

BECHUANALAND.

BY A

MEMBER

OF THE

CAPE LEGISLATURE.

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SAMPSON LOW, MARSTON, SEARLE, & RIVINGTON,
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ERRATA.

- Page 11, line 26.—For “farms” read “farmers.”
Page 12, line 26.—For “to” read “of.”
Page 17, line 18.—For “in” read “on.”
Page 23, line 35.—For “her” read “their.”
Page 34, line 29.—For “182” read “1882.”
Page 43, line 8.—Delete “and” after “country.”
Page 43, line 11.—For “and” read “or.”
Page 44, line 3.—For “therefore” read “thereupon.”
Page 46, line 1.—For “larger” read “large.”
Page 51, line 30.—Insert “that” after “expect.”
Page 62, line 9.—For “of” read “by.”
Page 69, line 9.—For “hope” read “hopes.”
Page 70, line 14.—For “great” read “greatly.”
Page 78, line 15.—For “Ministry” read “Ministers.”
Page 88, line 20.—For “thereupon” read “therefore.”

I.

THE traditions of African Natives are, as a general rule, to be received with caution ; but there seems to be ground for believing that the Barolong Tribe were led by MOROLONG southward, from a far distant country. Under the Chieftainship of MABUA, fourth in descent from MOROLONG, the tribe reached the Molopo River, and they continued to occupy territory in the neighbourhood of that river until their dispersal by hordes of blood-thirsty Zulus, who in the time of MOSELEKATSE invaded the Barolong country, and carried fire and sword amongst the less warlike Barolong tribe.

One portion of the defeated tribe under MOROKO settled at Thaba Nchu ; another portion under TAOANE, father of MONTSIOA, like that under MACHABI, appear to have led a wandering life until, hearing of MOROKO'S settlement at Thaba Nchu, they also took up their abode in what is now the Orange Free State, where they were resident in 1836, when the Emigrant Boers entered that country. After the successful attack made by MOSELEKATSE upon the Emigrant Boers, under the brave Commandant HENDRICK POTGIETER, the Barolong tribe befriended the Boers by providing them with draft oxen in place of those swept off by the victorious Zulus, and, subsequent'y, when a Boer Commando was despatched against MOSELEKATSE the Barolong alliance with the Boers was maintained. The warlike operations carried on by the Boers against MOSELEKATSE resulted in the total defeat of "the old lion of the north," who was driven far northward towards the Zambesi, and the Barolong country having thus been re-conquered, the Boers in return for the aid given them by the Barolong tribe restored TAOANE to the possession of land in the former Barolong country. MOROKO remained at Thaba Nchu, and MACHABI took up his abode at Mooi River until such time as land could be found for him under the arrangement

made with the Boers. In 1849 TAOANE died, and from the date of MONTSIOA's succession disputes constantly arose as to the boundary between the Boer territory and the country claimed for Barolong occupation. The Boers appear to have at all times claimed sovereignty over the Barolong territory as theirs by right of conquest (a) and to have alleged that the occupation of it by the tribe was mere'y permissive. In 1852 MONTSIOA having been called upon as a vassal to give assistance to the Boers against SECHELE, declined. Whereupon he was required to surrender himself unconditionally, but rather than do so he and his immediate followers abandoned their village and fled from the country then occupied by them. Some of the leading men, notably MONTSIOA's brother MOLEMA, with a considerable number of the tribe, however, soon returned to the Barolong territory, and MOLEMA continued to live at Mafeking. MONTSIOA never seems to have recognized any right on the part of the Boers to deal with his country. There is in existence a letter written by him to the Landdrost of Potschefstroom, dated March 25th, 1870, wherein he complains that taxes have been demanded of his people by an official of the South African Republic, and says, "If there is not soon made an end of this lawless matter I shall be obliged to hand it over to Her Britannic Majesty's High Commissioner, Sir P. E. WODEHOUSE, with the earnest request to arbitrate between me and my most noble allies." Into the merits of the claims to the Barolong territory set up at various times by the Transvaal Government, the validity or otherwise of the KEATE Award, and the effect of the action taken by President BURGERS in 1876, when MONTSIOA was still living at Moshening, in GASSITSIWE's country, in endeavouring to secure the annexation of the Barolong territory to the Transvaal, it is unnecessary to enter. The boundary line defined by the recent Convention of London marks the limit of the territory of the Republic. The provisions of that Convention also indicate the Chiefs whose territories fall within the Republic. The rival claims of MONTSIOA and his brother MOSHETTE to the paramountcy—although otherwise of little

(a) Mr. KRUGER's evidence. Report of Transvaal Royal Commission, page 41.

importance—have a considerable bearing upon the events which happened prior to the Convention of Pretoria in 1831, and between that time and the establishment of the British Protectorate in Bechuanaland. Therefore it is necessary to point out that MOSHETTE is an elder brother of MONTSIOA, and that notwithstanding the preference given to MONTSIOA by official reports, native law would point to MOSHETTE as the tribal Chief (a). In answer to Sir H. DE VILLIERS the following evidence was given by Lieut.-Colonel MOYSEY before the Transvaal Royal Commission (b):—

“ Q. You say that MONTSIOA is the Chief of the Barolongs?

A. I say he is looked up to as Chief by most.

Q. Who is the Paramount Chief by virtue of native custom and native right?

A. I go by what I see in the Bloemhof Arbitration Blue-book, and there MOSHETTE is mentioned as Paramouut Chief, and that he was born so.

Q. So that if any one has a right to COETSEE'S farms by virtue of the Barolong occupation it is MOSHETTE and not MONTSIOA?

A. I do not recognize the rights of any Chief to them; I only recognize the rights of the Barolongs.

Q. MONTSIOA, has he rights then?

A. Not in his own person.

Q. MONTSIOA has no right to be where he is at all in any part where he is at present?

A. The attitude taken by MONTSIOA is that the country is Barolong country, and the business has to be settled between him and MOSHETTE, and between him and the Republic.”

KEBALEPILE, son of MONTSIOA, also gave the following evidence before the Royal Commission:—

“ Q Does MONTSIOA claim to be over MACHABI and MOSHETTE?

A. No, he does not claim any jurisdiction over them. In their father's time this tribe separated, and it has been separated

(a) MOSHETTE'S Statement. Appendix B.

(b) Report of Transvaal Royal Commission, page 80.

ever since. There are five divisions of the Barolong tribe. **MONTSIOA** is the third and **MOSHETTE** is the second.

Q. Who is the first?

A. **MICATSIWE**.

Q. Where does he live?

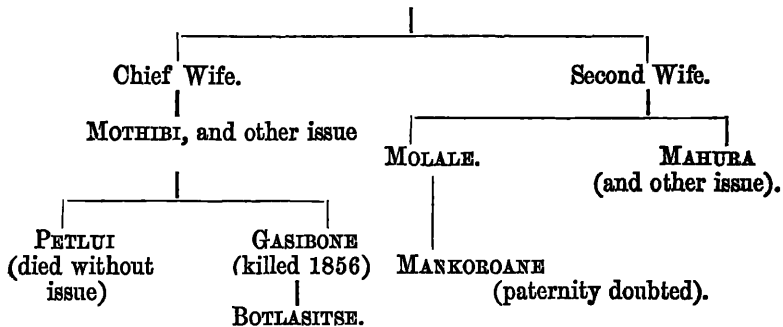
A. At **Moroquane**. He is the head of the Barologs. **MOROKO** is fourth in the Free State, and **MACHABI** is the fifth at **Polfontein**."

The objections to **MOSHETTE**'s claim as against **MONTSIOA**'s would appear to be difficult to sustain. It is attempted to invalidate **MOSHETTE**'s undoubted right arising from birth by showing that he was at one time a servant to a Boer, and by asserting that his right to the paramountcy has never been recognized by the tribe; but whatever be the value of the respective claims to the paramount Chieftainship it is clear, first, that **MOSHETTE** and **MONTSIOA** were both placed outside the boundary of the South African Republic by the Convention of Pretoria in 1881; secondly, that neither Chief was then brought under British or any other protection; thirdly, that until the date of the Convention of London, February 27th, 1884, when part of **MOSHETTE**'s territory was incorporated with the territory of the South African Republic, that Chief and **MONTSIOA** were in all respects independent, and capable of making peace or war; and, fourthly, that until the establishment of the British protectorate—if that protectorate was ever formally established—**MONTSIOA** continued to be an independent Chief and Her Majesty's Imperial Government had no title to repudiate or set aside any act done by him.

According to tribal tradition a destitute Bechuana tribe came under Barolong protection during the Chieftainship of **MOKHOPE** or **MAKOBI**, tenth Chief in succession from **MOROLONG**. That tribe remained subject to successive Barolong Chiefs for a lengthened period, but finally they escaped from thralldom and pressed downward to the Orange River, where they became fish-eaters (**Batlaping**). Whether this is or is not the true history of the **Batlaping** tribe may be an open question, but undoubtedly a numerous **Batlaping** people have for a considerable period been found in the neighbourhood of the **Harts**, **Vaal** and **Orange** Rivers. From the **Batlaping** Chief **MOLEHABANE** is descended

MANKOROANE, whose name has long been prominent in Native history in Africa. The right to the paramountcy claimed by MANKORANE can no more be supported than the right of MONTSIOA to the Barolong paramountcy. The table hereunder shows the succession from MOLEHABANE:—

MOLEHABANE.



In 1878 military operations were undertaken against BOTLASITSE by the Government of Griqualand West, then a Crown Colony. That Chief having been surrendered by MANKOROANE was imprisoned and deposed from his Chieftainship—on what authority it is difficult to say—and MANKOROANE seems to have been recognised from that time by the Griqualand West Government as paramount Chief of the Batlaping tribe. It will thus be seen that the Batlaping as well as the Barolong tribes are really indebted for their possession of Bechuanaland to the Boers who drove out MOSELEKATSE, while under the fostering care of British statesmen and their advisers the boundary line of Bechuanaland as defined by the KEATE Award has been gradually encroached upon, especially by the Conventions of Pretoria and London (a).

According to the evidence of Mr. KRUGER, now State President of the South African Republic, given before the Transvaal Royal Commission in 1881 (b), MASSOUW was Chief of the Korannas at Mamusa at the time when the Boers drove back the cruel Zulus. In Mr. KRUGER's words "His (MASSOUW's)

(a) Map—page 45, Blue-book [C. 3947].

(b) Report of Transvaal Royal Commission, page 41.

chief town is Mamusa; they had not left the country, but MOSELEKATSE was hunting them down in all directions, and they fled to the bush for protection. That was the only nation that MOSELEKATSE had not utterly destroyed; they were still left in the country when in the year 1840 the whites came to Potschefstroom to the Mooi River." Mr. KRUGER'S evidence sufficiently shows how absurd is the claim to superiority over MASSOUW'S Korannas made by the Batlaping tribe (a).

II.

