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THE LEAGUE OF NATIONS

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SIX PAMPHLETS

for Study Circles

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Mandates and Empire.

I.

Article 22 has claims to be considered one of the most important in the Covenant. Its importance comes from the fact, that, if put into practice, it will revolutionize the relations between Western civilization and European States on the one hand and the millions of Asiatics and Africans who live under conditions, the result of different civilizations, different social systems, and different climates. The mandate system, laid down in Article 22 to be applied to certain parts of the Ottoman Empire and to the German colonies, is an alternative to the imperialism which came slowly into existence in the middle of last century and developed with such immense rapidity and intensity after 1880. By imperialism is meant that world movement which led in 20 years to the partition of practically the whole of Africa and large areas of Asia and all the islands of the Pacific among the four Great Powers, Britain, France, Russia, and Germany, and the smaller Powers, Italy and Belgium. This partition did not mean simply that the territory was conquered and the government of the countries subjected to the direct or indirect control of the imperial Powers; it meant, too, that Europe imposed upon the Asiatic and African peoples the ideals and institutions of Western civilization, her military, legal, administrative, and economic system.

It is widely recognized that imperialism, with its economic penetration and exploitation and its autocratic government of Africa and Asia, has been accompanied by very serious evils. It has had, in particular, two obviously disastrous results: (1) The Great Powers, when they divided up Africa among them and began to apply the same process to Asia, incorporated enormous stretches of territory in their dominions and claimed and exercised unfettered sovereignty over those territories and their inhabitants. The motives behind this acquisition of territory were economic or strategic. The

"subject races," as they are called, had no control over their Government, and the Government had subordinated the interests of the inhabitants to the economic interests of its European citizens or to the "imperial" strategic and political interests of the mother-country. In the last 20 years before the war there were continual revelations of colonial scandals which for a moment shocked the public opinion of some European imperialist State and were then rapidly forgotten. But Congo atrocities or the revelations of exploitation and misgovernment made periodically in the German Reichstag, the French Chamber, and the British House of Commons, were only symptoms and often concealed the fact that the disease was an imperialist system giving to some particular Power the right to govern despotically and exploit economically millions of people who neither desired nor understood the governmental and economic system imposed upon them. (2) But imperialism had disastrous results not only upon native society, but also upon the international relations of the States and peoples of Europe. The scramble for territory or for spheres of interest or control in Africa and Asia had as its main object the acquisition of a monopoly of the markets and raw materials, the economic wealth in these subject countries and peoples, for the acquiring imperial Power. Between 1880 and 1914 France, Germany, Britain, Russia, Italy, and even Portugal, engaged in a long series of struggles for the control of Asiatic and African territory or for the wealth or economic exploitation of those territories. And in their colonial possessions or spheres of influence the imperial Powers made great efforts to strike economic blows at their rivals by means of protection or by reserving economic concessions and privileges for their own citizens. This rivalry and hostility became more and more embittered and played a very large part in creating that state of international armed unrest which ended in the war. This is shown by the hostility between France and Britain which persisted through the 'eighties and 'nineties and twice brought us to the very brink of war; by the struggle between France and Italy over Tunis, Tripoli, and Abyssinia, a struggle which provided the main motive for Italy joining the Triple Alliance against France; and finally by Germany's bid for "a place in the sun" and her struggle with France and Britain over Morocco, a struggle which led Europe straight into the Great War.

The war ended in the complete defeat of Germany and of her ally Turkey. Under the imperialist system which we have been considering the German colonies and the territory of the Ottoman Empire would have become the prize of the conquerors. But by Article 22 the victorious Powers have pledged themselves to apply to these African and Asiatic territories a system, the mandatory system, which is entirely different from, is in fact the opposite of, imperialism. The system consists mainly in three vital points:

(1) The first paragraph of the article definitely lays down the principle that the object of the administration of these territories shall be solely "the well-being and development of " the inhabitants and that the Covenant shall embody securities for the carrying out of this principle.

(2) The carrying out of the principle is entrusted to the League of Nations which is constituted the trustee of the interests of the inhabitants.

