APPENDIX

THE PEACE NEGOTIATIONS—COMMENCED MARCH 12, 1902—
CONCLUDED MAY 31, 1902

The following is the text of the draft agreement signed by the Boer representatives in Pretoria on the 31st of May after it had been approved by his Majesty’s Government:

His Excellency General Lord Kitchener and his Excellency Lord Milner, on behalf of the British Government, and Messrs. M. T. Steyn, J. Brebner, General C. R. De Wet, General C. Olivier, and Judge J. B. M. Hertzog, acting as the Government of the Orange Free State, and Messrs. S. W. Burger, F. W. Reitz, Generals Louis Botha, J. H. Delarey, Lucas Meyer, Krogh, acting as the Government of the South African Republic, on behalf of their respective burghers, desirous to terminate the present hostilities, agree on the following articles:

1. The Burgher forces in the field will forthwith lay down their arms, handing over all guns, rifles, and munitions of war in their possession or under their control, and desist from any further resistance to the authority of his Majesty King Edward VII., whom they recognise as their lawful Sovereign. The manner and details of this surrender will be arranged between Lord Kitchener and Commandant-General Botha, Assistant Commandant-General Delarey, and Chief Commandant De Wet.

2. All Burghers in the field outside the limits of the Transvaal or Orange River Colony, and all prisoners of war at present outside South Africa who are Burghers, will, on duly declaring their acceptance of the position of subjects of his Majesty King Edward VII., be gradually brought back to their homes as soon as transports can be provided and their means of subsistence ensured.

3. The Burghers so surrendering or so returning will not be deprived of their personal liberty or their property.

4. No proceedings, civil or criminal, will be taken against any of the Burghers surrendering or so returning for any acts in connection with the prosecution of the war. The benefit of this clause will not extend to certain acts contrary to usages of war which have been notified by Commander-in-Chief to the Boer generals, and which shall be tried by court-martial immediately after the close of hostilities.

5. The Dutch language will be taught in public schools in the Transvaal and Orange River Colony where the parents of the children desire it, and will be allowed in courts of law when necessary for the better and more effectual administration of justice.

6. The possession of rifles will be allowed in the Transvaal and Orange River Colony to persons requiring them for their protection on taking out a licence according to law.

7. Military administration in the Transvaal and Orange River Colony will at the earliest possible date be succeeded by civil government, and, as soon as circumstances permit, representative institutions, leading up to self-government, will be introduced.
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8. The question of granting the franchise to natives will not be decided until after the introduction of self-government.

9. No special tax will be imposed on landed property in the Transvaal and Orange River Colony to defray the expenses of the war.

10. As soon as conditions permit, a commission, on which the local inhabitants will be represented, will be appointed in each district of the Transvaal and Orange River Colony, under the presidency of a magistrate or other official, for the purpose of assisting the restoration of the people to their homes and supplying those who, owing to war losses, are unable to provide themselves with food, shelter, and the necessary amount of seed, stock, implements, &c., indispensable to the resumption of their normal occupations.

His Majesty's Government will place at the disposal of these commissions a sum of £3,000,000 for the above purposes, and will allow all notes issued under Law 1 of 1900 of the South African Republic and all receipts given by officers in the field of the late Republics, or under their orders, to be presented to a judicial commission, which will be appointed by the Government, and if such notes and receipts are found by this commission to have been duly issued in return for valuable considerations, they will be received by the first-named commissions as evidence of war losses suffered by the persons to whom they were originally given. In addition to the above-named free grant of £3,000,000, his Majesty's Government will be prepared to make advances on loan for the same purposes free of interest for two years, and afterwards repayable over a period of years with 3 per cent. interest.

No foreigner or rebel will be entitled to the benefit of this clause.

The correspondence relating to the last stage of the South African War was published as a Parliamentary Paper. As the future policy of South Africa will be directed by the considerations which influenced the wording of the final agreement, the important part of the correspondence is quoted in its entirety. A series of brief despatches passed between Lord Kitchener and the Secretary of State for War between March 12 and April 11. The first despatch announced the desire of Mr. Schalk Burger, after receiving from Lord Kitchener a copy of the correspondence connected with the Dutch Government's negotiations, to obtain safe conduct in order to meet Mr. Steyn with a view to making peace proposals. The meeting of the Boer commanders, as is known, was arranged, and it took place at Klerksdorp. On April 11 Lord Kitchener received permission from the Secretary of State for War to accede to a request from the Boer representatives for permission to lay certain proposals before him. This Boer request was addressed to Lord Kitchener in the following terms:

"After quoting at length the correspondence between his Majesty's Government and the Netherlands, they are of opinion that it is a suitable moment to do everything possible to put a stop to the war, and therefore decide to make certain propositions to Lord Kitchener which can serve as a base for further negotiations in order to bring about the desired end. They further decide that, in their opinion, in order to accelerate the desired aim and prevent misunderstanding, Lord Kitchener be requested to meet them personally, time and place to be appointed by him, in order to lay before him direct peace proposals, which they are prepared to submit, and in order to settle at once, by direct communication with him, all questions that may present themselves, and thereby to make sure that this meeting will have the desired result."