A RECORD of events in Bechuanaland from 1870 to 1881 cannot be a pleasant subject for the contemplation of any British statesman. From 1881 to the establishment of the British protectorate the record is, if possible, worse. The natives looked to Her Majesty the Queen as the greatest of all Sovereigns; they continually appealed to her representatives to bring them under the protection of the British flag, but the invariable answer was that additional responsibilities, especially those involving pecuniary expenditure, could not be undertaken by the Imperial Government. On May 4th, 1874, MONTSIOA wrote to Mr. SOUTHEY, Lieutenant Governor of Griqualand West, a letter from which the following is an extract:—"I wish, great Chi f, that you would ask the great Queen of England to take me and my people to be her subjects and to take my country to be hers." Of the desire of MONTSIOA to be taken under British protection there can be no doubt, although it must be said that in the letter referred to he betrays such anxiety to secure certain valuable fountains and arable lands as to lead to the suspicion that his object was not merely to come under British rule. MONTSIOA'S request was not acceded to. In 1878 MANKOROANE sent a petition to the Administrator of Griqualand West, requesting to be taken under the rule of the British Government, and with reference to that petition the Administrator wrote to Colonel

(a) Notes of interview with MANKOROANE. Appendix A.

WARREN (now Major-General Sir CHARLES WARREN) as follows:—"I telegraphed to the Governor, but have received no instructions from him, but he fully approves of the occupation of the country till some definite arrangements can be made as to whether it should be annexed or be a protectorate. One thing is, I think, quite certain : that it will never be left again to the state of anarchy which prevailed there before." The Administrator was too sanguine. Mr. AGENOR DAUMAS was appointed Government Agent with MANKOROANE, Mr. C. C. KING was appointed Government Agent with MATHLABANE, and these appointments seem to have been thought sufficient for all useful purposes, and to have satisfied the official conscience. The duties of Messrs. KING and DAUMAS, according to a memorandum written by Lieut.-Col. MOYSEY on the subject, dated November 4th, 1881, "appear to have been to watch and advise the natives on the Griqualand border in the interests of that province, and also to restrain the Transvaal Boers and Batlaping Natives from mutual aggression while the KEATE Award question remained undecided." As soon, however, as Messrs. DAUMAS and KING proposed to interfere in the inter-tribal hostilities of 1881 between MONTSIOA and MOSHETTE, by accompanying the Chiefs with whom they were stationed upon an expedition, in the words of Mr. DAUMAS, "to the seat of war to enforce order" (a), alarm was taken at the risk of involving Her Majesty's Government in proceedings beyond the border of the Cape Colony; and the following telegram (b) was sent by Sir HERCULES ROBINSON, in his capacity as High Commissioner, on the advice of his Ministers, under date November 14th, 1881, to the Civil Commissioner, Kimberley:—"Instruct Messrs. KING and DAUMAS to inform the Chiefs to whom they have been accredited *that in consequence of the final definition of the Transvaal boundary the Government does not intend to continue to maintain representatives outside the Colonial frontier, and that arrangements will shortly be made for the withdrawal of these officers.* The Chiefs should at the same time be informed that I trust the friendly relations

(a) Blue-book [C. 3098], page 99.

(b) Blue-book [C. 3098], page 106.

that have hitherto characterized their intercourse with the Government may always be maintained." The services of Messrs. KING and DAUMAS were subsequently dispensed with, and every vestige of British protection was thereby openly withdrawn from Bechuanaland. It is submitted that the policy of retreat then decided upon by Her Majesty's Imperial Government, following closely upon the remarkable Convention of Pretoria, has mainly led to the troubles in Bechuanaland. The dismissal of Messrs KING and DAUMAS—who had been guilty of a "glaring violation of duty" in egging on hostilities and in taking part personally in the native warfare—was undoubtedly necessary, but some other arrangement might have been made, and if MANKOROANE and MONTSIOA had been—as has been represented—faithful allies of the British Crown, it may fairly be asked why did Her Majesty's Imperial Government then retire from Bechuanaland leaving the natives a prey to war, although MONTSIOA, as shown by his letter to Sir EVELYN WOOD, dated 19th October, 1881, was begging for Imperial interference, the words of the Chief being (a) "I apply once more to your Excellency to see whether the English Government intend to have the Convention carried out?" Any show of action, even at that late period, the appointment of a competent officer to represent Her Majesty's Imperial Government on the frontier of Bechuanaland, in the room of Messrs. KING and DAUMAS, and the expenditure of a few hundred pounds in supporting that officer, would have solved all difficulties, prevented encroachments, restored the prestige of the British Government amongst the natives, and saved the British taxpayer from enormous expenditure on warlike operations. "Too late" is the legend written over the grave of Imperial policy and prestige in Bechuanaland. But stay, something was done. At the instance of the British Resident, Pretoria, Captain NOURSE was despatched on the hopeless errand of endeavouring to make peace between the belligerent Chiefs, while abstaining "from any conduct or utterances which could in any way compromise the action of the

(a) Blue-book [C. 2098], page 99.

British Government" (a). The result is given in a telegram to the High Commissioner, dated 14th November, 1881 (b). "Captain NOURSE returned from mission. Arrived too late to prevent hostilities or to influence Chiefs to pacific settlement. In spite of all his efforts both still refuse peace or even armistice Captain NOURSE saw about 26 Boers assisting MOSHETTE in defiance of Commandant GREEF's written order. They plead they are poor and took service as Volunteers under MOSHETTE." The hostilities between the rival Barolong Chiefs, MONTSIOA and MOSHETTE, undoubtedly originated in a dispute concerning the paramountcy "and the right to certain lands claimed by both parties" (c). During the period of office of President BURGERS and under his authority that section of the Barolong tribe which followed MACHABI removed from the Mooi River to Polfontein, which by the KEATE Award was placed outside—but by the Convention of Pretoria inside—the boundary of the Transvaal Republic. MOLEMA, who then resided at Maffeking, MONTSIOA being still at Moshening, appears to have objected, but without success, to any occupation of Polfontein by MACHABI's people. Subsequently some of MACHABI's people moved to Rietfontein in the Barolong country, close to the boundary line as now defined by the Convention of London. The circumstances under which that settlement took place are in dispute, MONTSIOA alleging that the occupation was merely on sufferance, and that he was entitled when he thought proper to evict the people. On February 5th, 1881, a meeting was held at Rietfontein, at which MONTSIOA, MOSHETTE, MACHABI and other Chiefs attended for the purpose of discussing the hostilities in the Transvaal between the British Government and the Boers. MOSHETTE and MACHABI expressed their inclination to take the side of the Boers, MOSHETTE saying, wisely perhaps, that "he would belong to those who got the best of it," while MONTSIOA insisted on standing by the English. The discussion appears to have become heated, and MONTSIOA, irritated at not having his

(a) Blue-book [C. 3098], page 125.

(b) *Ibid*, page 107.

(c) Blue-book [C. 3098], page 44. Letter of Major BULLER to Sir E. WOOD, dated 25th May, 1881.

own way, gave notice to MACHABI's people to leave Rietfontein. MONTSIOA's account of the origin of the war is as follows (a):—

“The first time the war broke out it was through MACHABI's people. They came to me and asked my permission to live in my country, and after that they commenced by stealing my horses. I tried to recover my horses, but they took them and sold them to the Boers. . . . This was at the time that the British Government was fighting the Transvaal Boers. After that they commenced reaping my corn, and they told me afterwards that the corn belonged to them. . . . Before the first war started they fired on my people in the gardens. They sent me a message that the gardens belonged no more to me, that it was their garden, and that they should cut the crops. That was the first commencement of the war.” The story told by the people of MOSHETTE and MACHABI is that the dispute as to the land had been amicably arranged, and that in token of the settlement MOSHETTE had sent, as a peace-offering, a white ox to MONTSIOA, who accepted it, and accordingly the people thought there would be no war, when, without notice or provocation, MONTSIOA attacked the village at Rietfontein before daylight, while the inhabitants were yet asleep, committed great slaughter of men, women and children, and burnt the town (b). MONTSIOA denies that atrocities were committed by him, and alleges that only one woman was shot, but the evidence certainly tells against him. ANDRIES MACHABI furnished to Major BULLER the names of twelve women who had been killed (c), and stated that when the survivors went back to see what loss had been sustained amongst the men, they “found six of them skinned, and one, my (ANDRIES MACHABI's) brother STOFFEL, with his heart cut out.” Whoever may have been the aggressor it is clear that, according to MONTSIOA's own admission, hostilities against him were not incited by white men (d). On hearing of the attack on Rietfontein, which took place on May 2nd, 1881, MOSHETTE determined

(a) Notes of interview with MONTSIOA. Appendix C.

(b) Statement of JOHAN MOSEPELE, a native teacher. Appendix D.

(c) Blue-book [C. 3098], p. 36.

(d) Notes of interview with MONTSIOA. Appendix C.

to assist MACHABI and prepared for war, but in the meantime Major BULLER, Rifle Brigade, and Mr. P. J. JOUBERT had been appointed to proceed to the scene of hostilities for the purpose of endeavouring to make peace. Through their efforts the belligerents were induced to promise to keep the peace till the decision of the Transvaal Royal Commission as to MONTSIOA'S claim to the disputed country should be given, MOSHETTE saying, "I was ready for war, but the coming of this Commission changes my plans, therefore I will now remain quiet and not break the law." The claim made by MONTSIOA at this time was "to abide by the KEATE Award," and, consequently, it included not only the country occupied by MACHABI'S people but land in the KEATE Award territory claimed by the Transvaal Republic upon which white farmers had settled. For the protection of the interests of these farms a Boer commando under Mr. CRONJE, said to number from 60 to 80, assembled at Lichtenburg on receiving the news of the attack on Rietfontein, and moved as far as the eye of the Molopo to a point on the borders of the KEATE Award territory, but on receiving an assurance from the Field-cornet that there was no danger of an attack on the white population they immediately dispersed. Another commando under Mr. SNYMAN moved to one of the farms then in dispute under the KEATE Award, Vleifontein, upon which the village of Rooi Grond or Roode Grond is now situated, but they also dispersed almost immediately. Major BULLER in his report expresses a suspicion that these Boers were acting under orders to be ready to help MOSHETTE. There is no evidence whatever to support that suspicion, and under all the circumstances it is far more probable that the Boers assembled merely for self protection in case of war spreading. MONTSIOA'S own statement before Major BULLER and Mr. JOUBERT as to the commandos assembled at this time exonerates the Boers from blame. That statement was as follows:—"I confess before you two Captains that Mr. VILJOEN took the two commandos away when I asked him. The last commando is that which came after the fight with MACHABI. I have heard that the leader of that commando was Mr. CRONJE. That commando was called back by JAN VILJOEN, Mr. SNYMAN and Mr. ROEDENS, who said there was

no war with the whites." Major BULLER and Mr. JOUBERT having succeeded in effecting a temporary arrangement, the eyes of all MONTSIOA'S and MOSHETTE'S people were turned towards the Royal Commission then sitting in the Transvaal, to which the natives looked for a settlement of the long disputed boundary and land questions. They were doomed to bitter disappointment. KEPALEPILE, son of MONTSIOA, attended before the Royal Commission on July 13th, 1881, and stated that he wanted "to listen to what the Royal Commission say" that "KEATE'S words must be left strong" and that he wanted "to be protected by the Queen." He was informed that "the Royal Commission will lay down a line between MONTSIOA and the Boers, and that line must be observed," at which he expressed satisfaction, but nowhere is any record to be found of any decision upon the question referred to the Royal Commission in accordance with the arrangement made by Major BULLER and Mr. JOUBERT in which MONTSIOA, MOSHETTE and MACHABI were interested. A boundary line was undoubtedly fixed by the Convention whereby both MONTSIOA and MOSHETTE were placed outside the South African Republic as independent Chiefs, but nothing whatever was done to secure the safety of MONTSIOA from subsequent attack by MOSHETTE, to settle amicably the dispute between these Chiefs, or to throw the protecting ægis of British authority round the tribes excluded from the jurisdiction of the South African Republic. To the credit of the Boer representatives and afterwards to the Government of the Republic be it said that they continued to point out the danger arising from placing the border natives outside any civilized government. Their representations were supposed to have sprung from interested motives, and it was thought sufficient for Her Majesty's Imperial Government to exclude the territories of MONTSIOA, MOSHETTE, MANKOROANE and MASSOUW from the Republic, and then to leave the Chiefs to their own devices. Her Majesty's Imperial Government and their officers appear indeed to have been so anxious to shake off all connexion with the Republic and its frontier, and to retire from the country after the unhappy reverses sustained by the British troops, that the faithful native allies of the Queen were forgotten and the

