ABSTRACT

Any person studying the history of the Cape Colony in the mid-Victorian years must soon grow aware of the contrast between what the imperial authorities said they intended to do and what they actually did. This is particularly obvious in the treatment of the frontier tribes, who lost their lands (and sometimes their lives) in the name of a policy described by one governor as based on 'morality and religion.' But it is also evident in many other spheres of government, and insistently raises the question of what British intentions really were and how far Ministers managed to achieve them. The evidence available is too vast and amorphous for a general survey to be attempted. In order to investigate the problem it is necessary to limit its scope. The period from 1846 to 1854 has been chosen because it embraced two frontier wars and a series of major administrative changes, involving prolonged consultation between Government House and Downing Street, and raising matters which affected the vital interests of the colonial population itself. It is also ground covered by other historians, but they have frequently differed as to the aims of the imperial government and the colonial reaction to them. One reason for their differences is plain: they have failed to take a comprehensive view of the subject, such as the imperial government itself might have taken. Frontier policy is described as if it bore no relation to constitutional changes in Cape Town; local politics are discussed as if the British connection had little relevance.

Britain's treatment of the Afrikaners led one of their leaders to style the nineteenth century a 'Century of Wrong.' But those sympathetic to the British approach have seen in it an attempt to infuse the spirit of British tolerance and justice into Cape society. They explain its contradictions by depicting an imperial power whose 'high motives and worthy ends' were frustrated by the inadequate

resources which could be spared for the resolution of Cape problems. The material on which this conclusion rests is predominantly that found in official archives in Cape Town and London. A glance at the bibliographies of works by de Kiewiet,Galbraith,Morrell and Macmillan reveals no systematic attempt to study newspapers or other sources to check the accuracy or discover the undertones of official reporting from the Colony. Furthermore,large collections of private correspondence belonging to prominent politicians have recently been made public in Britain. Although often edited of financial or other sensitive items they still raise similar doubts about the comprehensiveness of Colonial Office despatches. A new assessment of these sources is therefore required. In 1867 Bagehot differentiated between the 'distinguished' and the 'efficient' parts of the British constitution. The former he described as designed to 'excite and preserve the reverence of the population;' the latter as 'those by which it,in fact,works and rules.' This thesis attempts to show that Colonial Office pronouncements on the Cape likewise fall into two categories. Some were intended (again borrowing Bagehot's words) to 'win the loyalty and confidence of mankind;' others to 'employ that homage in the work of government.' From this it follows that the statements in despatches are not invariably to be trusted,and that some are of greater significance in the interaction of Cape and British politics than others. The private correspondence helps us to differentiate. It also shows the Colonial Office less as a place where policy was made and more as one where decisions taken by Ministers were translated into a form understandable to governors and acceptable to the British public.

The limited aims of this thesis must be emphasized. It only explores the interaction between Cape and British politics,the effect

on each party of events and attitudes in the other's country. It does not claim to speak with authority on other questions of equal or greater importance in the same period. The Afrikaner and the aborigine feature in it only so far as the British and colonial politicians thought them worth considering. Where insufficient consideration caused blunders this has been indicated and briefly explained. But the central theme is the nature of the political relationship between the mother country and colony, and the forces which perpetuated the imperial link despite the many disadvantages it appeared to impose on the two sides. The thesis must be evaluated as a whole. It has been found most convenient to present it in chronological sequence and develop the argument as events unfold. This has led to occasional repetition; but the source material is difficult to master and (it is hoped) the interests of clarity are better served by this method.

The first three chapters introduce matters of continuing importance during the period, which constitute the essential background of the main subject. They describe contemporary thought in Britain on the future of the Empire; the political and economic state of the Cape population; attitudes to the relationship between aborigines and colonists; and the various considerations which affected the decisions taken by the imperial government. From the fourth chapter onwards a rapid decline of British authority in the Cape is traced and discussed, beginning with the complete breakdown of the 'burgher system' of military defence in 1846 and 1847. Accompanying this decline was an intensification of demands for a representative legislature in the colony. The imperial government responded by offering the colonists a representative constitution, but a series of political miscalculations

by the British officials in London and Cape Town,provoking a general agitation against a proposal to ship convicts to the Cape,robbed the concession of its political value. Economic considerations influenced both sides in this agitation,and these are enlarged on in Chapter VIII. In 1850 and 1851 the political situation deteriorated,largely due to the unwillingness of Governor Smith and his officials to compromise with the colonial interests demanding a voice in the running of their local affairs. War recommenced in 1851 on the eastern frontier. From this unsatisfactory condition the colony was rescued by the appointment of a new governor the following year. Under his skilful management the British position was largely restored,thanks to the use of financial and political inducements on the leaders of colonial opinion.

This study suggests that after 1846 the imperial link between Britain and the Cape depended to a great extent on financial considerations within the colony. By contrasting the official version of events with that given by the colonists themselves,it allows certain judgements to be made about the basis on which the Colonial Office acted. These conclusions largely rehabilitate the critics of the permanent staff of the Colonial Office in the eighteen thirties and forties,whose attacks on 'Mr Mothercountry' have hitherto been dismissed as ill-founded and partisan. It appears (as they asserted) that British policy was partly hindered in this period by the unsatisfactory working of the Office,to a point where it became necessary to look outside official channels for the means to resolve the Cape difficulties. Three picked men were therefore sent out to investigate independently and to advise on remedies. The office of governor thus appears of key importance in the administrative process but rather less in the making of major decisions. The overall impression of British action,however,is of an unrelenting cultural assault on the colonial population and its

traditional institutions, arousing resentment and resistance among all save the few who found benefits in the imperial connexion.

BODLEIAN LIBRARY OXFORD
DEPOSITED THESIS
2·V·73

BODLEIAN LIBRARY OXFORD
4 MAY 1973
RHODES HOUSE

SELF-GOVERNMENT AND SELF-DEFENCE IN SOUTH AFRICA: THE INTER-RELATIONS BETWEEN BRITISH AND CAPE POLITICS 1846 - 1854.

(A Thesis presented for the degree of D.Phil. at Oxford University)

by

T.E.Kirk

November 1972 [ie 1973] HT

CONTENTS

		Page
Note on terminology and list of abbreviations.		viii
Map of South Africa showing towns and rivers mentioned in the text.		x
Chapter I.	The Colonies and British Politics	1
II.	The Cape Colony in 1846	39
III.	The Colonial Office and 'Policy Making.'	81
IV.	The War of 1846 and the Decline of the Cape Legislature	120
V.	Grey,Pottinger and the Eastern Frontier	161
VI.	The Reappointment of Sir Harry Smith	198
VII.	Representative Government and the Anti-Convict Agitation	240
VIII.	Politics and Economics at the Cape,1846-1852	279
IX.	Constitutional Developments in 1850	321
X.	The War of 1851 and the 'Popular' Party's Resort to Britain	358
XI.	The Colonial Office and the Cape 'Conservatives'	404
XII.	The Cape Settlement of 1853-54	447
Conclusion		487
Bibliography		513

Note on Terminology and List of Abbreviations.

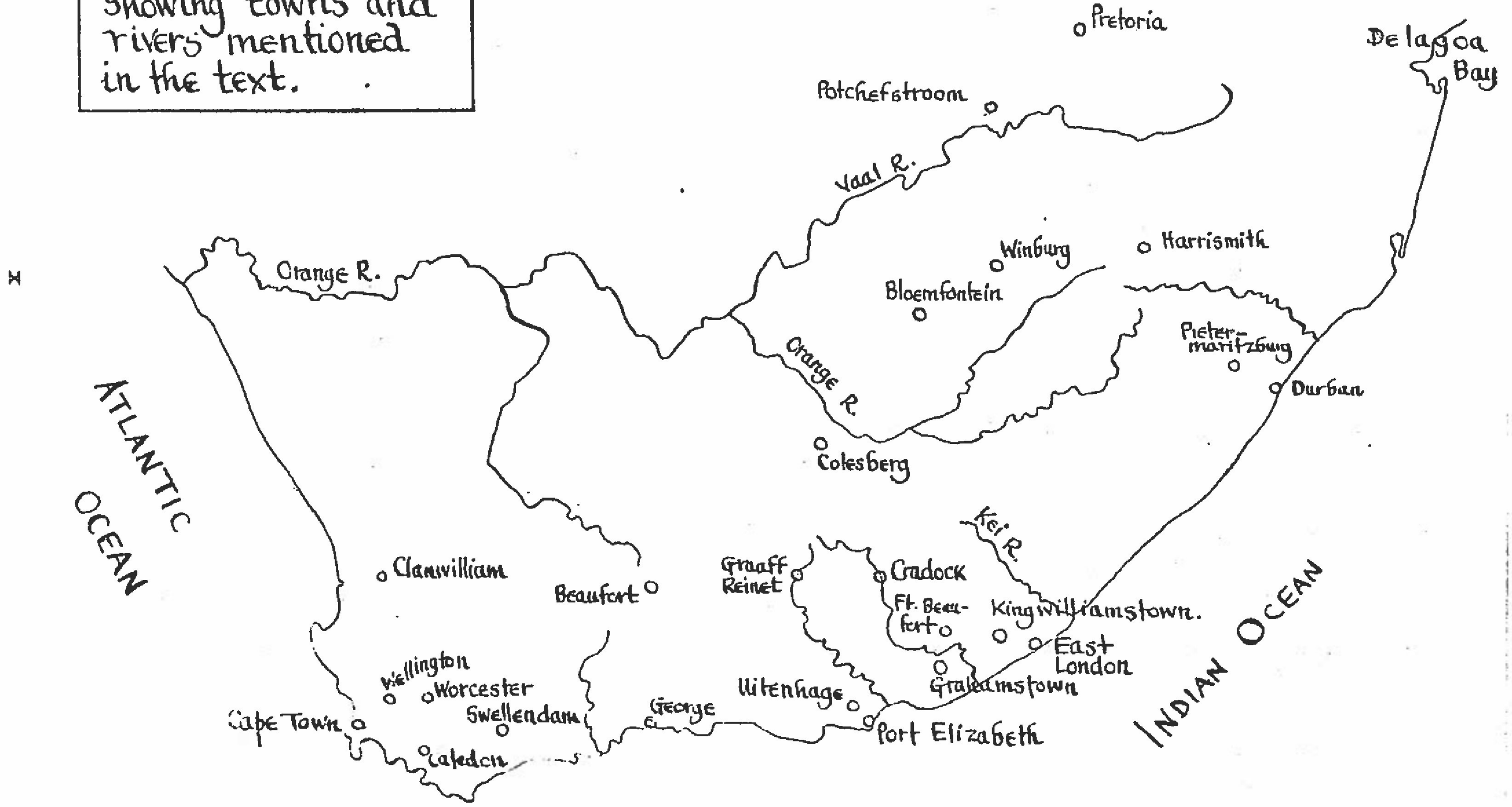
i. For the sake of convenience the term 'Afrikaners' is used to describe the Cape colonists of non-British origin, although it did not come into general use until later in the century. For want of a better term the indigenous Cape peoples (i.e. those of non-European origin) have been described as 'aborigines' when considered collectively as distinct from the colonists. Otherwise the separate indigenous groups have been identified by specific names and the people of mixed European and indigenous descent are called 'coloureds.'

ii. List of Abbreviations used in Footnotes:

Add. MSS.	British Museum, Additional Manuscripts.
A & P.	Accounts and Papers of the British Parliament.
A.P.S.	Aborigines Protection Society.
A.Y.B.	Archives Year Book for South African History.
C.H.B.E.	Cambridge History of the British Empire.
CO	Colonial Office Records, Public Record Office, London.
FO	Foreign Office Records, Public Record Office, London.
Hansard	Hansard's Parliamentary Debates.
L.M.S.	London Missionary Society Archives, London.
MSS.Afr.	African Manuscripts, Rhodes House, Oxford.
O.H.S.A.	Oxford History of South Africa, vol. I.
PRO	Public Record Office, London.

Reports	Reports from Committees of the British Parliament.
T	Treasury Records, Public Record Office, London.
WO	War Office Records, Public Record Office, London.

Map of South Africa showing towns and rivers mentioned in the text.



CHAPTER I

THE COLONIES AND BRITISH POLITICS

The twenty years between 1834 and 1854 are of great importance in the history of the British Empire in southern Africa. Before 1834 the imperial authorities focussed their attention on the most southerly tip of the subcontinent, where they ruled over the Cape of Good Hope, a colony conquered from the Dutch at the turn of the nineteenth century. They knew little and cared less about events in the interior. But in 1837, after three years of growing discontent, several thousand colonists of Dutch origin quitted the Colony for areas many miles beyond its boundaries. Most of these emigrants were frontier farmers (or 'Boers') and all were nominally British subjects. Their departure compelled the authorities to take a broader view of southern African affairs: from being the sole object of concern the Cape Colony became only one consideration (albeit central) in a more complex whole.

The 'Great Trek' (as this exodus became known) created difficult problems for the British governments in Cape Town and London. In essence it signified a revolt against British authority on the part of the frontier Boers, who objected to administrative measures for protecting the aborigines and whose financial interests were being threatened by competition from British traders and settlers. The knowledge that the British had no jurisdiction in the interior encouraged the Boers to depart: a previous enactment designed to facilitate the punishment of crimes committed immediately beyond the colonial boundary had proved impossible to enforce. Nevertheless,

the government in London resorted to an enlargement of the earlier law in an effort to halt the emigration. The 'Cape of Good Hope Punishment Act' of 1836 extended its operation to all African lands south of latitude 25°S.

The Cape of Good Hope Punishment Act probably had little purpose beyond affirming that allegiance to the British Crown could not be renounced simply by leaving the Colony. The colonial authorities had depicted the Trek in their reports as an attempt to escape British rule; the Act might persuade those on the point of departure that the attempt would fail, and so induce them to stay. But this was unlikely. In effect it kept Britain's options open until the situation became clearer and a new policy could be formulated. By the early eighteen forties the nature of the problem was obvious. Some ten thousand 'emigrant Boers' (the British officials were unfamiliar with the word 'trekker') had established themselves in an enormous arc from the Orange River to the coastline of Natal, over an area several times lawger than the Colony. They threatened to become an independent force which might endanger what the British government regarded as its vital interests in southern Africa.

Britain's 'supreme' interest in the Indian Ocean was its trade with the Indian Empire, and 'the safeguarding of the route to India' was a cardinal point in British strategy.[1] During the Revolutionary

---

1. Gerald S. Graham, Great Britain in the Indian Ocean 1810-1850 (Oxford, 1967) p.4.

and Napoleonic Wars the Cape Colony had been twice conquered from the Dutch for strategic reasons. Similarly, because French ships operating from Ile de France (Mauritius) seriously inconvenienced trade with India, it too was taken by storm. At the Congress of Vienna in 1815 Britain refused to return these outposts on the sea route to India. Naval supremacy in the Indian Ocean depended not so much on actually possessing them as on making sure that no foreign power had the chance to turn them into bases from which to launch a naval challenge.[1] By preventing other countries from establishing themselves on the sea route to India the British hoped to safeguard their oriental trade in times of war. Yet when some of the emigrant Boers had proclaimed a small republic on the Natal coast they were thought to have appealed to France or Holland for protection.

No British government could ignore the threat of foreign intervention. A change of policy was called for in Natal. Previous attempts to contain the emigrants had relied on indirect pressures. In 1838 the Cape Governor had sent a military expedition to Port Natal in an effort to keep control of the situation there until the home authorities settled on a policy. But the government of Sir Robert Peel, which took office in 1841 decided that military measures were premature. Lord Stanley, the Secretary of State for the

---

1. Ibid. p.36.

Colonies, recorded that his colleagues had determined to give up Port Natal

> but to put the Boers under interdict; not to recognise their titles to land; not to afford them protection against neighbouring tribes - not to allow them to molest the friendly Caffres: and to cut off all means of communication with them by sea.[1]

Confronted with these sanctions, the Boers were expected to return to the Colony. However, some of them resorted to arms under the leadership of Andries Pretorius and attacked the British force in Natal before the new policy could be implemented. Simultaneously rumours of impending foreign interference intensified. Thus provoked, the Peel government felt obliged to take more direct action than at first contemplated. It approved the use of imperial troops to put down Pretorius and gave the Governor authority to annex Natal to the Cape Colony. The King of Holland raised no objection - he had strongly denied encouraging those who asked him to intervene. But the French were still suspected of outfitting an expedition to carry supplies to the Boers at Port Natal.[2] A new Governor was about to leave for the Cape. He should be impressed, wrote Peel, with 'the necessity of overruling by force the scruples... of the Boers in respect to British dominion...'[3]

---

1. Stanley to Peel, 22 September 1842: Derby Papers, Box 175/1
2. Wellington to Stanley, 4 October 1843: ibid., Box 133/2. For suspicion of France at this time see: Peel to Aberdeen, 17 October 1841: Peel Papers, Add MSS 40453, f 30; Wellington to Stanley, 20 September 1842 and 4 October 1843; Derby Papers, Box 133/2; and Aberdeen to Count St Aulaire, 23 February 1843: FO 403/4: Confidential Papers relative to the proceedings of the French on the West Coast of Africa, 1842-6.
3. Peel to Stanley, 29 October 1843: Derby Papers, Box 129/3. Cf Stanley's statement to the House of Commons on 26 April 1842: Hansard, 3rd Series, lxii, 1169-70

Its action in Natal demonstrated with perfect clarity the Peel government's determination to eliminate any threat posed to the Indian sea route by Boer emigration. But it left unanswered the question of how to treat the Boers beyond the Vaal and Orange rivers, who were no immediate danger because of their distance from the sea. The effect of the Great Trek on the eastern Cape frontier, where many of the emigrants had lived, also remained to be seen. These problems could scarcely be isolated from one another, the answer to each in some degree depended on circumstances in southern Africa as a whole. The imperial authorities, in the years following the Trek, revealed increasing awareness that their decisions on the Cape Colony had to be made in this wider context.

But however important the settlement of these matters may appear in retrospect, because of complications which arose from them later in the century, they never acquired in contemporary eyes the urgency which attached to the problem of Natal from 1838 to 1843. In Natal the British government had seen the germs of a future alliance between Boer republicans and a potentially hostile foreign power which might some day put the sea route to India in jeopardy. Nothing else can account for the rapid change from indirect to direct action and the note of ruthlessness in the words of Peel and Stanley, or explain their failure to assert formal 'dominion' over the Boers in the interior by the same means as those employed in Natal. It is therefore apparent that the level of British interference in southern Africa

depended on different criteria. Any threat to Indian trade would be met with unrelenting force; other matters peculiar to the Colony or merely affecting its relations with the mother country could be dealt with more flexibly.

After the annexation of Natal had precluded intervention by any foreign power, the British government defined its policy towards the emigrant Boers in the interior. Peel's cabinet decided that in future the Boers should be denied independent access to any port and controlled through their resulting economic reliance on the British Colony.[1] For Britain to exercise formal control over a tiny population occupying so vast an area of territory was hardly feasible. There was also the danger that the aboriginal tribes of the hinterland would have to be included in any administrative arrangements. Neither the colonial nor the imperial treasury could sustain the cost of such a government, particularly as the Boers and aborigines were unlikely to co-operate. The Peel cabinet's scheme left the Boers in no position to make the independence they looked for a reality. If events demanded British interference on any later occasion, the affirmation of supremacy implicit in the Cape of Good Hope Punishment Act would provide legal justification for it. For the time being, at least, no further action seemed necessary. The British government could safely turn its attention back to affairs in the Cape, where in

---

1. Ronald Robinson and John Gallagher, Africa and the Victorians (London, 1961) p. 54.

March 1846 a war broke out between the colonists and a numerous body of Xhosa tribesmen living on the eastern frontier.

Simultaneously a political crisis occurred in Britain which profoundly affected the course of events in southern Africa. In June 1846 Peel's government was overthrown as a result of dissension within the Conservative Party about the repeal of the Corn Laws. Peel, who had come into office committed to uphold the prevailing system of agricultural protection, decided that he could no longer do so. At the beginning of the parliamentary session in 1846 he publicly announced his conversion to the theory of free trade. Some two thirds of his Party, enraged at what they considered his 'double dealing'[1] regrouped themselves under the leadership of Stanley and Lord George Bentinck in opposition to the proposed change. Peel and his remaining supporters managed to carry repeal by a combination with the Whig opposition in parliament, but were heavily defeated on a subsequent issue and forced to resign. The Conservatives split into two antagonistic sections, each intent on keeping the other out of office. Although many did not despair of an eventual reunification, the prospect seemed remote: 'It is hard to overstate the bitterness and fury which Peel's decision to repeal the Corn Laws had provoked.'[2]

---

1. Bentinck's phrase: Hansard, 3rd Series, lxxiv, 350
2. Robert Blake, Disraeli (London, 1966) p. 234

The Queen therefore asked the Whigs to form an alternative ministry. Lord John Russell, the Whig leader, managed to do so only after receiving a promise of parliamentary support from Peel. But although Russell thus succeeded to Peel's place, he did not inherit the political assets of his predecessor. The position of the Whigs both in parliament and the country was far from strong. In the house of lords they were outnumbered; they failed to win over the Church; the leaders of the commercial classes doubted their financial competence; and, of course, the immensely powerful 'agricultural reactionaries'[1] were entirely opposed to them. To prevail in parliament the Whigs relied on an alliance with Irish members, Radicals and followers of Peel (known as 'Peelites' from 1846 onward). A general election in 1847 scarcely altered the balance of parliamentary forces. These circumstances severely limited the effectiveness of Russell's government. His Party could only be sure of a majority in the house of commons when advancing free trade legislation or facing a vote of censure which might oust it from office. In most other cases it was in danger of defeat.

The Whig leaders were not entirely dissatisfied with this state of affairs. Quieta non movere had been a guiding principle of their Party in office since the days of Walpole. But this could not be expected to satisfy the rank and file in the house of commons. The

---

1. Ibid. p. 243

Peelites felt bitterly the frustrations of their position, finding themselves in 'a state of political paralysis: unable to adopt a satisfactory course, and unable to justify that to which under the pressure of the circumstances /they/ submitted.'[1] To conciliate the interests they represented they opposed many Whig proposals which did not affect the continuation of free trade. The followers of Stanley and Bentinck, demoralised by the defection of their former leaders and suspicious of those who had replaced them, formed a number of factions which could rarely be persuaded to act together as a party and repeatedly brought forward matters connected with sectional interests. The Radicals, on whose support Russell greatly relied, were anxious for reform in a wide field of subjects. The policy of inaction at first frustrated and finally antagonised them. There was a constant threat that their frustration would find an outlet in a combination with the various factions of the Conservative Party for no other purpose than that of embarrassing the Whigs. Russell's term of office is therefore remarkable for a rapid loss of control by the party managers over the house of commons. In July 1848 Peel replied to an observation that the house was 'unmanageable' with the statement 'It's become so - it was a well-disposed house at first.'[2]

---

1. E. Cardwell to Lord Lincoln, 13 January 1851: Newcastle Papers, NeC 12,425
2. Entry in Journal, 7 July 1848: Grey Papers.

This indiscipline had an important practical effect on parliamentary routine. The volume of public business had grown steadily since the turn of the century and in spite of procedural changes initiated in the eighteen thirties the government of the day still had only two days a week to devote to it. Even on those two 'government' order days private members could interrupt proceedings if they wished. Most were deterred from doing so by pressure from the party management or the knowledge that the government's majority made the interruption pointless. But the weakness and dissension of parties after 1846 reversed the trend which was putting legislative business into government hands and restored to private members some of the freedom to bring forward their own business which they had enjoyed in the pre-Reform era.[1] Private members on both sides of the house frequently introduced trivial or irrelevant topics. Once freed from the restraint imposed by party managers, they also attacked Russell's government with great persistence on an extensive front. This situation seriously hindered the progress of essential measures brought forward by the Whigs. In 1856 W.E.Gladstone examined it in an article for the Quarterly Review entitled 'The Declining Efficiency of Parliament.' For the time being, however, no solution was forthcoming.

The pages of Hansard testify that Russell's most frequent and vociferous critics concentrated on financial and colonial affairs. The

---

1. Peter Fraser, 'The Growth of Ministerial Control in the Nineteenth Century House of Commons.' English Historical Review LXXV, 296 (July 1960) p.455.

two topics were closely related, but the former was more important. The repeal of the Navigation Laws ended a financial system which had originated in the reign of Richard II. It seemed to endanger the prosperity of the shipping industry and exposed British agriculturalists to the full blast of foreign competition. These vested interests (among the most powerful in the country) were numerously represented in parliament. They hoped to retain the existing system of protective tariffs and monopolistic legislation. In an effort to win support for their case they blamed free trade for every financial setback suffered by the Empire.[1] Protection had been a great and powerful principle and many plausible reasons might have been found for retaining it. However, from 1846 to 1852 - when it was generally abandoned - 'Protectionism' was never more than an amateur effort. The weakness and immaturity of the arguments advanced by its defenders, with scarcely an exception, was remarkable. With Peelite help, in spite of occasional moments of difficulty, Russell repeatedly fended off Protectionist motions designed to force him to return to the old system.

Russell's difficulties in financial affairs were not confined to the periodic 'Protectionist demonstrations' however. The Whigs had a deservedly bad reputation as financiers. Lord Melbourne's government fell in 1841 largely because of its chronic inability to balance the

---

1. S. Maccoby, English Radicalism 1832 - 1852 (London, 1935) p.299

budget and Peel's repeated strictures on the 'melancholy state'[1] of Britain's finances. The country still doubted Whig financial capacity in 1846, and the naming of Russell's cabinet did nothing to restore confidence. It was, exclaimed the Tory editor of John Bull with characteristic vigour, 'in fact little else than a resuscitation of Lord Melbourne's Ministry - the identical Ministry which was hissed and hooted out of office in 1841!'[2] For all that it came from an opposition newspaper, this sentiment was widely held. Whig rehabilitation required a display of financial expertise: a successful fiscal policy would also provide the best justification of free trade and an effective defence against the attacks of the Protectionists.

Despite the importance of these considerations the Whigs proved incapable of dealing with them. Russell had no interest in economic subjects, and it is a measure of the lack of talent in his party at this time that no better man could be found for the treasury than Sir Charles Wood. While Russell served as Prime Minister his government's financing was 'inept', and 'nothing can remove the impression of infirmity and over-caution, varied by panic ... and political folly ... which is derived from a study of Wood's budgets.'[3]

---

1. 4 June 1841: Hansard, 3rd Series, lviii, 1220.
2. 4 July 1846.
3. Donald Southgate, The Passing of the Whigs 1832-1886 (London, 1962) p.141

To make matters worse, financial policy brought the Whig leaders into conflict with some of their own supporters as well, - the so-called 'Financial Reformers' among the parliamentary Radicals. The difference between Financial Reform and orthodox government financing was fundamental. While Peel, and Wood after him, solved the problem of budget deficits by increased taxation, the Financial Reformers opposed this solution. Joseph Hume, Radical MP for Montrose burghs, declared that the answer was not to increase income but to reduce expenditure, and the place for reduction was the military vote.[1] Richard Cobden and John Bright, the leading figures in the 'Manchester School' of political economy, agreed with Hume. In this conflict of ideas lay the essence of the perennial mid-Victorian arguments about the need for 'economy' and 'retrenchment' in government spending. Nevertheless, disruptive as they were in parliament, too much significance has been attached to the effect of these arguments on government policy. The conversion of W.E.Gladstone to some of the Financial Reform tenets later infused a certain spirit of economy into the treasury, but even he finally failed to eradicate 'the spirit of extravagance' from Whitehall.[2] The outcome of the struggle was a clear victory for the orthodoxy of Peel and Wood.

Much of the inspiration for Financial Reform could be found in Paine's writings and the movement for parliamentary reform during the

---

1. Stafford H. Northcote, Twenty Years of Financial Policy (London, 1862) p. 103ff.
2. Philip Magnus, Gladstone (London, 1963) p. 151.

first third of the century, one element of which had been an 'exaggerated public notion of the corruption, jobbery and extravagance of government ...'[1] The belief that cheap government was synonymous with honest government continued to flourish after the Reform Bill of 1832. But it ignored the realities of the British situation and found few adherents among the politicians in power. Parliament might display unwillingness to enlarge a government's sources of revenue or occasionally refuse to authorise some new outlay, but this was not the same as agreeing to retrenchment in existing expenditure. Hume's chief triumphs were won in the time of the unreformed parliament, when spectacular economies were forced on the government.'[2] Thereafter he achieved little in real terms. By 1855 he, together with Bright and the other Financial Reformers, had become convinced that it was not possible to reduce government expenditure by way of parliamentary action.[3]

When analysing the influence of the Financial Reformers over Russell's government and those which followed, it is not sufficient simply to look at the pages of Hansard. Because of the greater freedom given to private members by the collapse of Party discipline, numerous motions demanding retrenchment were made after 1846, against which Ministers were obliged to defend themselves. This has given the

---

1. Norman Gash, Politics in the Age of Peel (London, 1953) p. 343
2. Fraser, op. cit. p. 460.
3. The Times, 11 November 1868. (Report of Bright's address to a meeting of the gun trade at Birmingham.)

appearance of a greater preoccupation with the subject among the men in power than actually existed. In the country at large parliamentary reform appears to have been a more popular cry than retrenchment.[1] When the cabinet did consider the latter it was more likely to be with a view to avoiding it than otherwise. Government spokesmen, of whatever Party, used their skill at dressing up cases for parliament to make it look as if they were acceding to Radical demands. By adopting the jargon of Radicalism they hoped to disguise the extent of their resistance to Radical measures. Before a satisfactory assessment of 'retrenchment' in the Victorian period can be made a great deal of additional detail is required. The mere catalogue of annual estimates, although revealing, is an insufficient guide. What is needed is a comprehensive picture of expenditure based on loan financing as well as true revenue, and an analysis of the correlation between the promises of politicians and their performance.

It is important to study this matter from the widest possible viewpoint. In the period when the parliamentary reputations of Hume, Bright and Cobden probably stood at their highest, government expenditure rose from fifty million pounds in 1846 to seventy million in 1860 with an earlier peak of eighty eight million in 1856.[2]

---

1. W.N.Calkins, 'A Victorian Free Trade Lobby.' The Economic History Review XIII, 1 (August 1960) p. 104
2. A.&.P. 1861. XXXIV. (402): Return relating to the Public Income and Expenditure for each Year from 1829 to 1861-2.

Figures for the military vote, which comprised almost one third of total expenditure and on which the Financial Reformers centred their attacks, are harder to establish. The annual estimates - which exclude extraordinary expenditure - suggest a gradual increase over the period. This seems to be corroborated by the returns showing the total regular military establishment. The number of men in the army rose slightly (allowing for the unusual circumstances of the Crimean War) to about one hundred and thirty thousand by 1860. There was nothing in these gross figures to comfort Cobden or Bright.

The Financial Reformers appear to have had equally little succes in retrenching specific areas of expenditure. They often attacked individual items in the military vote, such as colonial garrisons. Accurate figures in this instance are particularly hard to obtain, but those available indicate that no retrenchment took place until the mid eighteen sixties. Government statistics, often produced in response to hostile motions in the house of commons, tended to understate the true position. For example, many returns omitted particulars of British subsidies to local forces in various colonies, such as the Cape Colony's expensive Mounted Riflemen.[1] Also, when detailing British expenditure it became the practice to print beside it a list of colonial contributions, to show that the colonists were

---

1. A&P. 1851. XXXVIII. (683): Return of Troops in South Africa.

helping to ease the imperial burden.[1] Yet in 1861 Gladstone revealed that 'a considerable portion of the sum is not paid at all in relief of the British Exchequer, but simply by way of addition to the regular pay and allowances of the forces, which continue to be discharged in full ... by the British Exchequer.'[2] Other techniques which confused the details of expenditure might be quoted.

Such discrepancies did not always mean deliberate deception on the part of the authorities. The art of compiling statistics was still in a rudimentary state, and government departments often lacked the administrative apparatus needed to produce accurate records. To some degree this explains the failure of the Financial Reformers. Basil Chubb has pointed out in his analysis of the control of public money that the development of appropriation, Exchequer Control and audit was necessary 'before the House could even begin to apply an effective control,' and such a system was not completed until 1867.[3] And by that time anyway the decline in the rights and status of private members had deprived them of the means 'of shaping the details of administrative policy.'[4] Thus at no time after the eighteen thirties did private members have it within their power to alter a government's financial policy: all hinged on an initiative from the

---

1. A.&P. 1859. Sess 2. XVII. (114): Part II - Return of colonial Expense.
2. A.&P. 1861. XIII. (423): Minutes of Evidence taken before the Select Committee on Colonial Military Expenditure. Q 3770
3. Basil Chubb, The Control of Public Expenditure (Oxford, 1952) pp 3,6
4. Fraser, op. cit. p. 460

cabinet. The refusal of most Radicals to accept seats in any cabinet effectively prevented them from achieving their aims in the mid-Victorian years.

Finally, the failure of Ministers to fulfil what sounded like promises of 'economy' did not necessarily represent bad faith. When the Financial Reformers spoke of 'economy' they invariably meant 'retrenchment' in line with what Cobden claimed was the 'general wish for a reduction of expenditure.'[1] Hume was in the habit of calling for a return to the level of military expenditure in 1792, before the outbreak of the French wars. Palmerston, the most rational opponent of these views, repeatedly declared that the only 'statesmenlike' way to settle the annual military vote was on an ad hoc basis, taking into consideration the situation at the time when the estimates were framed.[2] He had a different definition of 'economy':

> ... economy does not consist merely in not spending money. Economy is a distributive virtue, and consists in proportioning your expenditure to the objects you wish to attain, so as not to lay out money for that which is not really wanted and necessary, and to attain only those objects which are really desirable. That, I believe, is the proper definition of public economy.[3]

The majority in parliament agreed with this definition, at least until the eighteen sixties.

---

1. Cobden to C.B.Adderley, 29 November 1850: William S. Childe-Pemberton, Life of Lord Norton (London, 1909) p.89
2. Palmerston to Gladstone, 19 October 1864: Philip Guedella, Gladstone and Palmerston (London, 1928) p. 299
3. 8 May 1862. Hansard, 3rd Series, clxvi, 1434-5.

Returning to the narrower limits of Russell's first Ministry, it can therefore be affirmed that however loud the clamour for retrenchment the issue never became one of 'practical politics' - any more than did many other Radical cries for reform.[1] The Whigs, Protectionists and Peelites were generally opposed to Financial Reform - as were some of the Radicals themselves. Private members' motions on the subject were thinly attended, especially when they related to the colonies. Attacks on the government usually failed: when the Financial Reformers tried to hold up a vote of one million pounds to meet the expenses of the Cape war of 1846/7 they were defeated by an overwhelming majority with hardly any discussion.[2] A significant body of Radicals abstained. Russell never feared such occasions. He told his colleagues that the 'absurdity' of the propositions allowed him to defeat them with ease.[3]

However, the private and official communications of Russell's government do reveal an undeniable concern with 'economy' in the Palmerstonian sense. Individual ministers sometimes identified themselves with Radical causes enjoying popular support in order to outflank their cabinet colleagues on specific issues; and many Whigs who attacked Peel for introducing the Income Tax hoped to repeal it once free trade had created a surplus from other sources of revenue.

---

1. Maccoby, op. cit. pp. 436-7.
2. Ayes 61, Noes 252, Majority 191. 25 February 1848, Hansard, 3rd Series, xcvi, 1375-84
3. Russell to Grey, 19 August 1849. Grey Papers.

But other considerations than these dictated the Palmerstonian concept of economy. Most financiers of the time detected an inclination in parliament to approve government spending as long as it required no extra taxes.[1] Perhaps the most striking example of this contradictory spirit occurred during the famous 'panic' of 1848 when the country's loud demands for measures of protection against the threat of French invasion were silenced by Russell's proposal to add five-pence in the pound to the Income Tax in order to pay for them.[2] He might apportion existing revenue how he liked: but higher expenditure in one department had to be provided for by retrenchment in others. The question resolved itself into one of priorities and of skill at manipulating the resources available to best advantage. Whig priorities were seldom those of the country at large; and neither Wood nor the cabinet displayed much talent in the purely mechanical task of marshalling the country's economic resources. Wood was reduced to urging his colleagues in general terms to confine their expenditure 'within the narrowest limits consistent with efficiency.'[3] This 'economy' did not have its roots in Financial Reform but in Whig incapacity, and it failed to satisfy the government's critics.

As has already been indicated, economic considerations played an important part in the criticism levelled at Whig colonial policy, the

---

1. Northcote, op. cit. p. 298. This tendency was more marked by 1867 - see Walter Bagehot, The English Constitution, Chapter IV.
2. Spencer Walpole, The Life of Lord John Russell (London, 1889; 2 vols.) ii, 25.
3. CO 323/233/211: Treasury to Colonial Office, 3 October 1848.

other field in which the government was particularly liable to attack. The British Empire in 1846 numbered some forty colonies of varying size and importance, scattered about the continents of the world. By a series of laws dating back to 1651 their trade was subject to certain restrictions, in return for which their produce enjoyed preferential treatment in British markets. No foreign shipping could carry goods between British and colonial ports. The import of foreign goods was reserved to British ships or ships belonging to the country which supplied the goods. Goods landed from foreign ships had to pay a higher import duty than identical goods landed from British ships. 'The elaborate system of discrimination which had been built up on these laws was intended to protect the interests of British shipping and so, in time of war, to strengthen the British navy.'[1] For this strategic reason Adam Smith had advised the retention of the 'Navigation Laws' when he presented his case for the introduction of free trade.

The British shipping interest campaigned strenuously against any change, but on taking office in 1846 the Whigs settled with Peel that the Navigation Laws should follow the Corn Laws into oblivion. With the support of his Radical allies, Russell went even further and decided to give up colonial preference, - a step which Peel deplored. The decision thus furnished the only 'distinctively Whig feature in

---

1. David Thomson, England in the Nineteenth Century (Pelican History of England, repr. 1971) p. 82.

nineteenth century fiscal policy ...'[1] Its immediate political and economic consequences in several colonies were likely to be serious. The repeal of the Corn Laws showed by its depressing effect on the Canadian wheat industry what would probably happen in other parts of the Empire after the repudiation of colonial preference. Canada 'suddenly lost the advantages of low duties on colonial wheat which had diverted American wheat to Canadian mills, and favoured the St Lawrence route to Europe.'[2] To calm the discontent which followed the decline of the wheat industry, the Canadian Governor had to make political concessions of great significance to the local inhabitants. These were the final steps in the establishment of the first 'responsible government' in the Empire.

The theory of responsible government for colonies had been tentatively formulated in Melbourne's time. After a series of disturbances in Canada the Whigs sent the Radical Lord Durham to govern the colony with instructions to find a remedy for popular discontent. In his Report Durham recommended the surrender to local politicians of all matters except those affecting 'strictly Imperial interests.' The Whigs' Union Act of 1840 did not go as far as this, but the application of a more liberal policy still enabled the governor who replaced Durham to introduce a popular (or 'representative') element into his legislative and executive councils. In 1847 the Russell government

---

1. Southgate, op. cit. p. 136
2. Llewellyn Woodward, The Age of Reform (Oxford, 1962) p. 382

gave up most of its surviving powers to intervene in Canada's internal affairs. The governor received instructions to act in all local questions only on the advice of his executive council, which should be made up entirely of members possessing the confidence of the elected Canadian parliament. 'Representative' thus gave way to 'responsible' government.[1]

Russell had been Secretary of State for the Colonies at the time of the Union Act. On his return to power in 1846 he made no secret of his liking for the system. 'I think,' he told Hume, 'generally speaking, /that/ the representative constitution ought to be introduced further into our colonies.'[2] As Conservatives, the friends of Stanley and Bentinck had grave doubts about this scheme, - just as, being Protectionists, they were bound to object to the end of colonial preference and the Navigation Acts. J. W. Croker, one of the few really able contributors to the debate from the Protectionist side, argued in 1847 that these new principles

> are neither more nor less than discolonization. If Canada is to be governed by a native cabinet responsible to her own Legislative bodies - if her produce is to receive no favour in the English market, and English produce no favour in hers - and if British or Canadian shipping is to have no more advantage in the transport of either produce than French or American - will /the Government/ be pleased to tell us in what way Canada will differ, with regard to us, from one of the United States, <u>except our being burdened with the</u> EXPENSE <u>of defending and the</u> PERIL <u>of losing it</u>?

---

1. W.P.M.Kennedy, <u>The Constitution of Canada 1534-1937</u> (2nd Edition, London, 1938) Chapters XII - XVI.
2. 14 August 1864: <u>Hansard</u>, 3rd Series, lxxxviii. 716-7

Croker went on to praise Protection as 'a wise and patriotic principle.' Without the Navigation Laws and colonial preference, he warned, 'colonies are a burden and a danger, and the sooner we are rid of them the better.' The Navigation Laws provided the 'chief nursery for seamen' and British naval strength might not survive the intended repeal.[1]

The questions posed by Croker - reflecting genuine doubt, for all that they were designed to discomfort Peel - had been brilliantly anticipated by the 'Benthamite' or 'Philosophic' Radicals during the preceding twenty years. This group had access to parliament through Charles Buller, Sir William Molesworth and other members of the Radical wing in Russell's government. They owed their inspiration to the works of Edward Gibbon Wakefield, one of the most influential free trade economists of the nineteenth century.[2] Wakefield, debarred from the inner circles of government by his disreputable private life and furious personal animosities, expounded his theories in a series of notable books and pamphlets, beginning in 1829 with A Letter from Sydney. The rigorous logic of his case rapidly won over Bentham and his disciples. These converts, together with Wakefield, became known as the 'Colonial Reformers.' They called for state-supervised emigration to the colonies; a policy of 'systematic colonization' designed to supply a labour force in developing colonies; and

---

1. 'Parliamentary Prospects', Quarterly Review, LXXXI, 162 (September 1847) p. 571.
2. B.Semmel, 'The Philosophic Radicals and Colonialism' in A.G.L.Shaw (ed.), Great Britain and the Colonies 1815-1865 (London, 1972)

the surrender of imperial control over certain aspects of local government. Durham, himself associated with the group, found the framework for his Canadian report in its teachings.

Because of their representation in parliament the Benthamite Radicals had many opportunities to publicise their ideas. Among the clearest expositions of 'Colonial Reform' was that read to a parliamentary committee in 1836 by William Whitmore, chairman of the South Australian Association. This statement, probably prepared jointly by the leading Colonial Reformers, provided an answer to all Croker's questions. It declared that Britain's overseas possessions should, wherever possible, be colonised by settlers from the mother country. The greater the extent to which these emigrants spread themselves, the better would be the opportunities for Britain to employ its 'surplus of capital' in the manner best calculated to ensure 'the permanency of its possession in British hands.' All foreign countries were potential enemies of British interests. The development of their resources by British investment amounted to giving them a power which might ultimately be turned against Britain. Admittedly investment in the colonies settled by emigrants would also produce economic growth and eventually an irresistable demand for self-government - but this did not matter. The advantage to be derived after British withdrawal were 'still'great' and outweighed those in equally independent foreign countries.

These advantages were 'chiefly commercial'. By a system of

perfectly free trade on a reciprocal basis with the colonies, unhindered by import duties except where they were needed to raise revenue, a volume of trade could be achieved far larger 'than with any people, alike in point of numbers and wealth, where such freedom of trade did not exist.' The habits and feelings, even the prejudices, of the colonist would make him prefer the products of his home country, 'and this habit, this connexion, would continue long after /British/ dominion had ceased.' The colonies (and here Croker's doubts were forestalled) would remain of 'infinite value' as emporia for trade to other parts of the world, as employment for shipping and as an outlet for 'surplus wealth and population.' Formal control of colonial governments by Britain might almost be described as unnecessary:

> The bond of union is trade; the greater the extent to which it is carried, and the more it appears susceptible of constant increase, the more stringent is the tie.

The colonies' resources of raw materials were to be exploited and exchanged for British merchandise. This arrangement would prevent the danger of a colony's industries developing in the same direction as the mother country's, so as to excite 'the jealousy of the home producer.' It was the cotton, rice and tobacco of the southern states, not the corn or timber of the north, which formed Britain's commercial link with its former colonies in the United States. Without these products the enmity between 'the parent and the child' would undoubtedly be greater, and mutual trade instead of increasing 'would

have sunk to a very low ebb.'[1]

From the Benthamite point of view, therefore, emigration, investment and free trade were the keys to a successful colonial policy. A steadily increasing number of emigrants should be left to develop the resources of each colony with a minimum of interference from Britain. Their activities would create a safer field for British investment then foreign countries provided, and equally profitable returns. As long as the imperial government enforced a system of free trade there would be no danger of the colonies turning into industrial competitors, so their links with Britain would remain, strengthened by mutual dependence. The grant of responsible government would remove the threat of arguments over non-essential matters, which could interfere with trade. Finally, for obvious reasons, British colonies without a significant population of European origin were to be treated as 'foreign countries' and excluded from the benefits of Colonial Reform.

One aspect of responsible government assumed particular importance in the development of Wakefield's system. This was the need for colonists to provide for the expenses of their own internal security. Without such an arrangement there could be no 'really local, truly responsible government' in a colony. Garrisons of imperial troops were maintained at British expense in all colonies of settlement.

---

1. A&P. 1836. XI. (512): Minutes of Evidence taken before the Select Committee on Disposal of Lands in the British Colonies, Q 1.

Their presence was harmful, argued Wakefield. They enabled governors to interfere successfully in local affairs and so pervert the natural course of colonial economic development. (As Mr. Semmel has noted, it was not through devotion to an abstract political philosophy that the Colonial Reformers attacked 'Mr Mother Country' at the Colonial Office, but because intervention by British authorities checked the 'policy of land grabbing' of the New Zealand Colonists.[1]) Furthermore, as Wakefield pointed out, the large sums spent by the British Commissariat had a similarly stunting effect on colonial development. Instead of exploiting their own resources to support themselves, and so providing opportunities for the deployment of British capital, the settlers geared themselves to the army's wants and were 'corrupted into lazy and servile dependents of the miserable government.'[2] The Colonial Reformers therefore urged that the colonists be obliged to meet the costs of all imperial garrisons or be deprived of them.

In this object the Colonial Reformers joined hands with the Financial Reformers, although for different reasons. Richard Cobden saw retrenchment in terms of the struggle between the middle classes and aristocracy for political power in Britain. He believed that the 'colonies, army, navy and church' together with the Corn Laws, were the props of the 'aristocratic government' which he wanted to overthrow.[3]

---

1. Semmel, op. cit. p. 91.
2. Paul Knaplund (ed.), 'E.G.Wakefield and the Colonial Garrisons, 1851.' Canadian Historical Review V,3 (September 1924) p. 234
3. J.A.Hobson, Richard Cobden, The International Man (repr. London, 1968) Introduction.

He pressed for a reduction in spending on the Empire (which in his view subsidised the interests of 'aristocratic government') as part of a more general retrenchment and a wider political theory. The Colonial Reformers rejected Cobden's philosophy. In the parliamentary division on Cape war expenses referred to above, they all abstained. And when Wakefield told Gladstone that with regard to colonial garrisons the 'Hume-Cobden imperial policy' would have averted many of Britain's problems, he added: 'I never thought to say as much for the Manchester School.'[1] This rare unanimity of aims led Wakefield into a serious tactical error. He failed to resist the temptation to graft his calls for the withdrawal of imperial garrisons onto Cobden's demands for cheap government. As has been indicated, Cobdenite retrenchment never achieved any significant success, and Wakefield's mistake might have prejudiced his own case by association.

This danger was averted by the final factor in this complicated equation: the Whigs. Through their representations in parliament the Colonial Reformers had managed to influence the thinking of certain prominent Whigs, among them Lord John Russell and the third Earl Grey. Such men added an element to Colonial Reform which had previously been lacking - a practical knowledge of government. Inevitably this led them to refine and modify Wakefield's programme. But this involved a difference of means, not of ends. Russell and Grey

---

1. Knaplund, op. cit. p. 235

kept a firm grasp on fundamentals and were able to avoid the tactical errors made by the Colonial Reformers, who occasionally over-reached themselves.

Russell was not confused by the temporary alliance between Wakefield and Financial Reform. 'As to Colonial Reform, as it is called,' he wrote in a letter to Grey, 'I am much in favour of it, but not of Cobden's reform - which would be a dissolution of the connection,'[1] He went on to expound the benefits of Empire in terms reminiscent of those used by Whitmore, adding however a few thoughts of his own. These dealt mainly with strategy and turned on the assumption that if Britain once relinquished certain parts of the Empire, 'the vultures would soon gather to despoil us of other parts ... or to offer insults to us which we could not bear.' Colonial Reform must be tempered by military strategy. Grey, who became Secretary of State for the Colonies in the administration of 1846, wholeheartedly agreed with Russell.[2]

Here the Whigs and the Colonial Reformers parted company. Wakefield and his disciples were confident that the economic forces they had identified would be a sufficient safeguard for British interests overseas if imperial interference ceased. Grey, Russell and those Whigs who concerned themselves with the subject were less positive. In the context of international politics colonies unprotected by the

---

1. Russell to Grey, 19 August 1849: Grey Papers.
2. Earl Grey, The Colonial Policy of Lord John Russell's Administration (London, 1853; 2 vols.) i, 12-15 and ii, 304-5.

mother country looked very vulnerable. Also, they argued, for the time being the economic links were too fragile to sustain the shock of complete withdrawal. If Britain granted autonomy to its undeveloped colonies the consequences were predictable. In order to raise enough revenue to govern themselves the colonists would resort to protective tariffs, overthrowing the system of free trade. British interests would suffer. At some future date the concession might be made, Russell admitted, but 'I do not think that time is yet approaching.'[1]

The views of Grey and Russell, formulated long before their return to office in 1846, had general currency among their colleagues and supporters. In July 1846 they were propounded by George Cornewall Lewis in an article for the leading Whig journal, the Edinburgh Review. Lewis, himself a distinguished colonial theorist and author of An Essay on the Government of Dependencies, declared that Britain derived 'much substantial advantage' from its Empire 'in the present state of the world.' The advantage did not lie in 'the barren attribute of sovereignty' but principally in the facilities which the colonies afforded for 'commercial intercourse.' In more specific terms, it was 'simply ... the power which the mother country thereby enjoys of securing a fair and open market to her goods' and 'of preventing the colony from excluding her from its market by restrictions and

---

1. Lord John Russell, The Speech of the Right Hon. Lord John Russell in the House of Commons, Feb 8, 1850, on Colonial Policy, with a view to promote the general wealth and population of the Colonies and their capacity for Self-government (London, 1850) p. 54

discriminating duties.' Certain guidelines should be followed in regulating Britain's relationship with the Empire, particularly with reference to colonial trade. Each colony was too remote to be successfully governed from home. Therefore its 'local and subordinate government ought to be conducted as much in accordance with the opinions and wishes of the inhabitants as is compatible with the condition of political dependence, and the maintenance of the supremacy of the British Crown.' Britain should not seek 'direct' recompense for the cost of naval and military defence, nor impose restrictions on trade for exclusively British advantage. A 'perfectly free trade on both sides' was necessary. The colony ought to have freedom to trade wherever it wished and free access to British ports. But colonial preference must be abandoned.[1]

Lewis's article displayed his common ground with Wakefield. The Colonial Reformers had no objection to the overseas garrisons, provided they were used for 'defence against a power at war with the empire' and not for 'any internal purpose.'[2] (This was an important point of difference with the Financial Reformers.) They also stressed local autonomy and free trade. Lewis failed to mention emigration not because he disapproved of it, but because he concentrated on the case for free trade. The publication of his article in the Whig journal on the eve of Russell's taking office lends it a certain

---

1. 'Colonial Protection', Edinburgh Review, LXXXIV, 169 (July 1846) pp 250-1 and 266.
2. Knaplund, op. cit. p. 234

official weight. Probably he stated the intended policy of the new government. This conjecture is borne out by the simultaneous appointment of Grey to the Colonial Office. Grey's views were similar to those expressed by Lewis. During his years in opposition to the Peel government he had co-operated closely with the Radicals who called for free trade. His influence among them was largely responsible for his securing a cabinet seat in 1846. Russell could not dispense with one 'who had taken so prominent a part in favour of free trade.'[1]

In later life Grey defined his attitude to Colonial Reform on taking office under Russell. He quite agreed with Wakefield about the value of the Empire and the power of commercial links for holding it together. But, like Russell, he doubted if the time had come to rely only on such links. Until it did he intended to uphold Britain's legal rights over its colonial subjects and use them to prevent anything which might interfere with the development of the economic bond. He pointed out that before 1846 'there had never been any question as to its being the right and duty of parliament to regulate the commercial policy of the whole Empire' and when it adopted free trade parliament did not 'abdicate' this duty:

> It was held that the common interest of all parts of that extended Empire required that its commercial policy should be the same throughout its numerous dependencies, and that this had not become less important than before, because our policy was to be directed to the removal instead of, as formerly to the maintenance of artificial restrictions on trade.

---

1. PRO 30/22/5A (Russell Papers): Russell to Wood, 8 January 1846.

The change of policy with regard to colonial trade was not to alter Britain's superior position in relation to her Empire. 'To maintain /a free trade/ policy by using the royal authority to prevent any departure from it by the colonial legislature was ... considered to be the duty of the ministers of the Crown.'[1] Although written twenty seven years after he left office, this exposition did not misrepresent Grey's attitude to the colonies of settlement: his top permanent official recorded in 1852 that 'it was part of Lord Grey's especial policy to preclude these colonial legislatures from the power of imposing differential duties.'[2]

The Whigs thus provided their own answers to the questions posed by the agitated Croker. Free trade and what Grey called 'a judiciously sparing exercise of what are still the acknowledged powers of the Crown and Parliament'[3] would preserve British 'dominion' just as well as mercantilism, colonial preference and 'aristocratic government' had done before them. For it is impossible not to conclude that the great majority of Whigs, Radicals and Conservatives, whether Peelite or Protectionist, believed the Empire to be of commercial benefit to Britain and therefore worth preserving. To the protagonists in the debate about colonial policy after 1846 (with the possible exception of

---

1. Earl Grey, 'How Shall We Retain the Colonies?' Nineteenth Century, V, 28 (April 1879) pp 937-8.
2. CO 48/330/49: Minute by H.Merivale on Darling to Pakington, 29 June 1852 (No. 33)
3. Grey, The Colonial Policy of Lord John Russell's Administration, op. cit. ii, 304.

Cobden) the value of the Empire was axiomatic. The argument was over the best way to retain it - by a system of Protection or by the 'imperialism of free trade'. If the latter, should it be by Wakefield's Colonial Reform or by the Whig adaptation of it? The outcome was by no means predetermined: Protectionism did not finally die until 1852; the 'inner unity and consistency'[1] of Wakefield's arguments began to make converts of several Peelites; and the Whigs might prove too weak in parliament to have their own way.

Trouble started almost immediately for Grey and Russell when they refused to go all the way with the Colonial Reformers. Their caution scarcely suited Wakefield's plans, and did not agree with his understanding of Grey's views before taking office. He adopted an attitude bitterly hostile to Grey, asserting that anything less than a complete implementation of Colonial Reform was valueless. There is more than a suggestion that personal motives led to this breach. Wakefield seems to have speculated in colonial land[2] and suffered financially from his transactions - for which he blamed the governments that refused to implement his theories. Grey incurred his portion of this censure.[3] In 1849 Wakefield founded the 'Society for the Reform of Colonial Government', partly to agitate the subject of responsible government and imperial garrisons, but also in the hope of embarrassing Grey.

---

1. Semmel, op. cit. p. 86
2. Ibid., p. 79.
3. William P. Morrell, British Colonial Policy in the Age of Peel and Russell (Oxford, 1930) p. 480

How Grey and his colleagues sought to overcome such difficulties and implement their own scheme of Colonial Reform in one particular 'colony of settlement' - the Cape of Good Hope - is the burden of this thesis. For, in spite of a recent assertion to the contrary,[1] the term 'Colonial Reform' is a valid shorthand for a clearly definable doctrine which is central to the proper comprehension of early and mid-Victorian colonial policy. The men who subscribed to the doctrine formed a distinct and recognisable school with adherents from every political party. The antithesis of Colonial Reform was the old system constructed on Navigation Laws and colonial preference. Like that old system, the new one was designed to provide a framework in which Britain could profit from its Empire to greatest advantage.

When Grey took over the Colonial Office in 1846 interest in Natal had started to subside and British attention was re-directed to the Cape by the outbreak of a frontier war. As might have been expected from a Colonial Reformer, he ignored Cobdenite complaints about the expense and demands for a British withdrawal from the frontier. 'Whether the original occupation of this territory were wise or unwise there is now no alternative but to maintain it,' he declared, 'and the question is how can this be done in the manner most

---

1. John S. Galbraith, 'Myths of the "Little England" Era' in A.G.L. Shaw (ed.), Great Britain and the Colonies 1815-1865 (London, 1970) p. 38.

consistent with <u>real</u> humanity towards the native tribes and least bothersome to this country.'[1] In this situation the attraction of Wakefield's ideas was irresistible. But Grey would scarcely hope to give effect to a theory formulated in England without encountering practical difficulties and without evoking some response from the different Cape societies, which in turn would repercuss upon society in Britain. This interaction had a discernible effect on Whig efforts to settle Cape affairs, and therefore forms an important part of this thesis.

---

1. CO 48/269/87: Minute on Chalmers, Guthrie & Co. to Secretary of State, 5 August 1846.

CHAPTER II

THE CAPE COLONY IN 1846

The Cape political scene was complex. The exposition of it which follows makes no pretence at completeness. Its purpose is to introduce those organisations and individuals most affected by the interaction with British politics which forms the subject of this thesis. The significance of these details will become apparent in subsequent chapters.

Britain administered the Cape by means of the system which has become known as 'Crown Colony Government.' The principle official was a British governor in Cape Town, chosen by the Secretary of State for the Colonies with the Crown's approval. The governor's authority in local matters seemed partially circumscribed: for Letters Patent issued in 1833 created executive and legislative councils for the Cape. Except in emergencies he was not supposed to act without consulting the former body (made up of senior civil servants). But he could ignore its advice, provided he later justified his decision to the Secretary of State. Theoretically the legislative council had more chance of influencing decisions. Unlike the executive council, it contained colonists as well as officials. These 'unofficial members' could initiate legislation and criticise government measures. The Letters Patent empowered the governor to appoint from five to seven colonists and restricted official membership to six. But any advantage which this majority might have given to the unofficial members was neutralised by the policy of successive governors, who never nominated enough to

outvote the officials. Custom decreed that the officials should support the governor whenever he demanded their votes. Thus both councils tended to serve merely as a source of advice and failed to put even that limited restraint on the governor for which they had been created.

Of course no governor habitually ignored his councils. They had to be consulted as a matter of form and he relied on their advice in routine business. But this show of deference scarcely disguised his unfettered power when a Cape question touched on imperial interests. The law in fact prohibited the local legislature from even discussing certain topics. The governor could not censor the press but might ban public meetings. Clearly therefore no agency within the colony could effectively resist a government measure if the authorities refused to reconsider it, except by resorting (or threatening to resort) to illegal methods of opposition. So each Cape governor looked like an autocrat to colonial eyes. In fact this was a delusion: the governor answered to the Colonial Office in London and through it (nominally at least) to the British Parliament. On appointment he received a Commission and a set of Royal instructions which narrowly defined his freedom of action. If he held the position of colonial commander-in-chief as well as the civil post his jurisdiction was equally carefully circumscribed by instructions from the imperial

commander-in-chief at the Horse Guards.[1] The governorship thus formed an integral part of the Metropolitan administrative system: It was simply an adjunct of the Colonial Office with delegated authority. A governor could take an independent line and carry his superior with him. But it was the British government which had autocratic powers at the Cape: the governor exercised them on its behalf.

Britain inherited a system of government on conquering the Cape from the Dutch. At the district level administration was in the hands of a permanent official (landdrost) and four unpaid heemraden chosen from the local burghers. (Burghers had specified military duties, could trade, own property, etc.)[2] Each district was subdivided and put under a veldkornet (field cornet) appointed for his standing and local knowledge. Military business apart, field cornets played a vital part in district government: they had power to suppress vagrancy and settle disputes over labour or land. They lost most of these by a series of British reforms in the years preceding the Great Trek.[3] Simultaneously landdrosts and heemraden gave way to Civil Commissioners and Resident Magistrates. These functionaries were responsible to Government Departments in Cape Town, set up to lighten

---

1. E.g.: Duke of Wellington to Sir H. Smith, 3 September 1847: Smith Papers, Item 626.
2. Monica Wilson and Leonard Thompson (eds.). The Oxford History of South Africa (2 vols., Oxford, 1969-71) i, 219-20. (Cited as O.H.S.A. henceforward).
3. H.R.Hahlo & Ellison Kahn, The Union of South Africa: The Development of its Laws and Constitution (London, 1960) p.217

the governor's administrative load. The Law Department of the Attorney General supervised Resident Magistrates, gave the governor legal advice and - if necessary - interpreted his Commission and Instructions. The Audit Office and Colonial Treasury performed the rather ill-defined financial duties laid down in imperial regulations. The Customs Department enforced the Navigation Laws (until their repeal in 1849), tried to prevent smuggling and collected customs revenue. But the hub of the civil service was the local Colonial Office under the Secretary to Government, who took charge of all business outside the spheres of the Attorney General, Collector of Customs, Colonial Treasurer and Auditor General.

Substitution of officials formed part of a wider overhaul of Cape institutions. In 1827 Britain enacted a Charter of Justice to introduce the styles and forms of British legal procedurs, including a Supreme Court. The new judges saw themselves as 'watchdogs of constitutionality' as well as executants of the law,[1] and perhaps acted as a better check on the governor's power than either of his councils. Less successful was the creation by Letters Patent dated 1836 of a 'distinct and separate government' for the districts of Albany, Somerset, Uitenhage and Graaff Reinet (the 'eastern division') under a lieutenant governor. The measure failed largely because the

---

1. A.Sachs, 'Enter the British Legal Machine: Law and Administration at the Cape, 1806-1910.' Collected Seminar Papers on the Societies of Southern Africa in the 19th and 20th Centuries (Vol. 1, University of London, Institute of Commonwealth Studies, 1970 p.22)

central government clung jealously to its supervisory powers, and the post became a mere channel for representations to the governor. By contrast, the legislative council succeeded in devolving some lesser responsibilities on road boards and manicipal boards. These bodies were made elective and given authority to raise revenue by means of rates. The road boards had their operations overseen by a Central Road Board in Cape Town, consisting of three government officials and three colonial nominees.

Summaries of the major reforms give a misleading impression of the new administrative structure's overall effectiveness. The Cape government's means were limited and practice often lagged behind theory in the management of local affairs. For example, the various enactments took no account of institutions like tribal chiefdoms or the Khoi 'captaincies.' Yet in many districts traditional leaders exercised greater authority over their followers than any official. Lack of staff and facilities compelled officials to treat with a chief or captain (either directly or through intermediaries, such as missionaries) in an effort to regulate the activities of aboriginal peoples, or even to refrain altogether if no colonist was involved. Since much traditional law was repugnant to colonial law this inactivity lent a strength and independence to aboriginal leaders quite incompatible with the spirit of British government in the colony. Such anomalies were only partly resolved during the period of this thesis.

Britain took the Cape solely by force of arms. The Treaty of

Vienna legitimised the conquest in the eyes of other European countries but did not remove the soreness of many Dutch colonists at being 'sold by their own King like cattle to the English.'[1] A hostile population could scarcely be governed effectively or cheaply, so Britain looked for collaborators willing to lend their influence over the colonists in return for permission to keep the privileges they had enjoyed under the old regime. Several senior Dutch officials accepted these terms and swore allegiance to the Crown, among them J.A. Truter (who became Chief Justice in 1812 and later received a knighthood), the Fiscal Denyssen and W.S.van Ryneveld. Few would have transferred their loyalty without a measure of approval from that section of colonial society to which they belonged. This fact helps to identify the class of colonists which collaborated with the British, for the Cape Town bureaucracy stood at the top of the social scale along with the great estate-owners and leading merchants of the western Cape. The class included families of several nationalities with a common interest in the economic development of the colony and the protection of private property. Wealthy, conservative and unobtrusive, it willingly supported the new government after seeing that its own interests were not threatened. Initially such support satisfied British needs: when the legislative council came into being the governor was told to select unofficial members from 'out of the chief landed proprietors and

---

1. Sir G. Napier to C. Napier, - March 1844. Napier Papers, Add MSS 54, 524.

principal merchants' of the colony, - a rule not broken until 1850.

The governing class was small - like the colonial population - and most individuals may be identified. The 'chief landed proprietors' tended to be of Dutch extraction, like Michiel van Breda, a partner in the enormous sheep-farming company of Reitz, van Breda, Joubert & Co., and a nominee on the legislative council until his death in 1847. He represented a body described as corresponding 'with reference to acres' to the 'large landed proprietors in England' - men like the 'Bosmans, Fischers, de Villiers, Jouberts, de Jonghs, Myburghs, Beyers, Morkels, Cloetes, van der Byls, Malans, Delports, Uys, etc., etc.,'[1] Occasionally a British immigrant penetrated these ranks, like Thomas Butterworth Bayley, from a well-connected and wealthy Lancashire family with members in the Madras and Bengal civil services. After years of unprofitable horse-breeding on his farms in the Caledon district, Bayley still left over £60,000 when he died. The 'principal merchants' were less racially homogeneous. The term 'merchant' meant more than simply a wholesale trader engaged in the import and export of goods. In British usage it had distinct social overtones: 'merchants' were socially acceptable to the British upper classes in a way that 'tradespeople' were not.[2] Their acceptability derived from family connections as well

---

1. A & P. 1852-3. LXVI./1581/: Papers relative to the Establishment of a Representative Government. Speech of J. Montagu to the Legislative Council: pp 229-236.
2. E.g. R.Palmer to Duke of Newcastle, 10 December 1860: Newcastle Papers, NeC 10,923. S.G.Checkland, The Rise of Industrial Society in England (London, 1971) pp 114, 286.

as wealth. By this definition the only genuine Cape merchants lived in Cape Town itself: the de Smidt family, for example, with aristocratic ancestors in the Netherlands. John Bardwell Ebden, Hamilton Ross and Antonio Chiappini all arrived between 1803 and 1805. Ebden owned businesses in England and Australia, and had an uncle in the Church in Hampshire. Ross was a former officer in the Scots Guards. Chiappini (an Italian raised in Britain) had a sister married to the Irish peer Lord Newborough. A later arrival, Jacob de Letterstedt, made money to buy a title in the Swedish nobility. The church, the army and the aristocracy were connexions of the greatest repute, so it can be seen that the body represented by these examples fully deserved the name of 'merchants'.

So much for the machinery of government and the ruling classes at the Cape. But what of the governed? The Cape population in 1846 comprised people of many different origins. The 'Afrikaners' (whom the British called 'Dutch') and the 'coloureds' predominated. The former included Germans, Italians, Scandinavians and Frenchmen at different stages of assimilation with those of truly Dutch extraction, whose language and habits prevailed everywhere except in Albany. Cape Town remained over-whelmingly 'Dutch' in character despite the British presence.[1] Some rural districts were unchanged from the time when not

---

1. Charles Wilkes, Narrative of the United States Exploring Expedition during the years 1838-42 (New York, 1856; 5 vols.) v, 422-3

a single English-speaking inhabitant could be found.[1] The Afrikaans farmers (Boers) seldom had the chance for political action. When questioned on topics outside their experience they displayed a sort of honest reticence, like the prominent Colesberg Boer asked about the best form of government for the colony: 'I beg leave to state that as I am an unskilful farmer, and brought up without any education at the outskirts of the colonial boundary, I am unable to afford proper and suitable answers in such matters.'[2]

Reticence was understandable in this case; no colonial government (Dutch, Batavian or British) had made its presence felt enough in frontier areas to form a basis for comparison. But silence on larger issues did not signify complete indifference to politics. More immediate matters - labour supply, land apportionment, poor communications - were of burning interest. The Afrikaners tended to view them from a parochial angle. The elective Boards reflected this state of feeling. That they all had certain common aims was more apparent to outside observers than to the inhabitants themselves. The Afrikaners had not yet developed much sense of national identity.[3] In most local elections their voting power was decisive,[4] but they used it in pursuit of

---

1. R.Bourke to W.W.Burton, 16 May 1828: Bourke Papers, MSS.Afr. t 7/2 WO 1/450/251: Cathcart to Newcastle, 13 September 1853 (No. 46).
2. G.D.Joubert to Lt Governor Young, 14 July 1847: Document Relative to the Question of a Separate Government for the Eastern Districts of the Cape Colony (Grahamstown, 1847) pp 41-3
3. J.du P.Scholtz, Die Afrikaner en sy Taal (Cape Town, 1939) p 53
4. See letter signed 'A British Sentry' in South African Commercial Advertiser, 7 October 1848.

regional rather than national objectives. This parochialism was fostered by the local Afrikaans press and the periodic celebration of nachtmaal (communion) at a central point in each district, attended by Boers from the remotest areas. They gathered chiefly for religious purposes: to hear mass and celebrate baptisms, confirmations or marriages. But the leaders took the chance to discuss local politics and give guidance to those they rarely saw. If necessary they also circulated petitions for signature or nominated deputations to express their views to the central government.

Most Afrikaners shared certain assumptions and prejudices, for all that there was no political consensus among them. A few Boers might join in a cricket match at Graaff Reinet[1] but this did not signify a taste for British institutions. Their friends rarely entered Grahamstown (the capital of the eastern division) because they thought it 'too English.'[2] They disliked the traders and officials who made up the 'Grahamstown Gentry.' These sentiments were not merely anti-British, however. In the west there was a similar feeling against the 'Cape Town Gentry'[3], which included colonists of many nationalities. Within each regional association of Afrikaners (maatschappij) there were distinct signs of stratification and hints of incipient class feeling. Every hamlet or dorp had its own 'gentry' (usually made up of wealthy farmers and the local traders) who unhesitatingly acted against the

---

1. Graham's Town Journal, 30 January 1847
2. CO 48/338/160: Cathcart to Newcastle, 15 May 1853 (no 14).
3. F.W.Reitz to D.Moodie, 18 August 1848: South African Commercial Advertiser, 20 September 1848.

poorer Boers when the occasion demanded. The Beaufort 'gentry' for example - among them the future Prime Minister J.C.Molteno - evicted landless trekboers from the town common along with coloured 'squatters' and took over the land at a nominal rent for their own purposes.[1] This class feeling is susceptible of an economic explanation: the 'gentry' in Beaufort were the commercial wool farmers, taking action against the subsistence farmers of whatever race.

The 'coloureds' formed the other large group at the Cape. In every town and village they outnumbered the colonists, sometimes by as high a proportion as three to two.[2] No reliable figures are available for the rural areas. 'From their wandering and unsettled mode of life,' declared the 1849 census, 'the coloured population of both the Western and Eastern divisions cannot be ascertained with any accuracy.' It seems however that over the whole colony they outnumbered the colonists of European origin, of whom there were seventy thousand.[3] The coloureds too were a racial mixture, including former slaves imported from East Africa, Malaya and Madagascar, and 'liberated Africans' taken from foreign slavers and landed at Cape Town by the Royal Navy. But the preponderant element was indigenous - descended from the Khoi peoples whom the first European explorers discovered at the Cape. Over the

---

1. P.A.Molteno, The Life and Times of Sir John Charles Molteno (London, 1900; 2 vols.) i, 52-3
2. Central Road Board Survey: Government Gazette, 20 August 1846
3. A & P. 1852. XXXIII. (124): Return of the White and Coloured Population of the Colony of the Cape of Good Hope.

years the Khoi had mingled with other races, losing their language in the process. Those with partly Dutch ancestry who adopted Dutch ways (clothing, technology, language, religion) became known as Bastaards. The remaining Khoi, whose culture was less obviously Dutch, had steadily assimilated the freed slaves. The colonists gave them the name of 'Hottentots' and they far outnumbered the other two sections combined. Like the Bastaards they spoke the Afrikaans language, although a few still pronounced the words with the characteristic Khoi 'click.'[1] In common with Bastaards and Afrikaners they armed themselves whenever possible with muskets or roers. The majority lived in rural areas and tried to support themselves by raising cattle.

By 1846 the Khoi were almost everywhere reduced to landlessness. A few Bastaards owned property on a similar scale to wealthier colonists and some six hundred 'Hottentot' families had land grants in the Kat River Settlement. The rest lived on mission stations, 'squatted' on Crown Land or took service with the Boers in return for space to pasture cattle. The Khoi had never been enslaved, but neither were they granted the privileges of Burgher status. The British failed to improve their situation. A series of enactments - most notably the Fiftieth Ordinance of 1828 and the abolition of slavery in 1834 - made all races equal before the law. But the concession came too late for those without land and habituated to servitude. Their net effect

---

1. H.Robinson to Miss A. Robinson, 22 October 1852: Howard-Vyse Papers.

> was not to constitute a revolution but to remove certain barriers to emancipation; not to eradicate racial domination but to sanction its class rather than its colour or cultural aspect; and not to destroy privilege but to regularise its operation and restrain its arbitrary exercise.[1]

The Khoi were not reconciled to their loss. It had taken a violent struggle to deprive them of their pasture, the outcome of which seemed sometimes in the balance. (During the 'servant rebellion' of 1799 an alliance of Khoi and Xhosa devastated Graaff Reinet and threw panic into the local Boers.) Some 'Hottentots' still felt a strong sense of national identity, referring to the first Khoi as 'our forefathers' and calling the Cape 'the land of our fathers.'[2] The Boers likewise had bitter memories of earlier conflicts. Until well into the century they suffered fits of panic at the mere rumour of a Khoi rebellion - a sure sign of the threat that race had posed within living memory.

The disasters produced by two centuries of resistance to the colonists had largely demoralised the Khoi. As their social bonds dissolved some lost all desire for improvement. Drunkenness and sexual promiscuity became common. Landlessness compelled the remaining herders to adopt a semi-nomadic way of life, moving from district to district to find pasture for their cattle. It was not possible to exploit their labour while they could subsist in this manner. The colonists, whose chief economic want after the abolition of slavery was

---

1. A.Sachs, op. cit. p 13. Cf. Hahlo & Kahn, op. cit. pp 794-5.
2. See letter from eight Kat River Hottentots to the Aborigines Protection Society, 8 March 1849, printed in the Annual Report of the Aborigines Protection Society, London, May 1849

a permanent supply of cheap labour, longed to restrict this freedom of movement. They spoke in exaggerated terms of the 'evils' it caused and repeatedly called for amendments to the legislation which permitted it. Personal experience and sympathetic missionaries taught the coloureds to prize these laws. They came to dread the passing of a vagabond wet (vagrancy act) which would force them into service. Their hostile reaction to a draft measure in 1834 helped persuade the authorities to abandon it, thus showing their ability to exert a certain quantity of indirect political pressure.[1]

Coloured fears were well-founded: their equality before the law was a fiction. Breaches of the arrangement between a master and servant had been made a criminal offence in 1828, and 'there is a considerable body of evidence that criminal trial by jury at times proved a mockery in cases of alleged crimes of whites on the persons of non-whites.'[2] Basic colonial attitudes scarcely changed:

> ... do not most of the white people in rural districts consider the black races as born to work for them? (asked an experienced missionary.) Have they ever heard that a black man has been honoured by speaking of him with the appellation 'man'? - are they not always called 'schepsels' (creatures), as if they were an inferior sort of beings? Is this not the case even with such coloured people who are better educated than those by whom they are called 'schepsels'?[3]

---

1. W.M.Macmillan, Bantu, Boer and Briton (Repr. Oxford, 1963) pp 110-111
2. H.R.Hahlo & Ellison Kahn, The Union of South Africa: The Development of its Laws and Constitution (London, 1960) p 214.
3. Letter of C.R.Kolbing, 15 April 1856: Minutes of Evidence, Select Committee of the House of Assembly on granting lands in freehold to Hottentots (Cape of Good Hope, May 1856) p 57.

The evidence suggests the prevalence of these attitudes among the chief landed proprietors as well as the uneducated Boers. Nor did the former always express themselves more tactfully. Hendrik Cloete, from a prominent landowning family, told the Legislative Council in 1849 that the Boers preferred coloured labourers to any other kind because in comparison with Europeans they would be content with inferior provisions. (His actual words were that they would eat 'stinking fish' but he later blamed the bluntness of his expression on his 'imperfect English.')[1]

Besides the Khoi, certain other aboriginal peoples lived in the colony in 1846. By Ordinance 49 of 1828 the authorities had permitted the entry of 'any ... natives of the interior of Africa' who wanted to find work in the colony. They were designated 'border foreigners' in the ordinance, but colonial usage corrupted this term to 'native foreigners.' No estimate of their numbers appears to have survived. Officially those seeking work were the only tribesmen allowed to enter the colony. But tribal pastures were congested and there was a steady seepage of Xhosa 'squatters' into unoccupied spaces in the colony. Thus in 1849 a survey of the Nieuweveld field cornetcies in Beaufort Division showed four vacant farms as taken over by 'Kaffirs' (i.e. Xhosa).[2] On the eastern frontier several thousand Mfengu, refugees from tribal wars in the interior, were permitted to settle without taking

---

1. Graham's Town Journal, 26 May 1849
2. Government Gazette, 23 August 1849.

employment. And in the Fort Brown and Kat River areas a quantity of Gqunukwebe tribesmen (who had kinship with the Xhosa and the colonial Khoi) grouped themselves under a leader known to the colonists as Hermanus Matroos. Politically, however, these fragmented groups were a negligible factor.

British immigrants were the other numerous section of the Cape population. The largest influx occurred in 1819 and 1820. The colonial authorities settled them on a fertile part of the east coast known as the Zuurveld, from which the Xhosa had been expelled in 1811. This land and the surrounding area became the division of Albany, later subdivided into the separate division of Fort Beaufort.[1] No other divisions had so exclusively British a character. The attempt to turn the settlers into smallholders failed. Those with capital became ranchers, buying up Boer farms. This British expansion into Boer territory was neatly symbolized when the influential Southey family got possession of 'Luscahings', the birthplace of the Voortrekker leader A.W.J.Pretorius.[2] Many other British settlers abandoned their land grants and moved to more settled areas. Coming from an industrial society they often had better skills than the Afrikaners and rapidly cornered almost all the opportunities of skilled work in the expanding towns. Some intervened in the interior trade, previously carried on

---

1. 8 March 1848
2. Entry for 28 September 1848: Holdich Diaries.

by the frontier Boers.[1] The less qualified (particularly the Irish) joined the poorly paid Afrikaans or coloured artisans and labourers. Their poverty was well demonstrated in 1850 when over a hundred Roman Catholics of Graaff Reinet, mostly Irish, petitioned the government for £50 a year to maintain their priest, whom they were too poor to support themselves.[2]

The immigrants also cultivated British political attitudes in the Cape. A few years after landing they challenged the colonial government's powers of press censorship. During the argument John Fairbairn, editor of the South African Commercial Advertiser, took the colonists' case to London. Profiting from a crisis in British politics he managed to get a promise of a Press ordinance based on English law for the colony.[3] Fairbairn represented a small number of settlers whose sympathies were Liberal. (In 1846 the Advertiser welcomed Russell's government as 'the proper representatives of the British people.'[4]) They leaned towards the rather 'respectable' Radicalism which approved of limited parliamentary reform, supported free trade, asserted the rights and interests of trade as distinct from those of land, and wanted to remodel the Church of England.[5] But agreement on

---

1. S.Daniel Neumark, Economic Influences on the South African Frontier (Stanford, 1957) p 165. See S.H.Frankel, Capital Investment in Africa - Course and Effects (London, 1938) pp 50-1 for an explanation of the Albany smallholders' failure.
2. CO 51/74: Sessional Papers (Legislative Council,1850) - Appendix 14
3. Eric A.Walker (ed.), The Cambridge History of the British Empire (8 vols, Cambridge, 1963) viii, 368.
4. South African Commercial Advertiser,, 9 September 1846.
5. S.Maccoby, English Racialism 1832-1852 (London, 1935) pp 72 and 266.

measures was unimportant: the significance of Cape 'Liberalism' in this period lay more in a certain attitude to economic 'progress' which will be examined at greater length as this thesis unfolds.

Cape 'Liberals' - as in Britain[1] - were neither 'socialists' nor democrats. Fairbairn believed 'capital' to be 'the foundation of the division of labour, and the root of all that strengthens the state and adorns society.' He defended the rights of private property as 'laws of God.'[2] He dismissed the British working-class demonstrators in 1848 as 'the Chartist rabble.'[3] And he opposed the 'excessive division of landed property' because it generated 'millions of pauper proprietors' as in Ireland.[4] Other leading colonists of Liberal inclination held similar views. Most were of British origins but different backgrounds. Fairbairn was a wealthy businessman, chairman of the Cape Mutual Life Assurance Society, using his newspaper to puff business ventures in which he had a financial interest (like the joint stock company for supplying water to Rondebosch).[5] William Porter, the Cape Attorney General, - whose name is much associated with this 'Liberalism' - amassed £57,000 from his colonial investments before dying in 1880. His half-brother Francis was a leading Cape Town businessman. Chief Justice Wylde belonged to a prominent British

---

1. Norman Gash, Politics in the Age of Peel (London, 1953) p 11.
2. South African Commercial Advertiser, 7 June 1848.
3. Ibid., 9 September 1848.
4. Ibid., 8 May 1847 - quoting from the Natal Witness of 9 April 1847.
5. South African Commercial Advertiser, 26 May 1847.
   R.F.M.Immelman, Men of Good Hope, (Cape Town, 1955) pp 98, 127.

family and his brother Lord Truro became Lord Chancellor in Russell's cabinet in 1850.[1] Such men never formed a 'Party' even in the limited British sense at that time, but their unanimity of opinion on several issues had a measurable effect on events.

This attitude, promoted by men like Robert Hart J.P. of Somerset, a resident on the frontier for fifty years, had some influence in the eastern division. But most British immigrants undoubtedly took a more conservative stand on the questions of the day which, as elsewhere, tended to be economic: cheap labour, improved communications, compensation for war losses, etc. On such matters both farmers and traders agreed. They put their views to the government by means of resolutions passed at public meetings, petitions, newspaper editorials and representations to the local authorities. Before 1846 the eastern division never provided a nominee to the legislative council, apparently because no-one could afford to abandon his business interests for the lengthy session in Cape Town. The local 'gentry' lacked the social rank of the western merchants, although those living at Port Elizabeth certainly matched them for riches. 'I don't think I ever saw in any other town,' wrote one visitor, 'so large a proportion of rich men's houses.'[2] Much of this wealth came from the trade with the interior, which 'professional traders' among the British had rapidly

---

1. F.St L.S———, 'Sir John Wylde', South African Law Journal L, 3 (August 1933) p 285.
2. Entry for 24 August 1853, Lt. Graham's Diary.

taken over from the Boers.[1] Port Elizabeth, the only major port on the eastern coast, was the entrepot for the emigrant Boers, the tribes of the North and North-East and those of 'Kaffraria' or 'Kaffirland' (the home of the Xhosa and Thembu).

The Great Trek improved communication with the hinterland, enhancing the eastern division's business. The emigrant Boers depended upon 'certain indispensable articles', including firearms and farming utensils, most of which reached them through Port Elizabeth. (The arid Karroo prevented direct contact with Cape Town.) They paid for these articles with hides, game skins and other natural produce.[2] But the Kaffrarian trade remained important, especially to Grahamstown. Companies like C.& H. Maynard made large profits from dealing in ivory, ostrich feathers, karosses, hides, horns and gum. In 1846 Kaffrarian business alone was worth an estimated £20,000 a year, employing four hundred persons, one hundred waggons and two thousand draft oxen. Grahamstown had been partly built on 'Kaffir trade',and many 'Kaffir traders' stocked their sheep farms on its profits.[3] Others moved to Cape Town and opened different businesses, like the 1820 settler Benjamin Norden. Working out of Uitenhage in the eighteen thirties he operated as far north as Natal and Delagoa Bay, making a fortune in the ivory trade.

---

1. S. Daniel Neumark, op. cit. p 165
2. Neumark, op. cit. p 174
2. Report from the Wesleyan Missionary Society, South Africa Commercial Advertiser, 4 April 1846.

Prolonged contact with colonial trade had greatly altered the tribal societies of Kaffraria. Superficially this was apparent in their habits of dress. Blankets almost entirely superseded skin karosses and ivory amulets gave way to stained stoneware made in Staffordshire.[1] Traders hoped to develop the market even further and other colonists encouraged them. The advocate Alfred Cole called for permanent trading posts in Kaffraria to encourage a taste for 'tea and sugar, and ... shirts and shoes' among the Xhosa, believing that dependence on the colony for such supplies would prevent them from waging wars.[2] Many 'Kaffir traders' went further to secure their interests, however, and demanded that the whole area between the colony and Natal be brought under imperial control.[3] Still later (led by firms like Maynards') they were to cry for imperial intervention to stimulate trade with 'the East Coast of Africa and the Island of Madagascar.'[4]

Those who handled the interior trade in this aggressive manner quickly became a powerful pressure group. They and their auxiliaries (like the frontier lawyers) invested their profits in farms, forming a body of absentee proprietors whom the frontier inhabitants called 'land speculators.' They thus established a closer link between land and business than existed in the western Cape. In Albany they had a newspaper in their interest, the Graham's Town Journal, with the motto

---

1. H.Robinson to his Mother, 7 August 1852. Howard-Vyse Papers.
2. Alfred W.Cole, The Cape and the Kaffirs (London, 1852) p 155
3. Graham's Town Journal, 13 March 1847.
4. Memorial of Merchants, Bankers, etc. to Lord John Russell, June 1860: Newcastle Papers, NeC 10,925c (ii).

'Conservative yet Progressive.' The owner and editor, Robert Godlonton, himself became a 'land speculator.' He claimed to speak for 'men engaged in extensive mercantile transactions'[1] on whose behalf he obdurately opposed all government measures which threatened to hamper the interior trade.[2] He aimed to produce an economic climate on the frontier yielding rapid but steady returns (particularly from land speculations) without dangerous fluctuations. Immigration from Britain was one way of achieving this. 'It is by the concentration of population,' he argued, 'the erection of buildings, and the rise and increase of commerce that value has been given to land, which without such aids would be comparatively worthless.'[3]

Godlonton decidedly favoured state intervention in the relations between capital and labour. Labour must be cheap to be productive, he said. Wages should be no more than '<u>adequate</u> (i.e. not unreasonable.)'[4] This was impossible while the law allowed coloureds to subsist without recourse to the colonial labour market. Shortage of labourers kept wages high. Ignoring the similarities between coloured existence and that of the <u>trekboers</u>, Godlonton alleged that the coloureds' way of life gave them 'distinct and not unfrequently <u>opposing</u> interests to the rest of the community.' The poor dependents

---

1. <u>Graham's Town Journal</u>, 27 February 1847.
2. <u>Ibid</u>., 8 April 1848.
3. <u>Ibid</u>., 4 March 1848
4. <u>Ibid</u>., 24 June 1848.

dragged down their worthier brothers. They found a refuge at mission stations and the Kat River Settlement. In fact, the whole Cape system tended to the 'separation of labour from capital', the 'fatal' results of which were clearly visible in Ireland. The solution was a vagrancy law which would effectually repress 'vagrant habits' and compel the landless to find work.[1] He thus arrived, by more sophisticated reasoning, at the same conclusion as the mass of colonial farmers and joined the cry for the vagabond wet so feared by the coloureds. But in other matters he was more constant to the concept of laissez faire. He attacked the principle of 'upset prices' at sales of colonial waste lands on the ground that they discouraged immigration.[2] He supported the complete freedom of private enterprise (particularly 'mercantile associations' like joint stock companies) from state controls.[3] He was an enthusiastic free trader.[4] In all this he believed himself to be in line with the thinking of Peel's followers in the British Conservative Party. The Graham's Town Journal defined its conservatism in purely British terms, such as support for the Crown, the 'aristocratic principle', etc.[5] Godlonton lamented Peel's death in 1850, having believed him to be 'the hope of the Empire.'[6] In all these matters he claimed to speak for 'judicious' opinion in Grahamstown.

---

1. Ibid., 20 March 1847.
2. Graham's Town Journal, 4 March 1848
3. Ibid., 29 July 1848.
4. Ibid., 27 January 1849.
5. Ibid., 19 October 1850.
6. Entry for 7 September 1850, Godlonton Journal.

Godlonton was a Wesleyan, like the mass of Grahamstown citizens whose support gave him influence in frontier politics. 'Wesleyanism,' said one of the movement's foremost British exponents, 'is as much opposed to Democracy as it is to Sin.' The Cape Wesleyans tended to support this line and resolutely defended Godlonton's 'Conservatism.' Elsewhere in the colony the 'Conservative' elements consisted mainly of the British commercial farmers and traders who dominated the business of Cradock, Somerset, Colesberg, Swellendam, Caledon and George. They shared Godlonton's British predilections: 'being strongly impressed in favour of Conservatism,' wrote Robert Southey at the time of the Corn Law crisis in the imperial Parliament, 'I should be inclined to think whatever Sir Robert Peel recommends will be the best for the country ...'[1] They were politically active. In 1849 the traders of Fort Beaufort actually formed a 'Conservative Association,'[2] Many subscribed to Godlonton's newspaper as the organ of 'Conservative' opinion.

But the Graham's Town Journal served another purpose, similar to that of the United States' frontier press in the same period.[3] It publicized Albany's alleged superiority over any other district as a field for investment. An inflow of capital would benefit the

---

1. R.Southey to J. Southey, 10 February 1846: Southey Papers, MSS Afr s 874
2. Graham's Town Journal, 30 June 1849.
3. Leslie E.Decker, 'The Great Speculation: An Interpretation of Mid-Continent Pioneering' in David M.Ellis (ed.) The Frontier in American Development: Essays in Honour of Paul Wallace Gates (Cornell, 1969) pp 366-75.

established land owners and businessmen. The technique was simply to exaggerate every favourable economic fact about the district and circulate it as widely as possible (even in Britain) in the hope of stimulating the interest of investors. The scale of this exaggeration may be judged from a typical example, the figure for woolled sheep in Albany. In 1842 Godlonton put it at 200,000;[1] four years later the Cape Almanac said 500,000;[2] yet the official return for 1849 - after years of expansion in the industry - came to only 232,000.[3] Another method of attracting investment was by securing a town some sort of official recognition - as a district capital, say, certain to prosper as the district developed. The citizens might then profit by supplying the new establishment and from the flow of speculative money such recognition would produce. Such considerations were a powerful (though not the only) motive for Godlonton's demands for a 'separate government' in the east, situated of course at Grahamstown. They were uppermost in the regular supply of books and pamphlets he and his friend John Centilevres Chase turned out to reinforce his editorials, and which in turn provided sources for other writers and compilers of almanacs.[4]

---

1. Robert Godlonton, Sketches of the Eastern Districts of the Cape of Good Hope as they are in 1842 (Grahamstown, 1842) p 25.
2. Cape of Good Hope Almanac and General Register (Cape Town, 1846) p 320.
3. CO 53/87: Blue Book, 1850. (Figure includes Fort Beaufort District.)
4. See, for example, the works by Gilchrist, J.C.Byrne, W.Irons and A.W.Cole cited in the bibliography; also the Cape of Good Hope Almanac cited above.

Godlonton's approach was not unique: it has been dwelt on because of his influence in the years from 1846 to 1854. John Paterson, for example, the editor of the Eastern Province Herald played the same role on behalf of Port Elizabeth and the district of Uitenhage. He scorned Grahamstown as a 'third-rate town' and declared that 'Nature herself' pointed out Uitenhage 'for the seat of supreme power in British South Africa.'[1] Businessmen all over the colony (including Cape Town) advanced similar claims in proportion to the size of the interests involved. Sheer self-defence forced some towns to join in lest they lose even what they had: to be by-passed meant economic stagnation.