PRELIMINARY OVERTURES.

Then followed the succeeding telegraphic correspondence.

FROM LORD KITCHENER TO THE SECRETARY OF STATE FOR WAR.

PRETORIA, April 12, 1902, 9.22 P.M.

All Boer representatives met to-day and wished the following telegram sent:—

"The Boer representatives wish to lay before his Majesty's Government that they have an earnest desire for peace, and that they consequently decided to ask the British Govern-
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ment to end hostilities, and to enter into an agreement by which, in their opinion, all future war between them and the British Government in South Africa will be prevented. They consider this object may be attained by providing for following points:—

1. Franchise.
2. Equal rights for Dutch and English languages in education matters.
3. Customs Union.
4. Dismantling of all forts in Transvaal and Orange River Colony.
5. Post, Telegraph, and Railways Union.
6. Arbitration in case of future differences, and only subjects of the parties to be the arbitrators.
7. Mutual amnesty.
8. But if these terms are not satisfactory they desire to know what terms the British Government would give them in order to secure the end they all desire.

I have assured them that his Majesty's Government will not accept any proposals which would maintain independence of Republic, as this would do, and that they must expect refusal.

FROM THE SECRETARY OF STATE FOR WAR TO LORD KITCHENER.

WAR OFFICE, 15th April 1902, 2.30 P.M.

His Majesty's Government sincerely share the earnest desire of the Boer representatives for peace, and hope that the present negotiations may lead to that result; but they have already stated in the clearest terms, and must now repeat, that they cannot entertain any proposals which are based upon the continued independence of the former Republics, which have been formally annexed to the British Crown.

FROM LORD KITCHENER TO THE SECRETARY OF STATE FOR WAR.

PRETORIA, 14th April 1902, 6.10 P.M.

The High Commissioner and I met the Boer representatives this morning, when I communicated to them the substance of your telegram. We then endeavoured to induce them to make fresh proposals, but President Steyn, who throughout acted as their leading spokesman, immediately took the line that while the Boer Governments were competent to make peace they were not competent to surrender the independence of their country; that only the people could do this—the people, as explained, meaning the Burgers still in the field. If he was to suggest anything involving the abandonment of independence, it would be a betrayal of their trust.

Schalk Burger and General Botha took precisely the same line. As no progress could be made the meeting was adjourned by mutual consent till this afternoon. The Boer representatives then suggested an armistice in order to consult their people; but I pointed out, with Lord Milner's full concurrence, that we had not got nearly far enough in the direction of agreement to justify such a course. Finally it was agreed that I should send you the following message, which was read over several times, and fully agreed to by the representatives, to whom I have given a copy of it:—

"A difficulty has arisen in getting on with proceedings. The representatives state that constitutionally they have no power to discuss terms based on the surrender of independence, inasmuch as only the Burgers can agree to such a basis; therefore, if they were to propose, it would put them in a false position with regard to their people. If, however, his Majesty's Government would state the terms that, subsequent to a relinquishment of independence, they would be prepared to grant, the representatives, after asking for the necessary explanations, without any expression of approval or disapproval, would submit such conditions to their people."

THE QUESTION OF INDEPENDENCE.

FROM THE SECRETARY OF STATE FOR WAR TO LORD KITCHENER.

WAR OFFICE, April 16, 1902, 2.20 P.M.

We have received with considerable surprise the message from the Boer leaders contained in your telegram of April 14. The meeting was arranged at their request, and they must have been aware of our repeated declarations that we could not entertain any proposals based on the renewed independence of the two South African States. We were, therefore, entitled to assume that the
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Boer representatives had relinquished the idea of independence, and would propose terms of surrender for the forces still in the field.

They now state that they are constitutionally incompetent to discuss terms which do not include a restoration of independence, but request us to inform them what conditions would be granted, if, after submitting the matter to their followers, they were to relinquish the demand for independence.

This does not seem to us to be a satisfactory method of proceeding, or one best adapted to secure, at the earliest moment, a cessation of the hostilities which have involved the loss of so much life and treasure.