duties of the British Government towards the native tribes ignored. According to the despatch of Sir HERCULES ROBINSON to Lord KIMBERLEY, dated August 4th, 1881 (a), so deeply were Her Majesty's Commissioners impressed with a sense of the general feeling of anxiety amongst the natives at what they considered to be their desertion, "that they (the Commissioners) considered it to be their duty to convey to the representatives of the Transvaal Burghers *some expression of opinion and some words of advice* regarding a question of which none can exceed the importance in this country." What an opportunity was presented at this time for giving some protection to the allies of England if not for asserting the proud position claimed for the Queen as the Great Protector of the native races! The disputes between MONTSIOA and MOSHETTE and any similar disputes might have been adjudicated upon to the satisfaction of the natives, a trustworthy officer might have been appointed to watch frontier interests, the boundaries between tribes might have been settled instead of leaving everything in doubt and disorder, and the prestige of the British Empire in South Africa might still have been preserved. Instead, however, of discharging that obvious duty Her Majesty's Imperial Government rested content with the information that the Royal Commission had conveyed "to the representatives of the Transvaal Burghers *some expression of opinion and some words of advice.*" The obstacle to any definite action might probably be found in the disinclination of the British taxpayer to expend a small sum in discharging the legitimate functions of the Empire, although he is now ready to vote millions for unnecessary warlike operations. The facts disclosed in the despatch of Sir EVELYN WOOD to Lord KIMBERLEY, dated August 17th, 1881 (b), must excite strange feelings in the minds of white men of every nationality in South Africa. "I returned," says Sir EVELYN, "to Pretoria on the 1st August. The following day a meeting of some fifty of the Transvaal Native Chiefs or their representatives, attended by about a thousand followers, took place to hear a statement of His Excellency Sir HERCULES ROBINSON of the reasons for our leaving

(a) Blue-book [C. 3098], page 65.

(b) Blue-book [C. 3098], page 79.

the Transvaal, and of what the consequent arrangements were to be. This statement had been printed in the Setuana language, and the translation was read out to the people by the 'Rev. Mr. MOFFAT, the late Native Commissioner to the Barolong Chiefs After Mr. MOFFAT had translated the clauses of the Convention, the Royal Commission at once retired, and the Chiefs then deputed Mr. MOFFAT to appeal to the Royal Commission for permission to address it on the subject of their being, as they stated, handed over to the Boer Government without their concurrence and against their inclination. *The President* (Sir H. ROBINSON) *decided it was not desirable or expedient under the circumstances that they should be given a hearing, and next day most of them left.*" Those who have been accustomed to criticize severely the native policy of the Cape Colony will do well to reflect carefully upon this and upon the events of the past four years generally before again wishing to transfer to Her Majesty's Imperial Government the control of native races in South Africa. The bare definition of a boundary line between the Native territories and the South African Republic was—as might have been anticipated—of little value to MONTSIOA or MOSHETTE, whose cause of quarrel had not been removed, and the result was that these Chiefs—who by the Convention had been rendered independent, and who had been left without protection or advice—were enabled again to indulge in their favourite pastime, war, and to recommence their unhappy hostilities. They soon availed themselves of an opportunity. MOSHETTE appears to have been the first to renew the contest. In a statement made in the presence of Captain NOURSE on November 3rd, 1881, and described by that officer as "open and frank"—MOSHETTE said "MONTSIOA, you attacked me in the night, and killed 71 of my people, and 12 women were killed and burnt in the huts, and 4 were wounded, and I was compelled to punish such murders. After that came PIET JOUBERT and Major BULLER, and they said to me, MOSHETTE, you must not make war, and I listened. They said that the Royal Commission had sent them, and that I could speak and say what I have to say. And I spoke for two hours. MONTSIOA spoke for two days; I only spoke a short time, and not much. I got no answer

as to what they decided. I asked General JOUBERT and Major BULLER to give me an answer, and I got none. I again asked Commandant GREEF, how is my case going on, as I have not got an answer. I again asked General JOUBERT, am I to get an answer or not? This happened in Pretoria. I then said I will give my case over to an agent (Mr. PRELLER). After that I waited five days, until the Royal Commission broke up. I could not get an answer. I then said I could get no answer, and determined to use my own laws, and then I made war with MONTSIOA, and that is the cause of this war." The renewal of hostilities occurred in September, 1881. According to MONTSIOA'S statement (a) MOSHETTE first marched to Polfontein in the Transvaal, "thence to Rooi Grond in the Transvaal, thence he crossed the line and attacked MONTSIOA at Sehuba, where being defeated he fled into the Transvaal. All cattle taken went into the Transvaal." The object of MONTSIOA in making this statement—and that object is prominent in every statement made by him—clearly was to enlist support from Her Majesty's Government by showing that the sympathy of the South African Republic was with MOSHETTE, and that the territory of the South African Republic was allowed to be used as a base of operations against MONTSIOA. Unprejudiced persons acquainted with native warfare will, however, pause before coming to the conclusion that although MOSHETTE was defeated and obliged to fly from destruction, he succeeded in carrying off into the Transvaal the cattle of his victorious foe. Whatever may have been their sympathies, which in all probability were with MOSHETTE for a like reason to that which induced British sympathy to be given to MONTSIOA, no satisfactory evidence can be procured to connect the Government of the South African Republic with aiding MOSHETTE in his hostilities against MONTSIOA. The fact that the boundary line of the Republic runs almost through the centre of the site of the village of Rooi Grond is sufficient to show how difficult it is for any Government to keep such a boundary neutral during long and desultory native warfare. On the other hand there is ample evi-

(a) Blue-book [C. 3486], page 75.

dence to prove that the Government of the South African Republic did everything in its power to prevent a conflict. A proclamation was issued forbidding the subjects of the Republic to take part in the hostilities or to incite the tribes to war, and MACHABI was warned "that in case war should exist between MOSHETTE and MONTSIOA, you must not go beyond the boundary line to meddle in the matter." Nothing in the nature of a Foreign Enlistment Act appears to have been in force in the Republic, and, consequently, there was nothing to prevent any subject of that Republic from legally offering his services as a mercenary soldier to any independent belligerent power. Enlistment as a mercenary soldier is not *per se* objectionable. Persons of very refined feelings might object to a system which encourages such enlistment under any circumstances, but it must be remembered that England has furnished to Foreign Powers in time of war many brave soldiers of fortune, and that the Cape Colony is indebted to a German Legion not only for gallant soldiers in time of warfare but for admirable colonists in time of peace. For the employment of white men in the intertribal Barolong warfare the responsibility rests with MONTSIOA. So brave and efficient were the whites who supported him—conspicuous amongst them for bravery and loyalty to his Chief being the late Mr. BETHELL—that it either occurred to MOSHETTE or was suggested to him that his defeat was certain unless he also obtained the services of well-armed white men. MOSHETTE'S statement as to the employment of mercenaries, or "freebooters" as they are now styled, is as follows:—

(a) "I had no white men when the war started. The white men joined me to get loot. The white men offered their services; I did not call for them. I promised the first volunteers cattle, they having asked for it. With regard to any subsequent arrangements I should like to speak in the presence of those concerned in such arrangements." Another version is that MOSHETTE sent out notices calling for volunteers, but it is quite immaterial to discuss whether the mercenaries or freebooters were called for by MOSHETTE or volunteered their services.

(a) Notes of interview with MOSHETTE, Appendix B.

Their services were undoubtedly accepted by MOSHETTE, the reward being, according to express agreement, a share of the conquered land and loot. At the time of Captain NOURSE'S mission to the scene of hostilities in November, 1881, about twenty-six white men were assisting MOSHETTE. The Government of the South African Republic, through Commandant GREEF, had in vain endeavoured to persuade these men to leave MOSHETTE'S laager, and it is difficult to see how they could have been forced to leave. The reasons for refusal, as appearing in official reports, are, after all, not discreditable, being based on a disinclination to break a promise. Amongst others who made statements was HENDRICK SCHOEMAN, who said (a):—"I did not think that I should do wrong, or that I should do anything not in favour of my Government, if I hired myself as a volunteer, because Bushmen, Kafirs and Englishmen have got the right to hire themselves. And I did not think that I should not have the right, because I suffered great damage by the late war, when I with my four children were in commando. And all my crops are gone, and because there is no living for me, or a very poor one, I and my son JOHANNES SCHOEMAN volunteered to MOSHETTE, and we cannot withdraw our presence." CHARLES WEBER stated:—"Because I have suffered damage by MONTSIOA when he always kept his commando on the border. I was obliged to shift from my farm, and I lost £300 also. I was obliged to hire myself to MOSHETTE with my three sons as volunteers." MICHAEL BALSEN stated:—"MONTSIOA caused me damage to the extent of £50. To get a living for myself and my father I volunteered to MOSHETTE and cannot break my word." A. VAN DER WESTHUYSEN stated:—"I lost my crops on the 'Roos Grond' because I had to take to my heels, because MONTSIOA always kept armed commandos in the neighbourhood." At this stage arises the question:—Had MOSHETTE, an independent Chief having lawful power to make war and peace, the right to raise a mercenary force to assist him in his operations against MONTSIOA, also an independent Chief, neither belligerent being bound in any way to

(a) Blue-book [C. 3098], page 123.

consult any Foreign Power in making alliances or treaties? The answer must be in the affirmative, and it is equally clear that if any arrangement has been entered into by which provision is made for settling mercenaries employed by MOSHETTE upon land ceded to that Chief by lawful treaty, such arrangement ought not to be set aside. It is said that MOSHETTE'S volunteers were merely "land and cattle thieves," who, without having had any quarrel with MONTSIOA, served against him merely for loot. Any argument based upon the absence of direct cause of quarrel would apply to service in every war with which the Sovereign of the volunteers was not connected. No one for a moment imagines that WILLOUGHBY now bravely fighting at the head of the Malagasy forces has any cause of quarrel with France. But, in any case, it must be borne in mind that MONTSIOA'S aggressive and treacherous attack on Rietfontein brought so much disquietude upon the border that the Frontier Boers were in most instances unable to pursue their avocations and were brought to the verge of ruin thereby. Here, as at almost every stage of the Bechuanaland difficulty, South African Colonists will ask why did not Her Majesty's Imperial Government come to the rescue of MONTSIOA when they were informed that MOSHETTE was gathering a white force, and why should they now attempt to set aside engagements entered into by MONTSIOA when an independent belligerent? Captain NOURSE'S mission having failed, the matter was dismissed by Her Majesty's Imperial Government with an intimation from Sir H. ROBINSON to Mr. HUDSON, dated September 5th, 1881 (*a*), that Captain NOURSE appeared to have acted judiciously, "and I can only regret that his endeavours to allay the ill-feeling existing between the Barolong tribes have not been more successful." Strict neutrality and non-intervention now became the order of the day. MANKOROANE—whose acts will be dealt with separately—having with the assistance of white men made an unprovoked attack upon MASSOUW, was worsted, and thereupon he sent an urgent application to the Colonial Government of which Sir THOMAS SCANLEN was the head for leave to purchase ammunition. The