Constant exaggeration on these lines hid the overwhelming economic preponderance of Cape Town. Many 'Kaffir traders' were financed by western merchants: George Southey of Grahamstown by J.C.Molteno & Co.;[2] Edward Heugh of Grahamstown and Uitenhage by Chiappini;[3] to name but two. But this business paled beside western interests in the three other staple commodities; wine, slaughter stock for provisioning ships, and wool. By 1846 the wine industry had temporarily declined. Changing tastes overseas, production difficulties (often blamed on labour shortage) and increasing home consumption accounted for a fall

---

1. John Paterson, A Dissertation on the Absolute Necessity of Resident Government in the Eastern Province of the Cape of Good Hope (Port Elizabeth, 1851) pp 47-8
2. Molteno Letter Books, MSS Afr s 23/4 (1837-1854): various letters
3. W. Southey to H. Southey, 2 March 1823. Southey Papers, MSS Afr s 874.

in exports from almost a million gallons (worth £78,000) in 1840 to about half a million (worth £40,276) in 1846.[1] Sales of slaughter stock, however, rose continually as more ships visited Cape Town wanting beef and mutton for victuals. Colonial agriculture (and boundaries) expanded to meet the demand. Thus the Beaufort farmers sold sheep to 'contractors for mutton' and thrived in spite of their remoteness from Cape Town and Port Elizabeth.[2] Wool was the newest and fastest growing Cape industry. Landowners like F.W.Reitz had farmed it since early in the century and grown rich on the profits. Most Boers, however, persisted with the native Cape sheep, whose meat, skin and fat tail fetched more than the wool of imported breeds. After 1820 wool grew more profitable as the British manufacturing industry entered a prolonged period of expansion.[3] Richer farmers started converting to it. The Graaff Reinet Agricultural Society, for example, hired C.L.Stretch in 1828 to introduce woolled sheep into the district.[4] Simultaneously, wealthy immigrants began to arrive with enough capital to buy and stock sheep runs in the most productive districts. Blue Books show a rise in wool production from 1.5 million lbs. in 1842 to 5.5 million in 1851. Most went for export, realising £286,000 in 1851.

---

1. Petitions of Cape Wine Manufacturers and Exporters, Government Gazette, 4 November 1847.
2. Letter from Beaufort West, Eastern Province Herald, 8 September 1849.
3. P.Deane and W.A.Cole, British Economic Growth 1688-1959 (Cambridge, 1969) pp 199-201
4. 'Mr.Stretch's Services in the Colony of the Cape of Good Hope'. Anti-Slavery Papers, MSS Brit. Emp. s 22, G 9.

Western merchants also helped to finance the costly conversion to woolled sheep. Maximillian Thalwitzer and Mosenthal Bros. overcame difficulties of collection caused by poor communications and provided credit, becoming bankers and financiers to the first generation of eastern Cape wool farmers. Thalwitzer and Adolph Mosenthal opened new financial channels to Europe, as Consul for Hamburg, Lubeck and Bremen and Consular Agent for Austria respectively. Their role in 'quickening the economic pulse' of the sheep districts 'can hardly be overestimated.'[1] Between 1840 and 1860 the colonial economy flourished. It faltered briefly in 1848, when continental revolutions followed the great British commercial crisis of 1847. But the persistent demand for labour and for commercial and agricultural credit testify to a period of general expansion, as do the appearance of newspapers and joint stock banks. J.B.Ebden organised the Cape of Good Hope Bank in 1837 and within fifteen years a dozen more had opened in Cape Town, Paarl, Worcester, Swellendam, Grahamstown, Port Elizabeth and Graaff Reinet.[2] Wool was the foundation for this growth, 'making gentlemen of people who only brought a spade and a checked shirt to Africa,' as Stretch told Fairbairn in 1845.[3] As prosperity increased so did competition between the districts anxious to get a share of it.

---

1. G.Saron and L.Hotz (eds.), The Jews in South Africa - A History (Cape Town, 1955) p 350
2. E.H.D.Arndt, Banking and Currency Development in South Africa 1652-1927 (Cape Town, 1928) pp 236-9
3. Quoted in E.A.Walker, A History of South Africa (London, 1928) p 245.

The coloureds were largely excluded from this development. Without land they could not get credit. Their position was graphically illustrated at a stock sale near the Kat River Settlement in 1831. G.E.Joseph, the auctioneer from the village of Somerset, announced before starting that while the colonists might buy at a credit of several months, the coloureds must pay cash for their purchases before delivery because 'they possessed but little property' as security.[1] They made their resentment so plain that rumours began to circulate of a coloured rebellion and a spasm of panic shook the frontier. But views like Joseph's prevailed.[2] In 1847 he was a founder of the Frontier Agricultural and Commercial Bank. The poorer Boers received similar treatment to the coloureds. They adopted the same semi-nomadic habits as coloured 'vagrants', driving their cattle from one district to another in search of grazing on unoccupied land. The local authorities called them trekboers and evicted them along with the coloureds.

As has been stated, Cape Town dominated the rest of the colony financially. Much of the east's fixed property was mortgaged to western 'capitalists' with nothing reciprocal from the east.[3] A 'large portion' of the trade of Table Bay was connected with the

---

1. Robert Godlonton, Introductory Remarks to a Narrative of the Irruption of the Kaffir Hordes into the Eastern Province of the Cape of Good Hope A.D.1834-35 (Grahamstown, 1835) p 97.
2. E.g.Cape of Good Hope: Minutes of Evidence taken before the Select Committee of the House of Assembly on Granting Lands in Freehold to Hottentots (May 1856) - Q 55 (T.B.Bayley), QQ 80,82,83 (T.Osterloh) and Q 196 (Barker).
3. South African Commercial Advertiser, 18 September 1847

frontier and 'a great many people in Cape Town' had 'an interest in estates in the eastern provinces.'[1] Attempts to weaken this domination generally failed. For example, the Rosenthals could not be kept off the board of the new Graaff Reinet Bank; and even when (in response to complaints from the east) scrip was 'expressly reserved for persons residing on the Frontier' Cape Town traders like J.C. Molteno did not scruple to buy it by proxy through their agents in the east, to be 'transferred hereafter.'[2] The drain of funds to the west was well demonstrated in 1848 when the Union Bank of Cape Town opened a branch in Graaff Reinet and put a quantity of its own paper into circulation. People wanting to send money to Cape Town immediately picked this up and sent it, thereby defeating the object of opening the branch.[3]

Two statistical returns prepared by professional valuators give a good picture of the disparity in wealth between the two divisions at this time. The first put the total value of immovable property in the west at £4 million, against £1.8 million in the east. The combined figures for Cape Town and district alone amounted to nearly £100,000 more than the entire eastern division.

---

1. A&P.1851.XIV. (635): Evidence of John Fairbairn to the Select Committee on the Kaffir Tribes. Q 454.
2. J.C.Molteno to G.Southey, 17 August 1838. Molteno Letter Books, MSS Afr s 23/4.
3. Eastern Province Herald, 23 September 1848.

TABLE I.[1]

Central Road Board Valuation of Immovable Property (Cape of Good Hope, 1845)

District	Valuation
Cape Town and Green Point	£1,298,048
Cape Division	605,805
Stellenbosch	627,641
Swellendam	585,440
George	285,405
Clanwilliam	192,828
Worcester	255,982
Beaufort	162,196
Total Western Divisions	4,013,345
Albany	588,352
Uitenhage	372,995
Somerset	179,366
Graaff Reinet	298,693
Cradock	221,911
Colesberg	147,728
Total Eastern Divisions	1,809,045
TOTAL	£5,822,390

The second return gave the rateable value of individual properties in each district. It revealed that while the western division had fifty four rated at '£3,000 or more' (forty four in Cape Town and district) the eastern had only seven. This disproportion extended through all categories except the lowest - 'Less than £100' - where Albany by itself had one quarter of the colonial total.[2] Clearly Albany was the

---

1. Report ... upon the Operations of the Central Road Board ... 1843-53 (Cape Town, 1855) p 5.
2. AEP.1851.XXXVII. 1362: Further Papers relative to the Establishment of a Representative Assembly at the Cape of Good Hope. p 171. (The details are given in full below, Chapter IX, Table VI.)

district of the small proprietor.

All this property depended on Britain, however. For the colony faced two longstanding financial problems: an adverse balance of overseas trade and a shortage of specie. The Blue Books show a huge trade deficit of £6.7 million between 1846 and 1854. Capital imported by immigrants and foreign investment helped to narrow the gap - but British military expenditure closed it completely. The Commissariat Chest Accounts reveal that the imperial government spent some £5 million on maintaining its armed forces in the colony in the same period. Many Boers benefitted from the military market. But they were suspicious of banks and paper money and only accepted klinkende munt (i.e. coin) in return for their supplies. Being a thrifty people they generally kept any spare money against the future. Such 'hoarding' (as colonial businessmen called it) together with the trade deficit, produced a shortage of specie. This too the imperial government remedied by shipping gold and silver from abroad. The 'enormous' advantages of this service were quite plain to the colonists. Without the military chest, declared Godlonton, the colony's condition 'would be reduced almost to that of barter. No medium of exchange would have at this date existed without reimbursement from that quarter.'[1] The Commissariat Chest was therefore an important factor in local politics.

---

1. Graham's Town Journal, 14 September 1850. Cf. S.H.Frankel, op. cit. p 50.

But Cape preoccupations were not wholly economic. Social and religious considerations exerted a strong (though not always distinguishable) influence on colonial behaviour. The Afrikaans community, as has been indicated, showed evidence of stratification which the British conquest scarcely disturbed. Some emigrants left Britain to avoid losing a social position they could no longer afford to maintain, like Miles Bowker who could not otherwise provide for his nine children without 'reducing them to the lowest ranks of society.'[1] Such immigrants naturally tried to preserve these social distinctions. Fairbairn condemned any 'confounding of ranks and classes of society' as 'highly injurious to good order ...'[2] Where language presented no barrier British and Afrikaners of similar social rank intermingled freely, particularly among the upper classes. J.C.Chase, for example, married the daughter of Frederik Korsten, a wealth Afrikaans trader at Port Elizabeth. British immigrants thus reinforced the basic social divisions which they found on arrival, and scarcely modified their outward forms. 'Government House' set the tone for the rest of the colony. Here the governor accommodated visiting dignitaries. Napier listed 'one Prince and three Commanders in Chief, three Admirals and two Governors' among the many whose ships called at Cape Town.[3] Here

---

1. Isobel Edwards, The 1820 Settlers in South Africa (London, 1934) p 50
2. South African Commercial Advertiser, 20 May 1846.
3. Sir G.Napier to C.Napier, 25 April 1842. Napier Papers, Add MSS 54,524

too the governor entertained local 'society' - in the sense of those with rank, wealth or learning - to whatever degree their position warranted. As in other British colonies, there were occasional struggles for precedence. The most notorious at this time was between John Montagu, Secretary to Government, and William Menzies, the Senior Puisne Judge.[1] The quarrel overflowed into their work, most noticeably in a public disagreement over the efficiency of the Cape judicial system.[2]

Coloured people were barred from the middle and upper classes of Cape society. Most British settlers knew them only as servants and insisted on keeping an 'awful distance' in the relationship.[3] As one farmer wrote, he wished well to the 'Hottentot' and the 'Kaffir' and would yield to no-one in his individual treatment of them - 'as servants.'[4] The Afrikaners perhaps lived on easier and more intimate terms with their coloured retainers, but could be no less socially exclusive. When a liberal Englishman encouraged his coloured nursemaid to send her daughter to the government school at Colesberg a prominent local Boer accused him of doing so 'to outrage the inhabitants or from mercenary motives.'[5] And in 1856, colour was still 'to a

---

1. C.W.Hutton (ed.), The Autobiography of the Late Sir Andries Stockenstrom (2 vols., Cape Town, 1887) ii, 318.
2. South African Commercial Advertiser, 17 February 1847
3. Gilchrist, The Cape of Good Hope (Glasgow, 1844) p 16. Cf Nathaniel Merriman, The Kaffir, the Hottentot and the Frontier Farmer (London, 1854) pp 147-8.
4. J.M.Bowker to J.Montague, 25 November 1844. John Mitford Bowker, Speeches Letters and Selections from Important Papers (Grahamstown, 1864) p 137
5. Letter from Colesberg, Eastern Province Herald, 27 April 1850

great degree' a 'social distinction' in the predominantly Afrikaans community of Paarl, although 'a coloured man with character' was 'respected by everyone.'[1] It is difficult to say whether this exclusiveness originated in difference of colour, or class or culture. But it appears to have been general despite individual exceptions.

The Majority of the Cape population was at least nominally Christian. Most Afrikaners belonged to the Dutch Reformed Church. This institution, Calvinist in doctrine and Presbyterian in discipline, recruited some of its ministers from the Scottish Presbyterians, who inspired 'an intolerant Puritanism and exaggerated reverence for the Sabbath' in their congregations.[2] But Afrikaans belief was sincere: The way in which the trekkers across the Orange River (for example) poured back into the colony for nachtmaal showed their anxiety to obey the precepts of their church. Some Bastard Khoi joined them in their worship, but not even this evidence of assimilation gained them entry to the maatschappij. The Afrikaners saw no inconsistency in this, justifying it by Old Testament prophecies. The more primitive among them clung to the conviction that all 'black people' were 'soulless.'[3]

Nonconfirmity provided the other strong religious impulse. The Wesleyans and Independents (Congregationalists) were most active. The

---

1. Cape of Good Hope. Minutes of Evidence taken before the Select Committee of the House of Assembly on granting Lands in Freehold to Hottentots. (May 1856) Evidence of Rev. Barker: Q 197
2. C.H.B.E. viii, 879
3. David Livingstone to Dr Tidman, 2 November 1852: David Chamberlain (ed.), Some Letters from Livingstone 1840-1872 (Oxford, 1940) p 188.

former's strength lay in the small proprietors of Grahamstown and Port Elizabeth. In England the Wesleyans had been identified with Tory politics, although the connexion grew weaker after 1832.[1] At the Cape, however, it remained strong. The church supported its own Missionary Society in South Africa. The Kaffrarian missionaries, in keeping with the views of their co-religionists in Albany, fostered trade at their stations and identified themselves with the traders to raise them in the 'estimation of the chiefs and people of the land.'[2] Robert Godlonton was the foremost Cape Wesleyan and his newspaper became generally regarded as a Wesleyan mouthpiece. There were fewer Independents. They had close links with the London Missionary Society. Dr John Philip and his son in law Fairbairn led the movement in the west, although Philip was a spent force after 1846.[3] In the east the chief figures were Robert Hart J.P. of Somerset (whose daughter married the L.M.S. missionary Birt) and the elder James Read, missionary in the Kat River Settlement. These men had gained the trust of the coloured people, whose support gave them political influence.

There were other sects and denominations, and a quantity of pagans. The United Brethren (Moravians) administered several important mission stations. David Livingstone described the colony with some truth as 'literally glutted with missionaries' and doubted if there was any

---

1. Norman Gash, Politics in the Age of Peel (London, 1953) p 111
2. Report from the Wesleyan Missionary Society. South African Commercial Advertiser, 4 April 1846
3. William H.Macmillan, Bantu, Boer and Briton (Oxford, 1963) p 258

incentive for the coloureds to become preachers.[1] The Anglican Church was moribund, but underwent a revival after the appointment of a Bishop in 1847. The Lutherans found support chiefly among Afrikaners of recent European origin like Germans and Scandinavians. Their outstanding representative was the Afrikaner baronet Sir Andries Stockenstrom, son of a Swedish immigrant. No other religion possessed much organization or political power, with the possible exception of the Cape Town Malays.

It is interesting to note the Evangelical character of all the leading Cape churches. Among the British immigrants the influence of the evangelical revival at home was particularly evident. From this arose the vigour of the Wesleyans and Independents, but also many of their faults. They shared the occasional stubbornness, the self-righteousness, the conviction of being in exclusive possession of religious truth and the reliance on a literal interpretation of the Bible displayed by many British evangelicals. Independents like Livingstone and the younger Read assailed the tribal cultures of the aborigines as 'sub-natural' (i.e. below 'the level of sinners in other countries') and 'repugnant alike to morals, religion and to the laws of the country.'[2] Godlonton confidently asserted that 'the British race

---

1. David Livingstone to Rev. A. Tidman, 17 March 1847. Chamberlain (ed.), op. cit. pp 108-9.
2. David Livingstone to Dr Tidman, 9 June 1844. Ibid., p 69. Andries Stockenstrom, Light and Shade (Cape Town, 1854) p 83.

was selected by God himself to colonize Kaffraria.'[1] His editorials contained many Biblical references, particularly those on the 'problem' of 'vagrancy', when his text was likely to be in the vein of Proverbs xii, 24: 'The hand of the diligent will rule, while the slothful will be put to forced labour.' Few attitudes were more Victorian than the equation of idleness with sin, but Godlonton's excessive self-righteousness in this and other matters earned him the rather unfriendly nickname 'Moral Bob'. Fairbairn too sometimes made a dubious connexion between religion and his own material advantage, as when he wrote an editorial praising the Mutual Life Assurance Society (of which he was chairman) and suggested, that men without life insurance would receive a hostile reception in heaven.[2] Finally, the Afrikaners also tended to see the 'cloven foot' in the proceedings of their political opponents.[3] Religion might thus be introduced into every aspect of colonial affairs (often in an oblique way, difficult to detect) in order to strengthen the force of an argument or appeal.

The often conflicting economic, social and religious interests of its inhabitants gave Cape political life a discordant character. Great distances and poor communications led to parochialism; economic

---

1. Address to a Public Meeting at Bathurst, 21 August 1847. Documents Relative to the Question of a Separate Government for the Eastern Districts of the Cape Colony (Grahamstown, 1847) p 96. Cf Graham's Town Journal, 27 Feb. 1847.
2. South African Commercial Advertiser, 7 July 1847
3. Grensblad, 24 October 1846.

competition and religious quarrels created factions. Many politicians used sophistry, innuendo and misrepresentation of facts to prevent rivals from gaining an advantage. Yet the colonists agreed fundamentally in a way which belied the discordance: as in England there was a good deal to be said for Hazlitt's remark that the various parties were like rival stage-coaches which splashed each other with mud, but went by the same road to the same place.[1] When it came to relations with the aboriginal peoples they no longer differed significantly. Fairbairn and others had made a great play of 'liberating' the coloureds in the course of their struggle with Somerset in the eighteen twenties. But the later moderation of their attitudes suggests that they had made use of the coloured question as a convenient weapon against Somerset and neglected it once they achieved their object. This was not universally the case: but by 1846 the coloureds certainly remained the least privileged section of colonial society.

The colonists' two main priorities had become economic development and the protection of private property. Fairbairn expressed this well in an editorial of 1846:[2]

> To the practical man on his inland or isolated estate, to the solitary Boer, though his toils may seem obscure and his proceedings inartificial, the Colony owes its wealth and its prospects, its corn, wine and wool. His is the battle, his the victory, his the honour, though the gain is shared by all. To watch for his welfare, to remove obstacles from his path,

---

1. Sir Llewellyn Woodward, The Age of Reform (Oxford, 1962) p 58.
2. South African Commercial Advertiser, 18 March 1846.

> and to secure to him the full result of his labours, is the main business of government.

The truly disinterested could not cancel the bad impression produced by the contradiction between colonial words and deeds. Every British governor between 1838 and 1854 expressed in scathing terms a profound disgust with Cape politics. Napier believed the 'Villainous' colonial papers to be 'the worst conducted and most interested and base of any public journals in the whole world.'[1] Maitland described the frontier factions as violently partisan and unscrupulous.[2] Pottinger's short experience convinced him 'that in no part of the world do local party feelings and prejudices prevail to a greater degree ...'[3] Smith spoke bitterly of the newspapers' 'licentiousness'[4] and Cathcart confirmed 'the undue influence of a depraved press on an ignorant people.'[5] However politically inexperienced they may have been, these men were no innocents - and their testimony was confirmed by other British officials. Some overseas observers concluded that the 'pervading element' in Cape politics was 'cant.'[6] The significance of these opinions will be discussed later in this thesis.[7]

Finally it must be reiterated that this exposition of Cape

---

1. Sir G.Napier to C.Napier, 29 January 1843: Napier Papers, Add MSS. 54525
2. CO 48/264/278: Maitland to Grey, 2 December 1846 (No 202).
3. Pottinger to Young, 23 June 1847: Documents Relative to the Question of a Separate Government etc. (Grahamstown, 1847) pp 3-5.
4. Smith to Grey, 15 March 1850: Grey Papers.
5. CO 48/338/57: Cathcart to Newcastle, 14 April 1853 (No 2).
6. Morning Chronicle, 8 January 1851.
7. Below, Chapter IX,P 354.

politics makes no pretence to completeness: its purpose is to give important background material for the study which follows. Moreover, the isolation of political, economic and social attitudes is an artificial process, resorted to only in the hope of clarifying a complex situation. In reality all these factors were inextricably bound together. Also, certain individuals have been introduced by name and it should be stressed that this has been done chiefly to illustrate more general points. Behind each politician stood factions or interests of varying size and strength, to whose aspirations he gave voice. This is not to deny the importance of personality or the unmistakably unrepresentative activities of many men; nor is it to suggest that all interests received the consideration they may have been entitled to. But on the whole the major issues in Cape politics were debated by groups rather than individuals. Excluding the coloureds (who invariably lost ground) no group could be sure of the outcome of any political contest which it fought alone. Each one therefore looked for allies in the colony, or, more importantly, in Britain.

CHAPTER III

The Colonial Office and 'Policy-Making.'

When the colonists tried to put their case in Britain they found little interest. The British willingly left such business to the Colonial Office. Their indifference was not due to mere ignorance. Compared to many other countries the colonies had small importance in the world. The British upper classes thought them unfashionable, a haven for convicts and democrats where social rank failed to get its proper due.[1] Certain genteel circles applied the adjective 'colonial' to anything awkward or uncouth.[2] This superior attitude often hid a fear of social discomfiture. Colonial towns were those dreaded places where no lady could walk 'in safety' and even gentlemen might be 'hooted' - in short, 'a perfect Hell upon earth.'[3] Colonists displayed an ostentatious 'Yankee' materialism which British rulers particularly disliked. University students learned that in the colonies it seemed 'an admitted principle that all means short of crime are legitimate for obtaining money.'[4] The most refined Englishmen abhorred the hardship and cultural isolation of emigration. 'Exile and extinction, intellectual syncope, physical exhaustion,' was how a character in a contemporary novel summed up colonial life;'... ten colonial years are thirty English ones to the constitution and fifty to the mind.' Beneath the exaggerated language this speech

---

1. The Times, 24 October 1855.
2. E.g. Charlotte Godley, Letters from Early New Zealand (Christchurch, 1951) pp 310,313,331. Sir William Denison, Varieties of Vice Regal Life (London, 1870; 2 vols.) i, 36-7
3. Lord Robert Cecil to Lord Salisbury, 6 April 1852; and to Lord Lothian, 1 June 1852; Salisbury Papers.
4. Herman Merivale, Lectures on Colonization and Colonies (London, 1860) p 460

accurately conveyed the prevailing social judgement of the ruling class.

Low esteem for colonies (and the comparative weakness of colonial interests in Parliament) was to some extent reflected in the calibre of the politicians holding the Colonial Office and the reasons for giving it to them. Except in unusual circumstances few leading statemen wanted the post in this period: rising men looked for work which would keep them more prominently in the public eye. Lord John Russell thus only agreed to replace the feeble Normanby as Colonial Minister in 1839 because it was a time of 'difficulty and danger' for the government.[1] In 1841 the overall strength of Peel's government allowed him to appoint Lord Stanley, another competent administrator, to succeed Russell. But Gladstone's brief term came when he had no seat in Parliament and Peel wished to employ him where the anomaly would be least apparent.[2] Russell offered the place to Lord Grey in 1846 and tried to move Palmerston to it in 1850 as a means of neutralising two strong rivals for the Whig leadership.[3] That Grey accepted and Palmerston refused (as he had done in 1835) may be a measure of the pair's respective capabilities. In 1852 J.C.Herries rejected the post and it went instead to the unknown Sir John

---

1. Spencer Walpole, The Life of Lord John Russell (London, 1889; 2 vols.) i, 335.
2. Philip Magnus, Gladstone (London, 1963) p 77.
3. PRO 30/22/5A (Russell Papers) fo. 34: Russell to C.Wood, 3 January 1846. Russell to Prince Albert, 10 July 1850; Brian Connell, Regina v. Palmerston (London, 1962) p 120.

Pakington. Newcastle's appointment the following year, like Stanley's in 1841, reflected the government's strength rather than a particular wish to see the Colonial Office strongly manned.

Colonies were not traditionally of secondary importance. Colonial trade had been a major consideration in the strategy of the Napoleonic Wars - a connexion still preserved in 1846 by the nominal union of War and Colonial Offices under a single Minister. In Regency times the government saw the colonies as 'fertile sources of ... commercial wealth' giving Britain a 'high and elevated station' in the world.[1] But the colonies lost their primacy as post-war trade with other countries quickly outstripped their own. By mid-century the decline was complete; even India (for all its oriental population) ranked higher than a colony. '"Possessions abroad" include the Indian Empire,' declared the chief official at the Colonial Office, 'but "Colony" is generally considered to mean something different and less dignified.'[2] The inferior position assigned to colonies did not mean that British politicians wanted to abandon them, however. Serious questions of trade, strategy and prestige were still involved. Most people who considered the subject felt an inarticulate desire to preserve the relationship although their thinking was often muddled.

Hence the frustration of those who saw logical reasons for slackening

---

1. Palmerston's words: Hansard, 1st Series, 1816, xxxii, 873.
2. F.Rogers to the Vice-Admiralty Court, 14 March 1863: semi-official letter books, vol. 1, Passy Papers.

or reinforcing the tie but could make no headway against the vague determination of the majority to maintain the status quo.

General incuriosity about its business left the Colonial Office in circumstances which need to be examined for a proper understanding of events in this period. The Office's function was to supervise the political, economic and military affairs of the colonies, in concert with other Ministries whenever necessary. There were two political heads, a Secretary of State and Parliamentary Under Secretary, usually from separate houses of Parliament. The permanent staff consisted of an Under Secretary, Assistant Under Secretary, Precis Writer, Chief Clerk, twenty three clerks, two librarians and Registrar. The three most senior posts were in the patronage of the Secretary of State. Junior clerks entered while young and without examination. They worked in four geographical departments, each under a Senior Clerk. A fifth department under the Chief Clerk dealt with administrative matters. The Precis Writer handled questions of peculiar complexity as they arose. Distinct from the Colonial Office, but answerable to the same Secretary of State, was the Colonial Land and Emigration Commission, created in 1840 in response to Wakefield's urging.[1] The main duties of its three Commissioners involved publicising and regulating emigration from Britain. As a land-selling

---

1. Fred H.Hitchins, The Colonial Land and Emigration Commission (Philadelphia, 1931) p 57.

agency it was unimportant, although it gave advice on colonial land disputes and economic legislation. The specialised nature of their work freed the Commissioners almost entirely from the Secretary of State's control and allowed them to formulate policy in their own field.[1]

Work at the Colonial Office followed a routine perfected over the preceding thirty years. After registration the letters of the day went to the Senior Clerk of the department concerned for his comments and the preparation of a draft reply. In complex matters he also extracted any other relevant material from the records. He then forwarded all to either the Assistant or the Permanent Under Secretary, who added comments and passed it on to the Parliamentary Under Secretary. The latter, after expressing his own opinion, sent everything to the Secretary of State, who either recorded a final decision or called for more information. To speed up the process one Permanent Under Secretary invented a 'self-acting spur' in the form of a circulation list to be dated by each person handling the documents, so that any delay could be immediately traced to its source.[2] A formal despatch was ultimately prepared and if necessary approved by the Cabinet. The Queen intervened very rarely in colomial affairs. When Russell became Prime Minister she told him she wished to see all

---

1. Maurice Wright, Treasury Control of the Civil Service (Oxford, 1969) p xxix
2. F.Rogers to Gladstone, 8 January 1847: Gladstone Papers, Add. MSS. 44107, f 244.

Foreign Office despatches and wanted 'to know all important decisions affecting the Colonial Office, but that every particular despatch need not be submitted to her.'[1] In effect her interest was confined to the nomination of governors.

An inquiry into the Colonial Office in 1849 concluded that its methods were inefficient and its clerks on-the whole incompetent, their minds dulled by years of routine.[2] Among other things it recommended a distinction between the 'intellectual' and 'manual' work of the Ministry and the appointment of a separate body of clerks to deal with each category. The Secretary of State accepted the recommendation and started to implement it. But the change was gradual and many years passed before its effects were felt. In the meantime the Office's efficiency continued to depend largely on the Secretary of State. During Gladstone's short term (no doubt helped by not having the parliamentary work to do) he showed an administrative talent which few others matched. His administration was not an unqualified success, but his errors arose from inexperience and mis judgement. The other three Ministers in this period (Grey, Pakington and Newcastle) showed less aptitude. It is interesting to note that their public failings as administrators were matched by a common inability to cope with

---

1. Hansard, 3rd Series, 1852, cxix, 251
2. Reports from Commissioners. 1854. XXVII./1715/: Reports of Committees of Inquiry into Public Offices and Papers connected therewith:- Report on the Colonial Office, 15 December 1849

their private affairs, particularly those of a financial nature.[1]

The Parliamentary Under Secretary had no authority to correct or compensate for his superior's failings although he sometimes handled business on his own. In this period his place was often more useful to the Prime Minister as patronage than as a means of strengthening the government's handling of business. It might have served as a valuable training ground for rising men, but seldom did so. After spells at the Colonial Office Lord Lyttleton, Benjamin Hawes, Frederick Peel and Lord Desart (Parliamentary Under Secretaries between 1846 and 1854) all failed to advance much further in their political careers. When considering the office Lord Derby wrote that short of the Cabinet he knew 'no situation of more responsibility,' stressing the holder's right to advise his principal and explain the Ministry's business in Parliament.[2] Those with experience disagreed. 'After all,' said Lyttleton, 'except for Parliament, which in the House of Lords comes to very little, an Under Secretary, if there is an active-minded Secretary, is rather a sham: for important matters the Secretary must decide for himself, and in unimportant ones one opinion is as good as two.'[3] The other three concurred; Desart actually described the post as 'little more than a mere clerkship ...'[4] Later

---

1. For Grey see the entries in his Journal on 31 December 1847 and 26 April 1851: Grey Papers. For information on Pakington's business affairs I am grateful to the 5th Baron Hampton; see also Robert Blake, Disraeli (London, 1966) p 684. For Newcastle: Philip Magnus, Gladstone (London, 1963) p 156
2. Derby to Desart, 24 March 1852; Derby Papers, Box 180/1.
3. Lyttleton to Gladstone, 10 April 1846: Gladstone Papers, Add.MSS. 44238, f 175
4. Desart to Derby, 24 March 1852: Derby Papers, Box 150/10. For Hawes and Peel see F.Rogers to F.L.Rogers, 28 October 1851: Passy Papers.

events showed the situation to be worse when both men sat in the same house of Parliament.[1]

By contrast the Permanent Under Secretaries exercised considerable authority. They owed this chiefly to familiarity with colonial affairs born of long experience. But the three who officiated between 1836 and 1870 - James Stephen, Herman Merivale and Frederic Rogers - also possessed many of the gifts appropriate to a higher civil servant: clarity and rapidity of thought; mediating skill; and the ability to summarise complicated matters faithfully and succinctly. This combination of knowledge and talent generally overawed their mediocre parliamentary counterparts. Even opinionated politicians like Lord Carnarvon (Under Secretary in 1858) could not prevail against it.[2] Stephen, Merivale and Rogers were lawyers, and their legal background gave them a further advantage over inexperienced junior politicians. As Lord Granville later pointed out, the political appointee could become 'a very thin bit of meat' in a sandwich between the Secretary of State and his top official.[3]

Herman Merivale, the Permanent Under Secretary from 1847 to 1860,

---

1. See Chichester Fortescue's remarks on 28 February 1858 in Osbert W.Hewett (ed.),... and Mr. Fortescue (London, 1958) p 124; and W.E.Forster's in a letter to a friend, 31 October 1866, in T.Wemyss Reid, Life of the Right Honourable William Edward Forster (London, 1888; 2 vols.) i, 387-90.
2. Sir Arthur Hardinge, The Life of Henry Howard Molyneux Herbert, Fourth Earl of Carnarvon (Oxford, 1925; 3 vols.) i, 136
3. Granville to Gladstone, 29 June 1870; Agatha Ramm (ed.), The Political Correspondence of Mr. Gladstone and Lord Granville 1468-76 (Camden Soc., 3rd Ser., lxxxi and lxxxii, 1952) lxxxi, 103. Cf Fortescue's complaints in Hewett, op. cit. p 112.

was perhaps less successful than Stephen or Rogers. Unlike them he received his appointment without any previous service, being recruited direct from a Professorship at Oxford University. Although 'able and painstaking' he failed to fulfil the promise of a precocious youth, the Times recorded sadly when he died.[1] His views were sound enough but he lacked the ability to convince different Secretaries of State, who tended to have stronger personalities than their parliamentary deputies. Partly this arose from an exaggerated belief that public servants should confine themselves to giving counsel,[2] but there were other causes. His proving years were under a Secretary of State of autocratic temperament (Grey) and this may have contributed to a certain diffidence which characterised his advice. Stephen and Rogers were more positive. Rogers in particular had financial ability, political savoir faire and strength of character which made him a formidable negotiator - qualities recognised by the government which sent him to Paris to arrange a complicated treaty with France.[3] In his time the Permanent Under Secretary became a definite force in the determination of colonial policy and in the continuous manoeuvring among government departments. Merivale, however, proved unable to prevent a temporary decentralisation of the Permanent Under Secretary's power which took place under Grey, in the form of farming out legal

---

1. 9 February 1874.
2. E.g. the resignation with which he comments on 'vacillation of purpose' in colonial policy: Herman Merivale, Lectures on Colonisation and Colonies (London, 1861) pp 519-20
3. George E.Marindin (ed.), Letters of Frederic, Lord Blachford (London, 1896) pp 170-84.

business to the Land and Emigration Commission and constitutional business to a Committee of Privy Council for Trade and Plantations.

In some matters the permanent officials always had a decisive influence. The specialised field of emigration regulation has already been mentioned. Another was the resolution of disputes between colonial officials, which usually produced masses of tortuous correspondence. Secretaries of State had a horror of these cases, and Russell declared that a Chancery Suit would be a 'speedy affair' compared with their entanglements.[1] The practice was therefore to leave the Senior Clerk of the department concerned to summarise the evidence in such a way that the Minister could decide without reading it all. The Inquiry of 1849 established the incompetence of some Colonial Office clerical staff, so it may be imagined that their work was often inadequate. In some cases - like that between John Montagu (during his service in Van Diemen's Land) and Governor Sir John Franklin - the result was a patent miscarriage of justice.[2]

Of course some injustices were inherent in the mere fact of the imperial relationship. British policy was selfish in that it aimed at preserving Britain's strategic and economic interests in the Empire. The Colonial Office tried to neutralise opposition in various ways. It had the weight of tradition on its side, the colonists being accustomed to British rule administered by expatriate officials. Being more

---

1. Russell to Grey, 18 March 1848; Grey Papers.
2. Kathleen Fitzpatrick, Sir John Franklin in Tasmania (Melbourne, 1949) p 339.

advanced, the mother country could also provide expert guidance in a number of difficult legal, economic and political spheres. It established a body of collaborators, securing their loyalty with economic and social rewards. But ultimately British sovereignity depended on force - the force which had conquered Canada and the Cape, and which bolstered the authority of governors in Australia and New Zealand - and the diplomatic machinery which accompanied it. One of the forgotten factors in much imperial historiography is the British army which policed and garrisoned the Empire. It should be seen not merely as an instrument of policy but also as a dynamic social and political factor, in which light it will be examined later in this thesis. In the case of the Cape the army's influence was reinforced by the Royal Naval squadron operating in South African waters. At critical moments (like the Natal situation in 1842 and 1843) the naval, military and diplomatic elements were brought to bear to overawe the Boers and keep foreign countries like France and Holland at bay.

'Force can accomplish many things which would be beyond the reach of cunning,' wrote Bentham. For the British government, however, it was the final resort, to be avoided until all other methods had failed. The Colonial Office relied on its overseas officials for skillful management to achieve British aims, and supported them with all the resources of the home civil service. Its regular despatches to governors were written after consultation with whatever other Ministry seemed best qualified to advise on the business concerned. The

Cabinet saw all important communications. Disputes between departments were commonly referred to the Prime Minister. So major decisions on colonial policy - i.e. those affecting what Ministers felt were Britain's vital interests - almost invariably reflected the collective will of the government. In all else the Secretary of State had wide discretion. Lord Stanley's experience in Peel's Cabinet convinced him that no government could be persuaded to consider colonial affairs thoroughly. 'And the reason is this,' he explained, 'that there are always pressing upon every Cabinet matters more urgent with regard to immediate Parliamentary discussion, and more interesting to parties nearer at hand; and therefore, practically, the colonial business is more exclusively in the hands of the Colonial Minister than the home business is in the hands of the Home Secretary of State, or the foreign business in those of the Foreign Secretary.'[1] Cabinets varied in their attitudes, no doubt, but Stanley's statement probably expressed a general truth.

Communication with the colonies was frequent but slow. The Colonial Office therefore relied heavily on its overseas agents. Numerous conflicts occurred between governors and the home authorities, but they concerned means rather than ends. With the possible exception of Grey in New Zealand in the eighteen sixties,[2] no governor ever opposed the home government in order to increase colonial independence

---

1. Hansard, 3rd Series, 1855, cxxxvii, 338-9.
2. B.J.Dalton, War and Politics in New Zealand (Sydney, 1967).

from Britain. Within his colony each governor found many resources. He had expert advice from British officials and prestige as the Queen's representative. More materially, he controlled patronage in the form of all appointments worth less than £200 a year.[1] His government allocated funds for public works projects. And by placing official advertisements with care he could generally secure at least one newspaper in his own interest - a practice which the Colonial Office secretly encouraged.[2] He could rely on support from home as long as he showed ability and strength of character, even when he disobeyed his instructions. (Should he fail, however, he could expect censure or recall.) Finally, in the British garrison he commanded the only organized force in the colony. The combination of legal authority and troops to uphold it made his position practically unassailable.

The public and the less acute politicians were ignorant of many of these particulars. Colonial Ministers had the advantage of personally deciding what information to publish and seldom released practical details. Their reticence can be justified on the ground that sound decisions depended upon free and energetic debate and upon often uncomprising judgements about the motives, strengths and weaknesses of individuals or factions. 'The whole working of an office

---

1. Earl Grey, The Colonial Policy of Lord John Russell's Administration (London, 1853; 2 vols.) i, 38. Cf. Arthur Mills, Colonial Constitutions (London, 1856) p 25.
2. E.g. Grey to Elgin, 22 September 1849; Sir Arthur G. Doughty (ed.) The Elgin-Grey Papers (Ottawa, 1937; 4 vols.) ii, 470. Fitzpatrick, op. cit. pp 268-72.

cannot with benefit to the public be submitted to the eyes and ears of the whole Public of Europe, Asia, Africa and America,' Russell told Grey.[1] The Colonial Office fully agreed. But Secretaries of State felt tempted to use secrecy to mislead their critics, to hide errors of judgment or calculations of political profit. When such tendencies were detected (as with the Ceylon Committee of 1849-51) the Colonial Office lost credibility.[2] Indeed, the incomplete information of Jamaica and Ceylon given to Parliament by Grey twice provided a pretext for attacks which almost overthrew Russell's government.[3] This secretiveness underlines the achievement of the Colonial Reformers who had a sound grasp of the realities of colonial administration despite their lack of ministerial experience. If other critics were misguided in the mid-nineteenth century the fault could frequently be laid at the Colonial Office door.

The Colonial Reformers were highly critical of the Colonial Office's manner of conducting business. They declared that ignorance and apathy at home concentrated power in the hands of the Colonial Office. But Colonial Ministers changed so often that they had to rely completely on the guidance of their permanent officials. The latter (said Buller) were fully occupied by the work in hand and thus could

---

1. Russell to Grey, 13 November 1847: Grey Papers.
2. Lytton Strachey and Roger Fulford, The Greville Memoirs (London, 1938; 8 vols.) vi.158-9: entry for 24 February 1849. Gladstone to Adderley, 20 December 1850: William S.Childe-Pemberton, Life of Lord Norton (London, 1909) p 90. James Stephen said 'the secrecy of the Colonial Office is its bane:' Lewis to Clarendon, 19 September, 1849: Clarendon Papers, MS. Clar.dep. C530.
3. Walpole, op. cit. ii,94. Russell to Grey, 26 June 1848: Grey Papers. Hansard, 3rd Series, 1849, cvii, 1079-1100.

never gain a 'thorough knowledge of the internal economy' of the numerous colonies. They made the mistake of judging 'the real interests' of each colony from the 'second-hand and one-sided' information sent home by the governor. Mastery of detail required strict adherence to routine and avoiding troublesome innovations, but this was not the only evil resulting from the supremacy of the permanent officials. Not being responsible to any wider public, they (and their colonial agents) became open to pressure from 'sinister interests and cabals.' This favouritism antagonised the bulk of the colonists and threatened the unity of the Empire. Appeals against it went unheeded in London, where the victims were left to languish in the 'Sighing Rooms' of the Colonial Office. The way to eliminate the misgovernment of 'Mr Mothercountry' and his agents was to admit the colonists to a share in their own government by conceding 'Responsible Government' in the manner recommended by Lord Durham for Canada.[1]

These attacks were generally written in the virulent tone typical of political journalism in the thirties.[2] They served both to refute Durham's critics and assail the Colonial Office, which appeared to have abandoned him during his Canadian governship. But behind the polemics lay a perceptive analysis of the Colonial Office's weaknesses

---

1. Charles Buller, Responsible Government for Colonies (London, 1840 Edward Gibbon Wakefield, A View of the Art of Colonization (Oxford, 1914) pp 224-251. The Report and Despatches of the Earl of Durham, HM High Commissioner and Governor General of British North America (London, 1839).
2. E.E.Kellett, 'The Press' in G.M.Young (ed.), Early Victorian England (Oxford, 1951; 2 vols.) ii, 18-19.

by several of the ablest Benthamites. The permanent officials admitted privately that they sometimes did exercise great influence because of the rapid turnover in Secretaries of State.[1] Furthermore, Buller, Wakefield and Roebuck (to name but three of the leading Colonial Reformers) had all worked in British North America in an official capacity and understood the dynamics of colonial society - particularly in their economic aspects - better than most occupants of the Colonial Office. Some permanent officials had colonial experience - T.F.Elliott and T.C.W. Murdoch of the Land and Emigration Commission in Canada, Henry Taylor of the West Indian department in Barbados - but their understanding was deficient in this respect. The reason for this deficiency is important because it illuminates the attitude of the Colonial Office.

Many of the British ruling class at this time had been educated in the non-statistical methods of the previous century. Their money was concentrated in land. Some peers became directors of railway companies but it was unusual for the aristocracy to sit on boards of any other sort until much later.[2] Noble fortunes might have substantial industrial ingredients but their possessors as a group had 'little

---

1. E.g.H.Taylor to a friend, 11 August 1869: Taylor Papers, MS. Eng. Letters d.12.133-134. Merivale to Wood, 12 April 1855: Halifax Papers, Add. MSS. 49555, f 23.
2. F.M.L.Thompson, English Landed Society in the Nineteenth Century (London, 1963) pp 306-7.

real acquaintance with the way commerce and industry operated.'[1] This helps explain the financial incapacity of Grey, Pakington and Newcastle, and was the corollary of Merivale's superior attitude to colonial money-grubbing (mentioned above). The Benthamites were the enemies of this spirit in public administration and ultimately their views prevailed.[2] But the change was slow. In 1846 the Colonial Office, when it troubled itself with economic matters, clung to classical theory, which was averse to statistical analysis and relied on philosophic logic or abstract theory. In legal matters Merivale and Rogers were representative of their profession in their respect for the eighteen century jurist Sir William Blackstone, whose works expressed an exaggerated reverence for the British constitution and an extreme conservatism.[3] It should be noted that Blackstone's greatest critic was Jeremy Bentham - a fact which provides another clue to the antipathy between the Colonial Office and the Benthamite Radicals.

Turning from the examination of the Colonial Office's structure to the question of 'policy-making' it may be asked whether such a thing as 'policy' actually existed. So far as 'policy' means a course of action adopted and pursued by a government as advantageous to itself, the answer appears to be 'yes.! It is necessary to differentiate here

---

1. S.G.Checkland, The Rise of Industrial Society in England (London, 1964) p 288. Norman Gash, Reaction and Reconstruction in English Politics (Oxford, 1965) p 48.
2. G.M.Young, 'Portrait of an Age' in G.M.Young (ed.), op. cit. ii,421
3. E.g. Herman Merivale, Lectures on Colonization and Colonies (London, 1861) p 79. Rogers to F.L.Rogers, 27 October 1849: Passy Papers.

between the personal wishes of a Secretary of State and those of the Cabinet he sat in. If the two did not coincide it took a strong individual to prevail. Earl Grey, for example, had to abandon a number of points when opposed by his colleagues. Conversely, there was such a thing as 'government policy' executed by the Secretary of State. The clearest example in the forties was the abolition of colonial preference, persisted in by several governments despite vehement opposition. This, like the determination to retain the Empire in spite of it, expressed the government's collective will. Victorian politicians often voice their doubt of panaceas and stressed the need to consider matters as they arose: but this argument was sometimes a device to protect themselves in Parliament and hid an opposite inclination. So policy-making could be a real process, directed to controlling events in a way which would safeguard British interests.

The process should not be overstressed. There was still a tendency to rely on 'received usages' to solve problems which seemed to have parallels in the past.[1] The legal nature of much colonial business forced the Secretary of State to conform to what his legal counsels claimed to be precedents so that his Office could 'maintain a reputation for justice, as an accessible court of appeal.'[2] These

---

1. Merivale, op. cit. p.v.
2. George E.Marindin, Letters of Frederic, Lord Blachford (London, 1896) p 296.

shackles were not easily broken: incidentally they enabled the legal counsels to make 'significant contributions' to the settling of colonial business.[1] In these cases the scope for innovation was limited. But there was still room for the definition of policy, or what Rogers called 'the development of principles.'[2]

After 1840 Victorian cabinets were preoccupied with problems of military and economic security in a world being altered by steam power and industrial competition. Old concepts started to lose their validity, especially in the field of colonial policy. Peel's letter on the occupation of military bases in the Pacific betrayed the ambivalence of official circles on questions of territorial expansion and expense:

> ... We have constant experience of the expense and embarrassment which are caused by multiplying Posts in various parts of the World, imposing on the Mother Country the obligations of present maintenance and contingent defence. But the Revolutions that are silently but rapidly effected by the progress of steam Navigation make one pause before projects, startling at first mention of them, are at once rejected.[3]

Other leading politicians like Wellington and Russell substantially agreed with this view.[4] In the wider context, therefore, the Cabinet spoke with decisive authority; lesser matters might be decided by a

---

1. D.B.Swinfen, Imperial Control of Colonial Legislation (Oxford, 1970) p 31.
2. Marindin, op. cit. p 296
3. Peel to Stanley, 30 December 1841: Derby Papers, Box 129/2.
4. PRO 30/22/5B (Russell papers) fo. 356: Memo by Wellington, 12 August 1846. Cf Palmerston to Prince Albert, December 1846: Brian Connell, Regina v. Palmerston (London, 1962) p 45.

few Ministers acting in concert or by the Colonial Minister alone.

Policy was not decided in a vacuum and some investigation of the influence brought to bear on the Colonial Office is necessary for a proper understanding of the events described later in this thesis. Parliament intervened occasionally and most Ministers disliked the experience. The more timorous might even abandon a scheme rather than make an innovation likely to arouse the House of Commons.[1] But Parliamentary interference was sporadic, more commonly criticising results than suggesting policy. Gladstone repeatedly failed to convince MPs 'that the future was in some degree in /their/ power' and that planning ahead would not be 'dreamy speculation.'[2] Governments rarely resigned when defeated on a colonial matter unless greater interests were at stake. Members could not justify turning out a Ministry for what the country considered an unimportant reason. Many colonial motions served as stalking horses or diversions. Disraeli, for example, used them between 1846 and 1852 to avoid a Protectionist demonstration among his followers (sure to produce a demoralizing defeat) but still damage and hùmiliate Russell's government. Parliament tended therefore to have a confining effect on the Colonial Office, forcing it to try and avoid giving a 'handle' to the government's opponents.

Differences of principle caused major quarrels among Cabinet

---

1. H.Merivale, 'The Colonial Question in 1870', Fortnightly Review, VII, 38 (February 1870) p 167.
2. Hansard, 3rd Series, 1851, cxvi, 261-2.

Ministers, who sometimes tried to impose their own views on the Colonial Office. Thus in 1851 the Treasury demanded that Lord Grey disallow a Canadian Currency Act on the ground of policy as well as constitutional law, citing both Blackstone and the Swiss Jurist Emerich de Vattel (author of the Law of Nations) to support its case.[1] Resistance was not always easy. Certain Ministries had private sources of information about colonial affairs which complemented the material sent to the Colonial Office. The Army Medical Department, the Commissariat branch of the Treasury, the Horse Guards, etc. all conducted a semi-official correspondence with their colonial staff which ranged beyond departmental business and provided detailed political and military information. This could serve as useful ammunition in disputes with the Colonial Office, particularly when a deadlock necessitated appealing to the Prime Minister or Cabinet. Public indifference to colonial questions handicapped the Secretary of State on these occasions. A Minister like Palmerston could often appeal to the country to forestall criticism in Parliament and unite his Cabinet colleague behind him:[2] the Colonial Minister had no such avenue for outflanking his opponents.

Information supplied to other Ministries was not necessarily an evil, of course. 'It is well we should hear through more channels

---

1. Treasury Entry Books (Colonial): T7/2/72: Treasury to Merivale, 20 February 1851 (Draft).
2. Kenneth Bourne, The Foreign Policy of Victorian England (Oxford, 1970) p 45.

than one,' wrote a later Colonial Minister; 'and so be the better prepared for all events.'[1] And beyond this semi-official correspondence there was another (albeit elusive) source on which to draw. This involved personal communication with other members of the 'ruling class' who had either visited the colonies or had informants there. MPs in opposition relied greatly on such information.[2] Several surviving collections of documents show that families not usually associated with colonial affairs received regular news from various colonies in this period.[3] A transcript among the Grey collection reveals that important private letters of this nature could reach him and created some impression.[4] Also, links between British emigrants and their influential contacts at home were surprisingly durable. In 1860 one Cape farmer managed to get a powerful Tory peer to approach the Colonial Office on his behalf on the strength of a connexion between the two men's fathers which had not been renewed for forty years.[5] In specific cases these private exchanges can be shown to have influenced Ministers considerably.

In Russell's view an important consideration in the management of colonial business was the 'merchant connexion...spread far and wide in

---

1. Cardwell to de Grey, 25 April 1865: Ripon Papers, Add.MSS.43551, f.168
2. E.g. Colquhoun's speech in Hansard, 3rd Series, 1845, lxxxi, 903.
3. E.g. Seymour of Ragley Papers in Warwick County Record Office; Howard-Vyse Papers in Beverley Record Office; Elwes Deposit in Lincolnshire Archives Committee; - which all have Cape Colony material.
4. 'Extracts from a Letter from Mrs Eyre ..., Cape Town, 30 March 1852' : Grey Papers.
5. Lord Redesdale to Newcastle, 2 July 1860: Newcastle Papers, NeC 10, 920.

London, Liverpool, Glasgow, etc.'[1] The following exposition concentrates on the South African example, although the pattern in other colonies was similar. Some British manufacturers - notably those making agricultural implements like Ransom's of Ipswich - exported direct to the Cape. But most dealt through the great merchants, who also imported wool, wine, hides, ivory, etc. from the colony. The mid-nineteenth century was the heyday of the individual 'quasi-aristocratic' merchants.[2] After reaching a certain size these men generally opened houses in London, to be near the banks and other institutions which financed their operations. There too they could keep in touch with the government. During the forties some fifty London houses with an interest in the Cape trade may be indentified.[3] Some merchants had lived and worked in South Africa, returning to Britain once commercial channels were open. To many the Cape trade was possibly a small item in a long list of overseas interests, but it was not therefore ignored. When their business seemed to be affected these houses hastened to tell the Colonial Office, either individually or collectively. 'As merchants trading to the Cape Colony' they felt they had a right to speak on its affairs.[4]

Ministers could hardly mistake these interests. Every government

---

1. PRO 30/22/8A (Russell Papers) fo. 90: Russell to Grey, 19 August 1849.
2. S.G.Checkland, The Rise of Industrial Society in England (London, 1964) p 114.
3. See the petitions etc. in vols. 269, 303 and 322 of the CO 48 series.
4. CO 48/322/431: Sinclair, Hamilton & Co. to Lord Grey, 23 August 1851.

included some men familiar with the business world. Benjamin Hawes, for example, was the son of a successful soap-manufacturer in Lambeth and married the sister of I.K.Brunel, the engineer and company promoter. After receiving his official appointment he quickly detected 'several members taking an interest in the Colony' in Parliament.[1] Later he could tell at a glance that a memorial on the Cape was 'most respectably signed by ... most of the principal merchants' in London.[2] There is more substantial evidence of the importance the Colonial Office attached to representations from this quarter: in 1847 James Stephen suggested that some of the principal merchants should be made honorary members of a projected 'Board of Colonial Commissioners' to give expert advice to the Secretary of State. Lord Grey saw 'great advantages' in such an arrangement but rejected it on constitutional grounds.[3]

London also accommodated many brokers, insurance societies and shipping companies with Cape interests. Behind them and the merchants stood the discount houses, merchant-bankers and other financial institutions making up 'the City.' In this period the dividing line between politicians, civil servants and members of the City was extremely fluid. MPs became civil servants and vice versa; senior

---

1. CO 48/269/87: Minute on Chalmers, Guthrie & Co. to Lord Grey, 5 August 1846.
2. CO 48/322/544: Minute (5 July 1851) on Memorial of London Merchants, July 1851.
3. Grey to Russell, 7 November 1847 (Copy): Grey Papers.

civil servants were known to supply confidential information to help speculators in the City.[1] The government required the City's co-operation to succeed with its financial policies. 'The City men, for their part, expected the government to accept their guidance in money matters ...'[2] The Cape had not yet become a field for large-scale British investment: its credit abroad was only established after 1872.[3] But the City was geared to overseas investment and long before this the great investment houses like Rothschild's and Baring's (the two heads of the 'financial aristocracy' which dominated the City) were lending their support to the Cape merchants and others who called for imperial government action to develop African trade.[4] So the purely commercial elements in the Cape trade had a greater influence than the small quantity of money involved (about £2 million a year) would seem to warrant.

The Treasury kept in regular contact with the City and sometimes sent there for statistics on which to base its policies.[5] Individual Ministers, themselves often wealthy men, probably had private financial

---

1. G.M.Young, 'Portrait of an Age' in G.M.Young (ed.), op. cit. ii,447. For the use of information supplied by 'Mr Edgar Bowring, The Precis Writer at the Board of Trade' for speculative purposes, see F. Seymour to his father, 29 July 1852: Seymour Papers, CR 114A/526/5.
2. Checkland, op. cit. p 210.
3. S.H.Frankel, Capital Investment in Africa (Oxford, 1938) p 50.
4. Memorial of Merchants, Bankers, etc. to Lord John Russell, June 1860: Newcastle Papers, NeC 10, 925c (ii).
5. E.g. Charles Wood's letters in D.P.O'Brien (ed.), The Correspondence of Lord Overstone (Cambridge, 1971; 3 vols.) Cf Wood to Peel, 6 July 1849: Peel Papers, Add. MSS. 40602, f.1.

advisers there who would speak on wider topics when the occasion arose. But the Colonial Office had a far more direct link with the business world in the persons of the Joint Agents General for Crown Colonies. These two men, George Baillie and Edward Barnard, transacted the financial affairs of the Crown Colonies in London 'under the sanction of the Secretary of State and the Treasury.'[1] Both were superannuated clerks from the Colonial Office and handled their duties quite inadequately. In 1843 they disbursed only £380,000 and their inefficiency provoked frequent complaints from the governments of the twenty-two colonies they represented.[2] However, being under the direction of the Colonial Minister they could provide guidance on the feelings in the City and the colonies regarding the financial effects of colonial policy.

It is easier to follow the exertions of more public associations in relation to colonial affairs than the discreet activities of the City and the Crown Agents. These associations tended to fall into two classes: the 'philanthropic' or 'humanitarian' bodies, with a strong religious motivation; and the organized pressure groups (colonisation societies, etc.) with mainly financial objectives.

The Aborigines Protection Society was a model of the 'philanthropic' type of association. Founded in 1837 by Dr. Thomas Hodgkin, it was a sister society of the Anti-Slavery Association, with which it had a

---

1. A & P. 1845. XXXI. (623): Return of the Names of the Agents for Colonies at present acting in Great Britain.
2. A & P. 1881. LXIV. [C.3075]: Papers Explanatory of the Functions of the Crown Agents for the Colonies: Memorandum by Sir Penrose G. Julyan, September 1878.

common membership. It saw itself as the watchdog of aboriginal rights in British territories. Its effectiveness as a pressure group depended on the supply of information from sympathisers in the Empire which could be used to influence the Colonial Office. Should it receive no satisfaction from a direct approach the Society might resort to popular agitation in the hope of changing the government's policies. In March 1847 it started to issue the monthly Colonial Intelligencer to arouse public support for its activities. Some politicians looked upon it with loathing: 'of all associations to whom the most consumate contempt is due,' declared a Tory MP, 'is the one styled "The Aborigines Protection Society."'[1] In official circles it was regarded with indifference or hostility. 'The objects and sentiments of the Society are good,' declared Hawes in 1846, 'but as to any practical suggestion I seek for it in vain ...'[2] Judged by Cape experience this reason generally served as an excuse for ignoring the Society's recommendations.

Colonial missionaries often provided information vital for the successful working of 'humanitarian' pressure groups. The two most influential missionary societies with Cape agents were the London and the Wesleyan. Their annual meetings at Exeter Hall in London gave impressive evidence of the power of Dissenting congregations inspired by the evangelical revival. Their leaders were skilled at marshalling

---

1. Grantley F.Berkley, My Life and Recollections (London, 1865-6; 4 vols.) iv, 145-6
2. CO 323/231/126: Minute by Hawes (17 August 1846) on Address from the A.P.S. to Lord Grey, August 1846.

it for political purposes, but the effects were often dissipated by intense sectarian animosity among Dissenters as a group.[1] The essence of 'humanitarianism' was the conviction that man's duty lay in advancing the welfare of the human race: Exeter Hall assumed too easily that this could be achieved simply by the development of an industrialised state. The evangelicals swelled their ranks by justifying material interests in religious terms and those attracted by this ethic soon proved a 'spiritual liability.'[2] These ambiguities were exemplified by the career of Edward Buxton MP, son of the great campaigner against slavery: director of an insurance company with Cape interests, supporter of British commercial penetration of Africa, committee member of both the anti-missionary Colonial Reform Society and the Aborigines Protection Society. Gladstone detected the contradiction in this behaviour long before the humanitarians themselves and concluded as early as 1848 that 'philanthropy' was 'at a discount.'[3] Events in the Cape supported his view.

Several humanitarian associations with a different emphasis tried at this time to send distressed Highlanders, starving Irishmen and poor Roman Catholics to the colonies. Others had less altruistic aims: the 'Society for the Promotion of Colonisation' and the Canterbury Association were Wakefield-inspired. (The latter suffered a common

---

1. G.M.Young, 'Portrait of An Age' in G.M.Young (ed.), op. cit.ii, 465
2. A.F.Madden, 'The Attitude of the Evangelicals to the Empire and Imperial Problems' (Oxford Univ. Ph.D. thesis 1950) p 4.
3. Hansard, 3rd Series, 1849, cvi, 990.

fate among Victorian societies and fell into the hands of a single sect - in this case the Tractarians.) But only the 'Society for the Reform of Colonial Government' - later known as the 'Colonial Reform Society' - took a direct interest in Cape affairs, the significance of which will emerge later in this thesis. Wakefield organised it personally in 1849. Since 1830 the Colonial Reformers had argued that by implementing the theory of 'systematic colonisation' the British government could so strengthen the connexion between the mother country and its dependencies that formal control of colonial governments could be abandoned, except in transactions affecting 'imperial' interests.[1] Roebuck defined these 'imperial' powers in a published plan for governing the colonies.[2] But in May 1849 the House of Commons refused him leave to introduce a bill which would have given legal force to the distinction between 'imperial' and 'colonial' responsibilities.[3]

Roebuck's defeat seems to have convinced Wakefield that the British government would never implement his theory in the manner he wished. But of course 'systematic colonisation' had only been a means to a greater end - the most advantageous disposal of Britain's 'surplus capital' and 'surplus labour.' Wakefield was too good a politician not to find another means of achieving his objective. In

---

1. See above, Chapter I, pp 26-30.
2. John A.Roebuck, The Colonies of England: a Plan for the Government of Some Portion of our Colonial Dependencies (London, 1849) pp 122-4
3. Ayes 73; Noes 116; Maj. 43: Hansard, 3rd Series, 1849, cv, 928-42.

a pamphlet published in late 1849 he recanted his opinion on colonial waste lands.[1] After twenty years of opposition, he declared, he had finally joined 'those who would hand over to the colonies alone the administration of the waste lands.' This did not mean however that he thought Britain no longer had anything to gain from its colonies. The same benefits might still be obtained through their 'Municipal Annexation' - by which he meant the concession of 'real local self-government'-in order to establish a similar relationship to that which existed between the 'territories' of the North American continent and the United States in the period immediately preceding their fusion.[2] The drive for 'national' independence' in the colonies, he argued, arose from friction over entirely local affairs which scarcely affected 'imperial' interests. By giving the colonists complete 'local self-government' Britain could check colonial disaffection yet retain 'imperial' powers (like responsibility for external defence and trade with the mother country) which served its wider interests in the world.[3] Under these circumstances investment and emigration would continue to enjoy the advantages which the imperial connexion had hitherto secured.

---

1. The Southern Colonies. Their Municipal Annexation, or their National Independence, in a Letter from Mr. Edward Gibbon Wakefield to Mr Henry Petre, Reigate, 20 September 1849 (London, n.d.)
2. E.G.Wakefield to S.Rintoul, 14 May 1849: E.J.Wakefield (ed.), The Founders of Canterbury (Christchurch, 1868) pp 56-7
3. The Southern Colonies. Cf Henry Thring, The Supremacy of Great Britain not inconsistent with Self-Government for the Colonies (London, 1851) p 6 and the 'Sketch of a Colonial Bill' in the Appendix, Clause 28.

The conception of 'local self-government' predated the Durham Report but had not previously been emphasised in this fashion by the Colonial Reformers. Its availability at the moment of abandoning the old opinion on colonial waste lands is a good illustration of the 'inner unity and consistency' which has been detected in the doctrines of Colonial Reform.[1] The prospectus of the Colonial Reform Society accordingly stated that its 'general object' was the 'real and sole management of all local affairs by the colony itself, including the disposal of the waste lands.'[2] Through the agency of John Robert Godley (who had been converted a few years earlier) Wakefield managed to get certain Protectionist MPs to subscribe to this aim - among them Charles Bowyer Adderley and Augustus Stafford.[3] For them the attraction of the scheme was the promise it held out of maintaining the unity of the Empire which contributed so greatly to British prestige. The Colonial Reforming MPs - Molesworth, Roebuck and a few lesser figures - joined as a matter of course. And by emphasising the retrenchment of colonial garrisons which would follow the achievement of 'local self-government' (described as a 'main object of the Society's endeavours') Wakefield persuaded Richard Cobden and Joseph Hume to accept

---

1. B.Semmel, 'The Philosophic Radicals and Colonialism' in A.G.L.Shaw (ed.), Great Britain and the Colonies (London, 1970) p 86.
2. Second Annual Address of the Society for the Reform of Colonial Government (London, 1851) - Appendix I.
3. William S.Childe-Pemberton, Life of Lord Norton (London, 1909) p 33. Stafford to Disraeli, 30 May /1849/: Hughenden Papers, Box 143, B/XXI/S/477.

places on the Committee, with results already described.[1] A number of other MPs, lawyers, bankers, businessmen and peers completed the seventy five or so paid up members.[2]

Men who had held senior political offices and others who went on to do so joined the Society. Lord Monteagle, Milner Gibson and Lord Lyttelton were among the former; Molesworth, Lord Wodehouse (later Lord Kimberley), Adderley, Robert Lowe, Spencer Walpole, Stafford and R.Vernon Smith among the latter. They received encouragement from Gladstone and the 5th Duke of Newcastle, who did not join because of constitutional scruples about extra-parliamentary associations.[3] This list includes five Colonial Ministers and three Under Secretaries who held office in governments of every political complexion between 1830 and 1874. Adderley and Henry Thring (later Lord Thring) lived to become part of the Imperial Federation movement later in the century. These facts alone suggest that the Society is worthy of investigation in any study of nineteenth century colonial policy. In Wakefield and Lowe it had former members of colonial legislatures. Roebuck had been agent for the government of Lower Canada; Francis Scott MP represented the district of Port Philip in New South Wales. These

---

1. Above, Chapter I, pp 30-1.
2. Minutes of the Council of the Society for the Reform of Colonial Government, 12 March 1850. Norton Papers, Lf70.18/1007 (2475). /Henceforward cited as 'CRS Minute Book.'/
3. Gladstone to Adderley, 20 December 1850: Childe-Pemberton, op. cit. p 90. Newcastle to Adderley, 16 October 1850 (Copy): Newcastle Papers, NeC 13.313a.

two added a new dimension to the attack on the Colonial Office as representatives of the colonists' dissatisfaction with the Crown Agents. There is evidence that the Society was active in the City, where it had the sympathy of influential men like Sir James Duke, the Lord Mayor of London in 1848.[1] When it wished to gain a point, therefore, the Society had more than one way of putting pressure on the Colonial Office.

Probably some members of the Society and a great many of its critics failed to grasp the full implications of Wakefield's theories. Colonial Reform appealed to the Benthamites because it seemed to avoid their great dilemma: how to reconcile government intervention with the free working of private enterprise. 'Systematic colonisation' in its entirety fitted Bentham's conception of an automatic economic system.[2] Men like Thring never understood that 'local self-government' was an expression of confidence in the stringency of purely economic ties.[3] It was clear however that it meant abandoning the aborigines to the management of the colonists, a step which Exeter Hall disliked. Wakefield had met missionary opposition ten years earlier in his scheme for expropriating Maori land in New Zealand, which led him to write of 'our foes, the anti-colonising "Church Missionary Society."'[4] From this it may be supposed that many of the

1. CRS Minute Book, 3 May 1851.
2. Checkland, op. cit. 410-11
3. Henry Thring, 'The Consolidation of the British Empire' in Arthur S. White (ed.), Britannic Confederation (London, 1892) p 161.
4. E.G.Wakefield to Godley, 21 December 1847: E.J.Wakefield (ed.), op. cit. p 13.

pressures on the Colonial Office were contradictory. The City, the missionaries, the would-be colonisers often had conflicting views, which might in turn be irreconcilable with those of the colonists themselves. But colonial politicians thrived on controversy in Britain. By identifying themselves with a particular British faction they could widen the scope of their quarrels with the Colonial Office and greatly increase the pressures brought to bear on it.

The comparative freedom which it gave its critics to make their feelings known was one of the Colonial Office's virtues. Individuals or deputations had fairly easy access to the Secretary of State and his subordinates. Whether their advice had any influence was another matter. Peel and his followers discountenanced political activity which tried to by-pass Parliament.[1] And Palmerston once defined 'deputation' as 'a noun of multitude signifying many but not much.' The Colonial Office might entirely ignore other bodies' opinions, but it did so in the full knowledge of the likely political consequences. Ministers therefore grew accustomed to assessing the arguments for or against a course of action not in terms of their own beliefs but of their likely effect upon Parliament, the press or the public. Forewarned of an opponent's case they could take steps to counteract it while not altering their own position. The inevitable result was a change in emphasis, a depreciation of their true motives and a

---

1. Peel to Adderley, 13 December 1849 (Copy): Peel Papers, Add. MSS. 40602, f 339.

heightening of those which they hoped would anticipate their critics. It is this distortion which accounts for the apparent agreement between Ministers and Colonial Reformers detected in thie period and not (as has been alleged[1]) a fundamental agreement in their aims. At times the mustering of arguments bordered on the cynical: for example, 'trade' and the 'extension of cotton growing' (even when they were irrelevant to the immediate question) were held to be the best carrots to dangle before the Cobdenites, but 'humanity etc.' were known to go 'a very little way.'[2]

To all the foregoing it may be objected that Cape interests were small and therefore immaterial in the wider context of Victorian politics. While the fact is undeniable the inference is not. The inordinate time they spent on the most trifling questions of patronage proves that politicians' priorities were not invariably determined by comparisons of size or quantity.[3] And there was a point where an interest became recognised as 'national', ceasing to be merely one component of a particular Party. After the Treaty of Nanking in 1842, for example, Aberdeen warned Stanley that the 'immense influx' of British wealth and inhabitants into Hong Kong 'must create interests which it will become every day more difficult to abandon.' He added that if these 'speculations' continued 'the Island will soon be in such a state

---

1. John S.Galbraith, 'Myths of the "Little England" Era' in A.G.L. Shaw (ed.), Great Britain and the Colonies (London, 1970) p 38.
2. PRO 30/22/8D (Russell Papers) fo. 1: Wood to Russell, 17 March 1850.
3. Norman Gash, Politics in the Age of Peel (London, 1953) pp 365-72.

that it would scarcely be in our power to restore it to the Chinese hereafter.'[1] Clearly there was a definite stage when a government felt it could not abandon an overseas interest. Once this had been reached the interest became institutionalised and a powerful section of British opinion demanded that it be upheld on principle. 'Our interests are eternal and perpetual,' said Palmerston in 1848, 'and those interests it is our duty to follow.'[2]

By 1846 the Cape Colony had a definite place in the Victorian scheme of things. It might be unfashionable and cost the government a great deal to maintain; but its strategic value and the size of its private economic interests (even though they could not match those in a place like Hong Kong) convinced Ministers that the advantages of its possession outweighed the expense. Pessimists like the aging James Stephen could doubt this (particularly on the outbreak of another Xhosa War) but he recognised that his view was 'practically at variance with that of the Government however administered in this country.'[3] Lord Lyttleton doubted if any conclusion could be reached 'from a comparison of the importance of a colonial possession with the expense of keeping it.' He knew of no instance of a colony being abandoned on such grounds, 'particularly such a Colony as the

---

1. Aberdeen to Stanley, 15 October 1842: Aberdeen Papers, Add. MSS. 43072, f 25.
2. Kenneth Bourne, The Foreign Policy of Victorian England (Oxford, 1970) pp 46, 291-3.

Cape ...' The interests involved would not permit a withdrawal: what he called 'general political considerations' made it impossible.[1] Lord Grey endorsed this opinion a few weeks after Lyttleton left office, and proceeded to the obvious conclusion. 'Whether the original occupation of this territory were wise or unwise there is now no alternative but to maintain it,' he wrote, 'and the question is how can this be done in the manner most consistent with real humanity to the native tribes and least bothersome to this country.'[2] Finding the answer would involve direct intervention in Cape affairs and confronting numerous intractable problems.

Some of the structural and political factors affecting such intervention have been suggested in this chapter, together with the resources at the Colonial'Office's disposal. To sum up: the low status of the Secretary of State reflected general ignorance and apathy about the colonies. The Office itself was not particularly efficient and relied too much on a set way of doing business. There were no laws to administer and consequently little scope for the intermediate sphere of administration: as in other Ministries, everything that rose above routine was policy, requiring the Minister's personal attention.[3] Much therefore depended on him. The staff clung to

---

1. Ibid., Minute by Lyttleton, 1 June 1846.
2. CO 48/269/87: Chalmers, Guthrie & Co. to Grey, 5 August 1846. Minute by Grey, n.d.
3. G.M.Young, 'Portrait of an Age' in G.M.Young (ed.), op.cit. ii, 447.

intuitive thinking in economics and conservative interpretations of the law. Policy-making was subject to various pressures from other Ministries and from outside bodies. The latter often expressed themselves in the daily or periodic press (which has not therefore been examined as a force in itself). Financial pressure groups tended to be the most effective: 'humanitarian' societies suffered from fatal ambiguities of attitude or else found no support among the men in power. Overseas, the governor played a crucial role in British policy - but the concept of 'local self-government' threatened to make fundamental alterations in his position. The extent of those alterations was the subject of a lively debate between the Benthamites and successive Secretaries of State. All these considerations must be born in mind when, in the next chapter, the nature of British problems at the Cape is examined, together with the first steps taken to solve them.

CHAPTER IV

THE WAR OF 1846 AND THE DECLINE OF THE CAPE LEGISLATURE

With hindsight it may be seen that British authority at the Cape (never strong) became very precarious after 1846. The government's clumsy handling of the Xhosa War produced unmistakeable signs of discontent among the colonists and a general spirit of opposition to the continuance of 'Crown Colony Government.' But longstanding political and economic grievances did more to alienate the colonists from their legislators than military incapacity. A brief analysis of the war's background explains their discontent and shows that the government already faced serious difficulties in administering the colony before hostilities began.

Until the twentieth century the central process in South African history was the territorial expansion of the colonists. While they engrossed land occupied only by the scattered Khoi they could overcome resistance largely through their own military efforts. But eventually they encountered the numerous Southern Nguni peoples on the eastern coast, of whom the Xhosa are a branch. The dense population and greater political coherence of these tribes prevented piecemeal acquisition of their land by the methods used against the Khoi. Boer expansion therefore halted temporarily. British troops (arriving from 1795 onwards) resolved the deadlock. By 1835 the colonists with their help had taken almost all the area between the Bushmans and Fish rivers. Each expulsion was achieved by violence, superior weapons compensating for the colonists' lack of numbers. The imperial authorities would have preferred to maintain the

boundaries of 1795 but found themselves helping the colonists' expansion willy-nilly: frontier farmers had only to encroach on Nguni lands to the point where fighting began and the British were certain to reinforce them. The defeated tribesmen would then invariably be punished for resorting to arms (regardless of the provocation) by wholesale confiscation of their pasture lands. The British government deplored the violence and disorder along the frontier but it was inconceivable that they would use their military power to restrain the farmers whose activities promoted it. The Slagters Nek rebellion of 1815 had plainly shown the impolicy of siding with the aborigines against the colonists.[1] This partiality gives the 'justice' in whose name they claimed to act a distinctly lop-sided appearance to modern eyes.

Exasperated by continual inroads which the authorities did nothing to check, the Xhosa invaded the colony in 1834. The frontier inhabitants and imperial troops contained the inrush and then took the offensive under Lt. Col. H. Smith, a British officer. Their tactics were to devastate the Xhosa territory, carrying off all the cattle they could find. The governor, Sir Benjamin D'Urban, wanted to confiscate large areas and give them to the colonists. But he had strict instructions not to extend the colony's borders and he feared the opposition of the British humanitarian movement (which retained some influence

---

1. Monica Wilson & Leonard Thompson (eds.), The Oxford History of South Africa (Oxford, 1969, 1971; 2 vols.) i, 310.

after the abolition of slavery in 1833). The coming to office of Peel's Administration in December 1834 weakened the force of both these objections. On 11 May 1835 D'Urban decided to annex the Xhosa lands. Certain evidence suggests that he hoped the new Cabinet's unfamiliarity with the situation and the Tory element's distaste for humanitarian pressures would dispose them to approve.[1] If so, his action demonstrated the way in which a governor could take advantage of events at home to evade his instructions.

Colonel Smith took charge of the new 'Queen Adelaide Province', which stretched from the Fish River to the Kei. He received over four hundred applications for farms from the colonists but before he could start to establish a regular government the situation altered. D'Urban's opponents took their case against the annexation to Britain, where they aired it with some effect before a Select Committee of Parliament.[2] The Peel administration had meantime resigned and the new Colonial Minister (Lord Glenelg) favoured the earlier policy which prohibited extensions of territory. D'Urban managed to enlist the King's support against the wretched Glenelg, but royal displeasure could not prevent Melbourne's Cabinet from reversing the annexation.[3] Smith

---

1. /W.D.Cooley/, 'The Late Caffre War' in Edinburgh Review, LXII, 126 (January 1836) p 467.
2. Reports, 1836. VII. (538): Report from the Select Committee to consider what measures ought to be adopted with regard to the Native Inhabitants of Countries where British Settlements are made, etc.
3. William M.Macmillan, Bantu, Boer and Briton (Oxford, 1963) p 176 John S.Galbraith, Reluctant Empire (California, 1963) pp 125-7.

returned to his regiment in a rage, convinced that Glenelg had been tricked into adopting 'the most crooked policy ever invented by the most wicked Machiavellians' by 'a vile party, under the cloak of sanctity and philanthropy.'[1] In fact Exeter Hall's influence on the decision was negligible: the abandonment of Queen Adelaide Province simply reflected Britain's unwillingness to become responsible for unproductive regions inhabited by subsistence farmers. Relations with the frontier tribes were handed over to Andries Stockenstrom, a prominent Boer and supported of the imperial connexion.

Stockenstrom is a key figure in the history of the period. Son of a influential Swedish immigrant, he started his official career in 1808. He became an ensign in the Cape Regiment and (in 1815) Landdrost of Graaff Reinet. During the Xhosa War of 1819 he commanded the burghers of his district and four years later the British army promoted him to captain. In 1828 he served as Commissioner General of the eastern districts and helped to bring about the grant of equal legal rights to the Khoi. In 1833 he retired to Sweden, from where the imperial authorities summoned him to testify before the Select Committee of 1836. Afterwards Glenelg appointed him Lieutenant Governor of the eastern Cape with instructions to adopt a policy based on conciliation towards the frontier tribes rather than expropriation and force. In

---

1. G.C.Moore Smith (ed.), The Autobiography of Lt.Gen.Sir Harry Smith (London, 1903) p 452.

pursuit of this aim Stockenstrom concluded treaties with the different chiefs, hoping to reduce cattle theft from the farmers (the main excuse for colonial forays across the border) and preserve some measure of tribal independence.

This policy, with its emphasis on keeping the colonists inside existing boundaries, obstructed the two most aggressive forces on the frontier - the agricultural expansionists and the economic interests connected with the 'Kaffir trade.' The treaties restricted traders' access to tribal markets and allowed chiefs to exclude those whom they distrusted. The traders and disappointed applicants for farms in Queen Adelaide Province therefore combined in a campaign to undermine the Lieutenant Governor, as a first step to overturning the policy. Robert Godlonton put the Graham's Town Journal (at this time the only newspaper on the frontier) at their disposal. D'Urban, embittered by the abandonment of his scheme, made no effort to support his new subordinate and even put additional difficulties in his way. The attacks on the treaties took the form of repeatedly exaggerating their ineffectiveness and circulating false reports about the imminence of another war. It seems clear that the misrepresentations were intentional and directed as much at the spirit of conciliation as at the measures taken to achieve it.[1] They weakened the confidence and sense of security

---

1. A.H.Duminy, 'The Role of Sir Andries Stockenstrom in Cape Politics' in A.Y.B. - 1960, Part II (Cape Town, 1961) p 84. B.A.LeCordeur, 'Robert Godlonton as Architect of Frontier Opinion' in ibid., 1959, Part II (Cape Town, 1960) p 10.

necessary for successful financial operations. The results were predictable: business languished and the Cape Town financiers began to withhold credit from the east while conditions appeared unsettled.[1] Opposition to the treaties thus became more general.

Stockenstrom faced great difficulties. From the outset he saw the impossibility of shifting the many colonists already settled in Xhosa territory across the Fish.[2] He took office just as the Great Trek began. Some trekkers were encouraged to go by the abandonment of Queen Adelaide Province and the British government's ostensible sympathy for the aborigines.[3] The agitation against the treaties strengthened their determination, and one observer noted that it thus served the interests of those 'unprincipled Englishmen' who coveted the farms abandoned by the trekkers for sheep ranching.[4] Certain Cape officials who sympathised with Smith and D'Urban used their official reports to spread propaganda against the treaty system and sent them to the Graham's Town Journal to publish.[5] Others trumped up a murder charge against Stockenstrom which a prejudiced jury accepted but the imperial authorities later dismissed. Several libel suits resulted.

---

1. J.C.Molteno & Co. to G.Southey, 13 July 1838: Molteno Letter Books, MSS.Afr. s 23/4. Cf. Sir C.Napier to Anne Napier, 4 September 1838: Napier Papers, Add. MSS. 49168.
2. William M.Macmillan, Bantu, Boer and Briton (Oxford, 1963) p 176.
3. Stockenstrom to D'Urban, 25 May 1937: C.W.Hutton (ed.), The Autobiography of the Late Sir Andries Stockenstrom (Cape Town, 1887; 2 vols.) ii, 84.
4. Livingstone to Henry Drummond, 29 July 1843: David Chamberlain (ed.), Some Letters from Livingstone (Oxford, 1940) p 62.
5. John Mitford Bowker, Speeches, Letters and Selections from Important Papers (Grahamstown, 1864) pp 88, 101-6.

Stockenstrom sent D'Urban minute accounts of frontier affairs. The Governor seized on these as a means of damaging Stockenstrom in Britain. Instead of summarising their contents he allowed them to accumulate for a year and then sent five hundred home in a single month.[1] The colonial office could not accumulate this mass of detail and told the Governor to stop sending it. Stephen described the correspondence as 'scarcely intelligible from the proxility and irrascibility' of Stockenstrom's style.[2] The L.M.S. missionaries and their allies like Fairbairn gave what help they could, and Stockenstrom almost certainly had support among an influential section of the frontier Boers, who spoke to him 'with the utmost warmth and sympathy of the danger and injustice of taking the property of the Border tribes...'[3] D'Urban was finally recalled and the worst offenders among the officials dismissed. But by this time the opponents of the treaties had virtually gained the upper hand.

In London Stockenstrom's case looked weak. The Whigs shared the conviction expressed by Russell in 1839 that 'the worst of all legislation for the tradesmen and the farmers is that which disturbs the market and spreads unceasing and undefined alarm.'[4] The sympathetic but inefficient Glenelg ('the despair of every administration in which

---

1. Macmillan, op. cit. p 172.
2. Stephen to Grey, 18 August 1845: Grey Papers. See below, Chapter X, p 385.
3. C.W.Hutton (ed.), op. cit. ii, 12.
4. Quoted in Spencer Walpole, The Life of Lord John Russell (London, 1889; 2 vols.) i, 318.

he served'[1]) gave way to Lord Normanby in 1839. The latter had scarcely taken office before an antagonist of Stockenstrom landed in England and gained his ear.[2] The Times, drawing its information from the Graham's Town Journal, painted a gloomy picture of the commercial effects of the treaty system and managed to draw Cape affairs into its wider attacks on 'the supineness of the Ministry in all that relates to the trading interest of the Country.'[3] Those connected with the Cape trade in the City lent their weight to the campaign and Normanby suspended Stockenstrom because of his 'unpopularity' on the frontier. Exeter Hall interpreted this action as an admission 'that the mere hostility of such a party may have power to outweigh the deliberate approbation of the Government itself, as respects the conduct of its own officer, working out its own views to the best of his ability: and without other cause assigned to assure his deprivation.'[4] The judgement seems just. Individually Stockenstrom meant little. And it may be argued that the 'treaty system' was an unsatisfactory solution to the frontier's problem.[5] But the manner of his dismissal represented a capitulation to the faction which opposed him and marked a retreat from the spirit of conciliation.

---

1. Norman Gash, Reaction and Reconstruction in English Politics (Oxford, 1965) p 174.
2. Sir G.Napier to Sir J.Herschel, 31 May 1840: Napier Papers, Add. MSS. 49167.
3. E.g.Times, 7 February 1838; and the 'Money Market and City Intelligence' columns, 22-24 December 1838.
4. Herschel to Lord John Russell, 5 February 1840 (Copy): Ibid.
5. See below, Chapter VI, p 208 for Stockenstrom's personal views.

Stockenstrom's departure did not end the attacks on the treaties - a sure sign that personalities were of secondary importance in the dispute. D'Urban's two successors - Sir George Napier (1838) and Sir Peregrine Maitland (1844) - attempted to avoid controversy on frontier policy. In their time the effects of the expanding woollen industry made themselves felt. Farms vacated by the trekkers were reoccupied and land prices reached record heights. But the clamour against Xhosa 'depredations' never diminished. The authorities in Cape Town saw clearly the exaggerations and insincerity behind the agitation[1] yet seemed powerless to resist it. Napier made several fundamental amendments to the treaties and finally Maitland abrogated them (September 1844). Grahamstown rejoiced and burned Stockenstrom in effigy. Nothing less than annexation would satisfy the traders, however, who demanded still greater freedom of access to Kaffraria.[2] Maitland had announced new 'treaties' at the time of discarding the old ones, but these were so one-sided as to amount to terms dictated to the Xhosa. British troops again started to expel tribesmen from the land restored to them in 1836.[3] When Maitland ordered a survey team to enter Kaffraria and prepare the ground for an army post the chiefs recognised the signs of an impending encroachment and prepared to resist. A trivial incident early in 1846 provided the signal for the 'War of the

---

1. Speech, 2 October 1845; William Porter, The Porter Speeches (Cape Town, 1886 p 435. J.M.Bowker, op. cit. pp 137, 147, 163.
2. CO 49/39/224: Stephen to J.S.Lefevre (Board of Trade), 9 June 1846.
3. William Porter, op. cit. pp 423-4

Axe' to begin. Maitland's despatch vindicating his conduct, it should be noted, ignored the land question and merely repeated the colonists' version of Xhosa 'depredations.'[1]

In the legislative council the unofficial members blamed the war on British policy and refused to consider using colonial revenue to help meet expenses.[2] Some colonists took advantage of loose financial control to plunder the military chest for the purpose of outfitting 'volunteer' forces. The fighting opened with several successes for the Xhosa. Maitland's commissariat arrangements broke down in a way that foreshadowed the greater disaster eight years later in Crimea. The burghers refused to serve under British command and neither Maitland nor his lieutenant governor had enough influence to persuade them. In desperation they turned to Stockenstrom, who emerged from semi-retirement to lead the colonial forces. His appointment met with almost universal satisfaction.[3] But his aims differed from those of the British government. He and his subordinates favoured a rapid campaign designed to punish but not cripple the Xhosa, leading to a settlement by which they would be 'controlled but not exploited.'[4] One section of the frontier population supported this aim.[5] The British, in the hope of avoiding future wars, wished to

---

1. CO 48/264/69: Maitland to Grey, 4 October 1846 (Duplicate).
2. Speech by H.Ross: Cape Town Mail, 14 November 1846.
3. A.H.Duminy, op. cit. p 89.
4. Ibid., p 91.
5. See 'Remonstrance of Frontier Farmers' in South African Commercial Advertiser, 28 February 1846. Cf Grensblad, 24 October 1846.

reduce the enemy completely. The Grahamstown traders and land speculators favoured the British view, calling for a policy of complete subjugation and confiscation.[1]

Differing aims produced conflicts between the two staffs. To complicate matters the whole burgher system rapidly broke down. Signs that this might happen were visible before the war began,[2] but Maitland had disregarded them. In Cape Town the refusal of the citizens to turn out led to a squabble between the government and municipality. Worse still, on the frontier many who had enlisted at the start of the war began to desert, angered by inadequate rations and the failure of relief forces. Because they blamed Maitland for the disorganisation, their departure was marked by expressions of extreme bitterness against the British authorities.[3] The coloured levies who remained became involved in arguments with the government over the distribution of captured cattle: many, like the Kat River force, were 'greatly soured' at the treatment they received.[4] The elderly Maitland surveyed all these events with growing bewilderment. When he first appointed Stockenstrom he gave him 'full powers to use his own

---

1. See 'Address to Governor Pottinger' in South African Commercial Advertiser, 27 February 1847.
2. Ibid., 21 February 1846.
3. Letter of Stellenbosch Burgher Commandant printed in ibid., 17 October 1846. 'Rough Jottings of Real Service' by A.F.du Toit in ibid., 28 November 1946. Grensblad, 24 October 1846. E.E. Napier, Excursions in Southern Africa (London, 1849; 2 vols.) i, 286. WO 1/441/155: Pottinger to Grey, 14 April 1847 (No 37)
4. Read to Fairbairn, 14 August 1848: Fairbairn Papers.

discretion.'[1] Later he denied this and so precipitated an angry quarrel with Stockenstrom, who had used the authority to conclude a treaty with one of the Xhosa chiefs.[2] Maitland's infrequent reports to the imperial government were vague and misleading. He explained the collapse of the burgher system in terms which ignored both the failure of the western Cape inhabitants to enlist and the part played by his own officers - who insisted that they could win without burgher help.[3]

An Afrikaans newspaper described Stockenstrom as 'the only commander amongst them all in whom the Dutch South African Burghers place confidence ...'[4] His vehement attacks on the Maitland government brought him a wider popularity. Through the agency of a relative he gained control of the Cape Frontier Times and used it to appeal to the colonists.[5] Five of the leading men in the frontier district sent him an address praising his conduct.[6] Even his greatest opponents from the days of the treaty system were partly reconciled to him: 'Altho we have always been political enemies.' recorded Richard Southey, 'he having behaved on the whole well this war - we think better of him...'[7] This astonishing revival placed Stockenstrom in a situation of peculiar

---

1. Calderwood to Tidman, 5 May 1846: L.M.S. Archives, 22/1/D (reporting a conversation with Maitland).
2. /A.Stockenstrom/, Narrative of Transactions Connected with the Kaffir War of 1846 & 1847 (Grahamstown, 1848) pp 4-6
3. Maitland to Lord Fitxroy /Somerset/, October 1846: Maitland Letter Book, MSS.Afr. r 2.
4. Grensblad, 24 October 1846.
5. A.H.Duminy, op. cit. pp 93-4
6. Eastern Province Herald, 16 January 1847.
7. R. Southey to J.Southey, 13 April 1847: Southey Papers, MSS.Afr.s 874. Cf 'The Present War in Kaffirland' United Service Magazine, January 1847, p 121. Duminy op. cit. p 159 - quoting Bowker.

power: for long trusted by the humanitarian element in the colony, he now also enjoyed the support of the eastern Cape Boers. And as the war progressed fresh incidents strengthened his hold on the eastern division. Here was a good example of the advantage of being in opposition, where he could serve as a rallying point for the discontented without having to put forward a comprehensive programme which might divide his supporters.

Disputes between the British staff and the burgher commandants raised important issues respecting the right of the imperial power to decide military policy and objectives on behalf of the colony. When Captain W. Hogge of the British army countermanded an order of Stockenstrom's and tried to remove a Khoi force from his command the burghers challenged his right to do so.[1] Another argument with a British colonel named Johnstone (apparently hinging on a trivial incident involving a handshake) in fact questioned the governor's freedom to settle frontier affairs independent of the wishes of the colonists - as Stockenstrom made clear in the pages of the Frontier Times and a pamphlet published in 1848.[2] This latter argument is worth studying as an illustration of the extreme contentiousness of frontier politics and the tendency to reduce large questions to a single issue.[3] The uncertainty about whether Johnstone actually gave the handshake in question (which

---

1. /A.Stockenstrom/, Narrative of Transactions etc. p 33.
2. Ibid.
3. Cf. Fairbairn's remark in 1850 that 'small matters are substance.' A&P. 1851. XXXVII. (1362): Further Papers relative to the Establishment of a Representative Government at the Cape, p 28.

seven eye-witnesses affirmed and three denied) also showed the difficulty of getting an accurate picture of events even from people on the spot. But most colonists who took Stockenstrom's part on this occasion seem to have seen it as an opportunity to show solidarity against the British army and not to have concerned themselves about the merits of his case.

One particular occurrence confirms this last impression: the court case in which a waggon-driver named Smith sued a British colonel named Lindsay for assault. During the war Lindsay had ordered Smith to be seized and flogged for disobeying an order. Smith subsequently brought an action against him in the civil court and the trial aroused great excitement, especially among the British colonists.[1] Although the judge summed up in Lindsay's favour the jury found him guilty. (Later it was revealed that five jurors had subscribed to a fund for prosecuting him.[2]) The verdict produced general exultation in the east, so that one Cape Town newspaper felt obliged to criticise the 'widespread and most dangerous agitation' against Lindsay.[3] It seems clear that this case also served as an excuse to demonstrate the widespread dissatisfaction with British administration.

But probably the most controversial issue in colonial eyes was the payment of 'compensation.' Claimants fall into two groups. The first

---

1. Eastern Province Herald, 25 September 1847.
2. South African Commercial Advertiser, 13 October 1847.
3. Ibid., 16 October 1847.

wanted restitution for services rendered or goods employed in the prosecution of the war. It included those whose waggons, cattle, crops etc. had been commandeered by the military. A table drawn up by the Commission investigating this type of claim shows the size of the question:-

TABLE II.[1]

Settlement of Compensation Claims based on 'Commando Service' performed during the War of 1846.

