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JOHN X. MERRIMAN

THE MAKING

OF A

SOUTH AFRICAN STATESMAN

(1869-1878)

by

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PREFACE

"There is a tide in the affairs of men,
Which, taken at the flood, leads on to fortune;
Omitted, all the voyage of their life
Is bound in shallows and in miseries."

(Shakespeare, Julius Caesar, IV. iii. 219-222)

With the possible exception of Hofmeyr and Schreiner, there is no Cape statesman whose career raises more tantalising questions than that of John X. Merriman. Last Prime Minister of the Cape Colony, doyen of Parliamentarians, brilliant orator, versatile administrator, veteran politician, his public life stretched across fifty-five years of South African History. He entered upon it before the grant of Responsible Government, the discovery of diamonds and gold, and the awakening of Afrikaner Nationalism; he departed from it on the eve of the Statute of Westminster, the establishment of Iscor, and the coming to power of Hertzog and Malan. His contemporaries looked upon him as a man of immense knowledge and olympian ability. In the eyes of many his position as leader of the largest and oldest settled community in South Africa, not to mention his role as heir to the Cape tradition, made him the natural choice as first Prime Minister of the Union he had helped to establish. He was not called to office. Barely seventy, in the full maturity of his years, he withdrew from active political leadership in the country of his adoption. He is hardly remembered today.

This thesis seeks to contribute something to an understanding of the man and an assessment of his qualities by a study of his formative years. It attempts both to reconstruct his personality and analyse the nature of his statesmanship - not only by an examination of the role he played in the years under review, but also by an assessment of the part he failed to play. For this purpose both the structure of Cape politics and the ramifications of the various problems that presented themselves have been explored in greater detail than might otherwise have been the case.

To achieve all these objectives no effort has been spared in tracing and utilising private correspondence and newspaper evidence not otherwise consulted by the standard historians. In many respects this was a singularly frustrating task. As Merriman's biographer discovered before me, the Merriman Papers, though vast in bulk, are disappointingly sparse in significant material. Most of the eight hundred odd letters from the period under review dealt with trivial family matters that cast little light either on the history of the times or the personality of their author. The Molteno Papers, indifferently stored in two sea chests in the South African Public Library, were in a state of nightmarish confusion. The only attempt at classification had been completely disturbed by the helter-skelter searchings of some recent research worker. They too, unfortunately, proved singularly sparse, and a fortnight's labour showed little reward. The De Villiers Papers in private possession and the Atherstone Collection until recently in the Albany Museum were not available for inspection. The Hofmeyr Papers contained little of relevance, other than newspaper cuttings already encountered, and have, therefore, not been listed in the bibliography. The Sprigg Papers, in private possession in Grahamstown, were not available for detailed examination, but such material as their owner showed me proved of little moment for this study. Finally, the Carnarvon Papers, though wonderfully rich on the broader aspects of Cape History in the seventies, was not surprisingly somewhat poor in direct material on Merriman.

Every attempt was also made to trace private letters in the possession of relatives. With the help of G.F.M. Merriman's

Pedigree of the Family of Merriman and the expert sleuthing advice of Mr. G.P. Philips of the London Deeds Office who has experience of such matters, a number of avenues were explored, but with little success. The only letters uncovered belonged to Mrs. Johnson of Grahamstown, the octogenarian daughter of Merriman's younger brother, T.R. Merriman, and were entirely of a personal nature. It appears that considerable efforts were made after Merriman's death to assemble all his correspondence in one central collection, that of the South African Public Library, and it is highly unlikely that anything of major importance still remains in the hands of relatives.

In conclusion, I wish to acknowledge my deep debt of gratitude to the following people and organisations without whose help and assistance this work could never have been completed : the Shell Oil Company of South Africa Ltd. for the grant of a scholarship which enabled me to undertake this study ; the Abe Bailey Trustees for kind permission to remain in London for the purposes of research at the close of their travel scholarship ; the Librarians and staff of the South African Public Library, the British Museum (Bloomsbury and Hendon), the Library of the House of Assembly, the Libraries of the Universities of Rhodes, London, Capetown, Stellenbosch and Potchefstroom, the Library of the Institute of Historical Research, and the Public Libraries of Queenstown and Aliwal North for permission to use their facilities and patient assistance throughout ; the Chief Archivist of the Cape Archives for permission to examine the Gaika-Galeka rebellion files then withdrawn for reclassification ; the Director of the Public Record Office for permission to use the Carnarvon Papers and other Colonial material in his charge ; the Hon. Edward Heath, Minister of Labour and former Chief Whip of the Conservative Party in England, for a most enlightening interview on parliamentary procedure ; Mr. S. Cope-Morgan, legal adviser to the British Government, for his great helpfulness in clarifying certain points of constitutional law ; the Editors of the Uitenhage Times and Frontier Post and Times for the trouble they took in tracing certain issues ; the Town Clerk of Aliwal North for permission to examine such portions of the municipal records as survived a disastrous fire in the thirties ; Mr. Brownlee, Native Commissioner for Kingwilliamstown and grandson of Charles Brownlee, for a most illuminating discussion ; Mrs. Dothé Ewan of the Cory Library for her great kindness and unfailing patience ; Mr. J.G. Sprigg of Grahamstown, Mr. G.P. Philips of London, and Mrs. Johnson of Grahamstown, whose services to me have already been recorded ; Mrs. M.D. Guye, Instructress in Shorthand and Typing at Rhodes University, for her undaunted cheerfulness in coping with an often badly mauled manuscript ; Miss E.J. Smith of Aliwal North for her great courtesy in recollecting for me her memories of the Ninth Kaffir War as a child of ten on the Eastern Frontier ; and finally, ~~my~~ my fiancée, to whose unfailing inspiration and tireless assistance I owe more than I can ever express.

LIST OF ABBREVIATIONS.

<u>Title of Work.</u>	<u>Abbreviation.</u>
<u>Cambridge History of the British Empire.</u>	C.H.B.E.
<u>De Kiewiet, C.W. - A History of South Africa - Social and Economic.</u>	De Kiewiet.
<u>Laurence, P. - The Life of John Xavier Merriman.</u>	Laurence.
<u>Theal, G.M. - History of South Africa since 1795.</u>	Theal.
<u>Walker, E.A. - History of Southern Africa.</u>	Walker.
<u>Van der Walt, A.J.H., Wiid, J.A. and Geyer, A.L. - Geskiedenis van Suid-Afrika.</u>	Van der Walt, Wiid and Geyer.

Newspapers.

<u>Cape Argus.</u>	<u>Argus.</u>
<u>Eastern Province Herald.</u>	<u>EPH.</u>
<u>Graaff-Reinet Herald.</u>	<u>GRH.</u>
<u>Graham's Town Journal.</u>	<u>GTJ.</u>

Miscellaneous.

<u>Archives Year Book.</u>	<u>AYB.</u>
<u>Colonial Office.</u>	<u>C.O.</u>
<u>Gaika-Galeke Rebellion.</u>	<u>G.G.R.</u>
<u>Government House.</u>	<u>G.H.</u>
<u>Parliamentary Papers.</u>	<u>P.P.</u>
<u>Public Record Office.</u>	<u>P.R.O.</u>
<u>Union Government.</u>	<u>U.G.</u>
<u>Van Riebeck Society.</u>	<u>V.R.S.</u>
<u>Votes and Proceedings of the Parliament of the Cape of Good Hope.</u>	<u>V & P</u>
<u>Votes and Proceedings of the House of Assembly.</u>	<u>V & P (HA)</u>
<u>Votes and Proceedings of the Legislative Council.</u>	<u>V & P (LC)</u>
<u>Papers Published by order of the House of Assembly.</u>	<u>V & P A.</u>
<u>Papers published by order of the Legislative Council.</u>	<u>V & P C.</u>
<u>Papers published by order of the Government.</u>	<u>V & P G.</u>

C O N T E N T S

Preface	1.
List of Abbreviations	111.
I. THE MAN AND HIS PERSONALITY	1.
II. THE SINEWS OF HISTORY 1862 - 1869	34.
III. POLITICS, PARLIAMENT AND RESPONSIBLE GOVERNMENT.	79.
IV. "AGITATION FROM ABROAD" - THE CONFEDERATION CRISIS IN THE CAPE COLONY.	141.
V. "THE GREAT PARLIAMENTARIAN"	200.
VI. FRONTIER DEBACLE AND CABINET DISMISSAL	240.
CONCLUSION	341.
BIBLIOGRAPHY	342.

APPENDICES :

A. Banking statistics as an index to economic growth	353.
B. Imports and exports of the Cape Colony 1860 - 1878	355.
C. Revenue and expenditure of the Cape Colony 1860 - 1878.	356.
D. Growth of Shipping at the Cape Colony 1860 - 1878.	357.
E. Revenue of the Cape Colony	358.
F. Exports of the Cape of Good Hope 1860-1880	360.
G. Statement of Loans contracted by the Cape of Good Hope as at 31st December, 1878.	362.
H. Analysis of Public Debt.	365.
I. Export of Hides and Skins	366.
J. Structure of the Ministerial department of Crown Lands and Public Works	367.
K. Statistics on Eastern Separation	368.

CHAPTER ONE

The Man and his Personality. (1)

When John X. Merriman died in August 1926, his private library was purchased as it stood by Sir Abe Bailey. Eleven years later it was presented in its entirety to the Rhodes University College Library. (2)

Although by no means conclusive, the 2036 volumes of the collection provide an interesting and useful introduction to the mental reach and interests of their owner. For Merriman did not merely purchase them as an adornment to his drawing-room shelves. From the worn condition of many volumes, (3) the numerous pencilled comments and marginal annotations in his hand (4) and the entries in his diaries and notebooks, (5) it is clear that he did not only possess them, but read them assiduously as well.

Never a wealthy man, Merriman had neither the means to acquire, nor the space to accommodate all the books he wished to possess. Fortunately, this had not been a handicap, for in the nearby Parliamentary and South African

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1. Much of the material in this chapter is derived from Sir Perceval Laurence's Life of John X Merriman, to which general reference is made throughout. Particular points, now for the first time collated with other data, are duly indicated in footnotes.
 2. Rhodes University Library Accession Register 26643-33183.
 3. A comparison of publication and purchase dates shows that most books had been bought at first-hand, and while occasional use of the more unusual volumes by students (as shown by entries on the loan cards) may account for part, it is clear that the major wear and tear took place at the hands of the original owner himself.
 4. e.g. J.B.Bury - History of the Freedom of Thought.
 5. One of his notebooks in the S.A.P.L. contains, for example, detailed summaries of books on religious endowment in Canada, federation as a form of Government, the Waterboer question and the relative merits of broad and narrow gauge railways, together with a very detailed analysis of Adam Smith's Wealth of Nations. Vide also Laurence, p.140.

Public Libraries he had two first-class institutions whose facilities were open to him at any moment. ⁽¹⁾ The books he found it necessary to buy, provide, therefore, a fairly accurate reflection, not only of his private tastes, but also of the problems that preoccupied him in public life. ⁽²⁾

With his father's copies of the classics ⁽³⁾ and theological works as foundation and starting-point, his collection ranges all the way through the broad fields of History, Philosophy and Literature - studded with a sturdy admixture of specialist literature on finance, agriculture, politics and constitutional law. The library is impressive, not for size or the presence of rare works and costly editions, but for the range of subjects covered and the careful selection of books. The general impression is one of wide and cultured reading in the humanities, deepened by specialist attention to certain more practical subjects. The classical ⁽⁴⁾ and universally known works of the major disciplines stand

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1. It is noteworthy that throughout his career he took an active interest in the management of both Libraries, and was a trustee of the latter for many years.
 2. It is interesting to note how closely his purchases of books on finance, law and agriculture coincided, either with his periods of office or with some national crisis in those fields. In his old age, his private love for the classics and interest in South African History, found a decided reflection in the list of books purchased.
 3. Many of them Winchester prizes.
 4. e.g., in History there were: Mommsen - History of Rome. Gibbon - Decline and Fall of the Roman Empire. Grote - History of Greece. Motley - History of the United Netherlands. Ranke - History of the Popes. Lecky - History of European Morals. Funck-Brentano - The Middle Ages. In Philosophy: J.S. Mill - A System of Logic. Hobbes - The Leviathan. T.H. Muxley - Hume - with helps to the study of Berkeley. In Economics: Adam Smith - The Wealth of Nations. Alfred Marshall - Principles of Economics. Snowden - Socialism and Syndicalism. On Law: Bagehot - The English Constitution. Montesquieu - L'Esprit des Lois. Bryce - Studies in History and Jurisprudence.

next to specialist literature on strange and unusual subjects;⁽¹⁾
 in the biographical section famous names lean against obscure
 ones;⁽²⁾ major poets consort with lesser-known lights;⁽³⁾ and
 books on geology⁽⁴⁾ and farming⁽⁵⁾ share space with text-books⁽⁶⁾
 on biology⁽⁶⁾ and treatises on race and colour problems.⁽⁷⁾

Notable exceptions are books on art and music - for
 like his father John X. Merriman had little perception of
 tone, and agreed with Alphonse Kerr in regarding music as
 the most expensive of noises.⁽⁸⁾ Nevertheless, this absence
 of feeling for the fine arts does not necessarily indicate
 any lack of sensitivity. Merriman was far too well-versed
 and genuinely interested in literature for any such inference
 to be upheld. Apart from his very considerable knowledge

1. e.g. Ancient Civilizations & Archaeology: Dennis - The Cities and Cemeteries of Etruria. Mahaffy - Problems of Greek History. Hall - The Ancient History of the Near East. Markham - The Incas of Peru. Thierry - Narratives of the Merovingian era.
2. This section was especially prominent with a marked predilection for men of action - famous rulers, writers and soldiers. Nearly all English rulers from William the Conqueror onwards were represented; while judging from the number of biographies involved, Nelson, Napoleon, Garibaldi and above all Oliver Cromwell, seem to have interested him most.
3. The literature section, mainly English material, was very well stocked. Apart from nearly all the major poets, there was a strong collection of minor bards, and, in particular, the writings of indigenous poets such as William Charles Scully. In the prose section nearly all the major novelists found a place. For light reading the adventure stories of Robert Louis Stevenson & Captain Marryat took pre-eminence. Bernard Shaw was the favourite among modern dramatists, and it is noteworthy that Merriman never missed an opportunity of seeing him performed.
4. e.g. Page - Advanced Textbook of Geology. Geology and Literature seem to have fascinated Merriman most as a youth. During the course of 1860 and 1861 he carried on a voluminous correspondence with his cousin, R.W. Merriman, on contemporary literature and the latest findings and theories of geology. Vide Merriman Papers (R.W. Merriman to J.K. Merriman). 1860 1 - 42. 1861 1 - 33. In later years Merriman seems to have lost interest completely, and is even found ridiculing the reliability of geological forecasts. (*infra*)
5. Bee-keeping, wine-farming, manures and irrigation seem to have interested him most in this field. Perhaps the best consulted works were: Haggard - The Farmer's Year. Prothero - History of Farming. Hughes - A Treatise on Waterworks. Ackman - Manures & the Principles of Manuring. Massee - A Textbook on Plant Diseases.
6. e.g. Ormerod - South African Insects. Fabre - The Hunting Wasp. Fabre - Life of the Spider.
7. e.g. De Gobineau - Essai sur L'Inegalite des Races Humains. Nordau - Degeneration.
8. Laurence. p. 6.

of English and Latin authors, he was sufficiently at home (1)
in French to read the major modern writers in the vernacular.

Dutch, on the other hand, attracted him very much less. This does not mean that he was not proficient in the language. An early entry in his diary reveals that he spoke Dutch during a sharply contested election campaign at Wodehouse, and in later years when sitting for Victoria, he invariably addressed meetings in his division in that language, often at considerable length. (2) His library shelves remained, however, somewhat bare of modern Dutch literature. (3) As for German, Spanish and Italian, apart from the odd dictionary and isolated book, there is little evidence to suggest that he had more than a cursory knowledge of any of them.

Surveying the evidence as a whole, therefore, (not only the often deceptive showing of library shelves, but also the more revealing internal evidence of letters and speeches), the impression is gained of a man of wide and balanced reading. Merriman was not a scholar in the sense that contemporary figures such as William Porter, Professor Noble and Dr. Adamson were. For scholarship he ^{had} neither the time nor the necessary academic training. With his very retentive memory, (4) his politician's sense of the dramatic, (5) and his

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1. His particular favourite was Anatole France, but the works of Montaigne, Balzac, Mérimée, Maeterlinck, Zola, Hugo and Daudet were also well represented.
 2. Laurence, p. 10.
 3. Although he was opposed to the recognition of Dutch as the second official language in Parliament (John X. Merriman, The true aims of education. Address delivered at the closing ceremony of the Victoria College, Stellenbosch. Laurence, pp. 60-61), his reasons were those of political unity, and his lack of interest does, therefore, not necessarily imply any prejudice against Dutch as a literary medium. The leader of the Beweging van Tachtig, Willem Kloos and Lodewyk van Deyssel among others, would certainly have endorsed any criticism Merriman might have had of pre-1880 Dutch literature. No one could have condemned or derided it more fiercely than they themselves. (Vide J. Frinsen, Handboek tot de Nederlansche Letterkundige Geschiedenis, pp. 650-723)
 4. Laurence, p. 7.
 5. Laurence, p. 328.

careful preparation for an important appearance,⁽¹⁾ he would often give the impression of being a better-read man than he actually was. But theatricals aside, the fact remains that his fund of ready knowledge on a wide variety of subjects was well above average. Public pronouncements, long prepared and well delivered, may perhaps deceive: it is another matter to survive the relentless scrutiny of clever men in private conversation. It is, therefore, noteworthy that impartial observers,⁽²⁾ the evidence of public honours for learning,⁽³⁾ and the testimony of intimate friends and contemporaries,⁽⁴⁾ all point to Merriman as a well-read man - even in an age when wide reading on serious lines was more common than it is today.

Although Merriman became a distinguished South African statesman, the last Prime Minister of the Cape Colony and one of the Fathers of Union, there was little in his youth or early ventures into adult life to suggest eminence in later years. His school career was not marked by outstanding achievements of any sort, and his early attempts at earning a living were not memorable for their success.

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1. A good example of this is provided by the debate on a motion of Mr. Watermeyer requesting (a) the speedy appointment of a Grey Librarian to succeed the late Dr. Bleek. (b) an annual grant of £300 for research and lectures, on Bushman lore among other things, so as to waken public interest. In opposing the second part of the motion on the grounds of needless expenditure, Merriman quoted an impressive array of obscure authorities and precedents, all apparently remembered at the spur of the moment. He was, however, severely deflated by another member who claimed that he had seen him spend an afternoon in the Public Library looking up all the titles he now quoted with so much aplomb. (GTJ, 8.8.1877)
 2. e.g. Basil Williams (quoted by Laurence, p. 15.) Vide also E.A.Walker, Lord de Villiers and his Times, p. 43.
 3. Among others, Privy Councillor & Honorary Doctor of Law (R. Kilpin, The Old Cape House, p. vii); Foundation member of Council of the Cape Town Philosophical Society (GTJ 30.7.1877) Trustee of the South African Public Library (Laurence p. 139) and the first President of the distinguished van Riebeeck Society (VRS, vol I, p. 155)
 4. e.g. Lord Buxton (quoted Laurence, pp. 406-407.)

All that can be said of his background is that he was
 (1) fortunate in his parentage. Both his father and mother were
 extraordinary and highly talented people. Nathaniel Merriman
 (2) his father, was a particularly impressive figure. With
 his excellent school and University record, (he was the
 Senior Prefect at Winchester and an Exhibitioner at Brasenose
 where he took a Second in Greats in 1832), his outstanding
 personal qualities, and the assurance of the patronage of
 (3) his old Oxford friend, W. E. Gladstone, he could have
 gone to the top of his calling in England. But finding him-
 (4) self drawn to missionary work, he leapt at Bishop Grey's
 offer of an appointment, and retired to the comparative
 (5) obscurity of South Africa in 1841.

First as Archdeacon and later as Bishop of Grahamstown,
 however, he was destined to write his name indelibly into
 South African Church History. He seems to have inspired a
 sense of wonderment in all those who met him, and there
 were few who would not have agreed with the somewhat awed
 tone of Bishop Grey's comment on him in 1849: -

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1. G.F.M. Merriman, Pedigree of the Family of Merriman.
 2. D.H. Varley & H.M. Matthew (ed) - The Cape Journals of Archdeacon N.J. Merriman; The Foreword. Laurence, pp. 1-5.
 3. Merriman Papers. 1841 - 1 W.E. Gladstone to Nathaniel Merriman. 1878 - 30 John X Merriman to Nathaniel Merriman.
 4. Varley & Matthew, pp. 3, 4, 7-9, 45. It was during the 1830's that intellectual controversy in Oxford gave place under Whig pressure to the religious revival which was to win world renown as the Oxford Movement. As a thoughtful and religiously minded student, it was only natural that the young Nathaniel Merriman should be swept up into it. (G. Furber, The Oxford Apostles).
 5. Merriman carried a permanent reminder of this enthusiasm in his second name - Xavier - an unusual appendage that caused him some uneasiness, throughout his life. (Laurence, p.2).

"He is a very remarkable man; his self-denial and energy, both in mind and body, are greater than in any other man I have ever met."(1)

The Grahamstown to which he brought his wife and family in 1847 was a frightened and unsettled place. There was constant trouble with Sandilli's Gaikas, and alarms of Kafir raids and cattle-thieving were commonplace. In 1850 the unrest culminated in the chaos of yet another Frontier War.

Owing to the scarcity of clergy (i.e. especially of the Anglican persuasion) the sparseness of population, and the general lack of development of the country, the organisation of the Anglican Church on the Eastern Frontier was rudimentary in the extreme. Archdeacon Merriman found himself in charge of a parish that included all the border districts between the Great Fish and Kei Rivers, from Albany to Aliwal North - with the Southern part of the Orange River Sovereignty as far as Bloemfontein thrown in for good measure in the early days.

Given the appalling conditions of the roads and the expense of saddle-mounts, Nathaniel Merriman did nearly all his work of supervision on foot. A devout and conscientious man, the Archdeacon would often be away for many months at

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1. Quoted Laurence, p. 4. The impact he made on strangers can perhaps be better judged from the more lengthy account of Lord Robert Cecil, who met him while travelling through the Cape in the 1850's: "Archdeacon Merriman bears his enthusiasm stamped on every feature and oozing out in every gesture. He is excessively eccentric and thoroughly free from every conventionality. His bearing, his rapidly ardent manner, the recklessness with which he lets the religion that is uppermost in his mind show itself in every sentence he utters - all tempered by a manliness and heartiness and freed from all cant - strike very deeply one who is accustomed to the dwarfed, languid, nerveless, emasculate diletteranism of the higher classes." (Quoted Varley and Matthews, Cape Journals of Nathaniel Merriman, pp. xii-xiii). Vide also GTJ (Editorial), 28.3.1870. GTJ. (Editorial) 29.7.1870.

a time, walking as far afield as Bloemfontein or Cape Town. (1)

Julia Merriman, the mother of John X. was every bit as (2)
impressive as her husband. A courageous and strong-willed woman, she proved a formidable ally to Nathaniel in all his quarrels with the Dean of Grahamstown. She brought up her nine children - three sons and six daughters - with a rod of iron, but all of them retained a deep love and respect for her throughout life. She was particularly close to her eldest son, and followed his fortunes with the greatest attention and sympathy. He had the highest regard for her opinion and advice, and it is not surprising that the Merriman Papers in the South African Public Library contain a vast correspondence between the two, not only on domestic problems, but on every phase and development of national life.

All that can really be said of Merriman's early days is that they were happy. Born in the Somerset village of Street in 1841, it is unlikely that he remembered very much of life in an English parish, or of the discomfort of the long voyage to the Cape six years later. He was not an infant prodigy, and by all accounts his childhood in Grahamstown seems to have been very similar to that of any (3)
other boy in the pioneer conditions of the Eastern Frontier.

1. "Our rate of travelling," the Archdeacon recorded in his diary, "is about 150 miles a week, which if followed with constancy, will take you over 1,500 or 2,000 miles of ground, more rapidly, and to me more agreeably, and very much less expensively, on foot in this way, than by any of the other modes of Cape travelling, that is, than riding a single horse, or going in a bullock-wagon." (Varley & Matthews, Cape Journals of Nathaniel Merriman, p.157). On one occasion, for example, he left Grahamstown on the 25th September, 1851, and reached Capetown on the 27th October - a distance of some 600 miles covered entirely on foot.
2. Laurence, p.6.
3. cf. an entry in the Journals, dated 5.11.1850, at the start of the Archdeacon's first journey to Bloemfontein and the Orange River Sovereignty: "My young son John accompanied us the first ten miles, where we were to remain for the night, he having a great desire to be initiated into his father's mode of travelling; to lie in a tent, sleep with his clothes on, or in a kaross, eat a supper cooked in the bush, perhaps hear wild beasts, and divers other things on which his imagination had feasted. The next morning I parted from him in a high state of glee, Mr Thompson having ridden out at daybreak to accompany him home." Varley & Matthews, Cape Journals of Nathaniel Merriman. p. 127.

In April 1851, at the age of ten, he was packed off as a boarder to the Collegiate School at Woodlands, the later Diocesan College.⁽¹⁾ Five years later, with the help of friends, he was sent to England to complete his education at Radley College, a newly established public school near Oxford where special facilities were afforded to sons of the clergy. He remained there from September 1856 until the end of 1858, and although a prefect in the sixth form, seems to have distinguished himself most as the fastest swimmer in the school and a member of the rowing crew that beat Eton in a famous challenge race at Henley.⁽²⁾

Although his biographer seems to think that it was there that he imbibed "that aptitude for scholarship and taste for letters which, as a wide reader with an exceptionally retentive memory, he maintained through life,"⁽³⁾ the impression gained from the frequent admonitions against laziness in his father's letters⁽⁴⁾ is far less flattering. This may be accounted for, on the one hand, by the natural partizanship of an author for his subject, and on the other hand, by the overzealous concern of a missionary father for the conduct of his son. Whatever the explanation there is no record that Merriman really distinguished himself as a scholar at school.

From the evidence of his father's letters, it is clear that, had he been prepared to comply with the parental wishes and enter the Church, the money for a career at Oxford would have been found for him.⁽⁵⁾ This he was not prepared to do, and with his large family and limited means, the Archdeacon did not see his way to financing the secular ambitions of his son for three years at University.

1. Ibid, p. 149.

2. Laurence, p. 7.

3. Ibid, p. 7.

4. cf. Merriman Papers (N.J.Merriman to J.X.Merriman) 1855 - 1 13.7.1855. 1856 - 3

5. Ibid, 1855 - 1 13.7.1855.

Accordingly, when barely eighteen, Merriman left school, and started the serious task of earning a living. About his lack of success in this field there can be little doubt. All available evidence points to one conclusion - Merriman was a poor businessman.

His first job was with a London firm, trading with India and China. His object was to gain a sound commercial training, and learn the business of tea-taster and silk expert. ⁽¹⁾ Neither calling appears to have agreed with him, and three years later he sailed for home. It is difficult to say whether he was a success in the firm. Among his papers there is a testimonial ⁽²⁾ from his employer by which his biographer sets great store. But an examination of the document raises certain questions. Compared with the somewhat florid style of the times, its tone is remarkably cool. This may be accounted for by one of two things - the personal reticence of the writer or a genuine lack of enthusiasm for his services. In any case, testimonials are notoriously unreliable, and with no further evidence, all that can really be said with certainty is that Merriman never went near the tea and silk business again.

His next job was a temporary appointment in the Colonial Office. ⁽³⁾ There is no record to show what his immediate superiors thought of him, but there is plenty of evidence to show what Merriman thought of them. In the 1869 Retrenchment debate, for example, when the Colonial Office grant came under discussion, Merriman proposed a reduction of £900 at once,

1. Laurence, p. 8.

2. Merriman Papers: 1861 - 34 W. Dickinson to J.X. Merriman 11.9.1861. "It will give me pleasure to testify to the undeviating attention which you have given to your duties in our office, and I am sure the knowledge you have acquired here will prove very serviceable to you should you enter on a mercantile career on reaching the Cape district."

3. Laurence, p. 8.

affirming "as the result of his own experience during twelve months in the Colonial Office, that there were too many clerks there, and that they had very little to do."⁽¹⁾

The year he spent there was not altogether wasted, for apart from giving him an insight into the workings of Government bureaucracy, it provided him with sufficient leisure time to fulfil the requirements for admittance to the Survey Department. In 1863 he was duly sworn in as a land surveyor, and⁽²⁾ obtained employment both from Government and private sources. In 1864 the Executive decreed a survey of some 3,000,000 morgen of Crown Land for lease under the Act of that year, together with the compilation of an "Index Map of the whole Colony, based on the points of the Trigonometrical Survey."⁽³⁾ Merriman was employed on surveys in the Tulbagh district as part of this scheme, and was also sent to survey the land claimed by the Free State on the border of Basutoland. For some time afterwards, he was kept busy on private surveys in the Aliwal and Ceres districts, not to mention a contract with the Cape Copper Company in Namaqualand.⁽⁴⁾ After the Cabinet dismissal of 1878⁽⁵⁾ he returned to Government employ and re-surveyed Constantia.

1. GTJ - 1.9.1869. Cf. GTJ Editorial comment on conditions in the Colonial Office. "It has long been our opinion that the Civil Service is overburdened with clerks, and that there are very few divisions in the Colony in which a reduction of their number might not take place to the advantage of the public and the great satisfaction of those who remain in it." (GTJ, 24.9.1869)
The Colonial Secretary's reply to Merriman's strictures is of some interest, although it cannot be ascertained whether his facts did not spring from a desire to deflate the obstreperous young member. He declared that the idleness of the clerks probably accounted for Merriman's dismissal, and added that when Merriman left the department "the work was so much in arrear that it took the remaining officers some time to make it up." (Argus, 28.8.1869.)
2. Laurence, p. 8.
3. V & P, 1869. Appendix 1, Vol. 2. A 1, p.2.
4. GTJ, 11.10.1869.
5. Merriman Papers, 1878 - 34. Surveyor-General to J.X. Merriman. 5.5.1878.

With some minor exceptions, that was the sum total of his surveying activities. He practised his profession intermittently over the ensuing years, but even here it cannot be said that he was a good surveyor. The evidence in the Archives of the office show conclusively that he was at best an indifferent performer on the theodolite.⁽¹⁾ Nevertheless, his experience as a surveyor was by no means wasted. Apart from giving him a profound dislike for Namaqualand,⁽²⁾ it brought him into contact with the common people over the length and breadth of the Colony. Even if his surveys were often inaccurate, the long hours he spent drinking coffee and smoking his pipe on the stoeps of innumerable farmhouses, gave him an insight into the thoughts and way of life of the farming community. In return, he seems to have made an impression on the people he met, for it is noteworthy that he first got to know his constituents at Aliwal North and Namaqualand while working on his survey contracts.

These years also saw Merriman take part in two business ventures, neither of which were successful. The first was as a member of a diamond-buying syndicate at Kimberley, the second as a wine merchant in Cape Town.

The discovery of diamonds had attracted a great number of people to the Diggings. The newspapers of the time were full of notices of departure⁽³⁾ - some to try their luck

1. Laurence, p. 10.

2. Merriman Papers: 1870 - 2. J.X.Merriman to Aunt Sarah. 24.1.1870. "I have since you last heard from me been pursuing my career in what I really think must be the most barren and desolate place in the world - Namaqualand....at present it is the scene of operations of the Cape Copper Company - for whom I was surveying and a nice job I had! The country is a treeless waterless waste with an atmosphere like a blast furnace and full of mountains of bare stone; literally one solid boulder perhaps 600 feet high without a scrap of soil, composed of granite. I think the most weird looking thing in the way of hills that I ever saw or hope to see again. The chief town rejoices in the name of Springbokfontein and for glare and heat and wretchedness is unequalled. The only green thing about it is a huge heap of copper ore which is even built into the walls of the houses. You may imagine that I did not linger there longer than was absolutely necessary to finish my work."

3. GTJ, 1870-1871.

with shovel and sieve, others to make their fortune with trade. Merriman was one of the latter group. In partnership with one Herbert Becher, he formed a diamond-buying group whose capital seems to have come mainly from a "syndicate" at the Cape in which his life-long friend, Charles Manuel, held the main interest.

Diamond buying at best was a very uncertain and hazardous business ; at its worst it was ruinous. Huge capital sums were involved, and fortunes were made and lost with every swing of an unpredictable market. To make good at such a game one had to have more than average shrewdness - and it is not clear that either of the partners were particularly blessed in this respect.

The syndicate struggled along for four years amid increasing suspicion and gloom. 1873 seems to have been the crisis year. Becher bought a diamond by candle light for £9,000, only to discover the next morning that it had a flaw which reduced its value to about one-third of that sum.⁽¹⁾ He did not apparently learn from his mistakes, for in August of that year, with regard to another consignment, Manuel came to the conclusion that Becher "must be mad to give such a price."⁽²⁾ By November matters had obviously come to a critical pass, and we find Merriman's fiancée, Agnes Vincent, writing to cheer him up on the eve of his departure for Kimberley :

"I do hope, my darling, that you may find affairs in a better state than you anticipate, and that you may not have further cause for worry. I have often felt most unhappy to see how you fret about it and would have given anything to help you out of the difficulty, but I am afraid you are inclined to be a little too despondent."⁽³⁾ Closer investigation soon showed that

1. Laurence, p. 15.

2. Merriman Papers 1873 - 29 : C.S.Manuel to John X.Merriman, 5.8.1873. Merriman's fiancée, Agnes Vincent, had come to the conclusion seven months before that Becher was a "horrid man." (Merriman Papers 1873 - 1 : Agnes Vincent to John X. Merriman, 8.1.1873)

3. Merriman Papers 1873 - 92 : Agnes Vincent to John X. Merriman, 6.11.1873.

Merriman had perhaps not worried enough, and in January, 1874,
the partnership was dissolved.⁽¹⁾

The collapse of his liquor firm was less dramatic. In
April, 1874, he bought the business of one H. Walker and attempted⁽²⁾
to make his fortune in wines and spirits. From the evidence of
his business letter-books it seems clear that he was reasonably
prompt in the execution of orders, but throughout his period of
ownership he seems to have been hampered by a lack of working
capital.⁽³⁾ This prevented him carrying a large and assorted
stock, and the remedy he attempted - that of adding "side-lines"
- proved almost as crippling as the maledy.

It must, however, be admitted that his proud and cynical
nature made him a difficult person to do business with over a
counter. Had he had the necessary capital, it is by no means
certain that he would have been any more successful. He seems
to have had a very low opinion of the judgment of his clients.
On one occasion, he reminded his London agents that they would
know as well as he did "that the Cape public is not a very dis-
cerning one and would drink the veriest filth if it had a swell
label on it."⁽⁴⁾ When he did receive a bad consignment he seems
to have welcomed it for the opportunity it provided him of wri-
ting one of his famous cynical letters. "By the way," he asked
of his agents on one occasion, "what was that wine marked
you sent us? We are all very curious to know. It has killed
half the club."⁽⁵⁾

With stops and starts this liquor firm lurched along until
July, 1875, when his acceptance of office in the Molteno Ministry
put him in a position to dispose of it - fortunately still as
a going concern.⁽⁶⁾

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1. Merriman Papers 1874 - 13 : Agnes Vincent to John X.
Merriman, 26.1.1874.
 2. Merriman Letter-books : J.X. Merriman to Geo. Quin, 14.4.1874.
 3. Laurence, p. 19.
 4. Ibid.
 5. Ibid.
 6. Ibid. A brief entry in his diary in March, 1875, reveals
his growing concern at the seriousness of his plight. "A.
came to town. In the evening I told her of my business
difficulties which made us pass rather a melancholy time."
(Merriman Diaries, 8.3.1875)

His last major business venture, the purchase of a wine and fruit farm, had at least the distinction of being the longest lived. Situated against the Simonsberg, some four miles from Stellenbosch, its beautiful setting fully justified its Dutch name, "Schoongezicht". Bought in 1892, Merriman was still the owner on his death thirty four years later. He was, in fact, very happy on his farm and retired there whenever he could.⁽¹⁾

Although it had been acquired on easy terms, lack of capital once again proved an obstacle to his development plans. Merriman could only put into his farm what money it itself produced, and being only some 250 acres, this was not overmuch. In spite of being one of the first to build up a herd of Jersey cattle and experiment with the export of fruit, it was a case of making haste slowly, and had it not been more the skill and devotion of the manager, one Nicholson, it is not clear that the farm would have made very much progress at all. In spite of being a recognised Parliamentary expert on agriculture and the sponsor of an important Irrigation Bill, Merriman does not seem to have been a very successful practical farmer. Nevertheless, the sale of his Schoongezicht wines, of which he was inordinately

1. Ibid p. 135.

proud, brought him in sufficient money to live comfortably
 (1)
 in his old age. More he did not wish.

The only field in which Merriman really tasted success
 was in his Parliamentary career. He has gone down to
 posterity as the Great Parliamentarian, (2) and certainly,
 if length of service is any indication, he richly deserves
 his title. He was a member of Parliament for more than
 half a century - from 1869 to 1924 - (3) uninterrupted but
 for one short spell after the Anglo-Boer War. He was a
 member of five cabinets before 1910, and the last Prime
 Minister of the Cape Colony before Union. (4)

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1. Merriman's pride in his wines became almost legendary among his friends and relations. This fact emerges very clearly, not only from his letter books, but also from the emphasis his niece, Mrs Johnson, of Grahamstown, placed upon this point in private conversation. Merriman would have nothing to do with brandy, and it is significant that one of the first things he did after taking over Schoongezicht, was to destroy the distilling plant. During the later stages of his life he built up a profitable connection with Burgoyne's, the well-known firm of wine merchants, and managed to extend their interest from Australian to South African wines. From the evidence of young South Africans during the First World War who found his wines in stock in such unlikely places as Madras and Siberia, it is clear that his products enjoyed quite a wide distribution. (Vide Laurence, pp. 136-137.)
 2. Laurence, pp. 413-416 e.g. General Smuts in his eulogy: "The greatest Parliamentarian we have ever had."
 3. Kilpin, The Old Cape House, p. 175. He represented Aliwal North, Wodehouse, Namaqualand, Victoria West and Stellenbosch.
 4. Ibid, pp 170-174.

Molteno Ministry	July 1875	-	February 1878
Scanlen Ministry	May 1881	-	May 1884
Rhodes Ministry	July 1890	-	May 1893
Schreiner Ministry	October 1898	-	June 1900
Merriman Ministry	February 1908	-	May 1910.

(1)

But longevity and cabinet service by themselves do not justify a reputation as a great Parliamentarian. One looks in vain for his name among the great legislators of the Colony. This may be accounted for by two facts. In the first place, his aggregate service as a Cabinet Minister totalled no more than ten years, and during that time his work, first in the Department of Crown Lands and Public Works and later in the Treasury, left little scope for contentious legislation. By their very nature his duties were more administrative than legislative. In the second place, his terms of office coincided with periods of great crisis and controversy, during which the Cabinet's entire energies of necessity were absorbed in dealing with day to day emergencies. Thus, for example, in the Molteno Ministry all attention was directed to the Confederation issue, Lord Carnarvon's despatches, Mr Froude's tour of the country, the native uprising on the Eastern border, and the question of defence. Even if Merriman had had ideas of contentious

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1. By all accounts Merriman enjoyed very good health throughout life. Like his father he was a great walker, and got in a four mile hike every day. In addition, always an early riser, he made a habit of horse-riding before breakfast, and only stopped this on the insistence of his wife at the advanced age of seventy. That these excursions were not always uneventful, is proven by an entry in his diary for the 12th February, 1876: "Rode to Wynberg. On the way back got thrown on my head. Shaken and sore but no damage." Although his niece, Mrs. Johnson of Grahamstown, affirms that his mind deteriorated very rapidly towards the end, he retained an amazing mental and physical vigour until very late in life. Apart from his early sporting achievements at Radley (*supra*), he distinguished himself in the great Army-Civil Service clash in the early 1860's - an encounter described by the *Argus* as the first football match to be played in South Africa. (Laurence, p. 8). There is no record of any further rugby prowess, but it is known that he remained a keen quail-hunter, golf and tennis enthusiast until an advanced age. (*Ibid.*, p. 68). At 80 his doctor told him that the condition of his heart and arteries were those of a man of 60, and at the same age, he used to astonish his friends at the Club by lunching on pork chops and stout, followed by a big cigar - all apparently without ill-effect. However, at the time of his wife's death in his eighty-third year, he had started ailing, and thereafter his decline was very rapid. (*Ibid.*, p. 21.)

legislation and drastic innovations, there would have been neither time nor opportunity to see them placed on the statute book.

Nor does one find Merriman's name among the great party leaders of the Colony. Unlike "Onze Jan" Hofmeyr⁽¹⁾ he had little patience with the methods and machinations of the lobby. He was far too quick-tempered and intolerant of fools to bring a great Party together, let alone keep it together.

If Merriman deserves his title of the Great Parliamentarian, he gained it on two grounds - his gift of public speaking and his administrative ability. There is no doubt that Merriman was one of the most effective speakers in the House. On this point all observers are in agreement.⁽²⁾ This is significant, particularly when changes in style and public taste are taken into consideration. The audience of the 1850's and 1860's who revelled in long drawn-out orations, studded with Latin tags and full of flights and fancies, all imposingly delivered, would have been shocked by the sharp incisive debates of the 1890's; and vice versa.

Merriman did not have the enormous erudition and massive delivery of William Porter, the rapid logic and magnificent clarity of Saul Solomon, nor the brisk incisive repartee of his great friend, Sauer. In purity of diction Sir Thomas Fuller was his better, and Upington his master in debating exchange. Even with regard to the moral fervour that sometimes made Merriman the most stirring speaker in the House, Schreiner was his clear superior.

But Merriman had united in him qualities of oratory that made him both different and deeply impressive. In the first

1. J. H. Hofmeyr and F. W. Reitz - The Life of Jan Hendrik Hofmeyr.

2. Laurence, pp. 68-70. Kilpin, The Old Cape House, p. 66. Walker - De Villiers, p. 43.

place there was a well-stored mind that he could bring to bear on any problem at a moment's notice, either by means of apt quotation ⁽¹⁾ or historical allusion. ⁽²⁾ In the second place, there was a brilliant and biting wit, and above all a sense of sarcasm that could sear an opponent and electrify an audience. Finally, there was his mode of delivery - something peculiarly suited to the needs of a Legislative Chamber - fluent, yet not too rapid, with that odd pause after a weighty point and occasional repetition of the argument and issues involved, that gained and held for him the attention of the House. Physically very tall, with a commanding personality and clear, ringing, tenor voice, he dominated his audience when he rose to his feet. Whatever people thought of him, whether favourable or otherwise, one thing no one could be when he spoke, and that was indifferent. Merriman was just as impelling in 1870 as he was in 1910. Given the changed conditions of the times and the fluctuations in public taste, this is perhaps the greatest compliment that can be paid to any public speaker.

It must, however, at once be admitted that Merriman did

1. In the 1872 Responsible Government debate, for example, Merriman did not seek to deny that there were men of talent in the Colony. He denied that they had the necessary leisure to devote to politics, and defended his viewpoint with a very apt quotation from Ecclesiastes: "The wisdom of a learned man cometh by opportunity of leisure, and he that hath little business shall be wise. How can he get wisdom that holdeth the plough, and that glorieth in the good that driveth oxen, and is occupied in their labours, and whose talk is of bullocks. They will maintain the state of the world." (Argus, 28.5.1872.)
2. e.g. he opposed free testamentary disposition on the grounds of Hebrew, Greek and Justinian precedents (GTJ, 10.7.1874), and fought against De Villiers Marriage Bill on the grounds of Canon Law and the facts of the decline of ancient civilisations. (Argus, 16.5.1872.)

not always use his great gifts with a sense of responsibility. Particularly in the early years, he seemed obsessed with a desire to make a name for himself, and with the possible exception of his maiden speech,⁽¹⁾ it is difficult to find any address of his that was not punctuated by howls of protest or cheers of support. His indiscretions were of two kinds, both equally dangerous - on the one hand, deliberate, and on the other, unthinking.

Pre-eminent in the first category was the occasion when he moved an amendment to the Masters and Servants Bill empowering magistrates to inflict not more than twenty-five lashes on offenders.⁽²⁾ His object, it appeared, was neither one of cruelty to natives nor any desire to inflict the indignity of the lash on Europeans. All he wished to do was to protect the farmers by providing means for quick and effective punishment. "The Magistrates," he claimed, "could not be accused of blood-thirstiness ; they were not blood-thirsty enough. The Kaffirs were now the master, and saw that the White men were afraid of them, and this would continue until some law was passed which they would fear to break."⁽³⁾ The result was an uproar from one end of the country to the other. The newspapers were full of it,⁽⁴⁾ and public meetings were held all over the place. "Within the last twelve months," reported the Argus, "Cape Town has witnessed several public meetings, but never have any of our halls contained a more enthusiastic assembly than met in the Mutual on Tuesday evening"⁽⁵⁾ If the report that followed

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1. His maiden speech was in support of improvement to the Algoa Bay harbour, - a non-contentious subject - but then it must be remembered that maiden speeches are traditionally of this nature.
 2. GTJ, 16.7.1869.
 3. GTJ, 19.7.1869.
 4. GTJ, July & August, 1869 ; GRH, July & August, 1869 ; Argus, July & August, 1869.
 5. Argus, 22.7.1869.

was anything near accurate, the term "enthusiastic" was the understatement of the year. The official speakers outdid themselves in heaping abuse upon Merriman's head, and in the crowded hall language was used that would have done credit to Billingsgate at its best. (1)

Far from being repentant, or even of taking advantage of Professor Noble's kind suggestion that he had done this in consequence of a hustings pledge and was "thoroughly ashamed of his position," (2) Merriman took the next best opportunity to come out with an even more outrageous pronouncement:

"Mr Merriman," reported the Parliamentary correspondent of the Graham's Town Journal," did not like the kid-glove legislation then in vogue, at all. The Kafirs should be made to work. We should keep them under our feet, and if we did so, we would prosper. If we went in for philanthropy we would fairly come to grief. It was philanthropy and Exeter Hall that converted one of the richest of the West Indian islands (3) into a wretched hell." (4)

Eventually the amendment was lost by 37 votes to 15, (5) but not before Merriman had gained an amazing notoriety in every corner of the Colony - all this a bare six weeks after he had entered Parliament for the first time. (6)

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1. Ibid,
 2. Ibid.
 3. Merriman was referring to the recent riots and disorder in Jamaica. (cf GTJ. 9.6.1871)
 4. GTJ 28.7.1869 . cf also Argus 24.7.1869
 5. GTJ 2.8.1869.
 6. The verdict of the Argus on his performance was vigorous but to the point: "Against Mr Merriman it is difficult to speak with any seriousness. It is clear that he considered his motion and the whole proceedings as but a capital joke out of which to enjoy a bit of boyish fun, as, in fact, his membership altogether is but the enjoyment of a pleasant holiday trip from Aliwal North to Cape Town at the public expense. But practical jokes of this sort are apt sometimes to turn out unpleasant for the perpetrators of them; and we must now tell him that the doctrines he expressed in his speech last night, however natural for an overgrown and inexperienced harum-scarum, entail disgrace upon a legislative body which is compelled to listen to them, even while it rejects them." (Argus Editorial, 24.7.1869).

Equally spectacular was the occasion when Merriman attacked the Legislative Council, advocating its abolition. It was said to bring age and intelligence to bear on the problems of the country, but if that was "age and intelligence" he would rather have "youth and stupidity."⁽¹⁾ As for the sort of "holy calm" that was said to characterise their discussions, he had gone to see it, and had found it more akin to "dry rot" than anything else. The only decent thing to do was to put it out of its misery.⁽²⁾

This speech had a most undignified sequel. A Mr. Neethling, speaking in the Council on the Report of the Select Committee on Cotton Cultivation, accused Merriman (a member of the committee) of recommending surveys so as to benefit himself.⁽³⁾ This allegation was raised in the Assembly as a matter of privilege, and after increasing disorder, one member claimed that "if this Mr. Neethling had spoken of him as he had done of the hon. member for Aliwal, he would break a stake over his stupid head."⁽⁴⁾ At this stage the debate became completely chaotic, amid scenes that did credit neither to Parliamentary institutions nor to the good sense of members themselves.

On another occasion, in opposing the appointment of a colonial geologist, Merriman delivered such an absurd oration that the Graham's Town Journal was driven to exclaim :

"It is almost incredible that men should be found who lay any claim to a moderate education, who can utter the miserable stupidities that these two members of the House of Assembly are reported to have uttered." ⁽⁵⁾ ⁽⁶⁾

Although he never stooped to the antics of hardened sinners such as Dr. Tancred and Colonel Schermbrücker,⁽⁷⁾ there

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1. GTJ, 2.3.1870.
 2. GTJ, 2.3.1870.
 3. Argus, 24.3.1870
 4. GTJ, 30.3.1870.
 5. GTJ, 10.7.1874.
 6. Ibid.
 7. Kilpin, The Old Cape House, p. 69.

were occasions when he seemed to go out of his way to cause an uproar. During the 1869 Responsible Government debate, for example, he caused consternation by appearing in the House with his hat on and refusing to remove it.⁽¹⁾ On another occasion, contrary to all rules of procedure, he insisted on passing between the Speaker and an honourable member then holding the floor.⁽²⁾ The result was bedlam and complete disruption of the debate. Even in his more mature years, he took a mischievous delight in what he called "starting hares" - raising some trifling point in committee and then sitting back to watch the back-benchers in full hue and cry.⁽³⁾

As for the second category, Merriman's early career is full of foolish blunders unthinkingly uttered in the heat of debate. The most notorious were the celebrated Uitenhage speech which ended with the guests seeking shelter from an irate mob and a bombardment of dinner rolls,⁽⁴⁾ and the unforgivable Graaff-Reinet blue when Merriman, while still a colleague of Hofmeyr, went out of his way to answer a very temperately worded address from the local Afrikaner Bond with insults and sarcasm.⁽⁵⁾

But even in small things, Merriman often let his quick temper run away with his tongue. The editorial comment of the Argus on the questions he put regarding Brownlee's mission to Krela in 1873⁽⁶⁾ is very much to the point in this respect:

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1. GTJ, 11.8.1869.
 2. Argus, 1.6.1871. It must be noted that this was Merriman's third session in the House. There can, therefore, be no excuse for his behaviour on the grounds of ignorance of procedure.
 3. Laurence, p. 328.
 4. Infra, pp. 180-182.
 5. Laurence, p. 60.
 6. Infra, pp. 244-245

"The inquiries made by the member for Aliwal North seemed to us pertinent, and the anxieties they indicated not altogether unnatural. Unfortunately, the hon. member lets his tongue sometimes get beyond the control of his better judgment, and to express, as it appears to us, a good deal more than he means. He is apt to judge hastily and speak rapidly, hence, his speeches, while often smart and telling, are fragmentary in substance and jerky in manner. If he would only take a more careful survey of his ground, and allow himself to be less influenced by that odd mixture of impulsiveness and prejudice he so often exhibits, the hon. member's quickness of perception and vigour of mind and speech would be of much more service to the House and the country."(1)

Again and again one finds Merriman in hot water for over hasty and thoughtless judgements or getting men's backs up by reckless and aggressive speeches. In the end, even his wife, usually so gentle and trusting, was driven to caution moderation in debate:

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1. Argus, 1.5.1873.
 2. Merriman married in 1874. His wife was a member of the influential Vintcent family, founders of the firm of Prince, Vintcent and Co., important feather buyers and general merchants at Oudshoorn and Mossel Bay. Although born in Holland, Vintcent senior was a man of considerable ability and political influence, and it is interesting to note that when Molteno first sought to form a Ministry, the Treasury Portfolio was offered to him. Merriman appears to have fallen in love with Agnes Vintcent in 1872, and finding his affections returned, proposed and was accepted the same year. Vintcent senior, however, concerned about his daughter's inexperience (she was then eighteen), and cautious of Merriman's lack of success in business, withheld his consent until she had had a chance of broadening her mind by travel in Europe. In 1873 both parties left for the Continent, and finding their love unchanged, managed to win her parent's permission for an engagement while still in Holland. After some delay the marriage took place in September, 1874 (Laurence, p. 19-20). By all accounts, his wife was both beautiful and sweet-tempered. There is a letter from John Paterson in the Merriman Papers that brings this point vividly to life: "I hear that you have gone off not only with the prettiest, but also with the sweetest of all the Cape young ladies. I remember seeing her some years ago, and she was then very pretty, (and), knowing well as I did her dear father, I have no doubt she is very good. It will be one new pleasure to myself and Mrs Paterson to come and see you both - I mean - if we can come, for you are such a funny fellow, and who knows how changed you may be as a married man." (Merriman Papers 1874 -38 John Paterson to John X Merriman. 5.9.1874.) There is no evidence to show that marriage changed Merriman's outlook, but there is abundant proof that they were very happy together - in spite of the fact that they had no children. Agnes was one of the few people who were exempt from Merriman's temper and sarcasm. When she died after nearly fifty years of marriage, Merriman seemed to lose interest in life, and it was not long before he followed her.

"My darling, I wish you would not expose yourself to the fire of the enemy as much as you do. It makes me so angry to hear anyone run you down, and I must admit you are to blame. You can advance your cause without all this - and someday we shall have to depend upon those we now abuse, for support. I often think a little moderation will be all the better for you." (1)

Although he never managed to control his temper completely, Merriman did mature considerably with the passing of time and the responsibility of office. (2) Nevertheless, it must be admitted that he was never really "safe" in this respect, and even at an advanced age would land himself and his supporters in a tight corner at the wrong moment.

Summing up, it is clear that Merriman was in many respects the ideal opposition front-bencher. His biting wit and rapid apprehension of anything weak and false in an argument, made him a formidable and often deadly opponent. There were few who dared to heckle him. The retort came back like lightning - usually with devastating effect.

Although he loved the work of office and excelled as an administrator, (3) it is clear that Merriman enjoyed the freedom of the opposition benches. His aggressive style was best suited for attack, and although it would be unfair to say that his speeches never contained any concrete proposals to amend a given situation, (4) it is clear that his role was more that of a person who helps others arrive at an answer by asking questions and exciting discussion, than of one who puts forward the answer himself. In many respects, Merriman was a mixed blessing. His whiplash tongue could pinpoint immediately any weakness or flaw in an opponent's argument, and his flood of ideas and outrageous pronouncements

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1. Merriman Papers 1874 - 114 Agnes Merriman to John X. Merriman. Date unknown.
 2. cf. Argus, 23.6.1874.
 3. Infra pp. 225-599.
 4. e.g. One of the most valuable speeches of the 1873 session was the one in which Merriman analysed the faults of the Government's railway construction programme, and suggested ways and means of improving conditions. (Vide Chapter IV).

could excite anybody into a frenzy of discussion - but no organisation can function satisfactorily at permanent boiling point, and that was all too often the temperature when Merriman was around.

Particularly in the early years there is little evidence to show that Merriman regarded politics as anything more than a game to be played for amusement - and possible profit. This comes out very clearly from a letter he wrote to a relative in England in January 1870. After dealing with all the difficulties and disadvantages of Responsible Government, he ended by saying: "Of course, for adventurers like myself responsible government offers some field; still I do not think I shall support it."⁽¹⁾ Even as late as 1878 after he had held a Cabinet portfolio, he does not seem to have regarded colonial politics as anything more than a stepping-stone to something better. This emerges clearly from a letter to his mother in March of that year. "I had hoped" he wrote, "that my services would have given me a claim on the Imperial Government for employment either as a Colonial Secretary or minor Governor, and once on the ladder I might have gone as far as Sir A. Musgrave who began in the same way."⁽²⁾

Whatever the case may have been, his political record in these years certainly presents an amazing study in changes of front. Taking everything into consideration it is not surprising that he developed a reputation for political inconsistency.

1. Laurence, p. 13.

2. Merriman Papers 1878 - 29. John X. Merriman to Julia Merriman 26.3.1878.

He entered Parliament in 1869 as a bitter opponent of Responsible Government and played a leading role in the opposition campaign against its introduction; and yet, he had no hesitation in accepting a portfolio in the first Responsible Ministry.⁽¹⁾ He distinguished himself as the leading critic of Molteno one day, and accepted an offer of political alliance the next.⁽²⁾ He made a name for himself in the early days as a vigorous critic of burgher forces,⁽³⁾ and staked the existence of the Ministry on the efficacy of those same forces a few years later.⁽⁴⁾ A courageous supporter of the Voluntary Principle in his first

1. Vide Chapter III.

2. Infra pp.222-225

3. e.g. In a debate on frontier defence in 1872 Merriman declared that "he was not a great admirer of burgher forces" (GTJ 3.7.1872), and two years later described volunteer corps as "nice amusements, but utterly useless in time of emergency or danger." (GTJ, 10.8.1874).

4. Vide Chapter VI. It is interesting to note that at the height of the retrenchment fever in 1869, Merriman supported a pay rise proposal for the Frontier Armed and Mounted Police on the ground that it "was not a measure of economy or retrenchment, but of pure justice. He had seen the hardship the Police had to undergo in protecting the lives and property of people on the frontier, and they were most certainly deserving of the slight benefits proposed by this Bill." (Argus, 29.7.1869). Four years later when the economy had recovered and finance was no longer the prime concern, he declared that he would do anything rather than support an increase in the Frontier Police as he "greatly distrusted" that body. (Argus, 29.4.1873). Thereafter he appears to have experienced a change of heart, only to become their relentless critic once again in 1877. (GGR 1, Merriman to Molteno, 31.10.1877).

two years, he backed the Commutation Scheme as a political manoeuvre. ⁽¹⁾ His record of rapid changes of front with regard to the Annexation of the Diamond Fields, bewildered

1. From Solomon's evidence in the 1872 debate (not denied by Merriman), it seems clear that Merriman had promised his Aliwal North constituents in his 1869 Election manifesto to support the Voluntary Bill "without reserve" (GTJ, 28.6.1872). For the first two years he was true to his word. Although he took no part in the 1869 debate, he was one of the twenty-eight who voted for Solomon's Bill (GTJ, 30.8.1869), and, in spite of a rambling speech in which he tried to score points off Solomon and cause a diversion, he sided with the Voluntaries again in 1870. (Argus, 17.3.1870) The next year saw a change of front. When Eustace introduced his Commutation amendment, Merriman leaped up to second it. (Argus, 20.6.1871). His pronouncements in the 1873 session were so provocative (Argus, 6.6.1872), that Solomon was driven to reprimand him in no uncertain terms. "The hon. member," he declared, "had better hereafter hold his peace about 'rats,' broken pledges, and so forth. If there is any member in this House who has broken the pledges on which his constituents were induced to return him to Parliament, it is the hon. member for Aliwal North." (GTJ, 28.6.1872). 1874 saw Merriman recognised as the fiery leader of the Commutation school (Argus, July 1874), Vide also Merriman Papers 1874 - 52 : John Paterson to John X. Merriman, 13.10.1874, and yet the very next year, having lost his commutation motion, he was quietly prepared to leave the House rather than prejudice the passage of the Voluntary Bill by voting against. (Argus, 1.6.1875)

and amazed even the most astute followers of that most confused of issues. (1) Even in such mundane matters as railway construction, he proved unpredictable. On one occasion,

1. In 1871, on instructions from the Colonial Secretary, Southey introduced a Bill for the annexation of the territory claimed by Waterboer. At first, Merriman emphatically declared that "Waterboer had no claim to the territory" (Argus, 11.6.1871) and yet a month later he was found saying that "there could not be two opinions as to the desirability of annexing the Diamond Fields." (Argus, 13.7.1871). In distinction to Molteno, Solomon, and De Villiers - who wished to settle the dispute with the Free State first (Walker, Lord de Villiers, p. 50), - Merriman demanded immediate annexation of Waterboer's claims. The rest could be discussed later, but it would only be misleading the Free State if they were prepared to discuss the Waterboer issue then. (Argus, 20.7.1871) The very next year, in a slashing yet closely reasoned speech he took the opposite viewpoint and demanded consideration for the Free State claims - both on the grounds of justice and expediency. Above all, he heaped ridicule on the idea of the "ancient ally", Waterboer. "During Sir P. Wodehouse's time," he declared, "nothing had been heard of Waterboer's claims, but the moment diamonds were found our old ally was dug up along with them." (Argus, 8.6.1872). Unlike Molteno, Solomon, and De Villiers, who wished the measure delayed until the boundaries had been settled, Merriman now demanded its rejection for all time (Walker, Lord de Villiers p. 55). This volte face astounded everybody, and Mr Goold summed up the feelings of many members with a scathing denunciation of Merriman's political principles: "The thing which utterly astounded him," Mr Goold declared, "was the amazing change of front effected by the hon. member since last session. He had for years past frequently heard the praises of a remarkable personage, named Jim Crow, sung in a nigger melody of that name and whose ability, as the song stated, consisted in the fact that he,
"Could wheel about and turn about
And do just so,
And everytime he turned about
He jumped Jim Crow." (Cheers & laughter).
He (Goold) at one time doubted very much indeed if this celebrated individual ever had any existence except in song; but now his doubts on that point were removed, for he believed he had discovered the veritable James himself, in the person of the hon. member for Aliwal, whose circumvolutions and wheeling about were astounding (cheers and laughter) (GTJ, 17.6.1872). Three years later Merriman was found declaring that "the British Government in taking over the territory in question did a wise and kind thing really to the Free State." It was a "white elephant" of which the Republic was well rid. (Argus, 4.5.1875). In 1877 he had changed his ground again. In pleading for the annexation of the territory to the Cape Colony, he made great play of the marvellous increase in revenue from £8,500 in 1871 to £90,000 in 1875, and emphasised the value of the Crown lands once railways had reached them. Given the continual uproar on the Fields and the trouble caused by the illegal gun trade, his closing sentence was perhaps the most amazing of all. "The population to be annexed," he declared, "was enterprising and peaceful, and the natives the most docile in Africa." (Argus, 7.6.1877).

for example, he reinforced his incessant nagging for a Port Alfred-Grahamstown connection with a special plea for action, ⁽¹⁾ and five days later denounced a move to get twenty-five thousand pounds placed on the estimates for a survey of the line. ⁽²⁾ On one issue, however, he never wavered, and that was his desire to retain capital punishment as a deterrent ⁽³⁾ for certain offences.

A change of mind is not necessarily a bad thing. Where it springs from a candid examination of facts, and honest conviction, it is to be welcomed - especially in the politician. This may have been the case in some respects with Merriman. The Diamond Fields dispute, for example, appears very complicated to the historian, even today - ninety years after the event. At the time, it must have seemed absolutely bewildering, and, failing evidence one way or the other in his correspondence, it is not inconceivable that Merriman's rapid changes of front in this matter were due to a genuine attempt to arrive at a fair and honest answer. In other cases of inconsistency, however, the internal evidence of letters and speeches is too overwhelming to allow of such a conclusion. The facts point to an almost cynical disregard of principle in many cases.

1. GTJ, 4.6.1875.
2. GTJ, 9.6.1875. Mr. Molteno, it appeared, was "delighted at receiving support from that unexpected quarter," and congratulated Merriman on having commonsense for the first time.
3. Argus, 1.3.1870, 1.6.1875. His viewpoint was that it was neither safe to society, nor just to those engaged in prevention of crime, that death punishment should be abolished. (Argus, 1.3.1870). To his credit it must be said that he did not reach his conclusions lightly. If the Parliamentary correspondent of the Graham's Town Journal is to be believed his speech in 1870 was noted for its "marked ability and excellent taste.....(It was) carefully prepared, well primed with references, and facts, and well reasoned throughout" (GTJ, 9.3.1870)

Whatever may have been his failings in public life, however, no one could accuse Merriman of hypocrisy in private affairs. He did not suffer fools gladly, and, what is more, made it perfectly apparent to everyone concerned. He took a fiendish delight in exposing them. In addition he had an eye for anything false or insincere, and immediately made it the target of his scathing sarcasm.⁽¹⁾ He made no attempt to hide his feelings, and more than once found himself in hot water as a result.⁽²⁾ In many respects, he was his own worst enemy. For one thing, he often preferred

1. Dilettantes were one of Merriman's pet aversions. This comes out very clearly from a letter he wrote to his mother in 1878: "Have you read a book called 'The New Republic'. If not. Don't! It would only make you sad. Really what is the world coming to when a pack of fellows can get together and prate about "culture". Manhood good manhood is clean forgot, may be said by others than Jack Falstaff nowadays - I can feel it in my heart to long for a real honest barbarian to scourge these fellows with all their twaddle about art, infidelity and "culture" which last is worse than all. Give me a good "philistine" after all." (Merriman Papers 1878 - 23 John X. Merriman to Julia Merriman 25.2.1878.)
2. An excellent example of this is the occasion when Merriman precipitated a minor crisis by insulting the Legislative Council. His contempt for that body was a thing of long standing, and had got him into trouble before (*supra*). During the special session of 1875 he was charged with the delivery of some papers to that House. He entered the chamber with an air of complete contempt and duly hurled them on the table. The result was an uproar that steadily gathered momentum until Dr. White, one of his colleagues, was driven to apologise on his behalf. (GPJ, 26.11.1875.)

(1)

his gibe to his friend, and for another, he had on occasions an absolute genius for rubbing people up the wrong way. During the 1876 session, for example, Paterson and Merriman became the recognised duellists of the House, and there is an interesting account of his behaviour on such occasions:

(2)

"It is funny to see him irritate Mr Merriman with a sardonic smile - and Mr Merriman is easily irritated - and then to hear that Minister go off into one of his tantrums. The Commissioner has an air with him when he is speaking, as if he had the supreme contempt for everybody in the House. You can fancy his saying 'Just for this once I will condescend to tell you my opinion, and if you are such donkeys as not to recognise in my speech the utterances of a heaven-born Minister, I really cannot be responsible for your dullness.'" In replying to the simplest and most courteous question, he springs to his feet with all the air of resenting an indignity, and gives the information required in a manner as much as to say, "You ought to have known it yourself, without bothering me; but there, I'll forgive you this time, only don't do it again."(3)

Summing up the evidence, it seems clear that Merriman can perhaps best be described as an odd and often spectacular mixture of opposites. Although there was no doubting the extent of his reading and breadth of his knowledge, his

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1. Merriman was a master of the sardonic retort that clung to his victims for life. His knack of coining derisive nicknames was almost faultless, and caused no end of embarrassment to his victims. Hofmeyr, for example, went through life as "The Mole" - "an industrious little animal, you never see him at work, but every now and then a little mound of earth, thrown up here or there, will testify to his activity." (Laurence, pp. 62-63). Sprigg smarted under the sobriquet of "The Little Master" - given him as a result of an interview with a Basuto chieftain in which the Prime Minister, wishing to make an impression on a simple soul, said to the interpreter, "Tell him I am the Master of the Colony." (*Ibid.*) Rhodes was sarcastically known as "The young burgher" - the consequence of a deputation to Kruger at the end of which the President insisted that he had to consider the interests of his old burghers. "Yes, Mr President," was Rhodes' reply, "but we are your young burghers, and we also want to help you." (*ibid.*) De Waal was dubbed "Don Magnifico" - the result of the Administrator's tours through the province with enormous retinues and imposing expense accounts. (*Ibid.*) Even Milner's youthful advisers owed their famous title of "The Balliol Kindergarten" to Merriman's fertile and sardonic wit. (*Ibid.*)

2. Mr Paterson.

3. GTJ, 24.5.1876. Vide also GTJ, 12.6.1876.

speeches were often marred by an inability to understand the necessity of a sound framework of fact and reason for an argument. His great gifts as a public speaker went hand in hand with a manner that was often unfortunate, and occasionally really damaging. While no one dreamed of questioning his integrity in private life, his inconsistency in public affairs was a source of embarrassment to his friends and a cause for celebration to his opponents. A failure in private business, he proved to be an excellent public administrator and one of the best Finance Ministers the Colony ever had. A striking and often spectacular figure, he was no political leader of men. Perhaps Hofmeyr's verdict of him summed up the matter best - "A dashing leader of a
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cavalry charge, but not a good general."

1. Laurence, p. 70.

CHAPTER TWO

The Sinews of History 1862 - 1869

The South Africa to which Merriman returned in 1862
 (1)
 was on the threshold of troubled times, and the years that
 followed lengthened into a decade of crisis and despair almost
 (2)
 without equal in South African History. Where the eighteen-
 forties in Europe have with reason become known as the Hungry
 Forties, the eighteen-sixties in South Africa could with equal
 justice be dubbed the Dismal Sixties. During those years the
 major issues - constitutional, social and economic - that had
 remained dormant during days of prosperity and tactful govern-
 ment, emerged and clamoured for settlement.

Two great crises, economic and constitutional, faced
 the country. First in importance was the economic depression. (3)
 Following the widespread optimism and good fortune of the
 fifties, its unexpectedness and severity were in themselves
 bad enough, but coinciding with an overseas slump that stretched
 out to become the longest depression in South African History,
 its effects were nothing short of catastrophic. Without it,
 the bad temper and disorder that characterised nearly all
 public dealings in these years, would be difficult to compre-
 (4)
 hend.

A major obstacle to the understanding of the economic
 trends of these times is a lack of sufficient statistical data.
 The first reliable calculation of the National Income was only
 (5)
 made in 1917-1918. For earlier periods there are only a

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1. Walker, pp.297-327. Theal, Vol IV, pp.21-132. De Kiewiet, pp.67-69. Van der Walt, Wiid en Geyer, Vol II, pp.206-211.
 2. C.G.W.Schumann, Structural Changes and Business Cycles in South Africa, 1806-1936, p 80. G.T.Amphlett, History of the Standard Bank of South Africa, p.26. E.A. Walker, Lord De Villiers and his times, p. 40. Van der Walt, Wiid en Geyer, Vol II, p.206.
 3. Vide 1. above.
 4. Walker, p.298.
 5. Theal, Vol IV, p.22.
 5. R.A.Lenfeldt, The National Resources of South Africa.

miscellaneous assortment of individual indices, such as the rate of population growth, the expansion of trade, development of transport and increase in banking activity.⁽¹⁾ Taken singly, these indices, incomplete and unreliable as they often are, may be misleading; taken together, they provide a fairly accurate picture of the economy.

The Cape of 1860 was a flourishing place. Both in the columns of official Bluebooks and through the eyes of observers, the story is the same. The decade after 1850⁽²⁾ had seen a phenomenal economic advance, and all men looked forward to even better times.

Taking the index of population growth as starting point, a significant upward trend is noticeable. There are three peak periods of immigration into the Cape in the nineteenth century - the 1820 Settlers, the eighteen-fifties⁽³⁾ and the gold and diamond diggers of the seventies and eighties. Where hitherto the volume of emigration to South Africa had been so small that the Emigration Commissioners in London

1. Schumann, Structural Changes and Business Cycles, p. 37
2. E.H.D.Arndt, Banking and Currency Development in South Africa, (1652-1927), p.253.
3. De Kiewiet, p. 71.
In his book, Structural Changes and Business Cycles, Professor Schumann gives an interesting table of statistics in support of this:

<u>Year</u>	<u>European Population</u>	<u>Annual Percentage Rate of Increase</u>
1815	37,264	3.6%
1821	50,613	3.1%
1837	68,148	2.5%
1845	81,600	2.3%
1855	111,956	3.2%
1865	181,592	5.0%
1875	236,783	2.7%
1891	376,987	2.9%
1904	579,741	3.4%

p. 38.

did not even bother to mention it in their reports, between 1857 and 1862 no less than 12,000 German and British settlers set foot at the Cape. (1)
 (2) The European population rose from 111,956 in 1855 to 181,592 in 1865 - a fifty per cent increase in ten years. (3)

The ability of the Cape to absorb so significant an increase points to considerable economic development. This is emphasised by the fact that social convention in a heterogeneous community such as the Cape Colony may have tended to limit European employment to skilled trades. There would, therefore, have had to be a proportionately larger economic development to absorb a given number of immigrants than in countries such as Canada and Australia where the colour bar does not operate.

The conclusions hinted at by an examination of population figures are borne out by the evidence of trade and revenue statistics. During the decade 1850-1860 actual revenue increased from £245,785 to £525,371, while expenditure rose from £245,655 to £729,690. (4) Imports doubled from £1,277,045 to £2,665,902 and exports trebled from £637,253 to £2,080,398. (5)

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1. De Kiewiet, p.70. P.P. 1863 XXXVIII (430), pp.2-3. As late as 1841, for example, 23,950 emigrants sailed from the United Kingdom for Canada, 14,552 for Australia and New Zealand and only 130 for the Cape.
 (E.L.Woodward, The Age of Reform, 1815-1870, p 579.)
 2. De Kiewiet, p.71. Walker, p.294. E.L.G.Schnell, For Men must Work. V & P, G. 39-1863.
 3. V & P, Appendix 1, Vol I, G. 20-1866.
 The total population figures for the Cape (all races) were:

1855	267,973
1865	496,381.

In assessing the importance of these figures the following factors must be borne in mind:

- (a) scanty and often unreliable nature of the data itself.
 - (b) constant addition of new territory and new population making comparisons very difficult.
 - (c) impossibility of differentiation between natural increase and increase through net immigration.
 - (d) realisation that the Real National Dividend per capita need not necessarily increase at the same rate as the growth of population.
4. Cape of Good Hope Bluebooks.
 5. Ibid. In assessing these figures, however, it must be remembered that English wholesale prices rose at an annual average rate of 0.7% and that, while still exceptional, the progress of the Colony is not quite as exceptional as it would appear at first sight. (Schumann, Structural Changes and Business Cycles. p. 46.)

Expenditure on public works more than kept pace, leaping in ten years from £43,530 to £154,557 - an almost fourfold increase.⁽¹⁾

World trade conditions, and especially those in Great Britain, were very favourable. The advancing Industrial Revolution, the gold of California and Ballarat, war prices in Europe and presently in America, had given easy money and long credit to England and through her to the colonies.⁽²⁾ As a result both of external and internal factors Cape trade prospered mightily. Sulphur had saved the vineyards from oidium, drought,⁽³⁾ smallpox and stock diseases were forgotten,⁽⁴⁾ and wool, the staple of the country, was doing well,⁽⁵⁾ and had been reinforced by mohair in the East.

Transport development was equally striking. Apart from the routine construction of roads and bridges by Montagu's Central Board of Commissioners of Public Roads,⁽⁶⁾ there were some noteworthy developments in harbour and railway construction. In September 1860 Prince Alfred tilted the first load of stones for the new Table Bay breakwater⁽⁷⁾ which was to make the anchorage safe for the winter months.⁽⁸⁾ A year later the Board of Commissioners for Table Bay were empowered to commence the

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1. Cape of Good Hope Bluebooks.
 2. J. H. Clapham, An Economic History of Modern Britain, Vol. II.
 3. Walker, p. 293
 4. H. B. Thom, Die Geskiedenis van die Skaapboerdery in Suid-Afrika, pp. 195-200. E. N. Gie, Geskiedenis vir Suid-Afrika, Vol. II, p. 382.
 5. Pedigree Angora goats were first introduced by a Colonel Henderson in 1838 and so improved stock by cross-breeding that in 1856 Adolf Mosenthal, a merchant of Port Elizabeth, imported another batch of rams and ewes from Asia Minor. (M.H. De Kock, Economic History of South Africa, p. 226. Theal, Vol IV, p. 12.)
 6. De Kock, Economic History of South Africa, pp 104, 343. J. J. Breitenbach, The Development of the Secretaryship of the Government at the Cape of Good Hope under John Montagu, 1843-1852.
 7. Theal, Vol IV, p. 5. V & P, G. 26 - 1861.
 8. Walker, p. 294.

construction of proper docks according to plans by Coode,⁽¹⁾
 the marine engineer. A start had been made on the Capetown -
 Wellington railway line in 1859, and three years later a
 company was incorporated to construct a branch from Salt
 River to Wynberg.⁽²⁾ A penny post had been inaugurated in
 Capetown in 1860,⁽³⁾ and a year later a telegraph company was
 formed to extend the Capetown-Simonstown link as far as
 Grahamstown.⁽⁴⁾ Finally, to bring the Colony into closer con-
 tact with Europe the Union line, with government backing,
 introduced a monthly mail service of 42 days to Devonport.⁽⁵⁾

Banking activity was equally vigorous. Banking facili-
 ties had improved out of all recognition since the first
 shaky beginnings of the Cape of Good Hope Bank in 1837.⁽⁶⁾ The
 number of local banks had snowballed to 27 in 1863 with a
 combined capital of £1,617,600.⁽⁷⁾ Their resources were supple-
 mented in 1862 by the arrival of two imperial banks with a
 capital of £2,500,000⁽⁸⁾ - a direct result of the general
 boom and the passing of the English Companies Act of 1862.⁽⁹⁾
 To a country that could not attract the foreign investor in
 preference to America, this enlargement of local credit was
 of great significance.

These halcyon days of boom and prosperity came to an
 end in the early eighteen-sixties. As is the nature of
 business cycles⁽¹⁰⁾ the causes of this change are very complex,
 but reduced to essentials, it seems to have had a three-fold
 origin - drought, a slump in the market abroad, and a collapse
 of banking machinery at home.

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1. Theal, Vol IV, p. 10. V & P, A. 4-1860.
 2. Theal, Vol. IV, p. 11.
 3. Walker, p. 294.
 4. Theal, Vol IV, p. 11. V & P, A. 14-1860, A. 9-1861.
 5. Walker, p. 294.
 6. Arndt, Banking and Currency Development p. 236.
 7. Ibid, p. 259
 8. Ibid. J. Barker, The London and South African Bank, pp.1-4,
 Amphlett, History of the Standard Bank, pp.3-9.
 9. Ibid.
 10. A. H. Hansen, Business Cycles and National Income.

It was impossible to say with any accuracy what the length and severity of the drought was. While all writers agree as to its severity, (1) there is a difference of opinion as to its duration. Authorities such as Walker, Theal (2) (3) and the C.H.B.E. (4) agree in starting it in 1862, but historians such as De Kiewiet (5) and Sole, (6) insist on dating it two years earlier. Meteorological data, such as it is, is not much help. The only reliable rainfall figures for this period are those of Cape Town and Observatory. (7) Other figures do exist, but they are haphazard (8) and incomplete. Even those for Capetown and Observatory have (9) a limited validity only. They seem to point to 1864 as the

1. Infra p.40.
2. Walker, pp.297,304.
3. Theal, Vol. IV, pp.21-22.
4. C.H.B.E., Vol. VIII, p. 411. Vide also Van der Walt, Wiid and Geyer, Vol. II, p. 206. De Kock, Economic History of South Africa, p. 103. Arndt, Banking and Currency Development, p. 271.
5. C.W.De Kiewiet, British Colonial Policy and the South African Republics, 1848-1872, p. 158. The exact quotation is:- "Two years of drought had parched the colony and the drought was followed in 1862 by a winter of such severity that the cattle and sheep died in great numbers, so that trade was almost stagnant."
6. D.B.Sole, The Separation Movement and the demand for Resident Government in the Eastern Province, Vol. II, p. 203.
7. J.C.Brown, Water Supply of South Africa, p. 105.
8. Ibid. p. 106. The only other reasonably reliable figures appear to be those for Aliwal North, which has the additional advantage of being remote from the Cape, and provides, therefore, a more representative picture than would otherwise be the case.

	<u>OBSERVATORY</u>		<u>CAPETOWN</u>		<u>ALI WAL NORTH</u>	
	Total Fall	Difference from Mean	Total Fall	Difference from mean	Total Fall	Difference From Mean
1862	32.0	8.1	28.7	4.0	-	
1863	25.6	1.7	26.9	2.0	-	
1864	18.9	- 5.0	17.7	- 7.0	-	
1865	18.7	- 5.2	21.0	- 3.8	-	
1866	19.2	- 4.7	23.9	- 1.1	12.73	- 12.8
1867	23.0	- 0.9	29.2	4.4	18.46	- 7.0
1868	20.0	- 3.9	26.3	1.5	26.68	3.0
1869	25.4	1.8	-	-	19.21	- 4.3

(Brown, Water Supply of South Africa, pp. 105-106. Frontier Post and Times Supplement, 1.2.1946.)

9. The two places are within walking distance of one another and are both situated in one extreme corner of the Colony.

start of the drought, but as both belong to a winter rainfall region where different climatic factors operate, all that can be deduced from them is that parts of the Western Province appear to have enjoyed at least two good years while the rest of the country was stricken by drought. ⁽¹⁾

On one point, however, both figures and authorities agree - the severity of the drought. Although there were local differences and periodic alleviation, the drought appears to have lasted with great intensity until 1870. De Kiewiet goes so far as to describe it as unprecedented. ⁽²⁾ Certainly an analysis of export figures show a marked decline in cereal production, and a significant increase in the number of hides and skins exported. ⁽³⁾

The causes of the second factor, the slump in the overseas markets - which for the Cape Colony meant Great Britain ⁽⁴⁾ - are equally complex. In part it was a result of the depression in the textile industries. It started with the closing of the Lancashire cotton mills in the winter of 1861 as a result of the cotton famine and the American Civil War. ⁽⁵⁾ To a country in which about one-fifth of the entire population depended, directly or indirectly, on the cotton trade, ⁽⁶⁾ this was serious enough; but when to this was added a crash in the wool market at the close of the American Civil War, ⁽⁷⁾ the situation was grave, to say the least. In part it was also the result of a financial crisis that followed in the wake of the extravagant

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1. Vide Southey Papers, Warner to Southey, 11.10.1862: "The fearful drought appears to have put a stop to everything but thieving." (writing from Eastern frontier). Quoted by A.E.Du Toit, The Cape Frontier - A study of Native Policy with special reference to the years 1847-1866, p. 200
 2. De Kiewiet, p. 68
 3. Vide Appendix F and I. De Kiewiet, p. 68. Theal Vol IV.p.21
 4. Cape of Good Hope Bluebooks, Customs Returns, 1860-78.
 5. Woodward, The Age of Reform, pp.300-302. Walker, pp.297-298.
 6. Woodward, The Age of Reform, p. 300.
 7. Walker, pp.297-298.

and injudicious speculation in limited liability companies at the beginning of the eighteen-sixties. The culmination of this mania was the failure of the renowned firm of Overund and Gurney, in May 1866.⁽¹⁾ So severe was the shock of this catastrophe that the bank discount rate was raised to ten per cent, and the foreign secretary was obliged to send a circular to British legations in Europe explaining the nature of the crisis for the benefit of thoroughly alarmed foreign merchants.⁽²⁾

The origins of the third major factor, the banking crisis in South Africa, are more easily discovered. The crisis came in 1865, and started in Port Elizabeth and Durban.⁽³⁾ It therefore appeared earlier than, but was intensified by, the English crash of 1866.⁽⁴⁾

The spectacular boom which the Cape had enjoyed in the early eighteen-sixties had been built on foundations of clay. The boom itself was a direct result of the appearance of the two Imperial Banks in 1862, as a consequence of which banking capital was doubled - from £1,972,815 in 1861 to £4,117,660 in 1863.⁽⁵⁾ Even in normal circumstances this would have been a somewhat shaky situation as the economy of the country was not sufficiently developed to absorb safely so vast an influx of capital.⁽⁶⁾ Conditions were not normal. Drought and a

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1. Woodward, The Age of Reform, pp 584-585.
 2. Ibid, p. 585.
 3. Schumann, Structural Changes and Business Cycles p. 80. These two places had strong commercial connections with the Free State, and any untoward developments there were bound to affect them. The dislocation of the Basuto War, the closing of the courts delaying litigation for debt, and the embarrassment of the Bloemfontein branch of the Standard Bank brought about a first-class financial crisis in the republic, and this in turn ruined many of the country's creditors in Port Elizabeth and Durban. (Arndt, Banking and Currency Development, p 317. J. van der Poel, Basutoland as a factor in South African Politics (1858-1870). (Archives Yearbook, 1941) p. 212.
 4. Schumann, Structural Changes and Business Cycles, p. 80.
 5. Arndt, Banking and Currency Development, p. 259.
 6. Supra pp. 39-40

whole list of hare-brained speculative schemes accounted for
(1)

that. Sir Lewis Michell who visited the country in 1864

summed up the situation as follows:

"I found the Eastern Province strenuously striving for prosperity under the disadvantage of a system of unlimited credit. Private persons ran accounts with their tradesmen for all the necessaries of life, and payment, which was at rare intervals, took the delusive form of promissory notes, frequently renewed.

Retail dealers in their turn, gave six months acceptances to the merchants and the latter fell back on their Home supporters. Everybody took and gave credit, bad debts were common, and prices ruled high."(2)

Given the narrow base of the Colonial economy - the fact that as late as 1868 no less than ninety-four per cent of the total exports of the country consisted of agricultural and pastoral products, (3) - it will be understood that in normal circumstances a slump would have taken place in 1862 with the advent of the drought. The influx of foreign capital, however, created a false boom, and when the crash eventually came, it came with a vengeance. (4) Amphlett describes the year 1866 as "a year of convulsion when the whole fabric of credit was shaken to its foundations." (5) All banks suffered substantial losses. Four local banks had to close down altogether, (6) and for the first and last time in its long history the Standard Bank paid out no dividend. (7)

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1. De Kock, Economic History of South Africa, p. 103
Schumann, The Structural Changes and Business Cycles, p. 80
The verdict of the Civil Commissioner for Caledon in 1865 is interesting on this point: "It is much to be feared that the introduction of foreign banking institutions into this Colony within the last few years had had a great deal to do with the present impoverished state of the Colony, affording as they have done, to persons without means, facilities for obtaining loans, who thus enter into wild speculation without any prospect of ultimate payment, and by so doing involve others with themselves." (Quoted by Arndt, Banking and Currency Development, p. 261)
 2. Quoted by Amphlett, History of the Standard Bank, p. 24
 3. Van der Walt, Wiid and Geyer, Vol. II, p. 193.
 4. Vide Appendix A.
 5. Amphlett, History of the Standard Bank p. 26.
 6. Arndt, Banking and Currency Development pp.271-273.
 7. Amphlett, History of the Standard Bank, p.202.

