

not all poor men. . . . The man who gets rich at the expense of the people is an anarchist of the worst kind." It would be better to get seriously to work pulling down this kind of anarchy, than to chase poor men into jail for publishing wholesome criticisms of the President's message and legitimate essays on the foundation principles of government.

### CONAN DOYLE ON THE RESPONSIBILITY FOR THE BOER WAR.

Much ado is made by British partisans just now over A. Conan Doyle's plea for the British government in connection with the war in South Africa. \* It is a remarkable fact that pro-British apologists, who exploit this pamphlet with an ingenuous confidence quite pathetic, should be wholly ignorant of or indifferent to A. M. S. Methuen's "Peace or War in South Africa." \*\* Mr. Methuen, head of the Methuen publishing house of London, had approved the ministerial policy until he made a careful personal study, from original documents, of the origin of the war, of which study his book is an outcome. He was therefore as unbiased as possible. He certainly was not a Boer partisan to begin with. And the whole spirit of his book is judicial. Had Methuen come to a pro-British conclusion, it is easy to imagine the enthusiasm with which British "patriots" would have promoted its circulation and sworn by its covers.

But Methuen's book has no charm for them. This is certainly not because it is an unworthy product. In literary quality it is by no means inferior to Doyle's book, while it greatly excels Doyle's in its fullness and fairness of historical statement, in its documentary citations and in its non-partisan spirit. The reason why Methuen's book has no charms for British imperialists must be because the

\* If not elsewhere procurable it may be had of George N. Morang & Co., Limited, of Toronto, for ten cents.

\*\* Methuen & Co., 36 Essex street, W. C., London. American readers may procure it of the American Transvaal League, room 14, 88 La Salle street, Chicago.

author fails to support his country's cause, right or wrong.

That mistake has been avoided by Dr. Doyle. A war partisan, he has approached the task of defending the British government in the spirit of a partisan, and his conclusions are partisan conclusions. His plea is highly acceptable, therefore, to British "patriots," who seem to be more concerned to have their cause justified than to try it upon its merits.

The Doyle pamphlet begins with a chapter on the Boer people, which is followed by one on the cause of the quarrel and another on the negotiations preceding the Boer ultimatum. After that there are chapters on the peace negotiations, on farm burning, reconcentrado camps, British soldiers, etc. The only parts of the pamphlet, however, that can be considered without raising contested issues of fact, are those which relate to the moral responsibility for the war and rest upon record evidence. So long as the British continue censoring dispatches from South Africa, so long must their own indorsements of certificates to their own good behavior there be suspected. It is to be observed, also, that as no questions of British barbarity would have arisen but for the war, the moral responsibility for that is after all the turning point in the whole controversy.

We shall accordingly confine our review of Dr. Doyle's pamphlet to that one crucial point. Are the Boers morally responsible for the war, or is it the British government?

#### I.

For the discussion of that question Dr. Doyle thinks it proper, and we fully agree with him, to go back to the establishment of the Transvaal republic as a sovereign nation.

That was in 1852, when, as Dr. Doyle correctly states—

the British government guaranteed to the Boer farmers the right to manage their own affairs and to govern themselves by their own laws without any interference upon the part of the British.

As there was no change in this condition until 1877 the Transvaal was for twenty-five years a sovereign state, with all the rights, under internation-

al law, that pertain to the mightiest power on earth.

But in 1877, while the Boers were resisting an invasion by native tribes—

Sir Theophilus Shepstone, the British commissioner, after an inquiry of three months, solved all questions by the formal annexation of the country.

So says Dr. Doyle, who adds:

The fact that he took possession of it with a force of some 25 men, showed the honesty of his belief that no armed resistance was to be feared.

If the force was in fact so small, it doubtless did show precisely that. But Dr. Doyle neglects to explain why Shepstone entertained the honest belief that he need fear no armed resistance. The reason was that the burghers were out on the frontiers resisting the threatened invasion of their homes by savages. Shepstone had gauged the time well for what Doyle euphemistically calls "formal annexation." And Doyle exposes the flimsiness of the shop-worn excuse for Shepstone, that his object was to save the Boers from destruction by their savage enemies, for a force of 25 British troops would hardly have been adequate to assist in opposing a native invasion, however sufficient it may have proved to be to revive dominion over a little republic while its fighting men were battling with savages on the frontier.

Dr. Doyle refers to this Shepstone exploit as constituting "a complete reversal" of the treaty whereby Great Britain had acknowledged Transvaal independence. In other words, Shepstone broke the treaty; and, his government confirming the act, this bad faith and bold violation of international law, became "the opening," to quote from Dr. Doyle, "of a new chapter in the history of South Africa."

