

6.A.S.D.

WALTER STANFORD AS AN APPRENTICE
IN POLITICS, 1908-1910:
A STUDY IN THE REPRESENTATION OF THE
INTERESTS OF THE BLACK PEOPLES
OF THE CAPE COLONY

by

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ABSTRACT

This dissertation is a study of Walter Stanford's work in the representation of the interests of the black peoples of the Cape Colony while he was a member of the Cape Legislative Assembly from 1908 to 1910. It is not shaped by any conscious ideology of the writer.

The principal sources of primary information are the Sir W.E.M. Stanford Papers, volumes of correspondence and letterbooks relating to the establishment of the Inter-State Native College at Fort Hare, the volumes of the Cape Legislative Assembly debates for 1908 and 1909, the report of the Cape Legislative Assembly select committee appointed to investigate the state of African and Coloured education (1908), and the interim and final reports of the 1910 Cape Native Affairs Commission. I also use Stanford's printed magisterial reports contained in the Cape Native Affairs Blue-Books from 1877 to 1903. In addition, I cull material on Stanford from newspapers and periodicals. The most informative of these are The Tembuland News, The Territorial News and The Transkeian Gazette. I supplement material from these primary sources with information from a wide range of modern works on Cape and South African history and native affairs, and from a number of unpublished theses and seminar papers on these subjects.

The dissertation begins with a chapter which describes Stanford's

background and the context and content of his native affairs philosophy before his entry into politics in 1908. The second chapter outlines the circumstances of Stanford's decision to enter politics and his election to the Cape Legislative Assembly. The third chapter describes the major economic and political features of the context within which Stanford operated as a politician and the circumstances of the black peoples of the Cape Colony. The fourth, fifth and sixth chapters deal with Stanford's work in the spheres of black material development, black education, and on the Cape Native Affairs Commission of 1910 respectively. The seventh and eighth chapters discuss Stanford's work in the creation of a union of the southern African colonies. The final chapter summarises the events of Stanford's career after 1910 and evaluates Stanford's work in relation to the debate regarding the motives of Cape liberals.

The first eight chapters of the dissertation are empirical in their approach, seeking only to describe Stanford's behaviour within the context of the circumstances in which he operated. Assessment of Stanford's behaviour in relation to models of Cape liberal thinking constructed by scholars such as Phyllis Lewsen, Stanley Trapido, Colin Bundy and Martin Legassick is confined to the concluding chapter. I adopt this approach in order to allow Stanford's utterances and actions to speak for themselves before I assess whether or not he was a Cape liberal in the sense that the term has been used by scholars in this field of South African history.

I conclude that revisionist paradigms of Cape liberal behaviour do not admit of the place that principle and humanity occupied in Stanford's philosophy and actions during the 1908 to 1910 period.

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LIST OF ABBREVIATIONS

A.P.O.	African Political Organization
C.B.	Companion of the Order of Bath
C.M.G.	Companion of the Order of St. Michael and St. George
<u>D.S.A.B.</u>	<u>Dictionary of South African Biography</u>
M.L.A.	Member of the Cape Legislative Assembly
Malan, <u>Konvensie-Dagboek</u>	Preller, J. (red.). <u>Die Konvensie-Dagboek van Sy Edelagbare Francois Stephanus Malan 1908-1909</u> (Kaapstad, 1951)
Native College Correspondence	Correspondence re Establishment of the Inter-State Native College
<u>O.H.S.A.</u> , vol. II	Wilson, M. and Thompson, L.M. (eds.). <u>The Oxford History of South Africa, vol.II, 1870-1966</u> (London, 1971)
<u>S.A.N.A.C.</u>	<u>South African Native Affairs Commission 1903-5</u>

PREFACE

Walter Stanford was one of a group of remarkable Cape administrators, who laid the foundations of the distinctive 'native policy' which was developed in the Transkeian Territories during the nineteenth century to cope with the administration of a vast body of aboriginal peoples making their first contact with white economic and cultural influences. The work of these Transkeian administrators has been eulogised by Edgar Brookes in The History of Native Policy in South Africa from 1830 to the Present Day, first published in 1924,¹ and in its revised version, White Rule in South Africa;² and for many years his account of Transkeian administration remained the authoritative study of the subject. In recent times attention has been redirected towards this area of Cape history, and two theses have appeared which examine the work of the Transkeian administrators afresh. The first of these, a dissertation by Cordwell Sizwe Manona, contains a detailed description of the activities of Matthew Smith Blyth, one of Stanford's most prominent administrative contemporaries.³ The second thesis, a study by S.J.R. Martin,

1 E.H. Brookes, The History of Native Policy in South Africa from 1830 to the Present Day (Cape Town, 1924), pp.87-117.

2 E.H. Brookes, White Rule in South Africa 1830-1910: Varieties in Governmental Policies Affecting Africans (Pietermaritzburg, 1974), pp.73-95.

3 C.S. Manona, 'Captain Matthew Smith Blyth's Work in South Africa, 1869-89' (M.A. thesis, University of South Africa, 1973).

provides a generalised profile of the thinking of Transkeian administrators and has been particularly influential in shaping the present writer's perceptions of Stanford.⁴ These two works have, each in its own way, demonstrated the astonishing complexity of the impulses underlying the actions of nineteenth century Transkeian administrators.

Stanford himself was a deep thinker on issues of native administration, and his utterances and actions during the period of his political novitiate under the premiership of John X. Merriman (1908 to 1910) illustrate the pervasive influence of Transkeian administrative ideas upon his philosophy as expressed in his responses to a wide range of situations. These three years were a period of exceptional concentration upon native affairs in the Cape. Merriman's own major interest was that of native administration, and the depth of his concern about this subject was reflected in the large volume of informed enquiry and native affairs legislation which emanated from the Cape Parliament during this terminal phase of its existence. Stanford as political apprentice was thus stepping into an arena where his wide administrative experience was peculiarly applicable and where his ideas could be fruitfully expressed. In focussing upon this phase of Stanford's political career this dissertation seeks to examine the motives underlying Stanford's political behaviour and demonstrate their links with his earlier philosophy.

4 S.J.R. Martin, 'Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century' (M.A. thesis, University of Cape Town, 1978).

these are based upon selections of evidence drawn from the utterances of a wide range of individuals who were not necessarily in agreement upon all aspects of Cape native affairs. Such studies can at best provide only a refracted version of Cape liberal thought. Phyllis Lewsen in her biography of Merriman¹² and her article, 'Merriman as Last Cape Prime Minister',¹³ has made an important contribution to the debate on Cape liberalism by her careful analysis of Merriman's ideas on native affairs. However, the limitations of space and the dictates of artistry have precluded her from exploring the minutiae of Merriman's thinking upon this subject or scrutinising its underlying motives at great length. It is hoped that such minute examination of the thought of a single Cape liberal is provided by this dissertation by means of its detailed consideration of a brief period of Stanford's career purely in relation to his work in the sphere of native affairs. In some small measure, then, this dissertation attempts to fill the gap created by the lack of informed discussion of the essence of Cape liberalism.

The first chapter outlines the major events of and influences upon Stanford's career prior to his entry into politics. It also describes the tenor of his thinking as an administrator insofar as this can be

12 P. Lewsen, John X. Merriman: Paradoxical South African Statesman (Johannesburg, 1982).

13 P. Lewsen, 'Merriman as Last Cape Prime Minister', in South African Historical Journal, no. 7, November 1975, pp.62-87.

Furthermore, there is in South African historical writing a striking absence of detailed studies of those individuals (with whom Stanford has come to be associated) who have been termed the 'Cape liberals'. Generalised analyses of Cape liberal thinking and behaviour such as those by Phyllis Lewsen,⁵ T.R.H. Davenport,⁶ Stanley Trapido,⁷ Colin Bundy,⁸ Martin Legassick,⁹ Paul Rich,¹⁰ and Neville Hogan¹¹ exist, but

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- 5 P. Lewsen, 'The Cape Liberal Tradition - Myth or Reality', in Race, vol. XIII no. 1, 1971, pp.65-80; P. Lewsen, 'Cape Liberalism in its Terminal Phase', unpublished seminar paper, University of the Witwatersrand, 1980.
- 6 T.R.H. Davenport, 'Civil Rights in South Africa, 1910-1960', in Acta Juridica, 1960, pp.11-28; T.R.H. Davenport, 'Race Relations and the Unification of South Africa', in B.F. Mason (ed.), The History of Race Relations in South Africa (University of Cape Town, 1961), pp.6-14.
- 7 S. Trapido, 'White Conflict and Non-White Participation in the Politics of the Cape of Good Hope, 1853-1910' (Ph.D. thesis, University of London, 1970); S. Trapido, '"The Friends of the Natives": Merchants, Peasants and the Political and Ideological Structure of Liberalism in the Cape, 1854-1910', in S. Marks and A. Atmore (eds.), Economy and Society in Pre-Industrial South Africa (London, 1980), pp.247-74.
- 8 C. Bundy, The Rise and Fall of the South African Peasantry (London, 1979).
- 9 M. Legassick, 'The Making of South African "Native Policy", 1903-1923: The Origins of Segregation', unpublished seminar paper, University of London, n.d.; M. Legassick, 'The Rise of Modern South African Liberalism: Its Assumptions and Its Social Base', unpublished seminar paper, University of Sussex, n.d.
- 10 P. Rich, 'The Dilemmas of South African Liberalism: White Liberals, Racial Ideology and the Politics of Social Control in the Period of South African Industrialisation, 1887 to 1943' (Ph.D. thesis, University of Warwick, 1980).
- 11 N. Hogan, 'The Posthumous Vindication of Zachariah Gqishela: Reflections on the Politics of Dependence at the Cape in the Nineteenth Century', in Marks and Atmore, Economy and Society in Pre-Industrial South Africa, pp.275-92.

gleaned from his published magisterial reports.