The depression which resulted from the joint action of these three factors was the worst the country experienced in the course of the nineteenth century.⁽¹⁾ Its impact was catastrophic. A cursory examination of economic indices proves this. There are unfortunately no reliable figures of population growth and movement, but in a country in which some three-quarters of the total working population were farmers,⁽²⁾ prolonged drought was bound to have serious repercussions. The immediate result was that many hundreds of those who had been brought to South Africa at public expense, finding that their expectations were not likely to be realised,⁽³⁾ migrated to New Zealand and the United States. Although there are no completely reliable figures on emigration there is little doubt that this must have taken place on a comparatively large scale. This is proven, not only by contemporary accounts,⁽⁴⁾ but also by an examination of the figures for the annual percentage rate of increase of the population.⁽⁵⁾ The 2.7 per cent given as the figure for the decade 1865-1875 is beaten into third place in the nineteenth century only by the statistics for the eighteen-thirties and eighteen-forties - this in spite of the incorporation of British Kaffraria⁽⁶⁾ and the vast influx of immigrants that followed the discovery of diamonds in the early seventies.⁽⁷⁾

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1. Walker, Lord de Villiers, p. 40.
 2. Van der Walt, Wild and Geyer, Vol. II, p. 184.
 3. Theal, Vol. IV, pp. 22, 39. Walker, p. 298.
 4. Ibid.
 5. Supra, pp. 35-36.
 6. The population of British Kaffraria on 31st December, 1864, was as follows:

Natives:	78,018
Europeans:	
1. German:	
(a) Military settlers:	455)
(b) Immigrants:	1,972)
2. Other Europeans:	5,756)
	<hr/>
	86,201.

Trading figures are fortunately more complete. Whereas in the decade 1850-1860 exports had trebled,⁽¹⁾ and in 1870-1880, not including diamonds, were to go up by three-fifths,⁽²⁾ those for 1860-1870 only rose by twenty-five per cent - from £1,920,279 to £2,453,768.⁽³⁾

The drought was the key factor. It ruined the more severely hit parts of the country and hampered production in the less stricken areas. This is proven by the leap in exports in two good years after 1870 from £2,453,768 to £4,666,071, of which only £306,041 were contributed by diamonds.⁽⁴⁾

Equally serious was the slump in the foreign markets for South African stocks of wool and wine. The value of the Colony's staple export, wool, tended to diminish as a result of three factors - a change in taste to alpaca and llama wools,⁽⁵⁾ the collapse of the American wool market at the close of the Civil war, and the growing unpopularity of the unwashed and badly sorted Cape "shorts" with the Yorkshire weavers.⁽⁶⁾ Whereas the weight of wool exported rose from 23,219,689 lbs. in 1860 to 37,263,291 lbs. in 1870, the amount of money received only increased from £1,448,629 to £1,669,518.⁽⁷⁾

Wine was also badly hit. In spite of the almost universal condemnation of Cape wines,⁽⁸⁾ under imperial preference they

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1. Supra, p.36.
 2. Vide Appendix F.
 3. Ibid.
 4. Ibid.
 5. Amphlett, History of the Standard Bank. p. 25
 6. Walker, p. 297. Thom, Geskiedenis van die Skaapboedery pp.187-192. Cape "shorts" had their origin partly in the kind of sheep used, and partly in the out-of-date but deeply ingrained habit of shearing twice a year. It was only after 1875 that farmers began to learn the greater commercial value of an annual clip, but conservatism seems to have been deeply ingrained for as late as 1895 no less than 37% of the wool exported still consisted of the renowned Cape "shorts".
 7. Vide Appendix B.
 8. De Kock, Economic History of South Africa, p. 103.

had enjoyed a considerable market in England where they were used to give body to choice continental wines. ⁽¹⁾ Until 1842, when wool moved into first place, wine had even been the chief export of the colony. ⁽²⁾ This came to an end in 1860 when Gladstone not only abolished all preferential tariffs in favour of colonial wines, but even concluded a commercial agreement with France whereby favourable duties were granted in respect of French wines. ⁽³⁾ The final blow came in 1865 with Gladstone's alcoholic scale of duties, designed to discriminate against the consumption of strong drink, which included Cape wines. ⁽⁴⁾ Export figures reflect this. Whereas the value of ordinary wine exported in 1860 amounted to £79,712, ⁽⁵⁾ ten years later it had fallen to £13,887.

The effect of drought-stricken crops and shrinking markets are clearly reflected in the third major index - that of revenue and expenditure. Between 1865 and 1871 public works ceased. Projects for which money had been voted, were completed, but from 1865 to 1871 no new ones were started. ⁽⁶⁾ For a whole decade not another sleeper was added to the colonial railways. ⁽⁷⁾ Whereas in 1860 expenditure on public works amounted to £154,557 in 1870 it totalled no more than £18,445. ⁽⁸⁾

Although actual revenue rose from £525,381 in 1860 to £668,240 in 1870, ⁽⁹⁾ the increase was partly the result of an increase in taxation, ⁽¹⁰⁾ and partly of a steady inflation of 0.7 per cent per annum. ⁽¹¹⁾ More significant is a comparison

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1. Ibid, p. 196.
 2. Van der Walt, Wiid en Geyer, Vol, II, p. 193.
 3. De Kock, Economic History of South Africa, p. 196.
 4. Ibid.
 5. Vide Appendix F.
 6. Vide Appendix G.
 7. De Kiewiet, pp. 68-69.
 8. Vide Appendix C.
 9. Ibid.
 10. Infra, pp. 87-89.
 11. Schumann, Structural Changes and Business Cycles. p. 46.

with the annual average rate of revenue increase for corresponding periods in other decades. ⁽¹⁾ Not only is the figure of 3.2 per cent for the period 1865-1869 very much lower than the statistics for comparable periods in the eighties and seventies, but with the exception of the 3.1 per cent recorded for the period 1835-1839, it is the lowest on the table.

Banking statistics provide similar evidence. Whether one looks at figures for all banks, or at the returns of individual houses, the picture is the same. If money circulation is an index to economic activity then 1868 was a very bad year. The figure recorded was £222,349. Four years later it had multiplied fourfold, and now stood at £1,080,072. ⁽²⁾

Even more significant, because more complete, are the figures for an individual bank such as the Standard Bank. ⁽³⁾ Where in December 1864 its paid-up capital and reserve fund stood at £487,520 and £56,000 respectively, in December 1869 they had fallen to £415,315 and £20,000; where the profit had been £24,791 and the half-yearly distribution 4 per cent, it now stood at £8,804 and 2 per cent; where the notes in circulation had numbered £122,296 and the total deposits £472,602, they now shrunk to £88,240 and £458,287 for each category; finally, where the total advances and total assets had amounted to £1,282,177 and £1,489,703, they now totalled £1,274,587 and £1,438,553. These figures were, of course, by no means the lowest points reached. ⁽⁴⁾

1. <u>Revenue of the Cape Colony.</u>		
<u>Period</u>	<u>Annual Average</u>	<u>Annual average rate of increase</u>
1835-1839	£164,500	3.1%
1845-1849	228,600	3.4%
1855-1859	416,500	6.2%
1865-1869	573,200	3.2%
1875-1879	1,648,400	11.4%
1885-1889	3,555,700	7.2%
1895-1899	6,487,600	6.8%
(Schumann, <u>Structural Changes and Business Cycles</u> . p. 50)		
2. <u>General Directory and Guidebook to the Cape of Good Hope and its dependencies, 1880, p.188</u>		
3. <u>Vide Appendix A.</u>		
4. <u>Ibid.</u>		

Acute social distress followed automatically in the wake of economic dislocation. For every hundred who had the means of paying their passages to other countries there were an equal number who could neither get out nor obtain employment. (1) Private benevolence was taxed to the limit, and a variety of charitable institutions were established to prevent actual starvation. So bad did conditions become that Wodehouse was eventually driven to inaugurate relief works in September 1864 at the Tulbagh Kloof - without prior parliamentary sanction. Even that, however, had to be abandoned a year later for lack of funds. (2)

"In the year 1867," Theal records in his History, "the distress in the colony reached the most acute point that it attained at any time during the nineteenth century." (3) Given continued drought and agricultural depression, there was an exodus of farm labourers to the towns. (4) Impecunious at the best of times, they had been reduced by depression to a condition of almost total destitution. Early in 1867 it was noticed that there was an unusual amount of sickness and a high rate of mortality in several districts of the Colony, but more especially in certain streets in Capetown. It soon became evident that the country was in the throes of an epidemic in which the death-rate was one in five. The fever was clearly a consequence of severe malnutrition, because wherever people had enough to eat there was no infection. But wherever there were large concentrations of starving Coloureds, such as the mission stations, the large villages of the South West, and above all Capetown, the mortality rate was very high.

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1. Theal, Vol. IV, p. 39.
 2. Ibid, p. 79
 3. Theal, Vol. IV, p. 83.
 4. Ibid,

During the five months from June to October 1867, when the fever was at its worst, no less than a thousand people above the average rate died in Capetown alone.⁽¹⁾ For a town whose total population in 1865 numbered 28,457 souls,⁽²⁾ this was a formidable total.

So desperate did the situation become that people were prepared to try almost anything to find a way out of the economic impasse. These were the days of experiments - silk, flax, cotton and ostriches.⁽³⁾ Cotton for a while looked promising.

As if the economic outlook was not bleak enough, two other related factors depressed the spirits of the Colonists.

In the first place, there was the threatened withdrawal of the greater part of the British garrison. The eighteen-sixties were significant years in the development of British colonial policy.⁽⁴⁾ The widespread public interest in colonial matters aroused by the Colonial Reformers - Molesworth, Durham, Wakefield and Buller - in the late forties and early fifties⁽⁵⁾ had flickered out with the advent of the Crimean War.⁽⁶⁾ Thereafter, apart from the discovery of gold in Australia and the restlessness of the Maori tribes in New Zealand,⁽⁷⁾ there had been little in the colonial field to divert public attention from the more stirring events in Europe.

1. Ibid.

2. V & P, G.20-1866, Census Returns for 1865.

3. Theal, Vol IV, p.112. De Kock, Economic History of South Africa, pp.176, 208. Cotton for a while looked promising. Export figures rose from 480 lbs. in 1867 to 1501 lbs. in 1869 and 24,990 lbs in 1871. But lack of knowledge, ginning establishments and transport, combined with the lure of the Diamond Fields and the revival of conventional farming in the seventies diverted attention from it.

The domestication of ostriches, on the other hand, was both promising and successful. As a result of the development of incubators the number of ostriches in captivity rose from 80 in 1865 to 22,000 ten years later. Export figures jumped from £75,116 in 1866 to £653,756 in 1879.

(A. Douglass, Ostrich Farming in South Africa, p. 1.

R. Wallace, Farming Industry in the Cape Colony, p.220. Appendix F.)

4. C.H.B.E., Vol VIII, p.421.

5. P. Knaplund, The British Empire, 1815-1939, pp.199-201.

C.A. Rodelsen, Studies in Mid-Victorian Imperialism, pp36-42. Woodward, The Age of Reform, p.353.

6. De Kiewiet, British Colonial Policy & the South African Republics, p.208.

7. Ibid.

The popular clamour for economy and the reduction of national expenditure which followed the close of the Crimean War and the Indian Mutiny, ushered in a new phase of interest in colonial matters. ⁽¹⁾ It became clear that the government that could reduce the budget to its pre-1853 proportions, and ⁽²⁾ lessen the income-tax imposed as a war measure ⁽³⁾ would be the government that would find popular favour.

Both Disraeli and Gladstone sought their salvation in a reduction of the most conspicuously swollen item - military expenditure. But the years after the Indian Mutiny were heavy with crisis in Europe. The deterioration of Anglo-French relations over the Orsini attempt on Napoleon III's life in ⁽⁴⁾ 1858 ⁽⁵⁾ had caused an invasion panic to sweep England. Thereafter, public opinion was constantly agitated by events in Italy, America and Germany - a situation which the diplomacy of a pyrotechnical Palmerston was not calculated to soothe. Far from being reduced, the cost of armaments mounted as new and radical alterations in artillery and rifle design, the use of iron instead of wood for the construction of battle-ships, rendered necessary the scrapping of old and the manufacture of new weapons of war. ⁽⁶⁾

Arising in part from a desire to effect economies and in part from a desire to improve the efficiency of the Home Defences, an inter-departmental committee composed of officials from the Treasury, War Department and Colonial Office was appointed in 1859 to investigate a report upon the cost of the military establishment. ⁽⁷⁾ Its findings were alarming.

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1. Ibid, pp. 208-209. Du Toit, The Cape Frontier. p. 135
 2. The income-tax had been raised to 1s. 2d. in the pound in 1854. (Woodward, The Age of Reform, p. 161.)
 3. Woodward, The Age of Reform, pp 160-161, 174-175. De Kiewiet British Colonial Policy and the South African Republics, p.20
 4. J. A. R. Marriatt, History of Europe 1815-1939, p. 207
 5. P. Knaplund, Gladstone and Britain's Imperial Policy, p. 87.
 6. Woodward, The Age of Reform, pp.283-284
 7. C.H.B.E., Vol. II, p. 828. Knaplund, Gladstone and Britain's Imperial Policy, p.87.

It reported that of the £3,968,000 spent on the maintenance of troops in the colonies for the period 1857-1858, the colonists themselves had only contributed £378,000.⁽¹⁾ To this was added the evidence of military experts that the 50,000 odd troops in the colonies were so dispersed as to be practically useless in time of war.⁽²⁾

The report was published in March 1860. It raised such a hue and cry that a select committee of the House was appointed a year later to investigate the matter more fully.⁽³⁾ Its findings were much the same, but with this additional and shocking discovery - of the £369,200 contributed by the colonies in 1860, only £73,300 found its way eventually into the Imperial Exchequer. The remainder was paid to the troops on the spot, and duly spent by them in the colonies concerned.⁽⁴⁾ Against the background of a total expenditure of £3,235,000, this was a mere bagatelle.

It was inevitable that questions about the value of colonies to the mother country should be asked. Unlike the colonies of Holland and Spain which in the heyday of their splendour had added considerably to the national coffers, the colonies of Britain appeared to contribute only expenditure and inconvenience to the mother country. Australia was refusing to accept convicts from home, the Cape Colony had already defiantly excluded them, and Canada was arrogating to herself the right of imposing import duties on British goods.⁽⁵⁾

Everything seemed to point to an abandonment of the colonies. There were many who would have been prepared to endorse Disraeli's indignant 1852 remark: "These wretched colonies will all be independent too, in a few years, and are a millstone round our necks."⁽⁶⁾ Nevertheless, the position was not as simple as this.

Mid-Victorian statesmen had a profound sense of duty, and as

1. C.H.B.E., Vol. II, p. 828.
2. Knaplund, The British Empire 1815-1939, p. 214.
3. C.H.B.E., Vol. II, pp. 827-833.
4. C.H.B.E., Vol. II, p. 831.
5. De Kiewiet, British Colonial Policy and the South African Republics, p. 210.
6. W.F. Monypenny and G.E. Buckle, The Life of Benjamin Disraeli, Earl of Beaconsfield. Vol. III, p. 385.

they saw it, it was their responsibility to give to the colonies good government. This included justice for the native population, as well as protection of the white settlers' commercial interests.⁽¹⁾ Their problem was to reconcile these obligations with the dictates of economy.⁽²⁾

At the close of the debate on the Report of the Mills Select Committee in March 1862, a resolution was adopted "that this House, while it fully recognises the claims of all portions of the Empire on Imperial aid against the perils arising from the consequence of Imperial policy, is of opinion that colonies exercising the right of self-government ought to undertake the main responsibility of providing for their own internal order and security, and ought to assist in their own external defence."⁽³⁾

This was the crux of the issue, but this decision was not reached without much heart-searching. Two main arguments were used against the withdrawal of troops from the colonies. In the first place, it was maintained that it was wrong to expose the colonies to foreign attack. To this the answer was given that a strong and well-disciplined home force, easily transported by a Navy that commanded supremacy of the seas, provided a better guarantee of safety than a host of scattered garrisons.⁽⁴⁾ In the second place, it was held that this would be a betrayal of the interests of the native populations. To this the reply was given that if the colonists had to bear the burden of war, self-interest would force them to adopt an equitable attitude to the indigenous peoples.⁽⁵⁾

Arguments in favour of the measure were more abundant.

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1. C.H.B.E., Vol. III, p. 17.
 2. De Kiewiet, British Colonial Policy and the South African Republics, pp. 215-217.
 3. C.H.B.E., Vol. III, p. 20.
 4. Knaplund, Gladstone and Britain's Imperial Policy, p. 89.
 5. Ibid. p. 87. De Kiewiet, British Colonial Policy and the South African Republics, p. 212.

Quite apart from considerations of economy and better home defences,⁽¹⁾ it was felt that the self-respect of colonies demanded self-reliance in defence. Gladstone summed up the issue perfectly in giving evidence before the Mills Committee: "No community," he declared, "which is not primarily charged with the ordinary business of its own defences is really, or can be, in the full sense of the word, a free community. The privileges of freedom and the burdens of freedom are absolutely associated together."⁽²⁾

It was decided to distinguish between "imperial posts" such as Malta and Gibraltar, garrisoned for purely imperial purposes, and "self-governing colonies", garrisoned for many reasons other than strictly imperial purposes.⁽³⁾ For the reasons already stated, it was decided to maintain garrisons in the "imperial posts", but either to withdraw or make the colonies pay for the troops stationed in their territory.

In 1864 instructions to this effect went out to the various Governors, and in the same year troops actually started to leave New Zealand.⁽⁴⁾ The Cape had always ranked high on the list of chronic offenders, paying only one twenty-fourth of the expenses of the military establishment.⁽⁵⁾ As recently as March 1851 The Times in a leading article had drawn attention to the high cost of the Cape garrison and frontier wars, and had demanded that something be done about it.⁽⁶⁾ In spite of this, the Colonial Office had had considerable

1. Supra. p. 48.

2. Quoted by Du Toit, The Cape Frontier: p. 136. Vide also a letter from Gladstone to Adderley in September, 1861: "The point on which I like most to make the question (of colonial defence) turn is that as long as this system continues our colonists never can reach to the high standard of the character of freemen. If the system gained us millions instead of losing them, I should still be against it." (Quoted by Knaplund, Gladstone and Britain's Imperial Policy, p. 91).

3. C.H.B.E., Vol. II, pp. 827-828.

4. C.H.B.E., Vol. VIII, p. 421.

5. C.H.B.E., Vol. II, p. 828.

6. K. N. Bell and W. P. Morrell, Select Constitutional Documents ON British Colonial Policy, 1830-1860, pp. 519-521.

qualms about sending the withdrawal despatch to the Cape.⁽¹⁾
 Although both New Zealand and the Cape had been strongly
 suspected of war profiteering,⁽²⁾ it was generally felt that
 the situation in the two countries was not exactly comparable.
 Whereas in New Zealand the Maoris were a dwindling minority,
 in South Africa the Bantu outnumbered the Europeans both
 within and without the colony. And whereas New Zealand
 formed a political entity, South Africa in the eighteen-
 sixties was splintered into three British dependencies and
 two Boer republics.⁽³⁾ The question was simply this: to whom
 did Her Majesty's Government owe a greater responsibility -
 the British tax payer or the Cape Colonist?

At the Cape the news of the withdrawal was received
 with undisguised consternation. Not only would it mean the
 departure of lavishly spending troops at a time when money
 was very tight, but it would entail an increased burden on
 the tax payer for the upkeep of whatever remained.⁽⁴⁾ Most
 important of all, it would mean that the frontier would be
 less well defended. Drought in South Africa had always
 meant frontier trouble. "It was no chance," according to
 De Kiewiet, "that the great majority of wars came in seasons
 of drought. The relationship between the tortured barren-
 ness of a South African drought and native uprisings is too
 obvious to be missed. Burned under a cruel sky, as empty of
 moisture as the soil was of nourishment, the cracked and
 croppless land was often a trigger of revolt."⁽⁵⁾ The Cape had

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1. C.H.B.E., Vol. VIII, p. 421.
 2. Knaplund, Gladstone and Britain's Imperial Policy, pp. 85-86.
 Bell and Morrell, Select Constitutional Documents, p. 521.
 3. De Kiewiet, British Colonial Policy and the South African
 Republics, p. 217. Du Toit, The Cape Frontier, p. 137.
 4. Infra p. 55.
 5. De Kiewiet, p. 75.

been at the mercy of the drought since 1862, and although it would be wrong to ascribe the outbreak of frontier war entirely to climatic conditions, the first tell-tale signs of frontier disturbance were beginning to manifest themselves. The Kaffirs under pressure of want had started thieving on the Eastern Frontier, ⁽¹⁾ and in 1865 retaliation raids by a so-called "mutual protection association" in the King William's Town district had led to prosecutions in Port Elizabeth. ⁽²⁾ Equally symptomatic was the Krelli war scare in the same year. ⁽³⁾ ⁽⁴⁾

Apart from the political implications of the withdrawal, the economic consequences were so disquieting that Wodehouse succeeded in getting the implementation of the plan postponed in July, 1865. ⁽⁵⁾

Although the matter was raised at various stages thereafter, ⁽⁶⁾ and the withdrawal hung like a constant threat over the Colony, it was only in 1868 that the danger really became acute. In December of that year Gladstone formed his first Ministry. ⁽⁷⁾ ⁽⁸⁾ The familiar dilemma of the Colonial Office was personified in him. As a former Colonial Secretary, a passionate Hellenist and champion of the Greek ideal of colonisation, he believed very firmly in the value of colonies - much less for reasons of material benefit than for social and moral gain. ⁽⁹⁾ Together with Roebuck he believed that the primary purpose of colonisation was the creation of "so many happy Englands" all over the globe, ⁽¹⁰⁾ but an earnest champion of

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1. Walker, p. 307.
 2. Theal, Vol. IV, p. 79.
 3. Du Toit, The Cape Frontier, pp. 183-191.
 4. Infra, pp. 58 sqq.
 5. Theal, Vol. IV, p. 86.
 6. Ibid.
 7. Woodward, The Age of Reform, p. 642.
 8. Supra, pp. 48 sqq.
 9. Knaplund, Gladstone and Britain's Imperial Policy, pp. 81-83 C.H.B.E., Vol. III, pp. 19-20.
 10. Ibid.

liberty he insisted that there be no element of compulsion in the tie with the Mother country. As he himself expressed it, the human race would gain immeasurably from the reproduction of "a country in which liberty is reconciled with order, in which ancient institutions stand in harmony with popular rights, and in which religion and law have founded one of their most favoured homes."⁽¹⁾

As an advocate of self-reliance, and as the fanatical protagonist for many years of the "battle for economy" in an indifferent cabinet, he was sternly opposed to what he called "unconstructive spending."⁽²⁾ Quite apart from considerations of colonial self-respect,⁽³⁾ to a person who regarded public extravagance as "a great moral evil",⁽⁴⁾ the excessive and unrewarding outlay on colonial defence then still current was one of the worst forms of misgovernment imaginable.⁽⁵⁾

Consequently in December 1869, Earl Grenville, Gladstone's Secretary of State for the Colonies, informed Wodehouse that 1870 would see the implementation of the scheme.⁽⁶⁾ Four of the five regiments stationed at the Cape were gradually to be withdrawn, unless the Colony was prepared to pay for their maintenance at the standard rate of £40 per infantryman and £70 per artilleryman per annum. Imperial support for the Cape Mounted Rifles was also to be withdrawn,⁽⁷⁾ and the single battalion remaining at Imperial expense was to act as garrison at Simonstown.

The blow had finally fallen, and the outlook for the Cape appeared extremely bleak.

Just as important as the withdrawal of the troops, was the impact of the second related factor - the imminent opening

1. Knaplund, Gladstone and Britain's Imperial Policy, p. 83.
2. C.H.B.E., Vol. III, p. 20.
3. Supra, p. 52.
4. J. Morley, Life of Gladstone, Vol. I, p. 676. et seq.
5. C.H.B.E., Vol. III, p. 20.
6. P.P. 1870 XLIX (181) Grenville to Wodehouse, 9.12.1869.
7. Ibid. V & P, C. 1-1869 p. 2.

of the Suez Canal. The days when the Cape was an almost unavoidable port of call were past. So also were the days when the better part of its population had made a living from provisioning ships. The introduction of lime juice as a preventative for scurvy and the utilisation of faster steam-driven ships had put an end to the first, and the development of the country's economy had diminished the value of the second.⁽¹⁾ Nevertheless, the Cape had benefited greatly from the cheap and frequent transport provided by the multiplicity of ships that passed the Cape, and certainly the victualling of ships had proved a godsend to the hard hit merchants and farmers of Port Elizabeth and Capetown.

Throughout these years the colonists viewed the progress of the canal with increasing consternation, and as the fatal opening day in 1869 approached, hope seemed just about extinguished for the Colony. The drought and commercial depression had ruined both farmers and merchants, the withdrawal of troops threatened to expose the colony to further financial burdens and possible attack, while the opening of the canal seemed to remove the last source of income for the Colony. Colonists could not be blamed if they looked darkly at the future, for even optimists such as William Porter believed the days of the Colony to be numbered.

(2)

The second major problem was the constitutional crisis. It was at once both a consequence and a cause of the economic crisis, and must be seen in the context of the eighteen-sixties. It fell naturally into two parts - on the one hand, the question of the powers and responsibilities of an elected Parliament under the Representative form of government, and, on the other hand the problem of the split between the Eastern

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1. Van der Walt, *Wiid en Geyer*, Vol. II, p. 209. Gie, *Geskiedenis vir Suid-Afrika*, Vol. II, p. 382.
 2. Walker, pp. 303-310. Theal, Vol. IV, pp. 21-114. C.H.B.S., Vol. VIII, pp. 411-412, 416, 422.

and Western Districts and the desire of the Easterners for Separation.

(1)
The constitution of 1854 was an uneasy compromise between local Parliamentary government and London control. At the time of its inception it was the most liberal constitution in the Empire with the exception only of Canada where the principle of Responsible Government had been implemented in 1846. Nevertheless, it was loaded with the potential of conflict. Given a tactful Governor, a co-operative Assembly and prosperous times it functioned well enough; but if any of these three ingredients departed even slightly from the optimum, trouble was bound to follow. In the eighteen-sixties no two of the three ingredients could be reconciled with each other. The keynote of this period was schism and division in every field of political activity.

Parliament consisted of two Chambers - a Legislative Council and House of Assembly. (2) Both were wholly elective (3) with the exception only of the President of the Council whose seat was taken ex officio by the Chief Justice of the Colony. (4) The executive power remained, however, in the hands of the Governor and a body of senior officials, the chief of whom (5) had seats in either House although none of them could vote. The constitutional balance created by this machinery was very delicate. The legislature was an elective and representative body, but the Ministry was still appointed by and responsible to the Crown.

The Governor ruled the country as controller of the administration and head of the executive. It was his

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1. G. W. Eybers, Select Constitutional Documents illustrating South African History. 1795-1910. pp. 45-55.
 2. Ibid, Clause 1.
 3. Ibid, clauses 4, 6 and 7.
 4. Ibid, clause 2.
 5. Ibid, clause 79. The "parliamentary executive" consisted of the Colonial Secretary, the Attorney-General, the Treasurer and the Auditor.

privilege to summon Parliament annually to any place he
 chose to name,⁽¹⁾ and his right to lay before the legislators
 "the drafts of any laws which it may appear to him desirable
 to introduce."⁽²⁾ This arrangement carried within itself the
 seeds of conflict.

Equally ominous was the extent to which the East-West
 rivalry found a reflection in the structure of Parliament.
 The fifteen members of the Council were elected by two
 constituencies only - the Eastern districts and the Western
 districts.⁽³⁾ The forty-six members of the Assembly were
 elected by twenty-two constituencies, theoretically demar-
 cated regardless of provincial considerations.⁽⁴⁾ In both, the
 West had a numerical superiority over the East - in the
 Council a one-man lead and in the Assembly a preponderance
 of two. Given the strength of East-West feeling this was
 an arrangement that augured ill for the future.

Equally fraught with danger was the relationship between
 the two Houses. Unlike its counterpart, the House of Lords
 in England, the Legislative Council was both an elected and
 therefore a representative body. In fact, it was chosen by
 the same voters as elected the House of Assembly,⁽⁵⁾ although

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1. Ibid, clause 60
 2. Ibid, clause 77.
 3. Ibid, clause 4.
 4. Ibid, clause 6 and 7.
 5. Ibid, clauses 8-10. The ^{chise}franchise was given to all adult
 males, irrespective of race, creed or colour, "who shall have
 occupied any house, warehouse, shop or other build-
 ing ... of the value of twenty-five pounds sterling; or
 who shall have been in the receipt of salary or wages..
 of not less than fifty pound by the year; or who having
 been in the receipt of salary or wages of not
 less than twenty-five pounds by the year, shall in addition
 have been supplied with board and lodging."
 (clause 8.)

its own members had to fulfil somewhat higher age and property qualifications than those of the Lower House. ⁽¹⁾

The reasons for this were two-fold. Firstly, at the time of its introduction in the Cape it was widely feared that some of the most eligible men who could be elected to the Assembly would be unwilling to serve if the Council consisted of nominees. After the anti-convict agitation there was no longer any room for a nominated body in the Colony. ⁽²⁾ Secondly, the experience of British colonies generally and of Canada in particular had proved the nominee house to be the weak link in the constitutional chain where-
⁽³⁾ ever it had existed.

In the opinion of many the Legislative Council as newly constituted was redundant. If the old plan of having an upper house of nominees to safeguard the interests of the Crown was to be abandoned, there was little sense in maintaining an upper house that was a mere duplicate of the lower. Nevertheless, the Colonial Office had felt that a Chamber that was intended to represent the propertied class could fulfil a useful function in preventing the passage of ill-considered legislation, arising either from panic or incomplete deliberation.

In fact, it is doubtful whether it exercised any markedly moderating influence. ⁽⁴⁾ On the contrary, its very nature and existence contributed considerably to the political tensions of the time. In matters of finance and constitutional change, ⁽⁵⁾ opinions in the two Houses were often divergent. Both being elective, neither had any absolute authority over the other.

1. Ibid, clause 33. Legislative Councillors had to be at least thirty years of age, and had to possess immovable property within the Colony worth two thousand pounds, or movable and immovable property together worth four thousand pounds. Members of the Legislative Assembly merely had to fulfil the qualifications of ordinary registered voters.

2. P.P. 1850 XXXVIII (1137), p. 45.

3. Eybers, Select Constitutional Documents, p. xxxiii.

4. Infra, p. 77.

5. Eybers, Select Constitutional Documents, p. xxxiii.

The result was that a problem once posed was almost insoluble.

There were times, therefore, when Parliament was torn and divided within itself by a three-fold schism - a clash between the Legislature and Executive, a split between the Upper and Lower Houses, and a bitter feud between the Eastern and Western members.

(1)
It was Governor Sir Philip Wodehouse's misfortune to arrive as the turmoil began, and to leave before it had resolved itself. History has not been kind to Sir Philip. While all writers acknowledge his honesty and industry, and all admit the difficulty of the times and the difficulty of succession to a man so popular as Grey, (2) very few contemporary observers or early historians have anything favourable to say of him beyond that. He ruled the Cape through nine of its most difficult years (3) - a tenure of office longer (4) than that of any Governor since Lord Charles Somerset.

Theal, as spokesman of the Colonial school, was the least generous in his assessment:

"It would have been difficult" he declared, "for a very able man to fill the place in public estimation that Sir George Grey had occupied, and the new Governor had no claim to ability of any other kind than that of a conscientious plodding official. He would have made an admirable head of a department to carry out routine duties, but he was incapable of initiating any new measure of magnitude He was autocratic by nature as well as by training. He had not the charm of manner of his distinguished predecessor, and was, therefore, unable to exercise any influence over the Cape Parliament or to acquire the affection of the Cape people." (5)

1. He was plain Mr Wodehouse on his arrival at the Cape, but Newcastle, fearing that a Governor without rank would not gain the full respect of the colonists, recommended to the Queen that he be made a K.C.B. This was duly done a few months later. (De Kiewiet, British Colonial Policy and the South African Republics, p. 156.
2. Theal, Vol. IV, pp 21, 109. Walker, p. 304. C.H.B.E., Vol. VIII p. 411. Gie, Geskiedenis vir Suid-Afrika, Vol. II, p. 397. J.H.B. Du Plessis, Die Ontstaan van Politieke Partye in Kaapkolonie tot 1885, Chap. 8, p.1. J.H. Hofmeyr & F.W. Reitz, Life of Jan Hendrik Hofmeyr, pp. 98-99. F.A. Molteno, The Life and Times of Sir John Charles Molteno, Vol, p. 75. D.B. Sole, Separation Movement and the Demand for Resident Government in the Eastern Province, Vol. II, pp. 224-225
3. 15.1.1862 - 20.5.1870 (Walker, p. 279)
4. R.W. Murray, South African Reminiscences, p. 44. De Kiewiet, British Colonial Policy and the South African Republics, p.154
5. Theal, IV, p. 21.

Messrs Hofmeyr and Reitz, the biographers of Onze Jan Hofmeyr were more restrained, if equally determined.⁽¹⁾ They contented themselves with describing his appointment as "supremely unfortunate." While they were prepared to admit that he was "one of the most amiable and upright of men, in every way, a thorough christian gentleman of the very best type," they could not see in him any talents other than those designed for routine administration. He was, they declared, "too rigid and formal in his manner, too uncertain and vacillating in his policy," to be able to originate or carry through a bold design. Furthermore, both by training and temperament he was an autocrat - the last man, in their opinion, to govern a country in which Parliament was neither⁽²⁾ "subject to him, nor his master."

Many of the complaints about his behaviour had some element of truth in them. He was aloof and unsympathetic, tenacious of his convictions and not always tolerant of those of others. Unlike Sir George Grey he never won the affections of the colonists, for he could not easily unbend. No matter how hard he tried he could never entirely rid himself of the patrician feeling that the colonists were in the main beings of a less worthy clay. He could not understand that people who did not agree with him were other than factious and irresponsible. He tended to divide people into two classes - those who agreed with him and those who did not.

His wife was no help to him in winning the hearts of the colonists. She was, it appeared, a sickly woman, and had a passionate longing to be in England. According to De Kiewiet who had access to the Wodehouse papers, she "loathed the Cape colonists with a great loathing, and wrote long quivering

1. Hofmeyr and Reitz, Life of Jan Hendrik Hofmeyr, pp.98-99.

2. Ibid.

letters of indignation to her son describing the evil ways of the "Capois,"⁽¹⁾ - the mocking name given to them by Heritte, the French consul.⁽²⁾ Nevertheless, she had been a companion to him, and when she died in October, 1866, Wodehouse faced the responsibilities of office quite alone.⁽³⁾

But even where the complaints had a basis, that was not the whole story. "Far from being," De Kiewiet maintains, "a pettifogging and small-minded clerk-made-governor," he was a man of wide experience, of undoubted intellectual strength, cultured and well read, with a sharp insight into the problems of government. Withal he was honest, sincere, and industrious. He worked keenly and shirked no responsibility. Nor did he ever shrink under the hail of abuse and hostile comment which pelted on him from the pages of the colonial press. Time, energy and money he gave freely when he thought that the cause was good or his duty demanded the sacrifice. If there were times when he grew weary of the furious antagonisms of the colonists, he still strove to give them the hospitality of Government House. Sir George Grey had given his guests at the "Birthday Ball" Cape wine to drink; Wodehouse judged that it was more consonant with the dignity of a Governor to give them champagne. Instead of turning out his guests as soon as they had "swallowed their food,"⁽⁴⁾ which seems to have been Sir George Grey's practice, he kept the members to some talk, a rubber and charades. Yet hospitality remained formal, and to the end governor and members of the Cape Parliament remained strangers, neither understanding nor understood. Wodehouse reminds one of a chess player with his pieces before him, interested and shrewdly competent in the problem they represent, but

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1. De Kiewiet, British Colonial Policy and the South African Republics, p. 155.
 2. Ibid.
 3. Theal, Vol. IV, p. 83.
 4. De Kiewiet, British Colonial Policy and the South African Republics, p. 156.

unconscious that the pieces had wishes and ambitions of their own. "After all," he once remarked to his son, "life and public life is a curious affair, particularly such as mine, that it should be made up of really hard work⁽¹⁾ for people who are perfect strangers."

The complaints about his behaviour may have been justified on many occasions - the same does not hold true for his actions. While there were undoubtedly times when Wodehouse was failing in tact, or rather was guilty of a bluntness of manner that wounded or antagonised people, it is difficult to see how he could have acted otherwise. It may be true that he lacked the charm and ease of manner that had won for his predecessor the wholehearted support of Parliament; but it certainly cannot be doubted that he possessed the necessary experience to assess and deal with the various problems that confronted him at the Cape.

He was a man of fifty-one on his arrival in South Africa,⁽²⁾ and of those years thirty-four had been spent in the Colonial service.⁽³⁾ Both in Ceylon, where he had spent the better part of his official career,⁽⁴⁾ and in British Guiana, he had come face to face with native unrest.⁽⁵⁾ In the former he had lived through Lord Torrington's summary suppression of a local rebellion, and in the latter he had experienced two serious native riots.⁽⁶⁾ On one occasion an infuriated mob had pursued him to the quayside, and had pelted him with stones and refuse.⁽⁷⁾

1. De Kiewiet, British Colonial Policy and the South African Republics, pp. 156-157.
2. Walker, p. 304.
3. Theal, Vol. IV, p. 21.
4. He had started as an ordinary clerk, had risen to be an assistant-judge at Kandy, and had subsequently been given charge of an extensive district. (*ibid*)
5. C.H.B.E., Vol. VIII, p. 411.
6. De Kiewiet, British Colonial Policy and the South African Republics, p. 154.
7. *Ibid*.

Equally important, the proximity of Ceylon to India had given him an opportunity of seeing the great extension of British influence which took place in India at the beginning of the nineteenth century. The circumstances which had prompted the extension of the Indian frontier were somewhat analogous to those in South Africa. In both places it was frontier disturbance which led the British Government to make the attempt to check the disturbance, and thus by an inevitable process to control new ones. This experience was not without its lessons for Wodehouse as can clearly be seen from an examination of his South African policy.⁽¹⁾

Furthermore, as Governor of Guiana and later as Superintendent of Honduras, he had had ample opportunity of learning what happens when a cluster of independent states, closely related though weakly governed as those in South America were, live side by side and cannot agree.⁽²⁾ Finally, the unpopularity which was to be his lot in South Africa, was no new experience for him.⁽³⁾ He had encountered it in the other colonies where he had served and though it disturbed him, it could not deter him from pursuing the course he thought right.⁽⁴⁾

Wodehouse had one further obstacle to contend with at the Cape. The members of his executive council, whose duty it was to act as liaison between him and Parliament, were unfortunately chosen.⁽⁵⁾ Rawson W. Rawson, the Colonial Secretary on his arrival, was "a courteous and accomplished

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1. De Kiewiet, British Colonial Policy and the South African Republics, p. 154.
 2. Ibid. C.H.B.E., Vol. VIII, p. 411.
 3. C.H.B.E., Vol. VIII, p. 411.
 4. Murray, South African Reminiscences, p. 46.
 5. De Kiewiet, British Colonial Policy and the South African Republics, p. 157.

gentleman, but as a financier he was a mistake."⁽¹⁾ While in office in Mauritius he had succeeded in getting that island "as nearly bankrupt as it is possible for a British dependency to be,"⁽²⁾ and sharing Sir George Grey's love of popularity had nearly accomplished the same for the Cape Colony. Richard Southey, his successor, was loyal and trustworthy, but he had little debating power, and could not defend the governor, or soothe and convince a rebellious House.⁽³⁾ Porter, the Attorney-General, was brilliant and eloquent, greatly learned and immensely popular in public and private life.⁽⁴⁾ But he was a "Western man" and therefore anathema to the Easterners.⁽⁵⁾ When Porter retired, his successor, Griffith, specially chosen because he had "devil", proved to be a man of such violent temper that he stiffened rather than diminished the opposition of Parliament to the Governor's views.⁽⁶⁾ Cole, the Auditor-General, was "worse than useless."⁽⁷⁾ He was quite capable of entering the House in a "befuddled condition," and right in the midst of a critical debate make the government appear foolish.⁽⁸⁾ Not all the Governor's opening speeches or earnest entertainments at Government House, could bridge the gap the defects of his Executive Council created between the legislature and himself.

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1. Murray, South African Reminiscences, p. 45.
 2. Murray South African Reminiscences, p. 45.
 3. A.Wilmot, Richard Southey. De Kiewiet, British Colonial Policy and the South African Republics. p. 157.
 4. R. Kilpin, The Old Cape House, pp 8-9, 42-43, 66. R. Kilpin, The Romance of a Colonial Parliament, pp.59-60. GTJ, 18.8.1869, 30.8.1869, 8.5.1872.
 5. De Kiewiet, British Colonial Policy and the South African Republics, p. 157.
 6. Ibid. Molteno, Life and Times of Molteno, Vol. I, pp.107-109. Walker, Lord de Villiers, p. 41
 7. De Kiewiet, British Colonial Policy and the South African Republics, p. 157.
 8. Ibid. Vide also W.E.G.Solomon, Saul Solomon, pp.103-104.

Three problems faced Wodehouse on his arrival - the financial crisis, the constitutional question and British Kaffraria. The first named was the most pressing, not only for its own sake, but because it was the key to the others.

Wodehouse had inherited an empty Treasury and very shaky financial structure from the previous administration. The first signs of trouble had manifested themselves in 1859,⁽¹⁾ but the Grey administration had blithely continued a programme of lavish public spending. They had then attempted to meet the inevitable deficits by two devices, both very unhealthy - bills of indemnity⁽²⁾ and unauthorised loans⁽³⁾ to cover expenditure in excess of the estimates. The worst example of this kind of extravagance was the £200,000 spent on the building of gaols⁽⁴⁾ - most of which were still unfit for use on Wodehouse's arrival.⁽⁵⁾

Given prosperous times, this state of affairs was bad enough, but given economic depression, it was very serious. Wodehouse made no bones about his attitude. Having ascertained for himself the exact financial position of the country, its debts and resources, he presented his findings to Parliament in his opening speech⁽⁶⁾ - with a "frankness that was anything but pleasant to the Legislature or the public."⁽⁷⁾ In future, revenue and expenditure would have to be equalised; the policy of meeting ordinary expenditure with loans, or of paying the interest on loans already incurred with further loans, was no longer to be condoned.

In the words of an eye-witness, "no nest of hornets was more thoroughly stirred."⁽⁸⁾ There were two ways of balancing

1. Sole, The Separation Movement. Vol. II, p. 203. Molteno, The Life and Times of Molteno, Vol. I, pp. 70, 73, 79.
2. Molteno, The Life and Times of Molteno, Vol. I. p. 70.
3. Ibid, p. 79. Murray, South African Reminiscences, p. 44.
4. C.H.B.E., Vol. VIII, p. 412.
5. V & P, A. 13-1860, G. 55-1863.
6. V & P, G. 55-1863.
7. Murray, South African Reminiscences, p. 45
8. Ibid, p. 46.

the budget - retrenchment or taxation. All parties were agreed on the urgency of the situation, but no two were agreed as to where the solution lay. Parliament sought its salvation in retrenchment in the Civil Service, reduced expenditure and loans - in fact, anything but increased taxation. Wodehouse insisted that further retrenchment and reductions could only be at the cost of efficiency and good order, and, therefore, saw the only answer in higher taxes.

The result was a bitter wrangle that lasted throughout his period of office. Each session a standard pattern tended to repeat itself - only with ever increasing vehemence. In his opening speech⁽¹⁾ the Governor would emphasise the urgency of the situation, insist that retrenchment in the ordinary sense could not be carried further, and propose various taxation measures. The Assembly would rise in horror and consternation, throw out all the taxation proposals, and insist on retrenchment and loans.⁽²⁾ The Governor would then come forward with various retrenchment schemes, such as the reduction of the size of Parliament, the cessation of subsidies to libraries, gardens and museums, and the dismissal of outlying magistrates. These would go the same way as the tax proposals. The first was an unspeakable insult to any Parliamentarian, the second would mean the disappearance of all those institutions that marked the difference between a civilised and uncivilised community, the third was insufferable and not to be considered. The Governor would then introduce a revised taxation scheme. In the end, if he was lucky, the Assembly would agree to one or two minor imposts, vote six months supply only, and depart in wrath. Next year the

1. Walker, pp.303-310. Theal, Vol. IV, pp.23-24, 32,35, 80-81, 85-91, 100-101. C.H.B.E., Vol. VIII, p. 4.
2. V & P, House of Assembly.
3. V & P, C. 5-1866, A. 3-1866, A. 24-1866.

urgency would be greater, the resistance of Parliament more pronounced, and its accomplishment inversely proportionate to the need.

A contemporary has given a good account of the atmosphere in the House:

"For two whole sessions every one of the Government taxing Bills were rejected by the Assembly. The Governor proposed a house tax amongst others. No matter what he proposed in the way of a tax the House of Assembly denounced it as the worst tax that could have been invented and rejected it. If he proposed, as he did, a tax upon brandy, it was contended that he did it to punish the Western Province, as that was the brandy-producing part of the Colony. The Western Province members were chiefly farmers, and they rose en masse to get the Bill shelved. If he withdrew that and proposed a house tax, that was worse than the brandy and other proposed taxes. A stamp tax! No, they would not have that. They would have no brandy tax and no stamp tax; they would rather (1) have a house tax. Then the house tax was re-introduced."

And so the merry dance continued.

The biggest upheaval of all followed the proposal to impose an export levy on colonial produce - inter alia wool. Wodehouse should have been forewarned by the experience of Colonial Secretary Rawson, who in 1860 had attempted to place a tax of a halfpenny per pound on the export of wool. (2) The suggestion had been put forward almost incidentally as part of the estimates but it had immediately provoked the biggest uproar in years and had to be dropped at once. (3) But Wodehouse was desperate for revenue, and, objectively seen, he had every reason to expect that wool, the staple of the Colony, (4) should contribute something to its Exchequer. He made out an excellent case for such a tax in his opening speech to Parliament in 1867:

"it is objected," he reminded the House, "that the export duty is a tax upon wool. For what do we now hold this country but for wool? Take away wool, and in one locality copper, and, commercially speaking, what is left? The cost of governing this country is heavy, on account of its great extent and most scanty population. Year after year sheep farmers have gone in search of wealth into regions more and more remote.

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1. Murray, South African Reminiscences, p. 47.
 2. Sole, The Separation Movement, Vol. II, p. 200.
 3. Sole, The Separation Movement, Vol. II, p. 200
 4. supra, and Appendices B and E.

You have thought it right to follow them with posts, police and magistracies, which they are now most desirous of retaining. Is it unjust that wool should pay, in some shape, for all that is done for it. If you object on principle to an export duty, and believe that it will operate injuriously on the wool growers, irrespectively of the actual rate, by all means adopt other plans for obtaining the funds. We suggest this as the cheapest, most feasible, and best adapted to our circumstances."(1)

The Governor's logic made no headway with the House.

The colonists, it was repeated, were quite unable to bear

(2)
any new imposts. Already the farmers were crying out against the inordinate burden of taxes, and some of them were moving to the republics as the only means of obtaining relief. To sanction increased taxation would merely promote emigration - the revenue would then be diminished instead

(3)
of augmented. To this the reply was given that as a considerable portion of the hides, skins and wool sent away by sea came from the republics, the tax would be partly borne by people living there. Emigration to escape taxation would, therefore, not be sensible. The House was not prepared to be convinced, however, and amid scenes of outraged indignation, threw out the export levy, followed by the other tax proposals. (4)

On one occasion, in 1864, the Governor in desperation summoned Parliament to Grahamstown. His hope was that Eastern gratitude combined with Western absenteeism would enable him to get his tax proposals passed. (5) In effect, most of his money bills were carried, but he paid for this the next year. The 1865 session was the most tumultuous and unproductive in the history of the Cape Parliament. (6)

Equally important was the second major problem - the constitutional crisis. A parliamentary system that falls

1. V & P, A. 1-1867.

2. Theal, Vol. IV, p. 81.

3. Theal, Vol. IV, p. 81.

4. Ibid, p. 85

5. Walker, p. 307.

6. Ibid, Theal, Vol. IV, p. 74. Kilpin, The Old Cape House, p. 40.

short of responsible government makes heavy demands on the tact and forbearance of all concerned. Criticism may easily degenerate into obstruction; deadlocks between the Houses (1) or one or both of them and the executive are hard to avoid. Given prosperous times and an all-round desire for co-operation, it functioned reasonably well; but given depression and conflict on basic economic policy, between Legislature and Executive, it was bound to grind to a halt. All parties were agreed that something urgent had to be done, but whereas all were united in condemning the present form of government, no two parties could agree as to a proposed solution. The colonists were divided into two hostile camps - those who put forward responsible government as the only true (2) remedy for the ills of the colony, and those who pinned all their hopes on the separation of the provinces and the (3) establishment of a federal authority over both. Between the two no compromise was possible, no quarter asked or given. The result was an ugly and bitter struggle that swayed backwards and forwards throughout the eighteen-sixties.

The leader of the Responsible school was J. C. Molteno, a substantial immigrant farmer of Beaufort West who combined huge business ventures with an insurmountable contempt for British military officialdom contracted during the War of the (4) Axe. A very determined man, his argument was simple and straightforward, and he and his followers dourly hammered it home until success crowned their efforts in 1872. The present (5) constitution, it was maintained, was a compromise, a transition stage, between Crown Colony government and responsible institutions. The experiment of vesting the executive powers

1. Walker, p. 304.

2. Molteno, Life and times of Molteno, Vol. I, p. 71 sqq.

3. Sole, The Separation Movement, Vol. II, p. 224, sqq.

4. Molteno, Life and Times of Molteno, Vol. I, pp. 26-51.

5. Ibid, p. 51, sqq.

in one authority and the legislative in another had clearly not worked. Both powers would have to be invested in one authority. Only one of two avenues were open - either both were invested in the Governor and his officials, or both were entrusted to Parliament. The first was unthinkable - the country had advanced too far in social, economic and political maturity to revert back to Whitehall domination. That left only the second, and as the need of the situation was great, the sooner Responsible government was instituted the better.

The Separationists had no single leader other than perhaps Robert Godlonton of the Graham's Town Journal,⁽¹⁾ and no single platform, unless an unbending antipathy to the Western Province could be regarded as such.⁽²⁾ Their arguments had a three-fold base. Firstly, they pointed to History as proof for the recognition of their separate identity - the 1823 Commission of Inquiry, the recommendations of Sir Henry Pottinger and Sir Henry Young in 1847 and those of Sir Harry Smith in 1851, and the inherent recognition of the provincial principle in the constitution of 1854.⁽³⁾ Secondly, they claimed material discrimination. They held that they were more progressive than the West and contributed more to the national income - their exports were three times larger, their customs duties £20,000 more, their chief port handled more ships and cargo than any other port,⁽⁴⁾ and they possessed three times as many newspapers as the older established West.⁽⁵⁾ Nevertheless, in spite of this, their public services, roads

1. B. A. Le Cordeur, Robert Godlonton, as architect of frontier opinion with special reference to the politics of separation, 1850-1857.
2. Sole, The Separation Movement, Vol. II, pp. 224, sqq. 249. Du Plessis, Die Ontstaain van Politieke Partye, Chapters 7 & 8. Theal, IV, pp. 7-9, 27. Vide Appendix K.
3. Ibid.
4. Ibid.
5. Cape Town Directory for 1865 pp. 208-209.

and bridges were either primitive or non-existent; those of the West were widespread and in good shape. Of the public debt of £564,000 in 1861, £400,000 had been borrowed for improvements in the West and only £154,000 for similar purposes in the East.⁽¹⁾ The Easterners were at a permanent disadvantage in Parliament - distance and the expense and inconvenience of travel meant that they were unable to attend as regularly as their Western counterparts. Consequently they were often in a hopeless minority when measures affecting their interests were brought forward and disposed of.⁽²⁾

Thirdly, they pointed to the need for a strong government near the frontier.⁽³⁾ This argument had lost much of its punch since 1857, but no efforts were spared to show the recovery of the tribes and allude to their inherent danger.⁽⁴⁾

Although both proposed solutions had a longer history, the growing economic depression and events of the early sixties had served to bring both sharply into focus by 1862. In 1860 Moltano put forward a motion advocating Responsible Government⁽⁵⁾

1. Ibid.

2. Ibid.

3. Ibid.

4. Moltano, Life and times of Moltano, Vol. I. p. 81. Sole, The Separation Movement, Vol. I. Du Plessis, Die Ontstaan van Politieke Partye, Chapters 6 & 7. Le Cordeur, Robert Godlonton. V & P, (HA) 7.6.1860, 16.5.1861, 7.6.1861.

5. Moltano, Life and Times of Moltano, Vol. I, pp. 71-72. The motion read: "that as it appears that the tenure on which the Executive Council at present holds office is incompatible with the satisfactory working of representative institutions, it is the opinion of this House that those officers should be qualified to be elected as members of either House of Parliament, and should hold office only so long as they possess the confidence of the Legislature."

and a year later the Separationists really had their turn.⁽¹⁾
 In spite of the powerful backing of Colonial Secretary Rawson⁽²⁾
 and Attorney-General Porter for the former,⁽³⁾ and a mighty
 pamphlet,⁽⁴⁾ press⁽⁵⁾ and petition campaign in support of the
 latter, neither had been carried. The issue was still wide
 open when Wodehouse arrived, and for the next nine years the
 country was to resound with the noise of conflict.

The Easterners had been greatly disturbed by the proposed
 wool tax,⁽⁶⁾ the £200,000 voted for the Table Bay Breakwater,
 and the narrowness with which Responsible Government had been
 averted in 1860.⁽⁷⁾ They organised themselves into a Separation
 League and undertook a vigorous programme of agitation.⁽⁸⁾ There-
 after, no session passed without one or both sides putting for-
 ward their pet schemes.⁽⁹⁾ Neither side was strong enough to

1. Sole, The Separation Movement, Vol. II, p. 203-223
2. Ibid, p. 199. Molteno, Life and times of Molteno, Vol. I, p. 72
3. Vide, The Catechism of the Eastern Province Separation League, R. Godlonton, Notes on the Separation of the Eastern and Western Provinces and Concession to the former of its own Local Government. Minutes and Proceedings of the Meeting of the delegates of the Eastern Province Separation League held at Somerset East on the 19th, 20th and 21st February, 1861. Report of the Separation Debate in both Houses of the Cape Parliament, June 1861.
 L. Meurent, Zemensprekch tusschen Klaas Waarzegger en Jan Twyfelaar over Het Onderwerp van afscheiding tusschen de Oostelyke en Westelyke Provincie.
4. EPH, 23.10.1860, 25.10.1860, 29.10.1860. GTJ, 27.10.1860, 16.1.1861. SRH, 11.2.1861.
5. V & F, A.2-1861, A.4-1861, A.5-1861, A.10-13-1861, A.15-17-1861, A.26-32-1861, C.3-1862, C.11-19-1862, C.10-1861 contains an excellent analysis by a select committee of the arguments contained in favour of separation in the 5,311 petitions received during 1861.
6. supra p. 68.
7. V & F, (HA), 25.5.1860. Molteno's motion had been superseded by an amendment to the effect that a decision be postponed until the verdict of the people in the forthcoming general election be known. This amendment had been carried by the small majority of 20 to 18, and then only because two members voted in deference to the opinions of their constituents.
8. Sole, The Separation Movement, Vol. II, pp 204-207. Theal Vol. IV, pp. 7-10.
9. V & F, (HA), 1.7.1862, 10.7.1862, 28.5.1863, 23.6.1863, 14.7.1863, 23.7.1864, 28.5.1867, 12.8.1867. (LC) 27.7.1863, A.1-1867, A.1-1869. Sole, The Separation Movement, Vol. II pp. 215-221, 229, 234-246, 248-252. Theal, pp. 32-33, 79. Molteno, Life and times of Molteno, Vol. I, pp. 75-78, 81-83, 89-94, 105-106, 113-118, 120-121.

carry the day. The Easterners were hampered by ineffective parliamentary leadership,⁽¹⁾ difference of opinion as to the site of the future Eastern capital,⁽²⁾ and opposition from the predominantly Dutch-speaking Midlands.⁽³⁾ The Westerners were hamstrung by the adverse economic conditions and a kernel of conservative opinion.⁽⁴⁾ As both sides were fairly evenly matched, the battle swayed backwards and forwards without reaching a decision. The only result was anger and bitterness galore.

The third major problem that confronted Wodehouse on his arrival was that of British Kaffraria.⁽⁵⁾ Although an issue in its own right, it was intimately linked with both the economic and constitutional crises, and in fact served to crystallise the issues in both. The British decision to reduce and finally terminate the Kaffrarian grant⁽⁶⁾ had left that little colony with insufficient revenue to continue an independent existence.⁽⁷⁾ One of two courses was open to it -

1. Sole, The Separation Movement, Vol. I, p. 200.
2. Ibid, p. 207.
3. Ibid, pp. 208-211. Murray, South African Reminiscences, p. 11. GRH. 8.1.1861, 11.2.1861. GTJ, 16.1.1861, EPH, 4.3.1864, Cradock News, 7.1.1861. Du Plessis, Die Ontstaan van Politieke Partye, Chapter 7, p. 2. Eenheid tegen afscheiding. (Pamphlet).

4. supra

5. Du Toit, The Cape Frontier, pp. 196-207.

6. The Kaffrarian grant had been gradually reduced as follows:

Year	Amount paid
1855	£40,000
1856	40,000
1857	40,000
1858	20,000
1859-1860	40,000
1860-1861	27,000
1861-1862	15,000
1862-1863	10,000
1863-1864	5,000

Du Toit, The Cape Frontier, A Study of Native Policy with special reference to the years 1847-1866, p. 147.

7. V & P, G. 9.1865, G. 10.1865, G. 25.1865, G. 26.1865.

Even the trade returns of East London showed a steady decline:

	Imports	Exports
1862	£127,857	£43,873
1863	152,377	24,882
1864	105,371	31,141
1865	78,349	28,928.

(Theal, Vol. IV, p. 76)

either to annex the Transkeian territories and thereby revive its strength, or be annexed by the Cape Colony.

The Kaffrarians themselves wanted the former, (1) and for a while the Colonial Office was prepared to think along those lines. Two things changed their minds - the Kreli war scare (2) off 1864 and the realisation that a strengthened Kaffraria (3) would still remain their military responsibility - at a time when they were trying hard to reduce their overseas (4) garrisons. Wodehouse had come to the same conclusions after (5) an inspection in loco.

To work properly annexation would require the consent of three parties - the Imperial Government, the Cape Parliament and the people of British Kaffraria. The first had already been obtained, the last could be persuaded; it was the Cape Parliament that objected. Its reasons for opposition were two-fold - a natural desire to avoid extra commitments and expenditure at a time when their own finances were very shaky, and, above all, a reluctance on the part of the Western majority to add anything to the voting strength of the Eastern districts. The second consideration was the overriding one. It had led to the rejection of the Annexation Bill in 1862 because that measure proposed to increase the number of Legislative Councillors to nine per province, and the number of M.L.A.'s to fifty-six, four extra for the Western Province and six for the Eastern Districts plus British

1. P.P. 1865 XXXVII (3436) Wodehouse to Cardwell 13.8.1864, Wodehouse to Cardwell 19.9.1864. (Enclosures).
2. V & P, A. 48-1865. P.P. 1865 XXXVII (3436) Wodehouse to Newcastle, 11.6.1864. Wodehouse to Cardwell, 16.6.1864. Cardwell to Wodehouse, 5.8.1864. Du Toit, The Cape Frontier, pp. 183-191.
3. De Kiewiet, British Colonial Policy and the South African Republics, p. 158
4. Supra p.49.
5. V & P, A. 2.1863 pp. 4,8,10,16. Walker, p. 306. Theal, Vol. IV, pp. 24-25.

Kaffraria - in other words to equalise provincial representation.⁽¹⁾ They made it perfectly clear that they would throw out any future measure that had this equalising effect.

For a while the matter remained there. By 1864 the position of British Kaffraria had become untenable. Throughout the whole of the territory there was nervousness and tension. Kreli prowled about menacingly in his cramped quarters and refused to retire deeper into Kaffirland for fear of the Pondo tribes.⁽²⁾ Newcastle declined to allow Wodehouse to create a defence force of irregular horse instead of the Cape Mounted Rifles,⁽³⁾ while the Cape muttered at having its police in territory it did not control.⁽⁴⁾ Wodehouse despaired of the Cape Parliament ever being amenable and in July 1864 suggested to the Secretary of State that an Act of the Imperial parliament might be the answer.⁽⁵⁾ This suggestion was taken up,⁽⁶⁾ and in 1865 Wodehouse presented Parliament with two bills - an annexation measure and an additional representation bill.⁽⁷⁾ The result was the biggest uproar in the history of the Cape Parliament.

The Imperial Act was only to be used if the Cape Parliament refused to pass such a measure,⁽⁸⁾ but it hung like an unseen threat over the Legislature. Having salved their consciences by passing a strongly worded vote of censure on the

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1. Theal, Vol. IV. p. 25. V & P, (HA), 26.6.1862, 30.6.1862
 2. supra, p. 54.
 3. C.H.B.E., Vol. III, p. 413.
 4. Ibid. Theal Vol. IV, p. 35.
 5. P.P. 1865 XXXVII (3436) Wodehouse to Cardwell 13.7.1864.
 6. Ibid. Cardwell to Wodehouse 5.10.1864, 9.1.1865. 9.2.1865.
 7. V & P, A. 1-1866. Ibid., (HA), 16.5.1866.
 8. V & P, A. 22.1865.
 9. Theal, Vol. IV, pp.71-72.

(1)
Governor, the Westerners fought like tigers to get the
(2)
two bills amalgamated. The Easterners with equal fury and
determination fought to keep them separate. If the annexation
bill could be carried first, the additional four seats it
provided would enable the Easterners to throw out the re-
adjustment of seats envisaged in the second.

When they lost their case by twenty votes to eleven they
settled down to a deliberate policy of obstruction.

"All night sittings became the order of the day. According to contemporary descriptions the scene in the august Legislative Assembly was ludicrous and degrading in the extreme. Only one or two Western members would be left in their places. Half the Easterners would be stretched out at full length on the benches, some then snoring, some of them vainly endeavouring to snatch forty winks in the intervals between the ringing of the bells, - the other half sucking oranges and pelting one another with peel, none of them listening to the smart things the speaker of the moment was saying. And this went on regularly till seven in the morning."(3)

Using every parliamentary trick and dodge imaginable -
endless series of amendments, interminable quotations from
bluebooks, call after call for the counting of the House -
(4)
they delayed the passage of the measure for weeks. On one
occasion the House sat through until 11.30 a.m., being only
(5)
counted at the one hundred and fiftieth call.

(6)
Wodehouse eventually carried his point, but it was a

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1. Solomon, Saul Solomon, pp. 91-106. Sole, The Separation Movement, Vol. II, p. 239. G. E. Cory, The Rise of South Africa, Archives Year Book, 1939, Vol. I, p. 82 et seq. The resolution itself was a very long-winded affair, but in substance it denounced the introduction of the Annexation Bill by the Imperial Parliament as "a violation of vested constitutional rights, an unjust and dishonourable interference with the privileges of the Colonial Parliament, and a gratuitous indignity offered to the Legislative - an indignity felt to be the greater inasmuch as Sir P.E.Wodehouse, the Governor of this Colony, entrusted with despotic power has long since ceased to possess the confidence of this House and the people of this Colony." V & P, (HA), 22.5.1865 and 23.5.1865.
 2. Solomon, Saul Solomon, p. 90
 3. Sole, The Separation Movement, Vol. II, p. 245.
 4. Ibid, p. 245
 5. Ibid. Murray, South African Reminiscences, pp. 68-69.
 6. Eybers, Select Constitutional Documents, pp. 59-61 - Incorporation of British Kaffraria, Act No. 3 of 1865.

pyrrhic victory - like everything else he undertook at the Cape. Indeed it could not be otherwise. Given an empty treasury, an economic depression and a Parliament so schizophrenic that it could agree on nothing except opposition to everything put forward, Wodehouse was bound to be the loser no matter what he did.

Hostility to the Governor was inevitable. Even before he arrived there were elements who were anxious to cause trouble.⁽¹⁾ The situation had become so grave that any action was bound to antagonise somebody, and inaction was bound to antagonise everybody. Individually and collectively, all the important groups - Easterners, Westerners, midlanders, Kaffrarians, Responsibles and Anti-Responsibles - declared war on him.⁽²⁾

Three major problems had faced Wodehouse in 1862. One had been "solved" in 1865; two were to remain with him throughout his period of office. Both reached a point of final crisis in 1869 - the year in which Merriman entered Parliament. In order to understand the proposals of that year, to judge them and their instigator, and to evaluate Merriman's reaction to both, it is necessary to see them as the culmination of seven years of crisis and bitter controversy.

Wodehouse had done his best to find an answer to these problems,⁽³⁾ but nearly all his proposals had met with nothing but obstruction, opposition and rejection. In 1869 he decided to strike at the root of the problem - Parliament itself.

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1. Murray, South African Reminiscences, p. 44.
 2. C.H.B.E., Vol. VIII, p. 413.
 3. Murray, South African Reminiscences, p. 45.

CHAPTER THREE

Politics, Parliament and
Responsible Government. (1)

1869 opened and closed with a General Election - fitting terminals to a year of important political activity. It is doubtful whether the prestige of the Legislature, with the exception of the years of the anti-convict agitation, (2) was ever as low as then. However much people differed on politics, on this point at least all agreed. The Friend of the Free State spoke scathingly of it as "this asinine assemblage of two-footed mules," and derisively declared that the man who bit off his nose to spite his face was "wiser in his generation than the body of concentrated intelligence styled the Cape Parliament." (3) The Graham's Town Journal slated it as the "most lame and impotent body on earth" (4) and vehemently decried any confidence in its value or importance. (5) The Eastern Province Herald derided its debates as "drivelling nonsense" (6) and jeeringly questioned the literacy of its members. The Argus and Zuid-Afrikaan though more restrained, were clearly disturbed by the showing of the House and the disrespect it aroused. (7) Public feeling was admirably conveyed by the correspondent who expressed his "unqualified disgust at the conduct of the country's most unqualified members." (8)

1. A. Todd, Parliamentary Government in the British Colonies, pp. 95-101. A. B. Keith, Responsible Government in the Dominions, Vol. I, pp. 27-30. P. Lewson, The First Crisis in Responsible Government in the Cape Colony (archives Year-book, 1942, II) pp. 214-219. Walker, pp. 309-310, 340-343. C.H.B.E., Vol. VIII, pp. 429-448. Vand der Walt, Wiid en Geyer, Vol. II, pp. 61-63. Lawrence, pp. 10-14.
2. J. F. Gobrechts, Antie Bendiete agitatie aan die Kaap, 1848-1850. Cory, Rise of South Africa, Vol. V, pp. 180-229. Kilpin, Romance of a Colonial Parliament, pp. 68-79.
3. Quoted GTJ, 24. 9.1869.
4. GTJ, 25.8.1869
5. GTJ, 11.8.1869. Vide also GTJ, 25.8.1869, 8.9.1869, 10.9.1869, 17.9.1869, 24.9.1869, 25.3.1870, 5.6.1871, 14.8.1871.
6. EPH, 21.9.1869, 8.8.1871, 11.8.1871.
7. Argus, 13.7.1869, 27.7.1869, 29.7.1869. Zuid-Afrikaan, 12.7.1869, 5.8.1869.
8. GTJ, 27.8.1869.

Although sometimes extravagantly expressed, there was reason for this disregard. Parliamentarians on the whole took their duties no more seriously than public opinion conceded. Absenteeism was a major problem. Eastern members could plead distance, business obligations and the irregularity and inconvenience of transport in mitigation of the occasional late arrival or early departure.⁽¹⁾ Western members could not. Neither could excuse routine absence of several months in a session whose average length was one hundred days.⁽²⁾

In 1871 the Cape Standard reported that only one Eastern and a dozen Western members attended the opening of Parliament.⁽³⁾ Two weeks later there were eighteen or twenty present⁽⁴⁾ and a month after opening the Journal was driven to protest in a leading article:

"Parliament is pretty well through its first month and a charming first month it is. This morning we received a letter from an unfortunate member who went down to his duty rather early. The following extract will touch every heart: "If you can fully realise Cape Town with six days almost incessant rain, its streets in a worse state of combined mudhole and puddle than I ever saw it before - with no object in particular to engage one's attention or employ one's time - with nothing to talk about but the "Northam," the "Norsemen" and the small-pox, - then you have exactly the position of your humble servant. The House of Assembly presents a miserable display of empty benches and employs itself about every second day with questions and answers as empty as the benches. When this will be altered, I don't know, as the next opportunity from Algoa Bay is the "Natal", and that is not to be depended upon The Eastern members present are disgusted that the business should be kept in abeyance for an indefinite period, waiting the presence of other Eastern members who passed by two steamers, the "Saxon" and the "Sweden", after the opening of Parliament, - thus prolonging the session and making it almost an impossibility for those who came early to see it through."⁽⁵⁾

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1. Murray, South African Reminiscences, p. 48.
 2. Infra. p. 84.
 3. Cape Standard, 18.4.1871.
 4. GTJ, 8.5.1871.
 5. GTJ, 22.5.1871; vide also GTJ, 19.4.1870.

1871 was not an isolated occurrence. Year after year
 (1)
 the date of the opening of Parliament was advertised months
 in advance, and year after year the actual start of work had
 (2)
 to be delayed for several weeks. So bad did the situation
 become that the Journal attempted to portray the general
 irritation in a masterfully sardonic leading article:

"We are informed by Mr Buckley that a new species of gad-fly is now being introduced into the colony by the angora goat. Possibly a use may be found for this new visitant in relation to our members of Parliament. One of the most notorious functions of the British gad-fly - oestrus bovis - is to sting cattle and make them run. When it is considered how difficult it has always been to start our country members on the road to duty and how their habit of staying at home during the early weeks of the session is growing in strength, this timely arrival of a gad-fly, albeit brought by a goat, will be seen to be a beautiful provision of nature, at once suggestive of the use to which it is evidently to be put. We do not see that the oestrus capri, or the goat gad-fly, can be better used by the colony to which it has so opportunely come, than by letting it loose upon representatives who can only be stung into a sense of duty. It seems highly probable that the fly will be wanted at once, and we hope that Mr Buckley is prepared to supply a lively lot for immediate service. We would advise him to distribute his interesting charges among all the constituencies, with directions how to apply them so as to quicken the movement of our lagging legislators."(3)

Nor was the behaviour of the members when present always such as to inspire respect. There were admittedly no

- | 1. <u>Date Commencement</u>
<u>session</u> | <u>Date of</u>
<u>Proclamation</u> | <u>Number of inter-</u>
<u>vening Days</u> |
|---|---------------------------------------|---|
| 20.5.1868 | 4.4.1868 | 46 |
| 23.6.1869 | 17.6.1869 | 6 |
| 25.1.1870 | 21.1.1870 | 4 |
| 27.4.1871 | 20.3.1871 | 38 |
| 18.4.1872 | 20.2.1872 | 58 |
- 1869 and 1870 were exceptional years as they followed immediately upon General Election. (V & P, 1868-1872; Government Gazettes).
2. It is impossible to give exact dates for the commencement of work. The House used to meet at random intervals between long adjournments, but the loss of time was very great.
- | <u>Session</u> | <u>Random Meetings</u> |
|----------------|---|
| 1868 | 20.5.1868, 27.5.1868, 3.6.1868, 5.6.1868, 8.6.1868 |
| 1869 | 23.6.1869, 24.6.1869, 30.6.1869, 6.7.1869, 7.7.1869 |
| 1870 | 27.1.1870, 28.1.1870, 31.1.1870, 1.2.1870, 3.2.1870 |
| 1871 | 27.4.1871, 4.5.1871, 9.5.1871, 11.5.1871, 16.5.1871 |
| 1872 | 18.4.1872, 22.4.1872, 26.4.1872, 29.4.1872, 30.4.1872 |
- (V & P, 1868-1872)
3. GTJ, 17.1.1870.

professional clowns such as Dr Tancred⁽¹⁾ and Colonel Schermbrücker,⁽²⁾ but there were a number of incidents that cast little credit on the good sense of the members. When reported in the press they left an unfortunate impression - the profitless obstruction of the 1865 British Kaffraria debate,⁽³⁾ the unseemly wrangle between Council and Assembly over the circumstances of the Select Committee on Cotton cultivation,⁽⁴⁾ and the unbecoming frivolity of April Fool jokes in the House.⁽⁵⁾

There was no party structure in the modern sense - no party line, caucus, whips or party journal. There were indeed a whole variety of groups - Responsibles and anti-Responsibles, Separationists and anti-Separationists, Voluntaries and anti-Voluntaries, Conservatives and Liberals, Easterners and Westerners, Midlanders and Kaffrarians - but these were associations of individuals rather than parties.⁽⁶⁾ It was quite conceivable that two men who were close associates in one cause, should be bitter opponents in another. Members tended to support leaders on personal grounds or voted for each measure as seemed best to them and their constituents.⁽⁷⁾ In contrast to the ideal Burke propounded to his Bristol electorate in 1775, it was customary at the Cape for the member to adhere to a pre-election declaration of policy, and if anything untoward occurred, to consult with his constituents before voting.⁽⁸⁾

Election procedure was consequently somewhat laborious.⁽⁹⁾

1. Kilpin, The Romance of a Colonial Parliament, pp.102-103.
2. Kilpin, The Old Cape House, pp. 34-37, 102.
2. Kilpin, The Old Cape House, pp. 69,76,79. Kilpin, The Romance of a Colonial Parliament, p. 107.
3. Supra. pp.74-78.
4. Supra. p.22.
5. GTJ, 6.4.1870.
6. Du Plessis, Die Ontstaan van Politieke Partye, chapter 6, p.3.
7. Walker, Lord de Villiers, p. 41
8. Eybers, Select Constitutional Documents, pp. XXXV-XXXVI.
9. Walker, Lord de Villiers, p. 42. Solomon, Saul Solomon, pp. 23-27. GTJ, 6.12.1869. Argus, 25.5.1869.

In the absence of party organisers and a party platform, it became the custom to make policy declarations at the nomination meeting. In terms of the Constitution Ordinance⁽¹⁾ it was the duty of the Returning Officer, usually the Resident Magistrate or Civil Commissioner, to convene a nomination meeting at which the proposers could give the reasons for their choice, and the candidates, duly requisitioned in advance, were at liberty to address the crowd. Voting was by show of hands, but if any candidate was dissatisfied, he could demand a poll. A polling day was then fixed, and several weeks of campaigning followed until the actual election took place at the open hustings.

Particularly in the country districts it had always been difficult to get people to accept nomination.⁽²⁾ A number of factors accounted for this - great distances, lack or inconvenience of communications, low prestige of Parliament and pressure of business and professional commitments.⁽³⁾ The Colony lacked a leisured class, and the rate of parliamentary remuneration was too low for anyone to make a career of it. In terms of Clause 90 of the Constitution Ordinance members were paid one pound sterling a day for fifty days and received a shilling per mile travelling allowance to and from their homes. If the session lasted longer than fifty days, which

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1. Cape of Good Hope Constitution Ordinance, clauses 48 - 59.
 2. Colesberg Herald, 12.8.1869.
 3. P.P. 1871 XLVII (459) pp. 176-181.

it invariably did, nothing ~~extra~~ (1) was paid.

It is not known why Merriman decided to enter politics, but once he had made up his mind he had little difficulty getting into Parliament. Although only twenty-eight, he bore a name that had become a household word throughout the Eastern Province, and he himself had built up a wide circle (2) of acquaintances during his survey work.

Little is known about the first election he contested beyond the actual events of nomination and polling day, and their sequel in Parliament a few weeks later. J. W. Sauer, Merriman's best friend of later years, then a rising country lawyer, participated in the first election by proposing a (3) rival candidate, one Woodford Pilkington. The nomination meeting provided the first excitement. The customary show of hands at the close of the speeches revealed an overwhelming majority in favour of Merriman and Barry the other candidate.

1. Eybers, Select Constitutional Documents, p. 55. Cape of Good Hope Constitution Ordinance, Clause 90. The average length of a session taken over twenty years, was 100 days.

<u>Year</u>	<u>Date of com- mencement</u>	<u>closing Date</u>	<u>Duration of Session in Days.</u>
1860	27. 4.1860	17. 7.1860	82
1861	26. 4.1861	14. 8.1861	111
1862	24. 4.1862	7. 8.1862	105
1863	16. 4.1863	28.7. 1863	104
1864	28. 4.1864	28. 7.1864	92
1865	24.4.1865	10.10.1865	167
1866	6. 9.1866	12. 1.1867	129
1867	13. 4.1867	16. 8.1867	126
1868	20. 5.1868	12. 9.1868	106
1869	24. 6.1869	18.10.1869	117
1870	25. 1.1870	5. 5.1870	101
1871	27. 4.1871	11. 8.1871	107
1872	18. 4.1872	31. 7.1872	105
1873	24. 4.1873	26. 6.1873	64
1874	27. 5.1874	31. 7.1874	66
1875	(14. 4.1875 (10.11.1875	30. 6.1875) 26.11.1875)	95
1876	11. 5.1876	4. 7.1876	55
1877	25. 5.1877	8. 8.1877	76
1878	10. 5.1878	2. 8.1878	85
1879	20. 6.1879	11. 9.1879	84

(V & P, 1860-1879)

2. Supra p. 12.
3. Argus, 25.5.1869

Sauer immediately questioned Merriman's qualifications, and handed to the Acting Magistrate what the Argus correspondent excitedly called a "very terrible and possibly very legal document."⁽¹⁾ The latter declined to decide, but "noted and received" the protest. A poll was then demanded and duly arranged. According to the correspondent, the meeting was more respectable and better attended than usual in Aliwal.⁽²⁾ "Several good and some amusing speeches were made."

Unfortunately, none of the orations have survived - if, indeed, they were recorded at all. Nor can any trace be found of Merriman's manifesto, and even Sauer's protest has disappeared completely. It is impossible, therefore, to examine his political beliefs at this stage, or to compare his pronouncements in Parliament with his words at home.

The doings of polling day have, however, been preserved for posterity by the amusing, if somewhat partisan pen of the Frontier Mail editor:

"The polling in Aliwal created more excitement than in any previous one. The poll opened at eight o'clock; and free and independent electors even at this early hour began to drop in. As the day wore on, more interest was evinced. About eleven o'clock the town was gay with streamers and rosettes - blue and white - the colours of Messrs. Merriman and Barry; carts were also to be seen dashing up to the courthouse with voters anxious to exercise their privilege.

At five o'clock precisely our worthy Civil Commissioner declared the poll as follows:

Merriman	56
Barry	55
Pilkington	1

This was received with great cheering, and judging from the expressions on the occasion, the result was considered highly satisfactory. Mr. Jelly, our energetic fellow townsman was ready with amateurs, and on the poll being declared, immediately struck up - "For he's a jolly good fellow." This was taken up and the court-house rung with the air. Mr Merriman, in a short and concise speech, on behalf of Mr Barry and himself, thanked the electors of Aliwal for their unanimity in the support he had received and stated how gratifying it was to see the popular

1. ibid
2. ibid

feeling in Aliwal; but that he would not say more at present, as it was hardly safe to cry before he was out of the wood; and although he could hardly hope for the same result in the country wards, where he was less known, he hoped he might, if elected, have the honour of representing this large and important division in Parliament. (We hope so too, - Ed. F.M.)

Mr Merriman was then seized and carried to his house on the shoulders of some of his more intimate friends. Too much cannot be said in praise of the influential gentlemen who exhibited so much zeal in supporting Messrs. Merriman and Barry.

We must not forget to mention that some little amusement was occasioned through the solitary vote for Mr Pilkington being recorded one minute before five o'clock - the energetic agent of Mr Pilkington having captured this free and independent voter when on his way from Lady Grey where he had been on a canvassing visit."⁽¹⁾

The final results recorded in the different wards were
(2)

as follows:

	<u>Barry</u>	<u>Merriman</u>	<u>Pilkington</u>
Aliwal North	54	55	1
Lady Grey	18	16	14
Dordrecht	15	0	18
Weschbank	4	6	9
New England	16	9	7
Native Reserve	14	14	0
Klipspruit Nek	20	11	9
Klipspruit	1	1	2
Bernard Spruit	24	20	4
Buffels Vley	13	13	0
	<u>179</u>	<u>145</u>	<u>64</u>

This meant that a total of 388 votes had been cast. In
(3)
a constituency of 462 registered voters each of whom had two
(4)
votes, this meant a percentage poll of forty two per cent -
by no means a creditable reflection on the interest and esteem
aroused by Parliament.

The sequel took place in Parliament a few weeks later when J. H. de Villiers, the later Chief Justice, presented a petition to the House on behalf of the disappointed candidate, requesting Merriman's disqualification on the grounds

1. Frontier Mail, 28.5.1869.
2. Argus, 3.6.1869, 10.6.1869.
3. Cape of Good Hope Bluebooks, 1870, Section O, p.4.
4. Eybers, Select Constitutional Documents, Cape of Good Hope Constitution Ordinance, Clause 46.

that he did not fulfil the requirements of a voter. ⁽¹⁾ Unfortunately, no details of the charge have survived. De Villiers claimed to have consulted May, ⁽²⁾ and wished to see the matter referred to a Select Committee. The Speaker ruled, however, ⁽³⁾ that notice of such a motion had to be given. There is no trace of a notice on the subsequent order paper - the votes and Proceedings merely record that the petition was "read and received". ⁽⁴⁾ Whatever may have been the moves behind the scenes, it gained for Merriman a great deal of public notoriety before he had even properly begun his parliamentary ⁽⁵⁾ career.

The 1869 session was one of the least productive in the history of the Cape Parliament. The now familiar round of proposal and objection, counter-proposal and obstruction, reached a profitless perfection.

The condition of the country was cheerless. The deficit ⁽⁶⁾ for 1868 was £91,306, and the estimate for 1869 was £51,000. ⁽⁷⁾ The drought had still not broken, and trade remained firmly depressed. Day after day the newspapers carried notices of ⁽⁸⁾ bankruptcy, and in September the Journal itself reduced ⁽⁹⁾ publication. The unwise practice of balancing the budget by supplementing ordinary revenue with loans, could not be carried any further. The time for constructive and courageous action had come.

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1. V & P, (HA), 7.7.1869. Argus, 15.7.1869.
 2. T. E. May, A Treatise on the law, privileges, proceedings, and usage of Parliament.
 3. Argus, 15.7.1869.
 4. V & P, (HA) 7.7.1869.
 5. GTJ, 16.7.1869. Walker, Lord de Villiers, p. 43. Laurence, p. 12.
 6. V & P, (LC), 24.6.1869.
 7. Supra p. 39 *sqv.*
 8. GTJ, and Argus, 1868 and 1869
 9. GTJ, 15.9.1869.

But public opinion and Parliamentarians refused to recognise this. As Wodehouse sarcastically observed in his Opening Speech, they wished to equalise revenue and expenditure, maintain all existing facilities and keep taxes where⁽¹⁾ they were. The realisation of all three was manifestly impossible. Public opinion saw its salvation in retrenchment, but the authorities insisted that retrenchment could not be carried any further without danger to the existence of the Civil Service. They in turn spoke of increased taxation, but neither colonist nor M.L.A. would hear of this. The aversion of the Cape Community to taxation in any form was famous. In the words of one observer - "they run from tax-gatherers as they run from cobras or puffadders."⁽²⁾

The deadlock had been near complete for seven years. In his opening speech Wodehouse made a tired last attempt to break through the financial impasse - he proposed an income tax of three pence in the pound on all incomes in excess of £50 per annum for a period of three years.⁽³⁾ If consistently applied, it would make the country solvent in that time. The Assembly could not find words strong enough to condemn it, and in the country monster meetings passed vigorous motions of indignation.⁽⁴⁾

Wodehouse decided to strike at the root of the trouble. In his reply to Parliament's requests for retrenchment proposals he declared:

"The Governor has now for seven continuous years had the opportunity, and been under the necessity, of watching the working of the Parliamentary system, and finds the time to have arrived for stating, thus publicly, the conclusions he has formed

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1. V & P, (LS), 24.6.1869.
 2. Murray, South African Reminiscences, p. 44.
 3. V & P, (LC), 24.6.1869.
 4. Molteno, Life and times of Molteno, Vol. I, pp. 121-122.

In the first place, he cannot perceive in the constituencies any just appreciation of the functions of Parliament, or of the mode in which their representatives should discharge their duties. Unless it be for the attainment of some purely local object, or to force on some piece of legislation coveted by a particular section, they do not appear to expect of them any active line of conduct, any real attempt to impress upon Government the adoption of well-reasoned measures with which they should be prepared to give it an intelligent and cordial support. Obstruction of whatever may originate with the Government is by the constituencies regarded as the first duty of the members. They are always expected to be on the watch against some imaginary mischief which the Government is about to perpetrate. Scarcely a candidate for Parliamentary honours is to be found who can venture to present himself to a constituency as entertaining views generally favourable to the Government. To such an extent, indeed, is this misapprehension of relations carried that in one of the Houses of Parliament it is held to be unconstitutional for the Officers of the Government having seats in it, even to move the consideration of the measures needed for the welfare of the Colony. But with all this, there is no indication of any growing disposition to entrust the Executive Government of the country to the hands of the representatives of the people. A proposal to introduce "Responsible Government" was discussed in 1860 and 1861, but without result. A similar proposal brought forward in 1867, met with no better reception. Nor do the late elections afford reason to believe that the change is now more desired.

