

## CHAPTER VII.

### AFTER DOORNKOP.

THE news of Dr. Jameson's surrender was received in Johannesburg towards mid-day, at first with derision, but as report after report came in, each confirming and supplementing the other, no room for doubt was left and a scene of the wildest excitement ensued. It is not too much to say that not one person in a hundred, no matter what his political leanings were, had doubted for a moment Dr. Jameson's ability to force his way into Johannesburg. There is not the slightest indication in the newspapers of the time, which without doubt reflected every varying mood and repeated every rumour which it was possible to catch from an excited people, that there was in any man's mind a suspicion that the Boers would be able to stop the invader. In the first place no one believed that they could mobilize sufficiently quickly to oppose him, and in the second place, he was understood to have a force of 800 men so admirably equipped and trained that it would not be possible for 5,000 Boers hurriedly called together to intercept him. All this, however, was forgotten when it came to accounting for the disaster; or rather, the previous convictions only added strength to the rage of disappointment. The public by that time knew of the letter of invitation; it had been taken on the battle-field and news of it was telegraphed in, and apart from this the writers had made no secret of it. But what the public did not know, and what, if they had known it, would not have appealed with similar force, was the efforts made to stop Jameson and the practical withdrawal of the

letter before he had started. It was sufficient for them during the few remaining hours of that day to recall that Jameson had come in, that he had fought against great odds, and that when almost reaching his goal he had been taken prisoner for want of assistance. It is perfectly true that in their rage of grief and disappointment men were willing to march out with pick-handles to rescue him, if there were not rifles enough to arm them. While the excitement lasted this was the mood, and the Reform Committee were the scapegoats. The attitude of the crowd was due to ignorance of the circumstances and natural emotion which could not be otherwise vented. The excitement had greatly abated by the following morning, and it was realized then that the position was practically but little worse than that which the Reform Committee had offered to take up when they tendered their persons as security for the evacuation of the country by the invading force, and had proposed to continue the struggle without their aid.

The reports received by the Johannesburg people were to the effect that the surrender had been conditional upon the sparing of the lives of the force. Indeed the first reports agreed that Jameson upon receipt of the High Commissioner's proclamation, had laid down his arms; but upon the return of Mr. Lace (whose mission has been explained) it was realized that this was not the case. A later account showed that Jameson had surrendered to Commandant Cronjé on the condition that the lives of all should be spared, and this version of the surrender was published in the Johannesburg newspapers. When further accounts were received from Pretoria and Krugersdorp, stating that the surrender had been unconditional and that there was grave doubt as to what would be done with Dr. Jameson, it was surmised as an explanation that he had declined to bargain for his own life and had merely stipulated that those of his followers should be spared.

On Friday the news that it was contemplated to shoot Dr. Jameson caused a frenzy of horror and excitement in the town. Every effort was made by the Reform Committee and its supporters to maintain strictly the position which the Government had suggested through their Commission on

Wednesday, lest some untoward incident should turn the trembling balance against Dr. Jameson and his men; nor were the Committee alone in the desire to maintain that position. On Friday and on Saturday communications were received from the local Government officials, and from Commandant-General Joubert through the British Agent, drawing the attention of the Committee to alleged breaches of the arrangement. The allegations were satisfactorily disproved; but the communications clearly indicated that the Government were most desirous of maintaining the position in relation to Johannesburg which they had laid down before the first battle with Dr. Jameson's forces.

Information was received on Thursday that the High Commissioner would leave Capetown for Pretoria at 9 p.m. that night. It had been a matter of surprise that, the arrangement having been entered into with him early on Wednesday, he had not found it convenient to start for some thirty-six hours. Considering how seriously he had interfered with the movement—first by his proclamation, and next by concerted action with the Government for a peaceful settlement—it had been naturally assumed that he would not lose a moment in leaving Capetown for the scene of trouble. Such however was not the case.

It has been alleged that the arrangement made between the Transvaal Government and the High Commissioner with a view to a peaceful settlement bore only upon Dr. Jameson's action, and that it was not contemplated that there should be any interference between the Government and its own subjects in Johannesburg. In answer to this it may be noted that the High Commissioner had in the first place offered his services, and that those services had been declined by the Transvaal Government; but that the latter, on realizing the seriousness of the position which they were called upon to face, and acting, it is stated, upon the advice of Mr. J. H. Hofmeyr, the recognized leader of the Dutch Afrianders in the Cape Colony, reconsidered this refusal and urgently besought the High Commissioner to go up to Pretoria and use his influence to effect a peaceful settlement. This arrangement, together with the promise of the redress of grievances, had been made known to the deputation of the

Reform Committee by the Government Commission in Pretoria, as has already been stated—the Government well knowing that Johannesburg was in arms and a party to the arrangement with Dr. Jameson.

Dr. Jameson surrendered at 9.30 a.m. on Thursday. The High Commissioner did not leave Capetown until 9 p.m. the same day. There had therefore been ample time for the Government to intimate to him their opinion that matters had been satisfactorily settled and that they did not need his services any longer, had they held such an opinion. As a matter of fact, that was by no means their opinion. They considered that they had yet to deal with 20,000 armed men in Johannesburg, and that they had to do that, if possible, without provoking a civil war, which would inevitably result in the long-run to their disadvantage, however great their success might be over the Johannesburg people in the meantime. They not only allowed the High Commissioner to proceed to Pretoria on the understanding originally effected, but they took steps to remind the Reform Committee on several occasions that they were expected to adhere to the arrangement entered into. And such was the position when the High Commissioner arrived on the night of Saturday, the 4th.

Sir Hercules Robinson proceeded direct to Pretoria, but did not transact any business until Monday, abstaining, in deference to the feelings of the Boers, from any discussion of business matters on the Sabbath. On Sunday, however, he received information from the Reform Committee as to the arrangements entered into with the Government. He was also informed that threats had been made by persons who without doubt were speaking the mind of the Government, that if any trouble should take place with Johannesburg Dr. Jameson and probably many of his comrades would be shot. It was not stated that the Transvaal Government or authorities would officially countenance any such act or would authorize it even as the result of a trial; but the statement which was made by everyone from the President downward was that, in the event of any fighting in Johannesburg, the burghers would be so much enraged and so beyond control that the prisoners who had caused all the trouble

would inevitably be shot. It is a part of Boer diplomacy to make as much use as possible of every weapon that comes to hand without too great a regard for the decencies of government as they occur to the minds of every civilized people, and it is not at all unusual to find the President proclaiming at one moment that some course must be taken to prevent disaster, for the reason that he cannot be answerable for his burghers in their excited state, and at another moment indignantly repudiating the suggestion that they would be guilty of any step that could be considered unworthy of the most civilized of peoples. In fact such exhibitions were repeatedly given by him at a later stage when dealing with the Reform prisoners.

Before any communication was received from the High Commissioner on Monday messages had been received by the members of the Reform Committee to the effect that the laying down of arms would be absolutely necessary to ensure the safety of Jameson and his men. The Reform Committee had then learnt that the two messengers sent to stop Dr. Jameson—Major Heany and Captain Holden—had reached him, and had come in with him, and were at that moment prisoners with him in Pretoria. They had also heard of the reception accorded to Sir Jacobus de Wet's despatch and the High Commissioner's proclamation, so that it was abundantly clear that the incursion had been made in defiance of the wishes of the leaders, whatever other reasons there might have been to prompt it. But the public who constituted the movement were still under the impression that Dr. Jameson was a very fine fellow who had come in in a chivalrous manner to help those whom he had believed to be in distress. There was however no division of opinion as to what should be done; even those who felt most sore about the position in which they had been placed did not hesitate for a moment. The first and for the time being the only consideration was the safety of Dr. Jameson and his comrades.

The events and negotiations of the days preceding the arrest of the Reformers have been the subject of so much discussion and so much misunderstanding that it will be better as far as possible to compile the history from original documents or the published and properly authenticated copies. In Blue Book [C. 7,933] the following is published:

SIR HERCULES ROBINSON (*Pretoria*) to MR. CHAMBERLAIN.  
(*Telegraphic. Received 1.8 a.m., 6th January, 1896.*)

5th January. No. 3.—Arrived here last night. Position of affairs very critical. On side of Government of South African Republic and of Orange Free State there is a desire to show moderation, but Boers show tendency to get out of hand and to demand execution of Jameson. I am told that Government of South African Republic will demand disarmament of Johannesburg as a condition precedent to negotiations. Their military preparations are now practically complete, and Johannesburg, if besieged, could not hold out, as they are short of water and coal. On side of Johannesburg leaders desire to be moderate, but men make safety of Jameson and concession of items in manifesto issued conditions precedent to disarmament. If these are refused, they assert they will elect their own leaders and fight it out in their own way. As the matter now stands, I see great difficulty in avoiding civil war; but I will do my best, and telegraph result of my official interview to-morrow. It is said that President of South African Republic intends to make some demands with respect to Article No. 4 of the London Convention of 1884.

MR. CHAMBERLAIN to SIR HERCULES ROBINSON.  
(*Telegraphic. January 6, 1896.*)

6th January. No. 3.—It is reported in the press telegrams the President of the South African Republic on December 30 held out definite hopes that concessions would be proposed in regard to education and the franchise. No overt act of hostility appears to have been committed by the Johannesburg people since the overthrow of Jameson. The statement that arms and ammunition are stored in that town in large quantities may be only one of many boasts without foundation. Under these circumstances, active measures against the town do not seem to be urgently required at the present moment, and I hope no step will be taken by the President of the South African Republic liable to cause more bloodshed and excite civil war in the Republic.

These are followed in the same volume by No. 89:

SIR HERCULES ROBINSON (*Pretoria*) to MR. CHAMBERLAIN.  
(*Telegraphic. Received 7th January, 1896.*)

6th January. No. 2.—Met President South African Republic and Executive Council to-day. Before opening proceedings, I expressed on behalf of Her Majesty's Government my sincere regret at the unwarrantable raid made by Jameson; also thanked Government of South African Republic for the moderation shown under trying circumstances. With regard to Johannesburg, President of South African Republic announced decision of Government to be that Johannesburg must lay down its arms unconditionally as a precedent to any discussion and consideration of grievances. I endeavoured to obtain some indication of the steps that would be taken in the event of disarmament, but without success, it being intimated that Government of South African Republic had nothing more to say on this subject than had been already embodied in proclamation of President of South African Republic. I inquired as to whether any decision had been come to as regard disposal of prisoners, and received a reply in the negative.

President of South African Republic said that, as his burghers, to number of 8,000, had been collected, and could not be asked to remain indefinitely, he must request a reply, 'Yes' or 'No,' to this ultimatum within twenty-four hours. I have communicated decision of South African Republic to Reform Committee at Johannesburg through British Agent in South African Republic.

The burgher levies are in such an excited state over the invasion of their country that I believe President of South African Republic could not control them except in the event of unconditional surrender. I have privately recommended them to accept ultimatum. Proclamation of President of South African Republic refers to promise to consider all grievances which are properly submitted, and to lay the same before the Legislature without delay.

On January 7 Mr. Chamberlain replied :

No. 1.—I approve of your advice to Johannesburg. Kruger will be wise not to proceed to extremities at Johannesburg or elsewhere ; otherwise the evil animosities already aroused may be dangerously excited.

And on the same day Sir Hercules Robinson telegraphed :

No. 1.—Your telegram of January 6, No. 2. It would be most inexpedient to send troops to Mafeking at this moment, and there is not the slightest necessity for such a step, as there is no danger from Kimberley volunteer corps or from Mafeking. I have sent De Wet with ultimatum this morning to Johannesburg, and believe arms will be laid down unconditionally. I understand in such case Jameson and all prisoners will be handed over to me. Prospect now very hopeful if no injudicious steps are taken. Please leave matter in my hands.

