suppression of such publications as uttered the truth have made news gathering onerous. || I have before me a lengthy dispatch giving dates of many warlike and political matters, with rumors, observations, and conclusions, but deem it wise to write more briefly to-day, to bide events and wait specific instructions from you. || Peace was proclaimed, and since my coming festivities therefor were held; but there is no peace, and has been none for about two years. Conditions here and in Cuba are practically alike. War exists, battles are of almost daily occurrence, ambulances bring in many wounded, and hospitals are full. Prisoners are brought here and shot without trial, and Manila is under martial law. || The Crown forces have not been able to dislodge a rebel army within 10 miles of Manila, and last Saturday, February 19, a battle was there fought and 5 dead left on the field. Much of such information is found in my longer dispatch, referred to, and which is at your command. || The Governor-General, who is amiable and popular, having resigned, wishes credit for pacification, and certain rebel leaders were given a cash bribe of \$ 1,650,000 to consent to public deportation to China. This bribe and deportation only multiplied claimants and fanned the fires of discontent. || Insurgents demand fewer exactions from church and state, a half of public offices, and fewer church holidays, which seriously retard business. || A republic is organized here, as in Cuba. Insurgents are being armed and drilled; are rapidly increasing in numbers and efficiency, and all agree that a general uprising will come as soon as the governor-general embarks for Spain, which is fixed for

March. || While some combatant regiments have recently been returned to Spain, it was for appearance only, and all authorities now agree that unless the Crown largely reinforces its army here it will lose possession.

Nr. 11989.
Vereinigte
Staaten.
22. Feb. 1898.

Command me for any desired information.

Your obedient servant,

Oscar F. Williams, Consul.

Nr. 11990. **VEREINIGTE STAATEN.** — Derselbe an Dasselbe. Die Lage auf den Philippinen verschlechtert sich.

Consulate of the United States,
Manila, Philippine Islands, March 27, 1898.

Sir: Because of having given daily information to Commodore Dewey as to disturbances here I have assumed that he informed the Washington Government, and I have written little on war matters. || Cuban conditions exist here possibly in aggravated form. Spanish soldiers are killed and wounded daily, despite claimed pacification, and the hospitals are kept full. || The majority of casualties are reported from the ranks of the native insurgents, and the cruelties and horrors of war are daily repeated. || Cavite is the naval port of Luzon, situated about 8 miles across the bay from Manila, and about twenty miles distant by way of bay shore and public highway, and last Thursday, March 24, a Crown regiment of natives, the Seventy-fourth, stationed there was ordered to advance against native insurgents near by. The regiment refused to obey orders, and 8 corporals were called out and shot to death in presence of the regiment, which was again ordered to advance and threat made that a refusal would be death to all. All did refuse and were sent to barracks to await sentence. On the morning of the following Friday, March 25, the entire regiment, with arms and equipment, marched out of the barracks and deserted in a body to the insurgents, saying they were willing to fight the foreign enemies of Spain, but would not fight their friends. || Since beginning this dispatch I learn of the desertion to the insurgents of another entire regiment. These are said to be the severest set-backs received by Spain during the two years' insurrection here. || On Friday morning, March 25, a church holiday, a meeting of natives was being held near my consulate in Manila, the natives being unarmed. The building was surrounded by police and military, the meeting broken up, twelve natives wantonly shot to death, several wounded, and sixty-two taken prisoners. Saturday morning, March 26, the sixty-two prisoners were marched in a body to the cemetery and shot to death, although it was shown that several were chance passers-by or employees in ships adjoining, not being in attendance at the meeting. || It was cold comfort to the widows and orphans of innocent men to have Spanish officers present them the mangled corpses of husbands and fathers. || Such horrors, but usually on a smaller scale, but at times attended by greater disregard for modern rules of war, occur almost daily, and the piteous cry goes up, "Will

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Nr. 11990. Vereinigte Staaten. 27. März 1898. it ever stop?" || The Crown forces are now building a cordon of small forts on city's outskirts for defense against provincial natives, who are expected to soon attack Manila. In fact, two detectives and one messenger have come to me this evening with information that attack was to be made to-night, and everybody is anxious, as 8,000 native insurgent soldiers are encamped only five miles away. || The insurgents seem to lack arms and organization, but, so far as I can learn, outnumber the Spanish forces and inhabitants twenty to one. Arms are being obtained and organization slowly effected, and all classes fear the near future. It is said that the only reason why Manila has not been taken and burned is because a vast majority of its population is in perfect accord with the insurgents. || Because of anxiety among Americans and my wish to keep in reach of all demands, I keep the consulate open double hours and on all holidays and Sundays, with biggest flag flying, so any needing a refuge may find it. || Barbarities are reported as daily practiced, such as placing prisoners and suspects in black-hole dungeons in the walls of old Manila, so placed that with rise of tide prisoners are drowned; several hundred reported to have so perished. || Cruelties too horrid for an official report are detailed to me every day, and it seems that the cry of outraged humanity would soon compel Spain to abolish Middle Age methods of warfare. || Christian nations are such only in name when such atrocities as daily blacken the calendar are known to be perpetrated here and no effort made to protect the weak. || There is to-day no Christian nation — policy and mock diplomacy govern all; the vilest cruelties of war are added to the mangling of old men, women, and children to make full the measure of iniquity. || The American Indians would not permit one of their tribes to practice such barbarities. Why should so-called Christian nations decline to call a halt upon Spanish outrages? || All information as to defenses of Manila has been sent to Commodore George Dewey at Hongkong. || For fear of confiscation this dispatch and other mail go by messenger to Hongkong, to be there mailed. || Cable is cut in three places. I keep copies of dispatches, etc., but at present, for reasons, they are not copied on the register at consulate.

I remain, etc.,

Oscar F. Williams,
United States Consul, Manila.

Nr. 11991. VEREINIGTE STAATEN. — Der Konsul in Manila an den Minister des Auswärtigen. Bericht über die Seeschlacht bei Cavite.

U. S. S. Baltimore,
Consulate of the United States,
Bay of Manila, Philippine Islands, May 4, 1898.

Nr. 11991. Vereinigte Staaten. 4. Mai 1898. Sir: I have the honor to briefly report to you concerning the battle of Manila Bay, fought on May 1, 1898. || Heeding your mandate, and by repeated request of Commodore George Dewey, of the United States Asiatic Squadron

I left Manila on Saturday, April 23, and on Wednesday, April 27, at about 1 o'clock p. m., boarded the flagship Olympia in Mirs Bay, near Hongkong. After meeting the commodore and his captains and commanders in council, the commodore at once ordered his fleet to start at 2 p. m. for Manila Bay. On Saturday, April 30, Subig Bay was reconnoitered because of reported hiding of Spanish fleet in its inner harbor, but no fleet being there found, the commodore proceeded at once to the south channel entrance to Manila Bay, and while by many reports mines, torpedoes, and land defenses obstructed entrance, yet the flagship led the van, and between 10 p. m., April 30, and 2 a. m., May 1, our fleet of six war ships, one dispatch boat, and two coal-laden transports passed all channel dangers unharmed, despite shots from forts, and at 2 a. m. were all safe on the broad expanse of Manila Bay. || After my departure, April 23, and by drawing fire to save Manila if possible, all Spanish war ships went to their strongly fortified naval station at Cavite, where the inner harbor gave refuge and where potential support could be had from several forts and well-equipped batteries which extended several miles right and left from Port Cavite. || At about 5.30 a. m., Sunday, May 1, the Spanish guns opened fire at both the Manila breakwater battery and at Cavite from fleet and forts. || With magnificent coolness and order, but with greatest promptness, our fleet, in battle array, headed by the flagship, answered the Spanish attack, and for about two and a half hours a most terrific fire ensued. || The method for our operations could not have shown greater system, our guns greater effectiveness, or our officers and crews greater bravery. And while Spanish resistance was stubborn and the bravery of Spanish forces such as to challenge admiration, yet they were outclassed, weighed in the balance of war against the methods, training, aim, and bravery shown on our decks, and after less than three hours' perilous and intense combat one of Spain's war ships was sinking, two others burning, and all others with land defenses had severely suffered when our squadron, with no harm done its ships, retired for breakfast. At about 10 o'clock a. m. Commodore Dewey renewed the battle and with effects most fatal with each evolution. || No better evidence of Spanish bravery need be sought than that, after the castigation of our first engagement, her ships and forts should again answer our fire. But Spanish efforts were futile. Ship after ship and battery after battery went to destruction before the onslaught of American energy and training, and an hour and a half of our second engagement wrought the annihilation of the Spanish fleet and forts with several hundred Spaniards killed and wounded and millions in value of their Government property destroyed. While amazing, almost unbelievable as it seems, not a ship or gun of our fleet had been disabled, and, except on the Baltimore, not a man had been hurt. || One of the crew of the Baltimore had had a leg fractured by slipping and another hurt in the ankle in a similar manner, while four received slight flesh wounds from splinters thrown by a 6-inch projectile which pierced the

Nr. 11991. starboard side of the cruiser. || But in the battle of Manila Bay the United
 Vereinigte States squadron of six war ships totally destroyed the Spanish fleet of eight
 Staaten. war ships, many forts and batteries, and accomplished this work without the
 4. Mai 1898. loss of a man. || History has only contrasts. There is ne couplet to form a
 comparison. The only finish fight between the modern war ships of civilized
 nations has proven the prowess of American naval men and methods, and the
 glory is a legacy for the whole people. Our crews were all hoarse from
 cheering, and while whe suffer for cough drops and throat doctors we have
 no use for liniment or surgeons. || To every ship, officer, and crew all praise
 be given. As Victoria was answered years ago, "Your Majesty, there is no
 second", so may I report to your Department as to our war ships conquering
 the Spanish fleet in the battle of Manila Bay: There is no first; there is no
 second. The cool bravery and efficiency of the commodore was echoed by
 every captain and commander and down through the lines by every officer
 and man, and naval history of the dawning century will be rich if it furnished
 to the world so glorious a display of intelligent command and successful service
 as must be placed to the credit of the United States Asiatic Squadron
 under date of May 1, 1898. || It was my lot to stand on the bridge of the
 Baltimore by the side of Captain Deyer during the first engagement, and to
 be called to the flagship Olympia by the commodore, at whose side, on the
 bridge, I stood during the second engagement. And when the clouds roll by,
 and I have again a settled habitation, it will be my honor and pleasure to
 transmit a report showing service somewhat in detail, and for which commanders
 promise data. || Meanwhile our commodore will officially inform you of
 events which will rival in American history the exploits of Paul Jones.

I have, etc.,

Oscar F. Williams,

United States Consul. Manila, Philippine Islands.

Nr. 11992. VEREINIGTE STAATEN. — Derselbe an Denselben.
 Grausamkeiten der Spanier. Verhältnis der Eingeborenen zu den Amerikanern.

Cruiser Baltimore,

Consulate of the United States,

Manila Bay, Opposite Cavite, Manila, Philippine Islands, May 12, 1898.

Nr. 11992. Sir: To aid you, if possible, permit me to give assurance of the friend-
 Vereinigte liness of the Philippine natives to our country and to me as its representa-
 Staaten. tive. || During the period of my residence in Manila, every week was a history
 12. Mai 1898. of barbarities by Spaniards, and of efforts, often futile, of the natives to obtain
 rights and protect their homes. || Scores of times I have heard hopes expressed
 that either United States or Great Britain would acquire these islands. In
 all this foreign residents, other than Spanish, concurred; and all such classes
 are most friendly to me. || In the struggle between Spain and the insurgents,

the deaths have been many and greater among the natives. First, because the Spaniards have been much better armed. Second, because the Spaniards killed many noncombatants, old men, women, and children, while the natives refrained from such barbarities. || From consensus of opinions of many reliable people, I estimate Spanish forces here about as follows: || First. Naval force, in ships annihilated in the notable battle of Manila Bay, in which ten Spanish war ships were burned and sunk — two auxiliary gunboats, ditto — and about thirty steamers, schooners, tugs, etc., captured. || Second. About 4,000 Spanish infantry, nearly a half of whom are in hospitals. || Third. About 6,000 native troops under Spanish officers, but if such officers were deported their soldiers would eagerly follow our flag.

Nr. 11992.
Vereinigte
Staaten.
12. Mai 1898.

An insurgent leader, Major Gonzales, reported to me last week on the Olympia, that they had 37,000 troops under arms, good and bad, surrounding Manila, endeavoring to cooperate with us. In the main they are very poorly armed, but have about 6,600 rifles taken from the Spaniards. They have captured the entire railroad line and the River Pasig, thus cutting off supply lines, while we by cutting off supply by bay and sea can soon starve Manila into surrender. || These natives are eager to be organized and led by United States officers, and the members of their cabinet visited me and gave assurance that all would swear allegiance to and cheerfully follow our flag. They are brave, submissive, and cheaply provided for. || To show their friendliness for me as our nation's only representative in this part of the world, I last week went on shore at Cavite with British consul, in his launch, to show the destruction wrought by our fleet. As soon as natives found me out, they crowded around me, hats off, shouting "Viva los Americanos", thronged about me by hundreds to shake either hand, even several at a time, men, women, and children striving to get even a finger to shake. So I moved half a mile, shaking continuously with both hands. The British consul, a smiling spectator, said he never before saw such an evidence of friendship. Two thousand escorted me to the launch amid hurrahs of good feeling for our nation, hence I must conclude:

First. Our squadron can force surrender in a day. Spaniards are all cooped up in Manila. || Second. Spanish officers of native regiments away, these 6,000, together with selections from the 37,000 insurgents, can give us ample land force, and can be well armed with rifles of Spanish soldiers and from barracks and arsenals. || Third. Few United States troops will be needed for conquest and fewer still for occupancy. Expulsion of Spaniards, naval, civil, military, and clerics, will remove all discord and danger, and civil government, crude in the beginning but better than the present, will be easy and be well received, while native priests, of which there are many, can fully and with perfect acceptability meet all religious requirements so far as present established religion is concerned.

All natives, all foreigners other than Spanish, and certain Spaniards in

Nr. 11992. mercantile and retired life will aid us to every extent. The people crave a
 Vereinigte change of flag. Hence I believe ample assurances are at hand that civil go-
 Staaten. vernment by us will be easy of organization and gratefully received by the
 12. Mai 1898. people. || My communications to your Department are, these war days, *supra*
 consular, but on other lines I endeavor to serve our fleet and thus serve our
 nation. || All rejoice over the merited promotion of our commodore to the rank
 of rear-admiral, but every man of the fleet proved a hero, and it seems as
 if the shield of Providence warded off the enemy's shot, leaving our men un-
 harmed, our ships and guns intact, and gave us the most important and unique
 victory of history. || The student of the next century will read with pride that
 the right arm of Spain was broken at the battle of "Manila Bay", and from
 this must come the acquisition of these islands, many times more extensive,
 more populous, and more valuable than Cuba, or else their capture will force
 Spain to conditions of peace on basis of honor, so much sought by our
 nation.

I have, etc.,

Oscar F. Williams,
 United States Consul.

Nr. 11993. **VEREINIGTE STAATEN.** — Der Konsul in Manila
 an den Minister des Auswärtigen. Thätigkeit
 Aguinaldos.

U. S. S. Baltimore,
 Consulate of the United States,
 Manila, Philippine Islands, June 16, 1898.

Nr. 11993. Sir: I have the honor to report that since our squadron destroyed the
 Vereinigte Spanish fleet on May 1, the insurgent forces have been most active and almost
 Staaten. uniformly successful in their many encounters with the crown forces of Spain.
 16. Juni 1898. General Emilio Aguinaldo, the insurgent chief, who was deported late in 1897,
 returned recently to Cavite and resumed direction of insurgent forces. He is
 not permitted by his people to personally lead in battle, but from head-
 quarters governs all military movements. He told me to-day that, since his
 return, his forces had captured nearly 5,000 prisoners, nearly 4,000 of whom
 were Spaniards, and all of whom had rifles when taken. General Aguinaldo
 has now about 10,500 rifles and 8 fieldpieces, with 8,000 more rifles, 2
 Maxim guns and a dynamite gun bought in China and now in transit. The
 insurgents have defeated the Spaniards at all points except at fort near Ma-
 tate, and hold not only North Luzon to the suburbs of Manila, but Batanyes
 Province also and the bay coast entire, save the city of Manila. || While the
 Spaniards cruelly and barbarously slaughter Filipinos taken in arms, and
 often noncombatants, women, and children, the insurgent victors, following
 American example, spare life, protect the helpless, and nurse, feed, and care
 for Spaniards taken prisoners and for Spanish wounded as kindly as they care
 for the wounded fallen from their own ranks. || For future advantage I am

maintaining cordial relations with General Aguinaldo, having stipulated submissiveness to our forces when treating for their return here. Last Sunday, 12th, they held a council to form provisional government. I was urged to attend, but thought best to decline. A form of government was adopted, but General Aguinaldo told me to-day that his friends all hoped that the Philippines would be held as a colony of United States of America. || It has been my effort to maintain harmony with insurgents in order to exercise greater influence hereafter when we reorganize government. || Manila is hemmed in; foreigners other than Spaniards have, by kindness of Rear-Admiral Dewey, been allowed to leave the beleaguered city and are cared for on merchant ships in the bay. || The Baltimore leaves early to-morrow to meet the troop ships northeast of Luzon, and incidentally to reconnoiter Dagupan Bay, the northern terminus of the Manila railroad, for Spanish cruisers and merchant ships.

We are impatient, made doubly so by the miraculous battle of May 1, which after inspection of waters and wrecks proved to be more signal than detailed in my dispatch on that subject. || The Spanish fleet, comprised of the following vessels, was annihilated so far as Spain is concerned, viz: Cruiser (flagship) Reina Christina, cruiser Don Antonio de Ulloa, cruiser Don Juan de Austria, cruiser Isle de Cuba, cruiser Isle de Luzon, gunboat General Lezo, gunboat Marques del Duero, gunboat Velasco, gunboat Argos, and armed transport Isle de Mindanao. || The above destroyed and sunk; the armed transport Manila was captured and soon appears as a United States cruiser, and the cruiser Callao has since been captured and augments our fleet. || The superb cruisers Isle de Cuba and Isle de Luzon were almost uninjured when sunk, by scuttling, to defeat capture. These are rich prizes which, later on, I hope to see flying our flag. We have had neither death nor serious sickness since we came. Manila is at the mercy of our fleet, and I believe its capture may be effected, so far as the fleet's part is concerned, without the loss of a man or the disabling of a vessel. Rear-Admiral Dewey only awaits troops to insure order and good government once we are in possession. We fear the city may fall too soon. For this reason Admiral Dewey asked me to remain here, where he could command such service as I may be able to render in event of his taking the city. || I expect that on July 4 we will celebrate in Manila under the folds of "Old Glory", and write in living letters a page of history that this magnificent insular empire has become a part and parcel of the United States of America.

Oscar F. Williams,
United States Consul.

Nr. 11993.
Vereinigto
Staaten,
18. Juni 18 8.

Nr. 11994. VEREINIGTE STAATEN. — Derselbe an Denselben.
Vorschläge für den Fall einer längeren Okkupation
der Philippinen.

U. S. S. Baltimore, Manila Bay,
Manila, Philippine Islands, July 2, 1898.

Nr. 11994.
Vereinigte
Staaten.
2. Juli 1898.

Sir: I have the honor to report the arrival here on June 30 of 2,500 United States troops under command of General Anderson, the flotilla being convoyed by the Charleston. || To General Anderson and all I am rendering every possible assistance, and have been asked by him to treat with General Aguinaldo as to American interests. || We await second flotilla, and also Monterey, but may take Manila to-morrow. || The health of men, naval and military, is excellent; all eager for great results. Cavite and navy-yard have been put in excellent sanitary condition and soldiers are most comfortably quartered. || Weather is superb for the latitude — mercury hovering about 80° to 85° in the shade during day, with cooler nights. Frequent rains make air pure and climate healthful. || En route the Charleston made conquest of the Ladrone group of the Philippine Islands by taking Guam and bringing away its government officials and Spanish residents as prisoners of war. || If long occupation or possession on the part of our Government be considered, I believe early and strenuous efforts should be made to bring here from the United States men and women of many occupations — mechanics, teachers, ministers, shipbuilders, merchants, electricians, plumbers, druggists, doctors, dentists, carriage and harness makers, stenographers, typewriters, photographers, tailors, blacksmiths, and agents for exporting — and to introduce American products, natural and artificial, of many classes. To all such I pledge every aid, and now is the time to start. Good government will be easier the greater the influx of Americans. || My dispatches have referred to our present percentage of export trade. If now our exports come here as interstate duty free, we have practical control of Philippine trade, which now amounts to many millions, and because of ingrafting of American energy and methods upon the fabulous natural and productive wealth of these islands can and probably will be multiplied by twenty during the coming twenty years. All this increment should come to our nation, not go to any other. Those who come early will reap great rewards and serve patriotic purpose at the same time, while their prompt and successful work will furnish outlet for the glut of United States products. Each American concern in each of the hundred ports and populous towns of the Philippines will be a commercial center and school for tractable natives conducive to good government on United States lines. Spanish or native language not essential. With Spaniards expelled, it should apply that our language be adopted ad once in court, public office, school, and in newly organized churches, and let natives learn English. || I hope for an influx this year of 10,000 ambitious Americans, and all can live well, become enriched, and patriotically assist your representatives

in the establishment and maintenance of republican government on these rich islands so extensive in area as to form an insular empire. || I hope in your own good way my idea may be effectively placed before the American people.

Nr. 11994.
Vereinigte
Staaten.

2. Juli 1898.

O. F. Williams, Consul.

Nr. 11995. PHILIPPINEN. — Aguinaldo an den Präsidenten der Vereinigten Staaten. Protest gegen Annexion oder Verkauf der Philippinen.

Cavite, June 10, 1898.

Dear and Honored Sir: I come to greet you with the most tender effusion of my soul, and to express to you my deep and sincere gratitude, in the name of the unfortunate Philippine people, for the efficient and disinterested protection which you have decided to give it, to shake off the yoke of the cruel and corrupt Spanish domination, as you are doing to the equally unfortunate Cuba, which Spain wishes to see annihilated rather than free and independent, giving her, to quiet her and to cicatrize the deep wounds made in her heart by the iniquities committed upon her children, a false autonomy of which one bold blow of the Governor-General may deprive her immediately, as she has no colonial army to serve as a counterpoise to the almost sovereign powers of that supreme authority. || At the same time, as I am always frank and open, I must express to you the great sorrow which all of us Filipinos felt on reading in the "Times", a newspaper of the greatest circulation and reputation in the whole world, in its issue of the 5th of last month, the astounding statement that you, sir, will retain these islands until the end of the war, and, if Spain fails to pay the indemnity, will sell them to a European power, preferably Great Britain; but we found a palliative to our sorrow in the improbability and suddenness of that statement, as common sense refuses to believe that so sensible a public man as you would venture to make an assertion so contrary to common sense, before events are entirely consummated, as you well know that if God favors the triumph of your arms to-day, to-morrow He may defeat them and give the victory to Spain, and because such an assertion is not consistent with the protection of which you make a boast toward this unfortunate people, which has been groaning for more than three centuries in the clutches of a nation which has for its shield (emblem) the lion, one of the ferocious animals, although she displays it as a symbol of nobility, which she certainly does not possess, besides the fact that it is opposed to your noble and generous sentiments to wish to sell these islands to a European power such as England, thereby making us pass under the domination of that nation, which, although it has a truly liberal government, partakes none the less of the nature of a tyranny as it is monarchical. || Oh, sir, you are greatly injured by this statement, which ought to be regarded merely as a diplomatic trick invented by the friends of Spain to induce

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Philippinen.
10. Juni 1898.

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Philippinen.
10. Juni 1898.

to help her by using this vile slander which has been hurled against you to arouse our hostility to that powerful nation over whose destinies you happily preside. || The Philippine people, however, have not given credit to that awkwardly invented fable, and have seen in your nation, ever since your fleet destroyed in a moment the Spanish fleet which was here, in spite of its being assisted by the guns of their two forts, the angel who is the harbinger of their liberty; and they rose like a single wave when, as soon as I trod these shores, I addressed them to gain them over; and they captured, within the period of ten days, nearly the whole garrison of this Province of Cavite, in whose port I have my government — by the consent of the admiral of your triumphant fleet — as well as the garrison of the adjoining Province of Batavia, together with the governors and officials of both provinces; and my valiant hosts are now besieging Manila, the capital, on the south and east, while my forces in the Province of Bulacan, which adjoins this province on the north, and the chief town of which is likewise being besieged by them, nearly surround Manila on the north. || Such is the astonishing triumph which this suffering people has gained in a few days over the conquering race whose traditional valor, of which it is continually bragging, has been humbled on these battlefields and has been succeeded by a great terror; and a people of such warlike qualities, which is, moreover, thoroughly civilized, as nearly two thirds of them can read and write, and as they have in their midst many men of high attainments in the sciences and arts, should not be sold as if it were a lamb to be sacrificed and exploited for the greed of another nation. || I close by protesting once and a thousand times, in the name of this people, which knows how to fight for its honor by means of its improvised warriors and artillery men, against the statement published by the "Times", mainly for the purpose of casting a blot in history upon its glorious name; a people which trusts blindly in you not to abandon it to the tyranny of Spain, but to leave it free and independent, even if you make peace with Spain, and I offer fervent prayers for the everincreasing prosperity of your powerful nation, to which and to you I shall show unbounded gratitude, and shall repay with interest that great obligation.

Your humble servant,

Emilio Aguinaldo.

Andere Notizen über die Philippinen.

Nr. 11996. **VEREINIGTE STAATEN.** — Denkschrift des Generals
F. V. Greene. Haß zwischen Spaniern und
Philippinos.

27. August 1898.

If the United States evacuate these islands, anarchy and civil war will immediately ensue and lead to foreign intervention. The insurgents were furnished arms and the moral support of the Navy prior to our arrival, and we can not ignore obligations, either to the insurgents or to foreign nations which our own acts have imposed upon us. The Spanish Government is completely demoralized, and Spanish power is dead beyond possibility of resurrection. Spain would be unable to govern these islands if we surrendered them. Spaniards individually stand in great fear of the insurgents. The Spanish Government is disorganized and their treasury bankrupt, with a large floating dept. The loss of property has been great. On the other hand, the Filipinos can not govern the country without the support of some strong nation. They acknowledge this themselves, and say their desire is for independence under American protection; but they have only vague ideas as to what our relative positions would be — what part we should take in collecting and expending the revenue and administering the government. || The hatred between the Spanish and natives is very intense and can not be eradicated. The natives are all Roman Catholics and devoted to the church, but have bitter hatred for monastic orders — Dominican, Franciscan, and Recollects. They insist that these be sent out of the country or they will murder them. These friars own the greater part of the land, and have grown rich by oppressing the native husbandmen. Aguinaldo's army numbers 10,000 to 15,000 men in vicinity of Manila, who have arms and ammunition, but no regular organization. They receive no pay, and are held together by hope of booty when they enter Manila. They are composed largely of young men and boys from surrounding country, who have no property and nothing to lose in a civil war. Aguinaldo has two or three ships, and is sending armed men to the northern portions of Luzon and to other islands. The Spaniards there, being cut off from communication with Manila and Spain, can not be reenforced. || The result will be an extension of the civil war and further destruction of property. There are in Manila itself nearly 200,000 native Filipinos

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Nr. 11995. among whom are large numbers with more or less Spanish and Chinese blood
 Vereinigte who are men of character, education, ability and wealth. They hate the
 Staaten. Spanish, are unfriendly toward other nations, and look only to America for
 27. Aug. 1898. assistance. They are not altogether in sympathy with Aguinaldo, fearing the
 entry of his army into Manila almost as much as the Spaniards fear it.
 They say Aguinaldo is no fitted either by ability or experience to be the
 head of a native government, and doubt if he would be elected President in
 an honest election. Principal foreign interests here are British, and their
 feeling is unanimous in favor of American occupation. They have already for-
 forwarded a memorial to their Government asking for it as the only way to
 protect life and property. || Altogether the situation here is somewhat similar
 to Bosnia and Herzegovina in 1878, and Egypt in 1882, and the only practi-
 cable solution seems to be on lines somewhat similar to those adopted in
 those cases. The length of our occupation would depend on circumstances
 as developed in the future, but should be determined solely in our discretion
 without obligation to or consultation with other powers. This plan can only
 be worked out by careful study by the Paris Commission, and they should
 have advice and full information from some one who has been here during
 our occupation and thoroughly understands the situation. It is not understood
 in America, and unless properly dealt with at Paris will inevitably lead to
 future complications and possibly war. || The currency of the country is silver.
 The Mexican dollar is preferred, and worth about 47 cents gold, but the gold
 dollar will not buy in labor or merchandise any more than the Mexican
 dollar, and any attempt to establish a gold basis for currency would ruin any
 business in the islands. || The total revenue is about \$ 17,000,000 Mexican,
 derived about 35 per cent from customs, 50 per cent from internal taxes,
 and 15 per cent from state lottery and sale of monopolies. More than two-
 thirds of the internal revenue comes from poll tax or cedula, which is very
 unpopular. The country was self-supporting and free of debt until the in-
 surrection broke out about two years ago, but the expenses of the civil war
 have disorganized finances. There is a bonded debt, Series A, \$ 15,000,000
 Mexican, held in Spain, for which the colony never received any consideration,
 and another debt, Series B, same amount, which was forced on the people
 here, and the validity of which is open to question. Both debts are secured
 by first liens on custom-house receipts, but this does not appear to have
 been respected.

Nr. 11997. VEREINIGTE STAATEN. — Bericht des Major F. S.
 Bourns an den General Merritt. Beschreibung der
 Inseln.

Manila, Philippine Islands, August 29, 1898.

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 Vereinigte
 Staaten.

29. Aug. 1898. Sir: In obedience to your request I have the honor to submit the follo-
 wing: || Although the Island of Luzon is the largest of the Philippine group,

and likewise the most important, there are others of great importance, especially from the commercial view-point. The most important of these are known as the Visayas, and include the islands of Panay, Negros, Zebu, Samar, Leyte, Masbate, Romblon, Tablas, and Cibuyan. || The Island of Zebu, on which the City of Cebu is situated, is almost entirely under cultivation, there being but little of the original forests to be found. Here are cultivated sugar, to a limited extent hemp, Indian corn, and other products. Here, likewise, are found mines of coal and deposits of petroleum, both as yet undeveloped.

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Panay, on which the city of Iloilo, the second port in commercial importance in the islands, is situated, is also well under cultivation, there being but few places in the northwest and west still covered with forests. Both of these islands are inhabited by the Visayan race, all of whom have adopted Christianity and all of whom are under tribute to Spain. || The island of Negros, situated between these two islands, is also of great importance from an agricultural view-point. There still exists in the interior of this island a great amount of forests, and some of the tribes in the interior have never been made tributary to Spain. It is a great sugar-producing island, almost all of the lowlands near the coast being under cultivation. || Samar and Leyte, to the east, are not so well developed, but a great deal of hemp of the best quality is produced there, the most of which finds its way to markets by way of Manila, although some is shipped from Cebu. Most of the sugar produced in the three islands first mentioned is marketed at Iloilo. || The smaller islands mentioned — Masbate, Romblon, Tablos, and Cibuyan — are of more importance as supporting large herds of cattle, the island of Masbate being especially noteworthy for this. The products of the islands just mentioned are marketed almost entirely in Manila. All of the people in these islands, with the exception of the few mentioned in the interior of Negros, are docile well disposed, and easily managed. They are somewhat less energetic than the Tagologs of Luzon, and have never been involved in the insurrections occurring in these islands, to my knowledge, except in Cebu in 1896, and then through the influence of Tagologs sent there for the purpose of stirring up the insurrection. || Mindanao, Basilan, and the Sulu group are inhabited for the most part by Malay tribes belonging to the Mohammedan faith. The interior of the great island of Mindanao has never been conquered by the Spaniards. The important Spanish towns on this island are located on the seacoast and are inhabited largely by the emigrants from the other islands. || The Sulu group has recently been brought under partial control of Spanish authority, but as yet the inhabitants do not pay tribute to Spain, or at least they did not up to the year of 1893. || The island of Palawan, on the west, is almost entirely undeveloped, there being perhaps a half dozen small Spanish towns along the seacoast on either side. The most important settlement is at Puerto Princesa, where there is a fine harbor. The most of the inhabitants are known as Tageannas, a Malay tribe just being brought under the

Nr. 11997. influence of Spanish methods. || The Caliaimanes, northeast of Palawan, are
 Vereinigte inhabited by the same tribe, but more emigrants are found here than in
 Staaten. Palawan. Cattle are shipped from here to Manila, grazing being the principal
 29. Aug. 1898. industry. || The large island of Mindoro, just south and west of Luzon, is
 almost entirely undeveloped, there being but a few Spanish towns along the
 coast. The few agricultural products of this island are almost entirely consumed
 by the inhabitants themselves, the principal exports being jungle products,
 such as rattan and woods. The sago palm grows abundantly throughout this
 island, and sago flour is the principal breadstuff of the uncivilized tribes
 of the interior. This island is supposed to contain large deposits of coal,
 and I myself at one time found outcroppings indicating a coal deposit at a
 place within easy communication of the seacoast.

In regard to the island of Luzon I do not deem it necessary to say much, as it is the best-known island of the group. Large areas are under cultivation and large areas are still covered with the primeval forests. The majority of the people have been christianized and are under the control of Spain, but many tribes in the forests and mountains have never been influenced by the Spanish Government. The products of the island are, as known varied — sugar, hemp, tobacco, chocolate, and coffee being the important ones. || As is probably well known to you, the forests of the Philippines produce most valuable woods in almost unlimited quantities. These have never been properly cared for or developed, owing to the restrictions and hindrances of the Spanish law. The same applies to all industries in the Philippines. || In regard to the people of the entire archipelago and the feasibility of bringing them under our control, I see no reason to change the opinion I gave to you before we left the United States. I believe that the masses of the people will accept our government as soon as they understand the form of government that we would offer. The people are for the most part easily controlled by proper methods, the essence of which can be expressed in two words — justice and firmness. || It has been my observation, and this is backed by the statements of many intelligent natives and half-castes with whom I have talked that the Philippine native will accept merited punishment without complaint and without the feeling of injury having been done him. || I still believe that if a few of the ambitious chieftains now in control of the insurgent army could be disposed of, the masses of the people could be handled without difficulty. At the present it is my opinion that these chieftains find themselves in a difficult position on account of the promises made to their followers in regard to looting Manila, said promises being so far unfulfilled. Their troops have been serving up to the present time almost without remuneration, promises being made that their reward would come when Manila capitulated. Since my arrival I have availed myself of every opportunity to talk with natives and half-castes, both in the insurgents territory and in Manila. I find that many of them would be perfectly willing to accept an American govern-

ment, and many of them are very anxious that we should take full possession of the islands. Many others hold to the desire of the insurgent chiefs for a Philippine government under the protection of the United States. These people express themselves as being confident of their own ability to govern the islands. Many of these would not be satisfied until the experiment had been tried, but I do not believe that such a government would be a success and that the United States would ultimately have to take hold of the government. This for several reasons: First, because the only example of government ever seen by these people is that given by Spain, and they would naturally follow quite closely the methods heretofore pursued; second, lack of unity, not only among the important men here in the island of Luzon, but likewise on account of lack of union and full understanding with the various other races of the archipelago, such, for instance, as the Visayas of the central islands; third, because of the three other elements in the islands — the uncivilized hill tribes, the Mohammedans of the south, and the Chinese residents found in all parts of the islands. || The feeling existing between the Filipinos and the Chinese residents can be seen any day, by anyone who will take the trouble to notice it, in the streets of Manila. The Chinese, being naturally more industrious and more thrifty than the Filipinos, usually succeed better, the result being a feeling of extreme jealousy on the part of the Filipinos. I know from observation that this racial feeling would be very hard to overcome, as between the Catholic Filipinos and the Mohammedans of the south questions would constantly arise difficult of adjustment by any but a third and stronger party. || In regard to the hill tribes, or what are called savage tribes, I have observed in various parts of the island that they are illtreated, imposed upon in every way, and generally considered to be of a very inferior race, to be treated without consideration by the Catholic natives.

Another reason for supposing that difficulty would arise in case of self-government is the jealousy among the chieftains themselves. These observations have been made since my arrival here, and are substantiated by conversations with many natives and half-castes. They themselves state that as soon as a Filipino is appointed to office, such as lieutenant or captain, or to a higher rank, he immediately considers himself far above his fellow-Filipinos, treats them with severity and disdain, and, in short, attempts to imitate as closely as possible the methods pursued by Spanish officials in their treatment of the natives. I have definite information also that at least three or four of the leading men of the provinces to the north and east of Manila are not at all in harmony with those in authority around Manila. All of these conditions would, in my opinion, soon bring about a distressing condition. || The only point on which all the natives and half-castes I have talked with agree is that they will never, so long as they have arms, ammunition, or men, submit again to Spanish authority. Their bitterness of feeling against the Spa-

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Nr. 11997. niards can scarcely be exaggerated. This fact I have had abundant opportunity to know. || The feeling against the monastic orders is, as you know, not Vereinigte Staaten.
29. Aug. 1898. against the church itself, as they are all good Catholics and wish well toward the Catholic Church. The bitterness is directed against all the members of the monastic orders, with the exception of the Jesuits, whose only work here is missionary, scientific, and educational. Even the most rapid among them have expressed to me their appreciation of the work being done by the Jesuits. || Taken as a whole, the Philippine Islands are as rich and productive islands, with as good climate and as good natural advantages, as are to be found anywhere in the tropics. || In conclusion, I wish to state that these opinions are only my personal opinions, founded upon extensive observations in these islands and comparison with other tropical regions which I have visited. I give them to you in obedience to your request, and whether they prove to be right or wrong I can only assure you that they are my honest convictions, and founded only upon personal observations made during a three years and a half residence in these islands. || From a personal interest in such matters I have always talked freely with the people of whatever place I have visited, not expecting that my views would be needed in any such emergency. I do believe, however, that in the main they are fairly accurate, and that my estimate of the people and of the islands and their resources is not far amiss.

I am, sir, very respectfully,

Frank S. Bourns,
Major and Chief Surgeon, U. S. Volunteers.

Nr. 11998. VEREINIGTE STAATEN. — Bericht des Majors J. F. Bell an General Merritt. Streitkräfte der Philippinen.

Manila, Philippine Islands, August 29, 1898.

Nr. 11998, Vereinigte Staaten.
29. Aug. 1898. Sir: Pursuant to your verbal instructions, I have the honor to report the following facts and opinions: || In the city of Santa Cruz the capital of La Laguna, about 600 Spaniards are besieged by insurgents. || Albay, held by a detachment of Spanish forces, number not known, is also besieged by insurgents. || All the Spanish in the Province of Tayabas have just been captured by insurgents, together with a considerable amount of money and other property. || The Spanish still hold Daet, the capital of Camarines Norte, and Nueva Caceres, the capital of Camarines Sur, but both places are besieged by insurgents. || The four provinces, Llocos Sur, Llocos Norte, Isabella, and Cagayan are still in the possession of the Spanish, but 400 insurgents have been dispatched to attack the Spanish in these provinces. || About 250 Spaniards hold Morong, the capital of the province of the same name. || There is one company of Spanish infantry in Yap, the capital of Ponape, one of the Caroline Islands. || There are also a considerable number of Spanish troops in

Cebu, Iloilo, Leyte, and Mindanao. || The island of Mindoro and the provinces of Batangas, Pampangas, Paugasenán, Bulacan, La Union, Tayabas, Bataan, Zambales, Tarlac, and Cavite (all in the island of Luzon) are under the control of insurgents. || Concerning the insurgents now under arms and about the city, it is practically impossible to count or estimate their number for several reasons: First, they are being continually sent away to other provinces; second, many of them have laid aside their arms temporarily to raise crops for their families. As the organization is very loose, no captain knows the exact number of his following. No reports have ever been made to General Aguinaldo. The closest estimate that can be made of the available armed insurgent force is based upon the number of arms recently captured from the Spanish militia, from the arsenal at Cavite, from Spaniards captured in battle, and bought from Jackson and Evans. Together with the number it is fair to estimate were in the hands of Filipinos, who got them in previous insurrection, this foots up about 40,000, as follows:

From militia	12,000
From arsenal	2,500
From Jackson and Evans	2,000
From Spanish	8,000
In hands of Filipinos (about)	15,000
Total	39,500

From this number there should probably be deducted several thousand guns recaptured by the Spanish and turned in under the provisions of a proclamation offering \$ 50 and amnesty to each insurgent who would come in and give himself and his rifle up to the Spaniards. || It is assumed that every Filipino who has a gun is ready material for an armed insurrectionist, providing sufficient provocation exists to appeal to the resentment of all. || Aguinaldo's following, however, is not so great, nor can all of those who are under arms be considered equal in loyalty to their chief. Great differences of opinion exist among them, and General Aguinaldo is just now experiencing considerable difficulty in maintaining control over his loosely organized forces. He has certain men among his leaders who are dishonest and unworthy, and are now guilty of conduct which seriously reflects upon the character of the insurgent. This is well known to General Aguinaldo, but he is powerless to prevent it, because he realizes that an effort to do so would be an end of their subordination to him. || Concerning the capacity of the Filipinos to govern themselves, I regret to say that I see no reason to change the opinion previously expressed, that they are unfit. I wish my opinion might be otherwise, for I prefer to believe them capable of self-government. There are a number of Filipinos whom I have met, among them General Aguinaldo and a few of his leaders, whom I believe thoroughly trustworthy and fully capable of self-government, and the main reliance for small official positions and many larger ones would be upon people who know no standard

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of government other than that the Spaniards have furnished. Their sense of equity and justice seems not fully developed, and their readiness to coerce those who come under their power has been strongly illustrated in this city since our occupation. A regularly organized system of blackmail has been instituted under the guise of making subscriptions to the insurgent cause. None of this money ever reaches the treasury of the so-called Filipino government, but is doubtless divided among the petty chiefs who assume to authorize subordinates to collect it. || The Filipinos themselves, living in the outskirts of the city, are daily terrorized and interfered with by small bands of marauding insurgents, who molest them for no other purpose but the accumulation of booty.

Aguinaldo has in Hongkong about \$ 300,000 and in Bacoor about \$ 220,000 of public funds. He has commissioned an agent to purchase all the nitrate of soda to be found in Manila, and a lot more in China and Japan. He has a cartridge factory at Imus capable of working 400 people. He proposes soon to move his headquarters to Malolos, on the railroad, north of Manila and only about thirty minutes' ride from the city. || There is not a particle of doubt but what Aguinaldo and his leaders will resist any attempt of any government to reorganize a colonial government here. They are especially bitter toward the Spaniards, but equally determined not to submit any longer to being a colony of any other government. What they would like best of all would be a Filipino republic with an American protectorate, for none realize their inability more clearly than they to maintain a republic without protection of some stronger power. Though they would prefer protection from America, they would accept it from any government save the Spanish. || Aguinaldo has not a universal following among the Filipinos. Though he is undoubtedly the most popular leader there is at present among the Filipinos, there are many of the wealthiest, most prominent, and most influential Filipino citizens who do not follow him and would not vote for him as president of their own free will and accord. The native population of Manila are generally opposed to insurrectionists. || A number of the rich and prominent Filipino citizens have told me that if the United States would govern this country for one year Aguinaldo's following would so dwindle that he would have no army left. || All the people except the Spaniards, foreign residents and natives alike, feel that a native government would be better than the continuation of Spanish rule; and I guess it would, for nothing could possibly be worse than the Spanish régime as it has long existed here. There is a very respectable and considerable number of Spaniards who openly condemn the corruption that has existed under Spanish dominion, and doubtless many more would so express themselves if they dared. || Aguinaldo has recently sent all of his adjutants (eight in number) into the city and assigned them regular districts, in which they are expected to observe for the purpose of preventing interference with citizens by members of the insurrectionary

forces. He is anxious to maintain the best appearance and credit for his waning cause. || It is openly asserted by many of his sympathizers that some of his agents are collecting subscriptions with a view of running away into the mountains with sufficient cash to maintain themselves in ease. No one is better aware of all these facts than Aguinaldo himself, and realizing that he was losing instead of gaining ground he has recently called into counsel a number of prominent and wealthy Filipinos, who have never allied themselves with his cause and at least one of whom has fought in the trenches against him within the past month. From among these men he has organized a committee to take charge in the city of Manila of all affairs affecting his cause and the good of the people. Few of these men are really favorable to a Filipino government, and all those who have much property at stake are praying that the Americans will continue in the country; so are all the foreign residents, except the Spanish. || In an effort to catalogue and describe the principal leaders among Aguinaldo's following I have arrived at the following conclusions, which are believed to be practically correct: || Aguinaldo. — Honest, sincere, and poor, not well educated, but a natural leader of men, with considerable shrewdness and ability; has the power of creating among the people confidence in himself, and is undoubtedly a very popular man, highly respected by all; but there are many better educated and richer natives who do not think he has sufficient education or experience to be a suitable president. He was a "little governor" of a small town in one of the provinces. It is also said that he was a school teacher, but I have been unable to verify this assertion.

(Die folgenden Charakteristiken sind fortgelassen.)

Nr. 11999. VEREINIGTE STAATEN. — Bericht des Admirals Dewey. Maritime Verhältnisse.

Flagship Baltimore,

Manila, Philippine Islands, August 29, 1898.

Sir: Referring to the Department's telegram of the 28th instant, I have the honor to transmit by the hand of Brig. Gen. F. V. Greene, U. S. V., the following views and information upon the subject of the Philippines. A copy of this communication is also given to Major-General Merritt. || The most important islands of the Philippines are Luzon, Panay, Cebu, Negros, Leyte, and Mindanao. The others, owing either to the character of the inhabitants, the limited amount of civilization, or the almost entire absence of cultivated land, may be neglected in any consideration of the relative importance or desirability of these islands, especially those of the southern group, which are almost wholly given over to savages. || Luzon is in almost all respects the most desirable of these islands, and therefore the one to retain. In it is situated Manila, the most important commercial as well as the most populous

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29. Aug. 1899. port of all the islands — a port that in our hands would soon become one of the first ports of the world. Not only is tobacco produced in large quantities, but all the tobacco of fine quality grown in the Philippines comes from the northern provinces of this island. The interior has as yet not been developed. || There is but one short railroad, from Manila to Dagupan, and no highways, so that almost all the commerce is carried on by water. Were railroads and highways built — and labor is very cheap — there is little doubt that this island would rapidly increase in productiveness and wealth. The population of Luzon is reported to be something over 3,000,000, mostly natives. These are gentle, docile, and, under just laws and with the benefits of popular education, would soon make good citizens. || In a telegram sent to the Department on June 23 I expressed the opinion that “these people are far superior in their intelligence and more capable of self-government than the natives of Cuba, and I am familiar with both races.” Further intercourse with them has confirmed me in this opinion. || As Luzon is the farthest north of the large islands, its climate is naturally the most temperate. In this connection it may be mentioned that out of a force of over 2,000 on the ships of my squadron the number of men on the sick list at any time has not exceeded forty, nor has there been any considerable sickness among our troops on shore, though they were much exposed for three weeks in the trenches during the rainy season. As a matter of fact, Manila is far from being an unhealthy city, and the climate is as fine as that of any place in the tropics. || About 60 miles from Manila and to the northward and westward is Subig Bay, decidedly the best harbor in the Philippines, having no equal as a coaling station or naval and military base. || The entrances are narrow, the shores bold, the water deep, the bay landlocked, easily defended from attack by sea or land, and the fresh-water supply ample. As it is just off the trade route between Manila and China and Japan, it strategically commands Manila. It is there that the Spanish Government had planned to place its principal naval arsenal in the East. Already a great deal of money has been expended, many buildings erected, and much work done. A contract has been made with an English company to construct a floating dock of 12,000 tons capacity; some of the material has been delivered and payments made. The arsenal is on the south side of the harbor, at the village of Olongapo. It is expected that a connection will be made with the railroad from Manila to Dagupan, thus putting Subig in easy reach of Manila. || The principal naval station in the Philippines is now at Cavite, in Manila Bay. It has very fair workshops for light work and ways for vessels of less than 1,000 tons. But it is capable of little expansion, and the small depth of water precludes the building of dry docks for large ships, or even the use of floating docks of much capacity. || Luzon has other decided advantages both in a commercial and military sense. It is nearest the great centers of trade in the far East, such as Hongkong, Canton, Shanghai, Peking, Nagasaki, and

Yokohama, and nearest the trade routes from the United States and Honolulu to those centers; consequently its influence would be greater if held by us. It also commands San Bernadine Strait, the principal water route through the Philippines from east to west. || From all the above facts it seems patent that Luzon is by far the most valuable island in the group, whether considered from a commercial or military standpoint. || Panay, Cebu, Negros, and Leyte are very thickly populated and well cultivated. In these islands the natives are conceded to be the best educated and furthest advanced in civilization. || In Panay is situated Iloilo, the second commercial port of the Philippines and the center of the sugar trade. It has a good harbor, with two entrances, and one that has great strategic importance. || Cebu, the third commercial port, in the island of the same name, has a harbor much like that of Iloilo. || From the best information obtainable it appears that the Philippines contain varied and valuable mineral resources, as well as admirable timber.

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I have the honor to be, very respectfully,

George Dewey,

Rear-Admiral, United States Navy,

Commanding United States Naval Forces on Asiatic Station.

Nr. 12000. BELGIEN. — Der belgische Konsul in Manila über die Zukunft der Philippinen.

Manila, August 29, 1898.

The future of the Philippine Islands is an eager and most interesting question; and if the United States does not take these islands under their protection, the country will be utterly ruined and all the foreign merchants will leave these islands. || The retention of the island of Luzon only is not enough, and only a half measure, and the United States must take all or nothing. If the south of the Philippines remains in the hands of Spain, the insurgents will attack these islands and they will be in a constant revolt, exactly as happened in Cuba, and the United States will have a second edition of what has happened already, and will prepare a seewar for the same reasons. || Spain will always remain as she is now. She will even be exactly the same under any form of government. The numerous empleados (officeholders) will always be the plague of all the ministers and always want lucrative posts with a high pay. They will never admit that it would be better for them and their country to work. As the positions of these empleados (officeholders) are very uncertain, their only object is, as soon as they occupy their posts, to make as much money as they can. Even those who occupy the very highest posts in the Philippines only attend to their own fortune and hardly pay attention to public affairs. As they give the example of a most corrupt administration, they are unable to prevent their subordinates to do the same. The justice is likewise mismanaged, and when the accused does not bribe the judges they will leave them in jail for years without paying

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the slightest attention to these unfortunates, and some of these prisoners have been in jail more than ten years. || The monks, more united, have always taken advantage of the troubled state of affairs and offered their protection to those who consented in allowing the money of the government to go in their hands. They exacted all the money that they could of the Indians, and the Spanish governors protected openly these extortions. Such state of things exasperated the Filipinos, and those who suffered the most began the rebellion with a fury that astonished everybody. || The rebellion broke out from the lower classes, and they still predominate in the actual rebellion. Even the chiefs are ancient tenants of the monks. The rebellion has no committee or representatives in the United States, as the Cubans. This proves that those who revolted only act as mechanics and not as an intellectual people. Those who are in Hongkong, and represent there the revolution, went there as fugitives to escape from Manila, and later on they formed a meeting, and no serious man will admit that they are leading men of the revolution. Their names are not even known in Manila.

The Indians are good soldiers, and suffer very little of the war. They can stay for days in the swamps, or can make a long march in this hot climate without injury. White men can not stand it, and it must be recognized that if the Indians are very poor leaders in politics they are good enough soldiers to be taken in good consideration. || Since the Americans arrived in the Philippines a new period seems to take place, and many members of the upper classes of the Mestizos appeared amongst the rebels, and since then it has been possible to discuss some matters and to demonstrate to them that if they wanted to be taken into consideration that they must act as civilized people, and not retain as prisoners private citizens, women, and children, and drop many abuses that they commit exactly as the Spaniards have done and taught them. During the blockade of Manila many prominent families of Mestizos preferred to take refuge amongst the insurgents rather than stay at the mercy of the Spanish authorities in Manila, whose arbitrary acts are too well known. || There is actually in Europe and Paris an important colony of Filipinos belonging to the leading families of Manila, and these appear to be actually the representatives of the rebels. The principal of them pretended, however, that he never rebelled, and claimed his properties seized by the Spanish Government. He bribed the judges, and they publicly recognized that he never was a rebel, and restored his properties. Now he is the chief representative of the rebels. His name is P. P. Roxas. This duplicity is not much in his favor, but it reveals the character of the Indians or Mestizos, and in all their acts it will be remarked that they never are sincere. || Money is what misses the most to the rebellion, and this leads the rebels to many unlawful acts. Until the present time most all the money has been raised from the lower classes. The higher classes gave very little, and these are very unwilling to facilitate funds. This class is composed entirely of

usurers and pawnees. All the pawnshops and gambling houses belong to the prinzipal Metizos families. There is not one family free of that stigma. This proves enough the morality of them, and what can be expected of them. They surely will not risk their capital in the rebellion, because they are not sure enough that they will be repaid with interest. They do not care a snap for the country, and many told me that they would be glad to see the United States take these islands under their protection and put an end to the constant appeal of funds from the rebels. This was said to me by Bemito Legarda, a rich Mestizo, who was with Aguinaldo in Bacoor and acted as counsel, and this deceived him. || In the plantations belonging to the rich families of Mestizos or Indians, the workmen are treated very inhumanly. If they do not work quick enough they treat them exactly as slaves were treated in South America. The most common punishment is to lash their backs with a thin bamboo; 25 lashes is the most ordinary punishment. I saw some receive 100 lashes in Negros Island, in the estate of Aniceto Lacson, an Indian. One hundred and twenty-five lashes were given to a man in Albay (south of Luzon) by the Indian mayor of Albay. The same man threatened to give 100 lashes to one of my workmen, but his wife warned me and I stopped it. Since then I stopped always this treatment when I happened to know it, and more than once had rows about it with the Spanish governor of the province, Mr. Valdes. This was in 1892. He told me that he would put me in prison if I interfered with the authorities. The custom all over the Philippines is to engage men and to pay for them their personal papers. This is the beginning of a debt that will make a slave of a man for each dollar advanced; an interest of 5 cents is added. At the slightest fault the man is fined and his debt grows. Whenever he needs money to baptize a baby or bury a parent the planter pays the fees direct to the curate, and always adds to the small sum advanced two or three dollars and the 5 cents for interest. This last way is the most heavy yoke. At the end of the year he owes his master \$ 50 or \$ 60, and as long as he does not pay his debt he is considered as a slave, and if he runs away he will be arrested and returned to his master and is awfully lashed.

When an estate is sold, nearly always the papers are accompanied with a list of the debtors. The buyer makes a bargain and buys the debts, and those who owe the money become his slaves. This is about the same as buying the slaves with a plantation. Now the Mestizos and Indians are the hardest masters, and if ever they dominate they will be most despotical to the Indians. The Spanish Government always tolerated this, and even protected those who used to treat the men as slaves and allowed the pirates to abuse the poor Indians. Therefore it is easy to show the Indian that it would be much better for him to be ruled by Americans than by his own countrymen. Whatever may be the education of the Mestizos they always will behave just the same as the Indians, from whom they descend. They

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Nr. 12000. will eat with their hands, go barefooted, and sit on the ground. There is
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 29. Aug. 1896. an enormous difference between them and a white man. || In the assemblies of the chiefs of the rebels and of the Mestizos of Manila, even when very serious matters were discussed, they used to joke one with the other and give his neighbor a nip and a laugh and behave as monkeys would do. This happened the 21st of June in the house of P. Paterno in Manila, and in Cavite in the house of Ozorio on the 3d of August. || The Chinese Mestizos join the sordidness of the Indian to the craftiness of the Chinaman, and give the type of the rapacious Pawnee. The Spanish Mestizo joins the presumption of the Spaniard with the duplicity of the Indian, and give the type of the ——. || This is enough, I believe, to give a very slight idea of what the Filipinos are and to demonstrate that they belong to an inferior race, unfitted to rule a country, and with such individuals distinguished rules must not be expected. || Of course the education and example given by the monks and Spaniards is the principal cause, but even then they are worse than their masters and that proves their inferiority, and therefore it is more than time that the United States should have pity on these people and show them better. || The Spaniards, with their accustomed carelessness, are unable to manage properly the Philippines, and these rich islands, which contain gold, iron, coal, etc., and on which splendid forests are abandoned, there is only one very little railway, hardly some good bridges, and no harbors. Nothing has been done with the \$15,000,000 that these islands give annually. || The foreign merchants in Manila are constantly robbed by the custom-house officers, and no protection is given to them. If a merchant makes a claim he will be bothered all the year round. The United States can assure a steady government in these islands, and in their hands the country will increase in wealth, and will, in a short time, be able to return to the United States the money laid out; and it would be certainly much cheaper and more humane to take the entire Philippines than to keep only part of it and to run the risk of a second war with Spain for the very same reason that provoked the present conflict. It is a duty of the United States to do so and to protect the entire country. Everybody in the Philippines begs them for protection; even the Spanish merchants. Now, it is to be hoped that the United States will not deceive those who anxiously await the result of the meeting in Paris. || The Indians do not desire independence. They know that they are not strong enough. They trust the United States, and they know that they will be treated rightly. The present rebellion only represents a half per cent of the inhabitants, and it would not be right to oblige 6,000,000 inhabitants to submit to 30,000 rebels. Luzon is only partly held by them, and it is not to be expected that a civilized nation will make them present with the rest of the island, which is hostile to the tagals of Luzon. The Spanish officers refuse to fight for the sake of the priests, and if the Spanish Government should retain the Philippines their soldiers will all fall prisoners

in the hands of the Indians in the same way as they did already, and this is because the army is sick of war without result, and only to put the country at the mercy of the rapacious empleados and luxurious monks. || The monks know that they are no more wanted in the Philippines, and they asked me to help them to go away as soon as possible, and it is principally for them that I asked for the transports to the United States Government, and to send them to Hongkong. The Indians will be delighted to see them go, and will be grateful to the United States. || If some chiefs of the rebellion will be a little dissappointed in their personal pride, they will be convinced that it is better for them to submit in any case, for most of these chiefs prefer American authority, and they are very anxious to know the result of the meeting of Paris. || If the United States keeps the islands, they will remain quiet, but if the Spanish authority is restored in the islands, or part of them, they will attack the Spaniards and be in a constant revolt. This has been told to me by Aguinaldo, Laneido, Ziroma, Mabim, and other principal chiefs, and repeated on Sunday, 28th of August.

Very respectfully,

Andre.

Nr. 12001. **VEREINIGTE STAATEN.** — General Anderson an Aguinaldo. Wünscht gute Beziehungen zu den Philippinos.

Headquarters First Brigade,
United States Expeditionary Forces,
Cavite Arsenal, Philippine Islands, July 4, 1898.

General: I have the honor to inform you that the United States of America, whose land forces I have the honor to command in this vicinity, being at war with the Kingdom of Spain, has entire sympathy and most friendly sentiments for the native people of the Philippine Islands. || For these reasons I desire to have the most amicable relations with you, and to have you and your people cooperate with us in military operations against the Spanish forces. || In our operations it has become necessary for us to occupy the town of Cavite as a base of operations. In doing this, I do not wish to interfere with your residence here and the exercise by yourself and other native citizens of all functions and privileges not inconsistent with military rule. || I would be pleased to be informed at once of any misconduct of soldiers under my command, as it is the intention of my Government to maintain order, and to treat all citizens with justice, courtesy, and kindness. || I have therefore the honor to ask your excellency to instruct your officials not to interfere with my officers in the performance of their duties and not to assume that they can not visit Cavite without permission. || Assuring you again of my most friendly sentiment and distinguished consideration, I am, with all respect,

Thomas M. Anderson.
Brigadier-General, U. S. Volunteers, Commanding.

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Nr. 12002. PHILIPPINEN. — Aguinaldo an General Anderson.
Antwort auf das Vorige.

Nr. 12002.
Philippinen.

General: Interpreting the sentiments of the Philippine people, I have the honor to express to your excellency my most profound gratefulness for the sympathy and amicable sentiments which the natives of these islands inspire the great North American nation and your excellency. || I also thank most profoundly your desire of having friendly relations with us, and of treating us with justice, courtesy, and kindness, which is also our constant wish to prove the same, and special satisfaction whenever occasion represents. || I have already ordered my people not to interfere in the least with your officers and men, orders which I shall reiterate to prevent their being unfulfilled; hoping that you will inform me of whatever misconduct that may be done by those in my command, so as to reprimand them and correspond with your wishes. || I beg of your excellency to accept in return the assurance of my most respectable consideration.

I remain, respectfully,

Emilio Aguinaldo.

Nr. 12003. VEREINIGTE STAATEN. — Denkschrift des Stabschefs F. V. Greene über die Lage auf den Philippinen am 30. August 1898. Bevölkerung, Verwaltung, Produkte. — Proklamationen Aguinaldos als Anlagen.

Washington, September 30, 1898.

The Philippine Islands.

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(a) Area and population. — These islands, including the Ladrões, Carolines, and Palaos, which are all under the government of Manila, are variously estimated at from 1,200 to 1,800 in number. The greater portion of these are small and are of no more value than the islands of the coast of Alaska. The important islands are less than a dozen in number, and 90 per cent of the Christian population live on Luzon and the five principal islands of the Visayas group. || The total population is somewhere between 7,000,000 and 9,000,000. This includes the wild tribes of the mountains of Luzon and of the islands in the extreme south. The last census taken by the Spanish Government was on December 31, 1887, and this stated the Christian population to be 6,000,000 (in round numbers). This is distributed as follows:

	Area.	Population.	Per square mile.
Luzon	44,400	3,426,000	79
Panay	4,700	735,000	155
Cebu	2,400	504,000	210
Leyte	3,800	270,000	71
Bohol	1,300	245,000	188
Negros	3,300	242,000	73
	59,800	5,422,000	91

The density of population in these six islands is nearly 50 per cent greater than in Illinois and Indiana (census of 1890), greater than in Spain, about one-half as great as in France, and one-third as great as in Japan and China; the exact figures being as follows:

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	Area.	Population.	Per square mile.
Illionis	56,000	3,826,351	68
Indiana	35,910	2,192,404	61
	91,910	6,018,755	64
Spain	197,670	17,565,632	88
France	204,092	38,517,975	189
Japan	147,655	42,270,620	286
China	1,312,328	383,253,029	292

The next most important islands in the order of population are:

	Area.	Population.	Per mile.
Mindanao	34,000	209,000	6
Samar	4,800	186,000	38
Mondoro	4,000	67,000	17
Romblon	600	35,000	58
Nasbate	1,400	21,000	15
	44,800	518,000	11

Various smaller islands, including the Carolines, Ladrões, and Palaos, carry the total area and Christian population to, area, 140,000; population, 6,000,000; per mile, 43. || This is considerably greater than the density of population in the States east of the Rocky Mountains. Owing to the existence of mountain ranges in all the islands, and lack of communications in the interior, only a small part of the surface is inhabited. In many provinces the density of population exceeds 200 per square mile, or greater than that of any of the United States, except Massachusetts and Rhode Island. The total area of the Philippines is about the same as that of Japan, but its civilized population is only one-seventh.

In addition to the Christian population, it is estimated (in the Official Guide) that the islands contain the following:

Chinese (principally in Manila)	75,000
Moors or Mohammedans in Paragan and Jolo	100,000
Moors or Mohammedans in Mindanao and Basalan	209,000
Heathens in the Philippines	830,000
Heathens in the Carolines and Palaos	50,000
Total	1,264,000

The Official Guide gives a list of more than thirty different races, each speaking a different dialect, but five-sixths of the Christian population are

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either Tagalos or Visayas. All the races are of the Malay type. Around Manila there has been some mixture of Chinese and Spanish blood with that of the natives, resulting in the Mestizos or half-breeds, but the number of these is not very great. || As seen in the provinces of Cavite and Manila, the natives (Tagalos) are of small stature, averaging probably 5 feet 4 inches in height and 120 pounds in weight for the women. Their skin is coppery brown, somewhat darker than that of a mulatto. They seem to be industrious and hard-working, although less so than the Chinese. || By the Spaniards they are considered indolent, crafty, untruthful, treacherous, cowardly, and cruel, but the hatred between the Spaniards and the native races is so intense and bitter that the Spanish opinion of the natives is of little or no value. To us they seemed industrious and docile, but there were occasional evidences of deceit and untruthfulness in their dealings with us. The bulk of the population is engaged in agriculture, and there were hardly any evidences of manufactures, arts, or mining. The greater number seemed to be able to read and write, but I have been unable to obtain any exact figures on this subject. They are all devout Roman Catholics, although they hate the monastic orders. || In Manila (and doubtless also in Cebu and Iloilo) are many thousands of educated natives, who are merchants, lawyers, doctors, and priests. They are well informed and have accumulated property. They have not traveled much, but there is said to be quite a numerous colony of rich Philippinos in Madrid, as well as in Paris and London. The bibliography of the Philippines is said to number 4,500 volumes, the greater part of which have been written by Spanish priests and missionaries. The number of books on the subject in the English language is probably less than a dozen.

(b) Climate. — The climate is one of the best known in the Tropics. The islands extend from 5° to 21° north latitude, and Manila is in 14° 35'. The thermometer during July and August rarely went below 79° or above 85°. The extreme ranges in a year are said to be 61° and 97° and the annual mean 81°. There are three well-marked seasons, temperate and dry from November to February, hot and dry from March to May, and temperate and wet from June to October. The rainy season reaches its maximum in July and August, when the rains are constant and very heavy. The total rainfall has been as high as 114 inches in one year. || Yellow fever appears to be unknown. The diseases most fatal among the natives are cholera and smallpox, both of which are brought from China. Low malarial fever is brought on by sleeping on the ground or being chilled by remaining without exercise in wet clothes; and diarrhea is produced by drinking bad water or eating excessive quantities of fruit. Almost all of these diseases are preventable by proper precautions even by troops in campaign. The sickness in our troops was very small, much less than in the cold fogs at camp in San Francisco.

(c) Mineral wealth. — Very little is known concerning the mineral wealth of the islands. It is stated that there are deposits of coal, petroleum, iron,

lead, sulphur, copper, and gold in the various islands, but little or nothing has been done to develop them. A few concessions have been granted for working mines, but the output is not large. The gold is reported on Luzon, coal and petroleum on Cebu and Iloilo, and sulphur on Leyte. The imports of coal in 1894 (the latest year for which statistics have been printed) were 91,511 tons, and it came principally from Australia and Japan. In the same year the imports of iron of all kinds were 9,632 tons. || If the Cebu coal proves to be of good quality, there is a large market for it in competition with coal from Japan and Australia.

