

**Selected**  
**Official Documents**  
**OF THE**  
**South African Republic**  
**AND**  
**Great Britain.**

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A documentary perspective of the causes of the war in South Africa.

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**EDITED BY**

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## **PREFACE.**

The universal interest in the affairs of the South African Republic is responsible for the idea that a selection of documents illustrative of the South African controversy will be appreciated by American readers. The documents which are here reprinted are by no means unobtainable; but, to the general reader, they have been hitherto quite inaccessible. Only the largest public libraries have the proper sources of information, and even with these books at hand the student has been forced to delve in a mass of irrelevant material for the hidden object of his desire.

The present compilation has been made in the hope of meeting the immediate demands of the public. To avoid cumbersomeness, many important documents have necessarily been omitted; yet as far as possible, the editors have given a complete series of documents. The arrangement is partly chronological, and we hope altogether logical. Commencing with the London Convention of 1884, which defines the status of the South African Republic in its relations with Great Britain, we follow with the revised Constitution of 1889, and its complementary law of June 23, 1890, which granted representation in a second Volksraad to burghers of two years' standing. The latest legislation concerning the right of franchise is given in the enactment of July, 1899. This law, together with negotiations looking toward further concessions to the Uitlander population forms the subject of our third chapter. No agreement having been reached, and numerous complications having arisen, conspicuously the movements of British troops, the Ultimatum of President Kruger on October 9, precipitated a state of war.

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In presenting this Ultimatum President Kruger knew that the Republic would not have to fight alone, but that there would be practically a war of the South African Dutch against the English. The declaration of the Orange Free State to Great Britain will therefore be of interest, as expressing the grounds of sympathy between the South African Republic and the Orange Free State, and the latter's view of the *causa belli*. Lastly we add the constitution of the Orange Free State that the political status of the two republics may be appreciated by comparison of their constitutions.

The documents have been compiled from the *Codex van de Locale Wetten der Zuid-Afrikaansche Republiek. Gröningen, 1894; The Political Laws of the South African Republic. London and Cape Town, 1896; and the State Papers of Great Britain, London, 1884-99.*

WASHINGTON, February 10, 1900.

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**CHAPTER I.****CONVENTION OF LONDON, *February 27, 1884.******A Convention Between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic.***

Whereas, The Government of the Transvaal State, through its Delegates, consisting of Stephanus Johannes Paulus Kruger, President of the said State, Stephanus Jacobus Du Toit, Superintendent of Education, and Nicholas Jacobus Smit, a member of the Volksraad, have represented that the Convention signed at Pretoria on the 3rd day of August 1881, and ratified by the Volksraad of the said State on the 25th October 1881, contains certain provisions which are inconvenient, and imposes burdens and obligations from which the said State is desirous to be relieved, and that the southwestern boundaries fixed by the said Convention should be amended, with a view to promote the peace and good order of the said State, and of the countries adjacent thereto; and

whereas, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, has been pleased to take the said representations into consideration: Now, therefore, Her Majesty has been pleased to direct, and it is hereby declared, that the following articles of a new Convention, signed on behalf of Her Majesty by Her Majesty's High Commissioner in South Africa, the Right Honorable Sir Hercules George Robert Robinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Governor of the Colony of the Cape of Good Hope, and on behalf of the Transvaal State (which shall hereinafter be called the South African Republic) by the above named Delegates, Stephanus Johannes Paulus Kruger, Stephanus Jacobus Du Toit, and Nicholas Jacobus Smit, shall, when ratified by the Volksraad of the South African Republic, be substituted for the articles embodied in the Convention of 3rd August 1881; which latter, pending such ratification, shall continue in full force and effect.

## ARTICLES.

### ARTICLE I, II.

(Articles I and II relate entirely to the settlement of the boundary lines of the Republic.)

### ARTICLE III.

If a British officer is appointed to reside at Pretoria or elsewhere within the South African Republic to discharge functions analogous to those of a Consular officer, he will receive the protection and assistance of the Republic.

### ARTICLE IV.

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 treaty is in conflict with the interests of Great Britain or any of Her Majesty's possessions in South Africa.

### ARTICLE V.

The South African Republic will be liable for any balance which may still remain due of the debts for which it was liable at the date of Annexation, to wit, the Cape Commercial Bank Loan, the Railway Loan, and the Orphan Chamber Debt, which debts shall be a first charge upon the revenues of the Republic. The South African Republic will moreover be liable to Her Majesty's Government for £250,000, which will be a second charge upon the revenues of the Republic.

### ARTICLE VI.

The debt due as aforesaid by the South African Republic to Her Majesty's Government will bear interest at the rate of three and a half per cent. from the date of the ratification of this Convention, and shall be repayable by a payment for interest and Sinking Fund of six pounds and nine pence per £100 per annum, which will extinguish the debt in twenty-five years. The said payment of six pounds and nine pence per £100 shall be payable half yearly, in British currency, at the close of each half year from the date of such ratification: *Provided always*, That the South African Republic shall be at liberty at the close of any half-year to pay off the whole or any portion of the outstanding debt.

Interest at the rate of three and a half per cent. on the debt as standing under the Convention of Pretoria shall as heretofore be paid to the date of the ratification of this Convention.

#### ARTICLE VII.

[Pg 10] All persons who held property in the Transvaal on the 8th day of August 1881, and still hold the same, will continue to enjoy the rights of property which they have enjoyed since the 12th April 1877. No person who has remained loyal to Her Majesty during the late hostilities shall suffer any molestation by reason of his loyalty; or be liable to any criminal prosecution or civil action for any part taken in connection with such hostilities; and all such persons will have full liberty to reside in the country, with enjoyment of all civil rights, and protection for their persons and property.

#### ARTICLE VIII.

The South African Republic renews the declaration made in the Sand River Convention, and in the Convention of Pretoria, that no slavery or apprenticeship partaking of slavery will be tolerated by the Government of the said Republic.

#### ARTICLE IX.

There will continue to be complete freedom of religion and protection from molestation for all denominations, provided the same be not inconsistent with morality and good order; and no disability shall attach to any person in regard to rights of property by reason of the religious opinions which he holds.

#### ARTICLE X.

The British Officer appointed to reside in the South African Republic will receive every assistance from the Government of the said Republic in making due provision for the proper care and preservation of the graves of such of Her Majesty's Forces as have died in the Transvaal; and if need be, for the appropriation of land for the purpose.

#### ARTICLE XI.

[Pg 11] All grants or titles issued at any time by the Transvaal Government in respect of land outside the boundary of the South African Republic, as defined in Article I, shall be considered invalid and of no effect, except in so far as any such grant or title relates to land that falls within the boundary of the South African Republic; and all persons holding any such grant so considered invalid and of no effect will receive from the Government of the South African Republic such compensation, either in land or in money, as the Volksraad shall determine. In all cases in which any Native Chiefs or other authorities outside the said boundaries have received any adequate consideration from the Government of the South African Republic for land excluded from the Transvaal by the first Article of this Convention, or where permanent improvements have been made on the land, the High Commissioner will recover from the native authorities fair compensation for the loss of the land thus excluded, or of the permanent improvements thereon.

#### ARTICLE XII.

The independence of the Swazis, within the boundary line of Swaziland, as indicated in the first Article of this Convention, will be fully recognized.

#### ARTICLE XIII.

Except in pursuance of any treaty or engagement made as provided in Article IV of this Convention, no other or higher duties shall be imposed on the importation into the South African Republic of any article coming from any part of Her Majesty's dominions than are or may be imposed on the like article coming from any other place or country; nor will any prohibition be maintained or imposed on the importation into the South African Republic of any article coming from any part of Her Majesty's dominions which shall not equally extend to the like article coming from any other place or country. And in like manner the same treatment shall be given to

[Pg 12] any article coming to Great Britain from the South African Republic as to the like article coming from any other place or country.

These provisions do not preclude the consideration of special arrangements as to import duties and commercial relations between the South African Republic and any of Her Majesty's colonies or possessions.

ARTICLE XIV.

All persons, other than natives, conforming themselves to the laws of the South African Republic (*a*) will have full liberty, with their families, to enter, travel, or reside in any part of the South African Republic; (*b*) they will be entitled to hire or possess houses, manufactories, warehouses, shops and premises; (*c*) they may carry on their commerce either in person or by any agents whom they may think fit to employ; (*d*) they will not be subject, in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, other than those which are or may be imposed upon citizens of the said Republic.

ARTICLE XV.

All persons, other than natives, who establish their domicile in the Transvaal between the 12th day of April 1877, and the 8th August 1881, and who within twelve months after such last mentioned date have had their names registered by the British Resident, shall be exempt from all compulsory military service whatever.

ARTICLE XVI.

Provision shall hereafter be made by a separate instrument for the mutual extradition of criminals, and also for the surrender of deserters from Her Majesty's Forces.

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ARTICLE XVII.

All debts contracted between the 12th April 1877 and the 8th August 1881 will be payable in the same currency in which they may have been contracted.

ARTICLE XVIII.

No grants of land which may have been made, and no transfers or mortgages which may have been passed between the 12th April 1877 and the 8th August 1881, will be invalidated by reason merely of their having been made or passed between such dates.

All transfers to the British Secretary for Native Affairs in trust for Natives will remain in force, an officer of the South African Republic taking the place of such Secretary for Native Affairs.

ARTICLE XIX.

The Government of the South African Republic will engage faithfully to fulfil the assurances given, in accordance with the laws of the South African Republic, to the natives at the Pretoria Pitso by the Royal Commission in the presence of the Triumvirate and with their entire assent, (1) as to the freedom of the natives to buy or otherwise acquire land under certain conditions, (2) as to the appointment of a commission to mark out native locations, (3) as to the access of the natives to the courts of law, and (4) as to their being allowed to move freely within the country, or to leave it for any legal purpose, under a pass system.

ARTICLE XX.

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This Convention will be ratified by a Volksraad of the South African Republic within the period of six months after its execution, and in default of such ratification this Convention shall be null and void.

Signed in duplicate in London this 27th day of February 1884.

[Signed] HERCULES ROBINSON,  
[Signed] S.J.P. KRUGER,  
[Signed] S.J. DU TOIT,  
[Signed] N.J. SMIT.

### **RATIFICATION BY VOLKSRAAD.**

*August 8, 1884.*

The Convention was ratified on August 8, 1884 by the Volksraad in a resolution as follows: "The Volksraad having considered the new Convention concluded between its deputation and the British Government at London on 27th February 1884, as likewise the negotiations between the contracting parties, which resulted in the said Convention, approves of the standpoint taken by its deputation that a settlement based upon the principle of the Sand River Convention can alone fully satisfy the burghers of the Republic. It also shares the objections set forth by the deputation against the Convention of Pretoria, as likewise their objections against the Convention of London on the following points:—

"1st. The settlement of the boundary, especially on the western border of the Republic, in which the deputation eventually acquiesced only under the express conditions with which the Raad agree.