On Monday Sir Jacobus de Wet, acting under the instructions of the High Commissioner, telegraphed from Pretoria to the Reform Committee, Johannesburg, informing them that the High Commissioner had seen the President and Executive that morning, that he had been informed that as a condition precedent to the discussion and consideration of grievances the Government required that the Johannesburg people should lay down their arms ; and that the Government gave them twenty-four hours—from 4 p.m. that day—in which to accept or reject that ultimatum. The Committee replied that it would receive their earnest consideration.

Notwithstanding the fact that such a condition had been anticipated the ultimatum was very unfavourably received, a large number of those present protesting that the Uitlanders were being led little by little into a trap, that the Boers as was their wont would never keep faith with them, that in the

end they would find themselves betrayed, and that it would be better at no matter what cost to make a fight for it and attempt to rescue Dr. Jameson and his party. The last suggestion was a mad one, and after some consideration, and hearing the representations of Sir Sidney Shippard and Mr. Seymour Fort, who had been in communication with the High Commissioner on the previous day in Pretoria and were used by him as unofficial agents, the matter was more calmly considered by the Committee. It was very well realized that a struggle between Johannesburg and the Boer forces would have been an absolutely hopeless one for those who took part in it, but there was a determination to secure the objects for the attainment of which the agitation had been started, and it was believed that if a firm stand were taken, such was the justice of the cause of the Uitlanders that the Government would not be able to refuse definite terms as to what reforms they would introduce, besides assuring the safety of Dr. Jameson.

While the discussion was proceeding another telegram was received from the British Agent saying that, under instructions from the High Commissioner, he was proceeding in person to Johannesburg to meet the Reform Committee and explain matters to them. The meeting took place on the morning of Tuesday, and Sir Jacobus de Wet pointed out to the Committee the perilous position in which Dr. Jameson and his comrades were placed, owing to the hesitation of the Uitlanders to accept the ultimatum of the Government. He read again and again the following telegram from the High Commissioner, which had been despatched from Pretoria early that morning and received by the British Agent in Johannesburg when on his way to meet the Reform Committee :

*Urgent.*—You should inform the Johannesburg people that I consider that if they lay down their arms they will be acting loyally and honourably, and that if they do not comply with my request they forfeit all claim to sympathy from Her Majesty's Government and from British subjects throughout the world, as the lives of Jameson and the prisoners are now practically in their hands.

In reply to remarks about grievances, Sir Jacobus de Wet stated that the Uitlanders could not expect under the circum-

cumstances anything more favourable than the discussion and consideration of the grievances with the High Commissioner, as had been promised, and added that, if there were any spirit of reason in the community at all, they would be content to leave their case in the hands of so experienced a statesman as Sir Hercules Robinson, a man whose instinct and training were towards fair and decent government.

In the course of a very long discussion, Sir Jacobus de Wet was asked if he did not consider the Boer Government capable of an act of treachery such as disarming the community and then proceeding to wreak their vengeance upon those whom they might consider responsible for the agitation. According to the evidence of a number of those who were present, his reply was that 'not a hair of the head of any man in Johannesburg would be touched.' The discussion was resumed at various times and in various forms, when different groups of men had opportunities of questioning the British Agent themselves. When questioned again more definitely as to whether this immunity would be extended to the leaders—those who had signed the letter—Sir Jacobus de Wet replied again in the affirmative. To another member, who had asked the same question in another form, he said 'Not one among you will lose his personal liberty for a single hour. John Bull would never allow it.' In reply to the remark, 'John Bull has had to put up with a good deal in this country. What do you mean by "John Bull"?' he answered, 'I mean the British Government could not possibly allow such a thing.'

It would have been an easy and no doubt a proper and reasonable precaution had the Reformers insisted upon a statement in writing of the terms upon which they laid down their arms. There were however two considerations which weighed against any bargain of this sort. The first was the overwhelming and paramount consideration of insuring Dr. Jameson's safety; and the other was the belief (not seriously shaken by suggestions to the contrary) that the Government would be obliged to abide by the spirit of the terms arranged on January 1, because the High Commissioner would insist upon it as the vital condition under which he was endeavouring to effect the disarmament of Johannes-

burg. That Sir Hercules Robinson well realized his responsibility to the Uitlander, but found it inconvenient or impossible to accept it at a later stage, is shown by his own reports. On January 7 he telegraphed to Mr. Chamberlain as follows :

*Your telegram No. 3 of January 6. I need now only say that I have just received a message from Reform Committee resolving to comply with demand of South African Republic to lay down their arms; the people placing themselves (? and) their interests unreservedly in my hands in the fullest confidence that I will see justice done to them. I have received also the following from British agent, dated 7th January :*

*Begins :* I have sent the following telegram to His Honour the President :

I have met the Reform Committee. Am gratified with the spirit shown in the discussion of the all-important present position. The Committee handed me the following resolution—*Begins :* The Reform Committee in Johannesburg, having seriously considered the ultimatum of the Government of the South African Republic communicated to them through Her Majesty's Agent at Pretoria, in a telegram dated 6th instant, to the effect that Johannesburg must lay down its arms as a condition precedent to a discussion and consideration of grievances, have unanimously decided to comply with this demand, and have given instructions to the citizens employed by this Committee for maintaining good order to lay down their arms. In coming to this determination, the Committee rely upon the Government that it will maintain law and order, and protect life and property in this town at this critical juncture. The Committee have been actuated by a paramount desire to do everything possible to ensure the safety of Dr. Jameson and his men, to advance the amicable discussion of terms of settlement with the Government, and to support the High Commissioner in his efforts in this respect. The Committee would draw the attention of the Government of the Republic to the presence of armed burgher forces in the immediate vicinity of this town, and would earnestly desire that these forces be removed in order to avoid all risk of any disturbance of the public peace. *Resolution ends.* I wish to add to my above remarks that I feel convinced there will be no further difficulty in connection with the laying down of their arms. I would suggest that the Government co-operate with the Reform Committee for a day or two for the purpose of restoring the town to its normal state. This will only take a day or two, and those who are excited among the people will by that time have calmed down, and the police can resume their ordinary duties. The Committee will co-operate in this matter. This course will very much facilitate the task of your Government if it meets with your approval. *Ends.*

The High Commissioner concluded the above telegram with the following significant sentence :

*I hope now to be able to confer with President of the South African Republic and Executive Council as to prisoners and the redress of Johannesburg grievances.*

On the 8th he again telegraphed :

Referring to your telegram of the 7th inst., No. 1, I consider that so far throughout this matter Kruger has behaved very well. He suspended hostilities pending my arrival, when Johannesburg was at his mercy ; and in opposition to a very general feeling of the Executive Council and of the burghers who have been clamouring for Jameson's life, he has now determined to hand over Jameson and the other prisoners. If Jameson had been tried here there can be no doubt that he would have been shot, and perhaps some of his colleagues also. The excitement of the public is now calmed down.

I shall try to-day to make arrangements with Kruger as to taking over the prisoners, and *I will confer with him as to redressing the grievances of the residents of Johannesburg on the basis of your telegram of the 4th inst. I have given Kruger a copy of that telegram.*

And later on the same day :

Since my telegram No. 1 of this morning, matters have not been going so smoothly. When the Executive Council met, I received a message that only 1,814 rifles and three Maxim guns had been surrendered, which the Government of the South African Republic did not consider a fulfilment of the ultimatum, and orders would be immediately issued to a commando to attack Johannesburg. I at once replied that the ultimatum required the surrender of guns and ammunition for which no permit of importation had been obtained, and that onus rested with Transvaal Government to show that guns and ammunition were concealed for which no permit had been issued. If before this was done any hostile step were taken against Johannesburg, I should consider it to be a violation of the undertaking for which I had made myself personally responsible to the people of Johannesburg, and I should leave the issue in hands of Her Majesty's Government. This had a sobering effect, and the order for the attack on Johannesburg was countermanded, and it was arranged that the Transvaal officials should accompany Her Majesty's Agent to Johannesburg and point out to him if they could where arms were concealed. Her Majesty's Agent left at 1 p.m. to-day for Johannesburg for this purpose.

'The explanation of the change, I take it, is that Kruger has great difficulties to contend with among his own people. The apparent object is to prove that people of Johannesburg have not fulfilled the conditions which were to precede the handing over of the prisoners and consideration of grievances. I should not be surprised if, before releasing the prisoners or redressing grievances, an attempt were now made to extort an alteration of the London Convention of 1884, and the abrogation of Article No. 4 of that instrument. *I intend, if I find that the Johannesburg people have substantially complied with the ultimatum, to insist on the fulfilment of promises as regards prisoners and consideration of grievances, and will not allow at this stage the introduction of any fresh conditions as regards the London Convention of 1884. Do you approve ?*

The Reform Committee published the following official notice on Tuesday afternoon :

The Reform Committee notify hereby that all rifles issued for the defence of life and property in town and the mines are to be returned at once to the Central Office in order to enable the Committee to carry out the agreement with the Government, upon the faithful observance of which so much is dependent.

The Committee desire to make it known that late last night they received an intimation from Her Majesty's Agent in Pretoria to the effect that the decision of the Government was that Johannesburg must lay down its arms as a condition precedent to the discussion and consideration of grievances.

The Committee met this morning to consider the position, and it was unanimously resolved to accept the ultimatum of the Government for reasons which the following communications sufficiently explain :

Here followed the High Commissioner's telegram to Sir Jacobus de Wet, urging disarmament, already given, and the following memorandum :

Sir Jacobus de Wet, Her Majesty's Agent at Pretoria, has notified to the Committee that he has been officially informed by the Government in Pretoria that upon Johannesburg laying down its arms Dr. Jameson will be handed over to Her Majesty's High Commissioner.

By Order.

Johannesburg, 7th January.

The above is correct.

J. A. DE WET,  
H.B.M. Agent.

The Committee can add nothing to the above, and feel that there will not be one man among the thousands who have joined the Reform movement who will not find it consistent with honour and humanity to co-operate loyally in the carrying out of the Committee's decision.

By order of the Committee.

On Wednesday the investigations effected by the Government, with the aid of the Reform Committee, established the fact that the ultimatum had been complied with ; but the juggling with Dr. Jameson's life continued for some days. On Thursday the 9th the High Commissioner received a communication from the President in which occurred the following sentence : ' As I had already caused your Excellency to be informed, it is really my intention to act in this sense (*i.e.*, hand over Dr. Jameson and men), so that Dr. Jameson and the British subjects who were under his command may then be punished by her Majesty's Government, and I will make known to your Excellency the final decision in this matter *as soon as Johannesburg shall have reverted to a condition of quietness and order.*'

In the face of this and many other significant messages and expressions which reached Sir Hercules Robinson, it is not to be wondered at that he considered Dr. Jameson's life to be in peril, and that he regarded, as he distinctly said he did, disarmament by Johannesburg as the only means of saving him; but what is less pardonable is, that he did not pin President Kruger to this, and demand an explanation when it became known that Jameson and his men were secured by the conditions of the surrender. The truth is that the wily old Boer President, by a species of diplomacy which does not now commend itself to civilized people, managed to jockey everybody with whom he had any dealings. He is much in the position of a certain financier who, after a vain effort to justify his proceedings, turned at last in desperation upon his critics and said: 'Well, I don't care what view you hold of it. You can have the morality, but I've got the cash.'

Late in the evening of the 9th the following proclamation was published:

Whereas by resolution of the Government of the South African Republic, dated Monday, the 6th of January, 1896, whereby to all persons at Johannesburg and suburbs twenty-four hours were granted to hand over and to lay down to the Government unconditionally all arms and ammunition for which no permit could be shown, and

Whereas the said period of twenty-four hours has already expired on Tuesday, the 7th of January, 1896, and whereas the so-called Reform Committee and other British subjects have consented and decided to comply unconditionally with the resolution of the Government, and

Whereas sundry persons already have laid down their arms and ammunition, and have handed them over to the Government, and

Whereas the laying down and giving over of the said arms and ammunition is still proceeding, and

Whereas it is desirable and proper that this be done as soon as possible, and in a proper way, and that a term be fixed thereto,

Now I, Stephanus Johannes Paulus Kruger, State President of the South African Republic, with the advice and consent of the Executive Council, by virtue of Article 5 of their minutes, dated 9th January, 1896, proclaim that further time will be given for that purpose until FRIDAY, the 10th JANUARY, 1896, at 6 p.m.