(d) Agriculture. — Although agriculture is the chief occupation of the Philippines, yet only one-ninth of the surface is under cultivation. The soil is very fertile, and even after deducting the mountainous areas it is probable that the area of cultivation can be very largely extended and that the islands can support a population equal to that of Japan (42,000,000). || The chief products are rice, corn, hemp, sugar, tobacco, cocoanuts, and cacao. Coffee and cotton were formerly produced in large quantities — the former for export and the latter for home consumption; but the coffee plant has been almost exterminated by insects and the homemade cotton cloths have been driven out by the competition of those imported from England. The rice and corn are principally produced in Luzon and Mindoro and are consumed in the islands. The rice crop is about 765,000 tons. It is insufficient for the demand, and 45,000 tons of rice were imported in 1894, the greater portion from Saigon and the rest from Hongkong and Singapore; also 8,669 tons (say 60,000 barrels) of flour, of which more than two-thirds came from China and less than one-third from the United States. || The cacao is raised in the southern islands, the best quality of it at Mindanao. The production amounts only to 150 tons, and it is all made into chocolate and consumed in the islands. || The sugar cane is raised in the Visayas. The crop yielded in 1894 about 235,000 tons of raw sugar, of which one-tenth was consumed in the islands, and the balance, or 210,000 tons, valued at \$ 11,000,000, was exported, the greater part to China, Great Britain, and Australia. || The hemp is produced in southern Luzon, Mindoro, the Visayas, and Mindanao. It is nearly all exported in bales. In 1894 the amount was 96,000 tons, valued at \$ 12,000,000. || Tobacco is raised in all the islands, but the best quality and greatest amount in Luzon. A large amount is consumed in the islands, smoking being universal among women as well as the men, but the best quality is exported. The amount in 1894 was 7,000 tons of leaf tobacco, valued at \$ 1,750,000. Spain takes 80 per cent and Egypt 10 per cent of the leaf tobacco. Of the manufactured tobacco 70 per cent goes to China and Singapore, 10 per cent to England, and 5 per cent to Spain. || Cocoanuts are grown in southern Luzon and are used in various ways. The products are largely consumed in the islands, but the exports in 1894 were valued at \$ 2,400,000. || Cattle, goats, and sheep have been introduced from Spain, but they are not

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Nr. 12003. numerous. Domestic pigs and chickens are seen around everywhere in the
 Vereinigte farming districts. || The principal beast of burden is the carabao, or water
 Staaten. buffalo, which is used for plowing rice fields as well as drawing heavy loads
 30. Sept. 1898. on sledges or on carts. || Large horses are almost unknown, but there are
 great numbers of native ponies from 9 to 12 hands high, possessing strength
 and endurance far beyond their size.

(e) Commerce and transportation. — The interal commerce between Manila and the different islands is quite large, but I was unable to find any official records giving exact figures concerning it. It is carried on almost entirely by water, in steamers of 500 to 1,000 tons. There are regular mail steamers once in two weeks on four routes, viz: Northern Luzon, southern Luzon, Visayas, and Mindanao; also a steamer every two months to the Carolines and Ladrones, and daily steamers on Manila Bay. These lines are all subsidized. To facilitate this navigation extensive harbor works have been in progress at Manila for several years, and a plan for lighting the coasts has been made, calling for 43 principal lights, of which 17 have already been constructed in the most substantial manner, besides 16 lights of secondary importance. || There is only one line of railway, built by English capital, running from Manila north to Dagupan, a distance of about 120 miles. The roads in the immediate vicinity of Manila are macadamized and in fairly good order; elsewhere they are narrow paths of soft black soil, which become almost impassable in the rainy season. Transportation is then effected by sledges drawn through the mud by carabaos. There are telegraph lines connecting most of the provinces of Luzon with Manila, and cables to the Visayas and southern islands and thence to Borneo and Singapore, as well as a direct cable from Manila to Hongkong. The land telegraph lines are owned by the Government, and the cables all belong to an English company, which receives a large subsidy. In Manila there is a narrow-gauge street railway, operated by horsepower, about 11 miles in total length; also, a telephone system and electric lights. || Communications with Europe are maintained by the Spanish Trans-Atlantic Company (subsidized), which sends a steamer every four weeks from Manila and Barcelona, making the trip in about twenty-seven days; the same company also sends an intermediate steamer from Manila to Singapore, meeting the French Messageric steamer each way. There is also a nonsubsidized line running from Manila to Hongkong every two weeks, and connecting there with the English, French, and German mails for Europe, and with the Pacific Mail and Canadian Pacific steamers for Japan and America. || There has been no considerable development of manufacturing industries in the Philippines. The only factories are those connected with the preparation of rice, tobacco, and sugar. Of the manufactures and arts in which Japan so excels there is no evidence. || The foreign commerce amounted, in 1894, to \$ 23,558,552 in imports and \$ 33,149,984 in exports, 80 per cent of which goes through Manila. About 60 per cent of the trade is carried in British

vessels, 20 per cent in Spanish, and 10 per cent in German. || The value of the commerce with other countries in 1894 was as follows:

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[In millions of dollars (silver.)]

	Imports.	Exports.
Spain	10.5	2.9
Great Britain	7.1	8.7
China	4.6	6.8
Germany	1.9	. . . .
Saigon . . . . .	.9	. . . .
United States . . . . .	.7	7.4
France . . . . .	.7	1.2
Singapore . . . . .	.4	1.7
Japan . . . . .	.2	1.2
Australia . . . . .	.1	2.6
Other countries	1.5	.6
Total	28.6	33.1

It is interesting to note that next to Great Britain we are the largest consumers of the Philippines, and that they export to us nearly three times as much as to Spain. On the other hand, Spain sells to the Philippines fifteen times as much as we do.

The articles of import and their value in 1894 were as follows:

[In millions of dollars (silver).]

	Spain.	Great Britain.	China.	Germany.	United States.	Other countries.	Total.
Cotton goods	3.9	4.0	.4	.3	. . .	.7	9.3
Cotton yarns	1.2	.9	.2	.1	. . .	.1	2.5
Wines	1.8	. . .	. . .	. . .	. . .	.1	1.9
Mineral oils . . . . .	. . .	. . .	.2	. . .	.4	.8	1.4
Iron . . . . .	.2	.7	. . .	.2	. . .	.1	1.2
Rice . . . . .	. . .	. . .	1.0	. . .	. . .	.1	1.1
Flour . . . . .	. . .	. . .	.7	. . .	.2	. . .	.9
Sweetmeats . . . . .	.5	. . .	. . .	. . .	. . .	.3	.8
Paper . . . . .	.4	. . .	. . .	.1	. . .	.2	.7
Linen goods1	.1	.13	.6
Hats132	.6
Other articles	2.3	1.4	2.0	.9	.1	.9	7.6
Total	10.5	7.1	4.6	1.9	.7	3.8	28.6

a Russia.

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The articles of export and their values were as follows:

[In millions of dollars (silver).]

	Spain.	Great. Britain.	China.	United States.	Australia.	Other countries.	Total.
Hemp . . . . .	. . .	5.3	.9	6.6	.6	<i>a</i> 1.1	14.5
Sugar . . . . .	.4	2.7	4.0	.7	1.9	<i>b</i> 1.3	11.0
Manufactured tobacco . . .	.2	.1	.7	. . .	.1	.7	1.8
Leaf tobacco	1.1	. . .	. . .	. . .	. . .	.3	1.4
Coffee . . . . .	.3	. . .	.1	. . .	. . .	. . .	.4
Cocoanuts . . . . .	. . .	.6	.1	. . .	. . .	. . .	.7
Other articles . . . . .	.9	. . .	1.0	.1	. . .	1.3	3.3
Total	2.9	8.7	6.8	7.4	2.6	4.7	33.16

a Principally to Singapore. *b* Principally to Japan.

With these islands in our possession and the construction of railroads in the interior of Luzon, it is probable that an enormous extension could be given to this commerce, nearly all of which would come to the United States. Manila cigars of the best quality are unknown in America; they are but little inferior to the best of Cuba and cost only one-third as much. The coffee industry can be revived and the sugar industry extended, mainly for consumption in the far East. The mineral resources can be explored with American energy, and there is every reason to believe that when this is done the deposits of coal, iron, gold, and lead will be found very valuable. On the other hand, we ought to be able to secure the greater part of the trade which now goes to Spain in textile fabrics, and a considerable portion of that with England in the same goods and in iron.

(f) Revenue and expenses. — The budget for the fiscal year ending June 30, 1897, was as follows:

Income.

(1) Direct taxes	\$ 8,496,170
(2) Indirect taxes (customs)	6,200,550
(3) Proceeds of monopolies	1,222,000
(4) Lottery	1,000,000
(5) Income of Government property	257,000
(6) Sundry receipts	298,300
Total	17,474,020

Expenses.

(1) General expenses, pensions, and interest	\$ 1,506,686
(2) Diplomatic and consular service	74,000
(3) Clergy and courts	1,876,740
(4) War department	6,035,316
(5) Treasury department	1,392,414
(6) Navy department	3,562,716
(7) Civil administration	2,195,378
(8) Education	614,895
Total	17,258,145

The direct taxes were as follows:

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(1) Real estate, 5 per cent on income	\$ 140,280	
(2) Industry and commerce	1,400,700	
(3) Cedulas (poll tax)	5,600,000	
(4) Chinese poll tax	510,190	
(5) Tribute from sultan of Jolo	20,000	
(6) Railroads, 10 per cent of passenger receipts	32,000	
(7) Income tax, 10 per cent on public salaries	730,000	
(8) Sundry taxes	63,000	
Total	8,496,170	

Indirect taxes were as follows:

(1) Imports	\$ 3,600,000
(2) Exports	1,292,500
(3) Loading tax	410,000
(4) Unloading tax	570,000
(5) Fines and penalties	27,000
(6) Special tax on liquors, beer, vegetables, flour, salt, and mineral oils	301,000
Total	6,200,550

Monopolies:

(1) Opium contract	576,000
(2) Stamped paper and stamps	646,000
Total	1,222,000

Lottery:

(1) Sale of tickets, less cost of prizes	964,000
(2) Unclaimed prizes	30,000
(3) Sundry receipts	6,000
Total	1,000,000

Income of Government property:

(1) Forestry privileges	170,000
(2) Sale and rent of public land and buildings	85,000
(3) Mineral privileges	2,000
Total	257,000

Sundry receipts:

(1) Mint (seigniorage)	200,000
(2) Sundries	98,300
Total	298,300

The largest source of income is the cedula or poll tax. Every man and woman above 18 years of age, residing in the Philippines, whether Spanish subject or foreigner, is required to have in his or her possession a paper stating name, age, and occupation, and other facts of personal identity. Failure to produce and exhibit this when called upon renders anyone liable to arrest and imprisonment. This paper is obtained from the internal-revenue office annually, on payment of a certain sum, varying according to the occupation and income of the person, from 75 cents to \$ 20, and averaging about \$.3 for each adult. An extra sum of 2 per cent is paid for expenses of collection,

Nr. 12003. The tax is collected at the tribunal in each pueblo, and 20 per cent is retained for expenses of local administration and 80 per cent paid to the general treasury. This tax falls heavily on the poor and lightly on the rich. The tax on industry and commerce is similarly graded according to the volume of business transacted by each merchant or mercantile corporation. The tax on real estate is absurdly low and is levied only on municipal property and on the rent, not the value. || The tax on imports is specific and not ad valorem; it amounts to about 13 per cent of estimated values. The free list is very small, nearly everything of commercial value which is imported being subject to duty. The revenue from imports has increased from \$ 566,143 in 1865 to \$ 3,695,446 in 1894. It was about the same in 1897. On the other hand, the export tax, which was nothing in 1892, the loading tax, which was nothing in 1893, and the unloading tax, which was nothing in 1894, have all been increased in the last few years in order to meet the expenses of suppressing the insurrection. These three items yielded nearly \$ 2,700,000 in 1897. || The monopoly of importing and selling opium is sold by auction to the highest bidder for a term of three years. The present contract runs until 1899, and yields \$ 48,000 per month. || Every legal document must be drawn up on paper containing a revenue stamp engraved and printed in Spain, and every note, check, draft, bill of exchange, receipt, or similar document must bear a revenue stamp in order to be valid. These stamps and stamped paper yielded a revenue of \$ 646,000 in 1897. || The lottery is conducted by the Government, the monthly drawings taking place in the treasury (hacienda) department. The sale of tickets yielded \$ 1,000,000 over and above the prizes in 1897.

In a report to General Meritton on August 20, I recommended that the opium contract be canceled and the lottery abandoned during our occupation of Manila; and as the poll tax and tax on industry and commerce had been paid for the most part in the early part of the year, our chief sources of revenue were from the custom house, the sale of stamps and stamped paper, and the sale of such licenses as the law allowed (amusements, liquor saloons, etc.), for the benefit of the city of Manila as distinguished from the general revenues. I estimated the total at about \$ 500,000 per month. || The expenses of administering the military government of occupation (apart from the expenses of the army) will consist of the current expenses of the office at the provost-marshal-general's office and its various bureaus; at the custom-house, internal-revenue office, and other offices; and the salaries of interpreters and minor employees, who are anxious to resume work as soon as they dare do so. An estimate of these expenses was being prepared at the time I left, but was not completed. It can hardly exceed \$ 200,000 per month, and may be much less. This should leave \$ 300,000 (silver) excess of income per month to go toward the military expenses of occupation. As soon as it is decided that we are to retain the islands it will be necessary to make a careful

study of the sources of revenue and items of expense for all the islands, with a view to thoroughly understanding the subject, before introducing the extensive changes which will be necessary. || Currency. — The standard of value has always, until within a few years, been the Mexican milled dollar. The Spanish dollar contains a little less silver, and in order to introduce it and profit by the coinage the Spaniards prohibited the importation of Mexican dollars a few years since. Large numbers of Mexican dollars remained in the country, however, and others were smuggled in. The two dollars circulated at equal values. || All valuations of goods and labor are based on the silver dollar, and a change to the gold standard would result in great financial distress and many failures among the banks and mercantile houses in Manila. Their argument is that while an American 10-dollar gold piece will bring 21 silver dollars at any bank or house having foreign connections, yet it will not buy any more labor or any more hemp and sugar from the original producer than 10 silver dollars. The products of the country are almost entirely agricultural, and the agricultural class, whether it sells its labor or its products, would refuse to accept any less than the accustomed wages or prices on account of being paid in the more valuable coin. The result of this change would be that the merchant and employer would have to pay double for what they buy, and would receive no increase for what they sell. While trade would eventually adjust itself to the change, yet many merchants would be ruined in the process and would drag some banks down with them. || The Mexican dollar is the standard also in Hongkong and China, and the whole trade of the Far East has for generations been conducted on a silver basis. Japan has within the last year broken away from this and established the gold standard, but in doing so the relative value of silver and gold was fixed at $32\frac{1}{2}$ to 1, or about the market rate. || Public debt. — I was unable to obtain any precise information in regard to the colonial debt. The last book on statistics of imports and exports was for the fiscal year 1894; and the last printed budget was for 1896—97, which was approved by the Queen Regent in August, 1896. Subsequent to this date, according to the statements made to us by foreign bankers, the Cortes authorized two colonial loans of \$ 14,000,000 (silver) cash, known as Series A and Series B. The proceeds were to be used in suppressing the insurrection. Both were to be secured by a first lien on the receipts of the Manila custom-house. || Series A is said to have been sold in Spain and the proceeds to have been paid in to the colonial office, but no part of them has ever reached the Philippines. Possibly a portion of it was used in sending out the 25,000 troops which came from Spain to the Philippines in the autumn of 1896. || Series B was offered for sale in Manila, but was not taken. An effort was then made to obtain subscribers in the provinces, but with little or no success. The Government then notified the depositors in the Public Savings Bank (a branch of the treasury department similar to the postal savings bureaus in other countries) that their

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Nr. 12063. deposits would no longer be redeemed in cash but only in Series B bonds.
 Vereinigte Some depositors were frightened and took bonds, others declined to do so.
 Staaten. Then came the blockade of Manila, and all business was practically suspended. ||
 30. Sept. 1898. No printed report has been made concerning the debt, and I was unable to
 obtain any satisfactory statement of the matter from the Treasury officials.
 The exact facts in regard to the Series A bonds can be learned in Madrid,
 but it will be difficult to learn how much of Series B was issued and what
 consideration was received for them. As already stated, both series of bonds
 rest for security on the receipts of the Manila custom-house.

Spanish Troops.

The Spanish prisoners of war number about 13,000, including about 400 officers. The infantry arms are about 22,000 the greater part Mauser, model 1895, caliber .28, and the others Remingtons, model 1889, caliber .43. The ammunition is about 22,000,000 rounds. The field artillery consists of about 12 breech-loading steel guns, caliber 3.5 inches, and 10 breech-loading mountain guns, caliber 3.2 inches. There are six horses (ponies) for each gun, but the harness is in bad order. Ammunition, about 60 rounds per gun with possibly more in the arsenals. There are about 500 cavalry ponies, larger than the average horses, with saddles and equipments complete. There is also a battalion of engineers. The fortifications of the walled city are a fine sample of the Vauban type, on which military engineers expended so much ingenuity 150 years ago, and of which Spain possessed so many in her Flemish dominions. || The first walls of Manila were built about 1590, but the present fortifications date from a short time after the capture and occupation of the place by the English, in 1762—1764. They consist of bastions and curtains, deep-set ditch, covered way, lunettes, demilunes, hornworks, and all the scientific accessories of that day. They are in a good state of preservation, and mount several hundred ancient guns, but they are chiefly of interest to the antiquarian. On the glacis facing the bay, and also on the open space just south of the walls, are mounted 9-inch breechloaders, four in all, made at Hontoria, Spain, in 1884. They are well mounted between high traverses, in which are bomb-proof magazines. These guns are practically uninjured, and Admiral Dewey has the breechblocks. While not as powerful as the guns of the present day of the same caliber, they are capable of effective service. Their location, however, is very faulty, as they are on the shore of the bay, with all the churches, public buildings, and most valuable property immediately behind them. || On the day after the naval battle Admiral Dewey sent word to the Governor-General that if these guns fired a shot at any of his vessels he would immediately reply with his whole squadron. Owing to their location this meant a bombardment of the city. This threat was effective; these guns were never afterwards fired, not even during the great attack of August 13; and in return the navy did not fire

on them, but directed all their shells at the forts and trenches occupied by the troops outside of the suburbs of the city. || Within the walled city are the cathedral and numerous churches, convents, and monasteries, the public offices civil and military, military workshops and arsenals; barracks for artillery, cavalry and engineers; storehouses, and a few dwellings and shops. || The infantry barracks are outside of the walls, four in number, viz, Neysig, Portin, Calzada, and Ermita. They are modern and well constructed and will accommodate about 4,000 men. They are now occupied by United States troops. || Under the terms of the armistice the arms laid down by the Spanish troops on August 14 are to be returned to them whenever they evacuate the city or the American Army evacuates it. All other public property, including horses, artillery, public funds, munitions, etc., is surrendered to the United States unconditionally. || The question of sending back the troops to Spain is left absolutely to the decision of the authorities in Washington. They are all within the walled city, but as the public buildings are insufficient to accommodate them they are quartered in the churches and convents. These buildings are not adapted for this purpose: they have no sinks, lavatories, kitchens, or sleeping apartments, and there is great danger of an epidemic of sickness if the troops are not soon removed. || Pending their removal they are being fed with rations furnished by the United States Commissary Department, and the officers receive from the United States sufficient money for their support.

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Spanish navy.

At the outbreak of the war the naval force in the Philippines consisted of 10 cruisers, 19 gunboats, 4 armed launches, 3 transports, $\frac{1}{37}$ survey boat. || Of these Admiral Dewey destroyed on May 1, 10 cruisers and 1 transport, and he has since captured 2 gunboats. The Spaniards have sunk 2 transports and 2 or 3 gunboats in the Pasig River. There remain 13 or 14 gunboats, which are scattered among the islands. They are of iron, from 140 to 200 tons each, are armed with 1 breech-loading rifle, caliber 3.6-inch, and 2 to 4 machine guns each, caliber .44 to 1 inch. One of the captured boats, the Callao, under command of Lieutenant Tappan, U. S. N., and a crew of 18 men, rendered very efficient service in the attack of August 13. These boats would all be useful in the naval police of the islands. They will, however, probably be scuttled by the Spaniards before the islands are surrendered. || The navy yard at Cavite has barracks for about 1,500 men (now occupied by United States troops), and has shops and ways for light work and vessels of less than 1,000 tons. Many of the gunboats above mentioned were built there. The shallow depth of water in Canacoa or Cavite Bay would prevent the enlargement of this naval station to accommodate large vessels, and the plan of the Spaniards was to create a large navy station in Subig Bay, on which considerable money has already been spent.

Spanish civil administration.

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The government of the Philippine Islands, including the Ladrões, Carolines, and Palaos, is vested in the Governor-General, who, in the language of the Spanish Official Guide or Blue Book, "is the sole and legitimate representative in these islands of the supreme power of the Government of the King of Spain, and as such is the supreme head of all branches of the public service and has authority to inspect and supervise the same, not excepting the courts of justice." The office is held by a lieutenant-general in the Spanish army; and he is also vicerojal patron of the Indies, exercising in these islands the ecclesiastical functions conferred on the King of Spain by various bulls of the Popes of Rome, captain-general in chief of the army of the Philippines, inspector-general of all branches of the service, commander in chief of the naval forces, and president of all corporations and societies which partake of an official character. || What corresponds to his cabinet or ministry of (a) the archbishop of Manila and four bishops, who administer ecclesiastical affairs in the five dioceses into which the islands are divided for this purpose; the appointment of parish priests and curates, however, is vested in the governor-general. The various religious orders which exercise so large an influence in the politics and business of the islands, viz, Agustinians, Dominicans, Recollects, Franciscans, Capuchins, Benedictines, and Jesuits, are all under the management of the bishops, subject to the supervision of the Pope and the prerogatives of the King as royal patron, which prerogatives are exercised by the Governor-General as viceroy. || (b) The high court of justice in Manila, which is the court of appeals in civil and governmental cases for all the islands; there are two principal criminal courts, in Cebu and Vigan (northern Luzon), and appeal in criminal cases lies to these courts or to the high court of Manila; in every province there is a court of primary jurisdiction in both civil and criminal cases. || (c) The general second in command, who is a general of division in the Spanish army. He is the subinspector of all branches of the military service, is military governor of the province and city of Manila and commands all the troops stationed therein, and in the absence or sickness of the captain-general he commands all the military forces in the islands. || (d) The general commandant of dockyards and squadron. This post is filled by a vice-admiral in the Spanish navy, and he commands the naval forces, ships, and establishments in the islands. || (e) The minister of finance, or intendente general de hacienda, who is charged with the collection of customs and internal taxes, the expenditures of public money, and the audit and control of public accounts. || (f) The minister of the interior, or director-general of civil administration, who is charged with all public business relating to public instruction, charities, health, public works, forests, mines, agriculture, industry and commerce, posts and telegraphs, and meteorology. || For the purpose of local administration the islands are divided into provinces and districts, classified as follows 19 civil governments, 24 political-

military governments, 23 political-military commands, 15 military commands. || The most important of the provinces are Manila, with a population of 400,238 (of which 10 per cent are Chinese), and Cebu, with 504,076; and the least important districts are Balabas and Corregidor, with 420 and 320, respectively.

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The governor or commandant has supreme control within his province or district of every branch of the public service, including the courts of justice, and each reports direct to the Governor-General. The guardia civil, or gendarmerie, is subject only to his orders, and for arrests and imprisonment for political offenses he is responsible, not to the law, but to the Governor-General and the King. || The civil governments are governed by civil governors of the rank in the Spanish civil service of chiefs of administration of the second class. The political military governments and commands are in charge of military and naval officers of various grades, according to their size and importance, ranging from general of division at Mindanao, brigadier-generals at Cebu and Iloilo, captain in the navy at Paraguay, down to lieutenant at Balabas and Corregidor. || The civil or military governor is assisted by a secretary, a judge, an administrator of finances, a postmaster, and a captain of police. || The affairs of cities are managed by a council (ayuntamiento) consisting of a presidente, a recorder (sindico), one or more mayors (alcalde), six to ten aldermen (regidores), and a secretary. || Outside of the cities each province or district is divided into a number of villages or parishes (pueblos). The total number of these is 1,055. In each there is a parish priest, a municipal captain, a justice of the peace, a schoolmaster, and school-mistress. The number of cities is very small, and the social life of the community depends almost wholly on the form of government of the pueblos or villages. In 1893 this was reorganized with the alleged intention of giving local self-government. The scheme is complicated and curious, and only an outline of it can be given here. It is contained in full in the royal decree of May 19, 1893, a long document supplemented by still longer regulations for carrying the same into effect. || In brief, every pueblo in which there are paid more than 1,000 cedulas (poll tax) shall have a municipal tribunal, consisting of five members, by whom its local affairs and funds shall be managed. The members are a municipal captain, senior lieutenant, lieutenant of police, lieutenant of agriculture, lieutenant of cattle; and the village priest is required to attend all the important meetings. || The captain holds office for four years and is eligible for indefinite reelection; the lieutenants hold office for four years also, one half of them going out of office every two years, and they are ineligible for reelection until two years after the expiration of their term. Both captains and lieutenants are elected on a day designated by the governor, and in the presence of the village priest and the outgoing captain, by the principalia or body of principal men of the village. The village is subdivided into barangayes or group of about 100 families each, and for each barangay

Nr. 12003. there is a chief or headman (cabeza), who is appointed by the governor on
 Vereinigte the recommendation of the municipal tribunal. The principalia is made up
 Staaten. of former municipal captains, former municipal lieutenants, former gobernador-
 30. Sept. 1898. cillos, chiefs of barangayes. || All inhabitants paying more than \$ 50 annually
 in taxes. The principalia choose the 13 electors, as follows: Six from the
 chiefs of barangayes, 3 from former municipal captains, and 3 from the largest
 tax-payers. || The electors hold office for six years, and one-third go out of
 office every two years.

The municipal captain must be a resident of the village, more than 25 years of age, read and speak Spanish, and be a chief of a barangay. While the municipal tribunal nominally controls the local affairs, yet the captain has the right to suspend all its acts which he considers against the public welfare, and report the matter to the provincial governor, who has power to rescind them. The captain appoints all village employees and removes them at will. He can also fine and punish them for petty offenses. He issues orders to the police and collects the taxes. He holds a commission as delegate or representative of the Governor-General, and, in fact, he exercises within his little bailiwick the same supreme power that the governor exercises in the province and the Governor-General in the whole archipelago. || In each province there is a junta or council, whose membership consists of the administrator of finance, two vicars, the public physician, four members. || The latter four members must be residents of the capital of the province, and they are elected by the municipal captains, from a list of names submitted to them by the junta, with the approval of the governor. || The functions of this junta or council are solely those of inspection and advice. It watches over the affairs of the municipal tribunals, and reports to the governor its advice and recommendations concerning them. The municipal captain is obliged to deposit the taxes in the provincial treasury, the keys of which are held by three members of the council. He draws out the money in accordance with a municipal budget, and his accounts must be approved by his lieutenants, countersigned by the village priest, passed upon by the provincial council, and finally approved by the governor. || The governor has power to suspend the municipal captain or any of his colleagues for a period of three months, and the governor-general can remove one or all of them from office at will, and "in extraordinary cases or for reasons of public tranquillity the governor shall have power to decree, without any legal prowess, the abolition of the municipal tribunals." (Article 45.) || In December, 1896, General Polavija issued a decree suspending the elections which were to take place that month for one-third of the municipal electors, and directed the governors of provinces to send in names of persons suitable for appointment, together with the recommendations of the village priest in each case. || An examination of this unique scheme of village government shows that one-half of the electors are to be chosen from persons holding a subordinate office and appointed by

the governor; that the village priest must be present at all election and important meetings; that the captain has all the responsibility and he must also be of the class holding a subordinate office by appointment of the governor; that the acts of the municipal tribunal can be suspended by the captain and rescinded by the governor, and finally, if the municipal tribunal is offensive to the Governor-General he can either remove its members and appoint others in their place or can abolish it altogether. || Such is the Spanish idea of self-government. The minister of the colonies in submitting the decree to the Queen Regent, expatiated on its merits in giving the natives such full control of their local affairs, and expressed the confident belief that it would prove "most beneficent to those people whom Providence has confided to the generous sovereignty of the Spanish monarchs."

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This scheme of government by municipal tribunals was highly approved by the natives, except that feature of it which placed so much power in the hands of the governor and Governor-General. This, however, was the essence of the matter from the Spanish standpoint, and these portions of the decree were the ones most fully carried out. The natives complained, on the one hand, of the delay in putting the decree into operation, and, on the other hand, that so much of it as was established was practically nullified by the action of the governors. Seeing that the tribunals had really no power, the members soon turned their sessions (which the decree required to be secret) into political meetings in favor of the insurrection. So the whole project is thus far a failure, and the local administration is in considerable disorder, apart from that caused by the insurgents. In point of fact, self-government and representation are unknown in these islands. || The archbishop and the four bishops are appointed by the Pope. The Governor-General, military and naval officers, and all officials with a salary exceeding about \$ 2,000 (silver) are appointed by the King or the minister of the colonies. Yet all the expenses are paid from the Philippine treasury. The salaries of all officials — military, naval, civil, and ecclesiastical — the expenses and pensions of the army, navy, and church, the cost of the diplomatic and consular service in Japan, China, and Singapore, even a portion of the expenses of the colonial office at Madrid and of pensions paid to the descendants of Columbus, all come out of the taxes raised in the islands. The natives have no place in the government, except clerks in the public offices at Manila and the petty positions in the villages and the ayuntamientos of cities, where their powers and responsibilities, as we have seen, are at all times limited and subject to revocation whenever disapproved by the governor. || Though the population of the islands is 40 per cent of that of Spain, they have no representation in the Cortes. || There is a widespread report, almost universally believed by native Filipinos and by foreign merchants, and even acknowledged by many Spaniards, that pecuniary dishonesty and corruption exist throughout the whole body of Spanish officeholders, from the highest to the lowest. Forced con-

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tributions are said to be levied on the salaries of minor officials, the regimental paymasters and commissaries are said to have sold part of the regimental stores for their own profit, the collector of customs and the minister of finance to have imposed or remitted fines at the custom-house and internal-revenue office according to payment or nonpayment of presents by merchants, the judges and court officials to have "borrowed" from attorneys large sums which are never paid, and even the Governor-General is reported to have organized a regular system of smuggling in Mexican dollars, the importation of which was prohibited by law, on a fixed scale of payment to himself. The current report is that Weyler carried away over \$ 1,000,000 as his savings during the three years, from 1888 to 1891, that he held the office of Governor-General, on a salary of \$ 40,000 a year. Of the proof of these reports I have naturally no personal knowledge, but they are matters of common talk and belief, and they have been stated to me by responsible persons who have long resided in the islands. || As above stated, the Governor-General is supreme head of every branch of the public service, not excepting the courts of justice. How this power was exercised is shown in the hundreds of executions for alleged political offenses which took place during the years 1895, 1896, and 1897, by the thousands deported to Mindanao and Fernando Po, and by the number of political prisoners in jail at the time of our entry into Manila. On the first examination which General Mac Arthur, as military governor, made of the jail, about August 22, he released over 60 prisoners confined for alleged political offenses. One of them was a woman who had been imprisoned for eleven years, by order of the Governor-General, but without any charges ever having been presented against her; another was a woman who had been in jail for three years on a vague charge, never formulated, of having carried a basket of cartridges to an insurgent. || The day of reckoning for three centuries of this sort of government came when Admiral Dewey destroyed the Spanish squadron on May 1, 1898. An insurrection had been in progress from August, 1896, to December, 1897. Unable to suppress it, the Government made a written treaty with the insurgent leaders, paying them a large sum of money and promising to introduce various reforms on condition that they would leave the country. Hardly had the Spanish officials recovered from this when the appalling disaster of the destruction of their fleet occurred under their very eyes.

Then followed in rapid succession the naval blockade, the arrival of the insurgent leaders from Hongkong, the raising of an insurgent army, which blockaded Manila on the land side, and finally the American troops. At the end of 104 days after the destruction of the Spanish fleet the city surrendered to a combined land and naval attack of the American forces. On the day after the capitulation the American commander in chief issued his proclamation establishing a military government, appointed a military governor, a minister of finance, a collector of customs, collector of internal revenue, postmaster,

and judge of the provost court; took possession of all public funds (about \$ 900,000) and all public offices, and as rapidly as possible put this government in operation. || The machinery of the Spanish Government was thoroughly disorganized when we entered Manila. The courts of justice, except the inferior criminal courts, had not been in session since early in May; the officials had been cut off from communication with the other islands and with Spain for over three months; there had been no customs to collect, and owing to the entire suspension of business, but little internal revenue; a forced loan of \$ 2,000,000 for military purposes had been extracted from the Spanish Philippine Bank, and yet the troops were several months in arrears of pay; all Government officers outside the walled city had been moved to temporary quarters within the walls, and their records had been lost or thrown into confusion; the officials, seeing the inevitable end in sight, were intent only on planning for their return to Spain. || This disorganization was completed when the American military officers took charge of the government and every Spanish official without exception refused absolutely to continue in service. They were immediately dismissed and dispersed. || The situation thus created is without precedent in American history. When Scott captured the City of Mexico it was acknowledged on both sides that his occupation was only to be temporary, and there were no insurgents to deal with. When the Americans entered California they found only a scanty population, who were soon outnumbered by the American immigrants. But in the Philippine Islands there is a population of more than 7,000,000, governed by an alien race whose representatives present in the islands, including military and naval forces, clergy, and civil employees, do not exceed 30,000 in number. Against this government an insurrection is in progress which claims to have been successful in provinces containing a population of about 2,000,000. The city and province of Manila, with a population of 400,000 more, have been captured and occupied by a foreign army, but whether its occupation is to be temporary or permanent has not yet been decided. || Finally the Government officials of all classes refuse to perform their functions. The desire of the most of them is to escape to Spain. It was stipulated in the capitulation that they should have the right to do so at their own expense, and numbers of them, as well as friars, have already taken their departure. The Spanish officials have intense fear of the insurgents; and the latter hate them, as well as the friars, with a virulence that can hardly be described. They have fought them with success and almost without interruption for two years, and they will continue to fight them with increased vigor and still greater prospects of success if any attempt is made to restore the Spanish government. In its present disorganized condition the Spanish Government could not successfully cope with them; on the other hand, it would not surrender to them. The result, therefore, of an attempted restoration of Spanish power in any of the islands would simply be civil war and anarchy, leading inevitably and

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speedily to intervention by foreign nations whose subjects have property in the islands which they would not allow to be destroyed.

Insurgent troops. — It is very difficult to give exact figures for the numbers of insurgent troops. In his message to foreign governments of August 6, asking for recognition of belligerency and independence, Aguinaldo claims to have a force of 30,000 men, organized into a regular army. This included the force in the provinces of Luzon outside of Manila. What was in evidence around Manila varied from 10,000 to 15,000. They were composed of young men and boys, some as young as 15 years of age, recruited in the rural districts, having no property and nothing to lose in a civil war. They have received no pay, and although Aguinaldo speaks in his proclamation of his intention and ability to maintain order wherever his forces penetrate, yet the feeling is practically universal among the rank and file that they are to be compensated for their time and services and hardships by looting Manila. || Their equipment consists of a gun, bayonet, and cartridge box; their uniform of a straw hat, gingham shirt, and trousers and bare feet; their transportation of a few ponies and carts, impressed for a day or a week at a time; for quarters they have taken the public building in each village or pueblo, locally known as the Tribunal, and the churches and convents; from these, details are sent out to man the trenches. Their food while on duty consists of rice and banana leaves, cooked at the quarters and sent out to the trenches. After a few days or a week of active service they return to their homes to feed up or to work on their farms, their places being taken by others, to whom they turn over their guns and cartridges. || Their arms have been obtained from various sources — from purchases in Hongkong; from the supply which Admiral Dewey found in the arsenal at Cavite; from capture made from the Spaniards. They are partly Mausers and partly Remingtons. Their ammunition was obtained in the same way. They have used it freely, and the supply is now rather short. To replenish it they have established a cartridge factory at the village of Imus, about 10 miles south of Cavite, where they have 400 people engaged in reloading cartridges with powder and lead found at Cavite or purchased abroad. They have no artillery, except a few antique columbiads obtained from Cavite, and no cavalry. Their method of warfare is to dig a trench in front of the Spanish position, cover it with mats as a protection against the sun and rain, and during the night put their guns on top of the trench above their heads and fire in the general direction of the enemy. When their ammunition is exhausted, they go off in a body to get a fresh supply in baskets, and then return to the trenches. || The men are of small stature, from 5 feet to 5 feet 6 inches in height, and weigh from 110 to 130 pounds. Compared with them, our men from Colorado and California seemed like a race of giants. One afternoon, just after we entered Manila, a battalion of the insurgents fired upon the outposts of the Colorado regiment, mistaking them, as they

claimed, for Spaniards. The outpost retreated to their support and the Filipinos followed; they easily fell into an ambush, and the support, numbering about 80 men, surrounded the 250 Filipinos, wrenched the guns out of their hands, and marched them off as unarmed prisoners, all in the space of a few minutes. Such a force can hardly be called an army, and yet the service which it has rendered should not be underestimated. Between 2,000 and 3,000 Spanish native troops surrendered to it during the months of June and July; it constantly annoyed and harassed the Spaniards in the trenches, keeping them up at night and wearing them out with fatigue; and it invested Manila early in July so completely that all supplies were cut off and the inhabitants, as well as the Spanish troops, were forced to live on horse and buffalo meat, and the Chinese population on cats and dogs. It captured the waterworks of Manila and cut off the water supply, and if it had been in the dry season would have inflicted great suffering on the inhabitants for lack of water. || These results, it is true, were obtained against a dispirited army containing a considerable number of native troops of doubtful loyalty. Yet from August, 1886, to April, 1897, they fought 25,000 of the best regular troops sent out from Spain, inflicting on them a loss of over 150 officers and 2,500 men killed and wounded, and they suffered still greater losses themselves. Nevertheless, from daily contact with them for six weeks, I am very confident that no such results could have been obtained against an American army, which would have driven them back to the hills and reduced them to a petty guerrilla warfare. If they attack the American army this will certainly be the result; and while these guerilla bands might give some trouble so long as their ammunition lasted, yet with our navy guarding the coasts and our army pursuing them on land, it would not be long before they were reduced to subjection.

Insurgent civil administration. — In August, 1896, an insurrection broke out in Cavite under the leadership of Emilio Aguinaldo, and soon spread to other provinces on both sides of Manila. It continued with varying successes on both sides, and the trial and execution of numerous insurgents, until December, 1897, when the Governor-General, Primo de Rivera, entered into written agreement with Aguinaldo, the substance of the document, which is in possession of Senor Felipe Agoncillo, who accompanies me to Washington, being attached hereto and marked A. In brief, it required that Aguinaldo and the other insurgent leaders should leave the country, the Government agreeing to pay them \$ 800,000 in silver and promising to introduce numerous reforms, including representation in the Spanish Cortes, freedom of the press, general amnesty for all insurgents, and the expulsion or secularization of the monastic orders. || Aguinaldo and his associates went to Hongkong and Singapore. A portion of the money, \$ 400,000, was deposited in banks at Hongkong, and a lawsuit soon arose between Aguinaldo and one of his subordinate chiefs named Artacho, which is interesting on account of the very

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honorable position taken by Aguinaldo. Artacho sued for a division of the money among the insurgents according to rank. Aguinaldo claimed that the money was a trust fund, and was to remain on deposit until it was seen whether the Spaniards would carry out their promised reforms, and if they failed to do so, it was to be used to defray the expenses of a new insurrection. The suit was settled out of court by paying Artacho \$ 5,000. || No steps have been taken to introduce the reforms, more than 2,000 insurgents, who had been deported to Fernando Po and other places, are still in confinement, and Aguinaldo is now using the money to carry on the operations of the present insurrection. || On the 24th day of April Aguinaldo met the United States consul and others at Singapore and offered to begin a new insurrection in conjunction with the operations of the United States Navy at Manila. This was telegraphed to Admiral Dewey, and by his consent, or at his request, Aguinaldo left Singapore for Hongkong on April 26; and when the McCulloch went to Hongkong early in May to carry the news of Admiral Dewey's victory, it took Aguinaldo and seventeen other revolutionary chiefs on board and brought them to Manila Bay. They soon after landed at Cavite, and the Admiral allowed them to take such guns, ammunition, and stores as he did not require for himself. With these, and some other arms which he had brought from Hongkong, Aguinaldo armed his followers, who rapidly assembled at Cavite, and in a few weeks he began moving against the Spaniards. Part of them surrendered, giving him more arms, and the others retreated to Manila. || Soon afterwards two ships which were the private property of Senor Agoncillo and other insurgent sympathizers were converted into cruisers and sent with insurgent troops to Subig Bay and other places to capture provinces outside of Manila. They were very successful, the native militia in Spanish service capitulating with their arms in nearly every case without serious resistance. On the 18th of June Aguinaldo issued a proclamation from Cavite establishing a dictatorial government, with himself as dictator. In each village or pueblo a chief (jefe) was to be elected, and in each ward a headman (cabeza); also in each pueblo three delegates — one of police, one of justice, and one of taxes. These were to constitute the junta or assembly, and after consulting the junta the chiefs of pueblos were to elect a chief of province and three councilors — one of police, one of justice, and one of taxes. They were also to elect one or more representatives from each province to form the revolutionary congress. || This was followed on June 20 by a decree giving more detailed instructions in regard to the elections. On June 23 another decree followed changing the title of the government from dictatorial to revolutionary, and of the chief officer from dictator to president; announcing a cabinet, with a minister of foreign affairs, marine, and commerce, another of war and public works, another of police and internal order, justice, instruction, and hygiene, and another of taxes, agriculture, and manufactures; the powers of the president and con-

gress were defined, and a code of military justice was formulated. || On the same date a manifesto was issued to the world explaining the reasons and purposes of the revolution. On June 27 another decree was issued containing instructions in regard to elections. On August 6 an address was issued to foreign governments stating that the revolutionary government was in operation and control in 15 provinces, and that in response to the petition of the duly elected chiefs of these provinces an appeal is made for recognition belligerency and independence. Translations of these various documents are all appended, marked B, C, D, E, F, G, and H.

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The scheme of government is set forth in the decree of June 23, marked D. An examination of this document shows that it provides a dictatorship of the familiar South American type. All power is centered in the president, and he is not responsible to anyone for his acts. He is declared to be "the personification of the Philippine public, and in this view can not be held responsible while he holds office. His term will last until the revolution triumphs." He appoints not only the heads of departments, but all their subordinates, and without reference to congress. This body is composed of a single chamber of representatives from each province. The election is to be conducted by an agent of the president, and the qualifications of electors are "those inhabitants most distinguished for high character, social position, and honorable conduct." || If any province is still under Spanish rule its representative is to be appointed by the president. Congress is to deliberate on "all grave and transcendental questions whose decision admits of delay and adjournment, but the president may decide questions of urgent character, giving the reasons for his decision in a message to congress." The acts of congress are not binding until approved by the president, and he has power of absolute veto. || Congress was to hold its first session at Malolos about September 20. || While this scheme of government is a pure despotism, yet it claims to be only temporary, and intended to "prepare the country so that a true republic may be established." It also provides a rude form of governmental machinery for managing the affairs of the provinces. To what extent it has actually gone into operation it is difficult to say. Aguinaldo claims in his address of August 6 that it is in force in fifteen provinces whose aggregate population is about 2,000,000. They include the island of Mindoro and about one-half of Luzon. None of these (except Cavite) have yet been visited by Americans, and all communication with them by the Spanish Government at Manila has been cut off since May 1. || In the Province of Cavite and that portion of the Province of Manila outside of the city and its suburbs which was occupied by the insurgent troops, as well as those of the United States, their military forces, military headquarters, etc., were very much in evidence, occupying the principal houses and churches in every village and hamlet, but there were no signs of civil government or administration. It was reported, however, that Aguinaldo's agents were levying taxes or forced contributions

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not only in the outside villages, but (after we entered Manila) by means of secret agents in the market places of the city itself. At Aguinaldo's headquarters, in Bacoor, there were signs of activity and business, and it was reported that his cabinet officers were in constant session there. Aguinaldo himself never failed to claim all the prerogatives due to his alleged position as the de facto ruler of the country. || The only general officer who saw him or had any direct communication with him was General Anderson. He did much to thwart this officer in organizing a native wagon train and otherwise providing for his troops, and he went so far in a letter of Juli 23 (copy herewith marked J) as to warn General Anderson not to land American troops on Philippine soil without his consent — a notice which it is hardly necessary to say was ignored. The day before the attack on Manila he sent staff officers to the same general asking for our plans of attack so that their troops could enter Manila with us. The same request had previously been made to me by one of his brigade commanders, so which I replied that I was not authorized to give the information desired.

Aguinaldo did not call upon General Merritt on his arrival, and this enabled the latter to avoid any communication with him, either direct or indirect, until after Manila had been taken. General Merritt then received one of Aguinaldo's staff officers in his office as military governor. The interview lasted more than an hour. General Merritt referred to his proclamation as showing the conditions under which the American troops had come to Manila and the nature of the military government which would be maintained until further orders from Washington. He agreed upon the lines outside of the city of Manila up to which the insurgent troops could come, but no farther, with arms in their hands; he asked for possession of the waterworks, which was given; and while expressing our friendship and sympathy for the Philippine people, he stated very positively that the United States Government had placed at his disposal an ample force for carrying out his instructions, and even if the services of Aguinaldo's forces had been needed as allies he should not have felt at liberty to accept them. || The problem of how to deal with Aguinaldo's government and troops will necessarily be accompanied with embarrassment and difficulty, and will require much tact and skill in its solution. The United States Government, through its naval commander, has to some extent made use of them for a distinct military purpose, viz, to harass and annoy the Spanish troops, to wear them out in the trenches, to blockade Manila on the land side, and to do as much damage as possible to the Spanish Government prior to the arrival of our troops; and for this purpose the admiral allowed them to take arms and munitions which he had captured at Cavite and their ships to pass in and out of Manila Bay in their expeditions against other provinces. But the admiral has been very careful to give Aguinaldo no assurances of recognition and no pledges or promises of any description. The services which Aguinaldo and his adherents rendered

in preparing the way for attack on Manila are certainly entitled to consideration; but, after all, they were small in comparison with what was done by our own fleet and army. || There is no reason to believe that Aguinaldo's government has any elements of stability. In the first place, Aguinaldo is a young man of 28 years; prior to the insurrection of 1896 he had been a schoolmaster and afterwards gobernadorcillo und municipal captain in one of the pueblos of the Province of Cavite. He is not devoid of ability, and he is surrounded by clever writers. But the educated and intelligent Filipinos of Manila say that not only is he lacking in ability to be at the head of affairs, but if an election for president was held he would not even be a candidate. He is a successful leader of insurgents, has the confidence of young men in the country districts, prides himself on his military ability, and if a republic could be established the post he would probably choose for himself would be general-in-chief of the army. || In the next place, Aguinaldo's government, or any entirely independent government, does not command the hearty support of the large body of the Filipinos, both in Manila and outside, who have property, education, and intelligence. Their hatred of Spanish rule is very keen, and they will cooperate with Aguinaldo or anyone else to destroy it. But after that is done they fully realize that they must have the support of some strong nation for many years before they will be in a position to manage their own affairs alone. The nation to which they all turn is America, and their ideal is a Philippine republic under American protection, such as they have heard is to be granted to Cuba. But when it comes to defining their ideas of protection and the respective rights and duties of each under it — what portion of the government is to be administered by them and what portion by us; how the revenues are to be collected, and in what proportion the expenses are to be divided — they have no clearly defined ideas at all; nor is it to be expected that they should have, after generations of Spanish rule, without any experience in self-government. The sentiment of this class — the educated natives with property at stake — looks upon the prospect of Aguinaldo's government and forces entering Manila with almost as much dread as the foreign merchants or the Spaniards themselves. || Finally, it must be remembered that this is purely a Tagalo insurrection. There are upwards of thirty races in the Philippines, each speaking a different dialect; but five-sixths of the entire Christian population is composed of the Tagalos and Visayas. The former live in Mindoro and the southern half of Luzon, and the latter in Cebu, Iloilo, and other islands in the center of the group. The Tagalos are more numerous than the Visayas, but both races are about equal in civilization, intelligence, and wealth. It is claimed by Aguinaldo's partisans that the Visayas are in sympathy with his insurrection and intend to send representatives to the congress. But it is a fact that the Visayas have taken no active part in the present insurrection, nor in that of 1896; that the Spanish Government is still in full control at Cebu and Iloilo and

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Nr. 12008. in the Visayas' islands, and that Aguinaldo has as yet made no effort to
 Vereinigte attack them. The Visayas number nearly 2,000,000, or about as many as
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 30.Sept.1898. the population of all the Tagalo provinces which Aguinaldo claims to have
 captured. There is no evidence to show that they will support his pretensions, and many reasons to believe that, on account of racial prejudices and jealousies and other causes, they will oppose him. || Upon one point all are agreed, except possibly Aguinaldo and his immediate adherents, and that is that no native government can maintain itself without the active support and protection of a strong foreign government. This being admitted, it is difficult to see how any foreign government can give this protection without taking such an active part in the management of affairs as is practically equivalent to governing in its own name and for its own account.

United States troops and navy. — I assume that the reports received at the War and Navy Departments give all the desired information in regard to the military forces of the United States. || At the time I left (August 30) the Eight Corps consisted of two divisions, numbering in all about 12,000 men with 16 field guns and 6 mountain guns. No wagons or animals had then arrived. || One regiment was stationed within the walled city guarding its gates and the captured guns and ammunition; a small force was at Cavite, and the bulk of the troops were in Manila outside of the walled city. They were quartered in the Spanish barracks, which were all in good condition, and in convents and private houses. The health of the troops was excellent, notwithstanding the extraordinary hardships to which they had been subjected in the trenches before Manila. || Admiral Dewey had under his command the Charleston, Monterey, and Monadnock, which arrived in July and August; the Callao and Leyte, which had been captured from the Spaniards, and the ships which were in the battle of May 1, viz, the Olympia, Boston, Baltimore, Raleigh, Concord, Petrel, and McCulloch. The health of the squadron was excellent. The Olympia and Concord were being docked and cleaned at Hongkong. Permission to use the docks at Nagasaki during the suspension of hostilities had been declined.

United States civil administration. — We entered Manila on the afternoon of August 13. On the 14th the capitulation was signed, and the same day General Merritt issued his proclamation establishing a military government. On the 15th General McArthur was appointed military commandant of the walled city and provost-marshal-general of the city of Manila and its suburbs, and on the 17th I was appointed to take charge of the duties performed by the intendente general de hacienda, or minister of finance, and all fiscal affairs. Representatives of the Post-Office Department had arrived on the steamship China in July, and they immediately took charge of the Manila post-office, which was opened for business on the 16th. The custom-house was opened on the 18th with Lieutenant-Colonel Whittier as collector, and the internal-revenue office with Major Bement as collector, on the 22d.

Captain Glass, of the Navy, was appointed captain of the port, or naval officer, and took charge of the office on August 19. || The collections of customs during the first ten days exceeded \$ 100,000. The collection of internal revenue was small, owing to the difficulty and delay in ascertaining what persons had or had not paid their taxes for the current year. The administration of waterworks was put in charge of Lieutenant Connor, of the Engineers, on August 25. The provost court, with Lieutenant-Colonel Jewett, judge-advocate, United States Volunteers, sitting as judge, was appointed and held its first session on August 23. || The provost-marshal-general has charge of the police, fire, health, and street-cleaning departments and the issuing of licenses. The guardia civil, or gendarmerie, of the city proving indifferent and inefficient, they were disarmed and disbanded. The Thirteenth Minnesota Regiment was detailed for police duty, and one or more companies stationed in each police station, from which patrolmen were sent out on the streets to take the place of the sentries who had constantly patrolled them from the hour of entering the city. || The shops were all closed when we entered on Saturday afternoon, the 13th. On Monday morning some of them opened, and by Wednesday the banks had resumed business, the newspapers were published, the merchants were ready to declare goods at the custom-house, the tramcars were running, and the retail shops were all open and doing a large business. There was no disorder or pillage of any kind in the city. The conduct of the troops was simply admirable, and left no ground for criticism. It was noted and commented upon by the foreign naval officers in the most favorable terms, and it so surprised the Spanish soldiers that a considerable number of them applied for permission to enlist in our service. || At the time I left General McArthur had fully established his office as provost-marshal-general, and was organizing one by one the various bureaus connected with it, all with United States military officers in charge; the provost court was in daily session, sentencing gamblers and persons guilty of petty disturbances, and a military commission had just been ordered to try a Chinaman accused of burglary.

At the various public offices I collected following Spanish funds:

At the general treasury	\$ 795,517.71
At the mint	62,856.08
At the internal-revenue office	24,077.60
	<hr/>
	882,451.39

Of this amount there was—

Gold coin	\$ 4,200.00
Gold bars	3,806.08
Silver coin	190,634.81
Copper coin	297,300.00
Spanish bank notes	216,305.00
Accepted checks	170,205.50
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	882,451.39

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The money was counted by a board of officers and turned over to Maj. C. H. Whipple, paymaster, United States Army, as custodian of Spanish public funds. A few thousand dollars in other public offices were still to be collected. || The money received at the custom-house and other offices is turned in daily, at the close of business, to Major Whipple. Money for current expenses is furnished to heads of departments on their requisition, by warrant drawn by the intendente-general on the custodian of Spanish public funds. The heads of departments are to submit their vouchers and accounts monthly to an auditing department, which was being organized when I left. || All these public offices and funds were surrendered to me only on threat of using force and on granting permission to file a formal protest. None of these had been received at the time I left, but the ground of verbal protest was that the officials recognized no authority in these islands but the Governor-General appointed by the King of Spain, and without his order they were unwilling to surrender them. On the other hand, I recognized no authority of the Spanish Governor-General, who was merely a prisoner of war; I acted under the orders of General Merritt, as the United States military governor, and in accordance with the terms of capitulation. The claim will probably be made by the Spanish officials that as we captured Manila a few hours after the peace protocol had been signed at Washington, this property still belongs to the Spaniards. But I believe that the law in such cases was clearly defined in decisions made by the United States Supreme Court in 1815. We captured Manila, and the capitulation (under which these funds became United States property) was signed by both parties before either had received notice of the protocol or suspension of hostilities. || On the opening of the custom-house several important questions arose for immediate decision. The first was in regard to Mexican dollars. The importation of these has for several years been prohibited, with a view to forcing the Spanish coinage (which contains less silver) into circulation. The large English banks represented that there was a scarcity of currency, owing to the amount which had been hoarded and sent away during the siege, and they agreed, in consideration of being allowed to import Mexican dollars free of duty, to guarantee the notes and accepted checks of the Spanish bank which should be received by us in payment of customs up to \$ 200,000 at any one time. The Spanish bank was in difficulty, owing to the enormous amount which the Government had taken from it under the form of a forced loan, and any discrimination on our part, against it would result in its failure, entailing widespread financial disturbance. As there seemed no reason against allowing the importation of Mexican dollars, and many in favor of it, I recommended that the custom-house continue to receive the notes and checks of this bank in payment of customs (for which we were amply protected by the guaranty of the strong English banks), and, with General Merritt's approval, wrote to those banks authorizing them to import Mexican dollars free of duty until further notice. || The next question

was in regard to the rate of duties on imports and exports. || After a careful examination of the matter I recommended that the tariff be not changed until the question had been fully studied and ample notice given. General Merritt approved this, and the customs are being collected on the Spanish tariff. || About a week after the custom-house was opened certain parties came to me representing that Consul-General, Wildman, of Hongkong, had informed them that United States goods would be admitted free of duty in Manila; that acting on this they had purchased a cargo of American illuminating oil in Hongkong, and that the payment of the heavy duty on it (\$ 30 per ton, or about 8 cents per gallon) would ruin them. On consulting Lieutenant-Colonel Crowder, judge-advocate of the Eighth Army Corps, he pointed out the language of paragraph 5 of General Merritt's proclamation, which followed literally the instructions of the President, viz: || The port of Manila * * * will be open while our military occupation may continue, to the commerce of all neutral nations as well as our own, in articles not contraband of war, and upon payment of the prescribed rates of duty which may be in force at the time of the importation.

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Under this there was clearly no authority for discriminating in favor of American goods, either coming direct from a United States port or by transshipment at Hongkong. || The collector of customs was directed to act accordingly. || Another question was in regard to the importation of Chinamen into Manila. The consul at Hongkong telegraphed to know if they would be admitted. As there had been no time for examining the treaties and laws in force on this subject, I replied, with General Merritt's approval, that for the present it was not practicable to admit Chinese laborers into Manila. || Another very important question which arose was in regard to trade with the other Philippine Islands. Nearly all the hemp and the greater part of the sugar is grown in the Visayas. The hemp is bought by foreign merchants in Manila, who bring it there from the other islands and export it, paying large duties to the Manila custom-house. These merchants were anxious to bring up their stock, of which a large amount had accumulated during the war, and ship it abroad. The ships engaged in this island trade were idle in the Pasig. They belonged to a Spanish corporation owned entirely by Scotch capital, and had a Spanish register. The owners were ready to transfer them to the American flag. Could these vessels be allowed to clear for the ports of Cebu and Iloilo, which were in Spanish possession? The judge-advocate advised me that they could not without the express authority of the President. I so notified the owners of the ships and the hemp merchants. || The day before I left Manila, however, Admiral Dewey received a cable from the Navy Department, stating that Spanish ships had been granted the privilege of trading to American ports during the suspension of hostilities, and that American ships could be granted a similar privilege for Spanish ports. I understood that on the strength of this cable General Otis intended to allow the United States consul

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at Manila to grant these vessels an American register, and then allow them to clear for the other islands. I do not know what arrangement, if any, was made in regard to the payment of export duties at Iloilo. Clearly the hemp can not pay export duties at both Iloilo and Manila, and the Spaniards are not likely to allow it to leave Iloilo free while we collect an export duty on it at Manila. Incidentally this illustrates the complications and losses that will arise if the islands are subdivided. The principal merchants for all the islands are at Manila, and 80 per cent of the duties on imports and exports are collected at its custom-house. A large part of the imports are redistributed through the islands, and all the hemp and sugar, which form the principal exports, come to Manila from other islands. If, then, we retain Luzon, and give the other islands back to Spain, or some other nation, that nation will impose import and export duties on everything coming from or to Manila. The foreign trade of that city will be lost, and its prosperity will be destroyed; moreover, the Government revenue from that trade will be lost. || In view of the fact that Spanish officials declined to cooperate or assist in any way in the American government of Manila, the ease and rapidity with which order was maintained, the machinery of government put in operation, and business reestablished after our entry into Manila, is very remarkable. For every position in the Government service — legal, administrative, financial, mechanical, clerical — men could be found in our volunteer ranks who were experienced in just that class of work at home, and they took charge of their Spanish positions with promptness and confidence. || Even in the matter of language no serious difficulty was encountered, for no less than 30 good interpreters were found in the California and Colorado regiments. || The military government as now organized and administered fulfills all the requirements of preserving order and collecting the public revenue. || The civil courts, however, have yet to be organized, and their organization will present many difficulties.

Anlage I.

Peace Convention (December, 1897.)

Señor Aguinaldo, in his own name and in that of the other chiefs and subordinates, obligated himself to lay down their arms, which, according to an inventory, were to be turned over to the Spanish Government, thus terminating the revolution. His excellency the Governor and Captain-General, Don Fernando Primo de Rivera, as the representative of His Majesty's Government in the Philippines, obligated himself, on his side: (1) to grant a general amnesty to all those under charges or sentenced for the crime of rebellion and sedition and other crimes of that category; (2) to introduce into the Philippines all reforms necessary for correcting in an effective and absolute manner the evils which for so many years had oppressed the country in political and administrative affairs; and (3) an indemnity of \$ 800,000, payable at the follow-

ing dates: A letter of credit of the Spanish Philippine Bank for \$ 400,000 against the Hongkong and Shanghai Bank, in Hongkong, was to be delivered to Señor Aguinaldo on the same day that he should leave Biak-va-Bato, where he had established his headquarters, and should embark on the steamer furnished by the Spanish Government. This letter of credit was, in point of fact, delivered; \$ 200,000 was to be paid to the said Señor Aguinaldo as soon as the revolutionary general, Señor Ricarte, should receive his telegram ordering him to give up his arms, with an inventory thereof, to the commissioner designated by his excellency the Governor and Captain-General, Don Fernando Primo de Rivera; and the remaining \$ 200,000 should be due and payable when the peace should be a fact, and it should be understood that peace was a fact when the Te Deum should be sung by order of his excellency the Governor and Captain-General of the Philippines. || Señor Aguinaldo complied in every respect, so far as he was concerned, with the peace agreement. But the Spanish Government did not observe a similar conduct, and this has been deplored and still is deeply deplored by the Philippine people.

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The general amnesty which was promised has remained completely a dead letter. Many Philipinos are still to be found in Fernando Po and in various military prisons in Spain suffering the grievous consequences of the punishment inflicted upon them unjustly and the inclemencies of the climate to which they are not accustomed. Some of these unfortunates who succeeded in getting out of those prisons and that exile are living in beggary in Spain without the Government furnishing them the necessary means to enable them to return to the Philippines. || In vain has the Philippine public waited for the reforms also promised. After the celebration of the compact of June and the disposition of the arms of the revolutionists, the Governor-General began again to inflict on the defenseless natives of the country arbitrary arrest and execution without judicial proceedings solely on the ground that they were merely suspected of being secessionists; proceedings which indisputably do not conform to the law and Christian sentiments. || In the matter of reforms, the religious orders again began to obtain from the Spanish Government their former and absolute power. || Thus Spain pays so dearly for her fatal errors in her own destiny.

In exchange for the loftiness of mind with which Señor Aguinaldo has rigidly carried out the terms of the peace agreement, General Primo de Rivera had the cynicism to state in the Congress of his nation that he had promised no reform to Señor Aguinaldo and his army, but that he had only given them a piece of bread in order that they might be able to maintain themselves abroad. This was reechoed in the foreign press, and Señor Aguinaldo was accused of having allowed himself to be bought with a handful of gold, selling out his country at the same time. There were published moreover in those Spanish periodicals caricatures of Señor Aguinaldo, which profoundly wounded

Nr. 12003. his honor and his patriotism. || Señor Aguinaldo and the other revolutionists
 Vereinigte who reside in Hongkong agreed not to take out one cent of the \$ 400,000
 Staaten. deposited in the Chartered Bank and the Hongkong and Shanghai Bank, the
 30. Sept. 1898. only amount which Señor Aguinaldo received from the Spanish Government on
 account of the stipulated indemnity, but to use it for arms in order to carry on
 another revolution in the Philippines in case the Spanish Government should
 fail to carry out the peace agreement, at least in so far as it refers to
 general amnesty and reforms. All the above-named revolutionists, Señor
 Aguinaldo setting the example, resolved to deny themselves every kind of
 comfort during their stay in Hongkong, living in the most modest style, for
 the purpose of preventing a reduction by one single cent of the above-named
 sum of \$ 400,000 which they set aside exclusively for the benefit of their
 country.

Anlage II.

Proclamation of General Aguinaldo, May 24, 1898.

Filipinos: The great nation North America, cradle of true liberty, and friendly on that account to the liberty of our people, oppressed and subjugated by the tyranny and despotism of those who have governed us, has come to manifest even here a protection which is decisive as well as disinterested toward us, considering us endowed with sufficient civilization to govern by ourselves this our unhappy land. To maintain this so lofty idea, which we deserve from the now very powerful nation North America, it is our duty to detest all those acts which belie such an idea as pillage, robbery, and every class of injury to persons as well as to things. With a view to avoiding international conflicts during the period of our campaign, I order as follows: || Article I: The lives and property of all foreigners, including Chinese and all Spaniards, who either directly or indirectly have joined in taking arms against us, are to be respected. || Art. II. The lives and property of those who lay down their arms are also to be respected. || Art. III. Also are to be respected all sanitary establishments and ambulances, and likewise the persons and things which may be found in either one or the other, including the assistants in this service, unless they show hostility. || Art. IV. Those who disobey what is prescribed in the preceding articles will be tried by summary court and put to death, if such disobedience shall cause assassination, fire, robbery, and violation.

Given at Cavite the 24th of May, 1898.

Emilio Aguinaldo.

Anlage III.

Aguinaldo's Proclamation of June 18, 1898, establishing the dictatorial government.

To the Philippine Public: || Circumstances have providentially placed me in a position for which I can not fail to recognize that I am not properly

qualified; but since I can not violate the laws of Providence nor decline the obligations which honor and patriotism impose upon me, I now salute you, Oh my Beloved People. || I have proclaimed in the face of the whole world that the aspiration of my whole life, the final object of all my efforts and strength, is nothing else but your independence, for I am firmly convinced that that constitutes your constant desire, and that independence signifies for us redemption from slavery and tyranny, regaining our liberty, and entrance into the concert of civilized nations. || I understand, on the other hand, that the first duty of every government is to interpret faithfully popular aspirations; with this motive, although the abnormal circumstances of the war have compelled me to institute this dictatorial government which assumes full powers, both civil and military, my constant desire is to surround myself with the most distinguished persons of each province, those that by their conduct deserve the confidence of their province, to the end that, the true necessities of each being known by them, measures may be adopted to meet those necessities and apply the remedies in accordance with the desires of all. || I understand, moreover, the urgent necessity of establishing in each town a solid and robust organization, the strongest bulwark of public security and the sole means of securing that union and discipline which are indispensable for the establishment of the Republic, that is, government of the people for the people, and warding off the international conflicts which may arise: || Following out the foregoing considerations, I decree as follows:

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Article I. The inhabitants of every town where the forces of the Spanish Government still remain will decide upon the most efficacious measures to combat and destroy them, according to the resources and means at their disposal, according to prisoners of war the treatment most conformable to humanitarian sentiments and to the customs observed by civilized nations.

Art. II. As soon as the town is freed from Spanish domination the inhabitants most distinguished for high character, social position, and honorable conduct, both in the center of the community and in the suburbs, will come together in a large meeting, in which they will proceed to elect by a majority of votes the chief of the town and a headman for each suburb, considering as suburbs not only those hitherto known as such, but also the center of the community. || All those inhabitants who fulfill the conditions above named will have the right to take part in this meeting and to be elected, provided always that they are friendly to the Philippine independence and are 20 years of age.

Art. III. In this meeting shall also be elected by a majority of votes three delegates, one of police and internal order, another of justice and civil registry, and another of taxes and property. || The delegate of justice and civil registry will aid the chief in the formation of courts and in keeping of books of registry of births, deaths, and marriage contracts and of the census. || The delegate of taxes and property will aid the chief in the collection of taxes

Nr. 12003. and administration of public funds, the opening of books of registry of cattle
 Vereinigte and real property, and in all work relating to encouragement of every class
 Staaten. of industry.
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Art. IV. The chief, as president, with the headman and the above-mentioned delegates will constitute the popular assemblies, who will supervise the exact fulfillment of the laws in force and the particular interests of each town. || The head man of the center of the community will be the vice-president of the assembly and the delegate of justice its secretary. || The headmen will be delegates of the chief within their respective boundaries.