We are, however, as we have been from the first, anxious to spare the effusion of further blood, and to hasten the restoration of peace and prosperity to the countries afflicted by the war, and you and Lord Milner are therefore authorised to refer the Boer leaders to the offer made by you to General Botha more than twelve months ago, and to inform them that, although the subsequent great reduction in the strength of the forces opposed to us and the additional sacrifices thrown upon us by the refusal of that offer would justify us in imposing far more onerous terms, we are still prepared, in the hope of a permanent peace and reconciliation, to accept a general surrender on the lines of that offer, but with such modifications in detail as may be agreed upon mutually.

You are also authorised to discuss such modifications with them, and to submit the result for our approval.

Communicate this to High Commissioner.

FROM LORD KITCHENER TO THE SECRETARY OF STATE FOR WAR.

PRETORIA, April 17, 1902, 6.40 p.m.

I communicated your telegram to the Boer representatives this morning. They immediately asked for adjournment to consider it. We met again at 2 p.m., when they pressed for the return of the Boer delegates and for an armistice to enable them to consult their burghers. I refused both on military grounds, but promised facilities for them to hold meeting of their Burghers. Lord Milner impressed on them necessity of coming back with definite powers and determination to make peace at once, which they promised to do. The meeting then broke up, and I had a short meeting with Generals Botha, De Wet, and Delarue, to arrange details of how they are to carry out meeting. These were settled satisfactorily, and they will probably leave to-morrow to get vote from their people.

FROM LORD KITCHENER TO THE SECRETARY OF STATE FOR WAR.

PRETORIA, April 18, 1902, 10.55 a.m.

Have now arranged with the generals all details as to holding meeting, and representatives of both States will leave here to-night to carry out the arrangements.

FROM THE SECRETARY OF STATE FOR WAR TO LORD KITCHENER.

WAR OFFICE, April 19, 1902.

Yours of yesterday. We fully realise the necessity of giving the Boer leaders all due opportunity of consulting their commandos, but we trust that no arrangements will be come to which will make it necessary for you to suspend operations until some definite arrangement is in view. We are continuing to send reinforcements.

SURRENDER OF INDEPENDENCE.

FROM LORD KITCHENER TO THE SECRETARY OF STATE FOR WAR.

PRETORIA, April 19, 1902, 11.40 a.m.

The Boer representatives have all left. The meeting of elected representatives from commandos is arranged to be held at Vereeniging on 13th or 15th May. I did my best to hasten, but it was found impossible. I am not allowing facilities for meeting of commandos in Cape Colony, and none will be there. I have arranged with Boer leaders that foreigners serving with them shall have no vote, and that votes will be by ballot. Each commando will be represented by two Burghers. It is thought probable that the meeting at Vereeniging will take two days, after which, if favourable decision is arrived at, Boer representatives will come here to arrange final settlement.

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FROM LORD KITCHENER TO THE SECRETARY OF STATE FOR WAR.

Pretoria, May 17, 1902, 6.55 P.M.

Following telegram just received:

"From State Presidents Burger and Steyn to Lord Kitchener.

"We have the honour to communicate to your Excellency that, as a result of the Burghers assembling here, a commission has been appointed by our Governments to negotiate with your Excellency with a view to finishing the present hostilities. This commission consists of Louis Botha, Christian de Wet, Hertzog, Delarey, and Smuts. If your Excellency is agreeable to meet this commission we request you to appoint time and place of meeting."

After consultation with Lord Milner I have sent following reply:

"I have the honour to acknowledge your communication, and should be glad to be informed if the commission you announce have plenary powers to agree to terms for the cessation of hostilities. If so, Lord Milner and I will be prepared to receive them here. Colonel Henderson will arrange to put a train at their disposal directly they inform him when they wish to start."

FROM LORD KITCHENER TO THE SECRETARY OF STATE FOR WAR.

Pretoria, May 18, 1902, 2.15 P.M.

Following is reply from Burger and Steyn:

"In reply to your Excellency's telegram of this morning, we have the honour to inform you that commission, appointed in accordance with instructions by the Burghers assembled, has power to negotiate with your Excellency, subject to ratification by the Burghers."

After consultation with Lord Milner, I have informed the Presidents we will be glad to meet the commission here to-morrow.

LORD KITCHENER TO THE SECRETARY OF STATE FOR WAR.

Pretoria, May 19, 1902, 7.20 P.M.

Meeting took place at 11.30, and Boer commission made following proposals:

1. We are prepared to surrender our independence as regards foreign relations.
2. We wish to retain self-government under British supervision.
3. We are prepared to surrender a part of our territory.

