

as they went past. The action was so remarkable, the expression on the State Secretary's face so unmistakable, that the Dutch guards accompanying the prisoners expressed their disgust. His triumph no doubt was considerable ; but the enjoyment must have been short-lived if the accounts given by other members of the Executive of his behaviour a month later are to be credited. The man who stood in safety and smiled in the faces of his victims was the same Dr. Leyds who within a month became seriously ill because some fiery and impetuous friend of the prisoners sent him an anonymous letter with a death's head and cross-bones ; who as a result obtained from Government a guard over his private house ; and who thereafter proceeded about his duties in Pretoria under armed escort.

It is stated that the death sentence was commuted the same afternoon, but no intimation of this was given to the prisoners and no public announcement was made until twenty-four hours later. In spite of the vindictive urgings of the Hollander newspaper, the *Volksstem*, few could believe that the death sentence would be carried out and most people recognized that the ebullitions of that organ expressed the feelings of only a few, rabid and witless individuals among the Hollanders themselves and were viewed with disgust by the great majority of them. At the same time the scene in court had been such as to show that the Government party—the officials and Boers then present—had not regarded the death sentence as a mere formality, but had, on the contrary, viewed it as a deliberate and final judgment. In such circumstances therefore it can be believed that the prisoners themselves were not without misgivings.

## CHAPTER IX.

### LIFE IN GAOL.

IN the Transvaal no distinction is made between ordinary criminals and those who in other countries are recognized as first-class misdemeanants. Consequently the Reformers, without regard to the nature of their offence, their habits, health, age, or condition, were handed over to the gaoler, Du Plessis, a relative of President Kruger, to be dealt with at his kind discretion. For two days the prisoners existed on the ordinary prison fare. The majority being men in the early prime of life and in excellent health, suffered no ill effects, preferring to do with little or no food rather than touch that which was doled out to them; but to the others it was a rather serious thing. There were several men between fifty and sixty years of age whose lives had been spent under favourable conditions. There were some suffering from consumption, one from diabetes, one from fever, one from dysentery, and several others from less dangerous but sufficiently serious complaints. All alike were compelled to sleep upon the floor, with two thin blankets for protection. They were locked in at 6 p.m., and allowed out at 6 a.m. Sanitary accommodation was represented by the presence of a couple of buckets in the sleeping room. The air-space per man worked out at 145 cubic feet as against 900 feet prescribed by English prison regulations. Ventilation was afforded on the one side by square holes cut in the corrugated iron walls of the shed,<sup>1</sup> and on the other (the buildings being lean-to's against the

<sup>1</sup> This was done on the second day—after a night without any ventilation at all.

permanent prison buildings) by grated windows opening into the native cells. Needless to say, these grated windows were originally intended to afford ventilation to the native cells, but the buildings to accommodate the Reformers had been erected against the side-walls of the Kaffir quarters. The stench was indescribable. At 6 a.m. the prisoners were allowed out into the yard, where they had the option of exercising throughout the day. The lavatories and bathing arrangements consisted of a tap in the yard and an open furrow through which the town water ran, the lower end of which was used as a wash-place by prisoners, white and black alike. Within a foot or two of the furrow where alone washing of the person or of clothing was allowed stood the gaol urinals. There was neither adequate provision in this department nor any attempt at proper supervision, the result being that through irregularities, neglect, and defective arrangement the ground on both sides of the water-furrow for six or eight yards was horribly stained and saturated by leakage. Many of the prisoners could not approach this quarter without being physically ill. Without further detail it may be stated that there were at that time over 250 prisoners, about 100 of whom were white. There were three closets and six buckets for the accommodation of all, and removals took place sometimes once a day, sometimes once in every four days. Nothing but the horror of such conditions, and the fact that they prevail still in Pretoria Gaol, and presumably in other gaols more removed from critical supervision, could warrant allusions to such a disgusting state of affairs.

At 6.15 breakfast was served. A number of tin dishes, containing one pound of mealie-meal porridge (ground maize) each were placed in a row on the ground in the yard in the same manner as a dog's food might be set out. A bucket near by contained some coarse salt in the condition in which it was collected in the natural salt pans, the cubes varying from the size of peas to the size of acorns. No sugar, milk, tea, or coffee, was allowed. In order to utilize the salt the prisoners were obliged to crush it with rough stones on the cement steps. Needless to say, but few partook of this food. To those who had not tasted it before in the course of prospecting or up-country travelling where conditions are some-

times very hard, it was no more possible to swallow it than to eat sawdust.

Dinner was at twelve o'clock, and it consisted of coarse meat boiled to that degree which was calculated to qualify the water in which it was boiled to be called soup, without depriving the meat of all title to be considered a separate dish. With this meal was also served half a pound of bread. Supper, which was provided at five o'clock, was exactly the same as breakfast.

Two days of this fare told very severely upon those whose physical condition was not of the best. By the third day several of the older men and those in ill-health had broken down and were placed on hospital fare. Matters were sufficiently serious to induce the authorities to allow gradual amelioration of the conditions, and by degrees food of a better class was introduced. Mattresses and other articles of bedding were allowed, but stretchers although provided for in the prison regulations were denied to the men until a few hours before their release a month later, when the prisoners were permitted by the gaoler to purchase them, no doubt with an eye to reversion to him in the course of a few hours. From time to time the regulations as to food were varied at the whim of the gaoler. On one day only cooked food would be allowed in; on another only raw food; on a third nothing but tinned stuff; on a fourth all was turned back at the gates with the exception of that obtained by a few individuals at a heavy premium.

A day or two after the passing of sentence representations were made to the prisoners, excluding the four death-sentence men, that it would be advisable to appeal to the clemency of the Government for some mitigation. In that case, it was stated, there was every reason to believe that the sentence of imprisonment would be entirely remitted and that the sentence of banishment would also be commuted. The individuals from whom this suggestion first came were of the class which habitually trades between the Government and the public—the gentlemen of the backstairs. For this reason some of the prisoners gave considerable credence to the reports, whilst others for the very same reason would have nothing whatever to do with them. Hence arose a condition

of things very like a deadlock among the prisoners themselves. It was represented by these agents that it would be worse than useless for some of the prisoners to petition if many others refused to do so and stood out. Some of the prisoners did actually petition—a course of action which was strongly condemned by others; but it should be borne in mind that there were among the prisoners many men who were in bad health and poor circumstances, who had heavy responsibilities in private life, and who were not only unable to pay their fines, but even unable to make any provision for their families during incarceration. Such conditions would tend to shake the nerve of most men.

With this nucleus to work upon the Government through their agents began a system of terrorism by which they hoped to establish conditions under which their 'magnanimity by inches' would appear in the most favourable possible light. The first petition presented for the signature of the prisoners was one in which they were asked to admit the justice of their sentences, to express regret for what they had done and to promise to behave themselves in the future. The document closed with an obsequious and humiliating appeal to the 'proved magnanimity of the Government.' The reception accorded to this was distinctly unfavourable, copies of the petitions being in some instances torn up and flung in the faces of those who presented them. The great majority of the prisoners refused to have anything to do with them, and on representing the view that any appeal so couched was not consistent with their self-respect, they were informed that the petition had already been shown to the President and members of the Executive Council and had been approved by them and that it would not look well to alter it now.

Every effort was made for some days to induce the prisoners to sign this document, but they refused. A certain number of the men were opposed to signing anything whatever, even the most formal appeal to the Executive Council for a revision of sentence. They based their refusal upon two reasons: 1st, that they had been arrested by an act of treachery and tried by a packed Court, and if the Executive recognized the injustice of the sentence they might act

spontaneously without petition from the prisoners ; 2nd, that they believed that any document however moderate which they might sign would only be the thin end of the wedge by which the Government hoped to introduce the principle of individual statements and pleas—that is to say each one to excuse himself at the expense of his neighbour, and thus enable the authorities to establish by the prisoners' own confessions the extent of the guilt and complicity which they had been unable to prove.

Under such conditions an appeal was made to Messrs. Rose Innes, Q.C., and Solomon, Q.C. These gentlemen had remained in Pretoria and devoted their time and energies to obtaining some amelioration of the conditions of imprisonment and some mitigation of the sentences imposed upon the Reformers. The petition as presented by the Government was shown to Mr. Innes, who indignantly rejected the suggestion of signing any such document. As the strongest reason adduced in favour of signing petitions was the statement that according to law and custom it was impossible for the Government to take cognizance of the prisoners' case even with every desire to mitigate the punishment unless it was brought before them by direct appeal, Mr. Innes undertook to see the President and Chief-Justice Kotzé on the subject. By this time further suggestions had been made on the subject of petitions, and the prisoners were being urged among other things to name in plain terms the extent and manner in which they would like their sentences commuted. This proposal was regarded as a preposterous and ridiculous one ; but nothing is too ridiculous for Pretoria and it was necessary to deal seriously with it.

In these circumstances, Mr. Rose Innes interviewed the Chief Justice, in order to get the highest authority in the country as a guide. Mr. Kotzé would not at first express an opinion as to whether petitions should be sent in, but he was evidently inclined to recommend them as politic. 'But,' said Mr. Innes, 'it is not a question of policy ; it is a matter of law. Is there anything in the law which renders it necessary for a prisoner to petition before his sentence may be revised by the Executive—anything which debars the Executive from dealing with his case if he does not

petition?' Mr. Kotzé's answer was clear: 'No, certainly not—nothing whatever!'

In the interview with the President which took place immediately after this Mr. Innes was brusquely informed that petitions from the prisoners were of no value, and would receive no consideration; that the President did not want any of their petitions; and that he was guided solely by his burghers, who had already petitioned in the matter. 'I would pay more heed,' said Mr. Kruger, 'to a petition from fifty of my burghers than to one from the whole of Johannesburg.' At the conclusion of an unpleasant interview, which called for all the tact and good temper at the command of the gentleman who was interesting himself on behalf of the prisoners, the President added in an offhand manner, 'The petitions can do no harm and might strengthen my hands in dealing with the rest of the Executive; so they can send them in if they like.'