It is to be noted as an indication of Dr. Doyle's light and airy way of dealing with his subject that not only does he call this conquest a "formal annexation"—as if one should speak of pocket picking as a "formal appropriation"—but he declares that—

there did not appear to be any strong feeling at the time against the annexation—

although in the same paragraph in

which he states that conclusion he nullifies it with the admission that—a memorial against the measure received the signatures of a majority of the Boer inhabitants—

an admission which he hastens with the speed of a "swift" witness to modify by the remark that—

there was a fair minority who took the other view.

Dr. Doyle follows up this revolutionary episode in South African history with a deplorably weak defense of the "annexation." But the facts he concedes are infinitely more important than his eccentric reasoning. They uncover the clew to the moral responsibility for the present war.

Here was an independent nation. Whether it was a big nation or a little one is immaterial; little or big, it is all the same so far as natural rights and moral principles go. This nation was "formally annexed" by a British armed force, in violation of a British treaty, and against the formal protest of a majority of the inhabitants. There is reason to believe, also, that bribery played a part in the business. It has been charged, and Dr. Doyle confirms the charge by saying that Burghers, the president, after formally objecting to the "annexation"—

took up his abode in Cape Colony, where he had a pension from the British government.

But bribery or no bribery, the sovereignty over the country was not restored to Great Britain by treaty or other solemn act of recession. It was therefore taken back by conquest; for there are only two ways in which a sovereign nation can lose its sovereignty, one being conquest and the other voluntary cession. As there was no voluntary cession in this case the acquisition must have been by conquest.

Upon conquest, then, and not upon any more honest or honorable basis, all the subsequent claims of Great Britain in the Transvaal rest. Is it claimed that the Transvaal is not a sovereign state, and therefore cannot be a party to international arbitration? Then it is because she was divested of her sovereignty by British conquest. Is it claimed that her internal affairs were subject to British regulation? Then it is because Great Britain acquired that authority by conquest. Let the responsibility for the war and all the horrors that have followed be put to any test, the ques-

tion still harks back to this conquest of 1877.

## II.

Proceeding with Dr. Doyle's narrative, we read of the Boer rising in 1880 to reverse the Shepstone conquest and reestablish independence. After the British defeat at Majuba hill, a compromise treaty was made, in 1881, which turned the Transvaal into what Dr. Doyle aptly describes "as a curious hybrid thing, such as the world has never seen." This treaty was replaced in 1884 by another; and it is out of these two treaties that the quarrel directly arises.

Great Britain claimed authority under the treaties to interfere in the internal affairs of the Transvaal. On this point the word "suzerainty," used in the preamble of the treaty of 1880 but omitted altogether from the treaty of 1884, played a part; and Dr. Doyle says of it:

This suzerainty was declared in the preamble of the first treaty and no mention of it was made in the second. Was it thereby abrogated or was it not? The British contention is that only the articles were changed, and that the preamble continued to hold good for both treaties. They point out that not only the suzerainty, but also the independence, of the Transvaal is proclaimed in that preamble, and that if one lapses the other must do so also. On the other hand, the Boers point to the fact that there is actually a preamble to the second convention, which would seem therefore to take the place of the first. As a matter of fact the discussion is a barren one, since both parties agree that Great Britain retained certain rights over the making of treaties by the Republic, which rights place her in a different position to an entirely independent state. Whether this difference amounts to a suzerainty or not is a subject for the academic discussion of international jurists. What is of importance is the fact, not the word.

While the fact, and not the word, "suzerainty," is indeed the important consideration, there is nothing in the treaties except the word to create the fact—nothing with reference to internal affairs.

Dr. Doyle implies that the rights reserved by the British "over the making of treaties by the Republic," comprehend the rights which Great Britain has asserted. But nothing could be farther from the truth. Great Britain has asserted rights of interference, as "suzerain," over the internal affairs of the Republic, rights

which could by no possibility be involved in her reserved powers over treaty-making.

This is easily demonstrated.

In the treaty of 1884 are many clauses. They describe the boundaries of the republic, change its name from Transvaal to Southern African Republic, provide for a British consulate at Pretoria, regulate a variety of details having no bearing on the present question, and cover the subject of commercial relations in substantially the same manner as is common to commercial treaties between independent nations. In none of these clauses was any authority over the internal affairs of the Republic reserved. If, then, such authority is to be inferred from the reservations as to treaty-making, as Dr. Doyle implies, we must find it in the following clause, which is a full quotation of all the treaty specifies on that subject:

The South African Republic will conclude no treaty or engagement with any state or nation, other than the Orange Free State, nor with any native tribe to the eastward or westward of the Republic, until the same has been approved by her majesty, the queen. Such approval shall be considered to have been granted if her majesty's government shall not, within six months after receiving a copy of such treaty (which shall be delivered to them immediately upon its completion) have notified that the conclusion of such a treaty is in conflict with the interests of Great Britain or of any of her majesty's possessions in South Africa.