Art. V. The chiefs of each town after consulting the opinion of their respective assemblies will meet and elect by majority of votes the chief of the province and three councilors for the three branches above-mentioned. || The chief of the province as president, the chief of the town which is the capital of the province as vice-president, and the above-named councilors will constitute the provincial council, which will supervise the carrying out of the instructions of this government in the territory of the province and for the general interest of the province, and will propose for this government the measures which should be adopted for the general welfare.

Art. VI. The above-named chiefs will also elect by a majority of votes three representatives for each one of the provinces of Manila and Cavite, two for each one of the provinces classified as terminal in Spanish Legislation, and one for each one of the other provinces and politico-military commands of the Philippine Archipelago. || The above-named representatives will guard the general interests of the archipelago and the particular interests of their respective provinces, and will constitute the revolutionary congress which will propose to this Government the measures concerning the preservation of internal order and external security of these Islands, and will be heard by this Government on all questions of grave importance, the decision of which will admit of delay or adjournment.

Art. VII. Persons elected to any office whatsoever in the form prescribed in the preceding article can not perform the same without the previous confirmation by this Government, which will give it in accordance with the certificates of election. || Representatives will establish their identity by exhibiting the above-named certificates.

Art. VIII. The military chiefs named by this Government in each province will not intervene in the government and administration of the province, but will confine themselves to requesting of the chiefs of provinces and of the towns the aid which may be necessary, both in men and resources, which are not to be refused in case of actual necessity. || Nevertheless, when the province is threatened or occupied by the enemy, in whole or in part, the military chief of highest rank therein may assume the powers of the chief of the province until the danger has disappeared.

Art. IX. The government will name for each province a commissioner specially charged with establishing therein the organization prescribed in this decree in accordance with instructions which this government will communicate to him. Those military chiefs who liberate the towns from the Spanish domination are commissioners by virtue of their office. || The above-named commissioners will preside over the first meetings held in each town and in each province.

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Art. X. As soon as the organization provided in the decree has been established all previous appointments to any civil office whatsoever, no matter what their origin or source, shall be null and void, and all instructions in conflict with the foregoing are hereby annulled.

Given at Cavite the 18th day of June, 1898. Emilio Aguinaldo.

Anlage IV.

Aguinaldo's proclamation of June 23, establishing the revolutionary Government.

Don Emilio Aguinaldo y Famy, president of the revolutionary government of the Philippines and general in chief of its army. || This Government desiring to demonstrate to the Philippine people that one of its ends is to combat with a firm hand the inveterate vices of the Spanish administration, substituting for personal luxury and that pompous ostentation which have made it a mere matter of routine, cumbrous and slow in its movements, another administration more modest, simple, and prompt in performing the public service, I decree as follows:

Chapter I. — *Of the revolutionary government.*

Article I. The dictatorial government will be entitled hereafter the revolutionary government, whose object is to struggle for the independence of the Philippines until all nations, including the Spanish, shall expressly recognize it, and to prepare the country so that a true republic may be established. || The dictator will be entitled hereafter president of the revolutionary Government.

Art. II. Four secretaryships of government are created — one of foreign affairs, navy, and commerce; another of war and public works; another of police and internal order, justice, education, and hygiene; and another of finance, agriculture, and manufacturing industry. || The government may increase this number of secretaryships when it shall find in practice that this distribution is not sufficient for the multiplied and complicated necessities of the public service.

Art. III. Each secretaryship shall aid the president in the administration of questions concerning the different branches which it comprises. || At the head of each one shall be a secretary, who shall not be responsible for the

Nr. 12003. decrees of the presidency, but shall sign them with the president to give them
 Vereinigte authority. || But if it shall appear that the decree has been promulgated on
 Staaten, the proposition of the secretary of the department the latter shall be respon-
 30.Sept.1898. sible conjointly with the president.

Art. IV. The secretaryship of foreign affairs will be divided into three bureaus — one of diplomacy, another of navy, and another of commerce. || The first bureau will study and dispose of all questions pertaining to management of diplomatic negotiations with other powers and the correspondence of the government with them; the second will study all questions relating to the formation and organization of our navy, and the fitting out of such expeditions as the necessities of the revolution may require; and the third will have charge of everything relating to the internal and external commerce, and the preliminary work which may be necessary for making treaties of commerce with other nations.

Art. V. The secretaryship of war will be divided into two bureaus; one of war, properly speaking, and the other of public works. || The first bureau will be subdivided into four sections — one of campaigns, another of military justice, another of military administration, and another of military health. || The section of campaigns will have charge of the appointment and formation of the certificates of enlistment and service of all who serve in the revolutionary militia; of the direction of campaigns; the preparation of plans, works of fortification, and preparing reports of battles; of the study of military tactics for the army and the organization of the general staff, artillery, and cavalry; and, finally, of the determination of all the other questions concerning the business of campaigns and military operations. || The section of military justice will have charge of everything relating to courts of war and military tribunals, the appointment of judges and counsel, and the determination of all questions of military justice. The section of military administration will be charged with the furnishing of food and other supplies necessary for the use of the army, and the section of military health will have charge of everything relating to the hygiene and healthfulness of the militia.

Art. VI. The other secretaryships will be divided into such bureaus as their branches may require, and each bureau will be subdivided into sections according to the nature and importance of the work it has to do;

Art. VII. The secretary will inspect and supervise all the work of his secretaryship and will determine all questions with the president of the government. || At the head of each bureau will be a director, and in each section an officer provided with such number of assistants and clerks as may be specified.

Art. VIII. The president will appoint the secretaries of his own free choice, and in concert with them will appoint all the subordinate officials of each secretaryship. || In order that in the choice of persons it may be possible to avoid favoritism it must be fully understood that the good name of the

country and the triumph of the revolution require the services of persons truly capable.

Art. IX. The secretaries may be present at the revolutionary congress in order that they may make any motion in the name of the president or may be interpolated publicly by any one of the representatives; but when the question which is the object of the motion shall be put to vote, or after the interpolation is ended, they shall leave and shall not take part in the vote.

Art. X. The president of the government is the personification of the Philippine people and in accordance with this idea it shall not be possible to hold him responsible while he fills the office. || His term of office shall last until the revolution triumphs, unless under extraordinary circumstances he shall feel obliged to offer his resignation to congress, in which case congress will elect whomsoever it considers most fit.

Chapter II. — *Of the revolutionary congress.*

Art. XI. The revolutionary congress is the body of representatives of the provinces of the Philippine Archipelago elected in the manner prescribed in the decrees of the 18th of the present month. || Nevertheless, if any province shall not be able as yet to elect representatives because the greater part of its towns shall have not yet been able to liberate themselves from Spanish domination, the government shall have power to appoint as provisional representatives for this province those persons who are most distinguished for high character and social position in such numbers as are prescribed by the above-named decree, provided always that they are natives of the province which they represent or have resided therein for a long time.

Art. XII. The representatives having met at the town which is the seat of the revolutionary government, and in the building which may be designated, will proceed to its preliminary labors, designating by plurality of votes a commission composed of five individuals charged with examining documents accrediting each representative, and another commission composed of three individuals who will examine the documents which the five of the former commission exhibit.

Art. XIII. On the following day the above-named representatives will meet again, and the two commissions will read their respective reports concerning the legality of the said documents, deciding by an absolute majority of votes on the character of those which appear doubtful. || This business completed, it will proceed to designate, also by absolute majority, a president, a vice-president, and two secretaries, who shall be chosen from among the representatives, whereupon the congress shall be considered organized and shall notify the government of the result of the election.

Art. XIV. The place where congress deliberates is sacred and inviolable, and no armed force shall enter therein unless the president thereof shall ask

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Nr. 12003. therefor in order to establish internal order disturbed by those who can
 Vereinigte neither honor themselves nor its august functions.
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Art. XV. The powers of congress are: To watch over the general interest of the Philippine people and the carrying out of the revolutionary laws; to discuss and vote upon said laws; to discuss and approve prior to their ratification treaties and loans; to examine and approve the accounts presented annually by the secretary of finance as well as extraordinary and other taxes which may hereafter be imposed.

Art. XVI. Congress shall also be consulted in all grave and important questions the determination of which admit of delay or adjournment; but the president of the government shall have power to decide questions of urgent character, but in that case he shall give account by message to said body of the decision which he has adopted.

Art. XVII. Every representative shall have power to present to congress any project of a law, and every secretary on the order of the president of the government shall have similar power.

Art. XVIII. The sessions of congress shall be public, and only in cases which require reserve shall it have power to hold a secret session.

Art. XIX. In the order of its deliberations as well as in the internal government of the body the instructions which shall be formulated by the congress itself shall be observed. || The president shall direct the deliberations and shall not vote except in case of a tie, when he shall have the casting vote.

Art. XX. The president of the government shall not have power to interrupt in any manner the meetings of congress nor embarrass its sessions.

Art. XXI. The congress shall designate a permanent commission of justice, which shall be presided over by the auxiliary vice-president or each of the secretaries, and shall be composed of those persons and seven members elected by plurality of votes from among the representatives. This commission shall judge on appeal the criminal cases tried by the provincial courts, and shall take cognizance of and have original jurisdiction in all cases against the secretaries of the government, the chiefs of provinces and towns, and the provincial judges.

Art. XXII. In the office of the secretary of congress shall be kept a book of honor, wherein shall be recorded special services rendered the country and considered as such by said body. Every Filipino, whether in the military or civil service, may petition congress for notation in said book, presenting duly accredited documents describing the service rendered by him on behalf of the country since the beginning of the present revolution. For extraordinary services which may be rendered hereafter the government will propose said notation, accompanying the proposal with the necessary documents justifying it.

Art. XXIII. The congress will also grant on the proposal of the government rewards in money, which can be given only once, to the families of those who were victims of their duty and patriotism as a result of extraordinary acts of heroism.

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Art. XXIV. The acts of congress shall not take effect until the president of the government orders their fulfillment and execution. Whenever the said president shall be of the opinion that any act is unsuitable or against public policy or pernicious, he shall explain to congress the reasons against its execution, and if the latter shall insist on its passage the president shall have power to oppose his veto under his most rigid responsibility.

Chapter III. — *Of military courts and justice.*

Art. XXV. When the chiefs of military detachments have notice that any soldier has committed or has perpetrated any act of those commonly considered as military crimes, he shall bring it to the knowledge of the commandant of the Zone, who shall appoint a judge and a secretary who shall begin suit in the form prescribed in the instructions dated the 20th of the present month. If the accused shall be of the grade of lieutenant or higher, the said commandant shall himself be the judge, and if the latter shall be the accused the senior commandant of the Province shall name as judge an officer who holds a higher grade, unless the same senior commandant shall himself have brought the suit. The judge shall always belong to the class of chiefs.

Art. XXVI. On the conclusion of the preliminary hearing the senior commandant shall designate three officers of equal or higher rank to the judge, and the military court shall consist of the said officers, the judge, the councilor, and the president. The latter shall be the commandant of the zone if the accused be of the grade of lieutenant or higher. This court shall conduct the trial in the form customary in the provincial courts, but the judgment shall be appealable to the higher courts of war.

Art. XXVII. The superior court shall be composed of six members, who shall hold rank not less than brigadier-generals, and the judge-advocate. If the number of generals present in the capital of the revolutionary government shall not be sufficient, the deficiency shall be supplied by representatives designated and commissioned by congress. The president of the court shall be the general having the highest rank of all, and should there be more than one having equal rank the president shall be elected from among them by absolute majority of votes.

Art. XXVIII. The superior court shall have jurisdiction in all cases affecting the higher commandants, the commandants of zones and all officers of the rank of major and higher.

Art. XXIX. Commit military crimes: First, those who fail to grant the necessary protection to foreigners, both in their persons and property, and

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those who similarly fail to afford protection to hospitals and ambulances, including persons and effects which may be found in possession of one or the other, and those engaged in the service of the same, provided always they commit no hostile act; second, those who fail in the respect due to the lives, money, and jewels of enemies who lay down their arms, and of prisoners of war; third, Filipinos who place themselves in the service of the enemy, acting as spies or disclosing to them secrets of war and the plans of the revolutionary positions and fortifications, and those who present themselves under a flag of truce without justifying properly their office and their personality; and fourth, those who fail to recognize a flag of truce duly accredited in the form prescribed by international law. || Will commit also military crimes: Those who conspire against the unity of the revolutionists, provoking rivalry between chiefs, and forming divisions and armed bands; second, those who solicit contributions without authority of the government and misappropriate the public funds; third, those who desert to the enemy, or are guilty of cowardice in the presence of the enemy, being armed; and fourth, those who seize the property of any person who has done no harm to the revolution, violate women, and assassinate or inflict serious wounds on unarmed persons, and who commit robberies and arson.

Art. XXX. Those who commit the crimes enumerated will be considered as declared enemies of the revolution, and will incur the penalties prescribed in the Spanish Penal Code, and in the highest grade. || If the crime shall not be found in the said code, the offender shall be imprisoned until the revolution triumphs, unless the result of this shall be an irreparable damage which, in the judgment of the tribunal, shall be a sufficient cause for imposing the penalty of death.

Additional clauses.

The government will establish abroad a revolutionary committee composed of a number, not yet determined, of persons most competent in the Philippine Archipelago. This committee will be divided into three delegations: One of diplomacy, another of the navy, and another of the army. || The delegation of diplomacy will arrange and conduct negotiations with foreign cabinets with a view to the recognition of the belligerency and independence of the Philippines. || The delegation of the navy will be charged with the studying and organizing of the Philippine navy and preparing the expenditures which the necessities of the revolution may require. || The delegation of the army will study military tactics and the best form of organization for the general staff, artillery, and engineers, and whatever else may be necessary in order to fit out the Philippine army under the conditions required by modern progress.

Art. XXXII*). The government will issue the necessary instructions for the proper execution of the present decree.

*) Auch im Original springt die Numerierung von XXX auf XXXII.

Art. XXXIII. All the decrees of the dictatorial government in conflict with the foregoing are hereby annulled.

Given at Cavite the 23d of June, 1898.

Emilio Aguinaldo. Nr. 12003.
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Anlage V.

Aguinaldo an den amerikanischen General Anderson. Erwartet Anerkennung der philippinischen Regierung.

July 23, 1898.

Brig. Gen. T. M. Anderson, U. S. A. etc.,

Cavite:

In answer to the letter of your excellency dated the 22d of the present month, I have the honor to manifest to you the following: || That even supposing that the effects existing in the storehouse of Don Antonio Osorio were subject to capture, when I established myself in the plaza (town) of Cavite Admiral Dewey authorized me to dispose of everything that I might find in the same, including the arms which the Spanish left in the arsenal. But as he was aware that said effects belonged to the personal property [ownership] of a Filipino, who traded with them by virtue of a contribution to the Spanish Government, I would not have touched them had not the owner placed them at my disposition for the purposes of the war. || I came from Hongkong to prevent my countrymen from making common cause with the Spanish against the North Americans, pledging before my word to Admiral Dewey to not give place to [to allow] any internal discord, because [being] a judge of their desires I had the strong conviction that I would succeed in both objects, establishing a government according to their desires. || Thus it is that at the beginning I proclaimed the dictatorship, and afterwards, when some of the provinces had already liberated themselves from Spanish domination, I established a revolutionary government that to-day exists, giving it a democratic and popular character as far as the abnormal circumstances of war permitted, in order that they (the provinces) might be justly represented and administered to their satisfaction. || It is true that my government has not been acknowledged by any of the foreign powers; but we expect that the great North American nation, which struggled first for its independence and afterwards for the abolition of slavery, and is now actually struggling for the independence of Cuba, would look upon it with greater benevolence than any other nation. Because of this we have always acknowledged the right of preference to our gratitude. || Debtor to the generosity of the North Americans and to the favors which we have received through Admiral Dewey, and being more desirous than any other of preventing any conflict which would have as a result foreign intervention, which must be extremely prejudicial not alone to my nation, but also to that of your excellency, I consider it my duty to advise you of the undesirability of disembarking North American troops in the places conquered

Nr. 12003. Vereinigte Staaten. 30. Sept. 1898. by the Filipinos from the Spanish, without previous notice to this government, because, as no formal agreement yet exists between the two nations, the Philippine people might consider the occupation of its territories by North American troops as a violation of its rights. || I comprehend that without the destruction of the Spanish squadron the Philippine revolution would not have advanced so rapidly. Because of this I take the liberty of indicating to your excellency the necessity that before disembarking troops you should communicate in writing to this government the places that are to be occupied and also the object of the occupation, that the people may be advised in due form, and (thus) prevent the commission of any transgressions against friendship. I can answer for my people, because they have given me evident proofs of their absolute confidence in my government, but I can not answer for that which another nation, whose friendship is not well guaranteed, might inspire in it (the people); and it is certain that I do this not as a menace, but as a further proof of the true and sincere friendship which I have always professed to the North American people in the complete security that it will find itself completely identified with our cause of liberty.

I am, with respect, your obedient servant, Emilio Aguinaldo.

Nr. 12004. VEREINIGTE STAATEN. — Denkschrift des Geologen George F. Becker über die Mineralien der Philippinen.

Manila, 15. Sept. 1898.

Nr. 12004. Vereinigte Staaten. 5. Sept. 1898. This brief memorandum, prepared at the request of Admiral Dewey, probably covers all the main discoveries in the geology of the Philippines which are of economic interest. It is drawn up from data recorded in the Spanish mining bureau (Inspeccion de Minas), but not published, manuscript mine reports by the late William Ashburner, verbal information obtained in Manila, and from various technical publications, of Semper, Santos, Roth, Drasche, Abella, and others. || Only about a score of the islands are known to contain deposits of valuable minerals. These are arranged below in the order of their latitude to give an idea of their geographical distribution, and to facilitate finding the islands on the map. The latitude of the northern end of each is taken as that of the island. The character of the valuable minerals stated in the table will afford a general notion of their resources.

The distribution of each mineral or metal may now be sketched in somewhat greater detail. In many cases the information given in this abstract is exhaustive, so far as the available material is concerned. The coal fields of Cebu, however, have been studied in some detail by Mr. Abella, and in a few other instances more extended information has been condensed for the present purpose.

Mineral bearing islands and their resources.

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Island.	Lat. end.	N. end.	Character of mineral resources.
	o	'	
Luzon	18	40	Coal, gold, copper, lead, iron, sulphur, marble, koalin.
Catanduanes	14	8	Gold.
Marinduque	13	34	Lead, silver.
Mindoro	13	32	Coal, gold, copper.
Carraray	13	21	Coal.
Batan	13	19	Do.
Rapu Rapu	13	15	Do.
Masbate	12	37	Coal, copper.
Romblon	12	37	Marble.
Samar	12	36	Coal, gold.
Sibuyan	12	30	Gold.
Semerara	12	7	Coal.
Panay	11	56	Coal, oil, gas, gold, copper, iron, mercury (?).
Bilikan	11	43	Sulphur.
Leyte	11	35	Coal, oil, mercury (?).
Cebu	11	17	Coal, oil, gas, lead, silver, iron.
Negros	11	..	Coal.
Bohol	10	10	Gold.
Panaon	10	10	Do.
Mindanao	9	50	Coal, gold, copper platinum.
Sulu Archipelago . .	6	30	Pearls.

Coal.

So far as is definitely known, the coal of the Philippine Islands is all of Tertiary age, and might be better characterized as a highly carbonized lignite. It is analogous to the Japanese coal and to that of Washington, but not to the Welsh or Pennsylvania coals. Such lignites usually contain considerable combined water (8 to 18 per cent) and bear transportation ill. They are also apt to contain much sulphur, as iron, pyrite, rendering them subject to spontaneous combustion and injurious to boiler plates. Nevertheless, when pyritous seams are avoided and the lignite is properly handled, it forms a valuable fuel, especially for local consumption. In these islands it would appear that the native coal might supplant English or Australian coal for most purposes. Lignite is widely distributed in the archipelago; some of the seams are of excellent width, and the quality of certain of them is high for fuel in this class. || Coal exists in various provinces of the island of Luzon (Abra, Camarinos, Batan, Sorsogon). The finest beds thus far discovered appear to be in the small island of Batan, lying to the east of the southern portion of Luzon, in latitude 13° 19'. These seams vary from 2 feet 6 inches to 14 feet 8 inches in thickness. Analyses have been made in the laboratory of the Inspeccion de Minas, and the mean of seven analyses gives the following composition:

Nr. 12004.		Per cent.
Vereinigte Staaten.	Water.	13.52
15. Sept. 1883.	Volatile matter	37.46
	Fixed carbon	44.46
	Ash	4.56
	Sum	100.00

One pound of this coal will convert 6.25 pounds of water at 40° C. into steam at 100° C. The heating effect is about three-fourths of that of Cardiff coal. The same beds are known to exist in other small adjacent islands, Carraray and Rapu-Rapu. A number of concessions for coal mining have also been granted on the main island of Luzon, just south of Batan, at the town of Bacon. No doubt the beds here are either identical, or, at least, closely associated with the coal seams in the little islands. || The coal field of southern Luzon is said to extend across the Strait of San Bernardino into the northern portion of Samar. Here coal is reported at half a dozen localities, but I have been able to ascertain no details as to the thickness or quality. || In Mindoro there are large deposits of coal in the extreme southern portion (Bulacao) and on the small adjacent islands of Semarara. This fuel is said to be similar to that of Batan. || The islands of Masbate and Panay contain coal, the deposits of which thus far discovered do not seem of much importance. Specimens from the southwestern portion of Leyte, analyzed in the laboratory of the inspección de minas, are of remarkably high quality, but nothing definite about the deposit is known to me. || The first discovery of coal in the archipelago was made in the island of Zebu in 1827. Since then lignitic beds have been found on the island at a great variety of points. The most important croppings are on the eastern slope, within some 15 or 20 miles of the capital, also named Cebu. Though a considerable amount of coal has been extracted here the industry has not been a profitable one hitherto. This is at least in part due to crude methods of transportation. It is said, however, that the seams are often badly faulted. || At Uling, about 10 miles west of the capital, the seams reach a maximum thickness of 15½ feet. Ten analyses of Cebu coal are at my disposal. They indicate a fuel with about two-thirds the calorific effect of Cardiff coal and with only about 4 per cent ash. Large quantities of the coal might, I suspect, contain a higher percentage of ash. || The island of Negros is nearly parallel with Cebu and appears to be of similar geological constitution, but it has been little explored and little of it seems to have been reduced to subjection by the Spaniards. There are known to be deposits of coal at Calatrara, on the east coast of Negros, and it is believed that they are of important extent. In the great island of Mindanao coal is known to occur at eight different localities, but no detailed examinations of any kind appear to have been made. Seven of these localities are on the east coast of Mindanao and the adjacent small islands. They indicate the presence of lignite from one end

of the coast to the other. The eighth locality is in the western province called Zamboanga, on the gulf of Sigbuguey.

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Petroleum.

In the island of Cebu petroleum has been found associated with coal at Toledo on the west coast, where a concession has been granted. It is also reported from Asturias, to the northwest of Toledo, on the same coast, and from Algeria to the south. Natural gas is said to exist in the Cebu coal fields. On Panay, too, oil is reported at Janiuay, in the province of Iloilo, and gas is reported from the same island. Petroleum highly charged with paraffin is also found on Leyte, at a point about 4 miles from Villaba, a town on the west coast.

Gold.

Gold is found in a vast number of localities in the archipelago from northern Luzon to central Mindanao. In most cases the gold is detrital, and found either in existing water courses or in stream deposits now deserted by the current. These last are called „aluviones” by the Spaniards. It is said that in Mindanao some of the gravels are in an elevated position and adapted to hydraulic mining. There are no data at hand which intimate decisively the value of any of the placers. They are washed by natives largely with cocoanut shells for pans, though the batea is also in use. || In the Province of Abra, at the northern end of Luzon, there are placers, and the gravel of the River Abra is auriferous. In Lepanto there are gold-quartz veins as well as gravels. Gold is obtained in this Province close to the copper mines. In Benguet the gravels of the River Agno carry gold. There is also gold in the Province of Bontoc and in Nueva Ecija. The most important of the auriferous Provinces is Camarines Norte. Here the townships of Mambulao, Paracale, and Labo are especially well known as gold-producing localities. Mr. Drasche, a well-known German geologist, says that there were 700 natives at work on the rich quartz veins of this place at the time of his visit about twenty-five years since. At Paracale there are parallel quartz veins in granite, one of which is 20 feet in width and contains a chute in which the ore is said to assay 38 ounces of gold per ton. One may suspect that this assay hardly represented an average sample. Besides the localities mentioned, many others of this Province have been worked by the natives. || The islands of Mindoro, Catanduanes, Sibuyan, Simar, Panay, Cebu, and Bohol are reported to contain gold, but no exact data are accessible. || At the south end of the small island of Panaon, which is just to the south of Leyte, there are gold quartz veins, one of which has been worked to some extent. It is 6 feet in thickness, and has yielded from \$ 6 to \$ 7 per ton. || In the island of Mindanao there are two known gold-bearing districts. One of these is in the province of Surigao, where Placer and other townships show gravels and veins. The second district is in the province of Misamis. Near the settlement of Imponan and

Nr. 12004. on the Gulf of Macajalar, there are said to be many square kilometers of
 Vereinigte gravel carrying large quantities of gold with which is associated platinum.
 Staaten. The product of this district was estimated some years since at 150 ounces
 5. Sept. 1898. per month, all extracted by natives with bateas or cocoanut-shell dishes.

Copper.

Copper ores are reported from a great number of localities in the Philippines. They are said to occur in the following islands: Luzon (provinces of Lepanto, Benguet, and Camarines), Mindoro, Capul, Masbete, Panay (province of Antique), and Mindanao (province of Surigao). Many of these occurrences are probably unimportant. The great island of Mindanao, being practically unexplored, is full of possibilities; but as yet no important copper deposit is known to exist there. An attempt was made to work the deposit in Masbete, but no success seems to have been obtained. On the other hand, northern Luzon contains a copper region which is unquestionably valuable. The best known portion of this region lies about Mount Data, a peak given as 2,500 meters in height, lying in latitude $16^{\circ} 53'$, longitude $120^{\circ} 58'$ east of Greenwich or $124^{\circ} 38'$ east of Madrid. The range of which data forms one peak trends due north to Cape Lacay-Lacay and forms a boundary for all the provinces infringing upon it. || Data itself lies in the Province of Lepanto. In this range copper ore has been smelted by the natives from time immemorial, and before Magellan discovered the Philippines. The process is a complicated one, based on the same principles as the method of smelting sulpho-salts of this metal in Europe and America. It consists in alternate partial roasting and reductions to "matte," and eventually to block copper. It is generally believed that this process must have been introduced from China or Japan. It is practiced only by one peculiar tribe of natives, the Igorrotes, who are remarkable in many ways. || Vague reports and the routes by which copper smelted by natives comes to market indicate that there are copper mines in various portions of the Cordillera Central, but the only deposits which have been examined with any care are those at Mancanyan (about 5 miles west of Mount Data) and two or three other localities within a few miles of Mancanyan. The deposits of Mancanyan are described as veins of rich ore reaching 7 meters in width and arranged in groups. Mean assays are said to show over 16 per cent of copper, mainly as tetrahedrite and allied ores. The gangue is quartz. The country rock is described as a large quartzite lens embedded in a great mass of trachyte. An attempt has been made by white men to work these deposits, but with no considerable success. The failure does not seem to have been due to the quality or quantity of ore found.

Lead and Silver.

A lead mine has been partially developed near the town of Cebu, on the island of the same name. || The most important deposit of argentiferous

galena is said to be at Torrijos, on the small island of Marinduque (latitude $13^{\circ} 34'$). A metric ton, or 1,000 kilograms, is said to contain 96 grams of silver, 6 grams gold, and 565.5 kilograms of lead. || In Camarines, a province of Luzon, lead ores occur, but are worked only for the gold they contain.

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Iron.

There is iron ore in abundance in Luzon, Carabello, Cebu, Panay, and doubtless in other islands. In Luzon it is found in the provinces of Laguna, Pampanga, and Camarines Norte, but principally in Bulacan. The finest deposits are in the last-named province, near a small settlement named Camachin, which lies in latitude $15^{\circ} 7'$ and longitude $124^{\circ} 47'$ east of Madrid. A small industry exists here, wrought iron being produced in a sort of bloomery and manufactured into plowshares. The process has been described in detail, so far as I know. It would appear that charcoal pig iron might be produced to some advantage in this region. The lignites of the archipelago are probably unsuitable for iron blast furnaces.

Quicksilver.

Rumors of the occurrence of this metal in Panay and Leyte have failed of verification. Accidental losses of this metal by prospectors or surveyors sometimes lead to the reports of the discovery of deposits, and others are not seldom mistaken for impure cinnabar.

Nonmetallic substances.

Sulphur deposits abound about active and extinct volcanoes in the Philippines. In Luzon the principal sulphur deposits are in Daclan, in the province of Benguet, and at Colasi, in Camarines. The finest deposit in the archipelago is said to be on the little Island of Biliran, which lies to the northwest of Leyte. || Marble of fine quality occurs on the small island of Romblon (latitude $12^{\circ} 37'$). It is much employed in churches in Manila for baptismal fonts and other purposes. Marbles are also quarried at Montalban in the province of Manila, and at Binangonan in the province of Marong. || There are processions for mining kaolin at Losbanos in Laguna province. || Pearl fisheries exist in the Sulu archipelago and are said to form an important source of wealth.

Manila, September 15, 1898.

Nr. 12005. VEREINIGTE STAATEN. — Skizze der ökonomischen Lage der Philippinen. Von Max C. Tornow.

August 1898.

The general interest in the Philippines, which for a long time seems to have been all but forgotten by the rest of the world, was again thoroughly awakened by the recent cannonade of Cavite. And even with the final settle-

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Nr. 12005. ment of the Philippine question, it is scarcely to be expected that the islands
 Vereinigte can again fall into forgetfulness. A glance, therefore, at the economic con-
 Staaten. dition of the country would appear not to be out of place, accompanied by a
 August 1898. few more important statistics, for an exhaustive consideration of the subject
 would occupy far more space than the present pamphlet admits of.

1. Commencing with the produce of the soil, two important points strike us as speaking to the varied and fertile character of the land: The geographical position of the islands — embracing sixteen degrees of latitude — and the plentiful supply of water. On the other hand, in addition to smaller obstacles raised by the administration, particularly as regards large plantations, the want of labor militates seriously against industrial extension, so that of the arable land only a very small part is to day under cultivation. The result is, that notwithstanding the richness of the soil, we find that the total returns are nothing like what they should be. || Not only do all tropical fruits flourish, but also the plants of the temperate zones, such as wheat, barley, and potatoes. Experiments were made with wheat and barley some years ago, and met with every success; and there is to-day a German planter in Benguet cultivating potatoes. I am fully convinced that in certain parts the vine could be grown, and at all events those fruits which demand a mild climate. Attempts have been made with tea to a little extent, and the results have not been unfavorable; but to all extensive planting (and this is the only way in which it is remunerative) the want of railways, good roads, and laborers offers the greatest difficulty. Not less annoying is the attitude assumed by the Spanish officials and the monks, unless the planter is ready to dance at their command. || The principal agricultural products exported are sugar, hemp, and tobacco, and to some extent coffee, the cultivation of which, however, has of late greatly decreased. Indigo, sapanwood, and copra must not be left unmentioned, for they may certainly be expected to take a higher place in the Philippine trade in the future than to-day is the case. Rice and maize are only grown for home consumption, and even for this purpose the supply is not large enough. Rice is imported from Saigon and Bangkok and cocoa from Java, although the extremely fertile soil of the Philippines could produce all that is required at home and enough to admit of a large export trade as well. || Formerly, in 1850 to 1860, or even later, rice was exported from the islands, but the quantity gradually decreased until exportation ceased altogether, and finally the grain began to be imported. The blame lies with the miserable administration of the country. The planters can no longer compete with Rangoon, Saigon, and Bangkok, where the authorities know how to meet the farmers when necessary, and where the ships are not exposed to endless chicanery, such as is practiced by the Manila customs-house officials. For this reason most foreign vessels are careful to steer clear of the latter port. Sugar is chiefly exported from the Visayas Islands, and the trade is almost exclusively over Iloilo, the largest place after Manila, situated on the island of Panay.

Cebu, the third largest port of the archipelago, does now but a small and steadily declining trade in hemp. || The best tobacco grows in the north of Luzon, in the province of Isabella, and the south of Cagayan, the most northern province of that island, in the valley of the Rio Grande de Cagayan. The northern provinces of Luzon, from the gulf of Lingayen in the west to the Pacific, are separated from Manila by a range of high mountains, the Caraballo, over which there is, with the exception of a path and the telegraph, no road whatever, much less a railway. The tobacco, therefore, is sent on covered boats, so-called "barangaijanes", down the Rio Grande to Aparri, and there shipped by steamer to Manila. A flat-bottomed steamboat also runs from Ilagan, when the water allows it, otherwise she only goes as far as Tuguegarao. In this way the transport from the most southern tobacco center, Echague, which, as the crow flies, is only about 150 miles, often takes quite three weeks. || Tobacco has also been planted on the west coast of the northern part of Luzon, and also on the Visayas Islands. This, however, is of inferior quality and is mostly exported to Spain. In Manila it is not used, unless perhaps by the Chinese factories of inferior cigarettes. Regarding the tobacco monopoly, abolished in 1883, I shall have some remarks to make later.

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An important and world-famed article is Manila hemp, or abaco, a product of the *Musa textilis*. It is remarkable that, although there are the most varied species of the *Musa* flourishing all over the Tropics and in warm climates generally, the *Musa textilis* appears to thrive to the best advantage only in the Philippines. Attempts to grow the plant in other places have been uniformly unsuccessful. Like its betterknown relative, the edible banana (*Musa paradisiaca*), the stem of the plant is formed by the leaf-stalk, in the center of which again is the blossom-stem. The finest growth is obtained in the volcanic and rainy districts of the Philippines, especially in the Camarines Sur, Albay, Samar, Leyte, Marinduque, Cebu, and in some of the small neighboring islands, as well as on the South Negros and Mindanao. || The valuable hemp fiber is found in the petioles, from which it is taken before the plant has borne fruit, as otherwise the fibers lose in elasticity and luster. In two or three years the plant is generally so far matured that it can be cut down, the leaves removed, the green epidermis stripped from the stem, and the bast strips either torn off lengthwise or the petioles separated singly, and the inner membrane with the pulpy portion of the plant as well as possible removed. The bast strips thus obtained are then drawn under a knife, in order to scrape away any pulp that may have remained on them. The product after having been dried in the sun is then ready for shipment. This process, though simple, involves a great loss of fiber, which might be avoided by the use of more efficient stripping machines. It is difficult to accustom the native to anything novel; but when once progress has gained a general footing headway will soon be made in particular paths also. Manila hemp has so far

Nr. 12005. Vereinigte Staaten. August 1898. been equaled by none, much less excelled. || The principal article is fair current, with its higher and lower grades. Of less importance is quilot and the silk-like lupiz, which, besides their use in the manufacture of fine native fabrics, are also employed for superior toilet articles in Europe, especially in the ladies' hat trade. From the current sorts excellent ship's cables and miner's ropes are made, and in America, where great quantities are consumed, they are used to make grain-binders for harvesting. Hemp comes on the market in bales of 2 Spanish piculs (280 pounds, English). The price varied much, being subject often to great fluctuations, which naturally gave rise to speculation. About the middle of the present century the price varied between \$ 4 and \$ 5 (with high course of exchange), steadily rising; in the sixties we find it already at \$ 7 to \$ 9; in the eighties, \$ 11 was the average. In 1890 it was artificially pushed up to \$ 17 — an immense crash being the natural result — and all this at a high or even higher course (3 s. 3½ d: to 3 s. 11 d. per \$ 1). || The course now began to fall steadily until, after the outbreak of the war, it stood at 1 s. 10½ d. Of late the prices for fair current have been between \$ 6 and \$ 9 per picul, at a course of 2 s.; and at the end of April the ton was sold in London at £ 19. During the blockade of Manila the price was pushed to nearly £ 40. At the end of the war it fell again to £ 28.10. The table opposite shows the fluctuation of the course and price of hemp from January 1, 1892, to April 21, 1898, when the war broke out. || In 1818, 216 piculs at \$ 4 were exported. There is no record of the exportation of hemp until 1840. In this year the amount exported is stated to be 136,034 piculs (8,502 tons). Thirty years later, in 1870, the amount had risen to 488,560 piculs (30,535 tons). The export then increased still more considerably. The following figures show how it has stood during the past six years:

Year.	Piculs.	English tons.
1892	1,581,100	98,818
1893	1,282,942	80,184
1894	1,591,962	99,497
1895	1,664,590	104,038
1896	1,531,810	95,738
1897	1,689,754	a 105,610

a From Manila only.

The chief consumers are England and the United States. The relative consumption by the different countries in 1896 is seen from the following table:

Country.	Piculs.	English tons.
England	815,044	50,940
United States	615,554	38,473
China and Japan	49,494	3,093
Australia	33,892	2,118
Singapore, India	12,166	760
European Continent	5,660	354
Total	1,531,810	95,738

The difference between the large export to England and the small amount which goes to the Continent — the very last on the list — is striking. England, however, acts here only as middleman, selling extensively again to the Continent, which accordingly buys at second, or, rather, third, hand. || Various species of the cocoanut palm are [found dispersed throughout the whole archipelago, though the exportation has only been considerable during the last few years. Under a more satisfactory state of affairs in the interior of the country, the export trade in copra promises to increase still further, in spite of the large consumption of the nuts by the natives themselves. The meat of the cocoanut forms a staple article of food, both raw and prepared artificially. || The archipelago is very rich in timber, notwithstanding that the exploitation for building purposes has been going on for over three hundred years, and exportation formerly, especially, was very large; nor have new plantations ever been thought of. Sapan wood for dyeing purposes is also a product of the islands, and there is a regular, though small, export done in it. || That the Philippines are amongst the most fertile colonies on the face of the earth is well known, and has formerly been frequently mentioned; it is less generally known that they are also amongst the most neglected colonies in existence. According to the Spanish authorities themselves, only one-tenth of the available arable land is under cultivation; as a matter of fact, the amount is probably much less. What might not be made of this beautiful country, were this mismanagement but once and for all to cease! || Cattle breeding has been carried on by some mestizos for many years, evidently with success, or the business would have died out. Of late it has been found more profitable to import the extremely cheap Queensland cattle; but the fact that cattle thrive nearly everywhere is a proof that cattle breeding on an extensive scale is possible. A small number of sheep are imported from China, for consumption by foreigners; it is by no means improbable, however, that in some provinces, at any rate, they would thrive well. There are but few goats; of swine and poultry, on the other hand, there is a surplus, the flesh of the former, especially, forming a favorite dish of the natives. || In addition to the small but very tough horses, resembling those of Java, that most useful of domestic animals, the carabao, or black (gray) buffalo, thrives to the best advantage. The white species is also occasionally to be found. The buffalo is employed for many purposes — for working the pumps on plantations, for sugar presses, etc., and is also used as a beast of draft. In the mountains the buffalo is met with in the wild state; it is, however, undoubtedly only the domestic species which has been neglected. Nevertheless, in the course of years, the degeneration has been so great that there now exists a clear distinction between the wild and the domestic buffalo. The wild animal has a more compact head and short horns, while the domestic animal has a long head with long, broad horns. Neither horses nor buffaloes are indigenous to the Philippines; they have been imported by the Spainards.

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2. Nor is it alone the arable land which forms the resource of the country, little regarded as this source of wealth has unfortunately hitherto been. There is another, and doubtless not less valuable, property, represented by the mineral riches now silently slumbering beneath the soil. || The islands yield pit coal, iron, gold, silver, copper, etc., for the most part of good quality, and recently petroleum has been struck. Careful and expert explorations have several times been undertaken by engineers, yet never to the extent necessary to start lucrative mining, nor yet over a sufficiently extensive area. The former "inspector-general de montes", Don Jose Centeno, and Don Antonio Hernandez are deserving of special mention for their exploration in this direction. || Coal is probably spread over the whole archipelago. It was first discovered in 1827 in the island of Cebu; then in Negros, Mindanao; on the island of Luzon, in Camarines and Albay, and in many other islands. The wealth thus appears almost inexhaustible. The coal in Cebu is of the best quality, numerous experiments having shown it to be equal to Newcastle coal. Hernandez found four seams running parallel from north to south at a small depth, and 95 miles long. In 1874 four further seams were found where Don Isaac Conui worked the Caridad and Esperanza collieries in a small way. In Albay, 1 mile southeast of the small harbor of Sugod, is one of the most extensive of the many seams which have been found in Albay. It is 5 or 6 yards deep, and runs for a long distance. From this mine, from different places over a distance of a mile or more, 130 tons of coal were dug and practically tried on some steamers. || According to the reports of the man-of-war Berenguela and the steamships Butuan and Corregidor, which experimented with the coal, the latter resembles that of Australia, with the advantage of being less bituminous. This is an agreement with the scientific analyses and experiments of the coal made in Madrid. Small workings were begun, but exploitation corresponding to the worth could not be looked for, as with the fickle Government and administrative mismanagement, capitalists feared to finance such undertakings, especially in the way of foreigners, the Government put every possible hindrance, so that a profitable return seemed questionable, and the capital invested in danger. The workings were consequently very limited, and up till this day Australia and Japan export coal to Manila, a state of things which, it may be hoped, will soon be changed. || Iron, also, has been found in many of the islands. The best is that in Luzon, in the provinces of Morong, Laguna, Bulacan, Nueva Ecija, Pampanga, and Camarines, which, according to Centeno campares most favorably in quality with that of Sweden. The ore contains from 75 to 80 per cent pure iron, and is found in the midst of immense forests, so that there is thus a permanent supply of fuel, if properly used. In addition to this, there is often water power in the neighborhood which could be profitably utilized. In the above-mentioned provinces, Centeno discovered large masses of almost pure magnetic iron oxide (hierro oxidulado magnetico, casi puro). After what has been said

above, it is not surprising that here, also, there has been no thorough exploitation. In the province of Bulacan the natives manufacture a very primitive iron plowshare and pots for cooking (carahays); but even here there has been a gradual decline since the commencement of this century. || Copper exists in the provinces of Tayabas, Camarines Sur, and Antique and on Masbate; the best quality, however, in the district of Lepanto (Luzon) near Mancayan, Suyuc, Bumuan, and Agbao. Here mines were worked by the Compañía Cantabro-Filipina, but abandoned after about ten years, in spite of the wealth of mineral, on account of the scarcity of labor. The first specimen of black copper was obtained in 1864. In 1867 the output was 2,46 quintales (2,231 cwt. 83 lbs.) of fine copper; in 1870, 4,020 quintales (3,641 cwt. 8 lbs.). The want of workmen then caused the yield to decline, until in 1875 the mines were closed altogether.

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It is probable that gold occurs in every part of the archipelago. In a small way it has been extracted by the natives for many years in certain places, particularly in Luzon. It is found in stratified, and in creeks, from which the natives prefer to wash it. The best known sources are in Camarines Norte, the mountains of Mambulao, Paracale, and Labo, and the northern spurs of the Carabello Mountains. Alluvial gold is said to exist largely in Nueva Ecija, near the village of Capan; in Tayabas the metal is found in the mountains in the neighborhood of the village of Antimonon. In Mindanao, where gold has likewise been discovered, it is believed to be present in particularly profitable quantity. Mindoro, Panay, as well as some other small islands, are also places where the precious metal has been found. || It now remains to inquire into the question as to whether it would pay to work gold mines at all. For as yet, at all events, no positive proof has been furnished of gold mines being profitable, although during the last few years the subject has been discussed. In 1893 the Mambulao Gold Mining Syndicate was formed in London, engineers sent out, and workings actually commenced in Mambulao. Difficulties, however, arose, the principal no doubt being that a large part of the shares were not allotted, and the working capital therefore too small. In general, the participators speculated on the advantageous sale of a part of their concession and the starting of a limited liability company, something of a gold fever broke out in Manila, and on all sides concessions were acquired by Englishmen, some Germans, and Swiss. Not one of these concessions, however, seemed the result of a sound bona fide project; the object in view was always the promotion of companies and disposal of the concession at a good profit, leaving all the risk to the shareholders. It is not impossible that this would actually, in some cases, have taken place, and a speculation in shares followed similar to that on a former occasion in Singapore and Hongkong, to the detriment of general trade. The rebellion of 1896 fortunately put an end to speculation; European capital for such purposes was not to be found during the disturbances, and methodical working in some provinces

Nr. 12005. equally impossible, quite apart from the other difficulties mentioned above. ||
 Vereinigte Centeno further states that mercury was formerly found in various places.
 Staaten. At the end of the last century a bottle was sent to Manila from Mindanao,
 August 1898. and a second from Capiz. In 1848 mercury was discovered in Casiguron, in
 the province of Albay, but the general opinion was that the find was alto-
 gether insignificant. At all events, none of these discoveries appear to have
 been of any importance. || At the beginning of the seventies two beds of galena
 were discovered in Zebu, in the neighborhood of the village of Consolacion.
 Specimens were analyzed at the mint at Manila, and showed, it is true, only
 47 per cent of lead, but also 1 ounce gold and 2 ounces silver per hundred-
 weight. Nevertheless, the beds were not of sufficient significance to assure
 profitable working even on a small scale, so the mines were again abandoned.
 The department of mines in Manila did certainly recommend further explora-
 tion in Zebu, but so far as I am aware earnest steps were never taken. In
 Mambulao and Paracale the beds of galena and red-lead ore have been got
 ready for working, and are probably very rich. The workings, however, have
 always been abandoned again, presumably, chiefly, on account of these Spanish
 undertakings being insufficiently financed from the commencement, and because
 of the lack of the necessary circumspection. || There is naturally an abundance
 of sulphur in this volcanic archipelago. That which occurs on the Bulusan in
 Albay, the Taal in Batangas, and the Apo in Mindanao being of fairly pure
 quality. Really extensive beds, worthy of exploitation, were found years ago
 in Leite, in the interior, not far from Dulag, and were worked on a small
 scale by the natives. In 1818 3,410 piculs, at \$ 2.50, were exported, and
 Dr. Jagor states that the price paid in Manila for this sulphur in the fifties
 was from \$ 1.50 to \$ 4.50. For the last twenty years, however, the sulphur
 industry has been wholly dead. || Alabaster is found in Camarines Sur, and
 there is a beautiful marble at Bohol and Guimaras, near Iloilo. Granite of
 excellent quality is quarried at the other side of the Bay of Mariveles, oppo-
 site to Manila. || Rock oil was found some years ago in Cebu and Paragua
 and promises to be of importance. I have neither seen samples nor come
 across any official report in the matter, but I have received direct information
 from various trustworthy Indian and Mestizos.

3. With the exception of the cigar manufacturing, which until January 1,
 1883, was monopolized by the Government, the islands are not of industrial
 importance. Manila possesses two large sugar refineries, some distilleries, and
 rope works. Lately rice mills and a flour mill have been set up in Luzon
 for the purposes of home consumption. The hats made by the natives of
 strips of reeds in Baliuag also play an important part in the export trade,
 being shipped largely to America and Paris. The cigar cases (petacas), like-
 wise manufactured in Baliuag, are of less importance. Though of no great
 significance for the trade, the ilang-ilang essence should be mentioned, the
 Philippines being the only place where it is produced. The essence is made

from the green blossom of the ilang-ilang tree, one of the Anonaceæ ("Anona adoratissima", according to Blanco; "Cananga adorata", according to Hook), and finds its ways principally to Paris. It forms the basis of all finer quality perfumes, and has, indeed, become an almost indispensable article in the perfumery branch. The distillation of the essence, and the business in general connected with it, is carried on exclusively by Germans. || Coach building is of great importance in Manila. The home demand is enormous, as every inhabitant of any standing has his carriage, and the wealthier mestizos excel in the luxury of their vehicles. || That soap and other such articles of popular use are manufactured is scarcely necessary to state. There are also three lithographic establishments, owned by Germans. || Besides the Baliuag industry, above referred to, the natives manufacture excellent homespun fabrics of cotton, hemp, silk, and pinã (the fibers of the pineapple leaf); pinã-cloth embroidery is also a domestic industry. These articles do not rank at all in the export trade of to-day, but they may certainly be expected to do so before long; the more so if the industry continues to advance as it has done during the past year or so, not only as regards the fabrics themselves, but also the designs and colors. Some coarse hemp textiles have already been exported within the last few years; the finer hemp and hemp and silk fabrics, though much prized by ladies for dressmaking, have not yet entered into the trade, not having so far found favor with the Parisian costumers. A most interesting exposition of the produce of the Philippines was afforded by the exhibition (Exposition Regional de Filipinas), which was held at Government cost at Manila in 1895. || It is certain that the Philippines, whose position is already assured by the mineral wealth of the country, will also play a part in the industry in the future equal to, if not surpassing, that of Japan.

4. There seems to me to be no doubt that even before the arrival of the Spaniards these islands had relations with the Malay Archipelago and China, and to a certain extent carried on barter, particularly with the latter country. Regular trade, however, first began to develop in 1572, when Legaspi established himself in Manila. The inhabitants of Cagayan related to Don Juan de Salcedo in 1572 that their cotton fabrics were fetched every year by Chinese and Japanese vessels. || Manila is without doubt the most advantageously situated port and trading place in the East, and forms the center of the trade between China, Japan, the Dutch archipelago, and Australia. The position of the Philippines is likewise extremely favorable for the west coast of America, and Manila should be the natural mart of eastern Asia. That it does not already occupy this position is owing to the bad system of administration on the part of the government. Had it been otherwise, I am exceedingly doubtful whether Hongkong could ever have reached its present state of importance in the face of Manila. || During the northeast monsoon most ships going through the Straits to China run right across to Luzon, to get protection against the strong contrary winds. It would therefore be quite in

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Nr. 12005. their course to touch at Manila, but they avoid the port for the reasons
 Vereinigte stated above — the chicanery of the customs officials. For the same reason
 Staaten. the regular steamers between Hongkong and Australia steam right past the
 August 1898. Bay of Manila without running in. Passengers from Manila to Australia have,
 therefore, first to cross to Hongkong and then take passage from there, returning
 again directly past Manila and Zamboanga (so close to the latter that the people
 may almost be recognized on the shore), to the first touching place — Thursday
 Island, or Port Darwin. || After 1572 trade commenced also between Manila and
 New Spain, which for individual Spaniards in Manila proved very profitable. Between
 1590 and 1595, however, the citizens of Manila petitioned several times to the
 King for liberty of trade, but always in vain; the restriction on commerce remained
 as before. In 1610 the Seville merchants begged that the trade between Manila
 and New Spain might be closed, as they wanted to do business direct, by the
 Cape, with Manila, without the intervention of the American colonies. This was,
 nevertheless, impossible, on account, principally, no doubt, of the fact that the
 Acapulco silk trade gave occupation to over 14,000 persons in Mexico. || Galleons
 were sent every year from Manila to Navidad, and from 1602 to Acapulco, containing
 merchandise to the value of \$ 250,000, maximum admitted by the Government,
 and bringing back double the price. Later this maximum rose to \$ 300,000,
 and in 1734 to \$ 500,000. Finally the amount reached \$ 600,000, and the home
 freight double the value. From Manila the galleons — called "nao" — took
 spices, cotton fabrics, silks, etc., and gold articles and other products of China,
 India, and the Philippines; 50,000 silk stockings are also especially mentioned.
 (Refer: Lord Anson's Journey Round the World, 1749, and the description of
 Spanish commerce by J. C. S., Dresden, 1763.) The home freight consisted chiefly
 of silver dollars; and there were also passengers, persons going to seek their
 fortune in the Philippines, and officials and soldiers sent out by the Madrid
 Government as substitutes. || The merchandise yielded twice its value in Manila,
 and as is recorded sometimes even four times, which in certain cases may no
 doubt have been the case. The profit, however, did not all go into one pocket,
 but was divided among a number. The Government issued warrants (boletins)
 remitting the shipping of cargo to the monasteries, pensioned officials, and
 other privileged persons, who then sold them to merchants; in this manner the
 profits were distributed. The result was that merchandise of very high value
 was shipped, and the nao often so packed with cargo that the guns had to be
 stowed away. On the home journey there was often over \$ 3,000,000 value
 on board. As these ships were maintained at the expense of the Government,
 it is natural that a portion of the shipping fees was reserved for the royal
 exchequer. || Generally the well-laden nao sailed from Cavite in July,
 steering to northward to 30°, where, taking advantage of the western
 winds, they made for the shores of California, then coasting southward
 to Acapulco. The voyage was always most

difficult and dangerous, and often very long, lasting sometimes six months or more. In later years the ships sailed more commonly through the Straits of San Bernardino, south of Luzon, though this did not shorten the voyage. Arrived at the Californian coast, they ran into San Lucas, where they took in provisions and received information as to the movements of pirates in the waters, naturally a matter of great concern, considering the value of the cargo. The home voyage to Manila was easier and quicker, seldom occupying more than two months. The ship sailed southward from Acapulco till about 10° N., taking the passage to the Marian Islands, and then farther, through the Straits of San Bernardino, to Manila. As the time arrived when the nao could be expected, nightly fires were lighted on two high rocks, so that the vessel might find her way through the islands. (In old works the islands Guam and Rota are mentioned.) || The naos were vessels of 1,200 tons or even more, and were manned as war ships and armed with 50 or 60 cannon. Notwithstanding this, they sometimes, together with their costly cargo, fell a booty to privateers, pirates, and war ships of inimical powers. In June, 1743, Lord Anson, on board the Centurion, captured the Nuestra Senora de Caba-donga, a much larger galleon, captained by Don Jeronimo de Montero, off Cape Espiritu Santo, on the Samar coast.

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The captain of the galleon, who bore the title "general", received on the Acapulco trade a percentage of about \$ 40,000 for each voyage; first officers, likewise, were paid commissions. || Toward the end of the last century the profits began to decline, decreasing more and more; sometimes the ships even found the market in Acapulco perfectly flat, without any demand. This was because of American traders, and of English merchants supplying all the requirements direct from Europe; smuggling also played its part. Thus it happened that the ships were often unable to return for long periods of time. The last nao which left Manila, in 1811, did not return from Acapulco until 1815. || In 1785 the Real Compañía de Filipinas was started, having its seat in Cadiz, and with a capital of \$ 7,000,000. This company more or less monopolized the whole trade, until on August 15, 1789, a decree was issued, permitting European vessels to import Asian produce, and to import only such Spanish, Philippine, and American produce as the compañía had imported. A second decree, dated October 15, 1803, deprived the compania of still further privileges, and declared the harbor of Manila open to all nations. Certain rights the compañía still retained, however. In 1814, absolute liberty of trade was allowed to the whole world. As the result of the introduction of the new Codigo de Comercio, July 15, 1833, the privileges of the compañía ceased altogether in 1834. A year later the exportation of manufactured tobacco and cigars was also permitted. || Until the close of the preceding century, 1792, foreigners were not allowed to settle in Manila (although Lape-rouse, 1787, mentions the French merchant Sébir in this town). As soon as the permission was granted the first foreign houses were established, the

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number continually increasing so that to-day the external trade is almost exclusively in foreign hands; 1851 saw the establishment of the Banco Espanal Filipino; but by reason of bureaucratic formalities and strict limits imposed, transactions were much impeded. It is only in recent years that matters have bettered, rendering fair and easy banking business possible. Up to 1860 and still later, banking transactions were therefore done almost wholly through two large American houses. To-day we find branches of the Chartered Bank of India, Australia, and China, and of the Hongkong and Shanghai Banking Corporation, doing the principal business. || The Consulado, established in 1772 and removed on January 1, 1834, and the Junta de Comercio, founded on January 1, 1835, have done practically nothing at all for trade and shipping. The export and import trade, as already remarked, lies almost exclusively in the hands of foreigners, principally English, Germans, and Swiss. The retail and intermediate trade is done by the Chinese. The Spanish, in addition to the Compania General de Tabacos de Filipinas — which, however, pays but a small dividend — and some inland traders, own a number of millinery shops for town costumes and cosmetic stores. || How greatly the trade done by foreigners surpasses that of the Spanish is seen from the tables below giving the external shipping trade and tolls. Since 1896 there has been no American house in Manila. || The traffic between Manila and the provinces is carried on mostly by means of thirty-five steamers and a large number of smaller sailing vessels. The sole railway runs from Manila to Dagupan, the port of Pangasinan, a rice-growing province, on the west coast of Luzon, on the Gulf of Lingayen. The only large line of ships touching at Manila is the Compania Transatlantica, from Barcelona to Manila which, however, also has Liverpool as a shipping port, as the steamers would otherwise scarcely be able always to secure a full cargo. The chief profits of the line are no doubt earned from the enormous transport to and fro of officials and soldiers; in nearly every ship all berths are occupied. There is a brisk trade done with Hongkong, through four or five steamers under the British flag; for the largest part of the goods goes over Hongkong, being transshipped. A steamer runs to Singapore, meeting the French mail steamer, by which the principal European postal traffic is carried on. || Despite the fact that the foreign flag was everywhere at a disadvantage, and the Spanish, on the contrary, privileged, the former has always been the really dominating. Though formerly foreign vessels were obliged to run in in ballast, nevertheless they took outward freight. The privilege shown to the Spanish flag did not ease till 1872, and consisted at that time in a reduction of 25 per cent on the custom-house charges. This was gradually diminished, every year by 5 per cent and in the last year by 10 per cent at once.

The following table shows the state of the shipping trade in Manila in earlier years:

	1827.		1828.		1829.	
	Incom. ing.	Out. going.	Incom. ing.	Out. going.	Incom. ing.	Out. going.
Foreign ships	96	98	99	89	146	145
Spanish ships	34	29	31	38	41	43
Total	130	127	130	127	187	188

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In 1868, 112 foreign vessels with 74,054 tons, mostly in ballast, entered to take up cargo, and 93 Spanish vessels entered and sailed with cargo. To show a comparison of the trade during the past two years, I have compiled the following table:

	Incoming.		Outgoing.	
	Ships.	Tonnage.	Ships.	Tonnage.
1896.				
Foreign	181	264,868	175	251,439
Spanish	47	92,541	49	95,802
Total	228	357,409	224	347,241
1897.				
Foreign	204	301,199	197	292,219
Spanish	48	84,326	50	88,649
Total	252	385,525	247	380,868

At the commencement of the century the imports were far greater than the exports; then the two became about equal, and finally the exported goods ranked first. In recent years the exports have always exceeded the import by some 30 per cent — a very promising sign of the productive capacity of the country. || The imports to Aragon, in 1818, according to the duties paid, amounted to —

Under foreign flag	\$ 1,680,200.25
Under Spanish flag	616,071.85
Total	2,296,272.10

as against an exportation of —

Articles.	Quantity.	Average price.	Total.
Hemp piculs	261	\$ 4.00	\$ 1,044.00
Cordage quintals	555	5.00	2,775.00
Hemp rope do.	5	—	625.00
Coffee cavans	84.5	6.00	507.00
Sugar piculs	14,405	7.00	100,835.00
Indigo quintals	3,200	60.00	192,000.00
Liquid indigo do.	1,105	3.50	3,867.50
Sapan wood piculs	18,825	1.25	23,531.25
Shells do.	236	8.00	1,888.00
Transport	—	—	327,072.75

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Articles.	Quantity.	Average price.	Total.
Transport	—	—	327,072.75
Tortoise shell piculs	31	350.00	10,850.00
Sulphur do.	3,410	2.50	8,525.00
Ebony do.	2,610	1.75	4,567.50
Hulled rice do.	1,532	1.50	2,298.00
Shark fins do.	42	16.00	672.00
Bêche de mer do.	2,266	24.00	54,384.00
Birds' nests do.	5.68	130.00	738.40
White birds' nests do.	94.24	3200.00	301,568.00
Dried crabs do.	1,332	6.00	7,992.00
Pure cotton do.	1,176	22.00	25,872.00
Glue do.	310	2.50	775.00
Rattan do.	1,192	4.50	5,364.00
Wax do.	1,280	28.00	35,840.00
Gold taels	230	13.00	2,990.00
Timber trunks	1,391	1.25	1,738.75
Cowrie shells cavanis	1,066	2.00	2,132.00
Salt do.	1,000	.25	250.00
Cocoa gantas	105	1.50	157.50
Rum gallons	1,348	.50	647.00
Plowshares pairs	580	.50	290.00
Carpenters' axes	420	.50	210.00
Buffalo hides	3,853	.37 1/2	1,257.37
Cowhides (tanned)	3,153	.75	2,364.75
Stag hides	684	.13	88.92
Mats	1,280	.30	384.00
Buri mats	731	1.00	731.00
Hats	748	.30	224.40
Various	—	—	6,433.95
Riding horses	12	50.00	600.00
Total	—	—	807,018.29

There was, therefore, nearly three times as much imported as exported. The list of articles exported, with their prices, is interesting. Of the leading articles of to-day sugar was the only one of importance, but even this came after white birds' nests and indigo. Comparing with this the table of Dr. F. J. F. Meyen, on board the Prussian merchant ship Princess Luise, 11 years later, we find a great increase in exports — in the case of sugar tenfold the amount, though with hemp, again, not at all. || He gives the exports as follows:

Articles.	1829.	1830.
Sugar picul	120,274	138,387
Indigo do.	11,809	13,863
Sapan wood do.	11,675	11,594
Hulled rice (114,793 cavan) do.	104,357	a 179,532
Unhulled rice (30,830 cavan) paddy do.	28,027	—
Rum gallons	19,551	—
Cigars kilograms	52,843	b 48,955
a 197,486 cavan.	b 4,257 arabas.	

The remaining less important articles are omitted. || Since foreigners have no longer been so harassed by Spanish privileges, trade has steadily increased, even if not to the extent that it should. The trade of the Philippines should be twenty times what it is to-day. At the end of the twenties, imports and exports were practically equal:

Year.	Imports.	Exports.
1827	\$ 1,048,680	\$ 1,093,690
1828	1,550,933	1,475,034

Up to the seventies both had been increased more than tenfold, and the exports considerably exceeded the imports; in round numbers:

Year.	Imports.	Exports.
1870	\$ 14,000,000	\$ 16,000,000
1875	13,000,000	19,000,000
1880	17,000,000	22,000,000

The only exception is the year 1872, when the exports stood at \$ 16,500,000 and the imports at \$ 22,000,000. In 1892 the exports were \$ 33,000,000, the imports \$ 25,000,000. || It is a difficult matter to give statistics of the imported goods, since the innumerable articles are not entered separately at the custom-house, but, for purposes of duty, are placed in certain classes. Some of the leading goods may be mentioned, however. From England, all Manchester articles play an important part, together with a number of less significant wares, such as hardware and leather goods. From Germany come better class textiles, tricots, hardware, paper, leather, steel and iron, machinery, etc. From Switzerland, St. Gallen laces, muslins, and silks. From France, Lyon silks, machinery for cigarette making, and paper. || From Austria, principally only Vienna furniture and Bohemian glassware. From Belgium is sent glass and glassware, iron, paper, cement, etc. From Russia and America, kerosene, and from the latter country also flour and tinned meats — as Spain exported formerly almost only preserved foods in tins — and wines. Within the last few years she has commenced to import into the Philippines other articles, to compete with the wares of other countries. The Spanish goods are in every way inferior to those of foreign manufacture, but on account of their being free from import duty the prices are considerably lower. || In the following table the exports during the last five years are given. The minor articles have been omitted:

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X. — *Principal exports from the Philippines from January 1 to
December 31, 1896.*

To—	Sugar.	Hemp.	Coffee.	Tobacco.	Cigars.	Sapan wood.	Copra.
	<i>Piculs.</i>	<i>Piculs.</i>	<i>Piculs.</i>	<i>Quin- tals.</i>	<i>Thou- sand.</i>	<i>Piculs.</i>	<i>Piculs.</i>
Great Britain . . .	793,165	815,044	199	47,816	35,010	3,340	32,200
United States . . .	16,000	615,554	—	132	180	—	—
Europe	774,852	5,660	928	154,930	32,610	—	548,812
Australia	—	33,892	—	62	14,850	—	—
China, Japan, India	1,379,377	61,660	307	16,076	112,540	50,323	3,895
Canada	97,920	—	—	—	610	—	—
Divare B'kwater . .	526,874	74,370	—	—	—	—	—
Total in 1896 . . .	3,588,188	1,531,810	1,434	219,016	195,800	53,663	585,907
Total in 1895 . . .	3,694,769	1,664,590	3,287	225,677	198,270	38,919	594,469
Total in 1894 . . .	3,109,108	1,591,962	9,008	194,500	140,075	75,115	510,633
Total in 1893 . . .	4,184,296	1,282,942	5,102	230,572	133,046	76,588	188,404
Total in 1892 . . .	3,954,060	1,581,100	21,801	254,063	133,404	52,452	292,536

Articles.	1896.	1895.	1894.
Sugar	\$ 14,000,000	\$ 12,239,000	\$ 12,590,000
Hemp	11,160,000	13,317,000	12,750,000
Coffee	67,500	158,000	412,000
Tobacco	2,630,000	2,705,750	2,310,000
Cigars	1,990,000	1,786,200	1,500,000
Sapan wood	70,000	58,400	102,000
Copra	2,630,000	2,898,000	2,500,000
Various	224,000	60,800	115,000
Total	32,771,500	33,225,150	32,279,000

The exports from Manila alone, the most important place to be considered, were, during the past six years, as follows:

B. — *Exports from Manila in the years 1892—1897.*

Year.	Hemp.	Cordage.	Coffee.	Tobacco.	Cigars.
	<i>Piculs.</i>	<i>Piculs.</i>	<i>Piculs.</i>	<i>Quintals.</i>	<i>Thousand.</i>
1892	1,408,444	1,354	21,801	254,063 *)	133,395
1893	1,154,766	2,200	5,006	230,572 *)	130,320
1894	1,322,000	1,800	9,000	194,500 *)	138,000
1895	1,446,990	3,774	3,080	222,510 *)	198,270
1896	1,333,118	3,619	1,434	212,706 *)	195,800
1897	1,689,754	3,873	4,947	319,883 *)	183,735

*) For the most part to Spain for the monopoly.