With this answer Messrs. Innes and Solomon returned to the gaol, and after informing the prisoners of what had taken place advised them, under the circumstances, to make a formal but respectful appeal for a revision of the sentences. It was their opinion, based upon the information which they had at great pains gathered, and it was also the opinion of the Chief Justice, that no petition was necessary, and that the sentences would be brought under the consideration of the Executive by the memorials of the burghers; but they considered that as interested persons or indiscreet friends had already suggested the idea of petitions, and as a refusal now to sign anything might have a very unfavourable effect upon persons with the disposition and character of those with whom they had to deal, it would be advisable to make an appeal so worded as to formally comply with the requirements of the extreme party in the Executive; one which would satisfy those of the prisoners who were in favour of appealing, and would not be offensive to those who were against petitions at any cost.

The strongest reason for urging this was to preserve unanimity of action among the prisoners. The course was in fact a compromise designed to satisfy those who considered a petition of some sort to be necessary, and those

who would not as they expressed it 'sacrifice their self-respect' by asking for anything from the people who had treated them in what they deemed to be a dishonest and treacherous manner.

All the prisoners except Messrs. A. Woolls-Sampson and W. D. (Karri) Davies agreed to this: many did so much against their own wishes because of the appeal to stand together, and because it was strongly urged that their obstinacy would affect not only themselves but would prevent the liberation of others whose circumstances were almost desperate. They yielded—it is true—but remained unconvinced. To Messrs. Sampson and Davies the answers of the Chief Justice and the President are now of considerable importance, since the reason given for their detention involves the repudiation of the assurances given by the President and Chief Justice.

Those who had not signed any other form of appeal now made a formal application to have their sentences brought into review by the Executive Council. They stated then their belief that it was only the beginning of the petition business that it would be wholly ineffective and that it was to be understood that they would sign no more under any circumstances. This application was deemed by the emissaries of the Government to be sufficient to comply with the requirements, and promises were conveyed to the prisoners that the sentences would be at once taken into consideration and commutations announced. In the course of a day or two however further demands were made, and the prisoners were informed that they would be dressed in prison garb under severer regulations specially passed for them unless they at once petitioned against this course.

Again Mr. Innes represented their case to the Government at the dictate of his own feelings of humanity, and not prompted thereto by the prisoners themselves, most of whom would have been glad to see the Government wreak their vengeance in petty and vindictive provisions. The proposed alterations were however abandoned without protest from the prisoners after the supply of convict garb had been sent up to the gaol. So matters went on day by day, each day bringing its fresh instalment of threats

promises and cajoleries, each morning its batch of disappointments. It was at first difficult to say what object the Government had in view in endeavouring to compel the Reformers to sign petitions, unless it were the unworthy one of desiring to humiliate men who were already down, or the perhaps more contemptible one of forcing them to turn informers by a process of self-excusing and thus enable them to differentiate in the commutations. The fact remained that repeated efforts were made and pressure brought to bear upon the men to induce them to sign. One pretext after another was used. Finally the naked truth came out: the Government required each man to state in an individual declaration the extent of his guilt the extenuating facts and the circumstances under which he became associated with the Reform movement. This was exactly what had been foretold by men who understood Boer methods.

The means resorted to by the gaol officials to enforce this petition-signing were characteristic. The gaoler (Du Plessis) is one of the most unfavourable specimens of his race. Unscrupulous and brutal in his methods, untrustworthy as to his undertakings, and violent and uncertain in his temper, he singled out those among the prisoners whom he considered to be the leaders of the 'stiff-necked' party as he termed it, and treated them with as much severity as he could. These men found themselves unable to obtain those facilities which were regarded as the right of all the prisoners. Upon occasion their food was stopped at the gates, and visitors—their wives and families—were refused admission, although provided with permits from the proper authorities and complying with the gaol regulations; and on more than one occasion he informed individual members of this party that the 'petitions would have to be signed,' that they would have to 'go down on their knees to the Government,' otherwise they would 'rot in gaol.' All this undisguised eagerness to obtain the signatures naturally only strengthened the resolution of the men who stood out. They had already against their wishes and judgment signed one application, and more than that they refused to do. When it was found to be impossible to induce the men to inform against each other, some modification was made in the

demands of the petition-hunters and some prisoners were asked and induced to make statements concerning their own part in the late movement, making no allusion to the part played by others, and, for reasons which it is impossible to divine unless it was designed to lead to something more, this was regarded by the Government as a desirable step.

The suspense and disappointment added to the original sentence upon a man who was never even mentioned in evidence and who took no part in the Reform movement, beyond associating himself with the organizations for the protection of property in Johannesburg, told so severely upon one of the prisoners that his mind became unhinged and in the course of the following period he developed marked signs of homicidal and suicidal mania. His condition was so serious that strong representations were made to all the officials connected with the gaol—the gaoler himself, the district surgeon, the commissioner of police, and the landdrost of Pretoria. The prisoners themselves organized a system of guards or watches over their comrade, pending the result of their representations to the officials. On the fourth day however the unfortunate man, driven out of his mind by the constant and cruel disappointment of purposely raised hopes, eluding the watchfulness of his friends took his own life.

The news of this event was received with horror throughout South Africa, the more so as for some days previously the newspapers had hinted at some such impending catastrophe. In the course of the inquiry which was held evidence was given showing that the gaol surgeon had reported the state of affairs to the proper authorities some days before, but in a formal and half-hearted way. Evidence however was forthcoming that four of the prisoners (themselves medical men) had forcibly represented the extreme seriousness of the case to the gaoler, the gaol surgeon and the landdrost of Pretoria, and had induced the assistant-gaoler and warders to support their representations, but all without avail. The result of the inquiry was to lay partial blame upon the doctor and to acquit everybody else—a result which the public have been used to expect in the Transvaal. It is somewhat difficult to see how the decision was arrived at, seeing that in the offices

there was the record of a special pass granted to the unfortunate man's wife to visit him and remain with him for a considerable period on the previous day in order to cheer him up and avert serious consequences. The incident told severely upon the nerves of those who were not themselves in the best of health, and it was found necessary immediately to release or remove others among the prisoners for fear of similar results.

The Government seemed to realize that it was incumbent upon them to do something in order to allay the feeling of indignation which was being roused throughout South Africa at their manner of treating the prisoners, so a further instalment of magnanimity was decided upon. On the day of the unfortunate affair the manager of the Government newspaper, *The Press*, was authorized by President Kruger and other members of the Executive to inform the prisoners that they would have to make modified personal statements of the nature previously indicated, and if these petitions were presented to the Executive Council by 8 a.m. on the following Monday (the prisoners would then have been three weeks in gaol) orders for their release would be issued by Monday night. In order to secure a favourable reception of this suggestion it was arranged that the clergyman who was to conduct Divine service on Sunday in the gaol would deliver this message from the President to the prisoners at the conclusion of the service, and urge the men for their own sakes and for the sake of their families and of their friends to abandon the position which they had taken up and to sign declarations of the nature required, and so secure their release. Nor was this all. Outside the gaol the wives of those men who stood out against the petition movement were informed by Government officials that unless the demands of the Government were complied with by their husbands they would serve the full period of their sentence. Pressure was brought to bear upon these ladies and special facilities were given them to visit the gaol, avowedly in order to bring about the desired end.

Eleven of the prisoners—apart from the four whose punishment in substitution for death had not been decided upon, and who were therefore not concerned in the petitions—declined to

reconsider their decision, and elected rather to serve their term of two years ; and they expressed the conviction at the same time that these promises of the President would not be kept any more than others had been. The result justified their judgment. After a postponement of two days on some flimsy pretext the official intimation of the commutations was given to the prisoners on Wednesday, May 20. Instead of the release positively and definitely promised the term of imprisonment was reduced in the following degree : Ten men were released, twenty-four men were condemned to three months', eighteen to five months', and four to one year's imprisonment ; and the clemency of the Government towards the four leaders was indicated by a sentence of fifteen years each.

Even a short period of imprisonment under the existing conditions meant certain death to a proportion of the men sentenced, and it is not to be wondered at that the 'magnanimity' displayed by the Government after the disappointments and delays seriously affected the health of a number of the men, following as it did closely upon the tragic affair already alluded to.

With regard to Messrs. Sampson and Davies no decision was announced, it being intimated by Dr. Leyds that, as they had made no petition, their case had not been brought before the Government, and the Executive had therefore no official knowledge of their existence. But the extent of the Government's magnanimity was even then not fully known. On the following day it was announced to the prisoners that they had been misinformed with regard to the five and twelve months' commutations—that the intention and resolution of the Executive was merely to grant these men permission to appeal at the end of the periods named to the aforesaid magnanimity.

Some prominence has been given to the cases of those prisoners who were unable for physical or other special reasons to withstand the strain ; and it should therefore be made equally clear that in many cases the men regarded with contemptuous amusement the cat and mouse policy and the stage-managed magnanimity displayed towards them. They were perfectly well able and willing to endure the

sentence passed upon them, and they were not misled by Boer promises in which they had never had any faith at all. There are good reasons to be assigned for the willingness of many of the men to make appeals to the Government: sheer hard necessity and the sufferings of those dependent upon them were among these reasons; and it is unfair to consider these appeals to have been due to loss of nerve.

There were among the prisoners twenty-three Englishmen, sixteen South Africans, nine Scotchmen, six Americans, two Welshmen, one Irishman, one Australian, one Hollander, one Bavarian, one German, one Canadian, one Swiss, and one Turk. This variety of nationalities should receive due consideration when questions such as for instance that of the flag are considered. In this matter of petitions it was not to be expected that men whose associations with the country had been limited to a few years should experience the same depth of feeling and bitterness of resentment as the South Africans born who look upon the country as their native land and who view with keen resentment the attitude of the Boers towards them in the Transvaal, so much at variance with their attitude towards the Boers in the neighbouring colonies. Nothing could illustrate this difference in feeling better than the fact that of the eleven men who throughout declined to sign petitions eight were South African born, one Australian, one English, and one Scotch. There is nothing discreditable to others in these figures; they simply indicate the difference of feeling which did and indeed naturally must exist. The South African born men consider themselves to have been robbed of a portion of their birthright; the others have not the same reason for thinking this.