The result of this very unsatisfactory system is now before us. It is not necessary to inquire with what individuals, or with which of the powers composing the Legislature, the blame rests. It is sufficient to say that with a better organised and better regulated system of Government, the country could not have been brought into its present difficulties."(1)

His proposals were three-fold. Firstly, the reduction of Parliament to a one-chamber Legislature - reminiscent of the 1856 Natal Legislative Council (2) but an advance on the 1834 Cape body. (3) It was to consist of sixteen members - a nominated President, three high-ranking officials, and twelve members

1. V & P, (HA), 2.8.1869.
2. In terms of the Natal Charter of 1856 the Legislative Council consisted of sixteen members - four high-ranking officials and twelve elected members. The officials constituted the Executive which was controlled by, and responsible to, the Ministers of the Crown in England. (Eybers, Select Constitutional Documents, Charter of Natal, pp. 188-194. Vide also pp. 199-200. Todd, Parliamentary Government in the British Colonies, pp. 92-93. Keith, Responsible Government in the Dominions, Vol. I, pp. 11, 30.
3. The 1834 Legislative Council was an entirely nominee body - five official members acting as the executive and five, six or seven unofficial members selected by the Governor from the most prominent Cape citizens. Eybers, Select Constitutional Documents, p. xxxi. Kilpin, Romance of a Colonial Parliament, p. 55.

elected for five years by twelve electoral circles, six per province. The yearly saving would be £11,000, but more important, the proportionately stronger Executive would have a chance to explain and carry their proposals in a House small enough to contain only the best and most responsible men in the country. Secondly, the abolition of fourteen fiscal divisions,⁽¹⁾ although in view of possible public inconvenience, an official would be maintained at each with limited criminal jurisdiction. The yearly saving would be £6,000. Thirdly,⁽²⁾ the curtailment of expenditure in certain departments and the withdrawal of grants and subsidies to public institutions⁽³⁾ such as museums and libraries. Together with the removal of the standard £15,000 item for the survey of Crown lands for lease, the total saving of all these measures would be £28,605.

The scheme was both bold and practical. The abolition of fiscal divisions and the withdrawal of grants to public institutions were admittedly drastic, but since Parliament had rejected all thoughts of extra burdens the saving needed could only be sought in a sacrifice of existing privileges. The truncation of Parliament was equally sweeping, but in theory it would provide a more mature and responsible House in which reason and persuasion would triumph over hot air and obstruction.

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1. Stellenbosch, Piquetberg, Tulbagh, Robertson, Breda'sdorp, Knysna, Prince Albert, Humansdorp, Alexandria, Bathurst, Victoria East, Stockenstrom, Murraysburg and Middleburg.
(*ibid*)

2. These reductions were:

Colonial Secretary	£900
Audit Office	550
Treasury	100
Deeds Office	250
Surveyor-General	425
Post Office	880
Supreme Court	2,500
Native establishments, within and beyond the Colony	<u>2,000</u>

3. A saving of £4,000 (*ibid*) £7,605 (*ibid*)

In practice there were two fundamental flaws. Firstly, the proposed Parliament was as much a compromise between Crown Colony rule and Responsible Government as representative institutions were. Although the official element would have both a vote and proportionately greater say, the basic flaw remained - the elected members could not be held responsible for an alternative scheme if their obstruction thwarted the government's plans.⁽¹⁾ The reason that Solomon gave for supporting the 1860 Responsible Government motion still held good for the 1869 Wodehouse proposal:

"The real ground upon which I advocate Responsible Government is not that we have so weak a Government, but such a dangerously strong and irresponsible opposition The consequences being that every measure of importance which the Government brings in is thrown out and Parliament is unable to bring in anything in its place."⁽²⁾

Secondly, the justification sought in the success of a similar truncation in Jamaica did not properly apply.⁽³⁾ In Jamaica it had been necessary in view of serious social and economic misery,⁽⁴⁾ an ineffective government structure,⁽⁵⁾ negro riots and threatened massacre of the dwindling white population.⁽⁶⁾ In the Cape there was admittedly social and economic misery aplenty, but there was little immediate danger of revolution

1. A. K. Fryer, The Executive Government of the Cape of Good Hope, 1825-1854, ch. IV.
2. Du Plessis, Die Ontstaan van Politieke Partye, ch.9 p. 3.
3. C.H.B.E., Vol. II, pp. 711, 734-737. ibid, Vol. VIII, p.422. A. Burns, History of the British West Indies, p. 654, sqq.
4. C.H.B.E., Vol. II, pp. 731-735. A. Burns, History of the British West Indies, p. 659 sqq., 668.
5. In 1864 of a total population of some 450,000 people there were 1903 electors. It was, therefore, extremely difficult to fill the 68 seats in the two-chamber legislature - let alone with worthy men. (C.H.B.E., Vol. II, p. 735).
6. C.H.B.E., Vol. I, p. 736.

from within or large scale invasion - as distinct from frontier raids brought on by drought - from without. Whereas the embattled Jamaican electorate had supported the scheme,⁽¹⁾ it was unlikely that the considerably larger and more secure Cape electorate would accept a measure that brought with it a reduction of rights, increased taxation and official control - albeit combined with efficiency and eventual solvency. It was even less likely that their representatives would be persuaded to vote themselves out of a job.⁽²⁾

The reaction to the Governor's proposals was immediate and generally unfavourable.

"I need hardly add," the parliamentary correspondent of the Journal informed his paper, "that His Excellency's "scheme" fell dead upon the floor of the House ... the feeling amongst men of all parties (with the exception of perhaps a handful, say half-a-dozen or thereabouts) was one of unmitigated disappointment and disgust."⁽³⁾

A few days later all those opposed to the measure met together at the Gresham to co-ordinate their efforts.⁽⁴⁾ The parliamentary fate of the bill was sealed.

Country opinion was somewhat divided. Many agreed with Molteno's outright rejection of the bill,⁽⁵⁾ but there were many who favoured the reduction of Parliament to a single-chamber Legislature.⁽⁶⁾ To them the Upper House, was an expensive and unnecessary evil; its major function, the prevention of hasty legislation, could equally well be executed by the Governor

1. In terms of the Order-in-Council of 11th June 1866 the Jamaican legislature consisted of a nominated Council only - the Governor, six officials holding their seats ex officio, and an unspecified number of unofficial members of whom three were at first appointed. This system proved so successful that by 1875 only Barbados, the Bahamas and Bermuda in the West Indies had not switched over to it. (C.H.B.E., Vol. II, p. 736-737. Todd, Parliamentary Government in the British Colonies, pp. 103-105. H. Wrong, Government of the West Indies, pp. 70-77.
2. GTJ, 28.8.1869, 17.9.1869, Argus, 13.8.1869. EPH 19.8.1869. Colesberg Herald, 12.8.1869.
3. GTJ, 9.8.1869.
4. GTJ, 11.8.1869.
5. Molteno, Life and times of Molteno, Vol. I. pp. 116-117.
6. Theal, Vol. IV, pp. 102, 106; Kilpin, Romance of a Colonial Parliament, p. 87.

and imperial authorities. Their wish was to pass the bill through its second reading and then amend it in committee so as to increase the elected element.⁽¹⁾

Newspapers reflected this division of opinion. An examination of their editorial columns reveal that the Graham's Town Journal, Eastern Province Herald, Graaff-Reinet Herald, Uitenhage Times, P.E. Telegraph, Queenstown Free Press, Queenstown Representative, Colesberg Herald, Burghersdorp Gazette and Cape Standard tended to support the scheme. The Argus, Zuid-Afrikaan, Volksvriend, Volksblad, Worcestersche Courant and Gradock Express tended to oppose it. This division into an Eastern and Western camp can partly be explained in terms of provincial feeling. The Separationists of the East tended to support anything that undermined Western influence or delayed Responsible Government.⁽²⁾ The Westerners for obvious reasons took the opposite view.⁽³⁾ Midland opinion - tradition-ally more suspicious of Grahamstown than Capetown⁽⁴⁾ - tended to support the measure for economic reasons and fear of a wool-tax rather than pro-Separationists or anti-Responsible feeling.⁽⁵⁾

The second reading of the Constitution Amendment Bill took place on the 6th August, 1869.⁽⁶⁾ It provoked a heated debate. Merriman was the fourth to speak. Having praised Sir Philip as a "skilful surgeon who probed the wounds or sores of his patients very deeply indeed,"⁽⁷⁾ he came out strongly in favour of the Governors diagnosis and treatment for two reasons.

1. Ibid.
2. Sole, The Separation Movement, p. 247. GTJ, 19.11.1869, 22.11.1869. EPH, 12.8.1869, 16.8.1869.
3. Argus, 6.8.1869. Zuid-Afrikaan, 12.8.1869.
4. Sole, The Separation Movement, Vol. II, pp. 208-212.
5. GRH, 14.8.1869.
6. V & P, (HA), 6.8.1869.
7. GTJ, 11.8.1869.

Firstly, finance. Both country and Parliament had called for retrenchment, and this was a measure that struck at the root of the problem. Not only would reduced numbers save money, but a strengthened executive could curb the extravagant spirit that had landed the colony in debt. To prove the latter point he quoted the following revenue and expenditure figures and pointed to the pronounced drift into debt after the grant of Representative government in 1854:

	<u>Revenue</u>	<u>Expenditure</u>	<u>Difference</u>	
1853	£380,000	£260,000	£120,000	
1858	413,000	439,000	26,000	
1863	457,000	650,000	193,000	(1)
1868	577,000	656,000	79,000	

Secondly, public opinion. He denied that the constitution was the great boon some people claimed. There had been opposition to its introduction and now, he claimed, there was indifference to its maintenance. "In the country districts," he declared, "no real value was attached to Parliamentary institutions".⁽²⁾ In reply to the argument that the Bill was retrogressive, Merriman replied that "he did not call it by that name."⁽³⁾ If a mistake had been made, "it was not retrogression to retrace their steps; on the contrary it was progress in the right direction"⁽⁴⁾ and although it was said that the gods themselves could not recall their gifts, the British Government, if asked to do so, could."⁽⁵⁾ He admitted that a House of twelve members was somewhat small, but this could always be enlarged in committee.⁽⁶⁾

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1. These figures do not coincide with the statistics in Appendices C and E, but this does not necessarily mean that Merriman was dishonest or inaccurate. Statistics for these years suffer from one cardinal failing - lack of standardisation. In some cases even official bluebooks confuse the issue by including items as actual revenue one year and then as loan money the next. Merriman took his figures from messages and speeches as recorded in Parliamentary Votes and Proceedings for the respective years. Although he can be accused of carelessness in not checking them against the official bluebooks, the actual mistakes in standardisation were not made by him.
 2. Ibid.
 3. Argus, 7.8.1869.
 4. Ibid.
 5. UTJ, 11.8.1869
 6. Ibid.

This statement was neither comprehensive nor incisive, but it did reveal one or two important truths. There can be no doubt that the tendency of members to dazzle their constituents with lavish public spending had contributed greatly to the financial embarrassment of the country.⁽¹⁾ It was equally necessary to bring to the notice of Parliament the disregard it aroused in the country districts. A few weeks later the Colesberg Herald supported Merriman's contention and spoke for a large number of people when it declared:

"The Parliament is at bay and feels this, moreover, most acutely. The Governor is dead against them and the country is even more so. Our representatives have been pushed into a corner and feel that the odds are against them. But they mean never to say "die". They will do as much damage as they possibly can to those who have fixed them there. Nay more, they try to ignore altogether the feelings against themselves and the decision of the public press and Government that they have been more ornamental than useful."⁽²⁾

The benefit of hindsight leads one to doubt the practical feasibility of the scheme. Unless there is an immediate and overwhelming danger it is difficult to persuade people to surrender rights they already possess - however profitable such a surrender may be in material terms. Nevertheless, given the circumstances of drought, depression, deficit and deadlock it is difficult to see how any fair-minded person could have done other than support the Governor. Crown Colony rule⁽³⁾ was out of keeping with the level of political consciousness attained by the colonists; Responsible Government was impractical in view of the deficit and Separationist opposition; Representative institutions were patently unworkable. Without foreknowledge of the spectacular economic

1. Murray, South African Reminiscences, pp. 44-45.

2. Colesberg Herald, 12.9.1869.

3. C.H.B.E., Vol. II, pp. 143, 155, 162-163, 187, 286.
 Eybers, Select Constitutional Documents, pp. xxvii-xxxiii.

recovery that followed in the wake of diamonds, it was not possible to envisage any more practical or sensible scheme than that put forward by the Governor.

The Constitution Amendment Bill was rejected by thirty-nine votes to twenty-two.⁽¹⁾ The other retrenchment proposal met the same fate. On the 10th August, 1869, Molteno introduced a strongly worded motion that was both a rejection of the proposals and a vote of censure on the Governor:

"This House desires to express the sense of disappointment it entertains with regard to the scheme of Retrenchment submitted in the Governor's Message No. 11.

It regrets to find that the Governor holds opinions regarding the people of the Colony and their representatives which this House believes to be erroneous, and is further of opinion that the fact of such views being entertained by the Government has had much to do in bringing about the present unsatisfactory state of affairs; which, if not mainly, at any rate to considerable extent, may be attributed to the apparent unwillingness on the part of the Executive to work with the House or in unison with its views."⁽²⁾

To replace the official proposals, he suggested further retrenchment in the Civil Service - the weeding out of unnecessary officials and the immediate reduction of between five per cent and fifteen per cent on all salaries from the Governor and Heads of Departments down. If energetically pursued, these proposals, it was claimed, would effect the desired equalisation "without any sacrifice of efficiency, or any one Establishment really necessary for the welfare and progress of the Colony."⁽³⁾

It is impossible to say who was right on this issue - the Governor or Molteno. Both remained adamant in their viewpoint, but as neither was ever tested in practice, no authoritative judgement can be made. Evidence produced in debates was inconclusive and contradictory,⁽⁴⁾ and a scrutiny

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1. V & P, (HA) 6.8.1869.
 2. V & P, (HA), 10.8.1869.
 3. Ibid.
 4. Argus, 10.8.1869, 12.8.1869.

of figures in Bluebooks gives information on almost every point but this.⁽¹⁾

Merriman's attitude was provocative. He taunted the House for rejecting the Governor's scheme, not because it was bad, but because the Governor had spoken his mind in his message. Molteno's resolution he described as "vague and unsatisfactory," - even meaningless. As for the vote of censure, that was "beneath the dignity of the House to countenance."⁽²⁾

After heated debate⁽³⁾ and endless amendments,⁽⁴⁾ the resolution was carried by thirty-four votes to fourteen with Merriman firmly in opposition.⁽⁵⁾ It was then submitted to the Governor with the request that he draw up a scheme in accordance with its recommendations.⁽⁶⁾

Wodehouse's answer was prompt. He refused to introduce a scheme that he regarded as injurious.⁽⁷⁾ This placed the Assembly in a serious predicament. It had declared Civil Service retrenchment both feasible and desirable, but had no means of judging the usefulness of every office and official.⁽⁸⁾ For eight long days a Committee of the entire House struggled with the estimates.⁽⁹⁾ Merriman remained unhelpfully in opposition

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1. Cape of Good Hope Bluebooks, Section Q.
 2. GTJ, 16.8.1869, 18.8.1869. Argus, 14.8.1869.
 3. Ibid.
 4. V & P, (HA), 10.8.1869, 11.8.1869, 12.8.1869, 13.8.1869, 16.8.1869.
 5. V & P, (HA), 16.8.1869.
 6. Ibid.
 7. V & P, (HA), 18.8.1869.
 8. Theal, Vol. IV, p. 102.
 9. V & P, (HA), 26.8.1869, 27.8.1869, 30.8.1869, 31.8.1869, 1.9.1869, 2.9.1869, 3.9.1869, 7.9.1869. Molteno, Life and times of Molteno, Vol. I, pp. 127-131.

- to the extent of being one of a minority of three who opposed the reduction of the next Governor's salary to £4,000 per annum.⁽¹⁾ Altogether seventy six resolutions were drafted, and for three further days the House debated them.⁽²⁾ In the case of some, notably the resolution withdrawing the annual military subsidy of £10,000,⁽³⁾ better judgement prevailed, but on the 11th September the remaining seventy one⁽⁴⁾ were transmitted to the Governor. What Parliament's intentions were, is not clear, for in his previous message Wodehouse had emphatically affirmed that he would have nothing to do with the resolutions or the drafting of the bills needed to give effect to them.⁽⁵⁾

Three days later he replied,⁽⁶⁾ acknowledging receipt of the resolutions, but indicating that until the necessary bills were drafted by the House he felt himself duty-bound to make further proposals for equalising the revenue and expenditure. The session was nearly twelve weeks old and nothing had been accomplished. He proposed four taxes - an excise duty of one shilling and sixpence per gallon on spirits, a two per cent levy on all interest from shares, mortgages and property, a one and a half per cent duty (i.e. a shilling per hundred pounds on washed wool, and sixpence per hundred pounds on grease wool), and a house-tax of five shillings per dwelling

1. V & P, (HA), 26.8.1869. In terms of the reserved schedules of the Constitution Ordinance the Governor was then paid £5,000 p.a. (P.P., 1852-3 LXVI (1640) p.21 Ordinance 2, Schedule A. A proposal to reduce the surveyor's pay aroused Merriman even more. He even moved an amendment "that the professional officers of this department be exempted from the general reductions of salaries." It was lost, much to his chagrin. (V & P, (HA) GTJ, 17.9.1869.)
2. V & P, (HA) 9.9.1869, 10.9.1869, 11.9.1869.
3. V & P, (HA) 7.9.1869. Molteno, Life and times of Molteno, Vol. I, p. 129.
4. V & P, (HA), 11.9.1869.
5. V & P, (HA) 18.8.1869.
6. V & P, (HA), 14.9.1869.

under £100 value, ten shillings under £500, and £1 on all worth more than that. (1)

The immediate reaction was a storm of abuse. Although some newspapers such as the King William's Town Gazette and Kaffrarian Watchman were prepared to be reasonable, others such as the Journal exhorted the country to resistance. (2) (3) (4)

The notion of taxing wool the latter found utterly incomprehensible - "like feminine logic it is so staggering - so far above the range of the wildest fancy, that the best method of meeting it, is to turn tail and run away from it. To argue with insanity, or whistle against the wind, are equally unremunerative." (5)

The Assembly itself declined to consider them until the Governor had informed Parliament to what extent he was "prepared to agree to, and act upon" the retrenchment resolutions. (6) In his reply Wodehouse declared that since the contemplated measures involved "delicate questions," he would "in all probability feel himself called upon to ascertain the wishes of Her Majesty's Government," and could not, therefore, commit himself in advance. (7)

Deadlock ensued. A week later Molteno introduced a motion to clarify Parliament's attitude. (8) The arithmetic was as follows - Revenue and Expenditure for 1870 were likely to amount to the same as the estimates for 1869, £615,262 and £666,535 respectively. The resultant deficit of £51,273 could be made good by two factors - the non-recurrence of certain

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1. Ibid
 2. King William's Town Gazette, 17.9.1869, 21.9.1869.
 3. Kaffrarian Watchman, 16.9.1869, 20.9.1869
 4. GTJ, 17.9.1869, 20.9.1869.
 5. GTJ, 20.9.1869
 6. V & P, (HA), 17.9.1869. Molteno, Life and Times of Molteno, Vol. I, pp 131-132.
 7. V & P, (HA), 20.9.1869.
 8. V & P, 28.9.1869.

(1)
 items worth £28,000, and an estimated saving of £28,876,
 if the retrenchment resolutions were implemented. (2) To wipe
 out the estimated accumulated deficit of £127,306, it was
 proposed to levy an additional two and a half per cent customs
 duty on all ad valorem goods imported. (3) The expected yield
 was at least £30,000 - sufficient to balance the books in
 four years, without the imposition of any further unpleasant
 taxation. (4)

On paper these proposals appeared to provide all the
 answers, but in practice, as Wodehouse pointed out in a
 subsequent message, (5) there were two basic flaws. Firstly,
 it was assumed that the 1870 Revenue and Expenditure would
 be the same as the 1869 estimates. This was crooked thinking,
 for the estimated revenue of £615,262 included debts worth
 £55,000 of which only £5,000 could be collected. (6) Revenue,
 therefore, was unlikely to exceed £575,000, and the deficit
 would be proportionately larger - probably £91,000. This
 pattern was likely to recur in 1870. As far as the estimated
 expenditure of £666,000 was concerned, there were admittedly
 non-recurring items worth about £30,000, but the remaining
 £61,000 could not be covered by the proposed retrenchment
 savings. A very careful examination had revealed that even

1.	Kaffrarian Loan repaid in 1869	£10,000	
	Survey expenses, provided for otherwise	15,000	
	Survey of Harbours - 1869 only	3,000	
		£28,000	(Ibid)
2.	Immediate abolition certain officers	£13,876	
	Percentage salary reductions	15,000	
		£28,876	(Ibid)
3.	In terms of the 1855 Customs Tariff Act duties were divided into two classes - specific and ad valorem. The former were levied on certain goods only e.g. spirits 3/- per gallon), wine (2/6 per gallon) and sugar (3/6 per 100 lbs); the latter were applied to all goods. (De Kock, Economic History of South Africa, p. 304.		
4.	<u>V & P, (HA) 28.9.1869.</u>		
5.	<u>V & P, (HA), 1.10.1869.</u>		
6.	The remainder were accounted for by the following items:		
	Arrears on the Railway sub-guarantee	£25,000	
	Ditto the Kowie	12,000	
	Ditto Port Elizabeth	4,000	
	Ditto miscellaneous	9,000	
		£50,000	(Ibid)

if applied ruthlessly they would yield a mere £18,414 at the most - not the estimated £26,708. Rather than a balanced budget in 1870, therefore, the deficit would be in the neighbourhood of £40,000.

Secondly, it was assumed that trade and customs revenue would remain uninfluenced by increased duties. This was most unlikely. In fact, it could be assumed that customs revenue would not much exceed its then existing level of £127,000. There would, therefore, be no extra money to deal with the accumulated deficit of about £220,000 - £91,306 for 1868, £91,000 for 1869, and approximately £40,000 for 1870. Further taxation measures were inevitable.

Merriman used similar arguments in debate. He poured ridicule on Molteno's scheme, describing it as romance rather than reality.⁽¹⁾ His own suggestion was a poll-tax which could be both easily collected and so graduated as to press least heavily on the poor.⁽²⁾

In spite of all counter-arguments, the assembly adopted Molteno's resolution and duly transmitted it to Wodehouse for action.⁽³⁾ The latter refused, both because he thought it profitless in itself, and because it would strike hardest at Great Britain - the Colony's chief market and source of imports - at a time when the British tax-payer was spending thousands on colonial defence.⁽⁴⁾ The House thereupon went ahead and passed its own bill.⁽⁵⁾ This was promptly rejected by the Legislative Council two days later.⁽⁶⁾

The deadlock was complete. Seventeen weeks of wrangling had brought the country no nearer an answer to its financial problems. The Constitution could clearly "march no further".

1. Argus, 30. 9. 1869.

2. Ibid.

3. V & P, (HA), 29.9.1869.

4. V & P, (HA), 1.10.1869.

5. V & P, (HA), 11.10.1869.

6. V & P, (LC), 13.10.1869.

On the 18th October Wodehouse prorogued Parliament with a speech that pulled no punches:

"Not a single other question of much general importance," he told the House "has been satisfactorily dealt with during a session that has lasted nearly four months. It cannot be otherwise than injurious to any country when those whose appointed duty it is to administer its affairs from year's end to year's end, who alone exercise authority over its servants, who possess the best means of information, - when those in such a position find that the measures they have framed with much care and trouble, may be rejected in the Legislature, with little examination, from those who are free from any responsibility for that rejection and who, returning to their homes, can dismiss the subject altogether from their thoughts until another session affords another opportunity of repeating the process."(2)

Wodehouse saw no alternative but to dissolve Parliament so that the electorate could decide "whether or not the present form of Government is such as they desire to have, and, if not, then what changes should be made."⁽³⁾ In order to clarify the choice he published his proposed Constitution Ordinance Amendment Bill on the 12th November.⁽⁴⁾ Although the same in principle as the 1869 measure, the Governor had obviously taken cognizance of certain constructive proposals and criticisms brought forward during the previous session.⁽⁵⁾ Instead of a small sixteen member Chamber as formerly proposed,⁽⁶⁾ there were to be thirty-seven - a nominated President, four high-ranking officials, and thirty-two elected members, sixteen per province. The existing electoral divisions would be maintained unaltered, except that Piketberg was joined to Malmesbury.

Although the issues were momentous and the newspapers delivered themselves of weighty pronouncements,⁽⁷⁾ the electorate

1. Walker, p. 310.
2. V & P, (HA), 18.10.1869.
3. Ibid.
4. Government Gazette, 12.11.1869. Theal, Vol. IV, pp.103-104. P.P. 1870 XLIX (181) pp.22-26.
5. V & P, (HA) 24.8.1869, 25.8.1869 (Probert's motion)
V & P, (LC) 29.7.1869 (de Smidt's motion). GTJ, 28.7.1869.
6. Supra p.89.
7. GTJ, 19.11.1869, 22.11.1869, 29.11.1869. Argus, 18.11.1869, 20.11.1869.

(1)
showed little sign of interest. Everywhere there appeared to be apathy, and in Colesberg there was even difficulty in (2)
persuading candidates to stand.

The Aliwal North election was something of an exception. There were three candidates - John X Merriman, J. M Orpen, (3)
and J. J. H. Brown. The first two were "Conservatives", the last-mentioned a "Liberal". It is difficult to understand how these terms became political parlance at the Cape. They (4)
bore no resemblance to the English usage of Tory and Whig, and certainly none whatever to the modern meaning of the words. Nor were there properly constituted Liberal and Conservative Parties.

Broadly speaking, the differences were provincial, racial and religious. The Conservatives tended to find their main support in the East. They were primarily anti-Responsibles, though not necessarily all Separationists. They tended to be anti-Voluntary, and although they included some Dutch-speaking (5)
colonists, they were most emphatically pro-British. The Liberals were mainly Westerners and tended to favour both

Responsible Government and the Voluntary Principle. Although

1. GTJ, 29.10.1869, 5.11.1869, 8.11.1869, 26.11.1869, 5.1.1870. Argus, 4.11.1869, 6.11.1869. EPH, 26.10.1869, 29.10.1869.
2. Colesberg Herald, 16.11.1869. GTJ, 26.11.1869.
3. GTJ, 10.12.1869. On the 15th November the Journal had carried a report, quoted from the Uitenhage Times, that the disappointed candidate from the previous election had received a requisition from Aliwal North. At the time of writing Mr Pilkington was away on business. As no further reference to the matter can be traced, it can only be concluded that he declared himself disinterested.
4. Woodward, The Age of Reform, pp. 50-55, 154-156.
5. "There is no doubt," one observer remarked, "that they would have had but one language spoken if they could have had their way, and would have had the Cape Colony, in every essential, part and parcel of the Great British Empire." (Murray, South African Reminiscences, p. 66.)

predominantly Dutch-speaking, they were not necessarily anti-British; they merely tended to be less enthusiastic about England than the 1820 party. The modern overtones of native policy did not apply with any great force, although Liberals, headed by Fairbairn and Solomon, tended to be more "enlightened" than Eastern frontier Conservatives.⁽¹⁾

These distinctions were by no means rigid or mutually exclusive. It was quite conceivable that an Easterner like Sprigg should simultaneously support Responsible Government and harsher treatment for Natives.⁽²⁾ It was equally conceivable that Merriman should oppose Responsible Government and support the Voluntary Principle.⁽³⁾

At the nomination meeting both Conservatives came out in favour of the Governor's scheme, the Voluntary Principle and paper currency.⁽⁴⁾ The other candidate, Mr Brown, also favoured the Voluntary Principle and paper currency, but apart from advocating retrenchment said nothing about the major issue. When taxed on this, he eventually came out in favour of Responsible Government.⁽⁵⁾ At the end of the meeting by show of hands the vote was Orpen sixteen, Brown fourteen and Merriman eleven.⁽⁶⁾ A poll was then demanded and fixed for the 22nd December.

The first spark of excitement had been provided by the presence of a Liberal candidate in an otherwise Conservative constituency. The second was provided a few days later when Brown convened a meeting "to again enunciate his political views and reply to any questions."⁽⁷⁾ The meeting was an unsavoury affair. After some preliminary sparring Brown accused Merriman and Halse, his proposer, of sharp practice on two counts.

1. Solomon, Saul Solomon, pp. 24, 115; GTJ, 12.8.1874

2. Sprigg Papers, Sprigg to Molteno, 7.7.1869.

3. GTJ, 19.7.1869.

4. Merriman himself was not present, but his views were explained by his proposer, a Mr Halse. (GTJ, 10.12.1869.)

5. Ibid.

6. Ibid.

7. GTJ, 31.12.1869.

Firstly, he alleged that Merriman secretly favoured Responsible Government and had sent up a manifesto to that effect, but that his supporters had withheld it. "Merriman," he declared, "would vote against his conscience, and say anything he was told to say."⁽¹⁾ Secondly, he alleged that Halse, as correspondent for the Journal, had deliberately attempted to sabotage him by misreporting him as a Liberal, and, in addition, had written to people in Dordrecht advising them not to vote for him.⁽²⁾

To this Halse replied with a counter-charge. "Few men" he declared, "could change their political views as easily as they did their coats; Mr Brown was one of the happy few, and he congratulated him upon the facility with which he had done so in this case."⁽³⁾ He denied that Brown had been misreported, and, if necessary, would get a dozen affidavits from persons who had been there to prove it. He also denied the charge that Merriman was a Responsible. To prove this he read a private letter in which Merriman was alleged to have written:

"Nothing has yet been done but unseemly wrangling between the Government and the Parliament; my own conviction is that this state of affairs cannot last, we must either have retrogression (viz. a Governor and a Council), or Responsible Government. Now I am by no means an advocate for the latter."⁽⁴⁾

Lack of further evidence makes it difficult to pass judgment on the accusations. Only one letter that casts any light on the problem has survived from this period, but its somewhat speculative tone raises as many questions as it answers. After describing to his Aunt Sarah the constitutional predicament of the Cape and the difficulties of self-government,

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1. Ibid
 2. Ibid
 3. Ibid.
 4. Ibid.

Merriman adds: "Of course, for adventurers like myself Responsible Government offers some field - still I do not think I shall support it."⁽¹⁾ All that can really be deduced from this is that he had been toying with the idea.

There is one further piece of evidence. In the debate on his motion advocating a Select Committee on Cotton Cultivation Merriman encountered some opposition, among others from Responsibles. "He had sometimes," he informed the House, "been in favour of a change in the form of Government, being under the impression that in a Responsible Government measures of this kind would receive attention."⁽²⁾ This may be taken as a genuine statement, or just a peevish outburst of frustration. Evidence is inconclusive, and in all fairness no final judgement can be made.

Such was the interest aroused by this conflict that a

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1. Merriman Papers 1870-2. John X. Merriman to Aunt Sarah 24.1.1870. Although irrelevant to this problem this letter contains a lot of personal information that sheds light on Merriman's character and is perhaps worth quoting in full: "Meanwhile Aliwal North has again after a contested election recognised shall I say my merits! by electing me - And here I am in Cape Town for the Session. It is likely to be a stormy one. - The great question being the form of our Constitution, Responsible Government or otherwise. The difficulty in the way of introduction of self government here is the mixed population there being a great danger that we should become a dutch republic under such a regime. The natives are also a ticklish job for a ministry always changing to manage as they require above everything a settled policy of one kind or another. Of course for adventurers like myself Responsible Government offers some field - Still I do not think I shall support it - Our politics must seem very petty to you and still to me they are more interesting than the Irish land question. Why did not old Cromwell live to finish the job of that most wretched people - I am sure you will be most interested in the doings and sayings of your old and valued friend the Pope - It does seem monstrous to try and force such a doctrine as infallibility down the throat."
 2. GTJ, 16.2.1870.

record number went to the polls, and in due course Merriman and Brown were returned.⁽¹⁾ The latter's election was something of a surprise, but the contemporary explanation that Merriman and Orpen had split the Conservative vote may possibly account for this.⁽²⁾

Parliament assembled again on the 25th January, 1870. Three problems faced the Legislators - the constitution, finance and defence. The first two were immediately familiar, the third was a revival of an older issue.

Two important things had happened since the dissolution of the last Parliament. Firstly, the drought had ended. It is not possible to say exactly when the drought broke, for the rains came at different times for different places, but whatever the case they came not a moment too soon. In February 1869 the country was so parched that even normally well-watered districts such as Knysna, Humansdorp and Uitenhage were laid waste by fire.⁽³⁾ When the rains eventually came they came with such force as to burst the dam at Beaufort West,⁽⁴⁾ flood the Oudshoorn valley⁽⁵⁾ and drive eleven ships ashore at Algoa Bay.⁽⁶⁾ The transformation was marvellous,⁽⁷⁾ and a few months later the Journal was able to report ecstatically that vegetation was "almost tropical" in its luxuriance.⁽⁸⁾

Secondly, the British Government announced its intention to implement the long-delayed scheme of troops withdrawals from the Cape.⁽⁹⁾ In December 1868 Gladstone had become Prime Minister,⁽¹⁰⁾ and with his accession Colonial policy entered a new phase. As a former Colonial Secretary and ardent admirer

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1. GTJ, 31.12.1869.
 2. Ibid. Orpen eventually served in Parliament for thirteen years as the member for Queenstown (1872-1873), Aliwal North (1879-1881) and Wodehouse (1889-1896). (Kilpin, Romance of a Colonial Parliament, p. 151.)
 3. Theal, Vol. IV, pp. 104-105.
 4. Walker, p. 310.
 5. Theal, Vol. IV, p. 105.
 6. Ibid.
 7. Ibid. p. 113
 8. GTJ, 18.3.1870.
 9. P.F. 1870 XLIX (181) Granville to Wodehouse, 9.12.1869. This was part of a general tightening up vide Bodelsen, Studies in Mid-Victorian Imperialism, p. 89.
 10. Woodward, The Age of Reform, p. 642.

of the Greek ideal of colonisation Gladstone was not a Separationist, but as an earnest advocate of economy and eager champion of liberty he did not wish to see them either a financial liability or an unwilling captive to the Mother Country. ⁽¹⁾ Both for the sake of colonial self-respect and saving to the Treasury it seemed important to him that the colonies accept responsibility for their own defence. ⁽²⁾ That self-defence implied self-government was no obstacle to him. ⁽³⁾ His attitude could best be summed up by the phrase "Freedom and voluntary adherence." ⁽⁴⁾ The colonists ought to be their own masters and their allegiance to the Crown ought to be voluntary. Like the late veteran Under-Secretary for the Colonies, Sir James Stephen, Gladstone looked upon the link with the colonies as valuable and hoped that it would last; but it was clear to him that it could only be valuable and lasting if it were voluntary. ⁽⁵⁾ Grenville's assertion that "the greatness of England consists not only in the geographical extent of the Empire, but in the spirit which animates those who inhabit it" was also Gladstone's conviction. ⁽⁶⁾

The obvious success of Responsible Government wherever it was applied more than justified his hopes. ⁽⁷⁾ The "old irritant sores" between England and her colonies had disappeared, and the "din of indignation against Downing Street policy" which Salisbury had heard in 1852, "from the Cape to New Zealand from Bishop to potboy", had died away. Loyalty ⁽⁸⁾

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1. Bodelsen, Studies in Mid-Victorian Imperialism pp. 87-94; supra pp. 54-55.
 2. Ibid.
 3. C.H.B.E., Vol. VIII, p. 421.
 4. Knaplund, Gladstone and Britain's Imperial Policy, p. 96. C.H.B.E., Vol. III, p. 421.
 5. Ibid.
 6. Ibid., p. 99.
 7. C.H.B.E., Vol. II, p. 684; Vol. VI, ch. 12-14; Vol. VII, Part I, ch. 10 and Part II, ch. 6.
 8. C.H.B.E., Vol. II, p. 684.

confidence and affection towards the Mother Country had superseded distrust and hostility. All three had found heart-warming utterance in subscriptions for the widows and orphans of the Crimean War and Indian Mutiny and the victims of the Lancashire cotton famine.⁽¹⁾ Equally important, the prosperity that seemed to elude all dependent communities was almost a natural concomitant of self-government.⁽²⁾

In December 1869 the Imperial authorities communicated their intentions to Wodehouse.⁽³⁾ The subsidised Cape Mounted Rifles were to be disbanded, one regiment withdrawn in 1870-1871, another a year later - leaving only one for Imperial purposes at Simonstown.⁽⁴⁾ Granville realised very clearly that this would make responsible government almost certain.

"The policy which I shall enjoin on your successor" he informed Wodehouse "will be that of pointing out to the colonists that, in one way or another, a change in their constitution is inevitable, and of explaining to them that Her Majesty's Government look upon the present constitution as an inadequate and transitional one, which, as they are unable to administer it effectually, they are only content to administer at the desire of the colonists, and until a decision is arrived at as to what change should take place.

If the Colony shall be ready to repose greater trust than heretofore in the Crown and its servants, and to confide to them a larger and more effectual authority, it will be the first endeavour of the new Governor to devise such a plan for that purpose as shall be acceptable to the present Legislature.

If, on the contrary, the colonists shall prefer to assume the responsibility of managing their own affairs, it will be his duty to consider with them, in a spirit of cordial co-operation, the means by which this may be safely and justly effected.

What shape the new system of self-government shall assume, whether of a single undivided Colony, or of a Colony divided into semi-independent provinces, or of two or more distinct Colonies, is a question which the colonists will, no doubt, maturely consider, and in which I should wish to be guided by their deliberate conclusions. At present I think it undesirable even to indicate an opinion upon it."⁽⁵⁾

1. Ibid. Bodelsen, Studies in Mid-Victorian Imperialism, p. 80.
2. Ibid.
3. P.F. 1871 XLVII (459) Granville to Wodehouse, 9.12.1869. C.H.B.E., Vol. II, p. 835. Vide also V & P, C. 1-1869, p. 2.
4. Ibid.
5. P.F., 1871 XLVII (459) Granville to Wodehouse, 9.12.1869.

Granville had placed the onus of choice on the colonists,
 but both from the content of his despatch⁽¹⁾ and an article⁽²⁾
 that Lord Blackford later submitted to the Nineteenth
Century it is clear that Downing Street was in favour of⁽³⁾
 Responsible Government.

It was unusual for the Imperial authorities to indicate
 their preferences so clearly. At the time of the great Separationist
 agitation the Colonial Office had advised Wodehouse⁽⁴⁾
 to join them in remaining strictly aloof. Later Gladstone
 and Kimberley were to carry their non-interference to such
 an extent that Kimberley, for example, refused to comment on
 Lord Belmore's dissolution of the New South Wales Parliament
 in 1873, and Lord Canterbury's refusal to head his Ministry's
 advice and call for new elections in Victoria that year.⁽⁵⁾

Whereas the impact of economic change was slow to be

1. "Although I have been anxious to give you every opportunity of giving effect to your own views, I have never concurred with you in anticipating that you would be able to frame, and carry through the Cape Parliament, a measure which would give to the Government as at present constituted, such powers as these necessities of the case require. And if the Government cannot by some such measure be enabled to command the co-operation of the Legislature, it remains that the Legislature should be enabled to secure the co-operation of the Government, i.e. that Responsible Government should be established in that as in other Colonies of equal importance. I have considered the difficulties you point out as likely to arise when such a change is made; but if the colonists will not allow themselves to be governed - and I am far from blaming them for desiring to manage their own affairs, or from questioning their capacity to do so, which is seldom rightly estimated till it is tried - it follows that they must adopt the responsibility of governing." (Ibid) Vide also P.P. 1871 XLVII (459) Granville to Wodehouse 9.3.1870. Ibid, Granville to Wodehouse 24.3.1870. Ibid, Kimberley to Barkly, 17.10.1870.
2. Formerly Sir Frederick Rogers, Under-Secretary of State for the Colonies during this period. (Dictionary of National Biography).
3. Kilpin, Romance of a Colonial Parliament, p. 90.
4. G.H. 1/14 Buckingham & Chandos to Wodehouse, 16.11.1867
5. Knaplund, Gladstone and Britain's Imperial Policy, pp. 100-101.

felt and only fully in operation after Wodehouse's departure, the impact of a change in imperial policy was immediate and could not be ignored.

It placed Wodehouse in a serious predicament. The draft constitution had been published and the elections had been fought on the choice outlined. He could either leave the matter in abeyance or press ahead for a clear-cut decision. He decided for the latter.

"I have lived too long in this Colony" he informed Parliament in his opening speech, "to be indifferent to its future welfare. I have been so bound up with the administration of its affairs, that I have formed strong convictions as to what is best suited to it. I cannot see what advantage will be gained by the postponement for another year of a question you are fully prepared to discuss. The Secretary of State hopes that I will smooth down as far as possible the difficulties with which my successor, at best, will have to contend. And I think that his path will be made clearer by a present decision on this question."(1)

Although on a previous occasion he had not excluded the possibility of Responsible Government. (2) he made it clear both (3) (4) to Parliament and Granville that, quite apart from other difficulties he regarded Responsible Government as incompatible with the Imperial connection.

"I have the strongest conviction" he informed the Secretary of State, "that Responsible Government is unsuited to, and will work great mischief to this Colony I have never regarded Responsible Government as applied to a Colony, more properly speaking a dependency, as anything less than an absolute contradiction in terms. How can a Ministry responsible to its own constituencies render obedience to the permanent power? The issue between them may be shirked or postponed; but it must come. Responsible

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1. V & P, (LC), 25.1.1870. Vide also P.P. 1871 XLVII (459) Wodehouse to Granville, 17.1.1870.
 2. V & P, (HA), 2.8.1869. "The days are gone by for making any attempt to govern the people of a British colony in opposition to their wishes Some years hence, and after the Colony has been extricated from its present difficulties, it is to be expected that the people will be better able to appreciate the true nature of Parliamentary government, and will be prepared for its re-introduction in a more complete and efficient form than that now existing."
 3. V & P, (LC), 25.1.1870
 4. P.P. 1871 XLVII (459), Wodehouse to Granville, 17.1.1870.

Government I have always held to be applicable only to communities fast advancing to fitness for absolute independence, and I think that the course of events in British North America, Australia, New Zealand, and Jamaica has, in different forms, gone very far to establish that view. I look upon the country as entirely unsuited for independence; and must confess that I cannot satisfy myself of the justice or humanity of handing over this large native population to the uncontrolled management of a Legislature composed of those whose habits, interests and prejudices are so entirely different."⁽¹⁾

These arguments were unlikely to influence either the Colonial Office or the Cape Parliament. The former had a different vision of the imperial connection, and the results of the elections gave little reason to believe that the latter would go back on the decisions of the 1869 Parliament. Although no fewer than twenty-two of the forty-six seats ⁽²⁾ changed occupants, all the old stalwarts were back, and the Responsibles had even made a net gain of two seats in the ⁽³⁾ heart of opposition country, the Eastern Province.

Molteno, the Lion of Beaufort, landowner and businessman, was back on his accustomed place. Industrious, determined and influential, he was the unyielding champion of colonial liberties and critic of the government. ⁽⁴⁾ Barkly was to find him "more easily led than driven; somewhat impatient of contradiction; and apt from overcaution to become suspicious (yet nevertheless) straightforward and reasonable enough, and honourable ⁽⁵⁾ in all his dealings."

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1. Ibid. Wodehouse probably had the October 1865 Jamaican riots in mind when he wrote the last sentence. Although restricted to one parish and quickly suppressed after two or three days, the death-roll of twenty-one white and coloured civilians so aroused the white population that during the next few weeks they exacted a terrible vengeance. Altogether 586 negroes were summarily executed, 1005 houses were destroyed and large numbers, including some women, were flogged. (C.H.B.E., Vol. II, p. 736 Burns, History of the British West Indies, pp. 669-676.)
 2. Theal, Vol. IV, p. 106. Walker, P. 310.
 3. Sole, The Separation Movement, Vol. II, p. 254. The Responsibles had gained seats at Cradock, Aliwal North and Graaff-Reinet, but lost one at Port Elizabeth.
 4. C.W.de Kiewiet, The Imperial Factor, p.60-61. Molteno, Life and times of Molteno. Walker, Lord de Villiers, p.41. Limner, Pen & Ink Sketches in Parliament, p.7. Kilpin, Romance of a Colonial Parliament, p.104.
 5. De Kiewiet, The Imperial Factor, p. 61

Porter, the idol of the Colony, was back for Capetown. Tall and strikingly handsome, enormously learned, fair-minded and fluent, he was a supporter of fair-play and responsible institutions.⁽¹⁾ Solomon, proprietor of the Argus and champion of the Voluntary Principle, had regained his Capetown seat. A dwarf in body but a giant in intellect, he could carry the House with him by the force of his eloquence and the extent of his knowledge. He combined belief in Responsible Government with liberal convictions on native policy.⁽²⁾ Sprigg, a newcomer from East London and future Prime Minister, was already making his influence felt. Astute, shrewd and adaptable, a staunch Kaffrarian and most effective manager of parliamentary opinion, he was a convinced Responsible and anti-Separationist.⁽³⁾ De Villiers, later Attorney-General and Chief Justice, retained his Worcester seat. Calm, dignified and scholarly, he had already made his mark in the Cape House and was a Responsible Government man.⁽⁴⁾ Ziervogel, the uncrowned king of the Midlands, was back as senior member for Graaff-Reinet. Clever and influential, he was the heartiest and most unscrupulous opponent Separation ever had, and one of the most consistent supporters of Responsible institutions.⁽⁵⁾ The prestige of Parliament may have been very low in many parts of the country,⁽⁶⁾ but there was no doubting the quality of members such as these. United in their demand for self-government they comprised a formidable opposition to the Governor's schemes.

1. Walker, Lord de Villiers, p.40. Kilpin, Romance of a Colonial Parliament, pp.59-60. Kilpin, Old Cape House, pp.8,66. Limner, Pen & Ink Sketches in Parliament, pp.4-5.
2. Solomon, Saul Solomon. Walker, Lord de Villiers, pp.41-42. Limner, Pen & Ink Sketches in Parliament, pp.8-11. Kilpin, Old Cape House, pp. 121-122.
3. Walker, Lord de Villiers, p. 43.
4. Walker, Lord de Villiers.
5. Sole, The Separation Movement, Vol. II, p.210. Limner, Pen & Ink Sketches in Parliament, p.7.
6. Supra p. 79.

The debate on the Constitution Ordinance Amendment Bill produced no surprises, either in argument or outcome.⁽¹⁾ The Journal described it as "a dreary waste of letter press,"⁽²⁾ and the Argus as the "worst debate imaginable."⁽³⁾ Merriman at least provided an amusing interlude by advancing the abolition of the Legislative Council as justification for the measure.

"He had heard," he informed the House, "of the age and wisdom of that body, but though he would admit the age, he entirely disbelieved the wisdom. There was a "holy calm" in that august assembly which very much resembled the dry rot in timber."⁽⁴⁾

Having disposed of that body, he proceeded to ridicule the House of Lords and finally condemned all second chambers.⁽⁵⁾ He thereupon resumed his seat, and spent the rest of the time applauding all remarks, worthy and otherwise, that supported the bill.⁽⁶⁾

Levity of such a nature was not to be condoned, but Merriman at least had public opinion to support his views, which was more than could be said for the "drivelling nonsense floated in the Council."⁽⁷⁾ If the prestige of the Assembly was low, that of the Council was rock-bottom. Eloquent proof of this was provided by public response to an Eastern Province Legislative Council bye-election early in 1870. From all over the country came reports of apathy and disregard - usually laconic, often indignant, occasionally sarcastic. For example, Alice -⁽⁸⁾ "Interest in Parliamentary matters here is nearly dead", Somerset -⁽⁹⁾ "there was no excitement whatever"; Cradock - "A large concourse of some half dozen people assembled to hear

1. GTJ, 25.2.1870, 28.2.1870.

2. GTJ, 28.2.1870.

3. Argus, 24.2.1870

4. Ibid.

5. Ibid.

6. GTJ, 28.2.1870.

7. GTJ, 24.9.1869.

8. GTJ, 18.3.1870.

9. Somerset and Bedford Courant, 12.3.1870.

the declaration of the poll"; Aliwal North - "The polling officer was left to himself"; Burghersdorp - "Out of a hundred and fifty registered voters only twelve went to the polling and they had required some persuasion to go at all"; Graaff-Reinet - "Nothing could exceed the apathy and indifference observable here"; and Uitenhage - "The Court-house was deserted. The Polling Officer, like a melancholy hermit, paced to and fro in his cell, casting wistful and impatient glances at the non-existent voters."

In spite of Merriman's vociferous support, the measure was rejected by thirty-four votes to twenty-six. The anti-Reform party could hardly contain themselves, even the gallery cheered, and according to an imaginative reporter, "Mr Ziervogel skipped down Grove Street like a young lamb, and Mr Solomon popped into his carriage like an industrious flea."

The second problem, finance, was considered with the minimum of obstruction or fuss. Whether this surprising departure was the result of a change of heart or just a sudden awareness of the urgency of the situation can only be conjectured. The Appropriation Bill for 1870 was accepted without much ado, and the Governor's proposals of a Vehicle, House and increased stamp tax were ratified on Merriman's suggestion, as a "temporary measure." Little was heard of retrenchment, and there

1. GTJ, 18.3.1870
2. Queen's Town Representative, 12.3.1870.
3. GTJ, 28.3.1870.
4. GTJ, 18.3.1870.
5. Uitenhage Times, 5.3.1870, 12.3.1870.
6. V & P, (HA), 24.2.1870
7. Kilpin, The Old Cape House, p. 20.
8. V & P, (HA), 14.3.1870
9. Ibid.
10. V & P (HA) 21.3.1870.
11. V & P, (HA) 22.3.1870.
12. V & P, (HA) 24.3.1870, 29.3.1870.

was even the additional suggestion, again on Merriman's initiative, that the practicability of a general poll-tax be investigated.⁽¹⁾ The public debt, then £1,423,000, was equally speedily considered. The Governor's proposals - consolidation at five per cent interest, immediate payment of £50,000 and yearly appropriation of £90,000 to redeem the remainder in thirty-seven years - were accepted almost as they stood.⁽²⁾

Defence was more difficult. Beyond directing pathetic appeals to the Home Government - which everyone, Governor,⁽³⁾ Parliament⁽⁴⁾ and public⁽⁵⁾ did to full measure - there was little that could be done. The unusual unanimity must have impressed Granville, for although he satirically unmasked the arguments of the Grahamstown petitioners,⁽⁶⁾ a further reprieve⁽⁷⁾ was granted.

The 1870 session had, therefore, settled one question, patched over another and staved off a third. It was clear that the colonists would not have Wodehouse's scheme, but it was not equally clear what alternative they proposed. Economic conditions had restrained Molteno from introducing a Responsible Government motion,⁽⁸⁾ and consequently the Session ended on a somewhat indecisive note.

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1. Ibid.
 2. V & P, (HA) 25.2.1870. Theal, Vol. IV p. 109.
 3. P.P. 1871 XLVII (459) Wodehouse to Granville 3.2.1870. Ibid., 2.4.1870.
 4. P.P. 1871 XLVII (459) pp.26-27. V & P, (HA) 1.3.1870, 1.4.1870.
 5. P.P. 1871 XLVII (459) pp. 23-24.
 6. P.P. 1870 XLIX (181-1) Granville to Wodehouse 7.4.1870.
 7. Ibid. P.P. 1870 XLIX (181-1) Granville to Wodehouse, 23.5.1870
 8. Although rain had brought alleviation, the big boost to the economy was only to come a few months later with the big diamond discoveries of the river diggings. (P.P. 1871 XLVII (459) Hay to Granville, 4.8.1870.

On the 5th May Wodehouse delivered his last speech to Parliament,⁽¹⁾ and two weeks later sailed for England.⁽²⁾ There was little show of popular appreciation and only one address of thanks - from the Bishop and clergy of the English episcopal church.⁽³⁾ He had governed the Cape through a longer and more trying term of office than had fallen to any Governor of the Cape for a long time, and he departed with the dignity and composure that had marked his every action throughout his stay.⁽⁴⁾ Hindsight leads one to doubt the practical feasibility of his constitutional solution, but even before his departure he had the satisfaction of seeing the first fruits of his long-obstructed financial policy. In his closing speech to Parliament he was able to inform the House that there was every indication that the 1870 budget would balance.⁽⁵⁾

His successor, Sir Henry Barkly, had been specially chosen for his wide experience of the workings of constitutional forms - Crown Colony and representative institutions in Guiana, Jamaica and Mauritius, and Responsible Government in Victoria.⁽⁶⁾ He had no greater natural ability than Wodehouse but he was renowned for his tact and charm.⁽⁷⁾ At the height of the financial crisis two years before the Journal had wistfully maintained that if only Sir George Grey or Henry Barkly were at the helm of affairs Parliament and country would willingly agree to added taxation in the "firm belief and confidence that the Colony would progress thereby."⁽⁸⁾

Seven months were to intervene between the departure of

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1. V & P, (HA) 5.5.1870
 2. Argus, 21.5.1870. Theal, Vol. IV, p. 109.
 3. Ibid.
 4. Walker, p. 327.
 5. V & P, (HA) 5.5.1870.
 6. C.H.B.E., Vol. VIII, pp. 428, 446. Theal, Vol. IV, p. 114.
 7. Ibid. GTJ, 3.4.1871.
 8. GTJ, 9.8.1869.

Wodehouse and arrival of Barkly.⁽¹⁾ They were important months in South African History. The isolated and desultory diamond discoveries of the last few years suddenly became more than a nine day's wonder. Although not immediately apparent, South Africa was the home of the richest diamond beds in the world.⁽²⁾ Their discovery was to revolutionise both the economic and political development of the country.

The economic revival brought about by rain and better crops was immeasurably accelerated by the influx of money and men that followed in the wake of diamonds.⁽³⁾ The five major obstacles to Cape economic growth were rapidly overcome - cheaper and better inland transport, capital for public works, expanding local markets for agriculture, sterling-earning exports, and new revenue sources for State expansion of public utilities.⁽⁴⁾ The transformation was phenomenal. Every sector of the country's economy experienced boom conditions.⁽⁵⁾

Agriculture entered its heyday with the large markets on the diamond fields. Maize production rose from 324,684 bushels in 1865 to 1,113,007 ten years later, wheat from 1,389,766 to 1,687,935 bushels, oats from 433,342 to 918,494 and potatoes from 184,738 to 371,523 bushels. Wine farming gained a new lease of life, wine production rising from 3,237,428 gallons to 4,485,665 and spirits soaring from 430,956 gallons to 1,067,832 in the same period.⁽⁶⁾ Livestock also multiplied by leaps and bounds - draught cattle from 443,207 to 689,951,

1. 31.12.1870.

2. G.F. Williams, The diamond mines of Kimberley.

3. Walker, p. 341. De Kock, Economic History of South Africa, p. 108. Schumann, Structural Changes & Business Cycles, pp. 31-37.

4. De Kock, Economic History of South Africa, pp. 106-107. Van der Walt, Wiid en Geyer, Vol. II, p. 211

5. De Kock, Economic History of South Africa, pp. 108-113, 138, 175-176, 186, 192, 197, 199, 216-217, 221, 224., 227, 232-233, 325-328, 344-346, 352-354, 391-394. Schumann, Structural Changes and Business Cycles, pp. 38, 44-58, 81-86. Arndt, Banking and Currency Development, pp. 273-281. Walker, p. 341. Theal, Vol. IV, pp. 114, 143.

6. Cape of Good Hope Bluebooks, 1865 and 1875, Census returns.

pigs from 78,666 to 116,738, sheep from 9,836,065 to 10,976,663⁽¹⁾ and mules and donkeys from 24,279 to 29,318 in the same time.

Foreign trade kept pace with the internal boom. Imports trebled from £1,953,091 in 1869 to £5,731,319 six years later, and exports doubled from £2,225,779 to £4,207,594 in the same period.⁽²⁾

Although there was a considerable exodus to Griqualand West, immigration helped to boost the European population by 23.35 per cent in ten years - from 181,592 in 1865 to 236,783 in 1875.⁽³⁾

Transport was completely revolutionised.⁽⁴⁾ Although the first tentative attempts at railway construction had taken place in the early sixties not a sleeper had been added to the colonial network after the completion of the Wynberg-Salt River branch line in December 1864.⁽⁵⁾ Ten years later the influx of foreign capital made huge expansion schemes possible. The mileage of track open soared eightfold from 63½ miles in 1873 to 488 miles in 1878 and the number of train miles travelled rose from 135,176 to 979,118 in the same period.⁽⁶⁾

Passenger receipts multiplied from £35,802 to £132,232 and goods from £29,893 to £193,622.⁽⁷⁾

Banking activity was equally vigorous. The number of institutions had dwindled by amalgamation from twenty-nine in 1866 to twelve in 1878, but the paid-up capital had increased from £1,526,292 to £2,685,974, the reserve fund had leaped from £190,899 to £799,942 and the circulation had trebled from £273,544 to £685,206.⁽⁸⁾ It was but one of many symptoms of renewed confidence overseas that in 1873 the third major imperial house, the Oriental Bank Corporation, commenced operations in the Colony.⁽⁹⁾

1. Ibid.

2. Vide Appendix 8.

3. Cape of Good Hope Bluebooks, 1865-1875, census return. Official Yearbook of the Union of South Africa, 1910-1916, p.150.

4. Walker, p. 347.

5. General Directory and Guide-book to the Cape of Good Hope, 1880, p. 248.

6. Ibid, p. 256.

7. Ibid.

8. Ibid, p. 188. Arndt, Banking & Currency Development, pp273-283

9. Ibid, p. 257.

Naturally enough, these favourable developments did not come into full operation overnight, but by the time Barkly set foot at the Cape recovery was sufficiently far advanced for him to announce a surplus of £35,518.⁽¹⁾ The defence crisis was also considerably eased by the imperial decision to maintain at least two regiments at the Cape until such time as the country had decided on its constitutional future and the new regime had had an opportunity of making its own defence arrangements.⁽²⁾

Although the complicated problems of Griqualand West and Basutoland⁽³⁾ required careful attention, the major energies of the session could be devoted to the settlement of the constitutional issue. Economic recovery and the promise of military security had brought with them a new spirit of confidence. The trend of opinion, both overseas and in the colony, was in the direction of self-government. The imperial authorities, while unwilling to impose their convictions on the Cape, were decidedly in favour of responsible institutions.⁽⁴⁾ The colonists were thinking more and more along similar lines - as even so staunchly Separationist a paper as the Journal was forced to concede.⁽⁵⁾⁽⁶⁾

1. V & P, (LC) 27.4.1871. Vide also GTJ, 12.10.1870, 23.8.1871, 4.9.1871.
2. P.P. 1871 XLVII (459), Kimberley to Barkly, 17.11.1870
3. C.H.B.E., Vol. VIII, pp. 430-448. Walker, p. 329-340
Theal Vol. IV, pp 331-433.
4. C.H.B.E. Vol. VIII, p.443. Walker, pp. 349-350.
Theal, Vol. IV pp. 302-330.
5. Ibid.
6. GTJ, 6.9.1869, 10.3.1871. Vide also Argus, 27.4.1871, 4.7.1871. GRH, 29.4.1871. EPH, 18.4.1871. P.P. 1871 XLVII (459) Barkly to Kimberley, 28.10.1870. An important factor was the conversion to the responsible cause of the Graaff-Reinet Herald, the moulder of Midland opinion, which in spite of its repugnance for everything that savoured of Grahamstown, had consistently upheld the Separatist demand for administrative reform and closer attention to Eastern public works.
(Sole, The Separation Movement, Vol. II, p. 256.)

On Kimberley's suggestion⁽¹⁾ Barkly undertook a tour of the interior shortly after his arrival to ascertain for himself not only the state of affairs in Griqualand West, but also the opinions of the colonists on the constitutional issue,⁽²⁾ He came to two conclusions. Firstly, that nobody had any confidence in the status quo or any desire to see it maintained. Secondly, that the Easterners were as suspicious of Capetown control as ever.⁽³⁾ In his opening speech to Parliament, therefore, he indicated inter alia the need for a decision on two things - the future form of government, whether Crown Colony or Responsible Government, and the question of provincial autonomy, whether desirable and feasible or not.⁽⁴⁾ He made it perfectly clear, however, that self-government should precede separation, for unless each of the states were equally independent of outside control or support,⁽⁵⁾ the kind of federation envisaged would end in failure. The issue that would have to be settled first, therefore, was the future form of government.

The struggle was clearly entering its last phase, and amid mounting tension both sides prepared themselves for the conflict.⁽⁶⁾ As early as the 12th May the Journal published the full text of Molteno's forthcoming motion, and with that evidence before them, until the day of the debate, the columns of the colonial press were filled with furious controversy.⁽⁷⁾

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1. P.P. 1871 XLVII (459) Kimberley to Barkly, 17.10.1870.
 2. P.P. 1871 XLVII (459) Barkly to Kimberley, 14.1.1871.
 3. V & P, (LC) 27.4.1871. Sole, The Separation Movement, pp. 255-257.
 4. V & P, (LC) 27.4.1871. Vide also P.P. 1871 XLVII (459) Kimberley to Barkly 17.10.1870.
 5. V & P, (LC), 27.4.1871.
 6. Argus, 4.5.1871
 7. Argus, May and June, 1871. GTJ, May and June, 1871. EPH, May and June, 1871.

Responsible government had been an issue for many years, but until then had never been fairly discussed on its own merits. It had always been emotionally burdened with East-West hostility, frontier fears and financial worries.⁽¹⁾ While certainly not free of these considerations, for the first time the discussions were not overwhelmed by them. Both sides used the same points, and to a great extent the same facts and figures. The difference lay in a shift of emphasis and outlook on the future - the one optimistic, the other not. The process of debate was not so much the putting forward of two separate sets of argument as a refutation of the opposition's conclusions from the same set.

The classic statement of the anti-Responsible case was put forward by the Executive in two closely reasoned well-documented and comprehensive minutes⁽²⁾ - one from Attorney-General Griffith and another jointly from Colonial Secretary Southey, Auditor-General Cole, Treasurer Davidson and Collector of Customs Graham.

Broadly speaking they postulated four objections. Firstly, the population was neither homogeneous nor united. Of a total number of 580,582 in 1865 no less than 390,807 or about two-thirds were Non-European. Although still preponderantly primitive the low franchise qualifications placed no insurmountable obstacles in their path. Under responsible government there were bound to be unscrupulous persons who would abuse their ignorance and voting strength to further their own ends. The inevitable changes of ministry and policy could not but unsettle them. Equally serious, the white population was divided into

1. P.P. 1871 XLVII (459) Barkly to Kimberley 20.6.1871.
 2. P.P. 1871 XLVII (459) pp. 175-181.

provincial and racial camps, mutually suspicious of the other's intentions and traditions.⁽¹⁾

Secondly, the basic requirements for the successful working of responsible government were wholly absent - an informed, closely settled and literate electorate, a well-defined party structure, a leisured class, and men trained in public affairs. Petty localism and corruption would prevail over high ideals and true statesmanship. Equally important, Parliament consisted of two Houses of co-ordinate function and authority - a structure fraught with deadlock in inexperienced hands.⁽²⁾

Thirdly, there was the question of the diamond fields and Basutoland. The Secretary of State had indicated that Responsible Government should precede annexation of Griqualand West,⁽³⁾ but this merely presented the diggers with a constitutional fait accompli. As future citizens they had a right to participate in the choice, and might cause trouble if this was denied them. The Basuto had requested the Queen's

1. Ibid.

2. Ibid.

3. The need to do something about the chaos that was Griqualand West had strengthened Downing Street's determination to see Responsible Government established at the Cape. Whatever the merits of the ownership controversy were it was clear that whoever gained possession of the diamond fields would have an unenviable task in restoring and maintaining order. Kimberley was determined that this responsibility should not be laid at the door of the Colonial Office and Imperial Treasury. He would only agree to annexation if the Cape would agree to assume entire responsibility for the internal order and defence of Griqualand West. Such obligations in men and money clearly implied self-government, since the problem was urgent and the determination of the Imperial authorities complete the only way out was to see responsible government established at the Cape.
(P.F. 1871 XLVII (459) Kimberley to Barkly, 24.1.1871, 18.5.1871. De Kiewiet, British Colonial Policy and the South African Republics, pp. 280-299. De Kiewiet, The Imperial Factor, pp.12.13.)

protection, not colonial rule, and a change such as that envisaged would cause great dissatisfaction and possible war. (1)

Fourthly, it was unwise to condemn representative institutions on their showing in abnormally difficult times. The present structure was admittedly inadequate but the answer lay in an enlargement of the understaffed and overworked executive rather than an entire change of system. (2)

The Responsibles countered these arguments with the following points. (3) Non-whites would be no more subject to political influence than they were already, and colonists, whose interest it was to avoid war, were more likely to govern them wisely than officials responsible only to Downing Street. Provincial and racial animosities were unlikely to prevail; firstly, because no ministry could survive without support in both provinces, and secondly, because responsible government would make Cape colonists of the Dutch and English settlers. It was inconceivable that any question could arise (4) which would split the electorate on strictly racial lines.

They denied outright that the colony was insufficiently developed for self-government - it only needed an opportunity to prove itself. (5) As for the diggers of Griqualand West, they would rather not think of them. Nothing but disorder and strife could be expected from them and their conflicting cries for the Vierkleur, Union Jack or free diggers' republic.

1. P.P. 1871 XLVII (459) pp. 175-181

2. Ibid

3. The summary of Responsible arguments is made from an examination both of the editorial columns of Responsible papers and the speeches delivered during the 1871 and 1872 debates. Argus, 1.6.1871, 3.6.1871, 6.6.1871, 8.6.1871, 10.6.1871, 22.7.1871; 18.5.1872, 21.5.1872, 23.5.1872, 25.5.1872, 28.5.1872, 13.6.1872, 15.6.1872. GTJ, 9.6.1871, 12.6.1871, 14.6.1871, 16.6.1871, 19.6.1871. 27.5.1872, 29.5.1872, 31.5.1872. Vide also Theal, Vol. IV, pp 123-125. Molteno, Life & times of Molteno, Vol. I. pp 153-155, 163-169, 179-181. Walker, Lord de Villiers, pp. 52-53. Solomon, Saul Solomon, pp. 114-118.

4. Ibid.

5. Ibid.

At best they would immeasurably complicate the constitutional issue; at worst they would ally themselves with the Eastern Separationists and ruin Responsible Government before it had even started.⁽¹⁾ The Basuto and Transkei Xhosa were admittedly a bigger problem, but since the imperial authorities were determined to withdraw their troops, it would be better that the colony be in charge of extra-colonial affairs as well as its own defence.⁽²⁾

Finally, Responsible Government was the natural and legitimate sequel to representative institutions. Rather than repair a makeshift and obsolete machine, it were better to instal a new one.⁽³⁾

With many variations these were the four themes that kept on repeating themselves like leit motifs in the debates. There was little to choose between the two. Convictions depended less on factual evidence than visions of the future. Had the circumstances of the sixties not been altered by the economic revolution of the seventies and eighties, the anti-Responsibles would have been proved correct. In the event economic advance was on the side of the Responsibles.

In spite of the fact that in 1871 the revolutionary developments of the next decade had not yet clearly shown themselves, the trend of opinion, both overseas and in the colony, was in the direction of responsible government. Although the executive had requested that their objections be brought to the notice of the imperial authorities,⁽⁴⁾ it was unlikely that either Downing or Adderley Street would pay much attention to them.

1. Ibid. De Kiewiet, British Colonial Policy and the South African Republics, pp. 293-294, 298. De Kiewiet, The Imperial Factor, pp. 12-13.

2. Ibid. p.124, footnote 3.

3. Ibid.

4. P.P. 1871 XLVII (459) Barkly to Kimberley, 31.5.1871

The Colonial Office could see no reason why the colonists should abuse the natives if they had to bear the consequences,⁽¹⁾ nor in the light of Canadian experience any reason why English-Dutch relations should end in tragedy.⁽²⁾ The argument that the colonists were insufficiently developed for self-government had been dismissed by Gladstone as "miserable jargon" some years before.⁽³⁾

The colonists were even less likely to heed their arguments - simply because it came from them. Even the Journal was driven to lament their existence as the biggest stumbling-block to Conservative success:

"If the question of Responsible Government had to be fought out on the narrow ground of the personal fitness of one set of men now in office, and of another set of men who, under a change of system might be induced to take office, we should think the struggle scarce worth the watching Did we take any share in it at all, we should most likely side with the party in the strife which would promise to give the Colony any relief from Griffith - Davidson and Coldsm."⁽⁴⁾

In the end the colonists were not given an opportunity to applaud or abuse their views, as they decided to abstain from the debate.⁽⁵⁾ The imperial authorities did consider their objections, but decided to overrule them.⁽⁶⁾ Other anti-Responsibles put forward similar views, but their presentation was much less coherent and factually substantiated. Even the Conservative papers had to admit that the impact of their case was negligible and that the trend of opinion was towards Responsible Government.⁽⁷⁾

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1. Supra p. 51. Molteno, Life & times of Molteno, Vol. I, p. 150.
 2. Knaplund, Gladstone and Britain's Imperial Policy, pp. 101-102; Molteno, Life & times of Molteno, Vol. I, pp. 174-175, 183-184
 3. Ibid, p. 70.
 4. GTJ, 11.4.1871.
 5. Theal, Vol. IV, p. 121.
 6. P.P. 1871 XLVII (459) Kimberley to Barkly 21.7.1871.
 7. GTJ, 6.9.1869, 10.3.1871, 11.4.1871. EPH, 2.6.1871, 6.6.1871. Theal Vol IV, p. 134.

The big debate began on the 1st June when Molteno moved that

"This House is of opinion that the time has come when the system of Parliamentary Government in this Colony should be carried to its natural and legitimate consequence, by rendering the Executive responsible, through the medium of its principal Officers, to the Legislature, and thus enabling it, as long as these retain the confidence of that body, to shape the course of public business. And as it may be expedient that the Colony should be divided into three or more Provincial Governments for the management of their own domestic affairs, formed into a Federative Union under a General Government for the management of affairs affecting the interest and relations of the United Colony, this House is of opinion that His Excellency the Governor should be requested by respectful address, to appoint a Commission to inquire into and report upon the arrangements which (1) may be necessary for their introduction and establishment."

Merriman was the first to fire a major salvo for the (2) opposition. It was clear that he had prepared himself carefully, for he spoke with great verve and fluency, and took delight in hurling facts and figures mingled with sarcastic wit into the faces of the Responsibles. (3) He did not really try to put a case, but somewhat characteristically concentrated on demolishing that of his opponents. He began by belittling Molteno's speech - first by expressing surprise at its "puny nature", and then by scornfully demolishing each point in turn. To believe, as Molteno did, that public opinion favoured the change, could mean only two things - illiteracy and deafness. The issue had admittedly been before the country for fifteen years and had on each occasion been lost by a narrow majority, but to see public interest and enthusiasm was to see smoke where there was no fire. As for the allegedly

1. V & P, (HA), 1.6.1871.
2. Argus, 3.6.1871. GTJ, 9.6.1871, 12.6.1871. Molteno, Life & times of Molteno, Vol. I. p. 168. Walker, Lord de Villiers, p. 52. Solomon, Saul Solomon, pp. 115-116. Loxton had been the first opposition speaker but his speech had been more in the nature of a "skirmish", as he himself termed it, than an attack.
3. GTJ, 12.6.1871, 19.6.1871.

salutary effects of frequent changes of ministry, this was worse than silly. Frequent changes of colour might be good for a chameleon, but in Australia and New Zealand frequent changes of ministry had merely resulted in a national debt twice as large per man as that of England.

What was the use of freedom without bread?

"The hon. member has said Responsible Government is a good system, and that he would give it to the Colony. But the Colony has not asked for it, - the Colony does not want it. (hear, hear). The Colony has said it wants roads, that it wants bridges, that it wants railways; but the hon. member does not say he will give the people those things. He says he will give them government by a majority. (Hear, hear)."(1)

The assertion that Responsible Government was the natural and legitimate outcome of parliamentary institutions was disproved by the facts. Party government only worked well in one place - England. Everywhere else it was burlesque. Was burlesque the natural and legitimate outcome of Parliament.

The remainder of his speech was less slashing and more constructive, though still hardly restrained. He dwelt on the more traditional objections - the absence of parties, a leisured class and qualified public figures, the tendency to localism and corruption, the rivalry between English and Dutch-speaking sections, the lack of communications and above all, the Native Question. Quite apart from the danger that unscrupulous persons would abuse the native franchise for their own ends, there was always the sure promise of catastrophe if liberals such as Solomon got into power.

After a final diatribe against Molteno for inserting federation into his motion - "when he did not even know what
(2)
it meant" he resumed his seat and his self-appointed task of
(3)
chief heckler.

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1. Argus, 3.6.1871.
 2. Ibid
 3. Argus, 10.6.1871.

Opinions of his speech differed widely. To the Argus parliamentary correspondent it was "lengthy, ... smart in parts, clever, jerkey, superficial and unimpressive."⁽¹⁾ To the Journal's representative it was "above average, carefully prepared, apt and well-delivered,"⁽²⁾ one of two⁽³⁾ speeches worth listening to in an otherwise dreary debate.

Both verdicts are suspect as both had strong partisan views. As far as delivery and impact are concerned the truth probably lies midway between the two. Content and presentation is a different matter. Many of the objections raised were similar to those that troubled the Executive, but nowhere was there any comparison with the careful, well-documented and very responsible tone of their minutes. His speech was well stocked with illustrations from colonial history - even excerpts from Australian papers - but the evidence was more in the nature of isolated findings than the condensation of a real understanding of the subject. Nor is it certain that his slashingly sarcastic approach was the best advised. His main purpose was to startle and infuriate, not to persuade. His speech had none of the balance and restraint that characterised De Villier's and Porter's speeches, or even the wording of⁽⁴⁾ the motion he had originally threatened to introduce. Hindsight

1. Argus, 3.6.1871.

2. GTJ, 12.6.1871.

3. GTJ, 19.6.1871.

4. "This House, while fully alive to the value of free Parliamentary institutions, is of opinion that the introduction of Government by parliamentary majority is at the present time undesirable; first, on account of the large preponderance of the native population, upon whom the rapid changes of policy which would be the natural and inevitable consequence of that form of Government, could not fail to have a prejudicial effect; secondly, on account of the Imperial policy with reference to the extension of the frontier by the annexation of adjoining territories, which under Government majority would be likely to lead to serious complications. This House is further of opinion that, owing to the inequality of representation between East and West, and the present position of the seat of Government, the operation of government by majority would be attended with grave difficulties, and would be creating and fostering a strong feeling of jealousy between the respective portions of the Colony, tend to obstruction, and thus materially retard those works of improvement and utility of which the Colony stands in more immediate need than of a form of Government so elaborate and artificial as that proposed." (GTJ, 22.5.1871, Argus, 18.5.1871).

leads one to think that this was a mistake. Lack of parliamentary leadership had always been the anti-Responsible problem,⁽¹⁾ and while Merriman was too young for that, his case would have been better served by a calm and reasoned pronouncement. The Secretary of State received the colonial papers, and while it is unlikely that the imperial authorities would have changed their minds, a moderate and dignified statement would possibly have made them stop to think whereas an impassioned harangue would merely have provoked them to turn the page.

After a lengthy debate over seven days,⁽²⁾ the motion, slightly amended to pander to Eastern susceptibilities, was passed by thirty-one to twenty-six votes.⁽³⁾ But the struggle was by no means over. Legislation to give effect to the resolution had still to be introduced. The morning after his triumph in the Assembly Molteno waited upon Barkly with the request that there be no delay in this respect.⁽⁴⁾ Griffith, the Irish-tempered Attorney-General, declined to draft the measure both because he regarded it as injudicious, and because his handiwork could in those circumstances not be otherwise than suspect to the Assembly.⁽⁵⁾ Porter, his predecessor and "father" of the existing constitution, was then called upon to draft a bill.⁽⁶⁾ On the 15th of June the Constitution Ordinance Amendment Bill, as it was called, was read a first time⁽⁷⁾ and the 26th set aside for the crucial second reading.

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1. Sole, The Separation Movement, Vol. II, p. 214.
 2. V & P, (HA) 1.6.1871, 2.6.1871, 5.6.1871, 6.6.1871, 7.6.1871, 8.6.1871, 9.6.1871.
 3. V & P, (HA) 9.6.1871. Instead of reading "and as it may be expedient that the Colony should be divided into three or more Provincial Governments ..." the motion now read "And as it is expedient ..."
 4. P.P. 1871 XLVII (459) Barkly to Kimberley 20.6.1871. Molteno, Life and times of Molteno, Vol. I, p
 5. P.P., 1871 XLVII (459) Barkly to Kimberley 20.6.1871
 6. Ibid.
 7. V & P, (HA) 15.6.1871.

It promised to be a sharp encounter. The expectations raised by Barkly's visit had thoroughly aroused the Eastern Province. News of a general drift elsewhere in the colony towards responsible government merely served to intensify Separatist feeling. The publication at this time of the Imperial Commissioner's Report on Australian Federation⁽¹⁾, the manifesto of the veteran Easterner J. C. Chase,⁽²⁾ the emergence of Paterson from political eclipse,⁽³⁾ and the outcome of a monster separation meeting in Grahamstown⁽⁴⁾ all served to fan the blaze. Petitions for and against the measure⁽⁵⁾ began to stream into the House. In Queenstown the redoubtable Mr. Sprigg was defeated by a local government man, and his reverse was hailed as an omen.⁽⁶⁾

The debate itself was noisy but unoriginal.⁽⁷⁾ A lengthy amendment was introduced by Hopley of Burghersdorp advocating more authority for Divisional Councils as the solution,⁽⁸⁾ but nobody took this very seriously. Merriman's contribution was brief, more bluster than commonsense.

"If the present Bill were carried," he declared, "it would be one of the most atrocious encroachments on the rights of the people ever perpetrated (cheers from the Conservatives). The effect of the Bill would be to hand over the country to an irresponsible clique."⁽⁹⁾

On the 5th of July the bill passed its second reading by

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1. Sole, The Separation Movement Vol. II, p. 260
 2. Ibid
 3. Ibid
 4. GTJ, 28.6.1871.
 5. V & P, (HA) 30.5.1871, 8.6.1871, 19.6.1871, 27.6.1871, 30.6.1871, 4.7.1871, 6.7.1871, 10.7.1871, 11.7.1871, 12.7.1871, 13.7.1871, 14.7.1871, 19.7.1871, 21.7.1871, 28.7.1871. V & P, (LC) 5.7.1871, 7.7.1871, 10.7.1871, 12.7.1871, 14.7.1871, 18.7.1871, 20.7.1871, 21.7.1871, 2.8.1871.
 6. Sole, The Separation Movement, Vol. II, p. 260.
 7. Argus, 1.7.1871, 4.7.1871.
 8. V & P, (HA) 30.6.1871.
 9. Argus, 6.7.1871.

thirty-four to twenty-seven,⁽¹⁾ and after some changes in committee,⁽²⁾ was read a first time on the 14th July in the Council.⁽³⁾ A week later it was rejected by twelve votes to nine.⁽⁴⁾

This was not unexpected,⁽⁵⁾ but it raised some ticklish problems. The Legislative Council had not been dissolved with the House of Assembly in 1869 and consequently could not claim a mandate on the specific issue of constitutional reform. Since the Council could not be dissolved independently of the Lower House,⁽⁶⁾ to submit Councillors' views to the test of public opinion meant an entirely new general election. In the end, believing that the trend of opinion was towards responsible government, the Governor decided to leave matters where they were.⁽⁷⁾

On the surface the 1871 session appeared to have reached the usual stalemate, but in fact two important things had been accomplished - a thorough discussion of Responsible Government and the appointment of a Separation Commission.⁽⁸⁾ Both issues had been bandied around the colony for years, but discussion had been fanciful and emotional rather than practical.⁽⁹⁾ The protagonists of both were now forced to speak in concrete terms.

During the recess both sides conducted vigorous propaganda campaigns and for a while succeeded in confusing the issues,

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1. V & P, (HA) 5.7.1871.
 2. V & P, (HA) 7.7.1871. P.P. 1871 XLVII (459) pp. 198-200.
 3. V & P, (LC) 14.7.1871.
 4. V & P, (LC) 21.7.1871.
 5. P.P. 1871 XLVII (459) Barkly to Kimberley 20.6.1871.
 6. Bybels, Select Constitutional Documents, Cape of Good Hope Constitution Ordinance, Clause 74. P.P. 1873 XLIX (732) Barkly to Kimberley 17.6.1872.
 7. P.P. 1871 XLVII (459) Barkly to Kimberley, 21.7.1871.
 8. Government Gazette, 26.6.1871 - Government notice No. 233.
 9. P.P. 1871 XLVII (459) Barkly to Kimberley 20.6.1871.

but two things of significance indicated the trend of events.

Firstly, the lack of public interest in the Separation Commission. Of the seventy-nine public bodies and one hundred and sixty-eight individuals in the Colony who were asked for their opinions only eighteen and thirty-two respectively⁽¹⁾ bothered to reply. The colonists were too preoccupied with the possibility of making fortunes either at or with the diamond diggings to worry overmuch about politics.⁽²⁾ In spite of the virulent extremism of the ultra-Separationist Dean Williams and his Eastern Star,⁽³⁾ and the two to one victory of an unknown home rule candidate over an otherwise popular responsible supporter in an Eastern Province Legislative Council bye-election,⁽⁴⁾ the trend of opinion in the country as a whole was increasingly one of indifference to Separation and support for Responsible Government.⁽⁵⁾

Secondly, the inability of either the witnesses or the Separation Commissioners to reach agreement on almost any practical point.⁽⁶⁾ Although they were given the widest terms of reference⁽⁷⁾ and approached their task with commendable zeal, the very fact that they were specially selected to represent every shade of opinion - three Westerners,⁽⁸⁾ two Easterners,⁽⁹⁾ one Midlander⁽¹⁰⁾ and a Kaffrarian⁽¹¹⁾ - meant that there were almost as many viewpoints as there were members.⁽¹²⁾

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1. V & P, G. 26-1872
 2. Sole, The Separation Movement, Vol. II, p. 265.
 3. Eastern Star, 30.6.1871, 7.7.1871.
 4. Sole, The Separation Movement, Vol. II, p. 262. P.P. 1873 XLIX (732) Barkly to Kimberley 29.2.1872.
 5. Argus, 29.8.1871, 7.9.1871, 29.9.1871. Zuid-Afrikaan, 10.8.1871, 24.8.1871. Cape Standard, 30.9.1871.
 6. V & P, G. 26-1872. P.P. 1873 XLIX (732) Barkly to Kimberley, 1.5.1872.
 7. V & P, G. 26-1872. Government Gazette, 26.6.1871 - Government Notice, No. 233.
 8. Molteno, de Villiers, de Roubaix. When Molteno resigned on account of ill-health his place was taken by Porter.
 9. Godlonton and Chase.
 10. Ziervogel.
 11. C. A. Smith.
 12. The three problems that faced the commissioners were (a) Whether to divide the colony into provinces at all, (b) How the provinces should be demarcated. (c) What powers and functions should be entrusted to the provincial governments.

By the time the report eventually appeared it was so filled with if's and but's that it merely demonstrated the practical difficulties of Separation rather than provide a blueprint for its implementation.

There is no evidence of Merriman's participation in these political discussions beyond a small news item in the Aliwal Standard that his Lady Grey electors had endorsed his attitude to Responsible Government.⁽¹⁾

In his opening speech to Parliament in 1872 Barkly declared himself unreservedly in favour of Responsible Government, not only as a solution to the long-standing conflict between Legislative and Executive but also as the only sure means of guaranteeing to the Eastern Province both public works and military security.⁽²⁾ Provincial strength would be so evenly matched that no ministry could exist without Eastern support and due attention to Eastern needs.⁽³⁾

The big debate began on the 17th May.⁽⁴⁾ In the absence of Griffith in England the Acting-Attorney-General Mr Simeon Jacobs, took charge of the measure.⁽⁵⁾ Merriman made an early contribution by seconding the traditional opposition amendment⁽⁶⁾ "That the Bill be read a second time on this Day six months," but otherwise held himself in reserve until the closing phases of the debate.

Neither in approach or content was his speech materially different to his 1871 oration. In typical fashion he began by deriding Sprigg's speech as a "feeble cannonade", and then took great delight in seizing upon any contradictions or inconsistencies in the arguments of his opponents.⁽⁷⁾ For

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1. Quoted GTJ, 15.7.1872.
 2. V & P, (TC) 18.4.1872.
 3. Ibid.
 4. V & P, (HA) 17.5.1872.
 5. Ibid.
 6. Ibid.
 7. Argus, 28.5.1872.

example, Jacobs had maintained that responsible government would stimulate education as the highest posts would be open to talent; Sprigg had defended the feasibility of the change on the grounds that responsible government could be run without education.⁽¹⁾ This was to Merriman a heaven sent opportunity and he played upon it with great gusto.