Year.	Sugar.		Indigo.	Sapan-wood.	Copra.	Shells.
	Dry.	Wet.				
	<i>Piculs.</i>	<i>Piculs.</i>	<i>Quintals.</i>	<i>Piculs.</i>	<i>Piculs.</i>	<i>Piculs.</i>
1892	921,354	250,369	6,534	29,314	186,519	223
1893	1,359,737	521,980	971	53,767	168,122	254
1894	1,200,000	295,000	1,599	40,000	475,000	350
1895	1,440,000	285,159	26	27,210	226,626	1,367
1896	1,456,549	272,337	5,419	14,234	561,268	1,101
1897	839,994	82,062	4,468	16,631	749,207	1,180

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In the June (1898) number of the National Geographic Magazine, called "the Philippine number," are some articles about the islands. Although for the most part interesting, especially for anthropologists, they are, in economic matters, inaccurate. None of the statistics are to be depended upon, for even at the commencement, in mentioning the trade of 1896, there is an error of about twenty-eight million dollars. In 1896 the export alone was \$ 32,771,500. The figures given by me are correct, as, indeed, statistics can only be correct. The trade is indeed small, compared to what it should be; but amounts, such as are given to the author of the magazine article, were reached twenty-five years ago. || To give the statistics of the imports even only approximately correct is impossible, wherefore I have refrained altogether from giving detailed statistics in this regard. The author of the article referred to tabulates the American goods, among which wheaten flour in particular must strike the eye of anyone really knowing the conditions of the trade. He gives the value of the imports as lowest in 1893, with \$ 7,800, and the highest in 1896, with \$ 18,290, which figures are much too low. The value of the flour imported from America must be at least five or ten times as much. || The terms in the produce market in Manila are always cash down. In business with the provinces the Manila house has frequently to make advances, which certainly means risk; but if one is cautious with whom one deals the business is safe enough here also. It is always the main thing in the case of transmarine places just springing up to know the state of affairs precisely, and to be in a position to form a sound judgment at a moment's notice. The business between the importers and the Chinese retail dealers is done either by means of acceptance (pagaré) at six months, or, as is more general of late, cash within four to six weeks, with 5 per cent discount. Unfortunately the four to six weeks are very often exceeded. Insolvencies frequently occur among the Chinese. The creditors usually prefer to come to an arrangement, for if once the matter comes before a Spanish court it is the invariable rule that the creditors get nothing at all. || Fines (multas), particularly in differences with the custom-house are imposed in a most annoying manner, on every possible occasion, since the officials receive a share of the fine imposed. A ship which, for instance, does not deliver precisely the

Nr. 12005. number of bales in the manifest is fined for each bale more or less \$ 100.
 Vereinigte In every bill of entry the weight must be stated beforehand, and if it is not
 Staaten. correct a fine is inflicted. In this way there are a hundred kinds of chicanery
 August 1893. practiced, all costing much unnecessary expenditure of money, the greater part of which goes into the pockets of the officials. || The tobacco monopoly, with all its heartless severity and imposts, was introduced in 1781 under the governor, Don José Vasco y Vargas, as the Government again found itself in a critical financial condition. The population guessed at what was coming and opposed the introduction, so that the law was only carried by force of arms. The law prescribed that every native might plant tobacco, but might only sell it to the Government. In the tobacco districts every native had to grow a certain number of plants and devote all his attention to them, without ever leaving them. The collecting of caterpillars was done by women and children, just as to-day. || This would, however, all have been well enough had the people been able to enjoy the fruits of their labor, but the worst has still to be said. The tobacco was sorted — “*aforado*,” as it is technically called — and that unfit for use burned so as to prevent fraud. The principal matter in sorting was the length — 18 inches and over was *primera* class; 18 to 14 inches, *secunda* class; 14 to 10 inches, *tercera* class, and 10 to 7 inches, *quarta* class. Smaller but good leaves were sometimes classed as 5 and 6.

For valuing the tobacco the officials used a scale according to which the planter received some 20 to 30 per cent of the real value. But he was not paid in cash. He received a certificate, a kind of treasury bond. Had the people had security for the payment of these bonds at an early date, the latter would soon, no doubt, have come into currency as paper money. But, far from this being so, no one would have them, knowing that five or six years might pass before they were redeemed. The tobacco planters lived under more miserable conditions than the worstkept slaves, and were glad if some noble philanthropist, with an eye to usury, would give them half the value of their certificates. And such disgraceful usury it hardly was, for who could say whether the purchaser was not risking his 50 per cent? Frequently the bonds were practically given away. In the cigar manufactories in Manila 30,000 work people were employed, and were always paid in cash, so that their lot was more envious than that of the planters. That under this system, in spite of the enormous army of officials, a profit of four or five million dollars was annually yielded can be easily understood. || The savior of the unfortunate tobacco planter was one of those Spaniards in whom there was still the blood of the *hidalgo* the intendent-general, Don José Jimeno Agius. In his report in 1871 he relentlessly exposed the condition of affairs under the monopoly and strongly advised its abolition, unless the Government wished to destroy tobacco planting altogether and bring about the absolute ruin of the planters, living, as it was, in the greatest misery. Furthermore, he

showed that the necessary new buildings and plant in the factories would pretty well absorb all the profit of the ensuing year. This very competent and energetic man could not, however, carry his wishes into effect at the time. Not until ten years later, in conjunction with the colonial minister, Fernando de Leon y Castillo, was he able to bring about the abolition, and on July 1, 1882, the planters were freed from their chains. || On January 1, 1883, the free manufacture of tobacco was also allowed. Already at the commencement of July, 1881, the fact was known, and the tobacco report of my house, dated July 9, 1881, commenced: "We head our report with the joyful and most important news of the decreed abolishment of the tobacco and cigar monopoly." We entertained the fear, however, that the rate of duty would be raised, and such was actually the case. Tobacco and cigars paid an export duty, and the import duty was raised 50 per cent. At first, however, the treasury bonds had to be redeemed, and this was done by means of auctions, whereby \$ 150,000 was redeemed monthly to those who offered their bonds at the lowest rate. The Government had even the impudence to declare that demands of over 80 per cent would not be regarded. The first bondholders were ready to take 45 and 55 per cent; but it was soon found that there was a number of holders who were prepared to take vigorous steps, and refused less than 80 per cent. This caused the Government to hasten the redemption, and at the close had cleared a balance of two and a half million dollars. || Since January 1, 1883, various cigar factories have been established, of which, however, only a few turn out a really first class article. The cigars manufactured by many Chinese factories and by the natives as a home industry are of very inferior quality. || A new tariff of duties was introduced in 1891 which professed to be based upon a duty of 20 per cent. In reality, however, nearly all articles yielded more, some even over 100 per cent of the value. Then there were still various additional fees to pay on imports, and the export fees were also several times changed. To-day the practice is as follows: To the importation tariff, which in the case of some articles is increased by 20 per cent, there are harbor dues amounting to 10 per cent added and 8 per cent of the value of the goods, which is fixed by law. Spanish goods pay only the harbor dues and the 8 per cent of the value, and thus get upon the market, to the disadvantage of other better and originally cheaper produce. || Of the produce of the country, the principal pay export duties as follows:

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	Per 100 kilograms gross.
Hemp	\$ 0.75
Indigo50
Liquid indigo05
Rice	2.00
Sugar10
Cocoanuts and copra10

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	Tobacco from Cagayan Isabella		3.00
	Tobacco from Visayas Mindanao		2.00
	Tobacco from other provinces		1.50
	Manufactured tobacco		3.00

And all produce pays \$ 1,50 per 1,000 kilograms harbor dues. || In 1880 the harbor dues, on both exports and imports, were raised, at first by 20 per cent of the import duty and 1 per cent of the export value, for the purpose of building a new harbor, and this, with some few alterations, remains so to this day. The harbor is a long way from being ready, nor will it ever be finished if the present system continues, even though of late the work has been a little expedited. At a normal rate of work, what has been done could have been finished in one or two years. With the amount received through the increased dues ten harbors could have been built, but probably the money no longer exists. || The duty returns were, in —

1828	\$ 227,000
1829	229,115
1830	228,061

In the last few years they have stood much higher, this being principally caused by foreign houses. For the past three years the returns were:

	1895.	1896.	1897.
From foreign houses	\$ 2,818,900	\$ 3,106,100	\$ 3,322,500
From Spanish houses	361,400	425,900	903,000
Total	3,180,300	3,532,000	4,225,500

Thus the foreign houses paid, in 1895, 87 per cent; 1896, 88 per cent, and 1897, 73 per cent of the indirect duties. || During the recent years the Spanish figures have risen by reason of the increased export duties on tobacco, which the Compañía General shipped for the Spanish monopoly. || I now come to the question, What must be done in order to bring the production and trade of the colony into the condition in which they should be? The answer follows from what has already been stated. Before all, the system of administration must be changed, and commerce and shipping, industry and mining, as also planting, given free play, quite independent of the nationality of the persons concerned. On the contrary, if the natives are not numerous enough to supply sufficient workmen, Chinese coolies should be brought over under government supervision in the same way as is done in Sumatra. The export duties should be wholly abolished and the import duties put on a suitable basis. The harbor works at Manila should be completed, and safe landing places also for larger steamers erected. And if not a free port, at all events a bonded warehouse is necessary. || I mention firstly and principally Manila, which will always remain the center and principal emporium. A beginning

must be made by opening up Luzon, by laying down good roads and constructing bridges, of which to-day there is an absolute dearth. The waterways should be controlled, particularly those which can be easily made navigable. The construction of railways should be continued, in order to connect the interior provinces with Manila. The most important line would be one from Manila through Nueva Ecija, the Caraballo Mountains, the province Nueva Viscaya, into the valley of the Rio Grande de Cagayan. Then a branch of the line, already existing, from Manila to Dagupan, to the natural naval port Subig, which was recently decided upon, but has not yet been constructed. Communication with the Pacific coast, and numerous branch lines, will also gradually be required. Only a few points can be touched upon here. || A railway from Manila over Mariquina to Antipolo would be of great importance for Manila itself. It would pass through an extremely well-populated country which already supplies Manila with agricultural produce and articles for the native population, and finally, after about 20 miles, ascending with a pretty steep gradient, reach Antipolo. || Antipolo, a famous place of pilgrimage in the Philippines, lies on the west spurs of the Cordillera, in the province of Morong. It enjoys a cool, agreeable climate, and therefore would, without doubt, form a very suitable health resort for the inhabitants of Manila, and, indeed, perhaps a climatic health resort in general. For Europeans, working under great strain, such a place would be invaluable, particularly during the hot season, when the night temperature falls so little that refreshing sleep is often quite out of the question. Nor is it absolutely necessary that Antipolo itself be chosen; a still more suitable spot might perhaps be found in the neighborhood; the chief point is to set about the matter in a practical way and properly carry through the scheme. || Antipolo is frequently visited by foreigners. The route lies over what for the Philippines are tolerably good, but compared with those of English colonies miserably bad, roads to the Pasig. The river is then crossed, and a farther journey over bad, and sometimes worst possible roads brings us through Cainta, Taitai, in one afternoon to Antipolo. The effect of the journey is felt over the whole body for hours afterwards. I have had in April, whilst the heat in Manila was unbearable, to put on a summer overcoat in the evening in Antipolo. || For such undertakings as I have mentioned, and which can only be carried out by companies, it is absolutely necessary that concessions be granted with promptness and dispatch. Hitherto the customs has been to dally for years, until finally all interest in the matter was lost. Once a concession was actually granted for a railway to Antipolo, but the line was never constructed.

It would take us too far to deal with everything which would serve to rapidly bring the country into a prosperous condition, and lead to lucrative undertakings. What should be done is, in general, to be gathered from a consideration of the present unsatisfactory state of affairs. If once the first step were taken, others would follow, and not only in Luzon, but over the

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whole archipelago. || I must not neglect to give some particulars of Manila itself. || At the place where the outlet of the inland sea of Bay (Laguna de Bay, called after the place Bay on the south shore of the sea, not after "Bahia Bay," as Dr. Meyen*) wrongly infers), the river Pasig, flows into the bay of Manila, lies on the left-hand bank the real fortified town Manila, therefore also called Intramuros. It is inhabited by monks, officials, soldiers, and some shopkeepers; foreigners do not reside there nor have they property in it. Running southward along the shores of the bay is the promenade Luneta, where concerts are held every evening and where there are two suburbs, Ermita and Malate, much frequented by foreigners and containing many fine villas. On the right bank of the Pasig is the wholly unfortified Binondo, where are the chief business and warehouses, factories, custom-house, and harbor office. Further north, on the shore of the bay, is Tondo, which is really a native suburb containing native huts; to the east are Meisig and Trozo. These are the places lying on the beach. In the direction up the river on the right-hand shore are the suburbs Sta Cruz, Quiapo, San Miguel, Tanduai, and Sampaloc. || The population to day is given at 300,000; but this is in any case not to be regarded as exact, as a proper census has never been taken. With the suburbs the number of inhabitants is probably higher. || In the right sense of the word Manila can not be said to be unhealthy. On the contrary, it is one of the more healthy of tropical towns, though malignant and intermittent fevers do occur, even if more seldom than elsewhere. Cholera, which formerly was a frequent guest in the form of epidemics, has been completely driven away by the excellent water supply. The water comes from Santolan, about 9 miles distant, and is collected in the reservoir at San Juan del Monte and thence conducted to Manila. There has been no outbreak of cholera since 1889. || For the water supply the general governors, Carriedo and Moriones, are to be thanked. Of these, the first, in his will, left a sum of money to the town for the purpose, and the second, some years later, had the work carried out, when no one else thought of troubling about it. || Houses have to be erected according to certain rules laid down, in order to guard against the numerous earthquakes. They are for the most part two-storied dwellings, below of stone and above of wood, with galvanized iron roofing. If the roof is tiled the ceiling must be of planks strong enough to resist the fall of the roof. Since January 23, 1895, the town has been lighted by electricity, and in a number of houses the electric light has also been introduced. The installation has been carried out partly by an American company and continued by a German company. So far there is no electric tramway, nor is electricity as yet used industrially. This is principally due, no doubt, to the company "Electricista," which has not been able to make its electric power station yield a good dividend as yet. || There are

*) Reise des preussischen Seehandlungsschiffes "Prinzess Louise".

horse tram lines in the city and a steam tram runs to Malabon, a large village situated to the north. || Beside the private vehicles, there are in the city a large number of hackney coaches. These are divided into three classes: The carruages (landau with two horses), quiles (two-wheelers, closed, door behind, one horse), and carromatas (two-wheelers drawn by one horse). The latter are also used in the interior so far as there are any roads. The transport of goods is carried on by means of two-wheeled carts drawn each by a buffalo and holding some 1,000 kilograms. || Life for foreigners upon the Philippines is quite agreeable, and, particularly in Manila, there are comfortable residences; nor is there lack of company, excursions, and other sources of recreation. In other respects, also, creature comforts are by no means neglected, provided the requirements are not too high. If once the city and neighborhood were developed in the manner indicated, there would be little to be desired to make life there thoroughly agreeable. Manila would then soon surpass all other tropical towns as regards health and comfort. || What the future may bring the rich and beautiful Philippine Islands it is difficult to say. It is, at all events, my sincere hope that this insular domain may soon blossom forth into that degree of importance to which it is by nature entitled.

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(Signed)

Max C. Tornow.

Villen Colonie Grunewald, near Berlin (Germany), August, 1898.

Verhandlungen über die Entschädigungs- ansprüche der Südafrikanischen Republik für den Einfall Jamesons.*)

Nr. 12006. **GROSSBRITANNIEN.** — Der Gouverneur von Kap-
land an den Kolonialminister. Übersendet die Ent-
schädigungsforderung der Südafrikanischen
Republik.

Government House, Cape Town,
February 20, 1897. (March 15, 1897.**)

Nr. 12006. Sir. || I have the honour to enclose, for your information, a copy of a
Groß- despatch from Her Majesty's Agent at Pretoria, covering a statement of the
britannien. claim advanced by the Government of the South African Republic for in-
20. Febr. 1897. demnification for damages in connexion with the Jameson raid. || 2. This claim
is divided as follows: —

	£	s.	d.
a. Material damages	677,938	3	3
b. Moral or Intellectual damages . . .	1,000,000	0	0
Total	£ 1,677,938	3	3

and is stated not to include the lawful claims which might be made by
private persons by reason of the action of Dr. Jameson and his troops. ||
3. The claim appears to me to be preposterous, especially as regards items
8 and 9 of claim "A" and the amount of claim "B." || 4. It is difficult to
see how the amount charged under item 1 of claim "A," viz., £ 136,733
4 s. 3 d., could have been legitimately expended, unless the cost of feeding
and clothing the commandoes is included in it. If this is so, taking the
number of commandeered burghers at 10,000 which I believe to be a very
liberal estimate, it follows that the amount which each man would receive
under item 8 would be over £ 46. || 5. Item 9 is, I presume, the expenses
incurred by the Orange Free State in calling out a commando in accordance
with their treaty obligations, and cannot, I think, be held to be a legitimate
claim. || 6. The amount of £ 1,000,000 for moral or intellectual damages is,

*) Bis Nr. 12017 Blaubuch C. 9343.

**) Die eingeklammerten Daten geben das Datum des Empfanges an. Red.

in my judgment, altogether disproportionate, even if any claim on this account is held to be justifiable. || 7. The despatch from President Kruger, dated the 25th February, 1896, which is referred to in the State Secretary's despatch, will be found on page 12 of Blue Book C.—8063.

I have, &c.,

Rosmead,

Governor and High Commissioner.

Anlage.

Spezifikation der Forderung A.

	£	s.	d.
1. Expenditure for military and commando services in connexion with the incursion, the sum of	136,733	4	3
2. Compensation to the Netherlands South African Railway Company for making use, in accordance with the concession granted to that Company, of the railway worked by it during the commando on account of the incursion of Dr. Jameson	9,500	0	0
3. Disbursements to surviving relatives of slain and wounded	234	19	6
4. For annuities, pensions, and disbursements to widows and children of slain burghers and to relatives of unmarried slain burghers, as also to wounded burghers, a total sum of	28,243	0	0
5. Expenses of the telegraph department, for more overtime, more telegrams on service in South African communication, more cablegrams, &c.	4,692	11	9
6. Hospital expenses for the care of the wounded and sick men, &c. of Dr. Jameson	225	0	0
7. For support of members of the families of commandeered burghers during the commando	177	8	8
8. Compensation to be paid to the commandeered burghers for their services and the troubles and cares brought upon them	462,120	0	0
9. Account of expenses of the Orange Free State	36,011	19	1
	£ 677,938	3	3

Nr. 12007. GROSSBRITANNIEN. — Der Kolonialminister an den Gouverneur von Kapland. Vorbehalte gegen die Ansprüche der Südafrikanischen Republik.

Downing Street. April 10, 1897.

My Lord. || I have the honour to acknowledge the receipt of your Lordship's Despatch of the 20th February, forwarding a statement of the indemnity claimed by the Government of the South African Republic, on

Nr. 12007.
Groß-
britannien.
10. Apr. 1897.

Nr. 12007. account of Dr. Jameson's raid. || The position of Her Majesty's Government in the matter has been indicated in my telegrams to you of the 31st December, 1895, and the 1st January and 5th March, 1896, which have already been made public. I intimated that the British South Africa Company would have to make compensation in consequence of the unlawful act of its officer, and I stated, for the information of his Honour the President of the Republic, that Her Majesty's Government would be prepared to entertain any reasonable demands in this direction put forward by his Honour on behalf of the South African Republic. || Of the two heads under which the claim now before me is comprised, the second—a demand for one million pounds sterling on account of moral or intellectual damage—does not appear to Her Majesty's Government to fall within the above description, and they accordingly have to express their regret that they do not feel justified in presenting it to the British South Africa Company. || Her Majesty's Government fear that they may be compelled to take similar exception to certain of the items composing the first head, especially in view of the very short period which elapsed between the crossing of the frontier by Dr. Jameson's force and its surrender; but as it is apparent from the nature of the figures that the Government of the South African Republic have proceeded on very precise data in arriving at the various sums to which they lay claim, Her Majesty's Government, before offering any observations on this part of the claim, would ask his Honour to be so good as to furnish them with full particulars of the way in which the different items comprised in the first head have been arrived at. I request that you will instruct the British Agent at Pretoria to address a communication in this sense to the Government of the South African Republic.

I have, &c.,

J. Chamberlain.

Nr. 12008. **GROSSBRITANNIEN.** — Das Kolonialamt an die Britische Südafrikanische Gesellschaft. Die Gesellschaft soll die Südafrikanische Republik um nähere Auskunft ersuchen.

Downing Street, February 4, 1898.

Nr. 12008.
Großs-
britannien.
4. Feb. 1898.

Sir. || I am directed by Mr. Secretary Chamberlain to request that you will remind your Directors that, in telegraphing to the High Commissioner on the 31st of December, 1895, on the subject of Dr. Jameson's raid into the Transvaal, he stated that "in any case the Company will probably have to pay a pecuniary indemnity for violation of territory and destruction of property by their officer," and again on the 1st January 1896 he stated that, "Of course the British South Africa Company, however innocent, will have to make amends for this outrage", and in March of the same year he caused the President of the South African Republic to be informed that, "With regard to the question of compensation for the recent raid, Her Majesty's

Government have in earlier telegrams stated that they will be prepared to entertain any reasonable demands put forward by His Honour on behalf of the South African Republic". || In reply to the claim sent in by the Government of the Republic, which was presented to Parliament in March, 1897, Mr. Chamberlain, after referring to the telegrams just quoted, observed that the claim of £ 1,000,000 on account of moral or intellectual damage did not appear to Her Majesty's Government to fall within the above description, and that they therefore did not feel justified in presenting it to the British South Africa Company. He proceeded to say that Her Majesty's Government might be compelled to take similar exception to certain of the items under the head of material damage, especially in view of the very short period which elapsed between the crossing of the frontier by Dr. Jameson's force and its surrender, but that as it was apparent from the nature of the figures that the Government of the Republic had proceeded on very precise data in arriving at the various sums to which they laid claim, Her Majesty's Government, before offering any observations on this part of the claim, would ask to be furnished with full particulars of the way in which the different items had been arrived at. To Mr. Chamberlain's despatch, which was dated the 10th of April last, no reply has yet been returned by the Government of the South African Republic. || It is, in Mr. Chamberlain's opinion, not desirable that the matter should be indefinitely delayed, and he therefore proposes to intimate to the Government of the South African Republic that, if they desire the claim to be considered, the particulars already asked for should be furnished at an early date. Before doing so, however, Mr. Chamberlain would be glad to receive any observations which your Directors may have to make on the subject.

I am, &c.,

Fred. Graham.

Nr. 12009. GROSSBRITANNIEN. — Die Britische Südafrikanische Gesellschaft an das Kolonialamt. Antwort auf das Vorige.

15, St. Swithin's Lane, E.C.,
London, March 4, 1898. (March 4, 1898.)

Sir, || I am directed by the Board of the British South Africa Company to acknowledge the receipt of your letter of the 14th February, intimating that the Secretary of State proposes to inform the Government of the South African Republic that the matter of the indemnity cannot be indefinitely delayed, and that, if they desire their claims to be considered, the particulars of the amount already asked for should be furnished at an early date. || It appears to my Directors that, having asked for details, Her Majesty's Government already occupy a strong position, and that if the Government of the South African Republic do not consider it desirable to comply with such a reasonable demand, they have

Nr. 12008.
Groß-
britannien.
4. Feb. 1898.

Nr. 12009.
Groß-
britannien.
4. März 1898.

Nr. 12009. no one but themselves to blame for any delay that may arise. The feeling
 Groß- of my Directors is therefore in favour of adhering to this position, but if, for
 britannien, political considerations, which are not known to my Directors, Her Majesty's
 4. März 1898. Government should think it desirable to hasten the negotiations by an intimation of the nature referred to by the Secretary of State, my Directors acquiesce. || If, when the details asked for in Mr. Chamberlain's despatch to the High Commissioner of the 10th April, 1897, are received, it is found, as probably will be the case, that some of the items claimed cannot be admitted, my Directors would suggest that the differences arising upon such items be referred to arbitrations, provided that by the terms of the reference the arbitration be strictly limited to an adjudication upon the disputed claims, and an audit of the accounts of the expenses incurred from the time Dr. Jameson crossed the border until his surrender. The arbitrators should, it is submitted, be men chosen for their knowledge of accounts, or their judicial or commercial position. || In the absence of details the present does not appear an appropriate time to offer any criticism upon the claim intimated to the Government, and the Board will therefore reserve any observations. || In conclusion, my Directors wish to direct the attention of Her Majesty's Government to the serious expense incurred by the Company in consequence of the threatened invasion from the Transvaal into the territory of the Company at Tuli in the year 1892.

I am, &c.,

Herbert Canning,
 Secretary.

Nr. 12010. **GROSSBRITANNIEN.** — Der Kolonialminister an den Gouverneur der Kapkolonie. Er soll mit der Südafrikanischen Republik verhandeln.

Downing Street, March 12, 1898.

Nr. 12010.7 Sir. || With reference to my despatch of the 10th of April last, in which
 [Groß- I requested you to ask the Government of the South African Republic to
 britannien, supply full particulars of the way in which the different items comprised in
 12. März 1898. the first head of their claim for an indemnity on account of Dr. Jameson's raid had been arrived at, I have the honour to inform you that I do not consider it desirable that the matter should be indefinitely delayed, and I request that you will instruct the British Agent at Pretoria to intimate to the Government of the Republic that if they desire the claim to be considered the particulars already asked for should be furnished at an early date. || I transmit to you, for your own information, copy of correspondence with the British South Africa Company on the subject.

I have, &c.,

J. Chamberlain.

Nr. 12011. GROSSBRITANNIEN. — Der Agent in Pretoria an den Staatssekretär der Südafrikanischen Republik. Fordert Äußerungen über die Ansprüche.

Her Majesty's Agency, Pretoria.

April 6, 1898.

Sir, || With reference to my note of the 3rd of May last year, on the subject of the claim of the Government of the South African Republic in connection with the Jameson Raid in December, 1895, and in January, 1896, I have the honour to state to you, by desire of the High Commissioner, that Her Majesty's Government do not consider it desirable that this matter should be indefinitely delayed, and I am accordingly to intimate to the Government of the South African Republic that, if they desire that the claim be considered, the particulars already asked for should be furnished at an early date.

Nr. 12011.
Groß-
britannien.
6. Apr. 1898.

I have, &c.,

Conyngham Greene.

Nr. 12012. SÜDAFRIKANISCHE REPUBLIK. — Das Staatsdepartement an den englischen Agenten. Antwort auf das Vorige. *)

State Department, Pretoria,
May 5, 1898.

(Translation.) Sir, || I have the honour to acknowledge receipt of your note of the 6th of April, announcing that Her Majesty's Government did not consider it desirable that the question of the claim for damages put forward by this Government in connection with the Jameson Raid should be indefinitely delayed, and requesting with reference thereto that the particulars already asked for may be furnished at an early date, in case this Government desires that the said claim should be taken into consideration. || In reply, I am instructed to inform you that this Government, having taken this request into consideration, is of opinion that the particulars already submitted offer an altogether reasonable basis for the consideration of the question by Her Majesty's Government, and that this Government trusts that such may take place, and that it may be informed as soon as possible of the decision of Her Majesty's Government without further insisting upon particulars about a matter which Her Britannic Majesty's Government will no doubt be good enough to regard as completely bona fide.

Nr. 12012.
Südafrikan.
Republik.
5. Mai 1898.

I have, &c.,

C. van Boeschoten.

*) Am 9. Mai von Milner an Chamberlain mitgeteilt. Red.

Nr. 12013. GROSSBRITANNIEN. — Der Kolonialminister an den Gouverneur der Kapkolonie. Die englische Regierung lehnt eine weitere Intervention ab, bevor die Südafrikanische Republik ihre Forderung nicht begründet hat.

Downing Street, July 1, 1898.

Nr. 12013.
Groß-
britannien.
1. Juli 1898.

Sir, || I have the honour to acknowledge the receipt of your despatch of the 9th May, enclosing a copy of one from the British Agent at Pretoria covering the reply of the Government of the South African Republic to the request of Her Majesty's Government to be furnished with particulars of the claim for damages put forward by the Republic in connection with the Jame-son Raid, in which they state that they are of opinion that the particulars already submitted offer an altogether reasonable basis for the consideration of the question by Her Majesty's Government. || 2. As you are aware from my despatch of the 10th of April 1897, Her Majesty's Government must decline to submit to the British South Africa Company any claim for moral or intellectual damage, being of opinion that the only claim which the Com-pany can fairly be asked to meet is one for pecuniary damages actually sustained. || 3. I can hardly suppose that the Government of the Republic are serious in expecting consideration of a claim for material damages for the enormous amount of over £ 600,000 alleged to have been spent in connection with a raid of 500 men which was finally defeated four days after they crossed the border, without furnishing full details. || 4. It is usual in all such cases to supply details and vouchers as far as possible, and unless this in-formation is supplied at an early date, Her Majesty's Government will be compelled to repudiate any further intervention in the matter. || 5. The British South Africa Company have expressed their readiness on receipt of a proper statement of claim, with full details of actual expenditure incurred in conse-quence of the raid, to submit any difference of opinion as to particular items or amounts to the decision of an impartial Commission, but it is absolutely necessary in the first place that the principle on which the claim is to be made should be agreed upon, and that proper opportunity should be afforded of checking and verifying the figures, all of which, with the vouchers for payments made, must be in the possession of the Government of the South African Republic.

I have, &c.,

J. Chamberlain.

Nr. 12014. SÜDAFRIKAN. REPUBLIK. — Das Auswärtige Amt an den englischen Agenten in Pretoria. Übersendet die verlangte Spezifikation der Forderungen.

Department for External Affairs, Pretoria, November 9th, 1898.

Nr. 12014.
Südafrikan.
Republik.
9. Nov. 1898.

Sir, || I have the honour to acknowledge receipt of your note of August 9th, enclosing copy of a despatch, dated July 1st, from the Secretary of State for the Colonies to the High Commissioner, respecting the claim which

this Government makes to an indemnity on account of the Jameson raid in 1895—6. I have now the honour to inform you that this Government regrets that, notwithstanding the repeated requests for a settlement of the claims made, Her Majesty's Government considers that they must continue to refuse to entertain any claims for moral and intellectual damages, and that only damages for actual material loss can be claimed. || This Government considers itself fully entitled to the moral and intellectual damages as well, not only on the principles of International Law, but also on the existing theory and practice both of English and Roman-Dutch lawyers. This Government considers that, where one party (as in the case of the Jameson raid) purposely and forcibly injures the rights of another party, and tramples on and despises those rights, both English as well as Roman-Dutch judges would grant an indemnity to the injured party, on a basis, not proportionate to the actual loss suffered, but to the extent of the insult and the brutality of the non-recognition of another's rights. || That the Jameson raid was a cruel and brutal non-recognition of and breach of the rights of this Republic will be denied by nobody, and is a matter about which the public opinion of the civilised world has already expressed itself. || There can accordingly be no doubt about the justice of this Republic's claim to an indemnity reckoned according to a basis not only of material loss but also of abstract insult done. || This Government, considering itself justified both on grounds of justice and of reason, desires to appeal to the sense of right [of Her Majesty's Government, to say whether this claim is justified and ought to be paid or not, and trusts that this claim may be again taken into consideration. || As regards the claim to an indemnity for material damage, Her Majesty's Government has requested to be furnished with details of expenses which were actually the result of the raid, and that these should be controlled and compared with the vouchers. This Government has no objection to supply details of all the expenditure actually made in connection with the raid; and is ready to submit to Her Majesty's Government a specification, showing all the details, and, further, to furnish any other information on this subject, so far as possible. The said specification is, therefore, enclosed herewith.*) Divisions 1, 2, 3, 5, 6, and 7 of the enclosed specification represent expenses actually incurred, while divisions 4, 8, and 9 are [for compensation, to which this Government considers that it must make a claim, on behalf of its burghers and their relatives, and of the Orange Free State. From the specification it appears that the entries of payments made are of later date than the expenditure itself; this expenditure nevertheless was incurred in connection with, and as a result of, the raid; but the accounts were only sent in later, and were controlled, audited, and paid, receipts for these sums being in existence.

I have, &c.,

F. W. Reitz, State Secretary.

*) Hier fortgelassen. Die 9 Items s. in Nr. 12006. Red.

Nr. 12015. GROSSBRITANNIEN. — Der Agent in Pretoria an den Gouverneur der Kapkolonie. Bemerkungen zum Vorigen. *)

Her Majesty's Agency, Pretoria, November 12, 1898.

Nr. 12015.
Groß-
britannien.
12. Nov. 1898. (Extract.) "I have the honour to enclose a translation of a note, dated on the 9th instant, which I to-day received from the State Secretary on the subject of this Government's claim to an indemnity on account of the Jameson raid. || The claim originally made by this Government for "moral and intellectual damages" to the extent of a million sterling—which Her Majesty's Government have already declined to consider, on the ground that such a claim does not come within the category of such reasonable claims as Her Majesty's Government expressed its willingness to consider—is again put forward, on general legal grounds, in the present note. || As regards the other part of the original claim (which remains at the same figure, namely, £ 677,938 3 s. 3 d.), on account of material damage suffered, the account is now divided up into nine separate headings, and accompanied by a more or less detailed specification of each heading; but no vouchers for sums actually expended are enclosed. || Heading No. 1 of the specification contains over one thousand entries referring to the names and totals of various tradesmen's accounts, &c., of which, however, the details are not now supplied. The payment of these accounts appears to have covered a period extending from the time of the raid in January, 1896, down to January, 1897: and the enormous sums apparently paid to some of the purveyors, especially at Pretoria, would lead one naturally to suppose that the supplies represented by these accounts covered also a period extending for many months after the four days that the raid lasted. || Heading No. 2 represents £ 9,500 paid as compensation to the Netherlands South African Railway Company, for the use of their lines. It is, however, not within my knowledge that traffic was suspended for more than a few hours, and then only on the short distance between Johannesburg, Pretoria, and Krugersdorp. || Heading No. 3 contains disbursements for the relatives of the few burghers killed and wounded — £ 235. || Heading No. 4 represents payments by way of compensation, which have not been actually made, but which this Government considers due, to the widows, children, or relatives of the five Boers who were killed, as also to the three Boers who were wounded during the whole affair—namely, a sum of £ 28,243. || Heading No. 5 contains a lump sum of £ 4,692, representing sums disbursed in connection with telegrams sent in South Africa, and several cablegrams to Europe. As Government telegrams are not charged for in the Republic, I presume that the chief items must be for cablegrams to Europe. || Heading No. 6 contains actual disbursements for hospital expenses of Jameson's men — £ 225. || Heading No. 7 contains payments of £ 177 made to the families of burghers

*) Am 10. Dezember erhielt Chamberlain von Nr. 12014 u. 12015 Kenntnis. Red.

wo left their homes to answer the call to arms during the raid. || Heading No. 8 represents a sum of £ 462,120, which it is proposed to allocate as compensation, at the rate of £ 30 each, to 15,404 burghers who, according to statistics in the Commandant-General's department, answered the general call to arms at the time of the raid, "for their services, and for the trouble and anxiety occasioned to them." Only a few hundred Boers saw any actual service during the four days of the raid; so by far the larger number of those fifteen thousand burghers merely held themselves in readiness to proceed to the front, in case the raid should not have been stopped as it was on the fourth day. || Heading No. 9 contains a proposal to pay compensation to the amount of £ 36,011 19 s. to the Government of the Orange Free State, for compensation to Free State burghers, who also answered the call to arms, in case assistance should be required by the Transvaal; for goods and waggons supplied by those burghers for this "Commando"; and for £ 1,599 of expenses actually disbursed by the Orange Free State Government.

The above items of the claim for "material damages" fall under two chief divisions, namely: || (1) A sum of £ 151,563 4 s. 2 d., which is represented by the above headings numbered 1, 2, 3, 5, 6, and 7, for disbursements actually made, and for which one must assume that properly authenticated vouchers are in existence. || And (2) a sum of £ 526,374 19 s. 1 d., represented by the above headings numbered 4, 8, and 9, for compensation or payments, which have not yet been actually made, but which this Government considers rightfully payable. || The sum-total of these two chief divisions thus amounts to the sum originally claimed, or £ 677,938 3 s. 3 d.

Nr. 12016. GROSSBRITANNIEN. — Die Britische Südafrikanische Gesellschaft an das Kolonialamt. Bemerkungen zu den Ansprüchen der Südafrikanischen Republik.

The British South Africa Company,
15, St. Swithin's Lane, London, E.C.,
May 10, 1899. (May 11, 1899.)

Sir, || I am directed to acknowledge receipt of your letter of the 16th March,*) transmitting copy of a Note from the State Secretary of the South African Republic, dated 9th November, 1898, on the subject of the claim for an indemnity on account of Dr. Jameson's raid, and asking the views of my Directors upon certain of the Schedules furnished with the specification of the expenses accompanying the Note. || My Directors desire to refer to the second paragraph of your letter of the 4th February, 1898, informing them that in a despatch to the Government of the South African Republic, dated

*) Darin hatte Chamberlain der Gesellschaft Nr. 12014 mitgeteilt. Red.

Nr. 12016. 10th April, 1897, Mr. Chamberlain had stated that "Her Majesty's Government
Groß- might be compelled to take exception to certain of the items under the head
britannien. of material damage, especially in view of the very short period which elapsed
11. Mai 1899. between the crossing of the frontier by Dr. Jameson's force and its surrender." I am also to refer to the third paragraph of Mr. Chamberlain's despatch to the High Commissioner of 1st July, 1898, reading as follows: —
"I can hardly suppose that the Government of the Republic are serious in expecting consideration of a claim for material damages for the enormous amount of over £ 600,000 alleged to have been spent in connection with a raid of 500 men which was finally defeated four days after they crossed the border, without furnishing details." || My Directors understand from the above expressions of Mr. Chamberlain's views that it is the intention of Her Majesty's Government to adhere to the principle that such claims only will be entertained as are strictly limited to expenses directly attributable to Dr. Jameson's incursion as distinct from the disturbances at Johannesburg. With this principle, as stated in the third paragraph of my letter of the 4th March, 1898, my Directors entirely concur. || As to Schedule 1 of the claim submitted by the South African Republic, I am to point out that it is absolutely impossible, without production of vouchers to competent independent auditors as suggested in my letter of the 14th March, 1898, to determine to what extent the amounts claimed are admissible in accordance with the above principle. It is, however, evident from the most cursory inspection of the accounts that they have been made up in a very loose and unbusinesslike manner, and that, so far from being limited to the costs incurred in connection with Dr. Jameson's incursion, they include the whole of the expenses arising out of the disturbances at Johannesburg in the early part of 1896, for which my Directors desire to disclaim emphatically any responsibility. They are confirmed in this view by the fact that the official estimates of the expenses of the South African Republic for the year 1896, published in August, 1896, fix the total amount to be provided for under the special heading of "Expenses in connection with the disturbances in Johannesburg" at £ 160,000, an amount which was more than covered by the fines inflicted upon the leaders of the Reform Movement. At the time these estimates were framed, the whole of the disturbances being over, it must have been possible to forecast with considerable accuracy the probable expenditure incurred in their suppression. It is also fair to assume that the expenses to be met in connection with Dr. Jameson's incursion were also included in the Estimates under the above heading, since no special heading relating to them appears in the Estimates. || In the absence of details and vouchers, it has been found impossible to subject the accounts to any satisfactory scrutiny. An attempt has, however, been made, so far as the meagre details afforded permit, to classify the various items of expenditure under the headings shown in the attached statement. My Directors believe that examination of certain

of these headings will sufficiently illustrate the justice of the preceding observations and the extravagance of the claim made: —

A. Supplies. — The enormous sum of £ 124,245 11 s. 9 d. is claimed under this heading, made up as follows: —

	£	s.	d.
(a.) Necessaries.	55,878	13	3
(b.) Slaughter oxen, sheep and meat.	7,886	17	8
(c.) Provisions and goods	18,105	19	7
(d.) Forage, oats, &c.	2,240	12	5
(e.) Clothing	39,480	2	1
(f.) Saddlery	653	6	9
Total	£ 124,245	11	9

I am to point out —

- (1.) That no details of the amounts included as "Necessaries," or as "Provisions" or "Goods," are given, and that it is impossible to determine the nature of any of the items grouped together under these headings.
- (2.) That a burgher called out on commando is not entitled to ask for clothing, and that the number of burghers opposed to Dr. Jameson is estimated not to have exceeded 2,000. My Directors believe that in view of these facts a claim of £ 39,480 2 s. 1 d. for clothing will be admitted to be surprising.

B. Shoeing of Horses. — My Directors desire to point out the manifest impossibility of an amount of £ 2,422 19 s. 1 d. having been expended in shoeing the horses of the comparatively small force that opposed Dr. Jameson. || C. Carts and Horses. — It is claimed that an amount of £ 4,195 5 s. 3 d. was expended in the purchase of carts and horses, which, consequently, became the property of the Government. No credit is given for the value of these, or of any other assets, which remained on hand at the close of the operations. It is obvious that a deduction from the total claimed should have been made on this account. || D. Salaries. — I am to point out that on December 3rd, 1896, a charge of £ 41 is made for "Sec.'s salary for commando" in 1895; that the War Commissioner's salary for the whole year 1896 is claimed; that the services of a clerk are also charged for the same period; and that substantial amounts are entered as having been paid to various Commandants.

In view of the foregoing, my Directors believe that the claims made under Schedule 1 are largely in excess of any expenditure actually incurred by the Government of the South African Republic in connection with the Jameson incursion and the Johannesburg disturbances. They, therefore, consider that the total shown by the joint accounts should be considerably less, and that, of this total, the proportion that might fairly be claimed as arising out of the Jameson incursion should be comparatively insignificant in view of

Nr. 12016. the relative unimportance of the operations against Dr. Jameson, the manifest
 Grofs- impossibility of any extensive preparations having been made, or of heavy
 britannien, costs having been incurred, during the four days which elapsed between the
 11. Mai 1899, crossing of the frontier and the surrender, and the serious expense, extending
 over many weeks, which certainly arose in connection with the disturbances
 at Johannesburg. || Similar remarks apply to Schedules 2, 5, and 7. It is
 impossible, without a proper audit, to apportion accurately the amounts which
 should be charged separately against the Jameson incursion and the Johannes-
 burg disturbances. || My Directors do not propose to question the amounts
 appearing under Schedules 3 and 6. || In regard to Schedule 4, I am to point
 out (a) that under item 4 it does not appear that the relatives of the two
 burghers who died unmarried were in any degree dependent upon them for
 support, or, under item 5, that any of the wounded burghers suffered per-
 manent disablement; and (b) that the whole of the scale of pensions and gra-
 tuities to be awarded appears to be excessive, especially in view of the
 standard of living expenses ordinarily maintained amongst the burghers in the
 Transvaal. The widows' pensions claimed are actually 50 per cent higher
 than the maximum which could be awarded under the Royal Warrant to the
 widow of a Colonel in the Imperial Service killed on active service. My
 Directors have thought it necessary to make these observations as to the
 amounts claimed under this heading, but they are fully prepared to meet
 liberally this claim for compensation.

The claims made under Schedule 8, my Directors regard as wholly un-
 justifiable. They would point out that the strength of Dr. Jameson's force,
 whilst at Pitsani, was well known to the authorities at Pretoria. In view of
 this fact, and of the very short period which elapsed between the crossing
 of the border and the surrender, they find it impossible to credit the assertion
 that a force of 15,000 Boers actually took the field for the sole purpose of
 repelling the 500 men who accompanied Dr. Jameson. It is possible that,
 shortly after the incursion, the numbers in the field were as stated, but if so,
 this was due to the disturbances at Johannesburg, in connection with which
 it is well known that large forces were called out and maintained in the field
 for a considerable period. || In any event, my Directors would point out that
 a claim of this nature is entirely without precedent in South Africa, where
 the Burgher Law is universal, under which burghers are liable to be called
 out for the defence of the State at any time, without becoming entitled to
 any remuneration during the period of their service in the field. Were claims
 to be made on the Government, they could be resisted successfully. It is,
 moreover, not stated that any payments have actually been made on this ac-
 count. || My Directors are sincerely desirous that a friendly settlement should
 be arrived at in the hope that a better understanding with the Government
 of the South African Republic may be thus promoted. They had hoped that
 on receipt of detailed statements from the Government of the South African

Republic, it would have been possible to make an offer which would have fully met all the claims which could justly be made against the Company. They exceedingly regret that it has not been possible to discover from the accounts submitted even the approximate amount of the expenses incurred in connection with the Jameson incursion; and, under these circumstances, they feel that the only course now open to them is to repeat the suggestion contained in my letter of 4th March, 1898, that the whole matter should be referred to arbitration. || I am, accordingly, to ask that proposals to this effect may be made to the Government of the South African Republic, on the understanding that the terms of the reference shall be limited to an adjudication upon the material damages claimed, and an audit of the expenses incurred which can be properly attributed to Dr. Jameson's incursion, as distinct from the disturbances in Johannesburg.

I have, &c.,

J. F. Jones,
Secretary.

Annalage.

Statement.

Analysis of Schedule No. 1.

A. Supplies —	£	s.	d.	£	s.	d.
(a.) Necessaries	55,878	13	3			
(b.) Slaughter oxen, sheep, and meat	7,886	17	8			
(c.) Provisions, goods, medicine, &c.	18,105	19	7			
(d.) Forage, oats, &c.	2,240	12	5			
(e.) Clothing	39,480	2	1			
(f.) Saddlery	653	6	9			
				124,245	11	9
B. Shoeing of horses				2,422	19	1
C. Carts and horses				4,195	5	3
D. Salaries and payments for services				2,247	4	3
E. Cartage and hire of animals				2,458	9	10
F. Miscellaneous				1,195	18	11
				<u>£ 136,765</u>	<u>9</u>	<u>1</u>

Note — Owing to certain trifling inaccuracies in the accounts submitted by the Government of the South African Republic, there is a discrepancy between the above amount of £ 136,765 9 s. 1 d., and the total of £ 136,733 4 s. 3 d. shown by the Transvaal accounts, which might puzzle an Accountant. The difference is accounted for as follows: —

Nr. 12016.
Groß-
britannien,
11. Mai 1899.

		£	s.	d.
	Total shown in Schedule No. 1 by the Government of the South African Republic	136,733	4	3
(1.)	The addition of page 21 —			
	Should be £ 74,579 11 11			
	Instead of 74,550 1 11			
			Add difference	29 10 0
(2.)	The addition of page 32 —			
	Should be £ 41,102 1 1			
	Instead of 41,099 1 1			
			Add difference	3 0 0
(3.)	The addition of page 49 —			
	Should be £ 1,241 1 1			
	Instead of 1,241 0 10			
			Add difference	0 0 3
		£ 136,765	14	6
(4.)	The addition of page 38 —			
	Should be £ 4,105 19 0			
	Instead of 4,105 19 5			
			Deduct difference	0 0 5
		£ 136,765	14	1
(5.)	The addition of page 53 —			
	Should be £ 362 19 3			
	Instead of 363 4 3			
			Deduct difference	0 5 0
		£ 136,765	9	1

Nr. 12017. **GROSSBRITANNIEN.** — Der Kolonialminister an den Gouverneur der Kapkolonie. Er stimmt der Brit. Südafrikanischen Gesellschaft zu.

Downing Street, May 13, 1899.

Nr. 12017.
Groß-
britannien.
13. Mai 1899.

Sir || I have the honour to acknowledge the receipt of Major-General Cox's despatch of the 23rd of November last, in which was enclosed a note from the State Secretary of the South African Republic, supplying a specification of the claim for an indemnity on account of material damage arising out of Dr. Jameson's raid. || I caused the claim to be transmitted to the Directors of the British South Africa Company, intimating that I did not consider that the claim for moral and intellectual damage, which has been again advanced on behalf of the South African Republic, or that contained in Schedule 9 (expenses of the Orange Free State) can be entertained, but that I should be glad if the Directors would state their views upon the other Schedules. || I have now received the answer from the British South Africa Com-

pany of which I enclose a copy, and I request that you will communicate it to the Government of the South African Republic, with an expression of my opinion that, in the circumstances, the proposal of the Company is fair and reasonable, and that you will state that Her Majesty's Government would be glad to learn that the Government of the South African Republic are willing to agree that the claim for material damage should be submitted to arbitration, as proposed by the Company in the last paragraph of their letter.

I have, &c.,

J. Chamberlain.

Nr. 12017.
Großs-
britannien.
13. Mai 1899.

Verhandlungen über die Beschwerden der Ausländer.

Nr. 12018. SÜDAFRIKANISCHE REPUBLIK. — Bericht der Industrie-kommission an die Regierung. *)

5. August 1897.

Nr. 12018.
Südafrikan.
Republik.
5. Aug. 1897.

Honourable Sirs, || In accordance with your instructions contained in your letters addressed to the members of this Commission, dated 5th April, 1897, your Commission have the honour to report as follows: — || On the 9th of April last, your Commission commenced proceedings at Pretoria, and after having been engaged there for a few days in arranging preliminary matters in connection with the Inquiry, your Commission decided to go to Johannesburg to pursue their investigations. || On the 20th day of April the Inquiry commenced at Johannesburg, and your Commission deemed it in the interest of all concerned to have the proceedings in public, and to give the same the widest publicity. || In the first place, your Commission set themselves the task to institute minute und careful investigation with regard to the depression in matters connected with the mining industry, and ascertained that during the year 1896 there were 183 gold mines within the State, whereof 79 produced gold to an amount and value of £ 8,603,821. The remaining 104 mines yielded no gold, most of these being in a state of development and equipment, whilst only 25 companies declared dividends to a total amount of £ 1,718,781. || For various reasons some mines have temporarily ceased operations. The cause of so many mines not paying dividends is primarily to be ascribed to the high cost of production. || There are various other causes that have contributed to the existing condition of things, but where mistakes have been made in the past, your Commission is pleased to state that at present there exist all the indications of a pure administration, and the State as well as the mining industry must be congratulated upon the fact that most of the mines are controlled and engineered by financial and practical men, who are devoting their time, energy, skill, and knowledge to the interest of the mining industry, and who have not only introduced the latest machinery and mining appliances, but also the greatest perfection of method and process known to science. || But for these, a good many of the mines now pro-

*) Bis 12027 Blaubuch C. 9345. Red.

ducing gold would not have reached that stage. The extensive and voluminous evidence, as also the carefully prepared statistics in connection therewith, annexed to this report, prove the vast extent of the mining industry within this State. The figures, plans, calculations, specifications, &c., are very interesting and exhaustive, and calculated to provide the studious reader with much material for contemplation, and it will further appear from the same that financial, economical, and political relations are very complicated. Your Commission, therefore, feel the weight and responsibility of the task imposed upon them; but, strengthened by a sense of confidence that their efforts to arrive at a satisfactory solution of the different problems will meet with your approval and support, they have undertaken the duty agreeably to your request by carefully entering into all the details of the position and investigating the same. || The question cannot be solved by probing the past of some mines. We know that there are some mines where the gold reefs only exist in the imagination of the promoters, and it can safely be accepted that these mines will not pay, even were coal and dynamite delivered free of charge at the mines; neither does the question of over-speculation or over-capitalisation affect the case. || As has already been pointed out, there are only 25 companies who declared a dividend out of their profits, while the rest works with a very small profit, and in many cases do not cover the costs of production. || The question to be solved is, what must be done to reduce the costs of production so as to leave a margin of profit upon the article produced, and this is a problem apart from any complications as between Government and nationalities. || A company might be over-capitalised, but the costs of mining their property is in no ways affected thereby.

It is within the knowledge of your Commission that the costs of working a mine may be averaged at £ 10,000 per month, and equipment and development from £ 200,000 to £ 500,000 per mine. Take this average of £ 10,000 per month, and that under existing conditions 100 mines will have to close down. In that case an annual amount of £ 12,000,000 will be taken out of circulation, with a result too disastrous to contemplate. To avoid such a calamity, your Commission are of opinion that it is the duty of the Government to co-operate with the mining industry, and to devise means with a view to make it possible for lower grade mines to work at a profit, and generally to lighten the burdens of the mining industry. This, and the development and equipment of new mines, are a few examples among many others where it is desirable that the Government shall take an active part, the more so when the fact is taken into consideration that up till now the mining industry must be held as the financial basis, support, and mainstay of the State. || The question, therefore, becomes one of national economy, and it is incumbent upon the Government, considering the rapid growth and progress of the country, so to alter its fiscal law system and administration as to meet the requirements of its principal industry. A close scrutiny of the combined

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Nr. 12018. report of the Chamber of Mines and Mercantile Association proves that the
 Sädafrikan. commercial interests and that of the mining industry are so interlaced that it
 Republik. is hardly possible to separate the one from the other, and all economical
 5. Aug. 1897. measures with regard to taxation, freight, &c., must apply to both. || Your
 Commission think that, with the natural facilities for agriculture, this industry
 ought to be greatly encouraged. As a natural result, the development of this
 industry will materially reduce the cost of living, which will have an imme-
 diate and beneficial effect on the price of labour. It is a fact much to be
 regretted that the advance of agriculture is not proportionate with that of
 the mining industry, and the general growth and progress of the country, and
 it is, therefore, of the greatest importance to establish an agricultural depart-
 ment, and for the Government to take active measures to promote the in-
 terests of the industry by assisting, where such is feasible, to have same
 conducted on the most improved and modern principles, as practised in other
 parts of the world. In submitting to the Government a scheme for reducing
 the burdens of the mining industry, it is naturally to be expected that the
 latter will also practise economy in every department. Judging from recent
 events, and by the persistent manner in which the mines have reduced, and
 are further trying to reduce, the expenses, it leaves no doubt with your Com-
 mission that the mines, after so far having taken the initiative, will act respon-
 sively to any economical measure the Government may think proper to intro-
 duce. Your Commission entirely disapprove of the concessions through which
 the industrial prosperity of the country is hampered. || Such might have been
 expedient in the past, but the country has arrived at a stage of development
 that will only admit of free competition according to Republican principles.
 This applies more especially to the gold industry, that has to face its own
 economical problems, without being further burdened with concessions that are
 irksome and injurious to the industry, and will always remain a source of
 irritation and dissatisfaction. || From the commencement of the inquiry it was
 clear to your Commission that the question of labour was a most vital one
 for the mines, and seeing that the cost of labour amounted to from 50 to 60
 per cent, of the production costs, your Commission are of opinion that the
 labour question deserves the first place in their report. || Not only in this
 Republic, but in most countries all over the world, the labour question is a
 most difficult one to deal with. It still remains a subject for discussion, not-
 withstanding that the most renowned and eminent politicians and statesmen
 have tried to solve the question. || A combination of circumstances in this
 country renders the solution still more difficult, and from the evidence laid
 before you, it will be apparent how complicated the question is. || To begin
 with —

White Labour.

Your Commission would strongly recommend that all measures should be
 taken by which the cost of living at the mines should be reduced as much as

possible. || Judging superficially, and taking into consideration the wages paid by the companies in other parts of the world, and the evidence on the subject submitted to your Commission, it would appear as if wages paid here are too high, but, taking all the circumstances into consideration, the contrary is apparent. || It must be taken as a fact that no skilled labourer can or will work for a salary or wage less than will enable him to support himself and his family. || According to evidence, a miner earns from 18 l. to 30 l. per month, according to ability, and your Commission are of opinion these wages are not excessive, regard being given to the high cost of living at the mines; in fact, they are only sufficient to satisfy daily wants, and consequently it cannot be expected that white labourers will establish their permanent abode in this Republic unless conditions are made by which their position will be ameliorated. || Your Commission wish to recommend that henceforth all companies will keep their accounts in such a manner that it will clearly appear what proportion of wages, salaries, and remuneration are paid to white labourers, and what to directors, secretaries, clerks, engineers, &c., because at present all these are brought into one account, and it would consequently appear as if the average wages paid to miners is higher than in reality is the case. || Your Commission further wish to recommend that the companies should build dwelling-houses for white labourers, which is already done by some of the companies, and should let those at a rental equivalent to a reasonable interest on capital expended; this would mean a considerable improvement in the condition of living of these miners. Your Commission further recommend modification in the law between master and servant, as existing at present, by which all contracts entered into in Europe between employers and employees would be legalised here by simple registration, and should not, as hitherto, require a confirmation of the contract by parties, before a landdrost or mining commissioner, before becoming of effect here. It will be necessary to provide that such a contract must be reasonable as regards the labourer. Further, this law ought to define the responsibility of the master to a servant in case of accident, and, further, that neither master nor servant can make a contract contrary to any provision of such law. || Your Commission are of opinion that as long as the cost of living cannot be considerably reduced, it will be almost impossible to reduce the wages of white labourers, and they would strongly recommend that, as far as possible, necessaries of life should be imported free of import duty, and conveyed to the mines as cheaply as possible. Your Commission, further, are of opinion that it will be desirable to encourage as much as possible other industries, besides the mining industry, which will also tend to procure employment for white labourers.

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Kaffir Labour.

This is one of the most difficult questions before your Commission. || It will be necessary to discuss three points, viz.: — || From where must the in-

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dustury draw its supply? || What supply can be obtained? || And at what wages? || In reply to the first point, it appears to your Commission that the chief supply must come from the east coast (Portuguese territory), and it is desirable to recommend to the Government to enter into correspondence with the Portuguese authorities in order to facilitate the supply as much as possible. || Further, a great many natives can be got within the boundaries of the Republic, if sufficient inducement be offered, and your Commission proposes that the inducement will best be offered by paying premiums to Kaffir Chiefs for the supply of labourers, and by reduction of the fare for Kaffirs per railway to one-third of that now charged, the difference to be recovered from them on the return journey. || The fact should not be lost sight of that the present requirement on the Witwatersrand mines is 70,000 black labourers, while within the next three years this number will be very considerably increased to at least 100,000 on account of the development of the deep level mines. || While mentioning the subject of correspondence with the Portuguese Government, your Commission are of opinion that correspondence with all the South African States would be desirable, in order once and for all to place the question of black labour on a sound basis. || Should the Government be successful in coming to an understanding with the different Colonies and States on this point, the question of reduction of wages will be a natural consequence. || As regards the supply of natives from within the boundaries of this Republic, the Commission recommend that the Native Commissioners should receive extra payment in cases where they are obliged to undertake journeys to interview Kaffir Chiefs to obtain labourers from them, and that such Kaffirs be conducted to the mines under supervision, and that it would be desirable to erect along the roads, at distances of 18 miles apart, except where there is a railway, compounds where the Kaffirs can sleep and obtain food. Your Commission recommend that the latter measure should be entirely under Government control. Your Commission cannot recommend any measure which would be equivalent to forced labour, neither can they recommend the imposition of a higher tax upon the Kaffirs. || Much has been said about the desirability of establishing locations for Kaffirs close to the Rand, but your Commission cannot at all recommend this course. Experience has taught that the establishment of locations does not improve the Kaffirs in any way, but only tends to their deterioration. || As soon as a Kaffir with his family lives in a location, his highest aim in life is to see his wife and children work and himself look on.

Liquor Law.

Your Commission have thought it desirable to consider the liquor traffic also in their report, because they are of opinion that it directly affects the mining industry. || It must be remembered that the liquor traffic, together with the import duties and licenses in connexion with the same, contribute to the State. || It has been proved to your Commission that the Liquor Law, No. 17

1896, is not carried out properly, and that the mining industry has real grievances in connexion therewith, owing to the illicit sale of strong drink to the natives at the mines; and they wish specially and strongly to insist that the stipulations of Art. 16 of the Law shall be strictly carried out. The evidence given on this point proves a miserable state of affairs, and a much stronger application of the law is required. || Your Commission recommend: —

(a.) That all licenses for boarding-houses for white people at the mines shall in future be only issued by the Commission for liquor licenses (licensing board). || (b.) More police and better system of supervision at the mines. || (c.) That where any unlicensed person is convicted for selling strong drink to natives at the mines or elsewhere, the only punishment to be inflicted shall be imprisonment. Your Commission are in favour of the strict carrying out of this law, but have found that it is in some respects too drastic. || For instance, Art. 17 of the law stipulates that four licenses will be granted for a population of 500 persons, and for every additional 400 only one more license (under this article is meant 500 male persons over 16 years of age). || There would be no objection against such a stipulation, as such is more or less the system in other civilised countries, but such a stipulation ought to have been initiated when the towns and villages close to the mines were originally established. It appears from statistics submitted that at present there are in Johannesburg the following licensed liquor dealers: —

(a.) Wholesale licenses	49
(b.) Bottle stores	56
(c.) Canteens (bars)	305
(d.) Roadside inns	5
(e.) Beer halls	23
Total	438

Letter (c.) includes 112 hotel licenses. || Supposing that Art. 17 were to be strictly applied, and assuming that Johannesburg and neighbouring mines have a male population over 16 years of age of 35,500, the licensing board can only issue 88 licenses, and 350 licenses will have to be refused. || From a financial point of view this would entail very serious consequences for the State, because the liquor licenses and the large amount paid for import duties on liquor which form a large portion of the revenue of the State, might then be considerably diminished. But leaving this out of the question, and assuming that the Government will put up with this loss, trade would be seriously affected by the closing of 350 places of business, and large numbers of people who are interested in the trade and who have invested their entire capital in the liquor business, under the law then existing, would be entirely ruined. || It is certainly desirable that the number of licenses shall be reduced, but this should not be done in such a peremptory manner.

Gradually, and as opportunity offers, these reductions can be effected. || Art. 17 of said law stipulates that licenses will be granted according to the

Nr. 12018. population of any ward. Suburbs, such as Doornfontein, Hillbrow, Hospital, &c.,
 Südafrikan. are only used for residential purposes, and up to the present the inhabitants
 Republik. have been able to successfully combat against canteens, by protesting and
 5. Aug. 1897. other means. || The inhabitants of these suburbs generally have to carry on
 their business in the city and remain there during the day — hence the many
 bars in Commissioner Street, which street must be considered as the centre
 of the town from a business as well as from a geographical point of view. ||
 It must also be remembered that when the bars at the mines are closed
 numbers of people living there will make use of the bars in town. Notwith-
 standing Second Volksraad Resolution, Art. 122, dated 14th May, 1897, and
 First Volksraad Resolution, Art. 122, dated 17th May, 1897, your Commission
 are of opinion that wholesale licenses for the sale of liquor, as well as licenses
 for bottle stores, can be considered as usual trade licenses, although under
 the control of the Licensing Board. As a rule, whenever a licensed liquor
 dealer is convicted for breaking the law he transfers his license to somebody
 else, who continues the illicit sale of the liquor. || It is consequently desirable
 that in future a license for the sale of liquor shall be granted to a particular
 house, and not to any individual. || Permits for the keeping open of bars after
 9 p.m. ought to be issued only by the licensing board, because this is one of
 the duties of that body and does not fall under the jurisdiction of any judi-
 cial official. || No license ought to be granted for Kaffir eating-houses at the
 mines, because the necessity for them does not exist, and they only afford the
 opportunity to certain persons to continue the iniquitous sale of liquor to
 Natives at the mines. || Your Commission disapproves of the payment of a
 portion of the fines to the informer, policeman, or detective, because this not
 only puts a premium on crime, but the informer, influenced by greed, puts
 the accused in a position which, without trapping, he would not have occu-
 pied. || It is not the intention of your Commission to deal with the Liquor
 Law in its entirety, and they have consequently only referred to certain points
 which, in their opinion, require modification in the interest of trade and the
 mining industry. Your Commission can further recommend that all excise
 officials shall be under the control of the licensing boards of the different
 districts, and the licensing boards have special detectives and inspectors under
 their control.

Transit Duty.

These duties are unfair, and ought to be abolished. Yearly an amount
 of £ 600,000 is paid by this Republic to the neighbouring States (Orange
 Free State excepted). || It may be adduced from the other side that heavy
 expenses have been made to construct docks and warehouses, but against this
 can be said that the consignors and consignees are charged heavy dock fees
 which, if carefully calculated, amply repay the expenses. || The authority of the
 Commission for the figures quoted is Mr. Wiener, member of the Cape Par-
 liament and Chairman of the United Chambers of Commerce of South Africa,

and your Commission are of opinion that statistics from such a source can be taken to be reliable. || The Commission recommend that negotiations shall be entered into with the interested colonies to have those transit duties abolished, but before doing so wish to recommend that the Government of this Republic shall abolish the transit duties on goods to the north, as at present levied.

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Import Duties.

With reference to this matter, your Commission can only recommend that, if possible, foodstuffs ought to be entirely free from taxation, as at the present moment it is possible to supply the population of the Republic from the products of local agriculture, and consequently importation is absolutely necessary.

Explosives.

Before entering on this subject, we wish to put on record our disappointment with the evidence tendered on behalf of the South African Explosives Company, Limited. || We expected, and we think not unreasonably, that they would be able to give reliable information for our guidance respecting the cost of importation, as well as of local manufacture of the principal explosives used for mining purposes, but though persistently questioned on these points, few facts were elicited, and, we regret to say, they entirely failed to satisfy us in this important respect. || The importation of a cheap supply of all necessities required for mining purposes, in order to secure success, is perhaps too obvious to need repeating; but we may mention that the one item most frequently referred to by witnesses in this connection was the cost of the explosives. || It has, we consider, been clearly proved that the price paid by the mines for explosives of all kinds is unreasonably high, having due regard to original cost and expenses of delivery in the South African Republic, and in our opinion a considerable reduction should be brought about. || In making recommendations with this object in view, it must be stated at the outset that the main difficulty in dealing with the question arises from the existence of the contract, by means of which the monopolists are able to maintain the present high price, in spite of the fact that the manufactured article is mostly obtained by them in Europe at a very much lower cost. Consequently the advantages which the Government intended to confer to the country by establishing a new industry here have not been realised, whilst the monopoly has proved a serious burden on the mining industry. That the principal explosives used here (blasting gelatine, and, to a small extent, dynamite) can be purchased in Europe and delivered here at a price far below the present cost to the mines has been proved to us by the evidence of many witnesses competent to speak on the subject; and when we bear in mind that the excess charge of 40 s. to 45 s. per case sold does not benefit the State, but serves to enrich individuals for the most part resident in Europe, the injustice of such a tax on the staple industry becomes more apparent, and demands im-

Nr. 12018. mediate removal. || It is in evidence that the South African Republic is one of
 Südafrikan. the largest, if not the largest, consumers of explosives in the world, and
 Republik. following the rule of commerce in such cases it is reasonable to suppose that
 5. Aug. 1897. the most advantageous terms would be secured for so large a consumer, which
 no doubt would be the case were it not for the monopoly now in the hands
 of the South African Explosives Company, whereby they and their friends
 make enormous profits at the expense of the mining industry. || These profits
 have been estimated by the Volksraad Dynamite Commission at no less than
 £ 580,000 for the years 1897 and 1898, being £ 2 per case on 290,000
 cases, the number which it is estimated will have to be imported to meet the
 demands for those years. It is thus clear that the hope of establishing a
 factory capable of supplying the requirements of the mines within a reasonable
 time from the products of the country is far from being realised. From the
 evidence of witnesses other than the managing director of the Explosives
 Company, we are led to believe that dynamite No. 1, containing 75 per cent.
 of nitro-glycerine, can be delivered free on board at Hamburg at 23 s. 6 d.
 per case of 50 lbs., the cost of bringing it to Johannesburg being about 14 s.
 additional. The managing director of the Company, however, has since stated
 that Nobel's invoice it to them at 29 s. 6 d. free on board in Hamburg, but
 the difference is not essential to the point we have to deal with here.