The second chapter examines the circumstances which led to Stanford's entry into politics and scrutinises the tenets of his native affairs philosophy as revealed in his electoral platform. Attention is also devoted to white and black opinions and expectations of him.

The third chapter outlines the major economic and political features of the context within which Stanford operated as a politician and provides a description of the circumstances of the black peoples to whose interests Stanford was to address himself in this period.

The fourth chapter deals with Stanford's contribution to the development of policy in regard to the material conditions of black life in the Cape, examining the connections that existed between his ideas as expressed in a political context and his earlier administrative and political philosophy.

Stanford's work in the sphere of black education forms the subject matter of the fifth chapter, where links between his administrative and political thinking are further examined. An attempt is made in this chapter to place his educational ideas in the context of contemporary thought upon the subject.

The sixth chapter is devoted to a study of Stanford's work on the important Native Affairs Commission which was appointed by the Cape government in 1910 to provide a comprehensive report upon the conditions

of African life in the Eastern Cape. It is argued that the findings of this commission provide an indirect profile of Stanford's thinking on a variety of facets of native affairs at this time.

The seventh chapter examines Stanford's contribution, as a member of the National Convention, to the drafting of a constitution for a united South Africa. The process whereby his liberal political ideals became diluted in practice and were not embodied in the provisions of the constitution is described.

The eighth chapter deals with Stanford's defence of the draft constitution within the Cape context. In providing a detailed exposition of the considerations which led him to capitulate upon his political principles this chapter highlights the extent of his dilemma as a liberal thinker who felt constrained by political duty to defend a settlement, the major feature of whose political provisions in regard to blacks was repugnant to him.

The final chapter provides a brief account of Stanford's work as a politician after 1910 as one of four senators nominated on the grounds of their thorough acquaintance with the needs and wishes of the native peoples of South Africa. This resumé shows how he carried his humane concern with the welfare of South Africa's black peoples forward into the wider Union arena. By way of conclusion, the main points of the debate regarding the motives of Cape liberals are outlined and Stanford's work during the Merriman premiership evaluated in relation to the historical generalisations which emerge from this debate.

Stanford was not a major political figure in this period. Understandably, therefore, documentation relating to his rôle in public affairs is sparse. The principal source of information on him is the Sir W.E.M. Stanford Papers, deposited in the Jagger library. Stanford's diaries for the period, 1907 to 1909, provide useful accounts of his activities at various junctures of this phase of his career as well as several valuable clues to his thinking. However, because many of the entries contain factual accounts of current events and descriptions of his domestic activities, the diaries of these years are of limited value for this study. Stanford's correspondence in the period is most disappointing. Only a few letters are preserved, and in these there is little evidence on Stanford. Several useful items were discovered in the newspaper clippings part of the collection and in a section of the Stanford Papers containing articles and reports by or about Stanford.

The yield of the private papers of Stanford's contemporaries was meagre. A few illuminating items were found in the J.X. Merriman and W.P. Schreiner Papers, housed at the South African Library. A single letter mentioning Stanford was discovered on the Jagger Library's microfilm of the General J.C. Smuts Papers. Other unpublished manuscripts which proved useful were the Inter-State Native College letterbooks, kept at the Cory Library for Historical Research, and the unsorted volumes of correspondence relating to the establishment of the Inter-State Native College, deposited in the Fort Hare University Library. These latter groups of documents enabled the reconstruction of a detailed account

of Stanford's work in the establishment of a college for black higher education.

Of the published manuscripts consulted, the two volumes of Stanford's recollections edited by J.W. Macquarrie were particularly valuable.¹⁴ They provided an insight into the environment and events which moulded Stanford's attitudes. From the records¹⁵ of the transactions of the National Convention kept by F.S. Malan and Edgar Walton and subsequently published, it was possible to build up a shadowy picture of Stanford's work on the Convention.¹⁶

Official publications were the second major source of information for this dissertation. Stanford's printed magisterial reports contained in the Cape Native Affairs Blue-Books from 1877 to 1903 supplied a basic profile of his earlier thinking which gave depth to the interpretation of his later career.¹⁶ Information on Stanford's work in the official sphere during this period was derived from the volumes of Cape Legislative Assembly debates for 1908 and 1909 and the reports of the select committee published at London, yielded a large report on

¹⁴ J.W. Macquarrie (ed.), The Reminiscences of Sir Walter Stanford, vols. I and II (Cape Town, 1958, 1962).

¹⁵ J. Preller (red.), Die Konvensie-Dagboek van Sy Edelagbare Francois Stephanus Malan 1908-1909 (Kaapstad, 1951). (This title is hereafter abbreviated to Malan, Konvensie-Dagboek); E.H. Walton, The Inner History of the National Convention of South Africa (Cape Town, 1912).

¹⁶ For a full list of the Cape Blue-Books on Native Affairs, see below pp. 231-2.

committees and the commission on which he served.¹⁷ The report of the Native Affairs Commission of 1910 was particularly useful in reconstructing his native affairs philosophy at this time.

Archival records yielded little for the period covered in this study, since Stanford was not engaged in administrative work. However, an item in the unprinted annexures of the 1910 Cape Native Affairs Commission as well as several items in the Prime Minister's Office of the Transvaal series reflected his prominence as an authority on native affairs, both in the Cape and in the wider South African arena.

Newspapers, and to a lesser extent periodicals, were a fertile source of information and comment on Stanford. The Transkeian press was particularly rich in its crop. From the pages of The Tembuland News, The Territorial News and The Transkeian Gazette it was possible to cull almost-verbatim accounts of his electoral addresses as well as of the speeches he made while touring the Thembuland constituency to elicit public support for the draft South Africa Act. The Christian Express, a missionary organ published at Lovedale, yielded a lengthy report of a speech that Stanford made on the occasion of the unveiling of a

17 Cape House of Assembly Debates, First and Second Sessions of the Twelfth Parliament 1908; Cape House of Assembly Debates, Third and Fourth Sessions of the Twelfth Parliament 1909; A1-1908, Select Committee Appointed to Inquire into and Report upon the Existing System of Native and Coloured Education; A9-1908, Report of the Select Committee Appointed...to Inquire into and Report upon the Report of the Departmental Commission on the Occupation of Land by Natives in Unreserved Areas [G46-'08]; A2-1909, Select Committee on Native Affairs; G26-1910, Reports (Interim and Final) of the Native Affairs Commission 1910.

memorial to Rev. James Stewart - an address in which Stanford's ideas on African development were set out at length.¹⁸ These newspapers, too, together with the African newspapers, Ilanga Lase Natal, Imvo Zabantsundu and Izwi Labantu, contained material which provided a valuable gauge of African opinion of Stanford insofar as this could be ascertained from written sources.

A large volume of oral evidence on Stanford was collected from his children and grandchildren. This evidence pertains to his domestic life rather than his public career, and so has only been referred to on a few occasions in the text of the dissertation. Nevertheless, the general impression of Stanford conveyed by his descendants has had a formative influence on the writer's perceptions of him.

18 See Christian Express, April 1910, pp.61-2, 'The Unveiling of the Stewart Memorial'.

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The staffs of the Cape Archives, the African Studies and Manuscripts divisions of the J.W. Jagger Library at the University of Cape Town, the South African Library, the Library of Parliament, the Cory Library for Historical Research at Rhodes University, and the Fort Hare University Library dealt with my many inquiries with the utmost

speed and patience, and I am most grateful for the assistance that I received while a researcher at these repositories.

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NOTE ON TERMINOLOGY

1 The term, 'Transkeian Territories', which was popular in the late nineteenth and early twentieth centuries is used for the whole area between the Kei river and the Natal border, including Griqualand East. Sometimes the epithet, 'Transkeian', is omitted when the meaning is plain.¹ When the area referred to excludes Griqualand East, then the term, 'Transkei', is used for the sake of literary simplicity although this term was in nineteenth century usage limited to the area between the Kei and the Mbashe rivers. However, in some instances in the text the adjective, 'Transkeian', is used in a sense which includes Griqualand East, but the meaning of the epithet will be clear from the context.

2 The term, 'blacks', embraces all people of colour whatever their origin or language. The term, 'African', is used only for the Bantu-speaking blacks. The Hottentots are designated the 'Khoi' and the Bushmen, the 'San'.¹ The mixed-blooded peoples of the Cape produced by miscegenation between the whites and the various black peoples of the Colony are labelled as 'Coloured' or 'Cape Coloured' in this study, the terms being used interchangeably. The word, 'native', which was widely used during Stanford's life is avoided except in paraphrases of documents where alteration of the term would destroy the sense of what was being said. It is also used in stock phrases such as 'native administration', 'native affairs' and 'native policy'.

3. It is evident from Stanford's writings and speeches that his conception of the so-called 'natives' included all of the Cape's non-white inhabitants rather than merely the Bantu-speaking blacks. Where his utterances and actions relate to the black people in this broader sense, the term, 'black', rather than the term, 'African', has been used. As Stanford's meaning of the term, 'native', varied from context to context according to the circumstances of the issue being discussed, it has been necessary for the writer to choose whether to use the term, 'African', or the term, 'black'. While it has been attempted to adhere strictly to Stanford's meaning, there has unavoidably been a degree of arbitrariness in the choice of terms used.