Place.	Amount.
Cape Division	£ 5,516. 8. 0.
Stellenbosch	11,002. 11. 3
Swellendam	12,950. 0. 0.
George	7,059. 16. 3.
Uitenhage	1,986. 3. 0.
Albany	828. 16. 3.
Somerset	1,081. 0. 8.
Graaff Reinet	7,666. 13. 9.
Colesberg	2,758. 6. 0.
Cradock	1,680. 12. 3.
Beaufort	3,296. 16. 3.
Clanwilliam	2,726. 9. 10½
Worcester	7,839. 10. 0.
Total	£66,393. 4. 6½

In Cape terms the sum was quite considerable, although it paled beside what the other group of claimants demanded for damage inflicted by the enemy. A second Commission eventually put the total losses of the frontier inhabitants in this category at £405,902. Its calculations embraced both property carried off or destroyed by the enemy and the

1. Government Gazette, 25 January 1849.

~~and the~~ loss of profits resulting from the need to shift stock to places of safety away from the frontier, etc.[1] 'Compensation' was thus of major interest to the colony as a whole, affecting people from every district. The vital question was, would it be paid at all - and if so, from the imperial or the colonial treasury?

Obviously the home government had different priorities. It wanted to end the fighting without delay. But colonial wars had a momentum of their own which Ministers were poorly placed to check. The Army worked on a prize system similar to the Royal Navy's, by which booty could be sold and the proceeds divided among the captors in proportion to their rank. Successful Indian campaigns sometimes yielded enormous profits: General Napier's one sixteenth share from the Scinde expedition, for example, netted him £27,000.[2] South African pickings were smaller, but cattle raids might still realise enough to pay every trooper a few pounds in 'bull money.'[3] Fighting also offered poorer officers the chance of promotion by brevet, avoiding the expense of purchase. It allowed others to profiteer by employing their own property (chiefly waggons) on military service at inflated prices.[4] Such

---

1. Ibid., 16 May 1850.
2. Newspaper cutting: Napier Papers, Add. MSS. 49115
3. Cathcart to Trevelyan, 21 May 1852: /Sir George Cathcart/, Correspondence of Lieut.-Gen. the Hon. Sir George Cathcart (London, 1857) p 360
4. The Burgher force received no pay and Stockenstrom refused to draw the salary and allowances due to him; later he heightened his popularity by attacking the 'grasping avarice' of the profiteers, C.W.Hutton (ed.), op. cit. ii, 218. William M.Macmillan, Bantu, Boer and Briton (Oxford, 1963) p 298. Entry for 13 November 1847 in Hall's Diary: Sir John Hall Papers, PC 1/2.

factors undoubtedly contributed to a lack of urgency about the Cape army's approach under Maitland's weak direction. There were, however, deeper reasons for the prolonging of the war. Chief of these was the local command's insistence on a total subjection of the Xhosa. The Horse Guards refused to discuss objectives: in 1846 they did not have even a topographical map of the Cape, let alone of Kaffraria. Wellington told the colonial commander that the directions and objects of his operations would have to be determined by the governor and Secretary of State.[1] The Colonial Office scarcely had the knowledge to challenge a governor's assessment of the situation. It therefore had difficulty in restricting his military activities.

Financial and humanitarian pressures contributed only indirectly to Ministers' anxiety to end the war. Manpower shortage (rather than 'a passion for retrenchment in colonial expenditures'[2]) dictated a reduction in the Cape army. The Financial Reformers suffered a heavy defeat in 1848 when they tried to block funds for the Cape war.[3] Ministers took a Palmerston/ian[4] view of the situation: troops were less profitably employed in South Africa than elsewhere in the Empire and therefore it was expedient to move them. Maitland aggravated the position by

---

1. WO1/442/127: Wellington to Berkeley, 10 November 1846. Cf United Service Journal, January 1848, pp 22-3
2. John S.Galbraith, Reluctant Empire (California, 1963) p 210.
3. Ayes 61; Noes 252; Majority 191: Hansard, 3rd Series, 1848, xcvi, 1375-84.
4. See Above, Chapter I, p 19.

intercepting several regiments which called at the Cape en route for other places, thus seriously upsetting the army's relief system. Wellington took the opportunity to press for an increase in the military establishment.[1] Grey preferred to rectify the situation in South Africa. His plans were not hampered by Exeter Hall: the War of 1846 is noteworthy for the general inactivity of humanitarian groups. Southey's comment that Stockenstrom had behaved 'on the whole well' referred as much to his silence on the righteousness of the war as his attacks on British maladministration. Philip, Read, Fairbairn, Stretch - all the Cape 'humanitarians' saw justice on the colonial side.[2] Without guidance their allies in England could not take the offensive. Joseph Sturge, the Birmingham Quaker, criticised some aspects of Maitland's behaviour, but the Cape merchants in the City responded with a vindication of the colonists.[3] As Gladstone remarked, 'philanthropy' was 'at a discount,' so 'very short work had been made with the Kaffirs.'[4] This silence demonstrated the limits of 'humanitarian' involvement, but it also showed the universal discredit into which the 'treaty system' and the recommendations of the 1836 Committee had fallen.

Although preoccupied with the war in 1846, the Colonial Office had other problems in the Cape. Relations with the trekkers across the

---

1. WO 1/440/471: Wellington to Grey, 3 December 1846. WO 1/442/85: Wellington to Grey, 10 May 1847. WO 1/442/175: Wellington to Grey, 19 September 1847.
2. William M.Macmillan, Bantu, Boer and Briton (Oxford, 1963) pp 290-1
3. Printed in South African Commercial Advertiser, 2 December 1846.
4. CO 48/261/58: Minute (3 June 1846) on Maitland to Stanley, 13 March 1846 (No. 64).

Orange River remained uncertain. Stanley, as has been shown, had decided on a policy of containment by cutting off Boer access to the sea and relying on control of their trade route as a means to coerce them. But many British officials disliked such indirect methods. Judge Menzies tried to pre-empt the colonial government in October 1842 by crossing the Orange and reading a proclamation taking possession for the Crown of all territory south of latitude 25° south. His action was repudiated, but the colonial authorities continued to favour intervention. They made treaties of doubtful legality with the aborigines over the northern border which gave a pretext for interfering with Boer activities. By 1846 Stephen noted that in this region the British were 'in a position ... in which it is impossible to advance except experimentally and doubtfully.'[1] The urge to tinker with policies before they had time to prove their effectiveness was fraught with danger.

Natal might have provided a warning about the inadequacies of British rule in undeveloped areas where it has only formal control, and the soundness of an approach like Stanley's. The Natal government (hampered by poor communications with Cape Town) lacked organisation and authority.[2] The Boers there started trekking away into the interior in 1846 - a further warning about the likely consequences of

---

1. CO 48/261/58: Minute (3 June 1846) on Maitland to Stanley, 13 March 1864 (No 64).
2. CO 48/263/379: Maitland to Gladstone, 17 September 1846 (no 160).

British intervention in the South African interior - giving as their reasons the difficulty of getting land titles; the intended location of thousands of tribesmen near Pietermaritzburg; 'the want of protection against the Bushmen tribes'; the unrestricted trade in firearms with the tribesmen; the 'holding of a plurality of offices by one and the same individual'; and the absence of a 'suitable' law between masters and servants.[1] Absentee proprietors had acquired many farms through the favour of colonial officials.[2] These were signs of the difficulties faced by a government with inadequate resources and raised fresh doubts about the wisdom of retaining Natal.

But the immediate difficulties with Natal, the trekkers and the war obscured a graver problem confronting the imperial power: the colonists were growing alienated from the officials set over them and determined to get control of the Cape's internal affairs. Stockenstrom's rehabilitation reflected the first sentiment; the increasing demand for a representative government the second. From its inception the Cape legislature had failed to win the colonists' support. Dominated by British officials, it ignored colonial opinion on various issues. The weak government of Napier and Maitland did nothing to bolster its authority. The concession of limited powers to road boards and municipalities had created the machinery for bypassing the colonial

---

1. Graham's Town Journal, 9 January 1847.
2. Natal Witness, 9 April 1847.

executive. Thus the new municipalities in Beaufort and Uitenhage (for example) immediately evicted 'squatters' from the Crown Lands under their supervision with a ruthless efficiency which the central government seemed incapable of matching.[1] These methods were more to the colonists' liking than the cautious British approach and seemed to bear out their contention that they could cope with local matters better than the existing government.

The government's weakness was revealed in 1845 when Montagu tried to overhaul its tax system. The Cape treasury received large annual sums from the 'transfer duty' levied on any deed affecting the transfer of property from one person to another. Land speculators and commercial farmers denounced the charge as 'oppressive and iniquitous.'[2] Montagu agreed that it discriminated against the colony's 'landed interest' and proposed to replace it with a stamp duty of more general application. He argued that the new duty would spread the tax burden more equally by including in its operation the 'monied interests' (i.e. commerce).[3] Apparently he hoped the change would increase the colonial revenue and gratify the 'landed interest' - to whose support his personal

---

1. P.A.Molteno, The Life and Times of Sir John Charles Molteno (London, 1900; 2 vols.) i,52-3. Memorial of Rev. W.Elliot, 15 July 1845: Correspondence ... Respecting a Separation of the Eastern and Western Provinces ... (Cape Town, 1847) p 89.
2. J.C.Chase, The Cape of Good Hope and the Eastern Province of Algoa Bay (London, 1843) p 113.
3. J.J.Breitenbach, 'The Development of the Secretaryship to the Government at the Cape of Good Hope under John Montagu' in A.Y.B. - 1959, Part II (Cape Town, 1960) pp 207-9

convictions inclined him. He showed great skill in preparing and presenting his case, bidding for the Colonial Office's consent by an ingenious equation of his measure with a similar movement then afoot in Britain to reduce the burden on landed property.[1] (Imperial approval was important because the regulations prevented him from raising revenue by indiscriminate taxation.) But 'popular clamour' against the measure in the colony - led by the 'Conservatives' - forced him to abandon it.[2] The commercial classes thus inflicted a damaging defeat on the Cape government

The colonial executive's most persistent critic was the Cape Town Municipality, whose first Chairman (Michiel van Breda) also served on the legislative council. One of his ambitions was to increase the colonists' voice in their own government. Most municipal Commissioners represented local business and tried to use their position to develop the city in a manner favourable to their own interests. Most owned shares in the joint stock companies starting to flourish in the western division; five of the twelve were directors of De Protecteur Fire & Life Assurance Co.; and other represented local banking and insurance companies. Their wealth was indigenous. It depended almost entirely on the prosperity of the colony and they looked on interference which might affect it with a jealous eye (an attitude corresponding

---

1. Reports, 1846. VI. Part I. (411): Report from the Select Committee of the House of Lords on the Burdens affecting Real Proerty, p viii. Robert Blake, Disraeli (London, 1966) p 331.
2. Breitenbach, op. cit. p 211.

closely to that of Godlonton in the east).[1] In this respect they differed from the Cape Town merchants and the large landed proprietors who were financed from abroad, and whose interests were adequately represented in the existing legislative council. This division between 'local' and 'foreign' business although not exact seems to have underlain the contest bewteen the municipality and the Cape Government.

After war broke out in 1846 Montagu became involved in a public controversy with the Cape Town Municipality over the enrolment of a burgher force for service on the frontier. The Municipality originally agreed to supervise the ballot for raising men, but went back on its undertaking when it realised the unpopularity of the measure among the citizens. Montagu accused the Commissioners of obstruction, and Fairbairn (betraying the Radical side of his character), supported him on the ground that 'the rich and wealthy were struggling to escape from service.'[2] Before this matter had been resolved Montagu personally introduced a draft ordinance into the legislative council 'for relieving farmers and others from the necessity of passing their produce through the public /i.e. Municipal/ market in Cape Town.'[3] This measure worked to the advantage of the 'landed interest' and the merchants. It exercised the legislative council's undoubted legal authority over the Municipality at a time when the Commissioners were little disposed to

---

1. See above, Chapter II, p 61.
2. South African Commercial Advertiser, 27 May 1846.
3. Government Gazette, 30 April 1846.

include all government property (hitherto exempt) in the next rate assessment.[1] They also suspended consideration of certain harbour improvements important to the Cape Town merchants.

Harbour improvements in Cape Town were another contentious issue. Frontier wars always stimulated certain sectors of the Cape economy.[2] The inflow of British money in 1846 produced an unmistakable boom. Four new banks started operations; a 'Natal Cotton Company' and several other speculative ventures were floated in Cape Town; and one spectator spoke of a 'banking mania.'[3] The merchants, anxious to take advantage of the increased prosperity, urged the government to build a breakwater in Table Bay to protect visiting ships. But the Colonial Office (either misunderstanding the economic situation or disliking the appearance of profiteering from the war which this request suggested) rejected the scheme in January 1847 because 'the present state of affairs in the Cape' made it unfavourable. The decision caused 'very general dissatisfaction' in Cape Town: ' ... is the Colony to depend on the will of the Secretary for the Colonies for the execution of local works essential to its wellbeing?' asked Fairbairn. He advised a direct application to 'Her Majesty in Council, and to both Houses of Parliament ...'[4] Merchants and Municipality agreed

---

1. This had been the subject of an earlier controversy between the two parties: see Breitenbach, op. cit. pp 201-2
2. C.G.W.Schumann, Structural Changes and Business Cycles in South Africa (London, 1938) p 71. S.H.Frankel, op. cit. p 50.
3. South African Commercial Advertiser, 17 March 1847.
4. Ibid., 12 May 1847.

suffer such interference; by reducing the municipal revenue it threatened their private financial interests. They therefore decided to oppose the draft and appealed to popular feeling against the 'gentry' by accusing Montagu of 'allying with the merchants of Cape Town.'[1]

A long struggle followed. The second reading of the draft took place late in 1847, when the Commissioners held a special meeting to consider it. There were animated discussions 'as to the best steps to be adopted to maintain the independence of municipal bodies from legislative interference and arbitrary misrule.'[2] They agreed to make a direct appeal to the governor on the ground that the legislative council was dominated by officials unacquainted with the colony's real 'interests.' They asserted that the Municipality, representing one sixth of the colonial population and property worth £1 million, was better placed to ascertain public opinion. The 'landed interest' did not support Montagu entirely, and some observers felt that his action was based on 'slight' grounds.[3] But the governor, acting on the advice of Montagu and the legislative council, brusquely rejected the appeal and signed the ordinance into law.[4] The Municipality thus suffered a public defeat because of a somewhat arbitrary act on behalf of a narrow colonial interest. The Commissioners were 'enraged' and resolved to

---

1. Breitenbach, op. cit. p 201. See below, Chapter VIII, p 317.
2. South African Commercial Advertiser, 2 October 1847.
3. Ibid., 13 October 1847.
4. Pottinger to Grey, 31 December 1847: Grey Papers.

to consider alternative local means of executing the work - a unanimity which broke down immediately when Montagu introduced his 'market relief bill.' Thus just as the Municipality had bypassed the legislative council in its appeal against the market bill, Fairbairn proposed to outflank the Secretary of State in the harbour matter by approaching a higher authority. And the reaction to Montagu's bill showed the instability of alliances among the Cape Town factions.

John Montagu emerges as an important figure in these exchanges. To understand them fully requires more details of his background. He began his career in the British army and rose by purchase to the rank of captain. In 1823 he accompanied his wife's uncle, Col. George Arthur, who went as lieutenant governor to the penal colony of Van Diemen's Land. Arthur had some administrative talent; his politics were Tory; and he took energetic steps to deal with the colony's affairs. He suppressed bushranging and made convict management more efficient. His methods were severe, but not indiscriminately so.[1] His government showed an intelligent grasp of political 'realities': by dextrous assignment of convict labour, for example, he secured the 'cordial co-operation' of important men among the free colonists.[2] When Van Diemen's Land received Crown Colony status Arthur turned the administration into a 'Family Compact.' He rewarded his adherents with money, land grants, convict labourers and official appointments.

---

1. A.G.L.Shaw, Convicts and the Colonies (London, 1966) p 201
2. Ibid., pp 217-8

But he insisted that they show ability and application. Through his patronage, after mastering the subject of penology, Montagu ultimately became the Secretary to Government. In 1839 while home on leave Montagu made something of a reputation at the Colonial Office by his advice on the subject of transportation (at that time a matter of some public concern).[1] He wanted the practice to continue because of its economic benefits to the free colonists.[2]

Montagu thus proved an apt pupil for Arthur. But his character had another side. While young he had been a liar and desperado.[3] As he grew older he remained rather insincere and unscrupulous. When Arthur left Van Diemen's Land his less able successor (Sir John Franklin) proved unable to master the 'Family Compact' which Montagu inherited. A bitter struggle resulted, which Montagu conducted with great subtlety and won easily.[4] His behaviour repelled some of his associates: one described him as 'unprincipled' and wrote of the 'selfish littleness of his heart.'[5] The aggrieved Franklin almost certainly had right on his side, but the Colonial Office demonstrated its dislike for governors who quarrelled with their officials[6] and its partiality for capable administrators by exonerating Montagu and censuring the governor.[7]

---

1. Sir Llewellyn Woodward, The Age of Reform (Oxford, 1962) p 385.
2. Kathleen Ftizpatrick, Sir John Franklin in Tasmania (Melbourne, 1949) p 234.
3. W.A.Newman, Biographical Memoir of John Montagu (London, 1855) p 9.
4. Sir John Franklin, A Narrative of some Passages in the History of Van Diemen's Land... (London, 1845) p 155.
5. Quoted in Fitzpatrick, op. cit. p 135.
6. E.g. Russell to Grey, 27 January 1847: Grey Papers.
7. Fitzpatrick, op. cit. pp 266-7 and 339.

To avoid further recriminations, however, it transferred Montagu to the Cape Colonial Office.

While serving in Van Diemen's Land Montagu borrowed money from Arthur to speculate in 'landed property in Hobart Town' and buy shares in the Derwent Bank. These activities cast serious doubts on the impartiality of his advice to continue transportation, since the colony's prosperity depended largely on free supplies of convict labour. He also speculated in sheep farms on the Australian mainland and put £200 in Port Philip Bank shares. During the Australian depression of the early eighteen forties he lost all his investments and a great deal besides. When he went to the Cape he owed Arthur £4,300 and estimated that he was still liable for £5,000 outstanding on his Australian purchases.[1] He later calculated his total losses as £21,000 and claimed in 1852 to have settled £7,000 out of debts amounting to £8,000.[2] All losses he blamed on Franklin, who had suspended him from office in the course of their quarrel. He used this grievance to try and persuade the Colonial Office to compensate him with a post in London, preferably as a Commissioner for Lands and Emigration. He requested this in 1844, 1846, and 1852.[3]

At the Cape Montagu put Arthur's teaching into practice on his own

---

1. Ibid., p 109. Cf Newman, op. cit. p 84; and enclosure in Maitland to Stanley, 24 July 1844: Derby Papers, Box 67/4.
2. Montagu to Napier, 16 August 1852: Napier Papers, Add.MSS. 49167
3. Newman, op. cit. p 79. Maitland to Stanley, 24 July 1844: Derby Papers, Box 67/4. Napier to Stanley, 10 January 1844: ibid., Box 138/7. Montagu to Napier, 16 August 1852: Napier Papers, Add. MSS. 49167.

account. Napier and Maitland were too weak to stop him from getting control of the colony's patronage. He became Chairman of the Central Road Board and of the Board for superintending Immigration from the United Kingdom. Unchallenged by the incompetent Auditor General or the Colonial Treasurer (who was a 'Montagu man'[1]) he took over Post Office affairs and concentrated the government's financial business in his own hands. He quickly built up the influence of his office to an unprecedented degree, using it to further his own interests and ambitions. He awarded jobs to the colonists with influential British connexions and to those with wealth who favoured the 'Conservative' view of government; he used the revenue to embark on ambitious public works, chiefly road buildings; and he tried to employ convict labour in a way which would enhance his reputation at home. Thus he soon became 'the key figure in the administration' and the governor's frequent absence on the frontier left him 'in de facto control' of the government.[2]

The Colonial Office was fully aware of Montagu's ascendancy, and in keeping with their tendency to support the strong and able they rather approved than disapproved of it.[3] But the great energy and undeniable talent which Montagu brought to his work, and the financial benefit to the colony, could not disguise the oligarchic nature of the

---

1. Alan K.Fryer, 'The Government of the Cape of Good Hope, 1825-1854' in A.Y.B. - 1964, Part I (Cape Town, 1964) p 73.
2. Breitenbach, op. cit. pp 181, 184.
3. CO 48/266/1: Minute by Stephen (27 June 1846) on Maitland to Stanley, 21 March 1846 (no 71). Stephen to Grey, 18 August 1846, and Russell to Grey, 20 August 1846: Grey Papers.

government. Furthermore, his die-hard Conservatism turned it into 'party' government of the narrowest kind. Montagu's use of patronage to place both his sons in office; his open contempt for the mass of Afrikaners and coloureds;[1] his repellent manners;[2] and his taste for controversy, gave his opponents many opportunities to attack him. In a time of growing estrangement from the Cape authorities his qualities were likely to hinder attempts to bring about a reconciliation.

Apart from the Municipality's conflict with the government there were other reasons for the colonists' disenchantment with the state of things in 1846. The Cape 'humanitarians' had hoped that the withdrawal from Queen Adelaide Province would mark a new willingness by the British government to exert itself on behalf of the aborigines. This did not happen. The Colonial Office showed no sign of following up its 'initiative' of 1837. In fact, Gladstone acted in a contrary spirit when in 1846 he finally allowed the Cape 'masters and servants act' of 1841, which had until then been subject to review by the Privy Council every two years.[3] So when war broke out a few months later the Cape 'humanitarians' had started to doubt the imperial government's fitness to settle the question. Noting a statement in a British newspaper that 'humanity' demanded the re-annexation of Kaffraria, Fairbairn wrote that

---

1. C.W.Hutton (ed.), op. cit. ii, 317. George M.Theal, History of South Africa (London, 1907-10; 5 vols.) iii, 412. Donovan Williams, When Races Meet (Johannesburg, 1967) p 193.
2. E.E.Napier, op. cit. i, 167.
3. CO 49/39/85: Gladstone to Lord President, 17 January 1846. Government Gazette, 30 April 1846.

'humanity alone, that is, humanity without money, without troops, without magistrates, constables, prisons and other civilised apparatus will go a very short way to ensure the peaceable possession of their lands to the settlers.'[1] If Britain refused to supply this 'apparatus' (Fairbairn implied) a solution would have to be found by the colonists themselves - for which they required a voice in their government.

Impatience in the eastern division with British handling of aboriginal affairs had different origins. There the commercial and agricultural interests had concluded that the only way to obtain the conditions they required was by totally subduing the tribesmen and confiscating all their land.[2] This opinion became inextricably mixed up with the agitation against 'Table Mountain Government' and the call in the east for a separate government on the frontier. When the Cape Town authorities resisted this demand the reaction of eastern businessmen was to appeal to London. In 1846 they contemplated raising a subscription to hire the services of a British M.P. (The Commercial Advertiser warned that receiving pay might destroy his influence and suggested instead hiring an ' Agent resident in London' to put the colonists' case in the proper quarters.[3])

The general dissatisfaction with a government which would or could not pass a vagrancy law of sufficient stringency to compel coloureds to

---

1. South African Commercial Advertiser, 27 June 1846.
2. 'Address to Governor Pottinger ...' printed in South African Commercial Advertiser, 27 February 1847. Cf Graham's Town Journal, 2 January 1847.
3. 5 December 1846.

take work has already been commented on.[1] The separation movement did not hesitate to play on this feeling among the eastern Cape Boers in order to strengthen its own case. But the alliance was flimsy: take (for example) the following statement on the central government which the separation movement quoted as proof of Boer agreement with their objective:

> We are all of us, I dare say, fully impressed with the necessity of having a government that will, by its effective general and local legislation, succour and protect the industry of the farmer. We do not desire a council of legislators such as exist at Cape Town; such a combination of government officials is but an abortion, inimical to the interests of our country. We want a government that will control the vagrancy and independent slothfulness of our coloured servants and be altogether untrammelled by jacks in office.2

This very clear expression of discontent with the shape and policy of the existing legislature indicated support for representative rather than separate government. By encouraging such views the separation movement were producing a spirit which they might not later be able to shape to their own ends, but which increased the difficulties of the existing government.

Those demanding separation also cited the powerlessness of the unofficial members on the legislative council in support of their case. In a protest against the suppression of the lieutenant-governorship

---

1. Above, Chapter II, pp 52-3.
2. Speech of Edward van Reenen at a Public Meeting at Oliphants Hoek: Documents Relative to the Question of a Separate Government for the Eastern Districts of the Cape Colony (Grahamstown, 1847 p 108.

submitted in 1846, they prayed for a more powerful functionary who would 'in some degree compensate the inhabitants of this province for the want of a representative government ...'[1] When two unofficial members left the legislative council in 1847 Godlonton suggested that to give it 'a dash of popularity' their successors should be elected, and wondered if anybody might be found in the east rich enough to stand. But to illustrate the weak position the new members would find themselves in he quoted a report of Napier telling Ebden that all important matters were settled before being submitted to the legislative council, so that the opposition of the unofficials was in vain.[2] These examples illustrate the disillusion in some quarters about the council's value.

Immediately before the war started in 1846 there were signs of a similar mood in the western Cape. Because the imperial authorities kept control of customs matters they were able to raise the duty on brandy imported for mixing with Cape wines from fourpence to one shilling a gallon, a step which the merchants claimed would 'annihilate' the Cape wine trade. The Cape Town interest described the rise as 'an act of unprecedented injustice towards a community having no voice in the imposition of taxes ...'[3] (Their counterparts in the City supported them and the British authorities realised that the duty was 'impolitic'

---

1. CO 48/260/17: Encl. in Maitland to Stanley, 2 January 1846 (No 3).
2. Graham's Town Journal, 4 September 1847. Godlonton spoke of representative government as his 'birthright ... as an Anglo-Saxon': see CO 48/277/278: Encl in Pottinger to Grey, 27 November 1847 (No 191).
3. CO 48/260/118: Encl. in Maitland to Stanley, 31 January 1846 (no 2).

and agreed to abandon it.[1] The measure - chiefly aimed at increasing the colonial revenue - and the subsequent retreat from it confirms the impression of weak government at the Cape.

There were more fundamental reasons for growing discontent with the existing government in the western division. The abolition of slavery and subsequent colonial tariff policy (over which the colonists had no control) produced an agricultural depression. The farmers could not compete with imported Australian wheat and flour from the United States.[2] 'Fourteen years ago the Koeberg, Zwartland and Stellenbosch districts used to produce abundance of wheat for exportation,' a delegation told the governor in 1849, 'besides other kinds of grain: as also, horses of an excellent quality, mules, horned cattle, woolled and other sheep; dairy and other produce.' Farms had been in good repair 'and the farmers, particularly the corn farmers, were in affluent circumstances. Everything flourished and people were contented. But what is the present state? The old Colony no longer produces bread and meat for its own consumption even, - although dependent on agriculture.' The breeding of horses, cattle, etc. had all been abandoned for want of herds. Dairy farming, except in the immediate vicinity of Cape Town, was no longer carried on: 'Indeed, three fourths of the corn farmers have not even the common necessary of

---

1. CO 48/269/72: Minute by Gladstone (20 February 1846) on Memorial from City merchants, etc., 19 February 1846.
2. Letter from 'An English Farmer' in South African Commercial Advertiser, 18 November 1846.

life (particularly necessary for children) that no European farmer could live without, which is milk.' Farms were dilapidated and people discontented: yet they were a 'good people' and even the former slave owners did not mistreat their servants. The delegation demanded either protection against the influx of cheap wheat which undersold them on the colonial market or a vagrancy law which would help them to cut their labour costs.[1] In British terms after mid-1846 the first alternative was out of the question, so the corn farmers added their voice to the already substantial cry for a vagrancy law - and thus to the attacks on the legislative council for failing to comply.

A new governor arriving in the colony early in 1847 found the press almost unanimously opposed to the local government and its measures. He described editorial views as 'immature' but admitted that they had considerable influence.[2] Generally speaking his criticism was valid, although some colonists had a shrewder idea of the advantages from a more representative government than he realised. Fairbairn, for instance, had contacts with British Radicals dating back to the controversy with Lord Charles Somerset. In 1826 Joseph Hume wrote to him:[3]

> One hears complaints from the Cape of different kinds, which must be the Case until there is a representative Body established ... to regulate the affairs of the Colony, as preferable

---

1. Printed in Graham's Town Journal, 27 January 1849.
2. CO 48/274/133: Pottinger to Grey, 26 July 1847 (Confidential - No 99).
3. Hume to Fairbairn, 26 January 1826: Fairbairn Papers.

> to the will of one man with a control some thousand miles off. The Inhabitants of New South Wales are striving for a representative Body, and so should all the Crown Colonies.

For some years Fairbairn had acted in the spirit of Hume's letter, but in 1834 he was refused election to an association formed to press for representative government because of his unpopular stand for the coloured people's legal rights. He therefore decided to oppose an elected assembly until the coloureds were 'fit to take their places in it along with the white population,' trusting for the meantime in the British government.[1] By 1846 his trust was waning (as we have seen) and he was ready to reopen the question.

The Cape Town Municipality and certain businessmen had long wished for more influence over the government. Resolutions passed at a public meeting in 1841 show the exclusively financial motives for this wish. The meeting stressed the need to develop the colony's 'commercial and agricultural resources' and improve the public works and roads; it called for more capital investment and immigration from Britain; and doubted if the limited municipal powers recently conceded were enough to bring about such general development. It therefore suggested a new government of governor and executive council appointed by the Crown and a popularly elected legislative assembly. The Commissioners and wardmasters of the Municipality supported this call, and in his

---

1. William M.Macmillan, The Cape Colour Question (London, n.d.) p 249

despatch on the question Napier saw no reason to oppose them.[1]

Stanley's reply admitted the abstract right of British citizens to a representative government but explained the practical obstacles preventing him from granting it. Poor communications would hinder both the election and the work of the popular members; the variety of races at the Cape made it hard to see how their conflicting interests could be reconciled. And how could the sovereignty of the Crown be protected?[2]

A few colonists denied the force of Stanley's objections. One suggested employing the field cornets and municipalities to organise polling, with a franchise 'strictly confined to the European population...' He asserted that a nominated lgeislative council of officials with 'two or three of the senior merchants of Cape Town' (an indication of the way in which the merchants were associated with the maintenance of the imperial connexion) would sufficiently protect the Crown's powers. The question of safeguards for the 'native inhabitants' he described as 'superfluous': 'the most advanced among them as to intelligence, the lazy and indolent Hottentot would scarcely be at the trouble of attending /to vote/, even if paid ...' However, if the British government insisted on opening the franchise to them, the qualification should be high enough to admit those 'most eligible' to use it and exclude those

---

1. Napier to Stanley, 20 December 1841 (Nos 141 and 142): A & P. 1846. XXIX. (400): Copies of Applications from the Cape for a Representative Government.
2. Stanley to Napier, 15 April 1842 (No 62): ibid.

who (in Stanley's words) were 'unfitted to receive it, whose admission to political power might be considered dangerous.'[1] But elsewhere in the colony Stanley's despatch terminated discussion and the agitation (partly directed at government inefficiency in Cape Town and made to some extent irrelevant by Montagu's appointment in 1843) died down.

The question of 'responsible government for colonies' never stirred British public opinion in this period. Wakefield and his disciples concentrated their propaganda on what Bagehot called 'the mass of influential persons,... the unelected Commons, the unchosen Council, who assist at the deliberations of the nation'[2] and which Gladstone later criticised as 'that spurious public mind, which forms itself from day to day in immediate proximity to the scene of action...'[3] On this narrow ruling class Colonial Reform had a certain impact: but the country at large remained indifferent. Politicians could therefore hope to consider the future government of the colonies free of the pressures associated with major domestic issues. By contrast, the mass of colonists were personally involved. In South Africa the government's activities affected the interests of every race; its future structure was of great interest to even the humblest. Power

---

1. Printed in J.C.Chase, The Cape of Good Hope and the Eastern Province of Algoa Bay (London, 1843) pp 324-331
2. Walter Bagehot, 'The First Edinburgh Reviewers' (1855) in Mrs. R. Barrington (ed.), The Works and Life of Walter Bagehot (London, 1915; 10 vols.) ii, 53.
3. W.E.Gladstone, 'The History of 1852-60, and Greville's latest Journals' in English Historical Review, VI (April 1887) p 282.

seemed to lie in Downing Street: the Cape legislature never recovered from the reversal of D'Urban's policies. So the first reaction to a political check in the colony was an appeal to Britain. Skilful insinuation of a case into the mother country's politics could outflank the colonial government, weakening its position still further. It also prevented British politicians from enjoying to its full extent the absence of pressures which public indifference to colonial matters would otherwise have guaranteed. As long as there was a higher authority, the colonists would appeal to it.

In conclusion, therefore, it must be repeated that the difficulties which the British government faced as a result of the Xhosa War were only a reflection of much wider and potentially more serious problems in the colony as a whole. The roots of colonial discontent and the drive for a greater share in the local government were primarily economic: agricultural depression, resistance to state direction in financial matters, shortage of cheap labour and aggressive territorial ambitions were among the most powerful forces which led to the growing attacks on the executive. But the limited objectives of these attacks should also be stressed: they were unco-ordinated and directed at something far short of ejecting the 'imperial factor' altogether from Cape affairs. This was logical: the very financial rewards for which the separate groups were competing depended for the most part on British military spending. The question facing colonial politicians therefore became, how were they to get control of economic matters without

breaking the British connexion on which their wealth (and in the east, their security) depended?

To British politicians the pacification of the frontier seemed the most serious problem. The collapse of the burgher system showed that the colony could not keep a force in the field long enough to subjugate the Nguni. The Cape economy was too weak to bear the cost of a prolonged campaign, and free trade would not make it significantly stronger (as the slump in wheat farming revealed). The burgher commandants also denied the need to overwhelm the tribesmen in the way favoured by the British staff. Their protests lent weight to the growing cry for local self government among capitalists in each division of the colony, who wanted control of government apparatus to further their financial objectives. Against this pressure in the colony the imperial administration could only set a discredited legislature and a merchant connexion of doubtful reliability and uncertain strength. At home the Colonial Reformers were willing to lend their help to the fractious colonists. The British government therefore faced a dilemma: if they granted local self government and surrendered control over aboriginal affairs the colonists might provoke a war which would require imperial intervention to settle; yet if they tried to maintain the status quo they would no longer enjoy the co-operation of the colonists. The imperial problem was, how to strengthen the merchant connexion, placate the colonists and stabilise the frontiers so that direct imperial intervention could be cut to a minimum.

CHAPTER V

GREY, POTTINGER AND THE EASTERN FRONTIER

Gladstone served too briefly to make much impression on Cape policy. When he left a reappraisal seemed necessary. Several of the incoming Whigs had approved Glenelg's Cape measures in 1836. Benjamin Hawes, the new parliamentary under-secretary, had sat on Buxton's select committee. Grey, Lansdowne and Russell himself took part on the cabinet which restored Queen Adelaide Province to the Xhosa, Grey supporting the despatch of 'peremptory' orders to D'Urban to relinquish the territory 'so unjustly acquired.'[1] But Ministers generally have short memories. All cabinets face a mass of business to be settled on an extemporary basis after hearing the relevant Minister's comments. To Glenelg's colleagues the Cape was an issue to be handled in the most expedient manner possible; their solution reflected no deep commitment or expert knowledge. And from 1837 until the outbreak of war in 1846 the imperial parliament entirely ignored Cape frontier affairs. Different concerns displaced the memory of Glenelg's measures in many politicians' minds; Grey himself seems to have forgotten the half-mastered details on which he based his decision of ten years earlier.

Entitled Lord Howick, Grey had spent four years in Melbourne's cabinet as Secretary at War, proving himself a competent Minister but a trying colleague.[2] After 1841 he joined a 'small but fractious section of the Whigs' who 'looked enviously at Peel's Liberal-Conservatism and played with the notion of a regrouping which would allow the centre

---

1. William M.Macmillan, Bantu, Boer and Briton (Oxford, 1963) p 176
2. For a characteristic anecdote, see George E.Marindin, Letters of Frederic Lord Blachford (London, 1896) p 233.

wings of the two parties to be united ...'[1] He associated himself prominently with the Free Trade Radicals, so his refusal to join Russell in December 1845 (when the Whigs had a chance to form a government on the Repeal issue) meant the failure of the attempt. Russell explained that he 'could not dispense with the assistance of Lord Grey who had taken so prominent a part in favour of free trade.'[2] Grey also put himself at the head of the dozen or so Colonial Reformers in parliament, particularly during the New Zealand debates of 1845. But his political base was unsure: after the ministerial crisis of December 1845 Hawes 'expressed in strong terms his conviction that nobody could ever act with Grey, saying that Grey and the Radicals agreed only on questions of Free Trade and differed on many others.'[3] The truth of this observation became clear in the years that followed.

Hawes (a successful soap manufacturer and Radical M.P. for Lambeth) was a lesser figure. In parliament he represented the interests of his brother-in-law, the engineer I.K.Brunel. His Radicalism was of a milk and water variety.[4] He too admired Peel's Liberal-Conservatism, and took the side of the Colonial Reformers during the New Zealand debates in 1845. Possibly he owed his appointment to the Colonial

---

1. Norman Gash, Reaction and Reconstruction in English Politics (Oxford, 1965) p 187.
2. PRO 30/22/5A (Russell Papers) fo. 34: Russell to Wood, 3 January 1846.
3. Ibid., fo. 40: Palmerston to Russell, 5 January 1846.
4. S.Maccoby, English Radicalism 1832-1852 (London, 1935) pp 72, 265-6. Norman Gash, op. cit. p 163.

Office to the latter association. Russell may have hoped to conciliate the parliamentary Radicals by promoting one of their number. But Hawes had been a less dangerous opponent to Whig leadership than other Radicals and could hardly therefore add much strength to the administration. By accepting office he betrayed the feebleness of his Radicalism: he was disowned and pelted by the Lambeth electors when he stood for re-election in 1847; in March 1848, with government sponsorship, he narrowly won the Irish borough of Kinsale.

Almost as soon as Grey was installed in the Colonial Office he received a deputation of Cape merchants. They gave him a 'heart-rending' account of the colonists' suffering in the war and convinced him that the Xhosa attack had been 'entirely unprovoked ...'[1] James Howse, the eastern Cape sheep baron, who was visiting the City, told Grey he had lost £10,616 through Xhosa depredations and requested compensation.[2] And the City merchants Chalmers, Guthrie & Co., avowing their 'deep interest' in the colony, forwarded a letter from Hamilton Ross demanding a change in Cape policy.[3] These communications shaped Grey's vision of the colony's problems and prompted his subsequent measures. He immediately sent reinforcements of men and arms to South Africa, together with seven officers specially commissioned to command the burgher force. (When these last arrived they found nothing to do

---

1. Earl Grey, The Colonial Policy of Lord John Russell's Administration (London, 1853; 2 vols.) ii, 197-8.
2. CO 48/269/255: Howse to Grey, 23 July 1846.
3. CO 48/269/87: Chalmers, Guthrie & Co. to Grey, 5 August 1846.

because the burghers had all disbanded.) Next, after a Times leader throwing doubts on Maitland's ability had been corroborated by Stephen,[1] he decided to recall the governor.

Displaying his complete unfamiliarity with the events following D'Urban's dismissal, Grey now suggested putting Smith in Maitland's place with Stockenstrom as lieutenant governor in the east. Stephen opposed the latter because of his unpopularity with 'a large mass of the colonists' and his 'irascibility!' Smith's appointment he supported:[2]

> With Montagu at hand to aid him in the civil duties of his office, he could hardly go wrong. And with a man of so much fire and energy to control him, Montagu could hardly wander from his proper sphere; which is (in fact) the greater danger of the two.

Inquiries made by Hawes confirmed this opinion.[3] But Smith was in India and time pressed. If he refused the Cape the loss of time would be serious. Russell therefore proposed Sir Henry Pottinger, who in 1842 had forced the Chinese to open their ports to British goods by the Treaty of Nanking.[4] Pottinger had proved implacable in his dealings with the 'barbarians' of China. The grateful British establishment rewarded him lavishly: a Privy Councillorship; the freedom of numerous cities; an annual pension of £1,500 for life. The Whigs would make

---

1. The Times, 30 July 1846. Stephen to Grey, 18 August 1846: Grey Papers.
2. loc. cit.
3. Trevelyan to Hawes, 24 August 1846: Trevelyan Letter Books.
4. Russell to Grey, 19 August 1846: Grey Papers.

political capital by his appointment. Grey reluctantly gave up the idea of asking Smith.[1] After much pressure Pottinger accepted South Africa, on condition he would subsequently receive an Indian governorship.

While choosing the new governor Grey also considered the nature of the post-war settlement. D'Urban was in London at the time and it seems likely that Grey consulted him. His views would reinforce those already stated by the Cape financial interests. Stephen gloomily suggested a total withdrawal from the interior, convinced that British efforts to regulate its affairs were futile. Grey curtly dismissed the idea. He and Russell agreed that the colony's 'wretched' state was 'mainly owing to mismanagement' and looked to an 'able man' like Pottinger to provide a remedy.[2] After a long disucssion with Grey on 18 September Stephen prepared the first draft of Pottinger's Instructions.[3] These began with a routine expression of diffidence at framing a policy so far from the scene. They admitted that little material benefit could be expected from annexations 'enlarging the range of our responsibilities while yielding no additional resources for sustaining them.' But (they continued) sound policy and a regard for all races required the subjugation of the Xhosa and the annexation

---

1. PRO 30/22/5C (Russell Papers) fo. 122: Grey to Russell, 12 September 1846.
2. Russell to Grey, 20 August and 11 September 1846: Grey Papers. PRO 30/22/5C (Russell Papers) fo. 122: Grey to Russell, 12 September 1846. Journal, 6 December 1846: Grey Papers.
3. CO 48/264/374.

of their territory to the Cape. Afterwards the tribe must be ruled by a British or colonial army and organised into military units under British officers. These would stabilise the frontier by forming a buffer between the colony and the northern tribes.

The draft next mentioned the Russell administration's decided partiality for the principle of representative government in colonies and told Pottinger to report on the Cape's readiness for it. Noting Stanley's doubts on this head in 1842[1] Grey stated confidently that no 'Society of British birth or origin' was likely to oppress the aborigines. He was willing to put this theory to the test even though he could not distinctly see 'how some conflicting interests could be adjusted under it, or how perfect arrangements could be made for the prevention of injustice to some members or classes of the colonial society.' Besides the palpable error about the Cape being a British society, therefore, this draft also contained a clear statement that Grey did not share Exeter Hall's doubts concerning the colonists' intentions towards the coloured people. Hawes was amazed at the adoption of 'so new and bold a policy' when Grey had such meagre information to guide him. The Cape 'is not a military possession but a Commercial Colony,' he argued, '... for which the most inexpensive establishment and the most frugal administration is desirable, if not absolutely necessary.' To pacify Kaffraria he

---

1. Above, Chapter IV, p 157.

he suggested the creation of military settlements on the frontier, an overhaul of the Cape administration and a policy of peaceful penetration through trade.[1] Grey replied that this merely represented 'a perseverance in a policy that has been long unsuccessfully tried.' He saw no alternative to the course he had outlined.[2]

Discussions followed over the best form of government for Kaffraria. Stephen observed that if it were annexed to the Cape all the colonial laws would automatically apply to it, precluding the system of military rule which Grey wanted to establish. Proclaiming martial law would not overcome the difficulty since it was 'but another name for the suspension of all law ...' And in Britain, Stephen declared, if you could not govern legally you could not govern at all. The governor should turn the new acquisition into a 'Protectorate.' This would give him the absolute powers Grey thought necessary. He could then exclude settlers and protect tribal pastures from encroachment (thus forestalling criticism in Parliament). It was impractical to talk of military settlers: they 'would rapidly degenerate into mere farmers' and anyway the frontier offered no natural barriers for a force to man, except in numbers out of all proportion to the value of their object. The only conceivable barrier would be a 'loyal military people like the Kaffirs, enlisted on our side.'[3]

---

1. CO 48/264/382: Memo by Hawes, 18 September 1846.
2. Ibid., minute by Grey (n.d.).
3. CO 48/264/410: Minute by Stephen. See below, Chapter VI, p 203.

Grey and Pottinger saw how this arrangement would help to create the 'despotic system of government which is necessary.'[1] But the final version of the instructions contained nothing more unreal than Pottinger's orders to persuade the Xhosa 'to acknowledge the Queen as the Protector of their Nation, and to receive a British officer as the Commander in Chief of all their National Forces' - as if the loose tribal structure were susceptible of such European definitions. In the remaining text practicalities rubbed shoulders with misconceptions. The chiefs were to be won over by material rewards and used to govern their people as agents of the British power. Some Xhosa troops under British officers might do duty in the western Cape 'as real though unavowed hostages,' releasing coloured soldiers for service in Kaffraria. For every injury suffered by the colonists the tribesmen should make reparation, and vice versa. The treaties were to be abrogated; no tribal rights should be defined. As the Xhosa emerged from 'barbarity' their government might become less absolute: meanwhile they must subject themselves in all things to British overlordship.

Pottinger's new order should not amount to coercion alone. Simultaneously he must try to spread 'Religious Knowledge, Moral Instruction and an acquaintance with the Arts of a Civilised Life' by

---

1. CO 48/264/386: Grey to Stephen, 29 September 1846 (private).

encouraging missionaries and artisans to settle among the tribes. Reading and writing of English should replace the literation of Nguni languages. Finally, the tribesmen should be taxed to give them 'a stimulus to Industry.' But neither they nor the colonists seemed rich enough to support this new government. Grey therefore told Pottinger to draw on the military chest to balance the Kaffrarian budget.[1] He anticipated that the expense would not last longer than eighteen months after Pottinger left England.[2] In the next session of Parliament (notwithstanding Financial Reformers) the Russell administration increased the army estimates to finance Grey's arrangements. Fox Maule, the Secretary at War, explained that there was no point in settling 'little wars' in a 'little way.'[3]

Several of Grey's minutes in other contexts at this time confirm the drift of his thoughts. When the Aborigines Protection Society described the tendency of the colonists' presence to undermine aboriginal society on the Cape frontier and urged him to intervene to counteract the effects, both Stephen and Hawes dismissed the suggestion as 'useless.' But Grey thought it 'rather important as showing rather more consciousness of the real difficulties of the subject than the members of the Society have hitherto displayed.'[4] Again, on

---

1. CO 49/40/166: Grey to Pottinger, 2 November 1846 (No 1).
2. CO 48/264/347: Stephen to Trevelyan, 20 October 1846.
3. Hansard, 3rd Series, 1847, xc, 646.
4. CO 323/231/126: Minute (17 August 1846) on 'Address from the A.P.S. to Lord Grey on the occasion of his becoming Secretary of State ...'

hearing about the use of one Griqua force to restrain another in the northern Cape, he noted that 'this information tends to show the advantage of making use of the military service of the natives.'[1] These remarks, however, reveal nothing about the premises which gave rise to his policy. Although this thesis deals less with ideology than the interaction of policital systems, a short digression on certain aspects of Grey's theories may be helpful.

Indian precedents clearly influenced the attempt to set one tribe against another to achieve military security, but Pottinger's instructions had a wider derivation. Like many of his compatriots Grey believed in a 'scale of civilisation' with Britain on top and other races ranked below according to their degree of cultural similarity with the British, the 'aborigines' at the very bottom.[2] Lewis, the whig theoretician, wrote that the 'advancement of mankind' was to be 'expected rather from the diffusion of civilised nations than from the improvement of barbarous or half-civilised tribes' and advocated colonisation as the best means of 'diffusing' civilisation.[3] To colonise often meant depriving the aborigines of land. Grey argued that this was justified if an 'uncivilised' people had not cultivated

---

1. CO 48/261/466: Minute (10 November 1846) on Maitland to Gladstone, 30 July 1848 (no 128).
2. Earl Grey, The Colonial Policy of Lord John Russell's Administration (London, 1853; 2 vols.) i,27. Cf R.Robinson & J.Gallagher, Africa and the Victorians (London, 1961) pp 2-3. Robert Blake, Disraeli (London, 1966) pp 202-3.
3. George C.Lewis, An Essay on the Government of Dependencies (ed. C.P. Lucas; Oxford, 1891) p 228.

their land. The Times echoed this opinion in a leader on Pottinger's appointment.[1] Grey's views on moral instruction for Britain's subject races were also fairly characteristic of his class. Shortly after the completion of Pottinger's instructions the Privy Council Office published a memorandum on education for 'the Coloured Races of the British Colonies' which so impressed Grey that he sent it to many colonial governors. It was the classic formula for 'indirect rule.' The author (James Kay Shuttleworth) stressed the need of

> gradually creating a native middle class among the negro population and thus ultimately of ... rearing a body of men interested in the protection of property and with intelligence enough to take part in that humbler machinery of local affairs which ministers to social order.

Unlike Grey he saw that results would take a considerable time to achieve.[2]

To round off his design for South Africa Grey decided to keep Natal and gave the governor legal authority to act across the colonial borders by bestowing on him the title of 'High Commissioner for South Africa.' Being a civilian Pottinger had no right to command the troops, so General George Berkeley accompanied him for that purpose. As a sort of afterthought Grey later took up the suggestion of a military settlement. Time-expired soldiers were usually paid off in Britain. Grey told the governor to offer them land grants in the east

---

1. 3 October 1846.
2. James K.Shuttleworth, 'Brief Practical Suggestions on the Mode of Organizing and Conducting ... a System of Education for the Coloured Races of the British Colonies,' Privy Council Office, Whitehall, 6 January 1847.

or employment with the Cape Mounted Rifles as an inducement to accept their discharge in the colony. The Great Trek, he believed, had 'materially denuded' the frontier of fighting men: a 'British population having military habits' would compensate for their departure.[1] The plan contradicted the best-informed official opinion. Stanley had already told Maitland that previous experiments were 'generally so unsuccessful as to give rise to the opinion which now prevails that concessions of land are not beneficial to that class of persons ...'[2] Stephen repeated these objections when Hawes first raised the subject. Other details in Cape affairs (separation, the regulation of affairs on the northern border, etc.) Grey left in abeyance. Pottinger's prime task was to stabilise the eastern frontier, reduce the British force and retrench imperial expenditure. He arrived in Cape Town early in January 1847.

Grey's frontier policy never received a trial. Arming the border tribes for military duties in the western districts seemed impractical even in Britain. Russell thought Grey had drawn 'erroneous conclusions' from British success in India. 'A people civilised to effeminacy are easily conquered, and may again be raised into spirit and courage by discipline and example,' he declared. 'Wild and savage tribes ... are not so easily subdued, and are not lightly to be trusted

---

1. WO 1/440/181: Minute by Grey (Separate), 11 February 1847.
   WO 6/104/204: Grey to Pottinger, 13 February 1847 (No 3).
2. WO 6/104/104: Stanley to Maitland, 10 June 1845 (no 21).

with arms.' Pottinger, Russell insisted, must have 'complete discretion' not to try the plan 'unless he finds it practicable and safe.'[1] In South Africa the denial of arms to tribesmen was a fundamental tenet: the trekkers leaving Natal gave the 'indiscriminate trade in firearms' as one of their reasons. Stockenstrom thought it 'paltry and humiliating' to set tribe against tribe and said permanent peace depended on the colonists showing themselves able 'to crush the enemy single-handed ...'[2] Pottinger had scarcely reached the colony before he told Grey that while the Xhosa might be valuable as police, they could not be trusted as soldiers 'until great changes shall have been brought about in their ideas and habits.' The lieutenant governor of Natal confirmed the 'utter unfitness' of any tribe for military purposes.[3]

The second basic change to Grey's policy resulted from a proposal of Henry Calderwood, an L.M.S. missionary who became Commissioner for the Ngqika in October 1846. He planned to provide 'Kaffir families' for service in the colony. Pottinger officially approved of the scheme and invited applications from colonists who wanted such servants.[4] His announcement did not provide for the legal protection of the servants. It thus contravened Ordinance 49 of 1828 which

---

1. Russell to Grey, 4 December 1846: Grey Papers.
2. /A.Stockenstrom/, Narrative of Transactions Connected with the Kaffir War of 1846 & 1847 (Grahamstown, 1848) p 26.
3. WO 3/441/135: Pottinger to Grey, 29 March 1847 (No 29).
4. Government Notice, 2 April 1847: Graham's Town Journal, 10 April 1847. William M.Macmillan, Bantu, Boer and Briton (Oxford, 1963) p 300, f.n.2.

directed that all 'border foreigners' employed in the colony for longer than twelve months should have a contact entered into before a public official duly countersigned an registered. The whole arrangement in fact required imperial sanction. But its consideration was delayed by another feature of the 'new' policy: the need to reduce the Xhosa to a condition which prevented them from resisting it.

Frontier opinion was divided over the war's objectives. Many leading burghers saw future security as the goal. They wanted the land between the Fish and Keiskamma cleared of Xhosa and settled with a buffer of 'Hottentots,Native Foreigners or others,as may seem best.' Maitland supported this plan and thought of shifting some Kat River families to the area. When the Xhosa stopped resisting he declared their power broken and lifted martial law as a prelude to a peace settlement. Stockenstrom agreed with Maitland and called for the reintroduction of Glenelg's system - though not as he himself had 'botched' it.[1] But a small faction among the farmers (comprising the Bowker family and John Atherstone) denied that the Xhosa were subdued and denounced Maitland's action in the pages of the Graham's Town Journal. The eastern division traders took the same view. Led by J.C.Chase and W.Fleming they demanded the tract between the Fish and Keiskamma for

---

1.Remonstrance of J.Phillips J.P.,Walter Currie and others: South African Commercial Advertiser,28 February 1846. Macmillan, op. cit. p 296. Graham's Town Journal,23 January 1847.

the colonists to settle on the lines of D'Urban's policy.[1] Land-hunger in this period thus emerges most pronounced among the commercial classes and a small number of British farmers.

Pottinger was entirely ignorant of South African matters. On first reaching Cape Town he found 'the reports and opinions ... so various and contradictory that it is hardly possible to arrive at the real truth ...'[2] While thus confused he met Captain W.S.Hogge, who had been detached from the 7th Dragoons to lead the Swellendam coloured levies. Hogge's was a hard and abrasive character. He had quarrelled with Stockenstrom over war policy and vehemently opposed Maitland's 'settlement.' Pottinger found him 'by far the most intelligent practical man with whom I have conversed since I landed.'[3] At Hogge's prompting - before even reaching the frontier - he declared Maitland's peace measures 'altogether premature.'[4] Once on the frontier he decided to drive the enemy across the Kei (a task which had proved beyond Smith in 1835) and advance the colonial border to the Buffalo river.[5] For such greatly enlarged aims Maitland's arrangements clearly were inadequate. So in August Pottinger renewed hostilities with the Ngqika branch of the Xhosa under Sandile.

---

1. Graham's Town Journal, 23 January and 6 March 1847. Address to Pottinger from J.C.Chase, W.Fleming and others, South African Commercial Advertiser, 27 February 1847.
2. Pottinger to Grey, 31 January 1847: Grey Papers.
3. Pottinger to Grey, 23 February 1847: Ibid.
4. CO 48/272/76: Pottinger to Grey, 22 February 1847 (No 13).
5. CO 48/272/130: Pottinger to Grey, 13 March 1847 (No 2o).

The pretext for reopening war against the Ngqika in August (a step essential for the success of Pottinger's new objectives) was Sandile's alleged refusal to surrender a thief to the authorities. The negotiations were entrusted to Calderwood, who spoke imperfect Xhosa[1], and a missionary from the Glasgow society. The missionary left Pottinger's message at the royal kraal but Sandile denied that it ever reached him.[2] At a subsequent parley an officer named Bissett (one of the frontier 'Conservatives') took the chief into custody, claiming that he had surrendered. Sandile regarded this as an act of treachery and named one of his sons 'Bissett' to commemorate it.[3] These incidents throw doubt on Calderwood's competence as Ngqika Commissioner.

Calderwood's advice helped Pottinger with the practical details of his policy. Calderwood had been an unlikely missionary. His correspondence with the L.M.S. Directors in London reveals a preoccupation with political and administrative questions. Before the war he stressed the need for the government 'to understand the Caffre Question better than they <u>now</u> appear to do ...'[4] He (like many other missionaries) differed profoundly from the Reads over the best way to 'raise' the Cape aborigines. The Reads wished to treat all as 'brethren' (i.e. equals).

---

1. Livingstone to Rev. W.Thompson, 6 September 1852: David Chamberlain (ed.), <u>Some Letters from Livingstone</u> (Oxford, 1940) p 176.
2. George M.Theal, <u>History of South Africa</u> (London, 1908; 5 vols.) iii,45. Entries for 4 and 22 October 1847 in Diary: <u>Hall Papers</u>, PC 1/2.
3. Charles Brownlee, <u>Reminiscences of Kaffir Life and History</u> (Lovedale, 1896) pp 310-11.
4. Calderwood to Philip, 18 January 1846: William M.Macmillan, <u>Bantu, Boer and Briton</u> (Oxford, 1963) p 287.

Calderwood asserted that this treatment had 'spoiled' the Khoi. He regarded the Nguni as 'wards' and accused the Reads of promoting unrest by their equalitarian behaviour.[1] He could be vindictive: after a dispute over the treatment of the Ngqika he used his influence with Pottinger to secure Stretch's dismissal. The governor told Grey that Calderwood's plans had been thwarted, adding ingenuously that Stretch was 'generally believed' to have deceived Maitland and 'I am only waiting to obtain proof of these acts to dismiss him from all service.'[2]

Claderwood doubted if the tribesmen had to lose their land before they would work for the colonists. He blamed the government's threats of confiscation for the unrest in Kaffraria. His plan for obtaining 'kaffir families' was intended to provide an alternative to mere coercion. And he advocated selective taxation to force the able-bodied to take work in the colony.[3] Failure to pay ought to result in eviction (i.e. loss of pasture for a man's cattle) thus leaving him no choice but to work. Grey's reaction showed that he had seen taxation as a 'stimulus to Industry' only within Kaffraria itself and overlooked its possibilities for supplying labour to the colony.[4] It could be argued that the plan contradicted the Kay-Shuttleworth idea for a 'negro middle class'

---

1. Philip Tidman, 31 March 1846: L.M.S.Archives. 22/1/D.

2. FC 705/85 (Pottinger Papers): Pottinger to Grey, 25 March 1847. See Charles L.Stretch, Black Drift (Cape Town, 1855).
3. A. & P. 1851.XXXVII./1362/: Correspondence relative to the Establishment of a Representative Assembly at the Cape of Good Hope, p 112: Enc. in Calderwood to Smith, 25 October 1850. See below Chapter VIII, p 302.
4. CO 49/41/291: Grey to Smith, 6 June 1848 (Confidential).

and hence represented another distortion of the policy laid down in Pottinger's instructions. Nevertheless, Grey immediately approved it.

Grey's instructions were modified or ignored in other areas besides Kaffrarian policy. Under Hogge's tutelage Pottinger quickly adopted 'Conservative' views on the coloured people. Hogge's attitude conformed in most respects to the mass of colonists. (He was also notorious for his sexual exploits with coloured women.[1]) A recruiting trip to the western Cape's mission stations in March 1847 gave him the chance to attack them. After noting that the residents had means 'nearly sufficient for their subsistence' he assailed the system as 'a regular lock upon labour, which is here not an act of necessity, but condescension ...'[2] These observations reinforced the arguments of the local farmers. Significantly, they were directed against the elements among the coloured people most likely to form the 'middle class' of Kay-Shuttleworth's memorandum. The same was true in the eastern division, where the Kat River Settlement, not the 'squatters' on Crown Land, came under fire. Pottinger, unaware that nine tenths of the Kat River people had already enlisted, accused them of assuming 'all the airs and importance of original landed proprietors' when they failed to supply a further four hundred men.[3] Despite Berkeley's detailed explanation of

---

1. J.Read Sen. to Freeman, 9 July 1851 and 17 September 1851: L.M.S. Archives, 26/2/B and 26/3/A.
2. CO 48/272/130: Pottinger to Grey, 13 March 1847 (No 2o) - quoting a private letter from Hogge.
3. Loc. cit.

the true situation he described the Settlement as 'a concourse of rebellious, idle paupers' in a private letter to Grey.[1]

Even without Hogge the governor would have detected few friends of the coloureds among his advisers and officials on the frontier, as another incident shortly demonstrated. T.J.Biddulph, the Settlement's civil superintendent and an associate of Godlonton's, failed in his efforts to hire drivers and leaders for the commissariat wagon train. He then wrote a report on Kat River in the most provocative language. Stockenstrom had founded the Settlement in pursuit of the policy expressed by Ordinance 50 of 1828. Later governments had used it as a dumping ground for aborigines shifted from elsewhere in the colony. Originally designed to support a few hundred families, by 1846 it contained nearly a thousand. Overcrowding led to poverty. Stockenstrom had no part in locating extra people in the Settlement. His initial steps proved largely successful until dumping began. Nevertheless, Biddulph called the original measure 'the most transparent piece of humbug ever practised upon the public to serve the purposes of unscrupulous, intriguing people.' He described the coloureds as 'incorrigibly idle' and demanded measures to force them into service.[2] He sent in the completed report to Godlonton, who published it in the Graham's Town Journal with approving comments from, among others, Thomas Holden Bowker.

---

1. 16 May 1847: Grey Papers.
2. Report on the Kat River Settlement: Government Gazette, 18 November 1847.

Legally the Kat River people had no more obligation to enlist than the colonists. Pottinger's advisers deceived him when they said that Kat River lands were held on military tenure.[1] Although Biddulph's report was widely assailed in the colonial press for its malicious spirit, Pottinger accepted its findings entirely. Inevitably this produced a bitter reaction from Stockenstrom.[2] The whole episode showed how official business could be used to pursue political vendettas and illustrates an important truth about the government in this period. Pottinger's reputation was based on his services to British trade in the Orient. At the Cape he naturally sought to further similar interests. He spoke sympathetically of the eastern division's traders in his private correspondence.[3] He gave patronage to men like J.C.Chase, who had close links with this class. And the correlation between the contents of his despatches and letters and Godlonton's editorials makes it clear that the Graham's Town Journal became the governor's official organ during his stay on the frontier. So it is no surprise to find Pottinger following his criticisms of the Kat River Settlement in a private letter to Grey with the statement 'it strikes me forcibly that we must have a law against Vagrancy'; or to find a Godlonton editorial echoing these words within the week.[4]

---

1. CO 48/272/309: Pottinger to Grey, 14 April 1847 (no 36).
2. Stockenstrom to Grey, 15 November 1847: printed in Eastern Province Herald, 27 November 1847.
3. FO 705/85 (Pottinger Papers): Pottinger to Grey, 23 February 1847.
4. FO 705/85 (Pottinger Papers): Pottinger to Grey, 15 March 1847. Graham's Town Journal, 20 March 1847.

Articles in the Graham's Town Journal during Pottinger's first weeks on the frontier explicitly stated the desires of the eastern division's businessmen and commercial farmers. Several contained dubious parallels between South Africa and Chinese conditions meant to make him take a particular course without closer examination.[1] One suggested annexing 'the whole of South Africa' to the Crown.[2] Pottinger could not go as far as this: but a political compact is a two-way relationship and he did initially go some way towards meeting businessmen's wishes. Faced by a specie shortage he issued drafts on the British treasury bearing interest at six per cent - news greeted with gloom in the Colonial Office.[3] In Grahamstown 'men engaged in extensive mercantile transactions' pressed him to go further and issue paper money - which would greatly benefit their operations. He felt disposed to agree because 'all the local papers, bankers, etc.' supported the idea.[4] Russell and Grey ordered him not to act without prior approval. He replied (rather absent-mindedly) that he 'never had the smallest idea of providing a paper currency' - evidence that he had grown aware of the business connexion's limitations.[5]

Experience in Grahamstown changed Pottinger's mind about the value

---

1. 9 January 1847; 6 March 1847.
2. 27 March 1847.
3. CO 48/272/121: Pottinger to Grey, 10 March 1847 (no 19).
4. Graham's Town Journal, 27 February 1847. Pottinger to Grey, 15 March 1847: Grey Papers.
5. Pottinger to Grey, 28 September 1847: Grey Papers. For paper money see above, Chapter II, p 71; and below, Chapter VIII.

to the colonial administration of the lieutenant governor in the eastern division. In Cape Town during the first few weeks of his stay (possibly influenced by Montagu) he concluded that the post should be suppressed. When he reached the frontier he learned that H.E.F.Young had meanwhile been appointed to fill the vacancy caused by the retirement of the previous occupant in September 1846. The Graham's Town Journal expressed satisfaction that the proposal to 'crush' the office seemed forgotten.[1] After spending six months in Grahamstown Pottinger found the work too heavy to handle alone. He admitted to Grey that his first opinion had been 'crude and hasty' and revised it accordingly.[2] Having made a more thorough investigation both he and Young eventually agreed that the eastern districts in fact required a separate government altogether.[3]

Colonial feeling continued to run high on the subject of compensation. Pottinger temporised when forced to tackle it. He appointed a Commission to settle claims for goods commandeered by the army during the war. But the demands of the Albany settlers fell into the other category. They had contributed least of any district in material for the war effort.[4] They claimed compensation on intangible grounds like loss of profits. When Pottinger landed they petitioned him for protection from the Xhosa and restitution for their losses. He was prepared

---

1. 17 April 1847.
2. Pottinger to Grey, 23 August 1847: Grey Papers.
3. CO 48/273/96: Pottinger to Grey, 22 May 1847 (No 61); CO 48/277/234: Pottinger to Grey, 27 November 1847 (No 191).
4. See Table II above, Chapter IV.

to recommend their case to Grey but refused to act without instructions. The Colonial Office had already told Howse, the Albany sheep baron, that the British treasury accepted no liability for such losses.[1] It now repeated that the claims were 'absolutely inadmissible.' Grey described them as unprecedented and unjust. With an eye to similar situations in other colonies he said it would be 'in the highest degree inexpedient' to grant them. Stephen criticised Pottinger for his lack of judgment.[2] In the event, the question was left for another governor to handle.

Although in this respect he had to disappoint the eastern Cape business interests (who owned estates and led the cry for compensation) Pottinger showed his consideration for them in another way. At Young's suggestion he recommended William Cock and Dr. John Atherstone for two vacant seats on the legislative council. Cock owned large estates at the Kowie River mouth and hoped to increase his fortune by persuading the government to finance a port on them. Atherstone had joined the Bowkers (to whose sister he was married) in attacking Maitland's plan for a peace settlement. He and Cock were leaders of the 'Conservative' faction in the eastern division. In the west Pottinger showed a similar regard for the wealthy and conservative by endorsing Maitland's choice of T.B.Bayley for a third empty seat on the council. Bayley

---

1. CO 49/39/256: Colonial Office to Howse, 4 August 1846. See above, p 164.
2. Minutes on CO 48/272/76: Pottinger to Grey, 22 February 1847 (No 13) and CO 48/272/165: Pottinger to Grey, 15 March 1847 (No 21).

with certain Afrikaans farmers from Caledon, had just started a furious campaign against the Moravian missionaries of Genadenal with the aim of closing their station and making its coloured inhabitants take work with the surrounding farmers.[1]

But Pottinger was engrossed by military matters and found little time to consider civil questions. Above all he needed men. He had scarcely landed before he countermanded orders for the 90th Regiment to embark. He enrolled more 'Kaffir Police' sent Hogge to the mission stations to raise coloured troops and appealed to the colonists for volunteers. And he intercepted two detachments of the 62nd Regiment on their way home from Calcutta. The colonists responded poorly to his appeal, although Stockenstrom personally took the field. In August, when Pottinger reopened hostilities against the Ngqika, he issued a proclamation offering the colonists all the 'booty' they might capture as an inducement to join him.[2] This was a cruder step than reactivating the old commando law, which Britain had suppressed for its cruelty. Stockenstrom immediately retired in disgust. Hogge had earlier visited prominent colonists, including Richard Southey, who hinted that they would answer such a call.[3] But none did, and although he had over five thousand regular troops at his disposal the governor still found it impossible to execute his Kaffrarian schemes.

---

1. CO 49/40/418: Grey to Pottinger, 17 July 1847 (No 110).
2. Government Gazette, 2 September 1847.
3. R.Southey to J.Southey, 11 August 1847: Southey Papers, MSS Afr s 874. Entry for 13 November 1847 in Diary: Hall Papers, PC 1/2.

The war of 1846 produced numerous citizen forces in Albany and Uitenhage, apparently giving Pottinger ample reserves. Grey had actually ordered him to check the outlay on them. Yet Pottinger quickly found that although expensive they had little military value. Most were commanded by British settlers and operated as a home guard quite distinct from the burgher force proper. Pottinger's investigations revealed much sharp practice among the commanding officers. Maynard, for example, the great Grahamstown merchant, drew pay for himself and a 'levy' comprising his coloured farm hands, who in fact continued to work on his farm. And the Fort Beaufort 'gentry' spent £10,000 on equipping (from their own stores and farms) a 'volunteer force' of four thousand men made up in the same way as Maynard's 'levy.'[1] Pottinger estimated the monthly expense in Grahamstown alone at £3,000 although most of the 'volunteers' were 'following their usual occupations and only did duty by drawing their pay.'[2] Many leading British settlers were mentioned in connection with similar transactions: H.Blaine, William Cook, L.H. Meurant, T.H.Bowker, Col.H.Somerset, etc. Not one genuine burgher commandant incurred the suspicion of fraud. As always, politics insinuated themselves into the report and attempts were made to implicate Stockenstrom and Stretch. But the Commissary General completely exonerated Stockenstrom:[3] and a special court of enquiry cleared Stretch.

---

1. WO 1/441/467: Pottinger to Grey, 20 October 1847 (No 154). WO 1/449/423: Report of Audit Office on Accounts for the War of 1846/7, 7 April 1852.
2. Pottinger to Grey, 16 May 1847: Grey Papers.
3. WO 1/443/137: Com.Gen.Palmer to Pottinger, 8 January 1848. Cf.WO 1/443/327: Smith to Grey, 29 September 1848 (No 163).

Pottinger received little co-operation in his efforts to find the truth and recorded that in no other place was he so obstructed as Grahamstown:

> In none were greater opposition and undue influence and misrepresentation, used to bias or change my decision, and in none were the jobs, abuses and irregularities demonstrated to be more extensive, more expensive to the public, or more barefacedly carried on.[1]

The publication of these comments produced an absolutely ludicrous turnabout in the Graham's Town Journal. A few months earlier Godlonton printed an editorial praising Pottinger in extravagant terms and saying 'it would be sheer folly to doubt the value and importance' of his services to the colony.[2] He now stated his 'deep conviction that both the mental capacity and correct principles of Sir Henry Pottinger have been greatly over-rated' and accused him of an 'utter absence of fair discrimination.'[3] The justice of these comments would be more apparent had Godlonton examined Pottinger's other policies in the light of his newly discovered indiscrimination. This did not happen.

The outcome of his financial investigations probably explains Pottinger's dissociation from his Grahamstown advisers during the final months of his governorship. The contrast between the genuine burghers, who did active service without pay, and the British settlers, who performed sporadic police duty and drew large sums of money, became clear.

---

1. WO 1/441/467: Pottinger to Grey, 20 October 1847 (No 154).
2. 1 January 1848.
3. 22 April 1848.

The British commanders, without breaking the law, showed the lack of scruple which often seems to affect people with a chance to get their hands on public money. It should not be forgotten that this body of British settlers formed the pool from which successive governors drew their officials and advisers in the eastern division: their behaviour gave Stockenstrom and his friends an effective political weapon. The lack of control reflected badly on Montagu and Rivers, the colonial treasurer, who failed to perform the duties laid down for them.[1] Equally serious, it led to a quarrel between Berkeley and Pottinger when the governor tried to restrain commissariat payments.[2] Pottinger correctly saw that such fruitless expense arose from thoughtless authorisations of expenditure by regular officers, which the commissariat staff could not dispute. But the military resisted his attempts to regulate their activities because he was a civilian.

Economising in this direction could not compensate for the prolonging of the war. At the imperial treasury Wood had hoped to make the colony bear at least part of the cost, although he admitted that the decision rested with the cabinet. Peter Smith, the Chief Clerk at the Colonial Office, pointed out that in the past the mother country had always paid and he doubted if the colonial treasury could raise more than

---

1. WO 1/449/423: Report of Audit Office on Accounts for the War of 1846/7, 7 April 1852.
2. WO 1/441/239: Pottinger to Grey, 19 April 1847 (No 39). WO 1/441/443: Berkeley to Grey, 2 October 1847. Cf. Entry for 29 September 1847 in Diary, Hall Papers, PC 1/2.

'the ordinary expenses of government.'[1] Russell's administration therefore accepted full responsibility and early in 1848 the house of commons voted £1,100,000 to cover extraordinary charges arising from the war.[2] But Grey and Pottinger had greater ambitions than just ending the fighting: they wished to subjugate all Kaffraria. Burgher inactivity had important consequences. It forced Pottinger (at Berkeley's request) to detain the 90th and 62nd Regiments at the Cape; it meant added costs for the services of coloured levies. Grey refused to face these implications of his own policies. He decided that Pottinger had 'a truly Indian disregard for expense.'[3] And when Wellington complained indignantly about the effect of the two regiments on his relief arrangements Grey agreed to prohibit such detentions in future except in cases of genuine emergency.[4]

Instead of re-examining his original policy in the light of these realities Grey simply cut off Pottinger's access to fresh troops and money. The Cape policy needed more men. The July mail contained a request from Berkeley for sepoy troops to strengthen his force. Grey sought military advice, suggesting that Wellington consult Smith, D'Urban's former lieutenant, who had just returned to England. Smith

---

1. WO 1/442/363: Minute (n.d.) on Memorandum by the Chancellor of the Exchequer, 26 June 1847.
2. Hansard, 3rd Series, 1848, xcvi, 1375-84.
3. PRO 30/22/6C (Russell Papers) fo. 377: Grey to Russell, 31 May 1847.
4. WO 1/442/175: Minute (24 September 1847) on Wellington to Grey, 19 September 1847. See WO 1/442/85: Wellington to Grey, 10 May 1847. PRO 30/22/6D (Russell Papers) fo. 218: Grey to Russell, 29 July 1847.

'could give him much information as to the nature of the country and of the enemy.'[1] (The War Office, of course, had no maps of Kaffraria.) Wellington rejected the use of sepoys and blamed the delay in ending the war on the Cape government. He suggested increasing the number of coloured troops to compensate for the burghers' apathy. Smith had recently received a report on Cape events from his friend Richard Southey, a prominent Cape 'Conservative.'[2] He asserted that superior arms and mobility were more effective than numbers and suggested the creation of armed posts on both sides of the boundary. He submitted a paper entitled 'Notes on the Kaffir War' which Wellington forwarded to Grey without comment.[3]

Smith's 'Notes' contained very little, He would re-establish the posts in Xhosa territory dismantled by Stockenstrom in 1836 as bases for lightning operations against the enemy. With two thousand men holding the border and two thousand energetically employed as an invading force 'the war would be terminated in two or three weeks ...' The enemy should not be allowed the slightest advantage, 'for such to him is a victory.' The tribesman, like all other 'barbarians' grew despondent in adversity and

> when once subdued [is] easily kept subordinate. The force <u>then</u> might be reduced to 2000 men of all arms, and in a year

---

1. <u>Ibid.</u>, fo. 136: Grey to Russell, 13 July 1847.
2. R.Southey to J.Southey, 22 February 1847: <u>Southey Papers</u>, MSS Afr s 874.
3. WO 1/442/101: Wellington to Grey, 11 July 1847.

to 1500 or less, as far as regards the defence of the frontier against the Kaffirs. ... But no treaties to be entered into, and the whole of the country up to the Kei River added to the British dominions.

With minor additions this was the sum total of Smith's plan.[1] He also, probably basing his opinion on Southey's advice, suggested removing the elderly Somerset[2] from command of the colonial levies.

The feasibility of Smith's plans will emerge later. But it may be noted in passing that they assumed co-operation from the burghers, which Pottinger's experience made doubtful. And a small but significant hint of superficiality came when Smith revealed that his idea of 'superior arms' for the government forces meant merely the substitution of percussion weapons for flintlock muskets - a step already taken.[3] Still, Grey was highly impressed: 'the "Notes" ... are what I think we should go by,' he told Russell. He therefore decided to send Pottinger a copy and refuse the request for reinforcements. 'I confess I greatly wish Smith was there to carry on his own plan,' he wrote.[4] Russell fully agreed.[5] The despatch to Pottinger said that the home authorities thought he had ample troops for 'the subjugation of

---

1. A & P. 1847-8. XLII./9127: Correspondence Relative to the State of the Kaffir Tribes, p 110.
2. Described as 'a thick headed fellow and very unfit to have the chief command' in R. Southey to J.Southey, 1 February 1847: Southey Papers, MSS Afr s 874.
3. WO 1/441/627: Minute by P.Smith (17 August 1847) on Smith to Grey, 7 August 1847.
4. PRO 30/22/6D (Russell Papers) fo.136: Grey to Russell, 13 July 1847.
5. Russell to Grey, 14 July 1847: Grey Papers.

Kaffraria.[1] Theory can seldom have contradicted practical experience more blantantly in South African policy. At this point the government of Madras fell vacant. Grey and Russell determined to move Pottinger there and offer the Cape to Smith. Smith accepted and Grey immediately told Pottinger that he felt obliged to give him Madras after their previous agreement. Pottinger acquiesced, telling one person that he had personally proposed the change to overcome the difficulties of a divided command and hoping that Smith's prestige among the Xhosa 'would do much towards settling the war question.'[2]

In British terms Smith was a decided political asset. His feats in the recent Sikh War had earned him extravagant praise in Britain and the lasting esteem of Wellington.[3] His rewards included a baronetcy, a G.C.B. and promotion to Major General. He came home in April 1847 to a triumphal welcome. But he possessed no private fortune. On this ground he turned down the offer of a seat in Parliament. 'In truth I believe that if he is free from debt it is the most,' wrote Wellington, 'and although I have done for him the best that I could, he has not at present sufficient to maintain himself and his wife! He must therefore continue to live abroad as long as he has health and strength to bear climate.'[4] At first it seemed impossible for the

---

1. WO 1/441/155: Draft of Grey to Pottinger, 26 July 1847 (no 14).
2. Entry for 14 December 1847 in Diary, Hall Papers, PC 1/3.
3. Hansard, 3rd Series, 1846, lxxxv, 417 (Ripon); 431-2 (Wellington); 436-40 (Peel). PRO 30/22/7A (Russell Papers): C.Arbuthnot to ?, 17 January 1848.
4. Wellington to Stanley, 8 May 1847: Derby Papers, Box 133/2.

Whigs to reward him except with another post in India. He particularly requested a Mediterranean government, but none was available.[1] And Pottinger had too much consequence to be shifted without proper cause: his disregard for expense and his scandalous affair with the wife of a junior officer[2] did not constitute good enough reasons.

Since coming into office Grey had wanted Smith for the Cape. Although Smith had no experience in civil administration, knowledgeable men (including Stephen and Trevelyan) strongly supported the idea. Grey's confidence in his suitability is therefore understandable. Yet certain observers had reservations. In 1835 D'Urban had accused Smith of 'imbibing hasty and extreme opinions and acting on them hastily and extremely ...'[3] - a quality compatible with success on the battlefield but not with good government. (Hence Stephen's emphasis on Montagu's importance.) And at least one of Grey's cabinet colleagues doubted the new governor's character and temperament after hearing him describe himself as 'the Hero of Aliwal' in a public speech.[4] Aliwal had been the scene of Smith's great victory in the Sikh War in 1846. In India some thought he had inflated his account of the battle. Others said he had 'too much talk about him' and military opinion - not free of

---

1. PRO 30/22/6D (Russell Papers) fo.123: Grey to Russell, 6 July 1847.
2. George M.Theal, History of South Africa (London, 1908; 5 vols.) iii, 52. Entry for 15 October 1847 in Diary: Hall Papers, PC 1/2. C.Seymour to F.G.Seymour, 25 April 1847: Seymour Papers, CR 114A/701.
3. D'Urban to Smith, 8 December 1835: quoted in John S.Galbraith, Reluctant Empire (California, 1963) p 120.
4. Lord Broughton, Recollections of a Long Life (ed. Lady C.Dorchester; London, 1911; 6 vols.) vi, 190.

jealousy but inclined to do justice to a good soldier - regarded him with suspicion.[1] But in 1847 such opinions could not stand against Smith's reputation.

Since Smith was poor it may be asked why he chose the Cape instead of the richer service in India. Two reasons are apparent. The Whigs made generous financial arrangements for him. They raised his military allowance, waived the fees on his commission and later granted his wife an annual pension of £500 from the Civil List. The second reason was personal. During the war of 1835 Exeter Hall had questioned his part in the death of a Xhosa chief named Hintsa under suspicious circumstances. His subsequent dismissal from the administration of Queen Adelaide Province seemed to him a sign that the Melbourne government shared in this doubt. He angrily demanded some 'honorary distinction' as a proof that the government absolved him from guilt.[2] Glenelg refused, and although Smith later received an important promotion to India he continued to brood on the damage he imagined had been done to his reputation. The autobiography he started in 1844 showed his preoccupation with this theme. In a key passage he wrote: ''Tis true /sic/, a rectitude of conscience sustained me which nothing could shake, but human nature is weak enough to desire others should think well of you, while inwardly and mentally you exclaim, "God is my judge."'[3]

---

1. J.G.A.Baird (ed.), Private Letters of the Marquess of Dalhousie (Edinburgh, 1910) pp 110, 159-60, 195-6.
2. Smith to Glenelg, 15 December 1837: Smith Papers, No 501.
3. G.C.Moore Smith (ed.), The Autobiography of Sir Harry Smith, (London, 1903) pp 458-9.

Grey's offer gave him the chance to clear his name and he took it willingly.

Once Smith had accepted, the Colonial Office made haste to get rid of Pottinger.[1] Yet apart from his 'extravagance' (which Grey misunderstood) Pottinger had governed capably in the British interest. After overcoming his first uncertainties he displayed both caution and thoroughness. He showed his discrimination when he saw through Grahamstown and recognised an earlier opinion as 'crude and hasty!' He tried to base his views on the facts available: before reporting on the colonial press, for example, he made an analysis of circulation figures.[2] He selected efficient advisers - for whatever may be thought of Hogge's and Calderwood's opinions, there can be no doubting their administrative talents. And shortly before his supersession he reached three important conclusions which the Colonial Office ignored but later events proved valid: he urged the dismissal of Warden, the British Resident across the Orange; he decided that British interests would be best served by the political separation of the eastern and western Cape; and he warned that the system of military settlements promoted by Hawes and Grey was going to fail.[3]

The Colonial Office disregarded Pottinger's reports because it

---

1. CO 48/279/16: Minute by Stephen (n.d.) on draft of Grey to Pottinger, 10 September 1847. CO 48/279/19: Note by Stephen, n.d.
2. CO 48/174/133: Pottinger to Grey, 26 July 1847 (Confidential - No 99).
3. See minutes on CO 48/276/334: Pottinger to Grey, 10 November 1847 (No 175); CO 48/277/234: Pottinger to Grey, 27 November 1847 (No 191); WO 1/442/199: F.Somerset to Stephen, 24 September 1847.

wanted Smith to investigate matters afresh. This demonstrated an important aspect of the Colonial Office's approach to South Africa in Lord Grey's time: the tendency to judge events in terms of 'mismanagement' by the men governing the colony rather than by the forces at work there. Pottinger's reports contained fact as well as opinion and deserved a more thorough consideration than they received in Downing Street, where Grey often could not find leisure to read them.[1] Superficially the picture of policy-making which emerges in 1846 and 1847 is impressive, despite Grey's dismissal of the arguments advanced by Hawes. But the audiences for Cape merchants, the consultations with other government departments and the advice sought from informed outsiders like Trevelyan produced no new ideas. And when Grey's policy had been embodied in Pottinger's instructions it remained a dead letter. The colonists adopted those parts which suited them and rejected the rest. That they acquiesced at all was because Grey's proposals often coincided with their own ideas. This can in turn be partly explained by the silence of the missionaries, who left it to the merchants to air colonial grievances and propose solutions when Grey took office.

From the Cape aborigines' standpoint the changes in government meant no easing of the pressures on them and their lands. Grey justified the 'absolute government' he proposed for Kaffraria on the simple ground of 'necessity!' Cape affairs aroused so little interest in Britain that

---

1. See minutes on CO 48/276/428: Pottinger to Grey, 12 November 1847 (No 178) and CO 48/277/76: Pottinger to Grey, 26 November 1847 (No 188).

nobody challenged this view. Grey also shared the convenient misconception that it was the tribes who started frontier wars by invading the colony without provocation. So he designed his measures to inhibit them, not the colonists. By endorsing Pottinger's decision to continue the war he gave the colonial government the opportunity to further shatter the tribal structure of the Xhosa. Maitland spoke the truth when he claimed to have ended the war: Pottinger and Grey had more ambitious aims than his. Opinions varied on the abstract merits of Grey's argument that an 'uncivilised' people had no right to land they had not cultivated: but its practical effect was to vindicate the operations of colonial land speculators. As Merivale wrote, 'The doctrine and the practice were incompatible.'[1] And schemes to 'improve' the tribes (such as Calderwood's for getting all the missionary societies to pool their resources and set up adequate educational establishments[2]) failed to materialise. Inside the colony Pottinger revealed himself a sympathiser with the 'Conservatives' on the subject of the coloureds. He countenanced the partisan attacks on Genadendal and Kat River, and he soon decided that a 'Vagrancy Act' (by which he meant a measure to force the coloureds into service) was essential. In all this he merely gave voice to underlying feelings in the colony, which his departure did nothing to alter.

---

1. Herman Merivale, Lectures on Colonisation and Colonies (London, 1861 pp 497-8. Cf. 'The Colonial Office and South Africa' in Eclectic Review, XXII (December 1847 p 739
2. Calderwood to Tidman, 5 May 1846: L.M.S.Archives, 22/1/D.

CHAPTER VI

THE REAPPOINTMENT OF SIR HARRY SMITH

The detailed information sent home by Pottinger made no impression on the Colonial Office. Grey still hoped to settle South African difficulties by changing men rather than measures. He saw nothing in Pottinger's despatches to make him think of revising the policy he had drawn up on first taking office.[1] He therefore issued no new instructions to Smith, who was simply referred to those of his predecessor.[2] This action implies that he relied on Smith to achieve by moral suasion what Pottinger had failed to manage by force. Grey gave Smith carte blanche as to minor details, provided they did not weigh too heavily on the imperial treasury. But the odds were against success: fundamental problems of economics and security could not be solved by personality alone. Someone less vain than Smith would have seen the dangers in the event of failure and refused the job on Grey's terms. Events during the formative period of Smith's government confirmed the need for deeper analysis and wiser action, as will be seen in this chapter.

Outside official circles doubts were already growing about the wisdom of Grey's approach. The December issue of the Eclectic Review, a powerful Nonconformist journal, contained an article on the Cape.[3] The author found little information available, but he correctly deduced from it that another encroachment on Xhosa territory was imminent. With equal accuracy he foresaw the revival of D'Urban's programme, which he

---

1. CO 48/279/12: Grey to Smith, 10 September 1847.
2. CO 49/41/48: Grey to Smith, 20 September 1847 (No 1).
3. 'The Colonial Office and South Africa' in Eclectic Review, XXII (December 1847) pp 728-39.

attacked as 'measures of vindictive conquest, holding out the miracle of rapid civilisation in return for enormous oppression.' He felt astonished that this should happen under Grey, 'the warm advocate of African philanthropy and a speaker at the meetings in favour of the Niger expedition.' He criticised the Colonial Office for the secrecy in which it had proceeded since 1837 and blamed it for deranging the Cape frontier by ten years of neglect.

Not all 'humanitarians' shared these doubts. Before Smith left Britain he took steps to prevent a concerted move against his government by the philanthropic organisations. The Aborigines Protection Society had sent an Address asking him 'to prefer treaty to triumph' in Kaffraria, 'and the introduction of the systematic organisation of civil society to the evils of military occupation.' Smith believed that the 'humanitarians' were a 'vile party.'[1] But he hid his animosity and replied that he wished the tribesmen no harm: after subjugating them he would try to promote their civilisation. He looked 'to such an advancement of their interests as would be compatible with those of the Colony.'[2] Once in South Africa Smith asked the Society to send out agricultural implements and articles of clothing. 'My object is to induce /the tribesmen/ to clothe themselves and, by habits of industry,

---

1. G.C.Moore Smith (ed.), The Autobiography of Sir Harry Smith (London, 1903) pp 452-4.
2. Colonial Intelligencer, VIII (October 1847) pp 121-4.

to teach them the use of money,' he wrote.[1] Gratified by such unusual recognition from a governor, the Society shipped out £80 worth of implements. Smith also applied to the imperial government for stores. The Crown Agents placed a large order with Edward Beck, a subscriber to the Society and member of the Society of Friends.[2] Throughout 1849 and 1850 Smith maintained this correspondence, receiving small quantities of goods in return. He thus neutralised one of the bodies which had been so hostile to him in 1836.

Cape Town gave Smith a hearty welcome when he landed on 1 December 1847. He at once closeted himself with Judge Menzies, his friend since 1820.[3] Menzies and Montagu were still engaged in an acrimonious feud. The day after he landed Smith called them together and ordered them to shake hands.[4] So superficial a gesture could not eliminate their deep-rooted enmity. The struggle recommenced as soon as Smith left for the frontier on 11 December. It continued unabated until Menzies' death three years afterwards. Both men wanted political primacy in the colony: Menzies tried to interfere with the policy for road-construction and education; Montagu retaliated with an enquiry into the judicial system. Menzies' ambition was notorious.[5] Montagu believed him 'a bad man in

---

1. Ibid., I (May 1848) p 9.
2. Ibid., VII/VIII (November/December 1848) pp 114-5.
3. G.C.Moore Smith (ed.), op. cit. pp 331, 564, 585.
4. Smith to Grey, 4 December 1847: Grey Papers. C.W.Hutton (ed.), The Autobiography of Sir Andries Stockenstrom (Cape Town, 1887; 2 vols.) ii, 317.
5. C.Graham Botha, The Honourable William Menzies (Cape Town, 1916) p 12.

the fullest sense ...'[1] Yet Smith leant more heavily on Menzies' advice than on any other person's in the colony. Because of the feud with Montagu this had serious consequences.

Within a fortnight of landing Smith reached the eastern Cape. In Port Elizabeth he interviewed the Xhosa chief Makomo, who had consistently opposed the recent war.[2] Despite this, when the meeting started Smith forced the chief to the ground and placed one foot upon his neck. (As Makomo arose he said, 'I always thought you were a great man until this day.'[3]) Smith moved on to Grahamstown, where he received another enthusiastic welcome. There he proclaimed the extension of the colonial boundary to the Keiskamma. He simultaneously declared the war to be ended and released the chief Sandile from custody. Sandile, he believed, would accept whatever the governor proposed for the future. Smith also told Grey - on the word of Grahamstown's leading citizens - that the whole frontier population would do burgher service if required.[4] He next travelled into Xhosa territory and at the site of the future King Williams Town proclaimed all the land between the Keiskamma and the Kei a 'separate imperial dependency' with the name of 'British Kaffraria.' (Judge Menzies had favoured such an arrangement as early as October 1835.[5])

---

1. Montagu to Napier, 18 July 1849: Napier Papers, Add MSS 49167.
2. South African Commercial Advertiser, 22 December 1847. J. Read sen. to Fairbairn, 14 August 1848: Fairbairn Papers. Charles Brownlee, Reminiscences of Kaffir Life and History (Lovedale, 1896) p 314.
3. Reports. 1851. XIV. (635): Report from the Select Committee on the Kaffir Tribes; Evidence of Rev.H.Renton, p 387.
4. CO 48/279/101: Smith to Grey, 18 December 1847 (No 1).
5. William M.Macmillan, Bantu, Boer and Briton (Oxford, 1963) p 182.

The assembled Xhosa chiefs had to undergo a ceremony symbolising their acceptance of British supremacy.