With men of so many nationalities the position of the British Resident would in any case have been one of difficulty, especially after the part played by the High Commissioner. In the case of Sir Jacobus de Wet very little satisfaction was given. What caused the most comment and annoyance among the prisoners was that official representatives of other countries appeared to have unusual facilities offered them to visit the subjects of their Government—at least, they could command the ordinary courtesies—whereas in the case of the British Agent nothing of this sort existed. Frequently he

was observed standing outside the gaol in the worst of weather without shelter, patiently waiting until the gaoler would deem fit to see him. In the meantime that official would stroll through the yard, making remarks to his subordinates indicative of the satisfaction he experienced in keeping the representative of Her Majesty outside in the rain and mud. Upon occasions when he was afforded admission he was hustled through the yard by a warder and not allowed to hold private conversation with any of the prisoners. On several occasions he complained that he was refused admission by order of the gaoler, and the spectacle of England's representative being turned away by an ignorant and ill-conditioned official like Du Plessis was not an edifying one. It is only necessary to say that upon an occasion when Du Plessis adopted the same tactics towards the Portuguese Consul that gentleman proceeded at once to the Presidency and demanded as his right free admission to the gaol whenever he chose to go, and the right was promptly recognized although there was no subject of his Government at the time within the precincts. Indeed the Portuguese Consul stated openly that he called for the purpose of visiting as a friend one of the Reform prisoners, giving the name of one of the recalcitrants most objectionable to the Government. The American Consul too carried matters with a high hand on the occasion of his visit to Pretoria, and it seemed as though the Paramount Power was the only one which the Transvaal Government could afford or cared to treat with contempt.

The period of gaol life afforded the Reformers some opportunity of studying a department of the Transvaal Administration which they had not before realized to be so badly in need of reform. The system—if system it can be called—upon which the gaol was conducted may be gathered from the gaoler's own words. When one of the prisoners had inquired of him whether a certain treatment to which a white convict had been subjected was in accordance with the rules of the gaol and had received an answer in the affirmative, he remarked that he did not think many of the Reformers could exist under such conditions. Du Plessis replied: 'Oh no! Not one of you would be alive a month

if the rules were enforced. No white man could stand them. Indeed,' he added, 'if the rules were *properly* enforced, not even a nigger could stand them!'

Some subsequent experience of gaol-life induced the Reformers to accept this view as tolerably correct. It is known for instance that after the Malaboch war sixty-four of the tribe were incarcerated in Pretoria Gaol. Some twenty were subsequently released, but of the remainder twenty-six died within the year. Bad food vile sanitary arrangements and want of clothing and shelter contributed to this end. Malaboch was a petty chief against whom an expedition was organized, ostensibly because he had refused to pay his taxes. The expedition is chiefly notorious on account of the commandeering of British subjects which led to the visit of Sir Henry Loch already described. It resulted—as these expeditions inevitably do—in the worsting of the natives, the capture of the chief and his headmen, and the parcelling out of his tribe as indentured servants among the Boers.

Considerable sympathy was felt with Malaboch among the Uitlanders, not because of his refusal to pay taxes but because the opinion prevailed that this refusal was due only to the tyrannical and improper conduct of the Boer native commissioners; and a number of Johannesburg men resolved in the interests of the native and also of the native labour supply on the Rand to have the matter cleared up at the forthcoming trial of the chief. Funds were provided and counsel employed, nominally to defend Malaboch, but really to impeach the native commissioners, who in many cases were and continue to be a perfect curse to the country. No sooner had this intended course of action become known than the Government decided to treat their prisoners under the provisions of martial law—to treat them, in fact, as prisoners of war, who were liable to be indefinitely detained without further trial. Under these conditions they were placed in the Pretoria Gaol, and with the exception of a few subordinates there they have lived—or died—since. The offences of these natives, for all anyone knows, may have been similar to those of Langalibalele, Dinizulu, Secocoeni, Cetewayo, and other native chiefs whom the British Government have also disposed of without trial. But it is urged that these

men are entitled to a trial, because it is well known that the provocation under which they committed their offences against the law—if indeed any were committed—was such as, in the minds of most people, would justify their action.<sup>1</sup>

The position of a native in the Pretoria Gaol is indeed an unhappy one. Sleeping accommodation—that is to say, shed accommodation—is provided for about one-quarter of the number confined there. During fine weather it is no hardship upon the natives to sleep in the open yard provided that they have some covering. The blankets doled out to them are however in many cases such as one would not allow to remain in one's kennels; and in wet or cold weather (and the fact is that during at least one quarter of the year the nights are cold, whilst during the five months' wet season rain may fall at any time) the sufferings of these unfortunates many of whom have no blankets at all are very severe. Of course the stronger fight their way into the shed, and even fill the little covered passage-way; the others crouch or lie about in the open yard like wild beasts without a vestige of shelter.

On behalf of the native political prisoners representations were made by the gaol doctor that they were dying in numbers from scurvy and fever, for want of vegetable food. A special effort on his part secured for a few days some allowance of this nature, but the matter having been brought to the notice of General Joubert, the Superintendent-General of natives, peremptory orders were issued to discontinue this; and this although the wretched creatures might have been sufficiently supplied from the gardens attached to the gaol which are cultivated by the prisoners, and the product of which was used by the gaoler to feed his pigs. For a little while longer the doctor continued the vegetable diet at his own expense, but being unable to afford this it was discontinued and the former death-rate was resumed.

Floggings are quite common. In many instances white men have been flogged there. It is not intended to suggest that this should not have been done, but cases occurred in the Pretoria Gaol which are surely difficult to justify. Du Plessis stated to the Reform prisoners that he

<sup>1</sup> See Appendix E.

had with the sanction of the Landdrost inflicted upon one prisoner named Thompson, who was undoubtedly refractory and disobedient, *upwards of eighty lashes within three weeks*. He added that this was as good as a death-sentence, because neither white nor black could stand two inflictions of twenty-five lashes, as they were given in Pretoria Gaol, without permanent injury to the constitution. The effect, he observed, of this severe punishment upon the back was to cause the blood to rush and settle on the lungs, and in every case it resulted in fatal lung mischief.

During the period of imprisonment the Reformers witnessed a considerable number of floggings. These when inflicted by the assistant-gaoler or warders were usually marked by some kind of moderation and consideration for the prisoner's physical condition, and some regard for official decencies. The same cannot be said of those in which Du Plessis himself took a prominent part. Upon one occasion when a native had been released from the triangle, after twenty strokes from the cat had been borne without a murmur, Du Plessis suddenly became infuriated at the stoicism of his victim, and stepping towards him knocked the released man down with his fist and spurned him with his foot. Upon another occasion a boy of ten or twelve years of age (under what circumstances is not known) was taken by Du Plessis into the open yard, stretched in mid air by two warders gripping his wrists and ankles, and flogged with a cane by Du Plessis himself. The screams of the child were heart-rending and the sight caused one lady who happened to be visiting in the gaol to faint. When the wretched urchin was released by the two warders and stood cowering before Du Plessis the latter repeated his former performance of knocking his victim down with his closed fist.

Mr. Du Plessis it should be remembered is a sample of a certain class only of the Boers—not by any means of all. He is a man with a treacherous and vindictive temper, distinctly unpleasant in appearance, being coarsely and powerfully built, and enjoying an expression of countenance which varies between cunning and insincerity on one hand and undisguised malevolence on the other. Some idea of the general kindness of his disposition may be gathered from

his actions. On one occasion, when special relaxation of the rules was authorized by the Landdrost of Pretoria in order to enable a number of the Johannesburg friends of the prisoners to see them, and when about one hundred permits had been issued by that official to men travelling over from Johannesburg specially for the purpose, Du Plessis devised means to defeat this act of consideration, and issued orders to his guards to admit only three visitors at a time to the gaol. As a consequence, more than half failed to gain admittance. Nor was he satisfied with this ; he informed the prisoners themselves that he wished the Landdrost had issued two hundred passes instead of one hundred, so that he might let those Johannesburg people know who was 'baas' there. Possibly the fact that on the previous day he had been severely rebuffed in his petition campaign may have provoked this act of retaliation.

Another instance of Mr. Du Plessis' system was afforded by the case of an old schoolmaster, an Englishman named Grant. He had been a teacher upon the farm of a Boer near Pretoria. Through some difference with his employer he was dismissed ; and his own version of the affair indicates that he suffered considerable injustice. From the evidence given in the case in which he subsequently figured it appeared that in order to urge his grievance he returned to the Boer's farm and even re-entered the house which he had formerly occupied. He was arrested and charged with trespass, or threatening to molest his late employer and members of his family, and was bound over to keep the peace for six months and to find £50 surety for the same, failing which he should go to gaol for that period. This seemed to be rather a harsh sentence to pass upon a man who was over fifty years of age, entirely destitute of means, of very inferior physique, and who had been charged at the instance of an individual who could certainly have protected himself against five such men as Grant. No doubt the accused was an eccentric man, and probably a nuisance, and it is even possible that his conduct left the magistrate no alternative but to pass the sentence which he did : it is not intended to question the justice of this part of the affair. Having been sent to gaol, however, because he could not deposit £50, Grant was

treated as the commonest malefactor in all respects but one—he was allowed to retain his own clothing. The unfortunate old man made a pathetic picture with his seedy clothes, tail coat, tall white hat, and worn gloves, which he punctiliously wore whenever called upon to face the authorities—and it happened rather frequently. He objected to being classed and herded with the thieves and murderers and others whose crimes were even more repulsive. He protested against the class of food that was served to him. For these remonstrances he at first received solitary confinement and even poorer diet; and later with a brutality which one can surely only find in a Du Plessis the unfortunate old man was placed in the Kaffir stocks, thrown out in the middle of the yard that he might be humiliated in the sight of all, and kept there in the fierce heat of a tropical sun for half a day. The sole excuse for this was that he had been unruly in protesting against the treatment which he was receiving. The spectacle excited the pity of the Reform prisoners to such an extent that even with the certainty of an insulting rebuff from the gaoler they endeavoured to represent the man's case so as to have him released, but without success. It need only be added that the unfortunate man did not serve his entire term, the first act of the first released Reformers being to pay up the surety required and provide him with funds to leave the country. Grant may have been as guilty and offensive as eccentricity can make a man, but nothing can justify the manner in which he was treated.