4. Modern conventions have been adopted as far as possible in the spelling of African names. Thus 'Tembuland' is given as 'Thembuland' and the 'Pondo' as the 'Mpondo'. However, the names, 'Pondoland' and 'Basutoland', are not changed to 'Mpondoland' and 'Lesotho', since such changes would affect the first letter of the names and so cause confusion. Though the town of Umtata derives its name from the Mthatha river, it was founded and administered by whites, and so its name is retained in the form given by the whites.¹

¹ My note on terminology is partly based on that contained in C.C. Saunders, 'The Annexation of the Transkeian Territories', in Archives Year Book for South African History, 1976, p.xiii.

CHAPTER 1

STANFORD'S BACKGROUND, ADMINISTRATIVE CAREER AND THOUGHT

Born at Alice on 2 August 1850 of 1820 Settler stock, Walter Ernest Mortimer Stanford, like so many other Cape native administrators, grew up on the Eastern frontier of the Cape Colony, a locale uniquely suited for the training of such men through the cross-cultural contact it provided at the frontier of an expanding colony.¹ Part of his childhood was spent at Glen Grey in the home of his uncle, Joseph Cox Warner, former Wesleyan missionary in Thembuland and Thembu agent from

1 Succinct accounts of Stanford's early life and career include: Macquarrie, Stanford Reminiscences, vol.I pp.xi-xii; Dictionary of South African Biography, vol.I (Cape Town, 1968), pp.766-7; Stanford Papers, C29.1, 'Short Biography' by Mrs. D. Ruffel; Prominent Men of the Cape Colony (Portland, Maine, 1902), p.210; Men of the Times (Johannesburg, 1906), p.373; 'Memorandum' kept in the Cape Times Editorial Library; The Cape Register, 29 September 1897 'Our Public Men. No.112. Mr. W.E.M. Stanford C.M.G.'; Cape Argus, 29 July 1922 'I Remember'. For more detail, see Macquarrie, Stanford Reminiscences, vols.I and II. Except where otherwise indicated, I have based my account on Macquarrie, Stanford Reminiscences, vol.I pp.xi-xxii and D.S.A.B., vol.I pp.766-7. Both Stanford's parents, William Stanford and his wife, Joanna Rosina, formerly Mrs. William Wright, born Warner, were the children of 1820 Settlers. See Macquarrie, Stanford Reminiscences, vol.I pp.1-2 and n.2.



Walter Stanford

Walter Stanford as a young boy (Sir W.E.M. Stanford Papers, Jagger Library).

1852 to 1864.² There Stanford's first playmates were young African boys, who were the only companions available. From them he learnt to speak Xhosa; some of the boyish games he and his companions played and the mimic battles they fought taught him logistical lessons which stood him in good stead in later life; and he imbibed a knowledge of traditional African lore.³

After a short spell from 1860 to 1861 at Lovedale - a missionary school where African and white children were educated alongside one another - Stanford entered the service of the Cape Native Affairs Department on 1 July 1863 - a month before his thirteenth birthday.⁴ The position which he took up was that of junior clerk to the Thembu Agent at Glen Grey, and he served in this capacity until 1869, when at a time of financial stringency he was retrenched. But after a few months of

2 Born on 18 October 1806 at Bristol and an 1820 Settler, Warner had mastered the language of the Thembu, acquired an intimate knowledge of their customs and gained considerable influence among them. From 1865 to 1869 he served as Government Agent at Idutywa. In 1871 he was elected as a member of the Cape Legislative Assembly for Queenstown, but died on 8 July 1871 while travelling to take up his position. See Dictionary of South African Biography, vol.II (Cape Town, 1972), pp.831-2.

3 'Fragment of Autobiography by Walter E.M. Stanford', enclosure to Mrs. D. Ruffel to writer, 19 October 1978, deposited in Jagger Library as part of the Stoch Gift; Macquarrie, Stanford Reminiscences, vol.I pp.3,7-8; Cape Argus, 29 July 1922 'I Remember'.

4 On Lovedale's rôle in education, see especially M. Wilson, 'Lovedale: Instrument of Peace', in F. Wilson and D. Perrot, Outlook on a Century: South Africa 1870-1970 (Lovedale, 1973), pp.4-12. For Stanford's estimate of Lovedale's influence on his attitudes, see Stanford Papers, B22.2, Imvo Zabantsundu, 15 August 1916 'A Striking Speech' (editorial); Christian Express, 1 August 1916 'Lovedale's Seventy-Fifth Anniversary'.

employment as a bookkeeper he managed again to secure a position in the Cape civil service. From 1869 to 1874 he served first as temporary and later as permanent clerk in the Magistrate's office in Queenstown. In 1874 he was promoted to the position of clerk to the Civil Commissioner of East London. Later that year he moved again, this time back to Glen Grey where he was appointed as officer to administer the Thembu location.

In 1876 Stanford received his first major promotion when he was appointed as Magistrate with Dalasile, head of the Qwati tribe (a title later changed to Resident Magistrate Engcobo), and he commenced duty in April of that year. This elevation was significant, for in terms of it Stanford became part of the quasi-autocratic system which, despite its doubtful legality, had taken shape in the Transkeian Territories before the Cape's piecemeal annexation of the area between 1877 and 1894. To a large extent, this system revolved around the person of the magistrate who, as an officer of the Native Affairs Department, served both as a diplomatic agent and as an administrator, and in the latter rôle united both executive and judicial functions and wielded significant influence over his jurisdictional area.⁵

5 Martin, 'Political and Social Theories', pp.1-49, 150-58; W.D. Hammond-Tooke, Command or Consensus: The Development of Transkeian Local Government (Cape Town, 1975), pp.77-83; W.E. Stanford, 'Native Administration and Native Crime', in South African Law Journal, vol.LIX part III, August 1942, p.223. The stages of the annexation of the Transkeian Territories were: Fingoland, the Idutywa and Griqualand East in 1879, Port St. Johns in 1884, Thembuland, Gcalekaland and Bomvanaland in 1885, the Xesibe tract of land between Pondoland and Griqualand East in 1886, the Rhode in 1887, and both East and West Pondoland in 1894. The authoritative account of the annexation of the Transkeian Territories is Saunders, 'Annexation of the Transkeian Territories'.

During the Ninth Frontier War, 1877-8, Stanford for the first time faced the Africans in combat. Placed in charge of a division of three hundred African levies and accorded the rank of Captain, he served with distinction, being present at every engagement of the war, and he played a prominent part in the suppression of African resistance.

However, peace did not last for long, for the Transkeian Africans irrupted again in 1880 and tried to throw off the Cape yoke. Stanford was forced to flee his post at the Engcobo magistracy, and upon reaching safety became involved in quelling the rebellion. In the course of the campaign he was promoted to the rank of Commandant and again served with distinction.

Back at Engcobo after the suppression of the rebellion in 1881, it was Stanford's task to resettle the district. The main challenge entailed in doing so was to redistribute and arrange its dispersed population in a manner most conducive to peace. The settlement which he imposed on the district was constructed with precisely these two objectives in mind and provided a model which was emulated by Transkeian magistrates elsewhere. He divided the magistracy into fifty-nine wards and placed each of these in the charge of a headman appointed by himself on the advice of several loyalist Africans. To these headmen he entrusted minor administrative and judicial duties while he himself retained the major authority over the region.⁶

6 Macquarrie, Stanford Reminiscences, vol.I pp.175-86; ibid., vol.II p.10. For details of the ward system, see Stanford's magisterial reports for 1881, 1883 and 1884, in G33-1882, G3-1884 and G2-1885, Cape Native Affairs Blue-Books for 1882, 1884 and 1885, pp.52, 125, 132 respectively. See also Hammond-Tooke, Command or Consensus, p.78.

Stanford's appointment to the Cape Native Laws and Customs Commission of 1880-83, which had been set up to investigate the intricate question of what system of law should be applied in the Transkeian Territories, provided due recognition of his administrative and juridical capacities and reflected government acknowledgement of the depth of his knowledge of native affairs. Through his service on the commission Stanford was brought into contact with experts on the subject of African customary law, and these included not only the commissioners, but those who gave evidence as well.⁷

In July 1885 a new and highly significant phase in Stanford's life opened with his promotion to the position of Chief Magistrate of Griqualand East. This area fronted on to Pondoland, the last independent African enclave between the Cape and Natal. Thus, apart from normal administrative duties, this office involved responsibility for relations with the Mpondo. These had become very strained, and in 1886 war between the Mpondo and the Cape seemed likely. In these tense circumstances Stanford managed to hammer out a treaty with the representatives of the Mpondo paramount in 1887. When this agreement

7 Macquarrie, Stanford Reminiscences, vol. I pp. 187-94; Stoch-Gift, Mrs. D. Ruffel to writer, 19 October 1978. For accounts of the work of the commission, see H.J. Simons, African Women: Their Legal Status in South Africa (London, 1968), pp. 32-3; Saunders, 'Annexation of the Transkeian Territories', pp. 101-3, 111; Martin, 'Political and Social Theories', pp. 125-30; Brookes, White Rule, pp. 80-81.

proved unable to curb the friction between the Cape and the Mpondo, Stanford succeeded in March 1894 in persuading the Eastern Mpondo to submit peacefully to the Cape, whereupon the Western Mpondo followed suit.