That this reservation prevented the South African Republic from being an "entirely independent" state, no one disputes. But to infer, as Dr. Doyle does, that it has the effect of a reservation of power over any of the internal affairs of the Republic—which is the real point at issue, for there has been no quarrel over any treaty-making question—is very much like pettifogging.

As to the British claim of suzerainty, as Dr. Doyle formulates it, the argument for that is pettifogging pure and simple. To requote him:

The British contention is that only the articles were changed, and that the preamble continued to hold good for both treaties. They point out that not only the suzerainty, but also the independence, of the Transvaal is proclaimed in that preamble, and that if one lapses, the other must do so also.

There is richness indeed. One country having made a conquest of

another is soon afterward forced to relinquish the conquest. It is able to reserve, however, certain of the fruits of conquest, which it does in two treaties. One of these treaties acknowledges anew the independence of the conquered country, but with a "suzerain" reservation. The country so recognized becomes in fact, save for that reservation, as independent as it was before the conquest. After so existing for three years it enters into the second treaty with the suzerain power. This treaty is declared to be a substitute for the other; and the "suzerain" clause—which happens also to be the restoration-of-independence clause—is omitted.

The manifest object of the second treaty is not to degrade but to exalt, not to narrow the independence but to extend it. And it does extend it so far as to authorize the republic to make treaties—a right reserved in the former treaty to the diplomatic agencies of Great Britain—which treaties shall stand unless vetoed within six months, and with one nation shall be exempt even from this veto clause.

The statesman who would seriously argue that under those circumstances the omission from the second treaty of the clause containing recognition of independence subject to suzerainty, operates to abrogate the independence if it abrogates the suzerainty, isn't fit to sit as a justice of the peace in the trial of a horse case.

The facts are that the treaty of 1881, the first of the two, accorded to the Transvaal—

complete self-government, subject to the suzerainty of her majesty, her heirs and successors;

and that the treaty of 1884, the second of the two, declared that—  
the following article of a new convention, signed on behalf of her majesty by . . . and in behalf of the Transvaal State (which shall hereafter be called the South African Republic) . . . shall . . . be substituted for the articles embodied in the convention of 3d August, 1881.

This substitution wiped out the treaty of 1881 entirely. That is the function of a substitute. It would be absurd, therefore, to say that any "suzerain" reservation in the former treaty was carried over into the latter without being re-declared.

We have said that the principle of this pro-British contention would be unworthy a justice of the peace in a horse case, and we repeat it.

Suppose John Doe had sold a

horse to Richard Roe, and, having afterward stolen it, had compromised with Roe by an agreement that Roe was thereafter to own the horse subject to the "suzerainty"—a right, for instance, to regulate the manner of driving the horse—which was reserved to Doe. Suppose that this suzerainty annoyed Roe, and he negotiated for and secured a new agreement, expressly declared to be a substitute for the other, which new agreement reserved the right to Doe to regulate the driving of the horse only in foreign countries, and said nothing whatever about either ownership or "suzerainty." Then, when they have gone to law over Doe's attempt to regulate the driving of the horse not only abroad but at home, suppose that Doe sets up the old "suzerainty" clause in his defense. Suppose he should say that this clause remained in force by implication as a modification of the new agreement; suppose Roe should answer that the new agreement was a substitute for the other, and as it said nothing of suzerainty it therefore abrogated that clause; suppose Doe should reply that if this were true, then the ownership clause also was abrogated because the new agreement said no more about the ownership than about the "suzerainty." What would a competent justice of the peace say to that reply? Would he not say in effect: "Ownership of a horse once established cannot be presumed to have been abrogated by any subsequent agreement, made with the owner as owner, in consequence of the mere omission to re-declare it in express terms in the new agreement; but liens or conditions qualifying an established ownership are abrogated by omission to declare them in new agreements which are unmistakably substitutes. That is what a justice of the peace competent to try a horse case would say.

But if Mr. Joseph Chamberlain happened to be the justice of the peace in such a case, and were dull enough or corrupt enough to apply the same principles that he asks to have applied to the Boer treaties, he would decide otherwise. He would hold either (1) that the clause of ownership with the qualification was by implication part of the substitute; or (2) that if the qualification of ownership had been abrogated by failure to re-declare it in the substitute, then the ownership itself was abrogated for failure to re-declare it; and accordingly he would give judgment restoring the horse to the man who original-

ly stole it. It would not be safe, if Chamberlain were the only justice of the peace in a community, to make compromise agreements in that community with horse thieves.