This explosive, whether costing 23 s. 6 d. or 29 s. 6 d. in Hamburg, is
 supplied to the mines at 85 s. per case, showing a profit of 47 s. 6 d. in one
 case and 41 s. 6 d. in the other, of which the Government receives 5 s. per
 case. || That this is a reasonable estimate is supported by the report of the
 Volksraad Dynamite Commission, who state that the Company makes a profit
 of £ 2 per case on imported dynamite, and further by the evidence of a
 former agent of Nobel's Dynamite Trust, whose statement was to the effect
 that he made an offer on behalf of Nobel to deliver dynamite ex magazine on
 the Rand at 40 s. per case of 50 lbs., excluding duty, and this at a time
 when it had to be brought a considerable distance by ox-waggon. || In the case
 of blasting gelatine, which is now more largely used than No. 1 dynamite, the
 margin of profit made by the Company at the expense of the mines is even
 greater. || The evidence led on behalf of the Company is that the cost 43 s.
 6 d. per case free on board in Hamburg, the freight, &c., to Johannesburg
 being about 14 s. per case. Therefore, by the Company's own showing, the
 difference in price in Europe between blasting gelatine and dynamite No. 1 is
 14 s. per case (43 s. 6 d. and 29 s. 6 d.), whilst the charges for bringing
 the articles into the South African Republic are the same. Seeing that the
 Company charges the mines for blasting gelatine 22 s. 6 d. over and above
 the price of dynamite No. 1 (namely, 107 s. 6 d. as against 85 s.), it is evident
 that the profit falling to the Company is still larger. Other evidences laid
 before your Commission gives the difference in cost of blasting gelatine and
 No. 1 dynamite at only 7 s. to 10 s. per case. || The mining industry has thus

to bear a burden which does not enrich the State or bring any benefit in return, and this fact must always prove a source of irritation and annoyance to those who, while willing to contribute to just taxation for the general good, cannot acquiesce in an impost of the nature complained of. || The importance of this question to the mining industry may be gathered from the fact that explosives have been shown to average 9 per cent. of the total working cost, but for the development work the percentage is a higher one. || On the 4th June, 1897, your Commission inspected the factory at Modderfontein, and it cannot be denied that the construction of the works and general equipment are in many respects admirable; and it appeared to us greatly to be regretted that so much money should have been invested in an undertaking for the manufacture of any article whereof the ingredients have to be imported at a great cost, four tons of raw materials being required to produce one ton of the manufactured article. It has been proved to our satisfaction that none of the raw material used is found in this country, or only in such small quantities as to make it practically valueless for the purpose required; and the coal consumed, although obtained here, is 40 to 50 per cent. dearer than that delivered at factories in Europe. || Labour, also, of the kind required, is three or four times more expensive than, for instance, labour in Germany, while the excessive cost of transport tends greatly to enhance the price of such materials. || We are informed that experiments have been made with the object of manufacturing sulphuric acid from material procured here, but these efforts to use the products of the country are still in the experimental stage. || There is also no market here for the bye-products, which in Europe have considerable commercial value, thus further increasing the cost of the manufactured article. All these drawbacks, which make it almost impossible to establish a bona fide industry, fall on the mines, and render their task, especially that of the low grade mines, extremely difficult and discouraging. || The desirability of establishing industries of all kinds within the Republic cannot for a moment be doubted, but when it is proposed to establish an artificial industry, whose only hope of success lies in the extension to which it may be allowed to unduly profit from, instead of benefiting a natural and more important enterprise, the economic fallacy of the proposition becomes sufficiently clear to need little further demonstration. Another point that has been brought to the notice of your Commission is the prejudicial effect exercised by the monopoly in practically excluding from the country all new inventions in connection with explosives, and in view of the numerous dynamite accidents that have taken place from time to time it is to be regretted that it is not possible to make satisfactory trials of other and less dangerous explosives for the working of mines.

These questions have received the careful consideration of your Commission, who are forced to the conclusion that the factory has not attained the object with which it was established, and that there is no reasonable prospect

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of its doing so. || That there are good grounds for believing that the contractors have failed to comply with the conditions of their contract, which required them to establish, complete, and bring into operation, on or before the 24th April, 1896, one or more factories for the manufacture of dynamite and other explosives of such nature and quality, and of such quantity as the requirements and demands within the South African Republic shall require and demand. || For the aforesaid reasons, and in view of the opinion expressed by the Volksraad Dynamite Committee, that the legal position of the Government against the contractors is undoubtedly strong, your Commission desire to recommend that the case be placed in the hands of the legal advisers of the State, with a view to ascertain whether the contract can be cancelled. || Meanwhile, your Commission recommend that the Government avail itself forthwith of its right under Art. 15 of the regulations, namely: — || The Government will reserve for itself — || (A) The right, when the interests of the State render it necessary, to take away the agency of trading in gunpowder, dynamite, cartridges, and other explosive stuffs, from above-mentioned persons, &c., and at once take into its own hands the importation of dynamite and other explosives for the benefit of the mining industry, subject to duty of not more than 20 s. per case, or such other less sum as may be determined on from time to time. This protecting duty, while considerably increasing the revenue of the State, would, at the same time, afford ample protection to any industry of this description in the Republic. || In the event of cancellation being advised to be possible, free trade in explosives to be at once established, subject to a duty of 20 s. per case, or such other less duty as may be determined upon from time to time, and manufacturing of other explosives in the Republic to be allowed also, to be protected by the same import duty. || Your Commission are of opinion that effective free trade will in no wise be jeopardised by the existence of any ring or combination for the sale of explosives in Europe. || Your Commission further wish to recommend the free importation of detonators. || Your Commission desire further to observe that it is not clear to them, judging from the published accounts of the South African Explosives Company for 1895 and 1896, that the Government receives the proportion of surplus profit secured to it under the contract, namely, 20 per cent., and would strongly recommend, in accordance with Art. 6 of the Contract, an immediate investigation of this Company's accounts by qualified accountants, in conjunction with the financial adviser of the Commission, in order to find out what amount is still due to the Government under this head; and, further, to cause inquiry to be made about the quantity of cases of blasting material, gelatine, and dynamite imported during 1896—97.

Railways.

Your Commission have followed with great attention and interest the evidence and statistics submitted on this point. || From these it appears that

not only are the tariffs charged by the N.Z.A.S.M. Company such that, by reduction of the same, the industry would be considerably benefited, but that such a reduction would not only be fair, but carry with them, as a natural consequence, that the neighbouring States and Colonies would have to reduce their tariffs considerably. It does not lie within the scope of the labours of this Commission to enter into the application of the tariffs at present existing and charged by the N.Z.A.S.M., because this would require a technical knowledge of railway matters, about which your Commission had neither the power or opportunity to gain information. || Your Commission have come to the conclusion that, taking into consideration the evidence submitted to them, and taking the gross revenue of traffic of goods at about £ 2,000,000 (as in 1896), it will be desirable to recommend so to regulate the tariff for the cartage of goods that the gross revenue for goods traffic for 1896 would have been reduced by £ 500,000, equivalent to an average reduction of 25 per cent. || Further, your Commission deem it desirable that the Government shall make such arrangements as will secure to them in the future a voice in the fixing of the tariffs of the N.Z.A.S.M., and express their confidence that as soon as prosperous times will warrant such a course, a further reduction in tariffs will be effected. || Your Commission wish to recommend that the reduction will be chiefly applied to traffic of coal, timber, mining machinery, and food-stuffs, according to a scale to be agreed upon between the Government and the N.Z.A.S.M. || Your Commission are of opinion that in this manner the industry will be met in a very fair way. || Your Commission wish to express their opinion that it is absolutely necessary that the reduction in all local tariffs will be brought about as speedily as possible, while they express the hope that where the co-operation of the neighbouring States and Colonies is required, negotiations will be initiated and carried out so speedily that the reductions to be so initiated will come into force not later than the 1st of January next. || Several witnesses and some of the members of the Commission have urged the expropriation of the N.Z.A.S.M. by the Government. Your Commission, however, for several reasons known to them, and after same have been communicated to those members of the Commission who wished to urge expropriation of the N.Z.A.S.M., do not at the present moment desire to urge expropriation, provided by other means terms can be secured from the Company so as to obtain the reduction at present urgently required on the basis as above set forth. Your Commission have been informed that the Company have proposed to the Government to adopt the dividend of the three years, 1895, 1896, and 1897, as a basis for the expropriation price, and your Commission can agree to such proposal. || The expropriation price being thus fixed, the Company will have all the more reason to co-operate towards the lowering of the tariffs. Further, it appears from the evidence of the Managing Director of the N.Z.A.S.M. that, in consideration of the reduction of tariffs, he wished to have secured to the Company a certain period of existence. Your Com-

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Nr. 12018. mission cannot recommend this course, because they do not deem the same
Südafrikan. to be in the interests of the State, and it would be contrary to the wishes of
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Your Commission further wish to recommend that the Government shall take measures to effect an alteration as speedily as possible in the tariffs of the neighbouring States and Colonies, so as to place them on a reasonable basis. From the evidence and statistics submitted to your Commission, it appears that the neighbouring States and Colonies have made very large profits out of their railway traffic, and it is only fair to expect that they will understand the desirability of a considerable reduction. || Before leaving the subject of the reduction of tariffs, your Commission want to remark that the tariff for coal traffic ought to command the largest reduction. || Your Commission have further found that the mining industry has real complaints about the few facilities given by the Company in delivery of coal and goods in general and your Commission are of opinion that every measure ought to be taken to facilitate such delivery. || In connection herewith your Commission recommend that a line of railway shall be constructed to the south of the Main Reef, between Boksburg and Krugersdorp, specially intended for the carrying of coal; and that to the different companies leave should be granted to construct sidings from that line and other lines to their mines, with permission to employ steam power, after approval of the plans by the Government Commissioner of Railways. This will take away the objection at present existing against the payment for the detention of coal trucks, and the expenses thereon. || Your Commission further wish to recommend that it will be desirable to relieve the tariffs or coal traffic of every and any petty charges which are at present charged for truck hire, shunting, detention, &c. Your Commission further recommend that the Company will, as soon as possible, provide a quantity of proper coal trucks, by which coal can be carried in bulk, and by which the unnecessary expense of bags will be obviated. || Finally, your Commission are of opinion that the greatest facilities ought to be granted for the better despatch of all agricultural produce at a low price, and, if required, by night trains to the principal markets of the Republic. There is no reason why milk and other perishable articles cannot be loaded at night at any station of the N.Z.A.S.M., and delivered in time for the markets. As an argument against this may be adduced that at the present moment a very small quantity of such produce would be offered for transport, but your Commission are of opinion that if the opportunity were afforded, probably an important industry in these articles would be created. || Your Commission wish to refer to what has already been said about the carrying by rail of kaffir labourers, where it is proposed to charge for kaffir or coloured labour travelling to the mines one-third of the usual fare, and to recover the balance from them on the return journey. Further, your Commission deem it of the greatest importance that measures should be taken by which all South African

railway companies shall carry passengers and goods throughout South Africa under uniform conditions.

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Gold Thefts.

According to the evidence submitted to your Commission, gold thefts are on the increase, and, although the Volksraad has given the matter their favourable consideration, and have, at the instance of the mining industry, so amended the Gold Law as to provide for the punishment for the sale and for being in possession of raw gold, still it has been stated to your Commission in evidence that the gold thefts amount to about 10 per cent. of the output, equivalent to an amount of £ 750,000 per annum. || It follows that the administration of the law must be faulty, because there are only very few instances where the crime has been detected and punished. || If those figures are not exaggerated, and your Commission have no reason to suppose so, then this matter deserves the serious consideration of the Government. || The suppression of this crime can be considered as a real saving to the industry, and this amount of three-quarters of a million would, especially in times of depression, exercise a large influence on the yield and financial position of the mines. || The industry asks that the penal clauses regarding this matter shall be eliminated from the Gold Law, and that a separate law be passed, more or less on the basis of the I.D.B. Law of Kimberley, Cape Colony, and that measures should be taken by which the injured parties shall be unable to exercise control and have supervision over any Department to be established for the detection and suppression of thefts of raw gold. || Your Commission are of opinion that the Government could grant this request without injuring their dignity on the basis hereafter mentioned; on the contrary it would remove the blame from the present administration, viz., that these thefts can be practically carried on with impunity.

Pass Law.

About this law your Commission have obtained very important evidence from Mr. Kock, the head of the Pass Department at Johannesburg, and refer to his report, from which it will appear that some alterations in the law are required, although what is really required as regards same is that it be strictly carried out. || The Government will find in this report a recommendation by which it is proposed to place the carrying out of the Pass Law under the supervision of a local board on the gold fields, and your Commission further wish to recommend that the entire administration of this law be placed under the supervision of the Superintendent of Natives instead of under the Department of Mines, as at present. Your Commission wish in no way to cast any blame on the Department of Mines for the faulty carrying out of the law up to the present, but if the Government take into consideration the recommendation made by the Commission earlier in this report, with reference to the supply of kaffir labour, the object the Commission have in

Nr. 12018. view in making this recommendation will be apparent, because it would be
 Südafrikan. impossible for two Departments to be interested in the carrying out of any
 Republik. one law.
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Industrial Board.

The evidence which has been laid before your Commission has contained suggestions to establish a Board on which Government nominees and representatives of the mining industry and of the commercial community of the Witwatersrand should sit, so that the Government representatives should have the benefit of the experience of men whose daily occupation it is to look closely into the affairs appertaining to mines, &c. Your Commission is of opinion that it is advisable that these suggestions should be acted upon. The scope of this Board should consist of the supervision of the administration of the following laws, viz.: — || The Liquor Law, as far as it concerns the proclaimed gold fields; || The Pass Law; || The law relating to gold thefts; || And will further have an advisory voice in the supply of Natives to the mines, which your Commission has recommended your Government to take in its own hands. || The area under the surveillance of the Board should include the Heidelberg, Witwatersrand, and Klerksdorp districts, and other goldfields, as may be found desirable hereafter. || Your Commission suggests that the Board consists of the following: — Five members to be appointed by the Government, and four delegates to be appointed by the following bodies, with the consent of the Government, namely, one delegate of the Chamber of Mines, one of the Association of Mines (or in case of an amalgamation, two representatives of the new chamber), a nominee of the Mine Managers' Association, and a nominee of the Commercial Community of Johannesburg. || Your Commission would advise that a separate detective force be placed under the department, whose duty it would be to detect any infringements of the above-mentioned laws, and to bring the offenders to justice in the ordinary course of law. || It should also be in the sphere of the Board's work to report to the proper authorities any laxity on the part of the officials who have to administer the above-mentioned laws. || The Board is to report to the Executive Council upon the working of the laws referred to, and to suggest alterations. It must be well understood that the power of this Board must in nowise clash with the sphere of the Minister of Mines' Department and the Licensing Board, but co-operate with same. || We would adduce as a reason, the more for the creation of such Board, that Government could depute to them the right to receive deputations hear their arguments, and report to the Government on the subject, whereby a great saving of time would be the result. || We would recommend that the Commission be appointed at once, and that they shall frame their proposals for regulations and submit them at once to Government.

Cement.

Under this heading your Commission merely wish to state that the import duty of 12 s. 6 d. per cask seems excessively high. || The high freight

on an article so heavy as cement already raises the price here to such an amount that it ought to be very easy for any local industry to be able to compete. || Your Commission consequently recommend that the special duty on cement be removed as speedily as possible.

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Bricks.

It has been clearly proved to your Commission that the existing concession for the making of bricks by machinery is a great disadvantage. The price of bricks is thereby unduly increased. Your Commission consequently recommend that steps be taken as speedily as possible to relieve the population of the Republic of this undesirable monopoly.

Sweepstakes.

Evidence has been laid before your Commission that the running of sweepstakes and other forms of betting on the races in this Republic has a very injurious effect commercially, and especially on the morality of the young generation of the Republic. || Your Commission are aware that this question is already being dealt with by the Volksraad, and can only express their hope that this honourable body will proceed to modify the law in such a manner that such sweepstakes and other forms of betting will be prohibited.

Closing Remarks.

Before closing this report, your Commission must express their satisfaction with the way witnesses have responded to the Commission's invitations. || It would be invidious to particularise, where there are so many who, at a great sacrifice of time, have devoted themselves to a careful compilation of facts and figures, than which no such interesting or exhaustive statements of the local mining industry have ever been laid before the public. || At the request of your Commission, representatives from Barberton and Klerksdorp came to Pretoria to give evidence, and the public spirit displayed by those gentlemen in coming all the distance to represent the interests of their respective communities deserves the greatest praise. It must be mentioned here that the interests of the aforesaid mining communities are identical to these of the Witwatersrand Goldfields, and any benefits resulting from this inquiry will necessarily extend to those fields. || Your Commission respectfully suggest that for the purposes of general reference, and to be placed in the official archives, this report with all the evidence led, statistics and further addenda, be printed and published in book form. It will also serve a useful purpose in illustrating to foreign investors the conditions under which the mines exist and are worked, the richness of the reefs, and the regularity of the ore deposits. Credit will be restored, as it will be obvious to all who take an interest in the matter that the bogus companies, mostly floated in Europe by unscrupulous promoters, do not come within the pale of legitimate enterprise connected with the mining industry. The establishment of a local mining board has

Nr. 12018. been strongly urged by witnesses. || From an industrial and commercial point
Südafrikan. of view, this country must be considered as still in its infancy, and without
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Experience in these matters can only be attained after the lapse of long years and by coming in contact with experts from other countries, the State will reap the benefit of the knowledge obtained in their country, where these problems have for decades exercised the minds of their leading citizens. || In conclusion, your Commission fervently hope that they truly and faithfully interpreted the object of the inquiry, and that their suggestions and recommendations, if acted upon, will confer a lasting benefit on

“Land en Volk.”

Nr. 12019. **GROSSBRITANNIEN.** — Petition britischer in der
Südafrikanischen Republik ansässiger Unterthanen
an die Königin um Abstellung von Mißbräuchen in
der Republik. März 1899.

Nr. 12019. The Humble Petition of British Subjects resident on the Witwatersrand,
Groß- South African Republic, to Her Most Gracious Majesty, Queen Victoria.
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Sheweth that:— || 1. For a number of years, prior to 1896, considerable discontent existed among the Uitlander population of the South African Republic, caused by the manner in which the Government of the country was being conducted. The great majority of the Uitlander population consists of British subjects. || 2. It was, and is, notorious that the Uitlanders have no share in the government of the country, although they constitute an absolute majority of the inhabitants of this State, possess a very large proportion of the land, and represent the intellect, wealth, and energy of the State. || 3. The feelings of intense irritation which have been aroused by this state of things have been aggravated by the manner in which remonstrances have been met. Hopes have been held out and promises have been made by the Government of this State from time to time, but no practical amelioration of the conditions of life has resulted. || 4. Petitions, signed by large numbers Your Majesty's subjects, have been repeatedly addressed to the Government of this State, but have failed of their effect, and have even been scornfully rejected. || 5. At the end of 1895 the discontent culminated in an armed insurrection against the Government of this State, which, however, failed of its object. || 6. On that occasion the people of Johannesburg placed themselves unreservedly in the hands of Your Majesty's High Commissioner, in the fullest confidence that he would see justice done to them. || 7. On that occasion also President Kruger published a proclamation, in which he again held out hopes of substantial reforms. || 8. Instead, however, of the admitted grievances being redressed, the spirit of the legislation adopted by the Volksraad during the past few years has been of a most unfriendly character, and has made the

position of the Uitlanders more irksome than before. || 9. In proof of the above statement, Your Majesty's petitioners would humbly refer to such measures as the following:— || The Immigration of Aliens Act (Law 30 of 1896); || The Press Law (Law 26 of 1896); || The Aliens Expulsion Law of 1896. || Of these, the first was withdrawn at the instance of Your Majesty's Government, as being an infringement of the London Convention of 1884. || By the second the President is invested with the powers of suppressing wholly, or for a stated time, any publication which in his individual opinion is opposed to good manners or subversive of order. This despotic power he has not hesitated to exercise towards newspapers which support British interests, while newspapers which support the Government have been allowed to publish inflammatory and libellous articles, and to advocate atrocious crimes without interference. || The Aliens Expulsion Act draws a distinction between the Burghers of the State and Uitlanders which, Your Majesty's petitioners humbly submit, is in conflict with the Convention of 1884. Thus, whilst Burghers of the State are protected from expulsion, British subjects can be put over the border at the will of the President, without the right of appealing to the High Court, which is, nevertheless, open to the offending Burgher. This law was repealed, only to be re-enacted in all its essential provisions during the last session of the Volksraad. || 10. The promise made by the President with regard to conferring Municipal Government upon Johannesburg was to outward appearance kept, but it is an ineffective measure, conferring small benefit upon the community, and investing the inhabitants with but little additional power of legislating for their own municipal affairs. Of the two members to be elected for each ward, one at least must be a Burgher. Besides this, the Burgomaster is appointed by the Government, not elected by the people. The Burgomaster has a casting vote, and, considering himself a representative of the Government and not of the people, has not hesitated to oppose his will to the unanimous vote of the Councillors. The Government also possess the right to veto any resolution of the Council. As the Burghers resident in Johannesburg were estimated at the last census as 1,039 in number as against 23,503 Uitlanders, and as they belong to the poorest and most ignorant class, it is manifest that these Burghers have an undue share in the representation of the town, and are invested with a power which neutralises the efforts of the larger and more intelligent portion of the community. Every Burgher resident is qualified to vote, irrespective of being a ratepayer or property owner within the municipal area. || 11. Notwithstanding the evident desire of the Government to legislate solely in the interests of the Burghers, and impose undue burdens on the Uitlanders, there was still a hope that the declaration of the President on the 30th of December, 1896, had some meaning, and that the Government would duly consider grievances properly brought before its notice. Accordingly, in the early part of 1897 steps were taken to bring to the notice of the Government the alarming depression in

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the Mining Industry, and the reasons which, in the opinions of men well qualified to judge, had led up to it. || 12. The Government at last appointed a Commission consisting of its own officials, which was empowered to enquire into the industrial conditions of the mining population, and to suggest such a scheme for the removal of existing grievances as might seem advisable and necessary. || 13. On the 5th of August the Commission issued their report, in which the reasons for the then state of depression were fully set forth, and many reforms were recommended as necessary for the well-being of the community. Among them it will be sufficient to mention the appointment of an Industrial Board, having its seat in Johannesburg, for the special supervision of the Liquor Law, and the Pass Law, and to combat the illicit dealing in gold and amalgam. || 14. The Government refused to accede to the report of the Commission, which was a standing indictment against its administration in the past, but referred the question to the Volksraad, which in turn referred it to a Select Committee of its own members. The result created consternation in Johannesburg, for, whilst abating in some trifling respects burdens which bore heavily on the mining industry, the Committee of the Raad, ignoring the main recommendations of the Commission, actually advised an increased taxation of the country, and that in a way which bore most heavily on the Uitlander. The suggestions of the Committee were at once adopted, and the tariff increased accordingly. || 15. At the beginning of 1897 the Government went a step further in their aggressive policy towards the Uitlander, and attacked the independence of the High Court, which, until then, Your Majesty's subjects had regarded as the sole remaining safeguard of their civil rights. Early in that year Act No. 1 was rushed through the Volksraad with indecent haste. This high-handed Act was not allowed to pass without criticism; but the Government, deaf to all remonstrance, threatened reprisals on those professional men who raised their voices in protest, and finally, on the 16th of February, 1898, dismissed the Chief Justice, Mr. J. G. Kotze, for maintaining his opinions. His place was filled shortly afterwards by Mr. Gregorowski, the Judge who had been especially brought from the Orange Free State to preside over the trial of the Reform prisoners in 1896, and who, after passing of the Act above referred to, had expressed an opinion that no man of self-respect would sit on the Bench whilst that law remained on the Statute Book of the Republic. All the Judges at the time this law was passed condemned it in a formal protest, publicly read by the Chief Justice in the High Court, as a gross interference with the independence of that tribunal. That protest has never been modified or retracted and of the five Judges who signed the declaration three still sit on the Bench. || 16. The hostile attitude of the Government towards Your Majesty's subjects has been accentuated by the building of forts not only around Pretoria, but also overlooking Johannesburg. The existence of these forts is a source of constant menace and irritation to British subjects, and does much

to keep alive that race-feeling which the Government of this State professes to deprecate. This feeling of hostility has infected the general body of Burghers. Most noticeable is the antagonistic demeanour of the police and of the officials under whom they immediately act. || 17. The constitution and personnel of the police force is one of the standing menaces to the peace of Johannesburg. It has already been the subject of remonstrance to the Government of this Republic, but hitherto without avail. An efficient police force cannot be drawn from a people such as the burghers of this State; nevertheless, the Government refuses to open its ranks to any other class of the community. As a consequence, the safety of the lives and property of the inhabitants is confided in a large measure to the care of men fresh from the country districts, who are unaccustomed to town life and ignorant of the ways and requirements of the people. When it is considered that this police force is armed with revolvers in addition to the ordinary police truncheons, it is not surprising that, instead of a defence, they are absolutely a danger to the community at large.

17a. Trial by jury exists in name, but the jurors are selected exclusively from among the burghers. Consequently in any case where there is the least possibility of race or class interests being involved, there is the gravest reason to expect a miscarriage of justice. || 18. Encouraged and abetted by the example of their superior officers, the police have become lately more aggressive than ever in their attitude towards British subjects. As, however remonstrances and appeals to the Government were useless, the indignities to which Your Majesty's subjects were daily exposed from this source had to be endured as best they might. Public indignation was at length fully roused by the death at the hands of a police constable of a British subject named Tom Jackson Edgar. || 19. The circumstances of this affair were bad enough in themselves, but were accentuated by the action of the Public Prosecutor, who, although the accused was charged with murder, on his own initiative reduced the charge to that of culpable homicide only, and released the prisoner on the recognisances of his comrades in the police force, the bail being fixed originally at £ 200, or less than the amount which is commonly demanded for offences under the Liquor Law, or for charges of common assault. || 20. This conduct of a high State official caused the most intense feeling to prevail in Johannesburg. It was then thought that the time had arrived to take some steps whereby British subjects might for the future be protected from the indignities of which they had so long complained. It was therefore decided to make an appeal direct to Your Most Gracious Majesty, setting forth the grievances under which Your Majesty's subjects labour. A petition was accordingly prepared and presented to Your Majesty's Vice-Consul on the 24th of December, 1898, by some 4000 or 5000 British subjects. The behaviour of those present was orderly and quiet, and everything was done to prevent any infringement of the Public Meetings Law. || 21. Owing to a

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technical informality, Your Majesty's Representative declined to transmit the petition to Your Majesty. || 22. Immediately it became known that the petition would not go forward to Your Majesty, the Government ordered the arrest of Messrs. Clement Davies Webb and Thomas Robery Dodd, respectively the Vice-President and Secretary of the Transvaal Province of the South African League, under whose auspices the petition had been presented, on a charge of contravening the Public Meetings Act by convening a meeting in the open air. They were admitted to bail of £ 1000 each, five times the amount required from the man charged with culpable homicide. || 23. Thereupon Your Majesty's subjects, considering the arrest of these two gentlemen a gross violation of the rights of British subjects and an attempt to strain unduly against them a law which had already been represented to the Government as pressing most heavily upon the Uitlander population, decided to call a public meeting in an enclosed place, as permitted by the law, for the purpose of ventilating their grievances, and endorsing a fresh petition to Your Majesty. || 24. Prior to holding the meeting the South African League ascertained from the Government, through the State Attorney, that, as in their opinion the meeting was perfectly legal in its objects, the Government had no intention of prohibiting it. || 25. The meeting took place on the 14th of January, 1899, at the Amphitheatre, a large iron building capable of holding from 3000 to 4000 people. Prior to the advertised hour of opening an overwhelmingly large body of Boers, many of whom were police in plain clothes and other employees of the Government, forced an entrance by a side door, and practically took complete possession of the building. They were all more or less armed, some with sticks, some with police batons, some with iron bars, and some with revolvers.

26. The mere appearance of the speakers was the signal for disorder to commence; the Boers would not allow the meeting to proceed, but at once commenced to wreck the place, break up the chairs, and utilise the broken portions of them as weapons of offence against any single unarmed Englishman they could find. || 27. There were present several Government officials, Justices of the Peace, and Lieutenants of Police in uniform, and the Commandant of Police, but they were appealed to in vain, and the work of destruction proceeded, apparently with their concurrence. Several Englishmen were severely injured by the attacks of the rioters, but in no case was an arrest effected, although offenders were pointed out and their arrest demanded; nor, indeed, was any attempt made by the police to quell the riot. Up to the present time no steps have been taken by the Government towards prosecuting the ringleaders of the disturbance, nor has a single arrest been made, notwithstanding the fact that the police officials who were present at the meeting admitted that some of the rioters were well known to them. || 28. Those of Your Majesty's subjects who were present at the meeting were unarmed and defenceless, and seeing that the rioters had the support of the police and of

some of the higher officials of the State, they refrained from any attempt at retaliation, preferring to rely upon more constitutional methods, and to lay a full statement of their grievances before Your Most Gracious Majesty. || 29. The condition of Your Majesty's subjects in this State has indeed become well nigh intolerable. || 30. The acknowledged and admitted grievances of which Your Majesty's subjects complain prior to 1895 not only are not redressed, but exist to-day in an aggravated form. They are still deprived of all political rights, they are denied any voice in the government of the country, they are taxed far above the requirements of the country, the revenue of which is misapplied and devoted to objects which keep alive a continuous and well founded feeling of irritation, without in any way advancing the general interest of the State. Maladministration and peculation of public monies go hand in hand, without any vigorous measures being adopted to put a stop to the scandal. The education of Uitlander children is made subject to impossible conditions. The police afford no adequate protection to the lives and property of the inhabitants of Johannesburg; they are rather a source of danger to the place and safety of the Uitlander population. || 31. A further grievance has become prominent since the beginning of the year. The power vested in the Government by means of the Public Meetings Act has been a menace to Your Majesty's subjects since the enactment of the Act in 1894. This power has now been applied in order to deliver a blow that strikes at the inherent and inalienable birthright of every British subject, namely, his right to petition his Sovereign. Straining to the utmost the language and intention of the law, the Government have arrested two British subjects who assisted in presenting a petition to Your Majesty on behalf of 4000 fellow subjects. Not content with this, the Government, when Your Majesty's loyal subjects again attempted to lay their grievances before Your Majesty, permitted their meeting to be broken up and the objects of it to be defeated by a body of Boers, organised by Government officials and acting under the protection of the police. By reason, therefore, of the direct, as well as the indirect, act of the Government Your Majesty's loyal subjects have been prevented from publicly ventilating their grievances, and from laying them before Your Majesty. || 32. Wherefore Your Majesty's humble petitioners humbly beseech Your Most Gracious Majesty to extend Your Majesty's protection to Your Majesty's loyal subjects residents in this State, and to cause an enquiry to be made into grievances and complaints enumerated and set forth in this humble petition, and to direct Your Majesty's Representative in South Africa to take measures which will secure the speedy reform of the abuses complained of, and to obtain substantial guarantees from the Government of this State for a recognition of their rights as British subjects. || And Your Most Gracious Majesty's petitioners as in duty bound will ever pray, &c., &c.

W. Wybergh, &c., P. O. Box. 317,
Johannesburg, South African Republic,
And Others.

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Nr. 12020. SÜDAFRIKANISCHE REPUBLIK. — Rede des Präsidenten über die Beschwerde der Ausländer.

"Standard and Diggers' News",
Rustenburg, March 27, 1899.

Nr. 12020.
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Republik.
27. März 1899.

The following verbatim report has been personally revised, and is officially authorised by His Honour President Kruger: —

Rustenburg, March 25th (Special). — This afternoon a crowded meeting of burghers was held in the Doppler Schoolroom. On the platform were the President, Mr. Schalk Burger, Mr. du Plessis, of the Volksraad, and other leading men. The President addressing the burghers, said that the law provided that the President of the Republic must go amongst the burghers and give them an opportunity of laying their interests before him. The custom was for the burghers to ask questions and for him to answer them, one subject at a time. Now, for once he wished to reverse the order of things. He had so many things to bring to the notice of the burghers that he wished to open the proceedings by making clear the declarations of his policy on certain subjects. Later on those who liked to ask him questions could do so. He would ask the meeting whether it was agreeable to his doing this.

There were cries of assent, so the President, proceeding, said that the first point on which he wished to speak to them was the appointment of a State Financier; the second, on the franchise; the third, on the dynamite question; and the fourth, on bewaarplaatsen on the gold fields. To take the subjects in the order given, he would deal with the State Financier first. He wanted to obtain an expert financial adviser from Europe. He had sent a man home to study and qualify for that position, but he was not yet prepared for it. In the meantime, there was a necessity to get an outside man. He must be thoroughly competent. His duties would be to specify to what extent things could be lent and what things ought to be taxed. He must take charge of the financial administration, direct the finances of the State, must be an independent man, not actually a member of the Executive, but the Executive must take his advice, while he would report to the Volksraad. Such officer of State existed in all countries, and it was most necessary that the Republic should not be backward in this respect. It was essential that the man should be a proved expert. Mr. Joubert, the former Inspector of Offices, had gone home to study. He was the man he had referred to at first, but at present there was no burgher who could be appointed. When he returned he would be appointed to the position, provided he was declared competent by an expert. He (the President) hoped to succeed in getting an able man for the financial administration of the State, [which] was not what it should be. He must prove to the world that he did not want to remove one tax merely to make way for another. He did not desire to oppress the poor. He must ascertain who were the best able to bear the burden of taxation and apply it accordingly. He hoped that the burghers would assist

him in this matter. Coming to the second point, the franchise, the President said that it was his intention to bring a proposal on this subject before the Raad. At present aliens could only be naturalised after two years, and then they were eligible for the Second Raad after another two years, and they could be full burghers ten years later, making a total of fourteen years. From this period he wanted to take five years. When the present law was made there were only 10,000 or 12,000 burghers, so he could not do otherwise than make a law as he did. He urged that if the laws of adoption had been otherwise the flood of immigrants would soon have voted them out. Now, however, there were thirty or forty thousand burghers, so he thought he could with safety reduce the period. He would leave the first four years mentioned for naturalisation and reduce the remainder of the period for the attainment of full burgher rights to five years. He calculated that in this way they would have about 70,000 burghers, and the time would probably come when they could still further reduce the period like other countries. He could not do so at present, as their case was different. Those countries had millions of burghers, and there was no danger in letting the aliens come in with comparative freedom. They could not do this at once, but they might achieve it by degrees. He desired to regulate it. He wished to show the world that he was anxious to meet the alien in this matter. Of course, it would have to come before the Raad, and two-thirds of the burghers had to signify their consent. He hoped they would do so. In the present case, by taking off five years, the period of eligibility became nine years. In time they hoped to be so strong as to be able to make the period even less. Perhaps he would not be here then. He would convince the world of his desire to act in conformity with other nations, but he must proceed gradually. The burghers must bear in mind that many good people came from abroad. In the event of his proposal being adopted, the aliens would obtain the full franchise much sooner than otherwise. He hoped that the burghers would agree to the step. Their independence would not be endangered thereby. They could protect themselves, and at the same time show the world that they were anxious to meet the alien. A man at Heidelberg had asked him why he could not vote for the First Raad at once. He (the President) replied that no man could have two wives in this country, and that was virtually what the man's request amounted to. He could not stand under two Governments. He must leave the one before he swore allegiance to the other. The naturalisation clause must therefore remain. If a man was subject thus to two Governments, which would he support in time of trouble? There was no question about it that naturalisation was necessary. Even then it would only be nine years. The next point he wished to deal with was the bewaarplaatsen. The Volksraad had decided that bewaarplaatsen must be disposed of by auction. However, he wanted to suggest to the Raad that such mines as held surface rights of bewaarplaatsen should have the right to purchase bewaarplaatsen on a proper

Nr. 12020. valuation. They could then work bewaarplaatsen themselves, and need not
 Sudafrican. complain of any hardship by the disposal of the bewaarplaatsen by the State.
 Republik.
 27. März 1899. At the same time, by this course the State would not suffer any loss whatever.
 The stipulation would not apply to all bewaarplaatsen — only a few in which
 the surface was occupied. As regards dynamite, the President emphasises the
 necessity of having the local industries their own factories. The dynamite
 manufactory would be a monopoly in the hands of the State if the present
 arrangement was upset. There were two points to consider. First of all,
 there was a contract by which certain persons must work the monopoly on
 behalf of the State. If this contract was cancelled, there would be danger.
 Where would they get money for other factories? For example, people in
 Europe would mistrust the Republic, and would decline to advance money.
 In the second place, if they did away with the dynamite factory the powder
 factory went with it. The reason for the dynamite and the powder factories
 being made up together was that the former was a source of profit to any
 community. They must sell only to the Government. Hence it was included
 with the dynamite contract. This was leased to the present company for
 £ 400 per annum. The factory turned out Martini-Henry and other car-
 tridges. They were capable of doing so, and could export two or three
 millions. It would also soon be in a position to make cartridges for all the
 new patterns of rifles, which, of course, would be supplied to the Government
 at the ruling European rates. There was no possibility of being overcharged.
 Now the dynamite factory was first in the hands of a French company. The
 price in those days was £ 85. He remembered well that they had to pay
 that in the Malaboch campaign, but communications came from Germany and
 England that the French company should not alone be interested in the
 manufacture of explosives, as it was favouring one nation above another, so
 they had the matter arranged by the formation of a new company. French,
 German, and English interests were represented. They had to work the
 monopoly for the State. A contract was entered into for a period of fifteen
 years, and the Government was to get 20 per cent. of the profits with 5 s.
 per case, and a minimum of 2 s. 6 d., which on 250,000 cases would be
 about £ 117,000. The contract had to run for another ten years. The com-
 pany had the right to write off the interests on the money and the working
 capital. Of the remaining profit the 20 per cent. had to be paid to the
 State. Out of this profit, however, the company had been writing off amounts
 against the capital. Their excuse for this was that they must indemnify
 themselves against the time when the contract would expire. Where would
 be the capital if it was not paid off by degrees? This he thought was just,
 but the Company went about the matter in an unjust way. They should have
 come to the Government and made an agreement on this point. If the Go-
 vernment took over the contract at the conclusion of the period these writings
 off were unnecessary, so now the Executive had drafted a new contract and

laid it before the Raad, by which, when the present contract concluded, the Government could take over the factory. Suppose they made an annual share of the profit of £ 10,000, then they would have a million of money at the conclusion of the period with which to expropriate the factories. Though the monopoly belonged to the State, they could not alter the contract without an agreement with the Company. They had now agreed to cease these writings-off against capital, provided the Government would purchase the factory at the end of the period. The Raad had referred the matter to the Government to deal with to the best of their ability. He would do his best to get even the period agreed upon reduced, but he could not cancel the contract. However, he would do his best to get a reduction of the period, and that as soon as possible. "Now," said the President, "I want to refer to another matter. I have seen in the newspapers, though I can hardly believe it, that Mr. Chamberlain has delivered a speech, in which he deals with my Heidelberg speech. From the statements it appears he says that he does not believe anything will come. I do not know whether this is true, but the newspapers say so. I must say that, if it be true, I cannot understand it. According to the reports to which I have alluded, Mr. Chamberlain says that I make promises which I never carry out. I deny it. I challenge him to cite one case. According to the papers, Mr. Chamberlain says that I have not kept my promise made at the time of the Jameson Raid to forgive and forget. This I have done in the proclamation issued then. I said that only "the chief culprits in the Jameson business should be punished. Well, that I did. I punished the chief man and forgave the others, and yet he says I never keep my promises. I cannot believe he said that." Proceeding, the President said that Mr. Chamberlain had been made out to say that while the dynamite was in the hands of the State it was not against the Convention, but if otherwise it was. He did not know whether this was true or not. He could hardly believe that it was, nor could he credit the statements ascribed to Mr. Chamberlain in regard to education and the English language. As they all knew, up to the second or third standard, English had equal privileges with Dutch. That the people were satisfied with this was evidenced by the fact that only the previous day he had received a memorial, in which it was declared by the parents that they appreciated the sending of their children to the Dutch schools. The speaker must again repeat that he experienced a difficulty in believing that Mr. Chamberlain had made the statements which were published in the newspapers, but if he really said what was reported of him, it would appear as if he was afraid that the speaker would succeed in obtaining peace amongst the English people, for even on the Rand the people were satisfied with the speech he had made. He would show that he intended to justify his words. Of course, he was not "baas," but he would do his utmost in the Raad, with a strong hope of getting through. If what he said was not carried out, it would not be his fault. He saw in the "Standard

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Nr. 12020. and Diggers' News" and in the "Volksstem" that the memorials to which he
Südafrikan. had referred had been signed by many English and other aliens who were
Republik. supporting the Government. Assuredly, if what was reported of Mr. Cham-
27. März 1899. berlain was correct, it must appear that he desired to create disunion. He
(the speaker) would on his side show that to carry out his intention about
the franchise could not be done in a day. He could not give the franchise
straight away. That was why he spoke of reducing the period, first of all
by five years. It was further said by Mr. Chamberlain, according to the
newspapers, that British subjects, coolies and Cape boys, were illtreated. He
believed that Mr. Chamberlain had been speaking on the strength of false
reports. This was unfair. Mr. Chamberlain should have first become ac-
quainted with both sides of the case. But there were busybodies bent on
making trouble who incited these people against the law. He would go so
far as to say that these mischiefmakers were inferior to the coloured people
they would incite. If they would only hold their peace there would be no
trouble. The speaker referred to the Cape boy case, in which a month after
the brewers of unrest went in search of affidavits, but the Executive was on
guard against these people. He would repeat again that he deplored the fact
that Mr. Chamberlain should have made the statements attributed to him by
the newspapers, that he should have said that he (the President of the Re-
public) did not keep his promises. "I deny it," said His Honour, emphati-
cally. Let him specify one instance in support of his statement." Proceeding,
the President said that he could see that under all there was only one grie-
vance. They wanted the country to be given to England. That was the
chief point of the whole matter. But now he could see that many people of
the Rand were with the Government. Two or three thousand had signified
their satisfaction of the Governments policy. That had been shown in the
newspapers. The majority of these people were foreigners, English, Ameri-
cans, Germans, &c. They came from abroad. Concluding, His Honour said
that he was speaking merely of what the newspapers made out that Mr. Cham-
berlain had said. He did not know whether the reports were correct or
not, but if they were he could only say that the statements were untrue.
This was all he had to say. The burghers could now put any questions
desired.

Nr. 12021. **GROSSBRITANNIEN.** — Der Gouverneur der Kap-
kolonie an den Kolonialminister. Lage in der Süd-
afrikanischen Republik. Fordert Einschreiten der
englischen Regierung.

(May 5, 1899.)

Nr. 12021. Telegram. || 4th May. Having regard to critical character of South
Groß- African situation and likelihood of early reply by Her Majesty's Government
britannien. to Petition, I am telegraphing remarks which under ordinary circumstances I
5. Mai 1899

should have made by despatch. Events of importance have followed so fast on each other since my return to South Africa, and my time has been so occupied in dealing with each incident severally, that I have had no opportunity for reviewing the whole position. || The present crisis undoubtedly arises out of the Edgar incident. But that incident merely precipitated a struggle which was certain to come. It is possible to make too much of the killing of Edgar. It was a shocking and, in my judgment, a criminal blunder, such as would have excited a popular outcry anywhere. It was made much worse by the light way in which it was first dealt with by the Public Prosecutor and by the attitude of the Judge at the trial. By itself, however, it would not have justified, nor, in fact, provoked the present storm. But it happened to touch a particularly sore place. There is no grievance which rankles more in the breasts of the mass of the Uitlander population than the conduct of the police, who, while they have proved singularly incompetent to deal with gross scandals like the illicit liquor trade, are harsh and arbitrary in their treatment of individuals whom they happen to dislike, as must have become evident to you from the recurrent ill-treatment of coloured people. There are absolutely no grounds for supposing that the excitement which death of Edgar caused was factitious. It has been laid to the door of the South African League, but the officials of the League were forced into action by Edgar's fellow-workmen. And, the consideration of grievances once started by the police grievance, it was inevitable that the smouldering but profound discontent of the population who constantly find their affairs mismanaged, their protests disregarded, and their attitude misunderstood, by a Government on which they have absolutely no means of exercising any influence should once more break into flame. || We have, therefore, simply to deal with a popular movement of a similar kind to that of 1894 and 1895 before it was perverted and ruined by a conspiracy of which the great body of the Uitlanders were totally innocent. None of the grievances then complained of, and which then excited universal sympathy, have been remedied, and others have been added. The case is much stronger. It is impossible to overlook the tremendous change for the worse which has been effected by the lowering of the status of the High Court of Judicature and by the establishment of the principle embodied in the new draft Grondwet that any Resolution of the Volksraad is equivalent to a law. The instability of the laws has always been one of the most serious grievances. The new Constitution provides for their permanent instability, the Judges being bound by their oath to accept every Volksraad Resolution as equally binding with a law passed in the regular form and with the provisions of the Constitution itself. The law prescribing this oath is one of which the present Chief Justice said that no self-respecting man could sit on the Bench while it was on the Statute Book. Formerly the foreign population, however bitterly they might resent the action of the Legislature and of the Administration, had yet confidence in the High Court of Judicature.

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Nr. 12021. It cannot be expected that they should feel the same confidence to-day. Seeing
 Grofs- no hope in any other quarter, a number of Uitlanders who happen to be
 britannien. British subjects have addressed a Petition to Her Majesty the Queen. I have
 5. Mai 1899. already expressed my opinion of its substantial genuineness and the absolute
 bona fides of its promoters. But the Petition is only one proof among many
 of the profound discontent of the unenfranchised population, who are a great
 majority of the white inhabitants of the State.

The public meeting of 14th January was indeed broken up by workmen, many of them poor burghers, in the employment of the Government and instigated by Government officials, and it is impossible at present to hold another meeting of a great size. Open-air meetings are prohibited by law, and by one means or another all large public buildings have been rendered unavailable. But smaller meetings are being held almost nightly along the Rand and are unanimous in their demand for enfranchisement. The movement is steadily growing in force and extent. || With regard to the attempts to represent that movement as artificial, the work of scheming capitalists or professional agitators, I regard it as a wilful perversion of the truth. The defenceless people who are clamouring for a redress of grievances are doing so at great personal risk. It is notorious that many capitalists regard political agitation with disfavour because of its effect on markets. It is equally notorious that the lowest class of Uitlanders, and especially the illicit liquor dealers, have no sympathy whatever with the cause of reform. Moreover, there are in all classes a considerable number who only want to make money and clear out, and who, while possibly sympathizing with reform, feel no great interest in a matter which may only concern them temporarily. But a very large and constantly increasing proportion of the Uitlanders are not birds of passage; they contemplate a long residence in the country or to make it their permanent home. These people are the mainstay of the reform movement as they are of the prosperity of the country. They would make excellent citizens if they had the chance. || A busy industrial community is not naturally prone to political unrest. But they bear the chief burden of taxation; they constantly feel in their business and daily lives the effects of chaotic local legislation and of incompetent and unsympathetic administration; they have many grievances, but they believe all this could be gradually removed if they had only a fair share of political power. This is the meaning of their vehement demand for enfranchisement. Moreover, they are mostly British subjects, accustomed to a free system and equal rights; they feel deeply the personal indignity involved in position of permanent subjection to the ruling caste which owes its wealth and power to their exertion. The political turmoil in the Transvaal Republic will never end till the permanent Uitlander population is admitted to a share in the Government, and while that turmoil lasts there will be no tranquillity or adequate progress in Her Majesty's South African dominions. || The relations between the British Colonies and the two Republics

are intimate to a degree which one must live in South Africa in order fully to realize. Socially, economically, ethnologically, they are all one country, the two principal white races are everywhere inextricably mixed up; it is absurd for either to dream of subjugating the other. The only condition on which they can live in harmony and the country progress is equality all round. South Africa can prosper under two, three, or six Governments but not under two absolutely conflicting social and political systems, perfect equality for Dutch and British in the British Colonies side by side with permanent subjection of British to Dutch in one of the Republics. It is idle to talk of peace and unity under such a state of affairs. || It is this which makes the internal condition of Transvaal Republic a matter of vital interest to Her Majesty's Government. No merely local question affects so deeply the welfare and peace of her own South African possessions. And the right of Great Britain to intervene to secure fair treatment of the Uitlanders is fully equal to her supreme interest in securing it. The majority of them are her subjects, whom she is bound to protect. But the enormous number of British subjects, the endless series of their grievances, and the nature of those grievances, which are not less serious because they are not individually sensational, makes protection by the ordinary diplomatic means impossible. We are, as you know, for ever remonstrating about this, that, and the other injury to British subjects. Only in rare cases and only when we are very emphatic do we obtain any redress. The sore between us and the Transvaal Republic is thus inevitably kept up while the result in the way of protection to our subjects is lamentably small. For these reasons it has been, as you know, my constant endeavour to reduce the number of our complaints. I may sometimes have abstained when I ought to have protested from my great dislike of ineffectual nagging. But I feel that the attempt to remedy the hundred and one wrongs springing from a hopeless system by taking up isolated cases is perfectly vain. It may easily lead to war, but will never lead to real improvement.

The true remedy is to strike at the root of all these injuries, — the political impotence of the injured. What diplomatic protests will never accomplish, a fair measure of Uitlander representation would gradually but surely bring about. It seems a paradox but it is true that the only effective way of protecting our subjects is to help them to cease to be our subjects. The admission of Uitlanders to a fair share of political power would no doubt give stability to the Republic. But it would at the same time remove most of our causes of difference with it, and modify and in the long run entirely remove that intense suspicion and bitter hostility to Great Britain which at present dominates its internal and external policy. || The case for intervention is overwhelming. The only attempted answer is that things will right themselves if left alone. But, in fact, the policy of leaving things alone has been tried for years, and it has led to their going from bad to worse. It is not

Nr. 12021. true that this is owing to the raid. They were going from bad to worse
 Grofs- before the raid. We were on the verge of war before the raid, and the
 britannien. Transvaal was on the verge of revolution. The effect of the raid has been
 5. Mai 1890. to give the policy of leaving things alone a new lease of life, and with the
 old consequences. || The spectacle of thousands of British subjects kept per-
 manently in the position of helots, constantly chafing under undoubted grie-
 vances, and calling vainly to Her Majesty's Government for redress, does
 steadily undermine the influence and reputation of Great Britain and the
 respect for the British Government within the Queen's dominions. A certain
 section of the Press, not in the Transvaal only, preaches openly and constantly
 the doctrine of a Republic embracing all South Africa, and supports it by
 menacing references to the armaments of the Transvaal, its alliance with the
 Orange Free Staate, and the active sympathy which in case of war it would
 receive from a section of Her Majesty's subjects. I regret to say that this
 doctrine, supported as it is by a ceaseless stream of malignant lies about the
 intentions of the British Government, is producing a great effect upon a large
 number of our Dutch fellow colonists. Language is frequently used which
 seems to imply that the Dutch have some superior right even in this colony
 to their fellow citizens of British birth. Thousands of men peaceably disposed,
 and, if left alone, perfectly satisfied with their position as British subjects, are
 being drawn into disaffection, and there is a corresponding exasperation on
 the side of the British. || I can see nothing which will put a stop to this
 mischievous propaganda but some striking proof of the intention of Her
 Majesty's Government not to be ousted from its position in South Africa.
 And the best proof alike of its power and its justice would be to obtain for
 the Uitlanders in the Transvaal a fair share in the Government of the country
 which owes everything to their exertions. It could be made perfectly clear
 that our action was not directed against the existence of the Republic. We
 should only be demanding the re-establishment of rights which now exist in
 the Orange Free State, and which existed in the Transvaal itself at the time
 of and long after the withdrawal of British sovereignty. It would be no sel-
 fish demand, as other Uitlanders besides those of British birth would benefit
 by it. It is asking for nothing from others which we do not give ourselves.
 And it would certainly go to the root of the political unrest in South Africa,
 and, though temporarily it might aggravate, it would ultimately extinguish the
 race feud which is the great bane of the country.

Nr. 12022. GROSSBRITANNIEN. — Der Generalkonsul in der
 Südafrikanischen Republik an das Kolonialamt.
 Übersendet eine Gegenpetition zu Nr. 12019.

58, Victoria Street, S.W., May 5, 1899. (May 6, 1899.)

Nr. 12022.
 Grofs-
 britannien.
 5. Mai 1899.

Sir, || I am desired by the State Secretary of the South African Republic
 to hand you herewith, in fulfilment of the request made by petitioners, copy

of the contents of a petition signed by about nine thousand Uitlanders, and addressed to the Government of the South African Republic.

I have, &c.,

Montagu White,

Consul-General for the South African Republic.

Nr. 12022.
Groß-
britannien.
5. Mai 1899.

Anlage.

Your petitioners beg to submit the following facts for your consideration: — That we are all Uitlanders, British, American, German, French, Dutch, and subjects of other nationalities; that we have been informed that a very large petition, signed by 21,000 individuals, has been sent to Her Gracious Majesty the Queen of England, and which we know nothing about, and that it is alleged in the said petition that the Honourable Government of the South African Republic gives no protection to life or property, and that their lives and property are in jeopardy, which we herewith most emphatically deny; that the said petition further states that the general administration is so bad, and detrimental for them and for the country, which we also deny; that your petitioners have gathered from a very reliable source that the petition to Her Majesty the Queen of England has been caused by the capitalists, not by the public; and that if the capitalists attain their object it would be detrimental to the whole public, including the Uitlanders; that your petitioners wish to give your Honours the fullest assurance that they are perfectly satisfied with the Government of this State and with the administration thereof; and that we wish to have no other Government. || We do not say that this Government is without its faults, but we know and trust, if any grievances did exist, that the same could be removed between us and the Government without the interference of any foreign Power, and without the advice of capitalists; wherefore your petitioners humbly pray that your Honours will send copies of this petition to the different Governments to which we belong, especially to the English, American, German, French, and Netherlands Governments, and we hope that by doing so all misunderstanding and false reports of rumours and alleged grievances may be lost sight of for all time to come.

Nr. 12023. GROSSBRITANNIEN. — Der Kolonialminister an den Gouverneur der Kapkolonie. Antwort auf die Petition Nr. 12019. Die Beschwerden über die Beschränkung der politischen Rechte sind begründet. Verhandlungen sollen mit der Republik angeknüpft werden.

Downing Street, May 10, 1899.

Sir, || I have the honour to acknowledge the receipt of your despatch of the 28th March, enclosing a petition to the Queen from 21,684 British subjects resident in the South African Republic, in which they pray for Her

Nr. 12023.
Groß-
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10. Mai 1899.

Nr. 12023. Majesty's intervention with a view to the removal of the grievances of which
 Grofs- they complain. This petition has been laid before Her Majesty, who was
 britannien. graciously pleased to receive it, and I have now the honour to convey to you
 10. Mai 1899. the views of Her Majesty's Government on the subject. || Her Majesty's Government cannot remain indifferent to the complaints of British subjects resident in other countries, and if these are found to be justified, Her Majesty's Government are entitled to make representations with a view to securing redress. || This ordinary right of all Governments is strengthened in the present case by the peculiar relations established by the Conventions between this country and the Transvaal, and also by the fact that the peace and prosperity of the whole of South Africa, including Her Majesty's possessions, may be seriously affected by any circumstances which are calculated to produce discontent and unrest in the South African Republic. || Her Majesty's Government have, therefore, made an investigation, based on the information already in their possession, into the subject of the petition now before them.

The unrest and discontent amongst the Uitlanders inhabitants of the South African Republic is of long standing. The root of the matter lies in the policy pursued from the first by the Government of the South African Republic towards an immigrant population which is generally believed to far outnumber the burghers, and which forms, at all events, a very large proportion of the white inhabitants. To the industry and intelligence of this part of the community is due the enormous increase in the prosperity of the country, and increase which may be measured by the fact, that whereas in 1885 the revenue was £ 177,876, it amounted in 1898 to no less than £ 3,983,560, the principal items of which, such as Customs £ 1,066,994, Prospecting Licences £ 321,651, Railway Receipts £ 668,951, not to mention others of smaller amount, must be contributed mainly by the Uitlander. || It was pointed out in my despatch to your predecessor of the 4th February, 1896, that the new-comers in the South African Republic have, contrary to the policy adopted in most civilized countries where immigration has played an important part in building up the population, been denied all effective voice in the affairs of the State; and all political power and the right to levy taxation is the monopoly of a minority composed almost entirely of men engaged in pastoral and agricultural pursuits, whose knowledge of the conditions and necessities of the Uitlanders must be of the vaguest nature. The Uitlanders are not only debarred for many years from voting in the election of President and of members of the First Volksraad, which is the highest authority in the State, and the only one whose decisions are not subject to veto or revision, and at the same time made to bear the heaviest part of the burden of taxation, but they are not even permitted to control their own municipal affairs, the law creating a municipality for Johannesburg being altogether inadequate for this purpose. In order to obtain the insignificant privileges attached to naturalization they are compelled to take an oath con-

taining words which, as pointed out in Lord Ripon's despatch of the 19th October, 1894, are offensive to their sentiments, founded on a faulty historical precedent, and, as regards British subjects, superfluous. They are, as aliens, excluded from sitting upon juries, and are, in respect of the administration of justice, at the mercy of a Judicial Bench which is bound, under pain of dismissal, to respect as law any resolution of the Volksraad, however hastily taken. || The Uitlanders, who are, for the most part, British subjects, accustomed to the exercise of full political as well as municipal rights, had, for a long time prior to the disturbances of three years ago, been striving to obtain some amelioration of their condition by means of constitutional agitation, but that agitation had entirely failed to effect its object. Active agitation and passive acquiescence had alike proved ineffectual, and at the end of 1895 the inhabitants of Johannesburg took up arms. At the instance of the High Commissioner these arms were laid down again, and the Republic was spared the horrors of civil war. || At that time President Kruger issued two Proclamations. In the first, dated 30th December, 1895, he declared that the Government were "still always prepared to consider properly all complaints which may be properly submitted to it, and submit them to the Legislature of the country without delay to be dealt with," and in the second, dated the 10th January, 1896, in addition to declaring his intention to submit, at the first ordinary session of the Volksraad, a draft law for the appointment of a municipality for Johannesburg, he appealed to the inhabitants of that city to "make it possible for the Government to appear before the Volksraad with the motto, "Forget and forgive." || Her Majesty's Government felt justified in anticipating that practical effect would be given to these conciliatory words of the President, but careful examination of the allegation made by the petitioners, and into the present condition of affairs in the South African Republic, shows that, so far from any substantial measures of reform being passed, the legislation of the past three years and the action of the Executive have, on the whole, had the effect of increasing rather than of removing the causes of complaint.

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

Nr. 12023. be made to the Report of the Inspector of Offices, published in October, 1897,
 Grofs- which showed defalcations on the part of officials amounting to £ 18,590,
 britannien. only a few hundreds of which were recovered, and with regard to the larger
 10. Mai 1899. part of which no effort seems to have been made to recover the money. Reference may also be made to the debate in the Volksraad on the Estimates in March, 1898, when it was elicited that £ 2,398,506 16 s. 8 d. had been advanced to officials, and was unaccounted for. These advances date back from 1883. || The Secret Service Fund appears in the current Estimates at £ 36,000, but even this sum, more than the amount of the Secret Service money voted in the British Imperial Estimates, appears to be habitually exceeded. In 1898 £ 42,504 were spent, and in 1896 no less than £ 191,837. || The system of granting concessions remains in full force. The dynamite monopoly still continues (though contemned, not only by public opinion, but by a Volksraad Commission and by the Commission appointed by the Government) to draw large sums from the gold industry, of which only a small proportion finds its way into the coffers of the State. Her Majesty's Government have already protested against the continuance of this monopoly on the ground that it is a breach of Article XIV of the London Convention. As stated in my despatch of the 13th of January last, they are advised that the creation of a monopoly in favour of the State is not necessarily inconsistent with that Article, even when exercised by a concessionnaire, provided that the concession is intended in good faith to benefit the State generally and not simply to favour the concessionnaire, but for the reasons given in that despatch they are advised that in the present case these conditions are not fulfilled. || It appears from notices in the "Staats Courant" that other Concessions, which are likely to be practical monopolies, have been granted by the Government within the last three years for the manufacture of matches, paper, chocolate, wool, starch, mineral waters, soap, and oils, all of which, even if open to no other objections, must increase the already excessive cost of living in the Transvaal. || It may be urged that in spite of the enormous taxation above referred to the gold industry is prosperous, and that many individuals have made large fortunes in connection with it. This is true, but, on the other hand, there is no doubt that the full development of the natural wealth of the country has been delayed, and the working of the lower-grade mines has been rendered very difficult, by the heavy burthens imposed, while the welfare of the working classes has been seriously hindered by the excessive cost of the necessaries of life and the general conditions to which they are subject.

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

that the spirit, if not the letter, of the Convention has been most seriously infringed. || For instance, the Government spends 250,000 l. a-year, mostly taken out of the pockets of the Uitlanders, on popular education, but under conditions which make it almost impossible for the children of Uitlanders to benefit by it. The State system, indeed appears to be more directed to forcing upon the Uitlander population the habitual use of the Dutch language than to imparting to them the rudiments of general knowledge. || The Law of 1896 dealing with education on the gold-fields has, indeed, been claimed as a reform, but it scarcely even pretends to be so, for it leaves the education of non-Dutch-speaking children in the hands of the Superintendent of Education, who is not controlled by any local representative authority, and it declares that the spirit and tendency of former legislation is to be strictly adhered to. What that spirit is may be gathered from the provisions in law No. 8 of 1892, that all teaching must be in Dutch, and that all school books must be written in Dutch, and from the strict limitation imposed by the law on the number of hours in the week in which any living foreign language may be taught. In no standard may they exceed 4 out of 25, while in the lowest standards none are allowed. || As a matter of fact, Her Majesty's Government understand that in State-aided schools on the gold-fields an increasingly larger proportion of Dutch is required in the higher standards until, in the fourth standard, Dutch is the sole medium of education, with the result that there are only half-a-dozen schools on the gold-fields in receipt of State aid. Yet the Superintendent of Education complained in his Departmental Report for 1896 of the "uneducational and unnational cry for more English." || This grievance, and many others of which the Uitlanders complain, would have been very much lessened if the expectations raised by the President's promises to grant a Municipality to Johannesburg had been fulfilled, and if the Uitlanders of that town had at least been permitted to enjoy the full privileges of local government in reference to purely municipal affairs; but the Law creating the Municipality wholly fails to give to the majority of the inhabitants any effective control over their own local affairs. Although the burgher population must form a very small minority of the whole (according to the petitioners only about one twenty-fourth), half the members of the Council must under this Law be fully enfranchised burghers. The Burgo-master is appointed and paid by the Government. He is bound to submit every Regulation of the Town Council to the Executive Council within four days of its passing, which latter body may disallow the Regulation. All Minutes must be kept in the Dutch language only. The financial powers of the Council are restricted, and it is clear that the Law is hardly any concession in the way of self-government to Johannesburg. || It will not be out of place here to observe that what was practically a limited form of self-government for the mining industry was strongly recommended by the Government Industrial Commission of 1897, viz., the creation of a Board com-

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posed of members appointed by the Government and representatives of the mining industry and commercial firms to supervise the administration of the Liquor Law on the gold-fields, the Pass Law, and the law regarding gold thefts, with a special detective force under them. The reasons which moved the Commission to make this recommendation were (as is clear from the evidence given and from their Report) that the existing Administration was utterly inefficient, or, as they said with regard to the illicit sale of liquor, "A miserable state of affairs exists, and a much stronger application of the Law is required." This stronger application of the Law has never been made, and according to a statement made on the 26th January by the President of the Chamber of Mines, the Liquor Law is simply defied, and drink is supplied in unlimited quantities to the natives employed in the mines. The industry has petitioned for the establishment of the Board recommended by the Industrial Commission, even proposing that all the members should be nominated by the Government, but without result.

Whatever force there may be in the complaints in regard to the legislation of the Republic, the general inefficiency of the Administration, which is so clearly shown in the Report of the Industrial Commission, and continues to be demonstrated by debates in the Volksraads on alleged scandals, probably contributes as much to cause discontent as the legislation itself. It not only seriously affects the financial prosperity of the Republic, but is a continual menace to the security of the lives and property of the Uitlander population, for, grave as are the criticisms which may reasonably be offered on the financial administration, they are of small importance in comparison with the complaints which are made of the administration of justice and of the arbitrary and illegal action of officials, especially of the police. ¶ As an instance of such arbitrary action, the recent maltreatment of coloured British subjects by Field-Cornet Lombard may be cited. This official entered the houses of various coloured persons without a warrant at night, dragged them from their beds, and arrested them for being without a pass. The persons so arrested were treated with much cruelty, and it is even alleged that one woman was prematurely confined, and a child subsequently died from the consequences of the fright and exposure. Men were beaten and kicked by the orders of the Field-Cornet, who appears to have exercised his authority with the most cowardly brutality. The Government of the Republic, being pressed to take action, suspended the Field-Cornet, and an inquiry was held, at which he and the police denied most of the allegations of violence, but the other facts were not disputed, and no independent evidence was called for the defence. The Government have since reinstated Lombard. Unfortunately this case is by no means unparalleled. Other British subjects, including several from St. Helena and Mauritius, have been arbitrarily arrested, and some of them have been fined, without having been heard in their own defence, under a law which does not even profess to have any application to

persons from those Colonies. However long-suffering Her Majesty's Government may be in their anxious desire to remain on friendly terms with the South African Republic, it must be evident that a continuance of incidents of this kind, followed by no redress, may well become intolerable. || But perhaps the most striking recent instance of arbitrary action by officials, and of the support of such action by the Courts, is the well-known Edgar case. The effect of the verdict of the jury, warmly endorsed by the Judge, is that four policemen breaking into a man's house at night without a warrant, on the mere statement of one person, which subsequently turned out to be untrue, that the man had committed a crime, are justified in killing him there and then because, according to their own account, he hits one of them with a stick. If this is justification, then almost any form of resistance to the police is justification for the immediate killing of the person resisting, who may be perfectly innocent of any offence. This would be an alarming doctrine anywhere. It is peculiarly alarming when applied to a city like Johannesburg, where a strong force of police armed with revolvers have to deal with a large alien unarmed population, whose language in many cases they do not understand. The emphatic affirmation of such a doctrine by Judge and jury in the Edgar case cannot but increase the general feeling of insecurity amongst the Uitlander population and the sense of injustice under which they labour. It may be pointed out that the allegation that Edgar assaulted the police was emphatically denied by his wife and others, and that the trial was conducted in a way that would be considered quite irregular in this country, the witnesses for the defence being called by the prosecution and thereby escaping cross-examination. || Some light upon the extent to which the police can be trusted to perform their delicate duties with fairness and discretion is thrown by the events referred to by the petitioners, which took place at a meeting called by British subjects for the purpose of discussing their grievances, and held on the 14th of January in the Amphitheatre of Johannesburg. The Government were previously apprised of the objects of the meeting and their assent obtained, though this was not legally necessary for a meeting in an inclosed place. The organizers of the meeting state that they were informed by the State Secretary and the State Attorney that any one who committed acts of violence or used seditious language would be held responsible, and in proof of the peaceful objects of the meeting those who attended went entirely unarmed, by which it is understood that they did not even carry sticks. So little was any disturbance apprehended that ladies were invited to attend, and did attend. Yet, in the result, sworn affidavits from many witnesses of different nationalities agree in the statement that the meeting was broken up almost immediately after its opening, and many of the persons attending it were violently assaulted by organised bands of hostile demonstrators, acting under the instigation and guidance of persons in Government employ, without any attempt at interference on the part of the police, and even in some cases

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Nr. 12023. with their assistance or loudly expressed sympathy. The Government of the
 Groß- South African Republic has been asked to institute an inquiry into these dis-
 britannien. graceful proceedings, but the request has been met with a flat refusal.
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It would seem, indeed, that the Uitlander is not only deprived, by provisions introduced into the Constitution since the Convention of 1884, of any effective political representation, but that he has also been placed by recent legislation under new liabilities unknown when the Convention was signed, if he appeals to public opinion or attempts to bring his complaints to the notice of the Government. || By the Press Law No. 26 of 1896, and the amending Law No. 14 of 1898 which was repropated by Transvaal newspapers of all shades of opinion, that freedom of the expression of opinion which the original Constitution of the Republic guaranteed, subject only to the responsibility of the printer and publisher for all documents containing defamation, insult, or attacks on any one's character (Grondwet 1858, article 19) is seriously threatened. Under these Laws the President is given the power, on the advice and with the consent of the Executive, of prohibiting entirely, or for a time, the circulation of printed matter which, in his opinion, is contrary to good morals or a danger to peace and order in the Republic. This power has been exercised more than once. || Under the Aliens Expulsion Law (No. 25 of 1896) an alien who is alleged to have excited to disobedience of the law, or otherwise to have acted in a manner dangerous to public peace and order, may be arbitrarily expelled from the country by an Order of the President, while burghers, who cannot be banished, may have a special place of residence assigned to them. From the point of view of the Uitlander, the law draws an invidious distinction in favour of the burgher, who alone is given an appeal to the Courts, and it is thus clearly inconsistent with the spirit of the London Convention, while, as was pointed out in the correspondence on the subject printed in Blue Book, C. 8423, its enforcement might lead to a breach of the letter of that instrument. Her Majesty's Government regret that the Resolution of the Volksraad of July, 1897, in favour of amending the law so as to give every one an appeal to the Courts (see p. 16 of Blue Book, C. 8721), has merely resulted in the passing of Law No. 5 of 1898, which repeals the Law of 1896, and re-enacts it without making any substantial alteration. || Up to 1897, the Uitlander had full confidence that, at all events in cases where he was permitted to appeal to the High Court of the Republic he would obtain justice; but that confidence has been rudely shaken by Law No. 1 of that year, under which the President dismissed a Chief Justice universally respected. This Law recites that since the foundation of the Republic the Resolutions of the Volksraad have been recognised as law, and lays down that the Courts have no power to refuse to apply any Resolution because it is, in their opinion, invalid, and instructs the President to dismiss any Judge who, in his opinion, returns an unsatisfactory answer to questions on the subject put to him by the President. It therefore follows that the fifteen

gentlemen who compose a majority of the First Volksraad can at any moment amend the law of the land in the most important matters by a mere Resolution, or even interfere in a case pending in the Courts, as was in fact done in the Doms case when the Volksraad, by its Resolutions of the 4th May, 1887, barred a claim brought in the Courts against the State. || The Law has practically had the effect of placing the highest Court of Justice in the country at the mercy of the Executive, and it is calculated to lessen the influence and authority of the Court, and even to throw doubts on the impartial administration of justice in the Republic.