Stanford, who had meanwhile been awarded the C.M.G. in 1891, then became responsible for the administration of East Pondoland. However, a difference between him and Cecil John Rhodes - at that time Prime Minister of the Cape - over the handling of an offence committed by the Mpondo paramount in June 1895 led Rhodes to deprive Stanford of this responsibility less than a month later.

When in 1896, after Rhodes's fall from political power, Stanford was offered the position of Cape Under-Secretary for Native Affairs, he accepted it. The office to which he had now been promoted placed him at the very head of the Cape Native Affairs Department. In his new rôle he was in charge of native administration in both the Cape Colony and the Transkeian Territories and was subordinate only to the Prime Minister, who held the portfolio of Native Affairs. His responsibilities were great, for he was given financial control of the Department and charge of the work done under the Glen Grey Act of 1894 and by the district councils established in terms of it.⁸

8 Act No.25 of 1894. It provided for the survey and subdivision of African land in the Glen Grey district into allotments of four morgen each. The plots could not be subdivided or alienated without the consent of the Governor and had to pass intact from

Whereas in the past he had served as a magistrate on the periphery of the Colony, dealing with native administration at first hand; as Under-Secretary for Native Affairs, he directed native administration from above and afar, standing in a bureaucratic relationship to it. As a phase in his administrative career, his tenure of this office, first from 1897 to 1902 and then from 1904 to 1907, also broadened his perspectives through the contact it afforded with prime ministers, politicians and bureaucrats in the capital. In addition, the move to Cape Town brought him closer to the arena of politics and exposed him to the political developments of the period. The work itself gave Stanford the opportunity to apply the knowledge of native affairs that he had acquired, and to instruct his superiors in the process of doing so. Both W.P. Schreiner and Dr. Leander Starr Jameson, prime ministers under whom he served, regarded him as their mentor rather than the

one generation to the next on the basis of primogeniture. A labour tax of ten shillings per annum was imposed upon all men who had not been employed for at least three months of the year. Land granted in individual tenure in terms of the Act was for the purpose of parliamentary registration to be deemed to be held under communal tenure. Such tenure had been excluded from the electoral occupational qualifications in terms of the Transkeian Representation Act, No.30 of 1887. As a type of quid pro quo the Glen Grey Act established a district council to administer African local affairs within the district of Glen Grey. The council was given the power to levy a general rate on all able-bodied male residents of the district to fund administration. See T.R.H. Davenport and K.S. Hunt (eds.), The Right to the Land (Cape Town, 1974), p.36 document 58; Hammond-Tooke, Command or Consensus, pp.84, 87. The texts of all Cape statutes referred to in this dissertation are contained in Cape of Good Hope Statutes and Index, vols.I-V.

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other way around.⁹

With the outbreak of the South African War on 11 October 1899 Stanford was again drawn into diplomatic activities. When the hostilities began, he was attached to the staff of General Sir Henry Redvers Buller, Commander-in-Chief of the British forces in South Africa in 1899, as adviser on Transkeian questions.¹⁰ After the Boer invasion of Natal and the Cape, Stanford was sent to Griqualand East to exercise his personal influence over the inhabitants of the region and so prevent the Afrikaner farmers and the Africans from rising against the Cape - a mission which he discharged successfully. Once there, he was also invested with the military control of Griqualand East. During the war he was promoted to the rank of Colonel, and at the close of the war he was awarded the C.B. (Military Division) and gazetted Colonel in the Cape Colonial forces.

At his post in Cape Town in between his spells of military service, Stanford became involved in the creation of the first African urban

9 Macquarrie, Stanford Reminiscences, vol.II pp.187, 189-99. For a character sketch of Schreiner and indication of Stanford's influence on his native affairs philosophy, see below pp.65-7. On Jameson, see Dictionary of South African Biography, vol.III (Cape Town, 1977), pp.438-42. For acknowledgement by Schreiner and Jameson of Stanford's influence upon them, see Colonel Stanford's Retirement: The Presentation Portrait. And an Account of Farewell Speeches, pp.3, 5, deposited in Jagger Library as part of the Stoch Gift. Hereafter cited as Presentation Portrait Brochure.

10 On Buller, see D.S.A.B., vol.II pp.99-101.

location in the Colony. He chaired the commission appointed in 1900 which recommended its establishment. When the appearance of bubonic plague at the Cape in February 1901 galvanised the authorities into acting upon this recommendation, it was the name by which Stanford was known amongst the Africans - Ndabeni - that was given to the new settlement at Uitvlugt near Cape Town.¹¹

Stanford moved back into the sphere of direct African administration when he was appointed first Chief Magistrate of the newly consolidated Transkeian Territories in 1902. To take up this post Stanford had to relinquish his direction of the Native Affairs Department. In his new capacity he had direct charge of all the African people between the Kei and Natal as well as in Griqualand East and was required to superintend the work of the magistrates of the twenty-nine districts in the Territories. In addition, the Chief Magistrate was ex officio chairman of the Transkeian Territories General Council once it had come into existence in 1903, president of the Native Appeal Court which held three sessions each year at each of four centres, and he

11 Macquarrie, Stanford Reminiscences, vol II pp.213-5. For an authoritative account of the circumstances of the establishment of Ndabeni, see C.C. Saunders, 'The Creation of Ndabeni: Urban Segregation and African Resistance in South Africa', in Studies in the History of Cape Town (University of Cape Town, 1979), pp.132-66. On the general motives for urban segregation in the Cape at this time, see M.W. Swanson, 'The Sanitation Syndrome: Bubonic Plague and Urban Native Policy in the Cape Colony, 1900-1909', in Journal of African History. vol.XVIII no.3, 1977, pp.387-410.

exercised jurisdiction as a divorce court throughout the Territories in white as well as African cases.¹² During this phase of his career Stanford took as his main brief the development of the district council system. The Glen Grey Act had already been extended to five districts of the Territories, and district councils had been set up in these areas. Stanford secured the establishment of an additional eight councils and the consolidation of all the district councils under the aegis of the Transkeian Territories General Council - an umbrella-body designed to appropriate finance and assist in the local government of these districts.¹³

During his period of service as Chief Magistrate of the Transkeian Territories, Stanford also became involved in the preliminary attempts which were being made to prepare the disjunct southern African states for unification. In March 1903 he accompanied the Cape Prime Minister to the Inter-State Conference on Customs and addressed it twice. From 1903 to 1905 he served as one of two Cape delegates on the South African Native Affairs Commission which had been set up to

12 H. Rogers, Native Administration in South Africa (Johannesburg, 1933), p.5.

13 Macquarrie, Stanford Reminiscences, vol.II pp.228-33. For a description of the establishment of the council system, see Hammond-Tooke, Command or Consensus, pp.84-92.

devise a basis for a uniform native policy within the various colonies.¹⁴

Stanford took exception to the principle of territorial segregation embodied in the commission's proposal 'that African land purchases should be limited to certain areas defined by legislative enactment'.¹⁵

In a dissentient recommendation he argued that, far from threatening white welfare, African land acquisition actually created 'vested individual interests' in the land which provided 'a powerful incentive to loyalty'.¹⁶ However, on the suffrage question he was noticeably less liberal. Indeed, his proposal that a separate voters' roll system of enfranchisement be instituted as a basis for the election of a fixed number of members to represent Africans in the colonial legislatures - a suggestion which was taken up by the commission and included amongst its recommendations - actually involved the truncation of Cape African franchise rights even as it provided for the extension of a token representation to the unenfranchised Africans in the other colonies.¹⁷

14 For accounts of the work of the South African Native Affairs Commission, see C. Tatz, Shadow and Substance in South Africa: A Study in Land and Franchise Policies Affecting Africans 1910-1960 (Pietermaritzburg, 1960), pp.6-11; Brookes, White Rule, pp.103-7.

15 South African Native Affairs Commission 1903-5, vol.I, Report of the Commission with Annexures and Appendices A and B, p.35 para. 193.

16 *Ibid.*, pp.36-7 para.198.

17 For Stanford's proposal, see Stanford Papers, A42, Diary for 1904, pp.80, 103, 3 October and 21 December 1904, also cited in Martin, 'Political and Social Theories', p.75. For the commission's actual recommendation, see S.A.N.A.C., vol.1, Report, pp.94-7 paras. 433-46.