"2nd. The right of veto reserved to the British Crown upon treaties to be concluded by the Republic with foreign powers; and

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"3rd. The settlement of the debt. Seeing, however, that in the said Convention of London considerable advantages are secured to the Republic, especially in the restoration of the country's independence,

"*Resolves*, With acknowledgment of the generosity of Her Britannic Majesty, to ratify, as it hereby does, the said Convention of London."

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## **CHAPTER II.**

### **CONSTITUTION OF THE SOUTH AFRICAN REPUBLIC.**

ARTICLE 1.—This State shall bear the name of the South African Republic.

ARTICLE 2.—The form of government of this State shall be that of a republic.

ARTICLE 3.—It desires to be recognized and respected by the civilized world as an independent and free people.

ARTICLE 4.—The people seek for no extension of territory, and desire it only in accordance with just principles, when the interest of the Republic makes such extension desirable.

ARTICLE 5.—The people desire to retain and maintain their territory in South Africa unimpaired. The boundaries thereof are fixed by proclamation.

ARTICLE 6.—Its territory is open for every foreigner who obeys the laws of this Republic. All who are within the territory of this Republic have equal claims to protection of person and

property.

ARTICLE 7.—The land or farms situate in this territory which have not yet been given out, are declared to be the property of the State.

ARTICLE 8.—The people claim the utmost social freedom, and expect the result from the maintenance of their religious belief, from the observance of their obligations, from submission to law, order and right, and the maintenance of the same.

The people permit the spread of the Gospel among the heathen under fixed precautions against deceit or misleading.

ARTICLE 9.—The people will not allow any equalization of the coloured inhabitants with the white.

ARTICLE 10.—The people will not suffer any slave trade or slavery in this Republic.

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ARTICLE 11.—The people reserve to themselves the protection and defence of the independence and inviolability of the State, subject to the laws.

ARTICLE 12.—The people entrust the legislation to a Volksraad—the highest authority in the land—consisting of representatives or deputies of the people, chosen by the enfranchised burghers; but with the reservation that a period of three months shall be left to the people to enable them if they so wish to communicate to the Volksraad their verdict on a proposed law; except those laws which can suffer no delay.

ARTICLE 13.—The people charge the President with the task of proposing and executing the laws; he also brings before the Volksraad the appointments of all civil servants for ratification.

ARTICLE 14.—The people entrust the maintenance of order to the military force, the police, and other persons appointed by the law for that purpose.

ARTICLE 15.—The people place the judicial power in the hands of a Supreme Court, Circuit Court, Landrosts, Juries, and such other persons as shall be entrusted with judicial powers, and leave all these free to discharge their function according to their judgment and consciences, according to the laws of the land.

ARTICLE 16.—The people shall receive annually from the Volksraad an estimate of the general income and expenses of the State, and learn therefrom how much every man's taxes shall amount to.

ARTICLE 17.—Potchefstrom, situated on the Mooi River, shall be the capital of the Republic, and Pretoria the seat of Government.

ARTICLE 18.—All services rendered on behalf of the public are remunerated by the public.

ARTICLE 19.—Freedom of the press is granted provided the printer and publisher remain responsible for all the documents which contain defamation, insult, or attacks against any one's character.

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## **OF THE PROTECTION AND DEFENCE OF THE STATE.**

ARTICLE 20.—The people shall only appoint as representatives in the Volksraad those who are members of a Protestant Church.

ARTICLE 21.—The people desire the growth, prosperity, and welfare of the State, and with this view provision for suitable school teachers.

ARTICLE 22.—Providing also that in time of peace precautionary measures are taken to enable the

State to wage or withstand a war.

ARTICLE 23.—In case of a hostile attack from outside, everyone, without distinction, shall be held bound to lend his assistance on the promulgation of martial law.

ARTICLE 24.—No treaty or alliance with foreign powers or peoples may be ratified until the Volksraad has expressed its feelings upon the same, the treaty requiring to be ratified and passed or else cancelled according to the judgment of the Volksraad, with exception of those treaties which the Government is empowered by law or Volksraad resolution to make.

ARTICLE 25.—In case of threatening danger for the State or in time of war, the right of judging as to whether such treaty or alliance is advisable or not is left to the Commandant-General advised by the Military Council, if the commandos are in the field, and there is no time to consult the Executive Council.

### **OF THE VOLKSRAAD, THE HIGHEST AUTHORITY, OR THE LEGISLATIVE POWER.**

ARTICLE 26.—The Volksraad shall be the highest authority of the country, and the legislative power.

ARTICLE 27.—No civil servants are to be representatives of the people.

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ARTICLE 28.—The Volksraad shall consist of at least twelve members, who must possess the following qualifications:—

They must have attained the age of thirty years, and be born in the Republic, or have for fifteen consecutive years been burghers entitled to vote, be members of a Protestant Church, reside, and possess immovable property, in the Republic. No persons of notoriously bad character, or who have had a dishonouring sentence pronounced against them, and no uncertified or unrehabilitated insolvents shall be eligible. They may not be related to each other in the relationship of father and son or stepson. No coloured persons or bastards shall be admitted into our Assemblies. In like manner no military officer or official of the State, who draws a fixed annual or monthly salary, shall be eligible as member of the Volksraad.

ARTICLE 29.—The members of the Volksraad are elected by a majority of votes from among the electors of each district. No one shall be considered as elected who has not obtained at least sixty votes. Every one who is born in the country and has attained the age of twenty-one years, or has become naturalized, shall be a burgher qualified to vote. The members of the Volksraad are elected for the period of four years.

ARTICLE 30.—No one shall be eligible who has not received a requisition signed by at least twenty-five voters. The voters in one district are at liberty to vote for a candidate living in another district. (That is to say, they may be represented by a candidate who resides in a district other than that in which the voters reside.)

ARTICLE 31.—Every enfranchised burgher is allowed, if he wishes, to bring accusations against the President or members of the Executive Council for contravention of their duties or official crimes, and send those accusations to the President of the Volksraad, under the address; "To the Hon. President of the Volksraad," who then shall act according to his judgment of the affair.

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ARTICLE 32.—The election of members for the Volksraad shall take place in the month of January or February, or in exceptional cases upon such times as shall be fixed. For each district two members shall be chosen, except the districts Pretoria, Potchefstrom, Rustenberg, Lydenburg and Vryheid, for which three members shall be elected. Elective districts on the Gold-fields shall each elect one member. At the expiration of the second year it shall be decided by lot which half of the members shall go out; the other half shall vacate their seats at the end of the fourth year,

and so on. New members of the Volksraad shall be chosen from the districts whose members fall out. Retiring members are re-eligible.

ARTICLE 33.—The Volksraad appoints, outside its members, a Secretary, to be proposed by the Executive Council.

ARTICLE 34.—A Volksraad member who absents himself, and does not comply with the notice to attend, incurs a penalty of Rds. 75.

ARTICLE 35.—The reasons for a Volksraad member's non-appearance are:—

(1) Indisposition and bodily infirmity, to be proved by the member chosen or summoned, by a signed declaration of the Landrost, Commandant, or Field-Cornet of his division.

(2) Such unforeseen circumstances, being actually proved, as make it impossible for him to be present, or to remain there.

ARTICLE 36.—All objections, excuses, and notices mentioned in Articles 34 and 35 shall be sent into the President and be decided upon by the Executive Council. Provision shall be made as soon as possible to fill in the places open in consequence.

ARTICLE 37.—The members of the Volksraad shall, before taking up their official duties, be sworn by the members of the Volksraad who are present on the day of the session; their oath shall be of the nature of the following:—

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"As elected member of the Volksraad of this Republic, I declare, believe, and swear solemnly, that I have neither made nor promised gifts to anyone to reach this office; that I shall be faithful in this office to the people; that I shall act in accordance with the Constitution and other laws of this country, according to the best of my knowledge and conscience, and consider only the furtherance of the happiness and welfare of the public at large."

ARTICLE 38.—The members of the Volksraad present choose their Chairman after the opening of the session, and before the annual business.

ARTICLE 39.—All deliberations shall be settled by a bare majority of the votes of the members voting.

ARTICLE 40.—The Volksraad does not separate before all matters of business which must be treated of are finished, and the session is closed by the President of the Volksraad. A member can obtain leave of absence from the Volksraad, if he is in such case as mentioned in No. 2, Article 35.

ARTICLE 41.—The members of the Volksraad doing service as such shall be free from military service, without being free from the costs which the military authorities may exact from them: they shall enjoy remuneration for the period of their stay during the cessation of their private business.

ARTICLE 42.—The meetings are held with open doors, unless the Volksraad decide that the discussions upon some proposition be taken in secret. The persons present who have no seat in the Volksraad may only speak when they answer a question of the President.

ARTICLE 43.—The President shall bring forward for discussion the proposals for laws which have come in before the Volksraad, whether the latter have been made known to the public three months before the commencement of the session, or whether the same have come in during the session of the Volksraad.

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ARTICLE 44.—When the notices of laws and Government notices to the public have not been given in time, the President shall examine with whom the blame of that delay lies. A Landrost found guilty hereof shall have a fine of Rds. 50 inflicted, and a Field-Cornet or lesser official of

Rds. 25.

ARTICLE 45.—A copy of every law which has been adopted shall be sent in by the Chairman to the President for execution.

ARTICLE 46.—When a new President is appointed, the Volksraad shall depute four of its members and the Secretary to invite him to come and take his official oath in the meeting of the Volksraad.

ARTICLE 47.—On the appointment of the members of the Executive Council and the Commandant-General, the Volksraad shall give them written notice thereof, in order to enable them to take the official oath before the Volksraad at a time to be fixed.

ARTICLE 48.—The President shall annually submit a list of all officials appointed during the year for the approval or disapproval of the Volksraad.

ARTICLE 49.—In the event of the Court, contemplated by Article 8 of the Amendment of the Grondwet of 1877, declaring the State President, or the Supreme Court, contemplated by Article 115 of the Grondwet, declaring the Commandant-General or other members of the Executive unfit to occupy his or their office, the Chairman of the Volksraad, upon the receipt of the decision of such Court, shall convene the members of the Volksraad, who shall be bound to attend, in order to dismiss the official or officials found guilty; and to provide for the filling up of the vacancy or vacancies so caused.

ARTICLE 50.—The members of the Volksraad assemble in the Council Hall annually on the first Monday in May, or such other time as may be indicated in their summons, whenever the President judges it necessary that the Volksraad should come together; and daily from that time onwards at nine o'clock in the morning, so as to be at work not less than four to five hours a day. The assembly of the Volksraad shall be opened and closed with a suitable prayer.

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ARTICLE 51.—The President of the Volksraad is responsible that the meetings are held according to regulations in Article 50, on neglect of which the Volksraad can fine him in 5 to 50 Rds.

ARTICLE 52.—The maintenance of order among the persons present, as mentioned in Article 42, must be entrusted to the Field-Cornet appointed to that purpose by the Landrost of the district where the session is held.

ARTICLE 53.—The Landrost shall also appoint a messenger to be at the service of the Volksraad during the meeting.

ARTICLE 54.—The Volksraad judges all contraventions of regulations fixed by the Volksraad, and committed in the hall of the Volksraad, and punishes the infringers without further appeal.