The stocks in the hands of Du Plessis were not the mild corrective instrument which they are sometimes considered to be. According to this authority the stocks can be made to inflict various degrees of punishment. Du Plessis states that when he took over the gaol he found that the custom was to place men in the stocks within a cell and to trust to the irksomeness of the position and the solitary confinement to bring about a better frame of mind; but he soon found that this system was capable of improvement. His first act was to place the prisoners white or black in the stocks in the middle of the yard, so that they should be exposed to the observation and remarks of all the officials and visitors and their fellow-prisoners. In explaining the reasons

for this change, he said that he found that in a cool cell a man could be tolerably comfortable and that even the most hardened of them preferred not to be seen in the stocks by others; whereas in the yard they were obliged to sit on the uneven gravel and to endure the heat of the sun as well as being 'the cynosure of every eye.' But this did not satisfy the ingenious Du Plessis. The yard of the Pretoria gaol inclines from south to north about one foot in four, and Du Plessis' observant eye detected that the prisoners invariably sat facing down the slope—for of course they were not allowed to lie down while in the stocks, this being too comfortable a position. Upon studying the question he found that in this way much more ease was experienced owing to the more obtuse angle thus formed by the body and the legs. This did not suit him and he issued further orders that in future all prisoners in the stocks should be obliged to sit facing uphill, and that they should not be allowed to hold on to the stocks in order to maintain themselves in this position but should have to preserve the upright posture of the body by means of the exertion of the muscles of the back alone. Needless to say the maintenance of such a position for hours at a time caused an agony of aches which many prisoners were quite unable to endure, and frequently the men were seen to throw themselves back and lie down at the risk of being kicked up by the vigilant Du Plessis and confined in the stocks for a longer period than was originally intended. Nor did this complete the list of Mr. Du Plessis' ingenuities. The stocks had been built to accommodate several persons at the same time, and he found that by inserting the legs in the alternate holes, instead of in the pair as designed by the architect of the stocks, the increased spread of the legs caused still greater strain upon his victim. This was reserved for special cases—say one in every four or five.

The incidents here given illustrating the methods of this delectable individual were all witnessed by the Reformers. The account of Du Plessis may serve the purpose of showing the methods practised under a Government whose officials are appointed whenever possible from the family circle and not because of fitness. It is more especially designed to show

the character of the man in whose hands the prisoners were placed with almost absolute discretion; the man who enjoys the privilege of discussing with his relative President Kruger, at any hour at which he may choose to visit the Presidency, the treatment to be accorded to his victims; the man who is retained in his position in spite of repeated exposures by his superiors, and who is credited with exercising very considerable influence with Mr. Kruger; but, above all, the man in whose charge remain up to the present time<sup>1</sup> the two Reformers, Messrs. Sampson and Davies, who declined to sign any petition, and concerning whom Du Plessis stated openly: 'Wait until the others have gone, and if the Government leave them in my hands, I'll make them ready to sign anything.' Sufficient has been said concerning this individual to warrant the description publicly given of him by Colonel Rhodes<sup>2</sup>— 'A brutal and inhuman wretch!' Like most bullies the man is also a coward. When he witnessed the outburst of feeling among the prisoners in consequence of the death of their comrade, he would not venture into the precincts of the gaol for two days, until assured that the men had again become capable of self-control.

So much for the details of gaol life.

In the meantime sympathy with the prisoners began to take practical form, and the unanimity of feeling on their behalf throughout South Africa, which was quite unex-

<sup>1</sup> (July, 1899.) They were released in June, 1897.

<sup>2</sup> Du Plessis' threats regarding Messrs. Sampson and Davies were made so openly and vengefully that Colonel F. W. Rhodes deemed it to be his duty as soon as he was released to report the matter to the High Commissioner, with a view to ensuring some measure of protection for the two gentlemen above referred to. After the release of the other prisoners, Du Plessis was for a time suspended, owing to charges laid against him by the Inspector of Prisons. No investigation appears however to have been made, and the man was reinstated. During the month of September, after Messrs. Sampson and Davies had already done five months of their sentence in Pretoria Gaol, this man, finding himself unable to break their spirit by other means, made a proposal to the Government to separate the two and to place them in two small country gaols at wide distances apart and far removed from the friendly offices and watchful eyes of their friends, and thus deprive them of such benefit as they may be able *in the future* to get from proximity to the official representative of England. In the past they have certainly derived none.

pected and which greatly embarrassed the Boer Government, tended to bring matters to a head. Mr. Rose Innes, who had so generously and constantly exerted himself in Pretoria in order to obtain some amelioration of the condition of the prisoners, and who had in his official capacity as watching the case for the Imperial Government made a very strong report to the Colonial Office, did not content himself with these exertions. Upon his return to Capetown he suggested and organized the getting up of a monster petition to the President and Executive, urging upon them in the interests of the peace of South Africa to release the imprisoned men. The petitions were to represent the views of every town and village in South Africa, and were to be presented by the mayors or municipal heads of the communities. In this movement Mr. Rose Innes was most ably seconded by Mr. Edmund Garrett, the editor of the *Cape Times*, and other prominent men. A movement of this nature naturally excited considerable attention in Pretoria; but the success of it was wholly unexpected. The President and his party had played to the South African gallery, and they had not yet realized that they had in any way overdone the theatrical part. They had no suspicion of the real feeling with which the sentences were regarded, nor of the extent to which they had alienated sympathy by that and the subsequent 'magnanimous' action. 'Magnanimity by inches' had been placarded throughout South Africa, and the whole game was characterized as one of cat and mouse, in which the President was playing with his victims with indifference to the demands of justice and humanity, partly with a view to wringing concessions from the British Government, and partly from a mistaken idea that by such a course he would obtain credit at each step afresh for dealing generously with those who were at his mercy.

The movement had been well organized. The resolution had been passed in every town in South Africa, even including the towns of the Free State. The mayors (over 200 in number) were on their way to Pretoria, when the President, with his back against the wall, realized for the first time that he had overshot the mark and that unless he released the men before the arrival of the deputies he would

either have to do so apparently at their instance, or refuse to do so and risk rousing a dangerous feeling. He chose the former course; he released all the imprisoned men with the exception of the four who had been sentenced to death and the two who had refused to appeal. Pretoria and Johannesburg were already full of deputies and visitors from Cape Colony, Natal, and the Free State, all bound on the same errand of mercy. The feelings of these men, brought many hundreds of miles from their homes, sacrificing their own business and personal convenience in order to approach the President and to support a measure which they felt to be imperatively necessary to the allaying of feeling in South Africa may be imagined, but were not expressed, when they heard that they had been allowed to undertake this journey as part of the President's game, only to receive a slap in the face from His Honour by the carrying out of the measure before they were permitted to interview him. This at least was what was felt to be the case upon the release of the majority. Absolute proof of it was forthcoming within the week, when the President refused to receive the deputations and kept them waiting in Pretoria until he had released the four leaders as well, without allowing the delegates the satisfaction of a courteous recognition of their mission. He admitted them it is true to an informal interview, in the course of which he managed to insult and outrage the feelings of a good many by lecturing them and giving vent to very candid opinions as to their personal action and duties; but he would not receive their representatives officially.

On May 30 the prisoners with the exception of the six already referred to were released, the terms being that their fines should be paid at once, and the unexpired term of imprisonment remitted. Each one as released was required to bind himself for the term of three years, reckoned from the 30th day of May, 1896, neither directly nor indirectly to meddle in the internal or external politics of the South African Republic, and to conduct himself as a law-abiding citizen of the State.

In some cases the provision was added that if in the opinion of the Executive Council the terms of this under-

taking should be broken, the sentence of banishment which was held in suspense would come into force, and the men were required to sign this addendum to the above undertaking. The resolution of the Executive Council, which deals with the mitigation of the sentences, states that the imprisonment portions of the sentences are remitted; that the fines (£2,000 in all cases) must be paid at once; and that the banishment shall remain in abeyance subject to the faithful observance of the above undertaking; but that should any action be taken by any of the prisoners constituting in the opinion of the Executive Council a breach of the above undertaking, the sentence of banishment shall come into force.

There is no definition of the phrase 'meddle in politics,' nor is there any indication of what in the opinion of the Executive Council constitutes politics. There is of course on record the President's own statement in public that he would not permit any discussion on the dynamite and railway questions because they are matters of 'high politics'; and if haply the Executive should also hold this view, it is difficult to see how any of the prisoners will be able to follow their ordinary business and attend to those commercial affairs in which they are concerned without committing some breach of this ridiculous provision.

No answer was received to the many representations made on behalf of the four leaders, except that the Government were busy with the matter. Upon the release of the other prisoners it was suggested to them by friends outside that it would be a proper and politic course to proceed in a body to the Presidency and thank the President for the action he had taken in their respect, and at the same time to beg of him to extend a similar clemency to the four leaders who were still left in gaol. Most of the men were dead against taking any such action. They held very strongly to the opinion that they had been arrested by treachery, condemned by arrangement, and played with as counters in an unscrupulous manner. They recognized no obligation towards the President. They could see no magnanimity in a policy which had secured their arrest under the circumstances described which inveigled them into pleading guilty to a nominal

offence, and which imposed upon them a sentence such as that passed. They considered the enormous fine which they were then called upon to pay to say nothing of the imprisonment which they had already suffered wholly disproportionate to the offence, and their natural impulse was to avoid the man who was directly responsible for it all, or at least not to meet him under circumstances so unequal, when they would be sure to be insulted, and would be obliged to suffer the insult in silence.