The justice and common sense of the principle that self-government once established has all presumptions in its favor, while suzerainty has all presumptions against it, are almost too plain for elucidation. Like some propositions in mathematics and others in morals, this is self-evident. Though the suzerainty by treaty of one nation over another must be expressed in some form or it does not exist, and having been expressed ceases to exist if the expression of it is omitted from substitute treaties, the reverse is true of independence. Once recognized and exercised, the independence of a nation continues until in some form it is expressly abrogated. Abrogation of independence can neither be presumed nor implied.

To mention for illustration a case which American readers will appreciate, it is inconceivable that any treaty between this country and England, agreed upon as a substitute for the treaty of Paris of 1783, could by any possibility, by the mere omission from the new treaty of the independence clause of the old one, operate to restore the American states to their former status as British colonies. Yet every right reserved to Great Britain in the treaty of Paris would be abrogated by merely omitting it from a substitute treaty.

The British contention that the suzerainty clause in the Boer treaty of 1881 is by implication part of the substitute treaty of 1884 derives its only plausibility from the fact, alluded to by Dr. Doyle, that this clause appears in the preamble of the former treaty, and that the latter treaty is a substitute not in respect to the preamble but only to the articles which it introduces; in other words that in 1884 the contracting powers repealed the articles of the treaty of 1881, but not the preamble.

Unfortunately for that view, the treaty of 1884 has a preamble of its own. Nor does there appear to have been any such crying need for two preambles as to warrant the inference that it was intended to preserve the old one.

Moreover, as matter of fact, the old one was not preserved; but on the contrary, as may be seen by reference to British "blue book C."—9507.

pp. 26-27, it was marked for omission, by the British colonial secretary, Lord Derby, in the course of the negotiations for the new treaty.

There is no room for honest doubt that the suzerainty preamble was carefully struck out and left out, with the deliberate purpose of advancing the South African Republic from a province to a nation, and of investing it with all the attributes and powers of independence, save only the right to make treaties contrary to the South African interests of Great Britain. Whatever legal rights of interference Great Britain may have since had in respect to the foreign affairs of the Transvaal she has had none in respect to its domestic affairs.

### III.

That was the state of the republic when the present war was begun by the Jameson raid—1895-96. Having considered that raid last week (vol. iv., p. 819) as the true beginning of the war, and especially with reference to Dr. Doyle's book, we need say but a few words about it here.

The British ministry disclaims responsibility for the raid. But Dr. Doyle allows the responsibility to rest upon Cecil Rhodes.

As Cecil Rhodes was then premier of the British government of Cape Colony; as he was director of the politico-commercial government of the Chartered company which Great Britain had empowered to exploit the land to the west and north of the South African Republic; as the raiders whom he permitted to attack this peaceful neighbor were officered by British army officers and carried the British flag; as nobody was seriously punished, and Rhodes himself was not even proceeded against or in any other manner held to account; as the raid, had it been successful, would doubtless have been adopted by the British government just as the equally unauthorized Shepstone raid had been 19 years before; and as all the diplomatic warfare which Great Britain waged with the Republic between the defeat of the Jameson expedition in 1877 and the waging of bloody warfare in 1899, was in furtherance of the same purposes as that expedition,—as these were the facts, the Boers had good reason for believing that the British government instigated the raid, and for fearing that it would follow it up with further aggression. Whether that government was technically responsible for the raid or not is of minor

importance. And it now transpires that the Boers' fears at least were justified. The object of Mr. Rhodes, as stated by himself, was—

to make South Africa an integral part of the British empire.

This statement was published after his death.

### IV.

The negotiations that followed the Jameson raid are described by Dr. Doyle. His narration of the domestic conditions in the Republic with reference to the alien population of the mining towns is of no interest, except as the testimony of a partisan upon questions of fact which are both contested and confronted with countervailing allegations. Nor is it important to the main question. Even if the complaints recited by Dr. Doyle were true, Great Britain had no more right to dictate to the Transvaal a basis of suffrage for aliens as a remedy than China would have to dictate to the United States a basis of suffrage for Chinamen to remedy the abuses they suffer here, which are almost identical in kind and worse in degree than those complained of by the Transvaal aliens. On the undisputed and indisputable record facts, Great Britain had no more right to dictate the domestic policy of the South African Republic than she would have to dictate that of Russia, Germany or the United States. She had only the right of might.

Yet that is what the British government undertook to do, when the disaster to the Jameson-Rhodes raid had prevented a repetition of the Shepstone episode through the *ex post facto* adoption by the government of the fruits of an "unauthorized" conquest.