(3) The League delegates its trust to a particular European Power or mandatory which is entrusted by the League with the tutelage of the territories and populations on certain terms prescribed in a mandate by the Council of the League. The mandatory is therefore not in the position of a sovereign in these territories, but is merely an agent of the League with limited powers. Unlike the imperialist Power, it is expressly forbidden to further the economic interests of its own subjects at the expense of the subjects of other Powers and both by the terms of the article and of the mandate it will be bound to subordinate everything to the "well-being and development" of the native population.

These are the general characteristics of the mandate system as laid down in Article 22. The real effect, however, of the system will depend entirely upon the way in which the mandates are actually drawn up and applied, and I propose now to consider some of the more important conditions which will be required if the system is to be successfully and honestly carried out. It should be observed that the Covenant itself makes a broad distinction between two kinds of mandate which will be given: (1) Class A mandates, which will be given for certain communities belonging to the Turkish Empire and under which the administration will be left in the hands of those native communities, and the mandatory will only have the obligation of giving administrative advice and assistance, and (2) Class B mandates, which will apply principally to the African possessions of Germany and which will entrust the mandatory with the administration of those territories on certain conditions. The question of Class A

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mandates will be dealt with in another pamphlet in this series, written by Professor A. J. Toynbee; and I shall, therefore, confine myself here to the consideration of mandates and the mandatory system to be applied in Africa.

Article 22 lays it down that the "well-being and development" of the native population shall be the sole object of the Government and administration in the African possessions of Germany. The mandatory to whom the League entrusts its duties will administer the territories, and the Council of the League will define in the mandate the conditions under which the mandatory Power is to conduct the administration.* Now the well-being of the natives must depend primarily upon whether their economic interests are protected, and it is therefore essential that the mandates should prescribe in broad outline the methods by which the administrations are to protect those interests. Practically everyone who is aware of the facts admits that, except in a few British possessions on the West Coast, European imperialist Powers have sacrificed the well-being and the economic interests of their African subjects to the economic interests of white settlers and exploiting companies. If the mandates are to provide against a continuance of this system of exploitation in mandated territories, they must take into consideration the social and economic conditions in Africa and prescribe for the mandatory a governmental policy which in such conditions will really protect the interests of the native.

The problem which the Council of the League has to solve is not really obscure or difficult. Society in tropical Africa to which the mandate system has to be applied is primitive and agricultural. There are practically no industries and the countries are not generally rich in minerals, but the land produces or is capable of producing valuable agricultural products. The material well-being of the populations is therefore bound up with agriculture and the land. It follows that in Africa the economic interests of the native will depend to a very large extent upon the way in which the administration deals with the land and land tenure.

When Europeans and European States first entered Africa and subjected its inhabitants, they found a system of agricultural society and of land tenure very widely distributed. The African lived in tribes; individual ownership of land, as we know it in Europe, was not recognized and the ultimate rights over land were vested in the tribes. Money was hardly known and trade was carried on by barter. The imperialist Powers who conquered or acquired African territory suddenly imposed upon this primitive society the complicated financial, industrial, and economic system of Europe, which is based upon private ownership of land, capitalism, and the payment of money wages. It was inevitable that African society, when it was opened up to the penetration of Europe, would be modified and changed, but whether this process of change was accompanied by blessings or by evils necessarily depended upon how the new European Governments dealt with the land upon which the tribes entirely depended for their sustenance. The important point to realize is that two different systems have been tried by European Governments, one of which has protected and the other destroyed native interests.

The first system has only been tried in a few British possessions on the West Coast of Africa, notably Nigeria, the Gold Coast, Gambia, and Sierra Leone. In these possessions the Government has treated the land as the property of the native communities, has refused to alienate it to Europeans, and has encouraged the African to make the most economic use possible of his own land. The second system is the exact opposite of this, and has been applied in all the other African possessions of European Powers, in British East Africa no less than in the Belgian Congo and in the French Congo no less than in German East Africa. It may differ in details in the different territories, but the broad outlines and the disastrous results which flow from them are the same everywhere. The system consists in depriving the native populations of all legal rights in land and of then alienating the land to white settlers or to European joint-stock companies. In some places, e.g. the French Congo and Belgian Congo, the whole country was parcelled out among European exploiters or exploiting companies and all the agricultural produce was declared by law to belong to them ; in other places, e.g. British East Africa, the best land is sold or leased to white men or to European companies and the natives are relegated to Native Reserves.