The following week Smith decided to call for applications from British soldiers wishing to stay in South Africa, whom he intended to place in the Tyhumie valley, on the borders of Kaffraria. These 'military settlers' would each receive twelve acres of land and liberal assistance to develop it. Having made these arrangements Smith ordered home the 27th, 90th, 62nd and part of the 91st Regiments, the detention of which had so greatly inconvenienced Wellington. The Orders stated that any man wishing to stay in the colony might leave his regiment with a free discharge, no matter how short his service had been. 'A great many availed themselves of this most excellent offer.'[1] The first two hundred and fifty were located in villages named Juanasburg, Woburn, Auckland and Ely, on land from which the Xhosa had just been expelled. The land around Woburn had been occupied by the people of a dead chief named Tyhali, who died in 1842. (His grave lay nearby and the military settlers promptly rifled it.)[2]

On 7 January 1848 Smith held a meeting of Xhosa and Thembu chiefs at King Williams Town, to announce the government's plans. He chose the date deliberately to signify a return to the D'Urban system: it was 'just eleven years since a similar meeting was held for the same purpose.'[3]

To emphasise the new policy he put on an act for the watching chiefs:

---

1. A.Gordon-Brown (ed.), The Narrative of Private Buck Adams (Cape Town, 1941) p 258.
2. Extract from the Missionary Record of the United Presbyterian Church, Colonial Intelligencer, XLVI (February 1852) p 368.
3. CO 48/283/87: Smith to Grey, 7 January 1848 (No 7).

> Taking a sheet of paper in his hand: 'Do you see this?' said he. Tearing it and throwing the pieces to the wind, 'There go the treaties!' he exclaimed. 'Do you hear? No more treaties!'[1]

The chiefs then had to swear obedience to the British government. They promised to compel their people to do the same and to abolish several traditional customs, including 'the sin of buying wives.' As Theal has remarked, 'some of these conditions were subversive of the whole framework of Kaffir society ...'[2] After two years of harrying war from Maitland and Pottinger, however, the tribes were in no condition to raise objections. Nor would Smith have permitted them.

The War of the Axe had shaken the structure of Xhosa society in Kaffraria to its very roots. When Smith reached the frontier the assistant Ngqika Commissioner (Brownlee) told him that 'the social system of the Kaffirs has been broken up ...'[3] The facts available confirm the impression of social disintegration, particularly in the case of the Ngqika. A census of 1835 showed 56,500 Ngqika in the area between the Fish and Kei rivers.[4] By 1848 the total had fallen to 27,000 and an equal number were said to be seeking food in Thembuland, Gcalekaland and the colony.[5] In these circumstances to insist on the chiefs' responsibility for the behaviour of their followers made little

---

1. George M.Theal, History of South Africa (London, 1908; 5 vols.) iii,58
2. Ibid., iii, 57.
3. Smith to Grey, 1 January 1848: Grey Papers.
4. Quoted by John S.Galbraith, Reluctant Empire (California, 1963) p 120, f.n.
5. Theal, op. cit. iii, 62. Census of the Gaika Tribes, December 1848: Hall Papers, DRM 3/1.

sense. Nevertheless, Smith obeyed Grey's instructions to woo them with gifts - actually using the donations of the Aborigines Protection Society for the purpose.[1] Land sales in the expropriated Xhosa areas started immediately and continued swiftly: '... we require good Trigonometrical Surveyors for the large tracts of Territory to be sold and disposed of,' Smith told Grey in 1849.[2]

The governor had instructions to govern the tribesmen through their chiefs. In fact he tried serious offences committed by tribesmen on one another in courts composed of British officers, which he called Courts Martial, convened under General Orders. The legality of these bodies was questionable: the Judge Advocate General's Office refused to accept responsibility for them; and Merivale found the whole Kaffrarian legal system anomalous.[3] Smith's courts dealt severely with tribesmen suspected of 'depredations'. When they had no property to pay fines they received corporal punishment of up to one hundred lashes. Justice was rough. One official report described a flogging administered to a tribesman after a case 'in which the evidence was not sufficient to warrant the thief being sent to the Colonial Court.'[4] In reply to criticisms the Graham's Town Journal (recognised as the governor's

---

1. Mackinnon to Smith, 28 February 1850: Colonial Intelligencer, XXVI (June 1850) p 25.
2. Graham's Town Journal, 1 April 1848. Smith to Grey, 27 March 1849: Grey Papers.
3. WO 1/445/549: Judge Advocate General to Grey, 20 February 1850.
4. Government Gazette, 14 November 1850. South African Commercial Advertiser, 16 November 1850.

mouthpiece) asserted that 'the bayonet and the cat ... share the merits of civilization with the Bible' and asked if 'we require to rake up Red Indian History to assure ourselves of the justness of this mode of government?'[1] Apart from these considerations, it may be seen that Smith's courts contradicted Grey's instructions and weakened the chiefs' authority.

Smith considered himself an expert on tribal matters. 'I think I know more of Kaffir affairs than any man,' he declared in 1836[2] But his attitude scarcely differed from those Victorians elsewhere in the continent who asked how Africa fitted into the European concept of the world, not what it was really like.[3] He dismissed every representation on behalf of the tribes: 'I would not allow the chiefs to have an opinion, much less to give one ...' he wrote; and when one ventured to protest, 'shut his mouth in a voice of thunder.'[4] In 1847 he resumed this practice of 'bullying'[5] and refused to hear the chiefs' complaints. This was a much more serious blow to their power than the public humiliations he forced on them, and produced immediate discontent. The missionaries, afraid of antagonising the governor, declined to intervene and communicate tribal grievances. Thus chiefs like Makomo and Sandile

---

1. Quoted in Colonial Intelligencer, XXXV (March 1851) p 164.
2. Smith to Stretch, 24 September 1836: Anti-Slavery Papers, MSS Brit Emp, S 22, G9.
3. Philip D. Curtin, The Image of Africa (Madison, 1964) p 479.
4. G.C.Moore Smith (ed.), op. cit. pp 427-8.
5. 17 December 1847: Holditch Diaries.

remained disaffected and Smith failed to realise it - a double evil.[1] The policy accorded with his statement to the Aborigines Protection Society that he meant to advance the interests of the tribes only so far as they were compatible with those of the colony: but it promised badly for future peace.

It has been written that Smith's policy on the eastern frontier incurred no criticism until it 'ceased to be successful.'[2] This statement cannot be substantiated. Smith's actions made it clear that he meant to retrench the imperial army and destroy chiefly power, on the basis of his 'success' in 1836. At that time Stockenstrom had told D'Urban that he knew of nobody except Smith 'who believed it possible to undermine the power of the Kaffir chiefs and at the same time keep the nation in subjection and order, without a force far beyond what even now we have at our disposal ...'[3] In 1847 the ostentatious way in which Smith announced the end of the treaty system looked like a deliberate affront to Stockenstrom. He certainly took it as one: angered at the demonstration 'so sneeringly and contemptuously' made by the governor, he decided to re-enter active politics. In letters to Lord Grey he denied the success of Smith's government in 1836 and attacked the latest scheme for pacifying the frontier as a 'delusion.'[4]

---

1. J.Read sen. to Fairbairn, 14 August 1848: Fairbairn Papers. Reports, 1851. XIV (635): Report from Select Committee on the Kaffir Tribes; Evidence of Sir A. Stockenstrom, Q 1268.
2. Galbraith, op. cit. p. 223.
3. Stockenstrom to D'Urban, 3 November 1836: C.W.Hutton(ed.),op.cit.ii,100.
4. Eastern Province Herald, 8 July 1848. A.H.Duminy, 'The Role of Sir Andries Stockenstrom in Cape Politics' in A.Y.B.- 1960, Part II (Cape Town, 1961) pp 132-3.

His reappearance was well-timed and had important results.

Here this analysis of events during Smith's governorship must be interrupted to enlarge on the significance of Stockenstrom's action. His resistance to Smith arose from more than mere pique. His opinions were based on forty years' intimate association with frontier affairs. He had played a central part in nearly every major occurrence between 1812 and 1840. The acuteness of his observation and insight is well illustrated in a letter he wrote in 1816 about trade across the colonial boundary, which exactly anticipates many conclusions of a modern economic historian examining the same subject.[1] While in office Stockenstrom refused to flatter those superiors whose vanity might have helped his career, 'daring to be honest and independent' even to his own disadvantage. (He was apparently the only Cape office-holder ever to suggest the suppression of his own office.[2]) He was no trimmer: he wanted Fairbairn to take 'a more haughty tone' against his unscrupulous enemies and urged 'More contempt for them all!'[3] To pacify the frontier he believed that a 'firm adhesion to <u>principles</u> in defiance of accidents, alone can bring success.'[4] Besides being well-informed, therefore, he was independent, honest and pugnacious.

---

1. Stockenstrom to Bird, 19 September 1816: H.C.V.Leibbrandt (ed.), <u>The Rebellion of 1815, Generally known as Slachters Nek</u> (Cape Town, 1902) pp 847-9. S.Daniel Neumark, <u>Economic Influences on the South African Frontier</u> (Stanford, 1957) pp 172-81.
2. PRO 3o/43/98 (Lowry Cole Papers): Stockenstrom to Bell, 14 March 1831.
3. Stockenstrom to Fairbairn, 25 August 1837: <u>Fairbairn Papers</u>.
4. Stockenstrom to Fairbairn, 18 August 1837: <u>Ibid</u>.

The main features of Stockenstrom's theories emerge consistently from his numerous public statements and actions. He denied both the stereotypes of the Xhosa then current: they were 'neither irreclaimable savages nor mild, gentle shepherds' but 'fierce warlike barbarians.'[7] The greatest cause of friction seemed to be encroachment by colonial graziers on tribal land. Stockenstrom's discussions with established land-owners, particularly after the Great Trek, convinced him (probably correctly) that most supported controlling these graziers if it would preserve the peace.[2] He wanted to demonstrate that the colonists could overcome the South African tribes singlehanded if necessary, and then use the prestige given by this knowledge to govern fairly, relying on diplomacy rather than force in the first instance. His personal knowledge of the chiefs convinced him that they would co-operate. But he felt no compunction about using force when he had to: as he told Fairbairn, 'the days of miracles are gone by.'[3] The alternatives were grim. Failure to act with justice and impartiality

> would at first render our <u>physical</u> superiority questionable, then bring our political influence into contempt, and at last draw the many tribes, whose conflicting interests, and consequent jealousies, had so long kept them assunder, and made us

---

1. Andries Stockenstrom, <u>Brief Notice of the Causes of the Kaffir War</u> (London, 1851) p 8.
2. C.W.Hutton (ed.), <u>op. cit.</u> ii, 12. Cf.Commdt. J.F.Ziervogel's remarks: <u>Minutes of Evidence taken before the Committee on Frontier Defence</u>, House of Assembly, 1854, Q 307. Duminy, <u>op. cit.</u> pp 153-6
3. Stockenstrom to Fairbairn, 18 August 1837: <u>Fairbairn Papers</u>. A.Stockenstrom, <u>Brief Notice</u>, etc. p. 8. Duminy, <u>op. cit.</u> pp 132-3

> their umpire and dictator, into alliances for the destruction of the white man.[1]

These fears have a distinctly modern ring, although the remedies do not.

Few men's opinions have been more misrepresented than Stockenstrom's. His evidence to the Select Committee in 1835 earned him the unrelenting hostility of the Grahamstown traders and their allies. Successive governors and lieutenant governors, with their headquarters at Grahamstown, were subtly influenced by this feeling. The columns of the Graham's Town Journal and works by Godlonton, Chase and others perpetuated it in print. Theal lent heavily on these sources in his history of the period and so did Sir George Cory after him.[2] Later writers whose interpretation of events differed from Theal and Cory nevertheless accepted their versions of Stockenstrom's actual statements and behaviour.[3] Recent research indicates that Godlonton 'intentionally misrepresented the true state of affairs in order to bolster his criticism of the treaties.'[4] It is therefore by no means clear that the 'treaty system' did fail as the followers of Godlonton make out. Stockenstrom's resignation from the lieutenant governorship took place in similar circumstances to his resignation in 1833;

---

1. A. Stockenstrom, Brief Notice, etc. p 4.
2. Theal, op.cit. iii, 406-10. George E.Cory, The Rise of South Africa (London, 1913-30; 5 vols.) ii, 286ff.
3. William M.Macmillan, Bantu, Boer and Briton (Oxford, 1963) pp 181-2. Galbraith, op. cit. p 134. W.P.Morrell, British Colonial Policy in the Age of Peel and Russell (Oxford, 1930) p 138.
4. Duminy, op. cit. p 84. B.A.Le Cordeur, 'Robert Godlonton as Architect of Frontier Opinion' in A.Y.B. - 1959, Part II (Cape Town, 1960) pp 8-10

on both occasions he wished to impose stricter control than the colonists would accept, and the expatriate British officials (especially the Governor and senior army officers) refused to back him. He was far less dogmatic about policies than Godlonton made him out to be. Although he is identified with the retrocession of Queen Adelaide Province (for example) he did not object in principle to its coming under British control: that he always believed was inevitable.[1] What concerned him was the treatment given to the tribesmen afterwards, and here he found Smith's methods wanting.[2]

Returning to the period of Smith's governorship, it can be shown that others beside Stockenstrom attacked his measures. Despite Godlonton's editorials, frontier opinion was divided from the outset. Witness an article in the Eastern Province Herald immediately after the creation of the new Kaffrarian government.

> In numerous private communications received by us from the frontier this week, the most conflicting sentiments are expressed. Some write in terms of the highest commendation of the steps already taken by the High Commissioner, while others deprecate the whole as rash and inconsiderate, even beyond what was expected of the coup de foudre hero.[3]

This critical tone persisted throughout 1848: another article accused Smith of trampling 'alike upon friends and foes,' while a third asserted that the colonists had 'all had enough of the noisy talker' and

---

1. PRO 30/43/98 (Lowry Cole Papers): Stockenstrom to Cole, 4 July 1832.
2. Stockenstrom to Russell, 26 July 1851: A & P. 1851 XXXIII. (1427): Further Papers relative to the Establishment of a Representative Assembly, p 70.
3. 22 January 1848.

wanted deeds instead of words.[1] Similar expressions appeared in British newspapers, and some editors reprinted with delight a particularly telling snub administered by one Xhosa chief after a wild statement of Smith's.[2]

Smith justified his measures solely by experience in D'Urban's time. Stockenstrom took a broader view but inevitably his criticisms had to cover the same ground. This led Godlonton into a political error. He issued a four-page supplement assailing the Stockenstrom treaties.[3] But the colonists of 1848 had generally lost interest in the intricacies of the matter. One 'Conservative' described his weariness with 'Godlonton's stereotyped articles about the war of 1835...'[4] Another colonist declared that 'the British Settlers of 1820'

> do not raise themselves in our estimation by ever and anon bringing to their assistance to excite public sympathy for the worst motives, the worn-out cry, "The D'Urban System." - "The War of 1834-5," - and "it cannot be forgotten that the Commercial Advertiser in 1835 said so and so." These things are stale, and very musty to smell ...5

Other political relationships in 1848 no longer corresponded exactly with those of D'Urban's time. For example, the Fairbairn-Stockenstrom alliance failed to survive the latter's retirement. Fairbairn then strengthened his links with the Cape Town business community, who believed

---

1. Ibid., 29 July and 30 September 1848.
2. United Service Journal, May 1848, p 105. Guardian, 28 December 1848. Times, 28 December 1848
3. Graham's Town Journal, 19 August 1848.
4. Vowe to Southey, 3 July 1849: Alex Wilmot, The Life and Times of Sir Richard Southey (London, 1904) p 73.
5. Letter from Beaufort West: Eastern Province Herald, 8 September 1849.

that the annexation of Kaffraria would have 'a beneficial effect on ... Colonial Trade and Agriculture ...'[1] The South African Commercial Advertiser therefore greeted Smith with an invitation to let bygones be bygones.[2] And Fairbairn actually became secretary of a committee to solicit funds for an equestrian statue of the governor.

Predictably, Smith confirmed Pottinger's view about the impolicy of arming tribesmen for military duties and denied the relevance of Indian precedents.[3] He also adapted many measures already prepared for governing Kaffraria, advocating the procurement of 'Kaffir youths' (rather than families) for service in the colony. He thought this would 'add to the scanty supply of colonial labour' and simultaneously reclaim the youths 'from a life of idleness, ignorance and lawlessness' in Kaffraria.[4] 'To the bringing in of adults or whole families I am opposed,' he explained. 'The ancient habits of the old men cannot be changed but the young may be warped as you will.'[5] Hundreds of western Cape colonists applied for such servants: the colonial government allocated £1,000 to meet expenses, and the legislative council repealed the sections of Ordinance 49 which were repugnant to the scheme.[6] The

---

1. Report of the Committee of the Commercial Exchange: Government Gazette, 1 June 1848.
2. 1 January 1848; 26 February 1848; 1 April 1848.
3. WO 1/443/251: Smith to Grey, 6 May 1848 (No 6). See above Chapter V,p 174.
4. Proclamation: Government Gazette, 3 February 1848.
5. Speech to the Annual Meeting of the Cape of Good Hope Agricultural Society in Cape Town: Cape Town Mail, 25 March 1848.
6. Government Gazette, 6 April and 11 May 1848. CO 48/286/90: Estimates - encl in Smith to Grey, 29 July 1848 (No 108). Ordinance 3 of 1848: Government Gazette, 6 July 1848.

British Colonial Office felt no doubt about the value of this proposal: Grey called it 'judicious and humane and calculated to benefit both colonists and borderers ...'[1] The mere consent of the youths or their chiefs seemed to provide insufficient legal grounds for the system, but the amendment to Ordinance 49 overcame this difficulty and Grey arranged for the imperial government to allow it.[2]

The leading Cape 'Conservatives' felt extremely gratified by Smith's return.[3] The governor showed his sympathy with them at once. He made Southey the secretary to the High Commissioner, 'again to settle our black children.'[4] Godlonton visited Kaffraria to cover events for the Journal, and although Smith did not meet him in person, he singled the editor out by the gift of a case of sherry. (Godlonton called for full co-operation with the governor.[5]) Smith shifted Calderwood - whom he did not know - from his post among the Ngqika, and replaced him with Charles Brownlee, the son of an old acquaintance.[6] He appointed J.C.Chase Civil Commissioner for the new division of Albert; gave Biddulph a magistrate's commission; and he exonerated Gilfillan, the Civil Commissioner of Cradock (whom Pottinger had implicated in the mishandling of commissariat funds) on the sole ground that 'he served

---

1. CO 49/41/291: Grey to Smith, 6 June 1848 (Confidential).
2. CO 49/43/57: Grey to Smith, 30 January 1849 (No 259).
3. R.Southey to J.Southey, 8 October 1847: Southey Papers, MSS Afr s 874. Graham's Town Journal, 23 October 1847.
4. Wilmot, op. cit. p 29.
5. Graham's Town Journal, 8 January 1848.
6. Smith to Grey, 1 January 1848: Grey Papers.

under me in the former war with distinction.'[1] Numerous other appointments revealed Smith's 'Conservative' bias so clearly that within a few months an observer asked, 'Can he suppose we do not see he is serving Party?'[2]

The Anglican Church hierarchy formed another section of the 'Party' Smith seemed to support. In February 1848 the arrival of Robert Gray, the first Anglican bishop of Cape Town, palpably strengthened 'Conservative' influence over the colonial government. Gray was a High Churchman, an extreme Tory and a bigot. He added a new dimension to Cape intolerance. In England he said he would not discriminate 'between the European race and the Black' in his see.[3] But when the Cape aborigines failed to fulfil his preconceptions of their character he rapidly adopted the 'Conservative' view of them - a conversion common in South African history.[4] The Anglican Church was, of course, that of the British governing class and Smith and Montagu showed by their favouritism for Grey that they knew the value of promoting its interests. Here the spirit of clique undoubtedly made its appearance. The government first assured Grey that it would do all it could for him 'quietly.'[5] They pandered to his bigotry: by underhand means he

---

1. WO 1/443/257: Smith to Grey, 15 May 1848 (No 84).
2. Eastern Province Herald, 18 November 1848.
3. Colonial Intelligencer, X (December 1847) p 175
4. Charles Gray (ed.), Life of Robert Gray, Bishop of Cape Town (London, 1876; 2 vols.) i, 336-7. Cf C.J.F.Bunbury, Journal of a Residence at the Cape of Good Hope (London, 1848) pp vii-viii. George Brown, Personal Adventures in South Africa (London, 1855) pp vi-vii. Henry Calderwood, Caffres and Caffre Missions (London, 1858) p 60.
5. Charles Gray (ed.), op. cit. i,166.

managed to block an offer of state assistance for educating the Moslem community of Cape Town.[1] In alliance with Montagu he 'secretly' prevented an ordinance putting state assistance to all denominations on an equitable basis.[2] These two also took steps to establish a newspaper on 'constitutional' (i.e.Tory) principles.[3] In short, Gray's relationship with the colonial government took on the features of a 'family' compact.

Smith implemented several administrative measures prepared in Pottinger's time. He proclaimed the new districts of Tulbagh, Piketberg, Simonstown, Riversdale, Mossel Bay, Richmond, Bathurst, Fort Beaufort, Stockenstrom and Fort Peddie. This step alone put much patronage at his disposal in the shape of official appointments. He used it to strengthen the government 'party.' His choice fell mainly on Peninsula veterans and personal friends, especially those with important British connexions. George Mackinnon (related to the M.P. for Lymington) T.H.Bowker (connected with Lord Redesdale), F.B.Pinney (with Lady Carlisle), F.Hope (with Lord Haddington), Major H.Piers ('an old and tried Peninsula Officer'), - these men typified Smith's appointments. In Cape Town Montagu found one place for J.C.Davidson, Bishop Gray's private secretary; others went to traditional supporters of British rule among the leading colonial families. The Afrikaners received

---

1. Ibid., i, 177.
2. Ibid., i, 240.
3. Ibid., i, 179-80.

nothing. Staffing the civil service on these principles produced ancillary abuses: Grey had censured Maitland for simultaneously promoting two sons of Chief Justice Wylde (who had connexions with British royalty);[1] and he acquiesced very reluctantly when Smith allowed Piers to retire and his son to succeed him.[2] It also kept the level of official competence low, since men received office on political rather than administrative grounds.

Some degree of exclusiveness could scarcely be avoided in government appointments: senior officials like Civil Commissioners had to find two sureties of £500 each before being confirmed in office. So only those acceptable to the wealthy could find patrons. But the Cape government, notably during Montagu's connexion with it, was still more exclusive. It had long been the practice for high officials to fill vacancies with their own relatives: Wylde had four sons in the Cape civil service; Montagu, two; Rivers and Field, one each. Inevitably this produced discontent. In 1848 Montagu promoted his own son over the head of a senior official in the Surveyor'General's department and forced G.A.Watermeyer to resign from the Road Board.[3] The Watermeyers were related to the Fairbairn and Reitz families; F.S.Watermeyer - brother of G.A. - worked on the Cape Town Mail, the mouthpiece of the Municipality; and 'he was a friend and follower of Sir Andries

---

1. CO 49/40/200: Grey to Maitland, 3 December 1846 (No 45).
2. CO 49/43/61: Grey to Smith, 3 February 1849.
3. South African Commercial Advertiser, 6 May 1848.

Stockenstrom.'[1] In January 1849 he founded the Cape of Good Hope Observer, and immediately attacked the 'favouritism' in government appointments which made 'the history of this country the history of jobbing.'[2] Newspapers in the east took up the cry and accused Montagu of 'trading in appointments.'[3] These attacks gave fresh impetus to the drive for representative government.

Annexations elsewhere in South Africa gave Smith further openings for patronage. While in Kaffraria he considered the future of the Emigrant Boers. He had received letters from families living north of the Orange river asking him to regularise their relationship with the colony. There was unrest among various tribes across the Cape boundary: refugees displaced by British assaults on the Xhosa were causing additional pressure at points of contact between the Boers and the Sotho of Moshweshwe. In the so-called 'Griqua Territory' - occupied by Adam Kok's Griquas - the Boers had made inroads and were anxious for legal title to the lands they had taken.[4] A previous effort by Maitland to resolve the situation by treaty had failed because of the British Resident's prejudice towards the Boers and Kok's inability to control those of his people willing to surrender their claims to the Boers.

---

1. Alan F.Hattersley, The Convict Crisis and the Growth of Unity (Pietermaritzburg, 1965) p 33.
2. Cape of Good Hope Observer, 9 January 1849: in Duminy, op. cit. p 154.
3. Le Cordeur, op. cit. p 83.
4. See Petition to Commissioner Cloete, 28 September 1843 from M.H. Oberholzer and others: G.W.Eybers (ed.), Select Constitutional Documents Illustrating South African History (London, 1918) pp 260-1.

The whole area suffered from the absence of a central government and the poverty and ignorance of its inhabitants.

Smith went to Bloemfontein, where he received petitions from Boers of the Oberholzer party on the Riet and Modder rivers, some of whom had served under him in the Xhosa war of 1835. They held farms on quit rent tenure in the 'Griqua Territory' and disliked being subject to Kok. But individually they were too weak to resist: for all Kok's inability to prevent Boer inroads he still stopped supplies of ammunition from reaching them.[1] Their petitions amounted to a confession of weakness, and Smith took advantage of it. He published a letter to the Riet and Modder Boers saying he would help them if they agreed to submit to British rule - adding the meaningless rider that he spoke 'as a friend, not as a Governor.'[2] Then he interviewed Kok, who first refused to surrender his rights, justifying them by reference to the treaty with Maitland. Smith thereupon threatened to hang Kok if he did not agree. The Griqua captain, intimidated by the threat ('We took Sir Harry Smith for a sort of madman, and we believed he would do it, though we knew he had no right to do it,' he explained[3]) and bowing to the inevitable, agreed to surrender his lands north of the Riet river in return for a payment from the Cape government.

---

1. South African Commercial Advertiser, 25 February 1846. W.M.Macmillan op. cit., pp 245-53 denies the administrative effectiveness of Kok's government, but the examples he quotes seem to contradict this view.
2. 24 January 1848: Eastern Province Herald, 26th February 1848.
3. Reports, 1851, XIV. (635): Report from the Select Committee on the Kaffir Tribes: Evidence of J.J.Freeman, Q 205-10.

Smith had crossed the Orange determined to proclaim British authority over all the Boers in the interior. His 'assistance' to the Oberholzer party showed how far he would go to obtain Boer support. He next visited Moshweshwe, warned him of the impending annexation and said he meant to settle the land question.[1] He brushed aside the chief's pointed questions about the principles on which the settlement would be made. But the proclamation creating the Orange River Sovereignty reveals his intentions. It denied any wish

> to deprive the chiefs and their people of the hereditary rights acknowledged and recognised by all civilised nations of the world, as appertaining to the Nomadic races of the earth ...

This formula (as has been shown above)[2] left the way open for expropriation of tribal lands which had not been cultivated, at the government's convenience. In nearby Winburg - where he next halted - some fifty Boers asked Smith to extend British jurisdiction over their country. He then moved on to Natal, where the trekkers under A.W.J. Pretorius were abandoning their farms. In 1847 Pretorius had been refused an interview with Pottinger to present Boer grievances, and told Stockenstrom that 'this was not a medicine for the great wounds' the Boers had suffered.[3] His followers meant to find land away from British government. In an effort to dissuade them Smith revealed his

---

1. Agreement between Smith and Moshweshwe, 27 January 1848: Eybers, op. cit. p 269.
2. Chapter V, pp 171-2,197.
3. South African Commercial Advertiser, 31 January 1849. For Boer grievances see above, Chapter IV, p. 140, and Eybers, op. cit. pp 167-74.

plan for annexing all the territory of the Emigrant Boers. Pretorius warned him that the Boers would either fight or move further into the interior to avoid this. Smith agreed to let Pretorius test Boer opinion. No sooner had Pretorius left than Smith annexed all the lands between the Orange and the Vaal.[1] According to Pretorius this was contrary to what had been agreed.[2]

Reactions in the Colonial Office suggest that Smith acted without encouragement from the imperial government in annexing the Orange River Sovereignty.[3] He claimed that 'four fifths' of the trekkers supported him and it has been argued that few seriously disputed his right to intervene.[4] This argument can no longer be sustained. The support for British rule came mainly from the trekboer minority who crossed the Orange before the Great Trek. The Voortrekkers (who took part in the Great Trek) 'differed profoundly on the question of allegiance to the colonial authorities ...'[5] Among those who later rebelled against Smith were several from Griqualand, whose loyalty he had tried to secure with legal titles in Kok's lands.[6] The annexation aroused so much hostility around Winburg that Smith had to issue a proclamation appealing for support.[7] And Stockenstrom, who had reliable sources of information,

---

1. CO 48/283/151: Smith to Grey, 3 February 1848 (No 16).
2. Theal, op. cit., iii, 266.
3. CO 48/284/115: Memo by Grey, 2 June 1848.
4. C.W. de Kiewiet, British Colonial Policy and the South African Republics (London, 1929) p 14.
5. Theal, op. cit. iii, 260-1. O.H.S.A. i, 414-7
6. Smith to Southey, 24 October 1848: Wilmot, op. cit. p 50.
7. CO 48/284/488: Smith to Grey, 30 March 1848 (No 56). Government Gazette, 30 March 1848. Cf. T.Shepstone to Southey, 13 May 1848: Wilmot, op. cit. p.53.

said that 'nine out of every ten' Boers opposed British rule.[1] Clearly the annexation did not occur in response to Boer feeling.

What, then, were the governor's motives? The annexation looks like 'the culmination of a tendency in British South Africa politics.'[2] The Cape of Good Hope Punishment Act, Menzies' abortive 'annexation' of 1842, the treaties of later years and Smith's own words confirm this view. Yet it assumes that Pottinger did no more than pass 'a few gay months waiting for a post in India' - which the previous chapter of this thesis disproves. Smith's predecessor carefully considered annexation. He rejected it because governing the new territory would require financial assistance from the Cape treasury, which the colonists opposed: and because the Punishment Act would allow intervention if the situation demanded it. This view corresponded to Stanley's, who had consented to the annexation of Natal in 1842 only to satisfy important strategic considerations entirely absent in 1848 in the Orange River territory.[3] Menzies' 'annexations' aimed to remove the legal anomaly of British subjects (the trekkers) not being susceptible to British rule (i.e. the Cape courts). To succeed it would have required financial, administrative and military resources beyond anything available. His interpretation of the situation was too rigid and

---

1. CO 48/296/183: Stockenstrom to Grey, 15 May 1849.
2. De Kiewiet, op. cit. p. 22. Galbraith, op. cit. p 229, paraphrases de Kiewiet.
3. Pottinger to Grey, 22 November 1848: Grey Papers. See above, Chapter I, pp 4-7.

too legalistic. Pottinger saw that the Punishment Act offered greater flexibility. Smith did not.

The claim (based on his despatches) that Smith acted to protect the tribes carries little conviction.[1] There is no evidence that he shared the emotional commitment to (say) the Sotho and their rights which governor Wodehouse displayed.[2] After carefully conciliating the Aborigines Protection Society in Britain Smith would hardly neglect a reference to humanitarian feelings on so important an occasion. Both his actions and his words in the Sovereignty belie his protestations. The treatment of Kok and the Moshweshwe foreshadowed his intentions; and his words to the Oberholzer party expressed them more clearly:

> I have taken you from <u>your King</u>, Captain Kok, and the great chiefs whose serfs you were, holding your land in insecure tenure, and in constant apprehension of being turned off. - Was this right for a manly Africander? Have I not rescued you from so degrading, so uncertain a state?[3]

This phrasing recurs too often in Smith's pronouncements on the vital question of land distribution in South Africa to be dismissed here as hyperbole. Moreover, the annexation produced a burst of land speculation, mainly supported by eastern Cape traders, which Smith and Southey deliberately encouraged in the hope of raising revenue.[4] Smith's

---

1. De Kiewiet, <u>op. cit.</u> p 22.
2. Anthony Atmore, 'The Passing of Sotho Independence 1865-70' in Leonard Thompson (ed.), <u>African Societies in Southern Africa</u> (London, 1969) p 287.
3. <u>Government Gazette</u>, 30 March 1848.
4. Theal, <u>op. cit.</u> iii, 285. Le Cordeur, <u>op. cit.</u> p 60. Joseph M. Orpen, <u>Reminiscences of Life in South Africa</u> (repr. Cape Town, 1964) p 51. Smith to Southey, 16 November 1848: Wilmot, <u>op. cit.</u> p 52.

concept of 'protection' for the Tribes apparently involved no more than preventing the worst Boer abuses like cattle raiding and slavery: land and government would remain the colonists' perquisites.

The actual circumstances of the annexation give the best clues to the reasons for it. Smith decided on it before he crossed the Orange. Like Menzies, he wanted to annex all the territory occupied by trekkers.[1] He acted without consulting his Executive Council, either collectively or as individuals - the leading members of which (Porter and Montagu) opposed the annexation.[2] His advisers throughout were Menzies and Southey (with whom he corresponded before returning to the Cape[3]). Menzies had a reputation for impetuous behaviour.[4] Southey was the close associate and political ally of Godlonton, who applauded Menzies' first 'annexation' and later tried to persuade Pottinger to repeat it:

> One of the most important steps which the Government could adopt at this juncture (Godlonton argued) would be to recall the self-expatriated Dutch farmers within the Colony ... The most effectual measure perhaps in the attainment of this object would be to declare the whole of South Africa under the sway of the British sceptre. This indeed is virtually the case at the present moment, but to be operative the fact must be boldly and unequivocally avowed ...

The motives behind this typical Godlonton sophism were purely economic.[5]

---

1. Theal, op. cit. iii,266.
2. Pottinger to Grey, 22 November 1848: Grey Papers. Montagu to Napier, 18 July 1849: Napier Papers, Add MSS 49167. Macmillan, op. cit. p 240.
3. G.C.Moore Smith (ed.), op. cit. p 564. R. Southey to J.Southey, 22 February 1847 and 8 October 1847: Southey Papers, MSS Afr s 874.
4. C.Graham Botha, op. cit. p 15.
5. Graham's Town Journal, 27 March 1847. Cf Smith's remarks below, Chapter VIII, p 288.

They were echoed by the leading businessman of Port Elizabeth, who wanted 'firm, vigilant but enlightened action in the settlement of the disordered state ... in the noble Province beyond the Orange River', with which he had no doubt 'the merchants of Port Elizabeth' would 'maintain a most valuable connection.'[1] It therefore appears that theoretic legal arguments and commercial pressures prompted Smith to act without properly examining political and military factors.

His behaviour in the Cape Colony confirms Smith's disparagement of the coloureds. When founding the military villages he gave each discharged soldier twelve acres of land because grants of that size had once been made to coloured men, 'below whom I could not place British soldiers...'[2] At the already overcrowded Kat River Settlement he deposited the 'Gona Kaffir' Hermanus and many of his followers as a 'reward' for their loyalty during the war.[3] On the subject of 'squatters' he had instructions from Grey: they should be allowed to remain on the Crown Land they occupied and pay for it in cash or tithe. Grey hoped this 'rent' would compel them to till rather than graze the land and turn those on the frontier into a compact military barrier against the Xhosa. He also wanted them educated and christianized.[4] In case they tried to leave the colony to

---

1. Speech to a Public Meeting, 12 July 1847: Documents Relative to the Question of a Separate Government for the Eastern District of the Cape Colony (Grahamstown, 1847) p 33.
2. Minute, 27 June 1848: Government Gazette, 29 June 1848.
3. Theal, op. cit. iii, 59.
4. Grey to Pottinger, 15 February 1847 (No 35): Correspondence ... respecting a Separation of the Eastern and Western Provinces (Cape Town, 1847) p 86.

escape these constraints Grey authorised Smith to prevent them.[1] Such theories (except the ban on free movement) contradicted prevailing colonial thought and Smith's government ignored them. It turned instead to a 'Masters and Servants Act' which would provide 'a steady supply of labour' for the farmers and correct 'the indolent character of the Hottentot population.'[2] Because the subject was regulated by imperial statute the colonial government could not legislate on it. But Smith appointed a committee of the Legislative Council to collect evidence for imperial action.[3] The traditional colonial remedy for 'squatting' - i.e. a Vagrancy Act - thus reappeared under another name.

The colonists kept up the agitation for a vagrancy law after Smith's arrival. Godlonton declared that 'the maxim of "he who does not work, neither shall he eat", must ... be carried into practical effect ...'[4] Paterson of the Eastern Province Herald, after travelling over much of the eastern Cape. described the question as the 'monster grievance' of the population.[5] In the western Cape pressures mounted for coloured labour: British workmen, complained a farmer,

> claim higher wages, better board, the privilege of lying in bed until the sun is warm and high, etc., etc, so that our expenses are increased while certain most important offices, such as cooks, washerwomen, herds, etc, are not to be had for any money, excepting in fine weather occasionally ...

---

1. CO 49/41/200: Grey to Smith, 29 February 1848 (No 91)
2. Minute, 23 June 1848: Government Gazette, 29 June 1848.
3. Ibid., 5 October 1848.
4. Graham's Town Journal, 18 March 1848. The 'maxim' is misquoted from 2 Thess. iii, 10.
5. Eastern Province Herald, 22 April 1848.

As soon as they were trained (he continued) they, like the coloureds, moved on.[1] Colonial views had not changed: the cry was still for sheap, servile labour. Many missionaries supported it. Elliott, of the L.M.S. at Tulbagh, declared that the coloureds' rights were adequately protected by colonial law yet the mission stations were overcrowded with the idle, thus withdrawing 'a vast amount of labour' from the towns and agricultural districts. He called for a reform of the L.M.S. system to change this, and his views found much support among his colleagues and superiors.[2]

The material collected by Smith's committee on vagrancy was too contradictory for any positive action.[3] The failure caused impatience: 'What we want is a law to prevent squatting ...' Godlonton told Southey. 'You may if you please discard the term Vagrancy altogether. Only let us have some law which shall protect property against the thefts of these people, which shall encourage industry and repress idleness and I care not a jot what you call it.'[4] But merely by canvassing the matter Smith revived old fears among the aborigines. At Kat River it inspired 'the entire native population with fear and a want of

---

1. Letter from 'An English Farmer', South African Commercial Advertiser, 11 October 1848. Cf Petition from Corn and Wine Farmers of Malmesbury, Paarl, Stellenbosch and Cape Division, signed by 500 people: ibid., 13 January 1849.
2. Richard Lovett, The History of the London Missionary Society (London, 1899; 2 vols.) i, 572-3.
3. South African Commercial Advertiser, 14 April 1849.
4. Godlonton to Southey, 8 May 1849: Quoted in Le Cordeur, op. cit. p 21.

confidence as to their rights and liberty.'[1] In Albany and Uitenhage the Xhosa and Mfengu labourers panicked after hearing a rumour that the Government meant to enslave them and ship them to other colonies by sea. Magistrates reported many making for Kaffraria with their families and cattle, often leaving their masters without a single servant. Several Tswana from Farmerfield Mission and Mfengu from Port Elizabeth were likewise affected. Their magistrate traced the rumours to 'certain designing Hottentots living near Grahamstown' whom he could not identify.[2] In Beaufort West the coloured population prepared to trek across the Orange if the measure passed.[3] Clearly this represented more than a 'faint recrudescence' of the old vagrancy agitation or the 'vestiges of racial friction.'[4]

Smith shared in the general unpopularity of the government among the colonists for failing on the vagrancy question. Other measures quickly eroded his support elsewhere. Godlonton's undeviating support for him strained traditional political alliances in the colony. A key issue in the eastern Cape was the withdrawal of British troops at the end of the war. While still in England Smith had decided to send home several regiments, including Hogge's, the 7th Dragoon Guards, which he

---

1. J. Read Jun. to Philip, 19 September 1848: Macmillan, op. cit. p 260.
2. Notice, 16 March 1849: Government Gazette, 22 March 1849.
3. Letter from Beaufort West, Eastern Province Herald, 8 September 1849
4. William M.Macmillan, The Cape Colour Question (repr.London, 1968) p 259. Hattersley, op. cit. p 34.

thought unsuitable for Cape warfare.[1] On his arrival he ordered the 7th Dragoons to leave Fort Beaufort immediately. 'Beaufort as a town will suffer severely by the absence of this fine Corps.' noted Godlonton.[2] Holdich, Smith's military A.D.C., described the inhabitants as 'all disgusted at the withdrawal of the troops.'[3] In this respect Smith had bad luck, since the harmful economic effect of his action merged with the general economic depression after the British commercial crisis of 1847 and the 1848 revolutions, so he received the blame for much that was patently not his fault.

Nevertheless, the same forces appeared as those directed against Stockenstrom ten years earlier. Godlonton made this clear in letters to Southey from Grahamstown:

> You have no idea what a desire there is here to keep up the War Cry and what sturdy opposition I meet in my endeavours to discharge my editorial duty with faithfulness to all parties. No man's measures were ever viewed with more jealousy than are those of Sir Harry Smith's, and a false move will be the signal for a great clamour.

The situation worsened steadily. By November business was 'horribly dull - some of our merchants quaking, and not a few of the smaller fry actually floored.' The governor received the blame for not keeping up 'the expenditure of half a million per annum.' Fort Beaufort business had 'gone to the dogs' since the troops withdrew, damaging Smith's

---

1. WO 6/104/263: Grey to Smith, 13 October 1847 (No 4). WO 1/441/653: Smith to Grey, 21 August 1847.
2. Graham's Town Journal, 22 January 1848.
3. 29 January 1848: Holdich Diaries.

popularity 'in that neighbourhood, and no wonder when numerous persons find themselves absolutely ruined ...'[1] Godlonton, knowing that Southey had Smith's ear, possibly overstated the facts. Yet in June 1848 the fort Beaufort traders and landowners issued the prospectus for a 'Fort Beaufort Bank' which later failed to materialise.[2] The withdrawal of military spending may account for this.

While such Cape problems occupied Smith, discontent persisted in the Orange River Sovereignty. In June 1848 A.W.J.Pretorius - who had lived in Graaff Reinet while Stockenstrom was landdrost - wrote to Stockenstrom of his determination to fight for liberty and of his difficulties because the Boers were disunited.[3] Stockenstrom opposed fighting, but rebellion among the Sovereignty Boers spread rapidly. Petitions requesting independence received many more signatures than those expressing loyalty.[4] In June the Winburg people expelled their British magistrate and Pretorius invaded the Sovereignty with a Boer commando. A few Winburg families, the Oberholzer party and some trekboers on the lower Caledon remained loyal, but on 20 July the rebels took Bloemfontein without a struggle. There they issued a manifesto denouncing British 'partiality' for the aborigines and the arbitrary character of Smith's

---

1. Godlonton to Southey, 3 April 1848 and 5 October 1849: quoted in A.E. du Toit, 'The Cape Frontier' in A.Y.B. - 1954, Part I (Cape Town, 1954) p 52-3. Godlonton to Southey, 11 November 1848: quoted in Wilmot, op. cit. p 54.
2. Government Gazette, 29 June 1848. E.H.D.Arndt, Banking and Currency Development in South Africa (Cape Town, 1928) p 239.
3. South African Commercial Advertiser, 10 January 1849.
4. Theal, op. cit. iii, 269.

annexation. Pretorius told the loyalists that British power no longer existed and (presumably referring to Smith's troop reductions) that soldiers left because there would be a war in Britain.[1] The rebels only wanted their natural rights: 'Even the worthless Bushmen have liberty and self-government; and why must we and our children be brought into fetters?'[2]

Perhaps Pretorius hoped that an overwhelming display of protest would persuade Smith to reverse the annexation without fighting. Certainly the Boer commando was badly equipped for prolonged campaigning: the very ammunition supplied to its members had been bought on credit. (The bill was still unpaid in 1854, when the Transvaal Volksraad called for public subscriptions to settle it.) Smith chose to take military action against Pretorius and crossed the Orange with a British force. A short distance from Touwfontein, at Boomplaats, he rode into an ambush. In the ensuing skirmish he suffered sixty casualties to the Boer's fourteen. His official despatch claimed forty-nine rebels killed.[3] The exaggeration caused much adverse comment in the colony, which is significant for the weight it lends to the doubts about Smith's reporting of Aliwal[4] and to later criticisms directed at him during the Xhosa War of 1851.

---

1. Graham's Town Journal, 7 October 1848.
2. Ibid.
3. CO 48/287/85: Smith to Grey, 10 September 1848 (No 155).
4. Above, Chapter V, pp 193–4.

Inflated figures for enemy casualties were a feature of United States Army reports on Red Indian wars during the nineteenth century: Congress grumbled at the cost, so figures were padded to show progress.[1] Similar considerations, and perhaps a sensitivity for his military reputation, seem to have motivated Smith's reporting of Boomplaats. Most rebel losses occurred when a British shell hit the small Boer gun and killed several men.[2] Hall the Principal Medical Officer, found only five bodies in his search for wounded 'over the greater part of the field' but missed one area 'where the greater part of the killed of the enemy were reported to have been.'[3] Lt. E. Bell of the Mfengu levies took part in collecting the bodies and confirmed the figure of five.[4] (The Boers gave their casualties as nine killed and five wounded.[5]) Holdich, Smith's military A.D.C. rejected such figures. He concluded that some bodies had been carried away and others burned in a grass fire which started as the rebels retreated. 'On strict enquiry among the men,' he noted in his diary, 'counted 49 bodies of rebels lying on the field.'[6] A despatch based on this total brought the names of the officers involved prominently before the British authorities. One

---

1. Stanley Vestal, New Sources of Indian History (Norman, 1934) pp 132-3
2. 'Notes of an old Transvaaler supplied by Commandant C.J.Muller of Ladybrand' in Maj.G.Tylden, 'The Battle of Boomplaats' in Journal of the Society for Army Historical Research, XVI, 64 (1937) p 211, f.n. 32.
3. Entry for 30 August 1848 in Diary: Hall Papers, PC 1/3.
4. S.J.Bell to Gray, 29 May 1852: Grey Papers.
5. Theal, op. cit. iii, 281.
6. 29 August 1848: Holdich Diaries.

colonel received a C.B. and members of Smith's staff advanced a step in rank. This heightened the colonists' sense of grievance over the distribution of patronage.

Smith left Cape Town determined to make an example of the rebel leaders.[1] He offered large rewards for their capture but without success. He freed two youths captured the day after Boomplaats with a lecture and 'a kick from one of the soldiers whom they had dared fight against.'[2] Others had less luck. The Griqua auxiliaries captured an English deserter named Quigley and a Transvaaler called Dreyer. Quigley had received a free pardon under an amnesty for deserters before the rebellion. He sent information about rebel movements to the British authorities and claimed he was pressed into the Boer commando.[3] A Court Martial in Bloemfontein tried him and Dreyer for treason. Dreyer, not realising the seriousness of the charge, told the judges that his property was 'now going to wreck' and he 'would like to get home.'[4] Instead, he and Quigley were executed.

Military law applied to Quigley as a deserter, but Dreyer's case differed; if he was not a British subject he should have been treated as a prisoner of war; if he was a British subject (in terms of the Cape of Good Hope Punishment Act) then he ought to have been tried by a colonial

---

1. Gray, op. cit. i, 185.
2. 30 August 1848: Holdich Diaries.
3. Theal, op. cit. iii, 271.
4. WO 1/443/500: Record of Court Martial at Bloemfontein, 3 September 1848 - Encl in Judge Advocate General's Office to Grey, 12 January 1849.

court. Either way his execution was illegal. The British military authorities washed their hands of it, asserting that the Colonial Office carried the responsibility.[1] Hawes criticised Smith's handling of the affair.[2] Merivale admitted that it could not be justified in legal terms, but thought Dreyer deserved execution.[3] Grey agreed with him. The safest course, he felt, 'would be to take no step whatever in the matter, trusting to the absence of any means of questioning Sir H. Smith's proceedings before any legal tribunal.'[4] Expediency thus overrode legal niceties and the matter lapsed as far as the Colonial Office was concerned. But in South Africa the Afrikaners reacted badly. Anti-British feeling found expression in a song which circulated in the Sovereignty.[5] Some British colonists regretted the execution very much.[6] And it provided Stockenstrom with one more handle against Smith and his superiors.[7]

Controversy over another of Smith's measures partly obscured the aftermath of the Boer rebellion. While in London he had outlined a plan for reforming the burgher system: rather than call out the Boers or

---

1. Ibid.
2. Minute (n.d.) on ibid.
3. Minute (18 January 1849) on ibid.
4. Minute (19 January 1849) on ibid.
5. Duncan C.F.Moodie, The History of the Battles and Adventures of the British, the Boers and the Zulus in Southern Africa (Adelaide,1879) p 48.
6. Orpen, op. cit. p 35.
7. Stockenstrom to Russell, 26 July 1851: A & P. 1852. XXXIII. 1427: Further Papers relative to the Establishment of a Representative Assembly, pp 70-2.

landowners in future, he would make them send 'a well-armed Hottentot or ex-slave' as a substitute; the 'young gentlemen' of the Cape would (as in Britain) serve as officers.[1] In Kaffraria he suggested a plan for a 'border militia' which Hall prophesied would arouse great opposition.[2] Then in mid-1848 he published a draft ordinance to amend the law relating to the burgher force. He wanted standing lists of men eligible for service in an emergency, to be revised every four years. If anyone called up could not come, he must send a substitute.[3] Godlonton defended this measure, though he knew that the mass of colonists were 'decidedly inimical to military organisation.'[4] But Paterson called it 'oppression in disguise.' He disliked the patronage Smith would control by appointing officers. More substantially, he objected that the arrangement would permit the withdrawal of British troops and force the colonists to defend themselves. He estimated the cost at £50,000 above what they already paid (unwillingly) for the 'Kaffir Police.'[5] This argument told in commercial circles.

Opposition took various forms. A Grahamstown petition suggested waiting until after the grant of a representative constitution. British settlers in Albany and Somerset predicted a Boer trek if the ordinance

---

1. Smith to Grey, 9 May 1847: Grey Papers.
2. Hall to McGrigor, 10 January 1848: Hall Papers, PB 4/1.
3. Government Gazette, 2 November 1848.
4. Graham's Town Journal, 29 July 1848 and 11 November 1848.
5. Eastern Province Herald, 11 November 1848.

passed.[1] The Winterburg farmers had been 'too much under martial law' in the past and denounced this attempt to 'infringe their liberty as British born subjects.'[2] The Graaff Reinet burghers threatened to leave rather than submit to drilling 'like regular soldiers.'[3] Stellenbosch landowners voiced a common complaint of money lost on supplies furnished during the previous war and of farms suffering by the absence of their owners on commando service. They still waited anxiously for the compensation promised, and concluded uncompromisingly.

> that your memorialists cannot but regard the defense of the colony (a principal military station of the empire), as the exclusive duty of H.M.Forces and not in any manner calling for their aid at a most ruinous sacrifice.[4]

The Caledon landowners refused to substitute for regular troops: the imperial government must defend the frontier settlers. It could not transfer its obligation to the western Cape colonists, who had deliberately foregone the 'advantages' of living on the frontier in exchange for peace (!). They protested at being involved in events they could not control. They had always submitted cheerfully to war taxes and charges in difficult times, in contrast to the British government's consistent refusal to settle 'commando claims.' They would only serve 'in the event of a foreign invasion from the sea.'[5] Seven other districts submitted

---

1. CO 48/288/159: Encl in Smith to Grey, 21 December 1848 (No 215).
2. Graham's Town Journal, 16 December 1848: quoted by Duminy, op. cit. p 98.
3. Cape Town Mail, 26 December 1848: quoted in ibid.
4. CO 48/288/172: Encl in Smith to Grey, 21 December 1848 (No 215).
5. Enclosure in ibid.

similar petitions.

The Sovereignty magistrates reported that the Boers thought the measures meant conscription and would probably trek if it passed. 'The people are wrong in not applauding my burgher bill,' Smith told Southey. 'However, if the old Commando system is preferred, what objection can I possibly have?'[1] Actually, rather than preference for the defunct commando system, the petitions showed the determination of the Cape land-owners (on whom the burden of burgher duty fell most heavily) to avoid any service at all. Smith withdrew his ordinance, however, blaming its defeat on 'misrepresentation.' He would wait until the colonists were better informed or received a legislature in which they had more confidence. In the meantime, since peace was assured by his frontier system, the absence of a law would not matter.[2] The episode gives a good illustration of the tactics used in Cape politics. Many petitioners had concrete arguments against the measure. But other grievances mixed themselves up with the dispute. Some petitions contained falsehoods and others resorted to arbitrary prediction ('proverbially a safe weapon for the unscrupulous controversialist'[3]). Grey could only accept Smith's decision, although he took the opportunity to repeat an earlier warning that the British army would not protect the colonists in the event of another war.[4]

---

1. 14 December 1848: quoted in John F.Midgeley, 'The Orange River Sovereignty' in A.Y.B. - 1949, Part II (Cape Town, 1950) p 193.
2. CO 48/288/159: Smith to Grey, 21 December 1848 (no 215). Smith to Grey, 18 December 1848 and 27 March 1849: Grey Papers.
3. W.E.Gladstone, 'History of 1852-60 and Greville's latest Journals' in English Historical Review, II, 6 (April 1887) p 286.
4. CO 49/43/116: Grey to Smith, 20 March 1849 (No 291).

These previous warnings that Britain would not finance another Xhosa war had come in response to Smith's arrangements on the eastern frontier, on the ground that if colonists settled near dangerous tribes it must be 'at their own risk.'[1] The warning was repeated when Smith annexed the Sovereignty[2] and when he submitted his estimates for 1849.[3] But Grey's emphatic words were belied by the Imperial Government's actions on first learning of the Boer rebellion. Three regiments prepared for the Cape and others made ready in reserve. The colonists therefore concluded that the British authorities would not back Grey's policy.[4] This incident exhibits an important aspect of Smith's first year as governor: the Colonial Office, faced with the confusing mass of measures which he executed, could do little more than give approval and try to cover itself against future accidents by warnings like that about war expenses. Authority in this period rested firmly in Smith's hands, and the Cape inhabitants therefore had no occasion to appeal to his superiors in London: their resistance in the colony was sufficient to make him abandon his 'vagrancy' proposals, his burgher bill and several other ordinances before the legislative council, including one dealing with the Post Office.[5]

The year 1848 thus saw the development of a pattern established in

---

1. CO 48/279/101: Memo by Grey (2 March 1848) with Smith to Grey, 18 December 1847 (No 1). CO 48/279/108: Grey to Smith, 11 March 1848 No 108) - draft.
2. CO 48/284/115: Memo by Grey, 2 June 1848.
3. CO 48/286/90: Memo by Grey (11 November 1848) with Smith to Grey, 29 July 1848 (No 103).
4. South African Commercial Advertiser, 27 January 1849.
5. Eastern Province Herald, 15 July 1848.

Maitland's time. Cape politics continued to revolve about questions of land, labour and finance, defying British efforts to make the colonists concentrate on securing the eastern border. Smith's administrative changes in Kaffraria and the colony (owing much to Pottinger's preparation) maintained the steady retreat from the spirit of Ordinance 50. Here he met no opposition from the colonists, although coloured unrest made him pause while investigating the relationship between masters and servants. Defeats marked the further decline of the legislative council: they may be partly explained by Smith's repeated failure to consult his executive council. But this alone cannot account for the growing influence of Stockenstrom in the east and of the Municipality in Cape Town. Stockenstrom grew formidable: his friends and relatives had opened the columns of the Cape Frontier Times, the Cape of Good Hope Observer and the Commercial Advertiser to his criticisms of Smith. Events would shortly produce an alliance between these separate regional forces.

CHAPTER VII

REPRESENTATIVE GOVERNMENT
AND
THE ANTI-CONVICT AGITATION

Mankind had long disputed at the Cape
About the Devil's colour and his shape;
The Hottentot contended he was white;
The English held he must be black as night:
But now they split the difference, and say
They are both satisfied the devil's - Grey.

Smith knew of the anxiety for a representative government at the Cape. On first returning to Britain he advised Grey against haste. He felt sure that the colonists would remain loyal despite their impatience. The imperial authorities should first concentrate on a peaceful settlement in Kaffraria.[1] Grey's instructions to Pottinger had played down the difficulties of granting a representative government to the Cape. But experience with other colonies soon cooled this optimism. His elaborate constitution for New Zealand proved unworkable. And events in Canada made him doubt the capacity of non-British races for self-government.[2] He urged Smith to take care in South Africa, where poor communications and racial differences suggested almost insuperable obstacles to representative institutions. Subject to Smith's agreement, he proposed a more modest beginning on the lines of wider municipal jurisdiction, 'only coming by degrees fo a proper representative government.'[3] Pottinger's instructions were

---

1. Smith to Grey, 9 May 1847: Grey Papers.
2. Grey to Elgin, 22 March 1848: Sir Arthur G.Doughty (ed.), The Elgin-Grey Papers (Ottawa, 1937; 4 vols.) i, 125. Cf Earl Grey, The Colonial Policy of Lord John Russell's Administration (London, 1853; 2 vols.) i, 14, 27.
3. Grey to Smith, 5 July 1848: Grey Papers.

not yet public, but Grey's change of heart came too late. When Smith visited Grahamstown on the way back from Boomplaats he received an address calling for 'separate government' in the eastern Cape. He flatly rejected the request, but to mollify his audience he revealed that he had already recommended a representative government for the colony as a whole.[1]

Smith claimed that the general excitement compelled him to make this disclosure, but he foresaw no difficulties in changing the system of government.[2] In March 1848 he had asked Porter, the Attorney General, for an opinion. Porter's reply contained the broad outlines of the constitution eventually adopted.[3] Porter owned extensive business interests[4] and naturally wanted a government which would safeguard property. He opposed the separation of the eastern districts as unnecessary and leading to expensive duplication of offices. A single legislature meeting once a year in Cape Town would satisfy the colony's needs. Improved communications would enable representatives from remote districts to attend without suffering hardship - many potential candidates already paid regular visits to Cape Town on business. The legislature should consist of a Legislative Council and a Representative Assembly. The Council would have thirteen

---

1. CO 48/287/199: Smith to Grey, 21 October 1848 (No 171).
2. Smith to Grey, 25 October 1848: Grey Papers.
3. CO 48/289/3: Encl in Smith to Grey, 24 July 1848 (No 109).
4. Above, Chapter II, p 57.

members, official and unofficial, the latter nominated for life. The Assembly must be large enough to prevent 'cliquery and caballing.' Thirty-six members, including two from Natal, might achieve this aim. Despite the distance to Natal there were men in Cape Town 'largely interested in /its/ landed and commercial property' who could 'very efficiently represent that district.'

Regard for the interests of property also coloured Porter's views on the franchise, which he wished to base on ownership or occupation of immoveable property. He would enfranchise owner-occupiers of buildings of £10 annual value; £15 leaseholders; and £30 tenants-at-will. This plan would admit some coloured people. Porter did not think they needed votes as a safeguard against the colonists. He denied that oppressive legislation was possible. But putting the franchise within reach of 'the more intelligent and industrious men of colour' would encourage all men in Cape society 'to improve or maintain their relative positions.'[1] Membership of the Assembly should depend on ownership of fixed property worth £1,000 or moveable worth £2,000. He would not use municipal bodies as electoral colleges: too many municipal elections failed in the Cape because no voters attended on polling day. To protect executive power from encroachment by elected representatives he suggested a Civil List, placing official salaries beyond the Assembly's control. Lesser details could be settled in

---

1. Compare Beatrice Webb's remarks on 'the creed of self-advancement' quoted in Walter E. Houghton, The Victorian Frame of Mind (New Haven, 1968) p 188.

the British legal instrument creating the new constitution 'or be delegated by it to the Legislative Council of this colony.' Finally, he argued that the change should be made swiftly to forestall agitation. His overriding concern thus emerges as protection of property and safeguards for the executive power.

All Smith's previous doubts gave way before these arguments. He asked the other members of the Executive Council and the three High Court judges to comment on Porter's memorandum, stating his personal liking for the proposed change. They did not therefore discuss the advisability of representative government, but only the form it should take. Their opinions differed somewhat. Chief Justice Wylde feared that a nominated Legislative Council would carry no more weight under the new system than it did under the old. He foresaw a 'general popular alienation' if elected representatives were obstructed by Government nominees, so he suggested introducing an elected element into the Council. Montagu also saw the danger of 'popular jealousy' of the Council's powers, but differed completely about the solution. Instead of liberalising the body he would make it still more exclusive by nominating nobbdy save those whose 'wealth, intelligence and social standing' gave them authority over 'the more intelligent and influential ranks of the people.' Ownership of uunencumbered fixed property worth £2,000 or receipt of a fixed annual income of £500 should be qualifications for membership. Cape 'Liberalism' thus appeared to come into conflict with Cape 'Conservatism.'

Differences also arose over the franchise. Generally speaking, Smith's officials took the view that the more exclusive the Council, the more popular the Assembly could be. Wylde proposed an elective element in the Council but wanted to raise the voting qualification for the Assembly to double the figure of Porter (who favoured a nominated Council). Montagu wished to use the franchise already laid down for elections to municipalities and road boards, which was less exclusive than Porter's. He estimated that a 'considerable' number of coloureds would receive votes by this provision, particularly in Cape Town and the Kat River Settlement. The various memoranda thus reveal that Wylde, the most 'liberal' with respect to the composition of the Council, was the most 'conservative' regarding the franchise for the Assembly. With Montagu the position was reversed. The conflict between 'Liberalism' and 'Conservatism' among Smith's officials therefore signified little. After considering these memoranda Porter drafted an order in council to serve as 'a working plan' for the imperial authorities. He took as his model the Acts bestowing a representative government on Canada and the New Zealand charter. In July 1848 Smith referred the whole matter to London, strongly recommending the extension of 'this liberal form of government' to the Cape.[1]

Porter believed representative government to be inevitable and warned Smith not to resist it. He argued that both reason and

---

1. CO 48/289/3: Smith to Grey, 24 July 1848 (No 109).

experience proved the wisdom of acting swiftly and avoiding the appearance of acting under compulsion. These words had little effect on Lord Grey. Smith's despatch reached the Colonial Office in October 1848 and could scarcely have been dealt with more slowly. A fortnight passed before Grey observed that the subject was too important to settle 'without mature deliberation.'[1] In November he reluctantly conceded that the low repute of the existing Council and Smith's premature announcement of his recommendation left no alternative to granting a representative constitution. In a memorandum quite different in tone from his instructions to Pottinger he stressed the 'great importance' of making the change 'as little violent as possible' and accompanying it 'with all requisite precautions.'[2] There the matter rested for another thirteen months. Once again practical experience seems to have modified his original optimism: his fruitful dialogue with Elgin, the Governor General of Canada, apparently contributed much to this change. The composition of a Legislative Council, the government of colonists drawn from different European backgrounds, the advantages of shifting the seat of government - these questions which exercised the Cape authorities all had parallels in Canada, where Elgin brought his unusual intelligence to bear on them and taught Grey the difference between theory and practice in colonial government.[3]

---

1. Minute (24 October 1848) on ibid.
2. CO 48/289/19: Memorandum by Grey, 4 November 1848.
3. Doughty (ed.), op. cit. i, 125; 1, 373; i,435-6; ii, 452.

Fears for the aborigines contributed little to Grey's doubts about the Cape's fitness for a representative government. He felt obliged to grant an elected Assembly, but feared it would be controlled by 'a few noisy demagogues in Cape Town.' Previous colonial constitutions (he declared) had tried to give the Governor power within the legislature by such contrivances as introducing Crown nominees. This produced a power-struggle between the nominees and the elected representatives, which the latter invariably won. The moment they had the ascendancy they could 'wield without check the formidable powers' entrusted to the legislature 'from confidence in the moderating power possessed by the Crown through its nominees.' How could this be prevented at the Cape? Grey decided to seek a 'moderating power' outside the legislature rather than inside. Porter's idea of a Civil List showed the way: Grey would reserve the existing Cape revenue to the governor, and allow the Assembly to dispose of only what it raised in new taxes. The colonists would then have both a 'regular and authorised channel' to express their wishes and an influence over the Executive's future policies. But the Executive would still have real independence and could 'carry on the administration unimpeded by the opposition of the Legislature.' Demonstrating the influence of theory over his mind, Grey found a precedent for this scheme in the relationship between Crown and Parliament in Tudor England.[1]

---

1. CO 48/289/19: Memorandum by Grey, 4 November 1848.

Grey's advisers disliked his scheme. Rogers thought the colonists would reject it, and the Executive (however constituted) could not govern without their support.[1] Stephen did not think the Cape needed a change of government, but agreed that circumstances admitted of no other course. Grey's plan, however, was impractical and unprecedented in colonial government. It would cause perpetual conflicts. 'Representation' and 'taxation' were joined by 'a sort of constitutional proverb' and the colonists would base their opposition on this ground. Their attacks would rapidly erode the Executive's power: experience showed that 'the movers in public affairs are rash in proportion as they are powerless and circumspect in proportion as they are powerful.' The colonists must inevitably triumph.[2] Hawes shared Stephen's concern for precedent. He urged Grey to stick to the established pattern of Governor, Council and Assembly, as created in Virginia in 1626, and proved by experience. He shrewdly remarked that the mere announcement of such a constitution would give confidence in 'the ultimate working of the system' to those who mistrusted imperial intentions.[3]

Over two months passed between this exchange of views and the answer to Smith's despatch. In February 1848 Grey wrote that 'some form' of representative government would be granted although several difficulties remained. Smith's officials had answered many of the

---

1. George E.Marindin, Letters of Frederic, Lord Blachford (London, 1896) pp 297-8
2. CO 48/289/15: Memorandum by Stephen, n.d.
3. CO 48/289/25: Memorandum by Hawes, n.d.

doubts raised by Stanley in 1842: Grey accepted their view that there was no fear of a war between the races or classes in the colony, and that better communications made it easier for remote districts to be adequately represented. He likewise favoured an elected Assembly and a nominated Council, but felt that the business before them should be kept to a minimum until the population increased and communications further improved.[1] Hawes wished to explain that this reduction of work would be achieved by the expansion of municipal government, but Grey overruled him. He raised his old idea in a new form: business might be diminished, he thought, 'by charging a large portion of the expenditure permanently on the colonial revenue like the charges of the Consolidated Fund in this country.'[2]

The British Parliamentary session of 1849 opened with Grey absorbed in the affairs of Australia and Ceylon. He warned Smith that the pressure of business was too great for him to attend to a complicated matter like the Cape constitution.[3] Another month elapsed before Merrivale asked if anything would be done in the '<u>next session</u>' (i.e. 1850). 'This I doubt;' answered Hawes. 'It will require I imagine a reference to the Colony also - in order that we may proceed safely.'[4] Grey did not mean to approach Parliament. The previous year he had

---

1. CO 48/289/39: Grey to Smith, 12 February 1849 (No 276) - draft.
2. <u>Ibid</u>., marginal notes by Hawes and Grey, n.d.
3. Grey to Smith, 24 March 1849: <u>Grey Papers</u>.
4. CO 48/295/292: Memorandum by Merivale, 15 April 1849.

arranged for the Committee of Privy Council for Trade and Foreign Plantations to give advice on constitutional matters affecting colonies (something,he said, it had not done since 1768).[1] He meant to establish the Cape constitution by Letters Patent after discussing it with this Committee - although a sitting was hard to arrange.[2] More delay therefore became inevitable.

The Cape officials made no effort to consult public feeling when drafting their memoranda on representative government. Yet debate had started among leading colonists some time before. The 'Conservatives' generally opposed the change. Bishop Gray feared it would halt supplies of government money to his Church and wished for the European races to be 'more equally balanced' before any great change occurred.[3] Benjamin Moodie of Swellendam shared this latter feeling. He asserted that the concession of representative government to Canada had caused a rebellion and would do the same in the Cape if it came before British and Afrikaans interests grew more compatible. He remained unconvinced when the Afrikaner leader F.W.Reitz retorted that anything was better than the misgovernment of the 'Cape Town Gentry.'[4] Other British colonists, pointing to the outcome of contested municipal

---

1. A & P. 1847-8 XLII. (371): Correspondence with the Board of Trade on the Administration of the Affairs of the Colonies.
2. CO 48/295/292: Minute by Grey (18 April 1849) on Memorandum by Merivale, 15 April 1849.
3. Charles Gray (ed.), Life of Robert Gray, Bishop of Cape Town (London, 1876; 2 vols.) i, 179, 220-1.
4. Correspondence between Moodie and Reitz: South African Commercial Advertiser, 20 September 1848.

elections, claimed that a Representative Assembly would be dominated by Afrikaners - in which case the colony would 'retrograde' financially.[1] Montagu's memorandum was virtually a blueprint for creating a plutocracy. But J.C.Chase had long denied the existence of an 'aristocracy of wealth' and warned that the colony commanded 'neither men of property, men of leisure, men of mind, nor men of spirit, to form a South African Parliament.'[2] Representative government must come on terms favourable to the commerce of British colonists or not at all.

Probably the mass of Cape inhabitants had no opinion about their future government beyond a general wish for something more sympathetic to their particular grievances. Petitions requesting a change reached the governor occasionally, and one written in Cape Dutch was presented to the house of commons in June 1848;[3] Smith's despatches on the constitution enclosed another from the Cape Town Municipality. And when he disclosed his personal views, twenty-eight prominent Cape Town businessmen asked him to publish his officials' memoranda and give the colonists a chance to express their own feelings for his guidance.[4] Such incidents suggest that the supporters of representation outnumbered the opponents. Opposition to the central legislature was of course widespread. But each district concentrated on its own complaints, and

---

1. Letter from 'A British Sentry': Ibid., 7 October 1848. See below Chapter VIII, p 294.
2. Letter from J.C.Chase: Cape Town Mail, 6 July 1847.
3. Hansard, 3rd Series, 1848, xcix, 249-50.
4. South African Commercial Advertiser, 25 October 1848.

there was no co-ordinated movement with a specific aim in the colony as a whole. Early in 1848 Fairbairn described this fragmentation as a barrier to achieving the kind of government which he and the Cape Town Municipality wanted. Despite 'an occasional stir on the subject of free institutions,' he wrote, there was no 'great, permanent abuse' or 'great, crushing distress' that could 'in the remotest degree be ascribed to the character or proceedings of government.' So the cry always 'subsided in a quiet petition.'[1] The Cape seemed to be drifting towards the change with no sense of common purpose.

What drew together the scattered particles of colonial discontent and directed them against the government was a British proposal to send convicts to the Cape. On taking office Grey found that the traditional convict colonies no longer satisfied Britain's requirements as centres for receiving transported criminals, and that in some there was serious opposition to the policy. Two thousand Irishmen convicted of minor agrarian crimes during the potato famine were still in Irish jails for want of places to transport them. The government's inability to implement these sentences seemed to be weakening their deterrent value. The authorities at the penal colony of Bermuda hesitated to mix such minor offenders with the hardened criminals already there and asked Grey to send them elsewhere. In an effort to overhaul the whole system he asked five colonial governments (including the Cape) to consider

---

1. Ibid., 29 January 1848.

taking partly rehabilitated criminals as settlers.[1] His despatch stressed that none would be sent unless the colonists agreed. But simultaneously he wrote privately to Smith saying that the Irish difficulty forced him to act at once. He therefore intended to make an order in council declaring the Cape a place to which convicts might be transported. He feared this course would be 'very unacceptable' to the colonists, but told Smith 'to reconcile them to it as well as you can.'[2] The order in council became law on 4 Spetember and Grey then ordered the ship Neptune to shift three hundred Irish prisoners from Bermuda to the Cape.

Smith's immediate response to the news demonstrated his ignorance of Cape affairs. He felt sure the colonists would accept this 'visitation,' he told Grey, if he presented it as a duty to the mother country. His government would do everything possible to carry out the provisions of the order in council.[3] Yet transportation had been mentioned before in connexion with the Cape, and had aroused hostility there. In 1847 (for example) Grey arranged for military convicts from Mauritius to be transported to a depot at the Cape. As so often happened in this period, the British authorities made no public

---

1. A.G.L.Shaw, Convicts and the Colonies (London, 1966) pp 312-328.
2. Grey to Smith, 6 August 1848: Grey Papers.
3. Smith to Grey, 7 November 1848: Grey Papers.

statement in the colony of their intentions and the colonists discovered them by indirect reports. Fairbairn then suggested that 'any plan for pouring moral pollution, the leaven and yeast of Gehenna, into the mass of this heterogeneous community should be resisted by all lawful means, if indeed self-defence do not render every means lawful in such a case.'[1] The spontaneousness and vehemence of this reaction indicate deep-rooted feelings which a more perceptive governor might have anticipated.

Another incident after Smith's arrival confirmed the settled opposition to convicts among certain groups of colonists. Montagu and the Cape Town merchants wished to build a breakwater for the harbour in Table Bay. Their first plan was defeated.[2] Montagu then considered using British convicts to do the work. He planned to obtain an imperial guarantee for a loan of £700,000 to meet expenses.[3] The commercial interests centred on the Municipality opposed him. They asserted that the return on the investment would be too low and that the social dangers of introducing convicts outweighed the material gains. Fairbairn said the imperial government would be 'ill-advised' to agree.[4] But Montagu persisted and in May 1848 Smith offered to accept six hundred

---

1. South African Commercial Advertiser, 4 August 1847.
2. See above, Chapter IV, p 145.
3. J.J.Breitenbach, 'The Development of the Secretaryship to the Government at the Cape of Good Hope under John Montagu', A.Y.B. - 1959, Part II (Cape Town, 1960) pp 218-21.
4. South African Commercial Advertiser, 9 February 1848.

convicts (to be repatriated when their time expired) in return for the imperial guarantee. On these terms their presence would be a 'boon!' Grey saw no advantage in this scheme for Britain, however. He suggested that men on 'ticket of leave' (i.e. parole) be sent instead, and liberated in the colony after serving their time.[1] His order in Council of September 1848 permitted this.

Having sent his optimistic letter to Grey, Smith put the convict scheme before the legislative council together with his 'burgher bill' and an ordinance lifting all restrictions on public meetings. The preamble to this last measure saw nothing in the colony's condition to justify continued restraints on the liberty of speech 'which Her Majesty vouchsafes to regard as the birthright of her subjects ...' The burgher bill and the convict scheme were badly received. Hamilton Ross - a Cape Town merchant on the Legislative Council - tried to justify Grey's order in Council. Smith attempted to correct the 'erroneous impression' that its effect was to create a penal settlement.[2] And Godlonton declared that the colonists were obliged to accept 'political offenders' like the Irish, though he drew the line at 'moral offenders.'[3] But all three men came under attack: Ross for his 'grovelling and mercenary views', Smith for his 'ill-considered'

---

1. W.A.Newman, Biographical Memoir of John Montagu (London, 1855) p 558. For the vital political importance of this economic question see below, Chapter VIII, p 316.
2. Government Gazette, 16 November 1848.
3. Graham's Town Journal, 25 November 1848.

remarks, and Godlonton for his 'toadyism.'[1] Within a month Smith warned Grey that the colonists strongly objected to receiving convicts 'in any shape.' He explained their opposition in economic terms: the serious depression in colonial trade, the adverse trade balance and consequent drain of specie had produced a 'spirit of agitation', he declared.[2]

Until the order in council Grey's negotiations with the Cape followed accepted official routine. The actual enactment of the order looked like an attempt to press matters to a quick conclusion. It was strictly legal, but premature after the promise to consult colonial opinion. It produced numerous petitions rejecting Grey's scheme. Smith forwarded them to London, and had official routine been adhered to, Grey would have been forced to produce some fresh argument to counter colonial objections or drop the matter entirely. Either way, no substantial ground for criticising the enactment could have been found. But Grey had already ordered the Neptune to South Africa and did not mean to divert it. In the house of lords he changed his justification from British needs to colonial obligations. The wide dispersion of the colonists and the steady demand for labour made the Cape particularly suitable for convicts, he said. The colonists must accept this obligation in return for British financial help in the

---

1. Eastern Province Herald, 9 and 23 December 1848.
2. Smith to Grey, 18 December 1848: Grey Papers.

recent frontier war. Despite their dissatisfaction (which Smith had reported in his private letters) Grey meant to persevere.[1]

News of the Neptune first reached Cape Town in March. Once again it came indirectly, through reports in the British press. Fairbairn was incredulous: 'But can it be correct?' he asked. 'Is it credible that Earl Grey should commit an act of bad faith in the face of the world?'[2] He urged the colonists to stick by their earlier objections. A formal 'pledge' was drawn up and placed in the Commercial Exchange and the Cape of Good Hope Bank for signature. It declared that no convict holding a ticket of leave would be offered employment or shelter, and called on Smith to use his discretion as governor to prevent the landing. At this point Smith fell seriously ill and his indisposition lasted for several months.[3] In May a mass-meeting of some five thousand people, including delegates from elsewhere in the colony, elected a committee - termed the Anti-Convict Association - to oppose the convict scheme. John Bardwell Ebden became its chairman. A new and more stringent pledge was adopted, promising to 'discountenance and drop connection with any person who may assist in landing, supporting, or employing such convicted Felons.'[4]

---

1. Hansard, 3rd Series, 1849, cii, 752
2. South African Commercial Advertiser, 21 March 1849.
3. See the detailed account kept by his doctor: Hall Papers, PC 1/4.
4. Text in George M.Theal, History of South Africa (London, 1908; 5 vols.) iii, 73-4.

Colonial opposition may be studied in the sermons, petitions, editorials and speeches of the time. The initial outburst apparently had social and religious motives. Among the Victorian middle classes 'the passion for wealth was closely connected with another, for respectability.'[1] Convicts would lower the moral tone of Cape society. This threat moved even some women to submit a written protest. The prejudice against 'colonials' in the British upper classes owed something to the connexion of convicts with colonies in Australia.[2] The counterpart of this feeling at the Cape was concern for personal 'respectability' - i.e. for character and social standing. Association with a society known to be partly composed of former criminals could seriously retard the advancement of those whose pretensions depended not upon family relationships but upon achievement and wealth in the colony. Doubts would automatically arise in the future about the status of 'Englishmen' with a South African background. Thus allusions to 'sinking' and 'disgrace' appear frequently in the protests of the colonists, whether Afrikaans or British.[3] Some adopted attitudes of extreme self-righteousness, like the man who claimed to have originally settled at the Cape because it was not a

---

1. Houghton, op. cit. p 184.
2. See above, Chapter III, p 82.
3. Gray, op. cit. i, 234. Petition from A.W.J.Preterius, printed in 'Colonial Reforms Beyond Sea', Eclectic Review, VI (October, 1853) p 478. Graham's Town Journal, 2 December 1848. South African Commercial Advertiser, 7 April 1849. etc.

penal colony - an advantage 'more than sufficient to outweigh a thousand mercenary considerations.'[1]

Other factors influenced the colonists when they went deeper into the subject. Some feared that convicts would teach the aborigines criminal habits. Smith described his frontier system as rooted in 'morality and religion' and warned that introducing 'sinful white men' would 'militate against its progress.'[2] Opposition to ticket-of-leave men in Australia encouraged resistance at the Cape: Ebden followed Australian developments through his son, who sat in the legislature of New South Wales.[3] But once news arrived about the Neptune the principal goal of the Cape agitation became political. Grey's conduct provided the interests centred on the Cape Town Municipality with a pretext they could use to win popular support and gain power over the colonial government. The convict question, Fairbairn therefore declared, 'has convinced all men here that the colony needs the protecting shield of a local parliament.'[4] To itensify the pressure on the executive, Cape Town also adopted Stockenstrom's cause. Frontier policy since 1846 had persuaded Stockenstrom that the colony needed a government susceptible to local guidance.[5] He therefore accepted the western Cape alliance. So the convict agitation made overt the power struggle between the Cape Town

---

1. Eastern Province Herald, 9 December 1848.
2. CO 48/296/85: Smith to Grey, 24 May 1849 (No 94).
3. Alan F.Hattersley, The Convict Crisis and the Growth of Unity (Pietermaritzburg, 1965) p 43.
4. South African Commercial Advertiser, 25 April 1849.
5. C.W.Hutton (ed.), The Autobiography of the Late Sir Andries Stockenstrom (Cape Town, 1887); 2 vols.) ii, 294.

Municipality and the Legislative Council, and became a 'stalking horse' for the attainment of representative government.[1]

The convict agitation provides an interesting example of the process of interaction between Cape and British politics. In November 1848 most Cape Town merchants joined the movement, including William Billingsley. He was a friend of George Greig, the printer who originally published the South African Commercial Advertiser in 1824 and whose name is closely associated with the struggle against Lord Charles Somerset for freedom of the Cape press.[2] Greig, at this time living in London, organised a petition protesting against the convicts, signed by all the Cape merchants in the City.[3] Among them were some known to Wakefield, who had persuaded Charles Adderley to raise their case in the house of commons.[4] On 27 March 1849 Adderley moved for the discontinuation of Grey's plan. 'He spoke an hour with little arrangement, no fluency and a superabundance of quotations.'[5] He denied that imperial expenditure on the Xhosa war gave the Colonial Office a right to send convicts in exchange. He attacked the injustice of Grey's methods and stressed the need to spare 'untainted' colonies from 'contamination.' After mentioning his contacts with 'the Cape merchants in London' he warned against

---

1. A.H.Duminy, 'The Role of Sir Andries Stockenstrom in Cape Politics', A.Y.B.-1960, Part II (Cape Town, 1961) p 104.
2. Hattersley, op. cit. p 43. O.H.S.A. i, 317.
3. CO 48/303/332: Memorial from Landowners, Merchants and others interested in the Colony of the Cape of Good Hope, 23 March 1849.
4. For Wakefield's connexion with Adderley, see above, Chapter III, p 112.
5. Journal, 27 March 1849: Derby Papers (15th Earl), 920 DER 43/1.

repeating the errors which led to the loss of the American colonies in 1776.[1]

The Home Secretary made an able reply. He placed the subject in its context in the wider debate on secondary punishments and asked the pertinent question, if Britain accepted transportation to some colonies, why not to all? He differentiated between the minor offenders on the Neptune and the hardened criminals in Bermuda. The former might 'ultimately' become useful citizens at the Cape. He carefully avoided criticising the severity of their sentences or the system which prevented them from becoming useful citizens in Ireland although the logic of his facts pointed to these conclusions. He rejected Adderley's statement about the Cape being 'untainted': had not slavery been abolished there only recently? He denied wishing to act against the colony's interests - 'he should deeply deplore ... anything which would check the diffusion of British habits, British principles and British institutions.' But he yielded on the point at issue: no convicts would be sent in defiance of the colonists wishes.[2] This victory launched Adderley's career. It 'led me into converse with leading men and gave me a parliamentary position,' he later recorded, 'as it enlisted colonial connections.'[3] The 'Cape interest' thus made its presence felt in British politics.

---

1. Hansard, 3rd Series, 1849, ciii, 1371-83.
2. Ibid., 1383-94.
3. William S. Childe-Pemberton, Life of Lord Norton (London, 1909) p 76.

Notwithstanding his colleagues' misgivings Grey refused to retreat. He answered Smith's first account of colonial objections by saying he would 'persevere ... despite their remonstrances.'[1] He insisted that ticket-of-leave men did not constitute a penal settlement. The Cape's wish 'to be altogether exempted from receiving convicts' was 'unreasonable.'[2] He would only suspend shipments until the excitement subsided and the colonists understood the benefits of his scheme.[3] He refused to repeal the order in council. It is difficult to understand his motives for persisting with a measure so universally condemned as doubtful in principle. None of his colleagues thought it of vital importance. Clearly he was determined to proceed long before Cape resistance piqued him. He had an unenviable reputation among his contemporaries for 'wrong-headedness' (i.e. obstinacy in erroneous opinion).[4] In the absence of any overriding political reasons it may therefore be assumed that his determination reflected psychological rather than official pressures.

Grey's inflexibility hardened colonial attitudes. With Smith still unwell, Montagu presided over the Legislative Council meeting where the

---

1. Grey to Smith, 20 January 1849: Grey Papers.
2. CO 48/294/31: Minute (15 March 1849) on Smith to Grey, 5 January 1849 (no 8).
3. Grey to Smith, 24 March 1849: Grey Papers. CO 49/44/200: Hawes to G.Greig, 29 March 1849.
4. C.S.Parker, Sir Robert Peel from his Private Papers (London, 1899; 3 vols.) iii, 289. Mrs. Hardcastle (ed.), Life of John, Lord Campbell (London, 1881; 2 vols.) ii, 208. Lytton Strachey & Roger Fulford (eds.), The Greville Memoirs (London, 1938; 8 vols.) - entry for 10 February 1850. Ethel Drus (ed.), A Journal of Events during the First Gladstone Ministry (London, 1958) p 13. George E. Marindin, op. cit. p 233.

order to accept the Neptune became public. The colonists had petitioned Smith to turn the ship away. Chief Justice Wylde ruled that this would be illegal, however, and Montagu told the petitioners that they might as well ask the governor to resign as to act illegally.[1] A mass meeting in Cape Town on 4 July denounced this stand. (Demonstrating their confidence that order would be preserved, Lady Smith and the 'elite of society' attended a ball given the same night.[2]) On 5 July an unofficial member of the Legislative Council died unexpectedly and shortly afterwards another resigned. This reduced the membership to nine - the six officials, Cook, Ebden and Hendrik Cloete - one below the legal limit. When Smith looked for replacements the Anti-Convict Association announced that anybody accepting would be subjected to the workings of the 'pledge' and Ebden resigned the seat he had held since 1834. The governor chose Abraham de Smidt and P.L.Cloete, two prominent landowners, and Jacob Letterstedt, a merchant and Consul for Norway and Sweden. Letterstedt had originally supported the agitation 'in a constitutional way' but left when he thought extremists were trying 'in an illegal manner to undermine the trust in the present government.'[3]

The Council met on 10 July to swear in the new members, amid growing public excitement. After the ceremony, as the unofficial members left

---

1. F.St. L.S., 'Sir John Wylde', South African Law Journal, L, 3 (August 1933) pp 285-97. Hattersley, op. cit. p. 75.
2. J.Richardson to Letterstedt, 8 July 1849: Swedish Consular Correspondence, Vol. 1, No 48 (Enclosure).
3. Letterstedt to Minister for Foreign Affairs, 30 July 1849: ibid., Vol 1, No 48.

the Council House, 'a mob of several hundred persons, most of them decently dressed and evidently not belonging to the lower orders of society' hooted and threw mud at them.[1] That night Letterstedt's flour mill was attacked and his other property damaged. He heard threats against his country estate. When he accepted office he had not realised that the boycott of his businesses would succeed.[2] The Cape Town boatmen refused to land goods belonging to him and de Smidt from ships in Table Bay. His fellow-Commissioners on the Cape Town Municipality ostracised him. Under these constraints he and the other new members of the Council resigned. Fairbairn and his associates did not hide the significance which they attached to the neutralising of the Legislative Council: they exulted that it had broken down, 'never to meet again.'[3]

Financial houses in Cape Town threatened government supporters with foreclosed mortgages and expulsion from rented premises.[4] The government countered by offering financial aid.[5] But the resignation from the Council brought government business to a halt. Fieldcornets, justices of the peace and the holders of several honorary offices throughout the colony began to send in their resignations. To sustain his government Smith asked Grey to ratify the estimates and several ordinances held up

---

1. CO 48/297/57: Smith to Grey, 24 July 1849 (No 123).
2. Letterstedt to Minister of Commerce, 16 July 1849: Swedish Consular Correspondence (Commercial; Cape Town, 1841-90). CO 48/311/124; Letterstedt to Merivale, 17 June 1850.
3. South African Commercial Advertiser, 14 July 1840.
4. Ibid., 27 June 1849.
5. Government Gazette, 12 July 1849.

when the Council collapsed, by order in council.[1] The law on this point contained an anomaly: no governor had ever been instructed to submit his estimates to the Cape Council. The practice had simply grown up over the years.[2] Smith's request severely embarrassed the Colonial office by threatening to bring it into direct confrontation with the colonists. Nevertheless, Grey declared that 'the paramount Legislative authority of the Crown by Order in Council over the Cape has never been surrendered, and this seems to be a fitting case for its exercise ...'[3]

Nobody else at the Colonial Office accepted Grey's interpretation. When consulted, Stephen (by now in retirement) conceded the point 'in strictness of law.' But the Crown's power had lain unexercised for so long that reviving it would raise 'grave objections of a constitutional (if not of a legal) nature.' Opposition in Trinidad had thwarted a similar attempt some years earlier. The Cape colonists had not acted lightly. They had a 'serious grievance' to plead in mitigation. The delay was not critical: to avoid it by exercising 'an extreme and antiquated right' might create permanent suspicion of British intention. The success of the anti-convict agitation would encourage resistance,

---

1. CO 48/297/183: Smith to Grey, 31 July 1849 (No 124). CO 48/297/208: Smith to Grey, 31 July 1849 (No 125).
2. CO 48/289/3: Memorandum by Porter, encl in Smith to Grey, 24 July 1848 (No 109).
3. CO 48/297/208: Minute (24 September 1849) on Smith to Grey, 31 July 1849 (No. 125).

'and a second defeat would be far more awkward and embarrassing than the first.'[1] The agitators had chosen their ground well: Grey ratified everything by order in council except the crucial estimates, which a reconstituted Cape legislature would have to pass. On the subject of the Neptune he stood firm. In July he repeated his orders to Smith, saying that once the colonists understood the scheme, they could not object.[2] Russell doubted this, but agreed to await further reports on the colonists' disposition before revoking the convict order in council.[3]

Delay made matters worse in Cape Town. Smith recognized that the convicts had become a pretext for a 'combination' designed 'to impede the local government in every possible way.'[4] Yet he promised to keep the convicts aboard the Neptune when it arrived until Grey reconsidered his instructions. His capacity to resist popular pressure was weakened by illness and by a sharp division among his officials. He had only summoned his Executive Council three times (on trivial business) since reaching the colony. During the convict crisis he relied largely on the advice of his friend Menzies. Their measures seemed too conciliatory to the Cape 'Conservatives'. Montagu began to collect around himself a group of leading merchants, landowners, clergy and officials who wanted to disembark the convicts in order to reassert the government's

---

1. CO 48/297/208: Memorandum by Stephen, 3 October 1849.
2. Grey to Smith, 23 July 1849: Grey Papers.
3. Russell to Grey, 13 August and 24 September 1849: ibid. PRO 30/22/8A (Russell Papers) fo 241: Grey to Russell, 22 September 1849.
4. CO 48/297/57: Smith to Grey, 24 July 1849 (No 123).

authority.[1] Smith rejected this stratagem, and called publicly on Grey to repeal 'the obnoxious order in council.'[2] The Neptune was expected in September. Montagu, unwilling to be associated with Smith's policy, left Cape Town in that month for a tour of the interior, ostensibly to inspect some new roads.[3] Nothing could have been more eloquent of the split between the two men.