The question selected for the negotiations, says Dr. Doyle—

was that of the franchise for the uitlanders [aliens], for it was evident that if they obtained, not a fair share—such a request was never made—but any appreciable share in the government of the country, they would in time be able to relieve their own grievances, and so spare the British government the heavy task of acting as their champions.

That is, by means of the ballot, to be placed in the hands of great bodies of the more or less transient aliens of the mining towns and camps, this part of South Africa was to become, as Shepstone had made it by one "unau-

thorized" raid and as Rhodes had hoped to make it by another, an "integral part of the British empire."

The aliens were not to abjure their original allegiance. Such as were British subjects were to remain British subjects, but with Boer voting rights. Express objection was made by the British to laws requiring applicants for naturalization to take oaths abjuring original allegiance. It was argued that the act of becoming naturalized terminates previous obligations of allegiance without an oath. But if that argument was made in good faith, why object to the oath of abjuration? The United States requires it; why not the Transvaal? There is but one explanation. It might have stood in the way of making all South Africa "an integral part of the British Empire."

That this distinctively domestic policy of citizenship qualifications and voting rights which Great Britain undertook to dictate, was the issue between the two countries, is clearly revealed by Dr. Doyle in describing the negotiations:

Milner [the British representative] contended for a five years' retroactive franchise, with provisions to secure adequate representation for the mining districts. Kruger offered a seven-years' franchise, coupled with numerous conditions which whittled down its value very much.

After weeks of negotiation the Boers thus came to British terms on this domestic question; but they demanded in return that the pretense of "suzerainty"—the unfounded character of which we have already seen—should be abandoned. Here is Doyle's way of telling about that:

The proposal was made that the Boer government should accede to the franchise proposals of Sir Alfred Milner, on condition that the British government withdrew or dropped her claim to a suzerainty, agreed to arbitration by a British and South African tribunal, and promised never again to interfere in the internal affairs of the Republic.

This fair and pacific offer was refused by the British government. Mr. Chamberlain has since pettegged over the government's answer, professing that it was intended as an acceptance; and Dr. Doyle, taking Chamberlain's cue, speaks gingerly of the answer as indicating that— for a moment there seemed now to be a fair prospect of peace. There was

no very great gap between the two parties.

But there was a very great gap, indeed, as Dr. Doyle's own statement of the fact shows; for what Chamberlain answered was, as Doyle summarizes it, that Great Britain—

would agree to such arbitration; that she hoped never again to have occasion to interfere for the protection of her own subjects, but that with the grant of the franchise all occasion for such interference would pass away; and finally that she would never consent to abandon her position as suzerain power.

That question of suzerainty, raised by Chamberlain in bad faith and without even technical justification, for the evident purpose of enabling Great Britain to supervise the domestic affairs of the Transvaal, and in time by one means and another to make it and all the rest of South Africa "an integral part of the British Empire," was the vital point in dispute. It was to secure immunity from further domestic interference on this pretense of suzerainty that the Boers had been willing to compromise by complying with the unwarranted demand of Great Britain as to voting rights for aliens. Consequently, when Mr. Chamberlain declined to accept that condition as part of the compromise, he declined the whole offer and imperiously asserted the overlordship of Great Britain as to all Transvaal affairs—both foreign and domestic.

Naturally, therefore, to continue quoting Doyle, the Boers—  
withdrew their offer of the franchise. They reasserted the nonexistence of the suzerainty. The negotiations were at a deadlock.

That was September 2, 1899. Six days later, says Dr. Doyle, the British ministry—

held a cabinet council—one of the most important in recent years. The military situation was pressing. The handful of troops in Africa could not be left at the mercy of the large and formidable force which the Boers could at any time hurl against them.

At the same time the British government gave warning to the Boers, proceeds Dr. Doyle—

repudiating emphatically the claims of the Transvaal to be a sovereign international state in the same sense in which the Orange Free State is . . .

This was a subterfuge intended to justify the British claim of suzerainty as to domestic affairs, on the absurd basis of the British right

to veto foreign treaties. The government also suggested unconditional compliance with the British demand as to voting rights. This warning closed with the intimation, says Dr. Doyle, that if the reply should be negative or inconclusive, the British government—

must reserve to themselves the right to reconsider the situation de novo and to formulate their own proposals for a final settlement.

If that was not a threat to compel submission, by force of arms if need be, no such threat was ever put in diplomatic phrase. The Jameson raid was evidently now reorganizing, again with British army officers and under the British flag, but this time with the authority and in the name of the British government.