(*a*) Blue-book [C. 3098], page 138.

answer, under date January 5th, 1882, was "MANKOROANE'S application cannot be acceded to. As already intimated, the Government desire to preserve strict neutrality. His Excellency the High Commissioner concurs in this decision." In January, 1882, Captain NOURSE was again despatched by Mr. HUDSON to the Transvaal south-western border. He reported that no amicable understanding could be arrived at, that hostilities were rapidly spreading, and that MOSHETTE had laid waste MONTSIOA'S territory, except his head station, with the aid of white volunteers—whose number had increased to about eighty—serving under a written agreement "that for their services they are to receive half the booty and all MONTSIOA'S ground south of the Molopo River should they succeed in expelling him." With reference to Captain NOURSE'S report, Sir H. ROBINSON informed Lord KIMBERLEY by telegraph on the 10th February, 1882 (a), that "the Transvaal Government is evidently powerless to restrain the Burghers who chose to leave their territory, and so MONTSIOA and MANKOROANE, who have always been our firm friends and allies, are in danger of extinction." MONTSIOA being about this time hard-pressed sent Mr. BETHELL, his accredited agent, to Kimberley for the purpose of buying ammunition (b) and "to request the aid of Her Majesty's Government against these freebooters, or to receive permission to raise in Kimberley a force of police," to be paid by the Chief, to defend his border. Mr. BETHELL was informed by telegram from the High Commissioner, dated February 9th, 1882, that the Transvaal Government was being urged to insist on the neutrality of their territory and subjects, and that he could not have leave to buy ammunition or to raise a force. The Civil Commissioner was at the same time directed to "give him a copy of our proclamation," meaning a neutrality proclamation published in the Cape Colony. MOSHETTE'S success—which led to Mr. BETHELL'S journey to Kimberley—was brought about by the aid of the white volunteers or mercenaries whom that Chief had attracted in considerable numbers to his standard by entering into agreements with them, as he lawfully might do, "to

(a) Blue-book [C. 3381], pages 5 and 34.

(b) Blue-book [C. 3381], page 33.

give them half the booty and a farm each in MONTSIOA's country." (a) Her Majesty's Imperial Government, knowing of these agreements, stood quietly by and did not establish any protectorate or give any help. The Transvaal Government, as appears from a telegram sent by Sir H. ROBINSON to Lord KIMBERLEY on March 19th, 1882, were, on the contrary, alive to the gravity of the situation (b). They stated that "if things continue as at present country will become depopulated," and they proposed "as remedy extension of State boundary so as to include all Kaffirs formerly under the Republic and others now desirous to enjoy its protection." They added "that British Government must at once effect peace, if necessary by force, or consent to State doing so, which it could do with little trouble." They finally urged "immediate action, as not a day to be lost." The proposal appears to have been fair, but distrust of the Transvaal Government seems unnecessarily to have crept into the minds of Her Majesty's advisers. Sir H. ROBINSON advised Lord KIMBERLEY that "as far as I can judge at present, I think Convention boundary should be maintained. It is admitted that quietness within State border is secured; and I think that quarrels between independent native tribes outside afford no sufficient grounds for annexation The best policy for both Cape and Transvaal to pursue is to protect a well-defined boundary line, punish promptly and severely any inroads, and leave independent native tribes outside to settle for themselves their own differences." The meaning of that advice, of course, was—let MONTSIOA and MOSHETTE fight out their differences, let them get what assistance they like and enter into such alliances and treaties within their respective territories as they like, but let neighbouring Governments use their best efforts to prevent raids from neutral territory. The Transvaal cannot be blamed for endeavouring at this juncture to place frontier affairs on some satisfactory basis. Continued native warfare on the border was highly injurious to the Republic, and great irritation was being caused by the demands of the Government upon its frontier burghers for service as border guards. As

(a) Blue-book [C. 3381], page 47.

(b) Blue-book [C. 3381], page 53.

the State Secretary wrote to the British Resident: "It is to be feared that the wars outside our frontier may last very long, and thereby great and heavy expense will be incurred by the maintaining of the guards on the border." The warfare between MONTSIOA and MOSHETTE was, however, allowed to drag on until MONTSIOA, after a long contest, was crushed to the ground by means of the assistance given to MOSHETTE by his mercenaries. Complaints have been made of the hiring of these mercenaries, but the true state of the case is given by Mr. JOUBERT in his report to the Triumvirate (*a*), dated April 28th, 1882, wherein he says "that MONTSIOA and MANKOROANE were the attacking parties, they who now complain of the hiring of white volunteers by their opponents and who were the first to bring it into practice, and their complaints are now only made because they, MANKOROANE and MONTSIOA, now find out that their 'pupils surpass their masters.'" The defeat of MONTSIOA resulted in a treaty of peace entered into on 24th October, 1882 (*b*). MONTSIOA seems to have been at first unwilling to sign that treaty, but so strongly was he urged by his people—who were unable to hold out any longer—that he finally gave way, and, after discussion of the clauses, the document was executed subject to the expunging of certain of the original conditions. The grave question which will now be discussed in every household in South Africa is the following—was that treaty validly entered into, and is Her Majesty's Imperial Government justified in sending an army into MONTSIOA's country for the purpose of defeating the provisions of a duly executed treaty? At the date of the execution of that treaty MONTSIOA was perfectly independent, Her Majesty's Imperial Government had no jurisdiction over the Chief and had no title to interfere with any of his arrangements. Their power was limited to the right conferred by the Convention of Pretoria to require the Transvaal Government "to adhere to the boundaries defined in the first article of the Convention" and "to do its utmost to prevent any of its inhabitants from making any encroachments upon lands beyond the said State." The best evidence on this subject is to

(*a*) Blue-book [C. 3381], page 137.

(*b*) Treaty. Appendix F.

be found in a telegraphic despatch sent to Lord KIMBERLEY by Sir. H. ROBINSON a few months before the execution of the treaty, that is to say, on August 6th, 1882, " I propose to instruct HUDSON to visit Taungs on his return journey and to *inform Chiefs that being independent they are free to make what arrangements they think fit between themselves, and that if they choose they can give land to the freebooters, but that the proposed intervention of Transvaal Government outside the State cannot be permitted*: it would be inconsistent with the Convention, the terms of which, including the boundary line, must be strictly adhered to. Do you approve?" A treaty (a) had just then been concluded under which MANKOROANE lost the greater part of his country, which under the name of " Stellaland " was transferred to white volunteers or " freebooters," who were in precisely the same position as the volunteers of MOSHETTE. The execution of the treaty between MONTSIOA and MOSHETTE having been brought officially to the notice of Lord DERBY, no attempt was made to set up the case that the treaty was wholly invalid. In fact Lord DERBY had no legal power to place a veto upon any of the clauses save such as were repugnant to the Convention of Pretoria. In his despatch to Sir H. ROBINSON, dated January 27th, 1883, Lord DERBY requested that the Transvaal Government should be informed that a copy of the treaty had been communicated to Her Majesty's Government, " and that the cession clauses which it contains and others providing for the exercise within the territories of MONTSIOA and MOSHETTE of jurisdiction by the Transvaal Government cannot be recognized as valid." Not a word was said regarding the clauses containing terms in which the Transvaal Government was not interested, and it is clear that Lord DERBY meant to nullify only that portion of the treaty which made cession of land or jurisdiction to the Transvaal Government. He had no power to interfere with the portion which related to MONTSIOA, MOSHETTE, and those deriving title under them. By the 16th Article of that treaty all land lying to the north or north-west of a given line were for the future to belong to MONTSIOA, and all lying to the south

(a) Treaty between MANKOROANE and MASSOUW. Appendix E.

or south-west to MOSHETTE. By the 9th Article provision is made as follows:—“*Grounds which have been promised by the two parties, or either of them, to his or their hired white volunteers are hereby certainly and distinctly secured and awarded to the said volunteers, and by consequence are hereby fully acknowledged by both parties.*” This was quite in accordance with Sir H. ROBINSON’S view above referred to, that independent Chiefs “are free to make what arrangements they think fit between themselves, and that if they choose they can give land to the freebooters, but the proposed intervention of the Transvaal Government outside the State cannot be permitted.” Moreover a similar arrangement as to Stellaland agreed upon a few months previously had not been challenged, and since the establishment of the Protectorate it has been expressly recognized by Her Majesty’s Imperial Government. On March 1st, 1883, Her Majesty’s Government, as appears from the despatch of Lord DERBY to Sir H. ROBINSON of that date, were still opposed to the establishment of British jurisdiction in Bechuanaland. Prior to the date of that despatch, that is to say, on January 20th, 1883, the SCANLEN Ministry had been requested by Sir H. ROBINSON to say whether they were prepared to entertain a proposal for “the appointment of a Joint Commission, composed of representatives of the Cape Colony and the Transvaal, who would arrange for a division of the disturbed territory and for its annexation to their respective countries,” or to entertain “any proposal contemplating an extension of the present northern boundary of the Colony, with a view to the incorporation of any portion of the disturbed area.” The reply was that neither proposal could be entertained. A minute of Sir H. ROBINSON to the SCANLEN Ministry, dated 14th March, 1883, discloses a remarkable suggestion of the Secretary of State for the Colonies, who after “admitting that the Chiefs MONTSIOA and MANKOROANE have special claims through former services and promises” expresses the willingness of Her Majesty’s Government “to give them and others moderate allowances if, when driven out of her country, they can be located in British territory!” Information was also asked as to whether there was land within the Cape Colony upon which the Chiefs could be located.