As on the previous occasion he concentrated on demolishing the arguments of the responsables, rather than state his own. He denied that the Executive was not in harmony with the House or the electorate. Had not the Stolen Skins Bill been introduced in deference to popular wishes and against the better judgement of the Executive? What they had refused to do was to implement the "local whims" of individual members - "the building of prisons where they were not wanted, and the stationing of policemen where they were not needed."⁽²⁾ As for public opinion favouring the measure, "the price of diamonds⁽³⁾ and of wool were questions much more interesting to the country"

Cheers and laughter greeted this sally, but pandemonium followed his answer to the question when he would be prepared to have the Bill if he would not have it then. Rather not at all, he informed the House, but if it eventually had to come he envisaged a gradual implementation - "a little bit here and a little bit there." He saw no reason for responsible government in "this or any other colony England was not nursed and dandled into political prosperity by giving it an artificial constitution all at once." It was possible to transplant a hothouse plant, although that was hardly worth doing. It was impossible to transplant a fully grown oak, and certainly impossible to transplant responsible government in its fully developed form to the Cape.⁽⁴⁾

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1. Ibid.
 2. Ibid.
 3. Ibid.
 4. Ibid.

Merriman's contribution made little difference to the outcome of the debate - beyond perhaps entrenching the responsible⁽¹⁾ in their views.

Although in ease of presentation and rapidity of repartee it was worthy of a frontbencher, in content and mentality it was that of a backbencher. Whereas the year before the desirability or otherwise of change was still a moot point, in 1872 there was less doubt about the trend of economic prosperity. In those circumstances the anti-Responsible cause could have been better served by a calm, dispassionate survey of difficulties still remaining than a scathing diatribe on the shortcomings of others. Although bound by his election promises the absence of a rigid party structure did not chain a member to an unreasoning adherence to a party line. There was scope for modification of views, and on this occasion the anti-Responsible cause would have been best served by a moderate and well-considered statement.

On the 28th of May the bill passed its second reading by thirty-five votes to twenty-five,⁽²⁾ and in due course was transmitted to the Legislative Council. The outcome promised to be hotly contested. During the recess Dr Hiddingh and Mr de Roubaix, both previously anti-Responsibles, had made it known to their Western Province constituents that they wished to be advised of their conviction. As a consequence⁽³⁾ petitions streamed into the House, and deputations from all over the Province waited upon them.⁽⁴⁾ Eventually they changed their minds and converted the 12-9 Separatist majority into an 11-10 minority.⁽⁵⁾ The Easterners obstructed furiously, but⁽⁶⁾ could not prevent the Responsible victory. A formal, if

1. Ibid.

2. V & P, (HA) 28.5.1872.

3. V & P, (LC) 8.4.1872, 8.5.1872, 11.6.1872, 13.6.1872.

4. P.P. 1873 XLIX (732) Barkly to Kimberley 17.6.1872.

Molteno, *Life and times of Molteno*, Vol. I, p. 181.

5. V & P (LC), 13.6.1872.

6. V & P, (LC) 17.6.1872.

vigorously worded protest followed,⁽¹⁾ and with that the long-sustained controversy seemed to have come to an end.

So cordial were the relations between Eastern and Western members in Parliament⁽²⁾ and so striking the alacrity of the West in granting the long-denied equality of representation⁽³⁾ that Barkly felt justified in assuring Kimberley that "the suicidal cry for Separation will now no longer be heard."⁽⁴⁾ He was wrong. Almost overnight the Separation League was revived, £10,000 campaign money was contributed, meetings were held and a monster petition went round the country.⁽⁵⁾ In spite of considerable initial public enthusiasm - altogether 13,672 signatures were obtained⁽⁶⁾ - responsible opinion refused to be inveigled into the movement. Both the Journal⁽⁷⁾ and E.P. Herald⁽⁸⁾ refrained from joining the Eastern Star⁽⁹⁾ bandwagon, and in the assembly only two Easterners admitted a modified support for the movement.⁽¹⁰⁾

There is no evidence of Merriman's participation in this controversy, but in the following session he outlined his views with considerable vigour during the debate on Paterson's Provincial Government motion.⁽¹¹⁾ The proposal was "unworkable, crude and impossible."⁽¹²⁾ As early as 1871 he had belaboured Molteno for confusing the Responsible Government issue

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1. P.P. 1873 XLIX (732) pp. 71-72.
 2. Sole, The Separation Movement, p. 266. GTJ, 12.7.1872. EPH, 5.7.1872.
 3. V & P, (HA) 14.6.1872. Wodehouse electoral division bill.
 4. P.P. 1873 XLIX (732) Barkly to Kimberley, 3.7.1872.
 5. Sole, The Separation Movement, Vol. II, pp. 267-268. P.P. 1873 XLIX (732) Barkly to Kimberley 3.12.1872.
 6. Ibid Some doubts were cast on the validity of all the signatures vide P.P. 1873 XLIX (732) pp. 151-153.
 7. GTJ, 19.9.1872.
 8. EPH, 27.9.1872
 9. Eastern Star, 11.9.1872
 10. Sole, The Separation Movement, Vol. II, p. 269.
 11. V & P, (HA) 3.6.1873.
 12. Argus, 5.6.1873.

(1)
by including federation in his motion. Now, while staunchly opposed to the Molteno ministry, he agreed with Abercrombie Smith's approach that the undesired had come about and must be made to work.

"Let us," he exhorted the Assembly, "work heart and soul to make the Colony one."⁽²⁾

In the event the Imperial authorities ratified the grant of responsible government⁽³⁾ before they had fully examined the Eastern objections.⁽⁴⁾ Although the new constitution had been assented to as early as the 8th August 1872⁽⁵⁾ administrative difficulties and the problem of choosing a Prime Minister delayed its actual implementation until December. After both Southey and Porter had declined to form a ministry - the former because of insufficient parliamentary support and the latter because of failing health - Molteno and Solomon⁽⁶⁾ were approached. Solomon expressed a strong disinclination to serve without Porter,⁽⁷⁾ and eventually the task was entrusted to Molteno alone.⁽⁸⁾ A few days later Molteno announced his cabinet.⁽⁹⁾ He himself took the portfolio of Colonial Secretary, Dr White became Treasurer, de Villiers Attorney-General, Abercrombie Smith Minister of Crown Lands and Public Works, and Brownlee, Secretary for Native Affairs.⁽¹⁰⁾ On the 1st of December

1. Argus, 3.6.1871.
2. Argus, 5.6.1873
3. P.P. 1873 XLIX (732) Kimberley to Barkly 9.8.1872.
4. P.P. 1873 XLIX (732) Kimberley to Barkly 22.8.1872; 18.1.1873; 14.2.1873.
5. P.P. 1873 XLIX (732) Kimberley to Barkly 9.8.1872. Eybers, Select Constitutional Documents, pp. 63-64.
6. P.P. 1873 XLIX (732) Barkly to Kimberley, 2.12.1872. Molteno, Life and times of Molteno, Vol. I, pp. 188-190
7. Ibid; Walker, Lord de Villiers, p. 56. Solomon, Saul Solomon, pp. 118-121 Vide also pp. 113-114. Vide also Murray, South African Reminiscences, pp. 79-80.
8. Ibid.
9. Government Gazette, 29.11.1872, Government Notice No. 578.
10. Ibid.

the colony entered upon a new phase in its constitutional development.

In assessing Merriman's political vision and actions in these years three things must be borne in mind. Firstly, at the time he first formulated his political convictions the economic backwardness of the Cape militated strongly against Responsible Government. Without foreknowledge of the revolutionary developments of the seventies and eighties, his attitude was both prudent and correct. By 1872 this was no longer the case, and the question inevitably arises whether Merriman was right in not modifying his views. On the one hand it can be argued that an opposition is necessary to the functioning of Parliament and that he had promised his electorate to support the anti-Responsible school; but on the other hand, it can be said that the duties of a parliamentary opposition are not blind obstruction but constructive criticism, and that if he had changed his mind he should have had the courage, like Legislative Councillor Fleming in 1871, to resign his seat and put his case to his constituents. In the absence of proper evidence about a personal conversion it must be taken that he believed what he said - an assumption that does little credit to his good sense and fairmindedness.

Secondly, Merriman was a newcomer to the House, and a young one at that. While admittedly another newcomer, Gordon Sprigg, established himself almost immediately, Merriman cannot fairly be compared with him. Sprigg came to Parliament as the acknowledged leader and spokesman of Kaffraria; Merriman as the junior representative of a distant rural constituency. Given these disadvantages Merriman's rise was remarkably rapid. It was, in fact, no mean achievement to lead the attack in 1871 when the opposition contained such experienced debaters as Thompson of Grahamstown and Knight of Port Elizabeth.

Thirdly, his presentation must be judged against the

background of the then existing traditions of oratory. Porter was the model which other members sought to emulate. His speeches were long, loaded with Latin tags, and like Gladstone's so convoluted in construction, that the audience sat in wonder-⁽¹⁾ment to hear how the speaker would extricate himself. Merriman's style was almost the exact opposite - sharp, incisive, sarcastic and slashing. He also loaded his speeches in these years with historical allusions, but these were chosen more to startle and infuriate, than to convince. From the point of view of gaining the ear of the imperial authorities this was probably a mistake, but in an often somnolent House this approach could be necessary and effective. On the one hand, it may be argued that what the anti-Responsibles needed was somebody to state their case with conviction, good sense and restraint; on the other hand, it may be said that there was little reason to believe that anyone would change their minds, and that given a losing cause, it was better to speak vehemently than reticently. This is possibly a moot point, but on two grounds there is reason to believe that Merriman was mistaken in his tactics. Firstly, no cause has ever suffered from a calm and moderate statement of its case, and secondly, reason and fact may have impressed Downing Street whereas emotion and sentiment was almost certain to be ignored.

Whatever the case, one thing had been achieved, Merriman had brought himself to the notice of the House as a quick-witted and sharp-tongued speaker, a man it was wiser to support than oppose. It was this realisation *inter alia* that prompted Molteno to offer Merriman a cabinet post two and a half years later.

1. Kilpin, The Old Cape House, p. 66.

CHAPTER FOUR"Agitation from abroad" (1)The Confederation crisis in the Cape Colony.

When Lord Carnarvon became Secretary of State for the Colonies in February, 1874, (2) the major British possessions presented a strangely peaceful and pleasing sight. The emphasis of the age was on public works and peaceful co-existence. Arbitration and negotiation had eased the tension between Canada and the United States, (3) normality had returned to gold-conscious Australia, (4) and Maori and Pakeha were living together peaceably at least in New Zealand. (5)

South Africa was the striking exception. The Cape, it was true, was building railways and harbours and consolidating its newly-won Responsible institutions, (6) but the rest of the country presented a dismal spectacle of confusion and strife. No matter how superficial or disinterested the observer, it

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1. A notorious contemporary phrase, attributed to Merriman, condemning Froude's colony-wide crusade in favour of Lord Carnarvon's 1875 Confederation proposals as extraneous interference. Although denied by Merriman (*infra* p.), public opinion fixed the phrase firmly like a label to his name, and it is in this context that modern historians still use it to symbolise one school of thought in the constitutional controversy brought about by Froude's campaign.

E.g. De Kiewiet, The Imperial Factor, p. 80. C.H.B.E., Vol. VIII, p. 460. Walker, Lord de Villiers, p. 128.

This chapter seeks to investigate Merriman's understanding of the many problems of policy and practical politics, both in Britain and South Africa, that Confederation sought to solve. In particular, it seeks to evaluate Merriman's attitude to the many issues that were raised by developments after receipt of Lord Carnarvon's Confederation despatch. To do this intelligibly it has been necessary to sketch the background and sequence of events, but this chapter is not primarily a study of the Confederation policy. The most comprehensive survey of the subject is to be found in Prof. de Kiewiet's classic, The Imperial Factor in South Africa.

2. A.H. Hardinge, The Life of Henry Howard Molyneux Herbert, Fourth Earl of Carnarvon, 1831-1890, Vol II, p. 62.
3. C.H.B.E., Vol. VI, p. 716.
4. C.H.B.E., Vol. VII Part I, p. 271.
5. C.H.B.E., Vol. VII Part 2, p. 142.
6. P.P. 1874 XLIV (882), Barkly to Kimberley, 26.7.1873.

was impossible to view without the gravest misgivings, the folly of the gun and liquor traffic, the ugly temper of Republican-Native relations, the precarious position of the Whites in Natal, the internal dissensions and threatened bankruptcy of the Transvaal, the constant civil disturbances in Griqualand West, and the unregulated competition for the "open" native territories.⁽¹⁾ To a Secretary of State, burdened both with greater knowledge and immediate responsibility, the situation was one of grave and inescapable concern. For him there could be no solace in the thought that the Conventions had relieved the Crown of the incubus of the republics.⁽²⁾ To people living in a powder-house an open flame in any corner is of urgent interest to all; to a Secretary of State responsible for the peace and good order of the coastal colonies, any conflagration beyond their borders was of comparable concern. Inevitably, any Colonial Secretary in London had to think in terms of South Africa rather than of the British possessions alone.

The South African malady had a three-fold origin - political division and distrust, economic stagnation, and the Native Question. Nothing could exceed the futility of the spectacle of five small White communities selfishly quarrelling and bickering among themselves - on the one hand, in blind disregard of imminent and serious native disorder, and on the other hand, in inexplicable neglect of vast potential economic wealth. It was clear that European immigration and capital were unlikely to flow into countries where small and isolated governments struggled to remain solvent, and where there was no security for life or property, and no confidence in wise or prudent legislation.

But the Native Question was by far the most menacing.

1. Walker, Ch. 9.

2. Eybers, Select Constitutional Documents, pp. 281-285, 357-359
De Kiewiet, British Colonial Policy and the South African Republics. C.J. Uys, In the era of Shepstone, pp. 23-80.

All over South Africa the tribes were gaining in numbers and hatred of the Whites, and all over South Africa the various administrations were multiplying their differences of policy and magnifying their disagreements.⁽¹⁾ In the Cape the Coloureds⁽²⁾ were the civil, legal and economic equals of the Whites, the Bantu, with some modifications, no less so.⁽³⁾ In Natal legal equality was accorded to Coloureds,⁽⁴⁾ but the Bantu were treated as a race apart.⁽⁵⁾ The majority lived in reserves ruled by tribal chiefs in terms of Native law. In theory a Native could obtain the vote; in practice it was almost impossible.⁽⁶⁾ Basutoland enjoyed an indeterminate mixture of the Natal and Cape systems - nominal Cape authority and government by proclamation, but effective control by tribal chiefs applying officially unrecognised Native law.⁽⁷⁾ In the Republics no equality of any description between Black and White was permitted - neither legal, social or economic.⁽⁸⁾ If there was a code in the Transkei it was Darwin's recently propounded survival of the fittest - uncontrolled but for stray and helpless diplomatic agents.⁽⁹⁾

These basic differences were in themselves bad enough, but the existence of the diamond fields served to create or crystallise further issues of conflict - labour control, gun disposal and liquor consumption.⁽¹⁰⁾ The whole structure of division

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1. Walker, pp. 349-354. C.H.B.E., Vol. VIII, pp. 454-456.
 2. J.S. Marais, The Cape Coloured People 1652-1937, p. 157.
 - U.G. 54-1937, Report of the Cape Coloured Population Commission - Historical Introduction. Eybers, Select Constitutional Documents, pp. 26-28.
 3. E.H. Brookes, The History of Native Policy in South Africa from 1830 to the present day, pp. 87-118. Marais, The Cape Coloured People, p. 157.
 4. Walker, p. 352.
 5. Brookes, The History of Native Policy, pp. 41-86. Walker, pp. 352-353.
 6. A Native wishing to vote in Natal had first to prove monogamy, and then apply for letters of exemption from Native law. After seven unbroken years of monogamic fidelity and exemption and twelve years of residence in Natal, he could, on production of a certificate signed by three European electors and countersigned by the magistrate, apply to the Lieutenant-Governor to exercise his discretionary powers in granting him the franchise. (Brookes, History of Native Policy, pp. 58-59)
 7. Walker, p. 350. Brookes, History of Native Policy, pp. 99-103.
 8. Walker, p. 351. Brookes, History of Native Policy, pp. 119-138, 359.
 9. V&P G.27-1874; G.21-1875 pp. 68, 135 sqq. Walker, pp. 350-351.
 10. De Kiewiet, The Imperial Factor, p. 13 sqq. A. Wilmot, The Life and times of Sir Richard Southey, p. 259. S.P. Engelbrecht, Thomas Francois Burgers, 'n Lewenskets, pp. 192-193.

assumed an awful gravity when viewed against the background of widespread Native unrest and hostility. On almost every side the Transvalers were faced with angry neighbours - Cetywayo's Zulus in the South-east, Sekukuni's Bapedis in the North-east, and the whole conglomerate of Bechuana tribes and chieftains in the West. ⁽¹⁾ The Basutos looked askance at their old enemies, the ⁽²⁾ Free Staters, and bought guns with meaningful persistence. In Griqualand West Korena and Batlapin were rebellious at the loss of their lands, ⁽³⁾ and in Natal the tension was such that the reluctance of a minor chieftain to register all his guns was enough to make the entire colony (and much beside) leap panic-stricken to arms. ⁽⁴⁾ In the Transkei Gaika and Galeka jostled one another and alarmed the frontier farmers. ⁽⁵⁾ Even in distant ⁽⁶⁾ Namaqualand there were tales of violence and murder.

It was clear that South Africa needed earnest attention, and that immediately. Superficially seen, Lord Carnarvon was the best man for the job. High-minded, imaginative, clever and sincere, ⁽⁷⁾ he was both courageous and hard-working. Unfortunately, on the reverse side, he was no judge of methods or men, and most important, nervous of failure and obstinate when he felt himself ⁽⁸⁾ faced with it. In the South African setting this was inviting disaster, for the web of events was so tangled with cross-threads

1. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 25.5.1874. G.M.Theal, History of South Africa from 1873 to 1884 Vol. I. pp 257-266. C.H.B.E., Vol. VIII, pp. 462-464. Walker, pp. 351-352. Hardinge, Life of Carnarvon, Vol. II. p. 65.
2. Hardinge, Life of Carnarvon, Vol. II, pp. 161-162.
3. Wilmot, Richard Southey, p. 247.
4. Walker, pp. 353-354; C.H.B.E., Vol. VIII, pp. 454-455.
5. Theal, History of South Africa 1873-1844, Vol. I., pp. 26-50. Walker, pp. 350-351. GTJ, October, 1872.
6. GTJ, 6.8.1869, 29.10.1869; Vide also Wilmot, Richard Southey, pp. 169-170.
7. Hardinge, Life of Carnarvon, Vol. III, p. 317-324. (An excellent thumb-nail sketch of Carnarvon by Sir Herbert Jekyll, a senior civil servant in the Colonial Office). C.H.B.E., Vol. III p. 42. R.C.K.Ensor, England 1870-1914, p. 32
8. Wilmot, Richard Southey, p. 270. His cabinet colleagues called him "Twitters" as a result of this.

of interest and ambition that any operation to succeed needed adroitness and flexibility of design rather than determination and fixity of purpose.

In England, Carnarvon had four lobbies to consider. (1)
 Firstly, the new imperialists of the Crystal Palace speech. As in almost all other things, Disraeli's attitude to Empire differed markedly from that of his predecessor. (2) There is reason to believe that his policy was less the result of personal conviction than an awareness of public feeling, but it was nonetheless important. (3) Where Gladstone spoke of "freedom and voluntary adherence," Disraeli thought of "Power." In contrast (4) to the alleged Whig policy of imperial disintegration, the new premier and his followers envisaged a programme of vigorous consolidation.

"No Minister in this country," he told his followers, "will do his duty who neglects any opportunity of reconstructing as much as possible our colonial empire." (5)

Although he himself was not against colonial self-government, (6) he felt that it should only be conceded within the framework of an imperial tariff, land, immigration and defence agreement, and the establishment of "some representative council" to keep the colonies in "constant and continuous" contact with the mother country. (7)

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1. Monypenny and Buckle, Life of Disraeli, Vol. V pp. 194-195.
 2. Bodelsen, Studies on Mid-Victorian Imperialism pp. 120-124.
 Knaplund, Gladstone and Britain's Imperial Policy, pp. 95-139.
 C.H.B.E., Vol. III, p. 40.
 3. Bodelsen, Studies in Mid-Victorian Imperialism, pp. 121-123.
 4. "If you look at the history of this country since the advent of Liberalism - ten years ago - you will find that there has been no effort so continuous, so subtle, supported by so much energy, and carried on with so much ability and acumen, as the attempts of Liberalism to effect the disintegration of the Empire of England." (Crystal Palace speech - Monypenny and Buckle, Life of Disraeli, Vol. V, p. 194.)
 5. Ibid, p. 195.
 6. "I cannot conceive how our distant colonies can have their affairs administered, except by self-government." (Ibid pp. 194-5)
 7. Ibid.

Secondly, the economists. While not as conscious of a balanced budget as the Gladstone administration,⁽¹⁾ the Disraeli cabinet was by no means careless of possible saving. It is significant that the special cabinet memorandum on Carnarvon's South African policy defended Confederation because its

"ultimate effect would be to relieve the British Exchequer not only from the ordinary (and serious) charge for the Natal and Cape garrisons, but also from a contingent liability of vast proportions of which there is no way of divesting ourselves, while the civilised states are yet isolated one from another."⁽²⁾

Thirdly, the humanitarians. Although more restrained in utterance than the Exeter Hall school earlier in the century, there were many men in high places whose uneasiness about the lot of subject native people was both sincere and influential.⁽³⁾ The Jamaican massacres of 1865⁽⁴⁾ and the Langalibalele banishment of 1874⁽⁵⁾ had both aroused tremendous indignation in England. No less a personage than Queen Victoria had wished all her colonial governors to know "her very strong feeling that the natives and coloured races should be treated with every kindness and affection."⁽⁶⁾ Both Earl Grey and Herbert, Permanent Under-Secretary of State for the Colonies, doubted the wisdom and humanity of any policy that gave to colonial governments unrestricted jurisdiction over their subject native peoples.⁽⁷⁾

Fourthly, the military strategists. Disraeli had been one of the first to appreciate the alteration in the balance of power brought about by the struggles of 1870.⁽⁸⁾ The rapid progress

1. Supra pp. 54-55. In his Crystal Palace speech Disraeli condemned those who emphasised the "financial aspects" at the expense of those "moral and political considerations which made nations great, and by the influence of which alone men are distinguished from animals." (Monypenny and Buckle, Life of Disraeli, Vol. V, p. 195.)
2. De Kiewiet, The Imperial Factor, p. 67. Lord Cadogan, Carnarvon's Parliamentary Under-Secretary, was more straightforward: "Confederation will remove the liability under which we labour of spending our blood and our money upon these wretched Kafir quarrels in South Africa." (*Ibid*).
3. De Kiewiet, The Imperial Factor, p. 68.
4. Burns, History of the British West Indies, pp 669-675. C.H.B.E. Vol II, p. 736; Hardinge, Life of Carnarvon Vol. I pp. 329-330.
5. Hansard, 1874 - Vol. 219, Cols. 1666-1667. P.P. 1875 LII (1342-1) p. 13, Resolutions of Peace Society. Hardinge, Life of Carnarvon, Vol. II, p. 163.
6. C.H.B.E., Vol. II, p. 49.
7. De Kiewiet, The Imperial Factor, p. 68.
8. "Perhaps the most important war of this century;" House of Commons, 7.2.1871 - Quoted C.H.B.E., Vol. II, p. 41.

of communications had put an end to colonial isolation and immunity from attack. Where hitherto the abandonment of distant colonies merely meant their continued existence as independent communities, now the possibility of annexation by other powers could not be excluded.⁽¹⁾ Although the heyday of international colonial rivalries had not yet dawned,⁽²⁾ voices were not lacking that pointed to the dangers of a rising United States and Germany.⁽³⁾ Given Britain's vast and rapidly expanding commercial commitments overseas it was clear that the key to British security was the Navy.⁽⁴⁾ But for an increasingly coal-burning Navy to function properly it needed a vast network of strategic fuelling stations, free from the dangers of dislocation either by invasion from or anarchy in the hinterland. To military men it was clearly one of the duties of a Colonial Secretary to make sure that imperial defence was not hamstrung by chaos in the dominions.⁽⁵⁾

In South Africa, Carnarvon had almost as many viewpoints to consider as there were governments, provinces and parties, but one factor at least was common to all - a strong suspicion of anything that smacked of imperial interference. It varied in strength from mild displeasure to fiery resentment, but it remained something that no Secretary of State could ever afford to ignore.

The problem that faced Carnarvon was both urgent and perplexing. The South African situation was such that something clearly had to be done. Inaction seemed fatal, but action had to satisfy so many interests that any step appeared fraught with danger. The new imperialism had to be reconciled with economy, both with the humanitarian impulse, all three with the needs of

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1. Bodelsen, Studies in Mid-Victorian Imperialism, p. 84.
 2. C.H.B.E., Vol. III, pp. 255-292. C.H.B.E., Vol. VIII, pp. 507-538.
 3. The Standard, 13.9.1869; The Spectator, 26.6.1869; Westminster Review, July 1870 (Quoted by Bodelsen, Studies in Mid-Victorian imperialism, p. 84.) Walker, pp. 348-349. Hardinge, Life of Carnarvon, Vol. II, p. 180.
 4. C.H.B.E., Vol. III, pp. 232-233. Ensor, England, p. 121.
 5. De Kiewiet, The Imperial Factor, p. 66.

defence, and everything weighed against South African suspicions and the accepted rights of the Cape and Republics to self-government.

Almost from the beginning Confederation suggested itself as a solution. It was a concept that could hardly escape the attention of a statesman in the eighteen-seventies. All over the world the trend was towards national amalgamation. Italy and Germany had both fought wars to gain and the Northern States of America to retain national unity. In England itself there were many, including Disraeli, who hailed federation as an answer to imperial problems.⁽¹⁾ Even with regard to the more specific South African dilemma confederation debates had taken place in the House of Commons in each of the three years 1871, 1872 and 1873.⁽²⁾ In Carnarvon's own case there was a special reminder - he had supervised the Canadian Confederation Act of 1867, and it was still one of the proudest feathers in his cap.⁽³⁾

Nor was Confederation a new idea in South Africa. Sir George Grey had first pleaded its cause in 1858,⁽⁴⁾ and the prevailing anarchy in South Africa was both a reminder and a rebuke to the Imperial authorities for their neglect of his advice. In 1871 the Separation Commission had drawn attention to the idea.⁽⁵⁾ Although its terms of reference made no mention of the republics, the Commissioners had felt it their duty to invite opinions on the subject.⁽⁶⁾ Some surprising answers were received. Hamelberg, for

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1. Bodelsen, Studies in Mid-Victorian Imperialism, pp. 83, 114-118.
 2. Hansard, 1871 - Vol. 204, Cols. 1275-1296; 1872 - Vol. 211, Cols. 806-815; 1873 - Vol. 214, Cols. 790-803. C.H.B.E., Vol. III, p. 40.
 3. C.H.B.E., Vol. VI, pp. 438-464. Hardinge, Life of Carnarvon, Vol. I, p. 328.
 4. P.P. 1860 XLV (216) Grey to Lytton, 19.11.1858.
 5. Government Gazette, 26.6.1871, Government notice No. 233.
 6. V & E, G. 26 - 1872. P.F. 1872 XLIII (508) Barkly to Kimberley, 30.8.1871.

example, a prominent member of the Free State Volksraad, reported that "the majority of the people" under certain circumstances would be willing to federate with the Cape. ⁽¹⁾

Nor was he alone in his views. All over South Africa men of vision were thinking along similar lines. In the Cape men as diverse in their convictions as John Paterson, ⁽²⁾ J. H. de Villiers ⁽³⁾ and "Onze Jan" Hofmeyr ⁽⁴⁾ were staunch advocates of closer union. Both Barkly and Molteno had expressed themselves in favour of federation - the former at a State banquet in the presence of Brand at Kimberley in 1872, ⁽⁵⁾ and the latter on two occasions at least in the House of Assembly. ⁽⁶⁾ In 1871 a private member introduced a motion mandating the Governor to take steps to bring about a Federation of all South African States. ⁽⁷⁾ It was defeated, ⁽⁸⁾ not because the House disagreed in principle, but because it was felt

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1. P.F. 1872 XLIII (508) pp. 20-24; GTJ, 8.9.1871.
 2. C.H.B.E., Vol. VIII, p. 457.
 3. Walker, Lord de Villiers, p. 51 sqq.
 4. Hofmeyr and Reitz, Life of Jan Hendrik Hofmeyr, p. 133.
 5. The remarkable feature of this affair was that Barkly spoke of federation as one of his "fondest hopes" and expressed great pleasure in the thought that the "Presidents of the two Republics concurred with him in that opinion." Brand did not deny this. (GTJ, 18.9.1872, 23.9.1872; Vide also P.F. 1872 XLIII (508) p. 12). A month later he assured President Burgers after the latter's famous Capetown speech (*infra*, p. 151): "I shall be most happy to assist you in bringing about your idea of a United South Africa" (Engelbrecht, Thomas Francois Burgers, p. 118).
 6. GTJ, 27.9.1869, 25.4.1873.
 7. "That His Excellency the Governor be requested by respectful Address, to communicate with the Governments of the Orange Free State, Transvaal and Natal, on the subject of a federation of those States with this Colony, for such purposes as may be agreed upon, and that His Excellency be respectfully requested to suggest to such of those Governments as may be favoured to such Federation to institute inquiries as to the Conditions of such Federation, or to the propriety of appointing Commissions from every State, to meet at some place to be mutually agreed upon, to discuss the necessary arrangements for such Federation; and further that His Excellency be requested to take such other steps as in his opinion will hasten the completion of the Union of the various States in South Africa in one Confederation." Proposed by Mr. Distin. (V & F, (HA) 6.7.1871; GTJ, 3.7.1871).
 8. V & F, (HA) 6.7.1871.

that the Griqualand West dispute for one made the time inopportune.⁽¹⁾

In the Free State President Brand had indicated in 1871 that he and "many burghers of influence" were in favour of federation provided they were fairly treated over the Diamond Fields dispute, and provided they were guaranteed a "full measure of self-government within the new framework."⁽²⁾ The supporters included Hohne, the Government Secretary, Venter, the Landdrost of Bloemfontein, and Frazer, Secretary to the Raad.⁽³⁾ The President himself had strong ties with England and the Cape Colony - he was a member of the Cape bar, his father was Speaker of the Cape Assembly, his wife was English, and his eldest son a student at the Middle Temple.⁽⁴⁾

In Natal Shepstone for one was prepared to consider federation for the sake of a common native policy.⁽⁵⁾ Transvaal opinion is more difficult to gauge, but it was emphatically not hostile.⁽⁶⁾ The traditional goal was Afrikaner unity with the English excluded, but equally important since 1840 was the hope of an offensive and defensive alliance with the coastal colonies.⁽⁷⁾ "Nothing," according to De Kiewiet, "is more mistaken than to suppose that the Dutch of the Republics were filled with a strong racial bitterness before 1877."⁽⁸⁾ Both Southey and Barkly believed the

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1. GTJ, 15.7.1871.
 2. Walker, Lord de Villiers, pp. 51-52.
 3. De Kiewiet, The Imperial Factor, p. 76; vide also Carnarvon Papers - P.R.O. 30.6.23: Memorandum on the leading personalities of the Free State by the Editor of the Friend, April 1876.
 4. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 6.4.1874
 5. De Kiewiet, The Imperial Factor, p. 70.
 6. F.A. van Jaarsveld, Die Eenheidstrewe van die Republikeinse Afrikaner. Engelbrecht, Thomas Francois Burgers, p. 111. C.H.B.E., Vol. VIII, p. 461; De Kiewiet, The Imperial Factor, p. 94.
 7. C.H.B.E., Vol. VIII, p. 463. De Kiewiet, The Imperial Factor, p. 94.
 8. De Kiewiet, The Imperial Factor, p. 94.

Transvalers to be eager for reunion.⁽¹⁾ This was probably over-optimistic, but the fact remains that there were no attempts to exclude British subjects either from land or office.⁽²⁾ The Hollander invasion of the Civil Service had started, but the quota of officials from the colonies was still by far the strongest.⁽³⁾ President Burgers was a Colonial, his wife was British,⁽⁴⁾ and she and their child even lived for a while in Scotland.⁽⁵⁾ In 1872 he delivered a visionary speech on Federation at a Capetown banquet:

"I firmly believe," he declared, "that a united South Africa will have a future of its own. Therefore, I rejoice at the thought that this belief is rapidly gaining ground. How that union can be effected time will show. Everything will depend upon the mutual feeling of the several South African states towards one another, and upon the broadness and fairness of the principles acted upon, both by the several governments and the public at large. Whatever others may consider their duty, my steadfast aim will always be the unity, the strength, the freedom, and the prosperity of my native land South Africa" (6)

Public opinion as a whole is more difficult to determine. The only readily accessible and comprehensive guides are newspaper files, but even these are open to suspicion without detailed knowledge of the political interests of owners, editors and correspondents. In most cases this information is even more elusive than circulation statistics. Nor is it always advisable to take the mean, for this cancels out what might have been the more influential pressure group. In the case of Confederation before

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1. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 6.7.1874, 25.7.1874.
 2. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 6.7.1874; De Kiewiet, The Imperial Factor, p. 93.
 3. Ibid; C.H.B.E., Vol. VIII, p. 463.
 4. Engelbrecht, Thomas Francois Burgers, p. 25.
 5. Ibid, p. 127.
 6. GTJ, 14.10.1872. Vide also Barkly's private remarks to Burgers a few days later - Engelbrecht, Thomas Francois Burgers p. 118. Three months later, just to prove that his sentiments were not the result of Cape cuisine alone, Burgers earnestly informed Molteno of his hopes that Responsible Government would "direct the spirit of the nation in that proper channel which will ultimately lead to a closer union between the different colonies and states of South Africa." (GTJ, 22.1.1873).

1875 there is the added difficulty that it was not a burning issue, and consequently the comparatively rare pronouncements can either be seen as the consequence of apathy or as the outcrops of a genuine but latent enthusiasm.

It is difficult to decide these points, but bearing them in mind, it is possible to say that Midland opinion was the most consistently optimistic. The reason for this probably lay in the close racial ties with the republics and firm trade connections with the coastal ports.

"From Port Elizabeth to Potchefstroom," the Graaff-Reinet Herald exultantly declared, "from Cape Town to Durban, the great majority of the intelligent colonists are sanguine in the belief that only by means of Federation can the country be properly developed and a nation with a national character be built up. This idea is being everywhere expressed; and in a certain sense it may be regarded as signifying the birth of a national existence which every feeling of patriotism should stimulate us to nourish and increase." (1)

This was probably too rosy a verdict as far as Eastern Province opinion was concerned. Although normally staunchly pro-federation if it meant Separation of the provinces, the Graham's Town Journal,⁽²⁾ Eastern Province Herald,⁽³⁾ and Queen's Town Representative⁽⁴⁾ tended to oscillate uncertainly between non-commitment and hesitant speculation when Confederation was under discussion.

The Argus, the major organ of Western opinion, was outspokenly opposed:

"This notion," it declared, "of federating all the colonies and states of South Africa at once is utterly visionary and impracticable." (5)

Although there were groups in sharp disagreement, it probably spoke for the majority who were reluctant to shoulder the burdens of bankruptcy and mutiny in the interior at a time when the Cape was in the process of political change and public works expansion.⁽⁶⁾

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1. GRH, 8.7.1871.
 2. GTJ, 15.5.1871, 2.6.1871, 14.7.1871, 11.12.1871, 20.9.1872.
 3. EPH, 1.7.1871.
 4. Queen's Town Representative, 22.7.1871, 29.7.1871.
 5. Argus, 25.5.1871; vide also 29.5.1871.
 6. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 6.7.1874.

Free State opinion is very difficult to gauge. The only newspaper that made a consistent appearance in these years was English-medium. Apart from the fact that its editor was strongly⁽¹⁾ biased against the regime, it is very likely that its views were more representative of the predominantly English-speaking commercial circles in Bloemfontein than of the rural community at large. The enthusiasm of The Friend of the Free State must, therefore, be viewed somewhat sceptically:

"We believe the time has come, or is fast coming," it assured its readers, "when the whole of the southern part of the continent of Africa must be formed into one great Confederacy of United States. Nothing short of this will put an end to our present petty jealousies, bickerings and territorial disputes."⁽²⁾

Natal opinion was determined mainly by commercial interests and the native danger. As the smallest and most precarious community it could not afford to stand aside from any federation movement. This was well brought out by the Natal Mercury in a leading article wherein it expressed the belief that confederation was "nearer than we have ventured to hope for some time," and affirmed that Natal would "go to the wall," if it did not join.⁽³⁾

Transvaal opinion is least easily gauged. Such newspapers as there were tended to function sporadically - The Transvaal Advocate, for example, was constantly interrupted by the french-⁽⁴⁾ leave departures of its printer for the diamond diggings. More important, until the appearance of De Volkstem in August, 1873 there was no paper in the Transvaal that supported the republican⁽⁵⁾ administration, and consequently there is little guarantee that what did appear was representative.

1. Carnarvon Papers - P.R.O. 30/6/32: Memorandum on the leading personalities of the Free State by the Editor of The Friend April 1876. An example of his hostility were his remarks about President Brand: "Brand is physically and morally a coward. He never leads the Volksraad, but allows the members to drift about as they like - obstinate and pigheaded. Is careful never to appoint able men as officials nor leave them in the Executive."
2. Quoted GTJ, 7.6.1871.
3. Quoted GTJ, 26.6.1871.
4. GTJ, 11.8.1870.
5. Engelbrecht, Thomas Francois Burgers, p. 131.

The presence of a body of favourable opinion in various parts of South Africa did not, of course, conjure away all obstacles. Firstly, there was no commonly accepted definition of federation. (1) To the Easterners it meant the achievement of provincial autonomy, to the Free Staters a loose alignment of states permitting considerable powers of self-government, to the Natalians a commercial and native policy convenience, and to the Imperial authorities an economic and defence measure, a humanitarian triumph and imperialistic reassertion. While many people might agree on the advisability of closer relations, it was clear that notions of practical application would be discordantly divergent.

Secondly, the Native Question. While admittedly the major incentive to federation, it was at the same time its greatest obstacle. Given the highly emotive and widely divergent viewpoints on the matter it was obviously going to be a herculean achievement to compound a common policy out of the turmoil of conflicting ideas.

Thirdly, differences in status of the various governments. The Orange Free State and Transvaal were independent self-governing republics, Griqualand West and Natal were modified Crown colonies, and the Cape was a fully fledged Responsible state. Two had flags of their own, three were under the Union Jack. To derive a formula that would satisfy the aspirations of all five, and take care of the differences in civil and criminal law, not to mention the differences of development and civilisation between the various states, was clearly going to be no mean task.

Fourthly, finance. None of the five were wealthy, - in fact, four of them were on the borderline of bankruptcy. The two republics had just emerged from critical times, and the Transvaal, in particular, was still not clear of the woods. Its (2) coffers were empty and its executive powerless to collect taxes.

1. To the Easterners Federation meant the separation of the provinces and the establishment of a federal authority over both; Confederation meant the closer union of South African states under a federal form of government. Since this interpretation was essentially a local feature, for the purposes of this chapter the two terms are used interchangeably in the conventional sense. Where division of the provinces is indicated the word separation is used.

2. C.H.B.E., Vol. VIII, p. 463.

It was obvious that the Cape as the largest and most prosperous state would have to carry the rest, but it was by no means certain that the Cape would be prepared to do that. The memory of the dismal sixties⁽¹⁾ was still very vivid in peoples' minds, and the enormous commitments on railway and harbour development were factors that no government could afford to ignore. Furthermore, since the Cape already dominated interior trade and banking activity, and retained the custom duties of the major ports, it was clear that federation would merely multiply responsibilities and expenditure without proportionate gain in trade or revenue.

Finally, the definition of the role Britain would play in bringing about federation. Since even the Cape as the most advanced state was not competent to legislate on extra-colonial affairs,⁽²⁾ it was obvious that the Imperial Parliament would have to take a hand, but exactly what part it should play was not clear. Even before Carnarvon's assumption of office there had been fairly general agreement in Britain, from Kimberley and Knatchbull-Hugessen⁽³⁾ downwards, that some form of federation was desirable.⁽⁴⁾ The only question was when and how imperial intervention should take place, for no one denied that if only in the legislative field, intervention at some stage or other was necessary. Since premature intervention might involve the Treasury in extra and needless expenditure, an economy-conscious Liberal ministry decided not to act until the local communities, like the North American Colonies⁽⁵⁾ or Leeward islands,⁽⁶⁾ were ripe for union and had settled their own terms of association. To assist this process they had extended self-government to the

1. Supra pp. 34-78

2. Keith, Responsible Government in the Dominions, Vol. I, pp. 321-322. H. V. Evatt, The King and his Dominion Governors, p. 16.

3. The Permanent Under-Secretary.

4. De Kiewiet, British Colonial Policy and the South African Republics, pp. 295-296.

5. O.H.B.E., Vol. VI, pp. 438-464.

6. P.P. 1871 XLVIII (343) pp. 15-24 Sir Benjamin Pine's address to the Legislative Council of the Leeward islands.

oldest and richest community with the idea that the others could thereafter crystallise round its solid and dependable structure at no cost to the Imperial Exchequer.⁽¹⁾ The problem that faced Carnarvon was whether to speed up this process, and if so, in what form so as not to alienate the pressure groups in England or antagonise the intervention-conscious peoples of South Africa.

Given all these factors - the urgency of the situation in South Africa, the presence of powerful and apparently conflicting interests in England, the general trend of opinion, both in Britain and South Africa, towards some form of federation, and the very real obstacles that barred the way to any settlement - discretion was the first requirement of statesmanship.⁽²⁾

On the surface Carnarvon was commendably discreet.⁽²⁾ Since facts were at a premium in a situation whose complexity occasionally bewildered even experienced officials,⁽³⁾ he corresponded lengthily with Barkly,⁽⁴⁾ mandated his old friend, the historian, Froude, to read through all the current South African material in the Colonial Office files,⁽⁵⁾ and finally sent him on a fact-finding mission to South Africa.⁽⁶⁾ It was only after some fourteen months

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1. De Kiewiet, British Colonial Policy and the South African Republics, p. 296. Vide also P.P. 1872 XLVIII (508) Kimberley to Barkly, 16.11.1871.
 2. Hardinge, Life of Carnarvon, Vol. II, p. 173.
 3. C.O. 48/473 Minute by Herbert, 20.1.1875.
 4. Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 25.2.74, 24.4.1874, 27.5.1874, 24.6.1874, 15.7.1874, 22.8.1874, 19.9.74, 26.9.1874, 25.10.1874, 16.12.1874, 12.2.1875, 15.2.1875, 23.4.1875, 4.5.1875, 12.5.1875; Barkly to Carnarvon, 6.4.1874, 25.4.1874, 25.5.1874, 16.6.1874, 6.7.1874, 25.7.1874, 15.8.74, 25.8.1874, 10.9.1874, 23.9.1874, 12.10.1874, 7.11.1874, 25.11.1874, 24.12.1874, 26.12.1874, 5.1.1875, 15.1.1875, 25.1.1875, 5.2.1875, 13.2.1875, 15.2.1875, 15.3.1875, 16.3.1875, 25.3.1875, 6.4.1875, 10.4.1875, 15.4.1875, 24.4.1875, 5.5.1875, 11.5.1875.
 5. Carnarvon Papers - P.R.O. 30/6/49: Froude to Herbert, 9.7.1874.
 6. Carnarvon Papers - P.R.O. 30/6/49: Notes by Lord Carnarvon on letters from Froude, pp. 57-58, 111-140. H. Paul, Life of Froude, pp. 256-257. J.A.Froude, Short Studies on Great Subjects, Vol. III, Leaves from a South African Journal.

in office that he decided to act, and then only after Froude's reports ⁽¹⁾ had combined with news from South Africa to stress the urgency of the situation.

Superficially seen, everything seemed primed for success. Confederation had won the support of all major lobbies in England - the imperialists, because it offered imperial reconstruction; ⁽²⁾ the financiers, because it heralded eventual saving; ⁽³⁾ the humanitarians, because it was considered preferable that the Transvaal natives be brought under Cape influence than endure the alleged atrocities of the republican administration any longer; ⁽⁴⁾ and the defence strategists because it promised a peaceful hinter-land to the vital strategic ports of Capetown and Simonstown. ⁽⁵⁾ The moment seemed opportune, for not only had many people spoken of federation for years, but the present urgency was such that good intentions were certain to turn to practical accomplishment. To mobilise public support Carnarvon worded his proposals as courteously as possible, and instructed Barkly on no less than three occasions - once in the official despatch, ⁽⁶⁾ once in a private letter, ⁽⁷⁾ and once in a telegram sent to catch the mail

1. Carnarvon Papers - P.R.O. 30/6/49: Notes by Lord Carnarvon on letters from Froude, pp. 57-58, 111-140.
2. Carnarvon Papers - P.R.O. 30/6/49: Cuttings of the major English newspapers at the time of the release of Lord Carnarvon's Confederation despatch in London - The Times, 4.6.1875; Standard, 5.6.1875; Daily News, 5.6.1875; Daily Telegraph, 5.6.1875; Morning Post, 7.6.1875; Pall Mall Gazette, 5.6.1875.
3. Ibid.
4. Ibid: There were constant rumours and enquiries about alleged atrocities in the Transvaal in these years, e.g. P.P. 1868-1869 XVIII (4141) Kidnapping of Native children. P.P. 1875 LII (1342) pp. 175-177, Memorandum by President Burgers in answer to accusations of maltreatment of natives in the Transvaal. C.O. 48/469 Barkly to Carnarvon, 16.6.1874 (Kidnapping) C.O. 48/473 Barkly to Carnarvon, 20.1.1875 (Maltreatment of migrant labour). Carnarvon Papers - P.R.O. 30/6/49 pp. 55-56: Notes by Carnarvon on the question of Transvaal native management. H.R. Haggard, Cetywayo and his white neighbours, 8h. 2.
5. C.O. 48/474. Barkly to Carnarvon, 3.5.1875 (memoranda in answer to queries about defence). Carnarvon Papers - P.R.O. 30/6/49, pp. 206-216: Newspaper cuttings.
6. P.P. 1876 LII (1399) Carnarvon to Barkly, 4.5.1875.
7. Carnarvon Papers - P.R.O., 30/6/32 Carnarvon to Barkly, 4.5.1875.

(1)
boat at Madeira to give the scheme the most immediate and favourable publicity. So as not to arouse any local antagonism he offered no Downing Street solutions to the obstacles to federation - in fact, he did not even mention them. (2) Finally, just to make sure that there was no misunderstanding, he sent his old friend and adviser, Froude, a second time to the Cape as his personal representative. (3)

In actual fact, everything was geared to failure. The timing was wrong, the methods ill-advised, the preparations incomplete, and the precautions ineffective or positively harmful. Carnarvon's ignorance of South African conditions was colossal and his disregard of expert advice nearly inexplicable.

In the fourteen months of office before the Confederation despatch Carnarvon wrote as many private letters to Barkly, but only three of them touched on Confederation, (4) and none of them came within eight months of the famous 5th of May communication. Barkly in reply systematically indicated all the obstacles to federation and all the pitfalls that would have to be avoided if success were to be achieved. (5) When the time came Carnarvon blundered unerringly into all of them. An examination of his papers shows a staggering naiveté about South Africa. On one occasion, for example, he wondered whether the Transvalers could not be frightened into federation by a full relaxation of restrictions on the gun-trade to their native neighbours. (6) On another occasion, he speculated hopefully on Burgers' death, (7)

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1. The telegram itself has not survived, but it is mentioned on two occasions in the Carnarvon Papers (P.R.O. 30/6/32, Barkly to Carnarvon, 25.6.1875; Barkly to Froude, 23.6.1875).
 2. P.F. 1876 LII (1399) Carnarvon to Barkly, 4.5.1875.
 3. Carnarvon Papers - P.R.O. 30/6/32. Carnarvon to Barkly, 4.5.1875
 4. Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 22.5.1874, 24.6.1874, 22.8.1874.
 5. Carnarvon Papers - P.R.O., 30/6/32: Barkly to Carnarvon, 6.7.1874, 25.7.1874, 12.10.1874, 7.11.1874, 25.11.1874, 15.1.1875.
 6. Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 22.8.1874.
 7. Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 27.5.1874.

and even went so far as to offer to underwrite any bribe that would secure a "tame" successor.⁽¹⁾ Insofar his confederation policy was based on outside advice it was that of Froude,⁽²⁾ but however competent that gentleman may have been on sixteenth century subjects, he proved himself a hopeless adviser on nineteenth century South Africa.

In fairness to him it must be mentioned that he did point out such obstacles as the complexity of the Native Question, but he tended to mix straightforward reporting with a great deal of contradictory advice. On one occasion, for example, summarising one of his letters, Carnarvon noted on his files:

"Cannot leave power in hands of colonists in this mood⁽³⁾ and yet insist on a native policy which they repudiate."

A week later a complete about-turn was recorded:

"Kaffirs very excited If one could consent to the Dutch system of native management prevailing, confederation would be possible and a loyal state⁽⁴⁾ formed, but if not, Confederation would be an evil."

In another connection Froude sternly warned Carnarvon that⁽⁵⁾ "forcible annexation of (the) Free State would be very unwise."

Less than a week later he gaily remarked:

"If Dutch states are to be coerced into Union it would be best to do it openly and they would resent it less, and they might be reconciled perhaps."⁽⁶⁾

His comments on the first War of Independence are unfortunately not recorded.

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1. Wilmot, Life of Richard Southey, p. 407. Although Southey was every inch an imperialist and second to none in his animosity to the republics (vide C.O. 48/470, Southey to Barkly, 13.8.1874), even he was forced to concede: "It is clear his lordship is completely at sea as to South Africa." Wilmot, Life of Richard Southey, p. 408.)
 2. Carnarvon Papers - P.R.O. 30/6/49: Notes by Lord Carnarvon on letters from Froude, pp. 57-58, 111-140. Vide Carnarvon's remarks to Barkly: "I am very glad that you have seen and talked to Mr Froude. I have known him for many years and have a very high opinion of his capacity and power of insight into practical and political as well as literary subjects. I hope to have the benefit of his experiences and conclusions on many political questions in which he takes an interest." (P.R.O. 30/6/32: Carnarvon to Barkly, 25.10.1874)
 3. Carnarvon Papers - P.R.O. 30/6/49; p. 117: Notes by Carnarvon on letter from Froude dated 4.10.1874.
 4. Carnarvon Papers - P.R.O. 30/6/49, p. 123: Notes by Carnarvon on letter from Froude dated 11.10.1874.
 5. Carnarvon Papers - P.R.O. 30/6/49, p. 129: Notes by Carnarvon on letter from Froude dated 19.11.1874.
 6. Carnarvon Papers - P.R.O. 30/6/49, p. 131: Notes by Carnarvon on letter from Froude dated 1.12.1874.

The despatch itself was a "hopeless" document.⁽¹⁾ Its tone it is true was courteous, and its phrasing very careful, but that did nothing to conceal its many blunders. It began innocently enough by dwelling on the gravity of the situation and the urgency of settlement of certain unsolved problems, above all the Diamond fields dispute and the Native Question.⁽²⁾ The main proposal was the holding of a Conference at the Cape at which representatives from all South African states could meet to discuss these, and other common problems. No compulsory attendance, or restriction of subject was envisaged. The meeting was to be deliberative only, and if it achieved no more than an "unrestricted exchange of opinion and comparison of experience" it would not have been in vain. If perchance, "the all-important question of a possible union of South Africa in some form of confederation" should be raised, its significance and service to the country was assured. Carnarvon admitted to no fixed views on constitutions, and ventured to see no obstacle once the broad principles were agreed upon, to each state having a form of government best suited to its traditions and desires.

The intention was clearly to elicit from South African statesmen a request for Confederation similar to that which the Canadians had voluntarily produced. Thus far it was harmless enough, even naive - for that is all that can be said of the belief that all would be well if only everybody could get together and discuss everything. Then came the fatal blunder. As delegates he nominated Froude for Great Britain, and suggested Molteno and Paterson for the Western and Eastern provinces respectively, Southey for Griqualand West and Shepstone for Natal.

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1. Keith, Responsible Government in the Dominions, Vol. II, p.703.
 2. P.P. 1876 LII (1399) Carnarvon to Barkly, 4.5.1875.

On the Transvaal and Free State delegations he ventured no opinion, but in the careful innuendo of diplomatic despatches he indicated that although Barkly as High Commissioner had precedence over all others for the presidency of the Conference, he wished General Sir Arthur Cunynghame to take the chair. ⁽¹⁾

Nothing was more important to the success of the scheme than Cape participation, yet nothing was more calculated to ensure the opposition of its ministry than the suggested nomination of Paterson to represent the Eastern Province. ⁽²⁾ Separation had been the sworn enemy of Molteno and the Responsible party for more than twenty years. ⁽³⁾ It had divided the colony into bitterly opposed camps and had delayed the introduction of self-government for many years. Even after 1872 the Separationists had continued their relentless feud, and the Premier had even been obliged to fight a general election before he could

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1. cf. also Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 4.5.1875. (private letter)
 2. In fairness to Carnarvon it must be mentioned that this blunder was not entirely of his own making. An examination of the original draft shows that it was Herbert, the Permanent Under-Secretary, who actually wrote the despatch. His version of the controversial passage was much more drastic than Carnarvon's amendment. It read: "As representative of the Western Province of the Cape the name of Mr Molteno obviously suggests itself. His position of first Minister renders him the proper exponent of the views of your Government and I sincerely trust that he may be able to give the Conference the advantage of his great ability and knowledge. For the Eastern Province I should be disposed to think that an excellent representative would be found in Mr Paterson of whose fitness for such a duty I have been led to form a high opinion." This was a straightforward order. Carnarvon attempted to gild the pill by noting in the margin: "As regards these two gentlemen I do not wish to seem to dictate their appointment to this Conference should for any reason other names be generally desired. My object is to secure the services in this most important question of gentlemen who will truly understand and express the opinions of these communities which they represent. I mention the names of Mr Molteno and Mr Paterson because I believe them from ability and standing to be such as I have indicated." (C.O. 48/477 Carnarvon to Barkly, 4.5.1875). The wording and tone were improved, but the intention remained the same. As proof that Carnarvon wholeheartedly endorsed the finished product his comment on the title-page is worth recording: "This excellent and able despatch - should go at once to the printers to be set up in type in draft with the least possible delay" (*Ibid*)
 3. Supra pp. 70-599.

carry his Seven Circles Bill designed to end the East-West breach in the Legislative Council.⁽¹⁾ The tacit recognition of Eastern Province claims would revive an agitation that in the eyes of the Cape ministry was better dead. The proposal was seen not only as an insult to the dignity of the Cape's newly won Responsible status, but as a deliberate affront to Molteno⁽²⁾ as Prime Minister of the whole colony. Since none of the rules of protocol could justify this move, the predominantly Western cabinet suspected sinister imperial intentions of utilising Eastern enthusiasm to force Western compliance with confederation, or alternatively, of elevating the Eastern Province to the dignity of a separate state so as to diminish⁽³⁾ Western importance in the new union.

But even if this blunder had not been committed it is doubtful whether confederation would have taken place.⁽⁴⁾ The timing was wholly inopportune. What Schopenhauer had said of Faith and Love was equally true of Political Unity.⁽⁵⁾ It was not something that could be created by extraneous interference, however well-intentioned; it could only be meaningful and permanent if it arose from inner conviction. The difference between Canadian and South African Confederation was that the Canadians had asked for it and the South Africans had not. It is almost inexplicable that Carnarvon did not realise the importance of this.⁽⁶⁾

1. Eybers, Select Constitutional Documents, pp. 64-65. Theal, History of South Africa, 1873-1884, Vol. I, pp. 10-11.
2. P.F. 1876 LII (1399), p. 5. Molteno, Life and Times of Molteno, Vol. I, pp. 341-345.
3. De Kiewiet, The Imperial Factor, p. 74. Lewsen, The first crisis in Responsible Government, p. 225.
4. P.F. 1876 LII (1399) pp. 30-33, Ministerial Memorandum on the Conference proposal, 4.9.1875. This is probably the best short summary of the objections to the holding of a Confederation Conference at that stage.
5. "Der Glaube ist wie die Liebe; man kann ihn nicht erzwingen."
6. Ten months before the famous conference proposal Carnarvon had told Barkly that Confederation is something "which cannot be forced and which depends upon local circumstances and conditions" (Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 24.6.1874). There is little evidence in his subsequent letters and actions to suggest that he either remembered or acted upon this conclusion.

The very urgency which he saw as Confederation's greatest
 (1) argument was also its greatest obstacle. Distrust and division, the product of former mistakes and present circumstances, had become the hall-mark of inter-state relations in South Africa. The annexation of Griqualand West had aroused the resentment of the Boer republics and had drawn them closer together in
 (2) racial and political antagonism to Great Britain. The intervention of the latter in Basutoland had both relieved the Free State of a pressing danger which had inclined it to re-union with the Cape, and provided it with a formidable grievance against
 (3) British aggression. Natal was loath to sacrifice the short-term benefits of her geographical position and easy tariff, and fearful lest confederate self-government meant the withdrawal of British troops at a time when the revived Zulu dynasty appeared
 (4) more menacing than ever.

As far as the Cape was concerned three factors militated against participation at that particular time. Firstly, military commitment. In spite of periodic frontier scares, unrest in the Transkei and murder in Namaqualand, the Cape had never
 (5) felt itself so secure in the face of the natives. Everywhere else the picture was wholly different, and since Confederation would probably mean the departure of British troops, it was obviously only a matter of time before the Cape as largest and most powerful state would have to stand guard at every incident on every frontier. To a naturally shrewd and cautious ministry the benefits of a common native policy were in no sense compensation for the expense of common native wars.

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1. P.F. 1876 LII (1399) Carnarvon to Barkly, 4.5.1875. Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 4.5.1875.
 2. Carnarvon Papers - P.R.O. Barkly to Carnarvon, 25.7.1874. G.H.B.E., Vol. VIII, p. 458.
 3. Ibid.
 4. G.H.B.E., Vol. VIII, p. 459.
 5. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon 6.4.1874 P.F. 1876 LII (1399) pp. 30-33, Ministerial Memorandum. De Kiewiet, The Imperial Factor, pp. 60-61.

Secondly, electoral conservatism. In a country where party allegiance was as little developed as in the Cape, public opinion was a powerful but often unpredictable force.⁽¹⁾ No member or ministry could depend on a faithful following in constituency or House. Electors tended to vote according to the regional, racial or personal bias of the moment, and members followed suit. It was never safe to predict the outcome of political events, for with so small an electorate and Parliament the swing of a few electors or members was equivalent to many times that number in larger countries.⁽²⁾ It was a situation that made government unusually dependent on Parliament, members on the electorate, and both loath to take any important step without prior assurance of support.

As a result of historical factors the electorate generally tended to conservatism. The original imperial insistence on civil equality between Black and White had placed an undue emphasis on property as a means of differentiation. Whereas in Australia, even at that early date, there was a tendency to radical social and political experimentation, conservatism ruled the roost at the Cape.⁽³⁾ Responsible Government had been opposed as an uncertain innovation for years. It was unlikely that the same electorate would suddenly become adventurous and insist on so radical a change as confederation. Instead of sounding the government privately so as to ascertain its feelings and give it a chance to mobilise its followers, Carnarvon deliberately cast his despatch into the public arena. The ministry found themselves called upon to give a reply before they knew exactly where they stood, and in such circumstances the answer could only be in the negative.

1. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 6.4.74. De Kiewiet, *The Imperial Factor*, pp. 62-63.
2. Cape of Good Hope Bluebooks, 1873. Section P. p.4. Registered number of electors for both Provinces in 1872 was 39,558. A total of 17,998 electors voted in the election of the Legislative Council in November, 1873.
3. De Kiewiet, *The Imperial Factor*, pp. 63-64.

Thirdly, Langa libalele. The despatch arrived a bare week after the Cape Parliament had completed its humiliating reappraisal of the Langa libalele affair. ⁽¹⁾ At the best of times the mere fact of imperial initiative was enough to rile an intervention-conscious Ministry; at that time it could not be otherwise than ⁽²⁾ fatal.

The only sure remedy for the situation in South Africa was wisdom, tact and endless forbearance. However pressing the problems and however disastrous the products of division and delay, the time was not ripe for confederation. The inner cohesion and driving conviction that alone can form the basis of a successful union, were woefully absent. Men might agree on the necessity of federation and all facts point in that direction, but it was one thing to agree in principle and another to implement in practice. Distrust and resentment are uneasy advisers at any meeting, and in South Africa they were more persistent and tragically persuasive than facts.

There can be no excuse for these blunders. Barkly had ⁽³⁾ repeatedly warned Carnarvon against them.

"I have already alluded in previous letters," he wrote in July 1874, "to some of the difficulties which now bar the way to what a few years ago would have been easy. I by no means despair as regards the S.A.R, and if it could come under our flag again the Orange Free State must, hemmed in as it could be on all sides, necessarily later follow

As regards the effects of such a measure, if it were practicable to carry it, on the Cape Colony; I cannot but think that at this juncture it would be prejudicial. It would materially strengthen the Dutch influence and check the progress of amalgamation between East and West now satisfactorily going on under Responsible Government.

The Premier, a cautious and far-sighted man, tells me confidentially that he sees no use whatever in making overtures at present to either republics or to Natal with its enormous burden of natives; and it is clear that

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1. V & P (LC) 3.6.1875. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 4.6.1875.
 2. Lewsen, The first crisis in Responsible Government, pp. 219-223. Argus, 15.6.1875 (Vintcent's speech).
 3. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 6.7.1874, 25.7.1874, 12.10.1874, 7.11.1874, 25.11.1874, 15.1.1875.

a few years are needed to enable the Cape colony to consolidate its own institutions and put its own affairs into proper order, before it will be fitted to take its proper place as leader of a great South African dominion"(1)

In his reply Carnarvon indicated that he understood what was meant:

"I am far from having a decided opinion as to the federation of the South African states. It is a measure which must, whenever it is tried, depend for its success upon the circumstances and feelings of the time, and it was rather with a wish to know how far, in your opinion, those circumstances and feelings were favourable that I made my enquiries of you."(2)

This was the last word that Carnarvon wrote to Barkly about confederation before the fatal despatch eight months later. During that time the latter still intermittently warned his chief against the project, (3) but the first intimation either he or his advisers had of the imperial plan was the arrival of the despatch itself. From Carnarvon's point of view nothing could have been more unfortunate than its reception at the Cape.

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1. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon 25.7.1874.
 2. Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 22.8.1874.
 3. "I do not think it will be found," he wrote towards the end of November, "when Mr Froude's accounts of the state of things are received, that I have overrated the obstacles which stand in the way of a speedy realisation of those views which must recommend themselves to Statesmen at Home." (Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 25.11.1874.)

As late as the middle of January he advised his superiors that "common interest and common origin will probably bring them (the republics) back to the British flag quite as soon as things in this Colony are sufficiently consolidated under Responsible Government to fit it for the central place in a South African Confederation, and it will be a mistake to make any sacrifice of principle with the hope of luring them back sooner. Mr Froude worked hard to effect a change in Mr Molteno's view but I fear with no better success than I did." (Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon 15.1.1875.)

It is an interesting sidelight on Froude's accuracy as a reporter that some time before he had informed Carnarvon that "Molteno does not object to Confederation." (Carnarvon Papers - P.R.O. 30/6/49, p. 113: Froude to Carnarvon, 23.9.1874.) Given later developments and the always close relationship between Barkly and Molteno (Carnarvon Papers - P.R.O. 30/6/33: Frere to Carnarvon, 4.4.1877.), there can be little doubt as to who was the better judge of the Premier's convictions.

The first set-back was the non-compliance of Barkly with imperial orders. Contrary to the most emphatic instructions,⁽¹⁾ he delayed publication of the despatch for five fatal days. His hesitancy arose from a lack of definition of his dual function as High Commissioner for South Africa and Governor of the Cape Colony.⁽²⁾ In the former capacity he was instructed by and responsible to the Secretary of State for all negotiations with other British colonies, independent republics or native tribes in South Africa.⁽³⁾ In the latter capacity he was the representative of the Crown in a self-governing colony,⁽⁴⁾ and was advised in his decisions by a responsible ministry. The duality was an uneasy arrangement at the best of times, but in the event of a conflict between imperial instructions and ministerial advice it became untenable.

In the seventies this double function had not yet been clearly regulated anywhere in the Empire by statute or convention.⁽⁵⁾ Each Governor to a greater or lesser degree had to rely on his personal judgement. In Barkly's case there was a further difficulty. Kimberley had instructed him to seek the co-operation and advice of the Responsible Ministry on all extra-colonial matters.⁽⁶⁾ The intention was to stress in the

1. In the private letter that accompanied the despatch Carnarvon sternly informed his adjutant: "The real essential consideration is to make the Conference succeed; first, because I believe that the present happens to be an unusually favourable opportunity; secondly, because success is necessary." (Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 4.5.1875.)
2. W.P.M. Kennedy and J.J. Schlosberg, The Law and Custom of the South African Constitution, p. 39. For the best analysis of this dual loyalty vide H.V. Evatt, The King and his Dominion Governors, pp. 15-29. H. Jenkyns, British rule and jurisdiction beyond the seas, pp. 99-122. Todd, Parliamentary Government in the British Dominions, p. 31 sqq.
3. P.F. 1873 LXIX (732), pp. 89-91. Jenkyns, British rule and jurisdiction beyond the seas, pp. 233-236.
4. Ibid, p. 105-108. Todd, Parliamentary Government in the British Dominions, p. 31 sqq.
5. When questioned on this problem in relation to Canada the only answer that Lord John Russell could give was a vague statement of confidence in the "forbearance of those among whom power is distributed." (W.P.M. Kennedy, Documents on the Canadian Constitution, p. 523 - Russell to Poulett Thomson, 14.10.1839).
6. C.O. 48/478 Barkly to Carnarvon, 27.3.1876.

clearest manner the wide responsibility Downing street wished the new government to assume. In actual fact, as Barkly later pointed out to Carnarvon, it meant the virtual abolition of the High Commissionership in favour of the Responsible Ministry.⁽¹⁾

The receipt of the despatch placed Barkly in a typical but unusually awkward predicament. On the one hand, he had the clearest instructions from London for immediate publication;⁽²⁾ on the other hand, he had the assurance of his Cape ministry that they would resign if he published it.⁽³⁾ For five fatal days he prevaricated. Had he published it immediately there is reason to believe that its rejection in the House would not have been so easily accomplished. The delay had a double effect. It gave the ministry enough time to write a hostile minute and complete its preparations for attack, and it took the Easterners so much by surprise that, given the drag of communications, they were unable to muster their forces until after the debate.

The second set-back was the reception accorded the despatch in the House of Assembly. The House was so startled by its title that the Clerk was instructed to read it aloud at once. Members listened in stony silence until the part where Cunynghame was mentioned as possible president of the conference. Whether the tension had been too great or the thought of the good general in command too funny, is impossible to say, but according to a press reporter

"There arose from all sides a shout of derisive laughter which was repeated again and again, till it was impossible to hear Mr Noble's voice even in the press gallery."⁽⁴⁾

Further howls of mirth greeted the names of Froude and Paterson - in fact, "the remainder of the despatch was listened to as if it formed part of a comedy."⁽⁵⁾

1. Ibid.

2. Supra pp. 157-158

3. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 15.6.1875. P.F. 1876 LII (1399) p.66, Froude to Carnarvon, 10.1.1876. Molteno, Life and times of Molteno, Vol. I p. 344.

4. Argus, 10.6.1875.

5. Ibid.

It almost appeared as if the ministry had carried the day without firing a shot. Its minute was comparatively short, and despite a labyrinthine style, unequivocal in its hostility:

"Without entering upon a discussion as to the extent to which the many important questions touched upon in this despatch may affect this colony, Ministers are of opinion that its interests would not be promoted by pressing forward at the present time such a Conference as the Secretary of State proposes.

When, however, circumstances more favourable than at present shall render such advisable, Ministers consider that it would be most undesirable that the Colony should be represented as proposed in the despatch. The unfortunate distinction between the Eastern and Western provinces, which in times past has been production of so much inconvenience, now, happily, no longer exists, and should certainly not in any way be revived.

Ministers have the honour to state further that, in their opinion, the proportionate number of delegates who should represent the Cape Colony at any such Conference and the selection of representatives to whom the discharge of such important functions would be entrusted, are questions, more especially the latter, which it would seem very desirable to leave to the free action and judgement of this Colony."(1)

Three days later the debate began. Sprigg introduced a motion approving of the ministerial minute, and adding as a further reason for rejection, the belief that any confederation proposal should originate in the body best able to judge its merits and timing - the Cape legislature.⁽²⁾ Seven hours later⁽³⁾ it was all over. The motion was passed by 32 votes to 23, and to all intents and purposes the idea of a Conference was dead. Capetown had not yet awoken to the full implications of the despatch; the remoter country districts had not even heard of it.

Although not yet a member of the ministry Merriman sided with Molteno in the struggle. His contribution to the debate was a slashing, sneering attack on Lord Carnarvon and his despatch.⁽⁴⁾ He hardly tried to argue the case but concentrated on demolishing his opponents with a merciless blast of ridicule.

1. P.P. 1876 LII (1399) Ministerial Minute, 7.6.1875.

2. V & P (HA), 11.6.1875.

3. Ibid

4. Argus, 12.6.1875. GTJ, 21.6.1875.

He exhausted his vocabulary of parliamentary vituperation, and hurled his sarcasm like acid through the House. Even today his searingly destructive wit seems to crackle and burn on the pages of the otherwise hidebound parliamentary reports.

The whole scheme he branded as "balderdash", and the despatch itself as a "tissue of absurdities from beginning to end". Both its premises and conclusions were so "utterly at variance with fact that the House ought to tell Lord Carnarvon to mind his own business, and not trouble them with any more despatches." As for the Secretary of State's well-meant suggestion that the Cape might profit from Shepstone's experience of native affairs, that was the biggest joke of all. The nomination of delegates he deemed "downright impertinence," and the belief in impending disturbances between natives and colonists the greatest nonsense that had ever been heard. The whole scheme was designed to "shuffle off the difficulties and debts" of Griqualand West and Natal on to the Cape. There was only one thing to be done and that was to reject the entire idea with censure and contempt.

Given the circumstances of the time Merriman's decision to oppose was probably correct, but neither in argument nor expression could it bear examination. The only points he raised in its defence - the absence of an incentive and diversities of language and legal system⁽¹⁾ - were either ill-considered or secondary to the major issues. The first point was potentially sound if used in defence of the short-term interests of the Cape Colony - the need for time to consolidate its electoral unity and newly-won constitution, and the necessity of avoiding further financial and defence commitments while its public works programme was still in its infancy - but it lost its meaning in relation to the other states or to the long-term interests of the Colony itself. Merriman made no attempt to distinguish

1. Ibid

between the immediate and distant future, and instead of using his point to prove the premature nature of the proposal, he used it as an embargo for all time. The second point was certainly an obstacle to the smooth functioning of federation, but it was not an argument against its inception. There were considerable numbers of Dutch-speaking citizens in the Cape, and, apart from the definition of the legal status of non-whites in the republics, the differences in legal system were so minor that there was no barrier to the free movement of lawyers from one state to another. The President of the Free State was himself still a member of the Cape bar, and, until the appointment of De Villiers, the leading candidate for the Chief Justiceship of the Colony.⁽¹⁾

The questions of native policy, labour control, gun and liquor traffic were hardly mentioned and certainly not analysed. In fact, nowhere in his speech did Merriman show any appreciation of the problems that faced South Africa, or any signs of careful thought about the pro's and con's of various solutions. He simply ignored both. The points he raised in defence of his stand were done in passing, mere tailwinds to the central hurricane of abuse. His speech was neither statesmanlike nor sensible, nor thoughtful, dignified or constructive. Of all the adverse comments on his speech that of Mr Watermeyer, a Midland M.L.A., was probably nearest to the truth. He described Merriman's performance as "unworthy of an adult, let alone a gentleman."⁽²⁾ That was both accurate reporting and fair comment.

A week after the decision of Parliament Froude arrived in Capetown.⁽³⁾ He had come as Carnarvon's personal representative⁽⁴⁾

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1. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 6.4.1874.
 2. Molteno Papers: Watermeyer to Molteno, 18.6.1875.
 3. Argus, 20.6.1875.
 4. Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 4.5.1875.

(1)
and British delegate to a Conference that was apparently no longer to be held. From the beginning everything combined to give him the impression that the decision of Parliament was not only hasty and ill-considered, but unrepresentative of public opinion as well.

Immediately on arrival he was button-holed by an unprecedented coalition of English Separationists and Dutch patriots (2) the former because they had come to see the conference as a recognition of their cause and possible means of its fulfilment; (3) the latter because they wished to let no meeting go by that might redress the wrongs done to their compatriots over Griqualand West. (4) The newspapers delivered to his cabin were fairly united in condemnation of the Government. The Premier gave him the impression of a man who was seeking excuses for a hasty decision he regretted, rather than defending a well-considered and predetermined policy. (5) The Governor was cold-bloodedly polite and frigidly unhelpful, to all intents and purposes unrepentant of the course he had taken. (6)

Given this immediate evidence and Froude's own desire to make a policy of which he was an associate architect succeed, the verdict reached was not surprising. The rejection of the despatch seemed to be the work of a few men who neither understood the implications of their action nor sought to consider the opinions of the public. While still on board ship the "coalitionists" had invited him to speak on the despatch at a banquet in Capetown. (7) Acceptance clearly meant opposition to

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1. P.P. 1876 LII (1399) Carnarvon to Barkly 4.5.1875.
 2. P.P. 1876 LII (1399) p. 66, Froude to Carnarvon, 10.1.1876.
 3. P.P. 1876 LII (1399) p. 79, Froude to Carnarvon, 10.1.1876.
 4. Ibid. Hofmeyr and Reitz, The Life of Jan Hendrik Hofmeyr, p. 133-135.
 5. P.P. 1876 LII (1399), p. 68, Froude to Carnarvon, 10.1.1876.
 6. P.P. 1876 LII (1399) pp. 68-69 Froude to Carnarvon, 10.1.1876. cf. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon 25.6.1875. Cf. also Carnarvon's summary of Wolsely's conclusions after an interview with Barkly: "Cold-blooded - entirely and at heart opposed to all my policy. Clever and probably the director and inspirer of Molteno." (Carnarvon Papers - P.R.O. 30/6/49: p. 156, Notes on Conversation with Sir Garnet Wolseley).
 7. P.P. 1876 LII (1399) p. 66 Froude to Carnarvon, 10.1.1876.

the regime, for the meeting was patently no more than a political demonstration against the Ministry. Both Barkly and Molteno warned him against the impropriety of such procedure (1) on the part of a British delegate in a self-governing colony, but Froude insisted on fulfilling his promise and later defended his action by an ingenious rationalisation:

"If Mr Molteno would have communicated to the Parliament or in any way made public what I had said to him, there would have been no occasion for me to open my lips. If the Governor in his capacity as High Commissioner, could have seen his way to lend assistance, I should have been delighted to have escaped from my intricate position, and to have placed the conduct of so delicate a business in his able and practised hands. But the Minister, while he objected to my communicating with the people, except through himself, showed no disposition to tell the people what I had to say, while the Governor felt himself unable to stir under what he conceived to be his constitutional obligation I was conscious that in acting on my own judgement, in opposition to the warning of the Governor, and to the wishes, if not the injunction, of Mr Molteno, I should be incurring a grave responsibility. I recognised the extreme impropriety of flying in the face of the established Government of the Colony. As a matter of right, however, I could not admit the constitutional position which Mr Molteno had taken up. Your Lordship's despatch ... had no reference to matters within Mr Molteno's province as Minister of the Colony I was conscious, I believe in the highest degree, of the impropriety of opposing the wishes of the constitutional authorities in the Colony. It was equally undesirable to allow an extravagant and unjust impression from gaining hold of public opinion." (2)

Whatever the case, the Capetown speech opened up a new chapter in both Cape and constitutional history. Its reception and aftermath exceeded all expectations. As Froude himself described it in a special report to Carnarvon:

"I had a simple story to tell. I told it as plainly as I could. What I said was published in the provincial papers, and the effect undoubtedly was to increase the agitation which had already commenced in condemnation of the Ministers' action. The press throughout South Africa became unanimous to an extent never known before; meetings were held in all the principle towns of the colony where the members who had supported Mr Molteno's Minute were censured, and addresses of thanks were voted to your Lordship. In a few weeks there was scarcely a town or district of consequence in which a genuine and hearty appreciation of your Lordship's intentions had not been publicly expressed." (3)

1. P.F. 1876 LII (1399) pp. 66,67,68 Froude to Carnarvon 10.1.1876
Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 25.6.75.
2. P.F. 1876 LII (1399) pp. 69-70, Froude to Carnarvon, 10.1.1876.
3. P.F. 1876 LII (1399) p. 70 Froude to Carnarvon, 10.1.1876.

This was no exaggeration. Froude's tour of the Western Province was something in the nature of a triumphal progress.

"Remote settlers," he later wrote to Carnarvon, "who had never before appeared to take an interest in politics were stirred into violent exertion. Deputations waited me wherever I went with words of welcome; groups of farmers with their clergyman at their head, waited at crossroads to speak to me, and hear me speak to them. I was followed into the towns by strings of carts and carriages half-a-mile long."⁽¹⁾

From many parts of the Colony came news of meetings and resolutions in favour of the conference.⁽²⁾ Official reaction from the rest of South Africa was equally favourable. Griqualand West announced immediate endorsement;⁽³⁾ Brand promised the matter serious consideration once the diamond fields dispute was fairly settled;⁽⁴⁾ Burgers, then in London, congratulated Carnarvon on his despatch;⁽⁵⁾ while Joubert, Acting-President of the Transvaal, undertook to recommend it to his Executive for consideration;⁽⁶⁾ Natal gave assurance of support.⁽⁷⁾ From the printing presses of the country, came a rising cacophony of indignation. Of twenty-four colonial newspapers examined during this period only four supported the ministry.⁽⁸⁾ The rest in varying tones of disgruntlement or derision debunked Molteno and his supporters.⁽⁹⁾ Expressions ranged from the snarling

1. P.P. 1876 LII (1399) p. 73, Froude to Carnarvon, 10.1.1876
2. P.P. 1876 LII (1399): pp. 14-15, Queenstown, 13.7.1875; p. 22, Somerset East, 19.7.1875; p. 23 Dordrecht, 2.8.1875; p. 24, Port Elizabeth, 9.8.1875; p. 26, Port Elizabeth, 9.8.1875; p. 37, Capetown, 19.10.1875; p. 44, Fort Beaufort, 21.9.1875.
3. P.P. 1876 LII (1399) pp. 18-19 Southey to Barkly, 27.7.1875, 29.7.1875.
4. P.P. 1876 LII (1399) pp. 17-18 Brand to Barkly, 14.7.1875.
5. Engelbrecht, Thomas Francois Burgers, pp. 175-177.
6. P.P. 1876 LII (1399) p. 20, Joubert to Barkly, 16.7.1875. Engelbrecht, Thomas Francois Burgers, p. 178.
7. P.P. 1876 LII (1399) p. 25, Wolseley to Barkly, 6.8.1875.
8. Argus and Daily News (Capetown); The Despatch (East London) Uitenhage Times (Uitenhage).
9. Standard and Mail, Volksblad, Zuid-Afrikaan, (Capetown); Eastern Province Herald and Port Elizabeth Telegraph (Port Elizabeth); Graham's Town Journal and Eastern Star (Grahamstown) Queen's Town Free Press and Queen's Town Representative (Queenstown); The Guardian (Dordrecht); Graaff-Reinet Herald and Graaff-Reinet Advertiser (Graaff-Reinet); Colesberg Advertiser (Colesberg); The Register (Grahamstown); The Port Beaufort Advocate (Port Beaufort); Somerset Courant (Somerset East); Alice Times (Alice). The Examiner (Adelaide); The Era (Richmond).

antagonism of the Eastern Province Herald and Eastern Star to the mild and careful censure of the Graaff-Reinet Herald and Somerset Courant. Some, such as the Kaffrarian Watchman and Gradcock Register, were cautious of success; others, such as the South African Advertiser and Fort Beaufort Advocate had no doubts at all. Many extra-colonial newspapers struck up equally strident tones, and from places as far apart as
 (1) (2)
 Potchefstroom and Durban came clamorous sounds of support.

To the casual observer the whole country seemed to be clamouring for confederation, but in actual fact the situation was more complex than that. The demand was for a conference, and it was a mistake to regard the holding of a conference as synonymous with the commencement of confederation. The motions of the various parties spurring on the public agitation differed sharply. To the Dutch Westerners it meant a chance to redress
 (3)
 the wrongs done to the republics over Griqualand West; to the English Easterners it meant a chance to secure separation and
 (4)
 reduce the importance of Capetown; to the republicans it signified an opportunity to reach agreement on labour control
 (5)
 and gun and liquor traffic; to the Natal administration it held out hopes of reinforcement against the menace of native
 (6)
 invasion; and to the Griqualand West government it provided the possibility of shunting off their troubles to some larger
 (7)
 authority. All of them wanted something from the conference that the others were unlikely to give, and two of them at least

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1. Transvaal Advocate quoted GTJ, 18.6.1875.
 2. Natal Mercury quoted GTJ, 21.6.1875.
 3. Hofmeyr and Reitz, The Life of Jan Hendrick Hofmeyr, pp. 129 sqq. P.F. 1876 LII (1399) p. 79, Froude to Carnarvon, 10.1.1876
 4. P.F. 1876 LII (1399) Resolutions of public meetings on Lord Carnarvon's despatch, pp. 14-15, 22, 23, 24, 26, 37, 44. V&P (LC) C.3 - 1875, C.4 - 1875, C.6 - 1875. P.F. 1876 LII (1399) p. 79, Froude to Carnarvon, 10.1.1876. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 25.6.1875.
 5. Engelbrecht, Thomas Francois Burgers, pp. 175-178. Carnarvon Papers - P.R.O. 30/6/32: Brand to Froude, 7.9.1875.
 6. C.O. 48/475 Barkly to Carnarvon, 14.7.1875.
 7. C.O. 48/470 Southey to Barkly, 13.8.1874.

were not prepared to consider loss of independence at any price.⁽¹⁾ Newspaper opinion was equally misleading until analysed. On a straightforward numerical basis the overwhelming majority seemed to support the conference proposal, but this fell into perspective when it was realised that of the twenty colonial newspapers opposed to the ministry, no less than sixteen were in the Eastern Province,⁽²⁾ and of those only three appeared more than once a week.⁽³⁾ Motives differed sharply as well. The Grahamstown and Port Elizabeth papers supported the despatch for purely separatist reasons; the Graaff-Reinet, Cradock and Capetown papers⁽⁴⁾ in the hope that justice would be done to the republics. In the case of the Transvaal Advocate editorial policy was determined by a profound antipathy to the republican administration.⁽⁵⁾

It is doubtful whether Froude understood these complexities at first. He was in Natal when the news arrived that Carnarvon intended to hold his conference after all, with or without Cape support.⁽⁶⁾ Bulwer, the Governor of Natal would take the chair;⁽⁷⁾ and Maritzburg would be the meeting place. Since Cape

1. Carnarvon Papers - P.R.O. 30/6/23: Brand to Froude, 7.9.1875; P.R.O. 30/6/32: Barkly to Carnarvon, 25.7.1874, 7.11.1874, 25.11.1874; P.R.O. 30/6/49: Froude to Carnarvon, 19.11.1874. Engelbrecht, Thomas Francois Burgers, p. 178 (Joubert to Burgers, 11.8.1875). Cf. also the Bloemfontein Express: "Positively and emphatically we will have no subjugation under Downing street government" (quoted GTJ, 21.6.1875).
2. Eastern Province Herald, Port Elizabeth Telegraph, Graham's Town Journal, Eastern Star, Queen's Town Free Press, Queen's Town Representative, Guardian (Dordrecht), Graaff-Reinet Herald, Graaff-Reinet Advertiser, Colesberg Advertiser, The Register (Cradock), Fort Beaufort Advocate, Examiner (Adelaide), Era (Richmond), Somerset Courant and Alice Times.
3. Graham's Town Journal, Eastern Province Herald, and Port Elizabeth Telegraph. In the absence of circulation figures the number of editions per week is the only guide to readership numbers.
4. Given the strong Dutch element in the Midlands the attitude of the predominantly English-medium Graaff-Reinet and Cradock papers is not surprising. The opposition of the Standard and Mail, the only English Capetown paper opposed to the ministry, is explained by the fact that a Dutch committee, strongly backed by Brand and Burgers, had taken control of it some four or five months before the despatch arrived. (Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 25.1.1875).
5. Engelbrecht, Thomas Francois Burgers, p. 131.
6. P.P. 1876 LII (1399) Carnarvon to Barkly, 15.7.1875. Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 22.7.1875.
7. Ibid.

participation was vital to the success of the scheme, and since everything seemed to indicate the existence of a large body of favourable opinion in the Colony itself, Froude decided to return and force the issue. "The question was now between the Ministers and the people."⁽¹⁾ On this pretext he accepted invitations to speak at banquets and meetings and proceeded to work up an agitation for the early recall of Parliament and the reconsideration of the Conference proposal.