The Neptune arrived on 19 September. The Cape Town Municipality told Smith that its presence could not be tolerated. He replied that the law obliged him to keep the ship in Cape waters until fresh instructions came from London. The Anti-Convict Association thereupon instituted a boycott of everyone providing supplies to the government and its personnel. Smith pointed out the dangers of this course to Ebden, but when the merchants in the Association appealed for moderation they were defeated and promptly resigned. They in turn then came under the 'pledge'. Cape Town had suffered a full-scale riot in July. In October the house of a merchant supplying food to the army was attacked by a mob including several well-known citizens. Simultaneously a gang of coloured men hired by the Cape Town 'Conservatives' assaulted Fairbairn and partly wrecked his house. Smith immediately banned all 'mobs, crowds or meetings in any street or thoroughfare.'[4] Hoping to restore

---

1. Montagu to Napier, 18 July 1849: Napier Papers, Add MSS 49167
2. CO 48/298/360: Smith to Grey, 17 September 1849 (No 179).
3. Newman, op. cit. p 334.
4. Government Gazette, 18 October 1849.

calm, he claimed to have received a private letter from Grey promising to arrange orders for sending on the Neptune.[1] He again entreated the Colonial Office for such instructions, telling Grey that only 'forbearance and temper on my part, and the ready obedience and good will of the civil servants' had prevented an 'open rebellion.'[2]

The Colonial Office staff doubted Grey's policy throughout. On learning of the resignations from the Legislative Council, Hawes wanted to take 'the only step left ...'[3] But Grey now saw fresh reasons for standing firm: to retreat in the Cape would give a 'most dangerous' stimulus to 'the spirit of resistance ... elsewhere.'[4] He relied on his April despatch explaining the measure to convert the colonists. At home the Times (which he had managed to square earlier in the year on Canadian affairs[5]) gave him steady support against the Anti-Convict Association. But by November the Cabinet objected and Russell told him to repeal the order in council.[6] With immense reluctance he gave way. Late in November he instructed Smith to divert the Neptune to Van Diemen's Land and announced the abandonment of his policy. The original draft despatches are missing from the Colonial Office archives

---

1. CO 48/299/28: Smith to Grey, 18 October 1849 (No 195).
2. Smith to Grey, 25th October 1849: Grey Papers.
3. CO 48/297/57: Minute (18 September 1849) on Smith to Grey, 24 July 1849 (No 123).
4. CO 48/296/286: Minute (19 September 1849) on Smith to Grey, 29 June 1849 (No 106).
5. Grey to Elgin, 18 May 1849: Doughty (ed.), op.cit. i,351. Cf John S.Galbraith, Reluctant Empire (California, 1963) p 249, where the Times is called 'an inveterate opponent of the Whig regime ...'
6. Russell to Grey, 3 November 1849: Grey Papers.

but it seems that he wished to censure Smith and the Cabinet prevented him.[1] Despite this intervention his despatches still had a peevish tone. He would not pass judgment on the Cape inhabitants, he wrote, 'because I am unwilling to use the terms which would alone adequately describe what I think of their proceedings ...'[2]

The governor's position grew weaker in the two months before Grey's despatch reached the Cape. To counteract the hostility of the western Cape newspapers he bought a printing press and used soldiers to turn out Sam Sly's Journal, the only 'constitutional' paper in Cape Town.[3] With government backing law suits were brought against leading members of the Anti-Convict Association.[4] Letterstedt's against Morgan, Fairbairn and others is the most important, both for the details it gives on the workings of the 'pledge' and for its political repercussions. Letterstedt was a brewer, miller, merchant and agent to whom ships and their cargoes were consigned on commission. After being put under the 'pledge' he was refused admission to the Munisipal Market, where he used to buy wheat, oats, barley and other articles connected with his trade. The coastal ship Phoenix would not carry flour and other goods of his to the eastern Cape, so he lost the sale. Cape Town auctioneers refused to sell locally goods consigned to him in the Emily to dispose of on commission. He had to take legal action to compel Home, Eagar & Co.

---

1. Journal, 30 November 1849: ibid.
2. CO 48/297/91: Grey to Smith, 30 November 1849 (No 403) - draft.
3. CO 49/44/428: Merivale to Trevelyan, 4 May 1850
4. Norden v. Miller; Norden v. Sutherland; Norden v. Fairbairn; Rivers v. Fairbairn; Letterstedt v. Morgan, Fairbairn, and others.

of Cape Town to release wheat he had paid for before the boycott. Wagon drivers refused to carry his goods. Because of the effect on his solvency J.B.Ebden & Co. refused to sell him wheat on credit. Afrikaans buyers of his flour and beer withdrew their custom. He therefore claimed £5,000 damages from the defendants.[1]

Counsel for the defence (Advocates Brand and Watermeyer, sons of the leading agitators) replied that Judges Wylde and Menzies should withdraw from the case because they had given extra-judicial opinions to the governor from the start of the convict crisis. They should therefore 'recuse' themselves - i.e. confess to prejudice - and stand down. Wylde and Menzies insisted on sitting. Counsel for the defence argued that judges recused could not decide on the question of their own recusation, and retired from the hearing. Musgrave the third judge, who in earlier times had given legal advice to Stockenstrom, dissented from his brethren and refused to hear the case.[2] The court then dissolved in uproar, with excited spectators trying to chair Musgrave into the street. The case was postponed indefinitely and led to a voluminous correspondence with the Secretary of State. It was 'one of the earliest and most successful examples of the use in a South African court of a procedural device to make a political point.'[3]

---

1. Reported in Graham's Town Journal, 1 December 1849.
2. F.St. L.S., 'The Hon. Mr. Justice William Musgrave', South African Law Journal, LIV, 3 (August 1937) p 283.
3. A.Sachs, 'Enter the British Legal Machine: Law and Administration at the Cape 1806-1910' in Collected Seminar Papers on the Societies of Southern Africa in the 19th and 20th Centuries (Vol 1, University of London, Institute of Commonwealth Studies, 1970) p 15.

Although suffering minor setbacks in several libel suits, the Anti-Convict Association never weakened perceptibly during the dispute. In the western Cape at least two businessmen claimed to have been ruined by the working of the pledge.[1] In the east Stockenstrom exploited the issue, and when Godlonton opposed him some readers cancelled their subscriptions to the Journal.[2] In December 1849 members of the Association tried to oust Ebden from the board of the Mutual Life Assurance Society. He appealed for support to proxy-holders in the east, but in Port Elizabeth his canvass failed.[3] Later the Port Elizabeth boatmen refused to unload the Border Maid because J.B.Ebden & Co. had shipped goods on it from Cape Town.[4] Such sanctions produced results outside the colony itself. For example, following his plan of 1847[5] Grey had arranged to send military convicts from India to a Cape depot. But in March 1850 the governor of Bengal could not find a ship willing 'to undertake to land any convicts at the Cape.'[6] Grey therefore had to divert them to Van Diemen's Land.[7]

---

1. See: Report from the Select Committee appointed to enquire into the Allegations contained in the Petition of George Holloway (Cape of Good Hope: House of Assembly, 1855); and R.Stanford, Loyalty and its Reward, or Justice versus Law, at the Cape of Good Hope in the Nineteenth Century (Cape Town, 1859).
2. Eastern Province Herald, 28 July 1849. Godlonton to Southey, 20 February 1849: Alex Wilmot, The Life and Times of Sir Richard Southey (London, 1904) p 80.
3. Eastern Province Herald, 22nd December 1849. Cf. Wilmot, op.cit., p 88
4. Eastern Province Herald, 9 February 1850
5. See above, p 253.
6. WO 1/445/533: Encl in India Office to Colonial Office, 3 June 1850.
7. WO 6/105/136: Grey to Smith, 14 June 1850 (No 53).

The defection of the merchants in the Anti-Convict Association and Montagu's ostentatious disagreement with the strategy of Smith and Menzies restored some coherence to the ranks of the Cape 'Conservatives'. Their apologists later distinguished between the opposition to convicts (which was universal) and the 'anti-Neptune strife' which Fairbairn led when the 'Conservatives' thought the battle won and were prepared to accept a single boatload of convicts.[1] The participation of leading Afrikaners confirmed the fears of those who had always opposed representative institutions, like Bayley of Caledon:

> The real object of Wicht, Truter and Co. is to promote Dutch ascendancy and accustom the Afrikaner to public meetings, agitation, and political feuds. I should like to know what Sir Harry thinks now of a Representative Assembly, and what kind of a thing it would be if established now. The same machinery which rules the acute Convict Association (so called) would ensure the return of nineteen Afrikaners and one Englishman, and what would be the result?[2]

Montagu had described Smith's conduct as 'one unvaried course of indiscretion, vacillation and infirmity of purpose.'[3] Bishop Gray made no secret of his agreement.[4] Smith's repeated 'capitulations' to popular feeling in Cape Town exasperated these individuals. The anti-convict agitation thus gave Montagu the leadership of a 'Conservative' faction in the western Cape, which looked beyond the settlement of the convict

---

1. J.Adamson, Notes on Cape Affairs (London, 1851) p 6. A.Wilmot & J.C.Chase History of the Colony of the Cape of Good Hope (Cape Town, 1869) p 425
2. T.B.Bayley to R.Southey, 11 December 1849: Wilmot, op. cit. p 86.
3. Montagu to Napier, 13 July 1849: Napier Papers, ADD MSS 49167
4. Charles Gray (ed.), op. cit. i, 275.

question and feared the effect of the impending representative constitution.

The consolidation of the 'Conservative' faction happened without public displays. But the motives behind it emerge clearly from a pamphlet of April 1850. The anonymous author considered the question of representative institutions in the light of the anti-convict agitation. He assumed that Great Britain's interests at the Cape were identical with those of the British colonists. These latter were outnumbered by Afrikaners and coloureds, who had 'no feelings of English patriotism or nationality' yet would control the government under a representative system. To prevent this, Britain should 'resolutely' retain all 'controlling influence' for the time being. 'Dutch sympathies' could then be 'swamped' by 'inundations' of British immigrants, by state-supervised education (to implant 'patriotic sympathies') and by government aid to the Anglican Church. Britain should meanwhile acquire the entire east African coast up to the Red Sea - including Madagascar - to foster the development of Cape trade and the eventual colonisation of the interior. This would eradicate the slave trade - so Britain's 'best interests' coincided with the 'interests of humanity.' The Cape government should give these motives and objects better publicity, to prevent misrepresentation and rally the well-disposed. Britain could thus both secure and profit from its South African possessions.[1]

---

1. The Cape of Good Hope (London, 1850) pp 1-8

Here in succinct form were the ideas which guided Godlonton, Southey, Montagu, Gray and their friends during the following years.

Smith's fear of 'open rebellion' seems unwarranted. Aspersing the motives of the opposition was a favourite technique in the interaction of colonial and imperial politics. Government supporters accused their opponents of 'Radicalism' - a charge meant to produce an emotional response from the imperial ruling classes, where Whig and Tory united to resist the ambitions of Radicals. The anti-convict agitation shows many similarities with the campaign to undermine Lord Charles Somerset in 1826 - not least the leadership of Fairbairn.[1] On both occasions the agitators aimed at less than complete control of their government and used the accepted political methods of the day to achieve their aims. Fairbairn described armed rebellion as 'out of the question.' He trusted in 'passive obedience' to a power 'which cannot be actively resisted without breaking the law,' He published editorials praising the official memoranda on representative institutions. So far from urging a political separation from Britain he wanted to strengthen contacts in London able to put pressure on the Colonial Office.[2] Leading agitators used wit rather than satire, or invective against Smith. And when the two sides reached deadlock over the Neptune one editor proposed a reconciliation because 'public virtue'

---

1. C.H.B.E., Vol VIII (second edition), p 244.
2. South African Commercial Advertiser, 6 June 1849; 16 June 1849.

was being strained to a dangerous extent with no new points being gained.[1] These were not the portents of rebellion.

Little significance attaches to the rioting in Cape Town. Smith needed no troops to suppress it. Political riots were not rebellions. Imperial politics in the same age offers irresistible parallels. Professor Gash describes the ferocity of British elections - the threats of violence to candidates individually - the hiring of gangs to break up musterings of opponents and terrorize voters - the resort to physical force ('sometimes of an extreme and unpleasant nature') to produce the required verdict on the hustings - and, most significant for the purposes of this comparison, the use of economic boycotts to cowe minority parties. He speaks - in terms applicable to Fairbairn - of 'the Evangelicals, moderate on most things but capable of unregenerate stubbornness on their elected ground' and the 'English dissenters, often politically exalted by their sense of "the exceptional possession of religious truth" ...'[2] The presence of Afrikaners among the anti-convict agitators scarcely weakens the parallel: although leading their countrymen, they were also serving their political apprenticeship under Fairbairn, whose experience in the techniques of agitation gave him predominance. In this respect Smith was also a greenhorn, as the Colonial

---

1. Eastern Province Herald, 14 July 1849; 9 February 1850. Cf Hattersley, op.cit. p 52.
2. Norman Gash, Politics in the Age of Peel (London, 1953) pp xi-xiv, 143-52.

Office later realised.[1] For these reasons it is hard to accept his charge against the Association.

British handling of the agitation conveys an impression of ineptitude. Grey pressed Smith to take the initiative, while Smith refused to act without positive instructions. The resulting inactivity arose from what Buller criticised in 1840 as the struggle between local authorities and the Colonial Office to avoid responsibility for unpopular decisions.[2] Smith originally promised his 'best exertions' to implement the scheme, but ended by threatening to resign if ordered to land the convicts.[3] Grey censured him most unjustly because the question of military convicts became involved in the agitation.[4] Constitutional roles in the Colonial Office were reversed, with Stephen offering political objections to Grey's legal opinions. In January 1849 Stephen had warned Grey of mistakes arising from 'the want of good legal pilotage' in colonial affairs.[5] He blamed the Cape outbreak on the excessive secrecy in which Smith and Grey made their arrangements.[6] His criticisms seem valid: T.F.Elliot and Hawes, who dealt with Cape business, could not restrain Grey's determination. They lacked Stephen's

---

1. CO 48/309/233: Minute by Grey (13 February 1851) on Smith to Grey, 30 November 1850 (No 178).
2. Charles Buller, Responsible Government for Colonies (London, 1840): reprinted in E.M.Wrong, Charles Buller and Responsible Government (Oxford, 1926) p 159.
3. Smith to Grey, 7 November 1848 and 13 December 1849: Grey Papers.
4. WO 6/105/71: Grey to Smith, 30 November 1849 (separate).
5. Stephen to Grey, 1 January 1849: Grey Papers.
6. Lewis to Clarendon, 19 September 1849: Clarendon Papers, MS. Clar. dep. C. 530.

experience and forceful personality; their arguments were unconvincing and badly presented. The Cape agitators feared that the constitution would be finalised without reference to them.[1] Had British intentions been published and some consultation taken place with the colonists, the agitation might have been less effective.

Sending the Neptune had been a political error. The Cape 'Conservatives' might dislike agitation, but they feared convicts more. To avoid the greater evil they tolerated the lesser. The Cape executive thus lost all support against Fairbairn's campaign for representative government. Equally serious, the Neptune shook colonial trust in the sincerity of British dealings with them. This point cannot be too strongly made. Disputes between colonists and Britain had to be governed by unwritten conventions which prevented backsliding and illegal acts. Failing this, arguments could only be resolved by force. Both Stephen and Russell condemned Grey's convict order in council as an act of bad faith.[2] Smith's public use of his private correspondence with Grey was also a mistake. Communication between governors and the Colonial Office took place on several levels: the despatch prepared for publication, which served as a political purpose;[3] the confidential despatch which Ministers only produced when forced to justify a policy;

---

1. South African Commercial Advertiser, 20 April 1849.
2. CO 48/297/208: Memorandum by Stephen, 3 October 1849. Russell to Grey, 3 June 1851: Grey Papers.
3. See Grey to Elgin, 3 December 1847: Doughty (ed.), op. cit. i, 101. Rogers to Miss Rogers, 18 March 1863: Marindin, op. cit. pp 243-4.

and private messages, by letter or word of mouth. These last conveyed official information which 'in an official despatch might have proved inconvenient to Government at home when ... published there, and equally so when subsequently brought back to the colony during pending questions or periods of political excitement.'[1] Smith and Grey gained a momentary advantage over the colonists, but their actions undermined the Cape's confidence that controversies would be 'carried on by direct means and according to settled laws of warfare.'[2] Stockenstrom and Fairbairn protested at the 'underhand' tactics of the Colonial Office and cordiality began to disappear from relations between Britain and the colonists. This had an important effect - as will be seen - on the Cape's constitutional development.

---

1. Cathcart to Newcastle, 14 July 1853: Newcastle Papers, NeC 9, 554. See Russell's remarks in Hansard, 3rd Series, 1849, civ, 1103; and CO 48/299/28: Minute by Grey (11 December 1849) on Smith to Grey, 18 October 1849 (No 193).
2. Frederic Rogers' phrase: Lord Blachford,'Native Policy in South Africa',Edinburgh Review CXLV, 298 (April 1877) p 451.

CHAPTER VIII

POLITICS AND ECONOMICS AT THE CAPE

1846 - 1852

Enough detail has acc umulated so far in this thesis to suggest the importance of economic factors in the interaction of British and Cape politics. It is necessary to pause here and enlarge on this aspect of the imperial relationship. Such a study helps to explain the behaviour of many politicians and illuminates some rather obscure passages in the history of the time. What follows is not an attempt to analyse the whole field of British and Cape economic activity, but a description of the considerations - governmental and private - which influenced the course of the constitutional struggle.

Cape fiscal business devolved largely on the Secretary to Government. Imperial regulations gave him extensive powers and confined the Treasurer General's duties to the simple disbursement of public money.[1] The laxness of Rivers (Treasurer General) and Brink (Auditor General), who had both passed their prime, allowed Montagu to build up his authority at the expense of theirs. In 1842 the colonial treasury had a debt of £180,000, with taxes and rents greatly in arrear. Its promissory notes circulated like cash. To build public works or promote immigration was impossible. Stanley regarded reform as 'an object of primary importance.'[2] He sent Montagu out to tackle the problem. Montagu solved it through efficient administration, clever expedients and luck. He raided three colonial funds reserved for 'prize negroes',

---

1. Rules and Regulations for Her Majesty's Colonial Service (London, 1845) Chapters 7, 10 and 11.
2. Stanley to Napier, 4 January 1842: Derby Papers, Box 174/1.

legal wards and distressed British settlers.[1] He amended the rules on revenue collections and enforced them with a 'pitiless' determination which antagonized the Boers.[2] A thorough search of old accounts revealed outstanding credits which he balanced off against the Cape debt. All these efforts would have failed, however, without a major stroke of luck - the discovery of huge guano deposits on the Ichaboe Islands, under Cape jurisdiction. Licence fees for exploiting this find realised over £80,000 enabling Montagu to settle the debt and launch an ambitious scheme of public works.

Montagu's scheme concentrated on road construction. Predictably (after his experience in Van Diemen's Land) it required convict labour. Once begun it consistently absorbed about one sixth of the colony's total annual revenue.

TABLE III[3]

Expenditure on Public Works as a Proportion of Annual Revenue at the Cape of Good Hope, 1844-1854.

Year	Public Works Vote	Total Revenue
1844	£17,020	£229,603
1845	23,920	247,370
1846	27,096	201,625
1847	23,656	222,014
1848	35,910	228,124
1849	43,157	227,734
1850	43,530	245,785
1851	35,815	234,884
1852	38,914	289,483
1853	49,322	308,472
1854	50,532	295,802

1. W.A.Newman, Biographical Memoir of John Montagu (London, 1855) pp 37-45
2. George M.Theal, History of South Africa (London, 1908; 5 vols.) iii, 412
3. Compiled from Cape Blue Books and British Parliamentary Papers.

The proportion was too high. Revenue fell by £45,000 in 1846 as receipts from guano licences and the three colonial funds dried up. But Montagu made no effort to curb spending on public works. He tried instead to raise more revenue and avoided all commitments in fields not of his personal choice. For example, he resisted a proposal to subject certain government buildings to municipal charges and countered by asking the Municipality for larger contributions to the upkeep of Cape Town's police - which they in turn refused.[1] However, the government suffered a severe defeat when he proposed a stamp duty to supplement the revenue.[2] He therefore had to look elsewhere for means to finance his measures.

During the Xhosa War of 1846 Maitland turned over his authority to make withdrawals from the commissariat chest to Montagu.[3] The Secretary to Government then deprived Rivers - without opposition - of all control over war expenditure.[4] On the governor's authority he next advanced money from the chest to the Cape's civil officials. These advances (known as 'imprests') could legally be used only to meet military expenses. Montagu enforced the accounting regulations so weakly that these accounts could not be properly audited.[5] He made imprests

---

1. J.J.Breitenbach, 'The Development of the Secretaryship to the Government at the Cape of Good Hope under John Montagu', A.Y.B. - 1959, Part II (Cape Town, 1960) pp 201-2.
2. Above, Chapter IV, p 141.
3. Newman, op. cit., p 94.
4. CO 48/338/218: Rivers to Military Secretary, 20 May 1853 - encl in Cathcart to Newcastle, 14 June 1853.
5. WO 1/449/423: Report of the Audit Office on Accounts for the War of 1846, 7 April 1852 (Copy).

totalling £650,000 of which one third were never accounted for to the imperial government's satisfaction.[1] But it is clear that some went for civil expenses 'chargeable to the colony.'[2] Control of both imperial funds and the colonial treasury thus helped him to overcome the Cape's immediate financial difficulties. But after 1848 his embarrassments recurred. Smith had promised to reduce imperial commitments and pay for his annexations from local funds. Without consulting Montagu he proposed to put £40,000 on the colonial estimates for administrative costs and the upkeep of a 'Kaffir Police' division.[3] He then learned that the Cape revenue could not support these additions. He immediately asked the imperial treasury to maintain its payments, reducing the 'Kaffir Police' by half to save £11,000.[4] The Colonial Office refused to support the request.[5] Smith therefore reverted to Montagu who, rather than retrench his public works, met the situation with a series of dubious financial contrivances.

The Appropriation Ordinance for 1848 marks the beginning of a long period of confusion in Cape accounts. Smith's original figures showed:

Revenue	£228,124
Expense	204,248
Surplus	23,876[6]

1. A.& P.1849.XXX.(160):Report of the Commissioners of Audit relative to the Irregularities in the Public Expenditure occasioned by the Kaffir War.
2. A & P.1852.XXX.(544): Papers relating to the Disposal of Sums voted for Extraordinary Expenses in the Kaffir War of 1846; Treasury Minute, 29 June 1852.
3. CO 48/284/401: Smith to Grey, 23 March 1848 (No 51).
4. CO 48/285/18: Smith to Grey, 10 April 1848 (No 63).
5. CO 48/285/22: Grey to Smith, 17 June 1848 (draft).
6. CO 48/286/90: Smith to Grey, 29 July 1848 (No 108).

The estimated expense had been £170,347, so Smith had exceeded the legal limit by £33,901 and required a supplementary estimate. The remaining £23,876 he earmarked for the 'Kaffir Police'. This eliminated the surplus, leaving nothing to carry forward into 1849.[1] Yet even this revision disguised the true position, given in 1851 as :

Expense	£245,985
Revenue	228,124
Deficit	17,861

Of the revenue £16,000 represented Advances for which accounts had been rendered but no payment received as late as 1851.[2] The consequences were unavoidable: to balance his books Montagu resorted to a real surplus of £60,000 accumulated by the colonial treasury in 1847 through imperial military spending.[3] He could not pay for the 'Kaffir Police' - and three years later Smith was still trying to avoid doing so.[4]

Examining each year of Smith's accounts in this detail would be tedious even if space permitted. But they reveal progressive deficits which belie the official figures. In 1854 the colony had a surplus on paper of £80,000 - which its new government spent. They then discovered that there was actually a deficit, and had to vote loans to cover it.[5] The reason for the discrepancy is clear: there was neither increased revenue nor reduction in other votes to compensate for the added expense of Smith's annexations. Also, revenue collections

---

1. Ibid.
2. CO 48/319/416: Financial Minutes for 1849, 1850 and 1851.
3. CO 48/329/108: Statement of Auditor General - encl No 7 in Darling to Grey, 25 April 1852 (No 5).
4. CO 48/313/138: Smith to Grey, 19 February 1851 (No 28).
5. R.W.Murray, South African Reminiscences (Cape Town, 1894) p 15.

remained in arrear although appearing in full in the annual accounts. This was legitimate accounting practice, but it may be argued that after several years' failure to recover arrears the shortfall should have been allowed for. At all events, while the Appropriation Accounts showed a nett surplus of revenue over expenditure in this period the government's liquid resources dwindled steadily. In January 1848 its cash balances amounted to £66,705; three years later, to £26,273; and in 1851 they disappeared altogether.[1]

Faced with these problems Smith fell back on the commissariat chest. For example, he drew £7,680 for 'passage money saved by the British treasury in consequence of the settlement at the military villages of discharged soldiers.' (The Colonial Office observed that the soldiers cost the home government more to settle in the Cape than to repatriate.[2]) Grey at first urged the imperial treasury to sanction Smith's withdrawals 'under the head of expenditure approved generally upon confidence in that officer's judgement.'[3] But once he established himself Smith was expected to cut British costs; and confidence in his judgement was not a ground on which the Chancellor of the Exchequer felt willing to approach Parliament for extra funds. Grey therefore began to disallow charges on the commissariat chest. Smith responded with

---

1. Cape of Good Hope Almanac and Annual Register, 1852.
2. CO 48/286/380: Memo by Elliott, 23 November 1848.
3. WO 1/444/250: Merivale to Trevelyan, 28 July 1849. Cf WO 1/443/557: Minute by Grey (28 June 1848) on Trevelyan to Merrivale, 28 June 1848.

fresh arguments.[1] Inefficiency in London compounded his delays, and in 1862 the British government had to write off £21,772 'advanced' from the chest between 1846, most of which dated from Smith's time.[2] These figures never appeared in the Parliamentary returns by which Colonial Reformers tried to establish the cost of British rule in the Cape during the eighteen forties and fifties.

Smith authorised so much building at the military villages that prices soared in the colonial timber trade.[3] Contrary to express instructions he charged everything to the British treasury. Grey reluctantly approved, but he ordered the Emigration Commissioners to stop sending settlers to the Cape, feeling that the money allotted by the Cape legislature should help pay Kaffrarian expenses.[4] He disallowed another charge of £4,000 and countermanded the governor's authority to draw on the commissariat chest for civil expenses.[5] The colonists asserted that discharged soldiers made unsatisfactory settlers and objected to the arbitrary diversion of money specifically voted for immigration by the colonial government.[6] None opposed military villages on principle; but the episode proved that their priorities in this respect differed from Grey's. Other problems arose: not

---

1. E.g. WO 7/445/325: Smith to Grey, 10 October 1850 (No 149)
2. Hansard, 3rd Series, 1862, clxvii, 511-14.
3. Letterstedt to Minister of Commerce, 9 June 1848; Swedish Consular Correspondence (Commercial: Cape Town, 1841-90) EN860.
4. CO 48/283/3: Minute (18 April 1848) on Smith to Grey, 1 January 1848 (No 1).
5. CO 49/41/219: Grey to Smith, 17 March 1848 (No 100).
6. Theal, op. cit., iii, 70.

one officer sold his commission to join the villagers as Grey had intended.[1] Smith advised introducing a system of remissions on land purchases such as retiring officers enjoyed in Australia and Ceylon. Grey approved, stipulating that none should qualify except those selling out after the scheme commenced. After publishing these terms however, Smith received applications only from officers long settled at the Cape, including at least one 'old friend'. Although none qualified, Smith authorised large remissions. Grey immediately overruled him, but the governor begged for exceptions for two 'old and tried' Peninsula veterans and Lt. Davies of the 'Kaffir Police'. Davies said he had 'not a farthing' to buy land.[2] Grey acceded in his case because of 'special circumstances'. Within two years Davies grew rich enough to spend £317 on farms in Victoria.[3] This was perhaps a minor job, but of a kind which reinforced the charges of 'favouritism' against Smith.

Reverting to the wider theme, reference should next be made to the finances of British Kaffraria and the Orange River Sovereignty. In law the former constituted an autonomous territory. Smith had annexed it to Britain, not to the Cape Colony. Afterwards he proclaimed its only port (East London) a part of the colony, explaining that this would prevent smuggling and protect British commerce.[4] But this step also deprived

---

1. WO 1/442/199: F. Somerset to Stephen, 24 September 1847.
2. WO 1/444/563: Smith to Grey, 31 December 1849 (No 251).
3. CO 53/89: Cape Blue Book, 1852.
4. CO 48/283/137: Smith to Grey, 14 January 1848 (No 14).

the Kaffrarian administration of customs revenue on goods shipped to the garrison in Kingwilliamstown, limiting its financial resources to the proceeds of fines and trading licences. Thereafter Kaffrarian 'autonomy' quickly became a dead letter. From January 1849 its revenues were united with the Cape's and appeared in the colonial estimates. Nothing was allocated to educating or 'civilizing' the tribesmen. Annexation to Britain then appeared as a mere device to permit military rule of Kaffraria unrestrained by British law. The Colonial Office doubted the legality of this arrangement.[1] On 14 December 1850 it issued Letters Patent creating a genuinely separate administration under a lieutenant governor - without, however, restoring East London and its customs revenue. But the High Commissioner never promulgated them and separate government remained a fiction.

When annexing the Orange River Territory Smith hardly considered the cost of administering it. He spoke in general terms of placing the 'entire expense' on the local population. In language reminiscent of Godlonton and the Grahamstown traders he said that the step would benefit the Cape revenue 'by the additional impulse which will be given to commerce and the consequent increase of the customs, a demand for manufactures being the result of social improvement.' He would shortly return to Cape Town (he wrote) where he could 'best organise and carry out the execution' of the 'bold outline' he had adopted.[2] This final

---

1. WO 1/445/549: Minute by Merrivale (27 February 1850) on Judge Advocate General to Grey, 20 February 1850.
2. CO 48/283/151: Smith to Grey, 3 February 1848 (no 16).

sentence actually meant ordering Montagu to find a practical method of government. Montagu disliked Menzies' part in the annexation and opposed it as too costly.[1] But he presented a scheme costing £4,334 a year, which Smith predicted would leave a surplus of several thousands to promote religion and education. Until revenue collections were on foot expenses would be met by drafts on the Cape treasury.[2]

The Sovereignty ran into financial difficulties immediately. The new officials were 'embarrassed through lack of funds' within weeks of being appointed.[3] The fines levied on rebels after Boomplaats promised to provide a respite. But Grey had threatened to abandon the Sovereignty if it should prove a financial burden to Britain. The first concern of Smith and his adherents was to avert this, so they paid the bulk of the fines into the commissariat chest to cover the cost of the military expedition against Pretorius. Southey became Special Commissioner to collect fines from the Boers: 'Squeeze them well,' he was urged; 'it is the only chance ...'[4] But too little remained for administrative purposes. The commissariat chest received £7,467; by June 1852 it had all been withdrawn again to pay official salaries.[5] This disproved Smith's assertion that the Sovereignty would be financially self-sufficient and revealed the annexation for the

---

1. Above, Chapter VI, pp 224-5.
2. CO 48/284/111: Smith to Grey, 11 March 1848 (No 31½ /sic/).
3. John F. Midgley, 'The Orange River Sovereignty', A.Y.B. - 1949, Part II (Cape Town, 1950) p 161. Cf J.O'Reilly to R. Southey, 16 July 1848: Alex Wilmot, The Life and Times of Sir Richard Southey (London, 1904) p 44.
4. Macdonnell to Southey, 19 October 1848: Wilmot, op. cit. p 48.
5. Midgley, op. cit. p 453.

gamble it was.

Smith also tried to raise revenue quickly in the Sovereignty by selling land. He approved Southey's plan for delivering land certificates without delays.[1] Whatever his personal motives for making the annexation, the events which followed stamp it as little more than an enormous land speculation. Godlonton, Henry Southey (a brother of the Special Commissioner) and A.H. Bain (a Cape businessman) headed a rush for farms, buying five, three and nine respectively.[2] The Sovereignty officials were not behindhand: Vowe, an associate of Godlonton and Civil Commissioner of Caledon River, bought six farms. His clerk owned seven.[3] Both ignored Smith's ban on such dealings in 1848. Green, a British commissariat officer stationed at Bloemfontein, sold property he owned in Canada to buy eighteen farms in the Sovereignty. Building lots in Bloemfontein and the non-existent villages of Harrismith and Smithfield were bought up for speculative purposes. In 1850 A.H.Bain owned twenty in Bloemfontein alone. In all one hundred and thirty nine colonists and officials, almost all of British origin and based in the eastern Cape, bought or mortgaged two and a half million acres in under four years.[4] The Grahamstown element among them, led by Godlonton, founded the Friend of the Sovereignty

---

1. Smith to Southey, 2 November 1848: Wilmot, op. cit. p 52.
2. B.A.Le Cordeur, 'Robert Godlonton as Architect of Frontier Opinion', A.Y.B. - 1959, Part II (Cape Town, 1960) p 60. Eastern Province Herald, 26 January and 14 September 1850. Darling to Newcastle, 19 November 1853: Newcastle Papers, NeC 9554.
3. CO 48/348/148: Clerk to Newcastle, 10 November 1853.
4. CO 48/348/112: Clerk to Newcastle, 8 October 1853.

in Bloemfontein to further their interests in the local land market. The British administration became inseparably associated with this interest by paying the newspaper £150 a year in the form of official advertisements.[1] Viewed in the light of these activities Smith's claim to be serving humanitarian and strategic ends in the Sovereignty loses most of its force.

Land sales could no more balance the Sovereignty budget than war fines, however, since many farms were bought on terms and the purchase money did not become immediately available. 'The Sovereignty ... will prove a failure,' predicted Montagu in 1849; '... The symptoms are beginning to appear and are increasing.[2] Smith therefore turned to the commissariat chest to finance works and buildings. Grey refused to sanction this: he had only approved the annexation 'upon consideration of the charge being provided for from local funds ...'[3] Smith equivocated; he had never, he told Grey, meant to imply that the Sovereignty would support itself entirely.[4] But Grey's intransigence forced him to look elsewhere. He would abolish offices in the Sovereignty, settle certain expenses he had incurred 'as High Commissioner' from Cape funds, and ask the Legislative Council to remit the Sovereignty's debt to the colony.[5] For this purpose the Council broken up

---

1. CO 48/348/8: Clerk to Newcastle, 25 August 1853.
2. Montagu to Napier, 18 July 1849: Napier Papers, Add MSS 49167.
3. WO 1/444/517: Minute (1 March 1850) on Smith to Grey, 27 December 1849. Grey to Smith, 15 April 1850: Grey Papers.
4. WO 1/445/285: Smith to Grey, 10 August 1850 (No 117).
5. CO 48/307/229: Smith to Grey, 19 August 1850 No 129).

by the anti-convict agitators would need recalling.

Land also entered Smith's plans to raise money in the Cape. When he annexed Albert and Victoria he said that land sales would cover the extra costs. But he had not ascertained the facts. Emigrant Boers already occupied Albert. Smith's officials knew this: previous governors had declined to annex the area because of it.[1] But Smith failed to consult his Executive Council. Albert had formed part of Queen Adelaide Province, returned to the Xhosa in 1835. Thereafter several humdred Boers encroached on it. Smith returned to the Cape in 1847 intent on regaining the discarded Province and he acted without checking to see if circumstances had changed in the interval. Extensive Boer occupation meant that sales of waste land realised only £1,000.[2] Quit rents yielded a modest £1,200. So part of Albert's administrative costs fell on the general revenue. Under different circumstances (as will be seen) the same thing happened in Victoria.

Cape speculators welcomed Smith's annexations. The extension of British rule caused land values to rise.[3] By the mid-eighteen forties practically all the productive farming land in the colony had been granted by the government to private individuals. In 1846 the colony's size was estimated at one hundred and ten thousand square miles, or

---

1. Pottinger to Grey, 22 November 1848: Grey Papers.
2. Reports. 1849. XXII. /1082/: Ninth General Report of the Colonial Land and Emigration Commissioners, pp 28, 91.
3. For Albert, see Eastern Province Herald, 21 September 1850 and Cape of Good Hope Almanac and Annual Register (1853) p 254.

seventy million acres. Of this approximately forty three million acres (or three fifths) had been granted. Most of the remaining two fifths comprised 'mountain ranges and arid plains, almost entirely unfit for agricultural or pastoral purposes.' The balance was loan tenure farms, missionary institutions, town commons, outspan places, lands formerly surveyed but to which title deeds still had not been issued and, finally, the Kat River Settlement.[1] Nobody wanted the land unfit for agriculture or ranching. Godlonton observed in 1842 that although there was much vacant land in Graaff Reinet, Uitenhage and Somerset, it was destitute of water.[2] Another colonist added that many areas described as 'unoccupied' formed pockets in the midst of occupied farms and could be of use only if attached to them.[3]

Lack of suitable land at the Cape did not deter some spokesmen for the British colonists from trying to attract immigrants by promises of available farms. Chase deacribed the colony as 'under-peopled' and wrote of five million 'unappropriated acres saleable by the government.'[4] Smith echoed these phrases: 'We have more land than we know what to do with,' he told the Cape Agricultural Society in 1848. 'What we want is dams to preserve water, and human beings to cultivate and enjoy the fruits of our fertile soil.'[5] Chase also apread the myth of an

---

1. Reports. 1850. XXIII. /1204/: Tenth General Report of the Colonial Land and Emigration Commissioners, p 28.
2. Robert Godlonton, Sketches of the Eastern Districts of the Cape of Good Hope as they are in 1842 (Grahamstown, 1842) p 108.
3. ? Gilchrist, The Cape of Good Hope (Glasgow, 1844) p 1.
4. J.C.Chase, The Cape of Good Hope and the Eastern Province of Algoa Bay (London, 1843) pp 221-3.
5. Graham's Town Journal, 15 April 1848.

inexhaustible supply of land beyond the colonial boundaries. In the 'productive, but inadequately peopled country of the Kaffirs, in extent upward of twenty million acres, whose inhabitants would gladly admit European settlers' there were 'immense tracts of land fitted for the reception of emigrants.'[1] One Englishman who investigated Chase's statements criticised their inaccuracy.[2] The annexation of Albert verified his criticisms. Yet the eastern Cape land speculators, with Godlonton in the van, continued to hold the same language for many years.[3]

Political as well as economic motives inspired Chase's deceptions. Like most Cape 'Conservatives' he feared that Britain would ultimately surrender control of the colony's internal affairs to the colonists without qualification. The Boers outnumbered the British colonists and would then gain the upper hand, to the detriment of all interests but their own. This was particularly undesirable in the economis sphere, where the Boers had the reputation of being 'unprogressive'.[4] An Englishman's description of Graaff Reinet in 1848 epitomizes this feeling:

> A vexatious quiet ... pervades everything and everyone: and none of that bustling energy of our countrymen, which is looked upon by these slow-thinking gentlemen as something

---

1. Chase, op. cit. p 223.
2. George Nicholson, The Cape and its Colonists (London, 1848) pp 113, 158.
3. O.H.S.A. i, 255
4. For some Victorian ideas on 'progress' see: Walter E. Houghton, The Victorian Frame of Mind (New Haven, 1968) pp 38-45.

> quite ridiculous, is discernible in the trading operations of the imperturable Dutchman.[1]

The 'Conservatives' saw themselves as the agents of economic progress. Godlonton described them as 'the Yankees of South Africa', to be found wherever there was money to be made, improvements to be effected, or difficulties to be overcome: 'He was proud of belonging to thet class of the community.'[2]

After 1840 the economic incompatibility between Afrikaans and British economic methods remained obvious, but complete representative government did not appear imminent. To anticipate it the 'Conservatives' put their trust in the colony's economic development, which would attract British immigrants and concentrate all the wealth in their hands. Political power would follow. The anti-convict agitation aggravated their fear of a premature concession to the Boers. 'Were it not for the superior energy of the English, we should long since have been swamped,' wrote Southey. 'We should therefore encourage by every possible means the increase of the English population - vote as much as possible to bring out English labour, and in every way encourage capitalists to come.' Agriculture offered the best way to open up the Cape's resources. 'Let the attention of all Agricultural Societies and private individuals be directed to improvement in

---

1. G. Nicholson, op. cit. p 52. Gilchrist, op. cit. p 6.
2. Entry for 20 September 1850 in Godlonton Diary. For similar feeling in the western Cape see above, Chapter VII, pp 250-1.

Agriculture and Stock,' he continued; 'to the production of exportable articles, wool, cotton, etc.'[1]

The subsistence farmer, whatever his race or colour, had no place in Southey's vision of the future. Understanding this makes it possible to distinguish between three types of land expropriation occurring at this time. The first was generated by commercial farmers, in conjunction with banking and mercantile interests. It involved getting possession of land suited to commercial farming in areas where British government was established and legal tenure could be secured. (British government being synonymous with defense of private property, this ensured a vested interest.) Thus in Beaufort (where they dominated the district government) the commercial farmers expelled coloureds and trekboers from large areas of Crown Land, persuaded the governor to designate it 'commonage' and leased it back to themselves at a nominal rent for sheep farming.[2] But command of a district government was fortuitous: Control of agricultural credit and access to foreign capital were the main elements in this interest's power. Foreclosure drove the 'unprogressive' farmer from his land; capital enabled the commercial farmer to take it over.

The type of commercial farmer with connexions in banking and commerce, seeking tc implement the 'production of exportable articles

---

1. Southey to Godlonton, 29 July 1850: Cape Colony Letters, MSS Afr s I, f 129.
2. P.A.Molteno, The Life and Times of Sir John Charles Molteno (London, 1900; 2 vols.) i,52-3. See above, Chapter II, p 68.

is well illustrated in the Southey family. Disappointed applicants for farms in Queen Adelaide Province, traders in Grahamstown during the eighteen thirties - by 1849 they owned seventeen farms in Graaff Reinet, two in Colesberg, three in Richmond, at least five in Swellendam and were buying extensively in Victoria and the Sovereignty. They had access to British capital. They were founders and shareholders in the Graaff Reinet and Swellendam Banks. Richard Southey held a high government office while acting as agent for De Protecteur Assurance Co. and trying to float a joint-stock company to run stage coaches between Cape Town and Swellendam.[1] Other colonists had comparable interests: Molteno (one hundred thousand acres in Beaufort, financial resources in London);[2] Howse (twelve farms with twenty three thousand sheep in the colony, eight farms in Victoria, interests in the Eastern Province Bank, a partner in the City of London);[3] - to name but two. Direct connexions with London were one major factor differentiating these men from the Afrikaans commercial farmers - for contrary to much British propaganda at this time the latter class certainly existed: sheep ranching companies like Reitz, Breda, Joubert & Co. and Neethling, Breda & Co. matched those of Howse in profitability; and van Breda had large inter-

---

1. List of Applicants for Farms in Queen Adelaide Province: Cape Archives, B-K 32. J.C.Molteno & Co to G.Southey, 2 August 1839: Molteno Letter Books, MSS Afr s 23/4. Eastern Province Herald, 5 and 26 January 1850. Government Gazette, 8 and 15 February 1849; 6 January 1853; 5 January 1854. CO 53/87: Cape Blue Book, 1850. CO 53/89: Cape Blue Book, 1852. Wilmot, op. cit. p 29. R.Southey to J. Southey, 7 December 1847: Southey Papers, MSS Afr s 874.
2. Molteno, op.cit. i,51. J.C.Molteno & Co. to R.Witherby, 28 May and 9 June, 1838: Molteno Letter Books, MSS Afr s 23/4.
3. Co 53/87: Cape Blue Book, 1850. Government Gazette, 15 April 1852 Grahams Town Journal, 9 April 1853.

ests in western Cape banking and insurance.[1] But the British colonists' fear of Boer dominance kept the two groups apart.

The commercial farmers welcomed any extension of British rule which gave them new areas to develop and security of tenure, but they never acted in acticipation of it. They appeared in the wake of each forward movement, like Stanton, who by 1854 owned farms on three successive boundary lines.[2] The concentration of colonial land in their hands produced the second kind of land expropriation encountered in this period: a movement of those dispossessed by commercial farming to less productive and less settled areas in the colony or across the boundary, with little regard for legal niceties. One aspect of this movement is exemplified by B.E.Bowker, who found the new techniques of shearing and dipping sheep twice a year too laborious. 'Before you could keep your flocks right with little attention,' he complained, 'but now it is a constant worry.' Because sheep farming seemed 'better in Kaffirland' he added his voice to the demands for confiscation of Xhosa territory and eventually received two farms there - only to fail again, still blaming the new techniques.[3] Other victims of commercial farming

---

1. For Afrikaans adaptation to wool farming see: 'Account of the Colony of the Cape of Good Hope', The Colonial Magazine, August/September 1842, p 430. S.D.Neumark, Economic Influences on the South African Frontier (Stanford, 1957) p 168. For an example of political differences between Afrikaans and British colonists in one Cape district (Graaff Reinet), see Eastern Province Herald, 5, 19 and 26 January 1850 and 2 February 1850.
2. Cape of Good Hope. Report from the Select Committee on the Defence of the Eastern Frontier. House of Assembly, 1854. Q 150.
3. I. Mitford-Barberton, Commandant Holder Bowker (Cape Town, 1970) p 70.

suffered more severely. The Khoi and Trekboer unable to compete through lack of capital or ignorance of techniques subsisted for a short time by 'squatting' on Crown Land, until local authorities like those in Beaufort expelled them. Then nothing remained except entering service or trekking into the interior. In the latter event they might themselves dispossess the more primitive peoples they met.

The third kind of land expropriation was practised by Boers. Unlike the other two it was not directly connected with concentration of land in the hands of commercial farmers. It consisted of a steady movement into areas beyond the colonial boundary, often at the aboriginal population's expense. In Albert, for example, Smith found three hundred families occupying land restored to the tribesmen by Stockenstrom in 1835. Penetration of this area had begun as early as 1815.[1] The Cape economy stimulated and sustained this expansion.[2] It frequently resulted in violence. Throughout Smith's governorship the Cradock frontier provides a graphic illustration of the relentless Boer pressure on neighbouring tribes. The case of a field cornet named Zacharias Pretorius is particularly well documented. The area he coveted had been assigned to Thembu tribesmen by the colonial government. Nevertheless he drove his cattle into it and appealed to Smith when he met resistance.

---

1. Evidence of Jacobus Alewyn Kruger, MLA: Cape of Good Hope. Proceedings and Evidence given before the Committee of the Legislative Council appointed to take into Consideration the working of the present Gunpowder Ordinance. (Cape Town, 1856) p 9.
2. Neumark, op. cit. p 170

Smith upheld him without even visiting the scene, but did nothing to enforce the ruling. Unable to eject the tribesmen unaided, Pretorius twice appealed unsuccessfully to Stockenstrom to arbitrate. The Thembu believed that because Pretorius was an official he represented the government's intentions. But they refused to budge.[1] The deadlock remained until 1851 when another Xhosa war gave the Cradock burghers an excuse to sweep the whole frontier clear of Thembu and expropriate their lands.[2] Later investigations convinced the authorities that the Boers had acted without justification, but nothing could then be done to rectify matters.[3]

Misunderstanding of these forces is one of the most telling charges laid against Smith. Guided by Pottinger, Merivale had soon concluded that Boer expansion seemed 'to be literally a case of "overpopulation" according to the existing agricultural economy of the district' and 'quite different from the movement of a body of settlers en masse from political and social discontent.[4] Smith (Merivale observed) seemed to think that the 'migratory spirit' in the Cape was 'simply the result of unreasonable political discontent.'[5] This made it easy for the

---

1. A & P.1851.XXXVIII./1334/: Correspondence relative to the state of the Kaffir Tribes, p 34.
2. A & P. 1851. XXXVIII. /1380/: Correspondence relative to the State of the Kaffir Tribes, pp 16-17.
3. CO 48/338/57: Cathcart to Newcastle, 14 April 1853 (No 2).
4. CO 48/276/419: Minute (4 February 1848) on Pottinger to Grey, 12 November 1847 (No 177).
5. CO 48/284/488: Minute (31 May 1848) on Smith to Grey, 30 March 1848 (No 56).

governor to convince himself that Stockenstrom and the 'treaty system' were responsible for the Great Trek and that a return to D'Urban's style of government (whatever that meant) would reconcile the Emigrant Boers to British rule.[1] He mistook the support of the Cape 'Conservatives' for an extension of British rule in Kaffraria and the Orange River territory as an endorsement of his own 'half-worldly, half-sentimental'[2] policies. But the 'Conservatives' had reasons of their own - largely financial - for welcoming Smith's annexations, which they soon turned to their own advantage.

Experience suggesting that no British action would save tribal lands from expropriation, some colonists decided that the tribesmen should be brought within the colonial economic system for their own protection. To this end Calderwood arranged for those living in his district to hire land from government at the rate of £1 a year for each head of family. He devised an elaborate schedule of fines to suppress traditional customs and another of rewards for promoting European attitudes.[3] He meant the £1 to be a quit rent rather than a poll tax. 'Only those men that <u>can labour</u> have been called upon (to pay),' he explained, 'because most of them have a few head of cattle each, and because they may earn twenty shillings without much trouble

---

1. G.C.Moore Smith, <u>The Autobiography of Sir Harry Smith</u> (London, 1902) p 463.
2. Stephen Lakeman, <u>What I Saw in Kaffirland</u> (Edinburgh, 1880) p 18.
3. 'Instructions to the Superintendent of Fingos and Natives in the Fort Beaufort Area', <u>Eastern Province Herald</u>, 3 November 1849.

if they are disposed to work.'[1] Some Cape 'humanitarians' protested: Read observed that a few Mfengu near Fort Beaufort would have to pay £200 for land which would cost a colonist £4.[2]

Smith, hard pressed for revenue, seized on the financial aspects of the plan. He collected quit rents with determination. At Kat River he answered protests from the Gqunukwebe of Hermanus with threats of distraint. Failing payment, he wrote, he would 'turn those who do not pay off the land or seize cattle to the value required.'[3] Calderwood had linked the payment of quit rent with settlement in specific areas. But Smith began to sell off Crown Land so fast that this became impractical. As early as October 1849 some fifty Mfengu who had paid quit rent for land in Victoria East were evicted because it had been sold and ordered to 'go and make another settlement about the Kat River.' When they refused the government burned them out.[4] The idea of the payment as a means of giving individual tribesmen a proprietorial feeling for the land they occupied thus began to change into a mere means of raising revenue.

Land in Victoria also entered the calculations of those seeking compensation for profits allegedly lost during the 1846 war. Grey's

---

1. A & P. 1851. XXXVII. /1362/: Further Papers relative to the Establishment of a Representative Assembly at the Cape, p 112.
2. W.M.Macmillan, Bantu, Boer and Briton (Oxford, 1963) p 302.
3. Quoted in A.E. du Toit, 'The Cape Frontier', A.Y.B. - 1954, Part I (Cape Town, 1954) p 48.
4. Eastern Province Herald, 20 October 1849.

unequivocal rejection of these claims on behalf of the imperial treasury did not end the agitation.[1] The claimants proposed that their losses should be made good by the issue of land debentures, bearing six per cent interest; or by a loan from the imperial government,to be redeemed from the proceeds of land sales; or by an additional import duty. In Pottinger's time - led by commercial farmers and the eastern Cape business interests - they suggested selling the 'unoccupied and forfeited lands' in Xhosa territory and dividing the proceeds among losers by the war.[2] When Smith arrived the Bowkers and Southeys urged this scheme on him.[3] In the Legislative Council William Cock represented losses in the wars of 1835 and 1846 as £600,000. He proposed a committee to investigate and issue certificates to those whose claims were proved. He wanted to use half the land in Albert and Victoria to meet administrative expenses and sell the rest - the terms to be one quarter cash and the balance over several years. Certificates for claims should be taken in part payment.[4]

Smith willingly adopted this ingenious scheme. He felt confident that confiscated Xhosa land would yield enough to cover administrative charges,pay compensation and defray the cost of any future war.[5] He appointed a Commission,telling Grey that public excitement

---

1.Above,Chapter V, pp 183-4.
2.Graham's Town Journal,27 November 1847.
3.Ibid.,26 February 1848.
4.Colonial Intelligencer, V/VI (September/October 1848) p 74.
5.Minute, 27 June 1848: Government Gazette, 29 June 1848.

left him no choice.[1] The Commission proved claims to the value of £405,902 and recommended that they be satisfied by the issue of certificates entitling the holder to buy alienated lands 'at a long credit of from five to ten years.'[2] Smith could not agree: the Crown Lands in Albert were exhausted; and a quarrel arose in Victoria. The claimants, he explained, who were also 'the only parties likely to buy land, combined together to prevent sales in the division of Victoria, except on the terms suggested by the Committee.' So sales stopped and the additional expense for administering the two new divisions devolved 'on the general revenue.'[3] Smith's anxiety to accommodate the business interests of the eastern Cape had led him into a false political position.

Sales of Crown Land realised only £16,575 in 1850 despite 'very extensive' transactions in Victoria.[4] Smith and the compensation claimants had greatly overestimated the potential income from this source. The colony's best land was privately owned, and dues charged on private transfers contributed more to the revenue than land sales. These dues were fixed at 2% on the transfer of loan places and 4% on the sale or transfer of houses or landed property, whether freeehold or quit rent:

---

1. Smith to Grey, 28 June 1848: Grey Papers.
2. Government Gazette, 16 May 1850. See Above, Chapter IV, pp 135-6.
3. Reports. 1851. XXII. /1383/: Eleventh General Report of the Colonial Land and Emigration Commissioners, pp 24-5.
4. CO 53/87: Cape Blue Book, 1850.

TABLE IV.[1]

Income from Transfer Dues
and Sales of Crown Land
at the Cape of Good Hope.

Year	Transfer Dues	Land Sales
1847	£23,051	£13,886
1848	24,505	9,967
1849	20,714	8,880
1850	24,929	16,575
1851	23, 940	3,533
1852	31,552	3,810
1853	42,119	9,073
1854	44,125	12,302

By extrapolation it may be calculated that in 1847 and each year to 1851 between £575,000 and £1.5 million changed hands on property deals. In 1845 the Cape's total immoveable property had been professionally valued at £5,822,390.[2] It can therefore be seen that activity in the property market remained at a high level.

Although high, the level of property transfers also remained significantly static throughout Smith's governorship. In part this reflected the Cape economic situation. A recession had begun in Britain as early as 1846. In 1847 a panic swept the business community. As financial strain tightened at home most British merchants reduced their colonial commitments. The effects were soon felt. The Graham's Town Journal recorded growing numbers of bankruptcy proceedings.[3] Economic uncertainty translated itself into political unrest: even minor official acts seemed unendurable. The gift of extensive

1. Compiled from Blue Books and Appropriation Accounts.
2. Above, Chapter II, p 70.
3. May-August 1850 in particular.

lands in Caledon, George and Port Elizabeth to the Anglican Church aroused fears of 'an insidious and intruding Puseyism' among members of the other colonial churches.[1] The simultaneous revoking of an earlier grant to the Dutch Church at Glen Lynden caused great indignation and gave Stockenstrom a powerful weapon against the government. Smith likewise gave land to Howse, Godlonton, Warden, several officials and Afrikaners who had served under him in the war of 1835. By 1851 'the most valuable Government farms and extensive tracts of Crown Land' had all been disposed of by sale or gift.[2] This reinforced the feeling against government 'favouritism'.

Cape politicians quickly fathomed Montagu's financial expedients:

> Through a high-pressure system of government land selling, of most galling taxation, and of numerous accidental realizings, such as from sales of guano - the collection of several long arrears - petty reductions among subordinates - Government has hitherto seemed financially to flourish; but the current year (1849) will show a large deficiency, and if the present high pressure of taxation is taken off, which we apprehend it must be, then shall we at once be plunged into the depths of financial embarrassment ...[3]

The British authorities were slower, chiefly because of ineffective auditing. A Parliamentary Committee heard in 1845 that Audit Office examination of colonial accounts was 'absurd', 'defective throughout' and had 'never answered the purpose'. Checking the collection of colonial revenue was described as 'impossible'. The most recently audited Cape accounts dated from 1836; the most recently examined,

---

1. J.Adamson, Notes on Cape Affairs (London, 1851) p 19.
2. CO 53/88: Cape Blue Book, 1851.
3. Eastern Province Herald, 17 March 1849.

from 1840; the latest received, from 1843. Those from 1834 still had not been closed because of outstanding queries.[1] The Committee recommended an entirely new system of colonial accounting, which Smith received orders to implement in 1848. But the confusion following the disruption of his Legislative Council and the retirement of the Cape Auditor General in 1849 prevented a challenge to Montagu's methods until 1851.[2]

It was not the Colonial Office's duty to audit the Cape accounts, though it had the right to direct financial policy. But Hawes knew enough accountancy to detect the fundamental weakness of Cape financing. He concluded that British Kaffraria and the Sovereignty cost too much to hold. He looked 'with anxiety' to the Cape and feared that under a representative government 'much that has recently been done will, when the cost of holding it is considered, be undone.'[3] Grey thought it unwise to overrule Smith's measures without a trial. He urged strict economy, however, and when the governor started extending the colonial boundary piecemeal to incorporate small settlements of Boers, prohibited all further annexations of territory.[4] By 1850 events had confirmed Hawes' objections and Grey decided to abandon the Sovereignty. But

---

1. Reports. 1845. VIII. (820): Report from the Select Committee on Colonial Accounts: QQ 983, 991-2, 1000 and 1002; 'Return from the British Audit Office, 6 March 1845' - p 756.
2. Below, Chapter XI , p
3. CO 48/286/90: Minute (10 November 1848) on Smith to Grey, 29 July 1848 (No 108).
4. CO 49/41/219: Grey to Smith, 17 March 1848 (No 100). CO 49/45/56: Grey to Smith, 26 July 1850 (No 506).

British opinion was unready for such a step. Russell feared the effect which abandoning a British interest would produce among the supporters of his government: it would weaken 'Authority', shake the tenure of land and expose collaborators with Britain to injury and robbery: it would promote 'Anarchy' and the extinction of the aborigines.[1] A step which antagonised both humanitarian and business interests in the house of commons was highly impolitic. Abandonment must await a time when the disadvantages of holding the Sovereignty became more widely apparent.

Ignorance about certain aspects of Cape economics also reflected the bias of the merchant connexion, on which the Colonial Office relied for guidance respecting British interests. Over eighty firms involved in the Cape trade with offices in the City of London may be identified in this period. The largest had branches in the colony and followed events closely. They expressed their opinions by memorials to the government. Between 1846 and 1854 they objected to the equalisation of the Cape brandy duties; the suspension of the plan to build a breakwater in Table Bay; the convict order in council; the lowness of the property qualification for thr projected representative legislature; and the proposal to shift the seat of government to Grahamstown.[2] They demanded a new route for the mail packet to reduce delays between South

---

1. Memorandum, 7 December 1849: Grey Papers.
2. CO 48/269/72: Memorial on Brandy Duties, February 1846. South African Commercial Advertiser, 7 April 1847: Copy of Memorial on Table Bay breakwater. CO 48/303/332: Memorial against Convicts, March 1849. CO 48/311/245: Memorial against Property Qualifications, 31 December 1850. CO 48/322/544: Memorial against Removal of Seat of Government, 3 July 1851.

Africa and Britain.[1] They defended the colonists against charges made by British humanitarians and when war began in 1850 suggested the immediate despatch of reinforcements to Smith.[2] These matters affected the commercial and political ties between Britain and the Cape, and (in the political context of the time) aimed at preserving and strengthening them - a different emphasis from that of other economic interests at the Cape.

Two features of the merchant connexion require particular notice. The first is the City's aversion to the eastern Cape's political ambitions. Only Maynard Bros. & Co. would demand a separate government for the eastern Cape.[3] And only Sinclair, Hamilton & Co. were in favour of shifting the seat of government in Grahamstown.[4] When frontier traders like Nathan Birkenruth and Joseph Cawood visited the City even Lord John Russell found time to discuss Cape affairs with them. But their case for separate government generally received an unfavourable response.[5] The hegemony of Cape Town in South African business and politics was thus confirmed. The second feature of the merchant connexion was its ramifications outside the import/export sector. Some Cape Town offices served as agencies for British insurance companies: Ewan Christian for the Alfred; James Nisbet for Lloyds;

---

1. CO 48/322/468: Memorial on New Steamship Route, 12 September 1851.
2. South African Commercial Advertiser, 2 December 1846: Copy of letter from Cape Merchants to London Evening Mail. Graham's Town Journal, 7 June 1851: Copy of Petition presented by Cape Merchants to House of Commons.
3. CRS Minute Book, 7 November 1850.
4. CO 48/322/431: Sinclair, Hamilton & Co to Grey, 23 August 1851.
5. Graham's Town Journal, 5 July 1851.

and W. Dickson & Co. for the Alliance (the British directors of which included Sir E.N.Buxton M.P., Baron L. de Rothschild M.P., and Samuel Gurney),

This last feature partially explains the distinct element of commercial rivalry underlying the second phase of the anti-convict agitation. Cape businessmen fell into two categories: those with access to overseas financial resources; and those with purely local assets. The first group comprised the large merchant houses and agents for British insurance. It ran the Cape of Good Hope Bank, established in 1837 by a syndicate of Landcashire capitalists with banking interests in Australia and Canada. It was small and cosmopolitan, but financially powerful, and prospered because of its relationship with the British market. The second group had less direct links with Britain. The members drew their incomes directly from agriculture and the return on agricultural profits invested in local financial institutions. They owned several insurance companies, including De Protecteur, the Mutual, the Equitable and the South African Fire & Life; and most of the colonial banks, including the Union, Colonial and South African. Although concentrated in Cape Town they had extensive interests elsewhere in the colony. Substantially this group comprised 'progressive' Afrikaners and British colonists. In Cape Town they controlled the Municipality and several newspapers - among them De Zuid Afrikaan and the Cape Town Mail. If the merchants were the Cape's commercial aristocracy, the proprietors of local businesses

were its middle classes. And (as in Britain) the middle classes hoped to wrest political power from the aristocracy. [1]

The second group, with its lawyers and auxiliaries, accused the merchants of exploiting the colonial market and subservience to British political control. De Zuid Afrikaan under the editorship of C.J.Brand regularly criticised them for not reinvesting their profits in the colony. F.W.Reitz - a rich sheep farmer - described the Cape Town merchants and officials as a 'gentry' whose interests opposed those of the colonists.[2] Porter spoke of the feeling against expatriate officials 'as birds of prey and passage, sent to fatten upon the vitals of a colony in which they took no interest.'[3] Afrikaners could not be so charged: only in the next decade did they understand that the City of London would accomodate them as readily as it did the merchants . Though they disliked the outflow of mercantile profits, they had no objection to capitalism in principle. The South African Bank was their response to the Lancashire syndicate's Cape operations.[4] Growing numbers of Afrikaners became businessmen: J.H.Wicht, O.J.Truter,

---

1. The financial information in this and following paragraphs is based on contemporary books and pamphlets (listed in the bibliography); official reports in the Colonial Office archives; and business material in the files of De Zuid Afrikaan, the Eastern Province Herald, the Graham's Town Journal, the South African Commercial Advertiser, the Cape Government Gazette, the Cape of Hood Hope Almanac and Annual Register, the 'City' columns of the London Times and parliamentary papers from Britain and the Cape.
2. South African Commercial Advertiser, 20 September 1848. Cf the remarks on Montagu in Theal, op. cit. iii, 412.
3. Memorandum on Representative Institutions, 17 March 1848: Encl in CO 48/289/3: Smith to Grey, 24 July 1848 (No 109).
4. E.H.D.Arndt, Banking and Currency Development in South Africa (Cape Town, 1928) pp 211-4, 224 and 244.

J.J.L.Smuts, A.F.Carstens, J.S.Leibbrandt, J.H.Hofmeyr, J.M.Wentzel and F.H.Kunhardt of the Cape Town Municipality; J.G.Blanckenberg, O.M.Bergh and J.G.Steytler, were prominent figures in banking, insurance and stock marketing. The British colonists' fear of the 'unprogressive' Afrikaner masses isolated the Albany businessmen and fostered their belief in the superiority of 'British' commerce. It inspired their criticisms of the Boer preference for klinkende munt and tendency to 'hoard' wealth instead of depositing it in banks.[1] But it represented a misconception: outside Albany many Afrikaners competed as successfully in commerce as in agriculture.

Commercial activity generated profits for reinvestment. The amount must not be exaggerated: it was insufficient to develop the local woollen industry, for example. Even substantial brokers like Deare & Dietz of Port Elizabeth had to draw on their London correspondents for cash to advance against wool consignments.[2] But there was enough to make disposing of it a matter of major concern. 'An Englishman,' wrote Bagehot, '... assumes as a first principle that he ought to be able to "put his money into something safe that will yield 5 per cent."'[3] At the Cape, as in most undeveloped countries, the great obstacle was the absence of 'safe' investments. In December 1845

---

1. Graham's Town Journal, 27 February 1847. Co 48/272/121: Pottinger to Grey, 10 March 1847 (No 19). Eastern Province Herald, 8 September 1849.
2. Eastern Province Herald, 31 December 1845.
3. Lombard Street (London, 1873) Chapter VI.

a project to build a railway line to Swellendam and beyond reached the company stage.[1] A month later Cape Town businessmen subscribed £1,000 to investigate the possibilities of copper deposits in Namaqualand.[2] (Significantly, these two projects were among the first matters considered by the new representative legislature in 1854.[3]) But railway building had to await a later generation of financiers with European resources; and copper only became profitable when the world shortage six years later produced a frenzy of speculation in Cape Town. British military spending during the war of 1846 intensified the problem by increasing the amount of idle capital in the colony. Smith reported in 1848 that 'those who have amassed large sums of money by the late war are anxiously looking out for the means of employing their capital' and forecast a period of unusual speculation.[4]

The capital surplus first showed itself by a 'banking mania' in Cape Town. Cape banks showed consistently high profits after 1838. The Eastern Province paid a dividend of over 20% for 1846; the Frontier Commercial & Agricultural paid 7% in 1847 (its first year of operation): and after a year of severe drought which 'prostrated' the agricultural resources of the district, the Graaff Reinet paid 6% in 1850. The South

---

1. Alan F.Hattersley, The Convict Crisis and the Growth of Unity (Pietermaritzburg, 1965) p 31.
2. Theal, op. cit. iii, 81. R.F.M.Immelman, Men of Good Hope (Cape Town, 1955) p 138.
3. Cape of Good Hope. Report from the Select Committee ... upon the Construction of Railways in this Colony. House of Assembly, September 1854.
4. South African Commercial Advertiser, 2 January 1847. Eastern Province Herald, 20 November 1847. CO 48/284/3: Smith to Grey, 1 March 1848 (No 19).

African paid £80,860 on a capital of £60,000 (or about 11% a year) in the thirteen years after its founding. Such returns produced a 'burning desire' for bank shares. In 1847, with dividends reportedly running at 12%, some shares sold at an advance of 100%. Three new banks with a nominal capital of £245,000 came into existence.[1] Other financial institutions of proved profitability shared in the advance. The South African Fire & Life Assurance Co., established in 1831, paid £32,000 in dividends to shareholders between then and 1848 on a paid-up capital of £2,000. In 1849 the value of the shares stood at £26,000. The gain on the investment of £2,000 had thus been £58,000 - or over 175%.

A wave of speculations accompanied the 'banking mania'. Joint stock companies were floated to cultivate cotton in Natal, to supply water to Rondeboach, to run stage coaches to Swellendam and perform a variety of other functions. The methods used to attract subscribers sometimes reflected the dubious motives of the promoters: in one case several prominent merchants were named as shareholders in an effort to boost public confidence, although none intended to buy.[2] Only the Natal Cotton Co. succeeded in raising the capital to start operations, All two thousand £10 shares were taken by the leading Cape Town houses within hours of the issue. The promoters received a friendly reception from the Manchester Chamber of Commerce and the merchants of London, which the

---

1. Arndt, op. cit. p 239.
2. South African Commercial Advertiser, 17 and 31 March 1847.

Cape press wrote up. British money was attracted to the scheme and in 1849 the shares made large gains. But within a few years the plan failed and the investment was lost.

The solitary success of the Natal Cotton Co. in raising capital revealed the limitations of the Cape's capital market. Natal Cotton had backing from British industrialists and merchants. Lacking this support the other projects failed. The importance of the Municipality to Cape Town's financial interests thus becomes clear. By pledging its revenue as a security the Commissioners had managed to float a successful Gas Light Co., whose shares sold at an advance of 20% in 1848. But docks, wharves, warehouses, railways, telegraphs, waterworks and gasworks required credit facilities beyond what municipal guarantees could obtain. And Montagu's interference with municipal market dues threw doubt on the security of future revenue.[1] The Commissioners therefore decided that they must get control of the whole colonial government. They might then finance public works by the issue of state bonds. From 1846 onwards the stakes grew higher: the key exchange in understanding the situation was that which took place over the Table Bay breakwater.[2]

Historians have isolated the proposal to use convicts to construct the work as the significant aspect of this exchange and used it to explain the colonial agitation which followed.[3]

---

1. Above, Chapter IV, p 144.
2. Above, Chapter VII, p 254.
3. Theal, op.cit. iii, 74. A.G.L.Shaw, Convicts and the Colonies (London, 1966) p 329. W.P.Morrell, British Colonial Policy in the Age of Peel and Russell (Oxford, 1930) p 282. O.H.S.A. i, 321. Hattersley, op.cit. Chapter I.

This holds good for the mass of colonists but it accounts only partly for the reaction of the leaders of the anti-convict agitation. Smith, it will be remembered, had asked Grey at Montagu's suggestion for an imperial guarantee on £300,000 to build the breakwater. Grey rejected his request on the ground that it would set a precedent for too many similar projects in other colonies. But he had no objection to the colonial government trying to raise the amount on colonial debentures ('should the local legislature see fit') and guaranteeing it upon the security of the colonial revenue or the wharfage dues.[1] The Cape legislature was in the hands of 'the chief landed proprietors and principle merchants' of the colony.[2] The merchant connexion's interests in the import/export trade focussed its attention on the improvement of Table Bay harbour - a project which has a long and controversial history.[3] The 'local' financial interests centred on the Cape Town Municipality placed harbour facilities low on their list of priorities. This was the era of the 'railway mania' in Britain: they wanted to introduce railways and use them to exploit Namaqualand copper

The 'local' businessmen recognised that money to develop these projects must come from outside the colony, and that it would not do so

---

1. Grey to Smith, 25 October 1848: Quoted in: Cape of Good Hope, Report of the Committee appointed to enquire into the Practicability of Introducing Railway Communication into the Colony. (House of Assembly; May 1855) p 18.
2. Above, Chapter II, p 45.
6. Immelman, op. cit. pp 69,87-9, 91-4.

unless they guaranteed a 'reasonable per centage on the capital expended.' Hopes that such a guarantee would be provided by the imperial government were dashed by Grey's despatch on the loan for the breakwater. The local legislature thus offered the only means of affording an 'additional and undeniable security'.[1] The 'local' financial interests therefore set out to wrest it from the hands of the merchants. Economic matters offered a poor rallying cry against the colonial government, but the convict order in council was ideal, the more so because of Grey's stubborn persistence with it. The convict agitation can thus be seen at one level as a struggle between competing financial groups in Cape Town: the merchants, who had already approached the imperial government for guarantees on a loan of £300,000, allied with Cock, the eastern Cape businessman, who wished to secure a loan of £50,000 for developing the Cowie mouth on a colonial government guarantee; and the 'local' financial interests, who wanted to use the colonial legislature to guarantee loans for railway building and mining copper. In this respect Cape politics reflected 'that unblushing confusion of the business of government with the promotion of private fortune which is a notable characteristic of undeveloped political societies.'[2]

---

1. Report from the Select Committee on Railway Construction (1854), op. cit.
2. Leland H.Jenks, The Migration of British Capital to 1875. (Repr., London, 1971) p 63,

The Cape 'Liberals' were financially involved with the 'local' business interests and sympathised with their political ambitions.[1] 'The great commercial middle class must be regarded as of great importance and as deserving of great respect,' declared Porter in 1846.[2] Fairbairn - who had been made an honorary member of the Cape Commercial Exchange for his political services in 1827 - supported them in his newspaper. (He sponsored the Rondebosch Water Co., for example, during the wave of speculation in 1847.) The 'Conservatives' likewise had their own financial affiliations. In fact, of the leading politicians and officials on both sides during the constitutional dispute in Smith's time, only Stockenstrom appears to have lacked a financial stake in the outcome. (Montagu had no overt entanglements, but his biographer's assertion that he settled his Australian debts at £1,300 a year between 1845 and 1853 - on a salary of £1,500 rising to £2,000 between 1848 and 1853 - deserves investigation.[3]) Stockenstrom's disinterest helps to explain the political support he received after 1846 from those without commercial involvements - the 'unprogressive' Boers and coloureds, and the unsuccessful British farmers.[4]

The interpenetration of politics and business thus emerges clearly. On the government side the picture is of static revenue and growing

---

1. Above, Chapter II, p 57.
2. Immelman, op. cit. p 46.
3. Newman, op. cit. p 467.
4. Including members of the Bowker family: Alan F.Hattersley, A Victorian Lady at the Cape (Cape Town, 1952) p 96. Cf A.H.Duminy, 'The Role of Sir Andries Stockenstrom in Cape Politics', A.Y.B.-1960, Part II (Cape Town, 1961) pp 134, 151 and 156.

reliance on 'incidental' (i.e. non-recurring) sources. Commercial depression, the impolicy of direct taxation and the added burdens thrown on the revenue by Smith's annexations and Montagu's public works brought the Cape treasury to the verge of insolvency in 1850. From this it escaped by selling expropriated Xhosa land and (more importantly) the increased receipts after war broke out in 1851. In the absence of a Legislative Council Smith and Montagu could persevere in their extravagant policies, overspending the estimates without legal sanction to the extent of £39,772 for administrative expenses and £35,000 for the Central Road Board.[1] The colonists' difficulties related to the lack of safe investment opportunities and of means to raise capital overseas. In the eastern Cape the hunger for government guarantees was inhibited by fear of being 'swamped' by the unprogressive' Boer masses. This tempered the enthusiasm for representative institutions with the desire for political separation or, at the very least, a removal of the seat of government to the frontier.

Financial arguments would arouse no excitement among colonists who expected no direct share in the economic benefits from representative government. The local business interests therefore made little headway against the Legislative Council until the convict crisis produced a national movement to exploit. The merchant element withdrew from the anti-convict agitation when it understood what had happened: its

---

1. CO 48/329/108: Encl No 7 in Darling to Grey, 25 April 1852 (No 5).
   CO 48/347/3: Darling to Newcastle, 11 April 1853 (No 35).

prospects depended on the link with Britain - any move which threatened this, threatened them. Ebden might yearn for the financial resources of a government dominated by merchants with popular support in the colony, but he stood to gain nothing from a body controlled by local interests. The secession of the merchants had an unexpected effect: it enabled the local interests to mount a boycott of their overseas counterparts and renewed old economic rivalries.[1] These twists and turns completely baffled those in Britain trying to follow Cape affairs. In 1853 the Edinburgh Review commented that 'of all the cases of colonial resistance to the mother country' during Grey's term at the Colonial Office 'this seems to us by far the most irrational and incomprehensible.'[2]

---

1. Arndt. op. cit. p 244.
2. /G.C.Lewis/, 'Lord Grey's Colonial Administration', Edinburgh Review, XCVIII, 199 (July 1853) p 93.

CHAPTER IX

CONSTITUTIONAL DEVELOPMENTS IN 1850

Consideration of Cape constitutional development may now be resumed by examining progress in London. Grey's decision to consult the Committee of Privy Council for Trade and Foreign Plantations[1] caused delays: the Colonial Office did not produce a working paper for the Committee until thirteen months after the arrival of Smith's despatch recommending a constitution. Stephen was too busy to help.[2] Grey therefore personally drafted a report for the Committee's guidance. He saw no alternative to granting some form of representative government. But his deliberations coincided with his defeat on the convict order in council, which made him more determined than before to protect the Cape executive against the colonists' encroachments. The constitutional question thus entered a new and more subtle phase as Grey tried to limit the quantity of autonomy granted to the colonists by shaping the practical machinery of their new government.

Grey accepted the official Cape view that there should be a single legislature in Cape Town with two chambers. He hurried over the details of franchise and representation and seized on the Legislative Council as the best instrument to restrain popular power in the new legislature. Smith's officials favoured a nominated Council, believing that wealthy and respectable nominees would give it influence. Experience taught Grey however, that nominees provided no 'real balance to

---

1. See above, Chapter VII p 250.
2. Stephen to Grey, 7 November 1849: Grey Papers.

the Assembly.' A nominated Council would become 'a close and irresponsible body ... which might resist both the Crown and Assembly in adopting measures desired by the colony.' He preferred a Council elected by people holding 'situations of trust in the Colony' using the method known as 'plumping' - i.e. each elector to have as many votes as there were vacancies, which could all be given to one candidate or equally divided. Members should hold office for life. In the event of a deadlock between the two houses the governor might dissolve the Council, provided two thirds of the Assembly demanded it.

Turning next to the Cape executive, Grey proposed several defences to safeguard its powers. He meant to retain the Crown's right to disallow colonial legislation and permit the governor to return bills to the legislature with amendments, as in New South Wales. A permanent civil list would keep the operating expenses of daily government out of the legislature's reach and prevent its members from paralysing the executive by withholding supply.[1] The Cape officials thought it 'exceedingly desirable' for some of their number to sit in the Assembly and supervise government business, but Grey rejected the idea. Officials elected to the Assembly and habitually voting in the minority were, he declared, in an untenable position. In British North America it had led to 'responsible government - which is in fact party government.'

---

1. The civil list must provide for governing the border tribes, who contributed to the revenue (in the duties levied on articles they consumed) yet would receive no representation in the legislature.

The executive branch must be kept completely separate from the legislative, as in the United States.[1]

Russell raised three objections to Grey's plan. He saw nothing against an elective Council. 'But,' he wrote, 'I should take care not to create, instead of a weak barrier for the Crown, a strong barrier for the Assembly.' Election of Council members for life deprived both 'Crown and People' of the power of dissolution and might establish 'an oligarchy of an exclusive and dangerous nature ...' Instead he would carefully select a high qualification for electors of the Council - divide the colony into twelve districts, each returning one 'Councillor' - and 'make seven or ten years the period for which a councillor should be elected.' He doubted the policy of excluding officials from both chambers: in Jamaica it had 'tended to make the Assembly executive' and left 'only two powers, the Governor and the Assembly.' He preferred the French constitution between 1815 and 1848, which allowed officials to sit in either chamber and speak without voting in the one of which they were not members. Thirdly, permitting a voter to give all his votes to one candidate was inconsistent with dividing the Cape into districts each electing one member. The emphasis should be on delimiting the districts to balance representation: 'In this country Devonshire balances Westminster, and Lincolnshire Manchester, etc. and

---

1. 'Heads of Proposed Report respecting Representative Institutions at the Cape', n.d.: Grey Papers.

in this way the minority is always represented somewhere.'[1]

Grey disagreed. Citing a despatch from New South Wales he argued that the Council would lack real weight unless independent of both Crown and People. Independence could only be ensured by appointment for life, with dissolution as the Governor's last resort. Members elected for only ten years would be susceptible to popular pressure; electing them on a high property franchise would simply exalt the towns, where property was concentrated. (Here he cited the New Zealand governor's authority.) Using the same franchise for Council and Assembly would make both chambers too similar in composition. Therefore the holding of a 'situation of trust' offered the best franchise: it showed that a man had the confidence of his fellow subjects; it would ensure a Council 'at once conservative and ... likely to be looked up to with respect by the colonists generally.' Russell wanted to seat officials in both chambers. Grey replied sarcastically that he did not object although the practical result would be to make them stronger than the governor,'to whom they ought to be subordinate.'[2]

Their reference to overseas procedents cannot hide the reliance of Grey and Russell on purely British constitutional theory. They saw the main problems at the Cape, as in Britain, in terms of the defence

---

1. Memorandum on Cape Representative Government, 7 December 1848: ibid.
2. Memorandum, 10 December 1848: ibid.

of property. They wished to create a workable legislature which entrenched the rights of the wealthy and loyal minority. The solution apparently lay in the relationship between Governor, Council and Assembly. The prerequisite was to disqualify the labouring poor - the 'Populace' of Whig theory, as distinct from the 'People', or 'middle class'.[1] In the Cape this was simple: a low franchise based on fixed property automatically excluded the landless masses. The next step was to separate urban and rural districts and provide equal representation for each, so that colonial 'Westminster' might balance colonial 'Devonshire'. Inequal franchises and membership qualifications for each chamber would then concentrate the 'conservative' forces (i.e. the wealthy) in one and the 'popular' in the other. The British theory of 'Checks and Balances' could be used to justify this counterpoising of governor, Council and Assembly. This old-fashioned (and by 1848 dubious) theory stated that the excellence of the British constitution depended upon the balanced union of Monarch, Lords and Commons and the need for all three to assent before any measure became law.[2] Balance could be achieved at the Cape by giving the governor a civil list and the right to disallow legislation; by withholding all executive power from both chambers; and by giving each equal rights to introduce and amend legislation. Popular leaders would accept this arrangement, Grey

---

1. Donald Southgate, The Passing of the Whigs (London, 1962) p 322. Norman Gash, Politics in the Age of Peel (London, 1953) pp 15-19.
2. Walter Bagehot. The English Constitution (London, 1867) Chapter I. Walter E.Houghton, The Victorian Frame of Mind (New Haven, 1868) pp 47-8.

believed, in return for a voice in disposing of the remaining revenue.

Viewed in this light the drafting of the Cape constitution takes on a theoretic aspect quite different from previous Colonial Office thinking. Treating Cape affairs as analogous to British made the racial question irrelevant: Grey and Russell could thus ignore Stanley's warning of 1842 that political power would enable the colonists to promote 'their own interests and prejudices' at the expense of the aboriginal population.[1] In the absence of Stephen the Committee of Privy Council (which Grey consulted several times) possessed too little practical knowledge to shift the discussion from the sphere of British constitutional theory to that of real Cape politics. Its members were confident that a summary of facts, a few hours' deliberation and the application of sound principles would produce a satisfactory formula.[2]

Grey's draft outlined the constitution but omitted minor details. He meant to confirm it by order in council and send a copy to the Cape with instructions for the colonial government to embody the missing details in a local ordinance.[3] This procedure would prevent the Cape officials from altering the framework, since they had no authority to amend an order in council. It also gave the appearance of consulting local opinion on matters beyond the Colonial Office's ken. There was little danger in this formality: the memoranda of Smith's officials showed

---

1. Above, Chapter IV, p 157.
2. E.g. Mrs. Hardcastle (ed.), Life of Lord Campbell (London, 1881: 2 vols.) ii, 259.
3. As suggested by Porter: above, Chapter VII, pp 243-4.

that they could be trusted to frame a conservative local ordinance; and Grey reserved the right to amend it if he saw fit. He would then combine the contents of the two legal instruments to give a constitution complete in every detail. This would be enacted by Letters Patent which simultaneously empowered the governor to summon the new parliament.

At this point Grey prevailed on Stephen to examine the draft. The former Under Secretary saw legal grounds for issuing the Letters Patent before the enactment of the local ordinance. But he objected to this 'new and experimental scheme of Colonial Policy.' Experience proved the danger of 'all such wide departures from our ancient models and well-proved institutions.' He feared that the experiment would antagonise the colonists to a degree which the Colonial Office could not overcome.[1] Grey replied that the 'ancient models' were 'thoroughly discredited'. In Jamaica and Canada the nominated legislative councils had proved 'defective'. All Smith's advisers stressed the need for 'rendering the Council as independent as possible.' This could only be achieved by election. Colonial hostility to the measure might be diminished by an alteration in the manner of recommending it. 'In writing the draft,' Grey confessed,'I had more in my mind the object of anticipating attacks from Lord Stanley and others on the ground of the revolutionary character of the measure, than the more important object of reconciling the colonists to it. I have accordingly taken too much pains to show that

---

1. Stephen to Grey, 5 January 1850: Grey Papers.

the measure is intended as a check on democracy.'[1]

Grey shortly had to make a more fundamental change to his draft. The Committee of Privy Council insisted that members of the Cape Council be elected for ten years rather than life, despite vehement protests from Grey.[2] It then adopted the report by order in council. Key clauses confirmed the intention to exclude popular power and safeguard the British connection in the proposed constitution. It envisaged a franchise for the Assembly identical to that for the municipalities and road boards, as recommended by Montagu. Membership of the Assembly would be open to anyone qualifying for the franchise. Towns and rural districts would be separately represented after a plan proposed by Montagu. This meant abandoning the idea that members of parliament should be returned in proportion to the number of voters. Its stated aim was to curb the influence of Cape Town. The Council would be elected on a higher franchise than the Assembly, giving the constitution 'that due balance which it ought to have.' The best franchise qualification seemed to be the holding of certain 'situations of trust' in the colony. Being elected, the Legislative Council should also be empowered to amend money bills (a right which the upper house still claimed in Britain).

---

1. Grey to Stephen, 10 January 1850: ibid.
2. Journal, 15 and 19 January 1850: ibid.

The Committee would not allow government officials to sit in the Assembly by election. In British North America this step had produced

> what has been termed 'responsible', but what would more correctly be described as 'parliamentary' or 'party' government, the essence of which is that the offices of the Colonial Government which are conferred on members of the Legislature, are to be held by them only while they continue to be supported by a majority of the House of Assembly.

Responsible government was unsuited to a poor country like the Cape where few men had leisure from business to devote themselves to public affairs. Instead, the officials would introduce government business in both chambers without voting.[1] 'Few people can doubt that what is understood as responsible government - the ordinary practice of the Crown selecting its administrative officers from the predominant parliamentary party - must eventually be the complement of representative /government/, as well in the colonies as in the parent state,' explained a Whig propagandist. 'But this must be left to the discretion of the Queen's Government. It forms a distinct portion of Lord John's colonial policy.'[2] The Cape constitution thus had two basic features: it enfranchised a limited number of the Cape population; and it was itself limited by the imperial government retaining some financial and

---

1. Report of the Lords of the Committee in Council on the proposed Establishment of a Representative Legislature at the Cape: in Earl Grey, The Colonial Policy of Lord John Russell's Administration (London, 1853; 2 vols.) vol ii, Appendix C.
2. 'Colonies and Constitutions', New Monthly Magazine, LXXXVIII, 351 (March 1850) p 351

all executive power.

Certain other aspects of the report must be touched on. It left the question of separation in abeyance, observing that there was too little revenue to support governments in both eastern and western districts. It appointed the Chief Justice ex officio Speaker of the Legislative Council. It confirmed the political distinctness of British Kaffraria and the Sovereignty from the Cape. Despite the attendance of the Whig law officers the Committee also fell into the hoary legal error of mistaking the Governor, Council and Assembly for the 'three estates' of British constitutional theory. Another error had more serious implications: the Committee distinguished between 'the coloured inhabitants of Cape Town, who are in general removed by at least three or four generations from the untutored natives of Africa' and 'the rude and ignorant beings, some of them but little, if at all, raised above the condition of their original barbarism, who are to be found in other districts of the colony.' The latter it classified with the 'population of African races' - although they actually formed the bulk of the coloured population.[1] They would not be enfranchised and the Committee wanted arrangements to be made to secure them 'the effective protection of the Crown ...'

Here it may be helpful to show in tabular form the complicated procedure devised by Grey for enacting the Cape constitution, since a

---

1. Above, Chapter II, p 50.

grasp of it is essential to a proper understanding of the events which followed.

TABLE V.

Sequence of Legal Measures used to implement the Cape Constitution, 1846-1854.

1. Colonial Office decides to grant a representative constitution and informs Cape Government.
2. Cape officials submit written opinions.
3. Grey drafts framework of new constitution.
4. Grey's draft submitted to Committee of Privy Council for Trade and Foreign Plantations and amended.
5. Amended draft adopted by order in council.
6. Order in council embodied in Letters Patent.
7. Letters Patent sent to Cape for completion of minor details.
8. Minor details embodied in ordinance of Cape Legislative Council.
9. Letters Patent and Cape ordinance returned to Colonial Office.
10. Colonial Office amends Cape ordinance and combines it with framework in Letter Patent.
11. Combined details ratified by new Letters Patent and become legal constitution of the Cape.
12. New Letters Patent sent to Cape, empowering governor to dissolve existing Council.
13. Governor summons representative legislature.

Stages (4) to (10) of this tedious legal process could have been avoided by embodying the Cape constitution in an Act of the imperial Parliament. Merrivale and Hawes supported this course, but Grey had been attacked in Parliament when settling the New Zealand constitution and preferred delay to renewed attacks.[1]

The law required the enactment of the Letters Patent in Britain

---

1. CO 48/295/292: Minutes (n.d.) on Memorandum by Merivale, 15 April 1849.

before Smith's government inserted the details. But Grey ordered him to start collecting information in advance.[1] This would prevent delay when the Letters Patent eventually arrived. Grey presumed that there would be no difficulty in reconstituting the Legislative Council disrupted during the anti-convict agitation. The Colonial Office still misunderstood the relationship of the anti-convict movement to the question of representative government, although the Cape newspapers regularly arriving in Downing Street explained it clearly. For example, after the unofficial members had resigned from Smith's Council Fairbairn exulted that it was 'never to meet again.'[2] And the Eastern Province Herald observed that the colonists could obtain a constitution without resorting to violence if they used the same tactics as those of the anti-convict agitators.[3] Smith himself only realized the position when the Neptune's departure failed to halt the agitation. He then reported the 'licentiousness' of the local press (excepting the Graham's Town Journal) which 'now exerts itself upon the subject of representative government.'[4]

Having to reconstitute his Council put Smith in a quandary. The colonists wanted political representation and substantial power to accompany it. They had misgivings about the proposals made by Smith's

---

1. The despatch enclosed a copy of the order in council, both printed in Earl Grey, op. cit. vol ii, Appendix C.
2. Above, Chapter VII, p 264.
3. 18 August 1849.
4. Smith to Grey, 15 March 1850: Grey Papers.

officials. They demanded 'the substance as well as the form of self-government.'[1] To achieve this aim, Fairbairn suggested that the colonists draft their own constitution and force the imperial government to sanction it by demonstrating 'that no other form of government can be carried on here.'[2] So if Smith reconstituted the old Legislative Council he invited a fresh attempt to disrupt it. And the threat of economic boycott retained its power: 'no Gentlemen qualified for seats will come forward,' he wrote, 'and I would accept the services of no man who has previously seceded.'[3] (The first half of this statement should not be taken literally: many leading 'Conservatives' would have volunteered, but of course they were opposed to representative institutions.)

Smith explained these difficulties in a despatch to Grey. The colonists believed the Legislative Council had been 'virtually dissolved by popular agitation,' he wrote. He had interpreted Grey's earlier despatches to mean that he would shortly be ordered to introduce representative institutions. To avoid another unsuccessful contest with the people he had therefore made no effort to reconvene his Council. The latest instructions changed all this. Yet finding unofficial members for the Council still presented problems. The anti-convict agitation had split the colonists into 'moderate' and 'extreme' parties. To chose moderates would stimulate fresh agitation from the extreme party;

---

1. South African Commercial Advertiser, 6 March 1850.
2. Ibid., 13 February 1850.
3. Smith to Grey, 26 March 1850: Grey Papers.

to chose 'extremes' would put a premium on agitation. He and his Executive Council therefore decided to seek the 'opinions of the people' and asked municipalities and road boards to submit names of men willing to sit on the Council. Smith and his advisers would then select the five 'most eligible' and offer them the vacant seats. The decision had caused 'much satisfaction' in Cape Town.[1]

The Colonial Office disapproved of Smith's tactics but could do nothing to change them in the time available. The Cape 'Conservatives' deplored the concession to popular feeling.[2] Looking deeper, it may be seen what a handicap Smith's political inexperience was proving. His belief that representative institutions could be introduced without reconstituting the old Council was unrealistic. He had appropriated public money and governed for over a year without authority from his Council. He required an Act of Indemnity to prevent the incoming government from holding him personally responsible for measures taken in his official capacity. The exchanges over the new legislature also revealed the marked lack of consultation between Cape Town and Downing Street. Grey devised his method of enacting the new constitution without preparing Smith for the Cape government's part in it, allowing the governor to compromise himself by appearing to support colonial sentiment against reconvening the old Council. Finally, Smith's failure to announce earlier his sympathy with the colonists' viewpoint displayed a reserve in his

---

1. CO 48/306/46: Smith to Grey, 17 May 1850 (No 82).
2. J. Adamson, Notes on Cape Affairs (London, 1851) p 16.

correspondence with Grey which hindered a proper understanding between the two men and misled the Colonial Office about the Cape situation.