The scope of Stanford's responsibilities was considerably enlarged in 1904 when Jameson, as the incoming premier, recalled him to the headship of the Native Affairs Department, requiring him to hold this office concurrently with his position as Chief Magistrate of the Transkeian Territories. Jameson interested himself in the recommendation of the South African Native Affairs Commission that a college should be established to provide higher education for African students, and it was against this backdrop that Stanford became involved in the scheme to found such an institution.¹⁸

As a magistrate in the Transkeian Territories, Stanford was heir to a distinctive philosophy which shaped the thinking of Transkeian administrators generally. The core of this philosophy was a cultural heritage of social evolutionary thinking. Evolutionary thought premised that variations in culture and customs were representative of different points of attainment on a single scale of development. Western civilisation was located at the apex, representing the peak to which human endeavour could aspire while aboriginal societies were ranked low down on this scale of measurement. These societies had

18 Macquarrie, Stanford Reminiscences, vol.II pp.242-3. For a fuller account of Stanford's involvement in the Inter-State Native College scheme during these years, see below pp.111- 21.

to evolve through certain preordained stages towards the ultimate maturity characteristic of western civilization.¹⁹

Imbued with social evolutionary ideas, Cape colonizers approached their imperialist venture among the Transkeian Africans in a spirit of self-lauding condescension, intending to civilize as well as dominate them and ultimately integrate them into the Cape's legal and administrative system. But the extent of the African insurrectionary impulse made it clear that any attempt to supersede African customary law would be hazardous because of the inextricable linkage of customary law with the tribal system as a whole. Magistrates consequently fumbled towards a limited perception of African society as a functionally coherent set of structures rooted in history and supported by tradition and sentiment. As a result, they adopted a gradualist approach, preferring slow natural change to precipitate disruption, feeling that cultural evolution was a long-term process moving through certain predetermined phases rather than an instantaneous transmutation of social mores. Consequently, there was a drive to recognise traditional practices inasmuch as these did not conflict with Victorian moral values.²⁰

19 Martin, 'Political and Social Theories', pp.51-4. See also C. Bolt, Victorian Attitudes to Race (London, 1971), pp.130-50; G.M. Frederickson, White Supremacy: A Comparative Study in American and South African History (New York, 1981), p.188.

20 Martin, 'Political and Social Theories'; pp.57-64, 79-80, 83-4, 125-7, 133-4. See also Simons, African Women, pp.31-3; Frederickson, White Supremacy, pp.189-90.

However, together with this tolerance and spirit of compromise magistrates also displayed an underlying impatience with the slow pace of change among the largely conservative tribesmen. As a result, they concerned themselves with social reform. They regarded themselves as custodians of the Africans and as such responsible for their care and protection. More than this, they conceived of themselves as educators, dedicated to the cultural elevation of their charges and, in theory, working towards the ultimate assimilation of Africans into white society. In their eagerness to emancipate (in practice eject) Africans from the supposed thralldom of tribal society, magistrates extolled the virtues of migrant labour as an agency which would civilize through the westernized habits it would create and the sense of the dignity and rewards of honest labour they believed it would instil. This benevolent paternalism also engendered in magistrates an abhorrence towards the use of liquor in African society - be it the traditionally entrenched nutritive and social use of 'kaffir beer' or the outcome of the more recently acquired taste for Cape brandy - as well as towards traditional initiation and witchcraft practices.²¹

These conflicting attitudes were reflected in the Transkeian magistrates' juridical dealings with Africans, for even as these administrators accepted the utility of traditional civil law and sought to secure its statutory recognition, they wanted to mould law to meet changing social

21 Martin, 'Political and Social Theories', pp.57-9, 84-112; see also Frederickson, White Supremacy, p.195.

realities and use it as a tool in generating the processes of change and acculturation. Thus, while Cape law accorded recognition to customary law in civil suits between Transkeian Africans, it did so in the belief that this was a temporary compromise with tribalism on the path to legal assimilation.²² Polygamy and the passage of lobolo, for instance, were deprecated as being morally degrading although disputes arising out of them were cognizable in Transkeian courts.²³ But, realizing that Africans had to be weaned rather than wrenched from tribal practices, magistrates favoured the retention of the style of traditional judicial procedure wherever possible. Their advocacy of the use of African assessors in court and their criticism of institutional fees and legal taxes as well as of the intrusion into the courts of law agents - who obfuscated judicial proceedings by the use of esoteric styles of procedure - all formed part of the magisterial drive for prompt, accessible and cheap justice which would popularize the magisterial courts and so undermine the juridical influence of the chiefs.²⁴

A cardinal feature of the magisterial philosophy of progress was the primacy that magistrates assigned to the individual as the agency of his own improvement. This individualism was seen as providing the

22 Martin, 'Political and Social Theories', pp.113-4, 124-35, 181-91; see also Simons, African Women, p.51.

23. Martin, 'Political and Social Theories', pp.124-5, 134-44.

24 Ibid., pp.166-7, 171-8.

10

motive force for competitive advance along western lines, and all the institutional ramifications of tribal communalism were viewed as being inimical to its existence. Thus magistrates regarded the tribal Africans as being enslaved by the authority of the chiefs and by the ritual powers of their main henchmen, the witchdoctors. They believed, too, that the tribal African was imprisoned within a communally oriented family structure, based upon the collective holding of land. In their view, the chiefs embodied the traditional system, and to them they attributed the responsibility for frontier wars and insurrections. Moreover, in their opinion the communistic principle which communal land tenure embodied discouraged economic exertion, because it dictated the sharing of the fruits of any one individual's labour amongst all of those who needed it, thus precluding capital accumulation. Quite predictably, therefore, Transkeian administrators favoured the breaking of the chiefs' powers and the introduction of individual land tenure.²⁵

Many of the magisterial assumptions were enshrined in the so-called Transkeian Territorial System which the Cape devised to govern Transkeian Africans. The distinctive features of this structure were the pivotal rôle of the magistrate as administrative official acting in many respects as surrogate chief, and the reposing of legislative competence in the Native Affairs Department which governed by proclamation rather than on the basis of parliamentary statute. The Transkeian

25 Ibid., pp.114-7.

Territorial System was seen by Transkeian administrators not merely as a means of control, but also as an instrument of political discipline. Under its aegis Africans would be introduced to new patterns of social and political behaviour. This process of political education, magistrates believed, would be extended by experience gained through participation in local governmental processes in the district councils, but all the while under strict white supervision. The Native Affairs Department was regarded by most administrators as an adequate guardian of African interests, so precluding the need for African enfranchisement - a privilege which administrators in any case felt might politicize Africans in a manner inimical to white interests in the region. In fact, the notion of withdrawing the control of the Native Affairs Department over Africans was seen as being tantamount to abandoning them to the free market of white political, and most especially economic, forces. Thus, for all that Transkeian magistrates posited ultimate economic and legal integration of Africans into white society, their ideas and the administrative system which embodied them were segregationist in spirit.²⁶

Stanford's magisterial reports reveal that as an administrator his attitude towards the Africans was that of sincere respect for them

26 Ibid., pp.60, 64-84.

individually,²⁷ but one of awe and even fear of the African tribes en masse²⁸ - a feeling stemming logically from a consciousness of African military strength²⁹ and their capacity for increase.³⁰

Immingled in Stanford's philosophy were the conflicting elements of

27 See, for example, G9-1894, Cape Blue-Book on Native Affairs for 1894, Report of the Chief Magistrate of Griqualand East for 1893, p.76: 'The fashion, of course, is to represent the Kaffir men as lazy and useless; and the women as hard-worked, down-trodden slaves; curious that the labour of these self-same indolent fellows should be sought after and valued at the great centres of industry like Kimberley and Johannesburg, and that on railway works they are found to outstrip the British navy! Of the pride and independence of Kaffir women, the European ladies who employ them in their kitchens have something to say; and as to slavery, there is no freer, married woman on earth than the Kaffir, for if so determined, she simply walks out of her hut, goes to her own people, and neither they nor her husband can compel her to return against her will.' See also G29-1903, Cape Blue-Book on Native Affairs for 1903, Report of the Chief Magistrate of the Transkeian Territories for 1902, p.13: 'If slavery existed, it would certainly be reflected in the treatment of children. Some ground for thought will, perhaps, be provided for the denizens of our big cities when I say that throughout the Native tribes of these Territories I do not know of an instance where a child is kept short of food or habitually treated with cruelty. This is confirmed by every Magistrate in the Territories. It will thus be seen that the life of a Native woman and her children is by no means the unhappy lot so often depicted'. See also G4-1890, Cape Blue-Book on Native Affairs for 1890, Report of the Chief Magistrate of Griqualand East for 1889, p.38. All the succeeding items in this section likewise refer to Stanford's magisterial reports in the Cape Native Affairs Blue-Books, and so I do not provide a detailed description of the source of each citation.

28 G13-1880, p.130; see also G3-1884, pp.128-9; G8-1895, p.97.

29 G13-1880, pp.129-30; G33-1882, pp.51-2; G3-1884, p.128.

30 G8-1883, p.165; G5-1886, p.90; G7-1892, p.43.

caution and conservatism³¹ and reformism³² that characterised Transkeian magisterial thinking in general. His ideas bore the imprint of social evolutionary theory in their sanguine assumption that change would necessarily take place and that its occurrence would be the consequence of exposure to superior white might and what the whites regarded as their superior civilisation. 'Our system and that of the Africans are essentially opposed. Theirs unquestionably must go down wheresoever our rule is enforced, but the work is not of a day', he remarked in one report.³³ Thus his long-term objective he described as being the lodestone ideal of 'one law, one system of procedure for all'.³⁴ Nevertheless, he stressed that the aim should be 'to work on patiently' towards this goal.³⁵ He regarded progress among the Africans as necessarily being slow,³⁶ because they possessed 'a system of their own which was eminently suited to their requirements so long as their surroundings were all of a more or less savage character',³⁷ but he was nevertheless convinced that it was taking place.³⁸