ARTICLE 55.—Notice is given by the Secretary of all fines inflicted by the Volksraad, to the Landrost under whom the persons fined reside, and the latter sees to its execution.

#### **OF THE STATE PRESIDENT AND MEMBERS OF THE EXECUTIVE COUNCIL.— THE PROPOSERS OF LAWS.**

ARTICLE 56.—The executive power resides in the State President, who is responsible to the Volksraad. He is chosen by a majority of the burghers entitled to vote, and for the term of five years. He is eligible for re-election. He must have attained the age of thirty years, and need not be a burgher of the State at the time of his nomination, and must be a member of a Protestant Church, and have no dishonouring sentence pronounced against him. (By a subsequent law the President must be chosen from *among* the burghers; he *must* be a burgher. Outsiders are excluded.)

ARTICLE 57.—The President is the first or highest official of the State. All civil servants are subordinate to him; such, however, as are charged with exercise of the judicial power are left altogether free and independent in its exercise.

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ARTICLE 58.—As long as the President holds his position as such he shall fill no other, nor shall he discharge any ecclesiastical office, nor carry on any business. The President cannot go outside the boundaries of the State without consent of the Volksraad. However, the Executive Council shall have the power to grant him leave to go outside the boundaries of the State upon private affairs in cases of necessity.

ARTICLE 59.—The Vice-President assumes authority in case the President is dismissed or incapable of acting, or is absent from seat of government.

ARTICLE 60.—The President shall be discharged from his post by the Volksraad after conviction of misconduct, embezzlement of public property, treachery, or other serious crimes, and be treated further according to the laws.

ARTICLE 61.—If in consequence of transgression of the Constitution or other public misdemeanors the Volksraad resolve that the President shall be brought to trial, he shall be tried before a special court composed of the members of the High Court, the President and another member of the Volksraad, while the State Attorney acts as Public Prosecutor. The accused shall be allowed to secure assistance of a lawyer at his choice.

ARTICLE 62.—The President is charged with the proposing of laws to the Volksraad, whether his own proposals or others which have come in to him from the people; he must make these proposals known to the public by means of the *Staats Courant* three months before presenting them to the Volksraad, together with all such other documents as are judged useful and necessary by him.

ARTICLE 63.—All proposals for a law sent in to the President shall, before they are published, be judged by the President and Executive Council as to whether publication is necessary or not.

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ARTICLE 64.—The President submits the proposals for laws to the Volksraad, and charges the official to whose department they belong first and foremost, with their explanation and defence.

ARTICLE 65.—As soon as the President has received the notice of the Volksraad that the proposed law is adopted, he shall have that law published within two months, and after the lapse of a month, to be reckoned from the publication, he shall take measures for the execution of the same.

ARTICLE 66.—Proclamation of martial law, as intended in Article 23, shall only be made by the President with the assent of the members of the Executive Council. This proclamation must, however, take place in case of pressing danger, and the law shall then at once be put into execution; the decision with regard to the danger is left to the President and the members of the Executive Council, and is on their responsibility. The Commandant-General must be present at the consideration and decision of military affairs in the Executive Council in virtue of his office, and shall have a vote as such therein.

ARTICLE 67.—The President, with advice of the Executive Council, declares war and peace, with reference to Article 66 of the Constitution; the Government having first, if possible, summoned the Volksraad before the declaration of war. Treaties of peace require the ratification of the Volksraad, which is summoned as soon as possible for that purpose.

ARTICLE 68.—The President appoints all officials, either personally, by commission through the head officials, taking into consideration that all officials must be enfranchised burghers, or must produce good testimonials to the satisfaction of the Government, and that so far as they are charged with financial administration, must find adequate security therefore at the choice of the Government.

ARTICLE 69.—The President complies, as far as possible, with the desire of the people, as referred to in Article 21.

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ARTICLE 70.—The President shall submit, yearly, at the opening of the Volksraad, estimates of general outgoings and income, and therein indicate how to cover the deficit or apply the surplus.

ARTICLE 71.—He shall also give a report during that session of that Volksraad, of his actions during the past year, of the condition of the Republic and everything that concerns its general interest.

ARTICLE 72.—After examination of the election returns for the members of the Volksraad, sent in to the Executive Council, he shall summon that Raad, yearly, on the first Monday of May, and whenever necessity so demands.

ARTICLE 73.—He publishes in the month of March or April the names and residences of those chosen members of the Volksraad.

ARTICLE 74.—The written summons of the members of the Volksraad shall be sent to their houses three weeks before the opening of the same.

ARTICLE 75.—The President and one member of the Executive Council shall, if possible, visit the towns and villages of the Republic where Landrost's officers are, once in the year; he shall examine the state of those offices, inquire into the conduct of the officials, and on these circuits give the inhabitants during their stay an opportunity to bring before him anything they are interested in.

ARTICLE 76.—The President has the power, saving his responsibility to the Volksraad, to dismiss officials from their offices, to make provisional appointments, and to fill all open places. He reports to the first following session of the Volksraad with regard to these transactions.

ARTICLE 77.—The President signs all appointments of officials, gives them their instructions himself, or has it read and explained to them by qualified officials, administers the oath, makes them sign it, and after their appointment puts into their hands a copy of instructions.

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ARTICLE 78.—The President is charged with the administration of the public service, the Postal Department and Public Works; he and the members of the Executive Council are at the same time charged with the supervision of the powder magazines and cannon of the State.

ARTICLE 79.—Correspondence with foreign powers shall be carried on by the President and the Executive Council. The dispatches shall be signed by him and the Secretary of State.

ARTICLE 80.—The President with the Executive Council has the right to diminish or remit sentences of punishment passed for misdemeanours or crime, on recommendation of the Court that has passed the sentence, or upon petition of the person condemned, after having taken the advice of the Court thereupon.

ARTICLE 81.—Before accepting his office he shall take the following oath before the Volksraad:

—  
"As elected President of the Republic, I promise and swear solemnly, that I shall be faithful to the people; and that I shall act according to right and law in my office, according to the best of my knowledge and conscience without respect of persons; that I have done no one favour, nor made presents to reach this office; that I shall not accept from anyone any present or favour, if I can suppose that this present or favour should be made or done with a view of gaining from me a resolution in favour of the person who does the favour or makes the gifts; that I shall act according to the Constitution of the Republic, and intend alone the furthering of the happiness and welfare at large of its inhabitants."

ARTICLE 82.—The President exercises his power along with the Executive Council. An Executive Council shall be joined to the President, consisting of the Commandant-General, two enfranchised burghers, a Secretary, and a Notekeeper (*notulenhouders*), who shall have an equal vote, and bear the title of members of the Executive Council. The Superintendent of Native Affairs and the Notekeeper shall be *ex-officio* members of the Executive Council. The President and members of the Executive Council shall have the right to sit, but not to vote, in the Volksraad. The President is allowed, when important affairs arise, to invite the head official to be present in the Executive Council whose department is more directly concerned with the subject to be treated of. The said head official shall then have a vote in the Executive Council, be equally responsible for the resolution taken, and sign it along with the others.

ARTICLE 83.—According to the intention of Article 82 the following shall be considered "Head Officials": The State Attorney, Treasurer, Auditor, Superintendent of Education, Orphan-Master, Registrar of Deeds, Surveyor-General, Postmaster-General, Head of the Mining Department, Chief Director of the Telegraph Service, and Chief of Public Works.

ARTICLE 84.—The President shall be Chairman of the Executive Council, and in case of an equal division of votes have a casting vote. For the ratification of sentences of death, or declarations of war, the unanimous vote of the Executive Council shall be requisite for a decision.

ARTICLE 85.—Regularly once a month, and at such other times as the President shall judge necessary, the Executive Council shall sit at his office.

ARTICLE 86.—The President with two members form a quorum.

ARTICLE 87.—All resolutions of the Executive Council and official letters of the President must, besides being signed by him, also be signed by the Secretary of State. The latter is at the same time responsible that the contents of the resolution, or the letter, is not in conflict with the existing laws.

ARTICLE 88.—The two enfranchised burghers or members of the Executive Council contemplated by Article 82 are chosen by the Volksraad for the period of three years, the Commandant-General for ten years; they must be members of a Protestant Church, have had no sentence in a criminal court to their discredit, and have reached the age of thirty years.

ARTICLE 89.—The Secretary of State is chosen also by the Volksraad, but is appointed for the period of four years. On resignation or expiration of his term he is re-eligible. He must be a member of a Protestant Church, have had no sentence in a criminal court to his discredit, possess fixed property in the Republic, and have reached the age of thirty years.

ARTICLE 90.—Before the members of the Executive Council and the Commandant-General receive their office, they take the official oath before the Volksraad and sign the same. That oath shall be of similar contents to that of the President, as modified to the title or office of the person sworn, and that of the Commandant-General to the contents of Article 108.

ARTICLE 91.—Before the Secretary of State receives his office he takes a similar oath to the members of the Executive Council, with a small modification suitable to the nature of his office.

ARTICLE 92.—In case the Volksraad decide to give effect to the complaints mentioned in Article 31, it shall put the complaint in the hands of the State Attorney with a view to its examination. If it appears from such examination that the complaint is well founded, then the Volksraad shall send the complaint to the High Court, or the Court contemplated in Article 61, with notice of such sending to the said Attorney. This Court, which then will have to deal with the case, shall take cognizance of the case, and in the last resort pronounce sentence.

## OF THE MILITARY FORCE AND MILITARY COUNCIL.

ARTICLE 93.—The military force consists of all the men of this Republic capable of bearing arms, and if necessary of all those of the natives within its boundaries whose chiefs are subject to it.

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ARTICLE 94.—Besides the armed force of burghers to be called up in times of disturbance or war, there exists a general police and corps of artillery, for which each year a fixed sum is drawn upon the estimates.

ARTICLE 95.—The men of the white people capable of bearing arms are all men between the ages of sixteen and sixty years; and of the natives, only those which are capable of being made serviceable in the war.

ARTICLE 96.—For the sub-division of the military force the territory of this Republic is divided into field-cornetcies and districts. The dividing lines of the field-cornetcies and districts are fixed by and in a common council of the President, Commandant-General, and the adjoining Commandants and Field-Cornets; and each inhabitant shall be bound to obey the authorities of the field-cornecy or district in which he lives.

ARTICLE 97.—The men are under the orders of the following officers, ascending in rank: Assistant Field-Cornets, Field-Cornets, Commandants, and a Commandant-General.

ARTICLE 98.—The officers are chosen by a majority of votes, viz., the Assistant Field-Cornets and Field-Cornets, by the enfranchised burghers of the wards, so also the Commandants by the enfranchised burghers of the districts, and the Commandant-General by all the enfranchised burghers of this Republic. Enfranchised burghers, according to this Article, are burghers who have reached the age of eighteen years. The ballot-boxes for the election of officers shall be attended to by the Landrosts, who shall be bound to send them up to the Executive Council. The Executive Council shall be obliged to give notice to the chosen Commandant-General of the choice which has fallen upon him.