All persons or corporations with whom, after the expiration of that period, arms or ammunition will be found, for which no permit granted by Government can be shown, will be dealt with according to law; and

Whereas the laying down and handing over of the said arms and ammunition should have been effected unconditionally,

Now I further proclaim that all persons who have already laid down and given over the said arms and ammunition, or who shall have done so before Friday, the 10th January, 1896, at 6 p.m., shall be exempted from all prosecution, and will be forgiven for the misdeeds that have taken place at Johannesburg and suburbs, *except all persons and corpora-*

*tions who will appear to be the chief offenders, ringleaders, leaders, instigators, and those who have caused the rebellion at Johannesburg and suburbs.*

Such persons and corporations shall have to answer for their deeds before the legal and competent courts of this Republic.

I further proclaim that I will address the inhabitants of Johannesburg to-morrow by a separate proclamation.

*God save Land and People.*

Given under my hand at the Government Office at Pretoria on this Ninth Day of January, in the Year One Thousand Eight Hundred and Ninety-six.

S. J. P. KRUGER,

*State President.*

C. VAN BOESCHOTEN,

*Acting State Secretary.*

The grim, cautious method of the President was never better illustrated than by these proclamations and the concurrent actions. In no part of his diplomatic career has he better stage-managed the business than he did here. To the world at large these addresses commend themselves no doubt as reasonable and moderate, and they establish a record which will always speak for him when the chronology of events is lost; but the true worth of it all is only appreciated when one realizes that the first proclamation extending the time for disarmament, and promising amnesty to all except the leaders, was not issued until two days after the Government had satisfied themselves that the disarmament had been completed, and that it was deliberately held back until the police and burghers were in the outskirts of the town ready to pounce upon the men with whom they had been treating. It is an absolute fact that the Reform Committee-men, who had offered to effect the peaceful settlement seemingly desired by all parties, who had used every means in their power to convince the Government that disarming was being effected in a *bonâ fide* and complete manner, and who had themselves supplied the Government in good faith with any documents they had showing the number of guns and the amount of ammunition which had been at the disposal of the Reform Committee, had not the remotest suspicion that an act of treachery was in contemplation, nor any hint that the Government did not regard them as amnestied by virtue of the negotiations; and it is a fact that when the proclamation of the 9th was issued the detectives were waiting at the clubs, hotels and houses to arrest the members of the Reform Com-

mittee, and that the Reformers did not know of the proclamation exempting them from the 'Forgive and Forget' until after they had been seized.

On the 10th the address promised to the inhabitants of Johannesburg duly appeared.

After reviewing recent events, it concluded with this appeal :

Now I address you with full confidence ! Strengthen the hands of the Government, and work together with them to make this Republic a country where all inhabitants, so to say, live fraternally together. For months and months I have thought which alterations and emendations would be desirable in the Government of this State, but the unwarrantable instigations, especially of the Press, have kept me back. The same men who now appear in public as the leaders have demanded amendments from me in a time and manner which they should not have dared to use in their own country out of fear of the penal law. Through this it was made impossible for me and my burghers, the founders of this Republic, to take your proposals into consideration. It is my intention to submit a draft law at the first ordinary session of the Volksraad, whereby a municipality with a Mayor at its head will be appointed for Johannesburg, to whom the whole municipal government of this town will be entrusted. According to all constitutional principles, such a municipal council should be appointed by the election of the inhabitants. I ask you earnestly, with your hand upon your heart, to answer me this question : Dare I, and should I, after all that has happened, propose such to the Volksraad ? What I myself answer to this question is, I know that there are thousands in Johannesburg to whom I can with confidence entrust this right to vote in municipal matters. Inhabitants of Johannesburg, make it possible for the Government to appear before the Volksraad with the motto, 'Forget and Forgive.'

(Signed) S. J. P. KRUGER,  
*State President.*

One would think that anyone gifted with even a moderate sense of humour would have been restrained by it from issuing a second proclamation on top of the elaborate fooling of the first. Is it possible to imagine any other community or any other Government in the world in which the ruler could seriously set to work to promulgate two such proclamations, sandwiching as they did those acts which may be regarded as the practical expression—diametrically opposed to the published expression—of his intentions ?

In the meantime the negotiations concerning Dr. Jameson were dragging on. After securing the disarmament of Johannesburg and getting rid of the troublesome question of the disposal of Jameson, and after refusing for several days (to quote the gist of the High Commissioner's telegram, Blue

Book No. 125 [C-7933]) to allow the necessary arrangements for the deportation of the men to be made, Mr. Kruger suddenly called upon the High Commissioner to have them removed at once, intimating at the same time that it was the decision of the Executive that all the prisoners, except the Transvaal and Free State subjects, whom he would retain, should be sent to England to be tried according to English law. It was pointed out that it was only contemplated to send the officers for trial. To this Mr. Kruger replied: 'In such case the whole question must be reconsidered.' The High Commissioner at once telegraphed for the decision of Her Majesty's Government, stating that it was the opinion of Sir Jacobus de Wet and Sir Graham Bower, who had represented him at the interview with the Transvaal Government, that, if the whole lot were not sent home to be dealt with according to English law, they would be tried in Pretoria, with a result which he feared would be deplorable. To this Mr. Chamberlain replied:

Astonished that Council should hesitate to fulfil the engagement which we understood was made by President with you, and confirmed by the Queen, on the faith of which you secured disarmament of Johannesburg. Any delay will produce worst impression here, and may lead to serious consequences. I have already promised that all the leaders shall be brought to trial immediately; but it would be absurd to try the rank and file, who only obeyed orders which they could not refuse. If desired we may however engage to bring to England all who are not domiciled in South Africa; but we cannot undertake to bring all the rank and file to trial, for that would make a farce of the whole proceedings, and is contrary to the practice of all civilized Governments. As regards a pledge that they shall be punished, the President will see on consideration that although a Government can order a prosecution, it cannot in any free country compel a conviction. You may remind him that the murderers of Major Elliott, who were tried in the Transvaal in 1881, were acquitted by a jury of burghers. Compare also the treatment by us of Stellaland and other freebooters.

The result of this communication was that the President drew in his horns and agreed that if the prisoners were deported to England he would be satisfied to let the British Government decide which of them should be prosecuted.

The success of his diplomatic methods had whetted his appetite, it would appear. He was not content with the conditional surrender of Dr. Jameson, nor—having suppressed the fact that it was conditional—with having used him for the

purpose of disarming Johannesburg ; but, having achieved both purposes, Mr. Kruger was still desirous of keeping him in hand. This however was a length to which the British Government did not see fit to go ; but there is no evidence in the correspondence which has passed tending to show that even then Sir Hercules Robinson perceived how he was being made use of and played with by the President.

On the night of the 9th and the morning of the 10th, the members of the Reform Committee to the number of about sixty were arrested and lodged in gaol ; and from this moment the High Commissioner appears to have erased them from the tablets of his memory. On January 14 he telegraphed to Mr. Chamberlain as follows :

I have received a letter from Government of South African Republic, stating that, in their opinion, every reason exists for assuming that the complications at Johannesburg are approaching to an end, and that there need be no longer any fear of further bloodshed. The President of the South African Republic and Executive Council tender to me the warmest thanks of the Government of the South African Republic for the assistance I have been able to render in preventing further bloodshed, and their congratulations on the manner in which my object in coming has been fulfilled. They tender also their cordial acknowledgment of the services rendered by the British Agent at Pretoria, which I think is fully deserved. The Volksraad met yesterday, and adjourned until May, the only business transacted being a vote of thanks to the Orange Free State and the High Commissioner for their efforts in promoting a peaceful settlement, which was carried by acclamation. I now only await settlement of prisoners' difficulty to leave for Capetown, where my presence is urgently needed in consequence of change of Ministers. Governor of Natal and General Cox are here, to whom I will give instructions as to reception and disposal of prisoners as soon as I hear from you.

To this Mr. Chamberlain telegraphed a most important reply on January 15 :

I am left in great perplexity by your telegram No. 3, of the 14th inst., and fear that some previous telegrams must have miscarried. (Here follow directions to refer to a number of telegrams in which Mr. Chamberlain had indicated the settlement which he anticipated, the nature of the reforms which Sir Hercules Robinson was to secure, and many inquiries as to the reason for the arrests of the reformers as reported in the English papers.) I have received no reply to any of these telegrams, but have assumed that negotiations were in progress between the President and yourself.

There can be no settlement until the questions raised by these telegrams are disposed of. The people of Johannesburg laid down their arms in the belief that reasonable concessions would be arranged by

your intervention ; and until these are granted, or are definitely promised to you by the President, the root-causes of the recent troubles will remain.

The President has again and again promised reform, and especially on the 30th December last, when he promised reforms in education and franchise ; and grave dissatisfaction would be excited if you left Pretoria without a clear understanding on these points. Her Majesty's Government invite President Kruger, in the interests of the South African Republic and of peace, to make a full declaration on these matters. I am also awaiting a reply respecting the alleged wholesale arrests of English, Americans and other nationalities, made after the surrender of Johannesburg.

It will be your duty to use firm language, and to tell the President that neglect to meet the admitted grievances of the Uitlanders by giving a definite promise to propose reasonable concessions would have a disastrous effect upon the prospects of a lasting and satisfactory settlement.

Send me a full report of the steps that you have already taken with regard to this matter, and of the further action that you propose.

In the meantime Sir Hercules Robinson left Pretoria, satisfied that he had done all that was necessary, and telegraphed to Mr. Chamberlain as follows :

FROM THE HIGH COMMISSIONER *en route* TO CAPETOWN.

15th January, 1896. No. 1.—Your telegram 13 January, No. 1, only reached me last night, after I had left Pretoria. I could if you consider it desirable, communicate purport to President of South African Republic by letter, but I myself think such action would be inopportune at this moment. Nearly all leading Johannesburg men are now in gaol, charged with treason against the State, and it is rumoured that Government has written evidence of a long-standing and widespread conspiracy to seize government of country on the plea of denial of political privileges, and to incorporate the country with that of British South Africa Company. The truth of these reports will be tested in the trials to take place shortly in the High Court, and meanwhile to urge claim for extended political privileges for the very men so charged would be ineffectual and impolitic. President of South African Republic has already promised municipal government to Johannesburg, and has stated in a proclamation that all grievances advanced in a constitutional manner will be carefully considered and brought before the Volksraad without loss of time ; but until result of trials is known nothing of course will now be done.

Mr. Chamberlain replied to the above :

15th January. No. 5.—Referring to your telegram, No. 1, of the 15th January, see my telegram No. 1 of to-day, which was sent before receipt of yours. I recognize that the actual moment is not opportune for a settlement of the Uitlanders' grievances, and that the position of the President of the South African Republic may be an embarrassing one, but I do not consider that the arrest of a few score individuals out of a population of 70,000 or more, or the supposed existence of a plot

amongst that small minority, is a reason for denying to the overwhelming majority of innocent persons reforms which are just in themselves and expedient in the interests of the Republic. Whatever may be said about the conduct of a few individuals, nothing can be plainer than that the sober and industrious majority refused to countenance any resort to violence, and proved their readiness to obey the law and your authority. I hope, therefore, to hear at an early date that you propose to resume discussion with President of South African Republic on lines laid down in my previous telegrams. I do not see that the matter need wait until the conclusion of the trial of the supposed plotters. I am anxious to receive the information asked for in my telegram No. 1 of the 14th January. Please communicate at once with the President on this matter.