Since their national existence was at stake, the Boers declined in their answer to surrender it; and on the 22d of September, 1899, the British government gave notice, accordingly (again quoting Dr. Doyle), that—

now, in accordance with their promise, they would shortly put forward their own plans for a settlement.

"This message," comments Dr. Doyle, naively, "was not an ultimatum, but it foreshadowed an ultimatum in the future."

Precisely. "It foreshadowed an ultimatum in the future." And pray what is the difference, so far as moral responsibility for forcing a war is concerned, between an ultimatum and an irreducible demand "foreshadowing an ultimatum"?

By Dr. Doyle, then, this much vaunted apologist for British oppression in South Africa, we are thus assured of what intelligent observers already knew, that the ultimatum of the Boers of October 9, 1899, on the basis of which they have been charged with forcing an unnecessary war, was only a reply to the British demand of September 22, 1899, a fortnight before, "foreshadowing an ultimatum." That is, the Boer is culpable, in pro-British estimation, because he got his ultimatum out before the British had formulated the one of which they had given advance notice.

This "foreshadow" of a British ultimatum was followed by the calling together of the British parliament, the calling out of the British reserves, the rushing of troops to South Africa, and in general by all the indications of an intention to formulate

demands to be handed to the Boer government on the point of a bayonet. Yet Dr. Doyle, after reciting these facts, and presumably thinking them over, has buried them so far out of sight in the depths of his partisan rhetoric, that he can innocently comment upon the situation on the eve of the Boer ultimatum in this irresponsible fashion:

It has been stated that it was the action of the British in calling out the reserves [Oct. 7] which caused the ultimatum from the Boers and so precipitated the war. Such a contention is absurd, for it puts the cart before the horse. The Transvaal commandos had mobilized upon September 27 and those of the Free State on October 2.

While these dates would go to show that it was not the calling out of the British reserves on the 7th of October that caused the mobilization of the Boer troops on the 27th of September and the 2d of October, how can Dr. Doyle avoid the reasonable inference that the Boer mobilization was caused by the British "foreshadow" of a British ultimatum which darkened the South African sky on the 22d of September? And inasmuch as the Boer troops were not sent over the border until October 11, after the British had given out their "foreshadow" ultimatum, had called parliament together to vote war supplies, and had scorned the Boer ultimatum of the 9th—which, by the way, was part of a pacific offer to arbitrate all differences,—in view of this succession of events, how can he hold the Boers morally responsible for beginning the war, even along his own line of argument, without setting up for Great Britain the moral right to formulate irreducible demands to be enforced by the sword, and investing that imperial nation with privileges of immunity from responsibility for violence if the other fellow meets its threatening demands with a blow?

Here was an offer to arbitrate, even after Great Britain had foreshadowed an ultimatum to be enforced by war if necessary. How can the nation that offers to arbitrate be held responsible for bloodshed if the other nation, refusing to arbitrate, leaves no way open to peace save by conceding its demands?

Dr. Doyle says that Great Britain could not arbitrate the issue of suzerainty, because the very submission of that issue to arbitration would have amounted to a relinquish-



ment of her claim. That begs the question—which is the moral responsibility for the war. It is a proposition, therefore, which, technically sound or not, need not be discussed. Enough to say that if the issue of treaty interpretation which the British assertion of suzerainty involved had been submitted to an arbitration tribunal, and that tribunal had refused to construe the treaties, but had decided against Great Britain on the ground that merely by submitting the issue to peaceful adjudication instead of putting it to the test of the sword she had relinquished the claim on which she asked judgment, and held that the Transvaal had not thereby relinquished its opposing claim—it is sufficient to remark that if this had been the outcome it would have reflected sadly on the good faith or the intelligence of the arbitration tribunal. Probably only two characters could evolve such an impotent conclusion from such hopeful circumstances. One is Sherlock Holmes. The other is Joseph Chamberlain.

#### V.

It must not be supposed that the Boers had been long preparing for war, because Dr. Doyle says so. He asserts that they had been quietly doing this "even before the Jameson" raid. But on that point Sir Hercules Robinson, British governor of Cape Colony at the time, wrote in March, 1896, to his superiors [British blue book C—8063, p. 17] officially replying to a question:

Transvaal Republic and Orange Free State burghers are making military preparations, and I learn that Boers residing on the borders of Cape Colony and Natal are also arming, but the movement, so far as I can gather, is defensive and not offensive. Boers generally believe that the recent raid was, if not instigated, at all events connived at by her majesty's government, and that an attack upon their independence will be renewed on the first favorable opportunity.

Far seeing Boers! What they feared came to pass as speedily as possible after the non-invasive Robinson had been displaced by Sir Alfred Milner, who, with Chamberlain, shared Rhodes's ambition to see all South Africa "an integral part of the British Empire."