Lord Milner and I refused to accept these terms as basis for negotiation, as they differ essentially from the principles laid down by his Majesty's Government. After a long discussion nothing was decided, and it was determined to meet in the afternoon. Commission met again at 4 P.M., when Lord Milner proposed a form of document that might be submitted to the Burghers for a "Yes" or "No" vote. There was a good deal of objection to this, but it was agreed finally that Lord Milner should meet Smuts and Hertzog with a view of drafting as far as possible an acceptable document on the Botha lines. They will meet to-morrow for that purpose. Lord Milner stipulated for the assistance of Sir Richard Solomon in the preparation of the draft documents.

FOR A "YES" OR "NO" VOTE.

FROM LORD KITCHENER TO THE SECRETARY OF STATE FOR WAR.

Pretoria, May 21, 1902, 4.50 P.M.

Commission are prepared to submit the following document to the Burghers assembled at Vereeniging for a "Yes" or "No" vote if his Majesty's Government approves of its terms:


"We have the honour to communicate to your Excellency that, as a result of the meeting of the State Presidents of the South African Republic, held at Pretoria on the 17th instant, a commission was appointed by the said States with the purpose of negotiating with your Excellency with a view to finishing the present hostilities and to lay before you a document for your approval. The Commission consists of Messrs. Louis Botha, Christian de Wet, Hertzog, Delarey, and Smuts."

"After consultation with Lord Milner, I have sent the following reply:

"I have the honour to acknowledge your communication, and should be glad to be informed if the commission you announce have plenary powers to agree to terms for the cessation of hostilities. If so, Lord Milner and I will be prepared to receive them here. Colonel Henderson will arrange to put a train at their disposal directly they inform him when they wish to start."

"In reply to your Excellency's telegram of this morning, we have the honour to inform you that commission, appointed in accordance with instructions by the Burghers assembled, has power to negotiate with your Excellency, subject to ratification by the Burghers."

"After consultation with Lord Milner, I have informed the Presidents we will be glad to meet the commission here to-morrow."

"We are prepared to surrender our independence as regards foreign relations. We wish to retain self-government under British supervision. We are prepared to surrender a part of our territory."

"Lord Milner and I refused to accept these terms as basis for negotiation, as they differ essentially from the principles laid down by his Majesty's Government. After a long discussion nothing was decided, and it was determined to meet in the afternoon. Commission met again at 4 P.M., when Lord Milner proposed a form of document that might be submitted to the Burghers for a "Yes" or "No" vote. There was a good deal of objection to this, but it was agreed finally that Lord Milner should meet Smuts and Hertzog with a view of drafting as far as possible an acceptable document on the Botha lines. They will meet to-morrow for that purpose. Lord Milner stipulated for the assistance of Sir Richard Solomon in the preparation of the draft documents.

Commission are prepared to submit the following document to the Burghers assembled at Vereeniging for a "Yes" or "No" vote if his Majesty's Government approves of its terms:

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of their respective Burghers desirous to terminate the present hostilities agree on the following articles:—

"1. The Burgher forces in the field will forthwith lay down their arms, handing over all guns, rifles, and munitions of war in their possession or under their control, and desist from any further resistance to the authority of his Majesty King Edward VII., whom they recognise as their lawful Sovereign. The manner and details of this surrender will be arranged between Lord Kitchener and Commandant-General Botha, Assistant Commandant-General Delarey, and Chief Commandant de Wet.

"2. Burghers in the field outside the limits of the Transvaal or Orange River Colony, on surrendering, will be brought back to their homes.

"3. All prisoners of war at present outside South Africa who are Burghers will, on their declaring their acceptance of the position of subjects of his Majesty King Edward VII., be brought back to the places where they were domiciled before the war.

"4. The Burghers so surrendering or so returning will not be deprived of their personal liberty or their property.

"5. No proceeding, civil or criminal, will be taken against any of the Burghers surrendering or so returning for any acts in connection with the prosecution of the war.

"6. The Dutch language will be taught in public schools in the Transvaal and Orange River Colony, where the parents of the children desire it, and will be allowed in Courts of Law when necessary for the better and more effectual administration of justice.

"7. The possession of rifles will be allowed in the Transvaal and Orange River Colony to persons requiring them for their protection on taking out a licence according to law.

"8. Military administration in the Transvaal and Orange River Colony will at the earliest possible date be succeeded by civil government, and, as soon as circumstances permit, representative institutions, leading up to self-government, will be introduced.

"9. The question of granting the franchise to natives will not be decided until after the introduction of self-government.