II.

^{*} This is what Article 22 lays down in clear terms. In practice, however it looks as if the Supreme Council of the Allies is taking these powers and duties out of the League's hands and is not allowing the terms of the Covenant to be carried out.

MANDATES AND EMPIRE

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But even where there are Native Reserves, the natives have no legal title to the land in them, and the Government can and does arbitrarily cut down the Reserves in order to alienate more land to Europeans. This alienation of land is the first stage in a process which leads inevitably to the exploitation and virtual enslavement of the African. The European cannot himself work upon the land in tropical Africa, and the land is therefore valueless to him unless he can force the native population to work for him upon it. The second stage in the process always consists in a demand upon the Government from the white settlers and the land-owning companies that the native shall be compelled to work for a wage upon the land from which the white man has expropriated him. And compulsion, either direct or indirect, always has followed. In the French and Belgian Congo and in some of the German colonies it was this direct compulsion which gave the opportunity for the brutalities and atrocities which have from time to time shocked public opinion in Europe and then been forgotten. In the British east coast possessions the compulsion has been indirect, either by the cutting down of Reserves so that the native is forced to come out and work for the white man's wages, or by taxation of the native who does not work for wages, or by administrative pressure as in the recent regulations introduced in British East Africa.

Under this second system it is impossible to pretend that the well-being of the native is protected. He is faced with the alternative of starvation or of working for a wage of a few pence a day on the land which once belonged to him but from which the white man has expropriated him. And the contention, often made, that the native, if left in possession of the land, cannot make an economic use of it, is disproved by the experience of the British West Coast possessions. In British West Africa the African, working his own land for his own use, produces palm kernels, cocoa, ground nuts, cotton, rubber, &c., and the total exports from these colonies vary from 10s. to f_4 or f_5 per head of the population; in British East Africa and Nyasaland the native, unwillingly and often under compulsion, is employed by white settlers to produce cotton, oil-seed, hides and skins, rubber, and ground nuts, and the total exports per head of the population are less than 2s. in the one case and under 7s. in the other. It is true that West Africa is far more fertile and rich than East Africa, but the figures show at any rate that native labour employed on native owned land is not inferior

in economic efficiency to forced native labour on European owned land.

These facts show clearly the conditions which the League of Nations must impose upon the mandatories if the economic interests of the natives and their well-being are to be protected. The League must in the mandates require the mandatory to adopt and extend the principles of administration which the British Government has adopted in West Africa. That means that, as a minimum, the mandates must lay down the following principles of administration to be applied in mandated territory:—

(I) The land is to be treated as the property of the native communities and alienation of land to Europeans is prohibited.

(2) Every native family must be assured sufficient land for it^S support.

(3) Native rights in and occupancy of land must receive legal sanction.

(4) Leases of land to Europeans must only be granted for short periods with the consent of the native communities and only if they do not curtail the land necessary for the natural development and increase of those communities.

(5) Where, as will sometimes happen, the mandatory finds that land has already been alienated to Europeans on such a scale that it is impossible to comply with the first and second conditions above, the Government must re-enter, either by cancellation or repurchase of concessions, upon sufficient alienated land in order to comply at least with the second condition.

(6) All compulsory or forced labour is prohibited. The mandatory shall not impose any tax, super-tax, or disability upon natives who do not work for Europeans which is not imposed upon natives who do work for Europeans. The mandatory shall prohibit any kind of influence or pressure by executive officers, chiefs, or headmen to induce natives to supply labour to Europeans.

III.

We have so far been considering how the League is to ensure the fulfilment of the securities for one part of that "sacred trust of civilization" which it has accepted. But if the League through its mandates secures the material well-being of the inhabitants of mandated territories, it will only have performed half the task which it has assumed under Art. 22.