Neither are we to infer, because Dr. Doyle is reticent about it, that the British were making no military preparations before that cabinet

council of September 8, 1899, of which Dr. Doyle writes as if it were the first step of the British in the direction of military preparations. He who will take the trouble to run over the files of the London Times for 1899 will be richly rewarded on this point.

As early as June 19, army officers in India were pressing for appointments to service in the Transvaal. In the midst of the negotiations, and early in July, a large force was being organized "to dispatch to South Africa in the event of the negotiations" then "in progress with the government of the Transvaal proving unsuccessful." About the same time the ministry thanked Queensland for an offer of troops for service in the Transvaal, hoping "occasion will not arise; but if it should," etc. Canada offered a regiment about the middle of July. A combined Australian contingent was suggested about the same time. Men and officers left England July 15 for special service in South Africa. On August 7, a regiment left Cape Town for Ladysmith and another regiment was ordered from Gibraltar to the Cape. During this month the recruiting of local forces at Cape Town was brisk, and British troops were being mobilized at Mafeking. At the same time another regiment left Gibraltar for the Cape.

All this before the cabinet council about which Doyle writes.

On the very day of the council, September 8, several regiments in India were warned to prepare for service in South Africa at the shortest notice, and the council decided to forward 10,000 more troops, bringing the force up to 23,000. On the 15th the wives and children of British soldiers were advised to leave Ladysmith before October 10; and on the 18th, the first installment of troops from England direct left Southampton, with patriotic cheers from the populace for the mission of conquest on which they were bound and about which there was no reserve. A few days later British troops sailed from Bombay for Cape Town.

These events all preceded the British irreducible demand for voting rights in the Transvaal for aliens, which, according to Dr. Doyle, "was not an ultimatum" but "foreshadowed an ultimatum in the future."

After that "foreshadow" had been projected, but still before the fighting began, before the Boer ultimatum of "arbitrate or fight," even before the calling out of the British reserves and the summons to parlia-

ment, the reinforcement of British South Africa went on apace. On the 22d of September imperial troops arrived at Kimberley. On the 25th and 26th aggressive military movements of the British were reported by the Times, which on the 27th told of the departure of troops from Birkenhead, with the cheers of 40,000 enthusiastic British patriots ringing in their ears. On the 28th other movements of troops were reported and again on the 2d of October. And so the British war of conquest gathered momentum for the enforcement of the "foreshadowed" British ultimatum, while the Boers waited to learn the terms of that ultimatum, which, as they had been formally admonished on the 22d, would be formulated by the British government.

In these circumstances it is pitiable to find men so blinded by partisanship as to venture upon charging the Boers with precipitating the fighting of 1899. Especially so, almost ludicrously so, is Doyle's effort to shift the responsibility from British shoulders when he quotes an illiterate letter from an obscure Boer, writing to a friend and saying:

The war are by us very much. How is it thereby you? News is very scarce to write; but much to speak by ourselves.

This letter, written, says Dr. Doyle, "some fourteen weeks before the declaration of war, when the British were anxious for and confident of a peaceful solution," is actually printed as evidence, even if only a "small straw" showing the current, that while the diplomatic negotiations were most promising the Boers were preparing to make aggressive war.

But if that is a "small straw," what of the greater straws—the whole sheaves and hay-wagon loads of straw—which show the imperialist current at that time in England? Doyle's pitifully insignificant piece of evidence, the letter quoted from above, was written in South Africa June 25, 1899. As it was part of Dr. Doyle's loot, captured by him in a deserted Boer farmhouse—into the secrets of which he was prying for "some souvenir which should be of no value,"—Mr. Chamberlain could not have seen or heard of it as early as June 26, 1899. It could not, therefore, have been the exciting cause in him of the war spirit to which he gave expression at Birmingham on that day—the day after the date of Doyle's farmhouse "find"—when he said, as

reported in the London Times of June 27:

I agree that moral pressure should be exhausted before any man talks of anything else. I agree that patience is a virtue which becomes the strong, but there is, I imagine, no responsible person who will pretend that after successive governments have recognized the danger of the position and have made persistent requests, the position can be allowed to remain as it is at present. Every man of sense must see that there comes a time when patience can hardly be distinguished from weakness, and when moral pressure becomes a farce which cannot be continued without loss of self-respect.

Which is the more indicative of the war spirit, Dr. Doyle's illiterate letter from an obscure Boer to his equally obscure friend, or this speech of the colonial minister of Great Britain delivered to an applauding British audience? The obscure Boer says, on the 25th of June, that "the war are by us very much;" and on the other side of the globe, on the 26th of the same month, Mr. Chamberlain says, at a time when, according to Dr. Doyle, "the British were anxious for and confident in a peaceful solution," that there comes a time "when moral pressure becomes a farce."