ARTICLE 99.—Their appointments are:—The Commandant-General for ten years, the Commandants for five years, the Field-Cornets, and the Assistant Field-Cornets for three years; and on expiration of this term, they are re-eligible. The Commandant-General shall be discharged, or relieved of his post, on conviction of crimes, as mentioned in Article 60.

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ARTICLE 100.—Not more than one Commandant shall be chosen for each district.

ARTICLE 101.—The military force, with the exception of the hired natives, is summoned for the maintenance of order, for commando duty on the occasion of home rebellion, and without any exception for the protection of the country, and to fight with foreign enemies.

ARTICLE 102.—The Assistant Field-Cornets and Field-Cornets are charged with the maintenance of order; the Commandants are charged with the commandos on occasion of rebellion at home; the Commandant-General with commandos for the purpose of quelling disturbance among the white population, the protection of the country, and fighting with foreign enemies, in which case the Commandant-General shall have supreme command over the whole army.

ARTICLE 103.—We must understand by

(a) Maintenance of order: the execution of the laws, the carrying out of sentences after receiving orders, and the consideration of measures of general and local interest; also the supervision over the natives, and the repression of vagrancy and vagabondage in the field-cornetcies.

(b) Commandos on occasion of rebellion among the natives: bringing Kaffir chiefs to their duty.

(c) Commandos for the suppression of disorders among the white population: dispatching sufficient force to the district where disorder has broken out; and by

(d) Defence of the country and carrying on war: carrying out martial law and taking the field at

the head of the army.

ARTICLE 104.—All subordinates receive orders from the officers and officials placed above them.

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ARTICLE 105.—All the officers except the Commandant-General shall be, before taking up their office, sworn by the President in accordance with Article 77. The Commandant-General shall be sworn by the Volksraad, according to Articles 90 and 106.

ARTICLE 106.—This oath shall be of the following contents:

"I promise and swear solemnly allegiance to the people of this Republic; that I shall act in my office according to the law, right, and justice, according to the best of my knowledge and conscience, without respect of person; that I have made or promised to no one gift or favour to reach this office; that I shall receive from no one any gift or favour if I can suspect that this should be done or shown to persuade me in the duties of my office in favour of the giver or favourer; that I shall obey the commands of those placed over me according to the law, and consider only the prosperity, welfare, and independence of the country and people of this Republic."

ARTICLE 107.—The Field-Cornets shall, lawful prevention being excepted, give a report every three months to the Landrost of events among their subordinates in the wards in the past months, and as often besides that time as a report is required of them. With regard to military matters, the Field-Cornet is also obliged to report to the Commandant placed over him, besides the Landrost. If he does not comply therewith, or in case of negligence, he shall be fined in Rds. 10.

ARTICLE 108.—The Commandants send the three-monthly reports of the Field-Cornets, with the addition of their own report, besides their remarks, to the Commandant-General. The latter acts in the same way with the reports of the Commandants in sending his report to the President, and without delay these reports must be sent to the President.

ARTICLE 109.—The Field-Cornets shall keep a list of those in their wards who are liable to duty, and must draw up that list in such a way that it appears therefrom who must be summoned for the maintenance of order, so that the duties of the men may be proportionately divided amongst them.

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ARTICLE 110.—The Commandant-General sits in the Executive Council as member of the same.

ARTICLE 111.—In the field the Commandant-General has the supervision of the war ammunition of the State.

ARTICLE 112.—The Commandants and Field-Cornets comply with the commands of the Landrosts, so far as they, according to the regulation of the laws about the judicial administrative power, come into relation with the same.

ARTICLE 113.—Notice of the contravention mentioned in Article 107 is given by the officers to the Landrosts of their districts, who will have to see that the fines are called in.

ARTICLE 114.—A month after the expiration of a commando the President shall, by means of the Landrost, take care that the assigned share of the booty comes to the seriously wounded, the widows and orphans of the dead.

## **OF THE JUDICIAL POWER AND MAINTENANCE OF JUSTICE.**

ARTICLE 115.—The people entrust the administration of justice to:

(a) A High Court.

(b) A Circuit Court.

(c) The Landrosts, in their capacity as such, and such other officials as are clothed with judicial competence by the law.

The Courts give judgment as soon as possible after the close of the case.

The Chief Justice and puisne judges must be duly graduated in law (*in de rechten gepromoveerd*).

The public ministry of public prosecution rests with the State Attorney, and under his supervision with the public prosecutors of the various districts.

The members of the two first Courts are appointed for their lives.

[Pg 34] The law regulates the manner in which the discharge shall be granted them, either honourably or the reverse, in case of misconduct or incapacity.

ARTICLE 116.—The Landrosts are appointed by the Executive Council on every occasion on the occurrence of a vacancy. Two persons possessing the qualifications for officials according to the Grondwet are proposed to the enfranchised burghers of the district concerned, so as at the very latest within the period of two months to decide between the two such candidates by free voting, and to give written notice of the result of such voting to the Executive Council. The Landrosts must have been a year enfranchised burghers and be members of a Protestant Church, have had no criminal sentence to their discredit, and have reached the age of thirty years.

ARTICLE 117.—The Landrost of the place where the seat of Government is shall be appointed on recommendation of the Executive Council by the Volksraad. To be capable of receiving the appointment, it shall not be required to have been for any time a burgher of the State.

ARTICLE 118.—The Landrosts must at the same time duly provide security before accepting their office.

ARTICLE 119.—The jury shall be enfranchised burghers who have had no criminal sentence passed upon them to their discredit, and have reached the age of thirty years.

ARTICLE 120.—The summons of the jury must be served in such time that they have, besides the time for the journey, three free days at their disposal.

ARTICLE 121.—The persons chosen as Landrosts shall, if they intend to make objections to the choice which has fallen upon them, send in their objections to the President within the first thirty days after the choice has fallen upon them.

ARTICLE 122.—If within that time they send in no objection, they are considered to accept that office.

ARTICLE 123.—The juryman who does not comply with the summons, mentioned in Article 120, is fined in Rds. 100, unless he can allege matter of excuse as mentioned in Article 35.

[Pg 35] ARTICLE 124.—The Landrosts, before taking their office, take the following oath before the President and members of the Executive Council:—

"I promise and swear solemnly allegiance to the people and laws of this Republic, and that I shall act in my post and office justly and equitably, without respect of persons, in accordance with the laws and according to the best of my knowledge and conscience; that I will accept present or favour from no man, if I can suppose that this has been made or done with a view to persuade me in favour of the giver or favourer in my judgment or action. Outside of my office as judge that I shall obey according to the law the commands of those placed over me, and in general only consider the maintenance of the law, justice and order, to the furtherance of the prosperity, the welfare and the independence of the land and people."

ARTICLE 125.—The members of the jury shall take the following oath before they hold session:—

"I promise and swear solemnly to act in my office as juryman, justly, equitably, without respect of persons, according to the best of my knowledge and conscience, and to give judgment upon the cases and accusations laid before me for judgment according to law; that I have accepted present or favour from no man from whom I can suspect that this has been given or done in order to persuade me in favour of the giver or favourer in my sentence, and forthwith to consider only the maintenance of law, right and order, to the furtherance of the prosperity and welfare of this Republic."

ARTICLE 126.—The Field-Cornets as much as possible settle the differences between the inhabitants of their districts, and prevent the bringing of processes. For this end every one is entitled to summon for this purpose the person with whom he is at variance at a time to be fixed by the Field-Cornet. The Field-Cornet's costs shall be paid by the parties according to a tariff.

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ARTICLE 127.—All sentences in civil as well as in criminal cases are delivered in public, and executed in the name of the people of the South African Republic. Punishments which can be inflicted on white criminals in this Republic are:—

1. Imprisonment;
2. Hard Labour, with or without irons, according to the nature of the case;
3. Transportation or Exile; and
4. Death.

No white man can be condemned to lashes on the body, if not expressly so fixed by law.

ARTICLE 128.—The plaintiffs in appeal shall pay, in case their appeal be found groundless or be refused, for an appeal from the sentence of the Landrost's Court 5 Rds. If it appear afterwards that this appeal is good, then that money is returned.

ARTICLE 129.—The copies of the documents filed by parties shall be made up by the clerks, and each page thereof shall have 25 lines, and each line, taking one with another, contain twelve syllables; the clerks shall charge two shillings and four pence for every page.

ARTICLE 130.—In case any one is not able to carry on a case, and nevertheless thinks he has good grounds for so doing, he shall serve a written petition to that end upon the Landrost of the Court, before which he must bring his case. That Court shall grant him the right of carrying on his case, and exempt him from the payment of law costs, provided:

(a) He has produced a written proof from his Field-Cornet and two of his neighbors that he is not able to carry it on;

(b) That the Court, after a preliminary examination of his demand, and after having heard the opposite party thereupon, has found that his demand may be well founded.

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ARTICLE 131.—The sittings of the Courts of law shall be held: Those of the Landrosts every day from 10 a.m. to 3 p.m.

The Higher Courts according to proclamation and rules making provision therefor.

ARTICLE 132.—The clerk who without sufficient reason leaves his place unfilled, can be suspended by the Landrost, with notice to the President, from his office for a definite time, and another can be appointed in his place after the latter has taken the oath according to law.

ARTICLE 133.—The Courts of law shall, in fixing punishments, bear in mind, that as the same punishment can be lighter or heavier for one man than another, it is the intention of the

legislators, to punish each one equally severely for a similar transgression of the law; and that punishments may be fixed in accordance therewith.

ARTICLE 134.—The Courts of law shall try as far as possible to hasten the hearing of cases, and give judgment thereupon as soon as possible.

ARTICLE 135.—The clerk or the Landrost shall keep a register of all cases which are brought by parties before the Court, and enter this register up daily.

### **OF THE ADMINISTRATIVE POWER, OR THE CIVIL SERVANTS.**

ARTICLE 136.—The administrative power of the home government derives its power from the Executive Council, and is under the commands of the President and the members of the Executive Council.

ARTICLE 137.—It (*i.e.* the administrative power) is in the hands of such officials as are fixed by law.

ARTICLE 138.—The territory of the State is for these purposes of government divided into districts, to which belong divisions and towns or villages. Changes in the division of districts or wards take place according to Article 96.

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ARTICLE 139.—Each district is governed by a Landrost, assisted by such officials as shall be joined to him by the law. The Commandants and Field-Cornets of the division are, as far as those purposes of government are concerned, under the orders of the aforesaid civil servants.

ARTICLE 140.—District Council and town or village boards can be established where the population so desires. At the head of each district is a Landrost, who is *ex-officio* chairman of the District Council, to be chosen by the burghers of the district, consisting of as many members as there are field-cornetcies.

ARTICLE 141.—To the District Councils is entrusted the care of the public roads and other public works in the district, besides all other matters conferred on them by law.

ARTICLE 142.—With the exception of the salaries fixed by law, all costs of the district board are borne by the district itself. Yearly an estimate for that purpose composed of expenses and income is fixed by the District Council, and sent up to the Executive Council for ratification. Each year similarly account is rendered for the past civil year, which is closed by the District Council, and sent up to the Executive Council for final ratification.