"10. No special tax will be imposed on landed property in the Transvaal and Orange River Colony to defray the expenses of the war.

"11. A judicial commission will be appointed, to which Government notes issued under Law No. 1 of 1900 of the South African Republic may be presented within six months. All such notes as are found to have been duly issued in the terms of that law, and for which the persons presenting them have given valuable considerations, will be paid, but without interest. All receipts given by the officers in the field of the late Republics, or under their orders, may likewise be presented to the said commission within six months, and, if found to have been given bona fide for goods used by the Burgher forces in the field, will be paid out to the persons to whom they were originally given. The sum in respect of the said Government notes and receipts shall not exceed £3,000,000 sterling, and if the total amount of such notes and receipts approved by the commission is more than that sum there shall be a pro rata diminution. Facilities will be afforded to the prisoners of war to present their Government notes and receipts within the six months aforesaid.

"12. As soon as conditions permit, a commission, on which the local inhabitants will be represented, will be appointed in each district of the Transvaal and Orange River Colony, under the presidency of a magistrate or other official, for the purpose of assisting the restoration of the people to their homes, and supplying those who, owing to war losses, are unable to provide for themselves with food, shelter, and the necessary amount of seed, stock, implements, &c., indispensable to the resumption of their normal occupations. Money for this will be advanced by the Government, free of interest, and repayable over a period of years."

MR. CHAMBERLAIN'S EMENDATIONS.

FROM MR. CHAMBERLAIN TO LORD MILNER.

COLONIAL OFFICE, MAY 27, 1902, 3.45 P.M.

I have to inform you that his Majesty's Government approve of the submission to the assembly at Vereeniging for a "Yes" or "No" vote the document prepared by the commission, and forwarded by Lord Kitchener on 21st May to the Secretary of State for War, subject to the following alterations:—

Clauses 2 and 3 should be put together, and will run as follows:—

"All Burghers in the field outside the limits of the Transvaal and Orange River Colony, and all prisoners of war at present outside South Africa, who are Burghers, will, on duly declaring their acceptance of the position of subjects of his Majesty King Edward VII.,
SURRENDERED BOERS AT BELFAST ANXIOUS TO JOIN THE NATIONAL SCOUTS AFTER BEING ADDRESSED
BY LORD KITCHENER

Drawing by F. de Harnen from Photographs
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be gradually brought back to their homes as soon as transport can be provided and their means of subsistence ensured.23

The object of this alteration is to make clear that Burghers in the field outside the two States will, like the Burghers inside and the prisoners of war, declare their acceptance of the position of subjects. It was clearly not intended that they should be in any different position to their countrymen elsewhere.

We have also inserted words to explain that return must be gradual.

Clause 5. We add at end of clause the words:—

"The benefit of this clause will not extend to certain acts contrary to usages of war which have been notified by Commander-in-Chief to the Boer generals, and which shall be tried by court-martial immediately after the close of hostilities."

Clauses 11 and 12 must be omitted and the following clause substituted:—

"As soon as conditions permit, a commission, on which the local inhabitants will be represented, will be appointed in each district of the Transvaal and Orange River Colony under the presidency of a magistrate or other official, for the purpose of assisting the restoration of the people to their homes and supplying those who, owing to war losses, are unable to provide themselves with food, shelter, and the necessary amount of seed, stock, implements, &c., indispensable to the resumption of their normal occupations.

"His Majesty's Government will place at the disposal of these Commissions a sum of £3,000,000 for the above purposes, and will allow all notes issued under Law 1 of 1900 of the South African Republic, and all receipts given by officers in the field of the late Republics, or under their orders, to be presented to a judicial commission, which will be appointed by the Government, and if such notes and receipts are found by this commission to have been duly issued in return for valuable considerations, they will be received by the first-named commissions as evidence of war losses suffered by the persons to whom they were originally given.

In addition to the above-named free grant of £3,000,000, his Majesty's Government will be prepared to make advances on loan for the same purposes free of interest for two years, and afterwards repayable over a period of years with 3 per cent. interest. No foreigner or rebel will be entitled to the benefit of this clause."

In making this communication to the delegates you must inform them that if this opportunity of an honourable termination of hostilities is not accepted within a time fixed by you the conference will be considered at an end, and his Majesty's Government will not be bound in any way by their present declarations.

Lord Kitchener should have a copy of this telegram.

THE SUBJECT OF BANISHMENT.

FROM MR. CHAMBERLAIN TO LORD MILNER.

Colonial Office, May 27, 1902, 5.10 P.M.