Froude's propaganda campaign was by no means the failure it has been fashionable to believe. His biggest assets were an easy manner, fluent tongue and nimble conscience. He could with great facility be all things to all men. His biographer attempts to explain this quality by pointing out that in university life he normally read his lectures and had, therefore, "never been in the habit of thinking on his legs."⁽²⁾ This may be so, but it hardly explains the amazing convolutions he was capable of. Ministerial papers were much less charitable in their explanations. The Argus, for example, after sarcastically enumerating and extravagantly praising Froude's virtues, continued:

"There was, however, one unfortunate quality in his composition which sadly marred the work he proposed to accomplish, though even that fault was but a case of excessive leaning to virtue's side. His sympathy with the successive peoples among whom he travelled or mingled was so strong that, chameleon-like, his politics assumed the colour of his surroundings, while with exemplary devotion, he practised the apostolic precept of being all things to all men, so that by all means he might win some."⁽³⁾

The Capetown Daily News was even more forthright:

"When he came to see us before, Mr Froude gained the reputation of an accomplished though somewhat reckless humorist from the ingenuity with which his candid opinion of one place of call was served up for the amusement of his next hosts, who themselves had their turn afterwards. Now, however, that our clever visitor's object is to convince, rather than to amuse, he confines his satire to an occasional allusion to the Government of the Colony, and deftly suggests to each audience some happy compliment

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1. P.P. 1876 LII (1399) Froude to Carnarvon, p. 77. 10.1.1876.
 2. Paul, Life of Froude, p. 267.
 3. Argus, 22.6.1875.

or some lure of local gain. At Durban, for instance, he started the theory of profit, at our loss, by means of the Northern Federation. At Cape Town he scouted the idea of Separation in the Western districts the glories of a future united South Africa, independent should it choose to be so, were felicitously sketched. At Port Elizabeth, where North Britain is represented with great force, both numerically and influentially, Mr Froude spoke of "Englishmen and Scotchmen"; there too, he ridiculed the poor people of Cape Town, and, without plainly advocating Separation, hinted that it would be a very good thing."⁽¹⁾

This was no exaggeration. In his 1874 visit he had damned the diamond miners in Bloemfontein and praised their initiative in Kimberley.⁽²⁾ In the republics he had vowed that South African independence would come when they could reply to aggressors with shot and shell,⁽³⁾ and in the Eastern Province he had praised the loyalty of the inhabitants.⁽⁴⁾ In his 1875 campaign he had commiserated with the Dutch Westerners on the wrongs done to their republican compatriots, sneered at British negro-philists, and made large promises of future independence.⁽⁵⁾ In the Eastern Province he delighted the British settlers with tales of the glory of Empire, and hinted happily at Separation.⁽⁶⁾

His success was phenomenal. Where before he had declined to speak in Port Elizabeth and Grahamstown on the grounds that they were more interested in Separation than Confederation,⁽⁷⁾ he now cast all discretion to the winds. He even attended a Grahamstown dinner which the Eastern Province Herald openly boasted was "not simply an entertainment in honour of a distinguished guest, but a political demonstration, held with the express purpose of calling out antagonism to the ministry and of

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1. Daily News and General Advertiser, 15.9.1875.
 2. Molteno, Life and times of Molteno, Vol. I, p. 330. GTJ, 24.12.1874, 28.12.1874.
 3. Molteno, Life and times of Molteno, Vol. I, p. 330.
 4. EPH, 19.11.1874.
 5. GTJ, 26.7.1875.
 6. Port Elizabeth Telegraph, 10.9.1875.
 7. P.F. 1876 LII (1399) p. 74. Froude to Carnarvon, 10.1.1876.

turning them out of office."⁽¹⁾ In many parts of the Eastern Province meetings were held, and in the fashion of the time lengthy resolutions were passed. Some historians suggest that their similarity implies organised party effort rather than spontaneous expression.⁽²⁾ This is not unlikely, but it is difficult to prove. Most of the resolutions tended to thank Carnarvon, praise Froude, damn the ministry and plead for separation,⁽³⁾ but this in itself is not sufficient evidence of party co-ordination.

If there was organisation behind the scenes Froude certainly gave no signs of being aware of it, although his conscience did occasionally bother him that his course of action was wrong:

"It would be impossible," he informed the Bayonians, "as a general rule, for any statesman deserving the name to carry on a system of Responsible Government, if emissaries from home were to be allowed to come here when any great question was agitating the public mind, and take part in the opposition to the established ministry of the day."⁽⁴⁾

But under the circumstances he exonerated himself from blame:

"It would be ungenerous - it would be improper almost - for (me) to be tied any longer by the forms of constitutional etiquette."⁽⁵⁾

Merriman's first meeting with Froude took place in Port Elizabeth on the 18th September, 1875. It was some two months after he had joined the ministry, and he was on an official visit to the Eastern Province. His diary recorded the event in a brief but eloquent entry:

"Sunday - Supped at Paterson's with Froude most insolent and confident."⁽⁶⁾

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1. Quoted Argus, 5.10.1875.
 2. Lewsen, The first crisis in Responsible Government, p. 230.
 3. P.P. 1876 LII (1399) pp. 14-15, 22, 23, 24, 37, 44.
 4. Port Elizabeth Telegraph, 10.9.1875.
 5. Argus, 14.9.1875.
 6. Merriman diaries, 18.9.1875.

The two men, it appeared, disliked one another on sight. Four days later they met again at a mayoral luncheon in Uitenhage held to commemorate the opening of the Port Elizabeth-Uitenhage railway line.⁽¹⁾ It is not known how the "incident" started. It may be that Merriman, who as Commissioner of Crown Lands and Public Works was the guest-of-honour, objected to the presence of so controversial an anti-ministerialist, but Froude assures us that he had only accepted the invitation on the understanding that "politics were to be avoided."⁽²⁾ Whatever the case the meeting proved to be one of the most spectacular in Cape political history.

After sundry toasts and speeches the Chairman rose to his feet:

"Now Ladies and Gentlemen, we come to the toast of the day. I require a bumper this time; for the toast is The Government, specially coupled with the name of our honoured guest, Mr Merriman."⁽³⁾

The "bumper" requested was more than forthcoming, for as was subsequently reported, "the toast was drunk amid loud cheers and great noise at the lower end of the room."⁽⁴⁾ After the cheering and noise had subsided, Merriman rose, and was received with "loud cheers from some and disorder from others."⁽⁵⁾

The speech began quietly. Merriman stressed the importance of public works in a young and undeveloped colony like the Cape, and appealed for public support and co-operation in the rapid promotion of the programme. Then, warming to his subject, he deplored the current political agitation which not only embarrassed the ministry and slowed down work, but made it "almost impossible to carry on the Government of the country."⁽⁶⁾

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1. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 27.10.1875. Laurence, p. 24; Walker, Lord de Villiers, p. 128.
 2. P.P. 1876 LII (1399) p. 79 Froude to Carnarvon, 10.1.1875.
 3. Uitenhage Times, 24.9.1875.
 4. Ibid
 5. Ibid
 6. BPH, 23.9.1875.

Bedlam followed. The Chairman rose to plead, cajole and reprimand the crowd:

"I hope we have gentlemen in this room, and that you will allow Mr Merriman to say what he has to say without interruption. I hope you will listen to him; if not, I shall have to take other steps. (laughter and hear, hear).
Mr Merriman: Of an orderly agitation we might not perhaps take any notice, but when it comes to an Imperial agitation set on foot by the Imperial Government, an agitation from abroad, ("no, no," and applause, mingled with hisses and groans). I stand here as the representative of the Government, and I don't intend being muzzled. This is a strange outcome of Responsible Government (renewed uproar). An agitation has been set on foot in this country from abroad (cries of "no, no," "never").

Mr Paterson: No, Never!

The Chairman to Mr Paterson: I am very sorry. A man in your position. I cannot understand it.

Mr Merriman: But I can understand anything done by those who bring forward an imperial agitation against the government (more uproar, cries of "This is not the place to defend the Government," groans and confusion). And it is impossible to carry on the Government in the face of such an agitation. (Cries of "no, no," "yes, yes," and uproar) About this celebrated conference ("Hear, hear," and hisses). When I read the proceedings at public meetings about this conference I see what is said about the action the ministry has taken, the action Parliament has taken, the action which the people of the country as represented by the Parliament ("no, no," applause and uproar). When I read of this (Voices: We don't want to hear any more; quite enough, quite enough; sit down; applause and confusion). I have discovered such things said (laughter and applause, great uproar and cries of "Three cheers for Froude")" (1)

At this stage the chairman once again appealed for order, and declared that "any of the great men" present who differed with Merriman could speak afterwards. If his injunction were not obeyed he would at once vacate the chair. With this threat before them the crowd restrained themselves for a few more minutes. Merriman seized the opportunity to express his belief that the rowdies were not Uitenhage people, and then went ahead to ridicule the conference as an informal and ineffective get-together at which anybody could talk in circles on anything. (2)

Pandemonium followed. The Chairman was seen to be appealing to Paterson in sign language to quell the riot. Eventually Merriman was the first to make himself heard, but if anything his words inflamed the mob further:

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1. Ibid
 2. Ibid

"It is a curious commentary on popular Government, " he declared. "You will only hear one side of the question." (1)

The din now became absolutely overwhelming, and gentlemen were seen getting ladies out of the room. The Chairman, who had in the meantime mouted on to the table, eventually made himself heard by the first two rows:

"Ladies and Gentlemen, I am only sorry I am obliged to leave the chair." (2)

The principal guests thereupon quitted the room "amid a bombardment of rolls," and those who remained behind "amused themselves by creating as much noise and disturbance as they possibly could." (3)

The mob then proceeded to howl for Paterson and Froude, and eventually the former obliged by climbing onto a chair and delivering a tirade against the ministry. Thereupon a Molteno supporter attempted to get an audience, but was howled down and pushed off the chair. Fighting immediately followed - a process which the Uitenhage Times courteously called "vehement gesticulation" - and the luncheon ended in utter chaos. (4)

The repercussions were immediate and far-reaching, for all the issues - constitutional and otherwise - inherent in the Confederation dispute, crystallised firmly into view. The pivotal question was the legality or otherwise of Froude's agitation.

There were two schools of thought. To the ministry it was a flagrant breach both of etiquette and constitutional precedent.

"Ministers would respectfully submit," they informed the Governor in a special cabinet memorandum, "that they, as well as the Right Honourable the Secretary of State for the colonies, are servants of Her Majesty, bound to give advice to Her Majesty's representative in the Colony on all subjects connected with the Colony, without fear, favour or prejudice, even when such advice may be inconsistent with the advice of Her Majesty's advisers in Great Britain.

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1. Ibid
 2. Ibid
 3. Ibid
 4. Uitenhage Times, 24.9.1875.

Under the Constitution which has been conferred on this Colony Ministers are not only the servants of the Crown, but they are the lawful representatives of the people of the Colony and the appointed guardians of the rights conferred by that constitution, which rights they understand to be a freedom to manage their own affairs, subject in certain matters to the interests and general legislation of the Imperial Government. They conceive that it is their bounden duty when those rights are interfered with, by whoever it may be, to bring it to the notice of the Parliament of the Colony, and to enter a solemn protest against the infringement.

Acting in this spirit, they felt constrained to place on record their opinion that the presence in this Colony of a gentleman acting under secret instructions from the Right Honourable the Secretary of State for the Colonies, speaking in the name of the Imperial Government, writing letters conveying the thanks of Her Majesty's Government to the political opponents of the legally-constituted Government in this Colony, and armed with the prestige conferred upon him by his apparently official status, denouncing the conduct of the Ministry at official meetings, was incompatible with the successful administration of the form of Government conferred by the Constitution, detrimental to the peace and well-being of the Colony, and (in the words of Lord Carnarvon's previous despatch) without parallel or precedent in the history of Colonies possessing Responsible Government."(1)

However intricate the convolutions of style the meaning was perfectly clear. Froude and his supporters took a directly opposite view:

"A Colony with or without Responsible Government," he informed Carnarvon in a special despatch, "has no external policy. The Responsible Ministers of the Colony are the constitutional advisers of the Crown for the internal affairs of the Colony, and the Secretary of State has nothing to do with them; but the Secretary of State is the Adviser of the Crown, so far as the Colony is part of the Empire, and stands in relation to other parts of the Empire, or to foreign Powers. If the Secretary of State finds it necessary to address the people and Parliament of the Colony on such subjects, he invites the assistance of the Responsible Ministers in the first instance out of courtesy and convenience. If he appears to be misunderstood or misrepresented by the Ministers, any independent British subject is free to state what he believes to be the truth...."(2)

If your Lordship had a right to address yourself to all the States of South Africa, the Ministers of one Colony could not legitimately prohibit the person whom your Lordship had sent to represent you at the Conference from explaining

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1. P.P. 1876 LII (1631) pp. 12-13 Ministerial Memorandum on the Constitutional position of the Cabinet, 14.3.1876. Cf. also P.P. 1876 LII (1399) pp. 32-33, Ministerial Memorandum, 14.9.1875. Argus, 16.11.1875.
 2. P.P. 1876 LII (1399) p. 66, Froude to Carnarvon, 10.1.1876.

your meaning to the rest. Technically I had no commission which could act as a disqualification. Your Lordship had given me no formal instructions, and you had simply spoken of me in the despatch as intending to return to South Africa, and as having been deputed by you, while in the country, to attend the Conference in your behalf. So long as the Cape Colony refused to take a part in the Conference I held no official position of any kind. If your Lordship had nominated a colonist to represent the Imperial Government at the Conference, it was inconceivable that if the proposal was rejected the fact of your nomination would disqualify such a person from addressing his countrymen on a matter of Imperial interest, and I was unable to see that as a British subject I could be any more disqualified myself."(1)

The two schools of thought had certain things in common. Both agreed on the right of the imperial authorities to control foreign policy and of the Responsible ministry to manage internal affairs. The difference arose in a definition of powers where the two spheres of influence overlapped or came into conflict. The crux of the matter was the status of Froude. To the ministry he was an imperial agent and his agitation, therefore, an imperial agitation. To his supporters he was a private individual and his campaign a local movement.

There can be little doubt as to Froude's official capacity. In spite of all his ingenious denials and explanations, (2) it is clear that he both understood himself to be and acted as Carnarvon's representative. There was admittedly no commission, but he had been nominated as imperial delegate to a conference in South Africa, (3) and Carnarvon had even given instructions (4) that he be allowed to see all official correspondence. It was specious to argue that the refusal of the Cape to participate had cancelled out his nomination as imperial representative at the conference. He was still in Natal when the news arrived

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1. Ibid, pp. 69-70.
 2. P.P. 1876 LII (1399) Froude to Carnarvon, 10.1.1876. P.P. 1876 LII (1631) Froude to Carnarvon, 18.4.1876. Argus, 5.10.1875.
 3. P.P. 1876 LII (1399) Carnarvon to Barkly, 4.5.1875. Carnarvon Papers P.R.O. 30/6/32: Carnarvon to Barkly, 4.5.1875. Hansard, 1875 - Vol. 224, Cols. 923-924.
 4. Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 4.5.1875. Cf. also P.P. 1876 LII (1399) Barkly to Carnarvon, 20.10.1875. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 25.10.1875.

that Carnarvon intended to persevere with his plan irrespective of Cape Support,⁽¹⁾ and it was after that that Froude campaigned in the Eastern Province. There had been no alteration of his appointment, and he was, therefore, still speaking as imperial emissary. If he had occupied himself with non-contentious subjects his claim to be regarded as a private individual could certainly have been upheld, but since he spoke on confederation it was inevitable that his pronouncements were regarded as official. Moreover, on one occasion he himself had thanked a local Mayor for the splendid reception accorded him as "Lord Carnarvon's unworthy representative."⁽²⁾

Given these facts the ministry's attitude was, broadly speaking, correct. In one or two instances, however, they overstated their case. For example, it was erroneous to regard the Governor merely as the representative of the Crown and their advice on internal matters of equal weight with that of the Secretary of State. Although he remained personally responsible to the Crown, all authorities agree that the Governor exercised his trust through the Secretary of State, by whom he was appointed and from whom he received his instructions.⁽³⁾ Theoretically, it was possible for a Governor to overrule the advice of the responsible minister provided he was satisfied that it involved a "breach of the law or..... was contrary to express instructions received from the Crown."⁽⁴⁾ Since in theory the Imperial Parliament still retained all legislative power, and since the authority of the Crown over the Colonies was invested in the Secretary of

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1. P.F. 1876 LII (1399) Carnarvon to Barkly, 15.7.1875.
 2. P.F. 1876 LII (1631) pp. 14-15 Froude to Mayor of Grahamstown 23.9.1875.
 3. Todd, Parliamentary Government in the British Dominions, pp. 31-39. Keith, Responsible Government in the Dominions, Vol. I, p. 209. Jenkyns, British rule and jurisdiction beyond the seas, p. 105 sqq. Evatt, The King and his Dominion Governors, p. 15 sqq.
 4. Todd, Parliamentary Government in the British Dominions, p. 40.

State, it was theoretically conceivable for Carnarvon to have legalised Froude's agitation by giving him prior instructions and a royal commission. This would have been highly unusual, but not illegal. Carnarvon himself, however, repeatedly asserted his anxiety to "respect and support the rights of the Colonies to exercise an uncontrolled discretion in the administration of their internal affairs,"⁽¹⁾ this possibility of legalising Froude's campaign, therefore, lapsed.

All this did not immediately become apparent. Froude was so alarmed by the disorder that had been unleashed that he declined all further invitations to public speaking. To compensate for this, however, he set about exploiting the implications of Merriman's alleged reference to his campaign as an "agitation from abroad":

"The attitude assumed by the Ministry is a very serious one." he wrote to Barkly the following day. "I heard Mr Merriman describe the Imperial Government as a "Foreign Power." So long as we have troops in this country I cannot but be surprised at the employment of such language by a servant of the Crown, and I earnestly hope that Mr Molteno will take an opportunity of disowning it."⁽³⁾

(4)

He followed this up with an official complaint and gave every sign of exploiting the matter to the full. Both Barkly⁽⁵⁾ and Molteno⁽⁶⁾ were seriously alarmed. Since Merriman was speaking as a Cabinet Minister his apparent denial of the imperial link could be construed to have ministerial backing, and, given the temper of the Colonial Office, might possibly result in the withdrawal of British troops as a means of bringing the cabinet to support confederation. Merriman, in reply, gave an "absolute

1. P.P. 1876 LII (1399) Carnarvon to Barkly, 15.7.1875.
Carnarvon Papers - P.R.O. 30/6/32: Carnarvon to Barkly, 4.8.1875. Carnarvon was acting in accordance with a clearly defined imperial policy. As early as 1870 Kimberley had told Barkly that even in the fields of defence and native policy the forthcoming Responsible Government was to have complete autonomy. (P.P. 1871 XLVII (459) Kimberley to Barkly, 17.11.1870. Vide also A.B. Keith, Speeches and Documents on British Colonial Policy, Vol. II, pp. 110-111.
2. P.P. 1876 LII (1399) p. 79 Froude to Carnarvon, 10.1.1876.
3. Merriman Papers 1875-54: Barkly to Molteno, 7.10.1875.
(extract from Froude's letter quoted)
4. C.O. 48/476 Froude to Barkly, 25.9.1875.
5. Merriman Papers, 1875 - 54: Barkly to Molteno, 7.10.1875.
Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 27.10.1875.
6. Molteno Papers: Molteno to Merriman, 9.10.1875.

denial" to the charge, and described Froude's statement as
a "misrepresentation of the most gross kind."⁽¹⁾

"I spoke," he assured the Premier, "of an agitation by an Imperial Agent - meaning Mr Froude - which I stated was causing great embarrassment to the Colonial Government and I have no wish to retract one word of that statement. The Governor good-naturedly hints that the noise might have caused Mr Froude to misunderstand me. This is hardly possible. He was sitting next but one to me and I spoke in a most audible tone. Several fictitious telegrams to the same effect were circulated by certain unscrupulous newspapers, but were contradicted by the more honest journals, as you are probably aware. I think that some explanation and apology is due to me from Mr Froude and with your permission will call on him to make one."⁽²⁾

There is no record of correspondence on the last point, but an examination of available evidence seems to bear out Merriman's protestations. Of the three newspapers that had reporters at the meeting only the Eastern Province Herald⁽³⁾ corroborated Froude's assertions. The Uitenhage Times published a significantly different version of the controversial passage:

"They might if they pleased," it quoted Merriman as saying, "take no notice of it had it been an ordinary agitation, but when it came to an Imperial agitation by an Imperial Agent (no, no, and great uproar)."⁽⁴⁾

The Fort Elizabeth Telegraph reporter heard even less, but in substance it was no different to that of the Uitenhage Times:

"It was," Merriman apparently said, "an imperial agitation promoted by a political emissary from Home (no, no, hisses and confusion during which it was impossible to hear the speaker)."⁽⁵⁾

It may be argued that since Froude was nearer to the speaker than any of the reporters his word can be taken as decisive in deciding between the two versions. But Froude himself was not sure what exactly he had heard. In a private letter to Barkly

1. Merriman Papers, 1875 - 53: Merriman to Molteno, 25.10.1875.
2. Ibid
3. EPH. 23.9.1875.
4. Uitenhage Times, 24.9.1875.
5. Fort Elizabeth Telegraph, 28.9.1875.

he charged Merriman with describing Britain as a "Foreign Power,"⁽¹⁾ and in an official complaint the next day he declared he heard Merriman "denounce the Imperial Government for having set on foot an agitation in the country."⁽²⁾ When taxed on the difference he told Barkly that he was not prepared

"positively to affirm that he himself had heard the words "Foreign Power," though he was told by others that they were used, and that the newspapers had attributed to Mr Merriman a phrase as to "interference from abroad" which in his opinion was much the same thing."⁽³⁾

Since the Eastern Province Herald was the only paper that printed such a version, and since its editorial policy was notoriously pro-Separationist and anti-Ministerial, Merriman's denials can fairly be given greater credence than Froude's assertions.

Finally, and this is probably conclusive, it is known that it was Merriman who drafted the famous cabinet memorandum on the constitutional implications of Froude's agitation.⁽⁴⁾ The document itself is very carefully argued, and, quite apart from other evidence, it is unlikely that its author could have committed so heavy-handed and amateurish a blunder as to describe Great Britain as a Foreign Power. Moreover, Merriman never failed to assert his loyalty to England - provided it did not interfere with internal affairs. Three months before the Uitenhage incident, for example, he assailed Watermeyer for having advanced loyalty to England as sufficient reason in itself for participation in the Conference:

"He hoped," he informed the House, "never to throw off his allegiance to England, but England had entrusted them with certain rights and privileges which having once received, they ought to defend."⁽⁵⁾ Three weeks after the Uitenhage encounter

1. Merriman Papers, 1875 - 54: Barkly to Moltenc, 7.10.1875.
2. C.O. 48/476, Froude to Barkly, 25.9.1875.
3. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 27.10.1875.
4. P.P. 1876 LII (1631) pp. 12.14, Ministerial Memorandum on the Constitutional position of the Cabinet, 14.3.1876. Vide supra pp. Merriman diaries, 27.2.1876.
5. Argus, 15.6.1875.

he told his Dordrecht constituents that he was "second to no one in his loyalty and attachment to England" - he was, in fact, he was proud to say, "an Englishman first and a Colonist afterwards" - but he could not forget the possession of Responsible Government and could, therefore, do no other than claim the right to "conduct and arrange our own affairs."⁽¹⁾

The question whether he was right to have raised these issues at the luncheon is less easily answered. If his object had been to force the withdrawal of Froude from the arena his speech was a success, but it is highly unlikely that this could have been his immediate aim. Froude was not unaware of the ministry's attitude, and Merriman could not have believed that one speech would change his mind. Given the circumstances of the meeting it seems clear that Merriman's speech was both unwise and ill-timed. As a cabinet minister at a non-political function it was his duty to represent the ministry with dignity and decorum. He knew very well that he was in the Eastern Province and that Paterson had brought up Separationist reinforcements from Port Elizabeth to pack the meeting.⁽²⁾ It was unlikely that they would be converted to his point of view, or even, given the heated feelings of the time and the nature of refreshments at the banquet, that they would give him a quiet hearing. The only result of such a speech could be a spectacle that would do credit neither to his commonsense or to his dignity as Cabinet Minister.

Froude's withdrawal did not mean the end of the agitation. The uproar reached such proportions that in the end Barkly felt himself obliged to advise Molteno to recall Parliament for a special session.⁽³⁾

1. CTJ, 13.10.1875.

2. Laurence, p. 24. Lewsen, The first crisis in Responsible Government, p. 230.

3. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 18.9.1875.

"It is more than possible," he informed Carnarvon in a private letter, "that this will lead to the retirement from office of Mr Molteno and his colleagues, and the formation of a Ministry pledged to Confederation." (1)

Everything pointed to a fierce encounter. Molteno announced his intention to "stand or fall" by his views, (2) and in a letter to Barkly assured him that any thought of compromise in the direction of the proposed Conference was "utterly impossible - even should circumstances appear favourable." (3)

Then the tide began to turn. "A slight reaction is perceptible both in East and West," (4) Barkly informed Carnarvon, and Froude himself enquired whether in the circumstances he should leave altogether, since argument hinged more and more on the legality or otherwise of his interference. (5) Two weeks before the commencement of the special session expert opinion began to believe that, although forces were still very evenly matched, the chances of victory lay narrowly with the ministry. (6) When Parliament met on the 10th November there was "no doubt" (7) any more that Molteno would have a majority.

Nevertheless everything pointed to an explosive session. For weeks the newspapers had talked of nothing else, and it was perfectly clear that the Easterners would stop at nothing to carry their point. The cabinet itself was in a relentless mood.

"You can have no idea of the battle I have had to fight with my ministers," a despairing Barkly informed Carnarvon. "They at first proposed to assign as the cause of the early session, - 'the agitation countenanced, if not set on foot by a gentleman supposed to be in the confidence of the Imperial Government,' - and on my protesting against any personal allusion to Mr Froude being put into my mouth, they substituted a paragraph to the effect that 'an agitation seriously affecting the constitutional privileges recently conferred on the Colony had been carried on.'"

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1. Ibid
 2. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 25.9.1875.
 3. Molteno Papers, Molteno to Barkly, 2.10.1875. Carnarvon Papers - P.R.O. 30.6.32: Barkly to Carnarvon, 3.10.1875.
 4. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 25.10.1875.
 5. Ibid.
 6. Ibid.
 7. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 10.11.1875.

I struck this out of the draft likewise, and eventually the words "agitation of questions of the gravest consequence incidentally raised by the proposals for a Conference," were agreed on as a compromise."(1)

Thwarted of the chance to deal the opening blow a wrathful Molteno rushed straight to the heart of the matter with a resolution that bluntly accused the Imperial Government of promoting an unconstitutional agitation in the Colony, and reiterated a refusal to take part in any conference. (2) Barkly lost his temper and threatened to precipitate a constitutional crisis rather than permit a Minister of the Crown to move such a resolution in Parliament. (3) A sullen Molteno eventually tempered his motion to a mild complaint about agitation "in the name of the Imperial Government." (4)

It is not known what Merriman's attitude to all these issues was, but the chances are strong that he agreed with his chief. The night before the opening of the special session the ministerial party met to formulate a common approach in a local hotel. (5) Had he been opposed to the common decision some record of his stand would have been made, but no such evidence can be traced.

Merriman did not play a prominent part in the tumultuous debate that followed. He spoke very late in the day and did not say much. As on the previous occasion he devoted his energies to virulent sarcasm and borderline parliamentary language. (6) It was not a great speech. He advanced no

1. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 10.11.1875.
2. V & P (HA), 10.11.1875. Carnarvon Papers - P.R.O. 30/6/32: (second letter of that date) Molteno, Life and Times of Molteno, Vol. II, pp. 4-6.
3. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 10.11.1875, 16.11.1875.
4. V & P (HA), 12.11.1875. Molteno, Life and Times of Molteno, Vol. II, pp. 4-6.
5. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 10.11.1875. (second letter). Molteno, Life and times of Molteno, Vol. II, p. 4.
6. Argus, 20.11.1875.

arguments of his own nor did he really try to counter those of his opponents. If one were to judge Merriman's acumen on this performance alone a sorry verdict would have to be returned. It was in nearly every sense a disappointing and pointless tirade.

At the height of the conflict Lord Carnarvon's third Confederation despatch was tabled.⁽¹⁾ If the first communication had been ill-timed, this one was disastrous. In the words of Merriman "it completely cut away the ground from under the Opposition."⁽²⁾ The only factor that kept together the strange coalition of Dutch Westerners and English Easterners was their common belief in the desirability of a Conference - the former because it might do justice to the republics, the latter because it might promote Separation.⁽³⁾ With one fell swoop Carnarvon destroyed the bond and the coalition fell asunder.

"It appears to me not improbable," he informed Barkly, "that the great amount of discussion which has been given throughout the Colony to the question of Confederation may be held to have fulfilled most of the purposes of that preliminary Conference which I had originally suggested; and it may be thought as I myself am becoming disposed to think, that the time has arrived when Her Majesty's Government should more specifically explain the general principles upon which they are of opinion that the native policy of the future should be based, and the forms and conditions upon which they conceive that a Confederation might be effectively organised."⁽⁴⁾

The issue was no longer the Conference, but Confederation pure and simple, and the Dutch Westerners swung in once again behind Molteno. A jubilant ministry accepted a motion from Solomon which simply affirmed that since the conference proposal had been abandoned the House was no longer called upon

1. P.P. 1876 LII (1399) Carnarvon to Barkly, 22.10.1875.
2. Argus, 20.11.1875.
3. Supra pp. 71-599.
4. P.P. 1876 LII (1399) Carnarvon to Barkly, 22.10.1875.

to record its objections to the holding of the meeting at that time or "its condemnation of the unconstitutional agitation carried on in this Colony in connection with this question."⁽¹⁾ In order to cement the reconciliation with his Dutch supporters Molteno accepted a further clause offering Cape assistance in the settlement of the Diamond Fields dispute.⁽²⁾ Watching from the Stranger's Gallery a sorely dejected Froude⁽³⁾ had the mortification of seeing an amendment in favour of appointing delegates to the London Conference defeated by 32 votes to 22.⁽⁴⁾

Thereafter the spotlight shifted away from the Colony - first to London and then to the Transvaal. The London Conference was not a success. Carnarvon and Wolseley, chairman and vice-chairman respectively were joined by Froude for Griqualand West and a three-man delegation from Natal.⁽⁵⁾ Brand attended the first sessions but on instructions from his Volksraad, withdrew as soon as Confederation was mentioned.⁽⁶⁾ Molteno, who had arrived too late to assist in a settlement of the diamond fields dispute, refused to appear even as a witness.⁽⁷⁾ Eventually Confederation was never even discussed.

Carnarvon's next move was an attempt to realise his ideal via the Transvaal instead of the Cape. With the cry for colonies becoming more audible everyday in Germany,⁽⁸⁾ and the

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1. V & P, (HA), 23.11.1875.
 2. Ibid
 3. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 25.11.1875.
 4. V & P (HA) 23.11.1875. Argus, 22.11.1875.
 5. Walker, pp. 367-368.
 6. P.P. 1876 LII (1631) p. 47, Brand to Carnarvon, 19.7.1876
 7. Walker, p. 368.
 8. Apprehension of German power and intentions was growing strongly in these years. In his memorandum and notes on colonial affairs Carnarvon came back constantly to this point. In a summary of one of Froude's reports, for example, he noted with obvious alarm that Germans seemed to be streaming into Natal (Carnarvon Papers - P.R.O. 30/6/49 p. 117: Notes on a letter from Froude, 4.10.1874). Ten weeks later, heavily underlined, he recorded Brand's opinion that if "any further violence against Dutch states were attempted Germany would interfere" (Carnarvon Papers - P.R.O. p. 136: Notes on a letter from Froude, 15.12.1874.)

Brussels Conference pointing the way to the coming scramble for Africa, Carnarvon was filled with a sense of urgency. Given the diamonds of Griqualand West and the fine harbour of Port Natal it occurred to him that a link through the Transvaal would create a potentially strong Northern Federation which the recalcitrant Free State and Cape Colony would eventually have to join. To expedite this design a Permissive Federation Act was passed,⁽¹⁾ a new imperialistic High Commissioner was sent to South Africa,⁽²⁾ and the recently knighted Shepstone given a special mandate to annex the Transvaal provided a sufficient number of the inhabitants or the Volksraad desired it.⁽³⁾ On the 12th of April, 1877, the fatal annexation took place, and from then on the storm centre of the country had shifted firmly across the Vaal.

The Cape government took little part in all these events. For a while Separationist sentiment was sustained by hopes of imperial intervention,⁽⁴⁾ but the failure of Paterson's mission to London put paid to that. Thereafter interest evaporated. When Sir Bartle Frere arrived at the end of March 1877 the apathy was such that he reported despairingly of ever being able to arouse informed discussion at the Cape.⁽⁵⁾

During the 1876 session Confederation was only mentioned once when Merriman led the Government team in a short debate on the subject.⁽⁶⁾ The House was half empty and the issue half-dead. According to the unfriendly reporter of the Graham's

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1. Walker, pp 370-372
 2. Carnarvon Papers - P.R.O. 30/6/33: Carnarvon to Frere 11.10.1876, 21.10.1876.
 3. Carnarvon Papers - P.R.O. 30/6/23: Carnarvon to Shepstone 4.10.1876.
 4. P.F. 1876 LII (1631) p. 10, Grahamstown (29.2.1876); pp 18-19, Fort Elizabeth (7.3.1876); p. 25, Somerset East (4.4.1876); p. 25, King William's Town (6.4.1876); p. 27, Port Beaufort (1.5.1876); p. 28, Quagga Flats Farmers Association (1.5.1876); p. 33, Port Alfred (9.5.1876); p. 41, Queen's Town Farmers Conference (8.4.1876); p. 59, Somerset East (1.7.1876); p. 60, Port Elizabeth (30.6.1876); p. 80, Aliwal North, (10.7.1876).
 5. J. Martineau, Life of Sir Bartle Frere, Vol. II, p. 190.
 6. Argus, 13.6.1876, 16.6.1876.

Town Journal he rose to his feet with a "particularly offensive and sneering air."⁽¹⁾ His self-declared object was to bring the House to a "commonsense point of view," but it soon became apparent that neither he nor his audience had their hearts in the matter.⁽²⁾ He repeated the arguments of the first ministerial memorandum and then apologetically resumed his seat after what must have been the most indecisive and insipid speech he ever delivered. The debate limped along for a few hours more and then lamely petered out.

As far as the annexation of the Transvaal was concerned Merriman was reticence itself. The only positive statement that can be traced to him is a letter in the Standard and Mail twenty-two months after the event.⁽³⁾ He denied the allegation that the Molteno ministry had approved of the annexation - in fact he declared its opinion had never been asked or given. His own viewpoint was that the action was impolitic but irrevocable.⁽⁴⁾

In assessing the part Merriman played in the Confederation dispute and the understanding he displayed of the issues involved two factors must be borne in mind - firstly, he was never a key figure in the drama, and secondly, the duties of his office precluded him from taking as full a part as if, for example, he had been the Attorney-General. Decisions were admittedly made by the Cabinet as a whole, but the task of propounding and defending them lay in the first place with the Premier.

Apart from trivial pronouncements Merriman expressed himself significantly on only six occasions on Confederation -

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1. GTJ, 21.6.1876
 2. Ibid
 3. Merriman Papers, 1879 - 20: Merriman to Editor, Cape Standard and Mail, 11.2.1879.
 4. Ibid

three times in the House of Assembly, twice in a joint memorandum with his Cabinet colleagues, and once at a public dinner. He was impressive only in the joint memoranda, and in only one of them is it certain that he was the author.⁽¹⁾ This was a brilliant piece of work - lucid, firm and informative. Of all the things that were written or said throughout the long dispute it was the clearest, shortest and most comprehensive exposition of the ministry's standpoint, and, apart from one or two overstatements of the case, the nearest to a correct interpretation of the constitutional implications.

The question that immediately arises is why the author of such a document could not have done better than produce the poor display he did on the other four occasions. In none of them did he show any real grasp of the problems - whether in relation to the obstacles to Confederation or the constitutional issues raised by the agitation. In the circumstances of the time his original decision to oppose Confederation was probably correct, but if his public pronouncements are to be taken as a guide, he did it for wrong or inadequate reasons. Confederation at that stage was premature, but Merriman made no attempt to distinguish between short and long-term obstacles. As far as the Cape was concerned little could be gained by Confederation at that stage, and much could be jeopardised or lost; the same was not true of the rest of South Africa. However adverse the emotional climate the real facts pointed to the necessity of some form of closer union. As a Colonial Cabinet Minister it was Merriman's duty to place Cape interests first and to oppose Confederation at that stage, but as a statesman it was his duty to point out the interdependence and common interests of

1. P.I. 1875 LII (1631), pp. 12-14.

the five states of South Africa, and while declining to confederate at that stage yet leave the door open for negotiations at a later date.

Equally important, Merriman did not show any understanding of the forces with which Carnarvon had to contend. There is little excuse for this, for English newspapers were regularly delivered at the Cape and could be read at any time in the parliamentary library - albeit a month late. It would certainly have been wrong for Merriman to subordinate Cape interests to imperial designs, but in the constant negotiations that characterised the close relationship between Colony and "Mother-country," understanding of conditions in Great Britain could never be complete enough. Quite apart from strictly local considerations and the desirability of cordial Capetown-London understanding for its own sake, the interdependence of the South African states and the vital interests of the Cape in extra-colonial matters made it imperative that there should be the closest harmony between the Colonial Government and the power that wielded extra-territorial authority. In comparison with the Secretary of State for the Colonies with his multiplicity of commitments and responsibilities all over the globe, Cape cabinet ministers had only England and the hinterland to consider. By understanding the factors that operated in London colonial politicians were better able to choose such arguments and make such proposals as would both serve the interests of their own country and gain the approval of the imperial government. The initial blunders of tact and good judgement were made by Carnarvon, but that was insufficient excuse for the Cape cabinet to reply in kind. The Secretary of State was patently ignorant of political realities in South Africa, but Merriman and his cabinet colleagues were equally uninformed about conditions in England. In a system of divided authority such as operated in the relationship

between Britain and her self-governing colonies, knowledge and forbearance were the only keys to harmonious working. In the Confederation dispute both qualities were conspicuously absent on both sides. Decisions were admittedly made by the cabinet as a whole, but that did not absolve Merriman from certain responsibilities. It is true that he was not a member of the cabinet when the controversial despatch first arrived, but neither as an ordinary M.L.A. nor Minister of the Crown did he appear to make any effort to moderate decisions or soothe emotions. Merriman was right in joining Molteno in denunciation of Froude's agitation, but there can be little doubt that the ministry's stand lacked both diplomacy and dignity. In particular, there can be little defence for Merriman's Uitenhage performance. In the trying circumstances of East-West friction and political opportunism it was only human for Merriman and his colleagues to have acted as they did, but in times of turbulence and tension it is the duty of the statesman either to prevent or rise above the consequences of human frailty. No one in the cabinet succeeded in doing this. Lack of experience and the unusual circumstances of the time go far to provide an explanation; nevertheless, it must be remembered that it is precisely in unusual circumstances that the superior qualities of the statesman manifest themselves. Merriman's comparative inexperience is a mitigating factor, but even allowing for that there is little sign of statesmanship on his part during these months.

Summing up the evidence, Merriman's share in the Confederation dispute cannot be regarded as significant either in the history of the Cape or his personal career. He was admittedly not a key figure but he was a Cabinet Minister at a time of extraordinary excitement and controversy. The dispute is significant in his career not so much for what he did, but for what he did not do. Apart from one brilliant memorandum many

months after the controversy had quietened down, his contribution was unimportant, if not irrelevant. If a statesman is one who can instantly penetrate to the essentials of a problem and by calm demeanour and wise counsel soothe ruffled feelings and extract the best from any situation, then Merriman showed little signs of statesmanship in the Confederation dispute of 1875.

CHAPTER FIVE

"The Great Parliamentarian" (1)

Apart from a few placenames and street-signs in the Western Cape there is little to remind the average man of John X. Merriman. At the time of his death in 1926 leading contemporaries expressed the belief that he would be remembered (2) mainly for his role as Parliamentarian. Six years later his biographer repeated this view, (3) and even today when his achievements are recalled, it is his parliamentary career (4) that is given greatest prominence. It is, however, one (5) thing to evaluate the legal contribution of a Lord de Villiers, (6) (7) (8) the political influence of a Hofmeyr, Jameson or Rhodes, (9) (10) and the impact on native policy of a Solomon or Schreiner ; it is another task entirely to assess so intangible a factor as Merriman's role as Parliamentarian.

In the first place, there is no standard definition of what is meant by Parliamentary greatness. Different countries have different parliamentary systems, different times and circumstances demand different qualities. In the strictly local context neither the 1854 Constitution Ordinance, (11) the 1872 Amendment, (12) or the 1909 South Africa Act (13) provide any definition, even by implication, of the ideal parliamentarian. The only stipulations - minimum attendance and membership qualifications - are stock items in even the most menial club

1. A quotation from the speech of Mr Krige, a former Speaker of the House of Assembly, in a parliamentary tribute to Merriman after his death. (Hansard, 28.1.1927)
2. E.g. Generals Hertzog and Smuts, Colonel Cresswell and Patrick Duncan.
3. Laurence, pp. 327, 413-415.
4. Thomas Boydell, John X. Merriman - A Radio Talk (private copy)
5. Walker, Lord de Villiers, pp. 72-120.
6. Hofmeyr and Reitz, Life of Jan Hendrik Hofmeyr.
7. J. Colvin, The Life of Jameson.
8. B. Williams, Cecil Rhodes
9. Solomon Saul Solomon
10. E.A. Walker, W.P. Schreiner - A South African
11. Eybers, Select Constitutional Documents, pp. 45-55.
12. Ibid, pp. 63-64.
13. Ibid, pp. 517-558.

or society constitution. Fulfilment of them alone in no way indicates parliamentary greatness. Standard South African commentaries such as Kennedy and Schlosberg,⁽¹⁾ or May,⁽²⁾ are no more helpful. Even the closely related British system provides no solution - the encyclopaedic "Treatise on the law, privileges, proceedings, and usage of Parliament"⁽³⁾ supplies information on every point but this.

In the second place, there is no concrete evidence on which to base an assessment. Unlike Burke, Merriman left no organised body of thought on Parliament, no scattered sayings even as did Lincoln. It is not possible to point to any distinctive feature of Parliamentary life in South Africa as his individual legacy. Since he cannot be said to deserve his title even in part, on the grounds of great theoretical contribution or practical innovation, the only remaining basis is a series of intangibles - belief in and maintenance of the parliamentary system in thought and action, knowledge of and transmission to others of parliamentary traditions and procedure, defence of parliamentary rights and privileges, and quality of participation in parliamentary activities.

It is one thing to state the intangibles; another to assess them. All of them rest more on personal example and manner of thinking than any amount of verbal protestation. Since they themselves are intangibles and difficult to detect in print, the historian has to rely on contemporary accounts for the necessary background information. These are neither plentiful nor always reliable, for it is obvious that the only

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1. Kennedy and Schlosberg, The law and custom of the South Constitution.
 2. H.J. May, The South African Constitution. Cf. also R. Kilpin, Parliamentary Procedure in South Africa.
 3. T.E. May, A Treatise on the law, privileges, proceedings and usage of Parliament.

people sufficiently close to politics to pass authoritative judgement are themselves often suspect of partisanship. Almost nothing can be accepted at face value, and almost none of the questions that need to be asked to correct perspective or verify information, can be answered.

Finally, it is obviously inadvisable to judge Merriman on the basis of ten years only out of fifty-five - a period moreover that comprises his parliamentary beginnings. It may indeed be argued that since greatness is not a product of old age - maturity and experience will improve but not create it - an examination of beginnings is all the more necessary and instructive. This is true, but at the same time it is clear that conclusions based on formative years alone can at best corroborate or qualify later findings, not override them. In Merriman's case there is to date no detailed scholarly study of his life, and consequently few certain conclusions against which findings from his formative years can be projected. The conclusions of this chapter can only be considered valid for this period, although they may be used as check-points to the generalisations of less detailed surveys of his career.

It has not been possible to trace any comprehensive statement by Merriman on the nature and functions of Parliament at any stage during these years. According to his biographer, however, he regarded the judgement of Parliament "almost as if it emanated from a personality and a capacity distinct from and superior to that of the aggregate of its members."⁽¹⁾ He hated all things that interfered with the freedom of individual judgement, whether party discipline or lobby intrigue. To his mind they made nonsense of the wisdom of the collective decision -

1. Laurence, p. 327.

"the commonsense of most" - which to him was the major justification for parliamentary institutions.⁽¹⁾ Two things, he believed were necessary for the successful functioning of Parliament - the utmost diligence on the part of individual members and the fullest possible public participation in politics.⁽²⁾ Each member had a sacred duty to attend Parliament as often as possible and to acquire information on every aspect of national life, both by diligent service in committee rooms and by careful and regular reading of government publications and bluebooks.

One of three interpretations can be given to this account. Firstly, since Laurence was both personal friend and executors' choice as biographer,⁽³⁾ it could be argued that he was in a position to speak with authority, and as a former judge his word can be accepted without question. Secondly, it could be maintained that since Laurence was not a trained historian, his allegiances as friend and executors' choice would naturally tend to make him present his subject in the most favourable possible light. Thirdly, it could be held that since there is no direct supporting evidence from these years, Laurence, while possibly speaking the truth, was actually referring to convictions of later years. The second and third interpretations are unlikely - in the one case, because it is difficult to see why a judge of repute should fake a statement of convictions that in itself is commonplace among parliamentarians, and certainly no proof of greatness; in the other case, because there is indirect evidence to prove that Merriman was both thinking and acting along those lines in these years.

1. Ibid.

2. Ibid.

3. Ibid., p.v.

It is not possible to point to any statement by Merriman on the merits of collective parliamentary wisdom, but there are a number of incidents that illustrate his concern at any infringement of the freedom of individual judgement. In the first place, it is significant that Burke was one of his favourite authors - the testimony of his friends,⁽¹⁾ the well-thumbed condition and early purchase date of the volume itself,⁽²⁾ and the frequent quotations from and allusions to the Irishman's pronouncements in his speeches,⁽³⁾ prove this. It has indeed not been possible to trace any direct reference in these years, either in his papers or speeches, to Burke's famous remarks to his Bristol electors in 1774, that in every question brought before the House it was he as member and not they as constituents who would decide which way he would cast his vote.⁽⁴⁾ Cape parliamentary tradition was wholly different,⁽⁵⁾ but there is reason to believe that Merriman stuck as closely as possible to Burke's intentions. Thus, for example, when his Dordrecht constituents passed a vote of no confidence in him for accepting office under Molteno in 1875,⁽⁶⁾ he refused to resign on the grounds that he knew better than they what was good for the country.⁽⁷⁾

1. Ibid, p. 8.

2. E. Burke, Reflections on the Revolution in France - 1871 - Rhodes University Library.

3. Argus, 20.6.1875, 22.7.1876; Laurence, p.8.

4. E. Burke, The Works of the Right Honourable Edmund Burke, Vol. I. To the Electors of Bristol on his being declared by the Sherriffs duly elected one of the representatives in parliament for that city on 3.11.1774. p. 439.

5. Eybers, Select Constitutional Documents, pp. xxxv - xxxvi.

6. P.P. 1876 LII (1399) p. 23 Resolutions of Dordrecht meeting. GTJ, 13.8.1875.

7. GTJ, 13.8.1875, 13.9.1875. Vide also Merriman Papers, 1875 - 56: F.R Southey to John X. Merriman, 11.12.1875.

In the second place, it is striking that he was always one of the first to rise in protest against any attempt from any quarter to intimidate the decisions of the House. The most outstanding examples of this were his quarrels with Proude⁽¹⁾ and Governor Sir Bartle Frere,⁽²⁾ and in later years his break with Schreiner when the latter acquiesced in Chamberberlain's policy of disfranchisement contrary to the feelings of the majority of his supporters in Parliament.⁽³⁾ Even in so minor a matter as the 1875 Vagrancy Bill he rose to flay Solomon for attempting to sway the House with a colony-wide agitation against the measure.

"Members are there," he angrily reminded the M.L.A. for Capetown, "to decide on public questions of their own free judgement, not to be coerced by sectional agitation from whatever source."⁽⁴⁾

The significance of this is only fully perceived when it is realised that he agreed with Solomon in condemning the bill.⁽⁵⁾

A striking omission to modern eyes is any reference to the caucus or party machine. This is not so surprising, however, for in the absence of any clearly defined parties in these years, no caucus could exist. It has only been possible to trace three examples of an embryo caucus structure in the sixties and seventies. The first was the 1861 Port Elizabeth meeting of Eastern members convened by the central committee of the Separation League to organise a united front in favour of the Somerset East Separation Conference boycott resolutions. The second was the meeting in a Capetown club of all members opposed to the Wodehouse "Jamaica" Parliament scheme.⁽⁷⁾ The third was a meeting of government supporters

1. Supra pp 141 sqq.

2. Infra pp. 240 sqq.

3. Laurence, pp 178-181, 327. Walker, Schreiner, pp. 216-218.

4. Argus, 4.5.1875; vide also Argus, 29.6.1871 for a vigorous condemnation of similar agitation in relation to the Contagious Diseases Bill.

5. Argus, 4.5.1875.

6. Sole, The Separation Movement, Vol. II, pp. 213-214.

7. GTJ, 11.8.1869.

summoned by Molteno to formulate common policy towards Confederation in the 1875 special session.⁽¹⁾ The first was a failure, the other two a success; all three were isolated cases, born of emergency and hardly comparable with the steady pressure of the modern parliamentary caucus. All three were also more consultative than coercive, and it is, therefore, not inconsistent with his views that Merriman expressed no objections in public.

As far as his conviction is concerned that the successful functioning of Parliament depends on the twin factors on the part of electors, there is considerable evidence in these years that he practised what he preached.

When he first entered Parliament absenteeism was a major problem - especially on the part of Eastern members.⁽²⁾ Although he himself had as long a journey to Capetown as any member in the Colony, an examination of Votes and Proceedings reveals that he was always one of the first to arrive and one of the last to leave.⁽³⁾ In 1873 two members flabbergasted press and public alike by actually arriving a week early to prepare themselves for the session. One of them was Merriman.⁽⁴⁾

Nor did his attendance during the session leave any reason for complaint. Apart from the objective evidence of voting lists as proof of his presence, there are three incidents that cast an interesting light on his attitude to attendance and fulfilment of duty. Firstly, his action in demanding more evening sittings on the very first day of the 1873 session.⁽⁵⁾ In those years Parliament normally sat for four hours only in the afternoon. Evening sittings were a dreaded last resort

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1. Carnarvon Papers - P.R.O. 30/6/32: Barkly to Carnarvon, 10.11.1875. Molteno, Life and times of Molteno, Vol. II p. 4.
 2. Supra pp. 80-81.
 3. V & P (HA) 1869-1878. Vide also Laurence, pp. 325-326.
 4. GTJ, 25.4.1873; Vide also GTJ, 1.3.1871.
 5. Argus, 26.4.1873. GTJ, 30.4.1873.

only agreed upon at the end of a session when all other methods of clearing the order paper had failed. The cry was immediately raised that since time was only trifled away on these occasions the matter be dropped at once. Merriman replied that members, "like donkeys," needed to get used to innovations. If more evening sittings were provided, they would eventually get used to them, and more work would get done.⁽¹⁾ There are two possible interpretations of this action. On the one hand, it may be argued that Merriman was merely indulging his love for uproar and diversion.⁽²⁾ The unusual date and near insulting manner of presentation, combined with an almost certain prior knowledge of defeat, support this view. On the other hand, it may be argued that since nearly all his proposals were unusually timed and provocatively presented, it is not impossible that he was genuinely in earnest. He had arrived a week early for that session, and while it may have been just his way of bringing this fact to the notice of others, the possibility cannot be excluded that a man who had already developed a reputation for hard work and tactlessness was serious with this proposal.

The second incident was his vehement opposition to a proposal to cancel a certain evening session on account of the rain.

"It was all nonsense to talk about the weather," he informed the House in outraged tones. "If the weather was bad that was the very reason there should be an evening sitting, since members had nowhere else to go."⁽³⁾

In isolation this incident is open to the same doubts and qualifications as the first; taken together the two tend to strengthen the possibility that Merriman was sincere in both - especially when they are seen against the background

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1. Ibid
 2. Supra p. 19 sqq
 3. Argus, 22.7.1871.

of his normal diligence and devotion to duty.

The third incident was his opposition to an adjournment of Parliament on the Queen's birthday.⁽¹⁾ His reasons - there had been too many holidays already and Parliament was not a rest camp. He was overwhelmingly outvoted, and the only result was a considerable personal notoriety and the undivided wrath of the colonial loyalists towards him. It may be that that was all his extrovert nature wished to achieve. Examples of similar behaviour are not lacking.⁽²⁾ On the other hand, it may be that he was merely trying to give the most dramatic expression possible both to his own outraged sense of industry and a colony-wide resentment of the apparent laziness of Parliamentarians.⁽³⁾ The evidence in this case is insufficient to pass final judgement, but when the picture as a whole is considered, there is reason to believe that Merriman was both conscious of the need for hard work in Parliament and above reproach in that respect himself.

His attitude to the apathy and ignorance of the average voter was clearly defined and easily ascertainable in these years. He was convinced that parliamentary institutions could only function properly if they had at their base a politically conscious and enlightened electorate. At that time the prestige of Parliament was at such an ebb that the average voter paid little attention to politics. At the height of the 1872 Responsible Government crisis, for example, the public galleries were crowded with women who used it as a fashion parade.⁽⁴⁾ Their menfolk, the only ones with votes, did not

1. Argus, 1.6.1875.

2. Supra, p. 20 sqq

3. Supra p. 79 sqq. Cf. the cynical indignation of the Graham's Town Journal in 1871: "On Saturday the members, as we may suppose, went into the country and enjoyed themselves. Yesterday they most likely meditated on the vanity of human speeches. Today they are again in the thick of the fight" (GTJ, 5.6.1871).

4. GTJ, 23.5.1872.

even bother to attend, for as the Journal reported with superb contempt "they leave these things, as they leave the Church, to the women."⁽¹⁾

This situation both worried and angered Merriman. In 1870 he supported a half-crown voters registration tax - for no other reason than to make the electorate appreciate its privileges.⁽²⁾ In 1872 he endorsed the House Duty Bill on similar grounds.

"There is nothing like touching peoples pockets," he wryly remarked, "to make them take an interest in Parliament."⁽³⁾

It is doubtful whether the scheme would have worked.⁽⁴⁾ The electorate was notoriously shy of taxes, and apart from incurring its undivided wrath, the proposal was more likely to persuade the average elector to dispense altogether with an unappreciated privilege than to pay for it in future.

More sensible, though still impractical, was Merriman's later proposal for the better reporting of debates.⁽⁵⁾ At that time there was no Hansard, but the major papers such as the Argus and Graham's Town Journal carried fairly full summaries of speeches. Since a Hansard was both financially impossible and unlikely to be read by the general public, Merriman proposed to follow the New Zealand example of combining state needs with commercial interests to promote fuller reporting. The state would subsidize the press gallery and the individual newspapers could then avail themselves of a common copy. In New Zealand this scheme apparently cost as little as £1,200 to £1,400 per annum,⁽⁶⁾ and since it would bring up-to-date

1. Ibid
2. Argus, 5.3.1870
3. Argus, 27.6.1872
4. One observer, speaking of the populations aversion to taxation, declared somewhat picturesquely - "they run from tax-gathers as they run from cobras and puffadders" (Murray, South African Reminiscences, p. 45)
5. Argus, 22.6.1875
6. Ibid, It has not been possible to check his figures.

parliamentary news into every home in the country, Merriman was anxious to see it implemented at the Cape.

On the surface this appeared an excellent scheme, but as Solomon pointed out in reply, conditions at the Cape were very different to those in New Zealand.⁽¹⁾ The figures he quoted as practical printer and publisher put an end to the proposal.⁽²⁾ Merriman should have ascertained these facts in advance, and one point of view would be to censure him for holding up Parliament with a project whose practical application he had himself not fully explored. On the other hand since Parliament often works by producing ideas which Select Committees thereafter thrash out for practical snags, it could be argued that Merriman should be given credit for recognising a problem, and, alone among Parliamentarians, attempting a solution. The latter view is probably the fairer, although there is no valid reason for choosing it.

Belief in the freedom of individual judgement, the necessity for hard work by members and full participation in politics by the public, are all estimable convictions in the parliamentarian, but by themselves do not prove parliamentary greatness. What is more important in assessing the parliamentarian is the wisdom of his freely decided judgements and the nature and quality of his work, both within and out the House.

Merriman served two constituencies⁽³⁾ and one Cabinet⁽⁴⁾ between 1869 and 1878. The safest verdict on these years is that his service to them was often a mixed blessing.

Merriman in Parliament was a strange mixture of opposites - an ever ready defender of its privileges and a resourceful assaillant of its dignity, a staunch protagonist of hard work

1. Ibid.

2. £4,000 - £6,000 (Ibid)

3. Aliwal North (1869-1873) and Wodehouse (1874-1878). (Kilpin, *Romance of a Colonial Parliament*, p. 150)

4. Molteno Ministry, 9.7.1875 - 5.2.1878.

and careful planning and an embarrassing example of reckless utterance and thoughtless behaviour, a big-hearted opponent and difficult colleague. Whatever else could be said of his presence in the House, his fellow-members were never unaware of it. Even when he was silent, he tended to dominate the scene by his restless and unpredictable movements. When he was not causing pandemonium by passing between the Speaker and an orator from the floor, ⁽¹⁾ he was constantly storming around the House, changing seats and dashing off notes. In 1876 a harrassed M.L.A. confided to his constituents that he had "never yet witnessed anything like the restlessness of the Hon. Commissioner." ⁽²⁾ The latter would "first draw himself out like a telescope, then screw himself up into a smaller compass, next sit down and scribble billet-doux without number to various friends, and shortly afterwards be found on the opposite side of the House." ⁽³⁾ He could apparently not keep his hands off his shiny black hat which he dangled and nursed before the fascinated gaze of his fellow-members - and occasionally spectacularly insisted on wearing it in the House. ⁽⁴⁾

But it was when he was speaking that the excitement really began. Merriman on his feet was a delight to his supporters, an exasperation to his opponents - and often an embarrassment to both. It is difficult to decide which of his powers stood him in best or worst stead, but undoubtedly his speaking ability must rank high on the list. Merriman at the top of his form on some constructive subject was a splendid sight, but Merriman in opposition was often negative and sneering, tactless in his utterances and disastrous in his impact.

The explanation for this situation probably lies in three factors. In the first place, Merriman was by nature restless and explosive. Unusually tall with inordinately long legs, he

1. Supra p. 23
2. GTJ, 22.1876
3. Ibid
4. Supra, p. 23.

probably found the confined space of his seat in the House very uncomfortable, and consequently had to shift around a lot. He did not suffer fools gladly, and simply could not restrain himself from verbally lambasting anybody that appeared to fit into that category. To a man of Merriman's temperament, this was the bulk of humanity.

In the second place, he had an obsession about the often indecent decorum of the House. ⁽¹⁾ To him it was a calling and a duty to liven up proceedings. If the definition of a statesman is one who pours oil instead of petrol on troubled waters, then Merriman was no statesman. Apart from deliberately confusing the House with alarms and diversions of his own creation, he joyfully welcomed any foreign "hare" introduced into the Chamber, and jubilantly gave chase for hours. ⁽²⁾ In part he had the support of Speaker Tennant. The latter never tired of reminding the members not to take themselves too seriously, and on several occasions even wrote verse to get his point across. ⁽³⁾ But sometimes Merriman went too far. While admittedly he never stooped to the blind obstruction and drunken frivolity of Colonel Schermbrücker, ⁽⁴⁾ and Dr Tancred, ⁽⁵⁾ he could on occasions be abominably rude. The only thing that can be said in his defence is that he never bore malice for discourtesies flung back at him. "The great beauty of the House of Commons," he informed a despairing De Villiers on one occasion, "was that members received with smiling faces the hardest things which were said of them." ⁽⁶⁾ As long as they were said in open jest or honest rudeness Merriman had no objection, but he hated

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1. Cf. Merriman's complaint in his foreword to Kilpin's The Old Cape House: "The Cape Parliament was always decorous to the verge of dullness" (p.x.) Vide also Kilpin The Romance of a Colonial Parliament, p. 102.
 2. Laurence, p. 328.
 3. Kilpin, The Romance of a Colonial Parliament, p.102.
 4. Kilpin, The Old Cape House, pp. 69, 79.
 5. Kilpin, The Romance of a Colonial Parliament, p. 107.
 5. Kilpin, The Old Cape House, pp. 34-37, 102.
 6. Kilpin, The Romance of a Colonial Parliament, pp. 102-103.
 6. Argus, 19.6.1873.

anything that smacked of malice or intrigue.

"I have made up my mind," he informed his mother at the time of the Cabinet dismissal, "to have no more to do with public life. The amount of low, vulgar and personal abuse which does not stop at one's public acts has given me an utter distaste for an arena where such weapons are the ones in vogue, and I am convinced that it will be many years before the politics of the Cape will be such that a gentleman can either take part in them or have the slightest prospect of doing good."(1)

In the third place, given the apathy of the electorate there was a tendency on the part of members to attract the attention of the press and public galleries with unusual acts and pronouncements. The Cape Standard described the situation very well in a special article:

"Promising young members," it complained, "find themselves nowhere in public estimation. As a rule members are esteemed in proportion to the noise they make in the House. Tell a voter that a member had worked hard to advance public works, to reform the Customs Department, to initiate measures for improving the education system, and you are met at once with the remark - "I have not heard it." Bounce and tall talk are the precious qualities which the unthinking voter admires. He tells you that "the member for Bunkum spoke for 3 hours and a quarter, and completely silenced that incompetent member on the right of the Speaker, who hardly ever opens his mouth, and when he does, does not speak above five minutes." It will be of little use to inform the dissatisfied elector that the member to the right of the Speaker has laboured hard in the Select Committee rooms of the House, where more real work is done in one day than is done in the House for a week, for he knows nothing and cares nothing of Select Committees. He likes to hear all the talents of the House. He is shut out of Select Committee rooms, and finds bluebooks very dull reading. He looks at what is said - not at what is done."(2)

Merriman was both ambitious and realistic, and it is arguable that part, at least, of his eccentricities were designed to arouse public interest in a young member whose abilities and hard work were otherwise in danger of passing unnoticed for many years. In opposition to this view, it could be averred that Merriman's extrovert nature would have manifested itself no matter what the state of public apathy or interest. There

1. Merriman Papers, 1878 - 29: John X. Merriman to Julia Merriman, 26.3.1878.
2. Quoted GTJ, 1.11.1869.

is, unfortunately, no direct evidence on this point anywhere in his papers or speeches from these years, but from the attention he paid to newspaper opinion of himself it is not inconceivable that the former viewpoint is correct.

In assessing Merriman's role as practical parliamentarian, it is necessary to view his career on two levels - his contributions to debate within the Chamber and his work as ordinary M.P.A. and Cabinet Minister outside the House.

Merriman spoke often on a whole variety of subjects. In doing so he was neither unique nor unusual. In a small House without any clearly defined parties or party spokesman, it was inevitable that each member should regard himself as an authority on every subject, and demand to be heard. It was not the variety that was significant, but the content.

Merriman spoke on almost anything and everything - from
 (1) vagrancy to drunkenness, (2) civil service changes (3) to indecent
 (4) dress, (5) railway development (6) to treatment of servants, (7) cotton
 (8) cultivation to constitutional reform. He spoke on immi-
 (9) gration, (10) agriculture and native policy, (11) he examined
 (12) defence and financial arrangements, (13) and gave his views
 (14) on religious endowment and (15) judicial reform.

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1. Argus, 6.5.1875, 19.6.1875.
 2. Argus, 31.5.1873
 3. GTJ, 1.9.1869, 15.5.1872. Argus, 28.8.1869, 9.5.1872, 29.5.1872.
 4. Argus, 18.7.1874.
 5. Argus, 8.5.1873, 23.6.1876. GTJ, 4.6.1875, 9.6.1875
 6. GTJ, 16.7.1869, 19.7.1869, 28.7.1869, 26.4.1875. Argus, 13.7.1869, 24.7.1869, 27.5.1871.
 7. GTJ, 7.2.1870. Argus, 24.3.1870, 30.3.1870.
 8. Vide ch. 2. Vide also GTJ, 2.3.1870, 15.7.1874. Argus, 15.5.1873.
 9. Argus, 25.6.1874, 2.6.1877. GTJ, 8.6.1877, 20.7.1877.
 10. GTJ, 22.4.1870, 6.7.1874, 6.6.1877, 8.6.1877, 15.6.1877. Argus, 16.6.1874, 1.6.1874, 9.6.1877.
 11. GTJ, 27.9.1869, 21.3.1870, 1.5.1871, 21.8.1871, 17.6.1872, 7.5.1873, 9.5.1873, 18.5.1875, 8.6.1875, 11.6.1875, 4.7.1877. Argus, 1.5.1873, 18.6.1874, 11.5.1875.
 12. Argus, 29.7.1869, 23.9.1869, 5.5.1870, 27.6.1872, 29.4.1873, 31.5.1873, 4.8.1874. GTJ, 3.7.1872, 10.8.1874.
 13. Vide Ch. 2.
 14. Argus, 17.3.1870, 20.6.1871, 3.7.1874, 1.6.1875, 6.6.1875, 24.6.1875. GTJ, 30.8.1869, 14.6.1872, 28.6.1872, 7.6.1873
 15. Argus, 1.3.1870, 16.5.1872, 1.6.1875. GTJ, 9.3.1870, 10.7.1874.

The quality of content differed almost as widely as the choice of subject. On occasions his speeches were models of their kind - carefully worded, brilliantly delivered, and soundly based on a thorough assessment of facts and figures. An example of this was his 1873 proposal for better railway construction policy.

Following the revival of the economy and the opening up of important internal markets at the diamond fields, the newly solvent Cape authorities had taken upon themselves the all-important task of forging railway links between the interior and seaboard. Legislation was passed in 1872 whereby all existing privately operated lines were consolidated under state ownership, and all construction of new lines entrusted to state initiative.⁽¹⁾ In a country of such great distances and sparse population as the Cape Colony, this was probably the wisest policy, and very few quarrelled with the overall plan. £780,000 were voted as compensation to the controlling shareholders of the Capetown-Wellington railway company,⁽²⁾ and legislation was passed for the construction of additional lines from Wellington to Worcester,⁽³⁾ and from Zwartkops to Bushman's River,⁽⁴⁾ and for the survey⁽⁵⁾ of a possible further line from East London to Queenstown. The need for speed was self-evident, but when Parliament re-assembled in 1873 nothing had been accomplished beyond the formal take-over of the Capetown-Wellington line on the 1st of January. The immediate reasons: insufficient technical personnel and administrative delay.⁽⁶⁾

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1. De Kock, Economic History of South Africa, pp. 345-346. Theal, Vol. IV, p. 144.
 2. Act 48 of 1872.
 3. Act 51 of 1872.
 4. Act 50 of 1872.
 5. Theal, Vol. IV, p. 144.
 6. P.F. 1874 XLIV (882) Barkly to Kimberley, 26.7.1873.

It could be argued that all energies should be directed to the elimination of such obstacles. Merriman did not deny this, but in his opinion it was fruitless to attempt a solution of short-term problems without considering their place in long-term designs.⁽¹⁾ The crux of the difficulty was that there was no long-term project. What was the use, Merriman asked his fellow members, of "forty miles here and forty miles there, and not knowing where they were going to stop or how much they were going to spend?"⁽²⁾

What he wanted, was, first of all, agreement on a comprehensive railway plan and purchase by the state of the necessary ground. Thereafter the practical short-term problems of railway construction and operation could be tackled. Merriman had a two-tier answer to this. The proposed line should be divided into sections, and each section given to private contractors to complete according to specified and carefully inspected standards. Payment could be made in one of two ways - either by a down payment upon completion of the work in which case the State would operate the rolling-stock, or by a guarantee to underwrite the interest on loans and the option of eventual purchase of the duly completed company-operated line within twenty years. In the former the private company stood to profit by its earnings on construction work, in the latter by the takings of operation and the eventual repayment of construction costs; in both the state stood to profit because private enterprise was known to be cheaper and more efficient. Eventually the State would own all railways, but whereas an all-State scheme could obviously only be completed in stages, a sectional construction scheme could be implemented almost simultaneously.

1. Argus, 8.5.1873.

2. Ibid.

These proposals were by far the most sensible to emerge from all the long debates on railway development, and it was a pity that an oversensitive Molteno sought to brand it as a political move, and eventually secured its rejection.⁽¹⁾ Even Solomon, Merriman's inveterate foe, felt obliged to compliment him, albeit with feigned surprise at his "unexpected calmness and more than usual prudence."⁽²⁾

On some occasions, however, Merriman's speeches did little credit either to his knowledge or commonsense. He had one terrible weapon - sarcasm. Whenever he was unsure of his ground or weak in argument, he would resort to ridicule and abuse. He would heap his sarcasm on the heads of his opponents and hurl his jibes like vitriol through the Chamber. At times he was outrageous as in the notorious Masters and Servants debate,⁽³⁾ at times merely fatuous as in his advocacy of magistrates without legal training,⁽⁴⁾ but at times he could be sardonically clever in his mockery of others. An example of this was the studied consideration he gave in 1874 to Sprigg's hardy annual on indecent dress.⁽⁵⁾ The somewhat dour Leader of the Border had long been concerned about the effects on young minds of the near nudity of tribal natives. Merriman greeted the motion with his most thoughtful look, and launched into an examination of Athenian clothing. Having established the fact that the Greek cloak was similar to the Kafir blanket both in fastening and degree of exposure, he involuntarily found himself involved in a syllogism from which the Kafir inevitably emerged as a "fine, stalwart, noble creature." He thereupon sat down in mock bewilderment, and the motion was thrown out.

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1. Ibid
 2. Ibid
 3. Supra pp. 19-25.
 4. GTJ, 15.5.1872.
 5. Argus, 18.7.1874
 6. Ibid

As Cabinet Minister Merriman tended to limit his range of subject, but not his indiscretions. Since the duties of his department were more administrative than legislative, his participation in debate tended to concentrate on the everyday affairs of Crown Lands and Public Works. He was still a formidable opponent, by far the best speaker in the Cabinet, and it is not surprising that on important occasions such as the dismissal debate in 1878, it was he who led the attack.⁽¹⁾

But his lapses from grace were often a serious embarrassment to his colleagues. Merriman could not abide fools, and his political opponents were not slow to realise that an angry Merriman was his own worst enemy. Since his definition of fools tended to embrace nearly all humanity, it was not difficult to work him into a state of self-destructive dudgeon. Paterson was the doyen of them all at this. There was no item too small or insignificant, but he would seize upon it and gleefully belabour the already irascible Commissioner.

"It is funny," reported the Journal, to see him irritate Mr Merriman with a sardonic smile, and then to hear that Minister go off into one of his tantrums. The Commissioner has an air with him when he is speaking, as if he had the supreme contempt for everybody in the House. You can fancy his saying, "Just for this once I will condescend to tell you my opinion, and if you are such donkeys as not to recognise in my speech the utterances of a heaven-born Minister, I really cannot be responsible for your dullness." In replying to the simplest and most courteous question, he springs to his feet with all the air of resenting an indignity, and gives the information required in a manner as much as to say, "You ought to have known it yourself, without bothering me; but there, I'll forgive you this time, only don't do it again."⁽²⁾

The Journal was not exactly pro-Ministry, and by itself this report could possibly be dismissed as unjustifiable exaggeration. There is, however, other supporting evidence, and the picture emerges of a Minister whose dignity was not always commensurate with his position.

1. Argus, 25.5.1878.

2. GTJ, 24.5.1876; Vide also 7.1.1875, 12.6.1876, 9.7.1877.

Perhaps the best illustration of this point was the occasion a cabinet colleague had to apologise to the Legislative Council for a breach of good manners on his part.⁽¹⁾ It was just after that body had passed a vote of censure on the Governor's opening speech to the 1875 Special session on Confederation.⁽²⁾ Merriman had never had a high regard for the second chamber, and in 1870 had gained considerable notoriety by likening its "holy calm" to "dry rot."⁽³⁾ Since then he had been a prominent advocate of its abolition.⁽⁴⁾ The insult of a vote of censure was too much for him, and when he was entrusted with delivering some documents to the Council he expressed his feelings by stalking haughtily into the Chamber, hurling them helter-skelter across the table, and storming out as if he had encountered a bad smell.⁽⁵⁾ This was inexcusable, and the Councillors did not cease their chorus of complaint until a colleague apologised for his behaviour.

An assessment of his role as M.L.A. and Cabinet Minister outside the debating Chamber is very much more difficult. Whereas his contribution to debates can be fairly well gauged from newspaper reports and contemporary accounts, his services outside are naturally largely unrecorded. There are, for example, no Cabinet minutes, and very few records of lobby conversations. Apart from one letter on the prospects of re-election for Dordrecht,⁽⁶⁾ nothing has survived from the correspondence that must have taken place between Merriman and his constituents. The only bases for assessment are Select Committee minutes, departmental records, contemporary

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1. GTJ, 26.11.1875.
 2. V & P (LC), 12.11.1875
 3. Supra p. 22
 4. Argus, 15.5.1873; GTJ, 15.7.1874.
 5. GTJ, 26.11.1875
 6. Merriman Papers, 1875 - 56: F.R. Southey to John X. Merriman, 11.12.1875.

opinions and gleanings between the lines from speeches and debate.

It is impossible to say very much about his services to his constituents. In later years, as member for Victoria West, he developed an enviable reputation for regular visits to his constituency and careful attention to the wants of its inhabitants.⁽¹⁾ There is no evidence to suggest that the same applied to Aliwal North and Wodehouse, but equally well there is no evidence to suggest that it did not. A careful scrutiny of his private papers and the personalia columns of local journals reveals nothing, but then the former are mere remnants and the latter often incomplete or badly scarred. The only genuine lead is probably the trouble he took over the claims of certain Poor White squatters to the Waschbank lands.⁽²⁾

This stretch of territory on the Eastern fringe of his Aliwal constituency had long been occupied by Whites but had no title deeds, de jure it was Crown land, but de facto the squatters continued in possession. All went well until the government announced its intention to lease or sell the lands, and since by law this had to be done by public auction, there was a strong chance that the squatters would be "dispossessed." In view of the petty value of the land as compared with the amount of human hardship likely to ensue from sale or lease to others, a sensible solution seemed to be to confirm the squatters in possession. Parliament was unlikely to take this view, however, since it created a possibly embarrassing precedent.

Merriman played his cards with consummate skill. He chose a drowsy August afternoon, and presented his case with so much vigour that the harrassed members present eventually sought refuge in the appointment of a Select Committee.⁽³⁾

1. E. Rosenthal, One Hundred Years of Victoria West, p. 25.

2. Argus, 19.8.1869.

3. Ibid. It was possibly experiences like this that led Merri-
man to complain in later years about the Cape parliaments
"inordinate ... fondness for shuffling off awkward ques-
tions to interminable investigations of commissions."
(Kilpin. The Old Cape House. n.r.)

(1)
Merriman served on that body, and so deluged its members
with words that in self-defence they conceded his point. (2)

An examination of Annexures to Votes and Proceedings reveals that Merriman did a great deal of worthwhile work on committees. Altogether he served on 32 such bodies in these years. They ranged from the absolutely trivial such as the Katberg road (3) and Orange River Bridge Bill, (4) to the very important, such as railways. (5) Judging from the attendance registers at the start of each day(s) meeting and the quality of questions recorded in the minutes of evidence, he served them both dutifully and intelligently. In some cases it was he who was responsible both for their appointment and success.

Perhaps the best example of this was the Committee on Cotton Cultivation. When Merriman first entered Parliament the depression had reached such a point that many colonists were desperately experimenting with foreign crops in the hope of finding something that would unlock the door to economic recovery. (6) For a while cotton looked encouraging, especially on the coastlands of Kaffraria, but there were still many teething problems that needed to be overcome. Sensing a possible saviour for the colony, Merriman made cotton cultivation his cause, and waged a one-man campaign to get an economy-conscious parliament to subsidize the importation of seed, the distribution of prizes, and the collection and publication of all relevant information in English, Dutch, German and Kafir. (7) He so impressed the House that a Select Committee was appointed (8) and eventually in the midst of retrenchment £500 were voted to implement his scheme. (9) Four

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1. V & P. A.8 - 1869.
 2. Ibid Act 34 of 1870
 3. V & P A.17 - 1877.
 4. V & P A.8 - 1871
 5. V & P A.9 - 1875; A.12 - 1877.
 6. Supra. p. 48.
 7. GPJ, 7.2.1870. V & P (HA) 3.2.1870
 8. V & P A.2 - 1870
 9. V & P (HA) 14.3.1870.

months later the first big diamond discoveries were made and with the revival of the economy the need for cotton experimentation disappeared. Nevertheless, Merriman must be given credit for what in other circumstances might have been a highly successful scheme.

It was as Commissioner for Crown Lands and Public Works, however, that he did his most constructive work. His appointment came as a surprise to most people, and indeed still presents one of the most tantalising question marks of his career. From the very beginning Merriman and Molteno had been bitter (1) foes on all major issues. The return of prosperity and the grant of Responsible Government did nothing to soothe their animosity, and both in 1873 and 1874 observers remarked with amazement at the intensity of hostility between the two men. (2)

Neither the Merriman nor Molteno Papers cast any light on the reasons for a thaw, but a close examination of the only other record of their relationship, parliamentary debates, leads one to suspect a rapprochement^e somewhere in the middle of June, 1874. On the 23rd Merriman made a speech on immigration policy in which he sketched the dangers of racial friction resulting from open competition between unskilled European immigrants and local native labour. (3) Rather than suffer that, he proposed the utilisation of immigration subsidies for native technical advancement. This was a complete change for a member who for five years before had pleaded for greater bloodthirstiness on the part of magistrates. (4) Both press and parliament were amazed, (5) and eventually the Prime Minister rose to comment. Where before he would have leaped

1. Vide Chapters 2 and 3.

2. GTS, 7.5.1873, 16.5.1873, 1.7.1874, 17.7.1874.

3. Argus, 23.6.1874.

4. Supra, p. 20.

5. Argus, 23.6.1874.

to pour scorn and derision on Merriman's head, now he contented himself with a caustic leg-pull. The advantages of Responsible Government to his mind had never been better displayed.

"When he (Merriman) first entered the House, he was most desperate against the Kaffirs; and said they were fit for nothing else than to be kicked like dogs. But his education in the House and the good company he had met with had worked beneficially, and now he was entirely changed." (1)

Thereafter Merriman tended to support the ministry on both major and minor matters - from the Langalibalele⁽²⁾ and Confederation disputes⁽³⁾ to the question of a Kowie-Grahamstown railway link.⁽⁴⁾ However trivial the latter issue at first sight, support for the ministry's viewpoint appears strangely significant on close examination. On the 25th May, 1875, the Argus reported Merriman in strong support of the line, "The advantages of which he had over and over again impressed upon the House."⁽⁵⁾ Nine days later he joined Molteno in condemning the project. According to the press gallery, the Prime Minister⁽⁶⁾ was surprised and "delighted" by this unexpected support. A month later Merriman assumed office in the Molteno cabinet.

It would be unwarrantable to draw a link between the two events but certainly some very puzzling problems remain. Unfortunately, neither the private papers nor biographies of the two men cast any light on the events of these weeks.⁽⁷⁾ It is not known what made Merriman change his mind on the Kowie line, nor what factors induced Molteno to extend and Merriman to accept an offer to join the cabinet. Merriman's only recorded statement on the matter was an address to his Dordrecht constituents three months later.⁽⁸⁾ He defended himself on two

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1. Argus, 25.6.1874.
 2. Argus, 11.5.1875; GTJ, 18.5.1875
 3. Vide Ch. 4.
 4. GTJ, 9.6.1875.
 5. Argus, 25.5.1875.
 6. GTJ, 9.6.1875.
 7. Laurence, p. 22. Molteno, Life and times of Molteno, Vol. II, pp. 88-89.
 8. GTJ, 13.10.1875.

grounds. Firstly, in the absence of clearly defined parties there was no formal opposition that he could be accused of deserting, and since he had both consulted and obtained the approval of his parliamentary associates he felt himself entitled to peace on this point. Secondly, the major policies of the ministry had won his support, and since he felt an acceptance to be in the best interests of the country, he had done his duty accordingly.

On the surface these reasons appear sound, but close examination leads one to doubt whether they were indeed the real ones. In denying the existence of formal party structures Merriman undoubtedly had a point, but in claiming the support of his parliamentary associates there is legitimate room for doubt. It may be that some of his correspondence got mislaid, but the fact remains that the letters from his most influential colleagues, Paterson and Sprigg, show neither prior knowledge or approval of his plans.

"My dear Merriman," the former began somewhat caustically, "I began your name without honourable before it. Excuse the omission. I suppose I must congratulate you, although I partly doubt it. I was perhaps more anxious than any friend you have to see you in office for two reasons. 1st because I think you will make an able minister and render the country good service, and 2nd, because I like you, but this latter is a bad reason and I will not dwell on it. But notwithstanding all this, I think you have committed a serious mistake for yourself in accepting office from Molteno."(1)

Sprigg was less complimentary, and even more ironic.

"I am afraid you have made a mistake," he began very bluntly, "... but every man must be the judge of his own interest in these things. I hope that you will be able to render the country some service and that responsibility may tone you down a bit."(2)

In claiming conversion to government policy Merriman was apparently stating a fact, but neither that nor his strict adherence to Burke's dictum on individual judgement explain

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1. Merriman Papers 1875 - 41: John Paterson to John X. Merriman, 31.7.1875.
 2. Merriman Papers 1875 - 43: J. G. Sprigg to John X. Merriman, 13.8.1875.

the reasons for a change of mind. The truth probably lies nearer ambition than principle. Shortly after his dismissal he made an interesting admission to his mother in this regard

"I had hoped," he told her, "that my services would have given me a claim on the Imperial Government for employment either as a Colonial Secretary or a minor Governor, and once on the ladder, I might have gone as far as Sir A. Musgrove who began in the same way."⁽¹⁾

Finally, although there is no direct evidence to prove this, it is not inconceivable that the prospect of financial improvement could have played a part. To a newly married man of Merriman's meagre financial means an increase from £50⁽²⁾ plus travelling allowance⁽³⁾ to £1,000 a year must have been an important consideration.

Whatever the case his acceptance of office proved to be both an asset to the ministry and a service to the country. Although the youngest member, both in age and experience, his department was second only to that of the Colonial Secretary⁽⁴⁾ in scope and complexity. It had been created at the time of⁽⁵⁾ the grant of Responsible Government, and in terms of a⁽⁶⁾ Government notice dated 16th December, 1872, its duties included Crown Lands and Forests, Roads, Bridges, Harbour Works, Jetties, Public Buildings, Light Houses, Railway Works, Telegraphs and Public Stores. Its organisation was in a most lamentable state, for whatever else might be said for his predecessor, Charles Abercrombie Smith, administrative skill was not one of his strong points. Departmental machinery had become clogged by an overzealous concentration of authority in the Commissioner's hands. An extreme example of this was the rule

1. Merriman Papers 1878 - 29: John X. Merriman to Julia Merriman, 26.3.1878.
2. Supra, p. 83.
3. P.F. 1873 LXIX (732) p. 74.
4. P.J. Venter, Administration of the Cape of Good Hope, 1806-1910, pp. 8, 17. Fryer, The Executive Government of the Cape of Good Hope, 1825-1854, pp. 109-136.
5. Act I of 1872. Venter, Administration of the Cape of Good Hope, 1806-1910, pp. 17, 157.
6. Government Gazette, 16.12.1872.

that no one could go on sick leave without his express permission. The original intention had probably been praiseworthy, for absenteeism had become a major problem, but the matter had got completely out of hand. On one occasion, while still a private member, Merriman had come across two sick-looking navvies at the door of Government House, both of whom were waiting for the Commissioner of Crown Lands and Public Works to emerge from a cabinet meeting to grant them sick leave. ⁽¹⁾

Merriman began his tour of office on a characteristically brisk note. His first step was a rapid tour of the Colony to make himself acquainted with all the workings of his department. ⁽²⁾ He inspected installations, met senior officials, scolded lagging clerks, and interviewed deputations of citizens at an almost unseemly pace. ⁽³⁾ Upon his return to Capetown he set about the task of re-organisation. At that time his ministerial division consisted of four distinct departments - Public Works, Surveyor-General's Office, Railways and Telegraphs - together with a number of miscellaneous commitments, such as irrigation, and forestry, not yet grouped into departments. ⁽⁴⁾ ⁽⁵⁾ The Public Works Department and Surveyor-General's Office ⁽⁶⁾ were entities of long standing, reasonably well organised with an individual Head of Department; others ⁽⁷⁾ ⁽⁸⁾ ⁽⁹⁾ such as the Railway Department, irrigation and forestry were not. All of them, however, were grouped directly under the Commissioner who embodied in his person the dual functions of Cabinet Minister and Head of the Administration. There

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1. Argus, 1.6.1875.
 2. GTJ, 27.9.1875.
 3. EPH, 29.9.1875.
 4. Venter, Administration of the Cape of Good Hope, 1806-1910, p. 157.
 5. Ibid, p. 162 sqq.
 6. Ibid, p. 82 sqq.
 7. Ibid, pp. 178-182.
 8. Ibid, pp. 170-171
 9. Ibid, pp. 68-69.

was a Chief Clerk, but under Smith's scheme of things his duties were more secretarial than administrative.⁽¹⁾

The two changes most immediately necessary were the appointment of a permanent central authority to co-ordinate the administration, and the creation of individual departments for the as yet unclassified sections. Thereafter, the whole structure could be galvanised into efficiency from the top.