The following is the telegram to which allusion is made above :

*14th January.* No. 1.—Press telegrams state numerous arrests of leading residents on the Rand, including many Americans, Germans, and other nationalities. Fear that number of these arrests of active managers, representatives, may disorganize industry on the Rand. Wish to know of what accused, when brought to trial, whether bail allowed, and what penalties prescribed by law. Shall be glad to learn from President of South African Republic what his intentions are in this matter, which affects the subjects of so many States. Propose to communicate President's reply to American and Belgian Governments, which have already asked us to take charge of interests of their respective citizens.

Sir Hercules Robinson, replied :

*15th January.* No. 2.—Your telegram of 14th January, No. 1. The accused are between fifty and sixty in number, and are mostly members of the Reform Committee. They have been arrested on charge of treason, and of seeking to subvert the State by inviting the co-operation and entrance into it of an armed force. The proceedings are based, I understand, on sworn information, and the trials will take place before High Court. The accused are being well treated, and are represented by able counsel. It is alleged that Government has documentary evidence of a widespread conspiracy to seize upon Government, and make use of the wealth of the country to rehabilitate finances of British South Africa Company. On taking leave of President of South African Republic, I urged on him moderation as regards the accused, so as not to alienate the sympathy he now enjoys of all right-minded persons. Bail is a matter entirely in the hands of Attorney-General. The Government seem acting within their legal rights, and I do not see how I can interfere. Mines are at work, and industry does not seem to be disorganized.

While still on his way to Capetown, the High Commissioner telegraphed to Mr. Chamberlain again in a manner indicating his complete abandonment of the position taken

up by him in relation to Johannesburg—in fact, his repudiation of what his own words have recorded against him :

16th January. No. 1.—Your telegram of 15th January, No. 1, received. I cannot at this moment follow the complications arising from supposed missing and crossing telegrams, but can only say that no telegram which has reached me from you has remained unanswered.

No promise was made to Johannesburg by me as an inducement to disarm, except that the promises made in the President's previous proclamation would be adhered to, and that Jameson and the other prisoners would not be transferred until Johannesburg had unconditionally laid down its arms and surrendered. I sent your long telegram of 4th January to President ; *but the question of concessions to Uitlanders has never been discussed between us.* Pending result of coming trials, and the extent to which Johannesburg is implicated in the alleged conspiracy to subvert the State is made clear, the question of political privileges would not be entertained by Government of the South African Republic.

He justified the change of policy in another communication addressed to Mr. Chamberlain before he reached Capetown :

16th January. No. 3.—Your telegram of the 15th January, No. 5. If you will leave the matter in my hands, I will *resume* advocacy of Uitlanders' claims at the first moment I think it can be done with advantage ; the present moment is most inopportune, as the strongest feeling of irritation and indignation against the Uitlanders exists both amongst the Burghers and Members of Volksraad of both Republics. Any attempt to dictate in regard to the internal affairs of South African Republic at this moment would be resisted by all parties in South Africa, and would do great harm.

I have already replied in my telegram of 15th January, No. 2, in answer to your telegram of 14th January, No. 1, and I do not think it possible to obtain further information at this stage, the matter being *sub judice*.

Sir Hercules Robinson left Pretoria on the 14th, having resided within a few hundred yards of Dr. Jameson and his comrades for a week, and of the Reform prisoners for four days, without making any attempt whatever to ascertain their circumstances or story. During that time his military secretary called upon Dr. Jameson for the purpose of finding out details of the prisoners and wounded of the force, but made no further inquiries. Dr. Jameson's solicitor wrote to the Colonial Office on March 5 :

MY DEAR FAIRFIELD,

You have probably seen the cable that has come to the *Diggers' News*, giving the lie direct to Sir John Willoughby's statement respecting terms of surrender.

I have seen Sir John again, and am authorized by him to state, with regard to the criticism that it is incredible that nothing should have been said by the officers when in prison at Pretoria to anybody about the terms of surrender, that it must be remembered that from the time of the surrender until they left Africa none of them were allowed to make any communication. While in gaol they were not allowed to see newspapers or to receive any news of what was going on in Pretoria or elsewhere.

Sir J. Willoughby made a statement to the head gaoler and other officials at the time of his arrival at the gaol when he was searched and all his papers taken from him. He requested to be allowed to keep the document signed by Cronjé, as it contained the terms of the surrender, but received as answer that all papers must be taken and that they would be returned afterwards. They were in fact taken and only returned when the officers were removed from the gaol to go to Durban.

My clients did try to get a note through to Johannesburg concealed in a matchbox. They paid twenty-five pounds to get it through, and sent it within thirty-six hours of their arrival in gaol, but they have never been able to ascertain whether it reached its destination.

The gist of it was that they were all right. It never occurred to the prisoners that neither the British Resident nor the High Commissioner would be informed of the terms of the surrender, or that they would not satisfy themselves on this point.

Sir Hercules Robinson might urge, in so far as Dr. Jameson's affair is concerned, that he could not be expected to suspect a deception such as was practised upon him; yet it does seem extraordinary that, being in Pretoria for the purpose of negotiating for the disposal of Dr. Jameson and his comrades, he should not have taken steps to ascertain what there was to be said on their behalf, especially as on his own showing it was for the greater part of the time a question of life and death for the leaders of the force. It is even more difficult to understand why no effort should have been made to communicate with the Reformers. The High Commissioner was thoroughly well aware of the negotiations between them and the Government on January 1. He had received communications by telegraph from the Reformers before he left Capetown; he came up avowedly to settle their business; he negotiated on their behalf and induced them to disarm; he witnessed their arrest and confinement in gaol; yet not only did he not visit them himself, nor send an accredited member of his staff to inquire into their case and conditions, but Sir Jacobus de Wet alleges that he actually, in deference to the wish of the President, desired the British Agent not to hold any communication whatever with the prisoners

during his (Sir Hercules Robinson's) stay in Pretoria. Truly we have had many examples of President Kruger's audacity, and of the success of it ; but nothing to equal this. That he demanded from Sir Hercules Robinson information as to the objects of the Flying Squadron and the movements of British troops in British territory, and succeeded in getting it, was a triumph ; but surely not on a par with that of desiring the High Commissioner not to hold communication with the British subjects whom he, as the official representative of their sovereign, had travelled a thousand miles to disarm, and on whose behalf—ostensibly—he was there to negotiate.

## CHAPTER VIII.

### ARREST AND TRIAL OF THE REFORMERS.

ABOUT half of the members of the Reform Committee were arrested and taken through to Pretoria on the night of the 9th. Others were arrested at various times during the evening and night, were detained in the lock-up at Johannesburg as ordinary felons, and escorted to the Pretoria gaol on the following morning. The scene on their arrival at Pretoria railway station and during their march to the gaol was not creditable to the Boers. A howling mob surrounded the prisoners, hustling them, striking them, and hurling abuse at them incessantly. The mounted burghers acting as an escort forced their horses at the unfortunate men on foot, jostling them and threatening to ride them down. One of the prisoners, a man close on sixty years of age, was thrown by an excited patriot and kicked and trampled on before he was rescued by some of his comrades.

Once within the gaol, the men were searched and locked up in the cells, and treated exactly as black or white felons of the lowest description. In many cases four or five men were incarcerated in single cells 9 feet long by 5 feet 6 inches wide, with one small grating for ventilation. At night they were obliged to lie on the mud floor, or in some cases on filthy straw mattresses left in the cells by former occupants. No provision was made by which they could obtain blankets or other covering—indeed at first it was not necessary, as the overcrowding and lack of ventilation very nearly resulted in asphyxiation. With an inhumanity almost incredible, in one instance one of the prisoners, suffering from fever and dysentery, was locked up for twelve hours with four others in

such a cell without any sanitary provisions whatever. Friends in Pretoria induced the authorities, by means not unpopular in that place, to admit a better class of food than that allowed to the ordinary prisoners; and it is stated that the first meal enjoyed by the Reformers cost close upon £100 for introduction. Day by day fresh concessions were obtained in a similar manner, with the result that before long the prisoners were allowed to have their own clothing and beds and such food as they chose to order. Nothing however could alter the indescribable sanitary conditions, nor compensate for the fact that the cells occupied by these men were in many cases swarming with vermin.

The climate in Pretoria in January is almost tropical, and the sufferings of many of the older and less robust men under such circumstances were very considerable. On the eleventh day of incarceration the majority of the prisoners were let out on bail of £2,000 each; in the cases of two or three bail of £4,000 each was required; but bail was refused to Colonel Rhodes, Messrs. Phillips, Farrar, Hammond (the signatories to the letter), and J. P. FitzPatrick, the secretary of the Reform Committee. These five continued to occupy the undesirable premises for four weeks more, at the end of which time, owing to the serious effect upon their health which imprisonment under these conditions had produced, and owing to the repeated representations within the Transvaal and from the British Government as well, an alteration was made under somewhat novel conditions.

It was notified to the public that the Government had graciously consented to admit the prisoners to bail. The terms, however, were not at the time publicly announced. First and foremost it was required of them that they should deposit £10,000 in sovereigns each as security that they would not break the conditions of their altered imprisonment. They were to reside in a cottage in Pretoria under strong guard, and they were to pay the whole of the costs of their detention, including the salary and living expenses of the officer and guard placed over them. The cost, including interest upon the money deposited, was upwards of £1,000 a month.

The preliminary examination into the charges against the

Reformers began on February 3, and lasted about a month. It resulted in the committal for trial, on the charge of high treason, of all those arrested. The Imperial Government having decided to send a representative to watch the trial on behalf of the British, American and Belgian subjects, Mr. J. Rose Innes, Q.C., the leader of the Bar in Cape Colony, attended on their behalf. It was intimated to the Transvaal Government that Mr. Innes would represent the Imperial Government ; but objection was made to this on the grounds that he had been admitted to the Pretoria Bar during the British administration, and had failed to comply with a subsequent rule of Court which required some sort of registration ; and permission was refused to him to address the Court. The objection was maintained, and Mr. Innes was obliged to limit his participation in the affair to sitting at the counsels' table and consulting and advising with the Pretoria barristers employed to defend the prisoners.

The examination was, as Dr. Coster the State Attorney announced, of the nature of a fishing examination, and he claimed to be permitted to conduct it in a manner which, he alleged, is popular in Holland, but which is entirely unknown in the Transvaal, and certainly does not obtain in any British possession. The chief feature of this system appears to be a total disregard of the rules applying to evidence. A few instances will suffice. One of the first witnesses called was Judge Ameshof, who with Chief-Justice Kotzé and Mr. Kock formed the Government Commission appointed to meet the deputation from the Reform Committee on January 1. Judge Ameshof was duly sworn, and was asked to identify a list of the members of the Reform Committee. He did so. He stated that it was the list supplied to the Government Commission at the meeting of January 1 by the deputation of the Reform Committee, and he regarded it therefore as authentic. The deputation had stated to the Commission that it was so.

This was the first revelation of the tactics about to be pursued by the Government, in using information which had been given under privilege and in good faith by the prisoners themselves, when negotiating with the Government prior to any question of arrest being raised. Mr. Wessels, counsel for

the accused, rose to obtain from Judge Ameshof the official account of the meeting, desiring to prove this very important negotiation by means of witnesses on the Government side. He got no further however than saying to the witness, 'You said you were a member of the Government Commission?' when Judge Ameshof replied, 'Yes, but if you are going to ask me about anything that took place at that meeting, I cannot answer, because the meeting was a privileged one.' Mr. Wessels did not lose his opportunity, 'You have stated,' he said, 'that you are a Judge of the High Court?' The witness signified assent. 'And you mean to tell me,' Mr. Wessels continued, 'that you feel yourself free to divulge so much as it suits the Government to reveal, but that as soon as I wish to prove something to my clients' advantage the interview becomes privileged?' The witness did not answer, and Mr. Wessels appealed to the Court. Judicial Commissioner Zeiler, however, upheld the witness's contention. Mr. Wessels urged in reply that if it was a privileged interview he objected to any evidence whatever being given in connection with it, and protested vehemently against the admission of the list of members just sworn to. The objection was overruled, and it was thus laid down that the interview was privileged as far as the Government was concerned, but not in so far as it could benefit the Reformers.