Mr. MERRIMAN very properly declined to entertain such an extraordinary proposal. It therefore seems to be conclusively proved that after what has occurred objection cannot now be taken by Her Majesty's Imperial Government to the treaty of October, 1882, or to the benefits given thereby to the victorious Chief and his white volunteers, provided the treaty was duly obtained and provided it was not after signature cancelled by consent of parties or waived. In the first place, then, is there any evidence that the treaty was obtained by duress, fraud, or in any other unfair manner? It is said that it was extorted from MONTSIOA "with the pistol at his head." Every defeated belligerent who to avoid destruction accepts terms of peace does so "with the pistol at his head." Denmark, after the refusal of Great Britain to give her material assistance, was obliged to accept harsh terms from the stronger German Powers in 1864, but no one would dream of contending that the treaty of peace then made could be repudiated by Denmark on the ground that she was in dire straits when she entered into it. MONTSIOA's statement of the circumstances to Mr. RUTHERFOORD, contained in that gentleman's report to the British Resident, Pretoria, dated December 26th, 1882 (a), gives the Chief's version and proves that there was no extortion. According to that statement—which it may be safely presumed gave the view most favourable to MONTSIOA—Commandant SNYMAN, who was in command of the Transvaal Border Guard, came to Maffeking as a mediator bringing a letter from MOSIETTE "to make peace." MONTSIOA said to SNYMAN that if he took away the Boer, that is the volunteer, laager, he would consider with his Council what to do. SNYMAN said "he would report at the laager and come back." He did not come back then but wrote to say the Chief must decide at once. MONTSIOA replied "the fighting must go on if time is not given to consider." What followed may be given in MONTSIOA's words:—"We fought hard during that month and part of next. SNYMAN had said if I wished to make peace at any time I must let him know. After much fighting STEPHEN left for Pretoria to see

(a) Blue-book [C. 3486], page 59.

the British Resident. Before STEPHEN left the Boers had made schansen and forts round my station. While STEPHEN was away my sons represented to me that we must think of peace as we were very short of ammunition and food, and the people were starving and dying every day from sickness." The Chief, who is a man of dogged determination, refused to listen to his sons hoping that the British Government would come to his aid, but finally he acceded to the urgent appeals of his people and of his children, the latter saying that "the English Government knew all about it, but we are left here shut up and helpless." MONTSIOA accordingly wrote to Mr. SNYMAN as follows:— "By these we, I and my Councillors, agree to call you in to hear what I and my Councillors say, for you have said that I can call upon you at any time I thought it necessary to call you, whether by day or by night. Now you must be so good as to come to me on the receipt of this letter." Mr. SNYMAN—whose *bona fides* there is no reason to doubt—having arrived, hesent to MONTSIOA a draft of a letter giving him (SNYMAN) full authority "for the establishing of a peace and closing of the war now going on between BAROLONG, Captain MOSHETTE and ourselves." This the Chief signed, as he alleges, "much against my will, under very strong pressure from my sons and my people." Mr. SNYMAN thereupon made an armistice, which was to last until October 24th, the date of the treaty. MONTSIOA now attempts to set up the case that although he executed the treaty he did not know its contents (a). In doing so he is undoubtedly acting dishonestly. He admits that two clauses of the treaty were expunged because of his refusal to agree to them, and inquiry made by any unprejudiced person will confirm upon other grounds the conclusion that MONTSIOA well knew the contents of the treaty. A counterpart was delivered to him at the time, and as there were persons who read both Dutch and English at his station, it is too much to ask that such a story should be believed as that a shrewd man like MONTSIOA and an intelligent English speaking native like ISRAEL MOLEMA—who signed as a witness—were ignorant of the conditions of the treaty. Mr. RUTHERFORD

(a) Notes of Interview with MONTSIOA. Appendix C.

in his report to the British Resident, Pretoria, dated November 22nd, 1882, does not allege that the treaty was signed in ignorance of the contents. Mr. RUTHERFOORD'S statement is that "against the Old Chief's will, and under the dire pressure of circumstances and insistence of his sons, he had consented to a peace and to the surrender of a large tract of country; he says about 75 miles long by 40 broad for farms for volunteers." A respectable white trader at Maffeking, who knows all the circumstances and who is strongly pro-Barolong in his views, admitted in a recent conversation on the subject that there could be no question as to the validity of the treaty of October, 1882, and stated that in candour he was obliged to say that the volunteers mentioned in that treaty were fairly entitled to the land claimed by them. The translation of MONTSIOA'S counterpart of the treaty made by Mr. RUTHERFOORD, and published in Blue-book [C. 3486], page 71, sets forth that the treaty was signed subject to "the omission and supersession of Articles 3 (17) and 19." The introduction of 17 in brackets bears a suspicious appearance, especially as that is the article which defines the land to "be given to the volunteers of both sides." The counterpart of the treaty in the possession of the Bestuur of Land Goshen clearly shows that only Articles 3 and 19 were superseded, there being no indication whatever of any erasure. When a request was recently made that the counterpart in possession of the natives should be exhibited for inspection that request was not complied with, the people at Maffeking asserting that the Chief had the document, while MONTSIOA when subsequently questioned as stoutly insisted that it was at Maffeking. Without inspection of the treaty it is impossible to say definitely whether there is evidence on the face of the treaty to lead to the belief that a forgery has been committed, but the disinclination of the natives to produce the document after having been informed of the reason for the wish to inspect it furnishes ground for suspecting that they have tampered with the treaty. An additional reason for coming to the conclusion that there has been a clumsy attempt at fraud by MONTSIOA'S people is that if it had been really intended at the time of signature to deprive the white

volunteers of their rights to land, the 9th Article, which secures those rights, would also have been expunged. The supersession or non-supersession of Article 17 in no way affects the merits of the general question, for even if that article had been expunged the land therein described would belong to MOSHETTE—and not to MONTSIOA—under Articles 14, 15 and 16. Reference is made to the variation between the counterparts merely for the purpose of suggesting a test of the value of MONTSIOA'S evidence on the treaty question generally. Irrespective, however, of any doubts as to the veracity of the natives which might be caused by any suspicion that they have tampered with their counterpart, the conclusion must be forced upon every impartial inquirer, after consideration of all the circumstances, that the treaty of October 24th, 1882, was duly entered into, and that MONTSIOA should be held to be bound by it unless he can show that after execution it was cancelled or waived. The arguments in support of the invalidity of the treaty are, first, that MONTSIOA after its execution repudiated it; and, secondly, that as possession of the land was not actually taken by the volunteers, and the provisions of Clauses 10 and 11 were not complied with by beaconing off the farms within the time limited, the whole treaty became null and void. The first contention is certainly unsound. One party to an engagement cannot be allowed to repudiate it at his pleasure, and it is not to be tolerated that MONTSIOA should be allowed to take advantage of his own wrongful act in refusing to abide by his engagements. With regard to the other contention, it is clear that even if there were default in appointing a Commission to beacon off farms within a limited period, such default could not render the whole treaty a nullity and restore to MONTSIOA land within clearly defined boundaries which in any case he had given up to MOSHETTE. The real question is one of fact. Is it true that the white volunteers or freebooters as well as MOSHETTE abandoned their claims, and that all parties, including MONTSIOA, looked upon the treaty as a dead letter? The evidence goes entirely the other way. On November 24th, 1882, Mr. BETHELL—an adventurous young Englishman, brave as a lion, who had married a native woman and settled down at Maffeking,

where he became the Agent and Chief Adviser of MONTSIOA—wrote to Mr. GEY a letter of which the following is a translation :—

Maffeking, Nov. 24th, 1882.

To Mr. N. GEY.

Sir,—According to (treaty of) peace made between MONTSIOA and MOSHETTE, we see that the volunteers of both Captains have to get farms inside the new line. My people ask me in what manner and when the farms will be got, so I write you this note to ask a reply on those two points.

I am, &c.,

(Signed) C. BETHELL.

This letter was evidently written in consequence of the volunteers having commenced on November 30th, 1882, to beacon off the land reserved to them by the treaty, after having sent a message to say that MONTSIOA must send some men on his part to beacon off the new line, which the Chief is said to have refused to do. According to Mr. RUTHERFOORD'S report of December 26th, 1882, the volunteers "had also sent word they intended establishing a pound near the line, and that any station cattle coming beyond the beacons would be impounded."

On December 23rd, 1882, Mr. BETHELL again wrote to Mr. GEY as follows :—

Maffeking, Dec. 23rd, 1882.

Mr. N. GEY.

Sir,—I have the honour to send you the names of the white volunteers of MONTSIOA who have to get farms according to the treaty of peace. I have not yet heard in what manner the farms are to be divided and when the survey will be ready, and I shall be glad to hear upon those two points.

I am, &c.,

(Signed) C. BETHELL.

That letter contained the following enclosure :—

List of names of MONTSIOA'S white volunteers.

1. C. BETHELL (5 farms, self and four substitutes).
2. WALKER.
3. A. GEELMAN.
4. H. C. JOHNSTON.
5. W. ORR.

6. H. FAULKNER.
7. EMMENESS.
8. FRED. COWLEY.
9. E. CHRISTOPHER.
10. A. E. ROWE.
11. GEORGE LUITNAR.
12. P. AUSTEN.
13. F. WILLIAMSON.

The reason for addressing Mr. GEY was that, after the execution of the treaty of peace of October, 1882, a provisional Government or Committee of Management had been established by MOSHETTE'S volunteers under authority of that Chief for the administration of the Government of that portion of the conquered territory to which the white volunteers were entitled. Mr. GEY was selected as Chairman of the Bestuur, and before him, in that capacity, Mr. BETHELL, Mr. WALKER, and several others who had fought for MONTSIOA as volunteers, took the following oath of allegiance to the provisional Government on February 1st, 1883, at Fort William within the conquered territory :—

“OATH OF ALLEGIANCE.”

We solemnly promise and swear allegiance to the people and the laws of this territory as citizens and subjects, and that we will obey the authorities placed over and generally aim at nothing but the maintenance of law, justice and order, and to promote and cause to flourish the welfare and independence of country and people, that is, the white population.

Thus done at Fort Willem, the 1st February, 1883.

[Here follow the Signatures.]

Sworn before me,

N. C. GEY VAN PITTIUS,
Chairman of the Bestuur.

In the face of such evidence it requires some courage to maintain that the treaty of October, 1882, was never acted upon, and that no proprietary rights were ever asserted by the volunteers prior to the establishment of the British Protectorate. A provisional Government was appointed in the territory given to the white volunteers under it, possession of at all events part of that territory, if not all, was held by the white volunteers, beacons were set up and notice was given to MONTSIOA that any

cattle of his trespassing on the land set apart for the volunteers would be impounded. Application was made to the provisional Government by MONTSIOA's trusty adviser and others for land under the provisions of the treaty, a village was proposed to be laid out, and many other acts were done showing that the treaty was never repudiated. On April 10th, 1883, Mr. BETHELL wrote as follows:—

To the Government of Land Goshen.

GENTLEMEN,—I beg to enclose a tender for measuring and surveying the town Pittius, according to the plan displayed in the office at Fort Willem. In case my tender should be accepted by the Government I shall be prepared to begin the survey at once, and have no doubt that it would be completed in twenty days. Should the Government settle to make the town at Selere's station I should submit a plan somewhat different to that hanging in the office, as more suitable to the nature of the ground.

I have, &c.,

(Signed) C. BETHELL.

There can be no more convincing proof than this that the residents at Maffeking considered the treaty to be binding at that date. Selere's Station, or as it is otherwise written Saliris, is portion of the country assigned to the white volunteers by the treaty which it is now sought to ignore. As to MOSHETTE's waiver of the treaty, no evidence is forthcoming, although possibly that Chief might at some time have endeavoured to discredit the claims of some of his volunteers in the hope of benefiting himself. In fact, as Mr. HUDSON states in his letter to Sir. H. ROBINSON, dated June 9th, 1883, there was at that time a secret understanding between MONTSIOA and MOSHETTE, the object being to get rid of the claims of the volunteers and then divide the country. Another reason has been advanced by a few people to justify the repudiation by Her Majesty's Imperial Government of the treaty of October, 1882. It is contended that by attacking MONTSIOA after the establishment of the British Protectorate and by refusing to recognize Her Majesty's Deputy Commissioner, all persons who had acquired rights under that treaty forfeited such rights and their titles to land. Forfeiture of land for high treason, sedition, or public tumult, is not

known to the Co'onial law, and its introduction into South Africa would be a novelty, but, in any case, forfeiture should undoubtedly not be insisted upon till after due trial, and innocent men shou'd not be made to suffer equally with guilty. The history of the attack referred to will be given hereafter, and upon it a judgment can be formed as to the amount of blame to be attached to the conduct of the volunteers. Upon this subject the action of Her Majesty's Government in Stellaland—where forfeiture was never hinted at—is important. Under all the circumstances the refusal of Her Majesty's Government at so remote a date to acknowledge the treaty of October 24th, 1882, after having so often declined to interfere with the engagements of independent Chiefs, and after having expressly decided against a proposal “to clear the freebooters out of the territories belonging to MANKOROANE and MONTSIOA by force,” will rightly or wrongly be looked upon by many of the most loyal of the Queen's subjects in South Africa as a harsh proceeding, especially in the case of *bonâ-fide* purchasers for value from those who acquired rights under that treaty, and it will be said that the Great British Nation which has abided so faithfully by its own treaties ought not to create in South Africa a precedent for so dangerous a practice as the repudiation of engagements entered into by persons competent to contract.