This, in fact, was Merriman's approach.⁽²⁾ The Chief Clerk, a Mr C.B.Elliott, was made Assistant-Commissioner with the duties of permanent Head of Administration.⁽³⁾ The "loose ends" were tied together; on the one hand, in the Hydraulic Works and Irrigation department,⁽⁴⁾ and on the other hand, in the Crown Forests and Plantations division.⁽⁵⁾ Such was the success of the re-grouping that in January, 1876, the immigration department was added to Crown Lands and Public Works,⁽⁶⁾ and Merriman found himself at the head of seven distinct divisions.⁽⁷⁾

In assessing Merriman the administrator three things must be borne in mind - his lack of previous experience, his comparatively short term of office, and the dislocation of the Gaika-Galeka war. Before becoming Commissioner he had managed nothing more complex than a one-man liquor store, and that had been a failure.⁽⁸⁾ He was in office altogether for only thirty-one months,⁽⁹⁾ six of which were entirely absorbed by the day-to-day conduct of the Ninth Kafir War.⁽¹⁰⁾

Given these facts, his achievements must be described as considerable. Merriman was no mere figurehead. Both the testimony of contemporaries and the internal evidence of debates show that he was fully acquainted with the workings of

1. Ibid, p. 157
2. Vide Appendix J for a diagram illustrating the structure of the department.
3. Venter, Administration of the Cape of Good Hope, 1806-1910, p. 157.
4. Ibid, p. 170
5. Ibid, p. 69
6. Government Gazette, 3.1.1876.
7. Vide Appendix J.
8. Supra, p. 14.
9. 9.7.1875 - 5.2.1878.
10. Infra, pp.240 sqq.

(1)
 of his department. Day after day he would rise to provide information on an astonishing assortment of subjects. His prepared answers at question time were possibly the work of a clerk, but his impromptu replies to questions raised in debate were clearly his own. Among others, he provided information on subjects as divergent as the gun trade, harbour development, techniques of bridge building, chinese coolie importation, forestry, promotion, protection of bees, railway construction costs and telegraph fees. (2)
 More important he succeeded in inculcating a similar spirit among his subordinates. Even his political opponents were forced to concede that the improvements in his department were marked, and that their queries now met with "prompt and intelligent" (3)
 attention.

Although unsuccessful with money in private life, Merriman proved himself strikingly competent in managing the finances of his department. Where before the discrepancies between estimated and actual revenue and expenditure had often been a cause for concern, under Merriman's stern control Crown Lands and Public Works became a model department. He had a hawk-like eye for unnecessary or unauthorised expenditure,

1. Merriman himself provided an interesting sidelight on his attitude to work in a letter to his mother shortly after the cabinet dismissal of 1878. "I need not tell you," he assured her, "that I feel my enforced idleness very keenly. Rest to me is most distasteful and means ennui. In fact when one gets to a certain time of life, I don't see what pleasure there is except in hard work and physical exercise. And I did like my work so much that it is hard to give it up in a moment. Just at present I feel that nothing would induce me to go in for political work again. These wrenches must induce callousness, though the actual work is charming." (Merriman Papers, 1878-23: John X. Merriman to Julia Merriman, 25.2.1878)
2. Argus, 16.5.1876; 23.5.1876, 25.5.1876, 6.6.1876, 10.6.1876, 17.6.1876, 24.6.1876, 29.6.1876. GTJ, 22.5.1876, 24.5.1876, 29.5.1876, 7.6.1876, 14.6.1876, 16.6.1876, 3.7.1876, 5.7.1876.
3. Blaine, the M.L.A. for King William's Town, in an address to his constituents (GTJ, 2.2.1876).

and would not rest until the matter had been put right. Even as a private member he was quite capable of stalling all debate until he had gained his point, as for example, the celebrated occasion he joined Sprigg in censuring the government for creating the post of Inspector-General of Chests without prior parliamentary sanction.⁽¹⁾ As Minister of the Crown he was even more vigilant, the best example being perhaps the part he played in debunking the fraud of the new Houses of Parliament.

As early as 1859 there had been talk of new Parliament Buildings.⁽²⁾ The existing facilities were wholly inadequate, and members were increasingly sensitive both to their own discomfort and the rude remarks of visitors about "pig-sty places in which discussions are held."⁽³⁾ Unfortunately for all, drought and depression intervened, and any prospect of alleviation had to be indefinitely postponed. This did not silence the complaints,⁽⁴⁾ but it was only in the eighteenth-seventies that the revival of the economy made it possible, and the newly acquired dignity of responsible institutions essential, to resume planning.

In December, 1873, a notice appeared in the Government Gazette inviting entries to a competition worth 500 guineas for the best design of a new Parliament Building.⁽⁵⁾ Exact specifications were given, and the stipulation made that the construction costs were not to exceed £40,000.⁽⁶⁾ Altogether seven entries were received,⁽⁷⁾ and after prolonged discussion,

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1. GTJ, 31.7.1874.
 2. Kilpin, The Old Cape House, p. 55.
 3. Ibid.
 4. Merriman himself was very dissatisfied with the accommodation. On one occasion he pleaded the cause of a parliamentary smoking-room, (GTJ, 21.6.1872); and on another occasion he demanded better ventilation since the atmosphere of the House was "perfectly pestilential" (Argus, 1.6.1872.).
 5. Government Gazette, 2.12.1873.
 6. V & P, C.2 - 1874, p. 2
 7. V & P, C.2 - 1874, p. 14, Appendix C.

the inevitable Select Committee decided on "Spes Bona,"
 the design of one Charles Freeman.⁽¹⁾ He was appointed
 Resident Architect,⁽²⁾ and in due course in June 1875 the
 foundation stone was laid amid more pomp and palaver than
 the Cape had ever witnessed.⁽³⁾

Very soon, however, difficulties began to emerge. The
 foundations had to be sunk deeper than planned and special
 installations had to be built for drainage.⁽⁴⁾ Reading through
 the relevant correspondence it is difficult to understand
 how it could have taken so long for the discrepancies in
 estimates to be discovered,⁽⁵⁾ but the explanation probably
 lies in the division of authority between the Chief Inspector
 of Works, the parliamentary building committee, and the
 Resident Architect. The blame for this rests four-square
 with Smith, Merriman's predecessor in office. The letter
 of appointment of the building committee, for example, merely
 states that the Government "deems it unnecessary" to define
 the scope of its activities.⁽⁶⁾

When Merriman assumed office in July, 1875, the most
 obvious requirement was more efficient organisation and
 greater speed in construction. One of his first actions,
 therefore, was to put Freeman in sole charge of the project
 and to make the Chief Inspector of Works and the Building
 Committee advisers rather than executives.⁽⁷⁾

For the time being finance was not an issue. None of
 the estimates submitted by Freeman at the time of the competition
 exceeded £50,000,⁽⁸⁾ and even as late as the end of April, 1875,

1. V & P, C.6 - 1876, p. 8.
2. V & P, C.6 - 1876, p. 45.
3. V & P, C.6 - 1876, pp. 18-24, 41. Kilpin, The Old Cape House, p. 55. Carnarvon Papers - RR.O. 30/6/32: Barkly to Carnarvon, 22.5.1875. Argus, 13.5.1875, 15.5.1875.
4. Kilpin, The Old Cape House, p. 56.
5. V & P, C.6 - 1876, pp. 25-73.
6. V & P, C.6 - 1876, p. 36.
7. V & P, C.6 - 1876, p. 55.
8. V & P, C.6 - 1876, pp. 69-72.

the Chief Inspector of Works assured the authorities that the only major addition to the original vote of £45,000 would be the sum required to face the structure with stone. ⁽¹⁾ On the 10th of June, 1875, the same official informed the Commissioner that the official estimate for the additional stone dressing was £27,500. ⁽²⁾

Then came the bombshell. Freeman submitted revised estimates totalling £114,000 exclusive of any provision for stone facing. ⁽³⁾ His reasons were two-fold. Firstly, his original estimates, he declared, were for a "good, plain building," not the palatial edifice subsequent modifications sought to erect. ⁽⁴⁾ Secondly, his estimates were based on English cost structure and various alterations had become necessary to provide for Cape prices. ⁽⁵⁾

Neither reason held water. The description submitted together with the original design had been quite uninhibited in its promises of future splendour. For example, it had spoken in near ecstatic terms of the "mellow and grateful" light that would bathe the chamber from the high arches of the dome. ⁽⁶⁾ Moreover, the total cost of proposed changes came to only £13,000 ⁽⁷⁾ - an estimate in which Freeman had concurred at the time. ⁽⁸⁾ The total net increase in cost of £56,000 was attributed to the differences in price between the Cape and England.

1. V & P, C.6 - 1876, p. 44. Argus, 29.4.1875. "Spes Bona" had envisaged stucco or cement, but both the Select Committee and the Building Committee had recommended stone facing, and this had been ratified by Parliament. (Ibid)
2. V & P, C.6 - 1876, p. 50.
3. Argus, 20.5.1876, 30.5.1876.
4. Ibid
5. Ibid
6. V & P, C.6 - 1876, p. 65.
7. V & P, C.6 - 1876, pp. 44, 50. The additions included conversion of the basement for office accommodation, installation of extra toilet facilities, and raising of the dome.
8. V & P, C.6 - 1876, pp. 44, 51.

An examination of price indices shows significant differences in building costs, but not enough to warrant an almost 100 per cent increase in estimates, ⁽¹⁾ let alone the raising of individual items such as the front door from £22 to \$45. ⁽²⁾

It was clear that there had been grave mismanagement, and Merriman unhesitatingly fired Freeman and ordered the cessation of all work. ⁽³⁾ Rather than follow the time-honoured procedure of hiding departmental blunders and approaching Parliament from time to time for supplementary monies, he put all his cards on the table and asked the House for advice. ⁽⁴⁾ The inevitable Select Committee was appointed, ⁽⁵⁾ the "Spes Bona" design was abandoned, and after a long period of doubt and delay a wholly different and less commodious structure, the present Parliamentary Buildings were agreed upon as suitable for the Colony. ⁽⁶⁾ In spite of the fact that they were far less ambitious in scale and design the final reckoning in 1884 was £220,000 ⁽⁷⁾ - a conclusive justification of Merriman's alertness and open-hearted honesty eight years before.

Although less dramatic and possibly less significant since he was not the responsible Minister but merely an opposition M.L.A., the 1871 graving dock dispute provides interesting corroboration for this conclusion. It had been proposed to build a graving dock in Table Bay - the total estimated cost of £60,000 to be borne equally by the Royal Navy and the Cape Colony. ⁽³⁾ Merriman was loath to oppose so significant an

1. Item per cubic yard	England	Cape	Percentage Increase
Excavation	2 7	2 9	6.45
Concrete	7 6	17 0	126.6
Stone in walls	1 0 3	1 5 0	25.0
Brickwork	1 3 0	1 10 0	30.4
Roofing per sq. foot	6 0 0	9 0 0	50.0

(V & P, C.6 - 1876, p. 73.) The basis of calculation adopted by Freeman was 6½d. per cubic foot of building, which was obviously inadequate when it was remembered that the British Museum under more favourable conditions had cost 1/6 per cubic foot (Argus, 20.5.1876).

2. Ibid
3. V & P, C.6 - 1876, p. 63.
4. Argus, 20.5.1876.
5. V & P, A. 4 - 1876
6. Kilpin, The Old Cape House, p. 58.
7. Ibid
8. Argus, 1.8.1871.

addition to the harbour facilities of the country, but he was by no means certain of the validity of the estimates. His own calculations amounted to £180,000, and since an initial expenditure of £30,000 would commit the Colony to the completion of the project, he warned the House not to act until it possessed more information on the subject. (1) Parliament ignored his advice and passed a permissive bill, (2) but subsequent negotiations with the British Government ended in deadlock. (3) Eventually the Cape Government tackled the project on its own - at a final cost in 1882 not far short of Merriman's reckoning.

Equally interesting, because equally contradictory on the personal level was Merriman's contribution to agriculture. In private life he made a living from but never a success of farming; (4) in public life he was the author of enactments that enabled others to accomplish both. On one occasion he opposed the suggested appointment of a Minister of Agriculture on the grounds that it would be impossible to combine in one man the capacities of wheat farmer, wool-breeder, cattle doctor and practical engineer, and advocated instead the establishment of a model training farm. (5) In his own career, however, he did much to prove his original statement wrong.

Two of his achievements are worth recalling. The first was the Agricultural Lands Bill that he piloted through Parliament as a private member in 1870. (6) The drought and depression had brought ruin to many people, but mainly to the impecunious Poor White families who now either trekked into the desolate

1. Ibid

2. Act 25 of 1871

3. C.O. 48/476 Parly to Carnarvon, 25.10.1875. Theal, Vol. IV, p. 143.

4. Supra, p. 15

5. GTJ, 6.7.1874.

6. GTJ, 22.4.1870

interior or moved into the towns and were drastically reduced in numbers by low fever. ⁽¹⁾ Merriman's intention was to help such people become owners of not less than 500 acres of Crown Land on terms that were both rewarding to an anxious Exchequer, and reasonable to a thrifty but poverty-stricken farmer. The practical effects of his bill are uncertain, for it has not been possible to trace any figures on the number of people that availed themselves of its provisions; its historical significance is undoubted for it was for many years the only piece of legislation that recognised and attempted to rectify, a problem that in future years was to loom increasingly large.

The second was the Irrigation Bill he introduced as Cabinet Minister in 1877. ⁽²⁾ With the memories of the eighties still fresh in his mind, the measure was an honest attempt to find a middle-way between the need for water and the cost of dam building on the one hand, and the meagre financial resources of an under-developed country on the other. It was based on a study of the irrigation systems of India, Italy, Spain, Germany and England and sought to combine the resources of state and private capital in a single enterprise. It functioned through a system of local associations specially created for that purpose. ⁽³⁾ These could approach the State for financial and technical assistance to supplement their own money and skill in the construction of a local irrigation project. The onus was entirely on the local inhabitants to form the associations and approach the central government. This had two important implications. In a predominantly agricultural country where a swing in the agricultural vote could unseat a ministry, its future could not be jeopardised

1. *Supra*, p. 47.

2. *Argus*, 3.6.1877. *GTJ*, 6.6.1877, 8.6.1877, 15.6.1877, 6.7.1877.

3. *General Directory and Guide-Book to the Cape of Good Hope*, pp. 262-265.

by accusations of partiality in siting dams in any district or province. Furthermore, in a country where local ambition insists on large dams but commonsense and soil erosion point to smaller and cheaper units, the stipulations of local initiative and financial contribution tended to a natural selection of the latter. Its practical achievements were not spectacular,⁽¹⁾ but this was due more to local inertia and lack of capital than any inherent defects. Its significance lies in the fact that it made the best use of available resources in a new and effective way, and was in fact for many years the only successful practical measure of its kind on the statute book.⁽²⁾

Merriman the administrator was clearly an asset to cabinet and country; Merriman the Cabinet Minister was often a trial to the former and sometimes an embarrassment to both. It was clear from the beginning that a man who once admonished civil servants not to be a "fawning race of sycophants,"⁽³⁾ would not be an easy colleague - even if his well-known tempestuous impatience was not taken into account. Perhaps the best illustration of this is the angrily frustrated tone of an entry in his diary:

"Have not written for some time, chiefly from disgust. Dissatisfied with my department and the way things are going on. Papers seem to agree as to my talent as they are pleased to call it. If they were to look behind the scenes, they would perhaps change their tune - Everything seems to move slowly and lack verve. Time wasted chattering in what are facetiously called Cabinet "Councils," which resemble a coterie of old women over a tea table."⁽⁴⁾

By all accounts cabinet meetings were often conducted at explosion point. Merriman would cross swords indiscriminately with everyone from the Prime Minister downwards, but his pet aversion remained Charles Brownlee. Many contemporaries,

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1. Wallace, Farming Industries of the Cape Colony, pp. 421-427.
 2. Ibid. Laurence, pp. 331, 343-344.
 3. Argus, 9.5.1872.
 4. Merriman diaries, 12.7.1876.

including Sir Henry Barkly, thought highly of the knowledge and ability of the former King William's Town Native Commissioner,⁽¹⁾ but Merriman had no respect for either qualities and could not abide his manner. The florid style and long-winded eloquence that stood the Secretary in such good stead at tribal indabas, irritated a congenitally impatient⁽²⁾ Merriman beyond measure. His department was "wretched, slipshod and boneless" from top to bottom;⁽³⁾ his officials a menagerie of "miserable instruments";⁽⁴⁾ the Secretary himself - there were no words for him. Merriman was an irregular diarist, and only tended to pen and ink when all other means of expression had failed him. Cabinet meetings were usually such occasions, and his diary provides valuable evidence of the stormy nature of their meetings.

- "31.1.1876 C.T at 9. Cabinet Council with more than the usual amount of twaddle.
- 9.2.1876 Cabinet Council much twaddle.
- 29.3.1876 C.T at 9. Cabinet to discuss bills. With how little wisdom the world is governed.
- 7.4.1876 Brownlee tiresome and twaddly on native affairs.
- 5.7.1876 A grand row with Molteno in Cabinet. Submitted my resignation but after consulting other ministers did not send it in - His temper and language highly unbecoming."⁽⁵⁾

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1. P.F. 1873 LXIX (732) Barkly to Kimberley 2.12.1872. Molteno, Life and times of Molteno, Vol. I, p. 192 Walker, Lord de Villiers, p. 57. Theal, Vol. IV, p. 147.
 2. In this at least he had the support of the parliamentary correspondent of The Journal. When the latter heard that Brownlee had taken office in the cabinet he remarked with undisguised dismay: "It is well known that the Secretary for Native Affairs has a power of "utterance" large as "the early gods". He will not keep silence in the Halls of Debate. The fear is that the floodgates once opened will deluge floor, table, bench and speaker's chair." (GTJ 11.11.1872)
 3. Merriman Papers 1878 - 23: John X. Merriman to Julia Merriman, 25.2.1878.
 4. Ibid
 5. Merriman diaries, 31.1.1876, 9.2.1876, 29.3.1876, 7.4.1876 5.7.1876.

Worst of all were the occasions when ministerial memoranda that Merriman had drafted were under discussion. As the recognised brain of the Cabinet it had become his duty to write important despatches on policy or other matters. (1)

Merriman did not mind the work, and probably enjoyed the honour, but the "wearisome wrangling over each word" filled him with inexpressible anger and frustration. (2) It was probably a good thing that on such occasions no minutes were kept.

Merriman's volatile nature was probably more than half the cause for the tumultuous progress of such meetings, but in one respect at least, his aversion to Brownlee, the chances are that he was justified. Governor Sir Bartle Frere who had personal experience of working with the Secretary for Native Affairs during the crisis of the Ninth Kaffir War made no bones about his feelings:

"A better natured or more kindly man does not exist," he informed Carnarvon in a private letter from King William's Town, "and he is full of Kaffir family history and customs; but he appears to me incapable of understanding any clear principle of action with sufficient distinctness to make it rule his administration of native affairs. To his fatal good nature and slipshod habits I attribute most of our present difficulties and we are only preserved from ruinous calamities by the way in which he has let all responsibility for action devolve on others. He goes about the country in a gossiping kind of way, useful enough in the quietest times; but, except by his knowledge of people we never heard of, he gives us no kind of aid to meet the present crisis, and occasionally ... puts us into great difficulties by some unaccountable act of carelessness or good nature of which he gives us no information or warning." (3)

(4)

After repeated complaints about Brownlee's inefficiency, Frere finally dropped a broad hint to Molteno that Brownlee's recall and promotion upstairs to some quiet and harmless position in Capetown was a matter of top priority. (5) The

1. Laurence, p. 26.

2. Merriman diaries, 27.2.1876, 16.3.1876

3. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 8.10.1877.

4. Carnarvon Papers - P.R.O. 30/6/34: Frere to Molteno, 1.10.1877, 27.11.1877.

5. Carnarvon Papers - P.R.O. 30/6/34: Frere to Molteno, 27.11.1877.

Premier concurred in this opinion and recalled his Secretary for Native Affairs,⁽¹⁾ but the dismissal of the cabinet came too soon afterwards for a reshuffle of portfolios to be arranged.

Merriman in the country was also a hazard, for the dignity of cabinet status in no way restrained his impetuous nature. His indiscretions ranged from blunders that had diplomatic repercussions to statements that were merely silly. Perhaps the best illustration of the former was his notorious Uitenhage speech,⁽²⁾ and the best example of the latter the⁽³⁾ occasion he opened the Wellington-Worcester railway line. He took as his theme the differences between the writing of poetry and the building of railways, and for two hours harangued the crowd on the relative merits of the latter. The colonial newspapers were incensed:

"When will that young man learn to talk sense," asked the Journal. "He is always coming out with some crude deduction or shallow sophism which he thinks epigrammatic and clever, but which to sensible people is simply silly."⁽⁴⁾

This verdict was probably overharsh for the Journal was an opposition newspaper, but it illustrates one important aspect of Merriman's political career - it was impossible to remain indifferent to him. Men were either for or against him, but never oblivious of him.

The evidence that has survived from this period is insufficient to warrant any final conclusion about Merriman's place as Parliamentarian - even if the limitation in time-span did not render any such conclusion tentative only. All that can really be said on the basis of these years is that Merriman

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1. Carnarvon Papers - P.R.O. 30/6/34: Moltene to Frere, 2.12.1877. Moltene Papers, Moltene to Brownlee, 2.12.1877
 2. Supra, p.180
 3. GTJ, 23.6.1876.
 4. Ibid

was an odd and often inexplicable mixture of opposites. He was at one and the same time a tireless defender of the rights and privileges of Parliament and one of the most resourceful assailants of its dignity. As an imaginative and hard-working administrator he was an invaluable colleague, but as an impatient and recklessly impetuous member he was a trying companion and often dangerous ally. His considerable general knowledge and unusually lucid gift of exposition made him one of the most constructive speakers in the House, but his flame-sharp tongue and unrestrained exhibitionism made him one of the most controversial contributors to parliamentary diversion. As a public figure he was over-shadowed by men such as Porter, Solomon and Molteno, but this was not surprising since all of them were old parliamentary hands. Perhaps the decisive question is whether he would have gone down in History as a Great Parliamentarian if he had died or abandoned politics in 1878. Even allowing for the difficulties of definition the answer on the evidence available is inevitably in the negative. At the same time, however, it must be admitted that close examination reveals qualities that hold in them the seeds of future greatness. No Parliamentarian could deserve the name without full and respectful knowledge of the rights and privileges of Parliament, without considerable native intelligence and desire to contribute to Parliamentary success, and without hard work and genuine devotion to the needs of constituency and country. Merriman had these qualities in full measure, but a final answer to the question whether he deserved his title of The Great Parliamentarian can only be given after a full study of his whole career.

CHAPTER SIX

Frontier Debacle and Cabinet Dismissal. (1)

King William's Town,

February 6. 1878.

Sir,

I have the honour to inform you that, by the authority vested in me as Governor of this Colony, I remove you from your office as Commissioner of Crown Lands and Public Works, and from the receipt of this letter you cease to hold the said office.

I have instructed James Rose Innes Esq., the Civil Commissioner and Resident Magistrate of King William's Town, who will deliver this letter to you, to receive charge of any records, documents or public property, of any description appertaining to your office, and give you a receipt for the same.

I have the honour to be,

Sir,

Your obedient servant,
(2)

Frere.

Hastily written on standard blue paper this short note has none of the appearance or formality of an important document of State. It has neither ribbons, seals nor diplomatic phrases, yet it is one of the most significant items in the Merriman collection. Not only did it mark a decisive turning-point in his own political career, but, together with similar messages to other ministers, pitch-forked the Colony into a serious domestic crisis, and, although not entirely without precedent, made constitutional history in the British Empire.

1. This chapter does not seek to give a military history of the Ninth Kaffir War, but merely to highlight and analyse such aspects of the struggle as cast light upon Merriman's personality and his role in its course and outcome. Adequate narratives of its day-to-day development can be found in General Cunynghame's account of the war, Theal's History of South Africa and Molteno's two-volumed biography of his Father. (Gen. Sir. A. T. Cunynghame, My Command in South Africa 1874-1878, pp. 306 sqq.; Theal, History of South Africa, 1873-1884, Vol. I, pp. 52-95; Molteno, Life and times of Molteno, Vol. II, pp. 222-328.)
2. Merriman Papers 1878-11: Sir Bartle Frere to John X. Merriman, 6.2.1878.
3. Molteno Papers, Sir Bartle Frere to J.C. Molteno, 6.2.1878. V & P A.4-1878, pp. 3-7.
4. Keith, Responsible Government in the Dominions, Vol. I. p. 124.
5. Ibid, pp. 217-218. Todd, Parliamentary Government in the British Colonies, pp. 380-390.

It was written at the height of an unresolved frontier war, and at a time when to all appearance the Molteno Ministry⁽¹⁾ enjoyed the confidence of the country. A few months earlier nobody would have believed and few would have endorsed its contents, yet when Parliament met some four months later it⁽²⁾ approved of the dismissal by a substantial majority.

The explanation for this extraordinary situation is to be found in the circumstances of the Gaika-Galeka War. Without this conflict the dismissals would be inexplicable - a peculiarly significant fact in Merriman's case since he was not only one of the dismissed but also the Acting Minister of Defence throughout its course and, therefore, the person most immediately responsible for its conduct and outcome.

Hostilities began in August, 1877, with a series of Galeka raids on the Fingoes,⁽³⁾ but for a month at least nobody knew for certain who was attacking whom or even whether the Colony would become involved. In many respects this was nothing new, for Galeka-Fingo relations were traditionally strained, and the preceding ten years had been full of raids and rumours of war.

The causes of friction were twofold - land hunger and traditional enmity. Of all the Xhosa clans the Galekas had

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1. Parliament was then not in session and in the absence of reliable and fairly comprehensive information about the attitudes of individual Parliamentarians it is obviously impossible to give a final verdict on this point. During the previous session the Ministry had had little trouble in holding its own, and even its opponents had been forced to concede its strength. "The hope of a change of Ministry," the Journal mournfully declared in June, 1877, "is only idle talk, and those near the scene of action, and knowing something of the influences at work in political circles, despair of seeing a change." (GTJ, 20.6.1877; vide also Carnarvon Papers - F.R.O. 30/6/33: Frere to Carnarvon, 9.4.1877). Even allowing for the bewildering fluidity of Cape politics, there had been no pointers such as adverse votes and hostile meetings in "government" constituencies, that could be held to indicate a swing against the Ministry.
 2. V & P (HA), 6.6.1878 - 37 votes to 22.
 3. G.O. 48/483 Frere to Carnarvon, 5.9.1877, 25.9.1877. G.H. 21/7 Memorandum by Brownlee on the disturbances between Galekas and Fingoes, 28.8.1877. Merriman Papers 1877-36: Col. John Eustace to John X. Merriman, 1.9.1877. V & P A. 7-1878, pp. 3-22. General Sir A.T. Cunynghame, My Command in South Africa, 1874-1878, p. 309. GTJ, 28.8.1877, 31.8.1877, 3.9.1877.

made the most spectacular numerical recovery after the National
 Suicide of 1857.⁽¹⁾ Driven across the Bashee by Sir George Grey
 in 1858 they had been allowed to return and settle on a small
 strip of Transkei land adjacent to the sea.⁽²⁾ Kreli, their
 chief, ruled his people as an independent potentate, uncon-
 trolled but for the advice of a British Resident and the stipu-
 lations of a Government pension.⁽³⁾ Inland, and likewise just
 beyond the Colonial borders, lived a strong colony of Fingoes,
 an overflow from the main location in the Peddie district.⁽⁴⁾
 As British subjects they enjoyed imperial protection.⁽⁵⁾ Over
 the years both tribes had grown in numbers and hatred of one
 another, but whereas the Fingoes under proper supervision had
 made considerable moral and material progress, the Galekas in
 their overcrowded lands had remained predominantly savage and
 poverty-stricken.⁽⁶⁾

Even in times of plenty there were frequent feuds and
 border brawls, but in times of drought and famine jealousy
 so inflamed the existing antagonism that serious trouble almost
 invariably threatened to ensue.⁽⁷⁾ 1877 was a year of drought
 on the Eastern frontier.⁽⁸⁾ In the circumstances it was not

1. C.H.B.E., Vol. VIII, p. 469. For the most comprehensive account of this extraordinary occurrence vide Du Toit, The Cape Frontier, pp. Hon. C. Brownlee, Reminiscences of Kaffir Life and History, pp. 135-169.
2. C.H.B.E., Vol. VIII, p. 469 V & P A. 7-1878, p. 89. Brownlee, Reminiscences of Kaffir Life and History, pp 183-184.
3. C.O. 48/483 Frere to Carnarvon, 7.11.1877.
4. Brownlee, Reminiscences of Kaffir Life and History, p. 185. C.H.B.E., Vol. VIII, p. 469. Laurence, p. 27.
5. C.H.B.E., Vol. VIII, p. 469. C.O. 48/483 Frere to Carnarvon 7.11.1877.
6. Ibid G.H. 23/34 Frere to Carnarvon, 25.9.1877.
7. Contemporaries saw very clearly the connection between prosperous seasons and frontier peace. "The relations between the Government of this Colony and the independent native tribes on the border," the Governor declared in his 1875 opening Speech to Parliament, "continues on the most satisfactory footing; a favourable season and abundant supplies of food may no doubt have largely contributed to this result." (V & P (LC), 14.4.1875; Vide also Carnarvon Papers - P.R.O. 30/6/34: Frere to Molteno 1.10.1877)
8. Carnarvon Papers - P.R.O. 30/6/33: Lady Frere to Carnarvon, 28.8.1877; Sir Bartle to Carnarvon, 30.8.1877; P.R.O. 30/6/34: Frere to Molteno, 1.10.1877.

surprising that serious intertribal friction should result, but whereas on previous occasions hostilities had been confined to sporadic raids and cattle theft, this time the Galekas mounted a concerted attack, and since the Fingoes were British subjects, the Colony inevitably found itself involved.⁽¹⁾

At the outbreak of war the Governor was touring the Eastern frontier in the company of two cabinet ministers, Merriman and Brownlee.⁽²⁾ Their presence proved opportune,⁽³⁾ and, when all efforts to restore peace had failed, they remained at Kingwilliamstown in order to deal with the outbreak.⁽⁴⁾ Since Molteno could not leave the capital to fulfil his functions as Minister of Defence,⁽⁵⁾ he delegated his powers to Merriman who acted on his behalf throughout the conflict.⁽⁶⁾

The history of the Ninth Kaffir War^{was} as confused in its origins as it was muddled in its course and chaotic in its outcome. To assess accurately Merriman's role as Minister of Defence it is necessary to investigate both the causes of confusion and the part he played in creating or rectifying them. The reasons for the muddle were fourfold. Firstly, inadequate, unreliable and usually contradictory information.⁽⁷⁾

1. C.O. 48/483 Frere to Carnarvon, 25.9.1877 (telegraphic), 25.9.1877, 2.10.1877 (telegraphic), 3.10.1877. V & P A.7-1878, p. 25. Notification from the Department of Native Affairs to Her Majesty's subjects on the Eastern frontier, 25.9.1877.
2. C.O. 48/483 Frere to Carnarvon, 25.9.1877. V & P A.7 - 1878 p.1 Molteno to Carnarvon, 28.8.1877.
3. C.O. 48/483 Frere to Carnarvon, 25.9.1877 (telegraphic), 25.9.1877, 2.10.1877 (telegraphic). G.H. 21/7 Eustace to Frere, 21.9.1877, 29.9.1877. V & P A.7-1878, pp. 23-23 Open letter to Krela from the Governor. p. 25 Notification to the people of the Eastern frontier, 25.9.1877.
4. C.O. 48/483 Frere to Carnarvon, 25.9.1877. Carnarvon Papers - P.R.O. 3036/34: Frere to Molteno, 1.10.1877; Frere to Carnarvon, 3.10.1877.
5. The office of Colonial Secretary covered a bewildering variety of commitments of which defence was merely one of many. (Venter, Administration of the Cape of Good Hope, 1806-1910, p. 199).
6. C.O. 48/483 Frere to Carnarvon, 25.9.1877. V & P A.7-1878 p. 55 Frere to Cunynghame, 1.10.1877. Merriman was never formally appointed Minister of War. Throughout the conflict he continued to fulfil the normal functions of his Crown Lands and Public Works portfolio, merely signing such letters or proclamations as dealt with the emergency, "John X. Merriman, Commissioner of Crown Lands, for the Colonial Secretary." (V&P A. 7-1878, pp. 27, 42-43).
7. C.O. 48/483 Frere to Carnarvon, 3.10.1877, 9.10.1877.

Of all the government departments the intelligence service was probably least prepared for war. Again and again the authorities found themselves hopelessly in the dark as to the true state of affairs in the Transkei. For most of the time fact and fiction were promiscuously indistinguishable, no two reports were the same, and even experienced observers contradicted one another's findings. Colonel Eustace, for example, the Resident with Krela, assured the Ministry at the outbreak of hostilities that Krela was not anxious for war, and that, if the police remained neutral and kept the Galekas from entering Fingoland, nothing untoward was to be feared.⁽¹⁾ Captain Mills, the Under-Secretary to the Government, on the other hand, insisted that Krela's pacific declarations were a hoax, and that⁽²⁾ the sooner both Galekas and Gaikas were crushed, the better. Lieutenant Melville of the British Army in a third opinion placed the blame for war four-square with Krela, but added that tempers on all sides in the Transkei were so ready for mischief that anyone could have started it.⁽³⁾

The attitude of the public made the confusion worse confounded. Frontier panics had become an almost automatic corollary of meagre crops and unrest beyond the Kei.⁽⁴⁾ The "scares" of 1872 and 1876 were typical examples. In the former instance, the frontiersmen contented themselves with public meetings and hysterical pronouncements in the press,⁽⁵⁾ but during the latter interlude, sheer panic had gripped the border districts and many had left their homes.⁽⁶⁾ None of Brownlee's efforts to meet the

1. Merriman Papers 1877 - 36: Col. John Eustace to John X. Merriman 1.9.1877.
2. Merriman Papers 1877 - 37: Capt. Charles Mills to John X. Merriman, 3.9.1877.
3. V & P A. 7- 1878, pp. 12-15 Lt. Melville to Col. Glyn, 2.9.1877
4. Carnarvon Papers - P.R.O. 30/6/33: Frere to Carnarvon, 16.8.1877
5. GTJ, Oct. 1872; EPH, Oct, 1872; GRH, Oct, 1872
6. GTJ, 25.8.1876, 28.8.1876, 30.8.1876, 4.9.1876, 6.9.1876, GRH, 26.8.1876, 2.9.1876, 9.9.1876. Theal, History of South Africa, 1873-1884, Vol. I, p. 26.

situation by consultation with the Kaffir chiefs met with any approval,⁽¹⁾ and the Easterners were only slightly mollified when the Government appointed a special Defence Commission to investigate and recommend ways of improving frontier security.⁽²⁾

1877 saw public terror at its worst. Long before the commencement of hostilities, the increase in stock theft that inevitably accompanied drought,⁽³⁾ had set frontier nerves on edge. The result was a veritable epidemic of war scares and rumours.⁽⁴⁾ This in itself was bad enough, but when to the melting-pot of unofficial speculation was added the first authoritative reports of actual unrest beyond the Kei, public imagination and popular hysteria knew no bounds.⁽⁵⁾ Old established farms were abandoned, the roads were choked with traffic, and "every hole and corner" in the towns was crammed with refugees.⁽⁶⁾ The newspapers were full of calamities, real or rumoured, and the populace was entirely given over to protest and indignation meetings.⁽⁷⁾ The effect was both to confuse the authorities and to frighten such natives as were still uncommitted into believing that an attack was being planned upon them.⁽⁸⁾

1. Typical of Eastern opinion was the indignant editorial in the *Graham's Town Journal* early in September. "Nothing can be more charming," it sarcastically declared, "than the picture of pastoral innocence and Arcadian bliss depicted by these Tembus as they sit at the feet of the Secretary for Native Affairs and give thanks, and confess their ignorance, and declare their anxiety to be instructed. But like bad actors they overdo their parts, and their eclogues, like those of the poets, give only one side of the question. (GTJ, 6.9.1876).
2. Theal, *History of South Africa 1873-1884*, Vol. I, p. 27.
3. *Carnarvon Papers* - P.R.O. 30/6/33: Lady Frere to Carnarvon, 28.8.1877. V & P A.2 - 1878, p.3.
4. C.O. 48/483: Frere to Carnarvon, 5.9.1877, 25.9.1877, 9.10.1877, 21.11.1877, G.G.R. 5 Merriman to Molteno, 25.9.1877, 27.9.1877. *Carnarvon Papers* - P.R.O. 30/6/33: Frere to Carnarvon, 30.8.1877, 5.9.1877, 10.9.1877. V & P A.2-1878, p.3; A.7 - 1878, p. 15.
5. *Merriman Papers* - 1877: Agnes Merriman to John X. Merriman, 55 - 2.10.1877; 56-3.10.1877; 57- Undated; 62-7.10.1877; 65- 9.10.1877; 69 - 10.10.1877; 71 - 15.10.1877.
6. *Carnarvon Papers* - P.R.O. 30/6/34: Frere to Carnarvon, 3.10.1877. Vide also V & P A.7-1878, p.5.
7. *Carnarvon Papers* - P.R.O. 30/6/34: Frere to Carnarvon, 3.10.1877.
8. C.O. 48/483 Frere to Carnarvon, 9.10.1877.

Sir Bartle Frere did not exaggerate the situation one iota when he described the circumstances of his military headquarters to the Secretary of State in London:

"My dear Lord Carnarvon," he began, "I was unable by last mail to do more than send you a very rambling official despatch written amid greater interruption than I recollect since the Mutiny days in India, and the interruptions were much of the same kind - pressing calls to meet immediate wants, telegrams, interviews with deputations indignant, loyal, panic-stricken, fire-eating, applications for every kind of advice and assistance, and offers of advice and aid in equal variety, and all with glorious disregard of time, place and season."(1)

To distil a coherent and authoritative report from this babel of conflicting facts and fabrications was a superhuman task, and all too often both civil and military authorities found themselves woefully at sea. Although responsible neither for the sorry state of the intelligence service nor for the hysterical imagination of press and population, Merriman made it his business to correct the one and counteract the other. (2) Since there was a general shortage of reliable personnel, there was little he could do to augment the existing network, but such as it was he made to work. Using the telegraph for rapid communication wherever possible he kept in touch with all relevant government officials and military commanders in the border districts. (3) Whenever reports differed significantly he bombarded all available sources with questions until the discrepancies had either been explained or eliminated. (4) This information he then cross-checked against military intelligence

1. Carnarvon Papers - F.R.O. 30/6/34: Frere to Carnarvon, 3.10.1877
2. C.G. 48/483 Frere to Carnarvon, 9.10.1877. Carnarvon Papers - F.R.O. 30/6/34: Frere to Carnarvon, 11.12.1877.
3. G.G.R. 5 - 12
4. G.H. 27/2 Frere to Carnarvon, 19.10.1877. G.H. 21/7 Glyn to Cunynghame, 17.10.1877; G.G.R. 6 Merriman to Griffith, 3.10.1877; G.G.R. 8 Merriman to Griffith, 4.12.1877; Merriman to Ayliff, 4.12.1877; Merriman to Chalmers, 4.12.1877.

at the daily council meetings⁽¹⁾ and conveyed the final result⁽²⁾ as a regular daily telegraphic communique to Capetown. Whenever possible he issued detailed accounts of the situation, operations planned and completed, to the colonial press, and by this method succeeded to a great extent in allaying public fears and silencing false rumours. An excellent example of this kind of communique was the memorandum on the state of defences published as a supplement to the ordinary papers at the outbreak of war.⁽³⁾ It contained no false optimism or impossible promises - just the stark facts as to the maintenance of strong-points, the provisions for patrolling, the distribution of war material and the appointment of military commanders.⁽⁴⁾

The greatest trouble Merriman experienced in this respect was with his own colleagues, especially Brownlee and Molteno. The former had no sense of discretion, the latter a morbid suspicion of imperial intentions. As long as they were in the same place Merriman could prevent Brownlee from re-inforcing the alarmists with his casual gossip of Kaffir customs and atrocities,⁽⁵⁾ but as soon as he went off on one of his jaunts⁽⁶⁾ into Kaffirland there was no knowing what would ensue. The worst example was the occasion Brownlee went off to investigate the loyalty of the Gaika clans.⁽⁷⁾ Rumours had been doing the

1. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 8.10.1877.
2. G.H. 23/34 Frere to Carnarvon, 25.9.1877. G.G.R. 5 - 12 Merriman to Molteno.
3. V & P A. 7-1878, pp. 26-27; vide also pp. 57-58.
4. V & P A. 7-1878, pp. 26-27.
5. Carnarvon Papers - P.R.O. 30/6/33: Frere to Carnarvon, 5.9.1877.
6. Carnarvon Papers - P.R.O. 30/6/33: Frere to Carnarvon, 5.9.1877; P.R.O. 30/6/34: Frere to Carnarvon, 8.10.1877; Frere to Molteno, 1.10.1877, 27.11.1877. C.O. 48/483 Frere to Carnarvon, 3.10.1877. (No. 44)
7. C.O. 48/483 Frere to Carnarvon, 3.10.1877. (No. 44).

rounds that the Gaikas, Tslambies and other colonial tribes⁽¹⁾ were considering rising in rebellion to assist the Galekas. The public, thoroughly alarmed, demanded that loyal Fingoes⁽²⁾ be armed and let loose on the suspect locations. Although⁽³⁾ Brownlee found no reason for apprehension, he gossipped⁽⁴⁾ injudiciously with all and sundry, and even interviewed a supposed messenger from Kreli whose only credentials were a⁽⁵⁾ holy manner and the anonymous name of Klaas. The result⁽⁶⁾ was renewed panic - a situation that led Frere to deliver a stinging rebuke to Brownlee personally, and a caustic com-⁽⁷⁾plaint to the Secretary of State in London. For days after-⁽⁸⁾wards Merriman did little else but resist demands from all quarters for dire measures against the Gaikas.

The Premier's attitude was less demonstrative, but possibly more dangerous. In a special letter to Merriman just

1. Merriman Papers 1877- 69 and 71: Agnes Merriman to John X. Merriman, 10.10.1877, 15.10.1877.
2. C.O. 48/483 Frere to Carnarvon, 3.10.1877. (No. 44)
3. C.O. 48/483 Frere to Carnarvon, 3.10.1877 (No. 47)
4. C.O. 48/483 Frere to Carnarvon, 3.10.1877 (No. 44) Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 8.10.1877.
5. C.O. 48/483 Frere to Carnarvon, 3.10.1877 (No. 47).
6. Carnarvon Papers - P.R.O. 30/6/34: Frere to Brownlee, 9.10.1877
7. "I have only to add that Mr Brownlee's first communication gave me no idea that he believed the man could possibly be a messenger from Kreli, and now that I had heard all his reasons I cannot but express my surprise at the very slight, and, I think, very unsatisfactory introduction on which he consented to discuss such questions with a perfect stranger, at the absence of any demand for some sort of credentials or token that the man really came from Kreli, and at the very casual way in which he communicated to me and to Mr Merriman facts which under other circumstances, might have had important bearing on our action towards Kreli." (C.O. 48/483 Frere to Carnarvon, 3.10.1877 (No. 47).)
8. Moltano Papers. Merriman to Moltano, 10.10.1877. C.O. 48/483 Frere to Carnarvon, 3.10.1877 (No. 44). G.G.R. 6 Merriman to Moltano, 4.10.1877.

after the commencement of the Transkeian troubles, he ordered him to make sure that the Governor did not "over-estimate" the frontier situation to the Home authorities.⁽¹⁾ Revenue and trade, he pointed out, were both declining, and since large loans for capital development would now be more urgently needed than before, it was imperative to prevent a collapse of confidence at that stage.⁽²⁾ Instructions to deceive were not specifically given, but the intention was unmistakeable. Merriman does not appear to have obeyed this injunction - if anything, he went out of his way to be helpful,⁽³⁾ and on one occasion at least showed the Governor documents that were regarded as cabinet secrets.⁽⁴⁾ Nevertheless, Molteno's attitude made life very difficult for Merriman - quite apart from the obvious drawback entailed in lack of co-operation and trust between Governor and Premier.

The problem of reliable intelligence was never completely solved, and throughout the war rumour remained one of the most powerful factors in confusing the authorities, frightening the public and bedevilling operations. The situation, often difficult, would have become impossible had it not been for Merriman's calm control and analytical approach. Given the appalling state of the administration and the lack of suitable personnel, his achievements could only be described as very considerable.

The most interesting question, however, is not so much how he succeeded in galvanising the network into activity as how he managed to curb his own predilection for outrageous pronouncements. His competence as an administrator was by then

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1. Merriman Papers 1877-34: Molteno to Merriman, 27.8.1877.
 2. Cf. Appendices C, E, and G.
 3. C.O. 48/483 Frere to Carnarvon, 25.9.1877, 3.10.1877, 9.10.1877. V & P A.2 - 1878, pp. 20, 24. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 3.10.1877, 8.10.1877 17.10.1877.
 4. Carnarvon Papers - P.R.O. 30/6/34: Merriman to Frere, 14.12.1877 Frere to Carnarvon, 19.12.1877.

above question; his discretion as a politician had yet to be proven. As late as September, 1876, Molteno found it necessary to congratulate Merriman on having kept clear of verbal affrays during his second tour of the frontier. ⁽¹⁾ The tone of relief in the letter could hardly be disguised. A year later both letter and tone of relief would have been out of place for Merriman had proved his sense of discretion up to the hilt. While any explanation for this remarkable change remains speculative, the best analysis was possibly that of Governor Frere.

"Merriman is extremely able, quick, intelligent and thorough," he informed Carnarvon. "His short experience of public life and his marriage to a very sensible and amiable woman have gone far to correct the roughness and self-assertion which marred his early essays in public" ⁽²⁾

The second major factor was the deplorable disorder and neglect of the country's military defences. On paper all was ship-shape and secure but in practice all was disrepair and disorganisation. ⁽³⁾ The security of the Colony depended on a five-line defence structure. ⁽⁴⁾ First came the Frontier Armed and Mounted Police, ⁽⁵⁾ a professional body of eleven hundred officers and men, ⁽⁶⁾ whose duties as defined in the 1855 Act were to "suppress all tumults, riots, affrays, or breaches of the peace in any part of the Colony where they be on duty." ⁽⁷⁾ Then came such regiments of the British Army as were stationed in South Africa. Their strength varied in accordance with the demands of the Indian command, and the leave arrangements of the War Office, but in normal times there were two and a half regiments in garrison at Simonstown, the Eastern frontier and Natal. ⁽⁸⁾ The third line was provided by the Burgher

1. Merriman Papers 1876 - 13: J.C. Molteno to John X. Merriman, 5.9.1876.
2. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 8.10.1877.
3. C.O. 48/483 Frere to Carnarvon, 3.10.1877. G.H. 21/5 Cunynghame to Frere, 1.10.1877.
4. C.O. 48/483 Frere to Carnarvon, 3.10.1877. V&P A.7-1878, pp.42-43
5. C.O. 48/483 Frere to Carnarvon, 3.10.1877. Venter, Administration of the Cape of Good Hope, 1806-1910, p. 215.
6. C.O. 48/483 Frere to Carnarvon, 3.10.1877. Cunynghame, My Command in South Africa, p. 306.
7. Act 3 of 1855.
8. C.O. 48/483 Frere to Carnarvon, 3.10.1877. V & P A.7 - 1878 p. 83. Colonial Office to War Office, 1.12.1877.

(1) forces - an organisation of all able-bodied men as listed by the Field Cornets and Civil Commissioners of the various divisions of the Colony, and approved by the various Divisional Councils sitting as courts of law.⁽²⁾ At the head of every division stood a Field Commandant, with Field Captains in charge of the subordinate field-cornetcies.⁽³⁾ The Governor had the authority to mobilise such sections of the force as he thought necessary for the defence of the Colony, but unlike the F.A and M.P., the burghers could not be obliged to serve outside their home divisions, "except with their own consent."⁽⁴⁾ The fourth rampart was manned by the Volunteer Corps.⁽⁵⁾ In terms of obligations and equipment there was little difference between them and the Burgher forces, but for purposes of administration and command they were kept separate. The only distinguishing features were those of unit organisation and authority. In contrast to the Burgher forces who had to serve under state-appointed officers and obey state-ordained regulations, the Volunteer Corps, because of their volunteer status, could select their own officers and draft their own rules - subject only to the Governor's scrutiny and approval.⁽⁶⁾ The two organisations were usually called up simultaneously, but like the Burgher forces the Volunteers could not be expected to serve outside their home divisions without their consent.⁽⁷⁾ The last line of defence was provided by the Native levies, usually

1. Venter, Administration of the Cape of Good Hope, 1806-1910 pp. 203-204. G.H. 23/34 Frere to Carnarvon, 3.10.1877.
2. Act 16 of 1855.
3. Ibid
4. Ibid
5. G.O. 48/483 Frere to Carnarvon, 3.10.1877. Venter, Administration of the Cape of Good Hope, 1806-1910, p. 205.
6. Act 25 of 1856.
7. Ibid

Fingoes, who were armed in tribal fashion and called up as required by the Native Commissioners in their areas. ⁽¹⁾

The defects of this five-tier defence system were simple but serious - a complete lack of equipment, training, discipline and organisation on the one hand, and an inexplicable embargo on co-ordination between the services on the other. The unpreparedness of semi-official bodies such as the Volunteer Corps and Burgher forces could be explained but not excused - by the fact that there had been no serious national call-up since their inception twenty years before, but in the case of official organisation there was neither explanation nor excuse.

The worst example was the Frontier Armed and Mounted Police, the supposed professional body and first line of defence. ⁽²⁾ Some six weeks after the commencement of hostilities it was discovered that no returns or information of any kind could be found as to the strength, efficiency or firing-power of that force. ⁽³⁾ A thorough inspection was ordered and adequate notice given to all detachments to prepare themselves for this. ⁽⁴⁾ The findings were almost unbelievable. ⁽⁵⁾ At Kingwilliamstown the Inspecting Officer found a near empty parade ground on arrival. Some of the men, he was told, had still to be summoned, others hailed, while yet others could not be accounted for at all. Of the assembled Police one whole section was without uniform of any kind, wearing instead a miscellaneous assortment of "excessively uncleanly and disreputable clothes." ⁽⁶⁾ Few were shaven, ⁽⁷⁾ and some were "personally very dirty and unwholesome in appearance." Almost none knew one end of their Snider carbines from the other,

1. C.O. 48/483 Frere to Carnarvon, 9.10.1877.
2. V & P A. 19 - 1878, pp. 1-10. C.O. 48/483 Frere to Carnarvon 3.10.1877. Merriman Papers 1877 - 79: John X. Merriman to J.C. Molteno, 31.10.1877.
3. V & P A. 19 - 1878, pp. 3, 6.
4. Ibid. Cunynghame, *My Command in South Africa*, pp. 306-307.
5. G.G.R. 1: Inspection Report on the Frontier Armed and Mounted Police, 14.10.1877.
6. Ibid
7. Ibid

nor could it be ascertained that they had ever received any instructions, drill or practice in the use of their weapons. Some of the recruits indeed were incapable of receiving instruction for they understood nothing but their home languages, Danish and German. Instead of an equivalent number of mounts for the fifty-five policemen in the depot, there were only nine or ten sorry nags in the stable - of whom one was sick and another too young to be used. At Fort Murray, the training station, the barrack-room was found to be "strewn with debris of all kinds, old mattresses, rags, bits of board and branches of trees tied together to serve as beds." ⁽¹⁾ Equipment was either defective or non-existent. Blankets and tents were almost unobtainable, and even on active service in the rainy ⁽²⁾ season the Force found itself without shelter of any kind. The correspondence that passed between civil and military authorities on this point was among the most tragically ironic of the war.

"I very much regret that we have no stores to part with," General Cunynghame replied to a typical appeal for help. "We have scarcely enough for our own men. We can give ⁽³⁾ 30 camp kettles and 500 water bottles - but no blankets."

And it was more or less on this basis that the F.A. and M.P. went to war. Apart from effects on morale and fighting efficiency, the most immediate result was to put one-third of its number out ⁽⁴⁾ of action on sick leave at any given time.

Merriman did not pull any punches in his assessment of the Force. At the end of October he urgently telegraphed ⁽⁵⁾ Molteno to stop the importation of recruits from England. Those that had arrived or were arriving were either too young, too old, or too sick to be of service.

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1. Ibid
 2. V & P A. 19 - 1878, pp. 2-3 Minute for Ministers by the Governor regarding the F.A. & M.P. C.O. 48/483 Frere to Carnarvon, 3.10.1877.
 3. Merriman Papers 1877 - 53: Cunynghame to Frere, 25.9.1877. Vide also 1877- 52: Cunynghame to Merriman, 27.9.1877.
 4. V & P A. 19 - 1878 p. 20. Returns showing sickness and mortality among troops and police.
 5. Molteno Papers, John X. Merriman to J.C. Molteno, 30.10.1877.

"Nothing has impressed me more during the past six weeks," he wrote in a covering letter, "than the enormous change which has taken place in the Frontier Armed and Mounted Police. In the place of a well-seasoned body of men, hardened and ready for exposure like the force of a few years back, - which, if not well-drilled, at least possessed the discipline of self-reliance, - we now have a mob of raw, unseasoned lads, without drill, without discipline, and utterly unreliable.

I shall not speak of drill nor discipline, but I can safely say that in almost every instance which has come under my notice, there prevails a most disgraceful ignorance of and indifference to the first duties of a policeman's calling. The names of localities, the routes and distances are neither studied nor known, and a most complete and startling indifference seems to prevail in this very obvious branch of their duty.

I have written somewhat strongly because I do not think that it is well to smooth over matters or to conceal truths because they are unpalatable. The disorganisation and unreliability of the Police has caused great expense in the present disturbance, and it is our manifest duty to see that in future we get fair value for our money."(1)

In actual fact it is doubtful whether the Colony ever got "fair value." After a month's fighting no more than two hundred of the original eleven hundred could be found, and there is little evidence that those that remained fought any better than those that ran away.

The condition of the other services was little better. The outbreak of war found less than a single infantry regiment in readiness on the Eastern Frontier - without cavalry, artillery or transport of any sort. In the densely wooded, hilly country of the Transkei this was a serious defect. Apart from two hundred men brought by sea from Capetown, there was little hope of reinforcement. The situation in the Transvaal and Natal was too critical for any troops to be withdrawn from

1. Merriman Papers 1877 - 79 John X. Merriman to J.C. Molteno, 31.10.1877. Cf. also Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 11.12.1877. Griffith to Merriman, 9.12.1877.
2. Cunynghame, My Command in South Africa, p.306. Even after reinforcement and re-organisation the average number of non-commissioned officers and men available for duty at any one time was only 395. (V & P A. 19 - 1878, p. 20).
3. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 11.12.1877
4. C.O. 48/483 Frere to Carnarvon, 3.10.1877. G.H. 21/6 Cunynghame to Frere, 1.10.1877. Cunynghame, My Command in South Africa, p.306
5. G.H. 21/6 Cunynghame to Frere, 1.10.1877.

(1)
there, and the War Office itself proved singularly unsympathetic to any suggestions of reinforcement. (2)
As for the Volunteer Corps and Burgher forces there was little that could be said about them for nobody knew from one day to the next how many men there would be under arms. A few years earlier, while still in opposition, Merriman had described them as

"nice amusements, but utterly useless in time of emergency or danger. At the time they were wanted they melted away." (3)

This was probably the fairest verdict. The ruling that Volunteers and Burghers could not be obliged to serve outside their home divisions, "except with their own consent," simply meant that whenever they were most needed, they disappeared (4)
to protect their own farms and families.

"We have already found," Sir Bartle Frere informed the Premier at the beginning of October, "that, with few exceptions, the men - Volunteers and Burghers - who were all zeal and obedience here in King William's Town, cool down as they go further afield, and by the time they get to Komgha are more ready to sit down and talk politics than cross the Kei." (5)

The Native levies were a mixed blessing. To the military command they were useful for scouting expeditions and defence in depth, but to the civil authorities they were often an unmitigated nuisance.

"The disorderly natives and marauding bands," the Governor told Molteno, "will 'eat up' the country and are not likely to confine themselves to plunder. They will certainly commit atrocities after their wont and bring discredit on the colonial system of native management." (6)

The unpreparedness of the various services was serious enough, but the lack of co-ordination between all departments, whether civil or military, could only be described as suicidal.

1. V & P A.7 - 1878, p. 59 Cunynghame to War Office, 10.10.1877. p. 68 Colonial Office to War Office, 17.11.1877. C.O. 48/485 Carnarvon to Frere, 30.1.1878.
2. V & P A. 7 - 1878, p. 71 War Office to Colonial Office, 23.11.1877. p. 93 War Office to Colonial Office, 18.12.1877. V & P A.10-1878, pp. 1-3.
3. GTJ, 10.8.1874.
4. G.H. 31/5 Cunynghame to Frere, 21.12.1877. Carnarvon Papers - P.R.O. 30/6/34: Griffith to Merriman, 8.12.1877; Frere to Carnarvon, 11.12.1877.
5. Carnarvon Papers - P.R.O. 30/6/34: Frere to Molteno, 1.10.1877.
6. Quoted Laurence, p. 29.

Shortly after the commencement of hostilities the Governor discovered to his stupefaction that inter-departmental consultation and co-operation on the frontier was not only non-existent, but actually forbidden.⁽¹⁾ All correspondence had⁽²⁾ to pass through the files of the Government at Capetown. This demarcation of responsibility was sometimes carried to absurd lengths - for example, even in cases of murder and highway robbery no locally initiated co-operation in the pursuit and arrest of criminals was possible between magistrates and⁽³⁾ Frontier Police.

The Governor could not hide a trace of desperation in surveying the subject in an official despatch to London:

"Our great weakness," he began, "had been in the absence of vigour in organisation in many important branches of the Administration. The civil establishment have continued with little addition to their strength or efficiency much as they were 20 years ago. Meantime the country has been largely settled and developed, while almost all the habits of a population prepared to defend itself have died out, and it would be difficult to imagine anything more unprepared, helpless and disorganised than that portion of the existing population which has had no experience of former wars. It is not that the number of natives is great, or that they are in any other way dangerous to their European neighbours, but that there is a pervading want of efficient means of enforcing the laws and preserving the peace."⁽⁴⁾

Two questions emerge from a study of this aspect of the war - firstly, to what extent was Merriman responsible for this deplorable neglect of the country's defences, and secondly, to what extent did he contribute to their repair and re-organisation.

In answering the first question it could be argued that since Merriman had never been in charge of defence the question itself is both unfair and irrelevant. This objection is valid up to a point, but falls into perspective when it is remembered

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1. G.H. 23/34 Frere to Carnarvon, 28.9.1877. G.H. 21/6 Cunynghame to Frere, 24.9.1877, 26.9.1877. V & P A.7 - 1878 pp. 28-31.
 2. G.H. 23/34 Frere To Carnarvon, 28.9.1877.
 3. Ibid
 4. G.O. 48/483 Frere to Carnarvon, 9.10.1877.

that every Member of Parliament is responsible for the good government of the country, and, even if not in a position of administrative control, can and should exert influence by criticism in debate, suggestions to Select Committees and pressure in the lobbies.

Viewed against this background Merriman's record as parliamentary guardian of the country's security does him little credit. On two occasions only did he come forward with any positive proposals on national defence - once as initiator⁽¹⁾ and once as seconder⁽²⁾ of a motion. Discussion sparked off by the former proved reasonably constructive, even leading to the appointment of a Select Committee before enthusiasm petered out;⁽³⁾ the outcome of the latter was nil, but this was Merriman's fault since he insisted on dissociating himself from its provisions before he had even begun his speech.⁽⁴⁾

For the rest his contribution to defence debates varied widely, not only in tone and presentation, but basic content, and policy as well. Perhaps the best illustration of this inconsistency is provided by a chronological examination of his utterances on one subject - the Frontier Armed and Mounted Police. In 1869, at the height of retrenchment, he made his debut into defence matters by coming out strongly in favour of an increase in pay for the Force.⁽⁵⁾ He had seen the terrible hardships and difficulties it had to endure, he told the House, and he believed it "most certainly deserving" of any increase in pay.⁽⁶⁾ Four years later, as an alternative to the enlargement of this self-same body, he supported a Bill to establish a Divisional Council Police Force.⁽⁷⁾ Suppression of stock theft was envisaged as its primary duty, but in times of need it would

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1. Argus, 31.5.1873.
 2. Argus, 27.6.1872
 3. V & P A.6 - 1874
 4. Argus, 27.6.1872
 5. Argus, 29.7.1869.
 6. Ibid
 7. Argus, 29.4.1873.

also be available for national defence. Peace-time payment would be shared between the Government and Divisional Councils at a two to one ratio, but war-time costs would be borne by the State alone.

"For his own part," Merriman was reported to have said, "he would rather have the Government pay the whole expense all the time, than support an increase in the F.A. & M.P. He greatly distrusted any increase of that body and held that a force organised upon the basis of the present Bill in each division would be far more useful to the Colony at large."(1)

A year later he changed his tune again by putting forward two proposals for the improvement of the efficiency of the Force.⁽²⁾ Firstly, increase in existing salaries and the provision of at least seven shillings a day upon reenlistment. Much of the inefficiency, he explained, was due to the high turnover in personnel. A smaller, but better paid body would be much more effective. Secondly, better disciplinary measures. The only forms of punishment then permissible were petty fines. These should be raised and the threat of dismissal added. Given better wages, both would be more effective, and the quality of behaviour and work would improve.

In 1876, a year before the outbreak of war, Merriman spoke in near poetic terms of the glorious virtues of the F.A. & M.P.⁽³⁾ An increase in its size, he declared, was the best guarantee imaginable for the safety of the Colony. Not only was it highly mobile, under colonial and not imperial authority, but it was equal "in relation to native warfare to at least three times the number of regular soldiers."⁽⁴⁾ In 1877, the year of war, he repeated this story - only in even stronger terms.

"The Police," he declared, "were a valuable force, which worked well and deserved a great deal of credit for every military man who was acquainted with them bore testimony to their efficiency. They had never failed in anything for which they had been employed, and they were thoroughly to be relied upon."(5)

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1. Ibid
 2. Argus, 4.8.1874
 3. Argus, 24.6.1876
 4. Ibid
 5. GTJ, 4.7.1877

Three months later he penned his famous private letter to Molteno about the shocking incompetence and downright indis-
 (1)
 cipline of the Force.

None of the possible explanations for such inconsistency are flattering to Merriman's commonsense and political integrity - either he did not know what he was talking about, or he had other motives in saying what he did. No final verdict can be given, but circumstantial evidence together with the known facts of his political behaviour, suggest the latter conclusion in some cases. The 1869 plea for higher wages and the 1873 advocacy of Divisional Police, for example, appear to have been inspired by a desire to annoy and obstruct the ruling "party". The 1876 and 1877 pronouncements about the wonders of the Force seem to have had a similar origin, but this time directed at the opposition. The only proposals in nine years that were wholly constructive were the 1874 suggestions for better service and discipline conditions - a phenomenon probably best explained in terms of the thaw then
 (2)
 taking place between Molteno and Merriman.

As late as a year before the outbreak of war he continued to manifest a completely irresponsible attitude to frontier defence. Perhaps the best example was his opposition to the introduction of a Burgher Militia.

"It would be almost cheaper," he told an outraged House, to have a native war every ten years than to keep up permanently a force of an additional thousand men."⁽³⁾

In answering the second question - to what extent he contributed to the repair and re-organisation of the country's defences - two sets of opinions are encountered. In assessing them it is important to remember the circumstances under which they were written. Before the advent of the constitutional

1. Merriman Papers 1877-79: Merriman to Molteno, 31.10.1877.
2. Supra p. 222.
3. Argus, 24.6.1876.

controversy, all who bore knowledge of the situation or came into contact with him, were agreed in praising his energy, skill, vision and efficiency. The Governor, in particular, repeatedly recorded his admiration for Merriman in official despatches and private letters. ⁽¹⁾ He described him as "by far the ablest man in the Cabinet," ⁽²⁾ and advised the Colonial Office to keep their eyes on him as he would be very prominent in the future. ⁽³⁾ On another occasion, after sending a strongly worded memorandum on frontier defence to the Cabinet in Capetown, ⁽⁴⁾ he hastened to assure Merriman that nothing personal had been intended,

"My dear Merriman," he began, informally dispensing with titles and Mister, "Only a line to say I never for a moment intended to imply that you were responsible for inaction. I am quite sure you do all man can do under the circumstances. But it is the unaccountable apathy and inaction at Cape Town I cannot understand." ⁽⁵⁾

Even as late as the 26th January, 1878, when the constitutional controversy was really gaining momentum, the Governor was at pains to express his admiration for Merriman's energy and skill. ⁽⁶⁾ When the dismissals became known, messages of regret and dismay poured in from all sides - from magistrates, ⁽⁷⁾ government officials ⁽⁸⁾ and military commanders. ⁽⁹⁾

On the reverse side are the opinions of men like General Sir Arthur Cunynghame, the Commander-in-Chief of the British Army in South Africa. Merriman to him was anathema. ⁽¹⁰⁾

1. C.O. 48/483 Frere to Carnarvon, 25.9.1877, 28.9.1877, 9.10.1877. V & P A.2 - 1878, pp. 20-24. Carnarvon Papers - P.R.O. Frere to Carnarvon, 3.10.1877, 8.10.1877, 17.10.1877
2. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 17.10.77
3. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 8.10.1877
4. V & P A.2 - 1878, pp. 3-7
5. Merriman Papers 1878-2: Frere to Merriman, 6.1.1878.
6. V & P A.2 - 1878, p. 20.
7. Merriman Papers 1878 - 13: Ayliff to Merriman, 6.2.1878.
8. Merriman Papers 1878 - 19: General Manager to Merriman. 13.2.1877.
9. Merriman Papers 1878 - 14: Comdt Frost to Merriman, 6.2.1878. 1878 - 15: Col. Schermbrucker, 6.2.1878.
10. Cunynghame, My Command in South Africa, pp. 310-311.

"I do not desire to impugn his private character," he declared on one occasion, "that is no business of mine. It is only with regard to his public acts that I have a right to make these observations. He was a man of talent and energy, but his thirst for power almost amounted to a mania. Most efficient as a Commissioner of Public Works, he was totally incompetent to conduct the Colonial War Department. His ignorance of military matters was only surpassed by the obstinacy of his determination not to learn the principles of war."(1)

Examination of the evidence suggests that the truth lay nearer the first set of opinions than the second. The task that faced a Minister of Defence in September, 1877, was extraordinarily difficult. He had to instil efficiency into an administration that was both overburdened and understaffed, discover suitable executive material in an area that was notoriously devoid of it, acquire military equipment where there was none, and inspire the inherently unreliable Volunteer associations with a sense of continuity and responsibility. Even in peace-time the task would have been extremely complex; in war time, given pressure of time and a state of emergency, it was almost impossible.

In spite of all obstacles Merriman appears to have applied himself to his task with ruthless efficiency. There was little he could do to re-organise and enlarge the administrative structure, but there was much that he could do, and did, to improve the fighting efficiency and co-ordination of the armed services. Since the first requirement for successful planning was accurate information, Merriman was tireless in correcting and compiling exact records of every aspect of military organisation. (2) It was he who ordered the famous

1. Ibid, p. 370.

2. G.G.R. 2 Merriman to Mills, 3.12.1877, 4.1.1878. G.G.R. 7 Merriman to Chalmers, 11.11.1877, 13.11.1877. G.G.R. 8 Merriman to Schernbrucker, 8.12.1877. V & P A. 19 - 1878 p. 4.

(1)
 searching inspection of the F.A. & M.P. and it was he who
 provided the major driving force behind its re-organisation. (2)
 He could give precise details of the strength, equipment, (3)
 record and locality of any unit under his command. Given the
 constant recurrence of panic on the frontier his achievements
 in recruiting and inspiring the Volunteer associations with
 a sense of confidence and determination were truly amazing.
 The Governor brought this home to Molteno in a private letter
 at the beginning of October. Expressing the hope that
 the spirit of the European population would continue to
 improve as it had done over the preceding week, he added:

"This improvement is greatly - I may say mainly - due
 to Merriman's personal energy and the confidence he
 has inspired in those who come to him for advice and
 direction ... By being accessible to all, ready of
 resource and well acquainted with most men and most
 parts of the country near the Frontier, he has satisfied
 all who could get at him, and set them to work
 as they would be most usefully employed."(4)

The spirit thus engendered fluctuated wildly with the news
 of events on the frontier, (5) but that was not Merriman's
 fault. Altogether he succeeded in raising 3,843 officers
 and men for the Volunteer Corps and Burgher forces, (6)
 and even after the panic of December, 1877, and the reluctance aroused
 by the announcement that colonials would serve under imperial
 commanders, (7) he managed to recruit an additional 172 men to
 serve under General Cunynghame. (8) Such was his prestige that
 after the cabinet dismissal one official expressed the belief

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1. G.G.R. 1 Merriman to Molteno, 4.10.1877.
 2. C.O. 48/484 Frere to Carnarvon, 23.12.1877.
 3. G.G.R. 1. Merriman to Molteno, 18.10.1877, 9.12.1877.
 4. Carnarvon Papers - F.R.O. 30/6/34: Frere to Molteno, 1.10.1877.
 5. Merriman Papers 1877 - 90: Merriman to Molteno, 4.12.1877
G.G.R. 8. Merriman to Molteno, 8.12.1877
 6. V & F G. 57-1878, p. 7.
 7. V & F A.2 - 1878, p. 8.
 8. V & F A.2 - 1878, p. 7.

that recent victories would have been much more closely contested had the news become public knowledge earlier.⁽¹⁾ The great upsurge of morale among the Kaffir impis when they heard that Merriman was gone,⁽²⁾ was proof of that.

Until the constitutional controversy intervened to complicate matters, Merriman worked very hard to attain close imperial-colonial co-ordination,⁽³⁾ and repeatedly braved the resentment of Molteno to retain what had been won.⁽⁴⁾ His first act was to waive the prohibition on communication between Civil and Military Departments and establish the most cordial relations with the British commanders in the field.⁽⁵⁾ According to Sir Bartle Frere both he and Brownlee were at first somewhat "aghast" at the proposed innovation of a daily council where Governor, Ministers and Commander-in-Chief could meet in daily session to exchange intelligence and suggestions,⁽⁶⁾ and settle the orders of the day. Their misgivings, it appeared, were prompted by fears of what their colleagues would think and say about such a close relationship with the military. When the necessity of the move was pointed out to them, Merriman not only concurred, but even moved his quarters into the military barracks so as to be nearer his opposite numbers on the imperial side.⁽⁷⁾

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1. Merriman Papers 1878 - 19: General Manager to Merriman, 13.2.1878.
 2. Molteno Papers, Ayliff to Molteno, 11.2.1878. G.G.R. 12 Ayliff to Mills, 10.2.1878.
 3. C.O. 48/483 Frere to Carnarvon, 25.9.1877, 28.9.1877, 9.10.1877. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 3.10.1877, 8.10.1877, 17.10.1877. Merriman Papers 1878 - 6: Frere to Merriman, 15.1.1878. V & P A.2 - 1878 pp. 20, 24.
 4. Carnarvon Papers - P.R.O. 30/6/34: Molteno to Merriman, 5.10.1877 (telegraphic conversation); Frere to Carnarvon 22.10.1877, 11.11.1877.
 5. C.O. 48/483 Frere to Carnarvon, 28.9.1877. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 8.10.1877.
 6. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 8.10.1877.
 7. Ibid.

As late as the 18th January, 1878, he sent a confidential telegram to Ayliff, the Civil Commissioner at Kongha, exhorting him to maintain cordial co-operation with the Imperial authorities.

"It is of great importance," he concluded, "that our relations with the military are not further complicated. There seems a feeling of jealousy which I don't wish to foster, nor I am sure, do you. We must do our best with the means we have, and we must all try by means of honest consultation to let colonists do their share of the work. It is riling to see things going wrong, but they will all come right in the end." (1)

Leaving aside the question of actual direction of operations, (2) the evidence is fairly conclusive that Merriman's achievements in re-organising and revitalising the defence structure of the country were very considerable. The criticisms of men like General Cunynghame tend to fall into perspective, not only in view of the greater weight of favourable opinion, but especially since they were written after the constitutional controversy of 1878 and tend still to be coloured by the fierce resentments aroused by that interlude. This is brought home with double force by the fact that even the Governor, in an attempt to justify the extreme measures he had taken, took to calling Merriman a "military dictator" (3) all this only ten days after he had loudly praised his virtues. (4)

The only problem that remains is to explain the amazing change between the pre-war and war-time Merriman. Once again there is no direct evidence, but as with his Intelligence work, the only viable conclusion is that it only needed responsibility and experience to mature and bring out the qualities that were within him.

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1. Merriman Papers 1878 - 8: Merriman to Ayliff, 18.1.1878
(confidential telegram)
 2. Infra pp. 280-290, 305-307
 3. G.H. 27/2 Frere to Carnarvon, 5.2.1878.
 4. V & P A.2 - 1878, p. 20.

Nevertheless the impression must not be gained that all his efforts at military re-organisation and self-control met with equal and uniform success. Although greatly ameliorated by his work, the inherent defects of the defence system did not disappear, but continued to contribute - albeit in a moderated form - to the confusion that characterised the campaign. In essence, Merriman's achievement lay therein that he succeeded in creating, at short notice and without previous experience, some semblance of order where otherwise would merely have been chaos.

His personal relations with Governor and General were also not without tumultuous interludes,⁽¹⁾ but here again his achievement in keeping together by personal tact men as antipathetic to one another as Governor and Premier, was worthy of high praise.

The third major factor responsible for the chaos of the war was the absence of a clear-cut native policy. Two years earlier, in defending their co-operation on the Confederation issue, the Ministry had decried the desirability of a common native policy, claiming instead that the widely differing circumstances and degree of development of the various tribes⁽²⁾ demanded an empirical approach to each. Given overhead agreement on basic policy direction, there was much to be said for this; but equally, unless there was firm and vigorous leadership, the inherent danger was that muddle or inaction could result. Under Brownlee's weak, good-natured rule this was very much the case.

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1. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 21.11.1877
Frere to Merriman, 21.11.1877 (memorandum). Merriman Papers
1878 - 6: Frere to Merriman, 15.1.1878.
 2. P.P. 1876 LII (1399) pp. 30-33. Ministerial Memorandum.

"Magni nomenis umbra, but nothing more," was Merriman's caustic comment on the Secretary for Native Affairs. "He seems to have no grasp of the situation and no policy for the future. The strictures on our inaction in the press are well-deserved and go home to me at any rate. There is a sad want of vigour in this department." (1)

In writing to his mother after the dismissal he did not scruple to lay the blame for the whole debacle at Brownlee's door. (2) The Governor's conclusions were less sweeping, but equally uncomplimentary.

"You know him so well," he complained to the Premier, "that you will not be surprised to hear that, whilst I find him an invaluable encyclopaedia of information about Kaffirs, his suggestions of what to expect are usually, 'The wolf is coming,' whilst he has not much to offer as advice how to meet the danger, and I am not sorry that he leaves the direction of active measures to others." (3)

It was all very well to defeat the Galekas and drive them across the Bashee, but that solved nothing unless a decided policy was adopted towards the conquered tribe and territory. (4) Molteno favoured an attitude of relentless vengeance - permanent banishment of the Galekas across the Bashee and settlement of loyal Fingoes on their lands. (5) The Governor was horrified, and since he could get nothing out of Brownlee, repeatedly badgered the Premier to arrive at a final, more humane decision, (6) but to no avail.

"Merriman seems to think the only result will be a further excuse for drifting," he informed Carnarvon a few days later, and added somewhat ominously, "I hope it will not be so; for that would oblige me to see what can be done without Molteno's aid to secure what has been gained (in the) Transkei against collapse. I see great danger of this and so does everyone here, whose opinion deserves weight; a danger not only to our own colonial border, but to Natal, Zululand and the Transvaal." (7)

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1. Quoted Laurence, p. 26: vide also *supra*, pp. 235-236.
 2. Merriman Papers 1878-23: John X. Merriman to Julia Merriman 25.2.1878.
 3. Carnarvon Papers - P.R.O. 30/6/34: Frere to Molteno, 1.10.1877. Vide also P.R.O. 30/6/33: Frere to Carnarvon, 5.9.1877. P.R.O. 30/6/34: Frere to Carnarvon, 8.10.1877; Frere to Molteno, 27.11.1877.
 4. C.O. 48/483 Frere to Carnarvon, 7.11.1877
 5. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 7.11.1877
 6. Carnarvon Papers - P.R.O. 30/6/34: Frere to Molteno, 10.11.1877 (letter) 10.11.1877 (telegraphic conversation)
 7. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 11.11.1877.

Eventually a decision was taken to depose and banish Kreli and his war party, but to permit law-abiding tribesmen to return and settle on their lands subject to the authority of Colonel Eustace,⁽¹⁾ the conquered territory would be administered as "an integral portion of Her Majesty's South African dominions,"⁽²⁾ but what exactly that meant, was not stated, nor was any definition forthcoming as to the nature of the new administration.

Very often the lack of a positive native policy was complicated by loopholes in the legal code of the Colony. Perhaps the best example was the controversy that arose in December, 1877, when the Galekas recrossed the Bashee in warlike formation,⁽³⁾ and the Gaikas rose in rebellion within the Colony.⁽⁴⁾ It was obvious that vigorous measures were needed, but since the Gaikas were Colonial subjects and their action revolution rather than war, a number of ticklish legal points had to be settled first. The only law by which armed persons intending to participate in acts of rebellion could be arrested, dispersed or disarmed was Ordinance 2 of 1873, but it applied to "foreigners" only.⁽⁵⁾ An acute controversy developed as to how to fill this gap. The Governor favoured joint army-police action with any necessary acts of force in excess of that covered by a subsequent Act of Indemnity.⁽⁶⁾ The Ministry saw the proclamation of Martial law in the Gaika home divisions of Komgha and Stutterheim as the most convenient answer.⁽⁷⁾

Since delay was dangerous the Governor submitted to ministerial opinion,⁽⁸⁾ but objected strongly when the Cabinet

1. V & P A. 7 1878, p. 100 Proclamation, 21.11.1877.
2. V & P A. 7 - 1878, p. 90
3. C.O. 48/483 Frere to Carnarvon, 4.12.1877, 11.12.1877 (telegraphic) C.O. 48/485 Frere to Carnarvon, 9.1.1878 G.H. 21/5 Cunynghame to Frere, 4.12.1877
4. C.O. 48/485 Frere to Carnarvon, 4.1.1878. G.H. 21/7 Brownlee to Frere, 29.12.1877. V & P A. 7 - 1878, pp.1-17
5. C.O. 48/485 Frere to Carnarvon, 1.1.1878.
6. Ibid. V & P A. 4 - 1878, p. 15 Draft Proclamation
7. V & P A. 4 - 1878, p. 14 Molteno to Merriman, 28.12.1877
8. V & P A. 4 - 1878, p. 18 Frere to Molteno, 29.12.1877; p. 16, Proclamation of Martial law.

sought to interpret its provisions to mean drum-head tri-
 bunals and summary execution of rebels taken in arms. He⁽¹⁾
 had the clearest instructions from London to prevent "the
 cruelty or retaliation ... so common and likely" in Kaffir
 wars,⁽²⁾ and could see no justification for shooting one batch
 of prisoners because technically they were rebels, and
 imprisoning another because technically they were enemies.⁽³⁾
 To his mind both were equally ignorant and misled, and the
 task of government should rather be to reform and educate⁽⁴⁾
 than execute any of them. For more than a fortnight the
 controversy raged across the telegraph wires between mili-
 tary headquarters at Kingwilliamstown and ministerial offices
 in Capetown.⁽⁵⁾ Both Frere and Merriman favoured trial by
 specially appointed Commissioners using formal court pro-
 cedure,⁽⁶⁾ and eventually carried their point, but not before
 much valuable time and effort had been wasted. The broader
 issues of what would happen to the Gaikas when the rebellion
 was suppressed were never even tackled. While obviously
 the first duty of a government in wartime or revolution was
 to restore the peace, the ministry could not be excused for
 failing to formulate a definite post-war policy. Again and
 again the direction of military operations was confused, and
 the resistance of rebel and enemy reinforced by rumours of
 future vengeance and uncertainty as to the nature of the post-
 war settlement.

Although among the first and loudest assailants of
 ministerial muddle in this respect, Merriman's own record as

1. V & P A.4 - 1878, pp. 18-19 Molteno to Merriman, 4.1.1878
5.1.1878.
2. Carnarvon Papers - P.R.O. 30/6/34: Carnarvon to Frere,
25.10.1877.
3. V & P A.4 - 1878, pp. 14-25.
4. V & P A. 4 - 1878, pp. 17-18.
5. V & P A. 4 - 1878, pp. 14-21.
6. V & P A. 4 - 1878, pp. 15-18.

an architect of native policy could hardly bear examination. While admittedly never directly responsible for native administration, a perusal of his private papers and public pronouncements reveals a strange and striking paucity of opinion on the subject. In theory, he never tired of reminding fellow-⁽¹⁾ members, sometimes almost insultingly, of the importance of the question, in practice, he provided neither positive proposals nor constructive criticism. It is, in fact, extremely doubtful whether Merriman had any clearly formulated policy of his own. An examination of his writings and speeches reveals a curiously random and unconnected assortment of exhortations and reflections. This is significant in itself, but more important from the point of view of Merriman's development is the steady, if often imperceptible swing away from a rigid adherence to the stern frontier mentality.

When Merriman arrived in Parliament in 1869 he was, in Molteno's ironic phrase, "desperate against the Kaffirs."⁽²⁾ His sentiments were very much those of a correspondent who wrote in bitter complaint to the Graham's Town Journal in 1870

"When one sees frontier farmers siding with those almost entirely mistaken and misnamed philanthropists of the Exeter Hall stamp, one is almost inclined to give up all hope of ever seeing the Cape other than it is now - a miserable, nigger-ridden country, in which the only chance for a white man is to lay aside all energy and manly spirit and become a nigger in everything but colour."⁽³⁾

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1. GTJ, 7.5.1873
 2. Argus, 25.6.1874. Molteno was hardly in a position to throw stones. In 1869 he had led the attack on the Government for bringing to trial a certain Scheepers - one who, finding three robbers among his cattle, had captured two and shot the third. According to Molteno it should have been the duty of the Government to encourage frontier farmers to defend themselves, and far from being a crime the killing of the alleged robber was a praiseworthy act (GTJ, 16.7.1869)
 3. GTJ 6.2.1870. Cf. also the bitterly frustrated tone of an editorial in the Aliwal Standard shortly after one of Solomon's controversial native policy speeches. The writer in final desperation made the suggestion that the honourable member for Capetown be forced to go on a grand tour of the frontier districts so that he could eventually see for himself "how much hard-working and intelligent men are compelled to put up with lazy, impudent natives who set the White man at defiance." (Quoted GTJ, 17.6.1872).

In moving his notorious amendment to the 1869 Masters and Servants Bill, empowering magistrates to inflict twenty-five lashes rather than fine or imprison non-European offenders under the Act, Merriman declared that it was "absolutely necessary" to provide means for punishing the Kaffirs.

"The magistrates could not be accused of blood-thirstiness; they were not blood-thirsty enough. The Kaffirs were now the masters, and saw that the white men were afraid of them, and this would continue until some law was passed which they would fear to break." (1)

Two weeks later he repeated his abhorrence of Negrophils and Exeter Hall.

"He did not like the kid-glove legislation then in vogue at all. The Kaffirs should be made to work. We should keep them under our feet, and if we did so we should prosper. If we went in for philanthropy we would fairly come to grief. It was philanthropy and Exeter Hall that converted one of the richest of the West Indian islands into a wretched hell." (2)

There is some doubt whether these views were an accurate reflection of Merriman's real feelings. (3)

were extraordinary coming from the son of an Anglican bishop, and one as mission-conscious as Nathaniel Merriman at that. (4)

The latter, it was true, was no impractical visionary in racial matters, but he was a very profound Christian. He had exerted (5)

1. GTJ, 19.7.1869.

2. GTJ, 28.7.1869.

3. Supra, pp. 222 - 223.

4. Supra, pp. 6 - 7.

5. His attitude on these matters was perhaps best illustrated by the answer he gave to a worried catechist in Southwell who, trying to obey the instructions to make no distinction between Black and White, found himself offending his fellow Europeans. "I should be prepared to go to all lengths", Nathaniel Merriman declared, "in combating the unchristian feeling which exists against the coloured people..... Still we must not only deal tenderly but slowly and cautiously... Now, if your instructions are to make no difference, you should endeavour to see to it that the Coloured people do not come in a state of undress or of dirt for which you would reprove a European. Nor should I invite any to the service except they understood English and were baptised. The best way undoubtedly to exercise your zeal in their behalf would be to have a separate service for them in a tongue (Dutch, English or Kaffir) which they understood. In the meantime let all baptised persons who understand English and who are not positively offensive in their costume, but none others, be welcomed to your Sunday services." (Varley and Matthews, The Cape Journals of Nathaniel Merriman, pp. 49-50).

a leading influence over his son during the latter's formative years, and had remained in correspondence with him even in adulthood. In the circumstances it would have been surprising if the son had really held beliefs so dramatically at variance with the Christian convictions of his father. Nevertheless, the occasion was important enough for Merriman not to have expressed viewpoints he did not uphold - at least to some extent.

Unfortunately, the evidence is insufficient to justify a final verdict. All that can be said is that two years later Merriman appeared to have moderated his attitude very considerably. Instead of advocating the whip once again when the matter came under discussion he supported a proposal by Molteno that magistrates be given the option of imposing fines instead of being obliged to imprison servants for certain offences.⁽¹⁾

His attitude to native management underwent a similar change. In 1870 he conceded somewhat reluctantly that in some cases the Natives had perhaps passed beyond the stage of being treated as a "horde of barbarians",⁽²⁾ and that a new approach to them in some instances was justified. He did not explain what this meant, but three years later surprised everybody by welcoming the creation of the new district of Herschel and the substitution of Colonial for Native law over its 20,000 inhabitants.⁽³⁾ Analysis of this remark would suggest that Merriman supported a policy of gradual integration, but it is doubtful whether he fully understood the implications of his remarks. On the one hand, he bolstered up the integrationist

1. Argus, 27.5.1871.

2. GTJ, 21.3.1870.

3. GTJ, 7.5.1873

ideal by advocating the abolition of the tribal system; on the other hand, he neutralised all purposeful planning by insisting that a policy of laissez-faire provided the only true formula for success in native affairs. How the two points of view were to be reconciled he never bothered to indicate.