Some of them however yielded to the representations of their friends, who considered that it should be done for the sake of the men who were not yet released ; whilst there were others who expressed the view that they would rather go back and do their imprisonment than suffer the humiliation which it was proposed to inflict ; that they would not do it for themselves, and they could not bring themselves to do it for anybody else. A considerable number of the prisoners called upon His Honour ; and this was the 'dog' interview. After hearing the address of the men the President proceeded to pat himself and his people on the back, saying that he knew he had behaved with great magnanimity and moderation, and that he hoped that such generosity would not be entirely thrown away.

'You must know,' he said, 'that I sometimes have to punish my dogs ; and I find that there are dogs of two kinds. Some of them who are good come back and lick my boots. Others get away at a distance and snarl at me. I see that some are still snarling. I am glad that you are not like them.'

Those among his hearers who could understand His Honour's remarks, although they had been prepared for much, were certainly not prepared for this. The interpreter stood for a moment without rendering into English the metaphor chosen by the worthy President, and even His Honour—slow to perceive where he has transgressed the limits of etiquette and good breeding—gathered from the expressions upon the faces that something was wrong, and turning to the interpreter, said :

'Oh, that's only my joke ! Don't interpret that to them.'

But those who witnessed it say that there was no joke in his voice or his eye as he said it. Proceeding then with more circumspection he walked out his dog in another form, and said that it was very well to punish the little dogs as he had punished them, but somebody should also punish the big dog—evidently referring to Mr. Rhodes—and in the course of a homily he again mixed his parable, sticking all the time to his dog however, remarking in conclusion that it was very well to punish the dogs, but what was to happen to the owner of the dogs, who stood by urging them on and crying ‘Tsaal!’?

Throughout the week His Honour continued to make the homely dog work to good purpose, but the interview with the released Reformers was, it is believed, the first occasion upon which he made use of it. Certainly on no other occasion did the President do such ample justice to his reputation as a finished diplomat.

In the mean time negotiations had been proceeding for obtaining the release of the leaders. The friends and representatives of the four prisoners had become subject to all manner of attentions from numbers of people in Pretoria; near relations of the President himself, high-placed Government officials, their relatives, hangers-on, prominent Boers, and persons of all sorts and descriptions, all offered their services and indicated means by which the thing could be arranged. All wanted money—personal bribes. The prisoners themselves were similarly approached, and they who a month previously had been condemned to death witnessed with disgust a keen competition among their enemies for the privilege of effecting—at a price—their release. Day after day they were subjected to the disgusting importunities of these men—men who a little while before had been vaunting their patriotism and loudly expressing a desire to prove it by hanging these same Reformers.

The gaoler Du Plessis, representing himself as having been sent by the President, suggested to the four men that they should ‘make a petition.’ They declined to do so. Du Plessis was then reinforced by the Chief Commissioner of Police, and the two officials again urged this course but stated that they did not wish it to be known that they had been sent

by the Executive and therefore could not consent to their names being used. Upon these terms the prisoners again declined. They said that if they were to hold any communication with the Government they required to have it on record that they did so at the suggestion of the two responsible gaol officials who represented themselves as expressing the wish of the Executive Council. After further delay and consultations with the President and others the two officials above named consented to allow their names to be used in the manner indicated. Not content with this the prisoners demanded that they should be allowed to send an independent messenger to the President to ascertain whether he really required a written appeal for revision of sentence. Having received confirmation in this manner the four men addressed a letter to the Executive Council. In this letter they stated that they had been sentenced to death ; that the death-sentence had been commuted ; and that they understood—but had received no authoritative information on the subject—that they were to suffer instead a term of fifteen years' imprisonment. They suggested the imposition of a monetary penalty in place of the imprisonment ; they stated that they held and represented important interests in the State and that they believed their release would tend to the restoration of confidence and favourable conditions in the business community of the Rand ; and they concluded by saying that, if the Executive saw fit to adopt this suggestion, they the prisoners would return to their business in good faith.

It had frequently been intimated to these men that it would be impossible for the Government to impose a fine in place of the death-sentence because money so obtained would be blood-money. Reference had been made in the Executive Council to Biblical precedents, notably the case of Judas, and the opinion was held that if blood-money were taken the Lord would visit His wrath upon the people.

The Boers are in their way a very religious people. But they are also essentially practical ; and it is difficult to find an instance in which the religious principle has operated to their commercial disadvantage. This at any rate was not one. The train of reasoning which led them to justify the imposition of a fine was somewhat in this wise : To *impose a fine* would be

to take blood-money, and would be immoral and iniquitous : to *accept the offer of a present* on condition that the sentence should be entirely remitted however would be quite another thing.

So negotiations were set on foot to induce the prisoners to make the necessary offer ; and the prisoners, as has been shown, did so. This satisfied the religious scruple of the Boer, but the terms of the offer were not satisfactory to his commercial requirements. It became necessary to make a definite offer. Further negotiations followed, and the prisoners gathered that an offer of £10,000 apiece would be viewed with favour by the President and his advisers ; and it was stated by members of the Volksraad and prominent officials who were in the confidence of and in communication with the Government that, in the event of such a contingency arising as the prisoners making an offer of cash, the Executive would not take the money for the benefit of the State but would accept it for charitable purposes—an educational institute or a hospital or some such object.

This was communicated to the prisoners by the personages referred to, and an offer was accordingly made of £10,000 apiece. The matter was discussed in the Executive Council, and the Boer, true to his instinct and record, perceived an opportunity to improve his position. The religious gentlemen who would not take blood-money now objected that the amount proposed was altogether too small, and the President with that readiness so characteristic of him observed that he thought the prisoners must have made a mistake, and meant £40,000 apiece instead of £10,000 for the lot.

Another delay ensued, and in the meanwhile more and more deputies flocked to Pretoria, and stronger grew the feeling, and more angry, disappointed, and disgusted grew the communities of Johannesburg and Pretoria. The President, however, played his game unmoved by any such considerations.

The next announcement from the Executive was a wholly unexpected one. It was that they felt it necessary to consult Judge Gregorowski as to the amount of money which ought to be taken as a donation to charities. The matter of assessing the value of a death-sentence in cash might perhaps be deemed

a perplexing and a difficult one from lack of precedent, yet nobody supposed the Executive Council to be unequal to the task. It might also seem unfair to impose this further burden of responsibility upon a judge; but Mr. Gregorowski had proved himself superior to precedent and untrammelled by custom; and there was much to be said in favour of continuing an association which had worked very satisfactorily so far.

When however the President, with that resolute determination to be generous which was so well advertised, at last overcame all obstacles and succeeded in holding a meeting of his advisers to receive Mr. Gregorowski's report, and when it was found that that gentleman assessed capital punishment at £25,000 per head, the Executive Council with one accord avowed themselves to be so utterly taken by surprise by the announcement that they required time to think the matter over and decide upon a course of action.

No doubt this opinion of Mr. Gregorowski's took them quite as much by surprise as did his original sentences. However in the course of a day or two they had recovered sufficiently to intimate to the prisoners that, if they would amend their first offer of £40,000 for the four and make it one of £40,000 apiece, the Executive would decline to accept so large a sum, as being greater than they considered equitable and would reply that in the opinion of the Government £25,000 apiece would be sufficient. It was quite plainly intimated that this procedure presented certain attractions to the President, who desired for political purposes to exhibit further magnanimity. The prisoners who by this time had gained some insight into Mr. Kruger's methods, who knew from past experience the value of his promises, and who could find no record in history to encourage them in participating to this extent in the confidence trick, point-blank refused to have anything to do with it.

They agreed to make a formal offer of a 'reasonable' fine, leaving the interpretation of this to the Government, but only on the distinct understanding that the amount should not exceed £25,000 each. They had learned that Mr. Gregorowski had fixed this amount and that the Executive had agreed to accept it, and they would not offer a penny more

for magnanimity or anything else. They stated in plain terms that they looked upon this matter simply as a bargain ; that if they should get out they were paying their way out, and that in so far as their release from the position was concerned the transaction was closed upon business terms and there should be no question afterwards as to gratitude or magnanimity. The fines were paid,<sup>†</sup> and on June 11 the leaders were released.

Messrs. Phillips, Farrar, and Hammond, who were compelled through their business ties to continue their association with the Transvaal, signed the same undertaking concerning politics as that given by the rest of the prisoners—with the difference that in their case it operates for a period of fifteen years. Colonel Rhodes however declined to give the required undertaking and elected to take his sentence of fifteen years' banishment. On the night of June 11 therefore he was sent across the border under escort, and passing through the Free State proceeded at once to Matabeleland to render what assistance he could to his brother in the suppression of the rebellion. As though the excitement of the past few months had not been sufficient, it may be added that in the first engagement in which he took part on his arrival at Buluwayo his horse was shot, and he narrowly escaped the same fate himself.

From time to time adverse comment has been made on the subject of this undertaking of the Reformers to abstain from further participation in politics. The position of the Reformers was this : They had entered upon the movement to obtain the redress of certain matters closely affecting their feelings as men and their interests and business as settlers in the country. They were disarmed and placed at the mercy of the Boer Government by the action of England's Representative. To decline to give the pledge required would entail banishment, which would in many cases mean ruin to them and in all cases would remove them from the sphere in which they might yet contribute to the attainment of the ends they had in view. The only compensating consideration possible in such a course would be that the redress desired would be effected

<sup>†</sup> It seems like reflecting on the reader's intelligence to add that nothing more has been heard of the 'charities.'

through the influence of the Imperial Government ; but since the Imperial Government had shown that under the circumstances they were neither willing nor able to maintain to a logical conclusion the position which they took up when they secured disarmament, the Reformers concluded that their obvious course was to give the required undertaking. It is true that several among them did decline to give this undertaking, saying that they would prefer to serve their terms of imprisonment ; but they received the answer that after the term of two years' imprisonment the Government would still require the undertaking or enforce the banishment clause, so that it appeared to them there was no way out of it but to sign what was required and wait patiently.