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The second half of the task is defined in that article as "the development of those peoples (in the mandated areas) who are not yet able to stand by themselves under the strenuous conditions of the modern world." Here again the Powers who signed the Treaty and the Covenant put forward a principle of administration opposed to that of the old imperialism and of vital importance, particularly in Africa.

In Africa we are faced by the problem of the clash of two civilizations. When Europeans first entered the continent, they found the inhabitants living under social and governmental institutions suitable to the primitive conditions of an agricultural, or pastoral, communal society. The Europeans went into Africa for economic purposes; they conquered or seized the territory and incorporated it in their own States; they broke up the tribal organization of government, and, as we have before remarked, imposed upon the natives the European political and economic system. The native, in his present condition, is no match for that system; he has not the knowledge necessary for its understanding; in a word, he is unable to take his place in it as a free man.

It is true, then, as the Covenant says, that native communities "are not yet able to stand by themselves under the strenuous conditions of the modern world." Under imperialism during the last 40 years they have been subjected to the completely autocratic rule of European States. We have seen that everywhere, except in a few British possessions, this rule has been used in order to deprive the African of his land and therefore of any chance of economic freedom. His political freedom has everywhere been destroyed. But without either economic or political freedom, subject races have no chance of development unless the Governments, which rule them, deliberately attempt to educate the people so that they may gradually take their place as free men both in the economic system and in the government of their country. Such an attempt has not been made by any of the imperial Powers in Africa, but those Powers have now pledged themselves to do so in the German colonies under the mandate system. The League must therefore lay down in its mandates the broad outlines of policy which its mandatories must pursue in order to carry out the pledge.

Under the provisions of Art. 22 the administration of mandated African territory will be in the hands of the mandatory Power. Africans will, therefore, still be without political freedom and will be subject to the autocratic rule of the mandatory as agent of the League of Nations. It is only through education that the native can be given the knowledge necessary for political freedom, the knowledge which will gradually enable him to take a part in the government of his country and eventually "stand alone." It is necessary to repeat again that no European State has ever attempted to give this education and knowledge to its African subjects. For instance, although the British Government in British East Africa collects an annual revenue, mainly from the native, of over £325,000, it spends only £1,200 on education for a population of nearly 3 millions. The mandates must at least provide that such a state of affairs is impossible in mandated territory.

The mandates must, then, impose upon the mandatories the obligation of educating the native populations. The object of such education must be two-fold. The African must be given the knowledge without which he cannot understand or take an active and free part either in the economic or the political system which Europeans have introduced into Africa. In other words the League of Nations must insist in its mandates that the mandatory provide a minimum of general education and a minimum of special education for the natives. In order to ensure this, the following minimum conditions would have to be imposed upon the administration of mandatories :

(1) Primary schools must be provided in sufficient numbers to make it possible for every native child to obtain primary education. Training colleges must be provided for native teachers. Higher, technical, and university education must be provided with a view to educating natives not only to become doctors, agricultural experts and instructors, etc., but also to fill administrative posts in the government of the country.

(2) The mandate must specifically state the obligation of the mandatory Government to encourage and educate the native communities in order that they make the most economic use possible of their land, and they must lay down the methods by which this obligation is to be carried out. Experience on the west coast in British possessions shows that, if such encouragement be given by the Government, the natives are well able to cultivate the valuable economic agricultural products required by European peoples and industries. What is required is that the Government should provide agricultural education, expert instructors, model farms, etc. Where machinery is required for converting the raw agricultural product into a

marketable commodity, it should be provided by the Government which should also, if necessary, as it does in many parts of Europe, promote co-operative or other organization for the economic collection and marketing of the agricultural produce.