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It results from this review of the facts and conditions on which the Petition is founded, as well as from the information derived from your despatches and from other official sources, that British subjects and the Uitlanders generally in the South African Republic have substantial grounds for their complaints of the treatment to which they are subjected. || It is fair to assume that these complaints are directed not so much against individual cases of hardship and injustice, which may occur in even the best governed States, as against the system under which the sufferers are debarred from all voice in the legislation under which such cases are possible, and all control of the Administration through the inefficiency of which they occur. They may be summarised in the statement that under present conditions, all of which have arisen since the Convention of 1884 was signed, the Uitlanders are now denied that equality of treatment which that instrument was designed to secure for them.

The conditions subsisting in the South African Republic are altogether inconsistent with such equality, and are in striking contrast to those subsisting in all British Colonies possessing representative institutions, where white men of every race enjoy equal freedom and equal justice, and new-comers are, after a reasonable period of residence, admitted to full political rights. || In the Orange Free State, where similar privileges are conceded to all aliens resident in the Republic, the Dutch burgher and the foreign immigrant who enjoys the hospitality of the State live in harmony and mutual confidence; and the independence of the Republic is secured as well by the contentment and loyalty of all its citizens as by the good relations which prevail between its Government and those of other parts of South Africa. || Unfortunately the policy of the South African Republic has been conducted on very different lines, and but for the anxiety of Her Majesty's Government to extend every consideration to a weaker State which in recent years has had just reason to complain of the action of British subjects, and may therefore be naturally prone to suspicion and indisposed to take an impartial view of the situation, the state of affairs must have led to the most serious protest and remonstrance. || Recognising, however, the exceptional circumstances of the case, Her Majesty's Government have refrained since their despatch of the 4th of February, 1896, from any pressure on the Government of the South African Republic except

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in cases in which there has been a distinct breach of the provisions of the Convention of 1884; and they have sincerely hoped that the Government of the Republic would voluntarily meet the expectations raised by the President and would take the necessary steps to secure that willing loyalty of all the inhabitants of the State which would be the best guarantee for its security and independence. || They are most unwilling to depart from their attitude of reserve and expectancy, but having regard to the position of Great Britain as the Paramount Power in South Africa, and the duty incumbent upon them to protect all British subjects, residing in a foreign country, they cannot permanently ignore the exceptional and arbitrary treatment to which their fellow-countrymen and others are exposed, and the absolute indifference of the Government of the Republic to the friendly representations which have been made to them on the subject. || They still cherish the hope that the publicity given to the present representations of the Uitlander population, and the fact of which the Government of the South African Republic must be aware, that they are losing the sympathy of those other States which, like Great Britain, are deeply interested in the prosperity of the Transvaal, may induce them to reconsider their policy, and, by redressing the most serious of the grievances now complained of, to remove a standing danger to the peace and prosperity not only of the Republic itself, but also of South Africa generally. || Her Majesty's Government earnestly desire the prosperity of the South African Republic. They have been anxious to avoid any intervention in its internal concerns, and they may point out in this connection that if they really entertained the design of destroying its independence, which has been attributed to them, no policy could be better calculated to defeat their object than that which, in all friendship and sincerity, they now urge upon the Government of the South African Republic, and which would remove any pretext for interference by relieving British subjects of all just cause of complaint. With the earnest hope of arriving at a satisfactory settlement, and as a proof of their desire to maintain cordial relations with the South African Republic, Her Majesty's Government now suggest, for the consideration of President Kruger, that a meeting should be arranged between his Honour and yourself for the purpose of discussing the situation in a conciliatory spirit, and in the hope that you may arrive, in concert with the President, at such an arrangement as Her Majesty's Government could accept and recommend to the Uitlander population as a reasonable concession to their just demands, and the settlement of the difficulties which have threatened the good relations which Her Majesty's Government desire should constantly exist between themselves and the Government of the South African Republic. || If the President should be disposed favourably to entertain this suggestion, you are authorised to proceed to Pretoria to confer with him on all the questions raised in this despatch. || Her Majesty's Government desire that the British Agent at Pretoria should communicate a copy of the Petition and of this despatch to the Go-

vernment of the South African Republic, and also communicate a copy of this despatch to the petitioners.

I have the honour to be,

Sir,

Your most obedient humble servant,

J. Chamberlain.

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Nr. 12024. GROSSBRITANNIEN. — Der Gouverneur der Kapkolonie an den Kolonialminister. Die Präsidenten des Oranje-Freistaats und der Südafrikanischen Republik haben ihm eine Zusammenkunft vorge schlagen.

(8. a.m., May 11, 1899.)

Telegram. || 10th May. Yesterday Mr. Hofmeyr, whom I have not seen for some time, approached me with the suggestion that I should meet President Kruger at Bloemfontein. He said that to give us an opportunity and freedom to exchange views on neutral ground, the President of the Orange Free State would invite us both thither. I did not give any answer, but discussed the matter in a friendly spirit. The Prime Minister came to see me this morning, and read me the following telegram: —

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Begins: President, Bloemfontein, to Hon. W. P. Schreiner, Cape Town.

10th May. In view of the unsettled state of feeling through South Africa which is caused by the many rumours which receive currency through the newspapers, I have come to the conclusion, after careful consideration, that it might be advisable and lead to good results if a meeting between High Commissioner and President of South African Republic could be arranged here at an early date, at which, as may be desired by them, I could take part or not. The meeting would be with a view to arriving at some satisfactory understanding by discussing the present position in a friendly spirit. If the High Commissioner would fall in with the idea, I have reason for thinking that the President of South African Republic would be inclined to accept an invitation from me to such a meeting. Could you ascertain and inform me whether, if I issued such an invitation, the High Commissioner would accept? Telegram ends.

Schreiner, in his own name and that of his colleagues, urged me most strongly to accept the invitation. This was the result, he said, of the influence which he had been using with the Transvaal Government ever since I had warned him of the gravity of the situation; and it was a very great step in advance on the part of President Kruger, as he (Schreiner) regarded it. || I could hardly take that view, I said, as the invitation did not emanate from President Kruger himself, and what was to be the basis or subject of the discussion was not indicated in any way. || The attempt to lay down the

Nr. 12024. subject of the discussion would result, he replied, in a long paper controversy;
 Grofs- and he looked for the best result by the substitution for paper controversy
 britannien. of personal discussion. || My reply was that I was entirely in favour of a per-
 11. Mai 1899. sonal interview in principle; but that without some previous understanding, it
 might, I feared, only reveal the immense distance between us. I agreed finally
 to his sending the following message: —

Prime Minister, Cape Colony, to President, Bloemfontein, 10th May. ||

Thank you for your telegram, which I have communicated to His Excellency. Generally, he agrees as to the desirability of his meeting President Kruger. Before deciding, however, whether he could accept your invitation at present, he must consider carefully on what understanding such a meeting should be founded. He would wish therefore that, until you hear further from me, the invitation suggested by you should wait for the present. Personally, I am sanguine that the proposed meeting may be arranged; but His Excellency's serious consideration is naturally demanded by the matter. Telegram ends.

I informed Schreiner that I would see him again about the matter at a reasonable early date; but told him distinctly that it was not one about which I could allow myself to be hurried.

Nr. 12025. **GROSSBRITANNIEN.** — Der Kolonialminister an den
 Gouverneur der Kapkolonie. Genehmigung der Zusammenkunft.*)

(Sent 6.50 p.m., 12th May, 1899.)

Nr. 12025. Telegram. || 12th May. Referring to your telegram of 10th May, if an
 Grofs- invitation to meet President Kruger for the purpose of discussing the present
 britannien. situation in the Transvaal with a view of arriving at some satisfactory solution
 12. Mai 1899. should be sent to you by the President of the Orange Free State, you are
 authorized to make the following reply. || You may state, after acknowledging
 President Steyn's action in appreciative terms, that you are informed that a
 despatch is already on its way, in which, after carefully examining the general
 situation and the allegations in the Petition, Her Majesty's Government have
 suggested for the consideration of President Kruger, with the earnest hope of
 arriving at a satisfactory settlement and as a proof of their desire to maintain
 cordial relations with the South African Republic, that a meeting should be
 arranged between his Honour and yourself for the purpose of discussing the
 situation in a conciliatory spirit and in the hope that, in concert with the
 President, you may arrive at such an arrangement as Her Majesty's Govern-
 ment could accept, and recommend to the Uitlander population as a reasonable

*) Am 15. nahm Milner die Einladung in der von Chamberlain vorgeschriebenen Form an. Red.

concession to their just demands, and a settlement of the difficulties which have threatened the good relations which Her Majesty's Government desire should constantly exist, between themselves and the Government of the South African Republic. || And that they have, if the President should be disposed to entertain this proposal favourably, authorized you to proceed to Pretoria to confer with him on all the questions raised in the despatch. || You may go on to say that for many reasons you think the most hopeful method of arriving at a satisfactory arrangement would be a direct negotiation either at Cape Town or Pretoria, but that in view of friendly initiative of President of the Orange Free State you are not disposed to press this. || That therefore for the purpose of fulfilling the instructions given by Her Majesty's Government in anticipation of the proposed meeting at Pretoria, you will be prepared to meet President Kruger at Bloemfontein.

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Nr. 12026. **GROSSBRITANNIEN.** — Der Gouverneur der Kapkolonie an den Kolonialminister. Krüger verlangt Unantastbarkeit der Unabhängigkeit der Republik.

(5.30 a.m. May 17, 1899.)

Telegram. || 16th May. Very urgent. Referring to my telegram 15th May. Following is translation of a reply I have just received from the President of Orange Free State: —

Nr. 12026.
Groß-
britannien.
17. Mai 1899.

Begins: I have telegraphed your message to President of Transvaal Republic and have now received the following telegram: —

Begins: Your telegram of yesterday. I regret that the High Commissioner goes further than my intention in my last telegram to you. But I remain disposed to come to Bloemfontein, and will gladly discuss every proposal in a friendly way that can conduce to a good understanding between South African Republic and England, and to the maintenance of peace in South Africa, provided that the independence of this Republic is not impugned. (? Dutch word used is "aantasten" in Dutch version). Ends.

As I am satisfied that it is the earnest desire of us all to promote peace, harmony, and understanding in all matters of common interest in South Africa, and to try and insure it by all means in our power, and that a meeting such as is proposed may contribute much to remove existing difficulties and misunderstanding, I hope and trust that your Excellency will be able to accept my well-intentioned invitation, which I now send, and will further honour us by consenting to be the guest of this State. May I propose, if you have no other wishes, that

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Tuesday, 30th, may be fixed as the day of the meeting. I will also propose the date I have named to President of South African Republic. Ends.

Am I authorised to accept invitation? *)

*) Am 17. gab Chamberlain die Genehmigung. Red.

Nr. 12027. GROSSBRITANNIEN. — Der Kolonialminister an den Gouverneur der Kapkolonie. Instruktion für die Zusammenkunft.

(Sent 11.45 p.m., May 24, 1899.)

Nr. 12027.
Groß-
britannien.
24. Mai 1899.

Telegram. || It is not my intention to give you any formal instructions for Conference; I wish to leave you as free as possible a hand. || I think personally that you should lay all the stress on the question of franchise in first instance. Other reforms are less pressing and will come in time, if this can be arranged satisfactorily and form of oath modified. Redistribution is reasonable and important, but you might accept a moderate concession. If fair terms on franchise are refused by President, it appears hardly worth while to bring forward other matters, such as aliens, coloured people, education, dynamite, &c., at the Conference, and the whole situation must be reconsidered. You should not, however, lose sight of possible alternative in shape of full municipal rights for populous mining district and Johannesburg. This I still think a feasible solution, if President fears that independence will be endangered by concession of general franchise.

Verhandlungen in Bloemfontein zwischen Krüger und Milner. Juni 1899.

Nr. 12028. **GROSSBRITANNIEN.** — Der Gouverneur von Kapland an den Kolonialminister. Bericht über die Zusammenkunft mit Krüger.*)

Government House, Cape Town, June 14, 1899. (June 30, 1899.)

Nr. 12028.
Groß-
britannien.
14. Juni 1899.

Sir, || I have the honour to inform you that, in accordance with the arrangements made through the President of the Orange Free State, I left Cape Town on the morning of the 29th ultimo, for the purpose of conferring with the President of the South African Republic at Bloemfontein. || 2. I was accompanied by the Imperial Secretary, by my Military Secretary, my Private Secretary, and Lord Belgrave, A.D.C., and also by Mr. Silberbauer, as interpreter, and a shorthand writer. || 3. I arrived the next day at the capital of the Free State, where I was received by His Honour President Steyn, and experienced a very cordial and gratifying reception from all classes of the community. I was entertained as the guest of the State, and everything was done to promote my comfort during my stay. || 4. On the afternoon of Wednesday, the 31st instant, the first meeting of the Conference was held. I had previously suggested — and the suggestion was readily agreed to by President Kruger — that Mr. A. Fischer, one of the members of the Executive Council of the Orange Free State, should be invited to act as interpreter. Mr. Fischer consented to do so, on the understanding that he should not forego his position as an Executive Councillor — in other words, that he should be free to inform his own President, in confidence, of all that took place at our meetings. I, of course, raised no objection to this, and I may here say, as was conveyed to Mr. Fischer before the close of the Conference, that both sides were greatly indebted to him for the able and conscientious manner in which he discharged his important duties. || 5. The discussion was, of course, confined to President Kruger and myself, though the former was accompanied by two members of his Executive — Messrs. A. D. Wolmarans

*) Telegraphische Berichte waren vorhergegangen. Red.

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and Schalk Burger, whom he more than once referred to as "my Commission" — as well as by the State Attorney and other officials. || 6. At our opening meeting it was mutually agreed that no communication should be made to the Press during the proceedings. || 7. I then asked the President whether he would wish to make any statement as to the object of our meeting, or whether he would prefer that I should first put forward my view, and he chose the latter course. I therefore began by making an absolutely general statement of the object and scope of the Conference from my point of view. || 8. I said that the number of open questions between the two Governments was increasing as time went on, and the tone of the controversy was becoming more acute. It was a deplorable situation. In my personal opinion the cause of many points of difference, and the most serious, was the policy pursued by the South African Republic towards the Uitlanders, among whom many thousands are British subjects. The bitter feelings thus engendered in the Republic, the tension in South Africa, and the sympathy throughout the Empire with the Uitlanders, led to an irritated state of opinion on both sides which rendered it more difficult for the two Governments to settle differences amicably. It was my strong conviction that if the South African Republic would, before things got worse, voluntarily change its policy towards the Uitlanders and take steps calculated to satisfy the reasonable section of them, who after all are the great majority, not only would the independence of the Republic be strengthened, but there would be such a better state of feeling all round that it would become far easier to settle outstanding questions between the two Governments. || 9. The President, in coming to the Conference, had made a reservation as to the independence of the Republic. I could not see that it was in any way impairing that independence for Her Majesty's Government to support the cause of the Uitlanders so far as it was reasonable. A vast number were British subjects, and in similar circumstances we should in any part of the world, even in a country not under conventional obligations to Her Majesty's Government, be bound to make representations, and to point out that the intense discontent of our fellow subjects stood in the way of the friendly relations which we desired to exist between the two Governments. || 10. Having explained at length, to avoid misunderstanding, why I put forward the Uitlander question in the first instance, I ended by saying that I did not wish to confine the discussion to that question, but, indeed, was very anxious to hear President Kruger's views on the situation generally. || 11. The President, recognising that my attitude was one of friendly suggestion and not of dictation in the internal affairs of the Republic, invited me to put forward any points I wished to discuss. I then declared that the point to which I wished primarily to direct attention was that of the franchise, because agreement on this would render the raising of many other questions unnecessary.

12. President Kruger objected that to grant the franchise to any large number of aliens would immediately result in the outvoting of the old burghers.

I agreed that this would be unreasonable, but endeavoured to explain to him that it would not result from any proposal that I should make. At present the Uitlanders had no effective voice whatever in the legislation, the existing form of oath was offensive and unnecessary, and by taking it a British subject at once lost his nationality, and yet had to wait 12 years, or, under the President's latest proposals, 7 years, before he could become a full citizen of the Republic. It was perfectly possible to leave the old burghers in such a position that they could not be swamped, and yet to give the numerous foreign population — to whom, after all, the Republic owed its present position — some share in the work of Government, so that they could give the Government the benefit of their knowledge and experience. In this way the time would come when, by their gradual co-operation, instead of being divided into separate communities, they would all be burghers of one State. || 13. The President indicated strong dislike to any proposal of the kind, and endeavoured to persuade me that the recent petition to Her Majesty was not a genuine document, to which I replied that I did not think, if the petition to the Queen did not exist, it would alter my opinion, which was based on a long and careful study of the subject we had met to discuss. The only point on which at this stage His Honour showed any disposition to meet my views was as regards the form of the oath, which he expressed his intention of considering.

14. At our second meeting, on the morning of the 1st June, the President began by referring to reports which had reached him as to the strengthening of the garrison at the Cape, the preparations made in Natal, and the assembling of troops on the frontier of Zambaan's land and Rhodesia. I gave a categorical denial to these rumours, and reminded him that the whole British fighting force in South Africa was under the direct control of Her Majesty, so that no unauthorised attack on the Republic was to be feared. At the same time I took the opportunity of observing that we were continually receiving reports of Transvaal preparations, which had already caused considerable alarm on the Natal border, and I added that the large increase in the military forces and equipment of the Republic in recent years had produced a bad impression, both in Great Britain and among the British inhabitants of South Africa. || 15. The matter then dropped, and the President, reverting to the subject of the petition to Her Majesty, handed in copies and translation of the counter-petition received by him from over 22,500 non-burgher residents in the Transvaal. || He stated that copies had been delivered to the Governments of all countries where the Republic had consulates, and he desired me to bring it to the notice of Her Majesty's Government, which I promised to do. He was unable to tell me how many British subjects had signed the memorial, and on my pointedly asking whether the class known as "Peruvians" — Russian and Polish Jews, &c. — had done so, he said that it had been signed by all classes of aliens. || 16. As regards the Petition

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to Her Majesty, I said that, to my mind the question was not how large a number of British subjects had signed it, but whether it was supported by the facts, and whether its contents were of such a nature as to require that Her Majesty's Government should take it into consideration. And I said plainly that, while I was not prepared to endorse every statement made in the Petition, I personally considered that the memorialists had a very strong case. || 17. The President reiterated his view that my proposal would do away with the independence of the Republic. He said it would be worse than annexation, and the burghers would not agree to it, and he urged that the interests of the Uitlanders were sufficiently looked after by the Second Volksraad, which dealt with matters affecting them, and was rarely interfered with on such points by the First Raad. As you are well aware, this point about the Second Volksraad is absolutely hollow, and I felt bound subsequently to expose it in my memorandum, handed in at the last meeting of the Conference. The First Volksraad is supreme; it takes all the most important matters affecting the foreign population into its own hands, and it almost invariably deals with them in a sense opposed to the wishes and interests of that population. || 18. After considerable discussion on these points, in which the President showed great reluctance to come to close quarters with the franchise question, he finally asked me to propose a scheme, which I did, to the following effect: —

19. I had to bear in mind on the one hand the prejudices of the old burghers and the necessity of convincing them that they would not be swamped by the new-comers; and on the other hand, the uselessness of proposing anything which would be rejected by the Uitlanders as totally insufficient, and would not bring them on to the side of the State, throwing in their lot with it, and working in future with the old burghers as one people. || 20. Bearing both these points in mind, I proposed that the full franchise should be given to every foreigner who — || (a) Had been resident for five years in the Republic, || (b) Declared his intention to reside permanently. || (c) Took an oath to obey the laws, undertake all obligations of citizenship, and defend the independence of the country. || The franchise to be confined to persons of good character possessing a certain amount of property or income. || Finally, in order to make the scheme of any real use for the new citizens, who mostly live in one district of the Republic, I proposed that there should be a certain number of new constituencies created. The number of these was a matter for discussion, but from my point of view it was of vital importance that they should not be so few as to leave the representatives of the Uitlanders in a contemptible minority.

21. The full text of my statement will be found as Enclosure IIIa to this despatch, being a transcript from the notes made after careful comparison with the notes of the other side. You will observe that my statement simply laid down the principles on which a scheme of franchise

should be based, and that I intentionally left myself a certain latitude as to details. Thus the amount of property qualification and the number of new seats was left open. What was vital in my scheme was the simplification of the oath and the immediate admission to full burghership on taking it. Knowing as I do the feeling of the Uitlander population, and especially of the best of them on these points, I felt and feel that any scheme not containing these concessions would be absolutely useless. The most influential and respectable sections of the Uitlander community feel strongly the indignity and injustice of asking them to denationalise themselves for anything less than full burghership — which in the South African Republic carries with it, ipso facto, the right to vote for the First Volksraad and the President. They will not accept citizenship of the Republic on any other terms; and unless they accept it in adequate numbers, the whole policy of relying on their admission to the State as a means for the improvement of the Government and the removal of grievances falls to the ground. || 22. The President at once objected very strongly to my proposal, saying that it would immediately make the Uitlanders a majority of enfranchised burghers, who by the Constitution formed the sovereign voice, and so controlled all legislation. I combated this view, maintaining that the First Volksraad is the supreme legislative authority and that as long as the new burghers had only a minority of seats in that body, they could not control the State, though they would be able to exercise some influence on it. The point here discussed between the President and myself is a vital one, and I would refer you to the notes for my position about it. I have the very best legal advice — if indeed it were necessary, but the matter is clear even to the lay mind — that with the judges of the High Court bound by oath to enforce any law or resolution of the Volksraad it is the Raad, and not the majority of the people, which is the supreme authority in the State. This closed the discussion at the second meeting of the Conference, viz., that of the morning of June 1st.

23. The meeting on the afternoon of that day was occupied by a very desultory discussion. I felt that we had now reached the crucial point, and, having put forward my scheme with regard to the admission of the Uitlanders to citizenship, it was necessary, and this was also strongly urged upon me outside the Conference Room, to give the other side time to consider it, and not to hurry them. On the other hand, I was very anxious not to let the Conference drift into a rambling debate on many points, as it had already shown some tendency to do, and thereby prevent our coming to any definite agreement or definite issue on the main question which had just been raised. But as I knew that the President wished to make a statement about the Dynamite Monopoly, and as I was anxious to elicit his present position on this matter at some stage of the proceedings, I thought the moment an opportune one to refer to the subject. || 24. The result was extremely unsatisfactory. The President gave a long history of the Monopoly, for which I beg to refer

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you to the notes, but it ended up with nothing more than the assurance that a new agreement with the Company was under consideration, which would lead to an immediate slight reduction of price, and some further reduction in three years, and that "the Government and the Volksraad were still busy trying to take the factory over before the expiration of the contract." || 25. I do not propose to summarise the President's statements on this subject, but would only refer to the following points:— || (1) That the Company had improperly been writing off its capital. || (2) That he was endeavouring to come to a new arrangement with the Company, the particulars of which he was unwilling to give to me in writing, as this would be acknowledging our right to inference in his internal affairs; and || (3) That on three occasions persons had been employed by the Government to investigate the accounts of the Company, but that their reports had not been published and were not accessible to the public or to me. || 26. It was very difficult to follow the President's explanations and totally impossible to discuss his scheme, as it was only given in the vaguest terms. I was absolutely satisfied that we could not advance the settlement of the Dynamite Question by conversation across a table without very much fuller information than the President was able or willing to give, and therefore did not pursue the matter, feeling that, if agreement on the main Uitlander question were attained, dynamite might be resumed subsequently, and if it were not, dynamite had better be left to be dealt with by the ordinary channels of diplomacy. || 27. At the close of the dynamite discussion His Honour invited me to raise further points, but I was by this time more than ever convinced that the only chance of coming to any definite conclusion at all was to stick to the subject on which a proposal was before the Conference, and I therefore urged him at our next meeting to give me his views on the franchise. || 28. The President appeared to agree to this, but wished before the adjournment to mention some "grievances" which he had, that I might have time to think over them. They were: (1) The annexation of Zambaan's country; (2) his desire that Swaziland should be incorporated with the Republic; (3) the Jameson Raid Indemnity; and (4) Arbitration. || 29. I promised to consider and give a reply on the last three, but as regards the first I said at once that it would be useless to discuss it. The country had been annexed, and Her Majesty's Government had repeatedly declared that they could not reopen the matter.

30. At the fourth sitting, on the morning of the 2nd June, the President began by putting in copies of certain declarations to which he had referred on the previous day as tending to show the spurious nature of the Petition to the Queen. || 31. He then gave me a further indication of his view as to the franchise, that, as I understood him, some agreement might be possible in this direction if we were willing to meet his wishes as to Swaziland and the Jameson Raid Indemnity, and consented to refer to arbitration all new questions that might arise either under the Convention or otherwise. || 32. I objected

that he was now seeking to make any concession on the franchise a matter of bargaining, whereas the ground I had taken up was that the Uitlander question was a standing menace to the Republic and a danger to the continuance of good relations between it and Her Majesty's Government. It should therefore be dealt with on its own merits, and not as a matter of bargain. There followed a prolonged wrestle, in which the President was constantly trying to make the acceptance of any franchise scheme dependent upon certain concessions to him. After a whole hour and a half of it, he finally agreed to discuss franchise without any promise from me on any other subject. || 33. The matters which he had been trying to bargain for were:— || (1) Settlement of the Jameson Raid Indemnity; || (2) Incorporation of Swaziland; || (3) Arbitration. || 34. As regards (1), I referred him to your despatch on the subject, then on its way to me, of which I gave him the substance. (2) I absolutely rejected. As to (3) I took the line that, while I had no authority to speak about arbitration, and could not make it a part of any bargain, I certainly desired that, if the present proceedings ended in an all round settlement, we might arrange for the adjustment of future differences by an "automatic process" — by which I certainly meant their reference to some sort of tribunal. It is this remark of mine — a guarded statement of my personal opinion — of which the President afterwards made very unfair use, in saying that I had admitted that arbitration for all questions under the Convention was reasonable, and which appears from the telegrams to have been widely misunderstood in England. || 39. I therefore wish to make a few further observations about it. In the first place I would observe that I expressly guarded myself against the idea that arbitration was applicable to all differences. I was thinking, as I indicated, more especially of the question whether the laws and administration of the South African Republic were fair towards its foreign residents. It is, of course, absurd to suggest that the question whether the South African Republic does or does not treat British subjects resident in that country with justice, and the British Government with the consideration and respect due to any friendly, not to say "Suzerain", Power, is a question capable of being referred to arbitration. You cannot arbitrate on broad questions of policy any more than on questions of national honour. Secondly, I stated quite clearly that Her Majesty's Government would not admit arbitration "by a foreign Power, or any foreign interference," between itself and the South African Republic. || 36. To this extent, therefore, I barred arbitration, nor would I, of my own motion, have referred to it. But as President Krüger brought it in so continually, it would, I think, have been impolitic, and certainly against my own conviction, to take up an absolutely negative attitude with regard to it. I was thinking more especially of the state of things which would arise in the remote contingency of our being able to come to an amicable settlement of all, or our principal, differences. Even in that case it could not be supposed that, in future, questions of difference

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Nr. 12028. would not occasionally arise between us — seeing the intimacy and the complexity of the relations between the South African Republic and Her Majesty's
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 14. Juni 1899. South African dominions — where such questions were not general questions of policy, but differences as to the interpretation of a particular clause of a particular document (whether one of the existing Conventions or any new instrument of a similar character which might hereafter be framed). What was to be done to solve them? Arbitration of some sort would appear to be inevitable, although the constitution of a suitable tribunal would always be a matter of difficulty. In any case, all that I committed myself to was a willingness to do what I could personally to arrange for a regular and automatic settlement of future differences, without foreign interference, provided that the main matter then under discussion could be satisfactorily arranged.

37. The meeting on the morning of Friday, 2nd — the fourth meeting of the Conference — to which I have just referred, was perhaps the most strenuous of all our discussions. When we re-assembled in the afternoon, matters took an altogether unexpected turn. I thought that the President, having finally consented to go into the question of franchise, would submit my scheme, which was the basis of the discussion, and which he had pressed me to produce, to some sort of criticism. Instead of that, he suddenly sprang upon me a complete Reform Bill, worked out in clauses and sub-clauses, which I cannot but think he must have had in his pocket all the time, and which had but a very faint resemblance to anything I had proposed. The bill, as I saw at a glance, was full of restrictions of the most elaborate kind, and, though in some respects an improvement on the existing law, was not calculated to lead to any considerable enfranchisement of Uitlanders. ||

38. The measure in question, and covering memorandum were to the following effect: — || 39. As his object in the Conference was to remove existing grounds of difference and to provide for a friendly settlement of future differences by arbitration, the following franchise proposals must be considered as conditional and dependent on a satisfactory settlement of the first-named points, and on the President's request for the incorporation of Swaziland being submitted to Her Majesty's Government. Subject to this the President undertook to submit, without delay, to the approval of the Volksraad and the people, detailed proposals of which the following is the substance: — || (a) New-comers registering themselves within fourteen days after arrival, according to the existing law, to obtain naturalisation after two years on complying with the following conditions: — || 1. Six months' notice of intention to apply for naturalisation. || 2. Two years continuous registration. || 3. Residence in the South African Republic during that period. || 4. No dishonouring sentence. || 5. Proof of obedience to the laws; no act against Government or independence. || 6. Proof of full State citizenship and franchise or title thereto in former country. 7. Possession of unmortgaged fixed property to the value of £ 150,

or occupation of house to the annual rental of £ 50, or yearly income of at least £ 200. The Government to have the power of granting naturalisation to persons not satisfying this condition. || 8. Oath similar to that of the Orange Free State. || Persons so naturalised to obtain full franchise, five years after naturalisation, on:

(1) Continuous registration for five years after naturalisation; (2) Continuous residence during that period; (3) No dishonouring sentence; (4) Proof of obedience to laws, &c.; (5) Property qualification as above. || (b) Residents in the South African Republic before 1890 getting naturalised within six months from the promulgation of this proposed law, and complying with the conditions (a) 1—8, to obtain the full franchise two years after naturalisation on complying with the conditions of full franchise mentioned above, substituting two for five years. Those not getting naturalised within six months to fall under the already-mentioned conditions for new-comers. || (c) Those already resident for two years or more to be allowed immediate naturalisation on above-mentioned conditions for new-comers (a) 1—8, and to obtain the full franchise five years after naturalisation on compliance with the above-mentioned full franchise conditions. || (d) Those already naturalised to obtain the full franchise five years after naturalisation on the last-mentioned conditions. || 40. While promising to consider this memorandum, and reply more fully at our next meeting, I pointed out that His Honour's proposal differed absolutely from mine, in that it did not provide for an immediate, or even an early, enfranchisement of people who might have been in the Republic for many years, and it made no provision for an increase in the number of seats in the Volksraad. I therefore, in view of the improbability of our arriving at a settlement on this basis, suggested that the President should consider whether there was any other way, apart from the franchise, of giving the Uitlanders some powers of local self-government, such as were suggested by Mr. Chamberlain in February, 1896. The President, however, was, if possible, more opposed to this idea than to my previous proposal. He maintained that the municipality of Johannesburg had already as great powers as could properly be entrusted to it, and said it was no use speaking about self-government, as his people would be absolutely against it.

41. The Conference then adjourned to give me time to consider the President's scheme more in detail, and I drew up, during the night, a memorandum dealing with it. Indeed, from this time to its close, the Conference was mainly carried on by memoranda. I felt that, if I was to be suddenly confronted with carefully-written documents, evidently intended for publication, I must, on my side, have something prepared with equal care. When, however, I came to the Conference on the morning of Saturday, 3rd, and was about to read this memorandum, the President sprang a new surprise upon me by stating that he would put a proposal for creating new Electoral Districts before the Raad as soon as he returned. He had not mentioned this in his

Nr. 12028. memorandum of yesterday, as it had only just occurred to him, and he now
 Groß- thought of increasing the Heidelberg districts from two to four, or, if the
 britannien. Raad objected to new districts, of increasing the number of Members in the
 14. Juni 1899. existing districts. || 42. I said the position was rather a curious one, as I had
 considered his memorandum, and had prepared an answer to what I naturally
 regarded as a complete proposal. I therefore thought it better to read my
 reply now, and if, after hearing it, the President thought fit to put in another
 memorandum, I would consider it, as I felt the matter to be of such great
 importance that I did not want to forego the discussion if there was the least
 hope of coming to an agreement. || 43. My memorandum was then
 read and translated. Its substance is as follows: — || 44. I acknow-
 ledged that the proposed scheme was a considerable advance on the existing
 franchise law, and I enumerated the principal improvements, viz. || (1) The
 period required for obtaining the full franchise was reduced from 14 years
 to 7; (2) Special regard was paid to persons resident in the South African
 Republic before 1890, who, by the legislation of that year, were deprived of
 the prospect of obtaining the full franchise of five years. (3) The oath of
 the Orange Free State was substituted for the present objectionable oath. ||
 45. But I felt that as a solution it was quite inadequate to the needs of the
 case. Under the plan no man not already naturalised, even if he had been
 in the country for thirteen or fourteen years, would get a vote for the First
 Volksraad in less than two and a half years from the passing of the new law.
 No considerable number of people would obtain the vote in less than five
 years, even if they got naturalised; but the majority would not naturalise,
 because the scheme retained the unfortunate principle, first introduced in 1890,
 by which a man must abandon his old citizenship for a number of years
 before getting full burgher rights. My doctrine was that, however long a
 period of residence was fixed before a man became a burgher, he should be
 admitted once for all to full rights on taking the oath of allegiance. The
 vote for the First Volksraad was the essential point, as, according to the
 present constitution of the Transvaal, the President and the First Raad really
 constitute the State; but under this scheme it would be a considerable time
 before any number of Uitlanders worth mentioning could vote for the First
 Volksraad, and even then they would only command one or two states. The
 old burghers ought not to be swamped, but as long as the new-comers had
 no representation in the Supreme Legislative Council they would as a body
 remain an inferior caste. I could see in the proposal no prospect of obtain-
 ing the co-operation and concord between the two sections of the population
 to which I had looked to bring about a more progressive system of govern-
 ment, and to remove causes of friction between the Republic and Great Britain.
 The scheme was therefore so inadequate that it would be wasting the time
 of the Conference to discuss its details. || 46. The President seemed to be even
 more opposed to the suggestion that, failing an agreement on the franchise,

the demands of the Uitlanders might be met by giving them even partial control over the local administration of their own district on the lines, more or less, of the Secretary of State's plan of 1896. That being the case, I was driven to the conclusion that so far as the Uitlander question was concerned the Conference has been productive of no result. || 47. The rest of the sitting was spent in an endeavour on the President's part to convince me that I did not understand the question, that the interests of the newcomers were sufficiently looked after by the Second Raad, and that their grievances were really very trifling, and an endeavour on my part to get His Honour to understand why I was pressing for an arrangement under which British subjects should give up their nationality, and why they could only be expected to do so on getting full citizenship in exchange. || 48. Matters had now come to a critical point. My objections to the President's scheme, and especially to the principle of citizenship by two stages, had been fully set forth in my memorandum and emphasized in conference, and it only remained to see whether the President would adhere to his position.

49. The Conference was first adjourned till 3 p. m. on Saturday, and then by the President's request till Monday morning. In the course of Saturday I learnt, through the Free State authorities, that the President declared he had gone as far as he could go, that he would not depart from his plan of naturalisation first, and full franchise five years afterwards, and that, though his scheme might be modified in minor details, it was in its main outlines unalterable, to be taken or left. This report was confirmed on Sunday afternoon by the receipt of a further memorandum (see Enclosure IIId), in which the President's scheme was upheld, and all the old arguments about the importance of the Second Volksraad and the difference between citizenship and the right to vote were repeated. As regards the latter point, I must say that the whole controversy seems to me to arise from a confusion of thought. The President constantly protested against my saying that a man, after naturalization, was only half a citizen. He argued that he was a full citizen, only not fully enfranchised, and that citizenship and franchise are by no means identical. || 50. Now, as a general principle, this of course is true. But the point is that in the South African Republic citizenship and full franchise have always gone together — every citizen has been, ipso facto, a voter for everything — until President Kruger himself, to keep the Uitlander out, invented in 1890 that system of naturalisation, followed after a lapse of years by admission to the full franchise, which has been the cause of so much bitterness. This did make a great and very important distinction between the old burgher, who is a voter for all elections from the time he comes of age, and the "naturalised" burgher, and it was the creation of this distinction which, as much as anything, prevented and prevents Uitlanders being naturalised. || 51. It seems to me, I must say, idle to argue that, because in other countries a citizen has not necessarily a vote, either for the Legislature or

Nr. 12028. for public officers, therefore in a country where every original citizen has,
 Grofs- ipso facto, a vote for everything, a man not having such a vote is still a full
 britannien. citizen. A citizen he may be — is, in fact, to the full — in respect of his
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 half a citizen, for the vote for the First Volksraad and the President is the
 gist of the whole matter. || 52. When I received the memorandum of the
 President just referred to at one o'clock on Sunday afternoon, I saw at once
 that, as far as the franchise question was concerned, the Conference would
 come to no conclusion, and that the only thing to do was to put my argu-
 ments as to the complete inadequacy of the President's scheme on paper as
 succinctly as time permitted. || 53. As far as the franchise was concerned the
 Conference had thus absolutely broken down, and the only question was
 whether it was worth while to continue it in order to go into other subjects.
 My instructions, as you are aware, were open, leaning, if anything, rather
 towards making the admission of Uitlanders to citizenship, or in the alter-
 native the establishment of a municipality with wide powers (a proposal which
 the President had dismissed as totally out of the question at Friday after-
 noon's meeting), the main topics of discussion. It seemed to me that no
 agreement being possible on these points, of the Conference which had been
 defined on our side as "an arrangement which Her Majesty's Government
 could accept and recommend to the Uitlander population as a reasonable con-
 cession to their just demands," could not now in any case be achieved, and
 that it was better not to prolong the proceedings. As I said in my opening
 statement, my principal aim at the Conference was not to fight out the various
 points of difference between the Governments, but, by arriving at a settlement
 on the Uitlander question, which went to the root of many of those differences,
 to pave the way for the settlement of all. This amicable compromise on
 broad lines having been found unattainable, it appeared to me that pending
 controversies might as well be allowed to take their course in the ordinary
 way. I therefore closed my final memorandum, already referred to, with the
 expression of my feeling that the failure of the negotiations as to franchise
 left the position of the Uitlanders unimproved and their various grievances
 yet to be dealt with. In view of the importance of this memorandum in the
 history of the discussion I subjoin it in full.

54. "I have carefully considered His Honour's memorandum of June 3rd.
 This document modifies the scheme put in by His Honour on June 2nd, and
 adds to the proposals of that scheme the further proposal to increase the
 number of Members of the First Volksraad representing the Gold Fields from
 two to five. The First Volksraad would thus consist of 31 Members, five of
 them respecting the Gold Fields. || 55. "The memorandum now under reply
 further contains certain comments upon my memorandum put in at our meeting
 on Saturday morning last, June 3rd. || 56. "I regret that even with the ad-
 ditions now made I cannot regard His Honour's scheme as one which I could

advise Her Majesty's Government to accept as a definitive settlement of the difficulties which have arisen in connection with the discontent of the Uitlander population, including a large number of Her Majesty's subjects. The scheme, as originally propounded, contained no suggestion of an increase of seats. In that form it seemed to me wholly inadequate, and I did not therefore see any advantage in discussing it point by point, but confined myself to certain general objections. In its amended form it goes somewhat further, and I therefore think it desirable to examine it in more detail. || 57. "The references are to the numbers and letters in His Honour's memorandum of June 2nd. || 58. "(1.) By I. A. (1). Six month's notice is required for naturalisation. || "By II. (a) Persons who have fixed their residence in the South African Republic before 1890 can obtain the full franchise two years after naturalisation. || 59. "I cannot understand how, in view of these combined provisions, it can be disputed that the persons who have fixed their residence prior to 1890, but have never proceeded to naturalisation, will require $2\frac{1}{2}$ years to obtain the full franchise. His Honour maintains that only 2 years are required. But this point is a minor one. What I fail to see is why persons, who have been in the country from an earlier date than 1890, should not obtain the full franchise at once. They have a very strong case indeed. Take the instance of a man who fixed his residence in the country in 1886. When he did so, he was, under the then existing law, entitled to the full franchise in 5 years. Before the expiration of that period a change was made, which in effect postponed the attainment of that full franchise for 12 years. This change was, in my judgment, a very harsh measure to those already in the country. Whatever restrictions might have been thought necessary in the case of new-comers, the legitimate expectations of people already resident in the South African Republic ought to have been respected. Now it is proposed to do tardy justice to these old residents. But why should they not obtain full franchise at once? Seven years is now fixed as the normal time for obtaining full franchise. Why should the man, who come in in 1886, and has already waited 13 years, have to wait another $2\frac{1}{2}$ years or even 2 years? || 60. "2. I. A. (4 and 5.) I am not quite sure whether "dishonouring sentence" would apply to the Members of the Reform Committee of December, 1895, who were subsequently tried and condemned. But in any case "Act against Government or Independence" could be interpreted, I do not say justly, to include not only them, but everybody who was in any way involved in that unfortunate disturbance, even if he was totally innocent of any design against the Republic. I think it would be a fatal blot on any scheme of enfranchisement if it contained a provision excluding such persons. It was, I believe, the President himself who said "Forgive and forget."

61. "I. A. (6.) This is a provision which might easily be interpreted in such a manner as to exclude many persons well deserving of the franchise. There is something to be said for confining the franchise to foreigners coming

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Nr. 12028. from countries where there is a measure of popular self-government. But
 Grofs- even in these cases "proof" of "full State citizenship and franchise, or title
 britanniën. thereto" might be difficult to furnish. Take the case of a man who was
 14. Juni 1899. under age when he left his native country, and for that reason not entitled to franchise, or who had not possessed, in his native country, the necessary property qualification, if there is one. I might put other cases, but I do not wish to labour the point. This is one of several provisions in the proposal, which might be made instruments of exclusion in the hand of officials, whose bias was against the Uitlander. || 62. "I. A. (7.) The property qualification seems reasonable, but £ 200 a year as an income qualification is excessively high. Entirely objectionable, in my view, is the proviso which allows the Government to dispense with the property qualification altogether. The conditions of obtaining burgher rights ought not to be alterable, either upwards or downwards, at the pleasure of the Government. If there are circumstances under which it is thought desirable to allow persons to become burghers, who do not possess the necessary property qualification, those conditions should be clearly stated. || 63. "I. B. (2.) 'Continuous residence' (gedurig verblijf). These again are words which, as it seems to me, might be used to exclude people unreasonably. If they mean that any absence from the South African Republic, on pleasure or business, during the five years between naturalisation and the full franchise, should preclude a man from obtaining the latter, they would exclude numbers of Uitlanders, who had nevertheless had their permanent home in the country all the time. || 64. "I now pass from the original proposal to the addition made in His Honour's memorandum of June 3rd, dealing with the increase of seats. I may say at once that, while I have an open mind as to the number of new seats for the Gold Fields, and for that reason did not attempt to lay down any definite number in my own proposal, I think three is decidedly too few. Under this proposal the enfranchised new-comers might, not immediately, but after the lapse of several years, obtain five seats in the First Volksraad. Add, perhaps, two for other constituencies, in which they would in time become the majority, and they would be 7 out of 31. By that time they would be a vast majority of the inhabitants, and would contribute, as they indeed already do, almost the whole revenue. Under these circumstances less than one-fourth of the representation seems a scanty allowance. But the great point is, that even this limited degree of representation is still a long way off. My aim was to obtain some representation for them immediately. In my view, the First Volksraad has already been too long out of touch with the new population, with whose most vital interests it is constantly dealing, and not dealing wisely. Every year that this state of things continues increases the tension and the danger. I do not assert that the mistakes made are due to ill-will. I believe they are due to want of knowledge. If representatives of the new population could make their voices heard, if they could come in contact with the representatives of the old burghers

on an equal footing in the First Raad, they would, without being a majority or anything like it, yet exercise an appreciable influence on legislation and administration.

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65. "His Honour endeavours to meet my argument on this point by saying that new burghers will, immediately on naturalisation, have a vote for the Second Raad, and that the Second Raad deals with the matters in which they are most immediately interested. With all respect, I really must demur on this point. In the first place the Second Raad has absolutely no power in matters financial. Taxation is not within its province, and it has no power over expenditure, except such limited amount as the First Raad may, for certain purposes, put at its disposal. Now, financial matters happen to be of the greatest importance to the people who supply the revenue. No doubt the Second Raad can legislate, subject to the First Raad and to the President, on a number of matters affecting the industrial community. But when it comes to affairs of really first-rate importance, the First Raad always deals with them. Take the report of the Industrial Commission. That was the most important event in the whole history of the industry. That report was received with unanimous and hearty approval by the mining community and the whole Uitlander population. It was dealt with exclusively by the First Raad. It was a Committee of the First Raad which, in the teeth of the protests of the people interested, cut down many of its proposals, and finally the First Raad itself knocked the bottom out of the whole thing. Look at the fate of the Advisory Board. That was surely as moderate a proposal in the direction of letting people manage their own affairs as was ever made. It was a proposal to which the mining community attached the greatest importance. Yet the First Raad would have none of it. Or, again, take the question of public order on the gold fields or the question of education. These, too, are vital questions for the Uitlanders. Does the Second Raad deal with them? They are entirely in the hands of the First Raad and of the Government. || 66. "It is the extreme importance of the vote for the First Volksraad and for the President which makes me regard the position of the newcomer, who has foresworn his old citizenship without obtaining this right, as so unsatisfactory. I am sure the bulk of the new settlers, certainly all the British, who wish to make the Transvaal their home, would rather wait five or even seven years for burghership if it at once conferred all the rights as well as all the obligations of the old burghers, than come in under the present proposal. The President objects to my saying that the man who is naturalised is not altogether a burgher. Well, let us admit that the correct description of him is that he is a burgher, with all the obligations of a burgher, but with only half the rights that any old burgher attains, without conditions, on coming of age. The fact that citizenship in many States does not confer franchise, or full franchise, or does not confer it without other qualifications, is no answer to my argument that in a State where the bulk

Nr. 12028. of citizens do possess full franchise, without other qualifications, the citizen
 Groß- who does not possess it is citizen of an inferior class. To that inferior class
 britannien. of citizenship a man who has taken the oath under the present proposal may,
 14. Juni 1899. owing to various circumstances, find himself permanently confined. And meanwhile he has foresworn his former country. || 67. "To sum up. I regret that the President has not seen his way to enlarge his proposals. They are, as I have already said, a decided improvement on the present Franchise Laws. But if I am asked whether I think they will satisfy the Uitlander community and are calculated to relieve the British Government from further solicitude on the score of its Uitlander subjects, I cannot answer in the affirmative. Still less can I encourage the idea that the British Government can be asked to give something in exchange for such legislation as the President proposes. My own proposal was put forward in no bargaining spirit. I asked myself, in advancing it, what is the smallest measure of reform that will really be of any use, that is to say, which will allay the present unrest and enable the Uitlanders to exercise within a reasonable time an appreciable influence on the Government of the country. It was in that spirit that I suggested the outline of a scheme, intentionally not working it out in detail (for I was ready to listen as to details), but indicating a certain minimum from which I am not prepared to depart.

68. "The President seemed to regard my scheme as a very alarming one. I do not think it alarming, but I admit it involved a considerable change of policy. But it is no use proposing any small change. This Conference is a very exceptional thing. The situation is grave, else we would not be discussing here. If I have urged the Government of the South African Republic to take a considerable step to allay the discontent among a large portion of the inhabitants, it is because of my firm conviction that no small measure would any longer be of any use. The Government has much to atone for in its past treatment of the Uitlanders, and it has much, indeed, it has everything, to gain, in silencing their present complaints and in removing the long list of Uitlander grievances from the field of controversy between Her Majesty's Government and the South African Republic. || 69. The President evidently does not realise how far I was willing to go in the direction of compromise, when I was prepared to drop all other questions connected with the position of British subjects in the South African Republic if only I could persuade him to adopt a liberal measure of enfranchisement. The petition of British Uitlander subjects to Her Majesty has yet to be dealt with. It is evident that Her Majesty's Government think the complaints of the petitioners in many respects well founded, and that they are only waiting for the result of this Conference before addressing the Government of the South African Republic on the subject. When I came here I came in the hope that I might be able to report to Her Majesty's Government that measures were about to be adopted which would lead to such an improvement in the situation

as to relieve Her Majesty's Government from pressing for the redress of particular grievances on the ground that the most serious causes of complaint would now gradually be removed from within. I do not feel that what His Honour has seen his way to propose in the matter of franchise or what he indicates as the extreme length to which he might, at some future time, be willing to go in the extension of local government is sufficient to justify me in reporting in that sense." || 70. The effect of the President's remarks on my memorandum was, he would give me an answer in the afternoon, but that he was not prepared to give up his land and government to strangers, and that he understood from my arguments that if he was not willing to do this there was nothing to be done. I protested against this repeated assertion, and said that when the notes of our interviews were before the world I would leave it to impartial judges to decide whether it could be truly said that I had ever proposed anything of the kind.

71. At the afternoon sitting, which was the last meeting of the Conference, the President put in his final answer. It expressed his regret that his franchise proposals had been found unacceptable by me. They went as far as was possible in the interests of the people and State, and in principle it was impossible for him to depart from it. He would have been willing to further discuss the details of the proposal touched on by me, but as I refused even to accept the principle, it would be useless to go further into details. || 72. I had acknowledged that His Honour's proposal was a considerable improvement on the existing law, and I would also acknowledge that it would be desirable to have this proposal adopted by the Legislature of the Republic, apart from the fact that I did not consider that it went far enough. On the other hand, I had also acknowledged that His Honour's request for arbitration by other than foreign Powers on all points of future difference under the Convention was reasonable, and that it was altogether desirable to have such differences settled according to an automatic plan. It was, moreover, our common opinion that no bargain should be made in this matter, as matters desirable in themselves ought to be treated on their own merits. The question of arbitration could therefore be arranged apart from my acceptance, or non-acceptance, of His Honour's proposals with regard to franchise. || 73. Arguing on these lines, His Honour, therefore, made the following proposal: He would be prepared to recommend his franchise proposal to the Volksraad as an important step in the right direction, even though I did not fully agree with it; and he would then expect me to recommend to Her Majesty's Government His Honour's request about arbitration on future matters of difference under the Convention. I would understand that if Her Majesty's Government should not grant this acknowledged fair request, it could scarcely be expected that the people of the South African Republic would approve of His Honour's comprehensive proposal with regard to the franchise. || 74. I must here remark that the above quoted phrase in His Honour's memorandum, „Re-

Nr. 12028. quest for arbitration by other than foreign Powers," was the first intimation
 Groß- that I had throughout the Conference that he had modified his previous requests
 britannien. for arbitration by a foreign power. || 75. In reply to this memorandum, I ob-
 14. Juni 1899. served that is substantial effect was that we were unable to agree on the
 subject which had formed the principal topic of discussion. I did not think
 the matter could be carried any further at that Conference, and in my view
 of the case we were in the *status quo ante* the meeting. || 76. I did not in
 any way wish to discourage His Honour from laying his franchise proposals
 before the Volksraad, but he would, of course, do so of his own motion, and
 not as part of any understanding with Her Majesty's Government. Similarly,
 any proposal made by His Honour about arbitration would be considered on
 its merits, but not as any part of the present negotiation. The Conference
 was absolutely at an end, and there was no obligation on either side arising
 out of it. Arbitration had been mentioned during the Conference, along with
 other matters, but no definite proposal with regard to the method of arbi-
 tration was before me at the present moment. I had already stated that on
 some questions Her Majesty's Government clearly could not arbitrate, and on
 no questions would they ever agree to arbitrate by means of a foreign
 government. At the same time there was a class of questions about which
 Her Majesty's Government might agree to arbitrate, if a suitable method could
 be found; and if a proposal on that subject were submitted at any time it
 could be considered independently of any proceedings of this Conference. As
 I had pointed out the other day, I was not authorised to discuss this question,
 and all I could say was that any definite proposal which His Honour might
 make at any time would be submitted to the consideration of Her Majesty's
 Government. || 77. The rest of the meeting was spent in attempts on the part
 of the President to make his arbitration and franchise proposals dependent
 one on the other; as portions of a bargain with Her Majesty's Government,
 and in refusals on my part to accept such a position, and, after an exchange
 of complimentary remarks, the Conference broke up. || 78. Before separating,
 it was agreed, at the President's request, that nothing should be made public
 as to the proceedings or result of the Conference until the morning of
 Wednesday, the 7th June, when he proposed to make a statement to the
 Volksraad. It was further agreed that, as the notes of the Conference could
 not be published for some time, owing to the necessity for comparing them
 on both sides, His Honour should be at liberty to publish, on the Wednes-
 day morning, six documents — my original proposal as transcribed from the
 notes and the five memoranda. As it was impossible for me to get the docu-
 ments to Cape Town in time, and as I considered it highly important that
 the public here should be in possession of the facts at the same time as
 people in the Transvaal, I prepared a full summary in the train on my way
 back, and telegraphed it for communication to the Press of Cape Town on
 the appointed morning. This summary should have reached you in the course

of the 7th instant, through Reuter's Agency, but the disorganised state of the cable service prevented this, and on hearing from you of the delay I telegraphed it to you on the afternoon of the 8th.

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79. In the present despatch I have confined myself in the main to a bare narrative of the proceedings. It is impossible for me, under the present pressure of work, which more than ever taxes the physical powers of myself and my staff, even to dictate an adequate commentary on the proceedings. There are, however, two points to which I would even now call special attention. || 80. First. I did my best, in the long memorandum quoted above in full, to point out within a reasonable compass some of the main flaws in the President's scheme. Apart from the—in my view—unacceptable principle of the two stages of citizenship, the scheme was unworkable by reason of the many difficulties which it put in the way of a man seeking to take advantage of it. But the list of these difficulties is by no means exhausted in my memorandum. Since the scheme has become public many others have been pointed out, even by neutral critics, and I think I may say that by this time it is condemned throughout South Africa as totally unworkable. || 81. I do not suppose for a moment that the President himself, who probably did not go very carefully into the details of the proposal, had any idea that the scheme which he put forward as a liberal concession to the demands of the Uitlanders was, in fact, so beset with impossible conditions that very few of them would be able, and, indeed, in all probability very few of them would attempt, to avail themselves of it. But whoever did think out the details of the plan must have known this perfectly well. I cannot but feel that if this plan had been accepted the discovery of its unworkableness in practice hereafter would have led to even greater discontent, to even more bitter and strained feelings between the Government of the South African Republic and its Uitlander population, than those which unfortunately exist at present.

82. Secondly, with regard to my general policy at the Conference, *id est*, that of concentrating all my energy upon the question of franchise, or, more properly speaking, of the admission of the Uitlanders to citizenship, I am quite conscious that it is open to criticism. I might have stayed at Bloemfontein 14 days or longer discussing Dynamite, the Edgar case, the Amphitheatre meeting, the Aliens' Law, the Press Law, Police incompetence, the illicit liquor traffic, education, the crusade against the English language, the dependent condition of the Courts, the uncertainty of the laws—liable as they are to be altered at any moment by the resolution of a single Chamber. But my view was this: I had to pursue one of two policies; either (1) to seek in a spirit of broad compromise to obtain for the Uitlanders such a position as would enable them gradually to remedy their principal grievances themselves; or (2) to insist on a series of specific reforms which should relieve the Uitlanders from at least the more serious of these grievances. Of the two possibilities, No. 1 was, in my opinion, far the better, and No. 2 only to be

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resorted to in case of the failure of No. 1. But to introduce No. 2 prematurely, would make the successful pursuance of No. 1 impossible. It was, of course, necessary to indicate, and indicate clearly, as I repeatedly did, the existence of grievances; but to propose to deal with them in detail, that is to say, to propose to interfere, here, there, and everywhere, in the internal affairs of the Republic, would have been totally inconsistent with that line of firm but friendly pressure for the admission of the Uitlanders to citizenship (*id est*, to a position in which they could remedy grievances for themselves), which, in the first instance, at any rate, it seemed best to pursue. But policy No. 1 having broken down, it seemed to me unadvisable at the Conference itself to embark on policy No. 2. For one thing, I was imperfectly instructed as to your view with regard to it. I knew full well that my franchise proposals would have your entire approval, and that of the British public. But what we should press for in respect of particular grievances, if franchise failed, I was not equally certain, and I did not wish to commit myself too rashly to particular demands. Moreover, I thought it would be premature to conclude that franchise on the broad lines proposed by me was unobtainable. It was evidently impossible to get more out of President Kruger at Bloemfontein, especially as the Free State authorities were inclined to regard his proposals as adequate (though how they could come to such an opinion is beyond my understanding) and there was, therefore, no hope of any pressure being brought to bear on him at that time to make further concessions. But I thought that, when the two policies were known throughout South Africa, and when it was seen that Her Majesty's Government took a strong line, my proposal might yet receive such an amount of support as would compel President Kruger to accept my solution on the question of franchise, and thereby to obviate the necessity of our pressing him about a whole series of internal reforms.

83. At the moment of writing it seems to me as if this anticipation were likely to be fulfilled. Not only is the British community in South Africa unanimously in favour of my scheme, but there is evidence that, outside the Republics, a good many of the Dutch take the same view. It would not surprise me if, within the next few days, a very decided expression of opinion on their part was to be heard. I do not mean to say that they will take my side as against President Kruger, but what they probably will do, is to suggest modifications of President Kruger's scheme so far reaching as to convert it virtually into something much more like mine. In that case there is still a possibility, though not perhaps any great likelihood, that the President may give in. Even if he does not, I do not see that we shall be in any worse position for dealing with him on the other line, because, at the Conference at Bloemfontein, I confined myself entirely to the attitude of friendly suggestion, and, avoiding as far as possible all appearance of desire on the part of Her Majesty's Government to interfere in his internal affairs, used all

my influence to induce him to agree to a compromise which would render such interference unnecessary.

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84. I forward, as enclosures to the present despatch:— || I. The English notes of the proceedings. These do not profess to be a verbatim report, but give a very full account of what passed. They are not finally settled beyond the first day, as I am waiting to receive any comments that the Government of the South African Republic may desire to make on the notes of the last four days. I do not anticipate that many corrections of importance will be made, but I will inform you of any amendments as soon as possible. || II. Copies of the counter petition and of the declarations put in by the President. || III. Copies of the six documents referred to in paragraph 78 of this despatch.

I have, &c.,

A. Milner.

Governor and High Commissioner.

Nr. 12029*). **GROSSBRITANNIEN.** — Der Gouverneur der Kapkolonie an den Präsidenten der Südafrikanischen Republik. Schlägt die Erteilung des Bürgerrechts an die seit fünf Jahren Ansässigen vor.

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There are two things I have to consider. I have got to consider the prejudices of the old burghers. I know that even if I were to convince the President himself he might have difficulty in convincing other people; therefore I must in proposing anything, propose something which it can be made absolutely clear to the old burghers will not swamp them. On the other hand, I have to consider that it is perfectly useless to propose something which will give no satisfaction whatever to the reasonable desires of the new population, which may be rejected at once as totally insufficient, the whole object of the proposal being to give them such an amount of satisfaction as will bring them on to the side of the State, to throw in their lot with it, and to work in future with the old burghers as one people. || Bearing these things in mind, what I suggest is this: that every foreigner who can prove satisfactorily that he has been resident in the country for five years, and that he desires to make it his permanent place of residence, that he is prepared to take the oath to obey the laws, to undertake all the obligations of citizenship, and to defend the independence of the country, should be allowed to become a citizen on taking that oath. || This should be confined to persons possessing a certain amount of property, or a certain amount of yearly wages, and who have good characters. In order to make that proposal of any real use for the new citizens who mostly live in one district in the Republic, and a district which only returns

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*) Vgl. Seite 266.

Nr. 12029. 1 member in 28 to the First Raad and 1 in 28 to the Second Raad, I propose that there should be a certain number of new consituencies created, the number of which is a detail upon the discussion of which I will not now enter. But what is vital from my point of view is that the number of these districts should not be so small as to leave the representatives of the new population in a contemptible minority.

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Nr. 12030. SÜDAFRIKANISCHE REPUBLIK. — Der Präsident an den Gouverneur der Kapkolonie. Antwort auf das Vorige.

2. Juni 1899.

Nr. 12030. As the purpose I had in view at this Conference principally consists in the removal of existing grounds of disagreement and further to provide for the friendly regulation of the way of settling future disputes by means of arbitration, the following proposals with regard to the franchise must be considered as conditional and dependent on the satisfactory settlement of the first mentioned points, and on the request that my request to incorporate Swaziland in the South African Republic shall be submitted by the High Commissioner to Her Majesty's Government. || Subject to the foregoing I undertake to submit without delay to the approval of the Volksraad and the people the following proposals about the franchise:

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1. Every person who fixes his residence in the South African Republic has to get himself registered on the Field-cornets books within fourteen days after his arrival according to the existing law; will be able after complying with the conditions mentioned under "A.," and after the lapse of two years to get himself naturalised; and will five years after naturalisation on complying with the conditions mentioned under "B," obtain the full franchise.

A.—

1. Six months' notice of intention to apply for naturalisation; || 2. Two years' continued registration; || 3. Residence in the South African Republic during that period; || 4. No dishonouring sentence; || 5. Proof of obedience to the laws; no act against Government or independence; || 6. Proof of full State citizenship and franchise or title thereto in former country; || 7. Possession of unmortgaged fixed property to the value of £ 150 approximately, or occupation of house to the rental of £ 50 per annum, or yearly income of at least £ 200. || Nothing, however, shall prevent the Government from granting naturalisation to persons who have not satisfied this condition; || 8. Taking of an oath similar to that of the Orange Free State.

B—

1. Continuous registration five years after naturalisation; || 2. Continuous residence during that period; || 3. No dishonouring sentence; || 4. Proof of

obedience to the laws, &c.; || 5. Proof that applicant still complies with the condition A (7);

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II. Furthermore, the full franchise shall be obtained in the following manner: — || (a.) Those who have fixed their residence in the South African Republic before the taking effect of Act 4, 1890, and who get themselves naturalised within six months after the taking effect of this Act on complying with the conditions under 1A, shall obtain the full franchise two years after such naturalisation on proof of compliance with the conditions mentioned under 1 B (altering the five into two years). || Those who do not get themselves naturalised within six months under Article 1, || (b.) Those who have been resident in the South African Republic for two years or more can get themselves immediately naturalised on compliance with the conditions under 1 A, and shall five years after naturalisation obtain the full franchise on compliance with the conditions under 1B. || (c.) Those who have been already naturalised shall five years after naturalisation obtain the full franchise on compliance with the conditions under 1B.

Annexure:—All white persons who shall have taken an oath or made a declaration of allegiance to this State by which oath or declaration the person to be naturalised shall be considered and taken as having renounced and waived all burgher-rights enjoyed in and all burgher duties and subjection due to any other sovereign or State, and which declaration shall read as follows: — I swear (or declare solemnly that the taking of an oath is not permitted by my religious conviction) and promise solemnly in all uprightness and in terms of the Constitution with which I declare myself to be acquainted, that I shall be faithful to this State, shall respect and support its independence, shall subject myself to the constitution, the laws and the lawful authorities of the land, and shall in all respects conduct myself as becomes a faithful burgher of this State; so truly help me God (or that I promise solemnly).

Nr. 12031. GROSSBRITANNIEN. — Der Gouverneur der Kapkolonie an den Präsidenten der Südafrikan. Republik.
Die angebotenen Zugeständnisse genügen nicht.

3. Juni 1899.

I have considered the Memorandum submitted by His Honour the President yesterday, and desire to record the following observations upon it. || The scheme proposed is a considerable advance upon the existing provisions as to franchise, which, I assume, it is intended wholly to supersede. || The points of importance are:—

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(1.) That the period required for obtaining the full franchise is reduced from 14 years to 7, and is, I presume, independent of all conditions other than those specified in the draft itself. || (2.) That special regard is paid to the persons who, having been resident in the South African Republic before 1890, were deprived by the legislation of that year of the prospect of obtaining the full franchise after 5 years according to the terms of the law of 1882, which was in force when they entered the Republic. || (3.) That the present objectionable form of oath is altered, and the oath of the Orange Free State substituted.