We understand that the terms of surrender offered in my telegram of to-day are confined to Burghers of the Orange Free State and South African Republic at the date of the outbreak of the war. His Majesty's Government are unable to make any pledges on behalf of the Governments of the Cape or Natal as to the treatment of rebels. You have no doubt kept in mind that any favourable terms accorded by either of these Governments will have to be sanctioned by the Legislature of the Colony.

His Majesty's Government must place it on record that the treatment of Cape and Natal colonists who have been in rebellion and who now surrender will be determined, if they return to their colonies, by the Colonial Governments and in accordance with the laws of the colonies, and that any other British subjects who have joined the enemy will be liable to trial under the law of that part of the British Empire to which they belong.

The Cape Government have informed his Majesty's Government that the following are their views as to the terms which should be granted to British subjects of Cape Colony who are now in the field, or have surrendered, or have been captured since the 12th April 1901:—

"With regard to rank and file, Ministers advise that upon surrender they shall all, after giving up their arms, sign a document before Resident Magistrate of district in which surrender takes place acknowledging themselves guilty of high treason, and that the punishment to be awarded to them, provided they shall not have been guilty of murder or other acts contrary to usages of civilised warfare, shall be that they shall not be entitled for life to be registered as voters or to vote at any Parliamentary, Divisional Council, or Municipal election. Legislation will be required to give effect to this recommendation.
The Transvaal War

With regard to Justices of the Peace and Field-Cornets of Cape Colony and all other persons holding an official position under Government of Cape Colony, or who may occupy post of commandant of rebel or Burgher forces, Ministers advise that they shall be tried for high treason before the ordinary tribunal of country or such special court as may be hereafter constituted by law, the punishments for their offence to be left to the discretion of court, with this proviso, that in no case shall penalty of death be inflicted.

The Natal Government are of opinion that rebels should be dealt with according to the law of the colony.

FROM MR. CHAMBERLAIN TO LORD MILNER.

COLONIAL OFFICE, 26th May 1902, 6.30 P.M.

Have any promises been made to Boers by you with regard to the leaders liable to banishment under the proclamation of 7th August, some of whom have been specially named in notices issued subsequently? This proclamation, you will recollect, was the result of a strong representation from Lord Kitchener, and supported by minute of Natal Government of 25th July. The exact terms were finally settled by you. If you now think that this proclamation should be disregarded I have no objection to make.

FROM LORD MILNER TO MR. CHAMBERLAIN.

(Received Colonial Office 3.30 P.M., 27th May 1902.)

Referring to your telegram of 26th May. No promises have been made or asked for. The Boers are no doubt aware that legislation is required to give effect to banishment, and feel that we would not introduce such legislation if Article 3 of proposed agreement is accepted. This is obvious, and it follows that if surrender comes off banishment will be tacitly dropped. I was in favour of banishment proclamation, and was prepared to go even further, as I thought, and I still think, that resistance of Boers had ceased to be legitimate at that stage, and that it was our duty to impose special penalties upon those responsible for adoption of guerrilla methods by which the country was being ruined and by which alone the struggle could be kept up at all.

So far from regretting the proclamation I believe it has had great effect in increasing the number of surrenders, and in inducing the Boers still in the field to desist from further fighting. That has certainly been Kitchener's opinion, as he has always pressed and given the greatest publicity to the lists of banished leaders. But it would be a mistake if the Boers now give in in a body and live as British subjects to continue a prescription which would only keep up bitter feelings and tend to prevent the country from settling down.

Kitchener agrees entirely.

FROM LORD MILNER TO MR. CHAMBERLAIN.

(Sent 7.55 P.M. Received Colonial Office 7.45 P.M., 27th May 1902.)

My telegram of to-day, No. 1.

I made it clear, I hope, that what I said applied only to banishment, not to sale of farms. Smuts did allude to this point in committee, though not to banishment, but I gave him an emphatic negative, and the subject was then dropped.

THE FIRST DRAFT AGREEMENT.

FROM LORD MILNER TO MR. CHAMBERLAIN.

(Despatched 11.10 P.M., May 28. Received Colonial Office 5.5 A.M., May 29, 1902.)

Referring to your telegram No. 1 of May 27. Commander-in-Chief and I met the Boer delegates again this morning, and I communicated to them the alterations and additions to their draft contained in your telegram under reply, and informed them that his Majesty's Government approved of the draft so altered being submitted to the Boers at Vereeniging for a "Yes" or "No" answer. I added that if this opportunity of an honourable termination of hostilities was not accepted within a time fixed by us the conference would be considered at an end, and his Majesty's Government would not be in any way bound by the present declarations. I handed them at the same time a copy of draft agreement in accordance with your instructions. There was no discussion of it. Commander-in-Chief stated that before fixing definitely the time by which we must receive
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an answer he would like to know their opinion. He thought forty-eight hours would be ample, but he did not wish to rush them.