Another case was that of Mr. Schumacher, a witness who testified, *inter alia*, that he did not know what the objects of a certain Development Syndicate were. His evidence showed that he had not been informed upon this point. He was very hard pressed by the State Attorney, but he adhered to his first answer. Dr. Coster then altered his tactics and asked, 'Had you no opinions on the subject? Did you not guess at all?' The witness replied that he might have thought and conjectured at various times, but that he had nothing in the nature of information or knowledge on the point. This did not satisfy Dr. Coster, who then pressed the question, 'Well, what did you think? What were your thoughts?' The witness objected to state what his thoughts were, as they could have no bearing on the fact, and might be absolutely wide of the mark. He could only repeat that he had no knowledge. The witness appealed to the

Bench for protection. Mr. Wessels urged that it was an unheard-of proceeding to compel a witness to state what he thought and to use it as evidence. The objections were again overruled, and the witness was ordered by the Court to answer. His reply afforded no satisfaction to the Government, being to the effect that he could not then remember what his thoughts were at various times. On the application of the State Attorney the Judicial Commissioner sent him to gaol for twelve hours for contempt of court.

Mr. Wessels strenuously objected to the decision and applied to the Court to stay imprisonment to enable him to appeal to a judge in chambers, but even this was refused. Mr. Wessels in the course of his address received a reprimand from the Bench for stating that he now recognized the force of the State Attorney's contention that the law of evidence as obtaining in South Africa was not sufficiently wide; for, he added, he thought it would suit the purpose of the Government better if they reverted to an older system under which racks and thumbscrews were popular.

The witness was sent to gaol. Some hours later an appeal was heard by Judge de Korté in chambers, and the decision of the Judicial Commissioner was reversed, but the prisoner had already completed seven hours' imprisonment in a dirty cell. Judge de Korté stated that he had reversed the decision after consultation with Chief Justice Kotzé, and it was felt that something at least had been achieved by Mr. Schumacher, and the rights of a witness would be recognized. But the end is not always in sight in dealing with the Transvaal Government. The State Attorney in turn appealed from the single judge's decision to the full Bench. Judge Morice, a Scotchman, many years a judge of the High Court, supported the decision of Judge de Korté. The Chief Justice, who had advised Judge de Korté in his decision however in a most extraordinary judgment now reversed it, and in this view he was supported by Judge Ameshof—himself a witness in the case against the Reformers.

Thus the majority judgment of the High Court against the Reformers on this principle of evidence happened to be formulated by the two judges who had been appointed to negotiate with the Reformers' deputation on behalf of the Government.

The impossibility of obtaining justice in the Courts of the Transvaal under the then conditions was thus brought home to the prisoners. An appeal from the decision of the Lower Court on Judge Ameshof's interpretation of privilege, which had been seriously discussed, was then abandoned as being worse than useless, and calculated only to provoke more extreme measures against the prisoners by placing the Bench in a ridiculous position. It could not be expected that the Chief Justice, who was himself a member of the Government Commission which Judge Ameshof had claimed to be privileged, would take any other view than that favouring the policy and convenience of the Government which he showed himself so ready to befriend.

In the Schumacher appeal case before the full Court, Dr. Coster had made no secret that he intended to disregard the rules and precedents governing the treatment of witnesses, and even claimed that he should receive no opposition from the prisoners' counsel, since he was only '*fishing*' for evidence and not actually accumulating it against the prisoners, and had no intention of using the evidence given at this examination. Mr. Wessels asked him whether he would pledge himself to this effect, and what, for instance, would be done in case a witness who had been heard at the preliminary examination should die before the main trial came off. The reply was, that in such a case of course the Government would be bound to use some of the evidence, but would use it with discretion and not unfairly. This undertaking provoked smiles even in court. The wisdom and fairness of Mr. Wessels' contention were fully justified when the trial actually did take place, for the whole of the evidence of the preliminary examination was handed in for the guidance of the judge in determining his sentences against the accused. It may be added that each witness was called upon to sign the notes of his evidence as taken down in Dutch. When required, the official reporter read a free translation of the notes to the witness before they were signed.

At the conclusion of the examination all the prisoners were committed on the same charge—that of high treason—no distinction whatever being made in the references to them from the Bench. By this time Mr. Hammond, who had

been ill, was released on bail of £20,000 in order to go to the seaside.

Application was made on behalf of Colonel Rhodes, Messrs. Phillips, Farrar, and FitzPatrick for release on bail, upon the grounds that no distinction whatever had been made between them and the other prisoners who had already been released, but this was refused after the point had been reserved for consideration by the State Attorney in consultation with the Chief Justice, and the four men returned to their former conditions of imprisonment. Mr. Chamberlain continued to make representations on behalf of these men, and at one time it appeared as though the restrictions would be removed, Dr. Coster having pledged himself to accept bail, and having actually drawn out the bail-bonds and submitted them to the solicitors of the accused for approval, and every arrangement having been completed—even to the finding of the additional security. They were however at the last moment curtly informed that bail would not be allowed. On this being reported to Mr. Chamberlain, he at once replied to the effect that he could not believe that a Government would revoke a promise made on their behalf by the State Attorney. Dr. Leyds, on behalf of his Government, stated that the matter was in the hands of the State Attorney alone and did not concern the Executive, and that on inquiry he found that no such promise had been made and no undertaking given. The incident is more or less trivial, but again shows the readiness with which the Boer Government repudiate a promise when it is to their convenience to do so. Dr. Coster on his side admitted with expressions of regret that there had been a breach of undertaking, and stated that it had been done by order of the Executive Council.

Communications between Mr. Chamberlain and the Pretoria Government were of great frequency during this period. The phantom of Mr. Kruger's visit to England was chased with great assiduity. The wily old President seized on Mr. Chamberlain's suggestions as an excellent pretext for delay to enable him to spread his nets, and he used the time to great advantage. But this was not the worst! Mr. Chamberlain's new diplomacy and his stupid or treacherous advisers led him into blunders; as when, for instance, he tried to bounce with-

out the intention of making good his implied threats ; and when he sent his 4th of February despatch (publishing it in London before it reached Pretoria), strongly and ably reviewing the position, but spoiling all by a proposal which, whilst it had not been suggested to or discussed by the Rand people, and would not have been acceptable to them in lieu of what they had demanded, was also an interference in the internal affairs of the Transvaal. It gave the Pretoria Government an opportunity, which they did not miss, of severely snubbing Mr. Chamberlain. When the latter in turn peremptorily refused their demands, he was informed that the cancellation of the London Convention would not be pressed '*at present,*' but might remain in abeyance.

Throughout the period prior to the main trial, President Kruger continued to use with great effect 'the wishes and intentions of his burghers.' When bail was first refused to the leaders this course was justified on the grounds that the burghers were strongly against it, and that the President could not act against their wishes. When at a later stage a petition was presented by a number of burghers more or less in touch with the Uitlander community, who felt that the treatment of the leaders was having a bad effect, counter petitions came in within a day or two urging the Government on no account to extend the privilege of bail to these men. Oddly enough, these petitions were got up and signed by relatives and near connexions of the President himself.

During this period another petition was presented which is surely without parallel in a civilized state ; but it illustrates admirably the Boer idea of right and liberty. Fifty burghers in the district of Standerton addressed the Government, pointing out the undesirability of allowing a 'certain Advocate Wessels to defend the Jameson rebels,' and praying that the Government would put him over the border, 'which is the slightest punishment that can be inflicted upon him.' The receipt of this petition was announced in the Government organ, the *Press*, on March 25.

At about this time another incident occurred which excited considerable feeling. Commandant Henning Pretorius, one of the most prominent Boer officials, having paid a visit to his native district in the Cape Colony shortly after the Jame-

son raid, purchased from the owner of a farm at Cookhouse Drift the beam from which the five Boers had been hanged at Slagter's Nek for rebellion in the year 1816. Reference has already been made in the first chapter to this deplorable affair. The beam (which had been built into the house) was brought up by the purchaser to Pretoria. He states, and no doubt truly, that he obtained the historical relic for the purpose of adding it to the National Museum; but it must be added that the time was not well chosen unless the intention was to rouse feeling. The *Volksstem*, the Hollander-Boer organ, in an extremely violent article, described in detail the Slagter's Nek executions, and called upon the burghers to avenge on the persons of the Reformers their murdered countrymen; and it is a fact vouched for by persons by no means friendly to the Uitlander that certain Boers approached President Kruger, intimating to him that the beam had arrived, that it would not be necessary to bother about a trial, but that the four men should be hanged out of hand from the same scaffold which had served for their compatriots. It is but right to say that President Kruger's reply was a severe reprimand, and a reminder that they were not a barbarous people, but should comply with the law. The matter having been brought to the notice of Mr. Chamberlain, strong representations were made upon the subject, to which the Transvaal Government replied (forgetful apparently of the fact that the President had frequently urged his inability to control his burghers) that the Transvaal was a civilized State, that the burghers were law-abiding and peaceful people, and that their Government was at all times able to control them. It was interesting to see the argument of the burghers getting out of hand, which was used with such effect in the case of Dr. Jameson and quoted by Sir Hercules Robinson, recoil upon the head of its originator.

A final effort was made by the people of Johannesburg to obtain the release on bail of the four prisoners. A petition bearing the signatures of 20,000 persons was presented; the gentlemen bearing the petition were informed that it could not be received; that they must call again. Having called again and again, the petition was at last accepted and placed before the Government; but no reply was ever vouchsafed.

The treatment of this memorial is in sharp contrast with that accorded to the one presented by a score or so of the President's relatives and supporters—objecting to the release.

From the time of the arrests until just before the trial speculation was rife as to which judge would preside. The Chief Justice and Judge Ameshof could hardly sit (even allowing for the precedents already established by them), since they had both acted on the Government Commission in negotiating with the prisoners, and one of them had already given evidence against the accused. There remained Justices Jorissen, De Korté and Morice. Mr. De Korté was then threatened with suspension owing to pecuniary embarrassments, and would evidently not be allowed to preside. The fifth judge, Mr. Jorissen, had expressed himself so violently against the Reformers that he had himself recognized the impossibility of attaining an impartial attitude, and had refused to sit. The only judge available was therefore Mr. Justice Morice, against whom there was no valid objection whatever. Moreover, in the ordinary routine it so happened that it was his turn to preside at the forthcoming trial; but he was known to hold Liberal views and to be strongly in sympathy with internal reform.

At this time Chief-Justice Kotzé undertook several journeys to the Free State and Cape Colony, ostensibly to rid himself of insomnia, but in reality, as results proved, in order to employ a judge for this trial. His choice eventually fell upon Mr. Gregorowski, formerly a judge in the Free State, and at that time State-Attorney to that country.

Mr. Gregorowski was noted on the Bench for the peculiar severity of his sentences on all except Boers. He had moreover expressed openly in Bloemfontein his wish that he might have the trying of 'those Reformers; he would give them what for.' These things were not known at the time of the trial; nor had the fact yet come out that before taking the oath of office he had endeavoured to borrow from at least one of his colleagues a black cap for the forthcoming trial. His attitude at the time is sufficiently indicated by what he wrote shortly after the trial, in defence of his action, '*I came up to put down rebellion. I have done so with a strong hand, and I believe that my judgment will bear good*

fruit in the future.' The prisoners could not but contrast the action of the Government in employing and appointing, on approval, a judge who had no status whatever in the country, with their action in declining to allow Mr. Rose Innes to appear at the Bar on the pretext of his previous qualification not being in order; and it was felt to be ominous that an independent and upright judge, against whom there could be no objection, should be passed over, and another specially imported for the occasion.