The Cape 'Conservatives' anticipated some success in the 'election' for Smith's Council. Southey thought Godlonton would be returned and urged him to accept a seat: 'I know of no one on the Frontier so well qualified as yourself to fight the good fight of Conservatism,' he wrote.[1] But the 'Conservatives' suffered a crushing defeat. Godlonton - the only one to make a reasonable showing - came eleventh in the poll and did not even obtain the best result in the eastern districts, where Stockenstrom's son-in-law (Meintjes) defeated him. The Cape Town Municipality had sent voting tickets to all the country districts. The five candidates they nominated - Brand, Stockenstrom, Reitz, Fairbairn and Wicht - headed the returns.[2] Nevertheless, the government were determined to appoint Godlonton. At a carefully stage-managed session of the Executive Council they discarded Wicht on the ground that his inclusion would deprive the British settlers in Albany of representation, and appointed Godlonton.[3] Brand, Stockenstrom, Reitz and Fairbairn received the other vacant seats. 'These men are professors of very Liberal principles,' wrote Smith, 'and I am of opinion if they do no real

---

1. Southey to Godlonton, 14 June 1850: Cape Colony Letters, MSS Afr s 1, f 121.
2. Printed in A & P. 1851. XXXVII. /1362/: Further Papers relative to the Establishment of a Representative Assembly at the Cape, p 89. For the use of 'tickets' see Brand's speech: ibid., p 67.
3. A.H.Duminy, 'The Role of Sir Andries Stockenstrom in Cape Politics', A.Y.B. - 1960, Part II (Cape Town, 1961) p 108.

good where they are, they will do less harm than they otherwise might.'[1]

Wicht had received fewer votes than the other four who headed the poll but his displacement was still an act of decided bad faith. Southey (who was in Smith's confidence) admitted that although the governor 'was not actually pledged to appoint those who had a majority of votes, tactitly he was so.'[2] The 'Conservatives' thus secured two representatives: Godlonton and Cock, the only unofficial member who kept his seat during the anti-convict agitation. Helped by the officials, Southey felt, the 'English interests' would carry all before them. He urged Godlonton to abandon the cause of 'separation' and concentrate on the two 'vital questions' - keeping power in 'English' hands, and freeing Albany from its economic dependence on Cape Town.[3] Bishop Gray felt less confident: the unofficial members did not include an Anglican and he feared they would halt Montagu's lavish endowment of the Anglican Church with government property.[4]

The Letters Patent containing the framework of the new Cape constitution reached Cape Town in July. Smith supported the provision for an elected upper house but his officials raised several objections, particularly against their own exclusion from both chambers.[5] The Council met on 6 September and heard a minute from Government House describing the

---

1. Smith to Grey, 14 July 1850: Grey Papers.
2. Southey to Godlonton, 29 July 1850: Cape Colony Letters, MSS Afr s 1, f 127.
3. Ibid. See above, Chapter VIII, p 295.
4. Charles Gray (ed.), Life of Robert Gray, Bishop of Cape Town (London, 1876; 2 vols.) i, 314.
5. Smith to Grey, 23 August 1850: Grey Papers.

enactment of ordinances to complete the constitution as 'one of the principal objects' for its meeting.[1] Four days later Godlonton arrived from Albany and Smith presented a second minute, dealing with the 'general business' of the session. Ordinances to be submitted under this head included one for removing 'squatters' from Crown Land - a resurrection of Smith's unsuccessful vagrancy law of 1848.[2] The Council would also be asked to sanction the estimates and to write off the debt owed to the colonial treasury by the Sovereignty government.[3]

The session began in earnest when the council went into committee to consider the constitution. The 'Conservatives' hoped to entrench the power of their own interests. The 'popular' party wished to counteract them. Fairbairn argued in economic terms that 'every man doing the best for himself will benefit his country.' All that was necessary in the legislature was to 'balance the self-loves of different classes' and the 'resulting force' would be 'directed to the general good.'[4] He therefore sought as wide a representation as possible in both chambers. The franchise qualification for the Assembly caused little dissension but much confusion. No member wanted universal suffrage and all supported a property qualification. But this could be defined in terms of rental (which was proportionate to the value of

---

1. CO 48/307/267: Encl in Smith to Grey, 12 September 1850 (No 130)
2. CO 48/307/285: Encl in Smith to Grey, 12 September 1850 (No 134).
3. CO 48/307/229: Smith to Grey, 19 August 1850 (No 129).
7. Council debates, 20 September 1850: A & P. 1851. XXXVII. /T3627: op. cit., p 85.

of property occupied) or of the actual value of the property itself. When a figure of £25 was finally agreed on Fairbairn took it as rental and De Zuid Afrikaan followed suit.[1] But the majority understood it as 'occupation of landed property to the value of £25.'[2] Most observers were surprised: Stockenstrom had originally described a qualifation of £50 as 'bringing the suffrage down very low' and certain to satisfy 'all parties save those wanting universal suffrage.'[3] Godlonton (who reached Cape Town too late to vote in the debate) thought £25 'radically bad'.[4] How, then, did it come about? The usual explanation is that it reflected Porter's ambition to 'place the suffrage within the reach of the more intelligent and industrious of the men of colour ...'[5] A closer examination of the proposal's origins shows that this interpretation cannot be wholly sustained.

When first expressing his wish to enfranchise selected coloureds Porter had proposed more conservative qualifications than the £25 franchise.[6] The growing political influence of the 'commercial middle class' and the elimination of the nominated Legislative Council in Grey's Letters Patent altered the circumstances under which Porter's views seemed appropriate. Montagu believed that the elective upper house

---

1. 12 September 1850.
2. CO 48/308/3: Smith to Grey, 2 October 1850 (No 141).
3. A & P. 1851. XXXVII. /1362/: op. cit. p 34. Cf De Zuid Afrikaan, 10 April 1850.
4. Graham's Town Journal, 28 September 1850.
5. Stanley Trapido, 'The Origins of the Cape Franchise Qualifications of 1853', Journal of African History, V, i (1964) p 50. J.L. McCracken, The Cape Parliament (Oxford, 1967) p 65. O.H.S.A. i, 323.
6. Above, Chapter VII, p 243.

would provide no check to 'hasty and unsafe legislation'. He wanted 'to throw more of the popular element into the lower house' and it occurred to him to reduce the franchise for that purpose. He and Porter discussed this in private and settled on a figure of £25, which they subsequently carried.[1] Montagu claimed that his intention was 'to enable labour to protect itself', but the £25 franchise had other advantages. It would,(he hoped) create an effective counterpoise to the interests represented by the anti-convict leaders in the new Assembly; and - once carried - it would justify imposing a high qualification for members and electors of the Legislative Council. The latter step would compensate for the loss of the nominated upper house and entrench 'property' in the Cape government - considerations which later events showed were more important to Montagu than the protection of 'labour'.[2]

The commercial interests centred on the Cape Town Municipality welcomed the £25 franchise.[3] This was to be expected: their counterparts in Britain at this time were the leading proponents also of a wider suffrage. The Municipality drew much support from Afrikaners, who might be expected to resist giving votes to coloured people on racial grounds. But their fears were easily overcome. In his memorandum on representative institutions Montagu had cited the election of a Cape Town Malay as municipal wardmaster to prove that colonial colour prejudice had

---

1. A & P.1852-3. LXVI. (130): Further Papers Relative to the Establishment of a Representative Assembly at the Cape, p 230
2. Below, Chapter XI.
3. Editorials in Cape Town Mail and Cape of Good Hope Advertiser, September 1850.

declined.[1] De Zuid Afrikaan used the incident to draw a moral more comforting to Afrikaans feelings: 'But what was the result?' it asked.

> The man soon discovered that he would be completely out of his sphere, and resigned immediately after his election. This will also be the case, we presume, if Abdul Coolie or any one of his relatives should be returned as a member of the Council or Legislative Assembly, and will continue to be the case until many years of progressive civilisation shall have prepared the lower classes of this colony to aspire to the abovementioned distinctions.[2]

Support for the £25 franchise had the added advantage of convincing the 'humanitarian' interest in Britain that the Cape Town politicians meant no harm to the coloureds, thus anticipating one of the imperial government's objections to conceding a representative government.

The government's tactics in proposing a £25 franchise for the Assembly became clear when the Council debated the composition of the upper house. Fairbairn - pursuing the struggle between 'local' and 'overseas' financial interests - proposed a 'non-property' qualification for membership. He stated that a property qualification would exclude 'every class of property - except that of a certain description, among the most important of which would be the mercantile interest.'[3] Godlonton thought his proposal destructive 'of all property and all stability throughout the country.'[4] Porter (in an outburst which startled even Godlonton) contended that it would release in the Cape 'the Communism, Socialism and Red Republicanism which had done so much

---

1. CO 48/289/3: Encl in Smith to Grey, 24 July 1848 (No 109).
2. 8 May 1851.
3. A & P. 1851. XXXVII. /1362/: op. cit. p 47.
4. Godlonton to Southey, 16 September 1850: Alex Wilmot, The Life and Times of Sir Richard Southey (London, 1904) p 89.

mischief in France,'[1] Fairbairn cuttingly replied that Montagu probably would not qualify if property had to be produced and yet was thought fit to serve as Secretary to Government. He proposed ownership of fixed property worth £25 for membership of the upper house. Cock suggested unencumbered fixed property worth £5,000. Fairbairn retorted that 'there were not twenty such people in the colony.' Porter recommended £1,000 and Stockenstrom £600. The figure finally carried by Cock, Godlonton and the officials was ownership of unencumbered fixed property worth £2,000 or, if encumbered, £4,000. The information then available on which the official calculations were based, showed that not more than two hundred people in the whole colony met this qualification.[2] A return to the principle of nomination could scarcely have made the upper house more exclusive.

Moving to the franchise qualification for the upper house, Godlonton suggested the 'occupancy of property worth £100.' This would enfranchise only twelve thousand colonists, one fifth of them in centres of British settlement.[3] The popular members declared that this effectively created an oligarchy. Stockenstrom wanted the same £25 qualification as that for the lower house and his proposal was carried with the votes of Porter and Field. This provision meant little when set against

---

1. Eastern Province Herald, 28 September 1850. Godlonton Diary, 13 September 1850.
2. Return Showing the Rateable Value of Colonial Properties: A & P. 1851. XXXVII. /1362/: op. cit. p 171. This return appears to have served for most official calculations on the constitution. See Table VI, overleaf.
4. Ibid.

TABLE VI.[1]

Return Showing the Number of Properties through the Cape Colony valued at the Rates shown. (Compiled in 1845.)

	Less than £100	£100 to £199	£200 to £299	£300 to £499	£500 to £999	£1000 to £1499	£1500 to £1999	£2000 to £2999	Over £3000
1 & 2: Cape Town and Green Point	529	929	632	568	458	192	80	54	16
3.Cape Division	76	134	134	218	108	97	54	23	28
4.Stellenbosch	98	213	155	221	303	129	42	17	2
5.Swellendam	106	146	108	112	155	181	47	16	7
6.George	66	94	48	108	106	70	40	5	0
7.Worcester	34	94	114	149	147	37	11	1	0
8.Clanwilliam	41	101	107	133	124	13	3	1	0
9.Uitenhage & Port Elizabeth	169	197	147	210	190	51	9	4	4
10.Albany.	499	378	161	260	271	59	19	15	3
11.Beaufort	85	130	54	97	118	17	1	0	0
12.Somerset	30	56	65	144	113	19	0	1	0
13.Cradock	35	32	51	109	120	27	7	1	0
14.Graaff-Reinet	87	91	62	192	171	40	10	3	0
15.Colesberg	83	249	149	90	47	3	0	0	1
TOTAL	1938	2840	1987	2611	2431	935	323	141	61

1. A & P. 1851. XXXVII. /1362/: Further Papers relative to the Establishment of a Representative Assembly at the Cape of Good Hope, p 171.

the high qualification for membership of the upper house, but it represented a defeat for the 'Conservatives'. The remaining stages of the debate may be dealt with in less detail. The officials voted together on every remaining constitutional question. They united with Cock and Godlonton to establish a system for elections to the Council 'giving to each Province an equal amount of power and destroying entirely that preponderance which Cape Town from the number of its inhabitants would otherwise have enjoyed.'[1] They settled that Council members should sit for ten years and unanimously censured Grey's plan to make the Chief Justice ex officio Speaker. In all this they displayed the same tendency to offset 'liberal' with 'conservative' provisions which characterised their original memoranda on representative institutions.[2] They thus vindicated Grey's trust in them to create an anti-democratic, property-oriented upper house for the new legislature.

When the session started the four 'popular' members had challenged Godlonton's appointment. On 18 September they reopened the subject and, failing to unseat Godlonton, were with some difficulty prevented from resigning.[3] The government then announced its intention to postpone the constitutional debate and introduce the 'general business.' This presented a challenge to the 'popular' members, who had justified taking a seat on the despised Council by saying that it served as a 'constituent assembly' to frame the constitution and do no more.[4] At the next

---

1. Godlonton Diary, 14 September 1850.
2. Above, Chapter VII, p 245.
3. Godlonton Diary, 18 September 1850
4. South African Commercial Advertiser, 8 May 1850.

meeting Stockenstrom tabled a petition from the Cape Town Municipality supporting this view. Montagu presented a counter-petition from the local merchants. He warned the official members that they were bound to vote with the government whatever their own convictions and secured a majority of eight to four for proceeding with the general business. The 'popular' members immediately presented a list of 'Reasons for Dissent' and - despite a personal appeal from Smith - resigned their seats. They thus reduced the number of members below the legal limit and again made the Council inoperative.

The 'Reasons for Dissent' reiterated the view that the Council should serve only as a 'constituent assembly.' They alleged that the 'general business' would be more competently dealt with by a fully representative legislature. They opposed a reserved Civil List and demanded that Smith be made to account to the new legislature for public money he had spent without legal sanction.[1] In such an event they felt sure that some items would be rejected. They also wanted a scrutiny of the financial relations between the colony and the Sovereignty. But the nub of their argument concerned 'the question "of the resumption of public works."' It was 'absolutely necessary', they stated, that the 'Commercial interests of this colony' have a voice in the discussion and those interests would only be fully represented 'in the future Parliament.' The imperial government must

---

1. Above, Chapter VIII, p 284.

complete the constitution: if it exerted itself, the new Parliament might meet within a year.[1]

It is easy to explain the 'popular' members' anxiety to secure representation for the 'commercial interests' as quickly as possible. In 1849 the 'local' businessmen had commissioned an engineer named Leahy to report on the western Cape's suitability for railway building. Leahy had high testimonials after working on railways in France, England and Ireland. He found no topographical barriers to a line connecting Stellenbosch, Paarl and Wellington, which he estimated would cost between £470,000 and £558,000. The Cape Town Municipality calculated that the traffic in produce on this line would pay 4½% annually on an investment of £500,000. A Special Committee of the Commercial Exchange issued a glowing report on the subject 'Towns and villages would rise up at every junction,' it prophesied; 'the population would become more concentrated; intelligence would be more widely diffused; land would increase in value; and still greater encouragement would be offered to emigrants, both with and without capital.'[2] Agents were sent to Europe to measure the business world's reaction. Large sums of capital could not be procured overseas, however, without a guaranteed return. This could only be supplied

---

1. CO 48/307/313: Encl in Smith to Grey, 24 September 1850 (No 138).
2. 'Report of the Special Committee of the Commercial Exchange to enquire into the practicability of introducing Railway Communication, 11 August 1849' - printed in: Cape of Good Hope. Report of the Committee appointed to Enquire into the Practicability of Introducing Railway Communication into the Colony (House of Assembly; May 1855) p 28.

when the 'local' financial interests gained control of the Cape government.

This consideration governed the tactics which the 'popular' party now adopted. They wanted control over both chambers of the legislature and the entire colonial revenue. They therefore urged their supporters to cling to the £25 franchise (the key to the upper house, since it embraced 'every man who has the least stake in the country ... who is not a mere vagrant, or a pauper, or a criminal') and to demand exclusive control of 'all money votes' for the new legislature.[1] They published a draft constitution including provisions to restore the popular power of Cape Town to the elections for the Council; lowered the qualification for Council members to ownership of landed property worth £1,000; and removed the governor's veto on money bills.[2] In all this Stockenstrom acquiesced.[3] His intimate knowledge of the frontier convinced him that British policy was provoking another Xhosa war. He believed that only a representative government could prevent such a calamity. Supported by his friend Watermeyer he 'now believed that the end justified all.'[4]

---

1. 'Address to rhe Respective Municipalities, Road Boards and Rate Payers throughout the Colony of the Cape of Good Hope, 21 September 1850' in /J.Fairbairn (ed.)/, Papers Relative to the Establishment of a Representative Legislature at the Cape of Good Hope (London, 1851) pp 20-25.
2. Draft of the Retiring Members of Council in ibid.
3. C.W.Hutton (ed.), The Autobiography of the Late Sir Andries Stockenstrom (Cape Town, 1887; 2 vols.) ii, 297 and 331.
4. J.L.Dracopoli, Sir Andries Stockenstrom: The Origins of the Racial Conflict in South Africa (Cape Town. 1969) p 172.

Montagu had deliberately engineered the confrontation over the general business 'to test the four popular members,'[1] Smith wanted to reconvene his government in the eastern Cape, but Porter saw legal objections and all public business had to be postponed sine die.[2] Smith thereupon instructed the remaining members of the Council to form themselves into a Commission to complete the details of the constitution ordinances. He meant to publish their report, call for petitions in support of it, and send everything home for Grey to enact the constitution 'by some other mode than local ordinances.'[3] The 'Conservative' commissioners took this chance to repeat their doubts about the effectiveness of the provisions designed to neutralise the popular power of the Cape Town Municipality. But to avoid a public difference on matters on which they had voted unanimously while the Council sat, they confined themselves to recommending that the governor obtain 'the sense of the Colony at large' on the proposed qualifications for members and voters of the upper house.[4]

The 'Conservative' tone of the report submitted by Smith's Commission confirmed one of the fears which had prompted the resignation of the four 'popular' members. As Fairbairn later explained:

---

1. J.J.Breitenbach, 'The Development of the Secretaryship to the Government at the Cape of Good Hope under John Montagu', A.Y.B.-1959, Part II (Cape Town, 1960) p 261.
2. Godlonton to Southey, 26 September 1950: Wilmot, op. cit. p 92.
3. CO 48/308/3: Smith to Grey, 2 October 1850 (No 141).
4. 'Report of Government Commissioners, 30 September 1850' encl in ibid.

> On many grounds the four popularly elected members had come to the conclusion that if the Council was suffered to resume its ordinary business, the 'Constitution' would be indefinitely postponed and come out at last in a state far from satisfactory, everything that had yet been done being merely in the form of Resolutions in Committee, which had again to be submitted to the full Council in which the Government had a fixed majority, every one of whom were hostile to some of the chief articles of the Letters Patent themselves, and all decidedly adverse to the amount of popular influence which these articles admitted into the legislature.[1]

Stockenstrom accused Montagu of bringing in the general business to allow time for a 'Conservative reaction.'[2] In fact Montagu had hoped that after the resignations Smith would select more amenable members from government sympathisers in Cape Town or the eastern districts.[3] But Stockenstrom was correct about his attempt to foster a 'Conservative reaction' in the Cape.

The steady consolidation of 'Conservative' feeling behind Montagu has already been mentioned.[4] He took steps to increase it. Early in 1850 he introduced a system of competitive examinations for entry to the civil service which considerably blunted the charges of favouritism in public appointments.[5] In May the prospectus for a newspaper to serve as 'an impartial counter to the Cape Town press' had appeared (anonymously) in the Government Gazette.[6] This materialised in October as the Monitor, with a strong Tory bias. A group of merchants supplied

---

1. /J.Fairbairn (ed.)/, op. cit. pp xiii-xiv.
2. C.W.Hutton (ed.), op. cit, ii, 338.
3. Godlonton Diary, 21 September 1850.
4. Above, Chapter VII, p 272.
5. Government Gazette, 24 January 1850.
6. 16 May 1850.

the money, but the organization and editing were carried out by Montagu and a few leading 'Conservatives'. Godlonton's arrival for the Council session had enabled Montagu to establish direct links with the eastern Cape inhabitants of 'Conservative' inclination. Bishop Gray, Godlonton, Rivers, James Adamson (of the South African College) and Southey were all implicated in the Monitor's publication,and Montagu channelled funds to it.in the form of government advertisements.[1] In the tradition of 'official' newspapers, however, the Monitor denied its connexion with 'persons in the employment of government.'[2]

Listening to the debate preceding the resignation Smith caught the financial undertones of the constitutional struggle. He warned the unofficial members not to imagine that laws alone would 'make the poor rich' or that 'because a Parliament is established you will wallow in wealth, or the mountains of California will open around you.'[3] But his insight was transitory. He failed to master the financial situation despite his officials' guidance. This left him at a loss to explain the resignations. His officials said they were aimed at 'the speedy grant of the new constitution.' But, Smith asserted, the four seceders represented 'a violent party, generally Dutch ... who, while they cry

---

1. Charles Gray (ed.), op. cit. i, 179-80, 214 and 275. B.A.Le Cordeur, 'Robert Godlonton as Architect of Frontier Opinion', A.Y.B. - 1959, Part II (Cape Town, 1960) p 93. Rivers to Godlonton, 30 December 1850: Cape Colony Letters, MSS Afr s 1, f 104. Montagu to Godlonton, 18 November 1850 and 30 January 1851: ibid., ff 60, 78. Duminy, op. cit. p 104. A.F.Hattersley, The Convict Crisis and the Growth of Unity (Pietermaritzburg, 1965) pp 60, 95. The account in R.W.Murray, South African Reminiscences (Cape Town, 1894) pp 131-2, is misleading.
2. 6 December 1850.
3. A & P. 1851. XXXVII. /1362/: op. cit. pp 73-4

out for Liberal and Free Government, had rather be without any government whatever.'[1] This was mere recrimination, likely to mislead the Colonial Office. It meant that Smith could only account for Fairbairn's alliance with the 'Dutch' on the grounds of opportunism and greed for political power.[1] Nevertheless, he refused to enter another contest with the 'popular'party. He published his Commission's report and called for comments on it from his supporters, intending to refer everything to Grey for decision.

The procedure adopted by Smith allowed his officials to reopen the question of representative government. They attacked both the elective upper house and their own exclusion from the legislature. Smith frankly admitted (as the 'popular' party claimed) that they had always opposed these provisions. He stated that the anti-convict agitation had aroused 'strong anti-English feeling' and that a nominated upper house was needed for 'the liberty and protection of persons of colour.' If nomination proved impossible the franchise qualification should be raised much higher. He asserted that the £25 franchise would embrace 'not many more than' thirteen thousand coloureds. Before they learned their political power they would be deprived of it by 'oppressive laws'. Only an exclusive upper house could protect them.[3] The Cape government evidently hoped to persuade the Colonial Office to restore the

---

1. Smith to Grey, 22 September 1850: Grey Papers.
2. Smith to Grey, 26 September 1850: ibid. CO 48/308/3: Smith to Grey, 2 October 1850 (No 141).
3. CO 48/312/148: Smith to Grey, 21 January 1851 (No 13).

nominated upper house by evoking doubts about the colonists' intentions towards the coloureds. This sudden emphasis on the colour question after the superficial treatment formerly given to it has the appearance of special pleading.

Smith's claim to be acting in the coloureds' interest is not substantiated by the petitions he cited in favour of a more exclusive upper house. These originated with 'Conservatives' notoriously antipathetic to coloured rights, including T.B.Bayley of Caledon (Montagu's nominee on the Central Road Board) and the Southeys of Graaff Reinet.[1] They denounced the provisions for popular representation because they wished to preserve the political privileges of 'the chief landed proprietors and principal merchants.' They foresaw too much rather than too little coloured power. As Southey told Godlonton, they would be 'swamped' by 'Dutch and coloureds.'[2] Safety lay in a 'high franchise and higher qualifications for members of both houses.' But for the time being the 'old form of government' ought to be retained.[3] Under this the 'Conservatives' could vote money for projects to enhance 'British' influence in the colony.[4] Both Montagu and Bishop Gray endorsed this argument.[5] It thus appears that the issue of 'coloured rights' - on which the imperial government was known to be sensitive -

---

1. Enclosures 6-15 in ibid.
2. Southey to Godlonton, 13 May 1851: Cape Colony Letters, MSS Afr s i, f 142.
3. Southey to Godlonton, 15 May 1851: ibid., f 144.
4. Above, Chapter VIII, p 295.
5. W.A.Newman, Biographical Memoir of John Montagu (London, 1855) p 387. C.Gray (ed.), op. cit. i, 320 and 325

served as a cover for matters of a different nature.

After the resignations Godlonton wrote that 'Fairbairn and his clique' stood 'in full relief as a dangerous factor, destructive to British interests and ruinous to the prosperity of the country.'[1] The antithesis was also true: the Cape 'Conservatives' could be equally clearly identified. They comprised, declared Adamson, 'the quiet and reserved landlord cultivators, the strength of the country, whose affections are bound up with the station and movements of their ecclesiastical agencies ... the merchant class ... /and/ the Albany districts, where there is the last and freshest infusion of British intelligence and enterprise.'[2] The merchants who publicly supported his government, said Smith, had annual transactions exceeding 'half a million.'[3] The leadership of the 'popular' party may be broadly equated with the 'local' financial interests; that of the 'Conservatives' with the foremost collaborators with the imperial regime. The struggle between them concerned the deployment of Cape financial resources for the creation of public works. Fairbairn made this plain in a pamphlet issued in 1851.[4] Under 'a despotic form of local government', he complained, the colonists could not act 'in that harmonious combination with which a free people instinctively follow and controul the tendencies of their position.' Their country 'languished, though favoured by nature beyond

---

1. Godlonton to Southey, 26th September 1850: Wilmot, op. cit. p 92.
2. Adamson, op. cit. pp 32-3.
3. CO 48/312/148: Smith to Grey, 21 January 1851 (No 13).
4. Attributed to Fairbairn in De Zuid Afrikaan, 1 December 1851.

almost any other region of the globe, and held by sons of the most industrious and energetic nations of Europe.'

> In the designs and works of peace, after a settlement of nearly two centuries, little was seen in the open interior beyond isolated efforts to subdue the wilderness, with the rudeness of infant art in the villages and towns ...

The cause of this 'national infirmity' was 'no where to be found but in their political institutions ...'[1] Stripped of cant, this amounted to an attack on the government for not promoting public works. Under the banner of freedom the era of colonial debentures and state-guaranteed foreign loans was advancing on the Cape.

The contrast between the libertarian professions of Cape politicians and their objects in making them helps to explain the profound disgust with which British governors surveyed the colony.[2] It has been alleged that the 'affair of 1850' was 'but a storm in a tea-cup' because the actual difference between the two draft constitutions was 'slight.'[3] This interpretation confuses the issue of 'self-government' (the quantity of autonomy demanded by the colonists) with that of 'representative government' (the machinery itself). It ignores the 'popular' party's well-founded suspicion that the officials meant to amend the provisions decided in Committee of Council as soon as a

---

1. /J.Fairbairn (ed.)7, op. cit. pp iii-iv. Cf Fairbairn to Philip, 7 November 1850: Quoted in W.M.Macmillan, The Cape Colour Question (repr. London, 1968) p 263.
2. Above, Chapter II, p 79.
3. Eric A.Walker (ed.), The Cambridge History of the British Empire (Cambridge, 1963; 8 vols.) viii, 381. McCracken, op. cit. p 14.

'Conservative reaction' could be used to justify the step. Three 'conflicting interests' have been detected in Cape politics at this time: the 'popular' party, the 'governor's party' and the 'English eastern province faction.'[1] This view also requires modification in the light of the divisions among Smith's officials.

Smith's decision to refer the constitution to London opened a new range of possibilities for either delay or securing modification of its provisions. The 'popular' party immediately deputized Stockenstrom and Fairbairn to carry their demands to Britain. The choice was obvious: both had experience of lobbying the imperial Parliament. Godlonton wished to send Montagu to counteract this move. Montagu - with the discriminating judgement of British politics which is a feature of his career - dismissed the idea. Stockenstrom 'has no <u>power</u>,' he wrote, 'The answer in Downing Street will doubtless be "not at home".'[2] Nevertheless, the 'Conservatives' sent Adamson to London to watch over their interests. The political situation in Britain was in flux, and Downing Street might not have the last word. Southey observed that the Whigs no longer stood as firm 'as they did two years ago' and feared that 'our Land would ... be sacrificed to keep a majority in the House

---

1. McCracken, <u>op. cit.</u> p. 14.
2. Montagu to Godlonton, 18 and 30 January 1851: <u>Cape Colony Letters</u>, MSS Afr s i, ff 71,78.

of Commons.'[1]

It may be objected that the importance of economic interests has been overstressed. The 'Conservatives' were not slow to accuse Fairbairn and his colleagues of working for 'pecuniary considerations' - a charge which they denied.[2] Yet the question asked by Smith - why had Fairbairn, the champion of coloured rights, joined his inveterate opponents, the racially prejudiced Afrikaners - can hardly be answered in any other light. The divisions between merchants and local businessmen in Cape Town, and the agitation for a separate government in Grahamstown (where the 'Table Mountain Government' was accused of diverting revenue from the east to projects in the west[3]) are best explained in economic terms. The interpretation is equally applicable to individuals. Stockenstrom, with no financial ambitions in the eastern Cape, opposed separation. His heterogeneous following - boers, coloureds, missionaries, philanthropists, etc - were united by a common dislike for the commercial power of the 'Grahamstown Gentry.'[4] His following included many dispossessed or threatened by the spread of commercial farming. And a remarkable analysis of Smith's chief supporters and opponents in Graaff Reinet in 1850 showed how far the

---

1. Southey to Godlonton, 15 May 1851: ibid., f 144.
2. T.B.Bayley to Southey, 11 December 1849: Wilmot, op. cit. p 85. A & P. 1851. XXXVII. /1362/: op. cit. p 83.
3. O.H.S.A. i, 36. Cf Cock to Southey, 21 September 1849: 'Let this end of the country but obtain its fair proportion of aid from the local Government, and it must and will prosper ...' Wilmot, op. cit. p 84.
4. Duminy, op. cit. p 156.

contest between 'local' and 'overseas' financial interests, between 'traditional' and 'progressive' business methods, had divided the commercial and landholding classes of the colony.[1] Economic factors contributed to what popular support there was for political change, but neither side ever aroused a public outcry comparable to the anti-convict movement. Demands for representation generally coincided with spells of economic depression such as the Cape suffered under Smith,[2] The 'Conservatives' enjoyed little popular support: Southey explained this by calling the British colonists 'slowcoaches'; Adamson spoke of the 'backwardness' of 'men of principle'.[3] When Smith referred the constitution to Downing Street he provided an opportunity for all these interests to exploit British politics as far as they were able. This presents a good opportunity to study further the interaction between Cape and British politics.

---

1. Eastern Province Herald, 5 and 26 January 1850.
2. Above, Chapter IV, p 159 and Chapter VI, p 229 . Cf R.F.M. Immelman, Men of Good Hope, pp 134-7.
3. Southey to Godlonton, 11 December 1850: Cape Colony Letters, MSS Afr s 1, f 137. Southty to Godlonton, 13 May 1851: ibid., MSS Afr s 1, f 141. Adamson, op. cit. p 21.

CHAPTER X

THE WAR OF 1851 AND THE 'POPULAR' PARTY'S RESORT TO BRITAIN

Smith's political difficulties were aggravated when war broke out on the eastern frontier in December 1850. He had twice been distracted from the crisis in Cape Town by 'rumours of war emanating from Kaffir-land.'[1] Although he made light of these rumours in his letters home, he took them seriously enough to pay two visits to the frontier.[2] Suspecting that the Xhosa chiefs were behind the commotion, he summoned them to a meeting at Kingwilliamstown. They refused to appear, whereupon he issued a proclamation deposing Sandile and appointing an official to replace him. This step failed to detach the tribesmen from their chief, so Smith decided on a show of force. He ordered Mackinnon, the commandant of Kaffraria, to lead a patrol to the Ngqika strongholds in the Amatola hills. The Xhosa surprised this column on its way through the Boomah Pass, killing twelve men and capturing the baggage and spare ammunition.[3] The following day (25 December) they sacked the military villages of Woburn, Juanasburg and Auckland and killed sixteen soldiers of the 45th Regiment at the Debe Nek. Smith found himself surrounded at Fort Cox. Somerset tried to relieve him from Fort Hare but suffered a demoralizing reverse, retreating in such haste that he had to abandon a field gun.[4] The Xhosa then overran the frontier.

The war must be examined to the extent that it influenced the

---

1. Resolutions of Frontier Farmers, 14 December 1850: A & P. 1851. XXXVIII. /1334/: Correspondence relative to the State of the Kaffir Tribes, p 69.
2. Smith to Grey, 8 October and 25 November 1850: Grey Papers.
3. Return of Casualties in the Kaffir War of 1850-1: Hall Papers, DRM 3/8.
4. Ibid.

interaction between Cape and British politics. The mass of colonists - including Godlonton - blamed it on Smith's policy. There was an element of calculation in this: it prepared the ground for refusing to meet the military expenses which Grey had threatened to charge to the colonial revenue if another war began.[1] But the stricture was fundamentally just. Smith had never consulted colonial opinion when devising his frontier policy. His rule had overtones of British morality as well as British law.[2] He wished to replace tribal customs and traditions with specifically British institutions and the colonists could hardly advise him in this respect. By 1850 he was preparing to give individual tribesmen legal title to their lands - which would shatter their traditional system of communal tenure.[3] The Cape 'Conservatives' supported this step as the logical end to his system. If it failed, declared Southey, 'then all attempts at civilization are useless, and extermination will alone give security.'[4] Such reasoning underlay Smith's call on the colonists after hostilities started 'to destroy and exterminate these most barbarous and treacherous savages.'[5]

The Xhosa reacted to Smith's policy by clinging more firmly to their traditional beliefs. They exalted a 'witch-finder' named Mlan-

---

1.A.H.Duminy, 'The Role of Sir Andries Stockenstrom in Cape Politics', A.Y.B. - 1960, Part II (Cape Town, 1961) p 118. Above, Chapter VI, p 238.
2.Cf his remarks in 1836 ('Do you wish to be real Englishmen, or to be naked and almost wild men?' etc.): G.C.Moore Smith, The Autobiography of Sir Harry Smith (London, 1902) pp 760-5.
3.Smith to Grey, 26 November 1850: Grey Papers.
4.Southey to Godlonton, 11 December 1850: Cape Colony Letters, MSS Afr s 1, f 136.
5.Notice, 31 December 1850: Government Gazette, 16 January 1851.

jeni who put them through ancestral ceremonies (such as the sacrifice of pale-coloured cattle) on the eve of the war.[1] And after war began Sandile's first step was to revoke all the decisions given by the Ngqika Commissioner during the previous four years.[2] Accompanying the assault on traditional custom initiated by Smith were matters of equal gravity for the tribes, respecting the pasture-land grazed by their cattle. British law provided that when aboriginal tribes came under British government they automatically lost all title to their lands, the governor having power to dispose of them as he saw fit. Smith took full advantage of this circumstance. Within Kaffraria, regardless of prior arrangements, the government shifted tribal groups from one area to another to suit its administrative convenience. In Victoria Division the Mfengu were encouraged to occupy large tracts claimed by the Xhosa and Thembu. And at public auctions Smith sold land which previous governors had guaranteed to the possession of the tribes.[3] In 1850 revenue from land sales (£16,575) almost doubled that of 1849 (£8,880) because of 'very extensive sales in the Victoria Division...'[4]

---

1. Maclean to Mackinnon, 2 December 1850: A & P.1851.XXXVIII./I347: op. cit. p 107. O.H.S.A. i, 256.
2. Charles Brownlee, Reminiscences of Kaffir Life and History (Lovedale, 1896) p 317.
3. Duminy, op. cit. p 137.
4. CO 53/87: Cape Blue Book, 1850.

Land sold in Victoria went almost entirely to 'speculators' (i.e. absentee proprietors). No-one contested Stockenstrom's statement in late 1850 that there were 'not fifty Boers in the district.'[1] If the tribesmen in occupation resisted a sale Smith used military force to expel them.[2] Had he consulted his Executive Council he might have heard warnings about the danger of this policy. In 1845 Porter had been convinced that expropriating land and expelling its occupants created warlike feelings among the tribes.[3] But as High Commissioner Smith had no obligation to refer these matters to the Cape officials. And despite the colonists' misgivings he also reduced the number of troops in Kaffraria.

Such pressures hastened the disintegration of Xhosa society and caused physical suffering in Kaffraria. During 1848 there were some cases of starvation.[4] Smith had to abandon his scheme for recruiting 'Kaffir youths' when whole families began to apply for work in the colony. Five thousand Kaffrarian tribesmen were supposed to have entered service between 1847 and 1851.[5] As war approached reports from

---

1.Legislative Council Debate,11 September 1850: A & P.1851.XXXVII. /1362/:Further Papers relative to the Establishment of a Representative Assembly at the Cape,p 35.
2.Eastern Province Herald,20 October 1849.
3.William Porter,The Porter Speeches (Cape Town,1886) p 432.
4.J.Read to Fairbairn,14 August 1848: Fairbairn Papers. L.H.Meurant to Southey,21 August 1848: Alex Wilmot,The Life and Times of Sir Richard Southey (London,1904) p 62.
5.Eastern Province News,10 May 1851.

the frontier unanimously attributed tribal discontent to shortage of land. A severe drought accentuated the physical distress caused by this.[1] The following statement attributed to Sandile, although the translation rings rather false, nevertheless substantially expresses Xhosa grievances:

> I have been forced into war by the oppression of the English. You English come to rob me of my people. ...They are mine... Some white men come and say the Kaffirs steal; but the white men are the robbers. God made a boundary by the sea, and you white men cross it to rob us of our country. ...Englishmen make promises about the land and then break them. They make a boundary and then take it away. ...The Englishman wants to crush my head under his feet...if he wants to make peace let him give me my land. The teachers and traders alone will be allowed to remain in my country...[2]

Smith's style of governing, with its emphasis on 'bullying' and physical coercion, gave the tribesmen no opportunity to argue their case against his measures. The missionaries refused to act as intermediaries for fear of compromising themselves politically. 'There seems no one now that will hear any grievances,' wrote Read. 'They have never had anyone equal to Sir Andries who would hear them, advise them and yet be determined with them...'[3] Some Kaffrarian officials showed sympathy towards their charges and others later proved competent administrators. But few spoke Xhosa or tried to discover the

---

1. E.g. letter in ibid., 12 October 1850; and Government Gazette, 7 and 14 November 1850.
2. Colonial Intelligencer, June/July 1852, pp 87-8. Cf John A. Chalmers, Tiyo Soga, A Page of South African Mission Work (Edinburgh, 1878) p 53.
3. J. Read to Fairbairn, 14 August 1848: Fairbairn Papers.

tribal response to Smith's system. (The claims respecting the young Brownlee's prescience in this period[1] cannot be substantiated.) Thus Mackinnon insisted until fighting began that 'the war party have failed in their endeavours to excite the people.'[2] Smith excused his officials by saying it was 'impossible' to employ men who knew Xhosa: 'no one can really acquire it but the sons of Missionaries who have been raised amidst them.'[3] This excuse overlooked their failure to use coloured interpreters,as was traditional on the frontier. It disregarded the frontier farmers who spoke no Xhosa (such as Stockenstrom and Robert Hart) yet who repeatedly drew attention to the unrest arising from Smith's measures,and accurately predicted the war.[4] The main reason for the government's ignorance in fact lay in its methods.

Warnings had no effect on Smith: he lacked the ability to examine major issues with the thoroughness they required. After asking Read to keep him informed on Kat River affairs,for example,he said 'don't write long letters as I hand over all such to my secretary,Mr Southey.'[5] He took criticisms of his frontier policy,however well-meant,as personal affronts. He ignored the convention which allowed political opponents

---

1.Mrs Brownlee,'Memoir of Charles Brownlee',in Brownlee,op. cit. p 3. George M.Theal,History of South Africa (London,1908;5 vols.) iii,87.
2.Mackinnon to Somerset,9 December 1850: A & P.1851.XXXVIII./1334/: op. cit. p 109.
3.Smith to Grey,9 June 1851: Grey Papers.
4.CO 48/296/183:Stockenstrom to Grey,15 May 1849. Stockenstrom to Montagu,1 July 1850: A & P.1851.XXXVIII./1334/: op. cit. p 10. Hart to Smith,19 September 1850: A & P.1851.XXXVII./1362/: op. cit. p 109.
5.James Read,The Kat River Settlement in 1851 (Cape Town,1852) p 115.

to castigate one another in public but remain on good terms privately. Jealous spite suffused his despatches on those who criticised his measures. 'Mr Hart is a worn-out old gentleman,' he declared, 'and has to my knowledge been an alarmist these twenty years...' And Stockenstrom,'without the slightest provocation or interference on my part...has assumed an air of hostility personally towards myself,under the cloak,I conceive,of our relative positions.'[1] Had these statements been true the language in which Smith expressed them would not have mattered. But the evidence contradicts both. Hart was universally respected on the frontier.[2] Stockenstrom always tried to separate personal from political feelings,as he showed by his friendly treatment of Godlonton during the Council session of 1850 and his recognition that Porter was 'in duty bound' to take a particular line.[3] Smith apparently projected his own hostility onto his opponents. Nevertheless,the Colonial Office unhesitatingly accepted his comments - Grey's only regret being that many were expressed too crudely for publication.[4]

1.CO 48/309/128:Smith to Grey,30 November 1850 (No 176). Grey printed this despatch for Parliament. Cf CO 48/313/148:Smith to Grey,19 February 1851 (No 31). Duminy,op. cit. p 117.
2.Robert Godlonton,Sketches of the Eastern Districts of the Cape of Good Hope as they are in 1842 (Grahamstown,1842) p 40. Eastern Province Herald,21 August 1847.
3.Wilmot,op. cit. p 91. Godlonton Diary,17 September 1850. C.W.Hutton (ed.),The Autobiography of the Late Sir Andries Stockenstrom (Cape Town,1887;2 vols.) ii,331.
4.CO 48/309/233:Minute (13 February 1851) on Smith to Grey,30 November 1850 (No 178). Cf remarks on CO 48/296/183:Stockenstrom to Grey, 15 May 1849; CO 48/311/209:Stockenstrom to Grey,25 October 1850.

Xhosa enmity was directed specifically at the British. Sandile disclaimed any quarrel with the Afrikaners or coloureds: 'I am war with the settlers and with Smith,' he said.[1] Smith called this distinction 'preposterous' but many colonists also subscribed to it. Stockenstrom declared that they had nothing to do with the government of Kaffraria 'except as instruments in systems they could neither institute nor control.' He blamed 'the Government alone' for provoking the war.[2] This argument served as a pretext for what followed - the refusal of the burghers to turn out despite Smith's repeated appeals. The underlying reasons for this may be traced to the experience of the previous war. The burghers could not abandon their occupations for the prolonged periods required by the ambitious military plans of the imperial staff without serious financial loss.[3] Booty from the war in no way compensated for this - as the quarrels over distribution of captured cattle had demonstrated in 1847.[4]

'The general law of organization...is that distinct duties entail distinct structures,' declared Herbert Spencer. Smith never learned this law. Maitland had found the Commando system 'fallen into desuetude' since 1835: 'its very legality seems wearing out under our

---

1.CO 48/313/2:Smith to Grey,1 February 1851 (Confidential).
2.Andries Stockenstrom,Brief Notice of the Causes of the Kaffir War (London,1851) p 6.
3.See 'Address of the Inhabitants of Graaff Reinet to Sir Henry Pottinger,5 April 1847': Eastern Province Herald,5 June 1847. Maitland to Lord Fitzroy /Somerset/,October 1846: Maitland Letter Book.
4.Graham's Town Journal,6 February 1847. Above,Chapter IV,p 131.

Legislative Council,' he wrote.[1] The old law imposed a £20 fine and jail sentence on any defaulter. Field cornets and commandants kept the administrative machinery in order. But Smith repealed the old law and enacted an ordinance materially altering the duties of field cornets.[2] He meant to pass a new 'Burgher Law' but failed, leaving the whole question in limbo.[3] So when the few burghers who did respond reached the frontier they found everything in chaos. 'I never heard anything of any concerted plan,' wrote one.[4] Another explained that removing the old penalties had made it impossible to enforce a burgher system.[5] But Smith curtly declined to reimpose a similar provision. Unable to grasp the relationship between duties and structures, he called futilely for the burghers to turn out as they did 'in 1835.'[6] Even the well-disposed then abandoned him.

Coloured burghers on the frontier also refused to enlist. Many from the Kat River Settlement and the missionary institution at Theo-

---

1. Maitland to Lord F./Somerset/, October 1846: Maitland Letter Book.
2. Ordinance 9 of 1848: H.R.Hahlo & Ellison Kahn, The Union of South Africa: the Development of its Laws and Constitution (London, 1960) p 217.
3. Reitz to Fairbairn, 10 January 1851: /J.Fairbairn(ed.)/, Papers Relative to the Establishment of a Representative Legislature at the Cape of Good Hope (London, 1851) p 216. Above, Chapter VI, p 234.
4. Joseph M.Orpen, Reminiscences of Life in South Africa (repr. Cape Town, 1964) p 46.
5. CO 48/314/381: Field Commandant Kruger to Smith, 26 March 1851: encl in Smith to Grey, 19 April 1851 (No 82). Cf Eastern Province News, 7 June 1851.
6. CO 48/314/381: Encl in Smith to Grey, 19 April 1851 (No 82).

polis actually defected to the enemy. A major grievance in both places was the government's allocation of scarce pasture land to the swarming Mfengu. Kat River had also become a dumping ground for 'squatters' evicted from other parts of the colony. Smith expropriated portions of its land and granted them to his political allies, including Godlonton. As congestion increased the people grew poor and discontented. Their British officials attacked them in reports to the government and victimized their leaders. Smith's two attempts to pass a 'vagrancy law' through the colonial legislature caused general alarm.[1] With no means of obtaining redress from the government the coloureds appealed to Stockenstrom.[2] Smith then appointed a Commission to investigate. It recommended compelling the unemployed coloureds to enter service and issuing individual titles to the original settlers, - a scheme consistent with the thinking behind the 'vagrancy law.' Like the Xhosa, the coloured rebels traced their troubles only to the 'English.'[3] Those connected by kinship with the Gqunukwebe defected to the Xhosa. Those more assimilated to Dutch culture formed a separate body under a leader named Willem Uithalder and planned to found an independent coloured nation (geslacht). But

---

1.The law was designed to force coloureds into service: while admitting that 'squatters were a serious evil in country districts' Stockenstrom demonstrated that the existing law was sufficient to control them if that was all Smith desired: Legislative Council Debate, 20 September 1850: A & P.1851.XXXVII./1362/: op. cit. p 71.
2.Stockenstrom to Montagu, 11 July 1850: ibid., pp 108-9.
3.CO 48/313/2:Smith to Grey, 1 February 1851 (Confidential).

the majority of frontier coloureds refused to join them.[1]

The war disturbed all southern Africa. The Kaffrarian tribes moved their cattle over the Kei to escape the imperial troops. Frontier farmers drove huge herds to areas safe from Xhosa raids: one hundred thousand sheep passed through Cradock alone on their way to the interior;[2] in the north-eastern Cape and the Sovereignty the refugee herds crowded into land grazed by tribal cattle.[3] This had a critical effect in regions already overstocked. The resulting friction caused fears of a general conflagration.

Pitched battles played no part in frontier wars: Smith planned to starve the enemy into submission and clear the Xhosa strongholds in Kaffraria. Certain books written by Albany settlers emphasize the brutality of the Xhosa warriors towards the frontier inhabitants during this struggle.[4] Research among surviving collections of letters sent home by British officers taking part in the war suggests that the 'barbarity' was not all on the tribesmen's part. Since this aspect of the British presence in South Africa is rarely touched upon by writers dealing with the introduction of 'civilization' to the tribes some

---

1.William M.Macmillan,The Cape Colour Question (London,1968) pp 280-2.
2.Cape Town Mail,4 November 1851.
3.Cape Royal Mail Monthly Despatch,30 May 1851 - quoted in Times,9 July 1851.
4.R.Godlonton & E.Irving,A Narrative of the Kaffir War of 1850-51-52 (Grahamstown,1852). A.Wilmot & J.C.Chase,History of the Colony of the Cape of Good Hope (Cape Town,1869).

examples may be quoted to redress the balance. Smith ordered the army to destroy crops, capture cattle, burn huts and harass the tribes. Certain regiments obeyed in a spirit of ferocity exceeding the worst features of the old commando system. They killed all prisoners and hung their bodies in trees.[1] When Xhosa women and children fell into their hands on one occasion the troops and their Mfengu 'allies' massacred them.[2] They decapitated some corpses and sent the heads to anatomists.[3] The two most ruthless officers (Eyre of the 73rd and the Dutch mercenary, Lakeman, who had fought for the French in Algeria and helped Haynau suppress the 1848 revolutions in Austro-Hungary) became the heroes of Grahamstown.[4] The imperial authorities inadvertently encouraged these methods. Grey told Smith not to be too lenient and assured him that the public did not really sympathise with the 'false and sickly humanity' of the British philanthropists.[5] Lakeman received a knighthood for his services; Eyre was promoted.

---

1. V.Elwes to his mother, 11 February 1852: Elwes Letters, 2 Elwes 1/1. C.Seymour to F.Seymour, 20 September 1852: Seymour MSS, CR 114A/701. 'Account by Pvt Richards of 4 days in the Waterkloof under Col. Eyre, 3 November 1852': Mellish of Hodsock MSS. H.Robinson to Col. Northcliffe, 3 November 1852: Howard-Vyse Papers.
2. H.Robinson to his mother, 16 March 1852; to his grandmother, 10 April 1852: ibid. 'Account by Pvt Richards...': Mellish of Hodsock MSS.
3. Stephen Lakeman, What I Saw in Kaffir-Land (Edinburgh, 1880) pp 94-5. H.Robinson to his mother, 2 October 1852: Howard-Vyse Papers.
4. WO 1/450/27: Testimonials to Lakeman, 1853. Lakeman, op. cit. pp 145, 156, 165. Eyre to Godlonton, 15 February 1853: Cape Colony Letters, MSS Afr s 2, f 443.
5. Grey to Smith, 15 September 1851: Grey Papers.

Similar occurrences had been recorded in the 1846 war.[1] And in 1865 the hanging of corpses in trees, decapitation and shooting of unarmed prisoners featured in the suppression of the Morant Bay rebellion in Jamaica, in which at least one regular officer with South African experience was incriminated.[2] The imperial army and many British colonists assiduously circulated stories of enemy atrocities in the most convincing detail.[3] Few could be substantiated; many originated in the disfigurement of corpses by wild animals. Medical examination had shown this in one of the most celebrated cases of the 1846 war.[4] Thus, an account of the massacre of British women at the military villages proved false: the tribesmen had actually taken care to avoid harming them.[5] And another story of tortures inflicted on certain loyal coloureds - reproduced in several accounts of the war - was equally untrue.[6] The ignorance of the British settlers about the people they lived among is well demonstrated by their credulity in this respect. At one stage, in a curious reversal of the roles tradi-

---

1. Diary, 15 October 1847: Hall Papers, PC 1/2.
2. Reports. 1866. XXXI. /3683 - I/: Report of the Jamaica Royal Commission (1866) Part II; Minutes of Evidence, QQ 36668-74, 36844 and 37107. W.L.Burn, The Age of Equipoise (London, 1964) pp 85, 90.
3. Graham's Town Journal, 29 March 1851. United Service Journal, August 1851, p 488. H.Robinson to his grandmother, 10 April 1852: Howard-Vyse Papers.
4. Diary, 14 November 1847: Hall Papers, PC 1/3. Hall to Lucy Sutherland, 3 May 1848: ibid., PB 4/1.
5. Compare CO 48/312/1: Montagu to Hawes, 4 January 1851; with the eyewitness account of the last stand at Woburn: Graham's Town Journal, 17 May 1851.
6. Compare Graham's Town Journal, 29 March 1851; United Service Journal, August 1851, p 488; and W.R.King, Campaigning in Kaffirland (London, 1855) p 17; with C.L.Stretch, 'Alleged Atrocities of the Kaffirs Contradicted', Colonial Intelligencer, August 1852, p 118.

tionally ascribed to the imperial and 'barbarian' armies,Uithaalder complained to the British staff that the killing of Xhosa women violated the rules of civilized warfare.[1] It must be emphasized that these incidents are not introduced in an attempt to mitigate the conduct of the tribesmen,but simply to help explain their doubts about the good intentions of the British government.

Smith could only explain the outbreak by ascribing it to treachery and cunning on the part of 'merciless and irreclaimable savages.' In Britain the Horse Guards uncritically accepted this view. Wellington described the insurrection as 'general and quite unjustifiable,sudden and treacherous.'[2] At the Cape Godlonton argued that it represented an inevitable stage in the contest between 'stern justice and mistaken philanthropy' which had raged on the frontier for thirty years.[3] This became the accepted verdict of the Cape 'Conservatives',who blamed the war simply on 'Kaffir craft and Hottentot frailty.'[4] Bishop Gray refined this explanation when describing the 'real causes' as the undermining of chiefly power - the tribesmen's frustration at being prevented by Smith's police from stealing cattle - the drought - and the disturbing effect of the political turmoil in the colony. The remark about prevention of cattle theft contredicted Gray's personal

---

1.Uithaalder to Cathcart,25 May 1852: ibid.,p 100.
2.CO 48/313/92:Smith to Grey,20 January 1851 (No 4). Memorandum for Earl Grey,7 March 1851: G.C.Moore Smith(ed.), op. cit. p 627.
3.Graham's Town Journal,15 March 1851.
4.Wilmot & Chase,op. cit. pp 443-4.

observations on a visit to the frontier in November 1850.[1] Nevertheless, it was an explanation later used by Smith in his reports to the Colonial Office.[2]

Smith's despatches on the war cannot be trusted. They made no mention of previous government policy or the land question. Rivers openly admitted that this was deliberate: 'the puzzle is to make a good casus belli,' he told Godlonton, 'at least one that would be admitted at Exeter Hall, and indeed in Downing Street, and be considered to justify a military expenditure.'[3] The 'Conservatives' also saw an opportunity to attack their political opponents through the medium of official despatches. They accused the 'popular' party of 'tampering with the Kaffirs' and fomenting rebellion simply to discredit Smith's policy.[4] The charge had no foundation in fact, but absence of proof did not restrain Southey: 'Could not Ayliffe [a sympathetic official] fish something out of the prisoners?' he asked. 'Do write and urge him to try all he can.'[5] No proof was obtained, but Smith still contrived to report the allegation in a manner particularly damaging to Stockenstrom.[6] Lack of balance is apparent in more than Smith's obsessive

---

1. Charles Grey (ed.), Life of Robert Grey, Bishop of Cape Town (London, 1876; 2 vols.) i, 320 and 336-7.
2. CO 48/313/148: Smith to Grey, 19 February 1851 (No 31).
3. Rivers to Godlonton, 30 December 1850: Cape Colony Letters, MSS Afr s 1, f 105.
4. Duminy, op. cit. pp 119, 122-3.
5. Southey to Godlonton, 21 January 1851: Cape Colony Letters, MSS Afr s 1, ff 139-40.
6. CO 48/313/148: Smith to Grey, 19 February 1851 (No 31).

hostility to Stockenstrom. His physician noted a marked physical and mental deterioration in the governor during 1851,signalled by unusual irritability ('getting into violent passions for trivial causes') and a failing memory for dates and names. He feared that Smith would become 'partly paralytic' after 'one of these fits of violent passion.' He believed that the condition was aggravated by Smith's 'painful and mortifying' position - 'having asserted when another was in command here that any Kaffir War might be put down in three weeks with 2000 men...'[1]

Colonial politicians examined Xhosa motives more objectively than Smith. Adamson,a prominent 'Conservative',after consulting the Scottish missionaries from Kaffraria,blamed Smith's expropriation of tribal land for the outbreak. He wanted all power of altering and granting titles to land to be made subject to law,and not to the whim of the governor.[2] Stockenstrom and his allies in Cape Town accused Smith of coercing rather than governing Kaffraria. They attacked the principle of selling land to speculators to raise revenue. They criticized the wholesale subversion of tribal custom,the enforced resettlement of tribes (including the location of Mfengu on Xhosa land in Victoria) and Smith's method of handling the chiefs. They stressed the contradiction of governing by force yet simultaneously reducing the number of

---

1.Diary,6 April 1851: Hall Papers, PC 1/5. See above,Chapter V,p
2.Reports.1851.XIV.(635):Report from the Select Committee on the Kaffir Tribes, QQ 674-6. James Adamson,Notes on Cape Affairs (London,1851) p 29.

troops.[1] They represented the war as the direct outcome of British policy since 1846: the chiefs were seeking 'to regain their independence and sovereignty;' the tribesmen, besides being bound by 'feudal ties' to their chiefs, hoped to recover 'their former lands.' Lastly, the 'popular' party denied the colonists' obligation to defend the Victoria Division, which was occupied largely by Mfengu, claimed by Xhosa 'and registered, to a considerable extent, as the legal property of non-resident Europeans, who have bought their right from the British Crown...'[2] The colonists' case for a voice in their government could scarcely have been better expressed.

Grey was not entirely convinced by Smith's despatches. His associates showed him private letters from the Cape which suggested that 'the Kaffirs are not so completely in the wrong as they appeared to be in the first instance.'[3] But the implications of this doubt proved too disturbing to pursue and Grey finally convinced himself that the war arose from 'the desire of plunder on the part of the Kaffirs.' He endorsed Bishop Gray's statement that 'for the Hottentot rebellion there is no excuse...'[4] This was precisely the impression which the Cape 'Conservatives' had hoped to create. They rarely lost sight of

---

1. See Stockenstrom's remarks: above, Chapter VI, p 207.
2. Cape Town Mail, 6 September 1852. Chalmers, op. cit. p 53.
3. Grey to Smith, 15 March 1851: Grey Papers.
4. Earl Grey, The Colonial Policy of Lord John Russell's Administration (London, 1853; 2 vols.) ii, 251 and 256. Cf Gray, op. cit. i, 336-7.

the importance of British opinion in Cape affairs. During the anti-convict agitation Godlonton had declared 'that the battle-ground of the colonists...must be the parent country.'[1] When war began he noted the 'ignorance' of British newspapers on its causes,'which it will be the duty of the local government,and of the people too,if they study their own interests,explicitly to correct.'[2] And as the constitutional crisis developed Southey wrote, 'It will of course be a great thing to keep the home government with you. This should I think be the first consideration - how will Earl Grey think on what we do?'[3]

The visit of Stockenstrom and Fairbairn to London in 1851 demonstrated that the 'popular' party still believed in the value of an appeal to the mother country. The state of British politics favoured the success of their mission. Conflicts had arisen which,if skilfully exploited,might be turned to a colonial faction's advantage. The Colonial Office had fallen out with the Horse Guards over the question of reinforcing Smith. Grey's Cape policy had been entirely directed (as he thought) to throwing the burden of frontier defence on the colonists themselves. On hearing of Smith's problems,however,Wellington took immediate steps to reinforce the Cape army.[4] Grey objected,but

---

1.Graham's Town Journal,12 January 1850.
2.Ibid.,10 May 1851.
3.Southey to Godlonton,15 January 1852: Cape Colony Letters,MSS Afr s 1, f 157.
4.Wellington to Smith,8 March 1851: G.C.Moore Smith(ed.),op. cit. p 627.

Russell upheld Wellington and - before Smith even asked for help - the extra regiments embarked.[1] Grey's policy was thus revealed as something of his personal devising which lacked support from his colleagues. This knowledge could hardly fail to encourage his opponents.

In broader terms British politics had grown suitable for the exercise of colonial opportunism. Stockenstrom and Fairbairn had received a written 'Commission' to put their party's case before the British throne,Parliament and people.[2] Approaching the throne amounted to presenting the colonists' petitions to the Colonial Office. This evidence of popular support did not impress Grey.[3] The two 'delegates' therefore turned to the imperial Parliament. British politics were unsettled because of the Whig Party's steady decline and the continued division between free traders and protectionists in the Conservative Party. Peel's death in 1850 had removed 'the one solid external prop' of the administration.[4] Russell was in difficulties from the very start of the 1851 session,narrowly avoiding defeat on a motion in the interest of protection. Subsequently he lost a division on extending the county franchise and resigned. But he could not engineer a coalition with the Peelites and Lord Stanley failed to form a Protectionist

---

1.Russell to Grey,21 April and 10 May 1851: Grey Papers.
2.[J.Fairbairn(ed.)], op. cit. pp 221-2.
3.Grey to Smith,14 January 1851: Grey Papers.
4.Norman Gash,Reaction and Reconstruction in English Politics (Oxford, 1965) p 196.

administration. Russell's Cabinet therefore resumed 'in a more shaken and provisional state than ever.'[1] Party discipline almost disappeared and individual MPs did not hesitate to sponsor measures in defiance of their leaders. The 'delegates' thus found it easy to get their case introduced into Parliament.

An important cause of Russell's weakness was the defection of a 'sizeable group of Radicals' from his Parliamentary following.[2] It became the policy of Disraeli,at the head of the Protectionist Party, to try and put the Whigs in a minority by wording parliamentary motions so as to enable his own followers and the dissident Radicals to combine. A similar alliance had ousted Peel in 1846 and been denounced by Wellington as a 'blackguard combination.' Of course there could be no agreement between these forces on the major questions affecting free trade,but Disraeli understood the value of minor victories which demoralized the Whigs[3] and cheered his own following. After suffering a defeat at its hands,Palmerston described one such union as 'a fortuitous combination of atoms' (a phrase of Swift's).[4] Lord Robert Cecil dismissed Disraeli's policy as 'enticing into the same lobby...proud old Tories and foaming Radicals...'[5] But the effect was to hamper the

---

1.Ibid., p 198.
2.Ibid., p 195.
3.Lewis to Clarendon,20 July 1849: Clarendon Papers,MS Clar.dep.C 530.
4.Thomas G.Baring(ed.),Journals and Correspondence of Lord Northbrook (London,1902-5;2 vols.) ii,85.
5.Quoted in Robert Blake,Disraeli (London,1966) p 426; see also p 342.

business of government and force Ministers frequently to amend their measures in order to avoid a damaging reverse.

Colonial affairs offered a convenient field to use these tactics. Initially they had little success. During the debates on Australian government the Whigs secured comfortable majorities. No government formed after a Protectionist-Radical victory on a colonial matter would carry much weight in the country as a whole: British politics turned on larger issues of economics and foreign policy.[1] But as the Whigs lost ground in 1850 and 1851 colonial matters took on a new importance. They might form a good route for Protectionists to reopen contacts with the Peelites; they could provide the weapon for delivering the coup de grace to the tottering Whig Ministry; if properly phrased a colonial motion would allow Radicals and Peelites to join Protectionists against the government with no appearance of sacrificing principle. For these reasons Disraeli paid close attention to the activities of the Colonial Reform Society, which materialized in December 1849.[2] Lord Stanley advised him not to join a body with such dubious opinions but saw no reason not to treat them 'with entire civility' and even support them - as an independent organization - 'where we think they have a case.' He had no objection to a 'real and vigorous attack' on Grey's

---

1. Robert Stewart, The Politics of Protection (Cambridge, 1971) pp 159-60. Cf Lewis to Clarendon, 27 November 1849: Clarendon Papers, MS Clar.dep. C 530.
2. Above, Chapter III, pp 110-114.

policies.[1] The foundation was thus laid for a future combination between Colonial Reformers and Protectionists.

Of the Peelites, some were already closely associated with the Colonial Reform movement. They had invested money in the Wakefield-inspired Canterbury Association for settling New Zealand.[2] And when Sidney Herbert, Lord Lincoln (afterwards the fifth Duke of Newcastle) and Cardwell bought the Morning Chronicle to serve the Peelite interest they opened its columns to Godley, Wakefield and Adderley, as also to Goldwin Smith of the Manchester School. These four mounted an immediate attack on Grey which quickly produced an effect on Parliament.[3] They pursued their campaign without scruple, yet the Peelites never disowned them. Gladstone and Newcastle, although they would not join it, assured Adderley of their agreement with the aims of the Colonial Reform Society, and by 1853 Newcastle was being called 'himself one of the Colonial Reformers...'[4] Among the Financial Reformers Cobden and Bright would support any move against the Colonial Office which furthered 'the general wish for a reduction of expenditure.'[5] Finally, the Colonial Reformers proper - Molesworth, Roebuck and Hume - already sat on the Committee of the Society. Provided a colonial matter con-

---

1. Stanley to Disraeli, 22 December 1849: Derby Papers, Box 178/2.
2. C.E. Carrington, John Robert Godley of Canterbury (London, 1950) p 66.
3. Lewis to Clarendon, 2 February 1849: Clarendon Papers, MS Clar.dep. C 530.
4. 'Colonial Reforms Beyond Sea', Eclectic Review VI (October 1853) p 468.
5. Cobden to Adderley, 29 November 1850: W.S. Childe-Pemberton, Life of Lord Norton (London, 1909) p 89.

taining all the correct ingredients could be found, this conbination might be expected to inflict a decisive defeat on the Whigs. Russell pretended not to worry. But privately he warned Grey to be well prepared to prevent 'Tories' uniting with Radicals 'to upset us on some question of colonial government.'[1] The Cape, with its twin problems of war and an incomplete constitution, might serve to fulfil this threat if Stockenstrom and Fairbairn managed matters with skill.

One reason for minimizing the threat posed by the Society was the variety of political affiliations among its members. 'It is difficult to imagine a more heterogeneous combination of names and, I should think, opinions,' wrote Stanley.[2] But he overlooked the common denominator: a connexion with the City. Thus Francis Scott, the Protectionist MP for Berwickshire, and J.A.Roebuck, the Radical Reformer, were both Parliamentary Agents for particular colonies. James Duke, Lord Mayor of London in 1848, was a merchant. Thomas Sidney MP, alderman of London, the son of a Staffordshire wool-draper, was a tea-dealer and importer; like William Hutt MP he had interests in shipping. T.F.Bering MP, T.S.Cocks (of Cocks & Biddulph) and J.A.Smith M.P. (of Smith, Payne & Co.) were bankers. Smith, like Sir E.N.Buxton M.P., sat on the board of an insurance company. Joseph Hume MP had been a stock-jobber with a questionable history in foreign loan transactions.[3] Adderley wrote

---

1. Russell to Grey, 19 December 1849: Grey Papers.
2. Stanley to Disraeli, 22 December 1849: Derby Papers, Box 178/2.
3. Leland H.Jenks, The Migration of British Capital to 1875 (repr. London, 1971) p 51.

that these men joined the Society seeking to reform Britain's commercial relationship with the Empire.[1] With their interests in banking, shipping, insurance and the merchant trade they complemented the 'progressive' sector in each colonial economy. They understood the financial bond between colonial businessmen and the City, and were Wakefield's most fervent disciples. Like him they wished to reform colonial government not because of the financial relief to the imperial treasury but in order to remove restrictions on colonial economic development.

It was thus no coincidence that Cape businessmen had contacted the Society before the constitutional crisis began. Adderley had consulted the Cape merchant Joseph Busk during the convict affair.[2] The frontier traders had asked his help in securing a separate government for the eastern Cape.[3] And Harrison Watson, a Cape merchant, had put the Society in touch with the Cape Town Commercial Exchange while visiting the City in 1850.[4] Watson and the London merchants opposed granting a representative government to the colony without severely restricting the colonial electorate.[5] This contradicted the Society's aims, which were

---

1. C.B.Adderley, Imperial Fellowship of Self-Governed British Colonies (London, 1903) p 33.
2. Norton Diaries, 2 October 1849.
3. Ibid., 7 November 1850. CRS Minute Book, 7 November 1850.
4. R.F.M.Immelman, Men of Good Hope (Cape Town, 1955) pp 134-7.
5. CO 48/311/245: H.Watson to Grey, 31 December 1850.

to reduce imperial control to allow the colonists to develop 'their great natural resources' and increase 'the interchange of home and colonial manufactures and produce.' This could best be achieved by granting colonies complete autonomy in local affairs and control of all revenue.[1] The Society therefore supported the 'popular' party at the Cape, hoping that if it achieved power it would also satisfy the Financial Reformers by relieving Britain from 'the whole expense of the local government...'

Fairbairn reached England ahead of Stockenstrom, whose physicians wished him to arrive in summer. He hoped to persuade the imperial government to establish the new legislature without another reference to the colony.[2] After spending Christmas at Adderley's country house he wrote to Grey saying that the Cape Council had ceased to exist and urging the adoption of the 'popular' party's draft constitution.[3] Smith had already asked Grey to 'suspend an opinion' on this draft.[4] The Colonial Office needed no prompting. It denied on legal grounds that the Council no longer existed. Grey saw Fairbairn and announced his determination to follow the procedure outlined in the Letters

---

1. See 'First Prospectus, December 1849' and 'First Address by the Committee to the Public of Great Britain and the Colonies, 20 January 1850' in C.B.Adderley, Second Annual Address of the Society for the Reform of Colonial Government (London, 1851) pp 9-12.
2. CO 48/311/68: Fairbairn to Grey, 23 December 1850.
3. Norton Diaries, 24 and 25 December 1850. CO 48/311/82: Fairbairn to Grey, 30 December 1850.
4. Smith to Grey, 31 October 1850: Grey Papers.

Patent.[1] His emphasis on the law and on acting through the proper channels cannot be taken at face value. Political considerations (he thought) required a stand, regardless of the merits of Fairbairn's case: 'having allowed these people to beat us on the matter of the convicts it is indispensable to maintain our ground firmly now,' he told Russell.[2] The 'delegates' were thus thrown back on Parliament and public opinion as the means of influencing Cape policy.

The Colonial Office staff had difficulty in mastering Cape matters. When the four 'popular' members resigned Merivale had gathered no more than 'that a schism between east and west has something to do with this conclusion.'[3] The minutes on Smith's despatches show how exclusively Grey and his subordinates relied on the governor's reports for information.[4] This confirms the view already expressed that the office of governor must be seen as an integral part of the metropolitan administrative system.[5] One of its most important functions was to guide the Colonial Office through the minutiae of colonial affairs, suppressing inessentials and explaining what had relevance to British interests. This saved the imperial authorities from having to master the intricacies

---

1. Grey to Smith, 14 January 1851: ibid.
2. PRO 30/22/9D (Russell Papers) fo 11: Grey to Russell, 1 June 1851.
3. CO 48/307/313: Minute (20 November 1850) on Smith to Grey, 24 September 1850 (No 138).
4. Ibid., and CO 48/308/3: Smith to Grey, 2 October 1850 (No 141).
5. Above, Chapter II, p 42.

of tribal or municipal politics. But it left them unprepared to conduct a public controversy with colonists arriving in Britain, whose arguments often could not be countered without tedious references to the governor - demonstrating both the Colonial Office's lack of detailed knowledge and its shortcomings as a court of appeal. Thus Smith's decision to return the incomplete constitution to London and the mission of Stockenstrom and Fairbairn removed the buffer between the Colonial Office and the colonists which the governor was supposed to provide.

This ignorance of detail helps to explain the Colonial Office's failure to grasp Stockenstrom's views. In this period it invariably dismissed his letters as 'intemperate abuse.'[1] It is true that they were strongly worded and seldom made direct accusations against individuals. (Stockenstrom habitually published them and had felt the weight of the libel laws.) Nevertheless, they are immediately intelligible to anyone familiar with his subject. The perfunctory treatment they received contrasted sharply with the trouble taken by the Colonial Office to master Smith's despatches even when the intemperance of their language made them unfit for publication.[2] Stockenstrom made the error

---

1. CO 48/322/401:Minute by Barrow (22 March 1851) on Stockenstrom to Grey,18 January 1851. Cf Minutes on CO 48/296/183:Stockenstrom to Grey,15 May 1849 and CO 48/311/209:Stockenstrom to Grey,25 October 1850.
2. CO 48/309/191:Minute by Grey (13 February 1851) on Smith to Grey,30 November 1850 (No 177). CO 48/309/233:Minute by Grey (13 February 1851) on Smith to Grey,30 November 1850 (No 178).

of assuming a knowledge equal to his own in the Colonial Office. He believed that Grey was being misinformed or deceived and thought that broad hints would be enough to enlighten him. But the Colonial Office had no independent means of judging the frontier or constitutional questions. It could only test his statements by referring them to the same Cape authorities he accused of deceit, reducing the argument to his word against theirs. The outcome was predictable: the Cape authorities had simply to deny his evidence in order to discredit him.[1] He then realised that he had simply appealed from one department of the Colonial Office to another when he by-passed Smith.

It is difficult to follow the tactics of the 'delegates' without briefly examining the Colonial Office's reaction to the Cape constitutional crisis. Smith attacked the 'popular' party for issuing voting tickets to its supporters, claiming that this 'electioneering trickery' invalidated the 'election' of May 1850. Grey commented that the governor apparently had 'little knowledge of the mode in which popular elections are conducted in all countries.'[2] Hawes and Merivale criticized Smith's introduction of the 'general business', both believing that the Council had been recalled 'solely for the purpose of advising

---

1. Dumiry, op. cit. pp 122-4.
2. CO 48/309/233: Minute (13 February 1851) on Smith to Grey, 30 November 1850 (No 178).

on the new constitution...'[1] Grey had previously given no sign that he saw the matter any differently. This partly vindicates the 'popular' party's contention that Smith had used the constitution as a pretext to restore his Council for purposes unconnected with the subject. But Grey would not accept anything which justified their resignations. He avoided the issue and simply stated that Smith could not have suspended all business until the new legislature met.[2]

By an oversight Smith failed to mention Porter's ruling against continuing with the reduced Council. This resulted in a striking confirmation of Stephen's doubts about the quality of Colonial Office legal advice.[3] Barrow, the clerk responsible for Cape business, observed that Smith need not have suspended the Council's sittings after the resignations. He argued that it could proceed with a quorum of six regardless of their being official or unofficial.[4] Merivale corroborated this opinion[5] and Grey seized on it to criticize Smith's handling of the affair as 'highly objectionable and injudicious.' Simultaneously he announced his intention to proceed with the constitution according to the method he had already devised.[6] The criticisms infuriated

---

1.CO 48/307/313:Minutes (20 November 1850) on Smith to Grey, 24 September 1850 (No 138).
2.Minute (26 November 1850) on ibid.
3.Above, Chapter VII, p 276.
4.CO 48/307/313:Minute (26 November 1850) on Smith to Grey, 24 September 1850 (No 138).
5.CO 48/308/15:Minute by Merivale, 7 December 1850 (Separate).
6.CO 48/307/321:Grey to Smith, n.d. (draft).

Smith,who wrote back explaining the legal grounds for Porter's ruling. These the Whig Chancellor unequivocally supported.[1]

Smith stressed the 'absolute impossibility' of holding another Council while the war lasted. In the meantime,he suggested,Grey had enough information to prepare the constitution in London. To settle the estimates 'and other matters of local importance' he asked that the governor and six official members of Council be invested with legislative powers. He felt confident that no colonist would object to such an arrangement.[2] Merivale saw no legal objections. The Council's membership could be reduced by altering Smith's Instructions,he wrote, although it might not be competent to pass the constitution ordinances in this diminished form.[3] Grey accepted that the war and the 'strong party feeling' described by Smith justified postponing the constitution. He decided to issue 'Additional Instructions' reducing the 'minimum number of members required to constitute a complete Council' and enabling Smith 'to proceed with those who still remain to transact the required business.'[4] This number would include Godlonton and Cock although Smith had not requested their inclusion. Russell doubted if they should be relied on. He told Grey to omit them and to send the

---

1.G.C.Moore Smith(ed.), op. cit. p 632. CO 48/313/167:Smith to Grey, 19 February 1851 (No 32). Campbell to Grey,28 June 1851: Grey Papers.
2.CO 48/313/167:Smith to Grey,19 February 1851 (No 32).
3.Minute (29 April 1851) on ibid.
4.Minute (30 April 1851) on ibid.

Additional Instructions to the Crown Law Officers.[1] These officials found no illegalities and Grey sent the Additional Instructions to Smith with orders that the Council so created must confine itself to 'indispensable' business.[2]

By this stage Stockenstrom and Fairbairn,the Cape 'delegates',had made common cause with the Colonial Reform Society. Through the medium of Adderley they had started a public correspondence with Russell. The news of the Additional Instructions thoroughly alarmed them. Believing that a reconstituted Cape Council would delay the constitution and misappropriate the revenue,they agreed to waive all differences between their constitution and the draft submitted by Smith's Commission if Russell would enact the latter in Britain without delay.[3] This was a drastic step,quite contrary to what Fairbairn had said in the colony.[4] It allowed Russell to assert that if they had taken the same attitude from the start the Council need never have been disrupted.[5] Lacking proof,the'delegates'could not plead distrust of Montagu's intentions as an explanation of their resignations. They therefore reverted to the argument that the Colonists had

---

1.Russell to Grey,2 May 1851: Grey Papers.
2.CO 48/313/232:Grey to Smith,13 May 1851 (No 627) (draft).
3.Stockenstrom & Fairbairn to Russell,30 May 1851: A & P.1852.XXXIII. /1427/:Further Papers relative to the Establishment of a Representative Assembly at the Cape, p 53.
4.Fairbairn to Philip,7 November 1850: Quoted in Macmillan, op. cit. p 263.
5.Russell to Stockenstrom & Fairbairn,5 June 1851: A & P.1852.XXXIII. /1427/: op. cit. pp 53-4.

no confidence in the Council and that it would have been a mockery to put their business and money before it.[1]

The anxiety of the 'delegates' is explicable in terms of certain other negotiations then proceeding in London. The financial interests centred on the Cape Town Municipality had approached Charles Fox, of the railway contractors Fox, Henderson & Co., to build a Cape railway. Fox had financial backing from Charles Geach, the managing director of the Birmingham & Midland Bank, and a former employee of the Bank of England. Geach was a director of two Midlands railway companies - the Liberal MP for Coventry - a free trader, supporting extension of the suffrage and vote by ballot - and an associate of Edward Ellice MP, a businessman with extensive colonial interests. He and Fox undertook to build a railway from Cape Town to Wellington and Stellenbosch for the sum of £500,000 - to be paid as the work proceeded, in debentures guaranteed by the Cape government at 6% a year. Their offer excluded the purchase of land and took it for granted that no import duty would be charged on materials.[2] These conditions could only be met by the Cape party if it controlled the colonial government. And a resurrected Council in which the merchant interest still predominated might well pre-empt the colonial revenue available for guaranteeing Fox, Henderson's 6%.

---

1. Stockenstrom & Fairbairn to Russell, 13 June 1851: ibid., pp 57-8.
2. Cape of Good Hope. Report of the Committee appointed to enquire into the Practicability of Introducing Railway Communication into the Colony (House of Assembly, May 1855): Memorandum of Fox, Henderson & Co., 14 August 1851 (p 25).

Russell,with support from the Cabinet,wished to enact the constitution in Britain and put it into operation without delay. When Grey argued the need to resist the 'popular' party after its victory over the convicts he received the sharp answer that 'we were obliged to yield on the anti-convict movement /because/ faith had not been kept, and it is therefore the more incumbent upon us to take care that no similar imputation rests upon us in this case.'[1] Grey responded that Russell had acquiesced in the Additional Instructions and that it would be inconsistent to go back on this policy. He insisted on submitting the question to the Cabinet.[2] Russell,unsure of his ground, gave way.

The 'delegates' therefore took advice on the legality of the Additional Instructions from Fitzroy Kelly,Spencer Walpole and J.R. Kenyon,three eminent London lawyers. Walpole sat on the Committee of the Colonial Reform Society and later became Home Secretary in the the first Derby Ministry. The 'delegates' argued that although the Crown had the right to legislate for a conquered colony,it had exhausted certain of its powers when granting the Cape its first Legislative Council. Those powers could only be resumed if the Cape Council voted to surrender them or the imperial Parliament overrode the original grant. The Additional Instructions were illegal because

---

1.Russell to Grey,3 June 1851: Grey Papers.
2.PRO 30/22/9D (Russell Papers) fo 25: Grey to Russell,4 June 1851.
Russell to Grey,5 June 1851: Grey Papers.

they satisfied neither of these conditions.[1] The three lawyers agreed, with reservations. They denied that the Crown had fully exhausted its powers when creating the Cape Council, but ruled that the powers retained could not be exercised in disregard of rights already existing. The constitution of the first Cape Council and the Letters Patent promising a representative constitution could not be superseded by 'instructions under the sign manual conferring legislative power on a more limited body differently constituted.' The Additional Instructions were invalid, and the colonists might legitimately test them by appealing to the Privy Council.[2]

Adderley persuaded Lyndhurst, a former Tory Chancellor, to endorse this opinion and Stanley agreed to use it for a parliamentary attack on Grey. In public Russell supported his law officers, saying that the government felt 'entitled, if not bound' to act in conformity with their opinion.[3] Privately he was less positive. The Additional Instructions might be strictly legal, but 'much practical evil' could result from the 'infusion of doubts in the minds of the colonials.' They might refuse to pay taxes or disobey the Legislative Council. He therefore drafted a despatch ordering Smith to reconstitute the

---

1. Case for the Opinion of Counsel: A & P.1852.XXXIII./I427: op. cit. p 59.
2. Opinion, 23 June 1851: ibid., p 62.
3. Russell to Stockenstrom & Fairbairn, 28 June 1851: ibid., p 63.

full Council and pass the constitution ordinances. The home authorities would decide when to bring them into operation.[1] Grey disliked this step and appealed to Campbell, the Whig Chancellor. Campbell found the reasoning of the three lawyers 'palpably fallacious' but added that it would be unethical for him to attack them in public. He also stated that the promise of representative institutions must be fulfilled.[2] Grey capitualated. He decided to draft the constitution ordinances in London and send them to Smith for speedy enactment.[3] Merivale began to lose confidence in his own legal judgement. So much doubt had been thrown on 'received principles and usages' by 'eminent lawyers both in and out of Parliament' that he no longer believed any conclusion could be formed on the Cape constitution 'which ingenious legal minds cannot impugn...'[4]

Stanley succeeded to the earldom of Derby before his Cape motion came on in the Lords. It took the form of a demand for a Select Committee. Russell did not want Grey to resist: the government faced certain defeat on another bill already before the Lords and a double reverse would produce a bad impression.[5] But Grey persevered and actually secured a small majority. During the debate he criticised

---

1.Draft despatch to Smith in Russell's hand, n.d.: Grey Papers.
Russell to Grey, 29 June 1851: ibid.
2.Campbell to Grey, 30 June 1851: ibid.
3.CO 48/313/244:Grey to Smith, 30 June 1851 (No 650) (draft).
4.CO 48/329/272:Minute (12 June 1852) on Darling to Pakington, 1 May 1852 (Confidential).
5.Russell to Grey, 5 July 1851: Grey Papers.

the 'delegates' for 'conduct unexampled for its factious and vexatious character.'[1] The Colonial Reformers blamed Derby for their defeat: he had spoiled a good case because he could not resist a personal attack on Grey.[2] This intrusion of party politics broke up their Society, as most observers had predicted. The 'delegates' confessed that they had failed to achieve their object of getting the constitution enacted in Britain. But they welcomed the assurance that there would be no retreat on the promise of representative institutions.[3] Stockenstrom took the opportunity to deny the charges of personal hostility to Smith. He recapitulated his case against the governor's measures and claimed 'a right to speak out' on Cape policy: 'Am I the governor's or Lord Grey's slave?' he demanded.[4] But his protestations met with no response.

The 'delegates' had not relied solely on the legal opinion condemning the Additional Instructions when trying to modify imperial policy. They kept in touch with their Cape colleagues, who argued that the colonists could not be held responsible for a war started by officials over whom they had no control, and demanded a representative legislature as the price of their military and financial co-operation with Britain.[5]

---

1. Hansard, 3rd Series, 1851, cxviii, 734.
2. Adderley to Gladstone, 25 June 1851: Gladstone Papers, Add MSS 44370, f 167. C.W.Hutton(ed.), op. cit. ii, 336-7.
3. Stockenstrom & Fairbairn to Russell, 26 July 1851: A & P.1852.XXXIII. /1427/: op. cit. pp 67-9.
4. Stockenstrom to Russell, 26 July 1851: ibid., pp 70-2.
5. Reitz to Fairbairn, 10 January 1851: /J.Fairbairn(ed.)/, op. cit. p 216.

This argument was indistinguishable from that of the Colonial Reformers,whose parliamentary representatives pressed for a Commission of Enquiry to visit the Cape and determine how far the colonists were answerable for the outbreak. The Colonial Reformers had grown disillusioned with parliamentary Committees after their experience in the case of Ceylon,when the Whigs resorted to every conceivable subterfuge to protect themselves from censure. Gladstone had opposed the appointment of a Committee in 1850,explaining that 'after the scandalous experience of the Ceylon case' he preferred 'Molesworth's old notion of a legal Commission...'[1] Stocklenstrom,by now disillusioned about the Colonial Office's impartiality,supported the idea. Stanley,however,felt that a Commission would supersede the authority of the Secretary of State and advised his party to reject it.[2]

Without support from the major parties the Colonial Reformers failed to obtain a Commission. Russell disarmed their attack by appointing a Select Committee,which Gladstone condemned as 'the same old story again.'[3] The Colonial Reformers refused seats on this body and instead organized a public meeting in the City to protest against the government's Cape policy.[4] The Whigs then had no difficulty in appointing members who suited them,including Hawes and W.A.Mackinnon

---

1.Gladstone to Adderley,20 December 1850: Childe-Pemberton,op. cit. p 90.
2.Stanley to Adderley,9 April 1851: Derby Papers, Box 179/1.
3.Hansard,3rd Series,1851,cxvi,261-8.
4.CRS Minute Book,3 May 1851.

MP, a relative of the Chief Commissioner of British Kaffraria.[1] The 'delegates' testified before this Committee,as did three senior representatives of the Cape missionary societies: J.J.Freeman of the L.M.S.; H.Renton,a Commissioner of the United Presbyterian Church of Scotland; and P.La Trobe,Secretary to the Church of the United (Moravian) Brethren in England. Smith did not leave his critics unopposed,however. He first tried to 'bully' Southey into going to London.[2] When that failed he sent Major J.J.Bissett,the son of an 1820 settler and a personal friend,with an introduction to Grey and authority to speak on his behalf.[3]

Ultimately the Committee made no report (as the Whigs undoubtedly intended) because of the 'magnitude and difficulty' of the subject. As had happened before,the Colonial Office suppressed certain evidence unfavourable to itself.[4] Stockenstrom,Adamson and the missionaries stressed the pre-eminence of land as a tribal grievance. Stockenstom called the Kaffrarian government a 'regular speculation.' Bissett

---

1.See remarks by Keogh: Hansard,3rd Series,1851,cxvi,737.
2.Rivers to Godlonton,30 December 1850: Cape Colony Letters,MSS Afr s 1, f 105.
3.Wilmot, op. cit. p 63. Smith to Grey,10 March 1851: Grey Papers. Bissett urged the immediate despatch of large reinforcements,thus enabling Smith to avoid asking for them officially and so having to retract his statements of 1847. CO 48/317/94: Note by Grey,13 June 1851. See above,Chapter V,p 190.
4.Reports.1851.XIV.(635):Report from the Select Committee on the Kaffir Tribes, Q 3286. Duminy, op. cit. p 127. See below,Chapter III,p 95.

countered by blaming everything on the chiefs. He dismissed the question of land, repeating the claim of the Albany speculators that there were '150 miles of unoccupied country immediately in the rear' of Kaffraria.[1] Freeman tried to expose Smith's injustice to the Griquas of Adam Kok, but Hawes remained unconvinced.[2]

For the purposes of this thesis, however, the most important exchange occurred during Fairbairn's testimony, when Cardwell asked a series of pointed questions on economic matters. Fairbairn accused the 'British merchants and their agents' in Cape Town of wanting to prolong the war for private gain.[3] He claimed that the imperial money misappropriated in the previous war 'must have gone through the contractors' – who were 'English merchants and persons of that description, and not the regular Dutch or agricultural inhabitants of the colony.'[4] He denied that the British and Afrikaans colonists were estranged from one another. And, on the key subject of financial responsibility for defending the Cape frontier, he spoke as follows:

> Cardwell: You advocate independent institutions, but you deprecate that degree of separation which would throw the whole of the expenditure upon yourselves?
>
> Fairbairn: Not the whole of the expenditure, as if we were dealing

---

1. Reports.1851.XIV.(635): op. cit. QQ 676, 762-70, 788-90, 1457.
2. Ibid., Q 210. CO 48/322/133: Minute by Hawes (23 August 1851) on Freeman to Grey, 16 August 1851.
3. Reports.1851.XIV.(635): op. cit. Q 589.
4. Ibid., Q 597.

> as an independent people; but if our policy is still to be interfered with by another power that other power must be responsible in some degree for the consequences.[1]

Fairbairn's answer contradicted the Colonial Reformers' contention that granting the representative government to the Cape would relieve the imperial treasury of the expense of frontier defence. He had come before the Committee on the eve of an important debate on the supplementary estimate for the Cape war. When Adderley (who had not understodd the significance of Fairbairn's reply) argued that the expense could be avoided by granting the Cape constitution, Hawes easily refuted the statement as 'opposed...to the opinion of Mr Fairbairn...'[2] Fairbairn was much mortified at being exposed and threatened to go home by the next mail packet.[3] Adderley was still puzzled: he urged Fairbairn to publish his sentiments 'about the necessary pecuniary relief to this country' involved in the gift of a constitution. 'Cobden and Cardwell and leading men on all sides are set against you just now by interpreting your evidence to refuse to undertake your own frontier system for yourselves,' he wrote. 'They say "then the constitution will not relieve our pockets after all."'[4] This missed the point: Fairbairn

---

1. Ibid., Q 470. Cf Stockenstrom's remarks: QQ 1789, 2009.
2. Hansard, 3rd Series, 1851, cxvii, 760.
3. Norton Diaries, 13 June 1851.
4. Adderley to Fairbairn, 1 /July 1851/: Fairbairn Papers. De Kiewiet's statement that 'few colonial statesmen in this period could rival Adderley in the qualities of wisdom and penetration' is difficult to accept; C.W.de Kiewiet, British Colonial Policy and the South African Republics (London, 1929) p 84. Adderley was a tool of Wakefield: see Disraeli to Stanley, 17 December 1849: W.F.Moneypenny & G.E. Buckle, The Life of Benjamin Disraeli (London, 1929; 2 vols.) i, 1050.

did not represent interests which wished to spend the colonial revenue on unproductive frontier defence. He could not give the undertaking wanted by Adderley. The 'delegates' thus lost their second parliamentary lever for obtaining the immediate grant of the constitution.

There remained one further avenue. Both 'delegates' had links with philanthropic bodies interested in the Cape. Stockenstrom approached the Aborigines Protection Society and the directors of the L.M.S.[1] But humanitarianism was hostile to the commercial spirit of colonial reform. The Morning Chronicle attacked as 'solemn foolery' the meetings organized on behalf of the Cape tribes. 'Order and law' in South Africa, it declared, could only result from 'the victorious assertion of British supremacy.'[2] There could thus be no combination between humanitarians and Colonial Reformers. And the philanthropic bodies could not hope to mount a successful campaign unaided. Fairbairn's church - the Independents, who controlled the L.M.S. - were in disarray from 1850 onwards because of an internal conflict. Simultaneously the Wesleyans suffered a 'calamitous' disruption which reduced their membership by a third and cut off funds for mission work in Africa.[3] Sectarian animosity, 'the most intense of Victorian emotions', prevented them from acting in concert and seriously weakened their political power.

---

1. Morning Chronicle, 12 November 1851. Colonial Intelligencer, XLIII (November 1851) pp 317-20.
2. Morning Chronicle, 24 November 1851.
3. O. Chadwick, The Victorian Church (London, 1971; 2 vols.) i, 384 and 404.

The 'delegates' had access to the Daily News, the Standard, the Times (through the editorials of Robert Lowe) and the Spectator (edited by an associate of Wakefield's). The Times published their letters opposing the Additional Instructions.[1] Their visit to Britain inspired several pamphlets. Adderley, Fairbairn, Freeman and Stockenstrom put the case against Smith; Adamson and the editors of the Cape Monitor controverted it.[2] But the influence of these is doubtful. Although Grey used parts of Adamson's pamphlet to reinforce his attacks on the 'delegates' during the debate on the Additional Instructions[3] his longstanding prejudice against the 'popular' party and his sidestepping of Adamson's criticisms of Smith rob this of any significance. Every move made by Fairbairn was countered by his opponents: after he visited the Colonial Office Adamson followed him, then Bissett, and finally a certain Col. Archer who supported the views of Godlonton and was 'well known to many persons of distinction' in Britain.[4] Birkenruth and Cawood, the eastern Cape traders, saw Russell, Adderley and Hume to put the case of the Albany settlers against the Xhosa.[5] The Cape 'Conservatives' even found a place in the councils

---

1. 28 and 30 June 1851. See Fairbairn to Denyssen, 15 March 1851: De Zuid Afrikaan, 28 April 1851.
2. See Bibliography.
3. Hansard, 3rd Series, 1851, cxviii, 743.
4. CO 48/322/7: Minute by Merivale (6 August 1851) on Archer to Grey, 30 July 1851.
5. Graham's Town Journal, 5 July 1851.

of the Colonial Reform Society. At one session Adamson and Watson joined Fairbairn and Freeman in a discussion on Cape affairs.[1] The Colonial Reformers saw no anomaly in this: they were anxious to establish a representative government at the Cape, which inclined them to Fairbairn. But the reason for their impatience was to enable businessmen like Watson to strengthen the commercial links with Britain.