Such provisions in the mandates would ensure that a beginning was made in developing the native populations. But the ultimate object of the mandate system as laid down in Art. 22 is that these populations should eventually "stand alone" as free peoples in the League of Nations. The form of government in the mandated territories must, therefore, be a constant concern of the League. The eighth paragraph of the article provides that the degree of authority, control, and administration to be exercised by the mandatory shall be explicitly defined by the Council of the League. That means that the mandate will define the original form of administration and government to be applied in mandated territory. But the League will be unable to perform its duties unless it also provides for the periodic revision of the form of administration, so that, as the natives are educated, they may progressively be given a larger and larger share in the government of their country. The process will almost certainly take the form which it has in other parts of the world, namely a gradual widening of the area of responsible and democratic government. The native of Africa is to-day everywhere capable of local self-government and this should be ensured to him in the mandates: the League must also retain the power of gradually widening the area of this selfgovernment, as the mandatory fulfils its obligation of educating and developing the native, until eventually it becomes possible to extend the full principle of responsibility to the central government. When that time comes, the mandate system will have fulfilled its purpose and the professions and pledges of Art. 22 will have been carried out.

IV.

Our analysis of what some of the provisions of Article 22 imply will have shown how important that article is. If this mandatory system is honestly carried out by the Powers which signed the Treaty, it will, as I have said, introduce a new era in the relations between Europeans and the "subject races" of Asia and Africa. It will inevitably destroy imperialism as we knew it in the 19th century. But this will only happen if the statesmen and the peoples of the Great Powers do intend honestly to put into practice the professions and fine phrases of Article 22, if they are determined to make the League of Nations a real and a living thing with the powers and machinery necessary for carrying out its obligations. The whole mandatory system depends absolutely upon the League and what the League is to be, and it is therefore necessary to consider more closely what the position of the League is in that system and what powers it will require in order to fulfil the obligations imposed upon it by Article 22.

The two preceding sections have made it clear that, if the mandatory system is not to be a sham, the League will have to see that its agent, the mandatory Power, carries out in mandated territory certain important principles of administrative policy. This at once raises the difficult question of who is to possess sovereignty and sovereign rights in mandated territories. This is not an academic question. The whole system of imperialism is based on the claim of the imperialist Powers that, when they seized territory in Asia and Africa, they acquired sovereign rights over the territory and its inhabitants. The claim meant that France, Germany, Britain, Italy, Portugal, and Belgium obtained absolute power to do what they pleased with the lives and property of millions of the "subject races." The bloodshed, atrocities, and economic exploitation which have made the word imperialism stink in the nostrils of most people followed because western civilization and international law upheld this claim. Thereby the imperialist Power became absolute master in other peoples' houses, the houses of Africans and Asiatics ; he could be subject to no control there, international or otherwise, and no one could interfere with him. Now those who devised the mandate system and Article 22 have deliberately denied sovereign rights to the mandatory Power in mandated territory. The following facts make this clear. In all mandated territories it is the League which assumes "the sacred trust of civilization," the "tutelage" of the inhabitants, and it then entrusts on certain definite conditions this tutelage to be exercised by a mandatory. In the territory formerly belonging to Turkey the powers or duties of the mandatory will be extremely limited. The mandatory will not be responsible for the administration of the country, but only for giving advice and assistance to the inhabitants who will themselves govern

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and administer their own country. These peoples are recognized as "independent nations," and it is they who will possess sovereignty subject to the tutelage of the League. In the German African possessions the system will be different. There the mandatory will be responsible for the administration, but only as the League's agent and subject to those conditions which in the previous sections we found that the League would have to impose upon its agent. But in both cases the position of the mandatory is not that of a sovereign Power, for, unless the whole thing is a sham, the mandatory must remain constantly subject to the control of the League.

How is that control to be efficiently maintained? The League will have to see that the conditions of the mandates are strictly observed by the mandatory. And it is not merely a question of instituting a particular form of government which, once instituted, will continue to run of itself. As we have seen, the League incurs the obligation of seeing that the mandatory educates and develops the inhabitants so that the very form of government may gradually change from autocracy towards democracy. In order to carry out these duties, the League obviously must have certain powers of supervision and control over its own agent, the mandatory. It seems, in fact, impossible that the mandatory system can work efficiently, unless the League reserves to itself and exercises the following minimum rights and powers:

(I) The Council of the League will have to lay down in the mandates the form of government (in fact, the constitution) to be applied in each mandated territory. No change in the constitution or form of administration will be allowed without sanction of the League, and the League must periodically revise the constitutions with a view to the gradual development of self-governing institutions and the progressive realization of responsible government within the League of Nations.