It is perfectly obvious that one of two alternatives will present itself. Either the Government will come to regard this provision as a dead letter, and wholly ignore it ; or some of the men, in the course of their business and in dealing with economic questions such as they are morally entitled to discuss will fall foul of the 'opinion of the Executive.' The issue will then be a very clear one, and many of those who were strongly opposed to the Reformers on the premisses on which they started will find themselves in cordial agreement with them in later developments.<sup>2</sup>

The Reform movement closed for the time being with the release of the leaders. Sixty-four men had been committed for trial. From four of them the Government had received £100,000, and from fifty-six others £112,000. One was dead ; one had fallen so seriously ill before the trial that he was unable to present himself with the rest, but on recovering and announcing his intention to plead 'Not guilty' and fight it out, the case against him was withdrawn.

<sup>2</sup> (July, 1899.) A clear indication of the Government's disposition towards the Reformers was given by the treatment accorded to Mr. Lionel Phillips. In consequence of a publication by Sir John Willoughby of an article on the subject of the Raid, which failed to accurately represent the facts as they were present to the minds of the Reformers, Mr. Phillips wrote an article in the *Nineteenth Century* magazine, which was purely historical, moderate in tone, and obviously designed only as an answer to the allegations which had been made. The Executive Council arrived at the conclusion that it was a breach of his undertaking to abstain from interference in politics, and they issued a decree of abanishment against him. As Mr. Phillips had taken up his residence permanently in Europe, and as it was well known that

There remained two men, Messrs. Sampson and Davies, whose case the Government had refused to consider because they declined to appeal. They had been sentenced on April 28 to two years' imprisonment and £2,000 fine, or failing payment to another year's imprisonment, and to three years' banishment; and under that sentence do they lie at the present moment in the Pretoria gaol, at the mercy of the Boer Government and its very competent representative Mr. Du Plessis.<sup>1</sup>

Much *kudos* has accrued to Mr. Kruger for his magnanimity and much profit for his astuteness! Great credit is also given to Mr. Chamberlain for his prompt impartiality. And surely some day a tribute of sympathy and admiration will go out from a people who like pluck and who love fair play to two Englishmen who hold that a solemn pledge is something which even a Boer should hold to, whilst self-respect is more than liberty and beyond all price.

it would be extremely inconvenient for him to return to South Africa in order to dispute this action it was generally considered that the object of the move was to establish a precedent, so to say, on the cheap, and in the same spirit to intimidate others among the Reformers who were believed not to have lost their interest in the cause of reform nor to have abandoned their intention to begin again as soon as they were free to do so. It is no exaggeration to say that scarcely a week could have passed during the last two and a half years in which some or all of the half dozen Uitlanders most prominent in the cause of reform have not been in receipt of a warning of one kind or another, ranging from apparently friendly advice not to take too keen an interest in certain matters, up to the giddy eminence of being black listed in the Dutch papers as one of those to be dragged out and shot without trial as a traitor and a rebel. Such are the conditions under which the unarmed Uitlanders labour for reform.

<sup>1</sup> (July, 1899.) Du Plessis was promoted to be Chief Inspector of Prisons shortly after the release of Messrs. Sampson and Davies, and still holds that post!

# PART II.

A POSTSCRIPT.

## CHAPTER X.

### THREE YEARS' GRACE.

VERY seldom has any community been in a position so unsatisfactory as that in which the people of Johannesburg found themselves in the year 1896. Judgments passed in the heat of the moment upon matters which had not been properly explained, and which in many cases were completely obscured by deliberate misrepresentation, had incurred for the community dislike contempt and mistrust which were wholly undeserved. Those who knew the facts and who were able and willing to speak, the Reformers themselves, were bonded to abstain from politics for three years under penalty of banishment. Betrayed, deserted, muzzled, helpless, hopeless, and divided, no community could have been in a more unsatisfactory condition. It was abundantly clear that the time had been allowed to pass when the Imperial Government might have insisted upon reforms and the fulfilment of the President's promises—not in the spirit in which they had been made, but in the spirit in which the President himself had intended the world to construe them. The impact of the revelations was too great to permit of public judgment quickly recovering its balance. It was realized that Mr. Kruger's effects had been admirably stage-managed and that for the time being, and possibly for a very considerable time, the Uitlanders were completely out of court. There were a few—but how few!—whose faith was great and whose conviction that the truth must prevail was abiding, who realized that there was nothing for it but to begin all over again—to begin and to persevere upon sound lines; and they took heart of such signs as there were and started afresh.

It has been an article of faith with them that Mr. Kruger

missed his supreme chance at the time of the trial of the Reformers, and that from the date of the death-sentence his judgment and his luck have failed him. He abused his good fortune and the luck turned, so they say; and the events of the last three years go to support that impression. To his most faithful ally amongst the Uitlanders the President, in the latter days of 1896, commented adversely upon the ingratitude of those Reformers who had not called to thank him for his magnanimity; and this man replied: 'You must stop talking about that, President, because people are laughing at you. You made a bargain with them and they paid the price you asked, so now they owe you nothing.' But his Honour angrily repudiated that construction: nothing will convert him to that view.

It has been said that Dr. Jameson is the best friend Paul Kruger ever had, and with equal truth it may be said that, in 1896, President Kruger proved himself to be the best friend of the Reformers. Not even the most sanguine of his enemies could have expected to witness the impolitic and unjust acts by which the President revealed himself, vindicated the Reformers, and undermined a position of unparalleled strength in an incredibly short time. The bargaining and the bad grace which marked the release of the Reformers had prepared the world to view Mr. Kruger's action and attitude a little more critically than it had hitherto been disposed to do. The real conditions of Dr. Jameson's surrender had also become known, and although the action of the Boer leaders was regarded as far too trifling a matter to be seriously considered as against the Raid itself, nevertheless a residuum of impression was left which helped to form opinion at a later stage. There followed, too, an irritating correspondence between the Transvaal and Imperial Governments, in the course of which Dr. Leyds successfully established his skill as a smart letter writer and his limitations as a statesman. The Municipal Law, the first product of the 'forget and forgive' proclamation—which proclamation, by-the-by, had already begun to prove itself an awkward weapon placed in the hands of his enemies by President Kruger himself—had been exposed and denounced as farcical, and it now required but little to convince the once admiring world of the Pre-

sident's real character and intentions. That little was forthcoming in a touch of ridicule more potent than all arguments.

The Transvaal Government formulated their demand for damages for the Raid in a form which made everyone smile—£677,938 3s. 3d. for actual outlay, and £1,000,000 for 'Moral and Intellectual Damages.' What with the fines of the Reformers, and the seizure of the provisions of all sorts acquired by them for the purposes of the Reform movement, which latter must have exceeded £50,000 in value, the Boer Government had already received upwards of a quarter of a million, and had, in fact, made a profit on the Raid; so that this demand came as a surprise even to the Uitlanders, as much perhaps due to the extraordinary phrasing of the demand as to the amount claimed.

It may be wondered why, under provocation so great as that of complete abandonment by the country whose representative had placed them in their then hopeless position, no distinct movement took place—no tendency even developed itself—among the Uitlanders generally to unite with the Boers in favour of a Republican movement throughout South Africa, to the exclusion of the Imperial power. In answer to this it must be said that such an idea undoubtedly did take strong hold of the non-British portion of the Uitlander population, as witness the manner in which the Cape Colony Dutchmen, Hollanders, Germans, and individuals of other European nationalities associated themselves with the Boer party, almost invariably by open declaration, and in many cases even by naturalization, thus forfeiting their own national rights and obtaining nothing but vague promises and the liability to military service in return. But the Republican movement made no further headway than this because British subjects formed the large majority of the Uitlanders. They had, it is true, a great grievance against the Imperial Government; but against the Transvaal Government they had one greater still; and it would take a great deal to kill the passionate loyalty of the British South African. It would be idle to discuss what might have happened had Mr. Kruger seized his opportunity and let in a considerable section of the then unenfranchised to strengthen the ranks of the Republican party; that can only be a matter

of individual conjecture. What is certain, however, is that he did not do so and never intended to do so; wherein his lack of statesmanship is again made manifest.

Mr. Kruger has carried out in its fullest (its best or its worst) the characteristic principle of his people already referred to, that of giving too little and asking too much. It is doing only bare justice to the determination with which he adheres to the policy of his life to say that he gives nothing to anybody. From the most distant to the nearest he deals alike with all. With the people of Europe, he has taxed their investments, disregarded their interests, and flouted their advice; but nevertheless he has for years commanded their moral support. In his dealings with the British Government, pushed as they have been some half a dozen times to the very verge of war, he has invariably come off with something for nothing. In his dealings with the Uitlanders he has bartered promises and in return—*circumspice!* In the matter of the events of 1895–6 he came out with a quarter of a million in cash, a claim for £1,677,938 3s. 3d. (including Moral and Intellectual Damages), and a balance of injured innocence which may not be expressed in figures. In his dealings with Cape Colony he has taxed the products of their land and industry, he went to the verge of war to destroy their trade in the case of the closing of the Vaal River drifts, he has permitted the Netherlands Railway to so arrange its tariffs as to divert traffic from them to other parts, he has refused to their people (his own flesh and blood, among whom he was born) the most elementary rights when they settle in his country! And yet in his need he calls upon them, and they come! His treatment of the Orange Free State has been exactly the same. Their grievance against him is incomparably worse, because of their liability to become involved in the consequences of a policy which they are not allowed to influence. But President Kruger is, above all things, practical. Everything is gauged by the measure of the advantage which it can bring to him; and his treatment of the Free State is determined by their utility to him and his power over them, and is not influenced by their moral claims upon his good will. Natal and Portugal have their experience of broken agreements and strained interpretations, of intrigues with native

subjects and neighbours for the extension of rights or boundaries, all designed to benefit the Transvaal and to undermine them. All, all with the same result! Something for nothing! Within the borders of the Transvaal the policy is the same. Moral rights and the claims of justice are unrecognized. For services rendered there may be some return; a privilege, a contract, an appointment. But this cannot be properly regarded as a neglect of principle upon Mr. Kruger's part, for after all the reward is at the expense of the Uitlanders. It is usually the least price at which the service could be secured; and it is generally in such form as to give the recipient a profit in which the members of the Government party largely share, but it never confers a power to which the President himself is not superior; indeed, it is almost invariably hedged about by such conditions as to make its continuance dependent upon the President's good will. If any one should think this description of conditions in the Transvaal and of the President's policy to be unduly harsh let him satisfy himself by an investigation of those matters which appear on merely superficial examination to support opinions contrary to those expressed by the writer. Let him examine the terms of the closer union with the Free State, the circumstances leading to the closing of the Vaal River drifts, the condition of the Dutch subjects of Cape Colony and of the Orange Free State in the Transvaal, the Netherlands Railway tariffs as they operate against Cape Colony and the Free State, the Railway Agreement with Natal, the disputes with Portugal, the attempts to acquire native territory on the East Coast, the terms of the Netherlands Railway Concession, Selati Railway Concession, Dynamite Concession—in fact, all other concessions, monopolies, contracts, privileges, appointments, and rights, made, granted, or entered into by President Kruger to or with his friends. Let him recall the treatment and the fate of some of those to whom ampler reference will be made later on; for instance, Chief Justice Kotzé and Judge Ameshof, who in the dealings with the Reformers rendered valuable—but perhaps injudicious and unjudicial—service, as already sufficiently described; the treatment of Dr. Coster, the State Attorney, who also deserved better of the President; the public

repudiation of Mr. J. B. Robinson, whose friendship for President Kruger had been frequently and amply evidenced to the grave dissatisfaction of the Uitlander population; the public and insulting repudiation of Sir Henry de Villiers, the Chief Justice of Cape Colony, after he had served his purpose! The result of any such inquiry must confirm the conclusion that 'something for nothing' is the President's policy and achievement.