The delegates, who it was agreed should return to Vereeniging this evening, asked for an adjournment before giving an answer as to time. To this we agreed.

Before they left I read to them a statement based on your telegram of 27th May, No. 2, and was obliged to modify slightly your message in order to bring it into harmony with the latest communication I have received from the Cape Government on the subject, according to which fresh legislation will not be necessary; but essential points, viz., the degree of punishment to be awarded and the classification of rebels, were given absolutely in your words.

The delegates asked for a copy of my statement, which I handed to them. The meeting then adjourned.

This afternoon we met delegates again for a few minutes. They asked us to give them until Saturday night for their answer, to which we agreed. We then shook hands and parted.

They returned at 9 p.m. to Vereeniging.

FROM LORD MILNER TO MR. CHAMBERLAIN.

(Despatched 6.5 p.m., 30th May. Received Colonial Office 8.30 a.m., 31st May 1902.)

After handing to Boer delegates a copy of draft agreement which his Majesty's Government are prepared to approve with a view of terminating the present hostilities, I read to them the following statement and gave them a copy:

His Majesty's Government must place it on record that the treatment of Cape and Natal Colonists who have been in rebellion and who now surrender will, if they return to their colonies, be determined by the Colonial Governments and in accordance with the laws of the colonies, and that any British subjects who have joined the enemy will be liable to trial under the law of that part of the British Empire to which they belong.

His Majesty's Government are informed by the Cape Government that the following are their views as to the terms which should be granted to British subjects of Cape Colony who are now in the field, or who have surrendered, or have been captured since April 12, 1901:

"With regard to rank and file, they should all, upon surrender, after giving up their arms, sign a document before the Resident Magistrate of the district in which the surrender takes place, acknowledging themselves guilty of high treason, and the punishment to be awarded to them, provided they shall not have been guilty of murder or other acts contrary to the usages of civilised warfare, should be that they shall not be entitled for life to be registered as voters or to vote at any Parliamentary, Divisional Council, or Municipal election. With reference to Justices of the Peace and Field-Cornets of Cape Colony and all other persons holding an official position under the Government of Cape Colony, or who may occupy the position of commandant of rebel or Burgher forces, they shall be tried for high treason before the ordinary court of the country or such special court as may be hereafter constituted by law, the punishment for their offence to be left to the discretion of court, with this proviso, that in no case shall penalty of death be inflicted."

The Natal Government are of opinion that rebels should be dealt with according to the law of the colony.

THE SIGNING OF THE TERMS.

FROM LORD KITCHENER TO THE SECRETARY OF STATE FOR WAR.

PRETORIA, May 31, 1902, 5.15 p.m.

It is now settled that the Boer representatives will come here immediately, and also the High Commissioner from Johannesburg. It is possible that the document will be signed to-night. I have received from them a statement saying that they accept and are prepared to sign.

FROM LORD KITCHENER TO THE SECRETARY OF STATE FOR WAR.

PRETORIA, May 31, 1902, 11.15 p.m.

Negotiations with Boer delegates. The document containing terms of surrender was signed here this evening at 10.30 p.m. by all Boer representatives, as well as by Lord Milner and myself.
The Transvaal War

FROM LORD MILNER TO MR. CHAMBERLAIN.

PRETORIA, June 1, 10.15 A.M.

The agreement, as amended by his Majesty's Government in your telegram of May 27, was signed just before 11 P.M. last night by Lord Kitchener and myself and ten Boer delegates, six representing the Transvaal and four Orange Free State. A resolution of Burgher assembly at Vereeniging authorising them to sign was put in by them before signing it. Names of signatories are the same as those in original draft sent in Lord Kitchener's telegram, except that the initials had been corrected in some cases and Mr. Steyn's name was omitted. He was too ill to come up, and had already taken his parole. The order of signatories is chiefly the same, except that De Wet signed first of the Orange River Colony delegates, Hertzog next, and then Brebner, the reason being that De Wet was nominated "Acting President" by Steyn on retiring.

OFFICIAL CORRESPONDENCE AFTER THE BATTLE
OF COLENZO, DECEMBER 15, 1899

Since the conduct of General Sir Redvers Buller in regard to the Relief of Ladysmith has been much discussed, it seems necessary for the sake of the completeness of this Record of the War to reproduce, without comment, the Official Correspondence which followed the defeat at Colenso. General Buller himself forwarded the Despatches to the Press Association, accompanied by the following letter:

"17 LOWNES SQUARE, W., July 7, 1902.