The trial was at last fixed to take place on April 27, and the indictments were served upon the accused six days before that date. The following is the list of those who were committed for trial:

Lionel Phillips  
Colonel F. W. Rhodes  
George Farrar  
J. H. Hammond  
J. P. FitzPatrick  
S. W. Jameson  
G. Richards  
J. L. Williams  
G. Sandilands  
F. Spencer  
R. A. Bettington  
J. G. Auret  
E. P. Solomon  
J. W. Leonard  
W. H. S. Bell  
W. E. Hudson  
D. F. Gilfillan  
C. H. Mullins  
E. O. Hutchinson  
W. van Hulsteyn  
A. Woolls-Sampson  
H. C. Hull  
Alf. Brown  
C. L. Andersson  
M. Langermann  
W. Hosken  
W. St. John Carr  
H. F. Strange  
C. Garland  
Fred Gray<sup>1</sup>  
A. Mackie Niven  
Dr. W. T. F. Davies

Dr. R. P. Mitchell  
Dr. Hans Sauer  
Dr. A. P. Hillier  
Dr. D. P. Duirs  
Dr. W. Brodie  
H. J. King  
A. Bailey  
Sir Drummond Dunbar  
H. E. Becher  
F. Mosenthal  
H. A. Rogers  
C. Butters  
Walter D. Davies  
H. Bettelheim  
F. R. Lingham  
A. L. Lawley  
W. B. Head  
V. M. Clement  
W. Goddard  
J. J. Lace  
C. A. Tremecr  
R. G. Fricker  
J. M. Buckland  
J. Donaldson  
F. H. Hamilton  
P. du Bois  
H. B. Marshall  
S. B. Joel  
A. R. Goldring  
J. A. Roger  
Thomas Mein  
J. S. Curtis<sup>2</sup>

<sup>1</sup> Died in prison.

<sup>2</sup> Unable, owing to illness, to stand trial with the others. On recovery, Mr. Curtis returned to the Transvaal, and decided to plead 'not guilty,' whereupon proceedings were dropped.

The indictment served on all alike was as follows :

H. J. Coster, State Attorney of the South African Republic, who, on behalf of the State, prosecutes, brings to the notice of the Court :

That they (citing the accused), all and each or one or more of them, are guilty of the crime of High Treason :

Firstly : In that in or about the months of November and December in the year of our Lord one thousand eight hundred and ninety-five, the exact dates being unknown to the State Attorney, they, the said accused, at Johannesburg, Witwatersrand Goldfields, South African Republic, being citizens of, or residing in, this Republic, all and each or one or more of them wrongfully, unlawfully, and with a hostile intention to disturb, injure, or bring into danger the independence or safety of this Republic, treated, conspired, agreed with and urged Leander Starr Jameson, an alien, residing without the boundaries of this Republic, to come into the territory of this Republic at the head of and with an armed and hostile troop, and to make a hostile invasion and to march through to Johannesburg aforesaid.

Secondly : In that they (the said accused), being citizens of, or residing in, this Republic, all and each or one or more of them, there and then in conjunction with Charles Leonard and Dr. H. Wolff, now fugitives, and other persons unknown to the State Attorney, appearing and acting as a committee, by them named the 'Reform Committee,' after the above-mentioned Leander Starr Jameson, on or about December 29, in the year aforesaid, had come from without the Republic, at the head of and with an armed and hostile troop, in the neighbourhood of Ottoshoop, district Marico, into the territory of this Republic, and had made a hostile invasion, and had violently attempted to penetrate through to Johannesburg aforesaid, wrongfully, unlawfully, and with a hostile intention to disturb, injure, or bring into danger the independence or safety of this Republic, gave, or attempted to give, the aforementioned Leander Starr Jameson during his hostile invasion aforesaid information about the state of the defences at Johannesburg, and had armed troops ready to assist, and sent assistance to him, and subsequently by seditious speeches made, or caused to be made, in public, with the object to persuade and induce the people there to stand by the aforementioned Jameson in his hostile invasion, and further have assisted him, the aforementioned Jameson, during his hostile invasion above mentioned, by providing him with provisions, forage, and horses.

Thirdly : That in or about the month of December, in the year aforesaid, and in the month of January in the year one thousand eight hundred and ninety-six, exact dates not known to the State Attorney, at Johannesburg aforesaid, they (the said accused), being inhabitants of, and residing in, this Republic, all and each or one or more of them, then and there, in conjunction with Charles Leonard and Dr. H. Wolff, now fugitives, and other persons unknown to the State Attorney, appearing and acting as a committee named by them the 'Reform Committee,' wrongfully and unlawfully, and with a hostile intention to disturb, injure, or bring into danger the independence or safety of this Republic, have distributed, or caused to be distributed, amongst the population there, and in the neighbourhood thereof, Maxim guns, other weapons, arms, and ammunition ; further, have enrolled men, or have caused them to be enrolled, and have formed them, or have caused them to be formed, into military corps ; have erected there, or caused to be erected, earthworks and other fortifications.

Fourthly : In that in or about the month of December and the month of January, the exact dates being unknown to the State Attorney, and at Johannesburg aforesaid they (the said accused), being citizens of, and residing in, this Republic, all and each or one or more of them, then and there, in conjunction with Charles Leonard and Dr. H. Wolff, now fugitives, and other persons unknown to the State Attorney, appearing and acting as a committee called by them the 'Reform Committee,' wrongfully and unlawfully, with hostile intention to disturb, injure, or bring into danger the independence or safety of this Republic, have arrogated to themselves, and have exercised and caused to be exercised, the functions, and powers belonging to the authorities of this Republic ; by violence, or by threats of violence, have compelled, or caused to be compelled, the police of this Republic stationed at Johannesburg aforesaid to leave the public squares and streets ; have formed, or caused to be formed, their own police corps, and have provided that corps, or caused it to be provided, with guns and other arms ; and further have appointed, or caused to be appointed, as head of that corps, Andrew Trimble, and have entrusted him with jurisdiction in police cases, in virtue whereof the aforementioned Andrew Trimble has passed sentence and caused it to be carried out.

In consequence of all which acts abovementioned the independence of this country was brought into danger, and its safety disturbed and impaired.

Wherefore the State Attorney, after due proof and conviction thereof, requests the judgment of this Court against said accused, according to law.

The general opinion based upon the character of the evidence adduced at the preliminary examination was that it would be impossible to sustain the charge of high treason ; but the disclosure of the documents in the possession of the State Attorney put a different complexion upon the case. Then for the first time the members of the Reform Committee became aware of that factor in their case which has since become famous as 'de trommel van Bobby White'—Major Robert White's despatch-box—a veritable conjurer's hat, from which Mr. Kruger produced to an admiring and astonished world the political equivalents of eggs and gold-fish, pigeons and white mice. In this box (which was taken with the invading force at Doornkop) it appears Major White had brought as much of his previous correspondence as he could conveniently carry, together with diaries, note-books, code-books, cipher-keys, etc. Nor was this all. He had brought a copy of the letter of invitation, certified by himself as magistrate in the Bechuanaland Protectorate. Revelations at and subsequent to the trial show that the State Attorney, on discovering this copy and finding that as a copy it would not be admitted and that he might

experience some difficulty in proving it, prevailed upon Major White while in the Pretoria gaol to confirm his previous certificate, and to make an affidavit to the effect that he had compared the letter with the original, that it was a true copy, and that he had examined the signatures, and believed them to be the signatures of the persons indicated. The State Attorney alleges that he bargained with Major White for this affidavit, and in return surrendered to him certain private documents which had also been taken in the despatch-box. Major White on the other hand stated to the writer and to another member of the Reform Committee—Mr. H. C. Hull—that there is no truth in the allegation that he received a *quid pro quo*; but has no excuse to offer for making the affidavit, except that he—'*does not remember having done it.*'

The Reform prisoners, who, animated by a desire not to give any of their comrades away, had for a period of close upon four months borne all the abuse which could be heaped upon them, and had abstained from making any defence in public, or any of those revelations such as have since been made through the exertion of the Transvaal authorities, the Select Committee of the Cape House of Assembly, and the Bow Street officers, found to their inexpressible disgust that the efforts which they had made were rendered futile by the capture of these documents; and they were highly incensed at the action of one of the very men whose lives they believed they had saved by surrendering on January 7. The affidavit was looked upon as unpardonable, and the unnecessary statement regarding the genuineness of the signatures was interpreted in a very unpleasant sense.

Consultations now took place between Mr. Advocate Wessels and Mr. Richard Solomon, Q.C., of Kimberley, who had also been retained on behalf of the accused; and endeavours were made to obtain from the State Attorney details of the evidence which it was proposed to bring, but with only partial success. From the facts already known to them it was clear that the Government were determined to stretch every point in law to their own advantage and to indulge in few scruples as to the means to be employed to secure a conviction. The Judge, it was known, had been

pecially imported for this trial, and provisionally appointed to a seat on the Bench. As the confirmation of his appointment was to take place when the Volksraad should meet, or at any rate at some period subsequent to the trial, it was not unnatural to regard his as a case in which a judge was appointed on approval, the appointment to be either confirmed or cancelled according to the satisfaction which he should give.

Appeal to the full bench of the High Court had already been proved to be entirely useless ; since the only judges to whom appeal could be made were those who had in the earlier stages associated themselves with the Government against the Reform Committee, and later on in their judicial capacities confirmed the attitude taken up by them as patriots.

The options before the prisoners were therefore three in number. One course would be to enter upon a protracted trial before a Boer jury and a specially-appointed judge, with the certainty for the majority of an adverse verdict in any case. In such a trial numberless occasions would arise for the exercise of discretion in the admission or rejection of evidence, and any defence of the prisoners must necessarily partake of the character of an indictment against the Government and the faction which both judge and jury avowedly represented, and tend only to aggravate the penalty. They would moreover have to face that trial as a body of over sixty men, many of whom could have reasonably set up special defences, many of whom were not even mentioned in any evidence which the Government had yet secured (with the exception of course of Judge Ameshof's *privileged* list), and could therefore reasonably expect to be discharged on making individual defences. The second alternative was to decline to plead at all, on the ground that they had negotiated with the Government in good faith, and that a treacherous arrest and breach of understandings arrived at would not be recognised in any way by them—in fact, to refuse to condone treachery or take a hand in a farce. The third course was to plead guilty, and take a short cut on the best terms possible to what was realized to be a pre-arranged conclusion.

The second alternative was rejected, because it was found to be impossible to secure unanimity of action. In the course of the discussions upon the other alternatives, certain negotiations took place between the State Attorney Dr. Coster and Mr. Wessels, the result of which was that Dr. Coster made the following offer: If the leaders (the signatories to the letter of invitation) would consent to plead guilty to count 1 of the indictment, he would agree to withdraw as against them counts 2, 3, and 4; and in such case he would agree that the rank and file should plead guilty to counts 3 and 4 only, he withdrawing as against them counts 1 and 2. The matter was discussed by the prisoners, and objection was taken to that part of the indictment in which it was stated that the Reform Committee had acted 'with a hostile intention to disturb, injure or bring into danger the independence or safety of this Republic.'