A policy or a movement which is to involve the co-operation of thousands of intelligent men cannot be carried out upon such terms, and this may be regarded as the main reason why the spirit of Republicanism did not generally itself develop under circumstances apparently so favourable to it. The President's policy may be considered astute or unwise according to the point of view from which it is regarded. Viewed from the standpoint of the State itself, undoubtedly it fails lamentably in statesmanship. In the interests of the Boer party, however, or of the man Paul Kruger, it may well be doubted whether the policy may not be a token of remarkable sagacity. He knows his own limitations and the limitations of his people. He knows that to freely admit to a share in the Government a number of intelligent people, would make a continuance of himself or his party in absolute power for any length of time a matter of utter impossibility. In these circumstances the problem which President Kruger had set himself was a remarkably difficult one. To republicanize South Africa, to secure the support of the majority of the white inhabitants, and yet to yield no whit of power to those by whose aid he would achieve his object, would indeed be carrying to sublime heights the policy of 'something for nothing.'

Many years before the Raid Mr. Kruger had a well-defined policy to republicanize South Africa, and the Uitlanders of the Transvaal were quite alive to it, as may be gathered by reference to their newspapers. But the voice was as a voice crying in the wilderness in those days, and, as has been said, it required the Jameson Raid to advertize the conditions in the Transvaal and to direct attention to what had been proclaimed unheeded for many years. Immediately prior to the Raid Mr. Kruger was floundering in a morass of difficulties. The policy of 'some-

thing for nothing' had been exposed, and it was seen through by all the Dutchmen in South Africa and was resented by all save his own little party in the Transvaal ; but the Jameson Raid gave the President a jumping-off place on solid ground, and he was not slow to take advantage of it.

It is not too much to say that the vast majority of people in Europe and America are indebted to Dr. Jameson for any knowledge which they may have acquired of the Transvaal and its Uitlander problem. Theirs is a disordered knowledge, and perhaps it is not unnatural that they should in a manner share the illusion of the worthy sailor who, after attending divine service, assaulted the first Israelite he met because he had only just heard of the Crucifixion. A number of worthy people are still disposed to excuse many things in the Transvaal because of the extreme provocation given by the Jameson Raid. The restrictions upon English education are considered to be 'not unnatural when one remembers the violent attempt to swamp the Dutch.' The excessive armaments are held to be 'entirely justifiable considering what has happened.' The building of forts is 'an ordinary precaution.' The prohibiting of public meetings is 'quite wrong, of course, but can you wonder at it?' Many of these worthy people will, no doubt, learn with pained surprise that all these things were among the causes which led to the Reform movement of 1895-6, and are not the consequences of that movement as they erroneously suppose. The Press Law and Public Meetings Act had been passed ; arms had been imported and ordered in tens of thousands ; machine guns and quantities of ammunition also ; forts were being built ;<sup>1</sup> the suppression of all private schools had been advocated by Dr. Mansvelt—all long, long

<sup>1</sup> That President Kruger always contemplated controlling the Uitlander population by arbitrary methods was proved by the choice of the site for the Johannesburg fort. This site, on a hill commanding the town, had been reserved by Government from the commencement, and when the accommodation in the old gaol proved insufficient and a new gaol was required it was located on this spot, then a favourite residential quarter of the town. A deputation of officials waited upon the President to urge the placing of the new gaol in a more convenient locality elsewhere. His Honour replied, 'that he did not care about the convenience. He was going to build the gaol there, because some day the town would be troublesome and he would want to convert the gaol into a fort and put guns there before that time came.' That was at least four years before the Raid.

before the Jameson Raid. So also had the republican propaganda been at work, but it had not caught on outside the two Republics.

Difficult as his task might appear, Mr. Kruger had now command of the two great persuasive forces—money and sentiment. With the money he pushed on the forts, and imported immense quantities of big guns, small arms, and ammunition—far in excess of what could possibly be used by the whole of the Boer population of the Transvaal after making every allowance for spare arms in reserve; and such an extraordinary supply was not unnaturally believed to be designed for the use of others outside the Transvaal. More than this, an army of emissaries, agents, and spies in the pay of the Transvaal Government were spread about the Free State, Cape Colony, and Natal. Newspapers were supported in different parts of South Africa and a considerable amount of money was spent upon the Press in France and Germany.

It would be absurd to suggest and it would be unjust to let it be inferred that all those who were drawn into sympathy with the Boers supported or were even cognizant of President Kruger's ultimate aim. It is an everyday experience that the scope of work and ambition expands as one progresses. Whether the strong man really sees his ultimate goal and tackles with magnificent courage the innumerable and seemingly insurmountable obstacles which lie between him and it, or whether in the wisdom and mercy of Providence there is such an adjustment of courage and foresight as prevents him from seeing more than he is able to face, who can say? But what is beyond all doubt is that, given the one strong man who does know his mind, he will lead as the Pied Piper led, and there is no thought in his following to ask the whither and the why.

Given the sympathy and the means, the difficulty of President Kruger's self-imposed task was not so great as at first appeared. To some it was advisable to do no more than point to the Jameson Raid and say: 'We only wish to live in peace and to be left alone.' To some again that act is construed as a sign that the British people wish to upset the two Republics, therefore they must strengthen and be prepared. To others the appeal is made: 'We Dutch are the settlers and owners of the country, we wish for peace, of course, but we must dominate

—you under your form of government, we under ours.' To others again it is further advanced: 'Let us negotiate the elimination of the Imperial power; we do not suggest fight, but if we present a united front they must retire peacefully and concede our demands.' And lastly comes the appeal to those who are in sympathy with the advanced republicans: 'Arm and prepare. Some day we shall find England in a difficulty, divided by party or hampered by external complications; it has often happened before and we have always profited. That will be our time to drive them out.'

It would be very unjust to some of the most prominent men on the Dutch side in Cape Colony to leave the slenderest grounds for the inference that they are to be associated with the extreme and actively disloyal aim. All that it is intended to do is to indicate the fine gradations in arguments by which a number are drawn together—under a leadership which they do not realize, and going they know not where! The strongest of these arguments and appeals are particularly popular with the younger generation of Dutch South Africans who entertain a visionary scheme of independence suggested by the history of the United States. But there is something more serious in it than this, as may be deduced from the fact that in December, 1896, the writer was approached by Mr. D. P. Graaff, formerly a prominent member of the Cape Legislative Council and now as always a prominent Afrikaner Bondsman, with the suggestion that all the South African born should combine in the effort to create the United States of South Africa, 'upon friendly terms with England, but confining the direct Imperial right in South Africa to a naval base at Simonstown and possibly a position in Natal.' This concession—from South Africa to England—would not, it was argued, involve disadvantage to the former, because for a considerable time it would be necessary to preserve friendly relations with England and to have the protection of her fleet for the coast.

It is of course quite easy to attach too much importance to the opinions of individual politicians of this class, who are as a rule merely shouters with the biggest crowd; but the prominent association of such an apostle of republicanism with the Bond, and the fact that he should have gone so far with a

Reformer of known strong British sympathies seem to warrant the attaching of some importance to the suggestion.<sup>1</sup> A similar suggestion was made to several of the Reformers at the time of the judicial crisis by one of the judges of the Transvaal High Court, when it was hoped to enlist the sympathies of the Uitlanders with a movement to curtail President Kruger's power and to establish republicanism on a firmer basis in South Africa. In order to forestall an obvious comment, it may be said that discussion was in both cases declined on the ground that it would be participating in politics in the sense forbidden by President Kruger's three years' ban.

The year 1896 was a very bad one for the whole of South Africa. Besides the Raid and the suspense and disorganization entailed by the prolonged trial, the terrible dynamite explosion in Johannesburg,<sup>2</sup> the still more terrible rebellion and massacre in Rhodesia, and the crushing visitation of the great cattle scourge, the Rinderpest, helped to produce a deplorable state of affairs in the Transvaal.

Then there was another thing which rankled badly: Messrs. Sampson and Davies were still in gaol.<sup>3</sup> The feeling through-

<sup>1</sup> The writer has since learned from Mr. Alfred Beit that the same proposal was made to him by Mr. Graaff in January, 1896, immediately after the Raid, and that it was baited with the promise that if he and Mr. Rhodes would agree to support it the threatened 'consequences' of their association with the Raid would be averted. But they preferred the 'consequences.'

<sup>2</sup> About the middle of 1895 a bad explosion of dynamite occurred in Germany under circumstances very similar to those of the Johannesburg accident. An inquiry held by the German authorities resulted in the finding that the explosion must have been due to some fault in the dynamite, and an order was issued to destroy the remainder. The officials charged with this duty found, however, that the owners, anticipating some such result, had removed it. It was eventually traced as having been shipped from Antwerp to Port Elizabeth and thence consigned to the Transvaal in November, 1895. The Johannesburg explosion occurred in February, 1896. No competent or independent inquiry was held, although about 100 people were killed and many more injured.