"I send you the enclosed document in the exact form in which it has been supplied to me by the Secretary of State for War for publication, and I shall be much obliged if you will kindly circulate it to all newspapers, together with this letter, as I wish to supplement the document by the remark that I was delighted to receive the answer of the Secretary of State for War of the 16th December 1899, because it assured me that forces which I had been apprehensive were pledged in another and less important direction would be at my disposal for operations in Natal. Thanking you in anticipation, I am, sir, yours faithfully,

"REDVERS BULLER, General."

FROM SIR R. BULLER TO THE SECRETARY OF STATE FOR WAR.

"CHIEFLEY CAMP, December 15, 1899.

"A serious question is raised by my failure to-day. I do not now consider that I am strong enough to relieve Ladysmith. Colenso is a fortress which, if not captured by a rush, could, I think, only be taken by a siege. Within the eight miles from the point of attack there is no water, and in this weather that exhausts infantry. The place is fully entrenched. I do not think we saw either a gun or a Boer all day, but the fire brought to bear on us was very heavy. The infantry were willing enough to fight, but the intense heat absolutely exhausted them. I consider I ought to let Ladysmith go and to occupy a good position for the defence of South Natal, and so let time help us. But I feel I ought to consult you on such a step. Twenty thousand men, I consider, faced us to-day; both in arms and in position they had the advantage. They admit, indeed, that they suffered severely, but my men are dispirited because they have not seen a dead Boer. My losses have not been very heavy; much heavier, indeed, I could have made them, but the moment I failed to get on the run the result would have been the same. I was beaten. I now feel I cannot say that with my available force I can relieve Ladysmith, and I suggest that for me to occupy a defensive position and fight it out in a country better suited to our tactics is the best thing that I can do."
Appendix

FROM THE SECRETARY OF STATE FOR WAR TO GENERAL SIR R. BULLER.

"War Office, December 16, 1899.

"The abandonment of White's force and its consequent surrender is regarded by the Government as a national disaster of the greatest magnitude. We would urge you to devise another attempt to carry out its relief, not necessarily *at Colenso, making use of the additional men now arriving if you think fit."

FROM SIR R. BULLER TO SIR G. WHITE.

"December 16, 1899.

"I tried Colenso yesterday but failed; the enemy is too strong for my force, except with siege operations, and these will take one full month to prepare. Can you last so long? If not, how many days can you give me in which to take up defensive position? After which I suggest you firing away as much ammunition as you can and making best terms you can. I can remain here if you have alternative suggestion, but unaided I cannot break in. I find my Infantry cannot fight more than ten miles from camp, and then only if water can be got, and it is scarce here.

NOTE.—In his subsequent message of 17th December Sir R. Buller said the above message had been signalled correctly, but asked to make the following corrections:

"Strike out from 'If not how many' down to 'after which' inclusive, and substitute 'How many days can you hold out?' Add to end of message, 'Whatever happens recollect to burn your cipher, decipher, and code-books, and all deciphered messages.'"

Message of 16th December, as altered by that of 17th December 1899:

'I tried Colenso yesterday but failed; the enemy is too strong for my force, except with siege operations, and these will take one full month to prepare. Can you last so long? How many days can you hold out? I suggest you firing away as much ammunition as you can and making best terms you can. I can remain here if you have alternative suggestion, but unaided I cannot break in. I find my Infantry cannot fight more than ten miles from camp, and then only if water can be got, and it is scarce here. Whatever happens recollect to burn your cipher, decipher, and code-books, and all deciphered messages."

FROM SIR G. WHITE TO SIR R. BULLER.

"December 16, 1899.

"Yours of to-day received and understood. My suggestion is that you take up strongest available position that will enable you to keep touch of the enemy and harass him constantly with artillery fire, and in other ways as much as possible. I can make food last for much longer than a month, and will not think of making terms till I am forced to. You may have hit enemy harder than you think. All our native spies report that your artillery fire made considerable impression on enemy. Have your losses been very heavy? If you lose touch of enemy, it will immensely increase his opportunities of crushing me, and have worse effect elsewhere. While you are in touch with him, and in communication with me, he has both of our forces to reckon with. Make every effort to get reinforcements as early as possible, including India, and enlist every man in both colonies who will serve and can ride. Things may look brighter.

"The loss of 12,000 men here would be a heavy blow to England. We must not yet think of it. I fear I could not cut my way to you. Enteric fever is increasing alarmingly here. There are now 180 cases, all within last month. Answer fully; I am keeping everything secret for the present till I know your plans."