III.

DURING May, 1883, matters appear to have remained *in statu quo*, to use the words of the British Resident, Pretoria (*a*), in telegraphing to Sir H. ROBINSON on 2nd May. But another storm was brewing. Cattle thefts by MONTSIOA's people from the Transvaal farmers began to increase, and MONTSIOA went in person amongst “all the Chiefs of the North and West and formed a confederation of twelve Chiefs,” intending, as stated by Mr. BETHELL in a telegram to the Private Secretary to the

(*a*) Blue-book [C. 3686], page 72.

High Commissioner, dated June 5th, 1883, "next month to drive out freebooters from MONTSIOA's country and Stellaland." (a) Proof is thus furnished of a deliberate plot amongst Native Chiefs to drive the volunteers out of Land Goshen and Stellaland, and to deprive them of the land reserved to them by the treaties between MONTSIOA and MOSHETTE and between MANKOROANE and MASSOUW. The firmness of the SCANLEN Ministry in refusing to allow Mr. BETHELL to purchase ammunition for the purpose contemplated by MONTSIOA and his fellow Chiefs had much to say to breaking the combination so formed. A letter written to MONTSIOA by the British Resident, Pretoria, at this time shows what that officer thought of the origin of the hostilities which led to the loss of portion of the Barolong and Batlaping Countries. Mr. HUDSON truly said "it is clear to me that the quarrels between MOSHETTE and yourself and again between MASSOUW and MANKOROANE originated and led to all troubles, damages and losses to which you have been subject for some time past." About the end of September or beginning of October, 1883, a deputation from the Transvaal State left Cape Town *en route* to England, with a view to discussing with Her Majesty's Imperial Government a proposed revision of the Convention of Pretoria. In the meantime the only complaint from Land Goshen appears to have been made by Mr. FRANCIS, a trader, who represented to the British Resident, Pretoria, that a quantity of arms and ammunition belonging to him had been forcibly seized and confiscated by the Bestuur of Land Goshen (b). With reference to that complaint Mr. HUDSON wrote to Sir H. ROBINSON as follows:—"I must confess that I do not see what Mr. FRANCIS was doing in that disturbed country with such a quantity of arms and ammunition, nor are his explanations thereon satisfactory at present." The fact was that MONTSIOA's people were continually being incited by white men to attack the inhabitants of Land Goshen, and the sale of arms and ammunition to the natives had become a profitable business.

In November, 1883, the negotiations between the Transvaal

(a) Blue-book [C. 3686], page 96.

(b) *Ibid*, page 59.

Deputation and Lord Derby relative to the proposed revision of the Convention of Pretoria commenced, and on February 27th, 1884, the Convention of London was signed. By the boundary determined by that Convention portion of MOSHETTE'S country was thrown into the South African Republic, the line running on the east side of the road from Lotlakane (Rietfontein) to Kunana (MOSHETTE'S station) until the garden grounds of that station are reached, thence skirting Kunana so as to include it and all its garden ground but no more in the South African Republic. The village of Lotlakane (Rietfontein) and all its garden ground were left outside the South African Republic. The line continued to run as before through the ground laid out for the village of "Roode Grond" or "Rooi Grond," now called "Heliopolis."

IV.

THE first article of the Convention of London defines what shall be Transvaal territory, but nothing is said as to the ownership of or claims to the land on the western side of the boundary, unless any inference can be drawn from the vague statement that Lotlakane is left in "native territory," or from Article 2, which provides that Her Majesty's Government "will, if necessary, appoint Commissioners in the native territories on the eastern and western border of the South African Republic to maintain order and prevent encroachments." Consequently the revision of the boundary line left untouched all rights lawfully existing against or in favour of MONTSIOA and MANKOROANE under their respective treaties; but even if the Convention had contained a provision setting aside such rights that provision would have been *ultra vires* as regards Land Goshen, inasmuch as it is quite clear that neither Her Majesty's Imperial Government nor the South African Republic had any authority from MONTSIOA, or from the Bestuur of Land Goshen, to deal with their respective rights and liabilities. No one appears even to have had any authority to represent MOSHETTE, who protests

strongly against a boundary line having been made without his consent which places portion of his country within the South African Republic and portion within the British Protectorate. His own words are (a):—"What makes my heart sore is the ignorance in which I have been kept of the arrangements under the Convention. I would have been satisfied if I had been informed and consulted. I wish to be independent of both Governments, but to be on friendly terms." It certainly appears to be a hardship that gentlemen assembled in London should dispose of the country of an independent Chief in his absence and without his lawful authority. It is also difficult to see how a Protectorate could have been established over the grazing ground of MOSHETTE or over Stellaland, then under its own Government, without due cession of the territories having been made by the governing bodies. If Land Goshen had been duly acquired by MOSHETTE or by the Bestuur as representing the volunteers under the treaty of October 24th, 1882, the sufficiency of the action of Mr. MACKENZIE in merely giving informal notice as Deputy Commissioner of the declaration of a Protectorate, without having obtained formally the consent of all parties to such Protectorate, would seem to be open to doubt. Cessions from MANKOROANE and MONTSIOA alone did not justify the establishment of a Protectorate over land which had passed from under the sovereignty of those Chiefs to MASSOUW and to MOSHETTE, or which had been ceded to the Governments of Stellaland or Land Goshen. Original titles to farms in Stellaland and Land Goshen have actually been issued in the names of MASSOUW and MOSHETTE respectively. In any case if the treaty of October, 1882, be valid it would be only equitable that the land should pass under the Protectorate burthened with any rights affecting it. A most important fact in connection with the establishment of the Protectorate is that, as was distinctly pointed out to Mr. MACKENZIE by Sir H. ROBINSON on April 14th, the treaties made by him with MANKOROANE and MONTSIOA would have no legal effect until Her Majesty by Order in Council had signified to what extent she would avail of

(a) Notes of Interview with MOSHETTE. Appendix B.

them. No such Order seems to have been issued. The appointment of Mr. MACKENZIE as Deputy Commissioner of Bechuanaland—which can be discussed more conveniently and fully in connection with MANKOROANE'S country and the affairs of Stellaland—had a most important bearing upon the course of events in the Barolong territory. Mr. MACKENZIE appears to have been appointed on February 21st, 1884, and on his arrival in the Cape Colony a Commission was issued to him, dated April 12th, 1884. That Commission was very vague, but in a letter of instructions from Sir H. ROBINSON of the same date liberty was accorded to Mr. MACKENZIE “to leave the present European population of Stellaland in possession of their lands” if he should so decide, but His Excellency added that “the case of persons laying claim to the so-called Land of Goshen would appear to differ materially from that of the present European population of Stellaland. The farms assigned to MOSHETTE'S volunteers in MONTSIOA'S country have never been inspected, surveyed, occupied, or improved. *Moreover the territory left to the Chief MONTSIOA by the new Convention is so limited that no portion of it could be well alienated, and you may find yourself obliged to order the ejection of the persons trespassing at Rooi Grond.*” It is clear that at that time Sir H. ROBINSON was not well-informed either as to the nature and extent of the Barolong country or as to the events which followed the signature of the treaty of October, 1882. Leaving claims to farms altogether out of the question, if the treaty of October, 1882, was valid, the sovereignty over Land Goshen became vested in MOSHETTE, to whom the land, described by definite boundaries and beaconed off, was duly ceded, and from that Chief Mr. MACKENZIE seems not to have obtained a formal cession of land or jurisdiction. It will thus be seen that grave doubt exists as to whether the British Protectorate over Land Goshen has ever been lawfully declared, and as to whether Mr. MACKENZIE had power to eject the Rooi Grond farmers under any circumstances, especially in view of the non-existence of any Order by Her Majesty in Council availing herself of the advantages of any cession of jurisdiction by MONTSIOA. The appointment of Mr. MACKENZIE and the hope created thereby of recovering that portion of their territory conquered by MOSHETTE infused

new vigour into the people of MONTSIOA, and the result was that Mr. BETHELL, taking advantage of the absence of the greater number of the inhabitants of Land Goshen at the wedding of one of their number, mustered a Barolong force, and having attacked Roode Grond on May 12th, 1884, drove back the people, burnt down all the houses upon the western side of the Convention line, destroyed the furniture therein, and left the families of the absent Burghers houseless. When this outrage was committed Mr. MACKENZIE was in Southern Bechuanaland.

The contention set up on behalf of MONTSIOA, based it would seem on the view taken by Sir H. ROBINSON in his letter of instructions to Mr. MACKENZIE, then was that the establishment of the new Convention line had the effect of giving him all the country on the western side absolutely free from any claim on the part of MOSHETTE and his volunteers, and he wrote a letter on May 15th, 1884, addressed to the volunteers in these terms:—
 “After writing many letters, on Monday I went to Rooi Grond and put you over the line with gentleness and destroyed some of your houses. I now write to tell you that if you go back to live in my country I shall come in anger and not only destroy your houses but bind your people and take your goods. So listen to my words for they are the last ones, and go away from my country.” The inhabitants of Poode Grond accepted the challenge and retaliated by sending out a commando some days afterwards. In the usual manner of native warfare cattle were captured on several occasions, and such captures have been made the foundation of charges of cattle stealing which have been freely made against the Roode Grond people. At this critical juncture Mr. MACKENZIE arrived at Maffeking, and on May 22nd, 1884, he obtained from MONTSIOA a treaty or cession of jurisdiction to the Queen. That is, therefore, assumed to have been the date upon which, if at all, the Protectorate was legally established. Having obtained the treaty or cession alluded to, Mr. MACKENZIE—with whom the Government of Land Goshen appear to have declined an interview—addressed a public notice, without date, to the Europeans residing at Roode Grond that in terms of his Commission and by virtue of that treaty he thereby declared the whole of the Barolong

country "to be under the protection, jurisdiction and authority of Her Majesty the Queen." Mr. MACKENZIE fell into the same error which others did in supposing that the Government of Land Goshen or the "Commandant-General" at that time represented the inhabitants. If he had insisted on visiting the people he would have thought differently. The notice contained also the following peculiar intimation:—"I have also to intimate that the Chief MOSHETTE, by documents in my possession in so far as his own and his people's rights are concerned, consents to and desires the establishment of Her Majesty's authority in the Barolong country aforesaid." As already stated MOSHETTE never made formal cession of his territory or jurisdiction, and the only ground for Mr. MACKENZIE's intimation was a letter signed by MOSHETTE, dated May 19th, 1884, wherein he says: "You went away without understanding my views. I have since come to a decision concerning the treaty between the Queen and MANKOBOANE and MONTSIOA. I also am in it." Another extract will show what his meaning was. "Why then," continued MOSHETTE, "should the boundary line go to the west of me and I remain outside Bechuanaland?" What MOSHETTE wanted was to get back the portion of his country which the Convention line threw into the Transvaal Republic, in which event the wily chief would become "a child of the Queen," but he never intended to cede, and did not cede, his jurisdiction to Mr. MACKENZIE, and he never executed any treaty or cession as MONTSIOA did. From the public notice referred to it would appear as if Mr. MACKENZIE had wisely decided to acknowledge rights of Europeans to land within the Barolong country. Later information clearly shows that to have been Mr. MACKENZIE's original intention, for, as said by his great champion the *Graham's Town Journal* on January 3rd, 1885, "he proposed that the 'original volunteers' in Stellaland and Goshen, namely, the freebooters who came in 1882 at the invitation of the Chiefs and long before the Protectorate was proclaimed, should retain their lands." At all events, in May, 1884, Mr. MACKENZIE requested "all persons residing or desiring to reside at Rooi Grond or elsewhere in the Barolong country" to lodge their titles or