31 G6-1888, p.59; G3-1889, p.45; G4-1890, p.38; G9-1894, p.75; G19-1897, p.129.

32 G3-1884, pp.128-9; G4-1890, p.38; G7-1892, p.43.

33 G8-1895, p.97.

34 G7-1892, p.43; see also G3-1889, p.45.

35 G7-1892, p.43; see also G3-1889, p.45; G19-1897, p.129.

36 G13-1880, p.129; G6-1888, p.59; G4-1890, p.38.

37 G4-1890, p.38.

38 G3-1884, p.128; G5-1896, p.126; G6-1888, p.59; G7-1892, p.43; G19-1897, p.129; G29-1903, pp.47-8.

Stanford's acceptance of the Africans in their tribal state reflected a remarkable perception of the utility of tribal customs and practices even where repugnant to European values. He perceived that the acquisition of civilisation was a thoroughgoing process, embracing the whole of a man's existence, and was aware that what many white cultural missionaries had to offer was a half-baked version which severed an African from his traditional environment and social life, but failed to provide for his human and recreational needs. Thus he recognised the important social functions of chiefs in traditional society³⁹ and did not join in the clamour of other magistrates against such indigenous practices as tribal dances and traditional drinking customs.⁴⁰ Similarly, he recognized the attachment of both men and women to their own style of marriage.⁴¹ For these reasons, Stanford was concerned that African civil custom should be recognised as a body of law, but without being rigidified.⁴²

Understandably, therefore, Stanford favoured the distinctive type of administration that was embodied in the Transkeian Territorial System. He regarded it as being 'specially adapted to the requirements of the natives under their present conditions of life and proved by experience to be effective and satisfactory to the people'.⁴³ Like other Transkeian magistrates, he viewed the political interests of the

39 G13-1880, p.129; G8-1895, p.97.

40 G13-1880, p.129.

41 G6-1888, p.59; G4-1893, pp.77-8; G12-1904, p.43.

42 G3-1884, p.122; G7-1892, p.43.

43 G12-1887, p.84; see also G3-1889, p.45.

Africans as being dissimilar to those of the whites and thus adequately safeguarded in a differential political dispensation such as that embodied in this system.⁴⁴

Stanford's position on individual land tenure was the orthodox magisterial one, for he did not question the belief that the substitution of individual for communal tenure would lead to important modifications in the distribution of power in tribal society which would alter its whole ethos.⁴⁵ However, his vision of change in African societies was a comprehensive one, embracing far more than simply a conviction that a transformation in the style of land tenure would of itself lead to progress. He perceived the course of the wider economic development of these societies in the context of an irrevocably closed frontier and attenuated tribal holdings and the constrictions these placed upon the African economy as the cause of change.⁴⁶ Of the resulting adaptation the adoption of individual title was, in his view, as much symptom as it was cause,⁴⁷ and he was confident that individual title would in any

44 G12-1887, p.84.

45 G9-1894, p.74; see also G8-1883, p.164.

46 G12-1877, p.88; G5-1886, p.90; G7-1892, p.43; G4-1893, p.76; G9-1894, p.75.

47 G7-1892, p.43.

case be resorted to 'as the population thicken [ed]' and the land grew more congested, leading Africans to break 'the last link of the old tribal bond' and accept proletarianization.⁴⁸ He regarded attempts to force the issue as impolitic, as these would merely arouse African suspicion and distrust,⁴⁹ and he thought them in any case unnecessary because '[n]othing [would] be lost by waiting until they themselves felt the necessity for a move forward'.⁵⁰ In broad terms, then, Stanford wished to secure voluntary African acculturation by allowing the changing economic environment to manipulate tribal societies in their own time rather than foist change upon the Africans before they were ready to accept it, and so harden the lines of cultural conflict.

Stanford thus had exceptional knowledge of Cape African societies.

From his earliest childhood, contact with Africans had been part of the fabric of his experience. He had learnt to speak the language of the tribesmen of the frontier so well that (as one newspaper put it) 'in the dark' he was 'often mistaken as a fellow tribesman'.⁵¹ Thus one

48 Ibid.

49 Ibid.; see also G33-1882, p.53.

50 G9-1894, p.75; see also G7-1892, p.43.

51 Cape Argus, 29 July 1922 'I Remember'. This article contains an interview with Stanford.

of Stanford's granddaughters has recalled that, as a child, she was told by an African from Griqualand East that 'when he stood outside the hut and listened to Stanford speaking, he did not know if it was the black chief or the white chief who was speaking'.⁵² Similarly, another granddaughter has recounted that, shortly before a visit which Stanford paid to Griqualand East in 1929, an African woman said to her 'that she was a bit frightened to talk to him because she thought he spoke Xhosa better than she did'.⁵³ In addition, the circumstances of Stanford's upbringing and education had exposed him to the customs, beliefs and values of the African peoples, and he had developed a respect for African societies in their traditional state, and a sense of the dignity of other human beings, irrespective of their race.

Serving as he had both on the periphery of colonial expansion as well as at the centre of the bureaucratic establishment, Stanford had remarkably versatile administrative experience and an unusual breadth of perspective. In his various official positions it had been his task to supervise the transition of African societies from a state of belligerence to one of compliance, and he had met the Africans both as an administrator and as a judge. He had become so familiar with the principles underlying their social organisation and so conversant with

52. Verbal evidence, Mrs. Cynthia Payne, 15 October 1978.

53. Stoch Gift, Letter from Mrs. Margaret Hemsted to writer, 29 October 1980.

the intricacies of their customary law that he had been recognised as an authority on these matters. Furthermore, he had encountered the Africans in their tribal state as well as when their societies were undergoing change, and not only in peace but also in war. Yet, though he had seen the African peoples of the region in their most hostile guises, the warmth of his feeling for the Africans had not been cooled nor his sympathy for them dulled by what he had experienced during the Transkeian wars. Instead, he had built up a vision of the African future which embraced such things as untrammelled rights to acquire land in individual freehold in southern Africa, a limited representation in the central decision-making bodies of state, local self-government, and access to higher education.

CHAPTER 2

STANFORD'S DECISION TO ENTER POLITICS
AND HIS ELECTION TO THE CAPE PARLIAMENT

By 1907 Stanford's health had given way. His heart was showing signs of strain, his pulse-beat was irregular, and he suffered from a recurrent throat condition, the nature of which is not clear.¹ It was obvious that he needed a rest after so many years of hard work, and therefore at the insistence of his doctor, he decided to leave the civil service.² It was arranged that his retirement and pension were to date from 1 March 1907, but that he would continue in office until 31 May of that year on a temporary basis to tide the Native Affairs Department over an interregnum period.³

1 Macquarrie, Stanford Reminiscences, vol.II p.243; Stanford Papers, C29.1, 'Short Biography' by Mrs. Dorothy Ruffel, [p.7]; Verbal evidence, Mrs. Helen Relly, 8 October, 13 November 1978, 1 March 1980.

2 Macquarrie, Stanford Reminiscences, vol.II p.243; see also Cape Argus, 7 June 1933 'Fifty Years of Marriage'.

3 Stanford Papers, A45, Diary for 1907, p.19, 4 March 1907; Cape Times, 28 February 1907 'News of the Day'; ibid., 'Colonel Stanford' (editorial).



Walter Stanford circa 1900 (courtesy Stanford family).

That Stanford should have been weary after his long career in the Cape civil service was not surprising, for his work had been both strenuous and challenging.⁴ In the various magisterial positions that he had held, he had been placed in charge of large areas and teeming populations of Africans with burgeoning white communities in their midst. As he had been promoted, so the radius of his influence had widened and his work had grown commensurately more onerous. Acting as the shock troops of the Cape's colonial advance,⁵ Transkeian magistrates were required to intercede in African affairs in both a diplomatic and a military capacity, and they had to pacify the Africans and prepare them for economic integration into white society.⁶ In the course of their duties they travelled extensively through their districts and territories.⁷ In addition, Stanford had been required for a time to combine this work with the highly responsible duties of Under-Secretary for Native Affairs.

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- 4) Stanford Papers, B223.9, Joseph Walker to W.E. Stanford, 18 March 1907.
- 5) Phrase derived from Martin, 'Political and Social Theories', p.1.
- 6) See Martin, 'Political and Social Theories', pp.1-49; Hammond-Tooke, Command or Consensus, pp.77-83; Brookes, White Rule, pp.79-84.
- 7) Hammond-Tooke, Command or Consensus, p.81; Martin, 'Political and Social Theories', p.35.

The news of Stanford's decision to retire was received with regret by those who knew him. Former associates,⁸ individuals and groups amongst whites and Africans⁹ as well as a number of newspapers¹⁰ praised the quality of his work and expressed sorrow at the prospect of the loss of his services.

Apart from the informal tributes which Stanford received, appreciation was also expressed officially and publicly at the very highest levels in the months after he had retired. On 2 September 1907 Dr. Jameson, the Prime Minister, and John X. Merriman, the Leader of the Opposition, both bestowed lavish praise upon him in the Legislative Assembly for his contribution as a native administrator in the Colony and the

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- 8 Stanford Papers, B197, C. Abercrombie Smith to W.E. Stanford, [28 February] 1907; *ibid.*, B122.1, General Henry Lukin to W.E. Stanford, 3 March 1907; *ibid.*, B223.9, Joseph Walker to W.E. Stanford, 18 March 1907; Cory Library MS.1242, Joseph Orpen to W.E. Stanford, 11 June 1907; see also Stanford Papers, A45, Diary for 1907, p.19, 4 March 1907.
- 9 See Territorial News, 30 March 1907, E.J. Klette to Editor, 25 March 1907; Kokstad Advertiser, 5 April 1907, A.V. Mellor to Editor, n.d.; Matatiele Mail, 23 April 1907 'Visit of Colonel Stanford'; Imvo Zabantsundu, 28 May 1907 'A Combination of Welcome and Regret'; Stanford Papers, B245, Transkeian Teachers' Association to W.E. Stanford, 23 July 1907; *ibid.*, A46, Illuminated address from headmen and others in the district of Nqamakwe to W.E. Stanford, 10 September 1907.
- 10 Cape Times, 28 February 1907 'Colonel Stanford' (editorial); Transkeian Gazette, 7 March 1907 'Colonel Stanford's Retirement' (editorial); Territorial News, 23 March 1907 'Native Affairs' (editorial); Transkeian Gazette, 28 March 1907 'Native Affairs' (editorial); Imvo Zabantsundu, 5 March 1907 'Colonel Stanford, C.B.' (editorial). See also Eastern Province Herald, 24 March 1907 'Our Note-Book. The Native Affairs Department' (not an editorial). In the section which follows I cite only the newspaper titles and dates when referring to these articles.