The District Council shall receive the ratification of the Volksraad beforehand before the raising of any tax.

ARTICLE 143.—At the head of each town or village government recognized as such by the law stand a burgomaster and a council of six or eight members, according to the population.

All costs for the defraying of this local administration are borne by each place. Before the raising of any tax by a town or village board the ratification of the law is requisite.

For the local estimate and accounts the same rules hold good as fixed in the preceding articles for those of a district.

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ARTICLE 144.—All publications are published in the *Staats Courant* and made public by the Field-Cornets in their divisions by calling the inhabitants of those divisions together.

ARTICLE 145.—All officials are obliged to answer as soon as possible the official letters received by them, and to deal with their contents.

ARTICLE 146.—The Field-Cornet shall keep an exact register of all new inhabitants who come in their division; of all changes or removals of the inhabitants elsewhere; of all deaths taking place among them; and of all male persons who have reached the age of sixteen years.

ARTICLE 147.—All small traders who enter this territory shall not trade until they are provided with a license, which has been obtained at one of the Landrost's offices, and signed by the Landrost.

ARTICLE 148.—It shall not be permitted that newly-arrived persons should settle in any uninhabited districts in this Republic without the knowledge and permission of the Government of this State.

ARTICLE 149.—Where such is not entrusted to a town or village council, the Landrosts are charged with the duty of overseeing a town or village, together with all subordinate functions, so that everything may take place in regular order.

### OF THE FINANCES OF THE STATE.

ARTICLE 150.—The income of the State and taxes of the inhabitants are regulated by the law.

ARTICLE 151.—All farms and grounds of the inhabitants are guaranteed by the Government as fixed property, with the right reserved to the Government to lay down a public road for the use of the inhabitants over such farms when it is demanded.

ARTICLE 152.—All who, living outside of the Republic, possess uninhabited ground or farms in this Republic shall pay for each farm as long as it is uninhabited a double tax yearly.

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ARTICLE 153.—The tax for each "erf" in the towns shall be regulated by the law; and no money for water rights shall be exacted from the public.

ARTICLE 154.—All surveyed or inspected farms must on sale be conveyed within the period of six months, and the proprietary due (*heerenrecht*) be paid within the period of six months; in case of neglect to comply with above, after the promulgation of this law, the proprietary due shall be double. The ground is conveyed from the first owner.

ARTICLE 155.—The taxes to be paid by the people, where no other officials are appointed by law, are paid at the office of the Landrosts of the districts.

ARTICLE 156.—All uninspected farms which are under application must be inspected as soon as possible.

ARTICLE 157.—Every one who owns property and chooses to do so, shall, besides the inspectors, be able to make use of a surveyor, for the surveying and charting of his ground.

ARTICLE 158.—No civil servant shall have the right to defend cases before the courts of law except for himself.

ARTICLE 159.—All earlier laws and resolutions in conflict with the contents of these laws are altogether suspended.

S.J.P. KRUGER,  
*President.*  
C. VAN BOESCHOTEN,  
*Acting Secretary of State.*

GOVERNMENT OFFICES,  
PRETORIA, 19th November, 1889.

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## LAW No. 4, 1891.

### FOR THE ESTABLISHMENT OF A REPRESENTATION OF THE PEOPLE CONSISTING OF TWO VOLKSRAADS.

ARTICLE 1.—The legislative power shall rest with a representation of the people, which shall consist of a First Volksraad and a Second Volksraad.

[Pg 41] ARTICLE 2.—The First Volksraad shall be the highest authority in the State, just as the Volksraad was before this law came into operation.

The First Volksraad shall be the body named the Volksraad until this law came into operation. From the period of this law coming into operation, the name of that body shall be altered from the Volksraad to the First Volksraad. The persons forming that body as members shall, however, remain the same, only they shall from the said period be named members of the First Volksraad instead of members of the Volksraad.

All laws and resolutions having reference to the Volksraad and the members thereof shall remain in force and apply to the First Volksraad and the members thereof, except in so far as a change is or shall be made by this and later laws.

ARTICLE 3.—The First and the Second Volksraad meet at least once a year.

This ordinary meeting is opened in a united session on the first Monday in the month of May, under the Presidency of the Chairman of the First Volksraad. Extraordinary meetings can be summoned by the President as often as he judges it necessary in the interest of the country.

ARTICLE 4.—The number of the members of the Second Volksraad shall be the same as of the First Volksraad. This number shall be fixed later by the First Volksraad for both Volksraads.

ARTICLE 5.—Each member of either of the two Volksraads takes the following oath on accepting his office of dignity before the Chairman:—

"As elected as member of the First (or Second) Volksraad of the representation of the people of this Republic, I declare, promise, and swear solemnly that I have neither made nor promised present to anyone to reach this honour, that I shall be faithful in this office of dignity to the people and its independence, that I shall behave according to the Constitution and other laws of this Republic, according to the best of my knowledge and conscience, and that I shall always aim at the furtherance of the happiness and prosperity of the inhabitants in general."

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ARTICLE 6.—The manner of election of the members of the Second Volksraad shall be the same as that of the members of the First Volksraad.

ARTICLE 7.—The members of the Second Volksraad shall enjoy the same allowance as the members of the First Volksraad, and have the same obligations with regard to informing their electors of their laws and resolutions.

ARTICLE 8.—The members of the Second Volksraad are chosen for the period of four years.

In the first ordinary session of the Second Volksraad it shall be decided by lot which members shall belong to that half which must resign already after the lapse of the first two years.

ARTICLE 9.—The members of the First Volksraad are chosen by those enfranchised burghers who have obtained the burgher right, either before this law came into operation, or thereafter by birth, and have reached the age of sixteen years.

The franchise for the First Volksraad can besides also be obtained by those who have during ten years been eligible for the Second Volksraad, by resolution of the First Volksraad, and according to rules to be fixed later by law.

ARTICLE 10.—The members of the Second Volksraad are chosen by all enfranchised burghers who have reached the age of sixteen years.

ARTICLE 11.—No one is allowed to offer himself for election for both Volksraads, or in more districts or election divisions than one at the same time.

ARTICLE 12.—The members of the Volksraad may not stand to one another in the relation of father and son or stepson.

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ARTICLE 13.—No military officer or official who enjoys a fixed yearly or monthly salary, as such, may offer himself for election as member of either Volksraad.

ARTICLE 14.—No coloured person or bastard, nor persons of public bad conduct, or those who have had a discreditable criminal sentence passed on them, nor any non-rehabilitated bankrupts or insolvents whatsoever shall be eligible as members of either Volksraad.

ARTICLE 15.—To be able to take a seat as member of the First Volksraad, he who has been lawfully chosen must be thirty years old, and member of a Protestant church, live in the Republic, have obtained fixed property there and the burgher right, either before this law came into operation, or thereafter by birth, or have obtained the franchise for the First Volksraad according to Sub-section 2 of Article 9.

ARTICLE 16.—To be able to take a seat as member of the Second Volksraad, he who has been lawfully chosen must be thirty years old, have been enfranchised burgher during the two immediately preceding years, be a member of a Protestant church, live in the Republic, and have fixed property there.

ARTICLE 17.—Each Volksraad chooses its own chairman from among its own members.

ARTICLE 18.—Each Volksraad appoints, from outside its members, its own secretary on proposal of the Executive Council.

ARTICLE 19.—Each Volksraad shall have to judge if elections and the qualifications of its own members are according to law.

ARTICLE 20.—Each Volksraad shall establish its own arrangement of order, shall regulate the process of its transactions, and the power of the Chairman shall be defined by itself.

ARTICLE 21.—The President and the members of the Executive Council shall sit in both Volksraads, with right to take part in the discussions, but without a vote.

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ARTICLE 22.—The quorum of both the First and the Second Volksraad shall consist of twelve members. If there is no quorum present in the Second Volksraad, its secretary shall at once give notice of the same to the First Volksraad.

ARTICLE 23.—The sessions of both Volksraads shall be held in public, unless the majority in special cases resolve to revoke the publicity.

ARTICLE 24.—Each Volksraad shall keep minutes of its transactions. It shall have these published regularly in the *Staats Courant*, except the notes of the secret sittings, which shall only be partly published with the consent of the First Volksraad.

ARTICLE 25.—Each Volksraad has the right to punish its own members for disorderly conduct. Each Volksraad has, in addition, the right to suspend a member with two-thirds of the votes given.

ARTICLE 26.—A period of three months shall be left to the people to enable those who so wish to express their judgment of a proposed law to the Volksraads, except those laws which can suffer no delay.

ARTICLE 27.—The Second Volksraad shall have the power to pass further regulations on the following subjects as is necessary, either by law or resolution:—

- (1) The department of mines.
- (2) The making and support of wagon and post roads.
- (3) The postal department.
- (4) The department of telegraphs and telephones.
- (5) The protection of inventions, samples and trademarks.
- (6) The protection of the right of the author.
- (7) The exploitation and support of the woods and salt-pans.
- (8) The prevention and coping with contagious diseases.
- (9) The condition, the rights, and obligations of companies.
- (10) Insolvency.
- (11) Civil procedure.
- (12) Criminal procedure.
- (13) Such other subjects as the First Volksraad shall decide later by law or resolution, or the First Volksraad shall specially refer to the Second Volksraad.

ARTICLE 28.—All laws or resolutions accepted by the Second Volksraad are as soon as possible, that is to say at the outside within forty-eight hours, communicated both to the First Volksraad and to the President.

ARTICLE 29.—The President has the right, when he has received notice from the Second Volksraad of the adoption of a law or a resolution, to bring that law or resolution before the First Volksraad for consideration within fourteen days after the receipt of such notice. The President is in any case bound, after the receipt of such a notice, to communicate it to the First Volksraad within the said time.

ARTICLE 30.—If the President has not brought the law or resolution as communicated before the First Volksraad for consideration, and the First Volksraad has not on its own part thought it necessary to take said law or resolution into consideration, the President shall, unless with the advice and consent of the Executive Council he thinks it undesirable in the interests of the State, be bound to have that law or resolution published in the first succeeding Volksraad, unless within the said fourteen days the First Volksraad may be adjourned, in which case the publication in the *Staats Courant* shall take place after the lapse of eight days from the commencement of the first succeeding session of the First Volksraad.

ARTICLE 31.—The law or resolution adopted by the Second Volksraad shall have no force, unless published by the President in the *Staats Courant*.

ARTICLE 32.—The legal effect of a law or resolution published by the President in the *Staats Courant* may not be questioned, saving the right of the people to make memorials about it.

ARTICLE 33.—This law comes into operation two months after publication in the *Staats Courant*.

S.J.P. KRUGER,  
*President.*  
DR. W.J. LEYDS,  
*Secretary of State.*

GOVERNMENT OFFICES,  
PRETORIA, 23rd June, 1890.

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## CHAPTER III.