These are important changes for the better, and I think the law, if passed, would be calculated to lead gradually to the introduction of a certain number of the Uitlander population to the ranks of citizenship. || I feel, however, that it falls far short of that kind of solution which I have suggested, and which alone appears to be adequate to the needs of the case. I feel a great responsibility in this matter. I wish to be moderate, but I cannot recommend to other people a plan which I feel certain will not succeed. Under this plan no man who is not already naturalised, even if he has been in the country 13 or 14 years, will get a vote for the First Volksraad in less than $2\frac{1}{2}$ years from the passing of the new law. There will be no considerable number of people obtaining that vote in less than five years, that is if they come in and naturalise. But I fear the majority of them will not come in, because the scheme retains that unfortunate provision, first introduced in 1890, by which, owing to the two stages — first, naturalisation with a partial franchise, and then, after five years, full franchise — a man has to abandon his old citizenship before he becomes a full fledged citizen of his new country. My plan avoided this. My doctrine is that, however long a period of residence you fix before a man becomes a citizen of your State, you should admit him, once for all, to full rights on taking the oath of allegiance. And this is especially important in the South African Republic, because, owing to the facility and frequency with which laws — even fundamental laws — are altered, the man who takes the oath and thereby loses his old country will never feel quite sure that something may not happen in the interval, when he is only half a citizen, to prevent his becoming a whole one. || The vote for the First Volksraad is the essential point. According to the present constitution of the Transvaal, the First Volksraad and the President really are the State. But under this scheme it will be a considerable time before any number of Uitlanders worth mentioning can vote for the First Volksraad, and even then they will only command one or two seats. My point was to give them at once a few representatives. They might be a minority, even a small minority. I have said over and over again I do not want to swamp the old burghers. But as long as the representatives of the newcomers are entirely excluded from the supreme legislative council, they will, as a body, remain an inferior caste. The co-operation and gradual

blending of the two sections of the population will not take place. The old separation and hostility will continue. I see no prospect here of that concord to which I had looked both to bring about a more progressive system of government, and to remove causes of friction between the Government of the South African Republic and Great Britain. || For these reasons I regret to say the scheme seems to me so inadequate that I think it would be wasting the time of the Conference to discuss its details. || I yesterday threw out the suggestion that, failing an agreement as to the franchise, the President might, as an alternative, see his way to meet the demands of the Uitlanders in another manner, more or less on the lines of Mr. Chamberlain's plan of 1896, by allowing them to control, or, at least, partially control, the local administration of their own district. But he seemed to be even more opposed to this than to my proposals for the extension of the franchise. That being the case, I am driven to the conclusion that as far as the Uitlander question is concerned, the Conference has been productive of no result.

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Nr. 12032. SÜDAFRIKANISCHE REPUBLIK. — Der Präsident an den Gouverneur der Kapkolonie. Erhöhung der Abgeordneten für die Goldfelder. Ablehnung weiterer Konzessionen.

3. Juni 1899.

Before making observations on the important Memorandum handed to me today by Your Excellency, I wish to revert to the question of an increase in the representation of the new citizens in the South African Republic, which as already explained this morning, was omitted from my former Memorandum. || I am ready to propose and to recommend to the First Volksraad to increase the number of members of the First Volksraad, whereby the Gold Fields will be represented by five, instead of as now by two, members. || Your Excellency will understand that besides this special representation, the new population will exercise, and already exercise, a considerable influence on the elections in all the other districts where they are, or will be, registered as citizens. || With reference to the Memorandum itself, I wish to express my satisfaction that Your Excellency recognises that my proposal with reference to the franchise is a considerable improvement on the existing law, and that Your Excellency lays special stress on three improvements of preponderating importance in my proposal. || With reference to the points of improvement, I wish to make some remarks:—

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1. I have no intention of adding any further limiting conditions to the stipulations put forward by me. || 2. The form of the oath as laid down in the Orange Free Staate Constitution shall be accompanied by the legal stipulation having reference thereto as contained in the Constitution, and as read yesterday by me at the making of my proposal to Your Excellency. || 3. The object of my proposal is to abrogate the portions of the election laws

Nr. 12032. to which my proposal has reference. || 4. I wish further to point out that
Südafrikan. persons who before 1890 came to the South African Republic, will be able
Republik. to obtain the *full* franchise in two instead of two and a half years (as Your
3. Juni 1899 Excellency appears to think) after the coming into operation of the proposed law.

Here attention may also be directed to the fact that according to law 7 of 1882, the naturalisation fee amounted to £ 25, while in 1890, it was reduced to £ 5, and later to £ 2. || I also wish to point out that persons who were naturalised before the coming into operation of this proposed law, will obtain the full franchise five years *after naturalisation*, so that, for example, a person who was naturalised five years ago, will immediately after the coming into operation of the law, be entitled to the full franchise. || In further answer, I wish Your Excellency to give your most earnest attention to the following considerations:—

1. Your Excellency appears to be under a misunderstanding with reference to the rights obtainable by naturalisation. Here, as well as elsewhere, citizenship does not necessarily bring with in the full franchise. This difference had already been recognised in the Grondwet of 1858, wherein it was provided that a person becomes a citizen at the age of sixteen years, with the right on the attainment of eighteen years to vote for a military officer, while he could only vote for the Volksraad and President on attaining his majority (twenty-one years), and could only be elected for the Volksraad at the age of thirty years. || Apart from the citizenship, certain qualifications are required for the attainment of the full franchise under which are taken into account not only immovable property or income, but also period of residence. || This difference is also recognised in the Constitutions and Laws of nearly all civilised countries. As, for example, in the Cape Colony and elsewhere, a certain period of registration of the citizens is necessary for the exercise of the franchise, so also in the Republic a certain period of registration is demanded for the same purpose. The fact that the period in the South African Republic must be fixed longer than elsewhere is due to the special and exceptional circumstances, the difficulties in connection wherewith have been acknowledged by Your Excellency himself. That a person already becomes a full citizen by naturalisation appears, *inter alia*, from this, that at the attainment of the full franchise after the prescribed period of registration, no further taking of an oath is required, but merely proof of possession of the necessary qualifications. || 2. By naturalization, the new population obtain not only the citizenship, but also the right to vote for the Second Volksraad. Thereby they can make their influence felt on all those subjects which are specially placed under the jurisdiction of the Second Volksraad, and which, above all, concern the mining and the general interests of the new population. While the term of registration for the full franchise is thus still running, they have already a vote in the majority of subjects which concern them, and

they obtain thereby their fair share in the legislation affecting them. || It is true that the First Volksraad has the power to review the work of the Second Volksraad, but where it concerns the interests of the mining community it has very seldom done so. || Besides this influence on the legislation of the Second Volksraad, the naturalized citizens in the South African Republic also have the right to serve as jurymen, and likewise to select the local officials, such as Field Cornet, Commandant, and Landdrost, and they obtain thereby a very important influence on the local government. And in many cases these naturalized citizens did not possess that right in the land of their former citizenship.

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3. Not alone in Great Britain, but also in important British Colonies such, as I understand, is the case in the Colony of New South Wales, the enfranchised citizens have no vote in the elections of the highest legislative chamber. Regarded from that point of view, the position of British subjects who become subjects here should really be better than it was, whether in Great Britain or in some of the British Colonies. || 4. I notice, with pleasure, the renewed assurance of your Excellency that it is not the intention that the old citizens should be out-voted by the new citizens. Just because I feel myself assured of the great and threatening danger hereof in case Your Excellency's proposal is accepted, I cannot agree therewith. The immediate granting of the full franchise to such persons as, according to Your Excellency's proposal, would be able to make claim thereto, would result in an immediate overmastering of the old citizens. || At any rate it will not bring about that co-operation and gradual fusion of the two portions of the population which is the object both of Your Excellency and of myself. And Your Excellency will readily acknowledge that, according to my proposal, this fusion and co-operation would commence immediately, namely, with those who are already naturalised five years or more, and two years thereafter will become strengthened by those who came here before 1890, and will proceed year by year with rapid strides, and that the discord will disappear of itself. I am convinced that if this view of the case is made clear to the new population they will acknowledge the fairness thereof. || 5. Coming to the alternative plan of local government for the Witwatersrand Gold Fields, put forward by Your Excellency, it should be noted that since the suggestion made by Mr. Chamberlain in 1896, a wide measure of local government has been accorded to that portion of the State. || In case experience, after a lapse of time, should demonstrate that this local government must be still further extended or improved, I have no doubt that then the Volksraad will also make the necessary provision with regard thereto. This naturally solely under the reservation that such extension should not effect an imperium in imperio out of which necessarily still greater disunion will be created than at present exists. || In conclusion, I desire to remind Your Excellency that the acceptance by the people and the Volksraad of the proposal made by me will depend on a

Nr. 12032. proper adjustment of the matters set forth at the beginning of my former
Südafrikan. memorandum.
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Nr. 12033. GROSSBRITANNIEN. — Der Gouverneur der Kapkolonie an den Präsidenten der Südafrikan. Republik.
Fordert weitere Zugeständnisse; die bisherigen sind unannehmbar.

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I have carefully considered His Honour's memorandum of June 3rd. This document modifies the scheme put in by His Honour on June 2nd, and adds to the proposals of that scheme the further proposal to increase the number of members of the First Volksraad representing the Gold Fields from 2 to 5. The First Volksraad would thus consist of 31 members, 5 of them representing the Gold Fields. || The memorandum now under reply further contains certain comments upon my memorandum put in at our meeting on Saturday morning last, June 3rd. || I regret that even with the additions now made, I cannot regard His Honour's scheme as one which I could advise Her Majesty's Government to accept as a definitive settlement of the difficulties which have arisen in connection with the discontent of the Uitlander population, including a large number of Her Majesty's subjects. The scheme, as originally propounded, contained no suggestion of an increase of seats. In that form it seemed to me wholly inadequate, and I did not therefore see any advantage in discussing it point by point, but confined myself to certain general objections. In its amended form it goes somewhat further, and I therefore think it desirable to examine it in more detail. || The references are to the numbers and letters in His Honour's memorandum of June 2. || (1.) By Ia. (1). Six months' notice is required for naturalisation. || By 2 (a) persons who have fixed their residence in the South African Republic before 1890 can obtain the full franchise two years after naturalisation. || I cannot understand how, in view of these combined provisions, it can be disputed that the persons who have fixed their residence prior to 1890, but have never proceeded to naturalisation, will require $2\frac{1}{2}$ years to obtain the full franchise. His Honour maintains that only 2 years are required. But this point is a minor one. What I fail to see is why persons who have been in the country from an earlier date than 1890 should not obtain the full franchise at once. They have a very strong case indeed. Take the instance of a man who fixed his residence in the country in 1886. When he did so he was under the then existing law entitled to the full franchise in five years. Before the expiration of that period a change was made, which in effect postponed the attainment of that full franchise for 12 years. This change was in my judgment a very harsh measure to those already in the country. Whatever restrictions might have been thought necessary in the case of newcomers, the

legitimate expectation of people already resident in the South African Republic ought to have been respected. Now it is proposed to do tardy justice to these old residents. But why should they not obtain full franchise at once? Seven years is now fixed as the normal time for obtaining full franchise. Why should the man who came in in 1886, and has already waited 13 years have to wait another $2\frac{1}{2}$ years, or even 2 years?

2. Ia. (4 and 5). I am not quite sure whether 'dishonouring sentence' would apply to the members of the Reform Committee of December, 1895, who were subsequently tried and condemned. But in any case, 'act against Government or independence' could be interpreted, I do not say justly, to include not only them, but everybody who was in any way involved in that unfortunate disturbance, even if he was totally innocent of any design against the Republic. I think it would be a fatal blot on any scheme of enfranchisement if it contained a provision excluding such persons. It was, I believe, the President himself who said, 'Forgive and forget.' || Ia. (6). This is a provision which might easily be interpreted in such a manner as to exclude many persons well deserving of the franchise. There is something to be said for confining the franchise to foreigners coming from countries where there is a measure of popular self-government. But even in these cases 'proof' of 'full state citizenship and franchise or title thereto' might be difficult to furnish. Take the case of a man who was under age when he left his native country, and for that reason not entitled to franchise, or who had not possessed in his native country the necessary property qualification, if there is one. I might put other cases, but I do not wish to labour the point. This is one of several provisions in the proposal, which might be made instruments of exclusion in the hands of officials whose bias was against the Uitlander.

Ia. (7). The property qualification seems reasonable, but £ 200 a year as an income qualification is excessively high. Entirely objectionable, in my view, is the proviso which allows the Government to dispense with the property qualification altogether. The conditions of obtaining burgher rights ought not to be alterable, either upwards or downwards, at the pleasure of the Government. If there are circumstances under which it is thought desirable to allow persons to become burghers who do not possess the necessary property qualification, those conditions should be clearly stated. || Ib. (2). 'Continuous residence' (gedurig verblijf). These, again, are words which, as it seems to me, might be used to exclude people unreasonably. If they mean that any absence from the South African Republic, on pleasure or business, during the five years between naturalisation and the full franchise, should preclude a man from obtaining the latter, they would exclude numbers of Uitlanders, who had nevertheless had their permanent home in the country all the time. || I now pass from the original proposal to the addition made in His Honour's memorandum of June 3rd, dealing with the increase of seats. I may say at once that, while I have an open mind as to the number of new

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[Nr. 12033. seats for the Gold Fields, and for that reason did not attempt to lay down
Großs- any definite number in my own proposal, I think three is decidedly too few.
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5. Juni 1899. Under this proposal the enfranchised newcomers might, not immediately, but after the lapse of several years, obtain five seats in the First Volksraad. Add, perhaps, two for other constituencies in which they would in time become the majority, and they would be 7 out of 31. By that time they would be a vast majority of the inhabitants, and would contribute, as they indeed already do, almost the whole revenue. Under these circumstances less than one fourth of the representations seems a scanty allowance. But the great point is, that even this limited degree of representation is still a long way off. My aim was to obtain some representation for them immediately. In my view the First Volksraad has already been too long out of touch with the new population, with whose most vital interests it is constantly dealing, and not dealing wisely. Every year that this state of things continues increases the tension and the danger. I do not assert that the mistakes made are due to ill-will. I believe they are due to want of knowledge. If representatives of the new population could make their voices heard, if they could come in contact with the representatives of the old burghers on an equal footing in the First Raad, they would, without being a majority or anything like it, yet exercise an appreciable influence on legislation and administration.

His Honour endeavours to meet my argument on this point by saying that new burghers will, immediately on naturalisation, have a vote for the Second Raad, and that the Second Raad deals with the matters in which they are most immediately interested. With all respect, I really must demur on this point. In the first place, the Second Raad has absolutely no power in matters financial. Taxation is not within its province, and it has no power over expenditure, except such limited amount as the First Raad may, for certain purposes, put at its disposal. Now financial matters happen to be of the greatest importance to the people who supply the revenue. No doubt the Second Raad can legislate, subject to the First Raad and to the President, on a number of matters affecting the industrial community. But when it comes to affairs of really first-rate importance, the First Raad always deals with them. Take the report of the Industrial Commission. That was the most important event in the whole history of the industry. That report was received with unanimous and hearty approval by the mining community and the whole Uitlander population. It was dealt with exclusively by the First Raad. It was a committee of the First Raad which, in the teeth of the protests of the people interested, cut down many of its proposals, and, finally, the First Raad itself knocked the bottom out of the whole thing. Look at the fate of the Advisory Board. That was surely as moderate a proposal in the direction of letting people manage their own affairs as was ever made. It was a proposal to which the mining community attached the greatest importance. Yet the First Raad would have none of it. Or, again, take the

question of public order on the Gold Fields, or the question of education. These too are vital question for the Uitlanders. Does the Second Raad deal with them? They are entirely in the hands of the First Raad and of the Government. || It is the extreme importance of the vote for the First Volksraad and for the President which makes me regard the position of the new-comer, who has foresworn his old citizenship without obtaining this right, as so unsatisfactory. I am sure the bulk of the new settlers, certainly all the British, who wish to make the Transvaal their home, would rather wait five, or even seven, years for burghership, if it at once conferred all the rights as well as all the obligations of the old burghers, than come in under the present proposal. The President objects to my saying that the man who is naturalised is not altogether a burgher. Well, let us admit that the correct description of him is that he is a burgher, with all the obligations of a burgher, but with only half the rights that any old burgher attains, without conditions, on coming of age. The fact that citizenship in many States does not confer franchise, or full franchise, or does not confer it without other qualifications, is no answer to my argument, that in a State where the bulk of citizens do possess full franchise, without other qualifications, the citizen who does not possess it is a citizen of an inferior class. To that inferior class of citizenship a man who has taken the oath under the present proposal may, owing to various circumstances, find himself permanently confined. And meanwhile he has foresworn his former country. || To sum up. I regret that the President has not seen his way to enlarge his proposals. They are, as I have already said, a decided improvement on the present franchise laws. But if I am asked whether I think they will satisfy the Uitlander community and are calculated to relieve the British Government from further solicitude on the score of its Uitlander subjects, I cannot answer in the affirmative. Still less can I encourage the idea that the British Government can be asked to give something in exchange for such legislation as the President proposes. My own proposal was put forward in no bargaining spirit. I asked myself in advancing it, what is the smallest measure of reform that will really be of any use, that is to they, which will allay the present unrest and enable the Uitlanders to exercise within a reasonable time an appreciable influence on the Government of the country. It was in that spirit that I suggested the outline of a scheme, intentionally not working it out in detail (for I was ready to listen as to details), but indicating a certain minimum from which I am not prepared to depart.

The President seemed to regard my scheme as a very alarming one. I do not think it alarming, but I admit it involved a considerable change of policy. But it is no use proposing any small change. This Conference is a very exceptional thing. The situation is grave, else we would not be discussing her. If I have urged the Government of the South African Republic to take a considerable step to allay the discontent among a large portion of the

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Nr. 12033. inhabitants, it is because of my firm conviction that no small measure would
 Groß- any longer be of any use. The Government has much to atone for in its
 britannien. past treatment of the Uitlanders, and it has much, indeed it has everything,
 5. Juni 1899. to gain in silencing their present complaints, and in removing the long list of
 Uitlander grievances from the field of controversy between Her Majesty's Government and the South African Republic. || The President evidently does not realise how far I was willing to go in the direction of compromise, when I was prepared to drop all other questions connected with the position of British subjects in the South African Republic if only I could persuade him to adopt a liberal measure of enfranchisement. The petition of British Uitlander subjects to Her Majesty has yet to be dealt with. It is evident that Her Majesty's Government think the complaints of the petitioners in many respects well founded, and that they are only waiting for the result of this Conference before addressing the Government of the South African Republic on the subject. When I came here I came in the hope that I might be able to report to Her Majesty's Government that measures were about to be adopted which would lead to such an improvement in the situation as to relieve Her Majesty's Government from pressing for the redress of particular grievances on the ground that the most serious causes of complaint would now gradually be removed from within. I do not feel that what His Honour has seen his way to propose in the matter of franchise or what he indicates as the extreme length to which he might, at some future time, be willing to go in the extension of local government is sufficient to justify me in reporting in that sense.

Nr. 12034. SÜDAFRIKANISCHE REPUBLIK. — Der Präsident an
 den Gouverneur der Kapkolonie. Schlufsvorschlag.

5. Juni 1899.

Nr. 12034. Translation. || I wish to express my regret that the proposal about the
 Südafrikan. franchise submitted by me to His Excellency has been found by him to be
 Republik. unacceptable. || My proposal went as far as it was possible to go in the
 5. Juni 1899. interests of my people and State, and in principle it is impossible for me to depart from it. || In regard to the subordinate points touched upon by His Excellency, I only wish to remark that the intention thereof was not to limit or to hinder in an unreasonable manner the admission of the newcomers among the burghers of the South African Republic, and thus to take away with one hand what has been given by the other; and if my proposal should eventually be placed among the laws of the land, His Excellency would see that in this respect it was my intention to act in a fair and reasonable manner. || I would be prepared, in the spirit of concession, to further discuss and deal with the details touched upon by His Excellency; but as His Excellency refuses even to accept the principle of my proposal, it would be needless to go further

here into particulars on this point. || As regards the increase of the representation in the First Volksraad, His Excellency will understand that it is not possible for me to bind the future legislation altogether, and that the limit of thirty-one mentioned by him cannot necessarily be a final one as regards the representation either of the old or the new inhabitants. || Although His Excellency, to my greatest regret, refuses to accept the proposal as a reasonable concession to the new population of the South African Republic, he still acknowledges that it is a decided and considerable improvement on the existing law, and he will also readily acknowledge that it is desirable to have it confirmed by the Legislature of the South African Republic, even apart from the fact that in His Excellency's opinion it does not go far enough. || On the other hand, His Excellency has also acknowledged that my request for arbitration by other than foreign Powers, on all points of future difference under the Convention, is reasonable, and that it is altogether desirable to have such differences settled according to an automatic plan. || It is, further, our common opinion that in this case there should be no bargain or compromise made in the matter, as matters which are in themselves desirable ought to be also treated on their own merits. The question of arbitration, therefore, could be arranged apart from the acceptance or non-acceptance by him of my proposal with regard to the franchise. || Arguing on these lines, and as it is my earnest wish that this Conference should not be fruitless, I wish to make the following proposal to His Excellency, viz.: — || As according to his own admission my proposal about franchise is an important step in the right direction, I shall be prepared to lay my proposal before the Volksraad and to recommend it, even though His Excellency does not fully agree with it. From his side I shall then expect that His Excellency will lay before and recommend to Her Majesty's Government my request about arbitration on future matters of difference under the Convention. || His Excellency will, however, readily understand that if Her Majesty's Government should not meet me so far, so as to grant my acknowledged fair request for arbitration, it could be with difficulty expected that the people of the South African Republic would approve of my comprehensive proposal with regard to franchise. || Regard being had to my strong wish to have all differences settled amicably by arbitration, and by so doing to strengthen the bonds of friendship between the two Governments, and also with an eye to the peace and friendship between all white races in South Africa, I have not scrupled to go so far that I have conferred with His Excellency in a friendly way even over strictly internal affairs, and my strong trust is that this my wish shall not remain unfulfilled.

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Weitere Verhandlungen zwischen Großbritannien, der Südafrikanischen Républik und dem Oranje - Freistaat bis zum Ausbruch des Krieges.*)

Nr. 12035. **SÜDAFRIKANISCHE REPUBLIK.** — Der Staatssekretär an den englischen Agenten in Pretoria. Schlägt die Einsetzung eines Schiedsgerichts vor.**)

Ministry for Foreign Affairs, Pretoria, June 9, 1899.

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Sir, || I have the honour to inform you that this Government desires once more to approach Her Majesty's Government on the question already on several occasions suggested by it, of arbitration on differences arising out of the varying interpretations approved by the parties, of the terms of the London Convention. || This Government takes this course inasmuch as it is convinced that it is also the desire of Her Majesty's Government to advance the peaceful development of South Africa, and because it was apparent to it at the recent Conference at Bloemfontein that His Excellency the High Commissioner also is personally in favour of removing differences between this Government and Her Majesty's Government by arbitration. || It is for this reason that this Government once more approaches Her Majesty's Government hereby; and it is convinced that His Excellency the High Commissioner will be ready to submit this proposal to a favourable consideration of Her Majesty's Government. || This Government desires therefore to submit the following proposal to Her Majesty's Government:—

1. All future differences between the two Governments arising out of varying interpretation of the London Convention, shall, subject to what is set forth under paragraph 3, at the instance of this Government or of Her Majesty's Government, be referred to an arbitration-tribunal, on the understanding, however, that no matters or differences of trifling importance shall be submitted to arbitration. || 2. The arbitration-tribunal shall consist of an arbitrator to be nominated by this Government, and an arbitrator to be nominated by Her Majesty's Government (as for example the Chief Justices respectively of the South African Republic and the Cape Colony or Natal).

*) Blaubücher C. 9518, 9521, 9530.

**) Chamberlain erhielt den Wortlaut am 30. Juni zur Kenntnis. Telegraphische Nachrichten waren vorhergegangen. Red.

These two must agree respecting a third person, who shall act as President of the arbitration-tribunal, this person not to be a subject of one of the arbitrating parties; and failing agreement upon this point, the two Governments shall together name a president; the decision in every case to take place by a majority of votes. || 3. The Act of submission shall in every case be drawn up jointly by the two Governments, so that each shall have the right to reserve and exclude points which appear to it to be too important to be submitted to arbitration, provided that thereby the principle itself of arbitration be not frustrated. || 4. The arbitration-tribunal shall itself decide the place of its sittings, and shall deal as it thinks fit with the condemnation of parties in the costs, unless special arrangement has been made concerning these points in the Act of submission. || 5. The regulations of procedure of this arbitration-tribunal can be similar to those agreed to by the Institute of International Law in the Hague in 1875, in so far as they do not conflict with the foregoing provisions, and in so far as they do not conflict with the foregoing provisions, and in so far as they are not amended by both parties in the Act of submission. || 6. In order to obtain a test of the suitability of such a tribunal, this Government has no objection to its being agreed that this reference of Conventional differences shall provisionally take place for a period of five years. If Her Majesty's Government should agree in principle with this Government upon the above-mentioned scheme, it can (with such alterations in detail as may be agreed upon) be secured in a treaty, if necessary, for a fixed period. || In conclusion, this Government desires further to make the following clear. By the acceptance of a scheme of arbitration, more or less like that set forth above, would not only all Conventional disputes which present themselves be amicably solved, but the peaceful development of South Africa would also thereby be advanced in a surprising degree. || Owing to the pressure of races in South Africa which, as Her Majesty's Government is aware, is principally a legacy of the past, South Africa is today in this fatal position, that, as soon as a dispute arises between this Government and Her Majesty's Government, war is spoken of by the one party, and thereby again the slumbering suspicions of the other party are awakened. In this manner party feeling and race hatred are more and more increased, and the minds of the public are held in such a state of tension, that the whole of South Africa suffers most deeply under it, and is bowed down thereby. Having regard to this serious danger that is spreading a dark cloud over the otherwise fair future of South Africa, and in full confidence that Her Majesty's Government will not refuse to work with it in order to reconcile races in South Africa, and to cause old feuds to give way to a new spirit of co-operation and progress, this Government once more makes this appeal for arbitration from its feeling, not alone of right and equity, but also of anxiety for the future of this our beloved portion of the world.

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F. W. Reitz, State Secretary.

Nr. 12036. GROSSBRITANNIEN. — Der Gouverneur der Kapkolonie an den Agenten in Pretoria. Er kann den Vorschlag des Schiedsgerichts nicht empfehlen.

Government House, Cape Town, June 23, 1899.

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23. Juni 1899.

Sir, || I have the honour to acknowledge the receipt of your despatch of the 10th instant, forwarding a note from the Government of the South African Republic, in which they submit proposals to Her Majesty's Government for referring to arbitration future differences between the two Governments arising out of varying interpretations of the London Convention. || I request that you will return a reply to the Government of the Republic to the following effect: — || The State Secretary in his note alleges, as one reason for advancing these proposals, that "it was apparent at the recent Conference at Bloemfontein that His Excellency the High Commissioner also is personally in favour of removing differences between this Government and Her Majesty's Government by arbitration"; and he states that his Government "is convinced His Excellency will be ready to submit his proposal to the favourable consideration of Her Majesty's Government." || I have submitted this proposal to Her Majesty's Government, but I am not able to recommend its acceptance. As I pointed out to the President at Bloemfontein, I consider that the question of finding a remedy for the grievances of the Uitlanders is the burning question of the moment, and this has to be disposed of before other matters can be profitably discussed. The adoption by the Government of the South African Republic of measures calculated to lead to an improvement in the position of the Uitlanders, would so improve the general situation, that outstanding differences between the two Governments could be considered in a calmer atmosphere, and would be more capable of adjustment. Under these circumstances it might be possible to devise a scheme for referring at least a certain number of differences to arbitration, but as the Government of the South African Republic has not seen its way to meet Her Majesty's Government on the question of primary importance, I can see no use in approaching the delicate and complicated subject of arbitration at the present time. Over and above this, I do not consider the scheme now proposed to be a practicable one. To make no mention of other objections, the constitution of the suggested Arbitration Court, which would leave every decision virtually in the hands of a President, who it is provided shall not be a subject of either of the arbitrating parties, does not conform to the fundamental principle which as I more than once stated at Bloemfontein, Her Majesty's Government would regard as a *sine qua non* to the acceptance of any scheme of arbitration.

A. Milner,
Governor and High Commissioner.

Nr. 12037. SÜDAFRIKANISCHE REPUBLIK. — Gesetz über die politische Stellung der Ausländer.

26. Juli 1899.

The following is the full text of the new Franchise Law, which comes into force to-day: — || Whereas it has appeared desirable to amend and amplify certain provisions of the laws with reference to naturalisation and the obtaining of the full franchise; and || Whereas these amendments will not permit of delay by being published three months beforehand in terms of Art. 12 of the Grondwet, and as they have already been accepted by the people in principle; || It is hereby enacted that: —

Nr. 12037.
Südafrikan.
Republik.
26. Juli 1899.

Art. 1. — Each white male stranger, who has reached the age of sixteen years, and who settles or has settled in the South African Republic with the intention of residing there, shall in future be able to obtain letters of naturalisation, provided that he fulfils the following provisions and enactments: — || (a) The applicant shall produce a certificate from the Fieldcornet and the Landdrost of his ward and district, countersigned by the Commandant of the district, to show that he was, during the time — required in his case — preceding the naturalisation, continually registered on the Fieldcornet's list; was during this time domiciled in the South African Republic; and during this time obeyed the laws of the land and committed no crime against the independence of the South African Republic. || If the Fieldcornet and Landdrost are not from their personal knowledge able to grant such certificate, they shall do so on the strength of affidavits of the applicant and two well-known fully enfranchised burghers of the ward and district, declaring that the applicant has, during the necessary period, been domiciled in the South African Republic, and has during that time obeyed the laws of the land, and has committed no crime against the independence of the South African Republic. || If the Fieldcornet and Landdrost and Commandant refuse to grant such certificate or to sign it, the applicant may appeal to the Executive Council. || If the Fieldcornet's books are destroyed or lost the applicant shall prove to the satisfaction of the State Secretary and State Attorney, by means of affidavits, that he was registered. || (b) The applicant shall produce a sworn declaration made by himself to the effect that he has had no dishonouring sentence passed on him, and shall produce further proof of good behaviour. || By dishonouring sentence shall be understood a sentence for the crimes of high treason, murder, rape, theft, fraud, perjury, or forgery. || (c) The applicant shall produce proof that he possesses unmortgaged fixed property to the value of £ 150, or pays rent to the amount of £ 50 per annum, or draws a fixed salary or wage of £ 100 per annum, or makes an independent living by farming or cattle-breeding. || (d) The person desiring to be naturalised shall, before the official granting of the letters of naturalisation, take the following oath, by which he will be understood to renounce and give up all burgher-rights enjoyed in and burgher duties and subjection to any State or ruler: — ||

Nr. 12037. I swear (or I solemnly declare that the taking of an oath is not permitted
Südafrikan. by my religion, and promise), faithfully in all righteousness, and in terms of
Republik. Law No. *), of 1899, with which I declare to be acquainted, that I shall
26. Juli 1899. be loyal to this State, shall honour and support its independence, shall sub-
ject myself to the Grondwet and the lawful authorities of the land, and shall
in all respects conduct myself as it behoves a loyal burgher of this State.
So truly help me God — or that I solemnly promise. || Before a person
who has already been naturalised is admitted to the full franchise, he shall,
when he makes application therefore, besides fulfilling the other requirements
of this Law, again produce proof of fulfilment of the provisions and enact-
ments of Sections *a*, *b* and *c*. || No person shall be entitled to or be allowed
to obtain letters of naturalisation or full franchise unless he has fulfilled the
aforementioned provisions, with the exception of cases for which this or any
other Law makes special provision.

Art. 2. — Each person who comes or has come to the South African
Republic to stay shall, after at least two years, and after fulfilment of the
provisions of Art. 1, be able to obtain letters of naturalisation, and shall, at
least five years after naturalisation, be able to obtain the full franchise, pro-
vided that in both instances, six months before the expiration of the fixed
period, he gives written notice of his intention to apply therefore to the State
Secretary through the Fieldcornet and Landdrost of his ward and district. ||
The Fieldcornet shall be bound — under pain of a fine of not more £ 10
in each case of neglect — to send this notice to the State Secretary through
the Landdrost as soon as possible, and at the most within thirty days of the
sending in thereof, for publication in the Staatscourant for general information
and the State Secretary shall without loss of time publish such notice three
consecutive times in the Staatscourant.

Art. 3. — Each person who comes or has come into the South African
Republic to stay shall, at least seven years after sending in to the Field-
cornet a notice of his intention to be naturalised, in accordance with the
form contained in Schedule A, be able to obtain letters of naturalisation with
the full franchise on fulfilling the provisions of Art. 1. || Such notice shall be
sent by the Field-cornet to the State Secretary and be published by him, all
under the same provision and punishment as set forth in the foregoing Ar-
ticle. || If the person desires to obtain letters of naturalisation with full fran-
chise after seven years, he shall also, at least six months before the expiration
of the period, give written notice to the State Secretary, the Fieldcornet,
and Landdrost of his ward and district. || This notice shall also be sent to
the State Secretary by the Fieldcornet, and the latter shall publish it in the
Staatscourant, all under the same provision and punishment as set forth in
Art. 2. || The applicant shall then, on application for the letters of naturali-

*) Die Lücke ist im Original enthalten.

sation with full franchise, further give proof that he has sent in the notice in accordance with the form of Schedule A, mentioned in the first paragraph of this Article, for proof of which it will be sufficient to produce a copy of the Staatscourant in which the notice was published.

Nr. 12037.
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Art. 4. Each person who has come to the South African Republic to stay before the coming into force of this Law shall, on fulfilment of the provisions of Art. 1, be able to obtain letters of naturalisation at least seven years after his coming into the country. || In case the applicant is not entitled to the full franchise six months after the coming into force of this Law, he shall give proof that he, within six months after the coming into force of the Law sent to the Fieldcornet of his ward a written notice of his intention to become naturalised. || If he neglect to send in this notice, in accordance with the form contained in Schedule A, or if he does not produce the certificate mentioned in Art. 1, Section *a*, the applicant shall not be entitled to the full franchise in terms of this Article, but only in terms of Article 2 and 3. || Such notice shall be sent by the Fieldcornet to the State Secretary, and the latter shall publish the same in the Staatscourant, all under the same provisions and punishment as set forth in Article 2. || If he is naturalised when this Law comes into force, he may obtain the full franchise after five years from the date of his naturalisation, and, if he chooses, in accordance with the provisions of paragraph 1 of this Article.

Art. 5. Nothing provided in this Law shall prevent the Executive Council from granting letters of naturalisation with or without the full franchise to persons who take a position in the service of the country, or have rendered services to the country, or who have in any other respect rendered themselves of service to the country, although in their case they have not fulfilled the provisions of the Law provided that they take the oath in accordance with Art. 1.

Art. 6. Youths not born in the State, and whose fathers have obtained letters of naturalisation or full franchise before they (the youth) had reached the age of sixteen years, have the same franchise as their father. || Youths born in this State, whose fathers were neither naturalised nor had the full franchise, may be naturalised at their sixteenth year by taking the oath mentioned in Art. 1, and may, five years after that, obtain the full franchise by fulfilling the provisions mentioned in Art. 1, Sections *a* and *b*. They shall also, on their sixteenth year, by giving notice as contained in Schedule A, be able to obtain the full franchise five years thereafter, on fulfilment of the provisions contained in Art. 1, Sections *a*, *b*, and *d*.

Art. 7. The application for naturalisation and the full franchise must be sent with the necessary proofs to the State Secretary by the Fieldcornet, through the Landdrost, and the latter shall refer these to the State Attorney who shall send them back to the State Secretary with his advice. If the State Secretary and State Attorney have no legal objection to the granting

Nr. 12037. of the letter of naturalisation or full franchise, then this shall be granted.
Südafrikan. If there is any objection, the Executive Council shall decide. || The letters of
Republik. naturalisation and full franchise shall be signed by the State Secretary and
26. Juli 1899. State Attorney. The State Secretary shall cause the letters of naturalisation
and full franchise to be granted by an official appointed for that purpose,
and cause the necessary oath of naturalisation to be taken before this official. ||
The letters of naturalisation shall bear a stamp of £ 2 sterling; the granting
of the full franchise to persons who are already naturalised shall be free
of cost.

Art. 8. No person who is not considered as a white inhabitant of the
South African Republic shall obtain the franchise, in accordance with Art. 9
of the Grondwet.

Art. 9. All laws and provisions, in so far as they are in conflict with
this Law, are hereby repealed.

Art. 10. This law comes into force immediately after publication in the
Staatscourant.

S. J. P. Kruger,
State President;
F. W. Reitz,
State Secretary.

Government Buildings, Pretoria, July 26, 1899.

Schedule A.

I at present resident at in the
South African Republic, formerly resident at in
whose occupation is , desiring to reside for good in
the South African Republic, hereby give notice that I, years from
date, will make application for letters of naturalisation with the full franchise,
and declare that I am acquainted with the duties imposed on me by Law
No. , 1899, to obey the laws and commit no crime against the indepen-
dence of the South African Republic.

Nr. 12038. SÜDAFRIKANISCHE REPUBLIK. — Ausführungs-
bestimmungen zum Vorigen.

29. Juli 1899.

Nr. 12038. The following instructions have been issued to Landdrosts, Special Land-
Südafrikan. drosts, Mining Commissioners, Resident Justices of the Peace, and Fieldcornets,
Republik. in connection with the new Franchise Law: || Sir. — Whereas Law No. 3 of
29. Juli 1899. 1899, dealing with the naturalisation and full franchise of the South African
Republic, would give rise to much unnecessary correspondence between officials,
and it is desirable to give instructions regarding the application of the Law,
all officials entrusted with the carrying out of the Law are requested to care-
fully consider the following instructions and provisions and strictly confine
themselves thereto: —

Fundamental Distinction.

Nr. 12038.
Südafrikan.
Republik.
29. Juli 1899.

1. In this Law a distinction is made between — || (a.) Naturalisation without the full franchise — this is granted under the provisions of and period mentioned in Arts. 1 and 2 of the Law; || (b.) The granting of the full franchise without accompanying naturalisation — this takes place when a person has already obtained naturalisation without the full franchise, and desires to obtain the full franchise after five or more years. This obtaining of the full franchise takes place under the provisions of Sections (a), (b), and (c) of Art. 1 of the Law; || (c.) Naturalisation with the full franchise — this is granted under the provisions of and period mentioned in Arts. 3 and 4 of the Law. || In the cases thus of naturalisation with or without the full franchise, all the provisions mentioned in sections (a), (b), (c), and (d), of Art. 1 of the Law must be fulfilled, while in the granting of the full franchise only fulfilment of the provisions of sections (a), (b), and (c), of the said Article is required.

General Certificates and Proofs.

2. The applicant for letters of naturalisation with or without the full franchise shall thus, in every case, fulfil the following points: — || (a.) He shall produce a certificate from his Fieldcornet, Landdrost, and Commandant, to prove his continuous registration in one or more wards, of his domicile in this Republic for the period required, of his obedience with the laws, and of his not having committed any crime against the independence of the Republic. This certificate takes the form of Schedule A hereto attached. || N.B. — A person retains his domicile in this Republic although he is temporarily absent, so long as the intention of permanently residing here can be proved. || By obedience to the laws of the land is meant that the applicant has not purposely set himself against the laws of the land. It does not mean that he has in all cases strictly abided by the laws. || By crime against the independence of the State is meant high treason. || If the applicant has neglected to register himself, or if the Fieldcornet, Landdrost or Commandant is not acquainted with the applicant, he (the applicant) shall obtain affidavits of two notable, that is to say, well known and respectable fully enfranchised burghers, in accordance with Schedule B, hereto attached, in which is stated that the applicant has resided in this Republic for the requisite number of years, has during that time obeyed the laws of the land and committed no crime against the independence of the country. || The applicant must also make an affidavit of identification to the effect that he is the person mentioned by the registers of the Fieldcornet, or the affidavits of the two burghers aforesaid, and that the facts mentioned in the affidavits are correct. || This takes the form of Schedule C. || On the strength of these affidavits then the Fieldcornet and other officials shall grant the necessary certificate. In cases where the applicant has neglected to register himself the Fieldcornet shall first fine him not more than £ 1 10 s., register him as on the date of arrival, and then grant

Nr. 12088. him the certificate (A). || (b.) The applicant shall make an affidavit to the
 Südafrikan. effect that he has had no dishonouring sentence passed on him in this country
 Republik. or elsewhere; in other words, no sentence for high treason, murder, rape,
 29. Juli 1899. theft, fraud, perjury, or forgery (falsification). || This affidavit takes the form
 of Schedule C hereto attached. || (c.) The applicant shall give proof of good
 conduct, consisting of certificates from ministers or any other respectable
 persons to the satisfaction of the State Secretary and State Attorney. || (d.) The
 applicant shall furnish proof, consisting of his own affidavit and those of other
 respectable persons, or of such other proofs as the State Secretary and State
 Attorney may consider adequate — to show that he has unmortgaged fixed
 property to the value of £ 150, or pays house rent to the amount of £ 50
 per annum, or has an independent existence by cattle-breeding or agriculture. ||
 N.B. — A person has unmortgaged fixed property to the value of £ 150 so
 long as the value of the property exceeds the bond thereon by £ 150 or
 more. The salary or wage need not be fixed for a whole year. A monthly
 salary that shall total £ 100 per annum is sufficient. || (e.) The applicant shall
 take the oath of naturalisation in Schedule D, hereto attached, and sign it.
 This only takes place when the letters of naturalisation are granted to the
 applicant. || (f.) If the applicant applies for letters of naturalisation with the
 full franchise, in accordance with Arts. 3 and 4 of the Law, he shall also
 furnish proof (as herein later described) that he has given the necessary
 notice in accordance with Schedules E and F. || (g.) On handing in these proofs,
 as hereinbefore mentioned, the applicant shall deposit £ 2 with the Field-
 cornet for the stamp to be affixed to the letter of naturalisation to be even-
 tually granted. If this is not granted for some legal reason or other the
 applicant is refunded his £ 2.

Manner of Obtaining Letters of Naturalisation.

3. The manner in which letters of naturalisation are obtained under this law shall be as follows: — The applicant goes to the Fieldcornet with the proofs as contained in (b), (c), and (d) of the foregoing Article. If he is not registered in the Fieldcornet's books, or is not known to the Fieldcornet, Landdrost, or Commandant, he brings the affidavits of two notable fully enfranchised burghers, in each case his own identification-affidavit. Thereupon the Fieldcornet grants the certificate mentioned under (a) in the foregoing Article, and sends it to the Landdrost and Commandant for signature. The Landdrost then sends the certificate with the proofs handed in to the State Secretary, who refers them to the State Attorney for legal advice. If the State Secretary and State Attorney, or, in the highest instance, the Executive Council has no objection to the granting of the letters of naturalisation, then these are issued, signed by the State Secretary and State Attorney, and send to the Landdrost, who gives the applicant notice as to when he must take the necessary oath and will receive the letters of naturalisation. || If the

Fieldcornet, Landdrost, or Commandant refuses to grant or sign the certificate A, the applicant may send in a complaint to the Executive Council, through the State Secretary.

Nr. 12038.
Südafrikan.
Republik.
29. Juli 1899.

Naturalisation without Full Franchise.

(Art. 2 of the Law.)

4. The applicant for naturalisation without the full franchise shall hand in to the Fieldcornet the certificates mentioned in (b), (c), and (d) of Art. 2. He shall also prove, by handing in a copy of the Staatscourant, or even by giving the date of the Staatscourant concerned, that he, at least six months before this application, gave notice to the Fieldcornet of his intention to obtain letters of naturalisation in accordance with Form F. If he has been registered on the Fieldcornet's books for two years or more, or if he hands in the affidavits of two notable fully enfranchised burghers to show that he has been domiciled in the Republic for at least two years, &c., and hands in his own identification affidavit, the Fieldcornet shall make out the certificate in accordance with (a), Art. 2, and send it through in the manner described in Art. 3. || N.B. — The attention of the Fieldcornet is drawn to the punishment provided for in Art. 2 of the Law.

Obtaining Full Franchise.

5. This is obtained at least five years after obtaining letters of naturalisation without the full franchise. The applicant shall furnish proof to the Fieldcornet that he has obtained the letters of naturalisation. This proof shall consist of the handing in of the letters of naturalisation obtained, with the applicant's affidavit that he is the person to whom these were granted, or if these had been lost, by affidavits to the effect that the applicant is the person who, according to the published lists of burghers, obtained the letters of naturalisation. || He shall also furnish proof that he was domiciled in the State for at least five years after naturalisation, &c., as enumerated in (a), (b), (c) and (d) of Art. 2. || He shall also prove by handing in a copy of the Staatscourant, or even by giving the exact date of the Staatscourant concerned, that he, at least six months before this application, gave notice to the Fieldcornet of his intention to obtain the full franchise in accordance with Schedule F. || The manner in which the full franchise is obtained is the same as described in Art. 3, only that the oath is not taken when the letters of full franchise are granted. The £ 2 stamp is also not necessary in this case.

Letters of Naturalisation with Full Franchise.

6. For this a domicile of at least seven years is necessary. The period of domicile before the coming into force of this Law is taken into consideration just as much as that after the coming into force of this Law. The case of people who come into the South African Republic to stay after the coming

into force of this Law is dealt with in Art. 7, while that of new-comers before the coming into force of this Law is dealt with in Art. 8.

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Persons Coming into this State after the coming into force of this Law.

7. Besides the general certificates and proofs as described in (a), (b), (c), and (d) of Art. 2, the applicant shall in this case further prove, by handing in the Staatscourant, or even by stating the exact date of the Staatscourant concerned, that he before or at the commencement of the period of seven years, gave notice to the Fieldcornet of his intention to become a fully enfranchised burgher of this Republic. || This notice is in the form of Schedule E. || The applicant shall further prove in the same manner that he, at least six months before this application, gave notice to the Fieldcornet of his intention to obtain letters of naturalisation in accordance with Schedule F. || 8. Persons who, before the coming into force of this Law, came to the South African Republic to stay, are divided into two classes: — || 1. Those who, in accordance with the retrospective period of seven years from the date of coming into the State are entitled to letters of naturalisation with the full franchise within six months of the coming into force of this Law. — These persons only produce the certificates and proofs, as enumerated in (a), (b), (c), and (d) of Art. 2, and, therefore, obtain letters of naturalisation with the full franchise. || 2. Those who are only entitled to letters of naturalisation with the full franchise six months after the coming into force of this Law. These persons must not only hand in the certificates and proofs, as enumerated in (a), (b), (c), and (d) of Art. 2, but must prove by handing in the Staatscourant, or stating the exact date of the Staatscourant concerned, that they, within six months of the coming into force of this Law, gave notice to the Fieldcornet of their intention to become fully enfranchised burghers, in accordance with Schedule E. || Those persons who neglect to give this notice within the specified period, forfeit their right to letters of naturalisation with the full franchise, under the retrospective clauses of Art. 4 of the Law, and are dealt with in accordance with Arts. 4 and 5, or 7, that is to say, may immediately allow themselves to be naturalised, and may obtain the full franchise five years later, or may now give notice of their intention to become full burghers and can obtain the full franchise seven years thereafter.

Youths.

9. Youths born in this State or not, follow the Status of the father before their 'sixteenth year, and obtain the same franchise as their father on their sixteenth year by registration on the Fieldcornet's books, without any further conditions. || Male children of strangers may, on their sixteenth year, allow themselves to be naturalised, and may obtain the full franchise as set forth in the second paragraph of Art. 6 of the law. || 10. Persons who have obtained the full franchise as described in the Law, may, if registered, vote

in any election concerning their ward, district, or the whole Republic, as set forth in the first paragraph of Art. 4 of Law No. 3 of 1894. || Persons who have obtained letters of naturalisation without the full franchise may, if registered, vote in any election concerning their ward, or district, or for members for the Second Raad, as set forth in the third paragraph of Art. 14 of Law No. 3 of 1894.

Nr. 12038.
Sudafrican.
Republik.
29. Juli 1899.

In Conclusion.

11. In conclusion, all officials concerned are requested to act with the greatest speed and vigilance in dealing with applications for letters of naturalisation and the full franchise.

F. W. Reitz,
State Secretary.

Schedule A.

Certificate.

The undersigned, Fieldcornet for the ward (town or village) district hereby certify that the name of at present residing within the ward district appears in the Fieldcornet's Lists of this ward (town or village) as having arrived in this Republic on the day of 189 , and is registered as having left this ward (town or village) on the day of 189 , and that the said is known to him (the Fieldcornet) as having lived here for at least years, and was always obedient to the laws of the land and committed no crime against the independence of the country (as appears from the affidavits hereto attached).

This day of 189 .

Fieldcornet.

Landdrost:

Commandant:

Schedule B.

Affidavit.

I, , fully enfranchised burgher of the South African Republic, residing at hereby declare under oath that I have been acquainted with , formerly subject of at present residing at that he on came to settle in this Republic at , and has retained his domicile since then; that he according to my best knowledge, has obeyed the laws of this Republic and has committed no crime against the independence thereof.

Sworn before me this day of 189 .

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Südafrikan.
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29. Juli 1899.

Schedule C.

Affidavit.

I, _____, formerly subject of _____, born at _____, at present living at _____, hereby declare under oath that I am the person mentioned in the certificate of the Fieldcoruet of _____ dated _____ (or in the affidavits of _____ dated _____), and at present make application for letters of naturalisation; and declare that the facts in the said affidavits are correct, and also that I have never had any sentence passed on me, either in this Republic or elsewhere, for the crimes of high treason murder, rape, theft, fraud, perjury, and forgery (falsification).

Sworn before me _____ this _____ day of _____ 189

Schedule D.

Oath.

I, _____, till to-day _____, born _____, desiring to become a burgher of the State, and having fulfilled all the provisions of the Law regarding naturalisation, swear (or solemnly declare that the taking of an oath is not permitted by my religion, and solemnly promise in all uprightness and in terms of Law No. 3, 1899, with which I declare to be acquainted*) that I shall be loyal to this State, shall honour and support its independence, shall subject myself to the Grondweit and other Laws and the lawful authorities of the land, and shall in all respects conduct myself as it behoves a loyal burgher of the State.

So truly help me God (or that I solemnly promise).

Sworn before me at _____, this _____ day of _____

* The commencement of Law No. 3, of 1899, Art. 1, section D, reads as follows: — || The person desiring to be naturalised shall, before the official granting of the letters of naturalisation, take the following oath, by which he will be understood to renounce and give up all burgher-rights enjoyed in and burgher duties and subjection to any other State or ruler: — || I swear (or I solemnly declare that the taking of an oath is not permitted by my religion, and solemnly promise in all righteousness, and in terms of Law No. 3, of 1899, with which I declare to be acquainted) that I shall be loyal to this State, shall honour and support its independence, shall subject myself to the Grondwet and other laws, and the lawful authorities of the land, and shall in all respects conduct myself as it behoves a loyal burgher of this State. So truly help me God (or that I solemnly promise).

Schedule E.

Notice.

Nr. 12038.
Südafrikan.
Republik.
29. Juli 1899.

I _____ at present resident at _____ in
in the South African Republic, formerly resident at _____ in
_____, whose occupation is _____ de-
siring to reside for good in the South African Republic, hereby give notice
that I, _____ years from date, will make application for letters of naturalisa-
tion with the full franchise, and declare that I am acquainted with the
duties imposed on me by Law No. 3, of 1899, to obey the laws and commit
no crime against the independence of the South African Republic.

Signature

Date

Schedule F.

Notice.

I _____ at present residing at _____ in
in the South African Republic, formerly resident at _____ in
_____, whose occupation is _____ desiring
to reside for good in the South African Republic, hereby give notice that, at
least six months from the date of this notice, I shall make application for
letters of naturalisation without the full franchise,

Or for letters of naturalisation with the full franchise.

Or for the obtaining of the full franchise.

Signature

Date

Nr. 12039. GROSSBRITANNIEN. — Der Gouverneur der Kap-
kolonie an den Kolonialminister. Beschluss der
Südafrikanischen Republik über die Vertretung der
Goldfelder.

4.45 p.m., July 27, 1899.

Telegram. || No. 1. Following telegram from British Agent:—

Begins: It is announced that Executive Council yesterday decided to give
three new Members in each Volksraad for the Witwatersrands goldfields. That is to say with the existing Members four in each Raad. With the
Barberton representatives there will now be five Members to represent mining
industry in a proposed enlarged House of 31 Members. A Commission will
be appointed to divide district between Krugersdorp and Boksburg into four
electoral constituencies. Proposal for a general redistribution scheme for the
whole Republic has been shelved *sine die*. *Ends.*

Nr. 12039.
Groß-
britannien.
27. Juli 1899.

Nr. 12040. GROSSBRITANNIEN. — Der Kolonialminister an den Gouverneur der Kapkolonie. Bemerkungen zu den Reformen in der Südafrikan. Republik. Frage eines Schiedsgericht. *)

Downing Street, July 27, 1899.

Nr. 12040.
Groß-
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Sir, || The successive modifications which have been made by the Government of the South African Republic since the Conference of Bloemfontein in the proposals for admitting the Uitlanders to some share of representation in the government of the country have followed each other with so much rapidity, and have been so difficult to understand as reported by telegraph, that Her Majesty's Government have been unable to communicate with you fully on the different phases of this question as they have been in turn presented. Happily, each new scheme seems to have been an advance and improvement upon that which preceded it, and Her Majesty's Government hope that the latest proposals passed by the Volksraad may prove to be a basis for a settlement on the lines which you laid down at the Conference, and which Her Majesty's Government have approved. || Before examining these proposals it will be convenient to state the objects which Her Majesty's Government have desired to secure, and the reasons which have led them to press their views on the Government of the South African Republic. || Her Majesty's Government authorized you to meet President Kruger in Conference in the hope that you might, in concert with him, arrive at an arrangement which they could accept as a reasonable concession to the just demands of the Uitlander population of the South African Republic. They trusted that, following upon such an amicable settlement, a further arrangement might be come to whereby the many other differences between them and the Government of the South African Republic might be adjusted, and the relations between the two Governments placed upon a perfectly harmonious footing. These hopes were for the time disappointed. The Conference met and separated without any agreement as to the means to be adopted for the removal of that discontent of the majority of the inhabitants of the Transvaal, which has been for so many years a menace to the peace and a hindrance to the prosperity of the whole of South Africa. || The Government of the South African Republic, in the despatch of the 9th of June, in which they submit proposals for arbitration to which I will presently refer, deplore the fact that, as a result of the disputes which arise between themselves and the Government of Her Majesty, "party feeling and race hatred are more and more increased, and the minds of the public are held in such a state of tension, that the whole of South Africa suffers most deeply under it, and is bowed down thereby." Her Majesty's Government agree that these indirect consequences of the constantly strained relations between the two countries are even more serious than the results

*) Hauptinhalt telegraphirt. Red.

of the particular acts of legislation or administration of which they have had to complain, but they must point out that this deplorable irritation between kindred people, whose common interests and neighbourhood would naturally make them friends, is due primarily to the fact that in the South African Republic alone of all the States of South Africa the Government has deliberately placed one of the two white races in a position of political inferiority to the other, and has adopted a policy of isolation in its internal concerns which has been admitted by the present Prime Minister of the Cape Colony to be a source of danger to South Africa at large. It is this policy, enforced and continually extended since the Convention of 1884, which constitutes the most serious factor of the present situation. || Besides the ordinary obligations of a civilized Power to protect its subjects in a foreign country against injustice, and the special duty arising in this case from the position of Her Majesty as the Paramount Power in South Africa, there falls also on Her Majesty's Government the exceptional responsibility arising out of the Conventions which regulate the relations between the Government of the South African Republic and that of Her Majesty. These Conventions were granted by Her Majesty of her own grace, and they were granted in the full expectation that, according to the categorical assurances conveyed by the Boer leaders to the Royal Commissioners in the negotiations preliminary to the Convention of 1881, equality of treatment would be strictly maintained among the white inhabitants of the Transvaal.

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It may be well to remind you what those assurances were, as detailed in the Blue Book of May 1882. At the Conference of the 10th May, 1881, at Newcastle, there were present: Sir Hercules Robinson (President), Sir Evelyn Wood, Sir J. H. De Villiers, Her Majesty's Commissioners; and, as Representatives of the Boers, Mr. Kruger, Mr. P. J. Joubert, Dr. Jorissen, Mr. J. S. Joubert, Mr. De Villiers, and Mr. Buskes. || The following report of what took place shows the nature of the assurances given on this occasion:— || "239. (*President*).— Before annexation, had British subjects complete freedom of trade throughout the Transvaal; were they on the same footing as citizens of the Transvaal? || "240. (*Mr. Kruger*).— They were on the same footing as the burghers; there was not the slightest difference in accordance with the Sand River Convention. || "241. (*President*).— I presume you will not object to that continuing? || "242. (*Mr. Kruger*).— No; there will be equal protection for everybody. || "243. (*Sir E. Wood*).— And equal privileges? || "244. (*Mr. Kruger*).— We make no difference so far as burgher rights are concerned. There may perhaps be some slight difference in the case of a young person who has just come into the country." || At the Conference of the 26th May, 1881, at Newcastle, there were present: Sir Hercules Robinson (President), Sir E. Wood, Sir J. H. De Villiers, Her Majesty's Commissioners; and, as Representatives of the Boers, Mr. J. S. Joubert, Dr. Jorissen, Mr. Pretorius, Mr. Buskes, and Mr. De Villiers. || At this meeting the subject of the assurances was again

Nr. 12040. alluded to as thus reported:— || “1037. (*Dr. Jorissen*).— At No. 244 the
 Groß- question was, ‘Is there any distinction in regard to the privileges or rights
 britannien. of Englishmen in the Transvaal?’ and Mr. Kruger answered, ‘No there is no
 27. Juli 1889. difference;’ and then he added ‘there may be some slight difference in the
 case of a young person just coming into the country.’ I wish to say that
 that might give rise to a wrong impression. What Mr. Kruger intended to
 convey was this: according to our law a new comer has not his burgher
 rights immediately. The words ‘young person’ do not refer to age, but to
 the time of residence in the Republic. According to our old ‘Grondwet’
 (Constitution) you had to reside a year in the country.”

In spite of these positive assurances, all the laws which have caused the
 grievances under which the Uitlanders labour, and all the restrictions as to
 franchise and individual liberty under which they suffer, have been brought
 into existence subsequently to the Conventions of Pretoria or London. Not
 only as the letter of the Convention of 1884 been repeatedly broken, but
 the whole spirit of that Convention has been disregarded by this complete
 reversal of the conditions of equality between the white inhabitants of the
 Transvaal which subsisted, and which, relying on the assurances of the Boer
 leaders, Her Majesty believed would continue to subsist, when she granted
 to it internal independence in the preamble of the Convention of 1881, and
 when she consented to substitute the Articles of the Convention of 1884 for
 those of the previous Convention. || The responsibility of Her Majesty’s Govern-
 ment for the treatment of the alien inhabitants of the Transvaal is further
 increased by the fact that it was at the request of Her Majesty’s High Com-
 missioner that the people of Johannesburg, who in December 1895 had taken
 up arms against the Government of the South Africa Republic to recover
 those equal rights and privileges of which they had been unwarrantably de-
 prived, permitted themselves to be disarmed in January 1896. The High
 Commissioner’s request was made after the issue by President Kruger of a
 Proclamation in which he stated: “And I further make known that the Govern-
 ment is still always ready to consider properly all grievances which are laid
 before it in a proper manner, and to lay them before the Legislature of the
 country without delay to be dealt with.” Unfortunately, the assurances con-
 veyed in this Proclamation have been no better observed than the assurances
 of 1881. Not only have no adequate or genuine reforms been introduced up
 to the present time, but the conditions and the general atmosphere in which
 the Uitlanders have to live have become more difficult and irksome to free
 and civilized men. Fresh legislation has been passed in a repressive and
 reactionary direction, and the administration of justice itself has been made
 subservient to the control of the Executive Government. || Her Majesty’s Gov-
 ernment believed that the acceptance of the invitation to the Bloemfontein
 Conference by President Kruger was an indication that the Government of the
 South African Republic were prepared to make adequate proposals for the

remedy of the just complaints of the Uitlander population resident in the Transvaal. But the proposals actually made by him during the course of the proceedings were not such as could in any way be accepted as meeting the case. || Her Majesty's Government have approved of your having put in the foreground the grant of such a measure of reform as would give the Uitlanders at once a reasonable share of political power, for although even if such privileges were fairly and fully conceded, there would remain many causes of difference between Her Majesty's Government and the Government of the South African Republic, still such a concession would afford the Uitlanders an opportunity of formulating their grievances and influencing the legislators and the Government of the country in which they live, and eventually it would doubtless secure the gradual redress of those grievances without the necessity of appealing to any external power. It would thus go a long way to remove the tension and discontent which endanger the tranquillity of the Republic and the peace of South Africa. || Her Majesty's Government have also observed with approval that, in view of the refusal of the President to grant any effective share in the government of the country to the Uitlanders, you pressed upon him, as a proposal not open to any of the objections urged by him to the grant of a liberal franchise, the possibility of providing an alleviation for the grievances of the Uitlanders by granting to them such a municipal Government for Johannesburg and the goldfields as would be for them a municipal government in reality as well as in name. At present all matters of municipal concern, which affect so closely the comfort and health and contentment of a European population, are regulated by officials who do not understand European requirements, who have no sympathy with municipal life as understood in Europe or in the United States, and who, as a matter of fact, conduct the municipal government of Johannesburg with conspicuous inefficiency. Her Majesty's Government noted with regret that in this matter also President Kruger declined to entertain your suggestions. They have never been able to comprehend the reasons which make President Kruger apparently more hostile to the proposal for a grant of municipality to Johannesburg and the goldfields than to that for an extension of the franchise to the Uitlanders. The only argument which he has used to their knowledge is a refusal to create what he calls an *imperium in imperio*. But this objection will not bear examination. The universal experience of English speaking communities shows that the grant of municipal privileges to the inhabitants of great centres of population has no tendency to create a rival Power to the central authority of the State. || It is needless now to discuss in detail the proposals made by the President at the Conference. They are fully set forth and their defects are demonstrated in your despatch of the 14th of June and its inclosures.

Since the termination of the Conference new proposals were laid before the Volksraad in a draft Law which was officially communicated to the Bri-

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tish Agent on the 12th of July. In two important respects this draft was an advance on the President's earlier proposals, but after the most careful examination of its very complicated provisions, Her Majesty's Government reluctantly came to the conclusion that they could not regard the new scheme as affording any basis for a settlement of the question, or as one that would give to the Uitlanders an immediate and reasonable share of political representations. || It is, however, a matter of satisfaction to Her Majesty's Government to learn from your telegram of the 19th of July that the Government of the South African Republic have still further amended their proposals, and that the Volksraad has now agreed to a measure intended to give the franchise immediately to those who have been resident in the country for seven years, as well as to those who may in future complete this period of residence. This proposal is an advance on previous concessions, and leaves only a difference of two years between yourself and President Kruger so far as the franchise is concerned. || It is obvious, however, that, as you pointed out at the Conference, no practical result could follow from any franchise, however liberal, unless the conditions attached to its acceptance and exercise are reasonable, and unless it is accompanied by the addition of such a number of representatives to the constituencies chiefly composed of Uitlanders as will enable the newly enfranchised burghers to obtain a fair share of representation in the First Volksraad. || The object of Her Majesty's Government, which they are led to believe is fully appreciated by the President, has been to secure for the Uitlanders the immediate enjoyment of such a share of political power as will enable them by the election of members from their own body to exercise a real influence on legislation and administration, without, however, giving them the proportion of representation to which their numbers, taken alone, might entitle them, and which the President objected would enable them immediately to swamp the influence of the old burghers. || They observe, however, that in the new draft Law, as in the proposals which it has superseded, there are still a number of conditions which might be so interpreted as to preclude those who would otherwise be qualified from acquiring the franchise, and might, therefore, be used to take away with one hand what has been given with the other. The provision that the alien desirous of burghership shall produce a certificate, and Article I. (section A) of the draft Law, of continuous registration during the period required for naturalization is an instance of this, for it has been stated that the Registration Law has been allowed to fall into desuetude, and that but few aliens, however long resident in the country, have been continuously registered. || Her Majesty's Government feel assured that the President, having accepted the principle for which they have contended, will be prepared to reconsider any detail of his scheme which can be shown to be a possible hindrance to the full accomplishment of the object in view. They trust, therefore, that many of the conditions now retained may be revised, and that the residential quali-

fication may be further reduced, since, in its present form, it will differentiate unfavourably the conditions of naturalization in the Transvaal from those existing in other civilized countries. || Her Majesty's Government assume that the concessions now made to the Uitlanders are intended in good faith to secure for them some approach to the equality which was promised in 1881; but the points they have still to urge for the consideration of the Government of the South African Republic are of great importance, and require a further interchange of views between the two Governments. These points involve complicated details and questions of a technical nature, and Her Majesty's Government are inclined to think that the most convenient way of dealing with them would be that they should in the first instance be discussed by delegates appointed by you and by the Government of the South African Republic, who should report the result of their consultation, and submit their recommendations to you and to that Government. || If a satisfactory agreement on these points can be reached in this way and placed on record, Her Majesty's Government are of opinion that it should be accepted by the Uitlanders, who in this case will be entitled to expect that it will not be nullified or reduced in value by any subsequent alterations of the law or acts of administration.

The settlement of this most important subject will greatly facilitate an understanding in other matters which have been the source of continuous and ever increasing correspondence between your predecessors and yourself and Her Majesty's Government. There have been, during the last few years, a number of instances in which Her Majesty's Government contend that the Conventions between this country and the South African Republic have been broken by the latter in the letter as well as in the spirit. There are other cases again in which there may have been no actual infraction of the letter of the Conventions, but in which injury has been inflicted on British subjects, for which redress is required on their behalf. || With a view to the settlement of some, at least, of these questions, the Government of the South African Republic has met the representations of Her Majesty's Government with an offer to submit them to the arbitration of some foreign Power. In view of the relations established by the Conventions of Pretoria and London, Her Majesty's Government have felt themselves compelled to declare emphatically that under no circumstances whatever will they admit the intervention of any foreign Power in regard to their interpretation of the Conventions. || Her Majesty's Government note, however, with satisfaction that, in the course of the discussion at Bloemfontein, President Kruger withdrew the proposal for the intervention of foreign Power. In the Memorandum put in by him at the afternoon meeting on the 5th of June, he spoke of his request for arbitration by other than foreign Powers, and the Government of the South African Republic, in a communication addressed to the British Agent on the 9th of June, to which I have already referred, has modified its former proposal as to the

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formation of a Tribunal of Arbitration, so as to substitute for a foreign Power a foreigner as President, and, therefore, as supreme Arbiter, in a Court to be otherwise composed of two members nominated respectively by her Majesty's Government and by the Government of the South African Republic. This proposal, although in a different form to those previously made, is equally objectionable, inasmuch as it involves the admission of a foreign element in the settlement of controversies between Her Majesty's Government and the Government of the South African Republic; and for this reason it is impossible for Her Majesty's Government to accept it. || Her Majesty's Government recognize, however, that the interpretation of the Conventions in matters of detail is not free from difficulty. While on the one hand there can be no question of the interpretation of the preamble of the Convention of 1881 which governs the Articles substituted in the Convention of 1884, on the other hand there may be fair differences of opinion as to the interpretation of the details of those Articles, and it is unsatisfactory that in cases of divergence of opinion between Her Majesty's Government and the Government of the South African Republic, there should be no authority to which to refer the points at issue for final decision. || If, therefore, the President is prepared to agree to the exclusion of any foreign element in the settlement of such disputes, Her Majesty's Government would be willing to consider how far and by what methods such questions of interpretation as have been above alluded to could be decided by some judicial authority whose independence, impartiality, and capacity would be beyond and above all suspicion.