(2) The League must in the mandates reserve to itself full and adequate powers of control, inspection, and supervision. The League will be requiring its agent, the mandatory, to carry out a very complicated and difficult policy in p omoting the well-being and development of Asiatic and African peoples. All kinds of economic and other interests will exert influence upon the mandatory to deflect it from this task. The League cannot shuffle off its responsibility on to the mandatory, for it is the League which has accepted the sacred trust of civilization and which is ultimately responsible. It must, therefore, retain the power and the machinery for seeing that its agent is carrying out in Africa and Asia the duties imposed upon it. The Council of the League will not be able to do this unless it really supervizes the work of its mandatory. Such supervision implies a power of enquiring into complaints against the action of the mandatory, of inspecting the administration in the mandated territory, and of insisting that the conditions of the mandates are fulfilled. Article 22 has created the machinery necessary for these duties of the League. By the ninth paragraph a permanent Commission of the League is set up whose duty it is to receive annual reports from the mandatories and to advise the Council on all matters relating to mandates. The scope of this Commission, however, clearly requires to be widened. Neither it nor the Council of the League will be able to perform its duties unless the Commission has full powers of inspection and enquiry.

(3) But supervision, inspection, and enquiry are not in themselves sufficient ; in the last resort the League must have power to insist upon the fulfilment of the terms and conditions by the mandatory. The mandate will be a legal document entailing certain obligations on the mandatory. The League may find, after an enquiry and report of its commission, that the mandatory is not fulfilling those obligations, e.g. that it is not providing education for the inhabitants. In the Permanent Court of International Justice the League will have a judicial body to which any dispute between it and its mandatory as to the interpretation of the mandates can be referred. But once the legal obligations of the mandatory are determined, the Council of the League must insist that the mandatory executes the mandate. It follows, therefore, from what has been said that the League must specifically retain in the mandate the power both to vary and to revoke the mandate.

Finally, there is a question of crucial importance. The Covenant and Peace Treaties provide that the mandate system shall be applied only to territories in Asia and Africa which, as a consequence of the war, ceased to remain under the sovereignty of the defeated Powers. But if this system fulfils the purposes which we have examined in this pamphlet, it is essential that it should be extended to all subject peoples. It would, for instance, be illogical and morally indefensible that certain African territories should be administered in the interests of the inhabitants, while adjoining territory was

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administered autocratically in the interests of imperialist European Powers. In fact it is hardly conceivable that the mandate system, if honestly applied, and the old imperialism can exist side by side. And it may be remarked that the Covenant by Articles 19 and 26 makes it possible for Article 22 to be revised in such a way as to be applicable to all subject races.

Questionnaire.

I.

(1) How does Article 22 of the Covenant propose a system which is an alternative to imperialism?

(2) What are the two main evils of the imperialist system in Asia and Africa ?

(3) What are the three main principles of the mandatory system under the League of Nations instituted by Article 22 ?

II.

(1) What is the first obligation which the League assumes towards the populations of mandated territory?

(2) What is the position of the economic interests of the natives of Africa under the imperialist system ?

(3) How has that system affected the problems of land and labour in Africa?

(4) What have been the two administrative policies pursued in Africa by imperialist Powers ?

(5) What is the administrative policy which the League must impose with regard to land and labour upon its mandatory?

III.

(1) What is the second obligation which the League assumes under the mandatory system?

(2) How does the question of education in Africa concern the mandate system?

(3) What should be the policy of the League with regard to education in mandated territory?

(I) What are the necessary conditions for the success of the mandate system?

(2) How does that system affect the question of sovereignty in the mandated territories?

(3) What will be the relations of the League, the mandatory, and the natives in mandated territory?

(4) What are the powers which the League must retain in mandated territory?

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