### FULL TEXT OF THE FRANCHISE LAW. PUBLISHED JULY 26, 1899. LAW NO. 3.

WHEREAS, It has appeared desirable to amend and amplify certain provisions of the laws with reference to naturalization and the obtaining of the full franchise; and

WHEREAS, These amendments will not permit of delay by being published three months beforehand in terms of Article 12 of the Grondwet, and as they have already been accepted by the people in principle; it is hereby enacted that:

ARTICLE 1.—Each white male stranger, who has reached the age of sixteen years, and who settles or has settled in the South African Republic with the intention of residing there, shall in future be able to obtain letters of naturalization, provided that he fulfills the following provisions and enactments—

(a) The applicant shall produce a certificate from the Field-Cornet and the Landrost of his ward and district, countersigned by the Commandant of the district, to show that he was, during the time—required in his case—preceding the naturalization, continually registered on the Field-Cornet's list; was during this time domiciled in the South African Republic; and during this time obeyed the laws of the land and committed no crime against the independence of the South African Republic.

If the Field-Cornet and Landrost are not from their personal knowledge able to grant such certificate, they shall do so on the strength of affidavits of the applicant and two well known, fully enfranchised burghers of the ward and district, declaring that the applicant has, during the necessary period, been domiciled in the South African Republic, and has during that time obeyed the laws of the land, and has committed no crime against the independence of the South African Republic.

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If the Field-Cornet and Landrost and Commandant refuse to grant such certificate or to sign it, the applicant may appeal to the Executive Council.

If the Field-Cornet's books are destroyed or lost the applicant shall prove to the satisfaction of the State Secretary and State Attorney, by means of affidavits, that he was registered.

(b) The applicant shall produce a sworn declaration made by himself to the effect that he has had no dishonouring sentence passed on him, and shall produce further proof of good behavior.

By dishonouring sentence shall be understood a sentence for the crimes of high treason, murder, rape, theft, fraud, perjury, or forgery.

(c) The applicant shall produce proof that he possesses unmortgaged fixed property to the value of £150, or pays rent to the amount of £50 per annum, or draws a fixed salary or wage of £100

per annum, or makes an independent living by farming or cattle-breeding.

(d) The person desiring to be naturalized shall, before the official granting of the letters of naturalization, take the following oath, by which he will be understood to renounce and give up all burgher rights enjoyed in and burgher duties and subjection to any State or ruler:

"I swear (or I solemnly declare that the taking of an oath is not permitted by my religion, and promise), faithfully in all righteousness, and in terms of Law No. \_\_\_\_\_, of 1899, with which I declare to be acquainted, that I shall be loyal to this State, shall honour and support its independence, shall subject myself to the Grondwet and the lawful authorities of the land, and shall in all respects conduct myself as it behooves a loyal burgher of this State. So truly help me God—or that I solemnly promise."

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Before a person who has already been naturalized is admitted to the full franchise, he shall, when he makes application therefor, besides fulfilling the other requirements of this Law, again produce proof of fulfilment of the provisions and enactments of Sections *a*, *b* and *c*.

No person shall be entitled to or be allowed to obtain letters of naturalization or full franchise unless he has fulfilled the aforementioned provisions, with the exception of cases for which this or any other Law makes special provision.

ARTICLE 2.—Each person who comes or has come to the South African Republic to stay shall, after at least two years, and after fulfillment of the provisions of Article 1, be able to obtain letters of naturalization, and shall, at least five years after naturalization, be able to obtain the full franchise, provided that in both instances, six months before the expiration of the fixed period, he gives written notice of his intention to apply therefor to the State Secretary through the Field-Cornet and Landrost of his ward and district.

The Field-Cornet shall be bound, under pain of a fine of not more than £10 in each case of neglect, to send this notice to the State Secretary through the Landrost as soon as possible, and at the most within thirty days of the sending in thereof, for publication in the *Staats Courant* for general information, and the State Secretary shall without loss of time publish such notice three consecutive times in the *Staats Courant*.

ARTICLE 3.—Each person who comes or has come into the South African Republic to stay shall, at least seven years after sending in to the Field-Cornet a notice of his intention to be naturalized, in accordance with the form contained in Schedule A, be able to obtain letters of naturalization with the full franchise on fulfilling the provisions of Article 1.

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Such notice shall be sent by the Field-Cornet to the State Secretary and be published by him, all under the same provision and punishment as set forth in the foregoing article.

If the person desires to obtain letters of naturalization with full franchise after seven years, he shall also, at least six months before the expiration of the period, give written notice to the State Secretary, the Field-Cornet and Landrost of his ward and district.

This notice shall also be sent to the State Secretary by the Field-Cornet, and the latter shall publish it in the *Staats Courant*, all under the same provision and punishment as set forth in Article 2.

The applicant shall then, on application for the letters of naturalization with full franchise, further give proof that he has sent in the notice, in accordance with the form of Schedule A, mentioned in the first paragraph of this article, for proof of which it will be sufficient to produce a copy of the *Staats Courant* in which the notice was published.

ARTICLE 4.—Each person who has come to the South African Republic to stay before the coming into force of this Law shall, on fulfilment of the provisions of Article 1, be able to obtain letters of naturalization at least seven years after his coming into the country.

In case the applicant is not entitled to the full franchise six months after the coming into force of this Law, he shall give proof that he, within six months after the coming into force of the Law sent to the Field-Cornet of his ward a written notice of his intention to become naturalized.

If he neglect to send in this notice, in accordance with the form contained in Schedule A, or if he does not produce the certificate mentioned in Article 1, Section *a*, the applicant shall not be entitled to the full franchise in terms of this Article, but only in terms of Articles 2 and 3.

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Such notice shall be sent by the Field-Cornet to the State Secretary, and the latter shall publish the same in the *Staats Courant*, all under the same provisions and punishment as set forth in Article 2.

If he is naturalized after this Law comes into force, he may obtain the full franchise after five years from the date of his naturalization, and, if he chooses, in accordance with the provisions of paragraph 1 of this Article.

ARTICLE 5.—Nothing provided in this Law shall prevent the Executive Council from granting letters of naturalization with or without the full franchise to persons who take a position in the service of the country, or have rendered services to the country, or who have in any other respect rendered themselves of service to the country, although in their case they have not fulfilled the provisions of the Law provided that they take the oath in accordance with Article 1.

ARTICLE 6.—Youths not born in the State, and whose fathers have obtained letters of naturalization or full franchise before they (the youth) had reached the age of sixteen years, have the same franchise as their father.

Youths born in this State, whose fathers were neither naturalized nor had the full franchise, may be naturalized at their sixteenth year by taking the oath mentioned in Article 1, and may, five years after that, obtain the full franchise by fulfilling the provisions mentioned in Article 1, Sections *a* and *b*. They shall also, on their sixteenth year, by giving notice as contained in Schedule A, be able to obtain the full franchise five years thereafter, on fulfillment of the provisions contained in Article 1, Sections *a*, *b* and *d*.

ARTICLE 7.—The application for naturalization and the full franchise must be sent with the necessary proofs to the State Secretary by the Field-Cornet, through the Landrost, and the latter shall refer these to the State Attorney, who shall send them back to the State Secretary with his advice. If the State Secretary and State Attorney have no legal objection to the granting of the letter of naturalization or full franchise, then this shall be granted. If there is any objection, the Executive Council shall decide.

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The letters of naturalization and full franchise shall be signed by the State Secretary and State Attorney. The State Secretary shall cause the letters of naturalization and full franchise to be granted by an official appointed for that purpose, and cause the necessary oath of naturalization to be taken before this official.

The letters of naturalization shall bear a stamp of £2 sterling; the granting of the full franchise to persons who are already naturalized shall be free of cost.

ARTICLE 8.—No person who is not considered as a white inhabitant of the South African Republic shall obtain the franchise, in accordance with Article 9 of the Grondwet.

ARTICLE 9.—All laws and provisions, in so far as they are in conflict with this Law, are hereby repealed.

ARTICLE 10.—This Law comes into force immediately after publication in the *Staats Courant*.

S.J.P. KRUGER,

*State President.*  
F.W. REITZ,  
*State Secretary.*

GOVERNMENT BUILDINGS,  
PRETORIA, July 26, 1899.

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**SCHEDULE A.**

I \_\_\_\_\_ at present resident at \_\_\_\_\_ in the South African Republic, formerly residing at \_\_\_\_\_ in \_\_\_\_\_ whose occupation is \_\_\_\_\_ desiring to reside for good in the South African Republic, hereby give notice that I, \_\_\_\_\_ years from date, will make application for letters of naturalization with the full franchise, and declare that I am acquainted with the duties imposed on me by Law No. \_\_\_\_, 1899, to obey the laws and commit no crime against the independence of the South African Republic.

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**PROPOSED MODIFICATIONS.**

**PROPOSAL OF GREAT BRITAIN FOR A JOINT INQUIRY.**

*British Agent to South African Republic, August 2, 1899.*

Her Majesty's Government authorize me to invite President of South African Republic to appoint delegates to discuss with delegates to be appointed by me on behalf of Her Majesty's Government, whether Uitlander population will be given immediate and substantial representation by franchise law recently passed by Volksraad, together with other measures connected with it, such as increase of seats, and, if not, what additions or alterations may be necessary to secure that result. In this discussion it should be understood that the delegates of Her Majesty's Government would be free to make any suggestions calculated to improve measures in question and secure their attaining the end desired. Personally I wish to add the expression of my earnest hope that Government of South African Republic may accept this proposal, and that we may proceed to discuss the composition of the proposed Commission, method of procedure, and place of meeting, at once. Government of South African Republic will, I feel sure, agree with me that, if proposal of Her Majesty's Government is accepted, the inquiry should be held as soon as possible.

**ALTERNATIVE PROPOSAL OF THE SOUTH AFRICAN REPUBLIC.**

*F.W. Reitz to British Agent.*

*19th August.*

*Sir,* With reference to your proposal for a joint enquiry in your dispatches of the 2nd and 3rd August, Government of South African Republic have the honour to suggest the following alternative proposal for consideration of Her Majesty's Government, which this Government trusts may lead to a final settlement: (1) The Government are willing to recommend to the Volksraad and the people a 5 years' retrospective franchise, as proposed by His Excellency the High Commissioner on the 1st June, 1899. (2) The Government are further willing to recommend to the Volksraad that 8 new seats in the First Volksraad, and, if necessary, also in the Second

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Volksraad, be given to the population of the Witwatersrand, thus with the 2 sitting members for the Goldfields, giving to the population thereof 10 representatives in a Raad of 36, and in future the representation of the Goldfields of this Republic shall not fall below the proportion of one-fourth of the total. (3) The new burghers shall equally with the old burghers be entitled to vote at the election for State President and Commandant-General. (4) This Government will always be prepared to take into consideration such friendly suggestions regarding the details of the Franchise Law as Her Majesty's Government, through the British Agent, may wish to convey to it. (5) In putting forward the above proposals Government of South African Republic assumes: (a) That Her Majesty's Government will agree that the present intervention shall not form a precedent for future similar action and that in the future no interference in the internal affairs of the Republic will take place. (b) That Her Majesty's Government will not further insist on the assertion of the suzerainty, the controversy on the subject being allowed tacitly to drop. (c) That arbitration (from which foreign element other than Orange Free State is to be excluded) will be conceded as soon as the franchise scheme has become law. (6) Immediately on Her Majesty's Government accepting this proposal for a settlement, the Government will ask the Volksraad to adjourn for the purpose of consulting the people about it, and the whole scheme might become law say within a few weeks. (7) In the meantime the form and scope of the proposed Tribunal are also to be discussed and provisionally agreed upon, while the franchise scheme is being referred to the people, so that no time may be lost in putting an end to the present state of affairs. The Government trust that Her Majesty's Government will clearly understand that in the opinion of this Government the existing franchise law of this Republic is both fair and liberal to the new population, and that the consideration that induces them to go further, as they do in the above proposals, is their strong desire to get the controversies between the two Governments settled, and further to put an end to present strained relations between the two Governments and the incalculable harm and loss it has already occasioned in South Africa, and to prevent a racial war from the effects of which South Africa may not recover for many generations, perhaps never at all, and therefore this Government, having regard to all these circumstances would highly appreciate it if Her Majesty's Government, seeing the necessity of preventing the present crisis from developing still further and the urgency of an early termination of the present state of affairs, would expedite the acceptance or refusal of the settlement here offered.