In terms of what they set out to achieve, the mission of Fairbairn and Stockenstrom came to nothing. The opposition of Grey blocked them on the constitutional issue. The parliamentary committee proved worthless. Yet the character of Whig government and Grey's 'wrong-headedness' also obstructed the settlement of Cape business in the manner least troublesome to Britain. Russell's political instincts repeatedly told him that Grey's tactics would complicate an already difficult situation, and he never hesitated to say so. But Grey seemed incapable of accepting even the best-intentioned warnings: like one of those astonishing Mediterranean fishes which puffs itself up into an enormous prickly ball to prevent its enemies from swallowing it, he went onto the defensive at the slightest hint of attack. Nor could the cabinet impose its will on him. He generally consulted it only when he expected criticism of a measure to be directed at him personally. If its advice did not suit him he would return to the topic repeatedly. His colleagues had their individual preoccupations

and this nagging usually overcame their initial resistance. In Melbourne's time the Whigs had been accused of 'governing by department' and of failing to act as a group. Russell never managed to eradicate this fault, which grew more pronounced as his administration weakened.[1] Palmerston's independence at the Foreign Office is better known than Grey's at the Colonial Office, but the latter proved scarcely less troublesome to Russell. This will emerge more clearly from the examination in the next chapter of Grey's decision to recall Smith.

The outbreak of war and the appearance of several Cape politicians in Britain renewed the interest in southern Africa first aroused by the convict agitation. In 1851 and early 1852 the Cape came as close as any colonial matter could to being a 'national' question. This sudden (and transient) publicity owed more to the state of British politics and the fragmented opposition's search for common ground against the Whigs than to any inherent interest of the question for the British people. Nevertheless, these were circumstances in which individuals and organisations genuinely involved in the colony's affairs might hope to benefit by identifying their cause with one side or the other in the larger issue. The defeat of Stockenstrom and Fairbairn did not end the controversy in Britain. Neither the

---

1. Gash, op. cit. p 199.

constitution nor the war was settled for a considerable period afterwards. In this time the British authorities received further information and redefined their attitude to southern Africa in a manner which illuminates their imperial role in the subcontinent.

CHAPTER XI

THE COLONIAL OFFICE AND THE CAPE 'CONSERVATIVES'

While defending themselves against the Cape 'delegates' Grey and Russell also discussed ways of restoring order in South Africa. The problem seemed pressing. Frontier policy apparently needed revision, if not a complete overhaul. The expensive military villages had failed. Smith realised this as early as 1849,but buried the fact in a despatch dwelling on the peace which prevailed.[1] The massacre of the few remaining settlers brought it to light. He had proclaimed the loyalty of the 'Kaffir Police' patrolling the eastern border. When war began,however,they all deserted to the enemy. Contradicting what he had said on previous occasions,Smith described this as 'another instance of the danger to be apprehended from arming men from hostile populations.'[2] Colonial inactivity compounded the difficulty of defending the eastern frontier. Smith spoke of 'apathy and indifference' among the Afrikaners and denounced the Albany British for 'canvassing' his military measures 'in the most disloyal manner.'[3] Several Boer commandos did actually take the field. War gave them a cover to obtain by force what the law denied them in peace. They broke up the Kat River Settlement,cleared the Thembu from the Cradock boundary,etc. Acting independently of British control,they disbanded

---

1.CO 48/299/69:Smith to Grey,26 October 1849 (No 195).
2.CO 48/309/521:Smith to Grey,26 December 1850 (No 200).
3.CO 48/313/2:Smith to Grey,1 February 1851 (Confidential).

once their objects were achieved. Next,three NCOs and forty five men deserted from a coloured detachment of the Cape Mounted Rifles.[1] Then certain Mfengu levies,whose time had expired,refused to re-enlist. They fought for profit,and had received sufficient captured cattle and cash from the 'cattle fund' to retire. Smith,who never understood the economics of 'burgher service',personally begged them to remain. They refused.[2]

As war progressed the number of coloureds offering themselves as recruits in the western Cape suddenly fell off. Montagu accused them of 'disaffection.' An enquiry among coloureds returning from frontier service disproved this,but revealed that many felt 'that the Hottentots and Caffres are fighting for land formerly theirs and are right in so doing.'[3] Coupled with earlier descriptions of 'anti-English feeling' among Xhosa and coloured rebels these reports indicated serious shortcomings in the Kaffrarian administration. Smith's correspondence showed no awareness of this. ('I wish he would be more explicit,' wrote Russell at one point; 'his sentences generally end in opaque smoke.')[4] The imperial government therefore decided to send two 'Assistant Commissioners' to investigate. When fighting ceased,

---

1.CO 48/314/78:Smith to Grey,17 March 1851 (No 58).
2.Entry in Diary,5 April 1851: Hall Papers, PC 1/5.
3.Montagu to Godlonton,27 January 1851: Cape Colony Letters,MSS Afr s 1, f 74. CO 48/317/334:Report by Commissioner Owen on the Swellendam and Caledon Missionary Institutions,August 1851.
4.Russell to Grey,10 July 1851: Grey Papers.

it was hoped,they could arrange a settlement preventing further outbreaks.[1] Grey,perhaps hoping to outflank the 'delegates',instructed the Assistant Commissioners to examine Stockenstrom's complaints on behalf of the Kat River coloureds. He directed Smith to give full co-operation.[2] Russell wanted the reference to Kat River omitted, fearing that it might clash with any investigation already begun. Nevertheless,Grey persevered,and what Russell foresaw took place. In the resulting confusion the enquiry was dropped.

On hearing about the Assistant Commissioners the Colonial Reformers abandoned their call for an independent Commission for South Africa.[3] The two men chosen,however,proved far from independent. Grey appointed Major W.S.Hogge and C.M.Owen. Both had commanded levies in the 1846 war. Hogge had been Pottinger's confidential adviser on frontier matters. He had a hard and unyielding character. He bore Smith a grudge for the criticism of Pottinger's government implied in the 'Notes on the Kaffir War.'[4] In political and economic matters his views were 'Conservative.' Finding the colony in 'thorough disorder' he advised Grey to withhold the new constitution and shift the seat

---

1.CO 48/314/117:Minute by Grey,15 May 1851. Russell to Grey,26 May 1851: Grey Papers.
2.CO 48/314/136:Grey to Smith,11 June 1851 (No 638) (draft).
3.CRS Minute Book,17 May 1851.
4.Above,Chapter V,p 190.

of government to the east,to 'checkmate the violent,democratic party' in Cape Town.[1] Owen was Hogge and water. After failing as a Cape farmer he had served with the 'Kaffir Police.' One observer thought him 'hard-looking' and 'Yankified.'[2] Godlonton,it will be recalled, described the British colonists as the 'Yankees of southern Africa' because of their aggressive commercialism. Possibly on this analogy Southey found Owen 'honest.'[3] Cathcart put this subjective judgement in perspective when he criticized Owen for zealously supporting the Cape land speculators 'on all occasions.'[4]

Both Assistant Commissioners were living in England at the time of their appointment. Their ideas on the war were settled before they returned to the Cape. Hogge landed in Cape Town and solicited opinions by mail from British colonists he had known in Pottinger's time. He consulted officials,and Montagu gave him access to government archives. On this secondhand evidence,without even visiting the frontier,he informed Grey that the Xhosa had started the war,although

---

1.Hogge to Grey,4 September 1851: Grey Papers.
2.Entry for 25 February 1853: Lt. Graham's Diary. Cf Joseph M.Orpen, Reminiscences of Life in South Africa (Cape Town,1964) p 90.
3.Southey to Godlonton,18 September 1852: Cape Colony Letters,MSS Afr s 1, f 173. See Above,Chapter VIII,p 295.
4.Minute on Owen to Cathcart,11 February 1853: quoted by A.E.du Toit, 'The Cape Frontier', A.Y.B. - 1954,Part I (Cape Town,1954) p 77. Cf Cathcart to Pakington,13 November 1852 (Copy): Newcastle Papers, NeC 9,554.

the coloureds had been 'accessaries before the fact.'[1] On reaching the frontier he concluded that the struggle hinged on the chiefs' attempts to regain their power,'not upon a question of land.'[2] He accused Smith of dressing up his despatches 'like railroad accounts' to disguise the lack of military progress. As High Commissioner,he continued,Smith could not be trusted to make any permanent peace in Kaffraria.[3] Britain must proceed on the assumption that the tribes, like those of America,were fated to extinction. And (he declared) the coloureds 'seem to have been happier in,and alone fitted for,the servile condition from which they were removed and to which they had better return.'[4]

Hogge tried to convince Grey that the Xhosa had 'never been thoroughly subdued.' The peace settlements made by Stockenstrom and Smith after the two preceding wars,he said,had left the tribes their independence. But military force was 'the only argument' they understood. It must be used to defeat them and keep them in subjection.[5] This argument corresponded with the views of the eastern Cape 'Consevatives',who had started to campaign against 'a hollow peace.' They called,as in 1835 and 1846,for British troops to expel the Xhosa

---

1.Hogge to Grey,29 July 1851: Grey Papers.
2.Hogge to Grey,4 September 1851: ibid.
3.Hogge to Hawes,18 September 1851; Hogge to Grey,16 October 1851: ibid. Cf General Order of 8 March 1851 annotated by Hall: Hall Papers, DGO 1/5.
4.Hogge to Grey,19 December 1851 and 14 May 1852: Grey Papers.
5.Hogge to Grey,16 October 1851: ibid.

from Kaffraria. 'I am seriously afraid the Kaffirs won't continue the war now they find us too strong for them,' wrote W.Southey. 'Six months more will ruin them completely.'[1] It is perhaps unnecessary to repeat how this policy would serve the interests of those who anticipated financial benefits from a large garrison on the frontier and the expropriation of several million acres of valuable pasture land.

Grey found Smith's explanations of the war unsatisfactory. He guessed that the tribes had risen from fear that the colonists would destroy or enslave them when the new constitution came into force. He criticised Smith's call to 'exterminate' them as unchristian and impolitic. The real challenge to British supremacy in South Africa, he felt,would eventually come from the Boers. The tribesmen must be enlisted as allies against that day.[2] Grey developed this idea in a formal despatch (omitting his thoughts on the Boers). The tribesmen far outnumbered the force which Britain could spare to control them permanently,he observed. They should therefore be made themselves 'the instruments for maintaining British authority...' India provided the model. By discreetly using one tribe against another Britain might hold South Africa as much by what Grey euphemistically called

---

1.Quoted in B.A.Le Cordeur,'Robert Godlonton as Architect of Frontier Opinion', A.Y.B. - 1959,Part II (Cape Town,1960) pp 51-2.
2.Grey to Smith,15 March 1851: Grey Papers.

'confidence in the good faith and justice of the British authorities' as by 'dread of our military power.'[1] Such a policy,he believed,had been intended by D'Urban - whose opinion on Cape affairs he respected more than any other man's.[2]

This dispute represented the old argument about whether the tribes should be coerced or conciliated. Grey deserves credit for trying to change the monotonous pattern of military repression,and it seems unfair to dismiss his ideas as mere 'mania.'[3] Russell,however, decidedly favoured coercion. He vetoed the arming of tribesmen. Native corps ('except the soft Bengalese') were untrustworthy,he told Grey. 'We must now recover /Kaffraria/ and <u>keep it</u> by the Queen's troops,aided by a white militia.'[4] He rejected the Indian parallel: 'North America might be quoted on the other side...to show that native tribes must always be exterminated.' No universal rule had any validity.[5] Smith also disagreed with Grey. Attempts to vindicate the tribesmen,he declared,originated in 'the garbled perversion of facts by vile agitators now in England.'[6] Russell thought this letter did the governor credit. India proved no model,he repeated,'and our

---

1.CO 48/313/97:Grey to Smith,15 May 1851 (No 630) (draft).
2.Grey to Smith,14 August 1851: <u>Grey Papers</u>.
3.John S. Galbraith,<u>Reluctant Empire</u> (California,1963) p 260.
4.Russell to Grey,10 May 1851: <u>Grey Papers</u>.
5.Russell to Grey,15 May 1851: <u>ibid</u>.
6.I.e. Stockenstrom and Fairbairn. Smith to Grey,9 June 1851: <u>ibid</u>.

examples should be taken from Canada and the United States...'[1] The tribes must be totally subjugated. Granting them equal rights with the colonists could not be considered. When Smith wavered from this line Russell accused him of indulging in 'non-colour visions.'[2]

The imperial government has been characterized in this period as intolerant of 'unremunerative expenditure' and seeking 'a postwar policy that could eliminate further imperial expense.'[3] This view requires modification in the light of Cape events. It followed from Russell's attitude that reinforcements should be sent from Britain when Smith proved unable to raise troops locally. It followed from Grey's that he would resist.[4] But the request brought by Bissett and the insistence of Russell and Wellington defeated Grey. He found no support in the Cabinet. Wood had been in agonies at the Treasury trying to dispose of a budget surplus[5] and was relieved when the Cape did it for him. 'A quelque chose malheur est bon...' wrote one of his junior ministers when news arrived of the outbreak; 'It cuts the budget knot most effectually.'[6] Russell concluded that matters could

---

1.Russell to Grey,14 August 1851: ibid.
2.Russell to Grey,13 April 1852: ibid.
3.C.W.de Kiewiet,British Colonial Policy and the South African Republics (London,1929) p 5. Galbraith, op. cit. p 251.
4.PRO 30/22/9B (Russell Papers) fo 244: Grey to Russell,10 March 1851. PRO 30/22/9E (Russell Papers) fo 140: Grey to Russell,19 August 1851; and fo. 294: Grey to Russell,31 August 1851.
5.Donald Southgate,The Passing of the Whigs (London,1962) p 140.
6.Lewis to Clarendon,6 March 1851: Clarendon Papers,MS Clar.dep.C 530.

could only be rectified by 'force and money' - although it was 'hardly worth doing.'[1] He then settled that a permanent garrison of five thousand men should be retained in the colony when peace returned - a greater number than before the war.[2] These were not the ideas of a sympathiser with Financial Reform.

Reports of disturbances in the Orange River Sovereignty interrupted consideration of the eastern Cape's future. Warden, the British Resident, trying to deprive Moshweshwe of certain land, had suffered a military defeat at the hands of the Sotho.[3] This was serious, as were rumours that Boer intransigents meant to join Moshweshwe to expel the British from the Sovereignty. Russell had hitherto wished to retain the territory.[4] Now he hesitated. Since the Boers had not rallied, he declared, the Sovereignty should be abandoned. Smith might hold it while it had strategic value in the war; but its 'ultimate abandonment' must be 'a settled point in our policy.'[5] Grey fully agreed. Parliament ought not to pay 'for governing this distant region by force.'[6] Later, however, Russell's views moderated. The expected war failed to materialize and the Transvaal Boers refused to help the

---

1. Russell to Grey, 20 October 1851: Grey Papers.
2. Russell to Grey, 13 December 1851: ibid.
3. O.H.S.A. i, 418-9.
4. Russell to Grey, 3 June 1851: Grey Papers. Above, Chapter VIII, p 308.
5. Russell to Grey, 20 October 1851: ibid. CO 48/317/111: Grey to Smith, 21 October 1851 (No 698) (draft - amended by Russell).
6. Grey to Smith, 21 October 1851: Grey Papers.

intransigent Sovereignty men to take advantage of Warden's embarrassment. A.W.J.Pretorius shrewdly chose this moment to suggest an accomodation on the Transvaal's independence. With his co-operation the British might hope to control Moshweshwe. Russell therefore proposed that nothing be finalised until the frontier war ended.[1]

The standstill in the war and Hogge's condemnation shook Smith's credit in London. Stories arrived of his failing health. 'Sir H. Smith pleases me less and less,' wrote Russell in October.[2] Grey secretly started preparing to dismiss Smith. A critical note entered his despatches on the war. He enlarged on the contrast between Smith's phrases and his actual achievements.[3] Russell saw through this stealthy approach and asked Wellington to comment on Smith's military operations. The Duke found nothing to fault and Russell considered the matter settled.[4] Grey replied that Wellington formed his opinion on official correspondence which Hogge's evidence contradicted. He wished to show the latter to Wellington to convince him. Seldom had he displayed poorer judgement. Russell sharply rebuked him. Hogge's letters,he wrote,were 'tinged' with jealousy. Recall would damage Smith's reputation and career,yet Grey meant to

---

1.Russell to Grey,13 December 1851: ibid.
2.Russell to Grey,20 October 1851: ibid.
3.CO 48/317/111:Grey to Smith,21 October 1851 (No 698). CO 48/317/291:Grey to Smith,14 November 1851 (No 705).
4.Russell to Grey,15 November 1851: Grey Papers.

act on the strength of charges the governor had never seen,or had the opportunity of answering,from one of his subordinates. Grey weakly denied this. He confessed that Hogge's letters had influenced him, but said he blamed Smith only for want of energy and judgement in prosecuting the war. To Russell's relief,however,he did not press the matter.[1]

Grey's restraint proved temporary. He clung tenaciously to his aim of dismissing Smith. The chance came when a sudden intensification of the war convinced Smith that the enemy had received fresh supplies of ammunition from somewhere.[2] A senior commissariat officer named Miller who had just returned to London confirmed this. He accused certain Cape merchants of allowing a consignment of gunpowder to be sold to the Xhosa. The precise truth never emerged,but investigation revealed that the colonial government had neglected the most elementary precautions to prevent such an occurrence. Montagu appeared particularly culpable.[3] On this pretext Grey persuaded the

---

1.Russell to Grey,13 and 15 December 1851: ibid. PRO 30/22/9J,Part I (Russell Papers) fo 161: Grey to Russell,14 December 1851.
2.CO 48/317/277:Smith to Grey,18 September 1851 (No 160).
3.CO 48/325/309:Grey to Smith,14 January 1852 (No 82). The Cape government had also overlooked the significance of an unprecedented rise in gunpowder sales during 1850; see: Cape of Good Hope. Report of the Committee of the Legislative Council Appointed to take into Consideration the Working of the Present Gunpowder Ordinance (Cape Town,1856) p ii. Miller had personal reasons for wishing to harm Smith: see below,Chapter XII,p 458.

reluctant Cabinet to recall the governor. Over Wellington's strong objections the despatch left in the January mail.[1] It justified the dismissal on military grounds. If the 'Notes on the Kaffir War' are taken as a starting-point,Grey had a good case. The apathy of the burghers and the coloured rebellion strengthened rather than weakened it. Whatever its merits,however,historians have generally examined it only from the military angle adopted by Grey.[2] But official despatches prepared for publication on sensitive political issues are unsafe guides to a government's motives. There is evidence that the constitutional dispute played a decisive part in Smith's downfall. Even before Hogge reported,Grey was growing 'more and more disappointed with Sir H.Smith's administration of civil affairs.'[3] By October his confidence in Smith's 'discretion and firmness in anything but mere fighting' was 'utterly gone.' He thought it increasingly clear 'that all these calamities are entirely due to /Smith's/ bad management, beginning with his allowing the democratic party to defeat him on the subject of the convicts...'[4] And ultimately he emphasized that Smith was recalled 'on considerations not exclusively military.'[5]

Although losing faith in Smith personally,Grey did not revise the

---

1.CO 48/319/334:Grey to Smith,14 January 1852 (No 732).
2.De Kiewiet,op. cit. p 61. W.P.Morrell,British Colonial Policy in the Age of Peel and Russell (Oxford,1930) pp 292-3. Galbraith, op. cit. pp 260-1.
3.PRO 30/22/9E (Russell Papers) fo 85A: Grey to Russell,13 August 1851.
4.PRO 30/22/9G,Part II (Russell Papers) fo 110: Grey to Russell,27 October 1851.
5.Hansard,3rd Series,1851,cxix,191.

views he had formed in response to the governor's reports. Smith's version of Cape politics had inspired exaggerated fears about Afrikaner loyalty which became 'closely connected' in Grey's mind with the constitutional question.[1] For legal reasons (as the controversy over the Additional Instructions confirmed) he could not withdraw the promise of representative institutions. But he could seek to restrict the 'popular' party's strength by arranging the actual machinery of government in a manner favourable to their opponents. Furthermore,by balancing one interest against the other he might prevent the colonists as a body from taking full advantage of the concessions made to them, and so retain substantial power for Britain. This led him straight to a matter he had previously promised to leave for the new legislature to settle: the division of the eastern and western Cape into separate governments,overseen by a governor general. Expense had been,and still was,the barrier to this project. But Grey,with characteristic facility,saw a way round. He raised the possibility of some form of legislative union for all the British possessions in South Africa.[2]

The insufficiency of Cape revenue could not be overcome by such a confederation. Reopening the subject of separation scarcely required so major a justification. The truth was,that Grey wished to reverse a decision he had already announced. Confederation was the rationali-

---

1.Grey to Smith,15 March 1851: Grey Papers.
2.CO 48/308/21:Grey to Merivale,18 December 1850.

zation he made to avoid the appearance of inconsistency. It was a device out of all proportion to the immediate problem, the neutralizing of the Cape Afrikaners. (It owed something to a scheme then afloat in Grey's mind for extending the operation of the Cape of Good Hope Punishment Act to the Equator in order to keep the Emigrant Boers under British control.)[1] Merivale thought it premature.[2] Russell concurred, and Grey cancelled a draft despatch based on the idea.[3] He then returned to the narrower constitutional question at issue. The first difficulty related to the seating of officials in the new Cape legislature. In British North America this arrangement had given the legislature control of the executive power and produced the system 'which is so popular...under the name of "responsible government."' For the present this would be 'unsafe' at the Cape and he would not concede it.[4] Having thus defined the power of the legislature, Grey next considered who should exercise it. The war gave him an excuse to postpone the constitution and time to devise a means of baffling the 'popular' party.[5] The attempt of the 'delegates' to force him to proceed and Smith's despatches accusing the Cape Boers of 'disaffection' intensified his fears and suspicions. He had long

---

1. De Kiewiet, op. cit. pp 37-8.
2. CO 48/308/21: Minute (26 December 1850) on Grey to Merivale, 18 December 1850.
3. Russell to Grey, 12 January 1851: Grey Papers.
4. Grey to Smith, 14 January 1851: ibid.
5. Grey to Smith, 15 March 1851: ibid. CO 48/312/148: Minute by Grey (14 March 1851) on Smith to Grey, 21 January 1851 (No 13).

considered Grahamstown to be 'inhabited by a race...much better affected than the Cape Town people.'[1] He now decided to establish a separate government for the eastern Cape with a governor general residing in Grahamstown.[2]

Russell also wanted to protect Britain's executive power at the Cape. He feared that the constitution would be used 'as a means to paralyze all government and stop all supplies.' Its framework should therefore 'again be maturely considered.'[3] Thus prompted Grey noticed for the first time that the 'popular' constitution contained no provision for a fixed Civil List. The belatedness of this discovery showed how superficially he understood Cape politics and how completely his attitude was shaped by that of the Cape governor and officials. His response was to reopen the question of confederation and demand further delay.[4] Russell ignored confederation. Concentrating on what was practical he proposed separate government for the eastern Cape and a fixed Civil List charged on the Colony's consolidated fund. With these safeguards the constitution might be granted immediately. Other factors supported his view: Porter's words on the danger of delay; the 'pledged faith' of the British government; and the bad effect which uncertainty caused in the colony.[5]

1.Grey to Smith,14 February 1851: Grey Papers.
2.Grey to Smith,14 June 1851: ibid.
3.Russell to Grey,31 May 1851: ibid.
4.PRO 30/22/9D (Russell Papers) fo 11: Grey to Russell,1 June 1851.
5.Russell to Grey,3 June 1851: Grey Papers.

Grey resisted with determination. But the law officers ruled that the draft constitution could not be withdrawn. The chance of separation passed. Grey fell back on the idea of shifting the seat of government to some town in the east. If the 'Cape Town mob' had prevented Smith from landing the convicts when he held all the powers of government (Grey reasoned) how could the legislature alone resist it? 'We should on a small scale have Cape Town playing the part of Paris in the French Revolutions.'[1] This view lacked balance. Partly it reflected the impression made on Grey by Smith's vilification of the 'popular' party. But it also arose from Grey's conviction that he had been in the right over the convict issue.[2] The rationalizations needed to sustain this belief led him to postulate a 'Cape Town mob' forming a permanent feature of Cape politics,rather than the exceptional response to a genuine grievance which it actually represented. He ignored the fact that Smith never applied the powers he held because he sympathised with the colonists on the convict question. And finally, the 'well-disposed' portion of the Cape Town population,whose interests Grey imagined he was serving,vehemently protested against the shifting of the seat of government.[3]

The deliberations of Russell and Grey disregarded the existing Cape

---

1.Grey to Smith,14 August 1851: ibid.
2.PRO 30/22/9D (Russell Papers) fo 25: Grey to Russell,4 June 1851.
3.CO 48/316/125:Memorial of Landowners,Traders,Merchants and 3312 citizens of Cape Town, encl. in Montagu to Hawes,2 July 1851.
CO 48/322/544:Memorial of London Merchants,3 July 1851.

government. Yet that body would not passively follow the directions of its superiors in London. Smith's Executive Council opposed a representative legislature which excluded officials and nominees. In August 1851 Montagu visited Smith on the frontier and apparently persuaded him to delay the constitutional business until a 'Conservative' reaction took place or the Cape received a separate government.[1] Then Grey's despatch arrived ordering the reconstitution of the full Legislative Council in preparation for the arrival of the draft ordinances compiled in the Colonial Office.[2] The governor could not disobey a direct instruction. Furthermore,he wished to be indemnified for revenue spent without legal sanction since the disruption of his Council in 1849. (When the 'popular' members had refused to do this Smith wrote a panicky despatch to Grey threatening to resign if the new legislature was allowed to meet before the indemnity had been arranged.)[3] He therefore told Montagu to find four suitable candidates for the vacant seats,suggesting certain names but leaving the choice entirely to Montagu's discretion.[4] Rarely had a Secretary to Government exercised such patronage. Montagu used it to seat William Hawkins,Charles Arkcoll,Ewan Christian and Benjamin Moodie,who were

---

1.Smith to Grey,11 September 1851: Grey Papers.
2.CO 48/313/244:Grey to Smith,30 June 1851 (No 650) - received by Smith 9 September 1851.
3.CO 48/309/292:Smith to Grey,14 December 1850 (Separate).
4.CO 48/318/47:Smith to Grey,12 October 1851 (No 170). Cf Smith to Montagu,8 February 1851: ('Ask any you may choose,adding my request ...') encl. in Smith to Grey,8 April 1851: Grey Papers.

notoriously against the grant of representative institutions. The first three were merchants. Moodie came from a Swellendam family which had opposed Stockenstrom and Fairbairn for twenty years because of their views on coloured rights. He relied on Southey for guidance throughout his spell on the Council.[1] All four 'subsequently voted with their patron on every occasion.'[2] With Rivers,Godlonton and Cock already committed to him,Montagu thus gained a clear majority in the Council.

The Council met in Cape Town on 10 October. (Smith claimed it was impossible to convene it in Grahamstown.)[3] Five 'essential' draft ordinances received a first reading. The members also discussed certain inessential business,such as Grey wanted to defer until the representative legislature could assemble. They then adjourned for three weeks to allow Cock and Godlonton to make their leisurely way from the eastern Cape.[4] On 31 October the draft ordinances arrived from Britain. The Council met briefly,and since neither Cock nor Godlonton had arrived,adjourned for a further ten days. On 10 November Montagu submitted the Estimates for 1849,1850 and 1851,recommending that they be passed without discussion because the money had been

---

1.Southey to Godlonton,11 January 1852 and 29 February 1852: Cape Colony Letters, MSS Afr s 1, ff 154,165.
2.A.H.Duminy,'The Role of Sir Andries Stockenstrom in Cape Politics', A.Y.B. - 1960,Part II (Cape Town,1961) p 128.
3.Smith to Grey,21 October 1851: Grey Papers.
4.CO 48/318/193:Smith to Grey,22 October 1851 (No 178).

spent. The members acquiesced,but they refused to repudiate the Sovereignty's debt to the colonial treasury: if the Sovereignty could not pay,they argued,Britain must meet the charge. Porter observed that the home government deserved better treatment after sending its regiments to defend the colony. But the unofficial members were unmoved.[1]

The first reading of the constitution ordinances occurred on 28 November. The unofficial members insisted on time for the public to consider the subject. The Council then unanimously postponed the second reading for two months. Smith - as agreed with Montagu - supported their decision.[2] The 'popular' party had earlier protested against the resumption of 'ordinary business' by the Council. Smith, confident of his influence in Downing Street,dismissed their petitions as the work of 'paid servants - clerks - and illiterate unknown persons.' He claimed that 'a large majority' of colonists now supported his government.[3] (A curious mixture of dates and numbers at this time suggests that Montagu prepared this despatch.) But when the Cape Town Municipality petitioned against the delay in the second readings Grey took note. Four days before recalling Smith,Grey minuted that he 'highly disapproved' of the course taken on the constitutional

---

1.Minutes of Legislative Council Meeting,10 November 1851: Encl in CO 48/319/385:Smith to Grey,21 November 1851 (No 210).
2.CO 48/320/67:Smith to Grey,16 November 1851 (No 221).
3.CO 48/319/385:Smith to Grey,21 November 1851 (No 210).

business.[1] Significantly,his despatch dismissing Smith also announced the appointment of a lieutenant governor to supervise the civil government in Cape Town.

The Council next turned to business which provides the final proof that their quarrel with the 'popular' party had financial roots. They voted a loan of £50,000,secured on the revenue,for 'improving Cape Town harbour.' Godlonton,whose farm had been raided during the war,protested that compensation should first be paid to sufferers like himself. Then he demanded that the matter be held over for the representative legislature. But he was defeated.[2] The Council also passed an ordinance 'for improving the Kowie Harbour.' Cock,the other unofficial member from the eastern Cape,owned the land on the site of this harbour. He undertook to give some to the government 'in consideration of the benefit which his property is likely to derive from the improvement...' The ordinance authorised the formation of a joint stock company with bankers in Grahamstown,to raise capital in instalments of £6,250 with power to borrow equal amounts on government security up to £25,000.[3]

Pursuing his own interest in convict discipline and public works, Montagu proposed to borrow £40,000 on government security for improving

---

1.CO 48/320/35:Minute (10 January 1852) on Montagu to Hawes,1 December 1851.
2.CO 48/320/242:Legislative Council Minutes,December 1851.
3.Ordinance No 4 of 1852.

colonial prisons. This proved too much for Hope, the new Auditor General. He owed his appointment to 'staunch and zealous' support of government 'upon extreme Conservative principles.'[1] But his investigation of government finances convinced him that major irregularities had occurred. Montagu had prevented any discussion on the Estimates for 1849, 1850 and 1851. When he urged Hope to support the 'Prisons Bill' because 'our strength at this moment consists in our unity', the Auditor General rebelled. Block voting, he asserted, brought the Council into contempt. Nor could he vote against his own conscience. Imperial financial regulations prohibited the raising of money in the manner proposed. He then published the details of his investigations, which were explicit and damaging. He stated that Smith had contravened his Instructions by never referring his annual Estimates to the Executive Council. The amount authorised had been overspent to such an extent that notwithstanding Bills of Indemnity £39,772 remained uncovered by votes of Council. Despite Montagu's figures showing a surplus of revenue over expenditure every year, a balance of £65,000 in the treasury in 1849 had been converted into a debt. Finally, Hope objected to the 'forestalling' of the revenue for 'new works' because

'I know from the Books and Records in my Office that the Colony is bankrupt and cannot pay its debts and liabilities.'[2]

---

1. Smith to Grey, 18 December 1851: Grey Papers.
2. CO 48/324/163: Smith to Grey, 16 February 1852 (No 32). CO 48/329/108: Encl No 7 in Darling to Grey, 25 April 1852 (No 5).

Smith was nonplussed. He denied responsibility for Estimates passed in his absence. He told Hope that the Auditor General was 'a member of H.M.Government and...must fail in his duty if he do not firmly support the Governor.' The war,he told Grey,forced him 'to leave much to Mr Montagu's judgement and discretion,which has previously never been wanting...'[1] These evasions revealed how far he had let Montagu take control of the colonial government. Montagu could therefore override Hope's opposition,and again turned his attention to the delaying of the constitution. He told Smith that there was a 'strong feeling' against proceeding. Smith answered that 'Radical excitement' had subsided and Grey's instructions must be obeyed.[2] The 'Conservatives' objected. The constitution proposed would 'ruin the Colony,' wrote Southey. However,to give weight to 'Conservative' objections he felt they should be urged in Council. The 'great thing' was 'to keep the home government with you,' he warned Godlonton. The 'first consideration' should be 'how will Earl Grey think on what we do?'[3] Montagu agreed. He pressed Godlonton to attend for the second reading of the drafts on 28 January. 'All the unofficial members here are decided in their wish for a postponement...' he wrote, 'and as Mr

---

1.Smith to Grey,18 December 1851: Grey Papers.
2.CO 48/325/257:Encl in Montagu to Peel,3 March 1852.
3.Southey to Godlonton,15 January 1852: Cape Colony Letters,MSS Afr s 1, f 157.

Cock and your own opinion coincides with theirs,it will carry more weight if you are present...'[1]

The constitution sent from Britain corresponded with that submitted by Smith's Commission in 1850.[2] Montagu,Rivers and the unofficials had prearranged to oppose its second reading. Godlonton put their case. He argued that too many colonists were absent 'on the battle-field' for public opinion to express itself. (This statement had no basis in fact.)[3] He attacked the £25 franchise which,he said,the frontier coloureds had proved themselves unfit to exercise. Yet,he continued,the coloureds would feel threatened by an attempt to raise the figure and would revolt throughout the colony. Postponement was the only safe course. The other unofficials supported him with reference to a recent disturbance in the western Cape. In October 1851 Montagu had introduced a measure to prevent 'squatting' on government lands (in effect the vagrancy law demanded by Godlonton since 1849).[4] The western Cape coloureds had shown signs of unrest and the Boers in several thinly-populated country districts reacted with panic.[5] A government Commission appointed to investigate

---

1.Montagu to Godlonton,24 January 1852: ibid., ff 159-60.
2.Above,Chapter IX,p 348.
3.Cf Eastern Province News,15 March 1851. CO 48/317/56:Smith to Grahamstown Board of Defence,6 August 1851.
4.Government Gazette,16 October 1851. Above,Chapter VI,p 227.
5.Cf Above,Chapter II,p 62.

flatly denied that the coloureds were in league with the frontier rebels,as the 'Conservatives' alleged. Its chairman hinted strongly that the panic had been deliberately exaggerated for political reasons.[1] Montagu,pretending to be in a quandary,appealed to Smith about whether to proceed.

The historical implications of the 1851 panic are not in doubt. But at the time Smith saw through the disingenuous use of it to justify a step based on entirely different considerations. 'Conservative' opposition to the £25 franchise pre-dated both the war and the panic. As Porter said,'Conservative' tactics were 'a dodge' and the argument about the panic 'a perfect delusion.' He,Hope and Field all argued that the Council must obey Smith's explicit instructions. The governor strongly concurred. He sent Montagu 'positive orders and injunctions to proceed to the consideration of the draft ordinances.'[2] Montagu was enraged and declared that he had been 'treacherously and selfishly dealt with...'[3] At this crucial moment came news of his own supersession by a lieutenant governor and Smith's recall. The 'Conservatives' took stock. The Council would reassemble on 1 March. The ordinances could be either delayed until the new

---

1.P.B.Borcherds,An Autobiographical Memoir (Cape Town,1861) pp 351-4.
2.The correspondence is enclosed in CO 48/324/308:Smith to Grey, 18 February 1852 (No 36) and CO 48/325/257:Montagu to Peel,3 March 1852.
3.Justice S.J.Bell to Grey,2 July 1852: Grey Papers. Montagu to Napier,16 August 1852: Napier Papers, Add MSS 49167.

governor arrived,or amended and presented to him as a fait accompli before he familiarised himself with the situation. The first course was risky because nobody knew the new governor's politics. The appointment of a lieutenant governor in Cape Town looked like a step towards the permanent establishment of the governor on the frontier. 'This being effected and a higher qualification decided on,much of my opposition to representative government would be overcome,' wrote Southey, 'tho until we have a majority of English I shall not consider our interests safe.'[1] The second course was therefore adopted.

The Council immediately discussed the £25 franchise. Porter revealed that the British draft enfranchised every person occupying a 'building' worth £25. The Cape officials had originally recommended occupation of 'property' worth £25. The variation was crucial. The former qualification excluded the value of land. Since few coloureds had substantial houses they would be virtually disfranchised by it. The Colonial Office's unfamiliarity with important details of Cape politics could hardly have been better demonstrated. Montagu used the opportunity to reopen the whole franchise question. He reversed the arguments formerly used in favour of postponement. He admitted that the earlier fears of a coloured revolt had not been fulfilled. But,he claimed,the farmers had learned from the panic 'the hostile

---

1.Southey to Godlonton,29 February 1852: Cape Colony Letters,MSS Afr s 1, ff 165-6.

disposition of the coloured classes towards them' and the coloureds' 'readiness to resort to violent measures' when aroused. As a result, he said,the farmers no longer supported the £25 franchise and were on the point of petitioning against it. Only the 'Ultra political party' of the 'Hotel de Ville' in Cape Town still favoured a more democratic constitution.[1]

Here the tactics of the 'Conservatives' need explaining. The many petitions sent to the Colonial Office show that among those actively concerned with Cape politics the 'popular' party had an overwhelming majority. Their leaders denied that the panic had any of the political implications Montagu attached to it. They blamed coloured uneasiness on the abortive squatter bill.[2] They dismissed Montagu's claim of an impending reaction against the £25 franchise as 'barefaced misrepresentation of fact.'[3] The petitions he promised never actually materialized. But events had taught him that he could safely ignore colonial opinion on constitutional affairs. The 'popular' party had repeatedly stated its political aims. Yet when Grey returned the draft ordinances to Smith for enactment he said he lacked the information to challenge the Cape officials' judgement on the franchise.

---

1. A & P.1852-3.LXVI./[1]5817:Further Papers relative to the Establishment of a Representative Assembly at the Cape of Good Hope, pp 229-236.
2. Cf the eastern Cape panic of 1848: Above,Chapter VI,p 227.
3. De Zuid Afrikaan,8 and 11 March 1852.

He also compared the 'Cape Town mob' with the Paris mob.[1] To Montagu the lesson seemed clear: give plausible reasons and pander to Grey's fears (by such references as 'Ultra' and 'Hotel de Ville' with their emotional echoes of the French Revolution) and no protest from the colonists would be of avail.

With such justifications the 'Conservative' majority raised the franchise qualification to ownership of property worth £50. Then it doubled the qualification for membership of the upper house. And thirdly it introduced the principle of 'plumping' into the elections for the four seats in the House of Assembly allotted to Cape Town. If these measures are considered in combination it will be realised that their intention was to neutralize the 'popular' party rather than specifically to disfranchise the coloureds,although Porter,Hope and Field attacked them on the latter ground. C.H.Darling,the new lieutenant governor,landed at Cape Town on 24 March 1852. He found the completed ordinances awaiting the governor's signature. He spent a week examining them and concluded that 'no adequate ground' had been given for raising the £25 franchise.[2] Gen. George Cathcart,the new governor,arrived on 31 March. Darling wanted to reconsider the ordinances in Council. But Cathcart saw dangers: the 'Conservative' nominees might refuse to attend; the disappointed 'popular' party had

---

1.Grey to Smith,14 August 1851: Grey Papers.
2.CO 48/333/124:Darling to Pakington,25 April 1852 (No 1).

started doubts about the legality of the amendments. Grey had reserved the power to amend the drafts in Britain. Cathcart therefore signed them and sent them home.[1]

Events played into 'Conservative' hands. They had been too confident of Grey's credulity. By January 1852 his distrust of Montagu had been thoroughly roused.[2] Yet Cathcart had scarcely despatched the completed ordinances than news arrived that the Whigs had fallen and been replaced by a Protectionist Ministry under Derby. 'You were doubtless surprised and pleased at the change of Ministry,' wrote Rivers to Godlonton, 'which affords a great chance of the Constitution Ordinances being confirmed as sent home,without alteration of franchise or anything else.'[3] The focus of Cape politics thus shifted once more to London.

What had happened there was precisely what the Colonial Reformers had hoped to achieve in 1851. The Whigs were utterly discredited by the time the session opened: 'the retirement of Palmerston,the disastrous news from the Cape,the halt in the boasted increase of the revenue,all look like the end,' wrote an office-seeker to Derby.[4]

1.CO 48/326/71:Cathcart to Grey,5 April 1852 (No 3).
2.Grey to Hogge,14 January 1852: Grey Papers.
3.27 April 1852: Cape Colony Letters,MSS Afr s 1, ff 119-20. Also, Southey to Godlonton,4 September 1852: ibid., ff 171-2.
4.Desart to Derby,10 January 1852: Derby Papers, Box 150/10. Norman Gash,Reaction and Reconstruction in English Politics (Oxford,1965) pp 197-200.

All sides wanted a change; the difficulty was to find a satisfactory pretext for making it. Grey solved this by recalling Smith. He made matters worse by antagonising the Duke of Wellington immediately before the debate on the subject in the House of Lords.[1] Wellington completely dissociated himself from Smith's recall. All sides then settled on the Cape as the weapon to oust Russell. Aware of the impending attack Grey gave the Cabinet a memorandum defending his policy. Quoting 'Conservative' sources such as the Cape Monitor he blamed the delay in granting the constitution solely on the 'factious conduct' of the 'popular' party.[2] His colleagues were unimpressed. During January the Radicals had been campaigning against Cape policy in the industrial centres.[3] The Protectionists and several Peelites had agreed to support a Cape motion of Adderley's.[4] On 20 February Russell suffered a minor defeat on a militia bill and immediately resigned. Nobody doubted that Adderley's Cape motion - due to come on the following day - was the real reason. 'The Cabinet,' wrote Palmerston, 'were glad to make use of the militia question as a convenient parachute to avoid a ruder descent and a more dangerous

---

1.PRO 30/22/10B (Russell Papers) fo 47: Grey to Russell,2 February 1852.
2.Memorandum on the Cape War,18 February 1852: Grey Papers.
3.For Hume,Cobden,Sturge,Marshall and Roebuck, see: Morning Chronicle, 5,8,10,15 and 22 January 1852.
4.Derby to Disraeli,15 February 1852: Hughenden Papers,Box 109, B/XX/S/47.

one in Table Bay.'[1] The fallen Cabinet met the next day. The whips confirmed that they would have been beaten, by fifteen, on the Cape. One Minister recorded the scene:

> Lord Grey rather flew out about the crude state in which the Militia Bill had been brought forward - to which Lord John 'every body tells me we should have done very well if a certain despatch had not been written to Sir Harry Smith.' I had scarcely ever heard such sharp sayings...[2]

The incoming Derby Ministry had little talent. Despite long parliamentary service few of the new Ministers had any public reputation. The political world greeted them with cries of derision as 'unknowns.' Members of the previous Conservative government made the more damaging charge 'that they <u>are</u> known, and known not to be fit.'[3] Perhaps the least distinguished member was Sir John Pakington, MP for Droitwich, who received the Colonial Office. When Wellington learned of the appointment he asked simply, 'Who is he? I never heard of him.'[4] Pakington came from Worcestershire and had been chairman of the Worcester Quarter Sessions for twenty years. In Derby's second and third Ministries he served as First Sea Lord. He married three times

---

1. Palmerston to Clarendon, 23 February 1852: Herbert Bell, <u>Lord Palmerston</u> (London, 1966; 2 vols.) ii, 58.
2. Quoted in John Prest, <u>Lord John Russell</u> (London, 1972) p 341.
3. J.G.A.Baird (ed.), <u>Private Letters of the Marquess of Dalhousie</u> (Edinburgh, 1910) p 197.
4. Political Journals, June 1852: <u>Derby Papers (15th Earl)</u>, 920 DER 43/2.

and thus provided the model for 'Sir Joseph Porter K.C.B.' in Gilbert & Sullivan's H.M.S.Pinafore.[1] He is best remembered for a political indiscretion which gave the 1867 Reform Bill the title 'the ten minutes bill' and for making the blunder which caused Disraeli to describe the Canadian colonies as 'millstones' round Britain's neck.

Pakington was a vain man,but after entering the Colonial Office he suffered a sharp attack of nerves. 'I am not afraid of fair responsibility...' he told Disraeli. 'But I feel that I have no right with my short experience to take it upon myself,unassisted and unadvised, to settle for the Empire subjects of such importance,such difficulty, and such novelty...'[2] These scruples did him credit. Sensibly he made no attempt to disguise his confusion and leaned heavily on Derby and Disraeli for advice. With their help he soon found his feet,and even began to make a reputation. 'A love of detail,a certain clearness of statement,joined to a strong desire to give satisfaction have given him a position which he himself could scarcely hope for,' recorded Derby's son.[3] This display of competence had notable results. It persuaded Derby and Disraeli to give him latitude in the Colonial Office. And as he grew increasing familiar with colonial problems

---

1.One of his ancestors was (wrongly) supposed to have been the original of Addison's Sir Roger de Coverley. Hence Smythe's remark quoted in Robert Blake,Disraeli (London,1966) p 313.
2.Pakington to Disraeli,25 April 1852: Hughenden Papers,Box 107, B/XX/P/2.
3.Political Journals,June 1852: Derby Papers (15th Earl), 920 DER 43/2. Cf L.Strachey & R.Fulford(eds.),The Greville Memoirs (London,1938;8 vols.) vi,343 - Entry for 7 July 1852. F.Seymour to his father,29 July 1852: Seymour Papers, CR 114A/526/5.

Pakington could bring his Tory prejudices to bear on them. His Under Secretary,the Earl of Desart,had no influence in the office. He was a needy Irish peer,interested only in spoils. He dismissed his post as a 'mere clerkship without power' and importuned Derby for a governorship. 'He is not efficient where he is,' admitted Pakington.[1] But this was no recommendation for appointment to a colony,either.

Initially Derby advised Pakington to take no major decisions on the Cape. Cathcart had orders to end the war,then to report on the state of the colony and the frontier to be permanently maintained. 'I would avoid pledging myself to anything until that report is received.'[2] On minor matter Pakington could consult his permanent officials. Here the ground prepared by the Cape 'Conservatives' began to yield a return. Apparently the permanent staff had faith in Montagu,and the detailed minutes they now composed for Pakington's guidance reveal their commitment to the 'Conservative' line. They saw no connexion between finance and politics at the Cape. The guarantee for Table Bay harbour works bewildered them. They did not understand why it could not be left for the new legislature to settle.[3] On Hope's transparent exposition of Montagu's fiscal methods Barrow minuted 'I think this part of the subject will not require notice?' Merivale treated it in

---

1.Pakington to Derby,16 September 1852: Derby Papers,Box 141/9.
2.Derby to Pakington,29 February 1852: ibid.,Box 179/2.
3.CO 48/320/247:Minutes and drafts of Pakington to Cathcart,March 1852.

isolation from Cape politics. Pakington thought it 'academic in the present state of the Cape constitution.'[1] Next Merivale wrote a long minute on the progress of the draft ordinances. He conceded that Montagu might be 'trifling a little' with his 'distinct instructions' from Smith. But he accepted uncritically Montagu's unsupported statements that the western Cape panic had 'raised apprehensions of a Jacquerie' and produced a reaction against the £25 franchise. He thought it 'hard' for the Council to have to proceed against the wishes of 'so large a proportion of the best classes of the population.' Ignoring the unofficial members' attitude to the Sovereignty debt and the implications of the 'government guarantees',Merivale believed they had acted 'with firmness and public spirit' in demanding a postponement of constitutional business.[2]

Examples might be multiplied to demonstrate official prejudice against the 'popular' party and the absence of any comprehensive view of Cape politics in the Colonial Office. Montagu's arguments were pitched at precisely the right key for Tory ears. They convinced both Merivale and Pakington that to proceed with the constitution would endanger 'life and property' at the Cape. On the same authority Pakington also came out against the elected upper house and began to

---

1.CO 48/324/163:Minutes (7 and 9 April 1852) on Smith to Grey,16 February 1852 (No 32).
2.CO 48/324/308:Minute (10 April 1852) on Smith to Grey,18 February 1852 (No 36).

doubt the £25 franchise.[1] Derby warned him that a complete withdrawal of the promised constitution could only be justified by exceptional circumstances. But,he continued,'as you say that you have anxiously considered the case,I do not doubt you have come to the right conclusion.'[2]

These conditions favoured the advancement of 'Conservative' interests. Bishop Gray was already in Britain trying to raise funds for mission work. Excluding the Radicals,he repeatedly visited every leading politician concerned with the Cape,including Gladstone, Newcastle,Adderley,Wellington and Grey. He found them all 'too theoretic about constitutions.' He argued against 'self-government' in the crude terms of class,calling the colonists 'tinkers and tailors',the 'refuse' of Britain,etc. He advised Wellington to ignore 'the Exeter Hall cry.' His words carried little conviction,however, except in one place: the Colonial Office. There he met Barrow and found 'almost all his views agreed with mine.' He visited Pakington regularly for 'long and confidential' conversations on Cape affairs, which he described as 'very satisfactory.'[3]

1.Minute (12 April 1852) on ibid. Pakington to Derby,12 April 1852: Derby Papers,Box 141/9. Hansard,3rd Series,1852,cxxi,979-80.
2.Derby to Pakington,14 April 1852: Derby Papers, Box 179/2.
3.Charles Gray(ed.),Life of Robert Gray,Bishop of Cape Town (London, 1876;2 vols.) i,354-368. For amplification of Gray's opinions see Lord Robert Cecil's letters from Cape Town,September-November 1851: Salisbury Papers.

Another 'Conservative' who chanced to be in London during the Protectionist interregnum was William Hawkins, the merchant chosen by Montagu for the Legislative Council. He resigned his seat in March 1852 and returned to London for reasons of health and private business.[1] After seeing him Merivale recorded his address in case 'any occasion should arise for requiring an opinion as to points in the Cape constitutional measure.'[2] Next, Montagu arrived. Several motives impelled him. His health began to fail in 1851. The strain of balancing so many conflicting interests brought on 'congestion of the brain' and a severe nervous disorder.[3] Early in 1852 he had received a letter from Derby, his patron in 1843, containing a pleasant reminder that he had not been forgotten.[4] With Derby's installment as Prime Minister he might hope to secure the British office he coveted.[5] His own supersession at the Cape by a lieutenant governor made this even more desirable. Finally, the completion of the Cape's share in the constitutional business meant that Montagu would be of greater use in Britain to the 'Conservatives' than in Cape Town. The time was more propitious than in 1850, when Godlonton had first wanted him to go.[6]

---

1. CO 48/325/131: Smith to Grey, 2 April 1852 (No 54).
2. CO 48/325/401: Minute (25 February 1852) on Montagu to Hawkins, 23 March 1852.
3. Note by Derby's Private Secretary, 17 June 1852: Derby Papers, Box 67/2. W.A.Newman, Biographical Memoir of John Montagu (London, 1855) p 591.
4. Montagu to Derby, 29 January 1852: Derby Papers, Box 67/2.
5. Montagu to Napier, 16 August 1852: Napier Papers, Add MSS 49167.
6. Above, Chapter IX, p 355.

Montagu reached London in mid-June. The Colonial Office happily took advantage of his presence. The files bristle with evidence of his influence on policy. Barrow consulted him about the wisdom of raising the lieutenant governor's salary.[1] Desart took his advice on Cape politics and passed it on to Pakington.[2] The Colonial Office referred petitions from the 'popular' party to him for analysis.[3] When Cathcart made certain official appointments on grounds which Merivale thought unsatisfactory, instead of referring the case back to the Cape for explanation, the Colonial Office approached Montagu. He gave a misleading reply which provided the foundation for a despatch reversing the appointments.[4] Montagu himself asked Barrow for access to certain Colonial Office records to help in 'preparing some notes for Sir John Pakington upon the £25 franchise...' After consulting with T.F.Elliot, Barrow complied.[5] Later he revealed that Montagu 'frequently called...for information and I have shown to him such of the despatches as I thought he might be allowed to see.'[6]

The sequence of events gives additional proof of Montagu's influence on policy. The completed constitution ordinances reached London

---

1.CO 48/329/269:Minute by Barrow, 24 June 1852.
2.CO 48/331/219:Minute (27 November 1852) on Darling to Pakington, 8 October 1852 (No 80).
3.CO 48/333/80:Montagu to Merivale, 16 December 1852.
4.CO 48/338/25:Minute by Merivale (30 May 1853) on Cathcart to Newcastle, 14 April 1853 (No 1). CO 49/46/430:Merivale to Montagu, 8 December 1852.
5.CO 48/333/174:Montagu to Barrow, 29 October 1852.
6.CO 48/344/13:Memorandum by Barrow, 2 March 1853.

on 31 May 1852.[1] Pakington took no action on them until the end of June,immediately after seeing Montagu. He then decided to settle the question without delay. Ideally,he told Derby,the constitution should be withheld. Failing this,it must be framed 'on the most cautious and conservative principles.' He dismissed every objection to the 'Conservative' amendments. In April he had called Porter and Hope 'two of the most able' Cape officials.[2] Now he declared that

> ...the balance of probability as to who is right is greatly in favour of so able and disinterested a man as Montagu and the elected members rather than Porter and Hope, - whose judgement,I have reason to think,is not equal to their talent.

He intended to retract the elective upper chamber and grant the eastern Cape a 'distinct Government.'[3] Within a fortnight he further decided to abandon the Sovereignty,annex Kaffraria to the colony and occupy it with settlers or troops,and appoint a governor general over the separate Cape governments.[4] He embodied these views in a confidential despatch for Cathcart's consideration.[5] In August Montagu spent four 'very agreeable days' at Pakington's 'beautiful park in Worcestershire.'[6] Shortly afterwards,without hearing from Cathcart,

---

1.CO 48/326/71:Cathcart to Grey,5 April 1852 (No 3).
2.Pakington to Derby,12 April 1852: Derby Papers, Box 141/9.
3.Pakington to Derby,28 June 1852: ibid.
4.Gray, op. cit. i,368.
5.CO 49/47/132:Pakington to Cathcart,26 July 1852 (Confidential).
6.Montagu to Napier,16 August 1852: Napier Papers, Add MSS 49167.

Pakington postponed the constitution on the grounds argued by the 'Conservatives' in the Cape Council.[1]

The Cape 'Conservatives' stood on the verge of a spectacular triumph. Excepting the abandonment of the Sovereignty - a project of Montagu's - Pakington's proposals exactly suited their own desires. In a pamphlet published anonymously in January 1853 Montagu explained the thinking behind the plan adopted by Pakington. He identified the conflicts at work in the Cape situation. Within the colony the Afrikaans and British were each struggling to prevent the other from getting control of the government. Yet both sides wanted a vagrancy law 'as a means of obliging vagrants to work for private masters.' This divided the colonists as a body from the coloureds. Complicating the disunion within the colony was the position across its borders. The Emigrant Boers were the obvious allies of the Cape Afrikaners, and the interior tribes of the colonial coloureds. Dissension in any part repercussed upon the rest. To avoid general strife it seemed necessary to Montagu 'that the British government and its colonists should be interposed as a restraint on both parties.' To withdraw altogether was impractical: Britain would then be unable to protect the aborigines from oppression, yet would still have to intervene if they threatened to overrun the colonists. And while Britain had this military and finan-

---

1. CO 49/47/152: Pakington to Cathcart, 4 September 1852 (No 102). Hansard, 3rd Series, 1852, cxxiii, 253-4.

burden it should keep control of those areas of colonial government which affected it: 'to tie up our hands,so that it may afterwards require negotiations and conflicts and threats to unloose them, cannot be judicious.' Britain ought to find its colonies 'sources of relief and wealth and power,not of vexation and expense.' With care,this could be arranged.[1]

Nowhere does Montagu appear to better advantage than in this powerful pamphlet. The soundness of his administrative technique is implicit in sentences like, 'Where there are specific evils there is a necessity for specific remedies' - 'Things which are misunderstood must be defined' - and 'The case...is well worthy of caution and seems imperatively to demand enquiry before anything else be done.' For obvious reasons he failed to mention the solutions already adopted by Pakington. The pamphlet in fact proposed no solutions at all. This was its other great strength. For in this area Montagu's ideas were inadequate to meet the problems he so expertly defined. His prejudices overcame his objectivity. He felt great contempt for the Boers and coloureds,whose knowledge he described as rarely rising above 'the instincts of a brute beast.'[2] He put his trust in the colonial ruling

---

1. /John Montagu/, Case of the Cape of Good Hope and its Constitution (London,1853). The pamphlet is ascribed to Montagu in Graham's Town Journal, 23 April 1853.
2. CO 48/333/80:Montagu to Merivale,16 December 1852. Cf C.W.Hutton (ed.), The Autobiography of the Late Sir Andries Stockenstrom (Cape Town,1887;2 vols.) ii,318. George M.Theal, History of South Africa (London,1908;5 vols.) iii,412.

class. Yet his belief that a legislature dominated by 'Conservatives' like T.B.Bayley,Godlonton,Cock,Moodie,etc. would protect the coloureds against a vagrancy law was delusive. And the notion that Britain could govern the aborigines regardless of the colonists was contrary to his personal experience.

Had Pakington remained in office it seems probable that he would have amended the constitution by imperial enactment,whatever Cathcart reported. The promise given in Russell's time could be evaded,he said,simply by saying that Grey personally and not the British government had been committed to the measure in the Letters Patent.[1] What consequences would have followed is impossible to say. For on 17 December 1852 the Protectionists fell from power after a defeat on their financial measures. Montagu still had not found the post he wanted in England. In 1853,before he could return to the colony, he sickened and died. Several Cape 'Conservatives' visiting Britain attended his funeral. The Cape merchants in the City,together with the Colonial Office,appealed to the colonists to grant his widow a pension. True to the spirit of obsessive animosity which pervaded Cape politics,the colonists refused.

An understanding of this spirit is difficult to arrive at. But the events described in this and the previous chapter - in which Montagu

---

1.Pakington to Derby,21 July 1852: Derby Papers,Box 141/9.

featured so prominently - offer certain hints. Montagu,Bishop Gray and Hawkins,with their access to leading politicians,the Anglican Establishment and the City merchants had managed to prevail over their Cape opponents. Stockenstrom and Fairbairn,in alliance with Radical back-benchers,Dissenting Churchmen and the City representatives of the Midlands railway builders,had failed. The parallels are not exact,but in some measure the Cape conflict may be seen in same terms as that taking place in Britain between the members of the established ruling class and the rising middle class. Without labouring the point,the social facets of the conflict may be touched on. What Norman Gash has described as the 'bitter gulf of prejudice' kept the Cape 'Liberal' apart from the Cape 'Conservative' just as much as it separated the British Dissenter from his socially more respectable Anglican neighbour.[1] Smith's despatches are revealing on this point: in one he explicitly stated that Stockenstrom was not a 'gentleman.'[2] The Colonial Office under Grey and Merivale was particularly susceptible to this sort of appeal. It seems likely that such considerations helped Grey to accept at face value Hogge's condemnation of Smith but closed his mind to Stockenstrom's. The

---

1.Norman Gash,Politics in the Age of Peel (London,1953) p xiv.
2.CO 48/313/148:Smith to Grey,19 February 1851 (No 31). Cf Southey to Godlonton,11 December 1850: Cape Colony Letters,MSS Afr s 1, f 137: 'Who would desire to belong to such a set,etc.' - speaking of the 'popular' party.

two men used almost identical language: 'many suspect that you are cruelly misinformed and deceived,' wrote Stockenstrom;[1] 'you have been systematically kept in the dark as to the real state of affairs,' said Hogge.[2] Yet the first letter was referred to Smith for comment while the second served as ammunition against him. Unless these social undertones are detected it is difficult to understand the interaction between Cape and British politics or the hostility aroused by Montagu when he used social prejudice as a means of obtaining his political and economic ends.

1.CO 48/322/401:Stockenstrom to Grey,18 January 1851.
2.Hogge to Grey,16 October 1851: Grey Papers.

CHAPTER XII

THE CAPE SETTLEMENT OF 1853-54

The nature of the Cape government under Smith can now be defined. Montagu had made it a 'family compact' or oligarchy of the kind he knew in Van Diemen's Land.[1] The kinship links were less extensive than they had been in the 'Arthur faction',but the loyalties binding the principal members together lost nothing for that. By 1851 the governor had been reduced to a virtual figurehead. Montagu ran the 'official' newspaper in Cape Town (the Cape Monitor) and issued it from his office. The members of the Central Road Board,who disposed of large sums for public works,looked to him for leadership. He controlled the Post Office and,through Rivers,the colonial Treasury. Bishop Gray and the established Church threw their social influence behind him. And the merchant community saw him as the protector and promoter of their interests. In the Legislative Council he commanded a majority with the help of Cock and Godlonton,the spokesmen for the Grahamstown traders. The 'family compact' was almost exclusively British and united by patronage,social prejudice,financial self-interest and the personality of Montagu. This last should not be underrated. In Van Diemen's Land it had overborne men with more tender consciences than his; in the Cape it did the same,most notably with Porter.[2] The adherents of Montagu were loosely described as

---

1.Above,Chapter IV,p 146.
2.J.J.Breitenbach,'The Development of the Secretaryship to the Government at the Cape of Good Hope under John Montagu',A.Y.B. - 1959,Part II (Cape Town,1960) p 214.

'Conservatives.' He rewarded them with land grants,government appointments and (as will emerge later in this chapter) financial favours.

Being weak in numbers the 'family compact' could only endure while it had the appearance of the imperial government's assistance against its opponents. Montagu procured this - at a time when the Legislative Council looked like collapsing - by misrepresenting the causes of the anti-convict agitation. He retained it because of Grey's 'wrong-headedness' and Pakington's unfamiliarity with Cape affairs. But in January 1853 a coalition government of Whigs and Peelites under Lord Aberdeen replaced the Protectionists and the Colonial Office passed to the Duke of Newcastle. He had shortcomings as an administrator,not least his poor judgement of men.[1] In later life illness and political disappointments impaired his ability: 'I thought I saw an alteration both in his tone of opinion and in his vigour of administration and breadth of view,' wrote Gladstone.[2] But in 1853 this lay in the future. Newcastle still showed evidence of Peel's training. He took a more balanced view of Cape politics than his predecessors. While in opposition he had worked with the Colonial Reformers in Parliament

---

1.For which Parliament criticised him: Reports.1854-5.IX - Part III. (318):Fifth Report of the Select Committee on the Army before Sebastopol, p 6. Cf Taylor to Marshall,16 December 1854: Taylor Papers, MS Eng letters,d 17.

2.Gladstone to Arthur Gordon,29 January 1869: John Morley,The Life of William Ewart Gladstone (London,1903;3 vols.) i,666.

and heard the other side of the South African dispute. In mid-1852 he suggested that Montagu's opinion on the £25 franchise did not accord with the colonists' wishes. He also supported an elected rather than a nominated upper house.[1] These were portents of his attitude in office.

As Under Secretary Newcastle received Frederick Peel, son of the former Prime Minister. Peel had been called to the bar in 1849 and entered Parliament the same year. He replaced Hawes at the Colonial Office in October 1851 during one of Russell's attempts to reconstruct his Ministry by including the Peelites. Not everyone welcomed the change:

> People do not I think talk of young Peel as agreeable to work with (wrote Rogers of the Land and Emigration Commission). He is they say well-taught, as might be expected, but not first-rate in point of genius and rather a prig - rather buttoned-up like Sir Robert.[2]

Initially Peel showed a thoroughness which contrasted with the behaviour of Grey and Hawes on taking office: 'he is beginning very cautiously,' reported Rogers, 'merely reading all that goes through the office and scarcely minuting anything.'[3] Later he grew more assertive, and in Newcastle's time never hesitated to correct Merivale for what he considered misinterpretations of Cape despatches. In

---

1. Hansard, 3rd Series, 1852, cxxii, 98-100.
2. F. Rogers to F.L. Rogers, 28 October 1851: Passy Papers.
3. F. Rogers to F.L. Rogers, 19 November 1851: ibid.

1855 he moved to the War Office and became 'known for industry and steadiness.'[1] In 1859 he went to the Treasury as Financial Secretary, immersed himself in the day to day administrative work and (according to Gladstone) displayed 'much tact and discernment' and 'hardly ever went wrong.'[2] This laboriousness made him a valuable subordinate to Newcastle.

The capacity of the new men appointed to South Africa made the work of Peel and Newcastle easier. One of the puzzles of Grey's dealings with the Cape is the contrast they present to his handling of Canadian affairs in the same period,which was most successful. The reason apparently lies in his rapport with the Canadian governor,Lord Elgin,one of the fine administrators patronized by Peel. Grey needed accurate information to give of his best. Elgin was sharp where Smith was dull,and communicative where Smith was reticent. Significantly, Cathcart,who replaced Smith,also had Canadian experience,and his deputy had served under Elgin in Jamaica. Cathcart fought in the closing years of the Napoleonic Wars and was A.D.C. to Wellington at Quatre Bras and Waterloo. He commanded the Dragoon Guards in Canada during the insurrection in 1837. In 1850 and 1851 he represented the

---

1.Queen Victoria to Palmerston,11 March 1855: Brian Connell,Regina v. Palmerston (London,1962) p 171.
2.Quoted in Maurice Wright,Treasury Control of the Civil Service (Oxford,1969) p 45.

War Office on a Treasury Committee investigating naval,ordinance and commissariat expenditure in the colonies.[1] His 'extensive experience and excellent zeal and judgement' greatly assisted the labours of the Committee.[2] And its findings gave method and point to his policies in South Africa.

Cathcart's chief task was to pacify the border.[3] To relieve him of civil duties Grey appointed a lieutenant governor. C.H.Darling,on whom the choice fell,had been A.D.C. to the governor of Barbados in 1836, from whom he received the office of 'Island Secretary.' Subsequently he moved to Jamaica,and attracted the attention of Elgin - then governor - while serving as Agent-general for Emigration and Stipendiary Magistrate. On Elgin's strong recommendation Grey made him lieutenant governor of St Lucia (1847).[4] He acquitted himself in St Lucia in a manner which Grey thought 'highly satisfactory' and,being in England on leave in 1851,he seemed the best man available for the Cape.[5] His qualifications matched Montagu's: as he told the citizens of Cape Town in reply to a welcoming address,he had served in several colonies 'not only in subordinate administrative offices,but also as a member of a Representative Assembly' and possessed some experience 'as

---

1.A & P.1852.XXX./1515?:Reports of the Committee appointed by the Treasury Board to Enquire into the Naval,Ordnance and Commissariat Establishments and Expenditure in the Colonies.
2.Trevelyan to Cathcart,17 January 1852: Trevelyan Letter Books.
3.CO 48/319/317:Grey to Cathcart,2 February 1852 (No 1) (draft).
4.Encl in Darling to Newcastle,7 July 1853: Newcastle Papers,NeC 9,554.
5.Grey to Darling,12 January 1852: Grey Papers.

the immediate head of an Executive Government.'[1]

Insofar as it involved civil duties in the Cape Colony as a whole, Darling's office had no precedent. There had been legal provision for a lieutenant governor in the eastern Cape since 1836.[2] Stockenstrom held that post when he restored Queen Adelaide Province to the Xhosa. For this reason Smith suppressed it in 1848 with the jeer that it only gave rise to 'very unprofitable correspondence.'[3] Its administrative duties were transferred to the Cape Colonial Office - another step in the consolidation of Montagu's power. Grey required a lieutenant governor for reasons only indirectly connected with administering the eastern Cape. He therefore repealed the Letters Patent of 1836. Montagu's abuse of the executive power which circumstances had given him had put Grey in an embarrassing position. It would not do to have a permanent official publicly thwarting the governor. Grey needed someone with legal authority to run the civil government while the governor settled the war. But legally a lieutenant governor could only exercise executive power in his own right if the governor was absent from the colony. To give him power on any other terms would be a derogation of the governor's supreme authority. Grey was reduced to expediency. He gave Darling no formal definition of his

---

1.CO 48/329/40:Encl in Darling to Grey,20 April 1852 (No 6).
2.Above,Chapter II,pp 43-4.
3.G.C.Moore Smith(ed.),The Autobiography of Sir Harry Smith (London, 1902) p 608.

powers; he merely instructed Cathcart to give the lieutenant governor as free a hand as if the governor 'were actually beyond the frontier.'[1]

Had Cathcart been as jealous of his authority as D'Urban this arrangement could never have worked. At first Darling felt pessimistic and 'rather diffident as to his powers of doing good in the colony with the instructions he had from the home government...'[2] He and Cathcart consulted briefly in Cape Town when the latter arrived. Cathcart was impressed and decided to trust his deputy. 'I have great reliance in the ability as well as the prudence and caution which on more intimate acquaintance I believe Mr Darling to possess,' he wrote.[3] Nevertheless,he had to supervise Darling because his own authority and responsibility were involved. The two men adopted a system of corresponding by means of schedules on half-margins to allow Cathcart to keep abreast of everything done and give his sanction or withhold it. Despite this,difficulties arose. Darling became an obstacle between Cathcart and the civil service,for to by-pass the lieutenant governor even on routine business might undermine his position. Thus all business went through Darling's hands and he became,in effect,the Secretary to Government,although without office or staff. Cathcart ended up doing two thirds of the colony's business while the local

---

1.CO 48/319/317:Grey to Cathcart,2 February 1852 (No 1) (draft).
2.Stephen Lakeman,What I Saw in Kaffir-Land (Edinburgh,1880) p 14. Lakeman sailed to South Africa in the same ship as Darling.
3.Cathcart to Grey,1 April 1852: Grey Papers. Cf CO 48/326/161: Cathcart to Secretary of State,20 May 1852 (No 1).

Colonial Office was reduced to dealing with matters of mere routine.[1]

Mutual confidence enabled Cathcart and Darling to arrive at a workable arrangement, but between Darling and the Cape Colonial Office relations rapidly deteriorated. Grey meant Darling to supervise Montagu, but he told Hogge that the new office was intended to 'assist' the Secretary to Government.[2] The same ambiguity surrounded the conditions relating to the appointment. Darling took precedence, but his salary of £1,500 was £500 less than Montagu's. His instructions said nothing about his authority over the civil service. Still, in the confusion of settling in Darling turned to Montagu for guidance. A shower of petitions demanding Montagu's dismissal for altering the constitution ordinances aroused Darling's sympathy.[3] When Hope opened the subject of colonial finances Darling referred the matter to Montagu and accepted his explanations.[4] Montagu was preparing to leave for London and wanted Southey to take his place: 'I would rather have you as locum tenens than any other man in the colony,' he wrote, 'because I feel confidently that you will do the duty efficiently, with honesty and a singleness of purpose, for the best interests of the colony.'[5] Darling knew nothing of Southey's political background. He and Cathcart

---

1. Cathcart to Newcastle, 14 July 1853: Newcastle Papers, NeC 9,554.
2. Grey to Hogge, 14 January 1852: Grey Papers.
3. CO 48/329/178: Darling to Pakington, 30 April 1852 (No 10).
4. CO 48/329/108: Darling to Grey, 25 April 1852 (No 5).
5. Montagu to Southey, 13 April 1852: Alex Wilmot, The Life and Times of Sir Richard Southey (London, 1904) p 98.

supported the substitution,and in his despatch on the subject Darling pointedly expressed his sense of obligation to Montagu for his impartial advice on subjects of a political rather than an administative character.[1]

But Darling and Cathcart were too perceptive to mistake the true state of affairs for long. When they understood the nature of the 'family compact' at both ends of the colony they began to dismantle it. It appears that financial evidence first convinced Darling of the previous government's transgressions. Montagu's financing has been described as 'masterly and successful.'[2] In fact it was of the same order as that of the flashy company promoters in Britain during the 'railway mania.' And it produced the same results: without the revenue generated by the war of 1851 it seems certain that the Cape must have declared itself bankrupt. Even with the war it had been a near thing. Early in 1850 Smith requested the Commissariat staff to maintain 'a sum of money equal to four months' expenditure' in the military chest.[3] Throughout that year he continued to raid the chest for expenses in the Sovereignty and British Kaffraria,despite repeated disallowances by the British Treasury. The Treasury Lords detected that certain accounts had been padded with items chargeable to the

---

1.CO 48/329/47:Darling to Grey,21 April 1852 (No 7).
2.Breitenbach, op. cit. p 214.
3.WO 1/445/708:Smith to Miller,24 March 1850 (Copy).

colony and expressed their 'strong disapprobation' of the methods used to finance the military villages.[1] In 1848 Smith had agreed to meet the cost of the 'Kaffir Police' force. By 1850 the colony owed the chest £22,000 on this account and,after the most devious attempts to evade his undertaking,Smith asked that 'it might be considered as a loan to the colony to be repaid at some future time as it is at present absolutely impossible for the Colonial Treasury to pay the amount.'[2] Simultaneously Grey learned that the Cape immigration authorities owed the chest £6,750 for advances and that the accounts for the years 1845 to 1850 (while both Montagu and Southey had served on the Committee) were too confused to discover the reason.[3]

Despite the flourishing picture presented in Montagu's annual financial statements it is evident that the colonial treasury had exhausted its reserves by 1851. Revenue collections had not equalled expenditure. To make up the difference the government had used the £65,000 surplus on hand in 1849 and drawn £50,000 without authority from the military chest. In the first quarter of 1851 (blaming the war for shortage of liquid funds) Smith borrowed £14,000 from the Guardians Fund at 6% to meet civil expenses.[4] The 'slight stiffness' detected in the colonial money market in February and March was

---

1.T7/2/127:Trevelyan to Merivale,27 March 1851.
2.CO 48/313/138:Smith to Grey,19 February 1851 (No 28).
3.CO 48/313/251:Smith to Grey,19 February 1851 (No 33).
4.CO 48/314/364:Smith to Grey,16 April 1851 (No 79).

perhaps symptomatic of the government's straits.[1] Later,over the indignant protests of Commissary General Miller (who revenged himself a few months later by informing Grey of the gunpowder sales to the enemy),Smith drew £2,250 from the chest,ostensibly for expenses in Natal,and paid them straight into the Cape Treasury. The imperial Treasury remonstrated strongly to the Colonial Office.[2] These incidents,it must be remembered,took place against the imperial Audit Office's continued failure to discover the source of the large defalcations during the war of 1846. To add to this,the War Office objected to the 'numerous charges of an extraordinary nature' which had arisen in the latest war. Again the confusion in the accounts could be traced directly to Montagu,who defended himself on the unsatisfactory ground of the extreme pressure of the moment and the urgency of Smith's pleas for assistance.[3]

The advantage to Montagu's financial arrangements from his control of the separate bodies spending public money is well illustrated by the case of the Central Road Board. In 1852 this body suddenly stopped paying its workmen for want of funds,although on paper its financial position was sound. Darling and Hope then disclosed that it had allowed rates to fall £69,952 into arrear and instead of attempting to

---

1.Cape Town Mail,29 March 1851.
2.WO 1/449/229:Trevelyan to Merivale,31 January 1852.
3.CO 48/338/218:Encl in Cathcart to Newcastle,14 June 1853 (No 20).

recover the money had drawn on the colonial Treasury - a process simplified by the presence of the Colonial Treasurer and Secretary to Government on its board. It had overdrawn its annual grant from the Cape government to the amount of £35,000 since 1844 without legal authority. On the security of its revenue it had raised £29,850 in loans at 6%,mostly from private parties,but £9,000 on Smith's authority from the Guardians Fund. (The placing of gilt-edged loans in private hands in a colony with few safe investment opportunities represented,of course,a powerful political asset.) The Board had not complied with the regulations for keeping its accounts and had blended expenditure in such a way that no accurate figure could be given for individual votes. The revenue of the colonial Treasury and the Board had not been kept distinct: the Board,for example,took credit for money refunded to the Treasury when all it had done was hand over a bundle of old accounts. Finally,some districts had never had a penny spent on their roads.[1]

Time,and the upsurge in revenue after 1851,enabled the Central Road Board to restore its finances to some extent by 1855. Then a discreet official report drew a curtain over the more flagrant irregularities.

1.CO 48/329/343:Darling to Pakington,26 May 1852 (No 19). CO 48/341/85:Darling to Newcastle,11 April 1853 (No 35). CO 48/347/3:Memorandum by Barrow,4 June 1853.

Even so, it noted in passing that the Board under Montagu did not 'at any time appear to have taken into its calculations the cost of maintaining roads newly made or reconstructed, or to have anticipated, and well considered, the means of providing for this in future years.'[1] To go into more detail on such matters would become tedious. It can be seen that Montagu treated revenue from all sources as a global fund and distributed it wherever he required, regardless of its origin or the limits put on its application by colonial or imperial regulations. He then straightened out his accounts in retrospect wherever possible. It is for this reason that items for Kaffraria and the Sovereignty appear in the Cape estimates. This - on a different scale - was the technique used by the promoters of bubble companies in Britain before the weight of their debts finally dragged them down. It contravened accepted official practice and Darling meant to stop it. Inevitably this involved him in a conflict with members of the 'family compact' placed at strategic points in government departments or on statutory boards.

Without seeing that Darling appeared to threaten the financial interests of the Cape 'Conservatives' it is difficult to understand the virulence of the controversy which followed. He began by reducing

---

1. Report...upon the Operations of the Central Board of Commissioners for Public Roads (Cape Blue Book, 1855: ref. G.3 - '55) p 14.

the establishment of the Secretary to Government's office. He dismissed Davidson,Bishop Gray's secretary,whom Montagu had given a supernumerary post. The colonists,Darling correctly observed,felt jealous of the established Anglican Church and Davidson's double office compromised the local executive. Since Davidson also helped to publish the Monitor the question of civil servants writing for the press happened to become involved with his dismissal and Darling issued a notice prohibiting the practice.[1] He had been arguing with Bishop Gray over another matter concerning the right to control clerical nominations in the colony. In the course of this dispute it emerged that Davidson had used his government post to suppress a document which weakened the Bishop's case.[2] Gray had cause to worry that he would lose the financial benefits from his association with Montagu. He thought Darling 'coarse and overbearing' and wrote privately to Newcastle and Merivale to try and counteract his actions.[3]

Darling also attacked the privileges which made life more pleasant for Montagu's supporters. J.E.Montagu,son of the absent Secretary to Government,was Chief Clerk of the local Colonial Office and Clerk of

---

1.CO 48/332/294:Darling to Pakington,17 December 1852 (No 108).
CO 48/340/161:Darling to Pakington,24 January 1853 (No 15).
2.CO 48/340/283:Darling to Pakington,14 February 1853 (No 31).
3.Ibid., minutes by Barrow (30 March 1853) and Newcastle (3 May 1853).
Bishop Gray to Newcastle,May 1853: Newcastle Papers, NeC 9,554.
Bishop Gray to ?,17 March 1854: ibid., NeC 9,585. This - and other private approaches - failed.

the Council. Darling compelled him to surrender the latter post.[1] The salaries of the clerks in Montagu's office were higher than those of clerks in other parts of the colony and Darling reduced them.[2] He shifted a clerk from Montagu's office to the Deeds Office and gave Cathcart's private secretary the place,thus diluting the 'Conservative' element.[3] And in the east Cathcart overrode the regulations enacted by Montagu when they would have forced him to promote two men whom he thought unsuitable. Instead he made appointments of his own.[4]

Turning from the civil service,Darling and Hope publicly challenged the Central Road Board to explain its financial position. The two unofficial members,Gie (a local merchant) and T.B.Bayley,responded by publishing a personal attack on Hope in the Government Gazette and resigned.[5] Bayley's father in England - a man with some political influence - approached the Colonial Office on their behalf.[6]

Southey did not remain passive while the empire he inherited was demolished. He received advice from Montagu in London on ways to defend himself.[7] When Darling seemed about to employ a certain Major

---

1.CO 48/340/136:Darling to Pakington,22 January 1853 (No 11).
2.CO 48/342/393:Darling to Newcastle,19 August 1853 (No 106).
3.CO 48/341/221:Darling to Newcastle,20 April 1853 (No 41).
4.CO 48/342/244:Darling to Newcastle,10 August 1853 (No 94).
5.CO 48/341/85:Darling to Newcastle,11 April 1853 (No 35). CO 48/342/14:Darling to Newcastle,16 May 1853 (No 55). CO 48/347/3:Memorandum by Barrow,4 June 1853.
6.CO 48/347/433:Bayley to Newcastle,12 March 1853.
7.Wilmot, op. cit. p 100.

Longmore,an associate of Smith's,Southey sent in an adverse report on his financial standing. Then Darling discovered that pertinent facts had been deliberately suppressed. Simultaneously he learned that J.E. Montagu had been sending official information to his father in England without permission. When Southey tried to defend his subordinate Darling challenged him with the Longmore affair. He used this excuse to remove the official correspondence with London from Southey's office to Government House. He dismissed Southey's attempts to defend himself (minuting on one document,'this is mere insolence') and suspended him from office. The governor,who had not been consulted, somewhat unwillingly concurred.[1] Since Darling's arrival the 'Conservatives' had tried to undermine his authority by appealing from his decisions to either the governor or the Colonial Office. J.E.Montagu, on his father's advice,now urged an immediate visit to London,and Southey complied.[2] His action is highly suggestive: news had not yet reached the Cape of Pakington's fall from office. Godlonton had previously warned Southey not to consider the journey 'until you know exactly how Montagu stands with the Home Magnates.'[3] Montagu may therefore have reported that he had influence in the Colonial Office.

1.There is much correspondence on this topic in volumes 340,344,345, 346 and 363 of the CO 48 series. See also,Cathcart to Newcastle, 14 July 1853: Newcastle Papers, NeC 9,554.

2.Wilmot, op. cit. p 100. The parallel with Montagu's own suspension from office in Van Diemen's Land and the tactics he used to have himself reinstated is almost exact: Kathleen Fitzpatrick,Sir John Franklin in Tasmania (Melbourne,1949) pp 260-339.

3.Quoted by Alan K.Fryer,'The Government of the Cape of Good Hope, 1825-54', A.Y.B. - 1964,Part I (Cape Town,1964) p 96.

This conjecture is confirmed by J.E.Montagu's defiance when censured for his behaviour and by an angry despatch from Cathcart on hearing that his appointment of officials had been reversed by Pakington. Cathcart threatened to resign if the British authorities failed to support him against the 'subtle and pernicious system of intrigue' which was encouraged by Montagu's 'supposed great private influence' in London.[1] His complaint arrived after Newcastle had already acted to curb Montagu's access to the Colonial Office. It is clear that Merivale and Barrow saw no impropriety in their dealings with Montagu. But both Newcastle and Peel - before they realised the extent of those dealings - had refused to refer Cape business to him on the ground that it would place him 'in a somewhat anomalous and painful position.'[2] As Darling's reports revealed how Montagu had taken advantage of his access to the Colonial Office to promote factional interests, Merivale found himself in an embarrassing position. On Cathcart's despatch Merivale wrote a defensive minute rather lamely explaining Montagu's part in the reversal of appointments.[3] Newcastle and Peel maintained a tactful silence, but from then onwards a captious note appeared in Merivale's comments on Darling's behaviour.

1.CO 48/338/25:Cathcart to Newcastle,14 April 1853 (No 1).
2.CO 48/332/294:Minute by Newcastle (7 February 1853) on Darling to Pakington,17 December 1852 (No 108).
3.CO 48/338/25:Minute (30 May 1853) on Cathcart to Newcastle,14 April 1853 (No 1).

These comments are interesting because they show how little the permanent officials understood the Cape situation after working on it for six years. Merivale had regretted Darling's appointment because of the 'pain' it would inflict on the 'sharp and zealous' Montagu.[1] He had rapidly seen that Cathcart meant to take a line 'inconsistent' with the views of Montagu and 'the old Government party at Cape Town.' This he found 'embarrassing.'[2] But he never fathomed Cathcart's reasons and each new development took him by surprise. He disapproved when the official correspondence was moved from Southey's charge to Government House,although Darling explained how the 'Conservatives' had misused their access to confidential information.[3] He challenged Cathcart's statement that Godlonton's adherents were a 'faction'; he accused Darling of 'a passion for overturning Mr Montagu's legislation' and of personal hostility to Montagu; he missed the significance of the opposition to Darling from the 'large mercantile houses.'[4] Merivale expressed surprise when Fairbairn stood for the lower house in the new

---

1.CO 48/319/317:Marginal note on Grey to Cathcart,January 1852 (draft).
2.CO 48/328/47:Minute (16 December 1852) on Cathcart to Pakington,12 October 1852 (No 32).
3.CO 48/338/408:Minute (17 September 1853) on Cathcart to Newcastle, 14 July 1853 (No 29).
4.CO 48/339/97:Minute (30 September 1853) on Cathcart to Newcastle, 14 August 1853 (No 36). CO 48/342/392:Minute (5 October 1853) on Darling to Newcastle,19 August 1853 (No 106). CO 48/343/266: Minute (4 January 1854) on Darling to Newcastle,18 November 1853 (No 139). CO 48/347/292:Marginal note on Darling to Newcastle, 19 September 1853 (Separate).

legislature instead of the upper,despite Fairbairn's repeated attacks on 'property' as an electoral qualification since the constitutional debate had begun.[1] He took Southey's part after the suspension. Even when Darling proved that Southey himself was guilty of the financial irregularities which had been used to discredit Longmore Merivale contrived to argue that it reflected credit on Southey to denounce someone for a fault of which he was himself guilty.[2] He further accused Darling,somewhat piously,of 'neglecting the only real interest, that of the public' by his attacks on the 'Conservatives.' And when Newcastle felt obliged to reprove Darling for his style of proceeding - though not for his actual deeds - Merivale drafted so strong a denunciation that Peel had to soften it.[3] As late as November 1853, when the Cape situation was transparently clear,Merivale still found it 'odd' that the Cape Monitor should be described as connected with Bishop Gray and the Anglicans.[4]

What Merivale failed to see was that the entrenchment of 'Conservative' power and the grant of representative institutions could not

---

1.CO 48/343/430:Minute (2 February 1854) on Darling to Newcastle, 23 December 1853 (No 153).
2.CO 48/346/3:Minute (5 October 1853) on Darling to Newcastle,6 July 1853 (No 86).
3.CO 48/347/109:Newcastle to Darling,14 July 1853 (Separate) (draft).
4.CO 48/347/292:Minute (1 November 1853) on Darling to Newcastle, 19 September 1853 (Separate).

be reconciled. Darling had been commissioned to prepare the way for the new legislature and took the only course possible when the 'Conservatives' obstructed him. His despatches were never published (Downing Street jealously guarded that type of information) but the 'popular' party at the Cape eventually guessed what was happening and did all in their power to support him. Petitions,memorials and addresses praising him arrived regularly,and he used Montagu's technique of analysing the signatures to prove the wealth and respectability of those whom the 'Conservatives' had disparaged. He identified himself closely with the people he wished to conciliate. In one key passage he described his supporters as

> ...native or permanently settled colonists...who feel that true social prosperity depends upon something more than the rapid accumulation of wealth (not even perhaps to be reinvested in the country where it has been acquired) as contradistinguished from those who merely regard the colony as a convenient and profitable trading station,to be deserted when their purpose of achieving independence is attained,and who,viewing this object as the 'greatest good' not unnaturally conceive that Public Policy ought to be exclusively directed to its promotion and to the maintenance of the paramount influence of those engaged in its pursuit.[1]

To this statement of economic nationalism Newcastle and Peel took no exception. They deplored some of Darling's cruder methods,but generally supported him.[2] Thus although they felt obliged to reinstate

---

1.CO 48/343/266:Darling to Newcastle,18 November 1853 (No 139).
2.Newcastle wrote (privately) that he was 'quite prepared to believe' that 'abuses' had 'grown up in the system of Administration in the Cape',but he felt that Darling sometimes showed a want of 'conciliation' which 'in others leads to the execution of a painful duty without irritation.' (Newcastle to Darling,12 September 1853: Newcastle Papers, NeC 9,554.)

Southey, they neither restored the official correspondence to him nor confirmed him in office. When Montagu died they replaced him with Rawson W. Rawson, a former private secretary of Gladstone.

It must be noted that although Peel corrected Merivale occasionally when he thought him over-critical of Darling, neither he nor Newcastle clarified their reasons for supporting the lieutenant governor. This suggests that at this period the minutes on despatches represent something less than 'Her Majesty's Ministers thinking aloud.'[1] Certainly Newcastle gave no substantial reason beyond the 'general forwardness of the whole subject' for his own decision on taking office to implement the constitution without delay.[2] In a private letter to Cathcart he confided only that he acted to prevent 'the revival of political agitation at the close of the war.'[3] He reduced the franchise qualification to £25 and allowed the remaining alterations, including the higher qualification for the upper house, to stand. The first step he thought desirable to give the coloureds a share in the new legislature. The second he took on the same principle of balancing the interests in the parliament which ran through all British thinking on the subject since the official memoranda of 1848.[4] He also recommen-

---

1. C.W. de Kiewiet, British Colonial Policy and the South African Republics (London, 1929) p xii.
2. CO 48/337/294: Newcastle to Cathcart, 14 February 1853 (No 20).
3. Newcastle to Cathcart, 14 April 1853: Newcastle Papers, NeC 9,554.
4. CO 48/337/309: Newcastle to Cathcart, 14 March 1853 (No 40) (draft).

ded the constitution as 'one of the most liberal...hitherto enjoyed by any part of the British possessions.'[1] As this was not the case it may be assumed that he adopted the usual political stratagem of sweetening unpalatable facts with words in order to reconcile the colonists to them.[2]

Newcastle's action (the motives for which are discussed in the conclusion to this thesis) was timely. Darling hoped to restore authority to the local government,even if it meant braving the 'popular' party. His intentions were not immediately clear to the colony. (Even Montagu,with official information,mistook him for a mere popularity seeker.)[3] The 'popular' party therefore continued for some time after his arrival to obstruct the government. Early in 1852 the Cape Town Municipality withheld its contribution to the government towards maintaining the local police. When the Treasurer General took them to court they argued that the Legislative Council had been illegally constituted and had no right to collect taxes. The Chief Justice called this 'political' and 'the poorest and most paltry defence ever seen' and dismissed it with costs.[4] Yet when Porter saw the franchise raised by the 'Conservatives' in Council and recognised

---

1.CO 48/337/302:Newcastle to Cathcart,14 March 1853 (No 38) (draft).
2.Above,Chapter IX,p 328.
3.Montagu to Southey,23 November 1852: Wilmot, op. cit. p 100.
4.Rivers (Treasurer General) v. Cape Town Municipality. M.W.Searle (ed.),Cases Decided in the Supreme Court of the Cape of Good Hope 1850-1852 (Cape Town,1884;2 vols.) i,147-9.

the step for a 'dodge' he privately threw doubts on the legality of the Council, citing the opinion given on the Additional Instructions by Kelly, Walpole and Kenyon.[1] That he had political motives for this seems certain: Merivale thought 'a more unfortunate course' could hardly have been taken.[2] Next, the Council of Directors of the South African College, to which Porter belonged, refused to apply for its annual grant from the government. Word spread that it questioned the legal and constitutional right of the Legislative Council to dispose of public money. When Darling challenged it on this point it refused to comment, but neither did it accept the grant.[3] Finally, a colonial pensioner named Kuys publicly declared that the government acted illegally when disposing of the public revenue 'without the consent of the people,' and refused to retract when called on to do so. Darling then withdrew Kuys's pension and earned himself general condemnation in the press.[4] From this sort of pressure the enactment of the constitution relieved the colonial government.

The £25 franchise apparently represented a triumph for the 'popular' party. Fairbairn had long argued that 'the English must make common cause with the coloured race'[5] against the 'unprogressive' Afrikaner.

---

1. CO 48/329/272: Darling to Pakington, 1 May 1852 (Confidential).
2. Minute (12 June 1852) on ibid.
3. CO 48/332/244: Darling to Pakington, 29 November 1852 (No 100).
4. CO 48/340/31: Darling to Pakington, 22 January 1852 (No 5). CO 48/341/321: Darling to Newcastle, 20 April 1853 (No 46).
5. Quoted in W.M. Macmillan, The Cape Colour Question (repr. London, 1968) p 258.