After the discussion by delegates, as already proposed, of the details and the technical matters involved in the points which Her Majesty's Government desire to urge for the consideration of the Government of the South African Republic in relation to the political representation of the Uitlanders, it may be desirable that you should endeavour to come to an agreement with President Kruger as to the action to be taken upon their reports by means of another personal Conference. || In this case, the occasion would be a suitable one for you to discuss with his Honour the matter of the proposed Tribunal of Arbitration and those other questions which were not brought forward at the Bloemfontein Conference because of the failure to arrive at an understanding on the question of the political representation of the Uitlanders, but which, in the event of agreement upon that question, it is most desirable to settle at an early date. || You are requested to communicate this despatch to the Government of the South African Republic, and to express the hope of Her Majesty's Government that, in view of the urgent necessity of putting an end to the present unsettled state of affairs in South Africa, the Government of the South African Republic will find it possible to agree at an early date to the proposals made therein.

I have, &c.,

J. Chamberlain.

Nr. 12041. GROSSBRITANNIEN. — Der Kolonialminister an den Gouverneur der Kapkolonie. Soll der Südafrikan. Republik neue Verhandlungen vorschlagen.*)

(Sent 5.40 p.m., July 31, 1899.)

Telegram. || 31st July. No. 1. I now authorize you to invite President Kruger to appoint Delegates to discuss with ours question whether reforms, which Volksraad has passed, will give immediate and substantial representation of Uitlanders, and if not, what additions and alterations will be necessary in order to secure this result. If invitation is accepted, our Delegates would not be precluded from raising any point calculated to improve measure; and you will instruct them to press for early report, which on the points mentioned ought not to be difficult.

Nr. 12041.
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Nr. 12042. GROSSBRITANNIEN. — Derselbe an Denselben. Dasselbe.

(Sent 4.25 p.m., August 1, 1899.)

Telegram. || 1st August. No. 1. My telegram of 31st July. We must confine proposed joint inquiry, in the manner suggested in that telegram, to question of political representation of Uitlanders. You should, however, let President Kruger know through Greene that you will be ready, after conclusion of inquiry, to discuss with him, not only the report of the inquiry and the franchise question, but other matters as well, including arbitration without introduction of foreign element.

Nr. 12042.
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Nr. 12043. GROSSBRITANNIEN. — Der Gouverneur der Kapkolonie an den Kolonialminister. Antwort.

(Received 2.38 p.m., August 4, 1899.)

Telegram. || 4th August. No. 1. British Agent telegraphs as follows:— || *Begins:* Two points on which State Secretary asks for information: || (1) Are Government South African Republic to consider as one proposition the two messages conveyed in your telegrams of 1st and 2nd August respecting joint inquiry and a further possible Conference? || (2) Do the words "arbitration without the introduction of foreign element" mean arbitration from which a foreign Power or any foreigner is excluded, or arbitration on matters foreign to other matters which the message refers to?

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britannien.
4. Aug. 1899.

I have told him that in my opinion: || (1) The two messages are to be taken as one proposition, and || (2) The correct interpretation of the words respecting arbitration is the first one. || Please say if this is so. *Ends.*

Following are the two messages referred to:— || (1) The communication which has quoted in my telegram of 1st August, No. 1. This had been sent

*) Am 1. August gab Milner die Instruktion weiter an den Agenten in Pretoria. Red.

Nr. 12043. to British Agent before I received your telegram of 1st August, No. 1, and ||
 . Groß- (2) The message contained in the latter. || Answer of British Agent is correct
 britannien.
 4. Aug. 1899. on both points I think. *)

Nr. 12044. GROSSBRITANNIEN. — Der Gouverneur der Kapkolonie an den Kolonialminister. Neue Vorschläge der Südafrikan. Republik.

5. p.m., August 15, 1899.

Nr. 12044. Telegram. || (Extract.) || 15th August. No. 1. Following two telegrams
 . Groß- received from Greene: —
 britannien.
 15. Aug. 1899. No. 1. Begins. No. 248a. The South African Republic Government will write me a note to the effect that they are willing to make the following proposals to Her Majesty's Government provided that Her Majesty's Government are willing not to press their demand for the proposed joint inquiry into the political representation of Uitlanders: — || I. A five years' retrospective franchise. The scheme to be referred to the people immediately. Government of South African Republic pledging itself to support measure and to get people to adopt it. There would be an adjournment of the Volksraad at once for the above purpose, and the scheme might become law, within say a fortnight. || II. The Rand to get eight new seats in the First Volksraad, making, with the existing members for Johannesburg and Barberton, a representation of ten seats in a Volksraad of thirty-six for the Mining Industry. The future representation of the Goldfields not to fall below this proportion. If desired, the same number of seats to be given in the Second Volksraad. || III. Both old and new population will be entitled under this franchise to equal rights and privileges in regard to the election of Commandant-General and President. || IV. The simple details of the Franchise Law to be discussed with the British Agent. He may have his own legal adviser. Any other points which may arise to be discussed in the same way. || The Government of South African Republic, in putting forward the above proposals, will assume that Her Majesty's Government will agree that a precedent shall not be formed by their present intervention for similar action in future, and that no future interference in the internal affairs of the Republic will take place contrary to the Convention. Further, that Her Majesty's Government will not insist further upon the assertion of suzerainty, the controversy on this subject being tacitly allowed to drop. || Lastly, as soon as franchise scheme has become law, arbitration, from which the foreign element is excluded, to be conceded. In the meantime, in order that no time may be lost, the form and scope of the proposed tribunal to be discussed and provisionally agreed upon while the franchise scheme is being referred to the people. || The formal note

*) Chamberlain stimmt zu. Red.

which embodies these proposals was drafted to-day and will be submitted to me beforehand for approval, as soon as I am informed whether Her Majesty's Government will consent to my negotiations on lines specified above. || A second long explanatory telegram follows this. Ends.

No. 2. No. 248b. My telegram No. 248a. On Saturday, State Attorney sent to me a simplified draft franchise law, and sounded me whether Her Majesty's Government would be likely to consent to waive their demand for the joint inquiry if the South African Republic Government offered a seven years' retrospective franchise of these lines with a further increase of seats. || I suggested that I should have a personal interview with the State Attorney. He came later in the day, and I spoke to him very seriously. I explained that I had no idea whether Her Majesty's Government would consent not to press their demand; but that the situation was most critical, and that Her Majesty's Government, who had given pledges to the Uitlanders, would be bound to assert their demands, and, if necessary, to press them by force. || I said that the only chance for the South African Republic Government was an immediate surrender to the Bloemfontein minimum. The State Attorney held out for a franchise of seven years, but I refused to make any suggestion on that basis, and he went away. We came together again last night, and the State Attorney then practically offered me the scheme conveyed in my preceding telegram, which I promised to recommend to you for acceptance by Her Majesty's Government in return for waiving the proposal of a joint enquiry. || I have not in any way committed Her Majesty's Government to acceptance or refusal of proposal; but I have said that I feel sure that if, as I am solemnly assured, the present is a bonâ fide attempt to settle the political rights of our people once for all, the Government of the South African Republic need not fear that we shall in the future either wish or have cause to interfere in their internal affairs. I have said as regards suzerainty that I feel sure Her Majesty's Government will not and cannot abandon the right which the preamble to the Convention of 1881 gives them, but that they will have no desire to hurt Boer susceptibilities by publicly reasserting it, so long as no reason to do so is given them by the Government of the South African Republic. || As regards arbitration, they are willing that we should have any of our own judges or lawyers, English or Colonial, to represent us, and that the President or Umpire should be equally English, Colonial, or Boer. || As regards representation of Goldfields in future, State Attorney contends that future extension of franchise to the new population will not, under the proposed scheme, be restricted to the Rand, but will be extended to such other goldfields as are fairly entitled thereto. || As regards guarantee of Her Majesty's Government, this would be covered by exchange of the note of South African Republic Government and the note of Her Majesty's Government in reply. || As regards election of President and Commandant-General, should there be any change from the manner of election existing at present,

f.Nr. 12044.
Grefsbritannien.
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Nr. 12044. it would have to be discussed between us. Meanwhile new population would
 Groß- be on all fours with old Burghers under existing conditions. || As regards new
 britannien. law, it has been simplified immensely. || As regards suggested possibility of
 15. Aug. 1899. further conference, State Attorney anticipates that this may now be allowed
 to lapse. || As regards language, the new members of the Volksraad would use
 their own.

Nr. 12045. **GROSSBRITANNIEN.** — Derselbe an Denselben. Vor-
 läufige Instruktionen an den Agenten in Pretoria.

8. a.m. August 18. 1899.

Nr. 12045. Telegram. || (Extract.) || 17th August. No. 2. I have instructed British
 Groß- Agent as follows, as a first step: —
 britannien.

18. Aug. 1899. Begins: If the South African Republic Government should reply to the
 invitation to a joint inquiry put forward by Her Majesty's Government by
 formally making the proposals described in your telegram, such a course would
 not be regarded by Her Majesty's Government as a refusal of their offer, but
 they would be prepared to consider the reply of the South African Republic
 Government on its merits. Please see State Secretary and inform him accord-
 ingly. Ends.

Nr. 12046. **GROSSBRITANNIEN.** — Derselbe an Denselben. Die
 Südafrikan. Republik formulirt ihre Vorschläge
 näher.

August 22 and 23, 1899.

Nr. 12046. Telegram. || 22nd August. No. 2. I have received to-day following two
 Groß- notes from South African Republic Government to British Agent: —
 britannien.

22. u. 23. Aug. 1899. First, begins: 19th August, Sir, With reference to your proposal for a
 joint enquiry contained in your despatches of the 2nd and 3rd August*),
 Government of South African Republic have the honour to suggest the follo-
 wing alternative proposal for consideration of Her Majesty's Government, which
 this Government trusts may lead to a final settlement. (1.) The Government
 are willing to recommend to the Volksraad and the people a 5 years' retro-
 spective franchise, as proposed by His Excellency the High Commissioner on
 the 1st June, 1899. (2.) The Government are further willing to recommend
 to the Volksraad that 8 new seats in the First Volksraad, and, if necessary,
 also in the Second Volksraad, be given to the population of the Witwaters-
 rand, thus with the 2 sitting members for the Goldfields giving to the popu-
 lation thereof 10 representatives in a Raad of 36, and in future the represen-
 tation of the Goldfields of this Republic shall not fall below the proportion

*) Nr. 12041 ff.

of one-fourth of the total. (3.) The new Burghers shall equally with the old Burghers be entitled to vote at the election for State President and Commandant-General. (4.) This Government will always be prepared to take into consideration such friendly suggestions regarding the details of the Franchise Law as Her Majesty's Government, through the British Agent, may wish to convey to it. (5.) In putting forward the above proposals Government of South African Republic assumes: (a) That Her Majesty's Government will agree that the present intervention shall not form a precedent for future similar action and that in the future no interference in the internal affairs of the Republic will take place. (b) That Her Majesty's Government will not further insist on the assertion of the suzerainty, the controversy on the subject being allowed tacitly to drop. (c) That arbitration (from which foreign element other than Orange Free State is to be excluded) will be conceded as soon as the franchise scheme has become law. (6.) Immediately on Her Majesty's Government accepting this proposal for a settlement, the Government will ask the Volksraad to adjourn for the purpose of consulting the people about it, and the whole scheme might become law say within a few weeks. (7.) In the meantime the form and scope of the proposed Tribunal are also to be discussed and provisionally agreed upon, while the franchise scheme is being referred to the people, so that no time may be lost in putting an end to the present state of affairs. The Government trust that Her Majesty's Government will clearly understand that in the opinion of this Government the existing Franchise Law of this Republic is both fair and liberal to the new population, and that the consideration that induces them to go further, as they do in the above proposals, is their strong desire to get the controversies between the two Governments settled and further to put an end to present strained relations between the two Governments and the incalculable harm and loss it has already occasioned in South Africa, and to prevent a racial war from the effects of which South Africa may not recover for many generations, perhaps never at all, and therefore this Government, having regard to all these circumstances would highly appreciate if Her Majesty's Government, seeing the necessity of preventing the present crises from developing still further and the urgency of an early termination of the present state of affairs, would expedite the acceptance or refusal of the settlement here offered. (Signed) F. W. Reitz. Ends.

Nr. 12046.
Groß-
britannien.
22. u. 23. Aug.
1899.

Second. Received by telegraph, begins: 21st August. Sir, In continuation of my despatch of the 19th instant and with reference to the communication to you of the State Attorney this morning, I wish to forward to you the following in explanation thereof, with the request that the same may be telegraphed to His Excellency the High Commissioner for South Africa, as forming part of the proposals of this Government embodied in the above-named despatch. (1.) The proposals of this Government regarding question of franchise and representation contained in that despatch must be regarded

Nr. 12046. as expressly conditional on Her Majesty's Government consenting to the points set forth in paragraph 5 of the despatch, viz.: (a) In future not to interfere in internal affairs of the South African Republic. (b) Not to insist further on its assertion of existence of suzerainty. (c) To agree to arbitration. (2.) Referring to paragraph 6 of the despatch, this Government trusts that it is clear to Her Majesty's Government that this Government has not consulted the Volksraad as to this question and will only do so when an affirmative reply to its proposals has been received from Her Majesty's Government. (Signed) F. W. Reitz. Ends.

Nr. 12047. GROSSBRITANNIEN. — Der Kolonialminister an den Gouverneur der Kapkolonie. Forderungen Englands.

Sent 4. p.m., August 23, 1899.

Nr. 12047. Telegram. || 23rd August. No. 4. You should call attention of British Agent to the following points of difference between the South African Republic Government's formal note and previous conversation between him and the State Attorney: || 1. There were to be no complicated conditions attached to the new law. || 2. The new members for the Goldfields were to be allowed to use their own language. || 3. The South African Republic Government were to discuss with Her Majesty's Government any future change in the election of President and Commandant-General. || 4. They were to discuss with British Agent, assisted by adviser, the details of the new scheme. Any other points which arose in connection with it were to be discussed in the same way. || 5. The two Governments were to exchange notes. || On all these points we assume that South African Republic Government adhere to proposals made by State Attorney, but desire to be assured by formal note that this is so.

Nr. 12048. GROSSBRITANNIEN. — Der Kolonialminister an den Gouverneur der Kapkolonie. Antwort auf Nr. 12046.

Sent 4.20 p.m., August 28, 1899.

Nr. 12048. Telegram. || 28th August. No. 1. Communicate following to Government of South African Republic: —

"Her Majesty's Government have considered the proposals which the South African Republic Government in their notes to the British Agent of 19th and 21st August have put forward as an alternative to those contained in my telegram of 31st July.*) Her Majesty's Government assume that the adoption in principle of the franchise proposals made by you at Bloemfontein will not be hampered by any conditions which would impair their effect, and that by proposed increase of seats for the Goldfields and by other provisions

*) Nr. 12041. Red.

the South African Republic Government intend to grant immediate and substantial representation of the Uitlanders. That being so, Her Majesty's Government are unable to appreciate the objections entertained by the Government of the South African Republic to a Joint Commission of Inquiry into the complicated details and technical questions upon which the practical effect of the proposals depends. Her Majesty's Government, however, will be ready to agree that the British Agent, assisted by such other persons as you may appoint, shall make the investigation necessary to satisfy them that the result desired will be achieved and, failing this, to enable them to make those suggestions which the Government of the South African Republic state that they will be prepared to take into consideration. Her Majesty's Government assume that every facility will be given to the British Agent by the Government of the South African Republic, and they would point out that the inquiry will be both easier and shorter if the Government of the South African Republic will omit in any future Law the complicated conditions of registration, qualification and behaviour which accompanied previous proposals, and would have entirely nullified their beneficial effect. || "Her Majesty's Government hope that the Government of the South African Republic will wait to receive their suggestions founded on the report of the British Agent's investigation before submitting a new Franchise Law to the Volksraad and the Burghers. || "With regard to the conditions of the Government of the South African Republic; First, as regards intervention; Her Majesty's Government hope that the fulfilment of the promises made and the just treatment of the Uitlanders in future will render unnecessary any further intervention on their behalf, but Her Majesty's Government cannot of course debar themselves from their rights under the Conventions nor divest themselves of the ordinary obligations of a civilized Power to protect its subjects in a foreign country from injustice. Secondly, with regard to suzerainty Her Majesty's Government would refer the Government of the South African Republic to the second paragraph of my despatch of 13th July. Thirdly, Her Majesty's Government agree to a discussion of the form and scope of a Tribunal of Arbitration from which foreigners and foreign influence are excluded. Such a discussion, which will be of the highest importance to the future relations of the two countries, should be carried on between the President and yourself, and for this purpose it appears to be necessary that a further Conference, which Her Majesty's Government suggest should be held at Cape Town, should be at once arranged. || "Her Majesty's Government also desire to remind the Government of the South African Republic that there are other matters of difference between the two Governments which will not be settled by the grant of political representation to the Uitlanders, and which are not proper subjects for reference to arbitration. It is necessary that these should be settled concurrently with the questions now under discussion, and they will form, with the question of arbitration, proper subjects for consideration at the proposed Conference."

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Groß-
britannien.
28. Aug. 1899.

Nr. 12049. GROSSBRITANNIEN. — Der Gouverneur der Kapkolonie an den Kolonialminister. Antwort der Südafrikanischen Republik auf das Vorige.

2. a.m., September 6, 1899.

Nr. 12049.
Groß-
britannien.
6. Sept. 1899.

Telegram. || 5th September. No. 2. Referring to my telegram of today, No. 1. Following is translation of note dated 2nd September:—

Begins: I have the honour to acknowledge your Honour's despatch of 30th August || with the emanation thereof of 1st September||. This Government has observed with the deepest regret that Her Majesty's Government have not been able to decide on accepting the proposal for a five years' franchise and extension of the representation of Witwatersrand with the conditions attached thereto, set forth in its notes of 19th August and 21st August, the more so that from semi-official discussions, which have been brought to the knowledge of Her Majesty's Government, they had thought that they might infer that their proposal would have been acceptable to Her Majesty's Government. As a consequence of that communication this Government considers that its proposal has lapsed whereby also lapses the necessity for laying it before the representatives of the people and the people. || (2.) This Government wishes to remark, with reference to observation of the Secretary of State for the Colonies that Her Majesty's Government is unable to perceive the objections entertained by Government of South African Republic against a joint commission of inquiry as proposed, that the objections to the invitation as given in the telegraphic despatch of 2nd August, have already been set forth in a communication dated 12th August (sent to your Honour yesterday). || (3.) As regards a unilateral (in place of a joint) inquiry as now proposed by Her Majesty's Government this Government wishes to make known its readiness wherever it may appear that the existing franchise law can be made still more effective, to lay before the Volksraad proposals for altering, or making it clearer. If they can be of assistance to Her Majesty's Government with any information or explanation they are always ready to furnish this; though it appears to it that the findings of a unilateral Commission, especially when arrived at before the working of the law has been duly tested, would be premature and thus probably of little value. || (4.) Passing now to the discussion of the observations of Her Majesty's Government on the conditions attached by this Government to the proposal, which has now lapsed in consequence of the non-acceptance by Her Majesty's Government of these stipulations, the Government wishes to observe (a.) That with reference to the question of intervention, this Government has neither asked, nor intended, that Her Majesty's Government should abandon any right which it really might have, on the ground either of the Convention of London 1884, or of international law to intervene for the protection of British subjects in this country. (b.) That as regards the assertion of suzerainty its non-existence has, as this Government venture to think, already been so clearly stated in

its despatch of 16th April 1898 that it would be superfluous to repeat here the facts arguments and deductions stated therein; it simply wishes to remark here that it abides by its views expressed in that despatch.

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Groß-
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(5.) With reference to a Court of Arbitration this Government is pleased to see that Her Majesty's Government is ready to enter on negotiations touching the scope and form of such: though it is not clear to it (a.) whether Her Majesty's Government is willing that burghers of Orange Free State should be eligible for appointment as Members of such a Court. (b.) What subjects should be referred for the decision of such Court. (c.) What subjects Her Majesty's Government consider should not be submitted to such Court: Her Majesty's Government state that there are such points without specifying them. The object (? aimed) at by this Government, namely, the assurance of a final settlement of all points whether now in dispute or arising hereafter, might it considers be altogether frustrated by these limitations. || (6.) With reference to the suggestion for holding another conference, this Government will await further information from Her Majesty's Government before it can go further into the matter. || (7.) Moreover, this Government begs to remark that the proposal made by it with reference to the franchise and the representation of the Uitlanders was extremely liberal, and, in fact, as regards the representation, went farther than the High Commissioner contemplated at the Bloemfontein Conference. The stipulations attached by this Government to that proposal were most reasonable, and demand on the side of Her Majesty's Government no abandonment of existing rights, but solely the obtaining of the assurance that Her Majesty's Government would in future as regards this Republic simply abide by the Convention of London, 1884, and the generally recognized rules of international law; moreover, that on points of difference a principle should be brought into practice whose reasonableness and justice are recognized by all civilized States, and of which this Government understand that Her Majesty's Government is a strong advocate. || (8.) This Government could never have anticipated that the answer of Her Majesty's Government to their proposal would be unfavourable, and they can only continue to cherish this hope that the terms of both this and former communications will give an opening for a way through which a good understanding and a solution of existing differences may be arrived at. || (9.) Though it can in no wise abandon any of its rights, this Government would nevertheless be glad to convince and satisfy Her Majesty's Government that the franchise law now passed and these extension [?] of the representation with 4 new seats will immediately, if taken advantage of, give a substantial representation to the Uitlander population, and that for the rest it is its intention to continue working with Her Majesty's Government on a friendly footing. || (10.) This Government, having regard to the difference that in their opinion exists between the invitation as put forward in the telegraphic despatch of 2nd August and that conveyed in the despatch of 27th July from the Secretary of State for the

Nr. 12049. Colonies, and further to the fact that in the last named it is stated that the
 Groß- most suitable way of dealing with points involving complicated details and
 britannien. questions of a technical nature would be to discuss them in the first place
 6. Sept. 1899. by delegates appointed by both Governments, who should report the result of
 their deliberations, and submit their recommendations, to the two Governments
 respectively, and assuming that it is not intended thereby to interfere in the
 internal affairs of this Republic or to establish precedent, but simply to gain
 information and elucidations whether the measures already taken are effectual
 or not, and, if not, to show this Government where such is the case, this
 Government would be glad to learn from Her Majesty's Government how they
 propose that the Commission should be constituted, and what place and time
 for meeting is suggested. While this Government wishes to confine itself for
 the present to the above point as regards the answer to the despatch of
 27th July it proposes to send on shortly the further reply as already im-
 timated yesterday.—(Signed) F. W. Reitz. Ends.

The communication dated 12th August to which the above refers had
 also reached me through Greene. It is a draft of despatch in reply to
 Greene's note of 2nd August, which has never been signed, but was held over
 in consequence of the subsequent pourparlers. It seems unnecessary to tele-
 graph draft, which is very long, verbatim. Substance is:—

Firstly.—Joint inquiry would prejudice right of full independence in in-
 ternal affairs repeatedly recognized by Great Britain. || Secondly.—Assuming
 intention of Her Majesty's Government is only to get information and assu-
 rances with reference to signification, tendency, and scope of franchise law,
 and plan of representation of Uitlanders, ends can be equally well obtained by
 asking questions and obtaining information, in which Government willing to
 assist. || Thirdly.—At the same time difficult to form judgment as to effective-
 ness of a law till it has been in operation some time. Suggested therefore
 inquiry if held now would be premature. || Fourthly.—Government of South
 African Republic assumes Her Majesty's Government acquainted with contents
 of franchise law recently passed. || Fifthly.—Government proposes to grant
 4 new members in each Raad to Goldfields. Division of fields has been en-
 trusted to commission of officials. || Sixthly.—It is intended new members
 should take their seats not later than next session. || Seventhly.—Hints given
 by High Commissioner at Bloemfontein have been kept in view, and Govern-
 ment of South African Republic can assure Her Majesty's Government mea-
 sures will, if Uitlanders make use of them, give actual and immediate re-
 presentation. || Eighthly.—Government do not wish to be understood that there
 will [be] difficulty, if Her Majesty's Government should so wish, about Con-
 ference for friendly discussion of all points of difference or common interest
 in spirit of Bloemfontein. || Ninthly.—Government regret that according to
 reports in newspapers Ministers Her Majesty the Queen have stated promises
 made to British subjects have not been fulfilled. Government claims to have

fulfilled all promises. This, too, might be discussed at conference. || Tenthly. —Government understands with pleasure prospect of friendly negotiations for settlement differences by arbitration.

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Nr. 12050. **GROSSBRITANNIEN.** — Der Kolonialminister an den Gouverneur der Kapkolonie. Ablehnung der Vorschläge der Südafrikan. Republik.

Sent 1.15 a.m., September 9, 1899.

Telegram. || 8th September. Nr. 5. Communicate following to the Government of the South African Republic in reply to their note of 2nd September transmitted in your telegram of 5th September, No. 2:—

Nr. 12050.
Groß-
britannien.
9. Sept. 1899.

Her Majesty's Government understand the note of the South African Republic Government of the 2nd September to mean that their proposals made in their note of the 19th August are not withdrawn because the reply of Her Majesty's Government contained in their note of the 30th August with regard to future intervention and suzerainty is not acceptable. || Her Majesty's Government have absolutely repudiated the view of the political status of the South African Republic taken by the Government of the South African Republic in their note of the 16th April, 1898, || and also in their note of the 9th May, 1899 || in which they claim the status of a Sovereign International State, and they are therefore unable to consider any proposal which is made conditional on the acceptance by Her Majesty's Government of these views. || It is on this ground that Her Majesty's Government have been compelled to regard the last proposal of the Government of the South African Republic as unacceptable in the form in which it has been presented. || Her Majesty's Government cannot now consent to go back to the proposals for which those in the note of 19th August are intended as a substitute, especially as they are satisfied that the law of 1899 in which these proposals were finally embodied is insufficient to secure the immediate and substantial representation which Her Majesty's Government have always had in view and which they gather from the reply of the Government of the South African Republic that the latter admit to be reasonable. Moreover, the presentation of the proposals of the note of the 19th of August indicates that the Government of the South African Republic have themselves recognized that their previous offer might be with advantage enlarged, and that the independence of the South African Republic would be thereby in no way impaired.

Her Majesty's Government are still prepared to accept the offer made in paragraphs 1, 2, and 3 of the note of the 19th August taken by themselves, provided that the inquiry which Her Majesty's Government have proposed, whether joint — as Her Majesty's Government originally suggested — or unilateral, shows that the new scheme of representation will not be encumbered by conditions which will nullify the intention to give substantial and immediate representation to the Uitlanders. In this connection Her Majesty's Govern-

Nr. 12050. ment assume that, as stated to the British Agent, the new members of the
Groß- Raad will be permitted to use their own language. || The acceptance of these
britannien. terms by the Government of the South African Republic would at once remove
9. Sept. 1899. the tension between the two Governments, and would in all probability render
unnecessary any further intervention on the part of Her Majesty's Government
to secure the redress of grievances which the Uitlanders would themselves be
able to bring to the notice of the Executive and the Raad. || Her Majesty's
Government are increasingly impressed with the danger of further delay in
relieving the strain which has already caused so much injury to the interests
of South Africa, and they earnestly press for an immediate and definite reply
to their present proposal. || If it is acceded to they will be ready to make
immediate arrangements for a further conference between the President of the
South African Republic and the High Commissioner to settle all the details
of the proposed Tribunal of Arbitration, and the questions referred to in
the note of the 30th August, which are neither Uitlander grievances nor
questions of interpretation, but which might be readily settled by friendly
communications between the representatives of the two Governments. || If,
however, as they most anxiously hope will not be the case, the reply of the
South African Republic Government is negative or inconclusive, Her Majesty's
Government must reserve to themselves the right to reconsider the situation
de novo, and to formulate their own proposals for a final settlement.

Nr. 12051. **GROSSBRITANNIEN.** — Der Gouverneur der Kap-
kolonie an den Kolonialminister. Zusatz zur Note
der Südafrikan. Republik vom 2. September.

10.45 p.m., September 8, 1899.

Nr. 12051. (Extract.) || 8th September. No. 2. Greene telegraphs as follows: — ||
Groß- Begins: 8th September. I have received a visit from the State Secretary
britannien. who has informed me that, in accordance with a suggestion made by the
8. Sept. 1899. President of the Orange Free State and friends in Cape Colonie, the Govern-
ment of the South African Republic desire to add the following sentence to
the tenth paragraph of their note of 2nd September: "This Government being
quite willing to enter such Conference."

Nr. 12052. **GROSSBRITANNIEN.** — Derselbe an Denselben. Be-
schluß des Volksraads der Südafrikan. Republik
über Krieg und Frieden.

8. a.m., September 9, 1899.

Nr. 12052. Telegram. || 8th September. No. 3. Referring to my telegram of yester-
Groß- day, No. 7, British Agent telegraphs: — || Debate continued in Raad this
britannien. morning; Resolution unanimously carried to the following effect: || Raad regrets
9 Sept. 1899.

armed troops are stationed on borders and declares its opinion that should possible eventuality war the Transvaal would not be responsible for the cause of that war. It resolved to await result of further negotiations between two Governments, and to declare emphatically its determination to maintain the independence and rights of the people of the South African Republic.

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Nr. 12053. GROSSBRITANNIEN. — Der Gouverneur der Kapkolonie an den Kolonialminister. Übersendet eine Depesche des Ministers der Südafrikan. Republik; Reitz bedauert die Haltung der engl. Regierung.

(Despatched 11. p.m., 16th September; received 7.30 a.m., September 17, 1899.)

Telegram. || 16th September. No. 4. Following is South African Republic Government reply: — || Begins: || Sir, — South African Republic Government have had the honour to acknowledge receipt of your note 12th September, in answer to their note 2nd September.

Nr. 12053.
Groß-
britannien.
17. Sept. 1899.

In answer, this Government wishes to state that it learns with a feeling of deep regret that it must understand that Her Majesty's Government withdraws from the invitation sent in your letter of 23rd August, and accepted by this Government, and substitutes in its place an entirely new proposal. || The proposal which has now lapsed, contained in the letters of this Government of 19th August and 21st August, was induced by suggestions given by British Agent to State Attorney, and these were accepted by this Government in good faith, and on express request, as equivalent to an assurance that the proposal would be acceptable to Her Majesty's Government. || It was in no way the object of this Government, either then or now, to make any needless recapitulations of its contention about its political status as an independent State as defined by Convention of London, 1884, but only to try to put an end to the state of tension by meeting Her Majesty's Government upon a proposal which it supposed to be constituted, both in spirit and in form, in such a way as it was given to understand to be satisfactory to Her Majesty's Government. || This Government cannot disguise from itself that in making the proposals contained in its note of 19th August, it probably ran the danger not only of its being disclaimed by South African Republic Volksraad and people, but also that its acceptance might affect the independence of State by, as therein proposed, giving an immediate vote in the Legislature of the State to a large number of inpouring Uitlanders, but it set against that the continuous threatening and undoubted danger to its highly-prized independence arising from claim of suzerainty made by Her Majesty's Government, from the interference of that Government in the internal affairs of this Republic, and from the want of an automatically working manner of regulating differences between Her Majesty's Government and this Government, and was in consequence prepared to recommend to South African Republic Volksraad and

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to people to run the danger attached to offer made, in order to avoid the certainty of the greater danger. || Inasmuch, however, as the conditions attached to the proposal, the acceptance of which constituted the only consideration for its offer, have been declared unacceptable, it cannot understand on what grounds of justice it can be expected that it should be bound to grant the rest, and with a view to the assurance given by Secretary of State for Colonies that he would not consider the said offer as a refusal in answer to his invitation to a joint inquiry based upon existing franchise law and scheme of representation for Witwatersrand gold fields, it cannot understand why, as soon as this invitation was accepted (as was done by this Government in its note 2nd September), Her Majesty's Government declares that it cannot any longer agree to the inquiry on this subject, and for purposes which that Government itself proposes.

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

It trusts that it will clearly appear from the foregoing that Her Majesty's Government is under a misunderstanding, if it supposes that this Government has ever recognised that it has considered the lapsed proposal contained in the letter 19th August, without the conditions imposed therein and repeated in the note 21st August, as a reasonable proposal, or made it as a proposal, and still less that this Government was, or is, of opinion that its earlier proposal could be extended with advantage to the Republic without observance of those conditions, or that the Republic would not suffer any violation of its independence. || However earnestly this Government also desires to find an immediate and satisfactory course by which existing tension should be brought to an end, it feels itself quite unable, as desired, to recommend or propose to South African Republic Volksraad and people the part of its proposal contained in paragraphs 1, 2, and 3 of its note 19th August, omitting the conditions on the acceptance of which alone the offer was based, but declares itself always still prepared to abide by its acceptance of the invitation [of] Her Majesty's Government to get a Joint Commission composed as intimated in its note of 2nd September. It considers that if conditions are contained in the existing franchise law which has been passed, and in the scheme of representation, which might tend to frustrate object contemplated, that it will attract the attention of the Commission, and thus be brought to the knowledge of this Government. || This Government has noticed with surprise the assertion that it had intimated to British Agent that the new members to be chosen

for South African Republic Volksraad should be allowed to use their own language. If it is thereby intended that this Government would have agreed that any other than the language of the country would have been used in the deliberations of the Volksraad, it wishes to deny same in the strongest manner. Leaving aside fact that it is not competent to introduce any such radical change, they have, up to now, not been able to understand the necessity or even advisability of making a recommendation to the Volksraad in the spirit suggested. Hence also the immediate and express denial given to British Agent by State Attorney to any question of that nature. || Inasmuch as the proposal for any further Conference has been made specially dependent on the acceptance of a proposal which this Government does not feel at liberty to recommend to Volksraad, it would perhaps be premature to deal with it further at the present time. It merely wishes, however, to remark that it has not yet been made clear to it which are the definite questions which would be discussed [at] proposed Conference, and which could not be subjected to arbitration, but it is pleased to see that Her Majesty's Government thinks that they could readily be settled by means of friendly discussions, while it further welcomes with much pleasure prospect disclosed by Her Majesty's Government of the introduction of a Court of Arbitration for the decision of all points of difference and points to be discussed at the Conference, and is ready and willing to co-operate towards the composition of such a Court, and that the more as it is its firm intention to abide entirely by the Convention of London, 1884, as its efforts have been continuously to do. || Finally this Government continues to cherish hope that Her Majesty's Government on further consideration will feel itself free to abandon idea of making new proposals more difficult for this Government, and imposing new conditions, and will declare itself satisfied to abide by its own proposal for a Joint Commission as first proposed by Secretary of State for Colonies in Imperial Parliament, and subsequently proposed to this Government and accepted by it. If Her Majesty's Government is willing, and feels able to make this decision, it would put an end to the present state of tension, race hatred would decrease and die out, the prosperity and welfare of South African Republic and of whole of South Africa would be developed and furthered, and fraternization between the different nationalities would increase.

F. W. Reitz,
State Secretary. Ends.

Nr. 12054. **GROSSBRITANNIEN.** — Derselbe an Denselben. Korrespondenz mit dem Oranje-Freistaat über die Ansammlung britischer Truppen an der Grenze der Republik.

8.50 p.m., September 19, 1899.

Telegram. || 19th September. No. 2. Lancashire Regiment is being dispatched to Kimberley; it will also guard Orange River Bridge. || I wired this

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Nr. 12054.
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19. Sept. 1899.

morning to President Orange Free State as follows: — || "I have the honour to inform your Honour that it has been deemed advisable by the Imperial military authorities to send detachment of the troops ordinarily stationed at Cape Town to assist in securing the line of communication between the Colony and the British territories lying to the north of it. As this force, or a portion of it, may be stationed near the borders of the Orange Free State, I think it desirable to acquaint your Honour with this movement, and the reason for it, in order to prevent any misconception on the part of the Burghers of the Orange Free State of the object which the military authorities have in view. The movement in question is in no way directed against the Orange Free State, nor is it due to any anxiety as to the intention of the latter, as I rest fully satisfied with the declaration on this point contained in your Honour's telegram of 16th August last. || "I take this opportunity of making a general statement of the attitude of Her Majesty's Government at the present juncture, which, in view of the many current misapprehensions on the subject, Her Majesty's Government have authorized me to convey to your Honour. || Her Majesty's Government still hope for a peaceful settlement with the Government of the South African Republic. Should this hope, however, unfortunately be disappointed, they look to the Government of the Orange Free State to preserve strict neutrality and to prevent any military intervention by any of its citizens. They are prepared to give formal assurance that in that case the integrity of the territory of the Orange Free State will under all circumstances be strictly respected. There is, as far as Her Majesty's Government are aware, absolutely no cause to justify any disturbance of the friendly relations between Great Britain and the Orange Free State. It is entirely untrue that Her Majesty's Government desire to impair the independence of the Orange Free State, towards which Republic they are animated by the most friendly sentiments."

He has just replied as follows: — || Begins: Your Excellency's telegram of this day. I share with your Excellency the hopefulness of a friendly settlement of the differences which have arisen between Her Majesty's Government and the Government of South African Republic being still arrived at. I cannot even now see that those differences justify the use of force as the only solution thereof. Both on this account and seeing the existing state of tension here as elsewhere in South Africa, I note with apprehension and regret the intention of Her Majesty's Government to send detachments of the troops ordinarily stationed at Cape Town northwards, with a view to having same or any portion thereof, stationed near the border of this State. Whilst this Government will continue to do all in their power to alley excitement, I cannot help impressing upon your Excellency the fact that if the proposed course be pursued, following as it will on other military preparations near our border, it will not improbably be considered by our Burghers as a menace to this State, and will [?] in any case naturally create a very strong feeling of

distrust and unrest amongst them. If unwished-for developments should arise therefrom, the responsibility will not rest with this Government. || I will submit your Excellency's telegram to the Volksraad early in its session, which opens on Thursday next and meanwhile beg to assure your Excellency that this Government would view with deep regret any disturbance of those friendly relations which have hitherto existed between Great Britain and this State. Ends.

Nr. 12054.
Groß-
britannien.
19. Sept. 1899.

Nr. 12055. **GROSSBRITANNIEN.** — Der Kolonialminister an den Gouverneur der Kapkolonie. Die Fortsetzung der bisherigen Verhandlung ist nutzlos.

10.15 p.m., September 22, 1899.

Telegram. || 22nd September. No. 5. I have to acknowledge receipt of your telegram, No. 4, 16th September, conveying reply of the Government of the South African Republic to note of British Agent conveying communication of Her Majesty's Government contained in my telegram to you of 8th September, No. 5. The offer therein made by Her Majesty's Government was moderate and conciliatory, and they have to express their profound regret that reply of Government of the South African Republic is a refusal to accept it. || Her Majesty's Government have on more than one occasion repeated their assurances that they have no desire to interfere in any way with independence of South African Republic, provided that the conditions on which it was granted are honourably observed in the spirit and in the letter, and they have offered as part of a general settlement to give a complete guarantee against any attack upon that independence, either from within any part of the British dominions or from the territory of a foreign State. || They have not asserted any rights of interference in the internal affairs of the Republic other than those which are derived from the Conventions between the two countries or which belong to every neighbouring Government (and especially to one which has a largely predominant interest in the adjacent territories) for the protection of its subjects and of its adjoining possessions. But they have been compelled by the action of Government of the South African Republic, who have in their note of 9th May, 1899, asserted the right of the Republic to be a Sovereign International State, absolutely to deny and repudiate this claim. || The object which Her Majesty's Government have had in view in the recent negotiations has been stated in a manner which cannot admit of misapprehension, viz., to obtain such a substantial and immediate representation for the Uitlanders in the South African Republic as Her Majesty's Government hoped would relieve them from any necessity for further interference on their behalf, and would enable the Uitlanders to secure for themselves that fair and just treatment which was formally promised to them in 1881, and which Her Majesty intended to secure for them when she granted the privilege of self-

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Nr. 12055. government to the inhabitants of the Transvaal. || As was stated in my tele-
 Groß- gram of 8th September, Her Majesty's Government are of opinion that no
 britanni- conditions less comprehensive than those contained in their offer of that date
 22.Sept.1899. can be relied upon to effect this object. || The refusal of the Government of
 the South African Republic to entertain the offer thus made, coming as it
 does at the end of nearly four months of protracted negotiations, themselves
 the climax of an agitation extending over a period of more than five years,
 makes it useless to further pursue a discussion on the lines hitherto followed,
 and Her Majesty's Government are now compelled to consider the situation
 afresh, and to formulate their own proposals for a final settlement of the
 issues which have been created in South Africa by the policy constantly
 followed for many years by the Government of the South African Republic.
 They will communicate to you the result of their deliberations in a later
 despatch. || Communicate as above to Government of South African Republic.

Nr. 12056. **GROSSBRITANNIEN.** — Derselbe an Denselben. Be-
 merkungen zu Nr. 12053.

10.27 p.m., September 22, 1899.

Nr. 12056. Telegram. || 22nd September. No. 6. Communicate following to Govern-
 Groß- ment South African Republic:— || Her Majesty's Government cannot pass over
 britanni- in silence the charge of a breach of faith which is practically insinuated in
 22.Sept.1899. the letter from the State Secretary of the South African Republic forwarded
 to me in your telegram, No. 4, of the 16th September. || The proposals made
 by the Government of the South African Republic in the letters from the
 State Secretary, dated 19th and 21st August, were not "induced by suggestions
 given by the British Agent to the State Attorney." On the contrary, State
 Attorney sounded British Agent both in writing and in conversation as to the
 conditions on which Her Majesty's Government would waive their invitation
 to a joint inquiry, and the result of these communications was the proposals
 made by the Government of the South African Republic in those letters. ||
 Government of the South African Republic state in the letter from the State
 Secretary, conveyed in your telegram, No. 4, of the 16th September, that they
 understood that their proposals were "constituted both in spirit and in form"
 in a manner satisfactory to Her Majesty's Government. || It is impossible that
 the Government of the South African Republic could, in making their pro-
 posals, have been in any doubt as to the answer which Her Majesty's Go-
 vernment would give to the conditions attached to them. The answer actually
 given by Her Majesty's Government in my telegram to you, No. 1, of the
 28th August, and which the Government of the South African Republic allege
 as their reason for withdrawing from their offer was precisely that which the
 British Agent had foreshadowed to the State Attorney, and which, therefore,
 they must have anticipated in making their proposals. || Nor can Her Majesty's

Government admit that it was my telegram, No. 5, of the 8th September, which substituted "an entirely new proposal" for the invitation to a Joint Commission of Inquiry. || In order to demonstrate inaccuracy of this contention, it is sufficient to quote opening words of the note of the State Secretary, dated the 19th August, which were as follows:— || "With reference to your proposal for a Joint Inquiry, contained in your despatches of the 2nd and 3rd August, Government of South African Republic have the honour to suggest the following alternative proposal." || Then followed the very proposals as to representation which Her Majesty's Government are stated to have "substituted" for their invitation. In making this communication the Government of the South African Republic assumed that Her Majesty's Government would agree to their suggestions as to non-interference and suzerainty, but it was only in a separate note from the State Secretary, dated two days later, that the proposals for franchise and representation were stated to be expressly conditional on the acceptance by Her Majesty's Government of these assumptions. || Her Majesty's Government are therefore unable to see any grounds for misapprehension on the part of the South African Republic as to the answer which would be given with regard to non-interference and suzerainty, and Her Majesty's Government desire to further point out that the substantive condition which was at first attached to the proposals of the Government of the South African Republic was that Her Majesty's Government would not press for the appointment of a Joint Commission of Inquiry, as such an inquiry would, in the opinion of the Government of the South African Republic, as stated in their note of the 12th August, prejudice the right of full independence in internal affairs repeatedly recognized by Great Britain. || With regard to use of English language by the Uitlander Members of Volksraad, the proposal seems to Her Majesty's Government to be as reasonable as is privilege of using Dutch language enjoyed by Dutch members of Legislature of the Cape Colony or the facultative use of either German, French, or Italian in the Legislature of Swiss Confederation, and Her Majesty's Government can only express their astonishment that the Government of the South African Republic should characterize it as unnecessary and inadvisable, and should make a point of denying in the strongest manner that they could ever have made such a proposal to British Agent through the State Attorney.

Nr. 12057. **GROSSBRITANNIEN.** — Der Gouverneur der Kapkolonie an den Kolonialminister. Der Volksraad des Oranje-Freistaats beschließt im Falle eines Krieges der Südafrikan. Republik beizustehen.

7.10 a.m., September 28, 1899.

Telegram. || 27th September. No. 3. Following resolution unanimously adopted to-day by Orange Free State Volksraad and forwarded to me by President Orange Free State in translation:— || Begins: The Volksraad, having

Nr. 12057.
Großs-
britannien.
22. Sept. 1899.

Nr. 12057. heard the second paragraph of His Honour's opening speech and the official documents and correspondence relating thereto which have been handed in, having regard to the strained state of affairs in South Africa which have arisen in consequence of the differences between the Governments of South African Republic and Her Britannic Majesty, which constitute a threatening danger for bringing about hostilities the calamitous effect of which would be incalculable for all white inhabitants of South Africa, being bound to the South African Republic by the closest bonds of blood and alliance and standing in most friendly relations towards Her Majesty's Government fearing that should a war break out a hatred would be generated between the European races in South Africa which still in the far future will impede and restrain the peaceful development of all States and Colonies of South Africa, being sensible that serious obligations rest on the Volksraad to do all that is possible to prevent the shedding of blood, considering that in the course of negotiations with the British Government which have extended over several months every endeavour has been made by the Government of the South African Republic at a peaceful settlement of the differences which have been brought forward by Uitlanders in the South African Republic and which have been adopted as its own cause by the Government of Her Majesty which endeavours, unfortunately, have only had the result that British troops have been concentrated on the border of the South African Republic and are still continually being reinforced. || "Resolves to instruct the Government still further to do everything in its power to preserve and establish peace and to contribute by peaceful methods towards the solution of the existing differences, always provided that [it] can be brought about without injury to the honour and independence of this State or of the South African Republic, and wishes unmistakably to declare its opinion that there exists no cause for war and that if a war is now begun or occasioned by Her Majesty's Government against South African Republic, this would morally be a war against the whole of white population of South Africa and would in its results be calamitous and criminal and further, that Orange Free State will honestly and faithfully observe its obligations towards South African Republic arising out of the political alliance between the two Republics whatever may happen."

Nr. 12058. **GROSSBRITANNIEN.** — Derselbe an Denselben. Der Präsident des Oranje-Freistaats bietet seine Vermittlung an.

6.55 a.m., September 28, 1899.

Nr. 12058. Telegram. || 27th September. No. 4. In continuation of my telegram of to-day, No. 3. Orange Free State President has telegraphed to me at enormous length. After recapitulating history of negotiations from their point of view he continues:—

Begins: This government are still prepared and tender their services to further the interests of peace and to continue in their endeavours to procure a satisfactory solution of existing difficulties on fair and reasonable lines. They feel themselves however hampered now as in the past (a) by a want of knowledge as to the definite object and extent of the desires of demands of the British Government compliance with which that Government consider themselves entitled to insist on and as to the grounds on which such insistence is based. (b) By the fact, notwithstanding the repeated assurances of the British Government that it does not wish to interfere in the internal affairs of the government of the South African Republic nor to disturb its independence, it has pursued a policy which seems to justify a contrary conclusion; to give but one instance I may mention the enormous and ever-increasing military preparations on the part of the British Government indicating a policy of force and coercion. || This Government cannot conceive it possible that the points of difference that may exist on this subject justify those extensive and ever-increasing military preparations being carried out on this border, not only on the South African Republic but also of the Orange Free State, and they are therefore reluctantly compelled to conclude that they must be intended to secure other objects at present unknown to the Government of this State and the knowledge whereof if they prove to be fair and reasonable might induce this Government to make necessary representations to secure their attainment and enable them to continue their efforts to secure a speedy, peaceful and satisfactory settlement of the difficulties and differences existing between Her Majesty's Government and the Government of the South African Republic. || We are firmly convinced that the Government of South African Republic have been sincerely desirous to maintain in its integrity the Convention of London 1884 both as regards its letter and its spirit, and that they do not contemplate or assert a claim to any absolute political status without the qualification arising out of Article IV. of that Convention. I feel assured that there is no difference between their contention on that point and the communication made on behalf of Her Majesty's Government by Her Majesty's High Commissioner to the Government both of the South African Republic and of this State on the 27th February, 1884, as to the import of that Convention: that communication was as follows, "Same complete internal independence in Transvaal as in Orange Free State; conduct and control intercourse with foreign Governments conceded; Queen's final approval treaties reserved." || In the expectation that Her Majesty's Government will share my views that no effort should be spared to effect a peaceable settlement, I trust that Her Majesty's Government may see their way clear, pending arrival of the further despatch intimated as about to be sent to Government of South African Republic and pending further negotiations, to stop any further movements or increase of troops on or near the borders of the South African Republic and of this State, and further to give an assurance to that effect to

Nr. 12058.
Groß-
britannien.
28. Sept. 1899.

Nr. 12058. allay the great excitement and irritation naturally aroused and increased
Groß- thereby, and if Her Majesty's Government should be pleased to accede to this
britannien. request this Government would be glad to be favoured with the views of Her
28. Sept. 1899. Majesty's Government on the points raised herein and more particularly as
to the precise nature and scope of the concessions or measures the adoption
whereof Her Majesty's Government consider themselves entitled to claim, or
which they suggest as being necessary or sufficient to insure a satisfactory
and permanent solution of existing differences between them and the South
African Republic whilst at the same time providing a means for settlement
[of] any other that may arise in the future. — M. T. Steijn, State Pres-
ident. Ends.

Nr. 12059. **GROSSBRITANNIEN.** — Der Kolonialminister an den
Gouverneur der Kapkolonie. Antwort auf Nr. 12058. *)

10.30 p.m., September 29, 1899.

Nr. 12059. Telegram. || 29th September. No. 2. Referring to your telegram of 27th Sep-
Groß- tember, Her Majesty's Government request that you will inform President of
britannien. Orange Free State in reply to his message that their views have been definitely
29. Sept. 1899. made known to the Government of the South African Republic from time to time
and especially in my telegram of 8th September, No. 5. Unfortunately the
Government of the South African Republic has finally declined to entertain
the suggestions contained in that telegram, and accordingly Her Majesty's
Government, in accordance with the announcement made in the last paragraph,
have been compelled to formulate their own proposals for a final settlement,
which will shortly be communicated to the Government of the South African
Republic. || You will at the same time inform President of Orange Free State
that what he describes as the enormous and ever-increasing military prepara-
tions of Great Britain have been forced upon Her Majesty's Government by
the policy of the South African Republic, which has transformed the Trans-
vaal into a permanent armed camp, threatening the peace of the whole of
South Africa and the position of Great Britain as the Paramount State.

Nr. 12060. **GROSSBRITANNIEN.** — Der Gouverneur der Kap-
kolonie an den Kolonialminister. Korrespondenz
mit dem Oranje-Freistaat über die Ansammlung
britischer Truppen.

8.5 p.m., Oktober 2, 1899.

Nr. 12060. Telegram. || 2nd October. Nr. 2. Following telegram received from Pre-
Groß- sident Orange Free State: — || Begins: 2nd October. I have the honour to
britannien. inform Your Excellency that I have deemed it advisable, in order to allay
2. Okt. 1899.

*) Diese Antwort wurde auf Vorschlag Milners an den Präsidenten Steijn nicht
abgeschickt. Red.

the intense excitement and unrest amongst our burghers arising from the totally undefended state of our border in the presence of a continued increase and movement of troops on two sides of this State, to call up our burghers to satisfy them that due precaution has been taken in regard to guarding our borders, and to insure their not acting independently of proper control. I am still strongly and sincerely desirous of seeing, and, if possible, aiding in a friendly settlement of the differences between Her Majesty's Government and South African Republic being arrived at. I am still looking forward soon to be favoured with the views of Her Majesty's Government on the points touched upon in my telegraphic despatch to Your Excellency of the 27th instant [? Sept.], receipt thereof was acknowledged by Your Excellency on the following day. Ends.

I have replied:— || Begins: I have the honour to acknowledge Your Honour's telegram of to-day, the terms of which I am communicating to Her Majesty's Government. With regard to the movements of troops to which you refer, I can only repeat the assurances given in my telegrams of the 19th and 25th September. I regret that Your Honour should have felt obliged to call up a large body of burghers and to place them immediately on our borders, whereas no Imperial troops have been so placed on the borders of the Orange Free State, except the small detachment in the defence of Kimberley, but as Your Honour has seen fit to take this course I am glad to have Your Honour's assurance that your forces will be held in proper control. As Your Honours is aware, the Government of the South African Republic has mobilized and placed on the borders of Natal a very considerable army, and made dispositions which, unwilling as I am to believe such action possible, seems to indicate an invasion of the Queen's dominions. In view of the repeated declarations of Your Honour, I feel confident that an invasion of Her Majesty's territories by South African Republic would not have countenance and support of Your Honour's Government, all the more so as Your Honour continues to express the hope of a peaceful settlement, of which I likewise do not despair. || I hope to be able very shortly to communicate to you the reply of Her Majesty's Government to your telegram of 27th September. Ends.

Nr. 12061. **GROSSBRITANNIEN.** — Derselbe an Denselben. Der Präsident der Südafrikanischen Republik hält den Krieg für unvermeidlich.

9.30 p.m., Oktober 2, 1899.

Telegram. || 2nd October. Nr. 3. Following telegram received from British Agent:— || "Volksraad of South African Republic adjourned this morning, sine die. President, in an excited speech, declared that war was

Nr. 12061.
Groß-
britannien.
2. Okt. 1899.

Nr. 12061. inevitable. England had shown that she wished to fight, and his people
 Groß- would now show that they would fight under the eyes of the Lord. Burger
 britannien.
 2. Okt. 1899. and Wolmarans spoke similar strain."

Nr. 12062. **GROSSBRITANNIEN.** — Der Gouverneur der Kapkolonie an den Kolonialminister. Der Präsident des Oranje-Freistaats verlangt eine Antwort auf Nr. 12058. Entwurf einer Antwort.

7.5 a.m., Oktober 4, 1899.

Nr. 12062. Telegram. || (Extract.) || 4th October. No. 1. President Orange Free State
 Groß- has sent me another long telegram, which is mostly an attack upon us for
 britannien.
 4. Okt. 1899. pursuing what he regards as a policy of menace towards South African Republic, and seems to indicate an intention of picking a quarrel with us. His answer concludes as follows:—"I feel deeply impressed with the danger of delay and with the urgent need of immediate action being taken, if any further attempts are to be made to secure a peaceful solution. I tender once again my best services towards the attainment of that object, but they will, I fear, be useless and unavailing if not preceded or accompanied by the assurances for which I asked on the 27th ultimo." || He also makes a grievance of not having received an answer to his telegram of the 27th September. I kept back, as you are aware, your telegram of the 29th September No. 2. We ought, however, in my opinion, to answer him now, and I suggest the following:— || Begins.—Her Majesty's Government have repeatedly stated their views on the questions at issue between them and the Government of the South African Republic, and especially in the telegram of 8th September, No. 5. They did not think their position open to misunderstanding but if President of Orange Free State desires elucidation of any special point they are prepared to give it. As regards their military preparations they have been necessitated by policy of Government of South African Republic converting that country into a permanent armed camp. In view of rejection of their last proposals by Government of South African Republic Her Majesty's Government are reconsidering the situation having regard to the grave (? fact) that both Republics have now placed themselves on a war footing. || While intending shortly to put forward new proposals of their own Her Majesty's Government is prepared to listen even at the eleventh hour to definite suggestions from President of Orange Free State for the termination of crisis which are not inconsistent with attainment of objects steadily avowed and pursued by them. Ends.*)"

I do not think there is much chance of a compromise although there is apparently still some hope of it in Afrikaner circles here.

*) Chamberlain billigt die Antwort am 4. Oktober. Red.

Nr. 12063. GROSSBRITANNIEN. — Derselbe an Denselben.
Weitere Verhandlungen mit dem Oranje-Freistaat.

7.30 p.m., 5th Oktober 1899.

Telegram. || 5th October. No. 1. Urgent. Referring to your telegram of 4th October, No. 3, I telegraphed Orange Free State President yesterday as follows: — || Begins: I have the honour to acknowledge Your Honour's long telegram of yesterday afternoon, the substance of which I have communicated by telegraph to Her Majesty's Government. There is, I think, a conclusive reply to your Honour's accusation against the policy of Her Majesty's Government, but no good purpose would be served by recrimination. The present position is that Burgher forces are assembled in very large numbers in immediate proximity to the frontiers of Natal, while the British troops occupy certain defensive positions well within those borders. The question is whether the Burgher forces will invade British territory, thus closing the door to any possibility of a pacific solution. I cannot believe that the South African Republic will make such aggressive action, or that Your Honour would countenance such course, which there is nothing to justify. Prolonged negotiations have hitherto failed to bring about a satisfactory understanding, and no doubt such understanding is more difficult than ever to-day, after expulsion of British subjects with great loss and suffering, but till the threatened act of aggression is committed I shall not despair of peace, and I feel sure that any reasonable proposal, from whatever quarter proceeding, would be favourably considered by Her Majesty's Government, if it offered an immediate termination of present tension and a prospect of permanent tranquillity. Ends.

Simultaneously with the receipt of your telegram of 4th October, No. 3, I received the following from Orange Free State President:— || Begins: I have the honour to acknowledge receipt of Your Excellency's telegram of yesterday evening. I note with pleasure that Your Excellency does not despair of peace, and that you feel sure that any reasonable proposal, from whatever quarter proceeding, would be favourably considered by Her Majesty's Government, if it offered immediate termination of the present tension and a prospect of permanent tranquillity. I see no reason why such proposals should not be forthcoming, and I myself am prepared actively to assist in bringing about the indicated and desirable results. I must, however, point out that it seems to me that it would be most difficult to attempt to make friendly proposals, or continue to negotiate whilst the armed forces on both sides remain in menacing positions now occupied by them. But above all do I consider it would not be practicable to induce Government of South African Republic to make or entertain proposals or suggestions, unless not only the troops menacing their State are withdrawn farther from their borders, but an assurance be given by Her Majesty's Government that all further despatch and increase of troops will at once and during negotiations be stopped, and that those now

Nr. 12063.
Groß-
britannien,
5. Okt. 1899.

Nr. 12063. on the water should either not be landed or at least should remain as far
Groß- removed as can be from the scene of possible hostilities. I trust Your Ex-
britannien. cellency will agree with me that these suggestions are only reasonable, as it
5. Okt. 1899. would be manifestly unfair, should further negotiations prove abortive, a result
which I would earnestly endeavour to prevent and which, I trust, need not
be anticipated, that the forces of South African Republic [? should be] in a
worse position or at a greater disadvantage than they are at present. || I must
urge upon Your Excellency the urgent necessity of intimating to me without
delay, whether Your Excellency sees your way clear to give effect to these
my views and wishes, and, if so, I would be prepared to take steps to at
once try and obtain any needful assurance to safeguard against any act of
invasion or hostility against any portion of Her Majesty's Colonies or terri-
tories pending negotiations, if this preliminary but absolutely essential matter
can be regulated between this and to-morrow. I will be further prepared to
aid if possible in formulating and heartily to assist in dealing with and sup-
porting all reasonable proposals which shall possess the element of finality
and give the assurance of immediate and lasting peace. A reply to the
request made in the very last part of my telegraphic despatch to Your Ex-
cellency of the 27th ultimo would enable me to judge in how far it would
be possible for me to support the requests or requirements of Her Majesty's
Government in re-opening negotiations with the Transvaal. || In regard to
another point touched upon by Your Excellency in your telegram under reply
I have no information before me from which I can infer that Her Majesty's
subjects have been expelled with great loss and suffering from the South
African Republic. The report no doubt has its origin like many others in
exaggerated statements of persons leaving that country in a panic. Ends.

It seems to me that the only possible answer is that whatever may be
the case with regard to the forces of South African Republic I demur to His
Honour's statement that British troops are in a menacing position, and I
regret that His Honour should suggest as a condition precedent to further
negotiations an assurance from Her Majesty's Government hampering their
freedom of action with regard to the disposition of British troops for defen-
sive purposes in British territory. Such an assurance it is impossible for me
to suggest Her Majesty's Government to give. I think this answer should be
sent with the greatest possible promptitude.

Nr. 12064. GROSSBRITANNIEN. — Derselbe an Denselben
Dasselbe.

2.40 a.m., Oktober 8, 1899.

Nr. 12064. Telegram. || 7th October. No. 4. I sent a telegram en clair to Presi-
Groß- dent Orange Free State this morning in accordance with terms of my sug-
britannien. gestion in my telegram of 4th October, No. 1, approved by you in your tele-
8. Okt. 1899.

gram of 4th October, No. 3. || Following telegrams have also been exchanged between us in continuation of my telegram of 5th October, No. 1: — || Begins. — 6th October. With reference to your Honour's telegram of yesterday I must demur to your Honour's statement that British troops are in menacing positions. I regret that your Honour should suggest as a condition precedent to further negotiations an assurance from Her Majesty's Government hampering their freedom of action with regard to the disposition of British troops necessary for defensive purposes in British territory. Such an assurance it is impossible for me to ask Her Majesty's Government to give. If, on the other hand, your Honour can obtain an assurance that, pending negotiations, no act of hostility will be committed against any of Her Majesty's possessions I am prepared to advise Her Majesty's Government to give an assurance to the like effect. Ends.

Nr. 12064.
Groß-
britannien.
8. Okt. 1899.

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

Begins. — 7th October. I have the honour to acknowledge the receipt of your Honour's telegram of yesterday afternoon. With every desire to relieve the strain of present situation I cannot go beyond the suggestions made by me in my telegram of yesterday morning. I have no right to attempt to influence your Honour as to what advice it would be reasonable for you to give to Government of South African Republic having regard to the impending increase in Her Majesty's forces in South Africa. My object in all the com-

Nr. 12064. Groß-
britannien.
8. Okt. 1899. munications which have [? passed] between us since your Honour's telegram of 2nd October has been to leave nothing undone which could prevent action on the part of South African Republic calculated to make a pacific solution finally impossible. But I cannot, even with that object, ask Her Majesty's Government to pledge themselves either with regard to the disposition of troops within British territories in South Africa, or to their dispatch thither from other parts of the Empire.

Nr. 12065. GROSSBRITANNIEN. — Der Gouverneur der Kapkolonie an den Kolonialminister. Ultimatum der Südafrikan. Republik.

6.45 a.m., Oktober 10, 1899.

Nr. 12065. Groß-
britannien.
10. Okt. 1899. Telegram. || 9th October. No. 3. Following telegram received from British Agent: — || Begins: Following full text of note received from the Government of the South African Republic bearing date to-day: —

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

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

Nr. 12065.
Groß-
britannien,
10. Okt. 1899.

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

Nr. 12065. it was strengthened in its suspicion that the independence of this Republic
Groß- was being threatened. As a defensive measure it was therefore obliged to
britannien. send a portion of the Burghers of this Republic in order to offer the requisite
10. Okt. 1899. resistance to similar possibilities. Her Majesty's unlawful intervention in the
internal affairs of this Republic in conflict with the Convention of London,
1884, caused by the extraordinary strengthening of troops in the neighbour-
hood of the borders of this Republic, has thus caused an intolerable condition
of things to arise whereto this Government feels itself obliged, in the interest
not only of this Republic but also [?] of all South Africa, to make an end
as soon as possible, and feels itself called upon and obliged to press earnestly
and with emphasis for an immediate termination of this state of things and
to request Her Majesty's Government to give it the assurance

(a) That all points of mutual difference shall be regulated by the friendly
course of arbitration or by whatever amicable way may be agreed upon by
this Government with Her Majesty's Government. || (b) That the troops on the
borders of this Republic shall be instantly withdrawn. || (c) That all reinforce-
ments of troops which have arrived in South Africa since the 1st June, 1899,
shall be removed from South Africa within a reasonable time, to be agreed
upon with this Government, and with a mutual assurance and guarantee on
the part of this Government that no attack upon or hostilities against any
portion of the possessions of the British Government shall be made by the
Republic during further negotiations within a period of time to be sub-
sequently agreed upon between the Governments, and this Government will,
on compliance therewith, be prepared to withdraw the armed Burghers of
this Republic from the borders. || (d) That Her Majesty's troops which are
now on the high seas shall not be landed in any port of South Africa.

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

I have, &c.,

F. W. Reitz,
State Secretary.

Nr. 12066. GROSSBRITANNIEN. — Der Kolonialminister an den Gouverneur der Kapkolonie. Das Ultimatum ist undiskutirbar.

Nr. 12066.
Groß-
britannien.
10. Okt. 1899.

10.45 p.m., Oktober 10, 1899.

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

Nr. 12067. GROSSBRITANNIEN. — Der Gouverneur der Kapkolonie an den Kolonialminister. Letzte Verhandlung mit dem Oranje-Freistaat. Er nimmt am Kriege teil.

8 a.m., 12th Oktober, 1899.

Telegram. || 11th October. No. 6. I telegraphed to-day to President of Orange Free State reciting latest communications between us and South African Republic and continuing as follows:— || Begins: In view of Resolution of Volksraad of Orange Free State communicated to me in Your Honour's telegram of 27th September I have the honour to request that I may be informed at Your Honour's earliest possible convenience whether this action on the part of the South African Republic has Your Honour's concurrence and support. Ends.

Nr. 12067.
Groß-
britannien.
12. Okt. 1899.

President of Orange Free State has just replied as follows:—

Begins: 11th. I have the honour to [?] acknowledge Your Excellency's telegrams of this evening. The high handed and unjustifiable policy and conduct of Her Majesty's Government in interfering in and dictating in the purely internal affairs of South African Republic, constituting a flagrant breach of the Convention of London, 1884, accompanied at first by preparations, and latterly followed by active commencement of hostilities against that Republic, which no friendly and well-intentioned efforts on our part could induce Her Majesty's Government to abandon, constitute such an undoubted and unjust attack on the independence of the South African Republic that no other course is left to this State than honourably to abide by its Conventional Agreements entered into with that Republic. On behalf of this Government, therefore, I beg to notify that, compelled thereto by the action of Her Majesty's Government, they intend to carry out the instructions of the Volksraad as set forth in the last part of the Resolution referred to by Your Excellency. Ends.

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