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*21st August.*

*Sir,* In continuation of my dispatch of the 19th instant, and with reference to the communication to you of the State Attorney this morning, I wish to forward to you the following in explanation thereof, with the request that the same may be telegraphed to His Excellency the High Commissioner for South Africa, as forming part of the proposals of this Government embodied in the above-named dispatch: (1) The proposals of this Government regarding question of franchise and representation contained in that dispatch must be regarded as expressly conditional on Her Majesty's Government consenting to the points set forth in paragraph 5 of the dispatch, viz.: (a) In future not to interfere in internal affairs of the South African Republic. (b) Not to insist further on its assertion of existence of suzerainty. (c) To agree to arbitration. (2) Referring to paragraph 6 of the dispatch, this Government trusts that it is clear to Her Majesty's Government that this Government has not consulted the Volksraad as to this question and will only do so when an affirmative reply to its proposals has been received from Her Majesty's Government.

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#### **NOTE.**

In reply to the above proposals of the South African Republic, the Secretary of State for the Colonies declared Great Britain "unable to appreciate the objections entertained by the Government of the South African Republic to a Joint Commission of Inquiry," and refused to enter into a consideration of the alternative proposals of the South African Republic.

As a consequence of this refusal, the South African Republic communicated to Great Britain that the "proposal for a five years' franchise and extension of representation of the Witwatersrand with the conditions attached thereto" had lapsed, whereby also lapsed the necessity of laying it before the representatives of the people for ratification.

During the month of September following, the negotiations failed to produce any agreement, and matters remained in this unsatisfactory state until, on October 9, 1899, the ultimatum of President Kruger brought affairs to an actual crisis.

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## CHAPTER IV.

### ULTIMATUM OF SOUTH AFRICAN REPUBLIC, OCTOBER 9, 1899.

The Government of the South African Republic feels itself compelled to refer the Government of Her Majesty the Queen of Great Britain and Ireland once more to the Convention of London, 1884, concluded between this Republic and the United Kingdom and which in its XIVth Article secures certain specified rights to the white population of this Republic, namely, that "All persons, other than natives, conforming themselves to the laws of the South African Republic (*a*) will have full liberty, with their families, to enter, travel, or reside in any part of the South African Republic; (*b*) they will be entitled to hire or possess houses, manufactories, warehouses, shops, and premises; (*c*) they may carry on their commerce either in person or by any agents whom they may think fit to employ; (*d*) they will not be subject, in respect of their persons or property, or in respect of their commerce or industry, to any taxes, whether general or local, other than those which are or may be imposed upon citizens of the said Republic." This Government wishes further to observe that the above are only rights which Her Majesty's Government have reserved in the above Convention with regard to the Uitlander population of this Republic and that the violation only of those rights could give that Government a right to diplomatic representations or intervention while, moreover, the regulation of all other questions affecting the position or the rights of the Uitlander population under the above-mentioned Convention is handed over to the Government and the representatives of the people of the South African Republic. Amongst the questions the regulation of which falls exclusively within the competence of the Government and of the Volksraad, are included those of the franchise and representation of the people in this Republic, and although thus the exclusive right of this Government and of the Volksraad for the regulation of that franchise and representation is indisputable, yet this Government has found occasion to discuss in a friendly fashion the franchise and the representation of the people with Her Majesty's Government, without, however, recognizing any rights thereto on the part of Her Majesty's Government. This Government has also, by the formulation of the now existing Franchise Law and the Resolution with regard to representation, constantly held these friendly discussions before its eyes. On the part of Her Majesty's Government, however, the friendly nature of these discussions has assumed a more and more threatening tone, and the minds of the people in this Republic and in the whole of South Africa have been excited and a condition of extreme tension has been created, while Her Majesty's Government could no longer agree to the legislation respecting franchise and the Resolution respecting representation in this Republic, and finally, by your note of 25th September, 1899, broke off all friendly correspondence on the subject, and intimated that they must now proceed to formulate their own proposals for a final settlement, and this Government can only see in the above intimation from Her Majesty's Government a new violation of the Convention of London, 1884, which does not reserve to Her Majesty's Government the right to a unilateral settlement of a question which is exclusively a domestic one for this Government and has already been regulated by it.

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On account of the strained situation and the consequent serious loss in and interruption of trade in general which the correspondence respecting the franchise and representation in this Republic carried in its train, Her Majesty's Government have recently pressed for an early settlement and finally pressed, by your intervention, for an answer within forty-eight hours (subsequently somewhat modified) to your note of the 12th September, replied to by the note of this Government of the 15th September, and your note of the 25th September, 1899, and thereafter further friendly negotiations broke off and this Government received the intimation that the proposal for a final settlement would shortly be made, but although this promise was once more repeated no proposal has up to now reached this Government. Even while friendly correspondence was still going on an increase of troops on a large scale was introduced by Her Majesty's Government, and stationed in the neighborhood of the borders of this Republic. Having regard to occurrences in the history of this Republic which it is unnecessary here to call to mind, this Government felt obliged to regard this military force in the neighborhood of its borders as a threat against the independence of the South African Republic, since it was aware of no circumstances which could justify the presence of such military force in South Africa and in the neighborhood of its borders. In answer to an inquiry with respect thereto, addressed to His Excellency the High Commissioner, this Government received, to its great astonishment, in answer, a veiled insinuation that from the side of the Republic (*van Republikeinsche zyde*) an attack was being made on Her Majesty's Colonies and at the same time a mysterious reference to possibilities whereby it was strengthened in its suspicion that the independence of this Republic was being threatened. As a defensive measure it was therefore obliged to send a portion of the burghers of this Republic in order to offer the requisite resistance to similar possibilities. Her Majesty's unlawful intervention in the internal affairs of this Republic in conflict with the Convention of London, 1884, caused by the extraordinary strengthening of troops in the neighborhood of the borders of this Republic, has thus caused an intolerable condition of things to arise whereto this Government feels itself obliged, in the interest not only of this Republic but also of all South Africa, to make an end as soon as possible, and feels itself called upon and obliged to press earnestly and with emphasis for an immediate termination of this state of things and to request Her Majesty's Government to give it the assurance

(a) That all points of mutual difference shall be regulated by the friendly course of arbitration or by whatever amicable way may be agreed upon by this Government with Her Majesty's Government.

(b) That the troops on the borders of this Republic shall be instantly withdrawn.

(c) That all reinforcements of troops which have arrived in South Africa since the 1st June, 1899, shall be removed from South Africa within a reasonable time, to be agreed upon with this Government, and with a mutual assurance and guarantee on the part of this Government that no attack upon or hostilities against any portion of the possessions of the British Government shall be made by the Republic during further negotiations within a period of time to be subsequently agreed upon between the Governments, and this Government will, on compliance therewith, be prepared to withdraw the armed burghers of this Republic from the borders.

(d) That Her Majesty's troops which are now on the high seas shall not be landed in any port of South Africa.

This Government must press for an immediate and affirmative answer to these four questions, and earnestly requests Her Majesty's Government to return such an answer before or upon Wednesday the 11th October, 1899, not later than 5 o'clock p.m., and it desires further to add that in the event of unexpectedly no satisfactory answer being received by it within that interval it will with great regret be compelled to regard the action of Her Majesty's Government as a formal declaration of war, and will not hold itself responsible for the consequences thereof, and that in the event of any further movements of troops taking place within the above-mentioned time in the nearer directions of our borders this Government will be compelled to regard that also as a

formal declaration of war.

## REPLY OF GREAT BRITAIN.

*October 10, 1899.*

Her Majesty's Government have received with great regret the peremptory demands of the Government of the South African Republic conveyed in your telegram of 9th October, No. 3. You will inform the Government of the South African Republic, in reply, that the conditions demanded by the Government of the South African Republic are such as Her Majesty's Government deem it impossible to discuss.

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## CHAPTER V.

### DUAL ALLIANCE OF THE SOUTH AFRICAN REPUBLIC AND THE ORANGE FREE STATE.

*Resolution of Orange Free State, September 27, 1899.*

The Volksraad, having heard the second paragraph of His Honor's opening speech and the official documents and correspondence relating thereto which have been handed in, having regard to the strained state of affairs in South Africa which have arisen in consequence of the differences between the Governments of South African Republic and Her Britannic Majesty, which constitute a threatening danger for bringing about hostilities, the calamitous effect of which would be incalculable for all white inhabitants of South Africa, being bound to the South African Republic by the closest bonds of blood and alliance and standing in most friendly relations towards Her Majesty's Government, fearing that should a war break out a hatred would be generated between the European races in South Africa, which still in the far future will impede and restrain the peaceful development of all States and Colonies of South Africa, being sensible that serious obligations rest on the Volksraad to do all that is possible to prevent the shedding of blood, considering that in the course of negotiations with the British Government which have extended over several months, every endeavor has been made by the Government of the South African Republic at a peaceful settlement of the differences which have been brought forward by Uitlanders in the South African Republic and which have been adopted as its own cause by the Government of Her Majesty, which endeavors, unfortunately, have only had the result that British troops have been concentrated on the border of the South African Republic and are still continually being reinforced:

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"Resolves to instruct the Government still further to do everything in its power to preserve and establish peace and to contribute by peaceful methods towards the solution of the existing differences, always provided that it can be brought about without injury to the honour and independence of this State or of the South African Republic, and wishes unmistakably to declare its opinion that there exists no cause for war and that if a war is now begun or occasioned by Her Majesty's Government against South African Republic, this would morally be a war against the whole of white population of South Africa and would in its results be calamitous and criminal; and further, that Orange Free State will honestly and faithfully observe its obligations towards South African Republic arising out of the political alliance between the two Republics, whatever may happen."