copies thereof " at Maffeking, on or before Tuesday next, the 27th instant." The time limited was far too short under the circumstances, and the mode of giving notice was ineffective, but as soon as the matter came to the knowledge of certain of MOSHETTE'S volunteers they respectfully requested Mr. MACKENZIE to take no further steps respecting them till they had consulted MOSHETTE, whom they described as their Chief. According to Mr. MACKENZIE'S report to Sir H. ROBINSON, dated May 30th, 1884, the bearer of the request from the volunteers " explained that a considerable number of volunteers were anxious to come under the Colonial Government or under the British Government but that they wished first to consult MOSHETTE (a). I showed him MOSHETTE'S first letter to me, which showed that he was anxious on his own account to be under the Queen. After seeing that letter he expressed his intention of agitating for the signing of a memorial by the volunteers, concerning which I felt all I could say was that it would receive due consideration." No better opportunity for an amicable settlement could have been offered. If a similar opportunity had been offered to Mr. RHODES he would have made a peaceful arrangement within a few hours. Mr. MACKENZIE, unfortunately, failed to grasp the situation. If he had then realized as his supporters now do that the white people considered—rightly or wrongly—that the treaty of October, 1882, was binding, and if, encouraged by the information—which now is proved to have been correct—that " a considerable number of volunteers " were anxious for British rule, he had boldly gone amongst the people, smarting as they were under the outrage of May 12th, although their ruined dwellings might according to Mr. MACKENZIE " come under the designation of huts rather than houses," if he had discussed the situation with them, acquired information as to those entitled to land under the treaty of 1882 and as to those who subsequently purchased, satisfied himself as to the validity or invalidity of that treaty, and spoken firmly but kindly to persons of whom he would have found many worthy of sympathy, the question would have been then and there settled for ever with honour to the

(a) Blue-book [C. 419f], page 39.

British Crown. Instead of so doing Mr. MACKENZIE—who seems to have suddenly changed his mind and decided to set the Roode Grond people at defiance and to ignore their claims under the treaty in question—appointed Mr. WRIGHT, a clerk to a Law Agent at Zeerust, to be Assistant Deputy Commissioner, and hurriedly left on May 31st, 1884, for the purpose of acquiring paper cessions from Native Chiefs in Western Bechuanaland, on his way to his former station at Kuruman. The lost opportunity will cost the British taxpayer dearly. The result of leaving the point of danger at the most critical moment would have been apparent to any one except, perhaps, a worthy gentleman unaccustomed to the ways of the world who had recently taken to politics like Mr. MACKENZIE. What was the consequence? The volunteers, looking with suspicion upon Mr. MACKENZIE, who failed even to rebuke the raiders upon Roode Grond on May 12th, continued to assert the claims which they insisted they had to the land ceded by the treaty of October, 1882. On June 10th, 1884, Mr. WRIGHT wrote to Mr. MACKENZIE—then on his useful journey—as follows:—“GEY is calling his men together and intends reaping all the lands on the south of the river which he says were ceded to him by the Peace Convention of October, 1882. They begin their work to-morrow. They have very kindly sent a verbal message to the effect that anyone having a garden in the tract of country spoken of will be allowed to reap it provided he acknowledges that he has sown on the ground of whoever may have the title deeds of the farm on which the garden is situated, and pay a reasonable rent for the same.” The Anti-Boer and partisan character of all Mr. WRIGHT’S correspondence shows how unfitted he was for a delicate post requiring great impartiality and patience. If the highly coloured reports of the occurrences about this time are carefully examined, the true position will be found to have been as follows:—The inhabitants of Roode Grond claimed portion of MONTSIOA’S country by a treaty which they believed to be valid. MONTSIOA’S people aggressively attacked the claimants on May 12th, burning their houses and destroying their property, and the Roode Grond people thereupon retaliated, and having in turn attacked their assailants, made captures of

cattle. Subsequently the white men, in the assertion of their title to land which they claimed to be theirs as of right, proceeded to reap the crops growing thereon, the natives resisted, and several slight engagements were fought in which the Roode Grond people lost several men. In all these engagements some white men fought on the native side, and at one at least the following were present:—Messrs. BETHELL, WALKER, WRIGHT, ROWLANDS, NICHOLSON and FRANKLIN. The presence in the field of Mr. WRIGHT, who was then filling the office of Deputy Assistant Commissioner, seems unaccountable, especially as he appears to have done nothing to keep the natives back. Evidence of this is furnished by a passage in a letter from one of the whites who fought on MONTSIOA'S side to Mr. MACKENZIE, from which the following is an extract:—"Had he (WRIGHT) attempted to keep the people away from the gardens or persuade them not to defend their lands, that attempt would certainly have been ineffectual." It has been shown again and again that the validity of the treaty of October, 1882, has at all times been the question at issue and that concession on that point would have brought about quietude. Out of the contest regarding that treaty every fight and every capture of cattle arose. As appears from Mr. WRIGHT'S letter to Mr. MACKENZIE, dated June 14th, 1884, on his having an interview with Mr. GEY regarding the action of the Roode Grond people in claiming the crops growing on the disputed ground, everything turned on the treaty, GEY saying "We hold by the treaty of peace ceding to us the country," while WRIGHT urged "that the treaty was a conditional one, and that as the condition that the Transvaal Government should exercise jurisdiction over the country had not been carried out the treaty had lapsed. It would have been much more judicious on Mr. WRIGHT'S part to have brought the question of the treaty prominently before Her Majesty's Imperial Government for decision at that time, and to have used his best efforts to restrain the natives from fighting pending a decision as to the treaty, instead of going into action with one of the combatant parties. The conduct of the Roode Grond burghers in asserting their claim to the disputed land, by reaping

the crops under protection of an armed force, may be thought to have been reprehensible, but it must be remembered that the only law in existence in the Barolong country at that time was the law of force. There was nothing to be gained by appealing to the Deputy Commissioner, who had not a single policeman at his back and who was unable or unwilling, as already stated, to keep the natives in check. For these reasons blame must not too readily be cast upon the Roode Grond people for endeavouring to protect what they believed to have been their rights. Desultory warfare continued until a signal defeat of MONTSIOA'S people occurred on July 31st, 1884 (a). According to Mr. MACKENZIE'S telegraphic report to Sir H. ROBINSON, received on August 6th, 1884, the Roode Grond people captured a large quantity of cattle in the Bangwaketse (GASSITSIWE'S) country, and "on the 31st this force or part of it came past the station with the cattle; the intention was evidently to draw the people out, and it was successful. The portion with the cattle was driven back after a desperate fight, but the remainder, which was in reserve, and the 80 men from Rooi Grond, turned the Barolong's flank with the result that MONTSIOA has lost about 100 men, including BETHELL and WALKER. The Boer loss was heavy, over 30." This was the death blow to MONTSIOA'S hopes. He had lost his bravest officer and most steadfast friend, Mr. BETHELL, and Maffeking was closely invested by his enemies. An incorrect statement has been made in the House of Commons relative to the position occupied by Mr. BETHELL at the time of his death. It was said that he was a British police officer, leading a native police force. Mr. MACKENZIE, who—it is supposed with the view of setting a thief to catch a thief—had previously appointed a notorious leader of cattle thieves to be an officer of British police, wished to give Mr. BETHELL the appointment of a police officer, but Sir H. ROBINSON wisely objected. It would scarcely have been judicious to appoint MONTSIOA'S fighting Commandant to be a police officer, and, accordingly, Sir H. ROBINSON telegraphed to Mr. MACKENZIE on July 30th, 1884 (b), "As to BETHELL'S

(a) Blue-book [C. 4213], page 34.

(b) Blue-book [C. 4213], page 12.

appointment, the more I think of it, the more ill-judged does it appear to me to be at present. I have told Major LOWE I cannot approve of it; at all events until I have conferred with you personally on the subject." When Mr. BETHELL was shot he was serving with MONTSIOA's fighting commando, and he was never in command of any police force. The shooting of Mr. BETHELL as he lay wounded was a deplorable occurrence. The Roode Grond burghers openly denounce the act and every one in South Africa regrets it. His corpse was not treated with indignity as has been alleged. The delay in the burial of the body arose from a mistake made as to the terms of an exchange of bodies between the combatants, and, finally, the remains were enclosed in a coffin and decently interred. The capture of Mr. WRIGHT by artifice and his subsequent imprisonment cannot be defended, but the wholesale charges of cattle-stealing and garden-robbing made against the Roode Grond people are based on nothing more than the capture of cattle in what was taken on both sides to be war, and the assertion of right to the gardens under the treaty of October, 1882, by reaping the crops standing thereon. As admitted by Mr. WRIGHT notice was given before reaping the crops that any native who had planted in the garden ground might reap his crop provided he acknowledged the title of the person to whom the farm upon which the garden ground stood had been allotted under the treaty. Other gross charges of deliberate murder and outrage will be found to have their origin mostly in hearsay and to be generally incapable of proof. The investment of Maffeking was continued, and hostilities were still proceeding when Mr. RHODES, who succeeded Mr. MACKENZIE as Deputy Commissioner on August 25th, 1884, visited Land Goshen. He was accompanied by Mr. JOUBERT, who had been appointed by the Transvaal Government to act in concert with Mr. RHODES and to endeavour to effect a peaceful settlement. Mr. RHODES's demands appear to have required entire withdrawal from the Barolong country including the portion alleged to have been ceded to the volunteers under the treaty of October, 1882, which was alone sufficient to ensure their rejection. The demands of the burghers with regard to MONTSIOA were equally objectionable to