Another meeting took place between the State Attorney and Mr. Wessels, at which Dr. Coster agreed to eliminate from the indictment against the rank and file the words objected to, provided that the leaders would plead guilty to count 1. Having arrived at this—to him—satisfactory conclusion, Dr. Coster remarked that they (*i.e.*, all except the four) were now charged with a merely nominal offence. Mr. Wessels endeavoured to obtain the same alteration in the indictment of the leaders, but this was refused on the ground that it would make the indictment ridiculous; and, *apropos* of the concession to the rank and file, Dr. Coster even expressed doubts as to whether, if the hostile intention were eliminated, any crime could be said to remain under the indictment. He however agreed to allow the four leaders to qualify their plea by a statement in writing which they were to put in at the same time. He stated that he would have *pro forma* to put in some evidence of the offence, but undertook not to press for exemplary punishment, and moreover promised that he would not dispute or question the statement to be put in, provided that it contained no material error in fact.

A discussion then followed as to the law under which the trial would take place. Mr. Wessels urged that, as there was specific provision in the statute law for cases of this nature, the statute law would of course apply in preference to

Roman-Dutch law. Dr. Coster said he presumed that this would be the case, but that he was not quite sure whether Roman-Dutch law would not apply. He added however that anything he could say would not be binding upon the judge, who could alone decide as to the question of law.

Mr. Wessels's report to his clients induced the rank and file to agree under the altered circumstances to the third alternative, namely, pleading guilty, and they agreed to this under the impression, which without doubt had been suggested and deliberately fostered by the Government, that they were pleading guilty to a nominal offence, and would incur a monetary penalty in proportion.

In consultation with the leaders, Mr. Wessels reported the discussions with Dr. Coster as above given. Both he and Mr. Solomon represented to them the gravity of the plea, and said that there was the possibility that the judge would invoke Roman-Dutch law and ignore the laws of the country, in which case it would be in his power to pass sentence of death. In their opinion, they added, and in the opinion of Mr. Rose Innes and others, this would be a monstrous straining of the law, yet they felt bound to indicate the possibility.

The course before the prisoners was not indeed an attractive one, but it was not without its recommendations. It would have been infinitely preferable to fight it out had there been a chance of a good fight, if even a losing one; but, apart from a verdict of guilty being an absolute certainty, the circumstances were against any possibility of effecting anything like a strong impeachment of the Government. Moreover, the course now proposed would prevent any 'giving away' of Dr. Jameson, who had yet to be tried, and of others; and it also removed the necessity for individual defences by those among the prisoners who had been involved in a less degree than others. The matter at that time appeared in one way to concern the leaders only. If they were willing to take upon themselves the burden of the charge and secure the acquittal of others by accepting the full responsibility, it could only be regarded as a chivalrous act. But there were some among the other

the prisoners—'Irreconcilables,' as they were called—who considered themselves equally responsible with the leaders, who strongly objected to shifting any portion of their responsibility upon others, and who desired to stand with those who were prepared to bear the brunt of the charge. To them the suggestion to plead guilty was as gall and wormwood, and was regarded as another humiliation which they were required to endure, another climbing-down similar to the disarmament, and attended, like it, with exasperating and baffling complications and involvements that made refusal an impossibility. The one call to which these men would respond was the call to stand together and have no divisions—a cause for which they were still to make many sacrifices. The irony of it was that in order to 'stand together' they had to agree to segregation.

Dr. Coster would accept no further modification or variation of his terms—there was no option to individuals to plead not guilty and fight it out, except at the cost of involving all the others, nor was there any option to them to plead with the leaders. One other factor in the determination of this policy remains to be noted. The communications already recorded as having passed between some of the members of the Reform Committee and Dr. Jameson, after the latter had actually invaded the country, and some evidence as to the arrangements made for the reception and camping of his force, were in the hands of the Government, and these were sufficient to convict every member of the Reform Committee under count 2 of the indictment in a trial before a Boer jury and by a special judge. Conviction under count 1 was assured by the letter of invitation and the admissions in the 'privileged' meeting with the Government Commission. Conviction under count 2 would be a distinct aggravation of the position of the four—or so it seemed then—whilst it would be a most serious thing for the rank and file; and it was finally decided to plead in accordance with the suggestion of the State Attorney. The decision was conveyed to this gentleman and by him to the President, who expressed his 'satisfaction' at a course which would enable him to 'deal magnanimously with the prisoners,' no doubt in pursuance of the policy of 'Forget and Forgive.' When, as a convincing proof of the wisdom of the

decision to plead guilty, the 'satisfaction' of the President was made known to the Irreconcilables, they remarked that this was the worst sign that they had yet detected, but others were more hopeful.

As to the soundness of the advice on which the prisoners pleaded, it may be observed that Messrs. Gregorowski and Coster have both since then expressed the opinion that there was sufficient evidence to convict one and all of high treason, and they should know what would have been considered 'sufficient.' The latter added that the prime movers were of course guilty; but they at any rate had tried to stop Jameson, whilst those who joined the Reform Committee in the later stages were morally worse, since they had only joined when and because they knew that he had invaded the country. Mr. Gregorowski, at a later stage, defended his sentence on the leaders, but feared he had been 'far too lenient with the others.' It would be unfair therefore to suggest that the advice on which the prisoners had decided to act was other than sound wise and proper in the circumstances. That it should afterwards appear that the other parties to the arrangement had acted with deliberate duplicity and bad faith cannot be laid as a charge against the gentlemen who gave this advice, and whose only fault, if fault it be, was that their instincts, their principles, and their training precluded the suspicion of treachery.

The trial commenced on April 24, when the prisoners were arraigned, after which an adjournment was made until the 27th, in order to allow three of the prisoners who were then travelling up to take their trial to arrive. On the latter date, all being present, and pleas of guilty having been recorded, the State Attorney put in the cipher telegrams, the minutes of the 'privileged' meeting between the Government Commission and the deputation of the Reform Committee, none of which had been produced in evidence, and the record of evidence taken at the preliminary examination. Mr. Wessels then read and put in the following statement of the four leaders :

For a number of years endeavours have been made to obtain by constitutional means the redress of the grievances under which the Uitlander population labours. The new-comer asked for no more than is conceded

to emigrants by all the other Governments in South Africa, under which every man may, on reasonable conditions, become a citizen of the State; whilst here alone a policy is pursued by which the first settlers retain the exclusive right of government.

Petitions supported by the signatures of some 40,000 men were ignored; and when it was found that we could not get a fair and reasonable hearing, that provisions already deemed obnoxious and unfair were being made more stringent, and that we were being debarred for ever from obtaining the rights which in other countries are freely granted, it was realized that we would never get redress until we should make a demonstration of force to support our claims.

Certain provision was made regarding arms and ammunition, and a letter was written to Dr. Jameson, in which he was asked to come to our aid under certain circumstances.

On December 26 the Uitlanders' Manifesto was published, and it was then our intention to make a final appeal for redress at the public meeting which was to have been held on January 6. In consequence of matters that came to our knowledge we sent on December 26 Major Heany (by train via Kimberley), and Captain Holden across country, to forbid any movement on Dr. Jameson's part.

On the afternoon of Monday, December 30, we learnt from Government sources that Dr. Jameson had crossed the frontier. We assumed that he had come in good faith to help us, probably misled by some of the exaggerated rumours which were then in circulation. We were convinced, however, that the Government and the burghers would not in the excitement of the moment believe that we had not invited Dr. Jameson in, and there was no course open to us but to prepare to defend ourselves if we were attacked, and at the same time to spare no effort to effect a peaceful settlement.

It became necessary to form some organization for the protection of the town and the maintenance of order; since, in the excitement caused by the news of Dr. Jameson's coming, serious disturbances would be likely to occur, and it was evident that the Government organization could not deal with the people without serious risks of conflict.

The Reform Committee was formed on Monday night, December 30, and it was intended to include such men of influence as cared to associate themselves with the movement. The object with which it was formed is best shown by its first notice, viz. :

'Notice is hereby given that this Committee adheres to the National Union Manifesto, and reiterates its desire to maintain the independence of the Republic. The fact that rumours are in course of circulation to the effect that a force has crossed the Bechuanaland border renders it necessary to take active steps for the defence of Johannesburg and preservation of order. The Committee earnestly desire that the inhabitants should refrain from taking any action which can be construed as an overt act of hostility against the Government. By order of the Committee,

'J. PERCY FITZPATRICK,

'Secretary.'

The evidence taken at the preliminary examination will show that order was maintained by this Committee during a time of intense excitement, and through the action of the Committee no aggressive steps whatever were taken against the Government, but on the contrary, the property of the Government was protected, and its officials were not interfered with.

It is our firm belief that had no such Committee been formed, the intense excitement caused by Dr. Jameson's entry would have brought about utter chaos in Johannesburg.

It has been alleged that we armed natives. This is absolutely untrue, and is disposed of by the fact that during the crisis upwards of 20,000 white men applied to us for arms and were unable to get them.

On Tuesday morning, December 31, we hoisted the flag of the Z.A.R., and every man bound himself to maintain the independence of the Republic. On the same day the Government withdrew its police voluntarily from the town and we preserved perfect order.

During the evening of that day, Messrs. Marais and Malan presented themselves as delegates from the Executive Council. They came (to use their own words) to 'offer us the olive branch,' and they told us that if we would send a deputation to Pretoria to meet a Commission appointed by the Government, we should probably obtain 'practically all that we asked for in the Manifesto.'

Our deputation met the Government Commission, consisting of Chief Justice Kotzé, Judge Ameshof, and Mr. Kock, member of the Executive.

On our behalf our deputation frankly avowed knowledge of Jameson's presence on the border, and of his intention, by written arrangement with us, to assist us in case of extremity.

With the full knowledge of this arrangement, with the knowledge that we were in arms and agitating for our rights, the Government Commission handed to us a resolution by the Executive Council, of which the following is the purport:

'The High Commissioner has offered his services with a view to a peaceful settlement. The Government of the South African Republic has accepted his offer. Pending his arrival, no hostile step will be taken against Johannesburg, provided Johannesburg takes no hostile action against the Government. In terms of a certain proclamation recently issued by the President, the grievances will be earnestly considered.'

We acted in perfect good faith with the Government, believing it to be their desire, as it was ours, to avert bloodshed, and believing it to be their intention to give us the redress which was implied in the 'earnest consideration of grievances.'

There can be no better evidence of our earnest endeavour to repair what we regarded as a mistake on the part of Dr. Jameson than the following offer which our deputation, authorized by resolution of the Committee, laid before the Government Commission:

'If the Government will permit Dr. Jameson to come into Johannesburg unmolested, the Committee will guarantee, with their persons if necessary, that he will leave again peacefully as soon as possible.'

We faithfully carried out the agreement that we should commit no act of hostility against the Government; we ceased all active operations for the defence of the town against any attack, and we did everything in our power to prevent any collision with the burghers—an attempt in which our efforts were happily successful.

On the telegraphic advice of the result of the interview of the deputation with the Government Commission, we despatched Mr. Lace, a member of our Committee, as an escort to the courier carrying the High Commissioner's despatch to Dr. Jameson, in order to assure ourselves that the despatch would reach its destination.

On the following Saturday, January 4, the High Commissioner arrived in Pretoria. On Monday, the sixth, the following telegram was sent to us:

' Pretoria, *January 6, 1896.*

' *From H.M.'s AGENT to REFORM COMMITTEE, Johannesburg.*

' *January 6.*—I am directed to inform you that the High Commissioner met the President, the Executive, and the Judges to-day. The President announced the decision of the Government to be that Johannesburg must lay down its arms unconditionally as a [condition] precedent to a discussion and consideration of grievances. The High Commissioner endeavoured to obtain some indication of the steps which would be taken in the event of disarmament, but without success, it being intimated that the Government had nothing more to say on this subject than had already been embodied in the President's proclamation. The High Commissioner inquired whether any decision had been come to as regards the disposal of the prisoners, and received a reply in the negative. The President said that as his burghers, to the number of 8,000, had been collected and could not be asked to remain indefinitely, he must request a reply "Yes" or "No" to this ultimatum within twenty-four hours.'