<sup>3</sup> The gaoler—Du Plessis—in the fulfilment of his promise lost no opportunity to harass them into submission, by depriving them of one thing after another, knowing that they would ask for nothing except as a right. As an instance, the spirit-lamp with which they made their tea was taken from them on the pretext that no combustibles were allowed under the prison regulations, and upon a remonstrance being made by Mr. Conyngham Greene to Dr. Leyds the latter replied that it was necessary on account of the risk of fire. For about eight months, therefore, water was to be—and of course was—their only drink. Only once during the thirteen months did Du Plessis appear to 'get home.' It was when

out South Africa was reflected in the monotonous announcement which appeared in the *Cape Times* week by week for thirteen months :—'To-day Messrs. Sampson and Davies complete the — week of their imprisonment in Pretoria gaol for the crime of not signing a petition.' It seemed scarcely credible that the President should still harbour any illusions about his magnanimity ; nevertheless, for some weeks before the celebration of the Queen's Record reign it was rumoured that the two prisoners were to be released upon that occasion as a mark of his Honour's sympathy. Opinion had not been unanimous upon the attitude of either the President or the prisoners ; but an ugly incident silenced most of the President's apologists. Gold stealing and the purchase of stolen gold were being carried on on such a scale and with such impunity that at last, in desperation, the directors and officials of one of the big mining companies (the City and Suburban G.M. Co.), at the risk of being shot by desperadoes, took upon themselves the functions of the detectives and police. They caught 'red-handed' two notorious characters and delivered them over, with the gold in their possession, to the authorities. The thieves actually boasted then that nothing would happen to them as they had 'made it all right ;' and a few days later one of them was allowed to escape out of the Court-house buildings which stand in the middle of a large square. The other was convicted and sentenced to six months' imprisonment. He was a criminal of a bad and dangerous type, the head of a gang known to be concerned in gold stealing and burglary as a profession. The penalty was regarded by all parties as most inadequate and the judge himself commented adversely upon the drafting of the law which tended to screen the prisoner. Not one mitigating circumstance was forthcoming ! And yet, whilst ignoring a fresh outburst of protest against the detention of Messrs. Sampson and Davies, and whilst the Industrial Commission was exposing the gold thefts and denouncing the complicity of the police, Mr. Kruger decided to remit three-fourths of the he proposed that the two should be separated and sent to out-of-the-way gaols, widely apart and distant from all friends. Without doubt the conditions told seriously upon their health, but as both men were endowed with exceptional physique and any amount of grit they were still able to take it smiling.

sentence and to discharge the thief unconditionally. Is it to be wondered that such ill-advised action called to mind the prisoners' boast, and that it was contrasted prominently with the treatment of the two Reformers?

Three events of importance marked the year 1897 in the history of the Transvaal. The first was the High Court crisis in February; the second, the appointment of the Industrial Commission of Inquiry; the third, the Queen's Record Reign celebration.

The High Court crisis arose out of the case of *Brown v. The State*, already referred to.<sup>1</sup> Brown had acted within his legal rights according to the terms of a proclamation. That proclamation had been illegally withdrawn, and the Government realizing that they would have to stand the consequences of their action in the courts of the country, introduced a law which was immediately passed by the Volksraad, absolving them from all liability, and practically non-suiting all claimants. Mr. Kotzé in his judgment declared this law to be improper and in conflict with the Constitution, and gave judgment in favour of Brown, but left the amount of damages to be determined later after hearing further evidence.<sup>2</sup>

The first Volksraad was then in special session, and the President promptly introduced a law known as Law 1 of 1897, which empowered him to exact assurances from the judges that they would respect all resolutions of the Volksraad as having the force of law and declare themselves not entitled to test the validity of a law by its agreement or conflict with the Constitution; and it further empowered the President in the event of his not being satisfied with the character of the replies to summarily dismiss the judges. The judges protested in a body that they would not submit to such treatment. The High Court was adjourned and all legal business was stopped. Particu-

<sup>1</sup> It is described as the Witfontein case. See page 100.

<sup>2</sup> When the case came up again in due course a decision was given by Mr. Gregorowski, the new Chief Justice, which was regarded by the plaintiff's advisers as a reversal of the first judgment, and the practical effect of which was to bring the case under the operations of Law 1 of 1897—that is to say, to put the plaintiff 'out of court.' Mr. Brown has appealed to the United States Government for redress.

larly emphatic was Mr. Justice Gregorowski. He stated that no honourable man could possibly sit upon the Transvaal Bench as long as Law 1 of 1897 remained upon the Statute Book. At this juncture Sir Henry de Villiers, Chief Justice of Cape Colony, came to Pretoria for the purpose of effecting a compromise and averting a crisis. The compromise was practically an armistice. The judges promised not to exercise the testing right pending the speedy introduction of a measure safeguarding the independence of the courts. Mr. Kruger on his side promised to refrain from enforcing the provisions of Law 1 of 1897, and undertook to introduce as speedily as possible the required new law.

The position in which the President found himself was undoubtedly one of some difficulty, but he chose a very bad way out of it. High-handed arbitrary methods cannot effect a permanent and satisfactory solution of a question of that character, but Mr. Kruger was unwilling to go to the root of the evil and to admit what Mr. Kotzé's judgment had brought home with perhaps too sudden force, namely, that the laws and system of Government were in a condition of complete chaos. The sequel can be told in a few words. In February, 1898, Mr. Kotzé considered that ample time had been allowed by him for the fulfilment of President Kruger's promise. Sir Henry de Villiers thought it proper to allow more time. The point of difference between Mr. Kotzé and Sir Henry de Villiers was the interpretation to be placed upon the expression 'this session,' which had been used in the previous February when the President had said that if he did not introduce the proposed measures this session, the judges might consider that he had failed to keep his promise. Mr. Kotzé contended that as the Raad was then in session it meant *that session*, and that in any case that session and another had passed, and a third was in progress and there was still no sign of the promised measures. Sir Henry de Villiers stated that in his opinion the reasonable construction would be that Mr. Kruger meant the following *ordinary* session, and that only ordinary sessions could be considered (for in each year there are one special and one ordinary session), so that the President might be entitled to claim the whole of the year 1898 within which to

fulfil his promise, but that this would be the extreme limit of forbearance, after which failure could only be regarded as a breach of faith. Sir Henry de Villiers in fact defended Mr. Kruger. Mr. Kotzé, however, held to his opinion ; he wrote to the President reminding him of the undertaking, charged him with failure to keep his promise and withdrew the pledge which he had given. The President promptly exercised his right under Law 1 of 1897, and dismissed Mr. Kotzé, who had served the country as judge and chief justice for over twenty years. Whatever the merits of the particular case may be it appeared to be a shocking exhibition of arbitrary power to dismiss without compensation, pension, or provision of any sort, a man no longer young, whose services had been given for nearly a quarter of a century, who in the extreme dilemma of the Raid had stood by the President, and who, from some points of view, must be admitted to have served him 'not wisely but too well.'

Mr. Kotzé was not at that time popular among the Uitlanders on account of his action in the matter of the Reformers, and especially because he had acted on behalf of the Government in securing the services of Mr. Gregorowski for the Reform trial ; but the circumstances of his dismissal and the fact that he was known to be dependent upon his salary as judge, taken in conjunction with the courageous stand which he had made against the President's arbitrary will, enlisted public sympathy on his behalf, and a purse amounting in all to about £6,000 was presented to him as a mark of appreciation for his past services. But then followed the 'most unkindest cut of all.' Mr. Gregorowski, who had resigned a judgeship in order to fill the post of State Attorney when Dr. Coster, in consequence of an insulting reference of the President's to his countrymen, relinquished it,—Mr. Gregorowski, who had been foremost to declare that no honourable man could possibly accept the position of judge while Law 1 of 1897 stood on the Statute Book, became Chief Justice *vice* Mr. Kotzé dismissed. And by way of finally disposing of the subject, the President when questioned in the Raad as to the explanation of his apologist, denied that he had ever made any promise of any sort or description to Sir Henry de Villiers or anybody else !

Mr. Justice Ameshof, who with Mr. Kotzé had made a stand against the President in this matter, was also obliged to relinquish his judgeship. Thus it will be seen that at one swoop Mr. Kruger disposed of three reputable intermediaries whom he had used to great advantage at one time or another. 'Something for nothing,' for Mr. Kruger! Whether Mr. Kotzé acted in haste or whether Sir Henry de Villiers' plea for more time was justified are questions which it is no longer necessary to discuss, not alone because Mr. Kruger denied ever having made the promise out of which the disagreement arose, but because even up to the present time no measure safeguarding the High Court has been introduced or foreshadowed in the legislature. And Law 1 of 1897, which according to Mr. Gregorowski made it impossible for any honourable man to sit upon the Bench, is still upon the Statute Book and Mr. Gregorowski sits as Chief Justice subject to its provisions.

No one disputes that the position of the High Court as determined by Law 1 of 1897 is a very unsatisfactory one, but the apologists for President Kruger frequently say that there has been no actual case of hardship, and that the Uitlanders are crying out before they are hurt. They maintain that it was a measure passed under great provocation for a particular purpose, and that the power granted under it, although very undesirable in principle, has never been used. This is incorrect; the power has been used, and injustice has been suffered. Two cases of actual hardship are those of *Brown v. Government*, the case out of which the whole matter arose, and the case of the Pretoria Waterworks Company. But there are other cases too which have never been brought into court having been either compromised or abandoned because of the hopelessness of the position, for it is obvious that there would be great reluctance on the part of business men to make a fight merely for the purpose of showing that they suffered under a disability when the result of such a fight would inevitably be to antagonize the only tribunal to which they could appeal.

The case of the Pretoria Waterworks Company is rather a bad one. The Government in 1889 gave a contract for the water supply of Pretoria. It was a permission, but not an