Territories.¹¹ On 20 September the Native Affairs Department staff presented him with an oil portrait of himself as 'the token of the regard, esteem and affection which the officers of the Native Affairs Department, European and Native, bear towards their late chief'.¹² At this ceremony his work was commended by Dr. Jameson, Sir John Frost and W.P. Schreiner, under all of whom Stanford had worked during his career in the civil service.¹³ The cycle of tributes was completed the following year when the Transkeian Territories General Council passed a motion of appreciation of his administration of the Council's affairs.¹⁴

The official panegyrics placed emphasis upon the excellence of the service that Stanford had rendered the Colony in both peace and war in pacifying, administering and planning for the future government of its native peoples while the newspaper tributes built up an image of him as a model administrator and a revered public figure. Allusion was made to such attributes as his deep knowledge and intimate understanding of the native peoples¹⁵ and the empathy he had displayed in dealing with

11 Cape Assembly Debates 1907, p.456. On Merriman, see below pp.62-4.

12 Stoch Gift, Presentation Portrait Brochure, p.10.

13 Ibid., pp.3-6. Jameson and Schreiner had both held the portfolio of Native Affairs during their respective premierships, 1898 to 1900 and 1904 to 1907. Stanford had served as Frost's second-in-command during the 1880-81 Transkeian Rebellion. In 1893 Frost had taken office as Secretary for Agriculture. From 1900 to 1902 he was Minister without Portfolio and from 1902 to 1904 Secretary for Agriculture. On Frost, see Dictionary of South African Biography, vol.IV (Durban, 1981), pp.168-9.

14 Transkeian Territories General Council: Proceedings and Reports of Select Committees at the Session of 1908, p.xxxviii.

15 Cape Times, 28 February 1907; Transkeian Gazette, 7 March 1907.



Khotso e be go Morena
ra bo I ketlo go se chaba!

Peace follow the Chief
Who has been the Father of
Peace to our People!

PRESENTED TO
COLONEL W. E. M. STANFORD, C.B., C.M.G.,
BY THE
OFFICERS OF THE NATIVE AFFAIRS DEPARTMENT
ON HIS RETIREMENT
FROM THE PUBLIC SERVICE OF THE CAPE COLONY
1863 - 1907.

Nakuba eshenxile emsebenzini
sinetemba elikulu lokuba
akayikusilibala empilweni yake.

Though he has laid aside his work
We know and trust that while he lives
We shall not be forgotten.

Oil portrait presented to Stanford by the Cape Native Affairs Department at the time of his retirement in 1907 (Stoch Gift, Presentation Portrait Brochure).

them,¹⁶ the high ideals with which he had imbued the Native Affairs Department,¹⁷ and the love and respect he had inspired amongst his subordinates and within the government alike.¹⁸ Much was made of the fact that the Africans themselves (as one newspaper put it) regarded Stanford as 'their great chief and true and loyal friend'.¹⁹ To his work was ascribed the contentment of the Africans in the Colony and the carrying out of the traditions of its native policy.²⁰

Perhaps the most evocative were those tributes which came from the Africans themselves. According to Edward Dower, the Acting Under-Secretary for Native Affairs, the Native Affairs Department had received 'widespread expressions of regret' and 'loyal and touching tributes' from the African people.²¹ Dalindyabo, Paramount Chief of the Thembu, claimed to be speaking on behalf of all the Thembu when he

16 Stoch Gift, Presentation Portrait Brochure, p.5.

17 Ibid., p.3; see also Cape Assembly Debates 1907, p.456: 'the present admirable condition of this department'.

18 Stoch Gift, Presentation Portrait Brochure, p.10; Transkeian Gazette, 7 March 1907.

19 Transkeian Gazette, 7 March 1907.

20 Cape Assembly Debates 1907, p.456; Stoch Gift, Presentation Portrait Brochure, p.5.

21 Stoch Gift, Presentation Portrait Brochure, p.11. Edward Dower had begun his official career in 1891 as clerk in the Chief Magistrate's office at Kokstad. He had become chief clerk to Stanford during his tenure of the position of Chief Magistrate of the territory. In 1906 Dower had been appointed Assistant Under-Secretary for Native Affairs in the Cape Colony. See South Africa, 1 February 1919, p.187 'Union Department of Native Affairs'.

publicly expressed sorrow at the prospect of Stanford's retirement.²²

In an address which they presented to Stanford, a group of Africans from the Nqamakwe district of the Transkei ascribed his success as an administrator to the fact that he had 'not ignored the rising intelligence amongst the Natives, but as a wise ruler always respected their views and aspirations'.²³ The Transkeian Teachers' Association told Stanford in a letter that the African people regarded him as 'a champion of the liberty and rights of the people and a faithful believer in British fairplay [sic] and principles' and as 'an object of their admiration and affection, of their pride and their hope'.²⁴

Commendation of Stanford did not stop at consideration of his past achievements. Mingled with the admiration and sadness expressed in the tributes was a glimmer of hope on the part of some that his health might be sufficiently restored to enable him to participate in the

22 Imvo Zabantsundu, 28 May 1907, 'A Combination of Welcome and Regret'. Dalindyebo (1865-1920) had become Paramount Chief of the Thembu in 1884. He had been educated in mission schools and professed Christianity. His reign was peaceful, and he was described in official correspondence as "an exceptional chief". See D.S.A.B., vol.II p.156.

23 Stanford Papers, A46, Illuminated address from headmen and others in the district of Nqamakwe to W.E. Stanford, 10 September, 1907.

24 Stanford Papers, B245, Transkeian Teachers' Association to W.E. Stanford, 23 July 1907.

public affairs of the Colony in some other capacity, possibly as an active figure in political life.²⁵ Stanford himself noted in his diary on 4 March 1907, three days after his retirement had formally come into effect: 'Some suggest that I should occupy myself with politics'.²⁶ In the view of General Henry Lukin, an officer with a distinguished record, Stanford's 'ripe experience would be of great service to the country',²⁷ while Joseph Orpen, himself a former native administrator, believed that there was 'much' that Stanford could 'teach [his] fellow Colonists'.²⁸

Stanford did not favour the idea. He was in poor health,²⁹ and although it had been a 'wrench...to sever himself from his official work', he had been relieved to do so.³⁰ In addition, he felt that he would be obliged to join one or other of the political parties to be

25 Stanford Papers, B197, C. Abercrombie Smith to W.E. Stanford, [28 February] 1907; *ibid.*, B122.1, General H. Lukin to W.E. Stanford, 3 March 1907; Cory Library MS.1242, J. Orpen to W.E. Stanford, 11 June 1907; Cape Assembly Debates 1907, p.456; Stoch Gift, Presentation Portrait Brochure, pp.4,6.

26 Stanford Papers, A45, Diary for 1907, p.19.

27 *Ibid.*, B122.1, General H. Lukin to W.E. Stanford, 3 March 1907. On Lukin, see D.S.A.B., vol.III pp.547-9.

28 Cory Library MS.1242, J. Orpen to W.E. Stanford, 11 June 1907. On Orpen, see D.S.A.B., vol.I pp.602-3.

29 Stanford Papers, A45, Diary for 1907, p.19, 4 March 1907.

30 Stoch Gift, Presentation Portrait Brochure, p.12.

of any practical use in Parliament.³¹ This prospect did not appeal to him, since he 'found difficulty in becoming a partisan after such long service under all parties'.³² He believed that he enjoyed 'the confidence of the leaders of both political sides', and therefore felt that 'with Federation in the air' he might perhaps 'be able to better work for the country in connection with the administration of native affairs by keeping out of political strife'.³³

But as the year progressed, so others began to exhort Stanford to re-enter public life. In June Colonel Zachary Bayly, a Progressive and a member of the Legislative Council for the Eastern Circle and a long-standing friend of his, advised him to stand for the Legislative Council in the next general election.³⁴ J.W. Sauer, a South African Party supporter, a member of the Legislative Assembly for George, and a prominent Cape parliamentarian with an intimate knowledge of African affairs, also wished to see Stanford in Parliament. He told Stanford that he 'did not mind which side [he] joined' and that he would 'have his support either way'.³⁵ By July Donald Strachan, a

31 Stanford Papers, A45, Diary for 1907, p.19, 4 March 1907.

32 Ibid., p.52, 27 June 1907.

33 Ibid., p.19, 4 March 1907.

34 Stanford Papers, A45, Diary for 1907, p.51, 21 June 1907. On Bayly, see D.S.A.B., vol.IV pp.22-3; Men of the Times, p.480; Macquarrie, Stanford Reminiscences, vol.II pp.72-4. For evidence of Stanford's earlier friendship with Bayly, see *ibid.*, p.77.