"His own ideas of native policy," he told startled legislators in 1873, "was that there should be no chiefs at all. If they had the management of native policy, let them have the management of the Kafirs, and have no chiefs; let them be done away with altogether ... The only thing he was afraid of was that there would be a policy inaugurated here like that in Natal; the chiefs would have discussions and long talks, and be made much of, while the individual welfare of the Kafirs would be lost sight of altogether. If they had a Native Minister let it be a man unacquainted with the Kafirs at all, and who would let them alone; but whatever they did they should beware of drifting into the Shepstone policy." (1)

Merriman never indicated precisely what he had against the Shepstone system, let alone how he proposed to govern the natives without chiefs or cabinet minister.

In 1877 Merriman changed his mind on laissez-faire. Speaking in the defence debate, he pleaded for firm and determined leadership in native affairs, claiming that the best defence investment the Colony could make was to expedite the break-up of the tribal system. (2) The more cattle, sheep, wagons, ploughs and land the Kafirs owned on individual title the more they would stand to lose and the less likely they would be to indulge in wars of plunder or adventure. Again, Merriman did not stop to explain the methods by which these goals should be accomplished - if anything, he hardly knew himself, for five months later he had changed his mind completely about the desirability of breaking up the tribes.

1. GTJ, 9.5.1873 vide also 7.5.1873
 2. GTJ, 4.7.1877

"The more you do for them," he informed the Governor in an official memorandum at the end of December, "and the more you apply the rules of abstract justice the more turbulent they become. Much, if not all, of our present difficulties arise from the persistent efforts made by the present Administration to lessen the powers of the Chiefs, and to introduce European laws and customs in the place of the more convenient Native customs."⁽¹⁾

Since Merriman continued to complain about the lack of force and direction in the Native Affairs Department,⁽²⁾ it is not clear what he expected them to do. He had condemned both the maintenance and the break-up of the tribal system without indicating any alternatives. In the abstract, Merriman's strictures on the aimlessness and inefficiency of Brownlee's department were well deserved, but since he could offer no remedy himself he was hardly the person to make them. There is indeed some reason to believe that the extreme vehemence of Merriman's feelings on the subject after February, 1878, were more the result of resentment at the dismissal than genuine indignation at muddled management. A chronological examination of his letters during this year shows very clearly that his antipathy to the Secretary for Native Affairs tended to cool off in harmony with the slow soothing of his wounded pride. In February for example his contempt for Brownlee was still terribly intense

"To the latter worthy," he wrote to his mother, "I attribute the whole war. The wretched, slipshod, boneless instruments whom for family purposes he has put among the Kafirs have worked their ruin."⁽³⁾

A month later he had simmered down considerably, though nothing could hide his fierce derision when he thought of the men in charge of the new administration.

"You may well imagine a native policy carried out by W. Ayliff with Brownlee as his right hand man. Alternate bursts of spasmodic energy and laissez-faire indolence utterly defeating any sort of prospect of good. It is too, too bad."⁽⁴⁾

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1. V & F A. 2 - 1878, p. 8
 2. Supra, pp. 236, 266.
 3. Merriman Papers 1878 - 23 John X. Merriman to Julia Merriman 25.2.1878.
 4. Merriman Papers 1878 - 29 John X. Merriman to Julia Merriman, 26.3.1878.

By the end of the year he had simmered down almost completely. Events in Natal and his plans for linking up Africa with a telegraph line ⁽¹⁾ had led him to look beyond the boundaries of the Colony, and see the Native problem in a wider context.

"I think much of the future of our native races," he wrote to his mother at the end of October. "It looks dark at present and will do so as long as we persist in regarding them as enemies, and in imagining that this place is ever going to be a great European colony and shutting our eyes to the manifest future which I see before us of being the greatest controlling power over the black races in the Southern half of the continent." ⁽²⁾

This was a far cry from the Masters and Servants speech of 1869, but it was still hardly specific. Reviewing Merriman's contributions to native policy discussions as a whole, the best that can be said is that they were disappointing. In the ten years he said nothing that was new and little that was relevant. The responsibility for the confused state of native policy does not rest primarily with him, but both as private member and Cabinet Minister he could have played a more prominent part in resolving the muddle.

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1. Merriman's plan was to open up Africa by a three-stage telegraph line - Pretoria to Tete, Tete to Zanzibar, and Zanzibar to Gorokoro. This would link Capetown with Cairo, and since Egypt was the terminus of a submarine cable system, provide direct communication to Europe. The estimated cost was £500,000. Unfortunately, despite some enthusiastic lobbying and the support of Her Majesty's Agent at Zanzibar, the scheme never even reached the blueprint stage. Its significance lies mainly in the proof it provides of Merriman's growing awareness that the Colony could not exist as an island unto itself. (Merriman Papers 1878 - 32 John X. Merriman to H.M.'s Agent at Zanzibar, 11.4.1878; 1878 - 35 H.M.'s Agent at Zanzibar to John X. Merriman, 10.5.1878).
 2. Merriman Papers 1878 - 53: John X. Merriman to Julia Merriman, 20.10.1878.

The final factor responsible for the chaos was the lack of definition of the respective authority in military matters of Governor and Ministry. Though slower to take effect it was undoubtedly the most important of the four major factors, and led directly to the climacteric constitutional crisis and cabinet dismissal of February, 1878.

In essence the dispute arose because both parties laid claim to the same powers - the one as Governor and Commander-in-Chief of the armed forces, the other as legally constituted Responsible Ministry. Since the controversy was both a result and a reflection of the degree of military emergency, it is necessary to view it against the background of the war.

The conflict itself falls into three distinct phases. The first began in September with the outbreak of Galeka-Fingo hostilities, and ended in November with the apparent (2) defeat and withdrawal of the former across the Bashee River. Military operations throughout were localised in the Transkei - beyond the borders of the Colony. Relations between Colonial (3) and Imperial forces were satisfactorily adjusted, and Governor (4) and Ministry co-operated cordially in the conduct of the war. The second phase began in December with the double trouble of (5) renewed Galeka invasion of the Transkei, and open rebellion (6) by the Gaikas within the Colony. The theatre of war was extended to include operations on both sides of the Colonial

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1. C.O. 48/483 Frere to Carnarvon, 25.9.1877, 2.10.1877 (telegraphic). G.H. Cunynghame to Frere, 1.10.1877. V & P A.7 1878, p. 25. Notification from the Department of Native Affairs to Her Majesty's subjects on the Eastern Frontier, 25.9.1877.
 2. C.O. 48/483 Frere to Carnarvon, 20.11.1877, 21.11.1877 G.H. 21/5 Cunynghame to Frere, 19.11.1877, 27.11.1877
 3. C.O. 48/483 Frere to Carnarvon, 25.9.1877, 3.10.1877 V & P A. 7 - 1878, pp. 42-45.
 4. C.O. 48/483 Frere to Carnarvon, 25.9.1877, 3.10.1877 Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 3.10.1877, 8.10.1877, 17.10.1877 Frere to Molteno, 1.10.1877.
 5. C.O. 48/483 Frere to Carnarvon, 11.12.1877. No. 111. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 11.12.1877, G.G.R.2 Griffith to Merriman, 8.12.1877. Merriman Papers 1877-90: Merriman to Molteno, 4.12.1877.
 6. G.H. 21/5 Cunynghame to Frere, 28.12.1877. G.G.R. 2 Memo. by Brownlee, 29.12.1877. V & P A.17 - 1878, pp 6-10.

frontier, and an acute dispute developed between Governor and Ministry on the question of the command of the troops in the Colony. It ended on the high note of constitutional crisis and the dismissal of the Ministry early in February.⁽¹⁾ The third phase began with the assumption of office of the Sprigg Ministry,⁽²⁾ and ended with the Parliamentary vote of approval for the dismissal of Molteno and his colleagues three months later.⁽³⁾ The conduct of the campaign at this stage was marked by close Colonial - Imperial co-operation and sweeping attempts to reform and re-organise the defence structure of the country.⁽⁴⁾

Throughout all three phases the meeting place both for co-operation and conflict was the daily council, consisting of the Governor, the General in command of the Imperial troops, and such Cabinet Ministers as happened to be in Kingwilliamstown. It functioned both as a liaison committee and as a central executive for the conduct of the war. No provision had been made for it either in the 1854 or 1872 Constitutions, nor indeed was there any precedent for its existence in the history of the Colony. No formal Cabinet sanction can be traced, but other evidence indicates that it was semi-officially inaugurated on a suggestion by the Governor shortly after his return to Kingwilliamstown from his brief Transkeian tour on the 22nd September, 1878.⁽⁵⁾ The first reference to the council system is contained in an official despatch three days later:

1. C.O. 48/485 Frere to Carnarvon, 5.2.1878 Supra, p. 240
2. Lewsen, The first crisis in Responsible Government, p. 253.
3. V & P (HA), 6.6.1878.
4. V & P A.1 - 1878.
5. C.O. 48/483 Frere to Carnarvon, 25.9.1877.

"In all these transactions Messrs. Merriman and Brownlee, by arrangement with Mr. Molteno, represented the whole cabinet, and everything was done as far as possible in the regular constitutional course, through the appropriate department of Government.

Everything was duly reported, almost daily to the Colonial Office, and the formal sanction of the Government obtained without delay, owing to the excellent arrangements of the telegraph department ... Mr Molteno was daily, and frequently oftener, in direct communication with Mr Merriman, of whose energy and resource I cannot speak too highly."(1)

The most important problems that confronted the Council were the relationship between civil and military authorities, and the exact constitution of the supreme command. In spite of periodic phases of tolerant concord, neither was ever really solved, but remained as ever present bones of contention, as much implicit in the creation of the council as in its dissolution.

In essence, the controversy hinged around the personal attitudes and political objections of two men, the Governor and Premier. Merriman was never a leading protagonist, but played the role of middleman between the two extremes. Both men were very much the products of their background. Frere had recently retired after a distinguished career of thirty-three years in India with a record so eminent that he had just missed being appointed Viceroy in 1876. (2) His vigour and daring during the Indian Mutiny, his Afghanistan campaigns, his spectacular suppression of the East African slave trade, his impressive bearing and rare personal charm had made him a popular hero, a legend almost, in some quarters. But behind his courteous and scrupulously correct exterior he hid a very firm and resolute nature. He had emerged from retirement to

1. Ibid Cf. also V & P A.7 - 1878, p. 55 Frere to Cunyngame, 1.10.1877.
2. Martineau, Life of Sir Bartle Frere, 1877.

come to South Africa as Lord Carnarvon's chosen instrument, specially entrusted with the task of completing the Con-
 federation project. ⁽¹⁾ So important was his mission in imperial eyes that the Colonial Office had even persuaded the Treasury to pay him a larger salary than any other Governor in the
 Colonial Service. ⁽²⁾

Nearly all his actions in South Africa were motivated by a desire to complete his task. In theory, for example, his visit to the Eastern Province was simply that of a newly appointed Head of State anxious to fulfil the formal obligations of his office in the remoter districts of his command. In practice, he had a very different three-fold purpose - to
 test the strength of Eastern Separatism, to prevent the
 "annually recurring tendency to a Kaffir scare," ⁽³⁾ and to
 probe the strength of frontier defence. ⁽⁴⁾ The situation, both
 in Europe and South Africa, was extremely grave. The crisis in the Balkans threatened to involve Great Britain in a war
 for which she was ill-prepared. ⁽⁵⁾ The annexation of the Trans-
 vaal had created more problems than it ever sought to solve, while in Zululand preparations for war were gathering momen-
 tum with menacing rapidity. ⁽⁶⁾ Quite apart from the normal duty
 of a Governor to watch over the military preparedness of his
 command, ⁽⁷⁾ Sir Bartle Frere had an obvious special interest ⁽⁸⁾

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1. Carnarvon Papers - P.R.O. 30/6/33: Frere to Carnarvon, 11.10.1876, 21.10.1876. Martineau, Life of Sir Bartle Frere, Vol. II, pp. 161-163.
 2. P.P. 1880 LI (260) Herbert to Secretary of the Treasury 26.1.1877.
 3. Lord Carnarvon had not yet abandoned the idea of using Eastern feelings to force Western compliance with Confederation. He repeatedly requested Frere for a full and frank report on the subject so that he could make up his mind. (Carnarvon Papers - P.R.O. 30/6/34: Carnarvon to Frere, 9.10.1877.)
 4. Carnarvon Papers - P.R.O. 30/6/33: Frere to Carnarvon, 16.8.1877
 5. Carnarvon Papers - P.R.O. 30/6/33: Frere to Carnarvon, 14.8.1877 16.8.1877.
 6. Marriott, History of Europe, pp. 300 sqq. Ensor, England, pp. 40 sqq.
 7. C.O. 48/483 Frere to Carnarvon, 9.10.1877. Carnarvon Papers - P.R.O. 30/6/33: Frere to Carnarvon, 19.7.1877.
 8. Todd, Parliamentary Government in the British Colonies, pp. 370-374.

in taking stock of the defences of the Colony. Given the possibility of hostilities in Europe it was clear that any complications in South Africa would both embarrass the War Office and prejudice the completion of Confederation. With trouble threatening in the Transvaal and Natal, peace on the Eastern frontier was an obvious imperial, as well as colonial, necessity. When war did materialise at the end of September Sir Bartle Frere's first objective was to end it, and to end it as soon as possible. In doing so he was not concerned with nice points of precedence or personal susceptibilities, but simply to make use of the available forces in the most efficient manner possible. Any obstacle to the speedy termination of the conflict was bound to meet with his immediate and undivided wrath.⁽¹⁾

Molteno was a man with a completely different background.⁽²⁾ Though London born, he was a Colonial by adoption, and had spent the best years of his life fighting for Responsible Government in the Cape Colony. A Westerner to the backbone, he had waged a relentless feud with Eastern Separatism, and in the end had had the satisfaction of seeing all his ambitions realised - a single, self-governing Colony with himself as Premier. His ministerial policy was straightforward - maintenance of Western leadership in a unified state of West and East, defence of the institutions of self-government and promotion of the prosperity of the Colony. Anything that appeared

1. Lord Carnarvon's instructions on this point were also very specific. As soon as he heard the news of the war he wrote at once to tell Frere to spare no pains in suppressing it "Effectively and rapidly." (Carnarvon Papers - P.R.O. 30/6/34: Carnarvon to Frere, 25.10.1877). Four days later he repeated this point with even greater emphasis. The main objective was to prevent the war becoming "an old fashioned regulation war to be carried on in the approved methods of military professors such as formerly lost us so much money and life both in S.Africa and N.Zealand." (Carnarvon Papers - P.R.O. 30/6/34: Carnarvon to Frere, 29.10.1877; vide also Carnarvon to Frere, 7.11.1877.
2. Supra, pp.

to threaten any of these ideals was certain to arouse his suspicions and bring out his dour, stubborn fighting qualities. During the five years of his Premiership he had encountered four distinct attempts to coerce or influence the Responsible Ministry into acting in accordance with Imperial designs - the Langalibalele despatch of December, 1874,⁽¹⁾ the Confederation proposals of May, 1875,⁽²⁾ Froude's tumultuous tour of the Colony in the latter half of that year,⁽³⁾ and the London Conference of 1876.⁽⁴⁾ The first he had acceded to upon receipt of a conciliatory letter⁽⁵⁾ - an act that had nearly cost him his majority;⁽⁶⁾ the other three he had either beaten off or held at bay.⁽⁷⁾ In the circumstances he was extremely wary of anything that smacked of further intervention, and while he was as anxious as the Governor to end the war as promptly as possible, his first concern was that there should be no inroads on the legitimate rights and authority of the Responsible Ministry.

Given the urgency of the situation and the strength of these two opposing viewpoints a clash between Governor and Premier was almost inevitable. The dismissals did not result, however, from one explosive altercation only, but from a series of disputes that varied both in nature and intensity with the changing demands of the military situation. In order to understand and accurately assess the part Merriman played, it is necessary to trace the course of the controversy and explore the issues raised at each stage of its development.

1. C.O. 48/471 Carnarvon to Barkly, 4.12.1874.
2. F.F. 1875 LII (1244) Carnarvon to Barkly, 4.5.1875.
3. Supra, Ch. 4.
4. C.O. 48/476 Carnarvon to Barkly, 22.10.1875 Molteno, Life of Molteno, Vol. II, pp. 109-121. Lewsen, The first crisis in Responsible Government, pp. 236-240.
5. C.O. 48/473 Carnarvon to Barkly, 15.2.1875.
6. Lewsen, The first crisis in Responsible Government, pp. 222-223.
7. Supra, Ch. 4.

The first issue was the creation of the daily council itself, right at the beginning of the war. Both Merriman and Brownlee had serious misgivings about its inauguration, not so much for its own sake as for what their colleagues would think and say of so intimate a relationship with the military authorities.⁽¹⁾ The cabinet does not appear to have raised any objections, however, and the council became an institution.

In actual fact, the decision was much more important than anybody realised. In terms both of the 1872 Constitution⁽²⁾ and the Letters of Instruction to the Governor, the Executive Council of the Colony consisted of the Governor and Responsible Ministry in joint session.⁽³⁾ The quorum, exclusive of the Governor, or in his absence the presiding officer, was two members.⁽⁴⁾ In normal circumstances, the actual work of government was left in the hands of the Ministry, the Governor merely acting in his executive capacity on their advice. In abnormal circumstances, he had the right to act without consulting them or even, in extreme cases, in opposition to their views.⁽⁵⁾ This was not an unqualified prerogative, for he had to be prepared to explain and defend his actions - in the former instance to the Cabinet, and in the latter to the Secretary of State in London, - but it gave him considerable emergency powers.⁽⁶⁾

In theory, the inauguration of the daily council did not make any inroads on the authority of the Ministry for all decisions were communicated to Capetown for formal Cabinet sanction, and all instructions were issued through the appropriate departments of State.⁽⁷⁾ In practice, the arrangement

1. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 8.10.1877
2. Eybers, Select Constitutional Documents, pp. 63-64
3. V & P A.8 - 1878, p.6
4. Ibid
5. Ibid
6. Ibid
7. C.O. 48/483 Frere to Carnarvon, 25.9.1877.

embodied an inherent contradiction that was fraught with danger to the Cabinet in Capetown. Since the Governor had secured a seat on the daily council for Sir Arthur Cunynghame, (1) and since he could at any time exercise his constitutional rights of co-option by appointing the latter to the Executive, (2) the situation could arise where a clash between Governor and Premier, or Capetown and Kingwilliamstown councils, could result in the latter constituting itself an Executive and acting over the head of the Cabinet. Since the presence of the Governor or his substitute was necessary to the existence of the Executive, and since a quorum was only two additional members, it only needed the support of one Minister at Kingwilliamstown to enable the daily council to take legally binding decisions. With Parliament in recess the constitutional developments thereafter would naturally be extremely complex, but in theory it was possible for an Executive, thus constituted, to function for a considerable length of time as the supreme body of the Colony.

Neither Molteno nor Merriman realised this, and it is extremely doubtful whether even Frere understood all the implications of his suggestion. (3) The Premier's suspicions may have been aroused by the mere thought of so close an association with the military, but he does not appear to have expressed them at the time. To Merriman, burdened with the ministerial duties of defence, the necessity for close liaison was so self-evident that, as soon as the reaction of his colleagues

1. V & P A.7 - 1878, pp. 55-56 Frere to Cunynghame, 1.10.1877
Carnarvon Papers - P.R.O. 30/6/34: Frere to Molteno, 1.10.1877
2. V & P A.8 - 1878, p. 2.
3. This is not surprising. None of the great constitutional authorities that deal with this dispute - Todd, Keith, Evatt or Jenkyns - mention this possibility in their writings. That it is theoretically feasible, however, was confirmed in private conversation by Mr Sidney Cope-Morgan, constitutional adviser to the British Government.

became known he entered into the new arrangements with
 (1) enthusiasm. For the time being then, the first potential cause of friction was settled without crisis or fuss. Merriman's contribution lay in his ready acquiescence in the Governor's proposal, and his wholehearted co-operation with all concerned.

The next issue, the exact relationship between Colonial and Imperial troops, was less easily solved. Both Governor and Premier held strong views on the subject. The former's
 (2) starting point was the absolute necessity of a united command. To his mind heroism on the field was to no avail without vigorous leadership and purposeful planning at the top. The first necessity, as he saw it, was the appointment of a Supreme Commander and the best man for the job Sir Arthur Cunynghame both by virtue of his dormant commission as Governor and his position as Commander-in-Chief of the British Army in
 (3) South Africa. The latter's starting point was the urgency of trouncing the enemy in the field by the most immediate and effective means available. Rightly or wrongly, his experiences as a commandant in the Kaffir War of 1846 had taught him to despise the efficacy of the regular army, officers and men,
 (4) in frontier warfare. To his mind the only sensible course was to entrust the actual fighting to Colonial troops under their own officers, and to leave the Imperial forces to gar-
 (5) rison the frontier stations and guard the supply lines. The last thing he wished to see were Colonial volunteers fighting under imperial direction.

Given the utter confusion in all spheres of life on the frontier, Frere's starting point was both logical and correct.

1. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 3.10.1877, 8.10.1877, 17.10.1877. C.O. 48/483 Frere to Carnarvon, 25.9.1877, 28.9.1877.
2. Carnarvon Papers - P.R.O. 30/6/34: Frere to Merriman, 5.10.1877
3. Ibid
4. Argus, 27.5.1878 Molteno's speech, dismissal debate. Molteno, Life of Molteno, Vol. I, p.
5. G.G.R. 6 Molteno to Merriman, 3.10.1877.

Merriman was quick to see this - especially since the Governor, while never ceasing to regret that the Volunteers and Burghers were not regular soldiers,⁽¹⁾ was not blind to the deficiencies in training and equipment that made the regular infantry less well adapted to bush warfare in the rainy weather than light,⁽²⁾ irregular cavalry.

In the circumstances a commonsense understanding between Governor and Commissioner was speedily reached. Sir Arthur Cunynghame assumed supreme command of all the forces,⁽³⁾ but the actual conduct of operations was entrusted to two officers - Colonel Glyn of the British Army on the Western side of the Kei,⁽⁴⁾ and Commandant Griffith of the Frontier Armed and Mounted Police on the Eastern side.⁽⁵⁾ To facilitate inter-unit co-operation all officers were given equivalent rank and status in the opposite organisations,⁽⁶⁾ Griffith himself ranking as a full-blown Colonel in the British Army.⁽⁷⁾ Both for purposes of command and supply no distinction was to be made between Colonial and Imperial troops on either side of the Kei.⁽⁸⁾

As soon as Moltenc heard of this arrangement he wired at once to Merriman.

"Am I distinctly to understand," he demanded, "that Griffith is not in any way fettered by position of General."⁽⁹⁾

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1. Carnarvon Papers - F.R.O. 30/6/34: Frere to Carnarvon, 22.10.1877. V & P A.2 - 1878, pp. 3-7 Memorandum on Defence. V & P A. 19 - 1878, pp. 1-5 Minute regarding F.A & M.F.
 2. Carnarvon Papers - F.R.O. 30/6/34: Frere to Molteno, 1.10.1877
 3. V & P A. 7 - 1878, p. 42 Proclamation, 2.10.1877.
 4. V & P A. 7 - 1878 p. 45 General Notice, 3.10.1877
 5. Ibid
 6. V & P A. 7 - 1878, p. 43, Proclamation, 2.10.1877.
 7. V & P A.7 - 1878, p. 42 Proclamation, 2.10.1877.
 8. G.H. 21/5 Cunynghame to Frere, 28.9.1877. G.H. 21/7 Merriman to Frere, 1.10.1877. V & P A.7 - 1878, p. 53 Frere to Cunynghame, 1.10.1877.
 9. G.G.R. 6 Molteno to Merriman, 3.10.1877.

Sir Arthur Cunynghame, it appeared commanded absolutely no respect from him. In normal circumstances he made a point of being rude to him, and the thought of the latter worthy in supreme command was too much for him.

On examination it seems likely that his consternation was well justified. Nearly all observers were agreed that the General had little vigour, less intellect and no imagination.

"The principal danger as it strikes me here in England and at a distance from the scene of action and from the actors," Lord Carnarvon remarked in a letter to Frere shortly after hearing the news of the war, "is that Sir A. Cunynghame, being a good officer, and desirous doubtless of conducting everything according to the approved rules of war, may not be satisfied with the rough and ready mode of bringing hostilities to an end. He has already written to the Duke of Cambridge requesting two additional regiments.

I trust, however, that your presence will be an effectual check upon any inclination to make a "regulation war", or to carry on hostilities when it may become time for them to cease."(1)

Merriman heartily endorsed this opinion. Long before the rancour aroused by the dismissal had served to cloud his judgement, he had repeatedly expressed derogatory opinions about the General. Perhaps the best example was an entry in his diary for the 6th March, 1875:

"Dined at Westbrook - with the Cunninghames - Not a dinner of ceremony but the reverse - the General does not raise one's ideas of the intellect necessary to command the British Army."(2)

The deliberate misspelling of his host's name was perhaps the most eloquent single commentary Merriman ever made.

For a long time Frere had remained his firmest and most loyal supporter. Hardly a despatch went to London without a word of praise for his patience and military acumen - but even he was forced to change his mind. Writing of the bad temper and difficulties of liaison between civil and military authorities after the debacles of December, 1877, Frere admitted to Carnarvon

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1. Carnarvon Papers - P.R.O. 30/6/34: Carnarvon to Frere, 7.11.1877. Vide also 29.10.1877.
 2. Merriman diaries 6.3.1875.

"Sometimes, I must confess, the General now gives them some excuse for their bad manners, by reminding them very frequently and pointedly of their own blundering, and by wasting time and correspondence over the smallest details. I shall be sincerely glad to get him back to Capetown." (1)

A week later his tone of restrained resignation changed to one of desperation.

"Col. Glyn has done well and would have done better if left more in peace, but since "Cunny" has had all in his own hands it has been too much for him, and the quantity of work done bears no proportion to the inordinate waste of time and labour in doing over and over again the work of his sub-ordinates. His dread of responsibility is a very serious defect, and I have given up all hope of preserving anything but the outward decencies of official accord between him and the Ministers." (2)

A month later Cunynghame was recalled and shuttled off (3) into the harmless obscurity of the Governorship of Malta.

Given these facts Molteno was well justified in wishing to ascertain the exact nature of the General's authority, but he was ^{not} justified in demanding a complete severance between Colonial and Imperial commands. The understanding arrived at by Merriman and Frere had secured the advantages of both schools of thought - a unified command with the actual conduct of hostilities entrusted to Colonial officers and men. It would have been folly to terminate these arrangements. Frere, for one, assured Merriman in very forceful terms that he would decline "any attempt to use the General and Col. Glyn simply as A.D.C.'s or friendly military critics" to the Colonial forces. (4)

In reality there was little that Molteno could do except be unpleasant. As High Commissioner Frere had the right to

1. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 11.12.1877.
2. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 19.12.1877.
3. Carnarvon Papers P.R.O. 30/6/34: Carnarvon to Frere, 22.1.1878.
4. Carnarvon Papers - P.R.O. 30/6/34: Frere to Merriman, 5.10.1877.

determine policy in the Transkei,⁽¹⁾ and the Premier had no option but to submit. Nevertheless, despite Merriman's explicit assurances on the subject,⁽²⁾ he decided to come to the frontier in person to make sure that Griffith's movements were not hampered by the presence of the General. His arrival, Frere gloomily predicted, would be an "unmitigated nuisance and hindrance to work."⁽³⁾

In many respects it was. After a favourable beginning - the Governor procured a room for him in the barracks, the 24th Regiment enrolled him in their mess, and the General was his "usual patient self"⁽⁴⁾ - trouble began to develop. On the 17th of October Frere wrote not unkindly about the Premier in a private letter to the Secretary of State in London:

"Mr Molteno's advent has been less of a hindrance to real work than I expected ... I do not know that he has helped us much, but he has satisfied himself, and told me today that he would return to Cape Town on the day after tomorrow quite satisfied to leave affairs in our hands as they were before he came to us. He may be a good hand at managing a Parliamentary majority, but he has no administrative grasp or power of organisation. He is a shrewd judge of men but never knows when or how to trust them - and from his disposition to find small faults and muddle in details, is a dangerous addition to Council, when everything is a makeshift, when we are forced to trust as much to Providence as to the very precarious machinery of Volunteer effort."⁽⁵⁾

Five days later he wrote in bitter hostility about Molteno. He complained of his "overweening confidence and jealousy of everybody, but especially of the General and Merriman."⁽⁶⁾ His behaviour to his colleagues was "ludicrous ... jumping with almost childish glee at any instance of their mistakes or inconsistencies."⁽⁷⁾ His colleagues, it appeared,

1. V & P A. 8 - 1878, pp. 10-11.

2. G.G.R. 6 Merriman to Molteno, 3.10.1877

3. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 8.10.1877.

4. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 17.10.1877.

5. Ibid.

6. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 22.10.1877.

7. Ibid

"showed much more command of temper than I had expected in dealing with them, and treated him, not exactly as a Prime Minister ought to be treated, but much as they would a petulant old invalid."(1)

What exactly happened in those five days is not known, but one significant result at least emerged from them. Frere developed an incurable antipathy to Molteno - a fact that hardly made life easier for Merriman. Although Cunynghame was nominally in supreme command the decision to issue the orders of the daily council via the normal departmental channels meant, in practice, that Merriman, as Colonial Minister of Defence, was actually the man in charge of operations during the first phase of the war. This meant that he was not only performing the normal ministerial duties of Crown Lands, Public Works and War, but actually carrying out the administrative functions of the supreme commander as well.

This was a colossal task, but Merriman acquitted himself extraordinarily well. For a man who had had no formal military training his orders were models of precision, balanced alike in daring and discretion. A good example of this were his instructions to Griffith and other police officers on the Galeka-Fingo border at the beginning of the first serious Galeka raids:

"You will prevent any violation of our border or molestation of our subjects in any way ... peaceably, if possible, but by force, if necessary. First warn Galekas, then arrest them. If they show resistance, use force and be careful that it is effectual."(2)

In practice Cunynghame interfered very little, either
(3)
with the planning or day-to-day conduct of the campaign.

1. Ibid
2. G.G.R. 1 Merriman to Griffith, 25.9.1877. Vide also G.G.R. 6 Merriman to Griffith, 6.10.1877, 28.10.1877.
3. G.G.R. 5 Merriman to Griffith, 25.9.1877: General has stated he wishes me to tell you that his coming is not to interfere in any way with your plans and movements."
G.H. 21/5 Cunynghame to Secretary of State for War, 5.10.1877: "With the knowledge of Sir Bartle Frere I have considered it more judicious not to tie the hands of Commandant Griffith as regards the details of his operations." Vide also G.H. 21/5 Cunynghame to Frere, 27.11.1877.

Insofar as it was possible to speak of strategy Merriman was both architect and executor. The masterplan of operations was simple, but effective. The imperial forces remained in garrison within the Colony. (1) They guarded the railway line between East London and Cathcart and held the frontier bridge - heads at Komgha, Draaibosch and Pullen's Farm. (2) Their function was to keep the supply lines open, protect the Colony from attack and prevent disaffected Gaikas from making common cause with the enemy. (3) The colonial forces consisting initially of 470 Frontier Policemen, 500 Mounted Burghers and Volunteers armed with Sniders, and 2,500 Fingoes armed in traditional or modern fashion with about 500 Sniders among them, did the actual fighting. (4) After some delay occasioned by the chaos in the mobilisation supply and intelligence systems, (5) they marshalled into two equal columns, advanced on Kreli's kraal, and destroyed it on the 9th October. (6) Thereafter they separated into three units, (7) pushed the remnants of the Galeka army across the Bashee river, and cleared the intervening country of hostile natives. (8) By the middle of November all was quiet

1. C.O. 48/483 Frere to Carnarvon, 3.10.1877. Carnarvon Papers - P.R.C. 30/6/34: Frere to Molteno, 1.10.1877
2. C.O. 48/483 Frere to Carnarvon, 3.10.1877, 9.10.1877. G.H. 21/5 Cunynghame to Secretary of State for War, 10.10.1877
3. C.O. 48/483 Frere to Carnarvon, 3.10.1877
4. C.O. 48/483 Frere to Carnarvon, 3.10.1877. Carnarvon Papers - P.R.C. 30/6/34: Frere to Molteno, 1.10.1877
5. C.O. 48/483 Frere to Carnarvon, 9.10.1877. G.H. 21/5 Cunynghame to Frere, 1.10.1877. G.H. 21/6 Griffith to Military Secretary, 10.10.1877. Supra pp. 144 sqq.
6. C.O. 48/483 Frere to Carnarvon, 16.10.1877 (telegraphic). G.H. 21/6 Griffith to Military Secretary, 10.10.1877. G.H. 21/8 Spalding to Bellairs, 28.11.1877 Diary of War.
7. G.H. 21/6 Griffith to Deputy Adjutant General, 23.10.1877.
8. C.O. 48/483 Frere to Carnarvon, 24.10.1877, 30.10.1877 (tel) 6.11.1877, (tel), 7.11.1877, 13.11.1877 (tel), 14.11.1877 20.11.1877 (tel), 28.11.1877. G.H. 21/5 Cunynghame to Frere 19.11.1877, 27.11.1877. G.H. 21/6 Griffith to Deputy Adjutant General, 23.10.1877, 5.11.1877, 10.11.1877. G.H. 21/8 Spalding to Bellairs, 28.11.1877.

in Galekaland, the war was reported over, and the Volunteers⁽¹⁾ Burghers and Native levies were allowed to go home.

Apart from delays occasioned by panic and confusion behind the lines, the campaign itself had been conducted with commendable briskness and efficiency.⁽²⁾ It is difficult to say what the outcome would have been had the Galekas shown more spirit after their initial reverses,⁽³⁾ and actually put the task force through its paces. In actual fact they seemed to lose heart after the destruction of Kreli's kraal, and tended to seek refuge with their wives and cattle among the forests and hills of the Transkei coastlands. Consequently military operations took the form of small encounters, reconnaissance patrols and "mopping-up" manoeuvres. While it may have been merely the demoralisation of the enemy that aided matters, these operations were conducted with reasonable élan.

Although not personally in command in the field, Merriman's contribution to victory was very considerable. Had it not been for his patient reassurances to the civilian population, his energetic re-organisation and masterful management of the military machine, his simple but effective strategy, his lucid operation instructions and careful co-ordination of civil and military effort, and above all, his tactful handling of Frere and Molteno, the war would have lasted a great deal longer.

The second phase began inauspiciously with a grave act of neglect on Commandant Griffith's part. Despite Cunynghame's

1. C.O. 48/483 Frere to Carnarvon, 14.11.1877, 20.11.1877 (tel) 27.11.1877 (tel), 28.11.1877 G.H. 27/2 Frere to Carnarvon 9.1.1878. G.H. 21/5 Cunynghame to Frere, 19.11.1877, 27.11.1877 28.11.1877. G.H. 21/6 Griffith to Deputy Adjutant-General, 20.11.1877. G.G.R. 7 Griffith to Cunynghame, 19.11.1877
2. C.O. 48/483 Frere to Carnarvon, 3.10.1877, 9.10.1877 G.H. 21/5 Cunynghame to Frere, 17.10.1877, 19.11.1877
3. G.G.R. 1 Griffith to Merriman, 30.9.1877

earnest warnings, he had failed to guard the Bashee River
 (1) fords. The result was that on December 2nd, the Galekas

came swarming back and the war in the Transkei began all
 (2) over again. This time, however, the military situation

was much more serious than it had been before. The demobilisation of Volunteers, Burghers and Native levies had left only a few hundred Frontier Policemen to deal with the emergency. Their organisation more than normally ragged after
 (3) three months in the field, broke down altogether. Reinforcements were not forthcoming either - on the one hand, because the Europeans, panic-stricken by the epidemic of rumours, did not wish to leave their farms and families, and, on the other hand, because the Native levies, glutted with booty and weary of the novelty of war, did not respond to recruitment
 (4) appeals.

This in itself was awkward enough, but when the Gaikas within the Colony threatened to rise in revolt, the situation became extremely serious. Ever since the first rumours of war in September, 1877, the Gaikas had been restive in their
 (5) Kingwilliamstown location. Many of them acknowledged the overlordship of Kreli and it was feared that they might make common cause with him. Throughout the first phase rumours of rebellion had circulated among the frontier Whites - to such an extent that even Merriman, after repeatedly staving off

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1. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 11.12.1877.
 2. C.O. 48/483 Frere to Carnarvon, 11.12.1877. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 11.12.1877. Capt. Bayley to Comdt. Griffith, 4.12.1877. Merriman Papers 1877 - 89: Merriman to Molteno, 5.12.1877. 1877 - 90 Merriman to Molteno, 4.12.1877. G.G.R. Griffith to Merriman, 8.12.1877.
 3. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 11.12.1877.
 4. Ibid
 5. C.O. 48/483 Frere to Carnarvon, 3.10.1877 (Nos. 44 and 47), 9.10.1877, 21.11.1877. G.H. 21/5 Cunynghame to Secretary of State for War, 27.11.1877. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 21.11.1877, 28.11.1877. Merriman Papers 1877-37: Mills to Merriman, 3.9.1877; 1877-71: Agnes Merriman to John X. Merriman, 15.10.1877. 1877-73: Agnes Merriman to John X. Merriman, undated.

(1)
appeals for forceful action, eventually himself urged the
(2)
waging of a preventative war. His reasons were dispassionately
(3)
military. The Gaikas were disaffected, rebellion at some stage
or other was sure to follow, therefore, since attack was the
better part of defence, it was only commonsense to strike before
being struck. In assessing the chances of a Blitzkrieg victory
Merriman proved himself harshly, almost inhumanly, logical. Of
the/estimated seven thousand men of military age in the location
Christians and men of property could be relied upon to remain
aloof. The rest were only "half-naked savages," indifferently
armed and badly supplied with ammunition - a force that could
easily be shot to pieces by 650 soldiers on a week-end's campaign.

"I do not think it necessary," he concluded, "to notice the
absurdity which makes a Kaffir armed with an assegai, a
formidable foe. When an assegai and a musket had about the
same range, perhaps the assegai was the most exact weapon,
but that time has gone by." (4)

Frere was horrified both at the idea and the methods
proposed, and attempted to dissuade Merriman from his design.

"They have been for many years our own fellow subjects," he
insisted. "We believe they do not like us, and we are sure
that many of them are afraid of what we may be going to
do to them. How shall we attach them to us and gain their
confidence? I say by ruling them justly and strictly, but
mercifully - not by turning loose Burghers and Volunteers
to carry fire and sword through the country, to inflict on
them the terrible punishment which in self-defence we were
forced to inflict on Krelli and his people....."

I have said I agreed with you as to the ease with which
the Gaikas could be crushed, but you cannot do it by the
same process or machinery as in Krelli's country. The F.A.
& M.P. are pretty well knocked up and require rest as well
as reorganising. You may get fresh Volunteers and Burghers -
but you will have to proceed according to strict Colonial
law and to answer for all you do to colonial tribunals, and
our acts will have to be judged not by a grateful public
just saved from the horrors of war, but by people horror-
struck by tales of starvation from burnt kraals and forest
fastnesses to which in their terror and folly the fugitives
betook themselves.

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1. C.O. 48/483 Frere to Carnarvon, 3.10.1877.
 2. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon,
21.11.1877; Merriman to Frere, 21.11.1877 (memorandum);
Frere to Molteno, 27.11.1877.
 3. Carnarvon Papers - P.R.O. 30/6/34: Merriman to Frere,
21.11.1877 (memorandum).
 4. Ibid.

I would not care for this if my conscience told me that it was done in the execution of duty. But I cannot see any call of duty to the use of force unless these mis-governed people in their terror should attack us." (1)

In pure military terms Merriman's arguments were probably correct, but on grounds of law and common humanity Frere's case was unassail⁽²⁾able. Both parties appealed to Capetown. After five days delay Molteno expressed his "entire concurrence" in the standpoint Frere had taken, and the matter ended there. Its only relevance lies in the insight it provides into Merriman's thought processes at that time. Taken by itself the inference could possibly be upheld that Merriman had returned to his frontier mentality of ten years before. ⁽³⁾ Taken together with other evidence, however, the picture is less straightforward. In his letter of appeal to Molteno Frere appeared fairly confident that Merriman would come to his point of view, indicating thereby that ⁽⁴⁾ the latter did not hold his beliefs too strongly. Certainly a month later when the expected rebellion did take place Merriman joined Frere in advocating proper trials for rebels caught in ⁽⁵⁾ arms rather than drumhead tribunals and summary executions. He himself even drafted the letter of instructions to the special commissioners giving them exact details of the procedure to be ⁽⁶⁾ followed. Yet two weeks later he waged a relentless preventative war on Gongobella's Tambookies under the thinly veiled pretence ⁽⁷⁾ of a police action. The evidence is too sparse to warrant either explanation or interpretation. This is in every sense unfortunate since the incidents are obviously not without importance to an assessment of Merriman's convictions. The only conclusion that can legitimately be drawn is that Merriman's respect for the rule of law was not sufficiently strong to resist momentary bursts of anger and considerations of military expediency. In a Cabinet

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1. Carnarvon Papers - P.R.O. 30/6/34: Frere to Merriman, 21.11.1877 (memorandum) ; Vide also Merriman Papers 1877 - 87 ; Frere to Merriman, 26.11.1877.
 2. Carnarvon Papers - P.R.O. 30/6/34: Molteno to Frere, 2.12.1877.
 3. Supra, pp. 269-270.
 4. Carnarvon Papers - P.R.O. 30/6/34: Frere to Molteno, 27.11.1877.
 5. Supra, p.268.
 6. V & F A.4-1878, pp. 16-17.
 7. Infra, pp. 306-308.

Minister holding the important portfolio of War this was a dangerous defect.

The abandonment of Merriman's idea, though certainly correct in terms of law and ordinary humanity, did nothing to calm frontier feelings.⁽¹⁾ The return of the Galekas created⁽²⁾ fantastic commotion both inside and outside the Gaika location. In this emergency, with war in Galekaland and rebellion imminent around Kingwilliamstown, the inadequate system of Colonial defence broke down altogether. There was no alternative but to send Imperial troops into the Transkei.⁽³⁾ On December 8th, to Molteno's disgust, the Galekaland campaign was handed over to the Imperial authorities.⁽⁴⁾

Merriman's first reaction was one of blind fury at the mistake Griffith had made, and in no uncertain terms he demanded his dismissal.⁽⁵⁾ This was unreasonable, but understandable. The opposition papers were aflame with criticism and demanded his head as the responsible minister.⁽⁶⁾ After all the trouble he had taken such treatment was bad enough, but coupled with the ignominious collapse of all his defence arrangements, it was utterly galling. Nevertheless, before long commonsense reasserted itself and Merriman sought to make the best of what he had come to regard as inevitable Imperial intervention.⁽⁷⁾

Unfortunately, however, the new system could not be said to have functioned with maximum success. Despite the fact that the abandonment of the compromise arrangements whereby Cunynghame took supreme command, the Imperial troops garrisoned the Colony and the Colonial militias did the actual fighting, was entirely the result of the collapse of the Colonial military machine, Molteno and Merriman were not unjustified in the distrust with which they regarded the new arrangements. For weeks nothing was

1. G.H. 23/34 Frere to Carnarvon, 21.11.1877. "I should dread any legislation for Natives by these Eastern farmers in their present temper." (Carnarvon Papers - P.R.O. 30/6/34; Frere to Carnarvon, 11.12.1877.
2. V & P A.2-1878, p. 3. Merriman Papers 1877-89: Merriman to Molteno, 5.12.1877; 1877-90: Merriman to Molteno, 4.12.1877.
3. G.G.R. 8 Merriman to Molteno, 5.12.1877.
4. G.H. 27/2 Frere to Carnarvon, 22.12.1877.
5. Carnarvon Papers - P.R.O. 30/6/34; Frere to Carnarvon, 11.12.1877.
6. Ibid.
7. Carnarvon Papers - P.R.O. 30/6/34; Frere to Carnarvon, 19.12.1877.

done, while the General collected his "well-organised columns,"⁽¹⁾
 and penned his "pompous despatches."⁽²⁾ As Merriman justly
 complained in the dismissal debate:

"If ever there was a time when a decisive blow might have
 been struck, it was when the troops reached the Transkei.
 We knew there were only stragglers coming back, and
 everything depended on acting quickly." ⁽³⁾

While prevarication ruled the day in Galeksland, the
 Gaikas, encouraged by the example of their compatriots and the
 seemingly ineffective imperial counter-measures, were seething
 on the edge of revolt. The final impetus came when the Imperial
 troops, with incredible negligence, permitted a band of Galekas,
 headed by Khiva, the leader of the war party, to slip across
 the Kei into the Gaika location.⁽⁴⁾

The effects were immediate. Large numbers of Gaikas rose
 in rebellion,⁽⁵⁾ and disaffection spread throughout the border
 districts.⁽⁶⁾ On the 31st December, martial law was proclaimed.⁽⁷⁾
 The situation became so serious, and the inability of the
 Imperial command to cope with both theatres of war so manifest -
 Frere even considered leaving the rebellion alone until the
 Galeksland campaign had been concluded - that Molteno needed
 little persuasion to return to his original military notions.⁽⁸⁾
 Sitting in the telegraph office in Capetown, with news of border
 calamities and military muddle pouring in every few minutes, it
 became clear to him that the only answer lay in stern measures⁽⁹⁾

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1. G.H. 21/6 Cunynghame to Frere, 19.12.1877. Cf. also V & P
 A.17-1878, pp. 12-14.
 2. Argus, 25.5.1878.
 3. Ibid. Vide also C.O. 48/483 Frere to Carnarvon, 4.12.1877(tel)
 4. G.H. 27/2 Frere to Carnarvon, 9.1.1878. G.G.R. 8 Brownlee
 to Wright, 23.11.1877; Wright to Brownlee, 25.12.1877.
V & P A.17-1878, pp. 2-3.
 5. G.H. 21/6 Cunynghame to Frere, 28.12.1877; Memorandum by
 Brownlee, 29.12.1877. G.G.R. 8 Grant to Merriman, 29.12.1877;
 Merriman to Molteno, 29.12.1877. V & P A.17-1878, pp. 6-11.
 6. G.H. 21/7 Memorandum for Governor, 1.1.1878. G.G.R. 9 Civil
 Commissioner (panmure) to Merriman, 1.1.1878; Civil Commis-
 sioner (East London) to Merriman, 1.1.1878; Merriman Papers
 1877 - 106; Merriman to Capt. Brabant, 28.12.1877; 1877 - 139
 Waters to Brownlee, 6.12.1877; 1877 - 140; Klette to Thomas,
 9.12.1877; 1877 - 141; Driver to Civil Commissioner, Queens-
 town, 18.12.1877; 1877 - 144; Stanford to Civil Commissioner,
 Queenstown, 7.1.1878.
 7. V & P A.4-1878, p. 16.
 8. V & P A.17-1878, p. 16 Frere to Cunynghame, 2.1.1878.
 9. C.O. 48/485 Frere to Carnarvon, 24.11.1878. Supra, pp. 283-284.

(1)

by colonial troops, free of imperial control.

From this moment a clash between Governor and Premier on fundamental premises was almost certain, but no one could have predicted the February dismissals at that stage. The conflict itself fell naturally into two stages - a first phase when military considerations predominated, and a second when constitutional issues held the floor. The reasons for the shift in emphasis are of vital importance to an understanding of the dismissal, and must be traced in some detail.

The first phase really began on December 30th when Frere telegraphed Molteno, urging him, in view of the Gaika rebellion, to support his request for further imperial reinforcements. Molteno replied testily that Colonial troops would not only be available earlier, but would also be more effective for the work in hand. Nothing could have been better calculated to arouse his every suspicious instinct, and as soon as opportunity presented itself he took the first available transport to the frontier and arrived in Kingwilliamstown on January 9th.

With his arrival the trouble began. In every respect this was unfortunate for the state of emergency, though by no means over, was far less acute than it had been a week before. Merriman had succeeded in regalanising the Colonial military machine, and was in the throes of organising operations against the Gaikas. His major difficulty had been to raise Volunteers, for the Colonists were extremely reluctant to serve with Imperial troops under military discipline. They were only prepared to fight according to the traditional burgher system, under their own elected officers and with a share in the captured stock.

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1. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 19.12.1877; Molteno to Merriman, 14.12.1877 (tel), 15.12.1877 (tel), 17.12.1877 (memorandum).
 2. G.H. 27/2 Frere to Carnarvon, 30.1.1878. G.G.R. 8 Frere to Molteno, 30.12.1877. C.O. 48/483 Frere to Carnarvon, 31.12.1877 (No. 137)
 3. G.G.R. 9 Molteno to Frere, 2.1.1878. G.H. 27/2 Frere to Carnarvon, 30.11.1877. Vide also V & P A.6-1878, p.2 Molteno to Frere, 31.1.1878.
 4. G.H. 27/2 Frere to Carnarvon, 30.1.1878. Argus, 25.5.1878.
 5. C.O. 48/485 Frere to Carnarvon, 16.1.1878, 24.1.1878. V & P A.2-1878, p. 14
 6. C.O. 48/485 Frere to Carnarvon, 16.1.1878. Cf. also G.H. 27/2 Frere to Carnarvon, 30.1.1878. V & P A.2-1878, p. 12.
 7. C.O. 48/485 Frere to Carnarvon, 16.1.1878. VIDE also Merriman Papers 1877 - 1881 : Memorandum for Cabinet

This difficulty had been overcome by the proclamation of the Burgher law on January 3rd. ⁽¹⁾ Thereafter men had come forward readily enough, so that by the middle of January there were more than 2,000 burghers in the field. ⁽²⁾ Their control, as previously, remained unofficially in Merriman's hands - he mobilised, equipped and trained them, offered their services to the daily council, and thereafter both issued their instructions and supervised their operations. ⁽³⁾ Relations between Cunynghame and Merriman had deteriorated rapidly after the former's assumption of complete command in December, ⁽⁴⁾ but on the whole the understanding between Governor and Ministers in Kingwilliamstown remained cordial. ⁽⁵⁾

As far as actual operations were concerned the picture had also improved. In the Transkei Kreli was making overtures of peace, ⁽⁶⁾ while in the Colony itself the military ardour of the rebels had been considerably dampened. ⁽⁷⁾ Combined efforts by all available forces - colonial, imperial and naval - had localised the outbreak to two river basins, the Lower Kabousie and Chicaba, ⁽⁸⁾ while four sharp encounters with the security forces had cost the Gaikas severe losses in leaders and men. ⁽⁹⁾ The plan of campaign agreed upon was to take one basin at a time and sweep it clear of Kaffirs and cattle. ⁽¹⁰⁾ In view of the greater aggressiveness of

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1. Act 16 of 1855.
 2. Merriman Papers 1878 - 6 : Frere to Merriman, 15.1.1878.
 3. G.H. 27/2 Frere to Carnarvon, 30.1.1878. Supra, pp. 284, 288.
 4. Carnarvon Papers - B.R.O. 30/6/34; Frere to Carnarvon, 11.12.1877, 19.12.1877.
 5. Merriman Papers 1878 - 6 : Frere to Merriman, 15.1.1878; 1878 - 2 : Frere to Merriman, 6.1.1878.
 6. V & P A.17-1878, pp. 17-20.
 7. C.O. 48/485 Frere to Carnarvon, 16.1.1878. G.H. 21/7 Col. Bellairs to Cunynghame, 14.1.1878. V & P A.17-1878, pp. 26-29.
 8. C.O. 48/485 Frere to Carnarvon, 24.1.1878. G.H. 21/7 Bellairs to Cunynghame, 14.1.1878.
 9. C.O. 48/485 Frere to Carnarvon, 24.1.1878. V & P A.17-1878. pp. 9-11 Diary of Military Intelligence. G.G.R. 8 Grant to Merriman, 29.12.1877; Lambert to Bellairs, 30.12.1877, Craigie to Bellairs, 30.12.1877.
 10. C.O. 48/485 Frere to Carnarvon, 24.1.1878.

the rebel bands in the Chichaba basin, Cunynghame, as Supreme Commander, decided to tackle it first. (1)

The advent of Molteno altered everything. His prejudice against regular troops and his suspicions of Imperial intentions had by this time hardened into an obsession, and he at once proceeded to push his policy of a separate Colonial campaign to its logical conclusion. His first step was to discontinue the meetings of the daily council, and to restore formal constitutional procedure between Governor and Ministry. (2) Thereafter, when Cunynghame refused his demand to carry out sweeping operations in both basins simultaneously, he informed the Governor that the Colonial Government would carry out its own campaign in the Ciskei, independently of imperial control or co-ordination. (3)

Frere pointed out the difficulties of the suggested operations, and stressed the need for co-operation between Colonial and Imperial troops; but at this stage he offered no further objections, either on military or constitutional grounds, merely asking "for the information of the Military Authorities," what part, if any, the Imperial forces in the vicinity were expected to take. (4) Molteno was quite prepared to accept Imperial assistance, provided that the principle of an independent Colonial Command was recognised, and accordingly replied making certain suggestions for infantry and artillery support. (5) Frere submitted these proposals to Colonel Bellairs,

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1. Ibid
 2. G.H. 27/2 Frere to Carnarvon, 5.2.1878. Merriman Papers 1878-6: Frere to Merriman, 15.1.1878. GTJ, 3.6.1878
 3. V & P A.2 - 1878, p. 9. G.O. 48/485 Frere to Carnarvon, 16.1.1878, 24.1.1878.
 4. V & P A.2 - 1878, p. 9 Minute for Ministers, 11.1.1878. G.H. 27/2 Frere to Carnarvon, 30.1.1878.
 5. V & P A.2 - 1878, p. 9 Minute for H.E. the Governor.

the Officer in Command of the Imperial troops in the Ciskei, for his opinion. Bellairs not only attacked the proposal for a dual command in the same area of operations, but severely criticised the improvised nature of Colonial arrangements and reminded Frere that his Ciskei troops would soon be engaged in the Chicaba basin sweep.⁽¹⁾ The Governor thereupon adopted the same attitude. He rejected Molteno's proposals, and declined to take any responsibility for the result, "unless all movements be ordered with something like unity of purpose and the other conditions obviously essential to secure success."⁽²⁾

This exchange is of considerable importance. It proves fairly conclusively that Frere's later objections to Molteno's proposals were not inspired primarily by the proposals themselves. The dismissals of February 2nd could hardly be reconciled with his attitude of impartial dissociation three weeks earlier. The events of the next few days emphasised this further. Angered probably by Frere's resistance, and thoroughly convinced of the practical and constitutional validity of his actions, Molteno expanded his claims even further. He announced the Ministry's intention to appoint Colonel Griffith Commandant-General of the Colonial Forces, under the "direct control" of the Cabinet,⁽³⁾ and even suggested that Imperial operations be confined to the Transkei, leaving the Ciskei theatre of war to Colonial troops.⁽⁴⁾ These proposals were extremely repugnant to Frere on military grounds, mainly because he doubted the ability of the Colonial command to crush the rebellion speedily and efficiently without further reinforcements.⁽⁵⁾ Given his anxiety about affairs in Zululand and his desire to terminate the frontier conflict as soon as possible, it was not surprising that considerable strain developed between him and the Premier - a situation which Molteno

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1. V & P A.2-1878, pp. 10-11.
 2. C.O. 48/485 Frere to Carnarvon, 16.1.1878. V & P A.2-1878, p. 11. Minute for Ministers, 12.1.1878.
 3. V & P A.2-1878, p. 12 Notes by Frere on conversation with Molteno, 11.1.1878.
 4. Ibid.
 5. Ibid. C.O.48/485 Frere to Carnarvon, 16.1.1878, 24.1.1878.

did nothing to improve by his brusque and tactless behaviour. (1)
 Nevertheless, even at this stage Frere did nothing more than reiterate his concern lest the Colonial military movements end in debacle. (2) The right of the Cape Government to make its own internal arrangements was not questioned - indeed in a private letter to Merriman Frere expressly conceded it.

"I have no right nor wish," he declared, "to complain of your using the Colonial forces, which acknowledge no authority but their own will, in any way you think the Colony will approve." (3)

His attitude tended to be one of wistful, if helpless, regret that the good working partnership built up between Merriman and himself should have been terminated by the abandonment of the daily council. This emerged very clearly from a private note he wrote as late as the 15th of January:

"My dear Merriman," he began, "I was writing to Mr. Molteno yesterday when your note came, and was unable to answer it. I must explain the expression which you say you did not understand. Up to Friday we were doing our best according to the lines of the Constitution - I as Governor or Commander-in-Chief or High Commissioner, you as Minister of the War Department or Police - to make the best of the miserably insufficient means at our disposal for the suppression of the rebellion. Since Friday my position has in no wise, as far as any action of mine is concerned, been altered; but you and Brownlee have kept aloof, have withdrawn such information and assistance as you used to afford me, or treat the Governor, C-in-C or H.Comr. and all forces and departments which take their orders through him, if not as rivals, as inconvenient superfluities, whose absence would improve your prospects in suppressing the rebellion. This is the 'new position' which you have taken up, and to which I referred." (4)

Examination of the available evidence indicates fairly clearly that Frere was nearer the mark in his analysis of the military situation than Molteno. Quite apart from the obvious necessity of close consultation and co-operation

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1. V & P A.2 - 1878, pp. 12-14. G.H. 27/2 Frere to Carnarvon, 5.2.1878.
 2. C.C. 48/485 Frere to Carnarvon, 16.1.1878. V & P A.2 - 1878, p. 14 Frere to Molteno, 14.1.1878.
 3. Merriman Papers 1878 - 6: Frere to Merriman, 15.1.1878.
 4. Ibid.

between civil and military authorities in a common theatre of war, the institution of the daily council recommended itself on purely administrative grounds. The outbreak of war had taken the Ministry so by surprise that neither of the two Ministers in Kingwilliamstown had more than a single copying clerk at their disposal.⁽¹⁾ Frequently, they did not even have that. Since the Governor himself had no establishment whatever beyond his personal retinue,⁽²⁾ it would have been impossible, under any other system, to have kept all members of the Government fully informed of developments. Given the already serious dislocation at every other level of the administration, muddle and confusion at the top would have been disastrous.

As for arguments in favour of the creation of a dual command commonsense alone was sufficient answer. However slow and cumbersome the Imperial military machine, and however justified colonial complaints about muddle and inaction, the mere existence of two military forces with the same objectives in the same geographical area was sufficient to warrant joint efforts. As Frere pointed out to Merriman in a private letter, the large-scale operations by Burghers and Volunteers on either side of the Kei would have been impossible without Imperial garrisons at fixed points along defence and supply lines.⁽³⁾ However wounding to Colonial pride, the assumption of direct responsibility for the Transkei theatre of war after the blunders of the 2nd of December, had also been dictated both by law and military necessity. Frere's reasoning on this point was unassailable.

1. G.H. 27/2 Frere to Carnarvon, 30.1.1878.

2. Ibid

3. Merriman Papers 1878 - 6: Frere to Merriman, 15.1.1878

"We had nothing for it," he explained to Carnarvon in a private letter, "but to push forward a few of H.M.'s troops and reinforce Griffith. It was impossible to expose them to the risks of such mistakes as Griffith had made, or to such want of support as would be possible if Volunteers and Burghers went away home at the wrong moment. I therefore asked the General to take the whole of the military operations, Transkei, into his own hands and to send over Col. Glyn (H.M. 24th) to command."(1)

Since Imperial troops had to be commanded by imperial officers⁽²⁾ and since Colonel Glyn was superior to Griffith in rank,⁽³⁾ this move combined courtesy with necessity.

Complaints about imperial ineptitude were not without justification, but equally the fault was not always on one side only. A good illustration of this was Colonel Bellairs' proposed Ciskei campaign shortly after the outbreak of the Gaika rebellion.⁽⁴⁾ Two converging columns of Colonial and Imperial troops were to divide up the location and thereafter deal piecemeal with individual rebel bands. The campaign never took place simply because the Colonial authorities failed to finalise their arrangements - either of separating loyal from rebel Gaikas, or of providing the necessary mounted Burghers and Fingo levies to mobilise imperial infantry detachments at Forts Cathcart and Cunynghame.⁽⁵⁾

Equally significant, albeit in a different field, was the inconvenience and expense suffered by the imperial commissariat as a result of colonial maladministration. Cunynghame's assumption of active authority in the Transkei in December 1877 had meant that a single ordnance organisation supplied all forces - apparently without complaint.⁽⁶⁾ Molteno's insistence

1. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 11.12.1877
2. Todd, Parliamentary Government in the British Colonies, pp. 370-372.
3. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 11.12.1877.
4. C.O. 48/485 Frere to Carnarvon, 16.1.1878.
5. Ibid
6. V & P A.16 - 1878, pp. 28-29

on a separate Colonial command meant inevitably the creation of a separate Colonial commissariat, which at best functioned erratically and expensively.⁽¹⁾ On two occasions at least it broke down altogether.⁽²⁾ The result was that imperial ordnance depots in small centres found themselves unexpectedly called upon to supply provisions for large numbers of horses and men. Wherever possible they attempted to meet the need, but the dislocation was often very serious.⁽³⁾ Furthermore, unnecessary competition for essential commodities on the open market drove up prices beyond the point that either commissariat could really afford.⁽⁴⁾

Merriman's attitude to these questions was complex and contradictory. He had been one of the first to perceive and act upon the necessity of close and cordial co-operation between Colonial and Imperial forces, and throughout the first phase had been a diligent participant and ardent advocate of the daily council.⁽⁵⁾ Despite considerable personal friction with Cunynghame over imperial inertia in the Transkei, the misfortunes of December had only served to strengthen his convictions - a circumstance that repeatedly brought him into conflict with Molteno.

"My greatest difficulty of late has been with the Ministers," Frere informed Carnarvon towards the middle of December. "It was a bitter misfortune to them all when their commandant and all their arrangements so entirely collapsed, but the two ministers here saw it was inevitable to invoke the aid of H.M.'s troops."

Molteno, however, cannot or will not see the necessity and his colleagues here say he will either quarrel with them, or throw them out, or resign himself....Merriman showed me confidentially the telegrams of which I enclose copies which will show you the sort of scolding they get from their leader." (6)

The telegrams themselves were strong fare. Molteno bitterly

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1. Ibid.
 2. Ibid.
 3. V & P A.16 - 1878, p. 29 Col. Bellairs to Deputy-Commissary-General, 19.1.1878.
 4. V & P A.16 - 1878, pp. 28, 30-31.
 5. Supra, pp. 281, 284.
 6. Carnarvon Papers - F.R.O. 30/6/34 : Frere to Carnarvon, 19.12.1877.

berated Merriman for not insisting on Colonial operations backed by Imperial garrisons.⁽¹⁾ The council system he pronounced "deplorable", and the series ended with a vigorous demand that Governor and Ministers return to Capetown.⁽²⁾ Merriman not only disagreed with these views, but went to the length of showing what amounted to Cabinet secrets to the Governor.⁽³⁾

Yet six months later, in the dismissal debate, he derided the selfsame council system as an expensive and inefficient joke - "management by debating club technique."⁽⁴⁾

This verbal volte face is perhaps explicable in terms of his disgust and disillusionment at the manner of his dismissal, but his sudden acquiescence in Molteno's views after January 9th is less easily understood. The available evidence, unfortunately, is somewhat sparse and contradictory, but the most likely hypothesis is that Merriman had become so frustrated with Cunyng-hame and so impatient of imperial inertia that he was prepared to back independent Colonial operations, even if they meant abandonment of the council system.

Supporting evidence for this viewpoint can be summarised under two headings. Firstly, the difference in the relationship between Merriman and Frere on the one hand, and Merriman and Cunyng-hame on the other. In spite of cordial co-operation in the beginning,⁽⁵⁾ Commissioner and General could not abide one another, and especially after the latter's assumption of direct control in December, 1877, relations between them were never very far from explosion point.⁽⁶⁾ By contrast, Frere and Merriman understood one another fairly well,⁽⁷⁾ and despite numerous heated arguments, appear to have avoided personal rancour almost until the final

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1. Carnarvon Papers - P.R.O. 30/6/34 : Molteno to Merriman, 14.12.1877, 15.12.1877.
 2. Carnarvon Papers - P.R.O. 30/6/34 : Molteno to Merriman, 17.12.1877.
 3. Carnarvon Papers - P.R.O. 30/6/34 : Merriman to Frere, 14.12.1877.
 4. GTJ, 3.6.1878.
 5. Supra, pp. 284-286.
 6. Supra, pp. 285-286.
 7. Supra, pp. 298-299.

bitter controversy distorted normal judgment. Even then, Merriman's attitude was not one of relentless antagonism, but rather a deep-seated disappointment that Frere had betrayed his confidence in him. (1)

Secondly, the disregard Merriman developed for the regular forces during the second phase of the war. The most significant expression of this feeling, in this context, is contained in the letter of explanation he addressed to his father after the cabinet dismissal:

"It is impossible to give you a full account of the whole transaction without the minutes which are withheld from publication. In a few words, since the beginning of the year we had managed to get together a very strong force of colonists, who were quietly, but effectively, putting an end to the war. The military, meanwhile, were going on in the good old fashion with a huge expenditure, pompous despatches and an utter state of inefficiency. Our forces were commanded by our own men and were directed by me. It is not for me, even to you, to speak of the results, but the published documents will show that they were a complete series of successes. The Gaika location was cleared and the Tambookies crushed without a shot being fired by the soldiers." (2)

A week later he repeated his disgust at the regular forces in a letter to his mother.

"The troops," he stormed, "are a fearful encumbrance and a monstrous expense." (3)

Three months later in the dismissal debate he repeated these assertions, and punctuated nearly every paragraph with derisive invective against the General. (4)

Taken by themselves these utterances could possibly be dismissed as post-ministerial attempts at self-justification, but when combined with Molteno's repeated assurances to Frere after his arrival on January 9th that Merriman held even stronger views on the question of military operations than he himself, (5)

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1. Merriman Papers 1878 - 23 : John X. Merriman to Julia Merriman, 25.2.1878.
 2. Merriman Papers 1878 - 22 : John X. Merriman to Nathaniel Merriman, 19.2.1878.
 3. Merriman Papers 1878 - 23 : John X. Merriman, to Julia Merriman, 25.2.1878.
 4. QTJ, 3.6.1878.
 5. G.H. 27/2 Frere to Carnarvon, 5.2.1878.

(1)

they assume positive significance.

Whether Merriman was correct in adopting this attitude is another question. In theory, the advantages of joint effort and cordial co-operation were too self-evident to need further examination ; in practice, a situation could arise where quick, single-handed action would be more effective than massive, though long-delayed measures. An answer to this question can only be found in an examination of existing conditions, and in many respects is peculiarly difficult to reach since speculation on what might have happened had another course been followed, is an important ingredient to any inquiry. The two campaigns undertaken by the Colonial Government without reference to the military did not end in disaster, and, therefore, the only questions that can be asked are firstly, whether they were as effective as they might have been, and secondly, whether they might have involved everyone in catastrophe had some slight mishap occasioned by lack of co-ordination, altered their course.

A final decision on these points is made more difficult by the inherently contradictory nature of the evidence. The only persons competent to judge ~~w~~here military personnel, and, naturally enough, their opinions tended to reflect their organisational allegiances. Even in the case of individual observers, opinions could vary to suit political ends. The best example of this was the difference in Frere's attitude, on the one hand, to his Colonial Ministry, and, on the other, to Lord Carnarvon.

In his lengthy cabinet memorandum of the 26th January he discussed the existing military situation. After a routine warning about the mischief that might result from "divided authority and responsibility," he expressed himself fairly optimistically about the eventual outcome of the war:

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1. It is still a point of interest, however, whether Merriman's disrespect for Imperial troops was really as violent before the dismissal as after it. The only relevant evidence is provided by the confidential message he addressed to Ayliff on the 18th January. (*Supra*, p.264) From this it seems likely that his actions were not motivated so much by a negative and unreasoning contempt for the military, as by a positive conviction that colonial troops could do a given task more effectively in less time. Accordingly, it seems likely that the strongly derisive remarks already quoted were more the product of post ministerial rancour than genuine reflections of pre-dismissal conviction.

"The work is so nearly done that a few days, or even weeks, of discord and disunion, of disjointed, unconnected action, may not much impede the final result.

The enemy, Gaikas as well as Galekas, appear thoroughly crushed and dispirited, and apparently all that is needed is actively to hunt up the broken bands now scattered about the country, a service of Police rather than Military, for which the large reinforcements of Volunteers and Burghers which Mr Molteno expects will, he assures me, be sufficient."(1)

Four days later Frere gave a strikingly different opinion in a confidential despatch to London.

"In the Gaika location," he began, "Commandant Frost and other independent burgher leaders marched successfully through the whole country known as Sandilli's location, shooting large numbers of rebel Gaikas in arms, burning their kraals and driving off large herds of cattle, but owing to want of combination, and supplies and ammunition, the results were by no means as successful as they should have been; any chance of surrounding and capturing the rebel leaders was lost, and little done, beyond devastating the rebel kraals, towards terminating the rebellion.

In the Tambookie location a still more serious error was committed, by attempting to seize Gongobella, a disaffected Tembu chief whose estate adjoined the Gaika location. The operation was conducted nominally as the enforcement of the ordinary criminal process of arrest, but it appears to have been in reality a military operation on a large scale, ending in a severe action, in which great numbers were killed without, as far as I can judge, any result, beyond extending the rebellion.

In both these cases the precipitate and ill-combined proceedings directed by the Commissioner of Public Works appear to have seriously compromised the Government, and may lead to most disastrous results in extending the duration and area of the war, and aggravating all its features."(2)

Careful examination of all available evidence, with allowances for possible personal bias, seems to indicate that Frere's apprehensions about the possible mischief of a dual command in the same military area were not altogether unjustified.

The Gaika location operations were completed fairly speedily under Merriman's telegraphic direction. Despite a measure of confusion and delay occasioned by shortcomings in the intelligence

1. V & P A. 2 - 1878, p. 21.

2. G.H. 27/2 Frere to Carnarvon, 30.1.1878.

(1)
and supply systems, the immediate objectives were realised
(2)
within a matter of days. The rebels sustained severe losses
in cattle and men, and the country was cleared of its inhabi-
(3)
tants. All this could stand favourable comparison with the
(4)
equivalent imperial operations in the Chichaba area, but
where the campaign suffered from lack of co-ordination with
the military was in securing the capture of the rebel ring-
leaders and preventing the escape of some three thousand
(5)
armed tribesmen into Galekaland. On the 7th February the
presence of the latter nearly brought disaster to the imperial
(6)
troops at the battle of Quintana.

The Gongobella affair was much more serious. Ever since
the beginning of the war Merriman had received information
(7)
about the Tambookie chiefs rebellious tendencies, and was
more than justified in taking action against him. The same
could not be said of his methods. The Queenstown district,
(8)
where the trouble took place, was not under martial law.
(9)
Disdaining to make war against "such small fry as Gongobella,"
Merriman decided to treat him as a common law-breaker. Accord-
ingly, warrants for the arrest of certain persons "charged
(10)
with arson, theft and assault" were issued, and since armed
resistance was not unlikely a considerable posse of burghers,
sworn in as special police, accompanied the magistrate who
(11)
served them"

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1. C.O. 48/485 Frere to Carna von, 24.1.1878.
 2. C.O. 48/485 Frere to Carnarvon, 16.1.1878. G.G.R. 9
Frost to Merriman, 15.1.1878. Brabant to Merriman, 16.1.1878.
 3. C.O. 48/485 Frere to Carnarvon, 20.2.1878. G.G.R. 3 Frost
to Merriman, 23.1.1878; Rorke to Ayliff, 22.1.1878;
MacGregor to Ayliff, 22.1.1878. G.H. 21/7 Ayliff to Frere,
15.1.1878, 24.1.1878.
 4. G.H. 21/6 Bellairs, to Cunynghame, 14.1.1878.
 5. C.O. 48/485 Frere to Carnarvon, 20.2.1878.
 6. Ibid.
 7. Merriman Papers 1877: Wilson to Civil Commissioners, Queenstown
30.11.1877 (115), 30.11.1877 (116), 1.12.1877 (118), 1.12.1877 (119)
5.12.1877 (121) 6.12.1877 (123), 6.12.1877 (124), 12.1.1878 (125),
17.1.1878 (126), Driver to Civil Commissioner, Queenstown,
19.7.1877 (127), 20.10.1877 (129), 4.11.1877 (131), 23.11.1877 (132),
3.12.1877 (136), 18.12.1877 (141), Charles Levy to Civil Commis-
sioner Queenstown, 1.12.1877 (135), 4.12.1877 (138), 14.1.1878 (152)
Erdal to Wilson, 5.12.1877 (122), 30.11.1877 (134), 24.12.1877 (142)
Stanford to Civil Commissioner, Queenstown, 7.1.1878 (144),
10.1.1878 (147).
 8. V & P A. 4 1878, p. 16
 9. Argus, 25.5.1878
 10. V & P A. 17 - 1878, p. 45
 11. G.G.R. 3. Hemming to Merriman, 22.1.1878.

Unfortunately, the arrests proved much more difficult than expected, and sharp encounters between Tambookies and "police" followed. ⁽¹⁾ Frere's protest that the expedition had developed into a "military operation on a very large scale" ⁽²⁾ was almost an understatement. Instead of preventing a possible rebellion before it started, it created one. Five days after the start of the expedition, Hemming, the Civil Commissioner of Queenstown and leader of the operation, was in an anxious position. The tone of his telegram to Merriman was unmistakeably urgent:

"This rebellion spreading. Umfanta is now doing what Gongobella did, mustering his men and forcing loyal natives to join him. Things are so threatening that I shall feel justified in detaining Diamondfields men. I am afraid majority of Tembus will go, fires of fugitive women on hills tonight ... I do not know result of today's patrol. Send arms and ammunition sharp."⁽³⁾

Reinforcements were poured into the area until there were more than two thousand burghers on active service in the district. ⁽⁴⁾ Fighting on both sides was ferocious, and more natives were killed in five days of the operation than five months of war in Galekaland. ⁽⁵⁾ By the beginning of February the situation was under control, but large portions of the Queenstown district were in ruins. ⁽⁶⁾

It was obvious that Gongobella had to be crushed, but there was little to recommend the methods used. Apart from the legal aspects of waging war against colonial subjects, the situation could have been very dangerous for both Colonial and Imperial troops. The sudden withdrawal of Fingo levies from the Transkei without the knowledge or consent of the British commander, Colonel Glyn, meant not only that the regular troops were exposed to sudden attack, but that large portions of the

1. G.G.R. 3 Hemming to Merriman, 24.1.1878; Frost to Merriman, 23.1.1878.
2. V & P A. 17 - 1878, p. 45 Minute for Ministers, 28.1.1878.
3. G.G.R. 10 Hemming to Merriman, 27.1.1878
4. C.O. 48/485 Frere to Carnarvon, 5.2.1878. V & P A. 17-1878, p64
5. C.O. 48/485 Frere to Carnarvon, 5.2.1878. V&P A. 17-1878 pp. 50-51, 63-65. G.G.R. 3 Hemming to Merriman, 24.1.1878 Frost to Merriman, 23.1.1878.
6. V & P A. 17 - 1878, pp. 63-64.

Colonial boundary were open to invasion by Gaika and Galeka robber bands. ⁽¹⁾ Had the Tambookie campaign lasted even a few days longer it is not unlikely that the concentration of nearly all the Eastern districts' fighting manpower in one area might have inspired disaffected tribesmen in less protected areas to rise in revolt as well. Although Merriman deserved high praise for the skill and efficiency with which he drafted reinforcements into the location, he should have known that the extremely difficult nature of the terrain would ⁽²⁾ render movement both slow and dangerous. While it was undoubtedly true that the predominantly footborne imperial troops would have fared even worse among the krantzes of Tambookieland than the mounted Colonial Volunteers, it is equally true that possible adverse consequences of the campaign would have been guarded against by proper liaison with the military. There was no excuse for failing to take this elementary precaution.

Reviewing the evidence it seems clear that Merriman was probably justified in believing that Colonial forces, officers and men, were better adapted to frontier warfare than Imperial troops - a point that even Frere himself conceded. ⁽³⁾ He was also probably correct in claiming that frontiersmen were not ⁽⁴⁾ prepared to serve under imperial officers and military discipline,

1. C.O. 48/485 Frere to Carnarvon, 5.2.1878
2. V & P A. 17 - 1878, p. 63 Griffith to Merriman, undated.
3. Carnarvon Papers - P.R.O. 30/6/34: Frere to Molteno, 1.10.1877
4. G.H. 27/2 Frere to Carnarvon, 30.1.1878, 5.2.1878. V & P A.2- 1878, p. 12. Proof of this is provided by a simple comparison of the Volunteer and Burgher enrolment numbers during the various phases of the war. During the Galekaland, Gaika location and Tambookie campaigns upward of two thousand frontiersmen presented themselves for service: during the first part of the second phase of the war when Cunynghame was in direct command only 172 men volunteered to serve under the military. (V&P A.2-1878, p.7). Admittedly there were factors such as panic and desire to protect the own hearth and herds before those of others, but these applied to both colonial and imperial enlistment. The poor response falls completely into perspective when it is realised that no less than 424 came forward at the same time to serve under the next best, the F.A. & M.P. (Ibid).

and, therefore, that some alternative arrangement had to be reached to facilitate recruitment. But he was not justified in using these two considerations to demand separate military authorities or to sacrifice all liaison with the Imperial command.

The correct procedure would have been to thrash out these differences in frank discussion with Governor and General, so that a common approach, embodying the best of both systems, could be formulated. Despite Frere's strait-laced orthodoxy, he was not unreasonable and would certainly have been prepared to consider any measure that would lead to the speedier termination of the war. There is no sign in any of the voluminous correspondence files of the time to show that this approach was attempted - except perhaps in one of the last interviews between Governor and Premier when a number of impractical suggestions were discussed.⁽¹⁾ Merriman himself remained unbending. As Frere informed the Secretary of State after the dismissal:

"Every act and every paper signed by Mr Merriman evinced his determination to carry out this system with a high hand."⁽²⁾

Even allowing for possible self-justificatory exaggeration, this was a serious charge. Had disaster befallen the Gaika and Tambookie location campaigns the Colony would have had to face large scale rebellion and possible invasion from Galeka-land. Merriman's share of the blame for such an eventuality would have been very considerable. As it was, his concurrence in, or rather emphatic advocacy of Molteno's military views after January 9th provided Frere with a ready-made excuse for the dismissal of the Ministry when he needed one a few days later.⁽³⁾ For four months Merriman had played the role of middleman

1. G.M. 27/2 Frere to Carnarvon, 5.2.1878

2. Ibid

3. Infra p. 321.

between Governor and Premier, and had succeeded admirably in keeping the Executive in working order; for three weeks he abdicated that position, and the result was directly and indirectly the Cabinet dismissal of February 2nd.

The constitutional controversy itself arose out of Griffith's appointment. On the 19th of January, Molteno formally requested that the Colonial troops within the Cape boundary be withdrawn from military control and placed under the Commandant-General.⁽¹⁾ In view of his protestation only four days previously that his viewpoints had been "entirely misunderstood,"⁽²⁾ and in view of the self-expressed "tentative character" of the proposal,⁽³⁾ Frere was justified in wishing to know whether Griffith would be sub-ordinate to the General as in the first Galeka campaign, or whether "some other modification of the system" was proposed.⁽⁴⁾ The tone of his note was neither unfriendly nor unaccommodating.

Molteno's reply, coldly couched in the third person, was curt and implacably determined:

"Mr Molteno's proposals to be acted upon at once, and with regard to the future, to continue until alterations may be found necessary.

For the present, subject of course, to any alteration Parliament may determine upon, it is proposed that Mr Griffiths, as Commandant-General, shall take command of all Colonial Forces, Police, Burghers, and Volunteers, and be under the sole control and direction of the Colonial Government.

Governor has no special power over Colonial Forces as Commander-in-Chief, but as Governor of the Colony acts, in exactly the same manner with regard to Colonial Forces as he does with regard to any other Colonial matter."⁽⁵⁾

For four days nothing happened. Then on the 26th the Governor presented his reply.⁽⁶⁾ For the first time in the dispute he had examined the constitutional validity of Molteno's

1. V & P A.2 - 1878, pp. 16-17
2. Merriman Papers 1878-7: Frere to Merriman, 15.1.1878. G.H. 27/2 Frere to Carnarvon, 5.2.1878.
3. V & P A. 2 - 1878, p. 16
4. V & P A.2 - 1878, p. 17 Frere to Molteno, 22.1.1878.
5. V & P A.2 - 1878, p. 17 Molteno to Frere, 22.1.1878
6. V & P A.2 - 1878, pp. 19-22.

stand, and his conclusions, spread over thirty-six closely reasoned paragraphs, were unequivocally critical.

He commenced, quite legitimately, by pointing out the absurdity of Molteno's plans from the military point of view, "inasmuch as they constitute two independent military authorities within the same area."⁽¹⁾ He then laid claim to the sole right of command over both Colonial and Imperial troops in terms both of his Commission as Governor and the Constitution of the Colony. The former gave him authority over "all Ports and Garrisons erected or established or which shall be erected or established, within our said Colony."⁽²⁾ The latter, in defining the Executive, made no mention of a Minister of War or Police, and, while entrusting the administrative duties of such a person to the Colonial Secretary, made no provision for them to include "the personal command of troops in the field or the independent power to direct military operations ... without reference to or control by either the Commander-in-Chief or the General Officer commanding in the field."⁽³⁾

His conclusions were unambiguous:

"It seems to me clear that the intention of the Constitution was, and is, that there should be one person - the Governor and Commander-in-Chief - in chief command of all military forces of every kind, Colonial as well as Imperial, performing all executive duties through a Commander of the Forces, whose commission gives him power to command Her Majesty's troops, and who may be empowered by the Governor and Commander-in-Chief to command colonial forces, formally declared to be in the field of the military operations ...

I cannot see that I should be justified in abdicating the powers and duties expressly entrusted to me by the terms of Her Majesty's Commission, and delegating them to anyone else, without the previous sanction of Her Majesty's Government and the Colonial Parliament, and without such sanction, I must decline to accede to any proposition of the kind."⁽⁴⁾

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1. V & P A.2 - 1878, p. 19
 2. V & P A.8 - 1878, p.2
 3. V & P A.2 - 1878, p. 19
 4. V & P A.2 - 1878, pp. 19-20

In addition, he questioned the legality of Merriman's position and contended that colonists taking part in military operations, conducted independently of the General's command, were liable to criminal prosecution. He did not indicate what he proposed doing if his views were disregarded, but suggested in conclusion that the matter be submitted to the Attorney-General.⁽¹⁾

Since this embodied a fundamental difference of opinion,⁽²⁾ Moltano saw no alternative but to submit his resignation.

Accounts of what took place between Governor and Premier differ very significantly, even in their most fundamental details:

"On the 28th," Frere informed the Secretary of State in London, "I had another interview of two and a half hours with Mr Moltano. He spoke most angrily of my memorandum of the 26th, and intimated that the only answer which appeared to him possible was 'to tender his resignation.' His remarks on the memorandum led me to doubt whether he had read, as he had certainly not understood, what I had written. He produced and read to me a short written memorandum which he said he 'had hastily noted down', as he did not wish to trust to his recollection of what he desired to say; at the same time he told me that 'he did not wish to be bound by what he read; and when he had finished and I told him that I had very imperfectly gathered his meaning, and begged him to hand me the memorandum, he declined to give it or let me have a copy.

The final result, however, was that he took away my memorandum of the 26th, with the declared intention of sending it by that evening's post to the Attorney-General for his opinion, and with a sort of apology, asked leave to withdraw his tender of resignation. I told him I had no wish to urge him to remain in office longer than he wished, but at such a time I willingly consented to his withdrawing his resignation."

Moltano does not appear to have written down his impressions of the interview, but from what he told Merriman on his return, they were markedly different:

"On the Monday morning," Merriman told Parliament in the Dismissal debate, "my honourable friend, the member for Beaufort, came to me and said, 'I see no answer

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1. V & P A.2 - 1878, p. 22
 2. Moltano Papers, Moltano to Stockenström, 28.1.1878
Merriman Papers, 1878-22: John X. Merriman to Nathaniel Merriman, 19.2.1878. G.H. 27/2 Frere to Carnarvon, 5.2.1878.
 3. G.H. 27/2 Frere to Carnarvon, 5.2.1878

to this; there is a difference of opinion between the Governor and my Ministry. I see no answer but resignation.' ...He then went up to the Governor on the Monday to resign. I am giving the conversation as I heard it from his own lips. When he came back I said, 'Well, what has taken place? Have we to pack up our portmanteaux?' He said, 'No, not at all; the Governor would not hear of resignation. This memorandum, his Excellency said, is merely a basis of discussion; it is a subject upon which he wishes to get the Attorney-General's opinion, and he desires me to send it to the Attorney-General.' This was done and Mr Molteno offered no objections. I understand from Mr Molteno that the Governor repudiated any sort of idea of wishing to have any difference with him at all. The resignation was withdrawn and for the next few days things went on somewhat as usual."(1)

It is impossible to decide with unchallengeable finality which version to accept. Since both men stuck consistently to their interpretations, and since no one else was present at the interview, the only solution is to seek circumstantial corroboration in the events of the next few days. In any other context such an investigation could possibly be dubbed an interesting but pointless inquiry into human frailty; in this context it is vitally significant since five days later, on February 2nd, Frere demanded Molteno's resignation, and when this was refused, dismissed the Ministry.⁽²⁾ The Attorney-General's reply had then not yet been received.