### CORRESPONDENCE BETWEEN GREAT BRITAIN AND ORANGE FREE STATE.

*Sir Alfred Milner to President Steyn, October 11, 1899.*

In view of resolution of Volksraad of Orange Free State communicated to me in Your Honour's telegram of 27th September, I have the honour to request that I may be informed at Your Honour's earliest possible convenience whether this action on the part of the South African Republic has Your Honour's concurrence and support.

*President of Orange Free State to Sir Alfred Milner, October 11, 1899.*

[Pg 64] I have the honour to acknowledge Your Excellency's telegrams of this evening. The high-handed and unjustifiable policy and conduct of Her Majesty's Government in interfering in and dictating in the purely internal affairs of South African Republic, constituting a flagrant breach of the Convention of London, 1884, accompanied at first by preparations, and latterly followed by active commencement of hostilities against that Republic, which no friendly and well-intentioned efforts on our part could induce Her Majesty's Government to abandon, constitute such an undoubted and unjust attack on the independence of the South African Republic that no other course is left to this State than honourably to abide by its Conventional Agreements entered into with that Republic. On behalf of this Government, therefore, I beg to notify that, compelled thereto by the action of Her Majesty's Government, they intend to carry out the instructions of the Volksraad as set forth in the last part of the Resolution referred to by Your Excellency.

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## CHAPTER VI.

### CONSTITUTION OF THE ORANGE FREE STATE.

#### *Chapter I.—Citizenship.*

##### SECTION I.—How Citizenship is Obtained.

1. Burghers of the Orange Free State are:

(a) White persons born from inhabitants of the State both before and after 23 February, 1854.

(b) White persons who have obtained burgher-right under the regulations of the Constitution of 1854 or the altered Constitution of 1866.

(c) White persons who have lived a year in the State and have fixed property registered under their own names to at least the value of £150.

(d) White persons who have lived three successive years in the State and have made a written promise of allegiance to the State and obedience to the laws, whereupon a certificate of citizenship (burghership) shall be granted by the Landrost of the district where they have settled.

(e) Civil and judicial officials who, before accepting their offices, have taken an oath of allegiance to the State and its laws.

##### SECTION II.—How Citizenship is Lost.

Citizenship in the Orange Free State is lost by:

(a) Obtaining citizenship in a foreign country.

(b) Taking service without consent of the President in foreign military service, or accepting commission under a foreign government.

(c) Fixing one's residence outside the country with an evident intention of not returning to this State. This intention shall be considered to be expressed when a man settles in a foreign country longer than two years.

*Chapter II.—Burgher Service.*

2. All burghers as soon as they have reached the full age of 16 years, and all who have obtained burgher-right at a later age, are obliged to have their names inscribed with the Field-Cornet, under whom they have their place of residence, and are subject to burgher service to the full age of 60 years.

*Chapter III.—Qualifications of those Entitled to Vote.*

3. All burghers who have reached the age of 18 years are qualified to exercise the right of voting for the election of Field-Commandants and Field-Cornets.

4. All burghers of full age are qualified for the election of members of the Volksraad and of the President:

(a) Who have been born in the State.

(b) Who have unburdened fixed property under their names to the value of at least £150.

(c) Who are hirers of fixed property, which has at least a yearly rent of £36.

(d) Who have at least a fixed yearly income of £200.

(e) Who are owners of movables to a value of at least £300, and have lived at least three years in the State.

*Chapter IV.—Duties and Powers of the Volksraad.*

5. The highest legislative power rests with the Volksraad.

6. This Council (Raad) shall consist of a member for each Field-Cornetcy of the various districts, and of a member for each principal town of a district. This Council is chosen by majority of votes by the enfranchised inhabitants of each ward of each principal town of a district.

7. Every burgher is eligible as member of the Volksraad, who has never been declared guilty of crime by any jury, nor been declared bankrupt or insolvent, his residence being within the State, has reached an age of at least 25, who also possesses fixed property of at least £500 in value.

8. A member of the Raad ceases to be such in any of the following cases:

(a) If he neglects to come to the Raad during two successive yearly sessions.

(b) If he loses one or more of the qualifications as required in Article 7.

9. Members of the Volksraad are chosen for four successive years, and are re-eligible at the end of the period.

The half shall withdraw after two years, and the first half be regulated by lot.

10. The Volksraad in its yearly meetings chooses a Chairman out of its own members.

11. The Chairman of the Volksraad shall decide in case of an equality of votes.

12. Twelve members shall make a quorum.

13. The Volksraad makes the laws, regulates the government and finances of the country, and shall assemble for that purpose at Bloemfontein once a year (viz., on the first Monday of May).

14. The Chairman shall be able to summon an extraordinary session of the Raad according to the state of affairs.

15. The laws made by the Volksraad shall have force of law two months after the promulgation, and shall be signed by the Chairman or by the President, saving always the right of the Raad to fix a shorter or longer limit of time. The members of the Raad shall, as much as possible, make the laws which have been passed, known and clear to their own public.

16. In case of insolvency, or if any sentence of imprisonment is passed against the President, the Volksraad shall be able to dismiss him at once.

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17. (a) The Volksraad shall have the right to try the President and public officials for treason, bribery and other high crimes.

(b) The President shall not be condemned without the agreement of three to one of the members present.

(c) He shall not be condemned without the full Raad being present, or at least without due notice being given, to give all the members opportunity to be present.

(d) If a quorum is summoned, and is unanimously of opinion that the President is guilty of one of the above-mentioned crimes, they shall have the power to suspend him, and to make provisional arrangements to fulfill the duties of his office. But in that case they shall be obliged to call the whole Raad together to judge him.

(e) The members of the Volksraad shall take their oath at the commencement of said examination.

(f) In case the President should come to die, or should resign his post, or be discharged, or become unfit for the discharge of his office, the Volksraad shall be empowered to appoint one or more persons to act in his place until such unfitness cease or another President is chosen.

(g) The sentence of the Volksraad in such cases shall have no further effect than discharge from their office, and the declaration of unfitness ever to hold any post under the Government. But the persons so sentenced shall none the less be liable to be judged according to the law.

18. The Volksraad reserves the right to examine the election lists of members for the Volksraad itself, and to declare if the members have been duly and legally elected or not.

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19. The Volksraad shall have regular minutes of its transactions kept, and from time to time publish the same, such articles excepted as ought in their judgment to be kept back.

20. The agreement or disapproval of the various members on any question put to the vote must, on the request of one-fifth of members present, be inscribed in the minutes.

21. The public shall be admitted to attend the consultations of the Volksraad and to take notice of the transactions, except in special cases where secrecy is necessary.

22. The Volksraad shall make no laws preventing free assembly of the inhabitants, to memorialize the Government, to obtain assistance in difficulties, or to get an alteration in some laws.

23. The furtherance of religion and education is a subject of care for the Volksraad.

24. The Dutch Reformed Church shall be assisted and supported by the Volksraad.

25. The Volksraad shall have the power to pass a burgher or commando law for the protection and safety of this land.

26. After this Constitution shall have been fixedly determined, no alteration may be made in the

same without the agreement of three-fifths of the Volksraad, and before such change may be made, a majority of three-fifths of the votes shall be necessary for the same in two successive yearly sessions.

27. The Volksraad shall have the power to inflict taxes or to diminish them, to pay the public debt and to make provision for the general defence and welfare of the State; similarly to take up money on the credit of the State, and also to dispose of Government property.

*Chapter V.—Duties, Powers, etc., of the President.*

28. There shall be a President.

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29. The President shall be chosen by the enfranchised burghers; however, the Volksraad shall recommend one or more persons to their choice.

30. The President shall be appointed for five years, and be re-eligible on resignation.

31. The President shall be the head of the Executive power. The supervision of all public departments and the execution and regulation of all matters connected with the public service shall be entrusted to the President, who shall be responsible to the Volksraad, and whose acts and deeds shall be subject to an appeal before the Volksraad.

32. The President shall as often as possible visit the towns and give the inhabitants of the same and of the district an opportunity to bring forward at the towns matters in which they are interested.

33. The President shall make a report in the yearly assemblage of the Volksraad about the state of the land and of the public service, shall assist the same with counsel and advice, and if necessary, lay bills upon the table, without, however, being able to vote upon the same.

34. The President shall also be able to summon an extraordinary meeting of the Volksraad.

35. The President shall have the power to fill up all empty posts in the public offices, which fall vacant between the times of the meeting of the Volksraad, subject to the ratification of that body.

36. The President shall have the right to suspend public officials.

37. The President with a majority of the Executive Council shall exercise the right of mercy in all criminal sentences.

38. The President with the consent of the Volksraad declares war and makes peace.

39. The President shall be able to make conventions, subject to the consent of the Volksraad.

40. The President shall not be able to make any treaty without consent of the Volksraad.

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41. The President, or any member of the Executive Council, shall have the right at all times to inspect the state of the finances, as also the books of the officials.

*Chapter VI.—Executive Council.*

42. There shall be an Executive Council, consisting of the Landrost of the capital, the Secretary of the Government, and three unofficial members, chosen by the Volksraad, to assist the President with advice and assistance.

The President shall be the Chairman, and have a decisive vote.

43. The Executive Council shall hold session on the second Monday of each second month, and at such other times as the President may desire.

44. The Executive Council shall be bound to make a yearly report of its transactions to the

Volksraad.

45. A majority of the Executive Council shall have the right to summon an extraordinary meeting of the Volksraad.

46. The President and the Executive Council shall have the power of declaring martial law.

*Chapter VII.—The Judicial Power.*

47. The Landrost holds the power of civil commissioner and resident magistrate.

48. The judicial power is exclusively exercised by the courts of law, which are established by the law.

49. Legislation also regulates the administration of criminal justice, as also that in police cases, always understanding, however, that criminal cases brought in the first instance before the higher Courts are judged by a jury.

*Chapter VIII.—The Military System.*

50. The Field-Cornets shall be chosen by and out of the burghers of their wards.

51. A Field-Commandant shall be chosen for each district, by and out of the burghers of the same.

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52. The assembled Field-Commandants and Field-Cornets who are united on a commando shall choose from amongst themselves, in case of war, their own Commandant-General, which General must then receive his instructions from the President.

53. The assembled Field-Commandants and Field-Cornets have the right, during the course of the war, when they have just cause for so doing, to discharge the Commandant-General who had been chosen by them, and to appoint another, they being bound in that case to give notice to the President thereof, who on receipt of such announcement, and on finding the assigned reasons well founded, fixes the day on which a new election shall take place.

54. After the war there exists no longer any Commandant-General as such.

55. The Field-Cornets must be resident in their own wards and possess property therein.

56. The Field-Commandants must be resident in their own districts, possess fixed property to the amount of £200, and have lived one year in the country.

*Chapter IX.—Miscellaneous Subjects.*

57. The Roman-Dutch law shall be the principal law of this State, where no other law has been made by the Volksraad.

58. The law is for all alike, always understanding that the judge shall exercise all laws with impartiality and without respect of persons.

59. Every inhabitant owes obedience to the law and the authorities.

60. Right of property is guaranteed.

61. Personal freedom, provisionally on remaining within the limitations of the law, is guaranteed.

62. The freedom of the press is guaranteed provisionally on remaining within the law.