In the light of the events succeeding this speech, can there be any reasonable doubt that it was inspired by the same aggressive motive by which Cecil Rhodes was confessedly actuated—ambition to make the South African Republic "an integral part of the British Empire?"

So the evidence furnished by Dr. Doyle, when analyzed, only confirms what all the other evidence indicates, that the moral responsibility for precipitating the South African war rests upon the Salisbury ministry of Great Britain.

## NEWS

No further information regarding the consultation between Vice President Schalkburger, of the South African Republic, and President Steyn, of the Orange Free State (vol. iv., p. 823), has been received. It is only known that they have come together under circumstances which inspire hopes of an early peace.

There are reports, however, of two additional battles, in which the fighting was severe and the losses heavy. They occurred in the southwestern

extremity of the Transvaal on the 31st. A British force which had started out to capture a Boer convoy was met by a large force of Boers, and the fighting lasted all day, terminating in the withdrawal of the Boers and resulting in a British loss of 27 killed and 147 wounded. At night a British force attempted to surprise a Boer camp, but was itself surprised and compelled to retreat under fire. Its loss is reported as 20 killed and 53 wounded, of which number a Canadian regiment, which bore the brunt of the rear guard action, lost 9 killed and 44 wounded. The reports are not very clear, but it would seem that these two battles were between the same opposing forces.

Since Gov. Heard, of Louisiana, questioned the American administration as to the breach of neutrality at the port of New Orleans (vol. iv., p. 823), where the British army maintains a station for the purchase and shipment of army mules and horses to South Africa, President Roosevelt has taken steps in the matter. At the cabinet meeting of the 4th, which was almost entirely devoted to the letter of Gov. Heard, the President ordered an investigation into the law and the facts of the case. An opinion on the law was accordingly rendered by Attorney General Knox on the 5th, and on the 7th Col. E. H. Crowder, an American army officer, designated to inquire into the facts, arrived in New Orleans. Nothing has yet been reported regarding his procedure except that on the 8th he exchanged notes with Capt. Fenner, the ranking member among the British officers at New Orleans who are directing the loading at that port of horses and mules upon British transports.

In consequence also of Gov. Heard's action Representative Sulzer, of New York, introduced in the House on the 4th a resolution reciting the circumstances and requesting the secretary of state to transmit to the House the governor's report and accompanying documents, affidavits, etc. No action has yet been taken on the resolution.

Another British army supply post has been discovered in the United States. It is at Lathrop, Mo., and is under the command of Maj. More, Capt. Gray and Capt. Caldwell, all of the British army. All the employes at the place—which was recently inspected by Gen. Sir Richard Stewart, of the British army—are reported to

be in the pay of the British war department. The mules and horses are shipped by way of New Orleans direct to Cape Town on board British transports.

From the Philippines (see vol. iv., pp. 663, 680, 695, 745, and week by week preceding), authentic news is now at hand tending to confirm the charges of barbarity on the part of American army officers, which have heretofore been strenuously and sweepingly denied. This news comes in Associated Press dispatches reporting the court-martial trial of Maj. Waller, now in progress at Manila. This officer led an expedition last winter into the interior of the island of Samar. After being given up for dead he and his party returned to camp, January 28, delirious from privation (iv. 680). Maj. Waller was next heard of in this connection in a dispatch of March 6 from Manila. He had been subjected to court-martial proceedings, on charges of having, while on this ill-fated expedition, executed natives of the island of Samar without trial. One of the specifications alleged that in one instance the accused had caused a native to be tied to a tree and on one day to be shot in the thigh, on the next in the arms, on the third in the body and on the fourth to be killed. Friends of Maj. Waller attributed his horrible actions to delirium caused by privation; but Maj. Waller himself refused to make this defense, insisting that he had acted under superior authority.

When the Waller trial began, March 17, Maj. Waller pleaded not guilty to the charge of murder, but admitted that while on his expedition he had ordered 11 natives to be shot. The taking of testimony has been proceeding, with some interruptions, ever since; but the press reports of it are too brief and disconnected to warrant any attempt at a full summary. The defense is directed to showing that Waller acted under orders. One of the witnesses on the 22d, Capt. David D. Porter, testified that he was with the Waller expedition, that he was present when Gen. Smith gave Maj. Waller his orders, and that Waller had not exceeded them. Maj. Waller himself testified on the 31st. In the course of his testimony he said that he had exceeded Gen. Smith's orders only in calling on his party to avenge the slaughter of their comrades at Balangiga (iv., 410), having strictly obeyed them in all other