In order both to understand the precise significance of the dismissal, and to answer the questions posed by the contradictory versions of the interview, it is necessary to review very carefully the events of those intervening five days.

On the same day as the interview Frere received his first official intimation of the already six day old Tamboosie location campaign. The documents reached him with a simple endorsement

1. Argus, 25.5.1878. Merriman gave substantially the same account in a letter to his father shortly after the dismissal, merely adding that the resignation had been "effusively" refused by the Governor. (Merriman Papers 1878-22: John X. Merriman to Nathaniel Merriman, 19.2.1878).
2. G.H. 27/2 Frere to Carnarvon, 5.2.1878 V & P A.2 - 1878, Merriman Papers 1878 - 22: John X. Merriman to Nathan, 19.2.1878.

by Merriman - a method of communication that he later described as "studied discourtesy."⁽¹⁾ This in itself was enough to arouse the ire of a person as insistent on correct behaviour as Frere - quite apart from the belated nature of the communication, the serious proportions of the operation, and the gravity of its possible consequences. Nevertheless, he addressed a courteously worded minute to the ministry,⁽²⁾ merely inquiring what their view of the situation was, and whether they did not agree with him that these operations be brought under the authority of a common supreme command. Apart from questioning the legality of Henning's military commands, he did not mention the constitutional issues he had raised two days earlier.⁽³⁾ On the 30th Governor and Premier met again and inter alia, discussed the Tambookie location campaign. Frere's own accounts of this interview written respectively on the 30th January and 5th February, differ most significantly. In the former he stressed the military rather than constitutional consequences of the Ministry's actions.

"Since the date of my last despatches," he began, "I have little of a decisive character to communicate beyond a further development of the policy of my Ministers in their attempts to provide for colonial defence exclusively from colonial resources, and to manage their operations through colonial officials ...

The Commissioner of Crown Lands acts in ostentatious disregard of all authority from the Governor and Commander of the Forces, as a kind of minister of war and general commanding operations in the field, issuing orders of every conceivable kind for embodying equipping, arming, paying and moving the various bodies of volunteers, who have assembled from all parts of the Colony to join in the war. I feel assured this is done

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1. G.H. 27/2 Frere to Carnarvon, 5.2.1878. Merriman was undoubtedly remiss in not adopting a more formal mode of address, but it is not proven that he did this with deliberate rudeness. The telegraphic direction of the campaign occupied all his time and attention, and it is hardly likely that he could have found time for even the most pressing duties of his other portfolios, let alone the observance of formal stateroom etiquette in correspondence with somebody he knew well.
 2. V & P A. 17 - 1878, p.45 Minute for Ministers, 28.1.1878.
 3. Ibid

with all his usual energy and ability; but, without professional knowledge or any competent staff of instructed officers, I may be allowed to doubt whether he will organise anything like an efficient colonial army, or avoid the waste and confusion which are inseparable from such a mode of proceedings.

These would be the results if the Commissioner and his embryo army stood alone in the country in time of peace, but mixed up as they are with Her Majesty's forces, and with a disaffected population breaking out into open rebellion in more than one quarter, I can imagine nothing more likely to lead to disaster."(1)

In the latter despatch, also confidential, he concentrated his remarks on the constitutional issues, claiming that the conversation had hinged on the

"unmistakeable determination of Mr Merriman to set up his own military dictatorship in opposition to legal and constitutional authority of every kind, civil as well as military."(2)

Since the despatch of 30th January was written on the same day as the interview it is hardly likely that his memory would have erred on matters of such fundamental importance. Furthermore, the motive of self-justification, strongly present in the despatch of February 5th was absent from the first communication. Given these facts, together with the striking absence of any reference by either Molteno or Merriman to constitutional controversies on that date, it is reasonable to conclude that Frere's first account was nearer the truth than the second. This is very important to the formulation of a final verdict on the motives behind the dismissal.

The real crisis came on the 31st with a sudden and dramatic crystallisation of the fundamental differences in attitude and objective between Governor and Premier. (3) At some stage during the morning Frere sent two documents to the Cabinet rooms for the consideration of the Ministry. The first was a despatch from Lord Carnarvon, dated 27th December. To the amazement of Molteno and his colleagues it referred to a request for further troops, and announced that at least one additional regiment would be sent to the Cape. (4) They were

1. G.H. 27/2 Frere to Carnarvon, 30.1.1878.

2. G.H. 27/2 Frere to Carnarvon, 5.2.1878

3. Supra, pp 277-280

4. C.O. 48/483 Carnarvon to Frere, 27.12.1877

now called upon to sign the necessary Treasury warrants. Quite apart from financial considerations at a time when revenue was falling in inverse proportion to the cost of the war,⁽¹⁾ agreement at that stage would have meant abandoning the control of the campaign in the Colony. In the circumstances only one answer could be returned, and the Ministerial Minute, though courteous, was unequivocally negative:

"Ministers beg to remark that the receipt of this despatch gives the first formal intimation they have had as to any request having been made for additional troops for colonial purposes ...

Ministers have never doubted that the Colony - aided by the presence, and, if necessary, such active assistance as your Excellency might consider could, consistently with Imperial interests, be rendered of Her Majesty's troops actually in the Colony at the time would be fully equal to the task, not only of crushing the defiant chief Krelî, but also of putting down rebellion among the natives within the Colonial Boundary.

The response which has been so readily and widely given by the inhabitants of the Colony to the call of its Government to rally to the front for the protection of the country, and the marked success which has attended the operations of the various colonial forces - aided by the movements of Her Majesty's troops - has quite confirmed them in the opinion they had formed.

Under these circumstances Ministers do not consider it necessary, for the defence of the Colony or for the control of the native tribes devolving upon its Government, that the reinforcements by Her Majesty's troops shortly expected should be retained in this Colony. The mere presence of these reinforcements in the Colony would undoubtedly have a most beneficial effect indirectly, but this would not, in the opinion of the Minister, be sufficient warrant for asking for their retention here, should the necessities of the Empire require them elsewhere."⁽²⁾

The second document contained the Governor's reply to a ministerial suggestion that Parliament, then prorogued until the 7th February, be further prorogued until the 11th April.⁽³⁾ Instead of giving his customary formal assent, Frere declined to comply, and added ominously:

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1. Vide Appendices C & E
 2. V & P A. 6 - 1878, p.2
 3. V & P A.5 - 1878, p.2 Molteno to Frere, 30.1.1878.

"As regards the place of meeting it must depend on the decision of questions now pending

If the present attempts to organise a dual system of military command are persevered in I see little prospect of being able to leave the frontier in such a state as to make a journey to Cape Town possible, and in that case it will be necessary to fix on some place of meeting nearer at hand!" (1)

Between the two of them these replies made the Cabinet dismissal inevitable. The first seriously embarrassed Frere. (2) He had come to South Africa to secure Confederation and at no stage did he permit the affairs of the Cape Colony to distract him from that purpose. Unlike Carnarvon, however, he was consistent in his Imperialism, and recognised the fact that, to be effective, a vigorous policy had to be backed by force. With trouble in the Transvaal and unrest in Zululand, it was obvious that considerable reinforcements would be required if Confederation was to be secured. Unfortunately, as long as Parliament persisted in its policy of careful spending, it was extremely difficult to obtain these, even for Imperial purposes. Carnarvon's advice to Shepstone at the end of May, 1877 was still very relevant eight months later:

"The feeling of Parliament is now, I believe, very favourable to the whole policy; but Parliament does not like to be made to pay even for what it approves. This is, of course, not very reasonable, but it is the case, and we must, as far as we can, adapt ourselves to the existing conditions of things." (3)

In many respects the outbreak of the Gaika-Galeka war had been a godsend to Frere in that it provided him with an excellent excuse for reinforcements. As early as October, before the double trouble of Galeka invasion and Gaika rebellion had given cause for alarm, he and Cunynghame had discussed the need for further troops, and had asked that the usual reliefs be sent out early. (4) Despite repeated appeals

1. V & P A. 5 - 1878, p. 2. Minute for Ministers, 31.1.1878.

2. Supra, pp. 277-278.

3. Carnarvon Papers - P.R.O. 30/6/23; Carnarvon to Shepstone, 30.5.1877.

4. G.H. 21/5 Cunynghame to Secretary of State for War, 10.10.1877. V&P A. 7 - 1878, p. 69 Colonial Office to War Office, 19.11.1877.

5. V & P A. 7 - 1878 Colonial Office to War Office, 1.12.1877 p.83, 18.12.1877 (p.93), undated (p. 107).

the War Office had remained consistently unhelpful. (1) When even Molteno refused to support his request for further troops, (2) Frere went to the extreme length of telegraphing Carnarvon (3) on his own initiative. He made no bones about his intentions covering in a confidential despatch:

"I would be better content to await the result," he began, referring to Molteno's promises of adequate Colonial reinforcements, "were it not for the very threatening aspect of affairs on the Zulu border, but believing as I do that with a proper police force a single regiment ought to be ample for the garrison of these provinces, I should be glad to see a nearer prospect of being able to detail reinforcements for Natal." (4)

With the unexpected promise of so much before him Frere was not prepared to let the scruples of a minor Colonial ministry stand in his way. From the moment that he received Molteno's reply, the ministry was doomed. Fortunately for Frere, his casus belli lay ready at hand. That same day he sent the Ministers an imperative Minute summoning them to a meeting of the Executive Council in order to reach a decision on the (5) dual command controversy. His arguments were substantially the same as those previously communicated on the 26th, but this time he ended with an ultimatum:

"The position lately assumed by the Honourable Commissioner of Crown Lands and Public Works compels me to request Ministers definitely to state whether they intend the Governor and Commander-in-Chief, or the Commissioner for Crown Lands, to exercise command over the Military Forces raised in the Colony, and now engaged in what aer beyond all doubt, military operations on a large scale.

I request an early and decisive answer on this subject as the proceedings, which appear to me irregular and illegal, as directed by the Honourable the Commissioner for Crown Lands, are assuming proportions which threaten to involve large districts of the Colony in confusion, lawlessness, and ruin." (6)

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1. V & P A. 7 - 1878 War Office to Colonial Office, 23.11.1877 (p. 71), 28.11.1877 (p. 73), 18.12.1877 (pp. 93-94)
 2. Supra, p. 294.
 3. V & P A. 4 - 1878, pp. 27-30.
 4. C.O. 48/485 Frere to Carnarvon, 4.1.1878.
 5. G.H. 27/2 Frere to Carnarvon, 9.1.1878.
 6. V & P A. 2 - 1878, pp. 24-25 Minute for Ministers, 31.1.1878.
 6. V & P A. 2 - 1878, p. 25.

The second message with its ominous suggestion of a Parliamentary meeting "nearer at hand", was sufficient to alert every suspicious instinct in Molteno and arouse all his sour, stubborn fighting qualities. As the arch opponent of Separation, it had been his constant fear that the presence of Governor and Ministry in Kingwilliamstown throughout the war would strengthen the claim of the Separationists that Capital and Parliament centred in the East. Repeatedly, and with increasing anxiety, he had urged Frere to return to Cape Town. ⁽¹⁾ Nothing was more calculated to bring Molteno into violent conflict with the Governor than this communication

Frere's motives for sending this particular message are difficult to unravel, for he certainly understood the reasons for Molteno's insistence. ⁽²⁾ It may have been just thoughtlessness on his part, or perhaps a desire to intimidate the Premier into bargaining about dual command, or even a genuine wish to hit on the most convenient and practical meeting place. A definite answer cannot be given, but whatever the reason, the result of the message was never in doubt. Even if Frere had not sent his minute that evening, a row between the Governor and the Premier was highly likely. The receipt of the Executive Council summons merely meant that Molteno went to the meeting determined to assert his authority. If Frere was looking for a quarrel with Molteno he

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1. Carnarvon Papers - P.R.O. 30/6/34; Frere to Carnarvon, 7.11.1877, 11.11.1877, 28.11.1877, 19.12.1877. Molteno to Frere, 16.11.1877, 2.12.1877. Molteno to Merriman, 14.12.1877(tel.), 17.12.1877. (Memorandum). V & P V & P A.2 - 1878, p. 12 Notes on conversation between Governor and Premier, 11.1.1877.
 2. Vide Frere's account to Carnarvon of what he had gleaned of certain telegraphic communications in November.
 "From the little they (the Ministers) said, I gathered that they believed that Mr. Molteno's suspicions had taken another turn. He was not so much jealous of what we might do or of who should get the credit for it, as apprehensive that, if I did not call their Parliament together in the East, which he thought very possible, we should certainly, if we all stayed here, give the world a strong argument for saying that the Capital ought to be in the East, and that the Parliament ought to be here also." (Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon. 11.11.1877.)

could hardly have chosen better.

The meeting took place in the Officers' Quarters at 11 a.m. on February 1st. ⁽¹⁾ Moltano's first action was to hand in a written protest against the fact that he had not been consulted as to the time of the meeting and was still ignorant of the exact nature of its agenda. ⁽²⁾ The Governor replied that it was up to him to summon the Executive whenever he saw fit, and enquired when his Ministers would be prepared to discuss his Minute of the previous evening. ⁽³⁾ Moltano found himself unable to stipulate any date, to which the Governor replied that he would summon the Council every day until the Cabinet were in a position to discuss the matter. ⁽⁴⁾ After a sharp exchange, it was agreed that the next meeting would take place on the following afternoon at 4 p.m. ⁽⁵⁾

The decisive encounter between Governor and Ministry began with prayers and some minor wrangling over the wording of the minutes. ⁽⁶⁾ Moltano then submitted his Ministry's formal reply which the Acting-Clerk read aloud for the benefit of the meeting. ⁽⁷⁾ In essence it contained nothing new, merely reaffirming the right of the Cabinet to control the Colonial military machine and defending Merriman's actions:

"By the Constitution, the responsibility of Ministers was established, and their duties are to carry out the Laws of the Colony, and to administer the business of the country according to the wishes of the Parliament. The Governor acts solely by and with their advice. Should an emergency, fraught with danger to the country, arise, for which the Law makes no provision, Ministers act on their own responsibility, and will be prepared to answer for their acts to that body whose representatives they are

Either the Government of the Colony is responsible for the military operations conducted in the name and at the expense of the Colony, or it is not. If it is, then the

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1. V & P A. 2 - 1878, p. 26.
 2. V & P A. 2 - 1878, p. 27.
 3. V & P A. 2 - 1878, p. 26.
 4. Ibid.
 5. V & P A. 2 - 1878, p. 27.
 6. V & P A. 2 - 1878, p. 28.
 7. Ibid.

officer conducting these operations, be his name what it may, must be under the control of that Government. If the Government of the Colony is not to be held responsible, and if the conduct of these operations is to be made over to the Officer of the Imperial Government, it is manifest that there must be an entire reversal of the policy of the last few years for which neither the Ministers nor the Colony are prepared."⁽¹⁾

Frere thereupon enquired whether the Attorney-General's opinion had been received, adding, however, that, even if it were favourable, he would still have to judge the matter by commonsense standards. Accordingly, he was now prepared to accept Molteno's resignation.⁽²⁾

Merriman described the scene graphically in the dismissal debate four months later:

" The Governor turned round to Mr. Molteno and said, I accept your resignation. Mr. Molteno was very much taken aback and I was perfectly thunderstruck. I could not believe that it could take place in such a hurry ... Mr. Molteno ... reminded His Excellency that in the same conversation he had tendered his resignation he had withdrawn it, but he added, 'Of course you can dismiss your Ministers if you think fit.' 'Then', said the Governor, 'I dismiss you.' " ⁽³⁾

In reply to questions from Molteno, he instructed them to remain in office until their successors had been appointed, and expressly forbade the publication of any relevant correspondence until the "proper" time. ⁽⁴⁾ Four days later they received their final dismissal order, by letter, at the hands of the Kingwilliamstown Civil Commissioner. ⁽⁵⁾

Whatever his reasons, the step Frere had taken was extremely serious, and one that could easily have cost him his career. When the immediate repercussions had died down Frere could not hide a trace of apprehension in writing to the Secretary of State about the matter. ⁽⁶⁾ He had defied

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1. V & P A. 2 - 1878, p. 30.
 2. V & P A. 2 - 1878, pp. 28-29.
 3. Argus, 25.5.1877. Vide also V & P A. 2 - 1878, pp. 28-29. GTJ, 3.6.1878. Merriman Papers 1878 - 22: John X. Merriman to Nathaniel Merriman, 19.2.1878.
 4. V & P A. 2 - 1878, p. 29.
 5. Supra, p. 240.
 6. G.H. 27/2 Frere to Carnarvon, 5.2.1878.

constitutional convention by making use of his prerogative power, and had, therefore, to gain the support of the Cape Legislature and Colonial Office in order to justify his action.⁽¹⁾

Accordingly, his first task was to obtain a new Ministry which would assume responsibility for the dismissal in Parliament. For this purpose he selected Gordon Sprigg, a prominent Kaffrarian farmer and staunch opponent of Molteno.⁽²⁾ In every respect it was a fortunate choice. Sprigg had won a considerable following for his efforts on behalf of Responsible Government⁽³⁾ and Frontier defence.⁽⁴⁾ These factors, together with his reputation for political integrity, lent colour to Frere's charges against the Molteno Ministry, both on military and constitutional grounds. Moreover, Sprigg was an extremely subtle politician and an astute manager of parliamentary majorities. The fluidity of the Cape's politics and the absence of clearly defined parties provided him with an environment entirely suited to his talents. As the member for East London and foremost critic of the Government's defence policy,⁽⁵⁾ he could rely on the support of the Eastern Province, while in the West he had the powerful backing of Saul Solomon and the Cape Argus.⁽⁶⁾ In the three months before Parliament met, he had every opportunity of rehearsing with Frere the arguments he would use against the dismissed Ministry.⁽⁷⁾ The time was also usefully spent in carefully collecting and publishing certain documents bearing on the controversy, but in such a way as to imprint their own point of view on the public.⁽⁸⁾ Molteno and Merriman had

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1. Todd, Parliamentary Government in the British Colonies, p. 40. Keith, Responsible Government in the Dominions, Vol. I, p. 122.
 2. G.H. 27/2 Frere to Carnarvon, 5.2.1878, 11.2.1878. Argus, 18.7.1877.
 3. Supra, pp. 74-75. Argus, 5.5.1875, 10.6.1875.
 4. V & F A. 6 - 1874.
 5. Argus, 6.12.1877.
 6. Argus, 18.5.1878.
 7. Argus, 14.3.1878.
 8. Molteno, Life and Times of Molteno, Vol. II, pp. 365-370.

no means of countering these attacks. Their reputation was at a low ebb after the war, and to increase their difficulties, the dismissal had had a profound psychological effect on public opinion.

Meanwhile, by presenting his case with consummate shrewdness in a number of confidential despatches, ⁽¹⁾ Frere had succeeded in obtaining the approval of the Colonial Office. Fortunately for him, the resignation of Lord Carnarvon over foreign policy at the end of January ⁽²⁾ did not mean any change in the attitude towards him. Sir Michael Hicks-Beach, Carnarvon's successor, accepted unquestioningly his version of the events leading to the dismissal. He endorsed the stand Frere had taken on the twin questions of the dual command and the legality of Merriman's actions, and ended his despatch with an assurance of complete confidence:

" it is evident that the dismissal is a step of extreme gravity, so grave indeed, that I am confident you would not have taken it unless you had felt it to be imperatively required by the interests entrusted to your charge.

Placing as I do full reliance on your judgement, I do not question the propriety of the decision at which you arrived and which would indeed appear, from the information yet received here, to have been unavoidable," ⁽³⁾

The result of both these developments was inevitably that by the time Parliament came to discuss the matter four months later, the Ministry's case had already been prejudged.

The dismissal debate itself was a deplorable affair. At the commencement of the session, papers relating to the controversy

1. G.M. 27/2 Frere to Carnarvon, 5.2.1878, 11.2.1878.
2. Carnarvon Papers - P.R.O. 30/6/34: Carnarvon to Frere, 24.1.1878. Given the month's delay in the mail service between England and South Africa, Frere only came to hear this news at the end of February. Throughout the crisis therefore, he was under the impression that his patron, Lord Carnarvon, was still at the Colonial Office. Unfortunately, it has not been possible to determine to what extent this influenced his actions.
3. V & P A. 16 - 1878, p. 32 Hicks-Beach to Frere, 21.3.1878.

were tabled, but in such an extraordinary state of confusion⁽¹⁾ that as evidence they were worse than useless. To make matters even more difficult, additional papers were brought forward every day during the course of the debate, on the request of the late Ministers, who found that the documents they needed to support their case were invariably missing.⁽²⁾ Altogether 394 pages of closely printed documentation were published in 12 different folders.⁽³⁾ There was no order, system or sequence; important documents of state shared space with meaningless triviata, many letters were undated and everything was so fantastically disordered that to trace a connected story, let alone comprehend the significance of events, was an almost superhuman task. The only result was to befuddle an already bewildered Parliament, and instead of an objective investigation of the facts, the debate degenerated into an ugly exchange of party and personal recriminations.

Merriman was given charge of the Ministry's Parliamentary defence. In theory he was the best man for the job, for he was not only the most formidable speaker in the cabinet, but as the Minister responsible for the conduct of ^{the} war, the best informed person as well. In practise, his wounded sense of pride and overwhelming mental proximity to the details of the war, rendered him unable to see the wood for the trees and caused him to bungle his case badly. Instead of proposing a resolution of no confidence in the Sprigg Ministry, who, by accepting office, had automatically assumed responsibility for the Governor's actions,⁽⁴⁾ he attempted to attack Frere's behaviour directly. This was

1. V & P A. 2- 1878 (10.5.1878); A. 4 - 1878 (14.5.1878); A.5 - 1878 (16.5.1878); A.6 - 1878 (17.5.1878)

2. GTJ, 27.5.1878.

3. V & P 1878, Appendix I., Vol.3.

4. "That in the opinion of this House, the control over the Colonial forces is vested in His Excellency the Governor only, acting under the advice of his Ministers.

That it was not within the constitutional functions of His Excellency the Governor to insist on the control and supply of the Colonial forces being placed under the military authorities, except with the consent of the Ministers

That the action taken by His Excellency the Governor in that matter has been attended with results prejudicial to the Colony, and has delayed the termination of the rebellion." V & P (HA) 23.5.1878.

a colossal mistake in tactics. His opening speech on May, 23rd was a magnificent achievement in rhetoric, but entirely missed the point.⁽¹⁾ Instead of concentrating on the cardinal constitutional issues around which the controversy pivoted - the right of a constitutional Governor to dismiss, during a Parliamentary recess, a ministry possessing the confidence of the legislature - he devoted his speech mainly to a description of the Ministry's conduct of war. In many respects this was the natural thing to do, for Frere had justified his action on the grounds that the mismanagement of the Tambookie campaign and the evils inherent in the dual command system had prejudiced the safety of the Colony and endangered the lives of the Imperial troops in the Transkei. This move, however, laid him open to attack on innumerable minor points. The net result was inevitably that the debate got bogged down in a quagmire of triviata.

The next setback came with the ruling of the Speaker that the last two clauses of Merriman's resolution were unconstitutional, in that they censured the Governor who, as representative of the Crown, was immune from such treatment.⁽²⁾ This was perfectly correct, and something that Merriman and Molteno should have considered in framing their motion. When the House returned to the subject two days later, it was in no mood to listen to the constitutional interpretations of men who could perpetrate so elementary a mistake. Merriman's amendment to his original motion was the final fatal blunder,⁽³⁾ since it rivetted attention irrevocably on the military side

1. Argus, 25.5.1878.

2. Argus, 27.5.1878.

3. He changed the word "was" into "is" in the second paragraph, and substituted a third resolution as follows: "That the assumption of the command of the Colonial forces by Sir A. Cunynghame in January last, contrary to the advice of Ministers, was not justified or advisable under the existing conditions." (Argus, 29.5.1878.)

of the controversy. It was only at the end of a fortnight's bitter and profitless wrangling that Merriman dimly perceived his mistake. In his closing speech, he wearily warned the House that, if they sanctioned the dismissal, they would be establishing a precedent whereby the Governor, should he fail to secure agreement from his Ministers, would be enabled to

"change them at his will and pleasure, and throw himself on the side of any political party, and so effect his own purposes whenever he chose to do so." (1)

His warning went unheeded, and his motion was defeated by (2)
37 voted to 22.

The result of the debate was thus extremely fortunate for Frere, but though it formally endorsed his decision, it did not clarify any of the real issues involved. These were, firstly, the question of the Colonial military command, and, secondly, the right of the Governor to dismiss his Ministry. Both were essentially problems of fact, not of constitutional theory; they remained unanswered simply because the relevant facts were never established.

The Ministry's claim to control the Colonial troops was based, in essence, on their interpretation of powers they had received under Responsible Government. (3) They regarded the command of forces raised within the Colony, paid for by the Colony and utilised solely for Colonial purposes, as a strictly internal matter, in connection with which the Governor could act only under their advice. The Governor, on the other hand, maintained that his commission as Governor and Commander-in-Chief gave him an independent power over all (4) military forces in the Colony, Colonial as well as Imperial. This power he exercised through the person of the General commanding the Imperial troops, and it was in these terms that he opposed the appointment of a Colonial Commandant-General who owed obedience to the Colonial Cabinet alone.

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1. Argus, 6.6.1878.
 2. V & P (HA), 6.6.1878.
 3. Supra, p. 310
 4. Supra, p. 311, 320

In theory the Ministry was probably correct. Firstly, it had become an established dictum of parliamentary government that those who paid the piper, called the tune. Since the Colonial Government raised, equipped and paid the Colonial forces⁽¹⁾ it was obvious that they should also have the right to their control. This was recognised in all other colonies with Responsible institutions. The command of local militias⁽²⁾ was determined by local legislation. Secondly, one of the Imperial Governments strongest motives in encouraging Responsible Government had been its desire to escape the burden of colonial defence.⁽³⁾ Throughout the war it had been Frere's constant concern to badger the Ministry into making such provisions for Colonial defence as would relieve the Imperial forces of this duty.⁽⁴⁾ Even as late as the 30th January, 1878, no less a person than Lord Carnarvon had written to Frere exhorting him to impress upon his Ministers once again:

" the imperative necessity of at once organising, under effective discipline and regulations, a proper force to supply the place of Her Majesty's troops ... It is the plain duty of the Colony to do this nor can any other system be substituted for it."⁽⁵⁾

In such circumstances, the retention of the Governor's formal title as Commander-in-Chief could fairly be regarded as an anomalous anachronism.

In practice, Frere had the letter of the law as well as the obvious practical necessity of a joint command on his side. As a result of the complications presented by the

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1. V & P A. 22 - 1878, p. 16.
 2. Jenkyns, British Rule and Jurisdiction beyond the Seas, p. 101. Keith, Responsible Government in the Dominions, Vol. III, p. 1262 sqq. (1912 edition - this edition's giving the subject a more detailed treatment than the 1928 edition.)
 3. Supra, pp. 44-56
 4. C.O. 48/485 Frere to Carnarvon, 24.1.1878.
V & P a. 2 - 1878, pp. 3-7; A. 19 - 1878, pp. 1-5;
A. 22 - 1878, pp. 1-25. G.H. 21/5 Cunyngame to Frere 22.10.1877; 25.11.1877, 30.12.1878.
 5. C.O. 48/485 Carnarvon to Frere, 30.1.1878. Vide also C.O. 48/482 Carnarvon to Frere, 3.1.1877.

retention of Imperial troops, no legislation on the subject of the command of colonial forces had been passed since the grant of Responsible Government.⁽¹⁾ Had the Colony at that stage been able to provide for its own defence, the Ministerial claims would have been permissible. The fact that the Acts passed before 1872 gave power of control to the Governor would then have been irrelevant.⁽²⁾ But since the colony depended, in part, on Imperial troops for its defence, the Governor's authority in terms of his Commission and Letters of Instruction could be held to prevail. It was obvious that whenever events within the Colony affected either the security or good order of Imperial troops specifically engaged in its defence, those events could legitimately be regarded as Imperial concerns. Quite apart from the obvious practical absurdity of two independent commands pursuing the same objectives within the same geographical area,⁽³⁾ Frere had a strong case in claiming supreme command on the grounds that operations in the Gaika and Tambookie locations affected the security of Imperial troops insofar as they touched upon their lines of supply and communication.

It was, of course, another question whether the actual situation within the Colony was such as to threaten Imperial security, and thereby justify Frere's dismissal of his Ministry. It is true that the escape into Galekaland of three thousand Gaika rebels from the Kabousie basin operations did endanger the Imperial forces at the Battle of Quintana;⁽⁴⁾ equally that the surprise withdrawal of Native Levies from

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1. It is not without interest to this analysis that when an attempt was made in 1878 to organise the Colonial system of defence on a proper basis, the following significant passage occurred in the Act: "The words 'the Governor'... shall mean the Governor acting by and with the advice of the Executive Council" (Act 5 of 1878)
 2. Keith, Responsible Government in the Dominions, Vol. III, p. 1260 (1912 edition)
 3. Supra, pp. 299 sqq.
 4. Supra, p. 306

the Transkei for the Tambookie location campaign, and its subsequent critical course, had exposed the Imperial flank and endangered its lines of supply.⁽¹⁾ But at the time of the dismissal the former had not yet taken place, nor was it expected, and the latter was under control. Since overwhelming emergency was the only factor in military terms that could justify the grave procedure of dismissal, it is clear that neither the actual conduct of operations nor the ministerial insistence on a dual command were sufficient warrant for this step.

The question of a separate colonial command, however, was merely of secondary importance to the vital issue of Frere's right to dismiss his Ministry. From the constitutional point of view, Frere was bound, under normal circumstances, to follow the advice of his Ministry.⁽²⁾

This limitation of his power was tempered in two respects. Firstly, by analogy with the British Crown, he retained a measure of power, which, under extraordinary circumstances he would be justified in using.⁽³⁾ In Great Britain the Sovereign had used his prerogative power of dismissal only twice during the preceding century - in 1784 when George III dismissed the Fox Ministry and again in 1834 when William IV compelled Lord Melbourne to resign.⁽⁴⁾ Moreover, in the latter case, the decision of the electorate went against the King and he was compelled to reinstate his Prime Minister. In practice, therefore, although the King was legally entitled to dismiss his Ministers, the precedents for such action were extremely dubious.

1. Supra, p. 307.

2. V & P A. 8 - 1878, p. 6.

3. Jenkyns, British Rule and Jurisdiction beyond the Seas, pp. 99-122.

4. Evatt, The King and his Dominion Governors, pp. 31-32.

In the Colonies, however, Responsible institutions were of considerably later growth, and consequently, the Governor's exercise of his prerogative power was not limited by precedent to the same degree as the King's, and it was recognised that he could, under certain circumstances, dispense with, or even disregard, the advice of his Ministers.⁽¹⁾ Todd, the great Victorian authority on colonial constitutional development and staunch supporter of the Governor's prerogative powers, was perfectly explicit on this point:

"It must be always remembered that the Governor is not bound to comply with the advice of his Ministers. In the event of a recommendation being submitted to him that involved a breach of the law, or that was contrary to express instructions received from the Crown, he would be obliged to refuse to sanction it In the ordinary exercise of his constitutional discretion, the Governor is unquestionably competent to reject the advice of his Ministers whenever that advice should seem to him to be adverse to the public welfare, or of an injurious tendency. In such a contingency, if no compromise be possible, either the resignation or dismissal of Ministers must follow."⁽²⁾

Cabinet dismissals did indeed take place - the most remarkable case occurring as late as 1932 in New South Wales, when Sir Philip Game dismissed the Lang ministry on the grounds of illegal behaviour.⁽³⁾ At the time, therefore, Frere's action, though admittedly an extreme step and unique in terms of its military origin, was not as startling as it would appear today.

The Governor could, however, also rely on a second more important source of discretionary power. In addition to being the formal head of a self-governing Colony, he was also Her Majesty's High Commissioner in South Africa,⁽⁴⁾ answerable only to the Secretary of State in London.

Whenever Imperial interests were affected he had the power of

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1. V & P A. 8 - 1878, p. 6.
 2. Todd, Parliamentary Government in the British Colonies, p. 40; vide also p. 616.
 3. Evatt, The King and his Dominion Governors, pp. 238-240.
 4. V & P A. 8 - 1878, pp. 10 - 11.

direct action, irrespective of the policy of his Responsible advisors. In the Cape Colony this dual capacity had led to considerable confusion. Frere's predecessor, Sir Henry Barkly, had attempted to resolve the dilemma by seeking the advice of his responsible Ministers on all matters. (1)

"The fact is," Sir Bartle Frere informed Carnarvon some six months after his arrival, "the office of High Commissioner had of late years fallen so much into abeyance that, when I first came, the Attorney-General described it to me as a kind of honorary obsolete office which had little present meaning or practical utility!" (2)

This was a correct reflection of Colonial feeling. In a debate on the subject in 1873 the House had been fairly agreed that the duties of the High Commissioner were too inextricably intermingled with those of the Governor to be separated or distinguished. (3) Even Wodehouse in 1867 had rejected the idea that the High Commissioner was independent of the local legislature in extra-colonial matters.

"This is practically a fallacy," he assured the Duke of Buckingham and Chandos. "The High Commissioner is merely the Governor under another name. All his acts have reference to the interest of the Colony. He has no funds at his disposal except Colonial funds over which the Legislature can always exercise a supervision; and it is beyond denial that during their sessions they constantly call for correspondence and information as to the policy and acts of the High Commissioner. It could not make the slightest difference in the administration of affairs if the office were abolished, and the Lieutenant-Governor were directed to be guided (to the same extent as at present) by the Governor of the Cape, under that title." (4)

1. Supra, p. 167
 2. Carnarvon Papers - P.R.O. 30/6/34: Frere to Carnarvon, 14.11.1877.
 3. GTJ, 7.5.1873, 9.5.1873. Vide ex-Attorney-General Porter's conclusions on this subject: "When I find the High Commissioner to be merely another name for Governor, and when I find the duties of High Commissioner duties which are connected with the safety of the Colony, and which, if not yet connected with the safety of the Colony, ought not to be imposed on the Governor at all, then I think, whether you retain the name or whether you discard the name, that his responsible advisers should be responsible for his proceedings." (GTJ, 9.5.1873)
- It is not without ironic interest to the whole controversy that, years later, the Cape Parliament decisively rejected a proposal submitted to the Colonial Office by the Rev. John MacKenzie to separate the offices of Governor and High Commissioner. (P.P. 1888 XXXIV (5488) p. 1-15 Rev. John MacKenzie to Colonial Office, 28.2.1888, p.20, Ministerial reply, 18.6.1888.)
4. P.P. 1871 XLVIII (459) Wodehouse to Buckingham and Chandos, 16.7.1867.

Nevertheless, though seldom invoked, neither the title nor the functions had been abandoned, and, during the Confederation dispute of 1875, Carnarvon had specifically reasserted both.⁽¹⁾ A further development came at the time of Frere's appointment in 1877. The ambitious imperial designs of the Colonial Office made imperative the retention of the High Commissionership, and in the revised Commission and Letters of Instruction to the new Governor, provision was specifically made for it.⁽²⁾

It was on this basis entirely that Hicks-Beach judged Frere's action.

"It should be borne in mind," he declared on receipt of the Governor's confidential despatch of the 5th February, "that in consequence of the peculiar conditions of the Colony and adjacent territories, Responsible Government as established at the Cape, has necessarily been made subject to a limitation not elsewhere required.

In civil matters, lying entirely within the Cape Colony, I desire, of course, that the responsibility of your Ministers for the time being should be as full and complete as in other colonies under the same form of Government; but in affairs such as this in which you have been recently engaged, your functions are clearly defined by the terms of your Commission.

As the Queen's High Commissioner you are 'specially required to do all such things as you lawfully can to prevent the recurrence of any eruption into Her Majesty's possessions of the tribes inhabiting the adjacent territories and to maintain those possessions in peace and safety! And 'all the Queen's Officers and Ministers, civil and Military, are commanded and required to assist you' to this end.

I am, therefore, surprised thatⁱⁿ the occurrence of any differences of opinion as to the conduct of the war, your Ministers should have hesitated to subordinate their opinion to yours; it being obvious that the successful and speedy repression of the present outbreak concerns either directly or indirectly large numbers of Her Majesty's subjects in South Africa, living altogether beyond the jurisdiction of any single administration" (3)

1. Supra, p.

2. V & P A. 8 - 1878, pp. 10-11.

3. V & P A. 16 - 1878, p. 32. Hicks-Beach to Frere, 21.3.1878.

Finally, the decision of the Cape Parliament had a most important bearing on the constitutional position. Its vote of approval meant essentially that it accepted responsibility for the Governor's use of his prerogative power, and, therefore, created the impression that, in circumstances of extreme gravity, the Governor had merely anticipated its decision by a few months. This completely exonerated him, and gilded the dismissals with an ex post facto constitutional veneer.

Summing up, therefore, it is clear that in strictly legal terms the Governor's decision to dismiss his ministry was unsailable. This was also the viewpoint taken by Victorian constitutional lawyers such as Alpheus Todd,⁽¹⁾ but modern authorities tend to doubt its absolute validity. Professor Evatt of Sydney University has probably given the fairest synopsis of modern thinking on this point:

"It can hardly be accepted as correct that the Sovereign or his representative may at any time dismiss a Ministry possessing the confidence of Parliament, nor can it be accepted that, so long as the popular verdict goes against the dismissed Ministers, the action of the King or Governor must necessarily be treated as right.....The fact of dissolution may frequently result in the Ministers being so seriously prejudiced in the minds of loyal voters that their success at the polls will be rendered impossible, or highly improbable. The true test of the constitutional exercise of such a reserve power should direct itself to the circumstances existing when the power is exercised." (2)

Judged by this standard, on the basis of fact and not of abstract constitutional theory, the dismissal of the Molteno Ministry takes on a different perspective. As Governor of a Responsible Colony Frere was entitled to use his prerogative of dismissal only under circumstances of the utmost gravity. Despite the strain of personal antagonisms and conflicting policies, no such emergency existed on February 2nd.⁽³⁾ The reasons he gave - military emergency and unconstitutional behaviour - do not bear close examination, and in these circumstances only one verdict can be recorded. Though legalised by the decision of the Cape Parliament, Frere's action was not warranted by the facts.

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1. Todd, Parliamentary Government in the British Colonies, p. pp. 380-390.
 2. Evatt, The King and his Dominion Governors, pp. 165-166. This in essence was Dicey's view. (Ibid, pp. 102-105) Keith also inclined to the same opinion. (Keith, Responsible Government in the Dominions, Vol. I. p.129.)

There remains, however, one further factor to be considered. The reasons Frere gave were not his real ones. He had, in fact, dismissed his ministers on imperial rather than colonial grounds,⁽¹⁾ and must, therefore, be judged according to his real reasons as well. Hicks-Beach, in his despatch on the subject, approved of Frere's action, judging that he had rightly sub-ordinated his position as Governor of the Cape to his wider responsibilities as High Commissioner for South Africa.

"I am surprised," he declared, "that on the occurrence of any difference of opinion as to the conduct of the war, your Ministers should have hesitated to subordinate their opinions to yours, it being obvious that the successful and speedy repression of the present outbreak concerns, either directly or indirectly, the interests of large numbers of H.M.'s subjects in South Africa living altogether beyond the jurisdiction of any single colonial administration!"⁽²⁾

In assessing this opinion it is extremely important to bear in mind that Hicks-Beach knew no more of the background to the controversy than Frere cared to tell him - and Frere did not reveal his real reasons. In the event of a clash between Governor and Cabinet on matters of Imperial concern at the end of which the former used his prerogative powers either to override or dismiss his ministers, constitutional convention laid down that the ordinary procedure had first to be followed.⁽³⁾ The matter had to be brought before the Colonial parliament concerned for its decision. Should the legislature decline to sanction the Governor's actions, he could then appeal to the Secretary of State for the Colonies for support. If upheld, the struggle then⁽⁴⁾ became one between local legislature and imperial authority.

This was an extremely serious situation, and one in which no Secretary of State cared to find himself. Had Frere revealed his real reasons, it is extremely doubtful whether Hicks-Beach would have sanctioned his action. However much he might have agreed with the ideal of Confederation, it is clear that he could

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1. Supra, pp. 317 sqq.
 2. V & P A. 16 - 1878, p. 32 Hicks-Beach to Frere, 21.3.1878.
 3. Todd, Parliamentary Government in the British Colonies, pp. 41-42.
 4. Ibid.

not have endorsed any project of territorial expansion that would require imperial reinforcements. Frere's criterion of imperial interests was, therefore, entirely a personal one, and according to objective standards, he was not justified in undertaking on his own responsibility the extreme step of dismissing his ministers.

The only factors that remain to be considered are Merriman's role in the constitutional dispute, his understanding of the issues involved, and his attitude to developments after the dismissal.

Merriman did not play a prominent part during the last decisive fortnight of the ministry's existence. Quite apart from the fact that constitutional convention laid down that in any official declarations or negotiations involving policy the Premier act as mouthpiece of the cabinet, the abandonment of the council system meant that Merriman saw very little of either Frere or Cunynghame. Not only had the motive of consultation and co-ordination disappeared, but Merriman himself was too occupied in the day-to-day conduct of the Gaika and Tambookie location campaigns to have any time to spare for anything other than the most important cabinet meetings. Although no direct evidence is available on this point, it is extremely doubtful whether he played a significant role in formulating cabinet constitutional policy. He himself admitted in the dismissal debate that he had hardly had time to read, let alone understand, the most important document of the controversy - Frere's minute of the 31st January⁽¹⁾ - before the crucial executive meeting two days later.⁽²⁾ No account of cabinet discussions has survived, but from the letters and documents available the impression is gained that Merriman was content to leave the political wrangling to Molteno as long as he was free to pursue a military policy that he had come to regard as both effective and necessary.⁽³⁾

1. Supra, p. 318.

2. Argus, 25.5.1878.

3. Vide especially G.H. 27/2 Frere to Carnarvon, 30.1.1878, 5.2.1878.

It does not follow from this, however, that Merriman's share in the responsibility for the final clash was negligible. He was culpable on two counts. Firstly, his failure to seek a modus vivendi acceptable to both schools of thought after the 9th January. As the person in closest working contact with Governor and Premier he was the man best qualified to see and understand both viewpoints. As persona grata with both sides he was in the most advantageous position to secure the working compromise that every dictate of reason and commonsense demanded. However advisable independent colonial operations, the existence of Governor and Imperial forces could neither be ignored nor argued away. It should have been Merriman's task to iron out a working agreement as he had done so successfully on several occasions during the previous four months ; instead he did nothing. While it may be argued with some plausibility that a serious clash between Governor and Ministry was highly likely on the score of imperial reinforcements irrespective of the understanding otherwise achieved, it is equally conceivable that had it not been for Merriman's abandonment of his position as middleman Frere would not have had his ready-made excuse on February 2nd.

Secondly, his failure to keep his opposite number informed of operations planned or in progress. In a common theatre of war this was not only elementary courtesy but a fundamental security precaution. Even if he did not discuss his plans in advance with Governor and General, there was no excuse for his neglect of informing them of such movements as affected their positions. It is impossible to decide whether this oversight was mere thoughtlessness due to overwork or deliberate provocation on Merriman's part towards the General, but whatever the case it came to cost the ministry dear. It provided Frere with his best propaganda material not only to the Colonial Office but to the public at large after the dismissal. It is hardly possible to believe that he could seriously have been concerned about the legality of Merriman's position as

"Minister" of War when he himself had assured Gunynghame at the beginning of October that Merriman had assumed the duties of that office with his "full concurrence."⁽¹⁾ As late as the 15th January he had written to Merriman as Head of the War Department without any qualms about the legality of his position.⁽²⁾ After the dismissal great play was made of the fact that Merriman had no longer signed orders on behalf of the Colonial Secretary, but had taken to issuing them on his own authority.⁽³⁾ Emotive phrases such as "military dictator" were bandied about, and Frere himself wrote at considerable length to the Colonial Office about the evil consequences of Merriman's "insane attempt to ape Gambetta."⁽⁴⁾ It was undoubtedly a technical mistake not to have indicated the full source of authority, but with Molteno's presence in Kingwilliamstown this was hardly more than a formality. It is significant also that Frere did not take umbrage at the new formula almost until the end, whereas in fact Merriman had issued orders in his own right as early as the 10th January.⁽⁵⁾ Nevertheless, the mistake was made, and if there was one factor that caused the dismissed ministry to lose ground before the crucial parliamentary debate, it was the shrewd use to which their opponents put these facts.

Summing up, therefore, it is clear that Merriman, though not a prominent participant in the verbal skirmishes between Governor and Premier prior to the dismissal, nevertheless played an indispensable part in creating the excuses that made February 2nd possible. It is extremely doubtful whether he understood or ever thought about the full implications of his actions. Certainly neither the letter of explanation he wrote to his father⁽⁶⁾ nor his performance in the dismissal debate⁽⁷⁾ were such as to inspire confidence in his grasp of the inner meaning of events. It is hardly surprising that he failed to see Frere's

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1. V & P A.7 - 1878, p. 55, Frere to Gunynghame, 1.10.1877.
 2. Merriman Papers 1878 - 6 ; Frere to Merriman, 15.1.1878.
 3. C.O. 48/485 Frere to Secretary of State, 11.2.1878, 14.2.1878
 4. Martineau, Life of Sir Bartle Frere, Vol.II, p. 211 Frere to Herbert, 20.2.1878.
 5. G.G.R. 9 Merriman to Chalmers, 10.1.1878.
 6. Merriman Papers 1878 - 22 ; John X. Merriman to Nathaniel Merriman, 19.2.1878.
 7. Supra, pp. 324-326.

real motives. They were not publicised, and can only be pieced together from private correspondence and stray paragraphs in confidential despatches, none of which were available to Merriman. What was surprising was that the man who had led the government's team so ably at the time of the Confederation dispute,⁽¹⁾ failed so dismally three years later. The only explanation for this is that Merriman stood too close to the military details of the war to see the constitutional implications, and since Frere justified his action on military grounds, it was only natural that Merriman should attempt to counter that attack. His wounded pride that what he had achieved should be so belittled, merely completed the process.

Merriman's reaction to the dismissal was extremely interesting. For the first six weeks it was one of utter disgust and disillusionment, mingled with an angrily expectant "After me the deluge" attitude. His cynical bitterness towards the empire in whose interests he had been sacrificed, knew no bounds. This was well brought out in the letter he wrote to his father on the 19th February.

"Very many thanks," he began, "for your letter in which you were kind enough to caution me against allowing myself to be knighted. The caution was quite unnecessary, though I must confess that I should have liked to have had something of the sort offered to me for the pleasure of refusing it, and must say that the taste of Englishmen in the present day for two-penny stars and crosses and titles seems to me to be one of the most melancholy signs of the decadence of the empire, coupled with the tawdry taste for cheap art and the gabble about culture which culminates in a music hall, and the filthy burlesque. Everything seems rotten to the core - no faith, no country, no manliness. And a Jew triumphant with all his Jewgarish tastes in full swing. However, you will see by the news which doubtless reached you by the telegraph last mail that I am not likely to get either decorations, thanks or anything else except hard words and abuse." (2)

1. Supra, pp. 182-599.

2. Merriman Papers 1878 - 22 : John X. Merriman to Nathaniel Merriman, 19.2.1878. However inconsistent Merriman may have been in other matters (Supra, pp. 27-30), on the point of imperial decorations at least he never changed his tune. Forty years later, in his Foreword to Kilpin's book on the old Cape Parliament, his cynical contempt reasserted itself. The wording was more polished, the cynicism administered with a lighter touch, but the sentiment was unchanged: "In 1872 the noble and distinguished order of St. Michael and St. George burgeoned forth for the gratification of colonial statesmen and those whom they delight to honour, until the dominions are adorned with a twinkling splendour and one star calleth forth another to promote the true imperial feeling." (Kilpin, The Old Cape House, p. ix)

For the first fortnight his attitude was one of unrestrained Schadenfreude im Voraus.⁽¹⁾ In many respects this was understandable. The ministry had been dismissed on account of his alleged maladministration of the military machine, and it was only human nature on his part to wish to see muddle and expense result from his departure. When this did not materialise as dramatically as he hoped, and when the newly installed ministry got their propaganda campaign against "military dictators" under way, his attitude changed to one of utter distaste for public life.

"I have made up my mind to have no more to do with public life," he wrote to his mother at the end of March. "The amount of low, vulgar and personal abuse which does not stop at one's public acts has given me an utter distaste for an arena where such measures are the ones in vogue, and I am convinced that it will be many years before the politics of the Cape will be such that a gentleman can either take part in them, or have the slightest prospect of doing good to the country." ⁽²⁾

This attitude did not persist however. Merriman was too much of a fighter to withdraw from the scene of battle. The same day he was thinking in terms of counter-measures.

"I wish you could convey the substance of my letter to Gladstone," he begged his father. "He will, I am sure, sympathise with us if he only knows the facts." ⁽³⁾

It is not known whether Nathaniel Merriman actually wrote to his old student friend,⁽⁴⁾ and if he did, what the English statesman thought of the matter. It is hardly relevant, however, for Merriman did not retire from politics. Three years later, in May, 1881, he was back in office in his old portfolio of Crown Lands and Public Works in the Beaulieu ministry.⁽⁵⁾

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1. Merriman Papers 1878 - 22 : John X. Merriman to Nathaniel Merriman, 19.2.1878.
 2. Merriman Papers 1878 - 29 : John X. Merriman to Julia Merriman, 26.3.1878
 3. Merriman Papers 1878 - 30 : John X. Merriman to Nathaniel Merriman, 26.3.1878.
 4. Supra, p. 6.
 5. Supra, p. 16.

In this manner then the greatest crisis in Merriman's life, other than perhaps the 1910 question of the Premiership, ended as it had begun - somewhat indecisively with the main issues hidden or confused. The dismissal had indeed been ratified, but the major constitutional points had neither been clarified nor investigated. Merriman emerged from the controversy under a cloud of opprobrium with his real achievements as Acting Minister of War thoroughly obscured or misrepresented. Nevertheless, he had done his administrative work well - indeed the ending was in many respects strangely symbolic of the most striking qualities of the man. The rapid conclusion of the war after February 1878 was as much a tribute to his brilliant organising qualities as the dismissal itself was a verdict on his unpredictable impetuosity and rash extremism in word and deed. In this sense it provides a fitting closing point to a study of a phase in Merriman's career.

CONCLUSION.

Reviewing the evidence with special reference to the title, one paramount conclusion emerges. Merriman in his formative years was a strange and compelling mixture of opposites. He combined in him qualities that were the ingredients of greatness, and qualities that could only end in disappointment and failure. As a man of wide and cultured reading, brilliant public speaker, shrewd, conscientious and ambitious administrator, devoted Parliamentarian and staunch Colonial he had in him the potential of great deeds for South Africa and high eminence for himself. As a political opportunist, a rash, impetuous enfant terrible, one whose searing sarcasm and whiplash tongue was longer than the reach of his discretion, a man who was vindictively intolerant of fools and a politician who preferred his jibe to his friends, he had in him attributes that made him a difficult colleague, embarrassing ally and unpredictable leader.

In the period under review he had encountered three major crises - the grant of Responsible Government, the Confederation dispute, and the Ninth Kaffir War and cabinet dismissal. In none of them can it really be said that he demonstrated statesmanship of the first order. His understanding of the issues involved was patchy, and the presentation of his viewpoint hardly such as to impress people with the breadth of his vision and the validity of his cause. If he must be judged by them alone the verdict can hardly be encouraging.

On the other hand, his achievements as Commissioner of Crown Lands and Public Works as well as Acting-Minister of War were far from negligible. His efficiency, imagination, drive and flair for organisation were a credit to his ministry and a tribute to his talents.

It is impossible to formulate final conclusions about his career and statesmanship on the basis of only ten years out of fifty-five in politics. All that can be said is that the points had been set. Time alone would show which of the two sides to his nature would in the end reign paramount.

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<u>Craddock Register</u>	1874 - 1875.
<u>East London Dispatch</u>	1874 - 1875.
<u>Eastern Province Herald</u>	1869 - 1878.
<u>Eastern Star.</u>	1875.
<u>Era (Richmond)</u>	1875.
<u>Fort Beaufort Advocate</u>	1875.
<u>Frontier Mail (Aliwal North)</u>	1869 - 1870.
<u>Graaff-Reinett Advertiser</u>	1874 - 1875.
<u>Kaffrarian Watchman</u>	1869 - 1878.
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APPENDIX A.

BANKING STATISTICS AS AN INDEX
TO ECONOMIC GROWTH.

THE STANDARD BANK OF SOUTH AFRICA

Date	Subscribed Capital.	Paid-up Capital	Reserve Fund.	Profit & Loss	Half-yearly Distribution.
June, 1863	1,000,000	72,950	10,100	5,624	6
Dec., 1863	1,653,400	287,521	11,890	15,224	5
June, 1864	1,703,900	411,090	20,000	20,068	4
Dec., 1864	2,316,100	487,520	56,000	24,791	4
June, 1865	2,316,100	487,570	26,000	25,234	2
Dec., 1865	2,316,100	487,570	10,000	17,760	Nil
June, 1866	2,316,100	487,570	11,000	14,707	2
Dec., 1866	2,316,100	487,570	12,000	13,420	2
June, 1867	2,170,800	469,830	14,000	12,878	2
Dec., 1867	2,149,800	464,730	16,000	11,599	2
June, 1868	2,131,300	458,655	Nil	9,817	2
Dec., 1868	2,033,700	439,050	11,000	8,951	2
June, 1869	1,998,500	430,730	13,500	7,844	2
Dec., 1869	1,924,000	415,315	20,000	8,804	2
June, 1870	1,892,600	408,350	20,000	8,216	2
Dec., 1870	1,892,600	408,350	6,000	8,031	2
June, 1871	1,892,600	408,350	10,000	14,744	2
Dec., 1871	1,892,300	408,320	20,000	26,945	4
June, 1872	1,892,300	408,320	30,000	30,465	5
Dec., 1872	1,892,300	408,320	40,000	30,932	5
June, 1873	1,892,300	408,320	50,000	30,512	5
Dec., 1873	1,892,300	408,320	60,000	31,868	5
June, 1874	2,000,000	440,105	75,000	35,863	5
Dec., 1874	2,000,000	482,015	100,000	47,139	5
June, 1875	2,000,000	531,620	120,000	49,410	5
Dec., 1875	2,400,000	600,000	135,000	51,658	6
June, 1876	2,400,000	600,000	150,000	52,032	6
Dec., 1876	2,400,000	600,000	170,000	53,533	6
June, 1877	2,400,000	600,000	170,000	48,191	7
Dec., 1877	3,400,000	850,000	180,000	54,213	6
June, 1878	3,400,000	850,000	270,000	63,249	6
Dec., 1878	3,400,000	850,000	285,000	67,631	6
June, 1879	3,400,000	850,000	315,000	86,743	8
Dec., 1879	3,400,000	850,000	335,000	91,892	8
June, 1880	3,400,000	850,000	360,000	95,929	8
Dec., 1880	4,000,000	1,000,000	500,000	92,117	8

THE STANDARD BANK OF SOUTH AFRICA

Notes in Circulation	Total Deposits	Total Advances	Cash, Short Loans, and Investments	Total Assets.
	114,154	158,561	41,561	202,728
	678,755	809,375	130,161	993,421
106,897	508,200	1,208,670	210,642	1,478,911
122,296	472,602	1,282,177	135,254	1,489,703
180,007	408,854	1,411,682	103,327	1,579,784
990,783	367,753	1,179,974	93,684	1,332,977
81,461	372,204	1,121,973	118,161	1,300,818
75,724	461,727	1,122,760	139,478	1,322,479
86,779	411,061	1,153,420	113,121	1,334,338
95,170	451,057	1,199,921	118,077	1,382,680
75,741	448,359	1,226,677	98,124	1,369,094
72,437	433,237	1,111,018	114,253	1,269,315
61,701	437,130	1,242,941	130,678	1,417,404
88,240	458,287	1,274,587	122,532	1,438,553
115,138	460,695	1,326,292	128,511	1,495,981
117,417	504,138	1,370,011	129,419	1,545,920
206,951	652,457	1,760,996	181,836	1,988,228
574,545	910,013	2,027,498	519,784	3,032,028
549,989	1,196,621	2,014,289	646,449	3,197,336
589,040	1,335,747	2,267,476	754,666	3,585,355
544,984	1,459,735	2,315,132	902,635	3,804,733
539,071	1,410,420	2,324,041	715,775	3,543,930
551,614	1,670,889	3,262,027	547,573	4,507,516
400,029	1,753,090	3,090,794	592,271	4,317,938
349,274	1,968,545	3,161,318	616,839	4,480,510
305,514	2,009,980	3,238,880	591,371	4,574,355
314,923	2,390,490	3,676,604	632,196	5,160,552
259,988	2,718,007	3,761,963	794,946	5,454,592
283,243	3,029,387	3,965,411	1,022,869	5,807,729
308,702	3,043,757	4,771,064	931,919	6,691,201
432,040	3,650,693	5,682,273	1,016,915	7,677,249
503,607	4,801,824	5,873,233	1,603,043	8,423,726
577,588	5,294,610	6,258,570	1,851,094	9,150,777
652,002	5,132,804	6,070,545	2,147,358	9,332,777
578,678	6,055,801	6,427,995	2,016,979	9,799,948
711,360	6,081,926	7,548,171	1,886,473	10,888,235

APPENDIX B.IMPORTS AND EXPORTS OF THE CAPE COLONY 1860-1878

<u>Year</u>	<u>Imports</u>	<u>Exports</u>	<u>Wool (lbs)</u>	<u>Wool (£)</u>
1860	2,665,902	2,080,398	23,219,689	1,448,629
1861	2,605,305	1,972,700	24,823,284	1,458,310
1862	2,785,853	1,957,686	25,038,218	1,276,542
1863	2,275,833	2,224,446	30,982,925	1,496,329
1864	2,471,339	2,594,594	36,296,698	1,865,703
1865	2,111,332	2,222,995	32,767,679	1,680,826
1866	1,940,281	2,590,348	35,229,289	1,994,054
1867	2,405,409	2,514,385	36,026,614	1,927,628
1868	1,956,154	2,306,698	36,466,310	1,806,459
1869	1,953,091	2,225,779	37,220,540	1,602,528
1870	2,352,043	2,569,499	37,283,291	1,669,518
1871	2,585,298	3,531,609	46,279,639	2,191,233
1872	4,388,728	4,757,494	48,822,562	3,275,150
1873	5,130,065	3,907,911	40,393,746	2,710,481
1874	5,558,215	4,233,561	42,620,481	2,948,571
1875	5,731,319	4,207,594	40,338,674	2,855,899
1876	5,556,077	3,499,696	34,861,339	2,278,942
1877	5,158,348	3,634,073	36,020,471	2,232,755
1878	6,151,023	3,456,291	32,127,167	1,888,929.

(Cape of Good Hope Bluebooks, 1860-1878
V & P, Summaries of Customs Returns
1861-79)

APPENDIX C.REVENUE AND EXPENDITURE OF THECAPE COLONY 1860-1878Public Debt

<u>Year</u>	<u>Actual Revenue</u>	<u>Total Revenue</u>	<u>Total Expend.</u>	<u>Expend. Public Works</u>	<u>Gen. Govt.</u>	<u>Cor- por- ate Body.</u>
1860	525,381	742,771	729,690	154,557	168,400	200,000
1861	593,566	748,866	763,267	162,938	565,050	212,500
1862	532,282	716,489	683,792	135,868	715,050	269,000
1863	491,252	757,602	682,866	93,653	715,050	294,500
1864	537,713	587,712	633,937	87,244	715,050	294,500
1865	536,798	856,762	870,809	78,978	851,650	334,500
1866	554,298	732,298	681,733	47,461	851,650	334,500
1867	617,826	898,826	885,197	28,489	1,101,650	426,000
1868	577,322	642,322	668,086	29,493	1,101,650	426,000
1869	580,026	593,245	648,732	26,180	1,101,650	443,500
1870	668,240	831,211	795,695	18,445	1,106,458	463,450
1871	744,788	836,174	764,915	37,019	1, 60,008	386,950
1872	1,047,748	1,161,548	922,568	49,926	1,204,644	386,950
1873	1,218,620	2,078,220	2,159,658	1,048,779	1,723,144	390,650
1874	1,538,551	1,907,951	1,357,455	383,767	2,007,559	392,150
1875	1,602,918	2,246,179	2,272,275	1,298,586	2,425,359	364,850
Arrears			779,026	549,316		
1876	827,386	1,864,928	1,412,677	848,835	4,068,159	464,350
1877	1,319,603	2,932,413	3,503,671	2,358,929	5,028,959	464,050
1878	1,586,303	5,862,448	3,629,530	1,805,876	6,986,359	462,750

(V & P, Annexures 1860-1879).

APPENDIX D.GROWTH OF SHIPPING AT THE CAPE COLONY 1860-1878

<u>Year</u>	<u>Shipping Inwards</u>		<u>Shipping Outwards</u>	
	<u>Number</u>	<u>Tonnage</u>	<u>Number</u>	<u>Tonnage</u>
1860	1,014	329,934	1,042	335,338
1861	976	322,057	951	306,451
1862	1,044	363,537	1,053	369,183
1863	914	297,516	936	299,817
1864	989	328,458	977	325,358
1865	902	321,855	909	326,872
1866	890	325,070	869	313,931
1867	1,014	367,785	996	358,137
1868	1,023	376,890	1,021	375,937
1869	961	375,767	963	375,351
1870	981	335,509	993	334,186
1871	1,029	344,037	1,019	344,652
1872	1,209	482,556	1,181	470,691
1873	1,385	612,211	1,376	593,362
1874	1,458	692,855	1,426	656,490
1875	1,639	909,826	1,587	898,436
1876	1,601	1,130,193	1,584	1,117,485
1877	1,615	1,262,557	1,606	1,231,768
1878	1,830	1,635,026	1,789	1,605,652

(Cape of Good Hope Bluebooks, 1860-1878)

(358)

APPENDIX E.

REVENUE

OF THE CAPE COLONY

1860-1878.

APPENDIX E.

REVENUE OF THE CAPE COLONY.

	1860	1861	1862	1863
Customs	270,328	278,536	274,539	243,764
Land Sales	54,046	87,295	13,266	3,834
Land Revenue	25,575	27,998	27,996	27,868
Rent (other than land)	9,644	11,353	7,927	9,330
Transfer Duties	46,460	44,863	57,168	55,723
Auction Duties	21,223	20,517	20,517	17,925
Succession Duties	-	-	-	-
Stamps & stamped Licences	31,579	34,354	34,474	37,534
Taxes	374	1,577	52	114
Postage	19,206	21,030	22,794	24,521
Bank Note Duty	-	-	-	-
Fines, forfeiture & Fees Court	8,449	9,454	10,306	12,538
Fees of Office	4,991	4,625	5,072	5,362
Sale of Govt. Property	1,439	5,486	3,227	2,585
Reimbursements	4,870	6,862	6,370	6,177
Miscellaneous	156	558	318	2,264
Advances	-	21,149	41,086	22,627
Interest & Premiums	3,852	14,756	17,340	15,329
Special Receipts	4,487	3,154	3,336	3,758
Actual Revenue	£525,381	593,566	532,282	491,252
Loans	217,400	155,300	170,700	266,350
Total Revenue	£742,771	748,866	716,488	757,602

	1870	1871	1872
Customs	341,993	384,808	604,413
Land Sales	43,995	16,612	44,061
Land Revenue	65,970	80,407	104,280
Rent (other than land)	1,014	1,296	1,841
Transfer Duties	35,238	35,667	52,541
Auction Duties	12,302	12,053	17,489
Succession Duties	4,776	4,067	6,970
Stamps & stamped Licences	65,464	67,601	76,738
Taxes	10,028	31,426	23,119
Postage	26,479	28,398	32,441
Bank Note Duty	3,248	4,130	7,984
Fines, forfeiture & Fees Court	12,619	11,045	12,269
Fees of Office	4,680	3,996	4,731
Sale Govt. Property	1,014	866	629
Reimbursements	27,150	25,671	28,230
Miscellaneous	131	203	81
Advances	6,847	10,125	7,862
Interest & Premiums	4,104	3,084	18,443
Special Receipts	1,185	23,330	-
Railway Receipts	-	-	-
Telegraph Receipts	-	-	-
Actual Revenue	£668,240	744,788	1,047,748
Loans	162,972	91,385	113,800
Total Revenue	£831,211	836,174	1,161,548

359

REVENUE OF THE CAPE COLONY

	1864	1865	1866	1867	1868	1869
Customs	299,503	275,559	285,057	330,242	283,024	295,661
Land Sales	9,565	19,233	19,714	20,080	36,367	18,142
Land Revenue	27,840	25,841	35,582	50,648	49,382	57,507
Rent (other than land)	9,647	1,697	539	275	153	1,050
Transfer Duties	53,198	47,321	44,851	46,110	40,804	39,123
Auction Duties	14,425	15,214	14,144	14,013	11,636	11,168
Succession Duties	-	1,040	1,112	3,153	3,433	6,390
Stamps & stamped Licences	49,976	58,669	58,780	55,219	60,112	60,682
Taxes	-	-	45	47	39	-
Postage	23,418	24,922	26,802	28,210	28,430	25,479
Bank Note Duty	-	1,365	3,937	3,917	4,029	3,300
Fines, forfeiture & Fees Court	11,162	11,740	13,000	10,919	12,480	11,387
Fees of Office	5,111	4,674	4,402	4,423	4,298	4,085
Sale of Govt. Property	966	838	479	2,003	458	991
Reimbursements	4,269	18,749	18,805	21,232	22,404	14,300
Miscellaneous	324	325	372	140	321	275
Advances	18,323	17,753	17,950	8,350	11,766	21,839
Interest & Premiums	6,214	7,554	3,814	14,885	5,778	3,232
Special Receipts	3,769	4,302	4,702	3,959	2,407	5,234
Actual Revenue	537,713	536,798	554,298	617,826	577,322	580,026
Loans	50,000	319,964	178,000	281,000	65,000	13,219
Total Revenue	587,713	856,762	732,298	898,826	642,322	593,245

	1873	1874	1875	Jan-June 1876	1876-1877	1877-1878
Customs	686,405	733,513	735,379	395,504	601,800	770,617
Land Sales	15,822	11,847	161,295	51,564	63,330	50,913
Land Revenue	114,365	108,565	120,078	66,059	114,108	90,325
Rent (other than land)	1,965	2,208	1,261	1,239	2,502	2,716
Transfer Duties	84,416	92,224	92,625	41,743	77,368	72,082
Auction Duties	18,777	25,243	25,758	12,917	20,998	19,652
Succession Duties	4,386	6,251	8,897	2,343	6,193	7,221
Stamps & stamped Licences	83,035	92,418	96,760	70,812	97,846	99,983
Taxes	22,508	3,204	998	111	18	8
Postage	41,479	48,567	53,129	28,594	30,306	61,482
Bank Note Duty	15,037	15,387	14,889	12,179	8,136	6,957
Fines, forfeiture & Fees Court	12,670	16,485	23,259	9,774	17,894	15,673
Fees of Office	6,194	6,299	7,751	3,735	8,078	5,990
Sale Govt. Property	3,534	1,835	1,795	185	3,165	2,744
Reimbursements	20,033	28,427	33,042	7,928	18,011	36,104
Miscellaneous	1,269	580	636	474	163	5,568
Advances	4,864	20,534	-	-	-	-
Interest & Premiums	2,998	5,365	10,067	18,722	4,497	3,016
Special Receipts	11,551	225,645	100,817	1,945	2,368	2,367
Railway Receipts	63,950	84,377	104,379	89,049	186,439	274,545
Telegraph Receipts	3,361	9,576	10,099	9,491	21,658	23,419
Actual Revenue	1,218,620	1,538,551	1,602,918	824,167	1,319,062	1,586,303
Loans	839,600	369,400	643,261	3,219	1,613,351	4,276,145
Total Revenue	2,078,219	1,907,951	2,246,179	827,386	2,932,413	5,862,448

(Cape of Good Hope Bluebooks, 1860-1878)
(V & F Revenue Returns 1861-1879)

1871	1872	1873	1874	1875	1876	1877	1878	1879	1880
2,367	3,221	1,623	5,526	3,218	4,178	7,781	6,567	5,524	
2,941	3,633	1,666	2,268	2,293	5,542	4,385	3,035	1,909	
160,956	328,458	312,221	321,434	248,537	257,155	303,645	252,485	283,885	
1,587	896	287	747	474	327	405	481	619	
1,177	563	197	469	132	859	160	27	94	
1,163	3,752	1,798	520	232	329	2,024	478	1,423	
13,223	9,760	2,930	3,202	1,306	1,108	2,206	1,635	2,262	
135	724	6	2,197	606	46	51	38	252	
7,541	6,144	6,410	5,337	2,635	4,252	5,148	2,983	14,038	
29,006	20,108	254	496	105	109	279	374	444	
-	-	2,055	257	628	10	150	25	290	
150,499	158,024	159,677	205,640	304,933	341,020	393,406	591,859	653,756	
25,367	17,408	28,157	34,339	17,823	23,696	18,975	21,145	25,997	
12,271	7,188	3,371	5,078	10,210	7,797	8,161	2,050	1,967	
43,059	58,457	45,913	107,139	133,180	113,967	116,382	108,353	130,775	
29,943	45,771	42,624	49,425	38,964	20,856	32,042	61,184	39,092	
1,340	1,912	1,826	1,900	2,300	1,975	3,916	6,264	4,602	
5,521	3,900	4,102	1,925	1,055	1,695	1,430	1,050	6,000	
9,207	23,976	32,339	26,667	60,402	58,626	50,711	50,155	23,769	
403,349	306,041	25,285	8,148	1,050	500	330	-	-	
172,055	191,503	188,826	194,323	158,404	90,907	119,338	97,042	73,675	
97,571	140,011	143,643	144,538	147,842	126,553	130,214	136,812	138,477	
82	137	228	245	324	740	667	510	1,445	
192	248	597	1,272	1,356	1,703	2,126	2,805	1,940	
10,742	14,861	14,488	15,876	12,817	12,027	14,223	12,423	14,095	
705,773	929,622	684,184	683,231	702,354	495,796	358,696	361,843	360,625	
1,042,428	1,558,857	1,638,844	1,893,573	1,834,114	1,599,975	1,572,059	1,346,646	1,515,354	
443,032	786,671	387,453	371,767	319,431	183,171	302,000	180,439	280,630	
3,372,532	4,621,146	3,731,004	4,087,539	4,006,725	3,354,919	3,450,910	3,248,708	3,582,939	
36,103	44,925	30,306	51,299	81,400	44,826	91,784	64,271	81,796	
3,408,635	4,666,071	3,761,310	4,118,838	4,088,125	3,399,745	3,542,694	3,312,979	3,664,735	

(Cape of Good Hope Bluebooks 1860-1879, V & P, Summaries of Customs Returns, 1861-1880).

	1860	1861	1862	1863	1864	1865	1866	1867	1868	1869	1870
Aloes	3,138	4,460	3,218	6,607	7,399	9,481	9,459	6,107	3,784	2,770	2,715
Argol	-	-	-	-	-	-	2,673	2,381	980	1,586	1,541
Copper Ore	91,540	61,442	93,565	103,214	122,602	118,297	88,732	120,521	60,985	114,031	146,368
Barley	899	2,302	1,751	3,965	1,830	2,529	1,518	1,685	4,317	1,205	1,091
Beans & Peas	1,911	2,597	606	766	1,453	696	112	1,196	1,605	867	2,188
Bran	1,750	2,143	238	1,905	1,726	658	109	1,255	1,773	1,622	4,384
Flour	29,102	24,715	30,397	37,190	35,111	17,472	10,719	3,379	5,162	3,438	9,005
Maize	208	361	95	719	472	8	109	37	599	739	3,252
Oats	2,758	2,037	2,584	7,166	3,269	7,626	4,962	4,916	6,054	3,097	8,939
Wheat	23	1,151	306	5,314	6,703	1,257	8	3	902	66	4,382
Cotton	-	-	-	-	-	-	-	-	-	-	-
Ostrich F.	-	-	-	-	-	-	75,116	73,585	57,725	70,003	87,074
Fish (cured)	8,824	9,195	11,945	13,118	21,028	12,977	21,847	14,184	20,670	21,267	25,976
Fruit (dried)	18,257	14,153	19,198	13,720	21,601	11,091	3,960	12,540	24,424	10,135	6,509
Mohair	-	-	-	-	-	-	-	-	-	-	-
Hides (Ox & Cow)	26,453	11,480	16,797	17,246	13,882	9,724	12,703	14,022	11,223	17,254	21,710
Horns (Ox & Cow)	-	-	-	-	-	-	1,493	1,129	7,450	-	1,038
Horses	6,945	3,441	5,177	6,605	7,925	3,275	3,746	770	856	5,627	6,043
Ivory	-	-	-	-	-	-	-	8,324	7,510	-	13,746
Diamonds	-	-	-	-	-	-	-	-	-	-	-
Hides Goat	64,639	32,477	45,915	53,677	55,716	60,621	79,754	65,449	66,762	103,838	126,112
Hides Sheep	73,190	51,407	65,929	69,430	76,453	79,160	87,005	93,746	79,308	77,964	87,240
Spirits	-	-	-	-	-	-	1,650	297	181	-	77
Wine -	-	-	-	-	-	-	-	-	-	-	-
Constantia	1,797	1,386	1,063	2,341	1,554	1,217	1,693	765	229	989	777
Ordinary	79,712	39,991	31,405	46,054	24,986	24,499	13,628	10,646	13,139	17,370	13,887
Wool - Fleece -	-	-	-	-	-	-	-	-	-	-	-
washed	1,446,510	1,458,310	1,276,542	1,496,329	1,865,702	1,680,826	1,994,054	1,927,628	1,806,459	1,602,528	513,117
Scoured	-	-	-	-	-	-	-	-	-	-	934,726
Grease	-	-	-	-	-	-	-	-	-	-	221,675
Total	£1,848,656	1,723,048	1,606,731	1,885,366	2,272,411	2,041,414	2,425,038	2,364,565	2,182,097	2,054,393	2,243,572
Other	71,623	83,550	93,787	112,535	123,262	103,820	30,683	30,260	33,784	85,296	210,196
Grand Total	£1,920,279	1,806,598	1,700,518	1,997,901	2,395,673	2,145,234	2,455,721	2,394,825	2,215,881	2,139,689	2,453,768

(360)

APPENDIX B.

EXCERPTS OF THE CASE OF

GOOD HOPE

1860-1880

(362)

APPENDIX G.

STATEMENT OF TOADS COLLECTED
BY THE CARE OF GOOD HOPE
AS AT 31st DECEMBER, 1978

AUTHORITY	PURPOSE	AMOUNT		Existing Debt on 31st December, 1878. Interest accruing during 1878.		
Act 8 of 1860	Public Works	£ 150,000	6%	131,300	0 - 0	7,878 - 0 - 0
Act 9 of 1860	Immigration	25,000	6%	19,000	0 - 0	1,140 - 0 - 0
Act 14 of 1863	General Purposes	150,000	6%	122,000	0 - 0	7,320 - 0 - 0
Act 18 of 1863	Kowie Harbour	24,000	6%	20,800	0 - 0	1,248 - 0 - 0
Act 8 of 1864	General Purposes	255,400	5%	209,200	0 - 0	10,460 - 0 - 0
Act 23 of 1864	Kowie Harbour	20,000	6%	18,100	0 - 0	1,086 - 0 - 0
Act 8 of 1865	Kowie Harbour	20,000	6%	17,600	0 - 0	1,056 - 0 - 0
Act 11 of 1866-1867	General Purposes	200,000	6%	174,400	0 - 0	10,464 - 0 - 0
Act 13 of 1869	Redeeming Loan	50,000	4½%	54,807	11 - 0	2,466 - 6 - 9
Act 7 of 1871 & 26 of 1875	East London Harbour	100,000	4½%	70,500	0 - 0	3,172 - 10 - 0
Act 13 of 1871	Redeeming Loan	50,000	5%	49,650	19 - 9	2,482 - 11 - 0
Act 13 of 1873	Railway Construction	660,000	4½%	649,800	0 - 0	29,241 - 0 - 0
Act 19 of 1874	Railway Construction	4,000,000	4½%	976,700	0 - 0	43,951 - 10 - 0
Act 26 of 1874	Orange River Bridges	300,000	4½%	987,100	0 - 0	44,419 - 10 - 0
Act 2 of 1876	East London Harbour	100,000	4½%	1,000,000	0 - 0	45,000 - 0 - 0
Act 13 of 1876	Kowie Harbour	150,000	4½%	297,900	0 - 0	13,405 - 10 - 0
Act 7 of 1870	Consolidated Debt	-		100,000	0 - 0	4,500 - 0 - 0
Act 15 of 1872	Purchase Wellington Rail	780,000		148,900	0 - 0	6,700 - 10 - 0
Act 8 of 1876	Schedule to purchase Wynberg Railway	-	Various	143,800	0 - 0	6,471 - 0 - 0
	Purchase	75,000		694,500	0 - 0	31,248 - 0 - 0
				42,000	0 - 0	2,508 - 0 - 0
				58,300	0 - 0	2,623 - 10 - 0
		7,109,400		5,986,358	10 - 9	278,781 - 17 - 9

These figures present a statement of loans existing on the 31st December, 1878, not including any which had been redeemed nor others for which legislative authority had been obtained, but of which no portion had been issued.

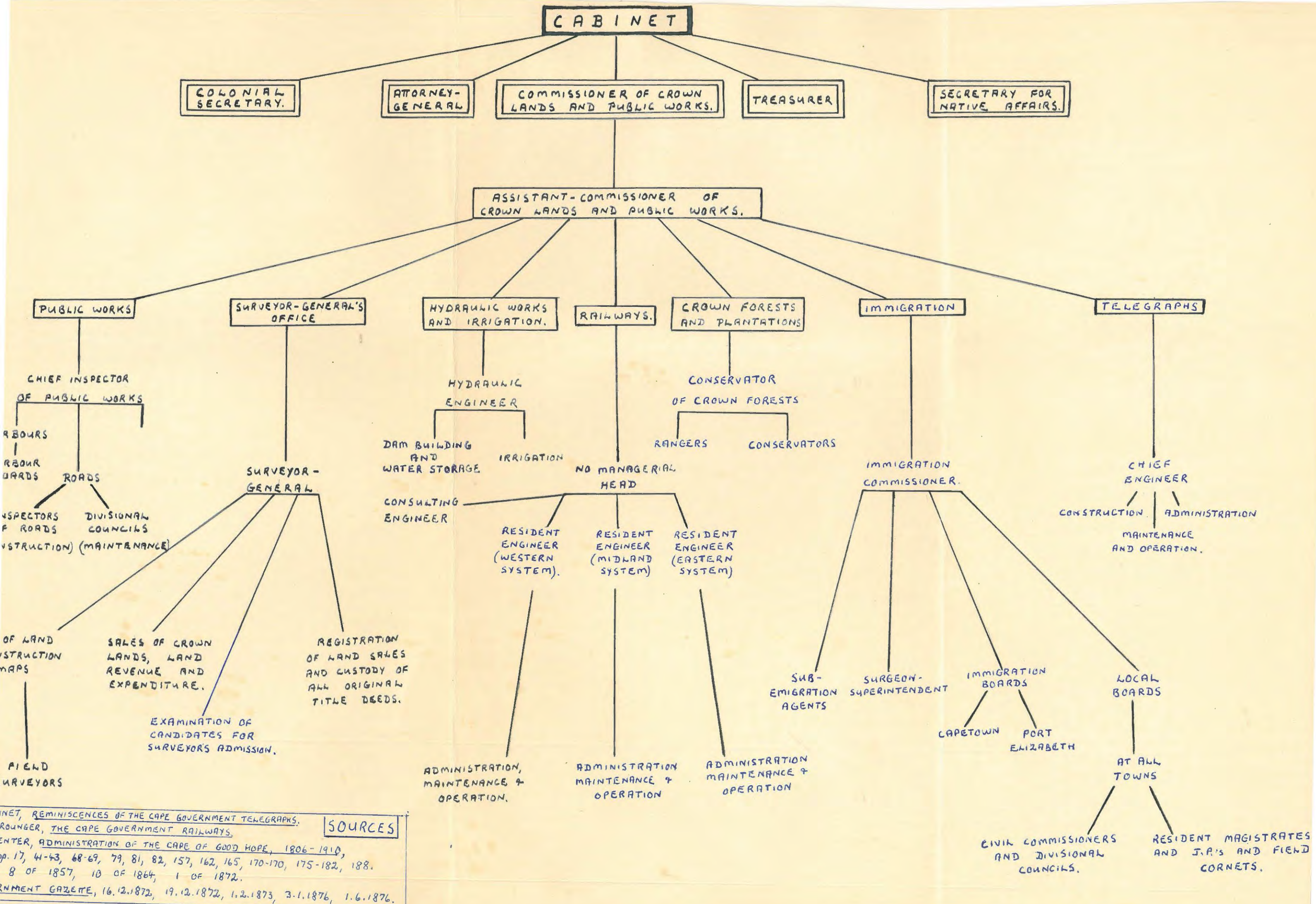
APPENDIX H.Analysis of Public Debt.

For What Service Raised	Capital Sum	Interest Charge	Sinking Fund Charge
Roads & Bridges	£ 410,000	19,350	3,500
Gaols	94,300	4,943	170
Hospital (Somerset)	20,000	1,200	-
Telegraph Construction	40,000	1,800	400
Immigration	151,808	7,476	60
Harbours:			
East London	300,000	13,500	2,000
Kowie	211,700	10,374	1,552
Table Bay	334,750	18,741	363
Algoa Bay	226,400	10,994	1,727
Mossel Bay	900	40	9
Railways	7,557,000	340,983	70,600
War	750,000	33,750	7,500
To supplement ordinary Revenue, 1863, 1864, 1865, 1866	537,551	29,340	1,003
<u>Total</u>	<u>£10,634,409</u>	<u>492,491</u>	<u>88,884</u>

(Published as an appendix to the Budget Speech made
by the Treasurer-General on the 7th July, 1879.)

APPENDIX IExport of Hides and Skins.

YEAR	OX AND COW	GOAT	SHEEP
1860	33,893	550,477	913,285
1861	16,017	528,181	757,904
1862	27,167	469,930	827,894
1863	25,004	510,171	872,897
1864	25,462	450,247	891,360
1865	14,036	549,057	970,129
1866	19,372	678,364	1,018,298
1867	21,243	639,194	1,232,210
1868	24,888	681,259	1,239,156
1869	25,464	450,247	55,716
1870	34,388	893,310	1,484,076
1871	45,934	1,233,976	1,453,905
1872	72,937	351,918	1,436,857
1873	51,075	1,373,278	1,481,635
1874	68,468	1,478,761	1,462,367
1875	109,302	1,303,624	1,558,628
1876	102,176	804,551	1,550,344
1877	56,548	993,558	1,493,000
1878	153,848	956,669	1,576,058
1879	104,281	687,570	1,480,875



NET, REMINISCENCES OF THE CAPE GOVERNMENT TELEGRAPHS.
 ROUNGER, THE CAPE GOVERNMENT RAILWAYS.
 ENTER, ADMINISTRATION OF THE CAPE OF GOOD HOPE, 1806-1910,
 pp. 17, 4-43, 68-69, 79, 81, 82, 157, 162, 165, 170-170, 175-182, 188.
 8 OF 1857, 10 OF 1864, 1 OF 1872.
 RNMNT GAZETTE, 16.12.1872, 19.12.1872, 1.2.1873, 3.1.1876, 1.6.1876.

SOURCES

APPENDIX K.Statistics on Eastern Separation.A. Population Returns:

	<u>Year</u>	<u>W.P.</u>	<u>E.P.</u>	<u>Total</u>	<u>Authority</u>
All Races	1865	236,300	260,081	496,381	G.20-1866
	1866	236,300	346,282	572,582	A.38-1865
Whites only	1865				
	1866				

B. Comparative Statement of Wealth:

	<u>W.P.</u>	<u>E.P.</u>
Fixed Property	£9,070,324	£8,580,479
Stock	5,755,864	11,029,362
Produce	<u>1,944,969</u>	<u>1,221,765</u>
	<u>£16,771,157</u>	<u>£20,831,606</u>

C. Comparative Statement of Trade:

	<u>Western Province</u>		<u>Eastern Province</u>		<u>Customs</u>	
	<u>Imports</u>	<u>Exports</u>	<u>Imports</u>	<u>Exports</u>	<u>W.P.</u>	<u>E.P.</u>
1830-1834	1,748,323	955,548	134,119	207,382	83,127	4,839
1834-1839	4,200,975	1,505,691	460,340	193,558	132,566	18,050
1840-1845	3,965,469	1,485,464	626,406	422,793	241,698	40,016
-1849	4,270,677	1,737,271	1,356,000	1,017,391	361,282	100,912
1850-1854	5,618,960	2,135,069	2,362,482	1,817,340	396,565	193,165
1855-1859	5,844,425	3,150,259	4,831,118	4,364,647	602,346	472,510
1860-1864	6,076,287	2,945,360	5,940,429	6,874,859	710,635	690,467

Vide Cape of Good Hope Bluebooks

(Other figures on population, fixed property, stock etc. do exist, e.g. Wilmot, History of the Cape Colony, p. 533-537, and various Directories, Almanacs, and Guidebooks, but they contain so many discrepancies and are so obviously random calculations that they cannot be used for historical purposes.)