Mr. RHODES, and a request of the Deputy Commissioner that an armistice should be granted for 14 days having been refused, he left after giving warning that hostilities were being carried on against a protected subject of the Queen. It may be argued that the Roode Grond people were to some extent justified in declining to grant a prolonged armistice which might have enabled MONTSIOA again to defy them, especially as there was no law established in the country, and no police available, and no protection to any one except that given by the rifle; but nothing can be sufficient excuse for the refusal to recognize Mr. RHODES as Her Majesty's Deputy Commissioner, and for the style of correspondence indulged in. There is good reason, however, to believe that the hostility shown to Mr. RHODES was confined to a few persons, and that, if Mr. RHODES had been able to secure a meeting with the general body of the inhabitants, he would have met with an excellent reception. After Mr. RHODES's departure, MONTSIOA being no longer able to hold out sued for peace and asked Mr. JOUBERT to intervene as mediator. The result was that an agreement of peace was entered into on August 30th, 1884, between MOSIETTE, as Barolong Chief, and the Government of Land Goshen, as representing the white population thereof, of the one part, and MONTSIOA of the other part, whereby MONTSIOA was deprived of all his country except the town of Maffeking and ten farms of 6,000 acres each. The Transvaal Government subsequently issued a Proclamation annexing the country conditionally to the Republic, but upon disallowance by Her Majesty's Imperial Government that Proclamation was at once withdrawn. The Transvaal Government was undoubtedly wrong in issuing a Proclamation annexing even conditionally a country under British protection, and, therefore, the Cape Ministry—when asked for their views—expressed to Her Majesty's Imperial Government in their Minute of September 23rd, 1884, the opinion that in view of German annexation and other encroachments calculated to shut in the Colony, decisive measures should be taken for the maintenance of British authority in South Africa, and that the Convention of London should be maintained. The prompt and frank withdrawal by the Transvaal Government

of the objectionable Proclamation left the Convention of London intact and vindicated the authority of the British Crown, and, therefore, the Cape Ministry reverted to the position which they occupied before the integrity of the Convention was threatened. Their policy had consistently been to endeavour to annex the country included within the Protectorate to the Cape Colony, and thereby while securing Colonial trade interests to relieve the British taxpayer of a grievous burden. To secure annexation much care was requisite. Many, if not a majority, of the inhabitants of the Protectorate would have preferred that the country should be annexed to the Transvaal, and the circumstances of the country proposed to be annexed were such as to necessitate a considerable expenditure by the Colony in excess of the total revenue for years to come, which of course would render annexation unpopular with many of the members of the Colonial Legislature. As, however, the Cape Colony had some interest in keeping the trade route to the interior open, as a great majority of the inhabitants of Stellaland had shown a desire to be annexed to the Colony in preference to being subject to the direct control of Her Majesty's Imperial Government, and as the Colonial Government deemed it to be their duty to assist cordially in relieving Her Majesty's Imperial Government as soon as possible of responsibilities undertaken partly in Colonial interests, annexation not only of Bechuanaland but of the country westward was made a question of Ministerial policy. The means by which annexation was to be effected might under the circumstances have been safely left to the discretion of the Colonial Government as representing the Colonial taxpayer, who was about to take upon himself the burthen of annexation. To the Cape Ministry it appeared that the best way to secure annexation would be to effect a peaceful settlement of the difficulties in Stellaland and in the Barolong country. An Imperial officer of great judgment like Mr. RHODES appears to have taken the same view, and instead of giving way to the somewhat prevalent war fever he met the difficulty in Stellaland like a wise statesman by conciliation. In the Barolong country there was ample land for all purposes. To restore a tribe of no great force of character and possessing

little energy to a large country which they never fully occupied, and never properly worked, as Mr. MACKENZIE seems to have been directed to do by his Letter of Instructions, would have met with no favour in any quarter. If, on the other hand, it had been thought sufficient to provide for the wants of the natives generally, there would have remained a large tract for the occupation of white persons, whose settlement would be of value to the Colony generally by developing its resources and opening up trade, while the settlers would contribute something to the expenses of government. To give up the bulk of the country to natives who did not require it would be unfair to the Colony. If that were done the natives would get the benefit of an expensive form of government, of police protection, of educational grants and other advantages, without giving any adequate return by way of revenue or development. As the land would by annexation become the property of the Queen in Her Colonial Government, and as the cost of government would for the future be defrayed by the Colony, it was assuredly not unfair to request that the Colonial Ministry should be allowed before annexation to effect a peaceful settlement of the land question in a manner just to the Colony as well as to the natives. Their intention was to provide for the natives land far in excess of their requirements, to respect the rights, if any, of white men who had settled in the country, and to dispose of the residue according to law or as Parliament might decide. Accordingly the Colonial Government requested the permission of Her Majesty's Imperial Government to some of their number proceeding to the Protectorate with a view to endeavouring to make a peaceful arrangement. They urged strongly the risk of danger to the peace of South Africa by the prosecution of warlike operations for the purpose of driving out a few white settlers—who claimed a right to the land occupied by them—and restoring at that late period MONTSIOA's people to land not only of much greater extent than that required by them but which there was ground for thinking the tribe had lost in warfare. They pointed out the great expenditure likely to be incurred in military operations which were really unnecessary. They warned Her Majesty's Imperial Government that the clearing of all white men indiscriminately out of Land

Goshen would necessitate the retention in the country of a larger armed force, and that the fear of complications and of incurring military expenditure greater than the resources of the Colony could bear would render doubtful the passage through Parliament of any proposal to annex the territory. His Excellency Sir H. ROBINSON thought differently, and expressed his views strongly. In his telegraphic despatch to Lord DERBY, dated October 17th, 1884, His Excellency fell into an error in thinking "a change seems to have come over Ministers in the last week." The position of Ministers all through was quite consistent. The "recent encroachments" referred to in their Minute of September 23rd, 1884, were not the occupation of farms by MOSHETTE'S volunteers in Land Goshen: a question described by Mr. RHODES at an interview with Mr. JOUBERT as "a small matter" (a). The encroachments referred to were such as German annexation and the proposed annexation of Land Goshen by the Transvaal Government under its proclamation. The Cape Ministry expressed the opinion that in view of territorial encroachments by other Powers British authority should be asserted and the Convention of London maintained, but they never hinted that the maintenance of British authority in South Africa required the presence of a large armed force at the expense of the Imperial Exchequer to drive out a few mercenaries who had settled in Land Goshen on the strength of a treaty of peace, and a few other persons—excellent settlers—who had expended their all in the *bona fide* purchase of land acquired under that treaty. But it was impossible to resist a determination which began to show itself in many quarters to awaken "the sleeping sword of war" in South Africa. A mischievous and unfounded suggestion was industriously propagated by interested politicians to the effect that the Dutch population of South Africa were disloyal. Meetings were held at which "Rule Britannia" was sung with great fervour, especially by gentlemen whose names will be found to be not unconnected with the receipt of some of the vast expenditure on war now rapidly going on. Amid loud protestations of loyalty to

(a) Blue-book [C. 4213], page 114.

the Queen—for which there was no necessity in a Colony where English and Dutch are devoted to their Sovereign—the warning voice of Her Majesty's Ministers in the Cape Colony was not heeded. The advice of the Responsible Ministry of the Cape Colony, who represent the views of the majority of the constituents of the Colony and who are responsible for the well-being of Her Majesty's faithful subjects in that portion of her dominions, was disregarded by Her Majesty's Imperial Government in favour of the platform statements of Opposition orators. The view taken by the Colonial Ministry will be seen by reference to their Minute to His Excellency Sir H. ROBINSON, dated October 13th, 1884, wherein they state that the Convention of London having been upheld the situation was restored to the condition in which it existed on July 26th, when they laid before Her Majesty's Imperial Government the conditions upon which they were willing to propose to Parliament to annex the Protectorate. They added that “in the interests of the Empire as well as of the Dependency Ministers are of opinion that questions intimately affecting the future welfare of Her Majesty's subjects residing in the Colony can be best settled by the Ministry and Parliament of the Colony. In accordance with this opinion, and with an earnest desire to avert bloodshed and avoid the creation of race bitterness and national jealousies, Ministers desire that the assent of Her Majesty's Government should be obtained to such members of the Colonial Ministry as may be determined upon proceeding to the protected territory for the purpose of communicating with its inhabitants and endeavouring to restore order and effect a peaceful settlement without the intervention of any armed force. Ministers submit this proposal in the firm belief that their advances will be met in a friendly spirit not only by the inhabitants of the Protectorate but by the people of the neighbouring States, and they deem it their duty to leave no effort untried having for its object the prevention of a collision between sections of the European race in South Africa.” The intention of the Cape Government was thereby clearly disclosed. Their intention was to meet the Roode Grond people in a conciliatory manner, to endeavour to arrive at a similar settlement to that arrived at in Stellaland under similar circumstances by Her Majesty's

Imperial Representative, and then to save the Imperial Exchequer the expenditure of even one farthing by relieving them of the burthen of the Protectorate for ever. Strangely enough, an offer so favourable to the interests of the British public was received at first rather coldly. The view taken by the Imperial Government seems to have been that there was no middle course between forcible expulsion of all white men in Barolong territory and abandonment of the Protectorate, while the Cape Ministry—looking to the probabilities of annexation and the titles claimed by white settlers in the country—thought it would be wiser to give ample land to the natives, to avoid ill-feeling and complications amongst the whites by recognizing rights to land which certainly had some foundation, to compel all other settlers to leave, and then to annex the territory.

The divergence in views was stated to be as follows by the Cape Ministry in a Minute to His Excellency the Governor on October 17th, 1884:—"His Excellency is of opinion that there can be no satisfactory settlement arrived at without resort to arms, while Ministers are of opinion that British authority can be upheld and Colonial rights secured by permitting them to take the course they have proposed towards a peaceful solution of this difficult question." It will be for the public to judge whether the subsequent correspondence between His Excellency the Governor as representative of Her Majesty's Imperial Government and the Cape Ministry showed any desire to be guided by the Responsible Advisers of the Crown in the Cape Colony, or any wish to promote harmony of action. Lord DERBY certainly stated that Her Majesty's Government attached much importance to working in harmony with the Colonial Government, but the warnings of the latter continued to be unheeded. Finally, on October 31st, 1884, Her Majesty's Imperial Government while expressing their pleasure at the intervention of the Colonial Government decided—against the advice of the Colonial Government—that military preparations were to be proceeded with although active operations were not to be commenced whilst Ministers were endeavouring to effect a peaceful settlement. The decision so arrived at meant nothing more and nothing less than an expensive military

expedition to Bechuanaland under any circumstances. Receipt of the news that Major-General Sir CHARLES WARREN had left England with a large Military Staff was quite enough to cause noisy opposition from speculators to any settlement effected by the Cape Ministry, to induce the false cry to be raised "Let us not have another ROBERTS fiasco," and to destroy the chances of peaceful annexation. The Cape Ministry were placed by the action of the Home Government in a difficult position, but so anxious were they to secure annexation as the only true mode of settlement that they determined to proceed to Bechuana and in the hope of effecting a settlement. They wished to have their hands free, but conditions were imposed upon them which may be gathered from Lord DERBY's telegraphic despatch received on October 23rd. "Her Majesty's Government approve of their (Ministers) making an attempt if they will be prepared on their settlement being approved to accept responsibility of control over MANKOROANE and MONTSIOA's country. Any agreement they make of course must be subject to approval of Her Majesty's Government, and it will be essential that all white men leave MONTSIOA's location except such as Her Majesty's Government on recommendation of High Commissioner may specially grant permission to remain, and that ample land shall be secured to MONTSIOA's people. Before any farms may be granted to white men, if any land is so granted, fair rent to be paid to MONTSIOA." In reply the Cape Ministers stated: As set forth in Sir H. ROBINSON's telegram to Lord DERBY of October 24th, 1884, that they were prepared "to proceed to Protectorate and endeavour to make best arrangements possible, consistent with just recognition of the rights and claims of all parties, the terms to be subject to approval of Her Majesty's Government after consideration of their report. Ministers add that Parliament has not authorized them to accept responsibility for control of country, consequently, they are not in a position to accept conditions laid down in message, *but they think that if their mission be successful they will be able to submit proposals for government of country pending annexation which will be satisfactory to Her Majesty's Government.*" On October 30th, 1884, Lord DERBY finally stated that he was glad Ministers should intervene, and added, "Your definition of