On the following day Sir Jacobus de Wet, H.M.'s Agent, met us in committee, and handed to us the following wire from his Excellency the High Commissioner :

' HIGH COMMISSIONER, Pretoria, to SIR J. DE WET, Johannesburg.

' *Received Johannesburg 7.36 a.m., January 7, 1896.*

' *Urgent*—You should inform the Johannesburg people that I consider that if they lay down their arms they will be acting loyally and honourably, and that if they do not comply with my request they forfeit all claim to sympathy from Her Majesty's Government, and from British subjects throughout the world, as the lives of Jameson and prisoners are practically in their hands.'

On this, and the assurance given in the Executive Council resolution, we laid down our arms on January 6, 7, and 8 ; on the 9th we were arrested, and have since been under arrest at Pretoria, a period of three and a half months.

We admit responsibility for the action taken by us. We frankly avowed it at the time of the negotiations with the Government, when we were informed that the services of the High Commissioner had been accepted with a view to a peaceful settlement.

We submit that we kept faith in every detail in the arrangement with the Government ; that we did all that was humanly possible to protect both the State and Dr. Jameson from the consequence of his action ; that we have committed no breach of the law which was not known to the Government at the time that the earnest consideration of our grievances was promised.

We can only now lay the bare facts before the Court, and submit to the judgment that may be passed upon us.

(Signed) LIONEL PHILLIPS.  
FRANCIS RHODES.  
GEORGE FARRAR.

Pretoria, April 24, 1896.

I entirely concur with the above statement.

(Signed) JOHN HAYS HAMMOND.

Pretoria, April 27, 1896.

An incident which occurred during the reading of this statement enabled the prisoners to realize how poor would have been their chance of a fair trial before a Boer jury. On the right hand of the judge seats had been reserved for higher officials. Several members of the Executive were present in this quarter, and amongst them in a very prominent position and facing the quarter reserved for the burghers sat Mr. Wolmarans, a member of the Executive Council. When Mr. Wessels came to that portion of the statement referring to the negotiations with the Executive Council, Mr. Wolmarans at first smiled superciliously, then turned and addressed a remark to one of his colleagues, shrugging his shoulder at the same time, and at the conclusion of the reference looked across the room to where the jurymen sat, still smiling and shaking his head slowly and continuously for half a minute. To men accustomed to the decencies of British Courts of Justice this incident was rather revolting. When it is remembered that the Government refused to produce the minute referred to, and that through their representatives they claimed 'privilege' for the interview at which it was given, in order to absolve themselves from appearing in Court, and that Mr. Wolmarans himself sent the message to the Rand that the Government by the withdrawal of its police gave practical evidence of holding out the olive-branch, his conduct appears the more unprincipled.

The State Attorney in a purely formal address, in consonance with his promise to Mr. Wessels not to seek exemplary punishment, asked for punishment according to law. Mr. Wessels in reply made an eloquent appeal on behalf of the accused and recited the circumstances which led to their seeking redress in the manner in which they did. He referred to the negotiations with the Government, to the part played by the Reform Committee in the maintenance of order, to the fidelity with which they had fulfilled their undertakings with the Government, and to their attitude towards Dr. Jameson. His references to the Government and to the existing abuses were made as judiciously as possible. He referred candidly to the relationship with Dr. Jameson, especially alluding to the efforts made to protect him from the results of his own action and to stand by him

even at the cost of personal sacrifice, and claimed that such action towards their former colleague within the limits set by them did not necessarily imply treason against the independence of the State, but should fairly entitle the prisoners to sympathy for their efforts to save a quondam colleague, however wrong he might have been. On the point of law, Mr. Wessels claimed that the Thirty-three Articles formed the basis of the State's law, that there was specific provision for such cases as this in those Articles, and that the punishment to be meted out to the prisoners should be in accordance with these statutes, modified as the Court in its judgment might deem fit.

No sooner had Mr. Wessels resumed his seat than Dr. Coster, as was then thought, repenting the fulfilment of his promise and casting off all disguise, or, as is more probable, carried away by an over-mastering excitement and strong personal and racial feeling and stimulated by concentration upon one aspect only of the case, claimed the right to address the Court again after the advocate for the defence had spoken. Dr. Coster has the reputation among those who know him of being a thoroughly honourable and straightforward gentleman. As a Hollander no doubt he felt deeply in a matter in which Hollanderism was the *casus belli*; as public prosecutor it was his duty to prosecute, not to judge; and one prefers to think that in peculiar and trying circumstances he forgot the pledge he had given and remembered only the cause of his party. In a short but very violent speech he depicted in the blackest terms the actions of the men against whom he had agreed not to seek exemplary punishment, and pointing out the provisions of the Roman-Dutch law, claimed that the Court should apply it in this case in preference to the statutes of the country, and demanded from the Court the severest possible penalty which could be imposed under that law and under the Thirty-three Articles and the Gold Law as well. With reference to the last-named, Dr. Coster having mentioned the provision regarding the confiscation of property, said that upon this point he would not speak but would leave the matter to the judgment of the Court. The Court was then adjourned until the morning of the 28th, ostensibly in order to enable the judge to consider the evidence and make up his mind.

The majority of the prisoners, utterly unsuspecting of what lay before them, made all necessary arrangements to return to their homes and avocations upon the conclusion of the trial, believing that a nominal fine would be the penalty imposed. Many of them had taken return tickets from Johannesburg available for two days. The public throughout the Transvaal and South Africa anticipated nothing more than a nominal punishment upon the majority and a fine of a few thousand pounds upon the signatories to the letter of invitation.

Some of the prisoners however were better informed. News had been obtained some days before the trial commenced that extra accommodation was being prepared in the gaol, avowedly to provide for the Reformers. Two of the accused visited the gaol and verified this. Others of the accused, few in number, were informed by personal friends who had special means of getting information in Pretoria that imprisonment would be the lot of all and that the punishment on the leaders would be extremely severe ; and they provided for this contingency accordingly. The manager of the Government newspaper in Pretoria informed two or three of those interested that the sentence of death would be passed upon the four leaders, as this had been arranged ; and men closely associated with the leaders themselves had been confidentially informed beforehand that it was the intention of the Government to pass sentence of death, and that the matter was a cut-and-dried one. The information was given with a view to preparing the prisoners for what awaited them.

On approaching the temporary Court-house (the Pretoria Market Buildings having been altered for this purpose) on the morning of the sentence, it was perfectly evident that some serious development was afoot. The town was thronged with mounted burghers, State artillery, and mounted and foot police. Every approach to the Court was guarded and the streets were patrolled. Most of the population of Pretoria were gathered in the Market Square, endeavouring to gain admittance to the Court. The prisoners were arranged in their former places in a special quarter of the building railed off for the purpose, with the exception of Messrs. Phillips,

Farrar, Rhodes and Hammond, who were separated from the rest and placed in a special movable dock, which had been carried in over the heads of the people after the hour appointed for the sitting of the Court. The appearance of this dock was recognized by all to be ominous, but some relief from the feeling of foreboding was experienced when Judge Gregorowski after taking his seat was observed to smile several times and to make some jocular remark to one of the officials of the Court. The faces of the officials however damped any hopes that were built upon the judge's genial appearance.

Many of these gentlemen were personal and intimate friends of the prisoners: some were connected by closer ties; and one of the most trying experiences for the prisoners was to witness the complete breakdown of the minor officials employed in the carrying out of this tragic farce. The judge's first order was for the removal of all ladies. The wives and relatives of many of the prisoners had been warned by them beforehand of what was likely to happen and had accordingly absented themselves, but there were nevertheless a good number of ladies present. Judge Gregorowski then took the case in hand, passed in review the circumstances, and dealt with much of the evidence, including that taken at the preliminary examination and the documents put in by Government which had not yet been seen by the prisoners' advisers. He made no reference to the statement of the principal accused, subject to which their plea of guilty had been made and accepted. He reviewed the law, and by a method of reasoning which has not commended itself to others he justified himself for setting aside special statutes and applying the Roman-Dutch law instead. In conclusion, he stated that he held the signatories of the letter to be directly responsible for the shedding of the burghers' blood at Doornkop, that he would therefore pass upon them the *only punishment possible* under Roman-Dutch law—namely death, and that whatever hope there might be in the merciful hearts of the Executive Council and in the President's great magnanimity, they should remember that in no other country would they have the slightest grounds for hope. The usual question as to whether there were any reasons why sentence of death should not be passed upon them having

been put and the usual reply in the negative having been received, in the midst of silence that was only disturbed by the breaking down of persons in various parts of the hall—officials, burghers, and in the general public—sentence of death was passed, first on Mr. Lionel Phillips, next on Colonel Rhodes, then on Mr. George Farrar, and lastly on Mr. Hammond. The bearing of the four men won for them universal sympathy and approval, especially under the conditions immediately following the death sentence, when a most painful scene took place in Court. Evidences of feeling came from all parts of the room and from all classes of people: from those who conducted the defence and from the Boers who were to have constituted the jury. The interpreter translating the sentence broke down. Many of the minor officials lost control of themselves, and feelings were further strained by the incident of one man falling insensible.

Sentence was next passed upon the other prisoners. They were condemned to suffer two years' imprisonment, to pay a fine of £2,000 each, or as an alternative suffer another year's imprisonment, and thereafter to be banished from the State for a period of three years. It was added that the question of confiscation of their property would be one for the Executive to deal with.

The action of Mr. Gregorowski has been variously described, but at no time more graphically than at the time of the sentence, when a sergeant of police who was guarding the prisoners exclaimed in the peculiar Dutch idiom: 'My God! he is like a dog: he has bitten and chewed and guzzled!'

After passing the minor sentences the judge gave a short address to the burghers, in which he thanked them for their attendance and made allusion with evident signs of satisfaction to the manner in which the trial had been brought to a conclusion. A long delay followed during which the judge proceeded to note his judgments. Once his attention was drawn by a remark of an official to which he replied promptly, at the same time breaking into a broad smile, but suddenly recollecting the circumstances and the presence of the men sentenced to death, placed his hand over his mouth and wiped the smile away. The incident was of course noticed by many people in Court and helped to strengthen the impression

which a limited but sufficient experience of Mr. Gregorowski had already created.

If the belief which now obtains, that the Reformers were enticed to plead guilty and misled as to the probable consequences of that plea, should outlive personal feelings and leave a permanent mark in South African history, it will be because it survives a searching test. In South Africa—as in many other countries—it is the invariable practice of the Courts to decline to accept the plea of guilty to a capital charge. The prisoner is informed that as the plea involves capital punishment it will not be accepted; and a formal trial and sufficient evidence of the crime are required by the Court. That is done even in cases where the prisoner knows what the punishment will be! In the case of the Reformers the State Attorney had, it is true, informed Mr. Wessels that he would be obliged *pro forma* to put in certain evidence, but the reason was not given, and Mr. Wessels regarded it merely as the *quid pro quo* for accepting unquestioned the written statement of the four accused! Mr. Gregorowski in defending his sentence has stated that under Roman-Dutch law he had no option but to pass sentence of death. Yet contrary to the custom with which seventeen years' practice had made him familiar he accepted the plea of guilty—and accepted it without a word of explanation or of warning! Is it surprising that people should want to know why?

The men were removed from Court under very heavy escort, the condemned men being conveyed in a closed carriage and the rest of the prisoners being marched through the streets to the gaol, the whole party moving at a foot pace. A little incident at the start did not fail to attract attention. The officer commanding a section of the guard having issued his orders in Dutch and some confusion having ensued, the orders were repeated *in German*, with a satisfactory result.

One more incident—trifling perhaps in itself but leaving an ineffaceable impression—occurred during the march to the gaol. As the prisoners slowly approached the Government buildings, Dr. Leyds accompanied by one friend walked out until within a few yards of the procession of sentenced men (a great proportion of whom were personally well known to him) and stood there with his hands in his pockets smiling at them