And Cathcart understood that the attitude of the 'Conservative' and 'popular' parties towards the figure of £25 sprang chiefly from concern 'to get particular classes of the lower orders into the meaning of the Act and exclude others,so as to bring the constituency more effectually and in larger proportion under their respective influences.'[1] Restoring the low franchise was Newcastle's contribution to the reconciliation with the colonists which Darling hoped to achieve. But the 'popular' party's influence through this concession was neutralized by other factors,not least the reserved Civil List,which permanently appropriated half the colonial revenue for administrative purposes; and the stipulation that any bill imposing a 'pecuniary burden' on the colonists should have the consent of both Legislative Council and Governor.[2] By this time these clauses had become the standard British method of maintaining imperial influence over colonial legislatures.[3]

The arrival of Cathcart and Darling coincided with a considerable improvement in colonial trade. Gold had been struck in Australia and a great demand arose there for supplies. Cape merchants began to re-consign goods to Australia which had been originally intended for South Africa. Prices rose in Cape Town.[4] Many Cape coasting vessels, including two steamers,left for more profitable employment in Australian waters. South African freight charges therefore 'materially

---

1.Cathcart to Pakington,14 November 1852 (No 39): A&P.1852-3.LXVI. /I6367: Papers relative to the Establishment of a Cape Assembly.
2.Cape Constitution Ordinances: G.W.Eybers(ed.),Select Constitutional Documents illustrating South African History (London,1918) pp 54-5.
3.Russell called them 'Canadian safeguards' (Russell to Grey,22 May 1850: Grey Papers).
4.22 July 1853: Lt.Graham's Diary.

advanced.'[1] Large imports of specie (£350,000 in 1851; £250,000 in 1852) accompanied the British army's prosecution of the Xhosa war. And a world-wide shortage of copper made the development of the Namaqualand deposits a commercial proposition. A period of wild speculation started throughout the colony,reaching its height in 1854 when almost every dorp of any size had its own mining company. There was much fraud.[2] And it is not surprising to find the adherents of the Cape Town Municipality,the leaders of the 'popular' party,taking the initiative in forming the companies which mushroomed in Cape Town.[3] In 1855 the boom ended and most companies collapsed. The only survivors were the two large merchant organisations of Philips,King & Co. and Prince,Collison & Co. who had access to British capital through their offices in the City of London.

Renewed financial prosperity probably explains the lack of urgency in the political agitation which greeted Cathcart on reaching the Cape.[4] He also observed that the mass of colonists awaited events in 'perfect apathy.' But the general calm did not deceive him. He felt convinced, he told Pakington

> that sooner or later a constitutional form of government will be clamorously demanded,and that form which has so nearly been conceded will be pertinaciously insisted upon by the prevailing majority; and that to withhold it longer or materially alter it

---

1.CO 48/342/111:Report of the Committee of the Cape Town Commercial Exchange,1853.
2.George M.Theal,History of South Africa (London,1908;5 vols.) iii,81.
3.See the list of company officials etc. on p (v) of Report from the Select Committee of the House of Assembly on the Petition of Leaseholders of Land in Namaqualand (Cape Town,May 1856).
4.CO 48/326/272:Cathcart to Secretary of State,21 June 1852 (No 8).

> in principle would lead to troubles which though they might be suppressed or overcome by force,would cause great inconvenience and retard or suspend all progress towards the improvement of the colony and the settlement of frontier affairs.[1]

The effect of constitutional advance on the Boers could not,he confessed,be foreseen. But provided 'Anglo-Saxon interests' were not used as 'a war-cry for party purposes' by any British faction,he expected the Boer majority to follow a 'course of conciliation and recognition of common interests and equal rights.'[2]

It was this last reason,and nothing connected with its economic demands,which caused Cathcart to discountenance the 'Grahamstown faction.'[3] Godlonton gave an anti-Boer tone to the 'family compact' which was starting to antagonize some Afrikaners.[4] Indeed,Cathcart's remarks on the need for 'progress towards the improvement of the colony' reveal that he agreed fundamentally with the aims of the 'commercial middle class' who lived in Cape Town and Grahamstown. This is the key to his policy for settling the frontier,which he formulated with Hogge,Mackinnon and certain 'experienced and enlightened' frontier farmers.[5] Like Pottinger before him he decided to sweep the

---

1.CO 48/327/279:Cathcart to Secretary of State,20 September 1852 (No 25).
2.Cathcart to Newcastle,16 June 1853: Newcastle Papers, NeC 9,554.
3.CO 48/338/160:Cathcart to Newcastle,15 May 1853 (No 14-Confidential).
4.De Zuid Afrikaan,6 and 27 March 1851.
5.CO 48/326/79:Cathcart to Grey,20 April 1852 (No 3). Cathcart to Newcastle,16 August 1853: Newcastle Papers, NeC 9,554. I.Mitford-Barberton,Commdt. Holden Bowker (Cape Town,1970) p 210.

hostile Xhosa across the Kei and settle their lands with immigrants.[1] Like both Pottinger and Smith he rejected Grey's plan for 'arming Kaffir against Kaffir'. The only safe course,he declared,was to maintain 'the means of controlling them by force of arms' (i.e. imperial troops).[2] He would not consider the abandonment of Kaffraria: the British government,he alleged,had obligations to the settlers who had been allowed to 'take root' there.[3] Withdrawal,he argued,would present the Xhosa with what they fought for and allow them in the event of another war to re-enter land from which they had been 'fortunately expelled before they possessed and could use firearms,as they do now.'[4] The talk of 'obligations' to British settlers in Kaffraria contrasts sharply with the reasons later advanced for abandoning those in the Sovereignty.

Cathcart's was essentially the policy of Smith,with greater emphasis on military force (although it is generally overlooked that while Smith claimed to be reducing the Cape garrison he never actually succeeded it getting it below the 1846 level.)[5] Like Smith,the new

---

1.CO 48/326/111:Cathcart to Grey,20 April 1852 (No 4).
2.Cathcart to Grey,20 April 1852: Grey Papers. CO 48/328/1:Cathcart to Pakington,12 October 1852 (No 30).
3.British Kaffraria had been created a 'separate Imperial dependency' to prevent such an occurrence: Above,Chapter V,p 168. Smith's inability to withstand the settlers encroaching on Xhosa land is thus confirmed.
4.Cathcart to Pakington,24 January 1853 (copy): Newcastle Papers, NeC 9,554.
5.Cape Garrison:-1 July 1846, 3,164 men; 1 December 1850, 3,699 men. (Memorandum on the Kaffir War: Grey Papers.)

governor immediately began to arrange for the sale of the conquered lands, beginning with the tribal areas of Victoria, the Kat River Settlement and the Thembu country on the north eastern frontier. This last, contrary to instructions, he annexed to the colony.[1] As an indication of colonial pressure on these areas it may be noted that the settler population of British Kaffraria increased from five hundred to eighteen hundred between 1849 and 1853, and that over eight hundred colonists applied for land grants in the newly annexed Thembu country.[2] Cathcart's ADC epitomized the new frontier policy when he said that 'the sword of war has been replaced by the theodolite of peace.'[3] Clearly, whatever gloss Cathcart might put upon his annexations, the colony was well prepared to swallow up the Xhosa lands. Cathcart was completing by force what Smith had started to do by peaceful means.

Before he could implement his policies Cathcart had to reduce the tribes to submission. Smith had mounted an expedition across the Kei in January 1852 to attack the neutral chief Kreli, who was accused of sheltering the enemy. The following month he reimposed 'the old Commando system' and ordered the burghers to muster for an assault on the Amatola hills to finish the war.[4] To his 'deep mortification'

---

1. CO 48/328/338: Cathcart to Pakington, 29 November 1852.
2. Census, May 1849: A & P.1852.XXXI.(124). Census, 1853: Quoted in Lt.Graham's Diary, 3 August 1853. CO 48/337/318: Cathcart to Secretary of State, 15 March 1853 (No 57).
3. C.Seymour to F.Seymour, 17 March 1853: Seymour Papers, CR 114A/701.
4. CO 48/325/93: Proclamation, 6 February 1852.

the appeal 'signally failed.'[1] Cathcart therefore had to resume military operations. At first he decided that Kreli had been punished enough.[2] Then consultation with Hogge and the frontier farmers changed his mind and he prepared to attack again. 'This neighbouring and independent chief,' he wrote, ' has never acknowledged his submission...'[3] Seldom had an act of policy been justified in more ambiguous terms. To reassert the colonial government's authority Cathcart also ordered the burghers to assist in this operation. Only a few hundred responded.[4] Despite the powerful imperial army under his command,Cathcart could not hope to expel the hostile Xhosa from Kaffraria without large reinforcements of burghers. This was the lesson D'Urban had learned in 1835 and Pottinger in 1847. Cathcart therefore gave up the attempt and declared the war at an end.[5]

Having abandoned his original plan,Cathcart had to decide what to do with the defeated tribesmen. His views were conditioned by his belief that land tenure should only be by individual title and that the Kat River rebellion proved the danger of creating racially exclusive areas of settlement.[6] The settlement he made was designed only to hold Kaffraria in subjection until it could be wholly absorbed by

---

1.CO 48/325/141:Smith to Grey,7 April 1852 (No 56).
2.CO 48/326/79:Cathcart to Grey,20 April 1852 (No 3).
3.CO 48/326/302:Cathcart to Secretary of State,21 June 1852 (No 10).
4.CO 48/327/250:Cathcart to Pakington,15 August 1852 (No 20).
5.CO 48/328/1:Cathcart to Pakington,12 October 1852 (No 30).
6.CO 48/338/57:Cathcart to Newcastle,14 April 1853 (No 2).

the Cape. Part of its lands went to colonists who would serve as a military barrier. He approved Calderwood's policy of establishing separate communities of Mfengu along the borders of Xhosa territory. This would both 'obviate' the danger of a 'national combination' of Mfengu and help to contain the Xhosa.[1] He determined to create a genuinely separate government in what remained of British Kaffraria and rule the tribesmen with an army of five thousand men.[2] Within this area he allotted the tribesmen lands about half the size of their former holdings,and scattered military posts among them. He tried to persuade them to abandon their cattle-based economy and cultivate the soil. He promised to send Makomo and Sandile two dozen spades 'and advised them to begin gardening.' Sandile pertinently replied that 'the spade gives bread; but the spade is of no use without the garden.'[3] Cathcart rejected Xhosa pleas for more land. He intended to keep the tribes 'in subjection by force of arms' until they became civilized.[4] For the time being,however,he ordered his officials to govern them 'through their respective chiefs' and restored all the chiefs' traditional powers.[5]

Cathcart's account of his proceedings on the frontier is full of

---

1.WO 1/450/35:Cathcart to Secretary of State,15 March 1853 (No 58).
2.CO 48/337/171:Cathcart to Secretary of State,11 February 1853 (No 54).
3.Cathcart to Darling,4 September 1853: Correspondence of Sir George Cathcart relative to his Military Operations in Kaffraria (London, 1857) p 374.
4.Cathcart to Maclean,19 January 1854: ibid., p 383.
5.Cathcart to Maclean,29 March 1854: ibid., pp 385-6.

ambiguities. His description of Kreli as an 'independent' chief 'under submission' is a good specimen of the sophisms used to justify British policy in this period. Cathcart spoke of 'civilizing' the tribes while removing from their government all means of effecting this object. Smith's 'settlement' of 1848 had claimed to rule by consent; Cathcart's was undisguised repression. Cathcart hoped to settle the border with honest burghers capable of defending the colony,but found that the confiscated areas fell into the hands of land speculators. The spending of the Kaffrarian garrison attracted numerous traders to Kaffraria who clamoured for privileges. Such occurrences were the inevitable consequence of his own policies,yet he burst out against these 'mean dishonest people' and asserted that 'the Kaffir is much the finer race of the two.'[1] He made fierce threats against profiteers in Kaffraria who tried to obstruct the restoration of peace - and the loss of profits which would follow - by spreading 'false rumours.' When Maclean produced positive proof that Godlonton had published such rumours in the Journal,however, Cathcart observed that 'the truth is sure to prevail' and did nothing.[2] These things need to be told: Cathcart took credit only for those results of his policies which reflected well on his reputation and

---

1.Ibid., p 349.
2.B.A.Le Cordeur,'Robert Godlonton as Architect of Frontier Opinion', A.Y.B. - 1959,Part II (Cape Town,1960) p 53.

blamed the unpleasant consequences on others. And when a full account of the disastrous Xhosa 'cattle-killing' delusion of 1857 is written a major cause will surely be found in the stringent controls which Cathcart imposed on Kaffraria.

Lastly,a brief description must be given of the settlement with the Emigrant Boers which formed part of the overall policy adopted by the Colonial Office. The British Resident's setback at the hands of the Sotho in 1851 and the warning of A.W.J.Pretorius that he intended to intervene raised the fear of a general combination against the British in South Africa.[1] Smith's troops were fully committed against the Xhosa. The threat in the Sovereignty could not be braved. Smith therefore welcomed a second approach from Pretorius which spoke in a more conciliatory manner of coming to some agreement on terms of independence for the Emigrant Boers across the Vaal. He sent Hogge and Owen to negotiate,with instructions to preserve the Sovereignty at all costs.[2] They reached Bloemfontein on 27 November 1851 and started a thorough investigation of Sovereignty affairs. They concluded that in order to pacify the Sovereignty it was essential to isolate the dissident Boers within it. This could be managed by coming to terms with Pretorius and Moshweshwe. They accordingly met Pretorius at the

---

1.Above,Chapter XI,p 413.
2.De Kiewiet, op. cit. p 59.

Sand River and signed a convention with him which granted independence to the Transvaal Boers (17 January 1852). Then they opened negotiations with Moshweshwe to settle the points at issue between him and the Sovereignty government.

This strategy succeeded. Pretorius had made various demands on behalf of the Sovereignty dissidents which he dropped in order to secure his own objects. 'Those who were disaffected towards the British government in the Sovereignty were then reduced to a comparatively helpless position.'[1] They accused Pretorius of betraying them. He replied that he would help them if they joined him across the Vaal and many thereupon did so. Hogge and Owen believed that they had thus divided the republican Boers from the loyalists and that this made the abandonment of the Sovereignty unnecessary.[2] Hogge explained in a private letter to Grey that his aim was to prevent the unification of the separate Boer communities in the interior. To quit the Sovereignty in the face of a combined threat from the dissidents and Moshweshwe,he warned,would encourage the Natal Boers to try the same tactics using the Zulus as allies. If they too gained their independence the 'Dutch Republic' would have an outlet to the sea.[3] Hogge realised,however,

---

1.Theal, op. cit. iii,366-7.
2.Joseph M.Orpen,Reminiscences of Life in South Africa (Repr. Cape Town,1964) p 90.
3.CO 48/333/370:Hogge to Grey,26 March 1852 (Private) (copy).

that Grey would require more concrete inducements to persuade him to hold on to the Sovereignty. A declaration from the local Boers that they would in future defend themselves might be sufficient. The opportunity to obtain this would come when representatives from all parts of the Sovereignty assembled in Bloemfontein on 21 June to discuss the future. Before that day,however,Hogge fell ill and suddenly died.[1]

Owen now proved himself inferior to Hogge in every respect. He allowed the spokesman for the Sovereignty land speculators (Dr A.J. Fraser) to get control of the assembly. The representatives then prefaced a statement of willingness to accept a commando law with a demand for a permanent garrison of British troops. Worse followed, when Owen abruptly broke off dealings with Moshweshwe and told Cathcart that the Sotho could only be restrained by military force. There is reason to believe that his thinking on these matters was influenced by the local traders and proprietors whose prosperity depended on the continuation of British rule.[2] Their tactics produced the opposite effect to that intended. The retention of the Sovereignty had been a faint hope at best: Cathcart decided to reassert British military

---

1.CO 48/330/179:Darling to Pakington,1 July 1852 (Separate).
2.Above,Chapter XI,p 408. Cathcart to Pakington,24 January 1853 (copy): Newcastle Papers, NeC 9,554. CO 48/348/112:Clerk to Newcastle,8 October 1853.

prestige with an expedition against Moshweshwe and then to abandon the Sovereignty.[1] Pakington - previously converted by Montagu - entirely approved. Cathcart duly made his expedition and,ignoring a last-minute bid for peace by Moshweshwe,fought an indecisive battle at Berea. It was no part of his strategy to cripple Moshweshwe,[2] and the cost of his expedition proved heavy. He therefore concluded a peace with the Sotho and retired to the colony.

Before the news of this encounter reached London the new Secretary of State,Newcastle,had already decided that British jurisdiction must be renounced. To arrange this he appointed Sir George Russell Clerk, who is generally described as a 'former governor of Bombay.' But of greater relevance than this,however,is that Clerk had previously served at the Cape. He was Court Registrar during part of the proceedings between 1815 and 1817 known in South African history as the 'Black Circuit.'[3] This experience had aroused his profound contempt for the Cape missionaries,whom he described as 'addicted to trading,to shopkeeping or to Hottentot squaws.'[4] He could thus be depended on not to let 'humanitarian' considerations interfere with the duty assigned to him. He was from the same mould as Hogge: able,articulate

---

1.CO 48/328/72:Cathcart to Pakington,12 October 1852 (No 33). Cathcart to Pakington,13 November 1852 (copy): Newcastle Papers,NeC 9,554.
2.Cathcart to Pakington,24 January 1854 (copy): ibid.
3.CO 537/150/100:Memorandum by Clerk,22 August 1857.
4.Clerk to Jocelyn,13 July 1853: Newcastle Papers, NeC 9,554.

and 'Conservative',with strong social prejudice against the 'commercial middle class.' He arrived in Bloemfontein on 8 August 1853 and called another meeting of representatives,to whom he announced Britain's intention to withdraw. The representatives had again chosen Fraser as chairman,and refused to form an alternative government until certain conditions were met and sums of compensation paid. Clerk therefore ignored them and addressed himself to the leaders of the republican movement,which had resurfaced after his announcement. With them he signed a convention at Bloemfontein on 23 February 1854,guaranteeing their independence from the Crown. He overrode the protests of the local speculators,their Cape allies and the Boer collaborators with the former government.

Despite confident assertions to the contrary in its published despatches the British government failed to achieve all it wished by the Conventions. Cathcart is said to have received the Sand River Convention with 'great satisfaction.'[1] But privately he wanted it renegotiated. He called it 'flimsy and ill-drawn up' and confessed that he only ratified it because 'serious evil' would have resulted from an attempt to alter or cancel it.[2] Similarly,Clerk did not have it all his own way with the Sovereignty Boers. It has been indicated

---

1.De Kiewiet, op. cit. p 64.
2.Cathcart to Pakington,24 January 1853 (copy): Newcastle Papers, NeC 9,554.

that they originally opposed the British withdrawal. This gave them a stronger position to bargain from. Clerk was anxious for speed,as a deputation had started for London to rouse Parliament against the proposal. He had hoped to retain some British right to intervene on behalf of the tribes. The Boers resisted,and Clerk gave in,fearing that a breakdown in the talks would have 'serious consequences.' He conceded so much that he suspected Newcastle might not confirm the arrangement.[1]

Certain difficulties arose about the manner of abandoning the Sovereignty. The legal authority of Smith's government there had taken some time to establish. Grey,Stephen and the Whig law lords had quarrelled over whether the territory had been ceded or conquered. At the Cape Porter said it was neither. The question had practical significance,because if Porter was correct Grey would have to ask the British Parliament to legalize British control. If not,Letters Patent would be sufficient. By some dubious political pressures Porter was persuaded to change his mind.[2] Grey then issued Letters Patent confirming Britain's authority across the Orange and sent them to Cape Town. To have legal force they should have been promulgated,but

---

1.Clerk to Newcastle,4 March 1854: Newcastle Papers, NeC 9,554.
2.Grey to Smith,20 May 1850: Grey Papers.

had
this never occurred.[1] The reason is unclear. But any explanation must take into account the hostility of Smith's officials to the annexation in 1848 - Porter's disagreement with the Colonial Office about the basis of British authority - and the probability that establishing a distinct government would prevent further raids on the Cape revenue to balance Sovereignty accounts. Be that as it may, the non-promulgation of the Letters Patent provided the imperial government with the pretext for relinquishing its jurisdiction without a reference to Parliament.[2]

The moral significance of the British 'withdrawal' (like its actual extent) has been overstressed. The Aberdeen Ministry took the opportunity to make political capital by presenting it to the Financial Reformers as a measure of retrenchment. They used language of contempt for the interior tribes.[3] Those concerned with the implications of the step for the aboriginal peoples have described it as a 'reaction', a 'retreat' and an action taken 'in sheer ignorance of the real situation...'[4] Speaking generally, this view assumes rather

---

1.CO 48/337/84:Cathcart to Secretary of State,13 January 1853 (No 47).
2.Newcastle to Cathcart,14 March 1853 (No 39): A & P.1852-3.LXVI. /1646/:Further Correspondence relative to the State of the Orange River, p 118.
3.Speech by F.Peel,9 May 1854: Hansard,3rd Series,1854,cxxxiii,68. William Molesworth,Materials for a Speech in defence of the Policy of Abandoning the Orange River Territory (London,May 1854) pp 8-9.
4.De Kiewiet, op. cit. pp 50-69. John S.Galbraith,Reluctant Empire (California,1963) pp 242-76. W.M.Macmillan,Bantu,Boer and Briton (Oxford,1963) p 358.

too easily that British government was bound in the long term to benefit the tribesmen. Leaving that general point,however,it can be shown in detail that the annexation of the Sovereignty did not represent (as is claimed) an 'attempt to secure the natives in the possession of their lands,and to protect them against aggression.'[1] Smith spoke airily of protecting Moshweshwe's people from Boer encroachment.[2] But in the legal instrument creating the Sovereignty he guaranteed the tribes only those rights 'appertaining to the Nomadic races of the earth' - which excluded security of tenure.[3] Further proof that the tribesmen were safe only while there were no colonists to encroach on them came in his instructions to Warden to separate the two sides so that 'no white farmer should be disturbed.'[4] The fact is,that the significance of the abandonment of the interior must be sought in the arrangements elsewhere in South Africa which accompanied it,as will be shown in the conclusion to this thesis.

1.De Kiewiet, op. cit. p 79.
2.Eybers, op. cit. pp 269-70.
3.Ibid., p 271. Above,Chapter V,pp 171-2 and 196-7; Chapter VI,p 220.
4.O.H.S.A. i,418-9.

CONCLUSION

The first chapter of this thesis states that after the Great Trek of 1837 imperial Ministers took the whole of South Africa into consideration when planning for any particular part of it. The arrangements made between 1852 and 1854 confirm this view. The subjugation of Kaffraria, the Sand River and Bloemfontein Conventions, the breaking of the 'family compact' and the grant of representative institutions to the Cape Colony must be seen in conjunction with one another for the full implications of British policy to emerge. And because the Cape was incomparably wealthier and better developed than any other region, the disposition of its affairs provides the key to the measures adopted elsewhere in the subcontinent.

Since 1846 the affairs of South Africa had been allowed to drift towards chaos. Outwardly Britain had paramount legal and administrative control and decided the destinies of the various inhabitants. But in reality the imperial fiat no longer ran. In Maitland's time the collapse of the burgher system and the acrimonious controversy over the flogging of Lindsay were symptomatic of the general alienation from government. Lord Grey responded by offering the colony representative institutions and appointing Smith to introduce them. Choosing Smith seemed a master-stroke. He was reputed to be universally popular in South Africa. This attribute (Grey hoped) might halt the decline in British authority. But Smith's popularity was a myth, based on his own

vainglorious accounts of the 1835 war and the self-interested support of a British faction in the eastern Cape. By giving the colonists the control they wanted over Kaffraria Smith earned himself momentary applause. But in 1848 the failure of his vagrancy law,his abortive burgher bill and the revolt across the Orange River demonstrated that colonial intransigence ran far deeper than mere dislike for the officials previously put over them. And rather than restoring the British position Smith actually worsened it. Through his transparent favouritism,his eccentric behaviour and his complete lack of compromise he became a lightning conductor for every flash of colonial discontent.

While Smith cannot be blamed for the existence of disaffection,he was certainly responsible for the Colonial Office's inability to see the causes. Grey had sufficient acuteness to master the situation and devise a remedy. But Smith fell into the hands of the 'family compact' and began to disguise his personal failure by misleading reports. Simultaneously Stephen broke down and Grey replaced him at the Colonial Office with the donnish and inexperienced Merivale. And,most important, acting on a mistaken assessment of Cape politics,Grey decided to send convicts to South Africa for rehabilitation. The implementation of this decision was unquestionably an act of bad faith and Grey's stubborn refusal to admit it demonstrates the justice of his reputation for 'wrong-headedness' among his contemporaries. His inevitable defeat

embittered him against the authors of it and distorted his vision of Cape affairs. Again, the partisan despatches from Smith and Montagu were partly to blame. By depicting the 'popular' party as a combination of unimportant, needy opportunists they hid the real origins of the struggle between the local government and the colonists.

For the sake of clarity the position may be briefly re-stated. After the Treaty of Vienna British authority at the Cape had been bolstered by a class of collaborators in Cape Town. Essentially this class comprised the bureaucrats, estate-owners and merchants whom the conquering British found in possession. A quantity of British merchants and a limited number of officials appointed from Britain had quickly integrated with them, and together they ruled the colony. For social guidance they looked abroad: their links with their parent countries were strong and many merchants retired to Europe after making a fortune. In religious matters they tended to follow the established Churches with hierarchical organisations. In economic as in political life they were conservative - like their counterparts in Europe. It was no accident, for example, that so few substantial members of the British financial world took part in the 'railway mania' of the eighteen forties: once established, merchants and their bankers looked for secure rather than profitable but risky ventures for their capital. As in Britain, so at the Cape. While extensions to a work of proved utility,

such as Table Bay harbour,might appear desirable,a speculation in railways or Namaqua copper did not. Regular visits to the Exchanges of Europe confirmed them in these attitudes.

But another class of colonists began to proliferate from about the time of the British occupation onwards. In this thesis they have been described as the 'commercial middle class.' They were the rising generation of self-made men,whether British or Afrikaans. As parvenus they lacked the social status of the great merchants and estate owners in the western Cape. The British section mostly worshipped at Dissenting churches; the Afrikaners liked the presbyterian discipline of the Dutch Church. Their wealth derived from agriculture and commerce. They included the 'progressive' sheep and cattle ranchers,the village storekeepers and artisans,the accountants,attorneys,newspaper editors and professional men who ministered to local business. Politically they were as fissiparous as the Xhosa. Anxiety for economic development in their own areas made them depreciate the merits of their neighbours and inflate their own. Because the Cape government refused to deal in Afrikaans,most constituencies had spokesmen whose mother-tongue was English. There is a certain homogeneity about the background of these men. Behind many lay a string of failures in farming, trading or bubble companies. But in 1846 they had established themselves in some sphere,and they then stood up in their shrewdness,

independence and success and demanded why any other class should pretend to dictate to them, push them aside or tread on their toes.

The question had point. Every Cape governor had instructions to fill the unofficial seats on his Legislative Council only from the ranks of the 'chief landed proprietors and principal merchants.' Between 1846 and 1854 this class lost all political influence in the colony, yet continued to hold its favoured position in the legislature. The Albany settlers joined with the local Boers to attack the 'jacks in office' who ran the 'Table Mountain Government.' Fairbairn published letters from F.W.Reitz denouncing the 'Cape Town Gentry.' The government managed to detach Grahamstown, represented by Godlonton, from its opponents by playing on his fear of the promised constitution. But the alliance between eastern and western 'Conservatism' did not survive the establishment of the new Parliament and Godlonton paid for his part in it by a decline in the number of his followers.[1] Much of this escaped Lord Grey, whose view from his armchair in Downing Street was restricted by piles of misleading despatches from Smith and Montagu. Confronted with their analysis of the anti-convict agitation, Grey lost his nerve. Instead of going through with the constitution he postponed it and began to consider how he might preserve the influence of what he

---

1. B.A.Le Cordeur, 'Robert Godlonton as Architect of Frontier Opinion', A.Y.B. - 1959, Part II (Cape Town, 1960) p 150.

wrongly supposed to be a substantial party of British loyalists. But by 1851 this group amounted to no more than the 'family compact' - which had been deserted by three members of the Executive Council and found no support among the mass of interested colonists. The Colonial Reformers were not far wrong when they accused Grey of trying to solve the impossible problem,'how to give representative institutions without impairing an irresponsible bureaucracy.'[1] The truth was,that the original class of collaborators could no longer satisfy British requirements at the Cape.

Hogge's letters and his own sense of balance finally awoke Grey to what had happened,but before he could do anything more than replace Smith he left office.[2] Pakington then gave the 'family compact' a brief stay of execution. The whole episode,from Grey's assumption of office in 1846 to Pakington's departure in December 1852 can be used to illustrate the truth of many charges laid against the Colonial Office by the Colonial Reformers from the eighteen thirties onwards: the imperial officials had failed to identify the steps by which Montagu set up his faction; their view of Cape affairs had been warped by exclusive reliance on the governor's despatches; and they had left

---

1.C.B.Adderley,Statement of the Present Cape Case (London,1851) p 14.
2.Smith was thoroughly discredited. After Raglan's death in the Crimea the Cabinet considered him for the post of Commander in Chief but rejected him because of his 'liability to excitement.' (Sir George Douglas & Sir George Ramsay,The Panmure Papers (London,1908;2 vols.) i,283.)

men with legitimate grievances - such as Stockenstrom - to languish in the 'Sighing Rooms' of the Colonial Office.[1] The pattern of British relations with the Cape had been anticipated with great accuracy by Buller in a general attack on colonial policy in 1840, before Montagu even went to Cape Town:

> At the root of this bad system (Buller declared) lies the maintenance of our present mischievous and anomalous mode of conducting the internal Government of Colonies, without that responsibility to the people which we assert to be the necessary consequence of representative institutions. We choose to hold the Executive entirely free from popular control, and consequently equally independent of popular support. It is no accidental consequence, but the necessary result of such independence, that the government which enjoys it is almost invariably found to be in a state of collision with popular feeling. The rule of cabals, and cliques, and compacts, follows with equal certainty; and as the irresponsible authority thus established has no self-supporting power, it must constantly be leaning on the imperial government, and compelling its interference in the details of Colonial affairs. That interference is also invoked by the complaining colonists whom we have invested with the power of expressing and even of stimulating the popular discontent, but with none of allaying it by removing grievances. Thus the present system compels both parties to appeal to the Mother Country; and hence originates the injurious influence which a few unknown officials in Downing Street exercise over the fortunes of all the wide-spread colonies of Britain. Hence therefore flow the practical evils which misgovernment everywhere produces.[2]

This paragraph might serve as a commentary on Cape politics between 1846 and 1854.

---

1. Above, Chapter III, pp 95-6.
2. Charles Buller, Responsible Government for Colonies (London, 1840) Chapter VIII.

The imperial government did have resources to use in times of difficulty,however. Once it became aware of the need it could draw on a reserve of unusually good administrators with colonial experience and employ them for as long as it took to set matters right,or until their services were required elsewhere. Thus when it realized the inadequacy of the information supplied by Smith it sent four men of exceptional talent and proved reliability to South Africa: Hogge, Darling,Cathcart and Clerk. They reported that the colonists and aborigines were universally disaffected. This was serious. Despite a large army and two years of fighting the Kaffrarian Xhosa still had not been reduced. Suppose war also began with the Sotho and Emigrant Boers? Even Britain's resources might be shaken. Lack of money was not the only problem: the men for the army were not available either. Competing with industrial employers at home,the recruiting sergeant had little to offer. At the time of the Crimean War,when money ceased to be a problem,'the power of reinforcing the army with efficient soldiers was so reduced that the Government thought it necessary to introduce a Foreign Enlistment Bill,for the purpose of raising a Foreign Legion.'[1] In spite of this help from Parliament the army remained forty thousand men short of the number voted and Palmerston

---

1.Reports.1854-5.IX - Part III.(318):Fifth Report of the Select Committee on the Army before Sebastopol, p 6.

ordered the War Office to 'resort to every possible means and every possible quarter to complete our force...'[1] To govern the Cape by constraint would tie up military manpower in insupportable amounts; furthermore,it would be contrary to every canon of British administration. As Cathcart said,it might be done,but it would cause 'great inconvenience' and hold up all 'improvement.'[2]

There could be no question of continuing in the manner of Smith and Grey. Short of force,they had tried every means of overcoming their colonial opponents. Smith's personal entreaties had invariably failed; appeals to the colonists' feeling for the mother country (in the case of the convicts and the Sovereignty loan) had gone unheeded; and in several other matters the imperial authorities had been forced to bend or even break the law in order to get their own way. This could not continue indefinitely: the colonists knew the value of the courts as a means of frustrating the imperial authorities,and they had the weight of numbers behind them. By 1852 the two sides had reached deadlock.

For all their wrangling,however,neither side threatened to sever the imperial link. That the colonists would not had been predicted by the Colonial Reformers. Experience in Canada taught them that the

---

1.Palmerston to Panmure,10 June 1855: Douglas & Ramsay, op. cit. i,232.
2.CO 48/327/279:Cathcart to Secretary of State,20 September 1852 (No 25). Above,Chapter XII,pp 472-3.

leaders of the 'commercial middle class' need not be feared, that their clamour for a voice in government sprang not from democratic republicanism but from anxiety to share in the financial spoils from running a colony, and that the London money market was the only citadel they wished to storm. The Colonial Reformers pointed to the American colonies of the eighteenth century as examples of the proper working of an imperial relationship. The Americans (they said) had fought for Britain against France during the Seven Years War because the British government had not previously acted in a manner conflicting with colonial wishes. The interests of both parties thus appeared identical. The secret of this harmony lay in the colonists' possession of representative institutions, which allowed them to control their internal affairs yet did not interfere with the wider prerogatives of the mother country. Under this system the Americans had built up their colonial economies in association with imperial merchants and expanded into the waste lands adjoining their settlements at a rate commensuarate with their ability to conquer and keep them.[1]

The imperial government in 1853 could not coerce southern Africa. It could not desert it without risking a 'war of races' or the establishment of another power on the Indian sea route. And while it may

---

1.E.G.Wakefield, England and America (London,1833;2 vols.) i,256-8.

be true that British financial interests in the colony were small in proportion to those elsewhere,it remains to be shown that any British government would find it politically safe to abandon them. It therefore turned to the Duke of Newcastle,and to Colonial Reform.[1] Adderley had tried to enrol Newcastle in the Colonial Reform Society in 1850 and sent him a copy of the prospectus.[2] Newcastle refused to join for constitutional reasons - 'not without regret,' he wrote,

> for after carefully reading your prospectus I see nothing in which I do not concur and find no views set forth in which I do not participate.[3]

Following the line taken by Wakefield,Newcastle also minimized the element of retrenchment given to the theory by the adherence of the Financial Reformers:

> I have always considered the economical view of Colonial Reform...as one subordinate to the question of a freer and more liberal system of government. I should prefer seeing the assault made upon every remaining abuse of Home Colonial Administration.[4]

And on returning to power in 1853 he assured Adderley that 'nothing

---

1.That Colonial Reform had gained in respectability was further demonstrated by the appointment of Molesworth as Secretary of State for the Colonies in July 1855.
2.Above,Chapter III,pp 110-113.
3.Newcastle to Adderley,16 November 1850 (copy): Newcastle Papers, NeC 13,313a.
4.Newcastle to Adderley,20 November 1850 (copy): ibid.,NeC 13,313b.

which I have yet seen in my new office has otherwise than strengthened the opinions with which I entered it...' He anticipated no opposition from Adderley on colonial matters.[1] Even making allowance for an element of political calculation in these expressions of opinion there seems little question that Newcastle must be numbered among those who shared Wakefield's ideas on Colonial Reform.

It is surely in this light that the settlement of South African affairs by Newcastle should be assessed. Outside the military sphere British authority there had all but disappeared. He set out to restore it. The first step was to change collaborators - to abandon the Cape Town 'Gentry' and go into partnership with the 'commercial middle class.' This involved dismantling the 'family compact' and granting the promised constitution, without separation, nomination or any of the measures proposed by Grey and Pakington. The relationship with the 'commercial middle class' imposed different obligations on Britain from those which had previously existed. Maintaining the Sovereignty was not one of them: the 'popular' leaders and the Cape agriculturalists had made it clear that they had no interest in Smith's arrangements and would not finance them. The mass of Sovereignty Boers had shown no spirit of co-operation with the British government in Bloemfontein.

---

1. Newcastle to Adderley, 26 January 1853 (copy): ibid., NeC 13,313c.

The interior traders might profit from imperial control of the trade routes to the hinterland but Britain gained nothing else by holding an area so poverty-stricken yet so potentially a source of heavy expense. To keep Kaffraria in subjection was employment enough.

The abandonment of legal jurisdiction over the interior was the culmination of the policy initiated by Grey when he realised that he had been misled about colonial support for Smith's measures. 'I see no objection whatever to allowing the Boers to form such an independent government as they can on our frontier...' he told Hogge. 'The Boers must trade with us and will supply us with many things we want and contribute to the colonial revenue.' To retain some hold over them, however,it was important for Britain to take possession of 'as much as we can of the seaboard from the Colony to Natal - a point not to be lost sight of in dealing with Kreli for his hostile conduct,and in providing locations for any of our friends whom it may be necessary to move from the Sovereignty.'[1] Hogge's fears for the safety of Natal show his belief in this strategy.[2] And Clerk concurred: 'In bounding our acquisitions in a country where it cannot be wise to extend Her Majesty's dominions,' he wrote, 'it seems to me we ought on no account to abandon points on the coast which may secure to us the commerce

---

1.Grey to Hogge,15 December 1851: Grey Papers.
2.Above,Chapter XII,p 480.

with the interior.' He pressed Newcastle strongly to establish a British claim to Delagoa Bay, even if it only permitted the presence of British 'cruizers.'[1]

That neither Clerk nor Cathcart felt satisfied with the final terms of the two Conventions signed with the Emigrant Boers is an indication that the withdrawal from the interior was less absolute than is generally supposed. Pretorius and his associates pledged themselves to 'non-interference' in the system of 'free trade' between the Transvaal and the British territories of South Africa.[2] The Sovereignty Boers likewise took free trade for granted in their relations with Natal and the Cape.[3] The imperial government thus retained some restriction on Boer independence. The spirit of the British withdrawal from the Sovereignty is well illustrated by the contrast between the attitudes taken in public and the private comments of the imperial agents. Clerk spoke of the 'earnest wish' of the British government for 'friendly intercourse' with the Orange River republic. Cathcart remarked 'that we part as friends and in full confidence of remaining so...' But privately he arranged for four British nine-pounder guns

---

1.Clerk to Newcastle,16 July 1853: Newcastle Papers, NeC 9,554.
2.Sand River Convention: G.M.Eybers(ed.),Select Constitutional Documents illustrating South African History (London,1918) p 358.
3.Bloemfontein Convention,Clause (8): ibid., p 284.

to be left at Bloemfontein:

> These four guns and the Fort may give a feeling of security to the Townspeople,and induce them to concentrate their property under their supposed protection; and if at any future period,the powers of blockade and other means having proved insufficient,a military invasion should become necessary,there would be a tangible and decisive object for the campaign,whilst a battery of four stationary guns would prove a very small obstacle in the way of an invading force of regular Troops.[1]

In small things as in great,what the British gave with one hand they took back with the other.

Imperial strategy may therefore be epitomized as an attempt to regain,not to devolve,its power in southern Africa. The imperial government was shifting its grip,not relaxing it. The tactics involved a temporary retreat to the Cape Colony in order to build up an alliance with the mass of inhabitants and wait for their own expansive tendencies to carry them - and the imperial power - into the interior. The capacity of the Emigrant Boers to resist that expansion was carefully circumscribed by exacting from them a promise to support free trade. As a further lever against them Britain meant to retain the coastal ports on which they depended for essential supplies.

That all this was calculated seems certain,though once again it is essential to look at what the Colonial Office omitted from its despa-

---

1.WO 1/450/239:Cathcart to Newcastle,13 September 1853 (No 42).

tches rather than what it included. A key document is Newcastle's draft explaining his plans for the Cape once the new constitution came into operation. After making the point (also argued by Wakefield) that the early North American colonies had met the greater part of their own expenses in protection against Indians and also contributed to a costly war with France, Newcastle wrote two sentences which he thoughtfully erased from the final despatch. He first pointed to

> the fact that at this moment the number of the Queen's Troops in the Cape of Good Hope is more than one third of that which is now in the whole of India, whilst the far greater part of that force is occupied in a portion of the Territory which is not required for any British interest.

British troops in South Africa should therefore be replaced and a colonial militia formed to replace them. Having laid down this rule, it only remained for him to assure the governor

> that in transmitting to the Colony...an Ordinance which confers one of the most liberal constitutions hitherto enjoyed by any part of the British possessions, H.M.Government are actuated by an earnest desire to lay the foundations of institutions which may carry the blessings and privileges as well as the Wealth and Power of the British Nation into Southern ——— 1

Wakefield himself could hardly have phrased it more elegantly: British troops were to be withdrawn, but British 'Wealth and Power' carried into southern Africa. The concept of 'Reluctant Empire' (in the sense of British determination to refrain from intervention in the

---

1.CO 48/337/302:Newcastle to Cathcart, 14 March 1853 (No 38) (draft).

unprofitable interior,as demonstrated by the Conventions)[1] could not receive a more thorough refutation.

Quitting the Sovereignty was intended as a provisional measure,to be reversed later with the help of the Cape colonists. Those who condemn it as an act of 'scuttle' would do well to consider whether the tribes stood to gain more in the short term from retaining their independence or from the system Smith wished to impose through his agents like Warden and Southey. They should also ask themselves whether Britain could exert its power more effectively by formal or by informal control of the interior. Was there no danger that in control of the government at Bloemfontein Britain would be drawn willy-nilly into war against the Sotho as it had been drawn already into war against the Xhosa,through the aggression of colonists confident in the backing of British troops? In such an event the British army would be employed to do what the annexation had been designed to prevent: annihilate the tribesmen. The alternative policy would produce more desirable results with a minimum of effort. By intervening from outside the former Sovereignty in 1858 and again in 1868 and by using the powers of blockade the imperial government twice prevented the Sotho and Boers from overrunning one another. In this case informal control

---

1.John S.Galbraith,Reluctant Empire (California,1963) pp 1-9.

gave Britain superior power to formal. The view that the violent reoccupation of the Boer republics in 1899 condemns the Convention policy as ill-considered relies too much on hindsight. Perhaps Britain could have cut its losses in the Boer War if it had seen the wisdom of Smith's annexations in 1848.[1] But Smith cuts a poor figure when cast in the role of a far-sighted statesman. To argue that South Africa was bound to be united is one thing; to say it was bound to be united by Britain,and by force,is another. To accuse Newcastle of lack of vision in 1854[2] because of events in the last quarter of the century is to miss the real subtlety of his policies.

For some time it seemed as if Newcastle would be entirely vindicated. When Governor Sir George Grey took over the colony from Darling and Cathcart he found the way prepared for a thoroughly Wakefieldian programme. The collapse of the Namaqualand copper boom had demonstrated yet again the limitations of the Cape money market as a source of sustained investment. Once the speculative mining companies financed by small local subscriptions had exhausted their initial capital they could not raise more to extend their operations. Only the two big merchant companies with access to British funds overcame this problem and survived the general depression. The message was clear,and it had been

---

1.Ibid., p 276.
2.K.P.Morrell,British Colonial Policy in the Age of Peel and Russell (Oxford,1930) p 499.

predicted by the Colonial Reformers: the initial development of colonial resources would require 'English capital'.[1] The way to permanent growth led through the City of London. The members of the new Cape Parliament were fully alive to the fact.[2] They were also the first-comers,who found the colony's credit as yet unimpaired by debt.

Governor Grey easily persuaded the new Parliament to pass a Tariff Act implementing free trade and simultaneously raising the duty on most imported goods by fifty per cent. The continued expansion in the woollen industry and the heavy imperial expenditure on British troops meant that this Act greatly increased the colonial revenue. Using this as a security the legislature empowered a private company to raise £500,000 at 6% in the City and built a railway from Cape Town to Wellington. Governor Grey likewise raised £200,000 for improvements to Table Bay and started a scheme of public works throughout the colony - building courthouses,prisons,hospitals,roads and bridges on a scale which would have gladdened the heart of Montagu. And he obtained a large grant from Parliament to bring immigrants to the Cape from Europe. The merchants,the 'commercial middle class,' the Grahams-town traders - all received the slice of public credit they hungered for.

1.Reports.1836.XI.(512):Minutes of Evidence taken before Select Committee on disposal of Lands in the British Colonies, p 3.
2.The dominant element were self-made men: one,indeed was a carpenter who had made his fortune from contracts during the recent Xhosa War: Bishop Gray to ?,17 March 1854: Newcastle Papers, NeC 9,585. In 1850 Godlonton had declared that the creation of a Cape 'National Debt' was desirable because it would stimulate colonial development and raise the value of fixed property and stocks: Graham's Town Journal,9 November 1850. This was,of course,contrary to Gladstonian economic ideas.

The result was 'speculation in land and bubble commercial schemes.'[1] Small wonder, therefore, that among the 'progressive' fraction of the population Grey became the most popular governor in Cape history.

The Colonial Office looked on indifferently. Wakefield had predicted that the financial tie between the two countries would be as stringent as the legal. Few proofs were more interesting than the conversion of J.H.Wicht, the 'popular' candidate in the 'election' of 1850, whom Smith had displaced in favour of Godlonton.[2] At that time Wicht had the reputation of being 'antipathetic to Britons.'[3] Yet in March 1858 he appeared in Downing Street to request the Colonial Office for an imperial guarantee to raise funds to build the Table Bay breakwater – the very project which had aroused the 'popular' party's hostility against the merchants in 1850.[4] Within two years Kaffraria seemed on the point of being absorbed into the Colony. Merivale feared that 'the reannexation of the Orange River Territory' would follow. Newcastle replied complacently:

> If Englishmen will take capital into Kaffraria and the natives will work for them for hire (as is beginning to be the case) some form of Government is sure to follow. ... Must it not inevitably be absorbed?

---

1. C.W.de Kiewiet, A History of South Africa (Oxford, 1968 - Paperback) pp 68-9.
2. Above, Chapter IX, p 336.
3. Alan K.Fryer, 'The Government of the Cape of Good Hope', A.Y.B. - 1964, Part I (Cape Town, 1964) p 64.
4. Memorandum, 23 March 1858: Derby Papers (15th Earl), 920 DER 9/2.

The Orange River Territory's future he 'would leave...to the progress of events and the results of experience.'[1] The pattern of imperial relations with the colony looked settled.

But by 1861 Governor Grey had exhausted the Cape's credit and the boom abruptly ended. His financing had been no more sound than Montagu's. It relied heavily on the expenditure of the imperial treasury on frontier defence. While Wicht and his friends profited on railway debentures, the British taxpayer was laying out £40,000 a year to 'civilize' Kaffraria, and five times as much to garrison it, and British goods were being surcharged to swell the colonial revenue. When the imperial government called a halt to this and insisted on the colony sharing the costs of its own defence all 'improvement' faltered. In 1864 the Cape failed to find any takers for a loan floated in the City. Its credit had gone, and Governor Grey's successor had to face a sullen and unco-operative Parliament for eight years while he tried to restore the colonial finances.

In the eighteen fifties Newcastle and his successors had flinched from the logic of Wakefield's arguments about the harmful economic effect of imperial military expenditure, and had refused to withdraw the troops from the Cape.[2] In this they felt themselves to be at the

---

1. Quoted in W.P. Morrell, British Colonial Policy in the Mid-Victorian Age (Oxford, 1969) p 121.
2. Above, Chapter I, pp 28-9.

mercy of the situation. Merivale gave four reasons for their unwillingness to part until the very last moment with 'that security which has hitherto been enjoyed at the easy cost of military expenditure' : fear of 'an extermination of natives',of 'a massacre of settlers',of 'colonial disaffection' and that the colonists might 'lose the wish to remain longer connected with a country which refuses to spend money on them.' British governments,he continued,might be 'prepared to recognize colonial independence as the natural ultimate result of modern colonial policy,' but 'none of them wish to see the revolution commence in their own day.'[1] How justified these fears may have been in respect of the Cape is doubtful. The imperial government in the period covered by this thesis thoroughly misunderstood both the nature of the original Commando Law[2] and the technique evolved by the Cape Boers for controlling the aboriginal population by peaceful means with a minimum application of military force.[3] The truth is that Pottinger,Smith and Cathcart did not need to master such details: with British troops constantly at their disposal they could afford to act in an arbitrary

---

1.H.Merivale,Lectures on Colonization and Colonies (London,1861) p 519.
2.See the exchange between Stockenstrom and Hawes: Reports.1851.XIV. (635):Report from the Select Committee on the Kafir Tribes, QQ 478, 1286.
3.Stockenstrom was one of the greatest exponents of this technique; but for a good example in the middle of the 1851 war see the description of the 'Praamberg incident' in Graham's Town Journal,26 July 1851.

fashion against the tribesmen,or indeed against the coloureds. The frontier settlers - who profited from the large military expenditure, the sense of security,and the pasture land taken for them by British arms - acquiesced in this system. To this extent Wakefield was justified. And it was Gladstone,who had mastered the logic of Colonial Reform,who in 1869 and 1870 insisted for these reasons on removing British troops from the Cape.

Those who,seeing the unhappy situation today,would seek a 'turning point' in South African history to explain how the unhappiness began, will not find it in the events of 1846 to 1854. These,if anything, prove that Britain did not have the power (even if it had wished to) to impose a new pattern on Cape society. Smith and Grey ignored the lessons learned by their predecessors,that Britain could only act effectively in alliance with the wealth and strength of the colonists. Their successors - excepting Carnarvon in 1877 - rarely lost sight of this truth. 'The only power we can employ to assist us is the co-operation of the people themselves,' was how Derby phrased it in 1883.[1] It is true that in many respects this policy merely strengthened inherent tendencies in Cape society. But having to rely on the local inhabitants did not mean that the British were entirely in their

---

1.D.M.Schreuder,Gladstone and Kruger (London,1969) p 377. Cf p 468.

power. For the economic and cultural ties arising from the interaction of Cape and British politics perceptibly influenced the leading colonists, differentiating the 'Cape Dutch' (as they became known to the British) from the 'Boers' of the interior, and working a change in the style of their life.

In all the changes and forming of alliances between 1846 and 1854 the mass of Boers, coloureds and tribesmen played no part and gained no profit. Their champion, Stockenstrom, never succeeded in obtaining the justice he sought for them.[1] He had too generous a view of human nature and thought he had only to expose an abuse for it to stop. He underestimated the power and vindictiveness of his enemies, whose combinations he hoped to break up. He suffered from the limitations of his age, perhaps, but not from the delusion that a people's fate is beyond its control and that 'the villainy or the blunders of men' played no part in the pattern of South African affairs.[2] He defined the problem at the time. British administrators cannot be excused their conduct in South Africa on the grounds of ignorance, as apologists for them would like to do. They were determined to shape South Africa according to British notions of 'order' and 'progress' and would not tolerate those who objected or called for compromise. 'You may, perhaps, join in the official complaint of my "impetuosity and acrimony",'

---

1. A.H. Duminy, 'The Role of Sir Andries Stockenstrom in Cape Politics', A.Y.B. - 1960, Part II (Cape Town, 1961) p 161.
2. Galbraith, op. cit. p 276.

Stockenstrom told a friend;[1]

> I plead guilty. But then you must lose sight of what I have gone through,and with what official ingratitude,slander and libels I have been compensated. The individual,however,is nothing; but I have a right to feel for hundreds of my own blood and class,and thousands of different,but still <u>red human</u> blood,who are the victims of misrule,and have neither peerages, generalships nor other honours, - advance of salaries,profit of contracts,nor other jobs to hope for,and who are left to scramble in the thorns (in hunger and nakedness or mourning) when the flowers are plucked.

1.A.Stockenstrom,<u>Brief Notice of the Causes of the Kaffir War</u> (London,1851) p 15.

BIBLIOGRAPHY

BIBLIOGRAPHY

This bibliography has been divided into:

A. MANUSCRIPT SOURCES

1. Official
2. Unofficial

B. PRINTED SOURCES

1. Primary Sources

a. Official Records
b. Newspapers and Periodicals
c. Contemporary Books and Pamphlets
d. Documents subsequently published

2. Secondary Sources

a. Bibliographies and Guides
b. Select Books and Articles
c. Unpublished Theses

A. MANUSCRIPT SOURCES

1. Official

Public Record Office,London:

Colonial Office Archives

CO 48/260 - 350: In-letters,Cape Colony.
CO 49/39 - 48: Out-letters,Cape Colony.
CO 51/74 - 76: Sessional Papers,Cape Colony (Legislative and Executive Councils).
CO 52/12 - 17: Government Gazettes,Cape Colony.
CO 53/82 - 91: Cape Colony Annual Blue Books.
CO 323/231 - 235: General Correspondence,Cape Colony.
CO 537/150: Confidential Memoranda,Cape Colony.

Foreign Office Archives

FO 403/4: Confidential Papers relative to the Proceedings of the French on the West Coast of Africa.

Treasury Archives

T 7/1 - 5: Out-letters,Colonial Affairs.

War Office Archives

WO 1/440 - 450: In-letters,Cape Colony.
WO 6/104 - 114: Out-letters,Cape Colony.

National Archives,Stockholm:

Consular letters and reports from Cape Town,1846-54
Ministry of Foreign Affairs: Letters from Cape Consul, vol. 1.
Board of Commerce: Letters from Cape Consul, vol. E VI a.
(On microfilm).

2. Unofficial

British Museum,London:

ABERDEEN PAPERS (George Hamilton Gordon,4th Earl of Aberdeen; Foreign Secretary,1841-6) Correspondence with Lord Stanley (Add.MSS 43072) - background material to the annexation of Natal.

GLADSTONE PAPERS (William Ewart Gladstone,Secretary for War and Colonies,December 1845-July 1846) - political correspondence with members of the Peelite faction and much colonial material.

NAPIER PAPERS (Sir George Napier,Governor of the Cape Colony,1838-44) - several useful letters from John Montagu on Cape politics (Add. MSS 49115, 49167, 49168, 54524).

PEEL PAPERS (Sir Robert Peel,Prime Minister 1841-6) Correspondence on South Africa and on British politics with Aberdeen,Lord Stanley and C.B.Adderley (Add.MSS 40453,40467, 40602, 40603).

Public Record Office,London:

COLE PAPERS (Sir Galbraith Lowry Cole,Governor of the Cape Colony, 1828-32) - background material on Stockenstrom and Cape politics.

POTTINGER PAPERS (Sir Henry Pottinger,Governor and High Commissioner of the Cape Colony,January-December 1847) Semi-official Cape letters. (FO 705/85 - 88).

RUSSELL PAPERS (Lord John Russell,Prime Minister 1846-1852) Letters from Lord Grey and other Cabinet Ministers. (PRO 30/22/5 - 10).

Bodleian Library,Oxford:

BOURKE PAPERS (Sir Richard Bourke,Lieutenant Governor of the Cape Colony,1828) Background material on Cape Politics. (In Rhodes House Library,MSS Afr t 7).

CAPE COLONY LETTERS (Letters to Robert Godlonton, editor of the Graham's Town Journal) Political correspondence from members of the Cape 'Conservative' faction, 1850-2, of great help in understanding the inner workings of the 'family compact.' (In Rhodes House Library, MSS Afr s 1 and 2).

CLARENDON PAPERS (George Villiers, 4th Earl of Clarendon, Lord Lieutenant of Ireland, 1847-52) Letters from Sir G.C.Lewis MP on events in the House of Commons, including colonial debates.

LT. GRAHAM'S DIARY (Lt. Lumley Graham, 43rd (Monmouthshire Light Infantry)) Fragment of a Cape journal, January-September 1853, by a perceptive observer of Cape society. (In Rhodes House Library, MSS Afr r 8).

MAITLAND LETTER BOOK (Sir Peregrine Maitland, Governor of the Cape Colony, 1844-46) Semi-official letters on the Cape war of 1846. (In Rhodes House Library, MSS Afr r 2).

RUSSELL LETTER BOOK (Lord John Russell - see above) Military and political correspondence 1847-51. Good background material.

SOUTHEY PAPERS (Richard Southey, Cape landowner and official) Social and political information from the Cape in Maitland's time. (In Rhodes House Library, MSS Afr s 874; typescript).

TREVELYAN LETTER BOOKS (Sir Charles Edward Trevelyan, Permanent head of the British Treasury, 1840-59) Trevelyan was a personal friend of Governor Cathcart and his semi-official correspondence includes many letters on Cape Commissariat affairs.

Queen's College, Oxford:

DERBY PAPERS (Edward Stanley, 14th Earl of Derby, Secretary for War and Colonies, 1841-5; Prime Minister, February-December 1852) Much detailed information on the running of Cape affairs and on British politics in general during the period of this thesis. These papers were kindly shown to me by Lord Blake, Provost of the College, who is himself working on them.

Liverpool City Library - Record Office and Local History Department:

DERBY PAPERS (Edward Henry Stanley, 15th Earl of Derby, MP for King's Lynn; Secretary for the Colonies, 1858) Journals, notes, political memoranda and correspondence, 1849-58. (Ref: 920 DER).

Lincolnshire Archives Committee, Lincoln:

ELWES PAPERS (Ensign V.C.Elwes,12th Lancers) Letters from Cape service; little value. (Ref: 2 Elwes 1/1).

Department of Palaeography and Diplomatic,University of Durham:

GREY PAPERS (Henry George,3rd Earl Grey,Secretary for War and Colonies 1846-52) Semi-official correspondence with Governors Pottinger, Smith and Cathcart; with Lord John Russell and other Ministers in the Whig Cabinet; a most important collection for the preparation of this thesis,but there is evidence that some correspondence has been suppressed.

Muniments Room,Royal Army Medical College,London:

HALL PAPERS (Sir John Hall,Principal Medical Officer at the Cape, 1846-51) Private and semi-official correspondence,and journals. Hall had strong prejudices and needs to be treated with care.

The Staffordshire Regiment Museum,Lichfield,Staffs.:

HOLDICH DIARIES (Maj.Gen. E.A.Holdich,Military A.D.C. to Sir Harry Smith in South Africa,1847-52) Semi-official details on which Smith apparently drew when writing his military despatches.

Beverley Record Office,Yorks.:

HOWARD-VYSE PAPERS (Letters of Ensign Hugh Robinson,43rd (Monmouthshire Light Infantry)) Detailed information on military life during the Xhosa War,1851-3.

Hughenden Manor,High Wycombe,Bucks.:

HUGHENDEN PAPERS (Letters of Benjamin Disraeli,Chancellor of the Exchequer,1852) Correspondence on colonial and political matters between 1846 and 1854.

Department of Manuscripts,University of Nottingham:

NEWCASTLE PAPERS (Henry Clinton,5th Duke of Newcastle; Secretary for War and Colonies,1853-4) Much correspondence of relevance to this thesis,with Cape officials and with other members of the Peelite faction.

WELLISH OF HODSOCK MSS containing the 'Account by Pvt Richards of 4 days in the Waterkloof...under the command of Col.Eyre,1852.'

Fillongley Hall,Coventry,Warwicks.:

NORTON DIARIES (Kept by Charles Bowyer Adderley,1st Baron Norton) A few key references to meetings and nothing else. (Kindly shown to me by the 5th Baron Norton,whose private property they are.)

City of Birmingham Reference Library:

NORTON PAPERS (Charles Bowyer Adderley,1st Baron Norton) The only item of value for this thesis was the Minute Book for the Council for the Society for the Reform of Colonial Government,3 January 1850 - 30 June 1851 (cited in the text of the thesis as 'CRS Minute Book').

Blachford,Devon:

PASSY PAPERS (Papers of Frederic Rogers,1st Baron Blachford,a Commissioner for Land and Emigration at the Colonial Office,1847-1860) A few letters to his father commenting on events at the Colonial Office,1850-51; semi-official letters-books while Permanent Under Secretary at the Colonial Office,1860-72.

Christ Church Library,Oxford:

SALISBURY PAPERS (Robert Gascoyne Cecil,3rd Marquess of Salisbury) Letters written during a visit to the Cape in 1851 (Typescript).

Warwick County Record Office:

SEYMOUR OF RAGLEY PAPERS (Francis Hugh Seymour,5th Marquess of Hertford) Letters from his cousin,Charles Seymour,A.D.C. to Governor Cathcart at the Cape,1852-4. Hertford was one of the wealthiest men in England and his correspondence is full of interesting financial and political details.

London Missionary Society Archives,London:

Boxes 10-11: letters from South African missionaries.
Boxes 22-28: letters from Cape missionaries,1846-54.

Library of Parliament,Cape Town:

FAIRBAIRN PAPERS (John Fairbairn,editor of the South African Commercial Advertiser) Letters from James Read sen. and jun.,C.B.Adderley, Joseph Hume and Sir Andries Stockenstrom on Cape affairs. (Copies).

GODLONTON JOURNAL (Robert Godlonton,editor of the Graham's Town Journal) Journal of his journey by sea from Port Elizabeth to Cape Town

as a member of the Legislative Council called by Sir Harry Smith to consider the draft of the Constitution of the proposed new Representative Assembly,together with the proceedings of the Council on that occasion,and part of his return journey overland to Grahamstown - 30 August to 17 October 1850. (Transcript of original Manuscript - copy).

Cory Library,Rhodes University,Grahamstown:

SMITH PAPERS (Sir Harry Smith,Governor of the Cape Colony,1847-52)
Miscellaneous administrative and military correspondence

B. PRINTED SOURCES

1. Primary Sources

a. Official Records
i. British

(i) Parliamentary Debates, 1846-54.
(ii) Parliamentary Papers
- Reports from Committees:

1836.XI.(512): Select Committee on Disposal of Lands in Colonies.
1845.VIII.(520): Select Committee on Colonial Accounts.
1846.VI - Part I.(411): Select Committee of the House of Lords on the Burdens affecting Real Property.
1847.XXXIII./809/: Seventh General Report of the Colonial Land and Emigration Commissioners.
1847-8.XXXVI./961/: Eighth General Report of the Colonial Land and Emigration Commissioners.
1849.IX.(277),(499): Select Committee on Army and Ordnance Expenditure.
1849.XXII./1082/: Ninth General Report of the Colonial Land and Emigration Commissioners.
1850.X.(662): Select Committee on Army and Ordnance Expenditure.
1850.XXIII./1204/: Tenth Report of the Colonial Land and Emigration Commissioners.
1851.VIII.(564): Select Committee on Army and Ordnance Expenditure.
1851.XIV.(635): Select Committee on the Kafir Tribes.
1851.XXII./1383/: Eleventh General Report of the Colonial Land and Emigration Commissioners.
1852.XVIII./1499/: Twelfth General Report of the Colonial Land and Emigration Commissioners.

1852.XXX./1515/: Treasury Committee on Naval,Ordnance and Commissariat Establishments and Expenditure in Colonies.
1852-3.XL./1647/: Thirteenth General Report of the Colonial Land and Emigration Commissioners.

- Accounts

1846.XXVI.(59): Army Estimates.
(339): Army Expenditure.
1847.XXXV.(36): Army Estimates.
1847-8.XL.(54): Estimate for Extraordinary Expenses of Kafir War.
(60): Army Estimates.
XLI.(385): Army Expenditure.
(228): Army Establishment.
1849.XXX.(180): Audit Report on Ireegularities in Cape War Expenditure.
XXXI.(34): Army Estimates.
XXXII.(330): Army Expenditure.
(56): Army Establishment.
1850.XXXIV.(58): Army Estimates.
XXXV.(408): Army Expenditure.
/1172/: Commissariat Chest Account, y/e 31 March 1849.
1851.XXXII.(48): Army Estimates.
(227): Estimate for Extraordinary Expenses of Kafir War.
XXXIII.(110): Commissariat Chest Account, y/e 31 March 1850.
(315): Army Expenditure.
XXXIV.(627): Return of Colonial Expenditure,1847-9.
XXXVIII.(683): Return of South African Troops and Abstract of Expenditure, 1843-1850.
1852.XXIX.(50): Army Estimates.
(107): Estimate for Extraordinary Expenses of Kafir War.
XXX.(89): Further Return of Troops in South Africa,1843-50.
(260): Return of Total British Land Forces,1835-52.
(400): Commissariat Chest Account, y/e 31 March 1851.
(516): Treasury ruling on manner of applying unappropriated balances to expenditure on Kafir War.
(544): Disposal of Sums voted for Kafir War in 1848.
XXXI.(200): Return of Gross Revenues and Disbursements of British Colonies.
(566): Return of Colonial Troops,1847-50.
XXXVIII.(683): Return of British Troops in South Africa since 1843 and Expenditure by Great Britain on account of South Africa.
1852-3.LVIII.(137): Army Estimates.
(264): Further Sums required for Kaffir War.

1852-3.LIX.(92): Number of Troops in Colonies.
(258): Return of British Troops in South Africa and cost to British Government of maintaining them, 1849-51.
(284): Commissariat Chest Account, y/e 31 March 1852.
(508): Army Expenditure.
LXII.(929): Return of Gross Revenues and Disbursements of British Colonies.
1853.LVIII.(137): Army Estimates.
1854.XXXIX.(53),(262): Account of Sums voted in Supply (1835-53) under the heads of Army,Navy,Ordnance and Miscellaneous.
XL.(43): Army Estimates.
(72),(204): Extraordinary Army Estimates.
XLI.(46): Return Showing number of Troops in Colonies.
(137): Commissariat Chest Account, y/e 31 March 1853.
1854-5.XXXI.(51): Army Estimates.
(291): Army Expenditure.
XXXII.(154): Commissariat Chest Account, y/e 31 March 1854.
1856.LVII./212/: Statistical Tables relating to the Colonial and other possessions of Great Britain - Part I.
1857.(Sess.2).XL./228/: Statistical Tables etc., Part II.
1857-8.XXXV.(475): Disposal of the several Sums voted by Parliament in 1851,1852 and 1853 for estimated Expenditure on the Kafir War; and surplus remaining unapplied.

- Papers

1846.XXIX.(400): Applications for Representative Government from the Cape.
1847.XXXVII.(740): Instructions for keeping and rendering the accounts of colonial receipt and expenditure.
1847-8.XLII.(371): Correspondence with the Board of Trade on the Administration of the Affairs of the Colonies.
XLIII./912/,/969/: Correspondence on the State of the Kafir Tribes.
1850.XXXVIII./1137/,/1234/: Correspondence relative to the Establishment of a Representative Assembly at the Cape.
1851.XXXVII.(457): Copies of Letters Patent appointing Sir H.Smith to govern the Cape Colony and of his Instructions.
/1362/: Further Papers relative to the Establishment of a Representative Assembly at the Cape.
XXXVIII.(424): Correspondence relative to the Kafir Tribes between 1837 and 1845.
/1334/,/1352/,/1380/: Correspondence relative to the state of the Kafir Tribes and the Outbreak on the eastern Frontier.
1852.XXXII.(458): Return respecting Colonial Bishops.

1852.XXXIII.(57): Copies of all Ordinances passed by the Cape Legislature since its Reconstruction.
(124): Census,Cape of Good Hope and British Kaffraria, May 1849.
/1427/: Further Papers relative to the Establishment of a Representative Assembly at the Cape.
/1428/: Correspondence relative to the state of the Kafir Tribes and the Outbreak on the eastern Frontier.
1852-3.LXVI.(130),/1581/,/1636/: Further Papers relative to the Establishment of a Representative Assembly at the Cape.
/1640/: Copies of the Cape Constitutional Ordinances.
/1635/: Correspondence relative to the State of the Kafir Tribes and the Outbreak on the eastern Frontier.
/1646/: Correspondence relative to the State of the Orange River Territory.
1854.XLIII./1758/: Further Correspondence relative to the state of the Orange River Territory.

(These official Papers were read in conjunction with the records in CO 48 and WO 1 and footnotes have been generally referenced to the unpublished material,which contains significant additional material.)

ii. Cape

(i) Colonial Blue Books

1847: Documents relative to the Question of a Separate Government for the Eastern Districts of the Cape Colony (Lt.Governor's Office, Grahamstown.).

1847: Correspondence between Sir H.Pottinger,Sir H.E.F.Young and others respecting a Separation of the Eastern and Western Provinces and the Establishment of a Distinct and Separate Government in the Eastern Province (Cape Town).

1854: Minutes of Evidence taken before the Committee on the Defence of the Eastern Frontier (House of Assembly).

1854: Minutes of Evidence taken before the Committee on granting lands in Freehold to Hottentots (House of Assembly).

1854: Report from the Select Committee on the Gunpowder Ordinance (House of Assembly).

1854: Report from the Select Committee appointed to report upon the Construction of Railways in the Cape Colony (House of Assembly).

1854: Report from the Committee on the Construction of a Breakwater in Table Bay. (House of Assembly).

1855: Report Submitted by the Colonial Secretary to the Governor upon the Operations of the Central Board of Commissioners for Public Roads,1843-53. (Ref: G.3 - '55.)

1855: Report from the Select Committee on the Petition of George Holloway (House of Assembly).

1855: Report from the Select Committee on the Defence of the Eastern Frontier (House of Assembly).

1855: Report from the Select Committee on the Alienation of a Piece of Ground called the Camp Ground (House of Assembly).

1855: Minutes of Evidence taken before the Select Committee on the Introduction of Responsible Government

1855: Report of the Select Committee upon the Construction of Railways in the Cape Colony (House of Assembly).

1856: Minutes of Evidence taken before the Select Committee of the House of Assembly on Granting lands in Freehold to Hottentots.

1856: Proceedings of and evidence given to the Committee on the working of the present gunpowder Ordinance (Legislative Council).

1856: Report from the Select Committee on the Petitions of Leaseholders of Land in Namaqualand (House of Assembly).

b. Newspapers and Periodicals

i. British

Colonial Intelligencer (Aborigines Protection Society)

Guardian (High Church,Gladstonian: partly owned by F.Rogers of the Colonial Land and Emigration Commission,who contributed to it in this period)

John Bull (Protectionist)

Morning Chronicle (Peelite)

Spectator (Liberal; Colonial Reform)

Times

United Service Journal (Military; Tory)

(Where only specific articles have been looked up in a journal they are cited below under contemporary material.)

ii. Cape

Eastern Province Herald (Port Elizabeth/Uitenhage business interests) (On microfilm).

Eastern Province News (As above,under new management from 1850; sub-titled 'Port Elizabeth Journal of Commerce'.)

Graham's Town Journal (Grahamstown business interests; Wesleyan; 'official' newspaper of Governor Smith; motto: 'Conservative yet Progressive'.)

Grensblad (Only a few articles consulted.)

Monitor (Cape Town merchant interest; 'official' paper of Cape Town 'Conservative' faction, with government support; Anglican.)

South African Commercial Advertiser (Cape Town commercial interests; Independent Church.)

Zuid Afrikaan (Afrikaans commercial interests in the western Cape; Dutch Church.)

Cape Town Mail ('Official' paper of the Cape Town Municipality; western Cape commercial interests.)

c. Contemporary Books and Pamphlets

- Concerned with,or issued by,Colonial Reformers:

C.B.Adderley,The Australian Colonies Government Bill Discussed (London, n.d.).

———,Some Reflections on the Speech of Lord John Russell on Colonial Policy (London,1850) (Published for the Colonial Reform Society).

———,Second Annual Address of the Society for the Reform of Colonial Government (London,1851) (as Secretary of the Society).

———,Statement of the Present Cape Case (London,1851) (Addressed to the Colonial Reform Society).

———,Transportation not Necessary (London,1851).

———,Self Government for New Zealand (London,1852).

———,Letter to Disraeli on the Present Relations of England with her Colonies (London,1861).

———,Review of 'The Colonial Policy of Lord John Russell's Administration' (London,1869;2 vols.).

———,(As Lord Norton) Imperial Fellowship of Self-Governed British Colonies (London,1903).

'An English Radical','Our Colonies',The Dublin University Magazine XLI, 246 (June 1853) pp 758-776.

Charles Buller,'Responsible Government for Colonies',printed in E.M. Wrong(ed.),Charles Buller and Responsible Government (Oxford,1926).

'The Colonial Office and South Africa',Eclectic Review XXII (December 1847) pp 728-739.

'The Colonial Reform Party',New Monthly Magazine LXXXVIII (February 1850) pp 211-218

'Colonial Reforms Beyond Sea',Eclectic Review N.S. VI (October 1853) pp 458-479.

'Colonies and Constitutions',New Monthly Magazine LXXXVI, 343 (July 1849) pp 335-341.

J.R.Godley,Letters from America (London,1844;2 vols.).
———,Remarks of Mr Elliot's Memorandum... (London,1859).
———,Extracts from Letters to C.B.Adderley (edited by Adderley; London,1863).

/W.R.Greg/,'Shall we Retain our Colonies?',Edinburgh Review XCIII, 190 (April 1851) pp 475-498.

Robert Lowe,Speech on the Australian Colonies Bill (London,1850) (Published for the Colonial Reform Society).

Samuel Lucas,Charters of the old English Colonies in America (London, 1850) (Published for the Colonial Reform Society).

Lord Lyttelton,The Colonial Empire of Great Britain,especially in its Religious Aspect (London,1849).

A.Mackay,Analysis of the Australian Colonies Government Bill (London, 1850) (Published for the Colonial Reform Society).

Arthur Mills,Systematic Colonization (London,1847).

Sir William Molesworth,Materials for a Speech in Defence of the policy of Abandoning the Orange River Territory (London,1854).

'Philo-Bentham',Emancipate your Colonies: An Unpublished Argument by Jeremy Bentham (London,1838).

John Arthur Roebuck,The Colonies of England (London,1849).

Henry Thring,The Supremacy of Great Britain not inconsistent with Self-Government for the Colonies (London,1851) (Published for the Colonial Reform Society).

E.G.Wakefield,A Letter from Sydney,the Principal Town of Australasia; and other Writings on Colonisation (Repr. London,1929; Everyman's Library.)

———,England and America (London,1833;2 vols.).

———,A View of the Art of Colonization (Repr. Oxford,1914).

———,The Southern Colonies (London,1849).

James C.Wynter,Discourses on Colonisation and Education viewed in their bearing on the increasing Population of this Kingdom (London, 1850).

———,Hints on Church Colonization (London,1850).

- Concerned with Cape politics and economics:

James Adamson,Notes on Cape Affairs (London,1851).

T.Arbousset & F.Daumas,Narrative of an Exploratory Tour to the North East of the Colony of the Cape of Good Hope (London,1852).

J.M.Bowker,Speeches,Letters and Selections from Important Papers (Grahamstown,1864).

W.B.Boyce,Notes on South African Affairs (London,1839).

'British South Africa',Eclectic Review N.S. V (January 1853) pp 49-73.

G.Brown,Personal Adventure in South Africa (London,1855).

/W.Buchanan(ed.)/,The Trial of Andries Botha (Cape Town,1852).

C.J.F.Bunbury,Journal of a Residence at the Cape of Good Hope (London, 1848).

J.C.Byrne,Emigrant's Guide to the Cape of Good Hope (London,1848;2nd edition).

H.Calderwood,Caffres and Caffre Missions (London,1858).

Cape of Good Hope Government and Legislature Considered (London,1851). (Prepared by the editors of the Cape Monitor.)

J.C.Chase,The Cape of Good Hope and the Eastern Province of Delagoa Bay (London,1843).

Alfred W.Cole,The Cape and the Kafirs (London,1852).

R.Gordon Cumming,A Hunter's Life in South Africa (London,1850;2 vols.).

B.J.de Villiers(ed.),The Cape of Good Hope Almanac and Annual Register (Cape Town,1846-53).

/J.Fairbairn(ed.)/,Papers relative to the Establishment of a Representative Legislature at the Cape of Good Hope (London,1851).

/——— & A.Stockenstrom/,Copies of Correspondence with Lord John Russell on Representative Government at the Cape of Good Hope (London,1851).

/W.E.Forster/,Kafir Wars and Cape Policy',Edinburgh Review C, 203 (July 1854) pp 115-163.

J.J.Freeman,The Kafir War of 1851 (London,1851).
———,A Tour in South Africa (London,1851).

- Gilchrist,The Cape of Good Hope...Information which many be of Advantage to the Intending Settler (Glasgow,1844).

Robert Godlonton,Introductory Remarks to a Narrative of the Irruption of the Kaffir Hordes into the Eastern Province of the Cape of Good Hope,A.D. 1834-5.(Grahamstown,1835).
———,A Narrative of the Irruption of the Kaffir Hordes...1834-5 (Grahamstown,1836).
———,Sketches of the Eastern Districts of the Cape of Good Hope as they are in 1842 (Grahamstown,1842).
——— & Edward Irving,A Narrative of the Kaffir War of 1850-51-52 (Grahamstown,1852).
———,Sunshine and Cloud; or Light thrown on a Dark Page of Frontier History of 1837 (Cape Town,1855).

C.H.Grisbrook,A letter to the Secretary of State for the Colonies on the Pending Kaffir Question (Grahamstown,1846).

M.B.Hudson,A Feature in South African Frontier Life (Port Elizabeth, 1852).

W.R.King,Campaigning in Kaffirland (London,1855;2nd edition).

Sir Stephen Lakeman,What I saw in Kaffir-Land (Edinburgh,1880).

R.M.Martin,History of Southern Africa (London,1843).

N.Merriman,The Kafir,the Hottentot and the Frontier Farmer (London, 1854).

/J.Montagu/,Case of the Cape of Good Hope and its Constitution (London,1853).

W.Irons,The Settlers Guide to the Cape of Good Hope and Natal (London, 1858).

Donald Moodie,An Inquiry into the Justice and Expediency of completing the Publication of the Authentic Records of the Colony of the Cape of Good Hope,relative to the Aboriginal Tribes (Cape Town,1841).

E.E.Napier,Excursions in Southern Africa (London,1849;2 vols.).

W.A.Newman,Biographical Memoir of John Newman (London,1855).

George Nicholson jun.,The Cape and its Colonists (London,1848).

John Paterson,A Dissertation on the Absolute Necessity of Resident Government in the Eastern Province of the Cape of Good Hope (Port Elizabeth,1851).

James Read jun.,The Kat River Settlement in 1851 (Cape Town,1852).

William Shaw,The Story of my Mission in Southern Africa (London,1860).

Thomas Southey,A Treatise on Sheep,addressed to the Flock-Masters of Australia,Tasmania and Southern Africa (London,1840).

———,The Rise,Progress and Present State of Colonial Wools (London, 1848).

R.Stanford,Loyalty and its Reward, or Justice vs. Law, at the Cape of Good Hope in the Nineteenth Century (Cape Town,1859).

———,Statement of the Case of Sir Robert Stanford (London,1867).

Sir Andries Stockenstrom,Narrative of Transactions Connected with the Kafir War of 1846 and 1847 (Grahamstown,1848).

———,Brief Notice of the Causes of the Kaffir War (London,1851).

———,Light and Shade; as shown in the character of the Hottentots of the Kat River Settlement,and in the conduct of the Colonial Government towards them (Cape Town,1854).

C.L.Stretch,Block Drift (Cape Town,1855).

A.J.Tancred,Letters to Sir Peregrine Maitland on the Present Kafir War (Repr. Pretoria,1969).

The Cape of Good Hope (London,1850).

W.Thompson,A Word on Behalf of the Down-trodden in South Africa (Cape Town,1854).

Harriet Ward,The Cape and the Kaffirs (London,1851;3rd edition).

A.Wilmot & J.C.Chase,History of the Colony of the Cape of Good Hope (Cape Town,1869).

(These books,pamphlets,etc. were written with specific aims in mind - to influence debates in Parliament,to help in raising funds for mission work,to serve particular financial interests etc. - and although they contribute much to an understanding of Cape politics they are seldom to be trusted as guides to any question. The list is not comprehensive for 1846-54: I have been unable,for example,to find a copy of John Green,The Kat River Settlement in 1851 (Grahamstown,1853).)

- Miscellaneous

J.J.Bissett,*Sport and War* (London,1875).

P.B.Borcherds,*An Autobiographical Memoir* (Cape Town,1861).

/G.Cathcart/,*Correspondence of Sir George Cathcart relative to his military operations in Kaffraria* (London,1857;2nd edition).

Richard Cobden,*The Three Panics* (London,1862).

/J.W.Croker/,'Parliamentary Prospects',*Quarterly Review* LXXXI, 162 (September 1847) pp 541-578.

John George,Earl of Durham,*The Report and Despatches of the Earl of Durham,Her Majesty's High Commissioner and Governor General of British North America* (London,1839).

W.E.Gladstone,'The Declining Efficiency of Parliament',*Quarterly Review* XCIX, 198 (September 1856) pp 521-70.

———,'The History of 1852-60,and Greville's latest Journals',*English Historical Review* II, 6 (April 1887) pp 281-302.

Earl Grey,*The Colonial Policy of Lord John Russell's Administration* (London,1853;2 vols.) (2nd edition).

Sir G.C.Lewis,*An Essay on the Government of Dependencies* (edited by C.P.Lucas; Oxford,1891).

———,'Colonial Protection',*Edinburgh Review* LXXXIV, 169 (July 1846) pp 236-266.

———,'Lord Grey's "Colonial Administration"',*Edinburgh Review* XCVIII, 199 (July 1853) pp 62-98.

'Lord Derby's Ministry and Protection',*Edinburgh Review* XCV, 194 (April 1852) p 569.

'Lord Grey's Colonial Administration',*Fraser's Magazine* XLVII, 181 (May 1853) pp 485-499.

Herman Merivale,*Lectures on Colonization and Colonies* (London,1861).

John Mitchel,*Jail Journal* (Glasgow,1881).

Sir S.Northcote,*Twenty Years of Financial Policy* (London,1862).

Lord John Russell,*The Speech of 8 February 1850 on Colonial Policy* (London,1850).

Charles Wilkes,*Narrative of the United States Exploring Expedition* (New York,1856;5 vols.).

d. Documents subsequently published

K.N.Bell & W.P.Morrell(eds.),Select Documents on British Colonial Policy 1830-1860 (Oxford,1928).

James Buchanan(ed.),Cases decided in the Supreme Court of the Cape of Good Hope as reported by the late William Menzies (Senior Puisne Judge of the Supreme Court) (Cape Town,1870;3 vols.)

Sir George Douglas & Sir George Ramsay(eds.),The Panmure Papers (London,1908;2 vols.).

Sir Arthur G.Doughty(ed.),The Elgin-Grey Papers 1846-1852 (Ottawa, 1937;4 vols.).

H.E.Egerton(ed.),Selected Speeches of Sir William Molesworth (London, 1903).

G.W.Eybers(ed.),Select Constitutional Documents illustrating South African History (London,1918).

A.Gordon-Brown(ed.),The Narrative of Private Buck Adams (Van Riebeeck Society: Cape Town,1941).

C.W.Hutton(ed.),The Autobiography of the Late Sir Andries Stockenstrom (Cape Town,1887;2 vols.).

R.F.Kennedy(ed.),Journal of Residence in Africa 1842-1853 (Thomas Baines) (Van Riebeeck Society: Cape Town,1961;2 vols.).

Paul Knaplund(ed.),'E.G.Wakefield on the Colonial Garrisons,1851', Canadian Historical Review V, 3 (September 1924).

———,'Arthur Mills' Experiment in Colonisation',Canadian Historical Review XXXIV, 2 (June,1953).

George E.Marindin(ed.),Letters of Frederic Lord Blachford (London,1896).

William Porter,The Porter Speeches (Cape Town,1886).

M.W.Searle(ed.),Cases decided in the Supreme Court of the Cape of Good Hope 1850-1852 (Cape Town,1884) Vol. I.

G.C.Moore Smith(ed.),The Autobiography of Sir Harry Smith (London,1903).

Statute Law of the Cape of Good Hope,Comprising the Placaats,Proclamations,and Ordinances enacted before the Establishment of the Colonial Parliament and still wholly or partly in force (Cape Town,1862).

Lytton Strachey & Roger Fulford(eds.),The Greville Memoirs 1814-1860 (London,1938;8 vols.) Vols. V,VI and VII.

E.J.Wakefield(ed.),The Founders of Canterbury (Christchurch,1868).

2. Secondary Sources

a. Bibliographies and Guides:

Walter E.Houghton(ed.),The Wellesley Index to Victorian Periodicals 1824-1900 (Toronto,1966) Vol I.

Noel Matthews & M.Doreen Wainwright,A Guide to Manuscripts in the British Isles relating to Africa (London,1971).

b. Select Books and Articles:

E.H.D.Arndt,Banking and Currency Development in South Africa 1652-1927 (Cape Town,1928).

Robert Blake,Disraeli (London,1966).

———,The Conservative Party from Peel to Churchill (London,1970).

Christine Bolt,Victorian Attitudes to Race (London,1971).

C.Graham Botha,'The Honourable William Menzies,1795-1850',South African Law Journal XXXIII, 4 (November 1916) pp 385-404.

J.J.Breitenbach,'The Development of the Secretaryship to the Government at the Cape of Good Hope under John Montagu 1843-1852',Archives Year Book for South African History - 1959,Part II (Cape Town,1960).

Charles Brownlee,Reminiscences of Kaffir Life and History (Lovedale, 1896).

Cambridge History of the British Empire, Vol. iii (1959); vol. viii (1963).

Forrest Capie & K.A.Tucker,'British and New Zealand Trading Relationships 1841-1852',Economic History Review XXV, 2 (May 1972) p 293.

S.G.Checkland,The Rise of Industrial Society in England 1815-1885 (London,1971 - Paperback).

W.N.Calkins,'A Victorian Free Trade Lobby',Economic History Review XIII, 1 (August 1960) p 90.

William S.Childe-Pemberton,Life of Lord Norton (London,1909).

Basil Chubb,The Control of Public Expenditure (Oxford,1952).

I.F.Clarke,Voices Prophesying War 1763-1984 (London,1970 - Paperback).

H.M.Clokie & J.W.Robinson,Royal Commissions of Inquiry: the Significance of Investigations in British Politics (California,1937).

Brian Connell,Regina v. Palmerston (London,1962).

Sir G.E.Cory,The Rise of South Africa (London,1913-30;5 vols.) vols. IV and V.

Philip D.Curtin,The Image of Africa (Madison,1964).

Leslie E.Decker,'The Great Speculation: An Interpretation of Mid-Continent Pioneering' in David M.Ellis(ed.),The Frontier in American Development (Cornell,1969).

C.W.de Kiewiet,British Colonial Policy and the South African Republics 1848-72 (London,1929).

———,A History of South Africa,Social and Economic (Oxford,1968 - Paperback).

A.H.Duminy,'The Role of Sir Andries Stockenstrom in Cape Politics 1848-1856',Archives Year Book for South African History - 1960,Part II (Cape Town,1961).

A.E.du Toit,'The Cape Frontier,1847-1866',Archives Year Book for South African History - 1954,Part I (Cape Town,1954).

Mrs M.G.Fawcett,Life of Sir William Molesworth (London,1901).

Kathleen Fitzpatrick,Sir John Franklin in Tasmania 1837-43 (Melbourne, 1949).

Peter Fraser,'The Growth of Ministerial Control in the Nineteenth Century House of Commons',English Historical Review LXXV,296 (July,1960).

S.H.Frankel,Capital Investment in Africa - its Course and Effects (Oxford,1938).

Alan K.Fryer,'The Government of the Cape of Good Hope,1825-54',Archives Year Book for South African History - 1964,Part I (Cape Town, 1964).

John S.Galbraith,'Myths of the "Little England" Era',in A.G.L.Shaw(ed.), Great Britain and the Colonies 1815-65 (London,1970 - Paperback).

———,Reluctant Empire (California,1963).

J.Gallagher & R.Robinson,'The Imperialism of Free Trade',Economic History Review VI, 1 (1953).

———,Africa and the Victorians (London,1961).

Norman Gash,Politics in the Age of Peel (London,1953).

———,Reaction and Reconstruction in English Politics (Oxford,1965).

Charles Gray(ed.),Life of Robert Gray,Bishop of Cape Town (London, 1876;2 vols.).

H.R.Hahlo & Ellison Kahn,The Union of South Africa: The Development of its Laws and Constitution (London,1960).

Archibald Hamilton,'On Wool Supply',Journal of the Statistical Society, XXXIII, 4 (December 1870) pp 486-521.

Alan F.Hattersley,A Victorian Lady at the Cape 1849-51 (Cape Town,1952).
———,The Convict Crisis and the Growth of Unity (Pietermaritzburg,1965).

Fred H.Hitchins,The Colonial Land and Emigration Commission (Philadelphia,1931).

Walter E.Houghton,The Victorian Frame of Mind 1830-70 (Wellesley,1968 - Paperback).

E.M.Howse,Saints in Politics (London,1971 - Paperback).

R.F.M.Immelman,Men of Good Hope (Cape Town,1955).

Leland H.Jenks,The Migration of British Capital to 1875 (Repr. London, 1971 - Paperback).

Paul Knaplund,Gladstone and Britain's Imperial Policy (London,1927).

B.A.Le Cordeur,'Robert Godlonton as Architect of Frontier Opinion 1850-1857',Archives Year Book for South African History - 1959,Part II (Cape Town,1960).

Richard Lovett,The History of the London Missionary Society 1795-1895 (London,1899;2 vols.).

W.M.Macmillan,The Cape Colour Question (Repr. London,1968).
———,Bantu Boer and Briton (Oxford,1963).

J.L.McCracken,The Cape Parliament 1854-1910 (Oxford,1967).

Philip Magnus,Gladstone (London,1963 - Paperback).

Kosipho Majeke,The Role of the Missionaries in Conquest (Johannesburg, 1952).

J.S.Marais,The Cape Coloured People 1652-1937 (London,1939).

John F.Midgley,'The Orange River Sovereignty',Archives Year Book for South African History - 1949,Part II (Cape Town,1950).

P.A.Molteno,The Life and Times of Sir John Charles Molteno (London, 1900;2 vols.).

John Morley,The Life of Richard Cobden (London,1896).

W.P.Morrell,British Colonial Policy in the Age of Peel and Russell (Oxford,1930).
———,British Colonial Policy in the Mid-Victorian Age (Oxford,1969).

S.Daniel Neumark,Economic Influences on the South African Frontier (Stanford,1957).

Gustav Saron & Louis Hotz(eds.),The Jews in South Africa - a History (Cape Town,1955).

F.St L.S——,'Sir John Wylde',South African Law Journal L, 3 (August 1933) pp 285-97.

——,'The Hon. Mr Justice William Musgrave',South African Law Journal LIV, 3 (August 1937) pp 279-291.

J.du P. Scholtz,Die Afrikaner en sy Taal 1806-75 (Cape Town,1939).

C.G.W.Schumann,Structural Changes and Business Cycles in South Africa 1806-1936 (London,1938).

R.L.Schuyler,The Fall of the Old Colonial System (New York,1945).

B.Semmel,'The Philosophic Radicals and Colonialism',in A.G.L.Shaw(ed.), Great Britain and the Colonies 1815-65 (London,1970).

A.G.L.Shaw,Convicts and the Colonies (London,1966 - Paperback).

Donald Southgate,The Passing of the Whigs 1832-1886 (London,1962).

Robert Stewart,The Politics of Protection (Cambridge,1971).

George M.Theal,History of South Africa since September 1795 (London, 1908;5 vols.).

H.B.Thom,Die Geskiednis van Skaapboerdery in Suid Afrika (Amsterdam, 1936).

E.P.Thompson,The Making of the English Working Class (London,1963).

F.M.L.Thompson,English Landed Society in the Nineteenth Century (London,1963).

L.Thompson(ed.),African Societies in southern Africa (London,1969 - Paperback).

—— & M.Wilson(eds.),The Oxford History of South Africa (Oxford, 1969/71;2 vols.) Vol I.

Stanley Trapido,'The Origins of the Cape Franchise Qualifications of 1853',Journal of African History V, 1 (1964) pp 37-54.

Stanley Vestal,New Sources of Indian History 1850-1901 (Oklahoma, 1934).

E.A.Walker,A History of southern Africa (London,1957).

S.Walpole,The Life of Lord John Russell (London,1889;2 vols.).

John M.Ward,Earl Grey and the Australian Colonies (Melbourne,1958).

Donovan Williams,When Races Meet (Johannesburg,1967).

Alex Wilmot,The Life and Times of Sir Richard Southey (London,1904).
Sir Llewellyn Woodward,The Age of Reform 1815-70 (Oxford,1962).
Maurice Wright,Treasury Control of the Civil Service (Oxford,1969).
G.M.Young(ed.),Early Victorian England (London,1951;2 vols.).

c. Unpublished theses:

M.G.Chappell,'The Select Committee of 1861 on Colonial Military Expenditure and its Antecedents' (M.A. University of London,1933).

A.F.Madden,'The Attitude of the Evangelicals to the Empire and Imperial Problems 1820-50' (D.Phil.,Oxford,1950).

D.B.Swinfen,'Attitudes within the Colonial Office towards Imperial Control of colonial Legislation 1826-65' (D.Phil.,Oxford,1965).