35 Stanford Papers, A45, Diary for 1907, p.52, 27 June 1907. On Sauer, see D.S.A.B., vol.II pp.618-23.

member of the Legislative Council for the Eastern Circle, and a former trader and military leader in East Griqualand, had joined Bayly in suggesting that Stanford seek election to the Council.³⁶ And in paying tribute to Stanford's work, Jameson, W.P. Schreiner and Sir John Frost had added their voices to the chorus of those urging Stanford to enter politics.³⁷

In the meantime, the relief from his official duties was bringing improvement in Stanford's health and the political situation in the Colony was changing.³⁸ A depression had followed the South African War, and after 1904, when Dr. Jameson had taken office at the head of a Progressive administration, it had steadily worsened. By 1907 the Colony was in the throes of an economic crisis, and the government had lost prestige in consequence of this. Ultimately, in September 1907 the government faced an impasse when a deadlock in the Legislative Council prevented the Appropriation Bill from being passed, and on the

36 Stanford Papers, A45; Diary for 1907, p.54, 6 July 1907. On Strachan, see E. Rosenthal (comp.), Southern African Dictionary of National Biography (London, 1966), p.365. On his parliamentary membership, see R. Kilpin, The Romance of a Colonial Parliament (London, 1930), p.134. For mention of his earlier association with Stanford, see Macquarrie, Stanford Reminiscences, vol.II p.77.

37 Cape Assembly Debates 1907, p.456; Stoch Gift, Presentation Portrait Brochure, pp.4,6.

38 On Stanford's health, see Macquarrie, Stanford Reminiscences, vol.II p.243.

17th of that month Jameson found he had no option but to go to the country.³⁹

Stanford himself attributed his decision to seek election to the Cape Parliament to advice that he received from Jameson.⁴⁰ On 23 September it was arranged that he would enter the lists as an Assembly candidate for one of the two seats in the Thembuland constituency.⁴¹ This electoral unit embraced the whole of the Transkeian Territories except East Pondoland and East Griqualand, and approximately one third of its voters and ninety-eight per cent of its population were black.⁴²

The elections were fought in two stages over seven months with the Legislative Council poll being held on 21 January 1908 and the Assembly

39 M.A.S. Grundlingh, 'The Parliament of the Cape of Good Hope with Special Reference to Party Politics, 1872-1910', in Archives Year Book for South African History, 1969, vol.II pp.303-5; L.M. Thompson, The Unification of South Africa (London, 1960), p.29; B.K. Ross, 'A Study of Politics in the Cape Colony from January 1908 to May 1910' (M.A. thesis, University of Cape Town, 1950), pp.1-2.

40 Macquarrie, Stanford Reminiscences, vol.II p.243.

41 Stanford Papers, A45, Diary for 1907, p.77.

42 According to the second schedule of the Transkeian Territories Representation Act, No. 19 of 1898, the Thembuland constituency embraced: 'The Territories known as the Transkei (including Gcalekaland), Tembuland (including Emigrant Tembuland and Bomvanaland) and Western Pondoland'. See Cape of Good Hope Statutes and Index, vol.IV p.392. Of 3295 voters in the division, 2271 have been calculated by the writer to be white and 1024 black. The majority of the latter were African. See List of Persons Residing in the Electoral Division of Tembuland Whose Names Have Been Registered in the Year 1907, As Qualified to Vote in the Election of Members

poll on 31 March 1908. Predictably, the main issue of the contest was the economic situation, with South African federation and the disposal of a glut of liquor forming subsidiary issues of discussion. In the contest Jameson and his largely English-speaking Progressive Party - now renamed the Unionist Party - were ranged against Merriman and the Afrikaner Bond-based South African Party. Both parties pledged themselves to the maintenance of the political rights of the black peoples of the Cape.⁴³

Stanford entered the election as a 'Moderate Independent' candidate, resolving to accept as his only political leader W.P. Schreiner, who was contesting the Queenstown division, and who likewise eschewed

for the Parliament of This Colony. A copy of this voters' roll is deposited in the Cape Archives. The total population of the Thembuland division was 480 600. Of these, 10 073 were white and 470 527 were '[o]ther than white'. See G19-1905, Results of a Census of the Colony of the Cape of Good Hope on the Night of Sunday, the 17th April 1904, p.9.

43 On the election, see A.J.C. Smith, 'General Elections in the Cape Colony, 1898-1908' (M.A. thesis, University of Cape Town, 1980), pp.68-74; Ross, 'A Study of Politics', pp.2-11; Grundlingh, 'The Parliament of the Cape of Good Hope', pp.306-8; Lewsen, John X. Merriman, pp.296-7, 301-3.

political allegiance.⁴⁴ However, he insisted that it would not be a 'slavish' association but rather one based on Schreiner's 'common intellect [sic], honesty and love for his country'⁴⁵ and the confidence which he reposed in Schreiner's 'judgment and grasp' of the affairs of the Colony and in his capacity for political leadership.⁴⁶

As behoved any candidate entering the 1907-8 election, Stanford concerned himself with the economic situation of the Colony and with the Jameson government's handling of it. He also referred to issues pertaining to the economic development of the Thembuland constituency such as the need for the conservation of forests, the desirability of railway development in the division, and the subject of the adjustment

44 Stanford's electoral platform is contained in the following items: Transkeian Gazette, 10 October 1907 'Political Meeting. Col. Stanford' (a copy also kept in Stanford Papers at HI.17); *ibid.*, 17 October 1907 'Col. Stanford and the Natives' (a copy in Stanford Papers at HI.18); Territorial News, 19 October 1907 'Election News...Colonel Stanford at Willowvale'; *ibid.*, 26 October 1907 'Tembuland Campaign. Colonel Stanford at Idutywa'; *ibid.*, 2 November 1907 'The Election Campaign. Meeting at Mqanduli'; *ibid.*, 2 November 1907 'The Election Campaign for Tembuland. Col. W.E. Stanford at Umtata'; Transkeian Gazette, 7 November 1907 'Meeting at Mqanduli. Schreiner and Stanford'; Territorial News, 9 November 1907 'The Election Campaign for Tembuland. Meeting at Ngqeleni [and] Meeting at Libode'; Transkeian Gazette, 14 November 1907 'Col. Stanford. Meeting at Libode'; Territorial News, 23 November 1907 'Election News. Col. Stanford at Clarkebury'; Tembuland News, 30 November 1907 'Col. Stanford's Candidature... Meeting at Elliot'. Hereafter I only footnote direct quotations from his speeches and I omit article headings.

45 Tembuland News, 30 November 1907.

46 Territorial News, 26 October 1907.

of railway rates vis à vis ox wagon rates so that the railways could compete with ox-drawn transport. But none of this constituted the main emphasis of his campaign.

Instead he presented himself to the Thembuland electorate as a candidate concerned primarily with the future of Cape and Transkeian native policy in the changing political context of southern Africa and with the future development of the constituency in both human and economic terms. His platform, as it emerged in the course of the many addresses he delivered in October and November 1907 when he conducted his main tour of the constituency, was dominated by a sense of the need to reconcile white and black interests in the division.⁴⁷ It was therefore, not directed towards any particular group in the electorate, although his ideas were naturally formulated from the white man's perspective. It was thus rather more an expression of his convictions about Transkeian development in general than it was an appeal to the voters as such.

Stanford admitted that he was only a 'beginner in politics',⁴⁸ but

47 For an account of Stanford's constituency tour, see Stanford Papers, A45, Diary for 1907, pp.80-99, 5 October - 10 December passim; Stoch Gift, Mrs. D. Ruffel to writer, early October 1978. Stanford also toured the constituency in March 1908, but none of the speeches he made during this phase of the campaign were reported in the press. For an account of this second tour, see Stanford Papers, A48, Diary for 1908, pp.20-27, 6-30 March passim.

48 Territorial News, 2 November 1908.

based on his claim for election on his record as an administrator and on the quality of his work in the course of his long official connection with the Transkeian Territories. He maintained that his past experience would be 'of service' in the handling of the 'Native question' and in the framing of the basis of a federation, a development in southern African politics which seemed imminent.⁴⁹

He devoted a large portion of his speeches to a consideration of the 'native question' in the Transkeian Territories. Absolutely crucial to his perception of this issue was the importance he attached to Cape native policy, particularly the enfranchisement of educated Africans as a lubricant of harmonious race relations. He strongly defended the Cape franchise, arguing that the African contribution to the Colony's revenues entitled Africans to the suffrage and asserting that there was 'no other way to maintain the good relations between [them] selves and the Native people'.⁵⁰ He insisted that [t]hey must fight for the adoption of this policy in a federated South Africa, otherwise there would be a discontented population'.⁵¹

49 Tembuland News, 30 November 1907; see also Territorial News, 2 November 1907. For discussion of the federation issue, see below pp.143-5.

50 Transkeian Gazette, 10 October 1907.

51 Territorial News, 2 November 1907. Comma inserted by the writer.

Bound up with this belief was Stanford's attachment to the Transkeian Territorial System which he saw as being the source of much good in the region. To it and to the policy of liquor prohibition, which was enforced in the Territories, he attributed the 'complete sense of security',⁵² which the whites enjoyed - men not having to fear leaving their wives and children unprotected - and he took a firm stand on the need to secure the maintenance of both.

Stanford spoke in laudatory terms of developments which exposed Africans to western civilization, and he was eager that the intensity of African exposure to white influences should be increased. He warmly applauded the growing demand for African labour and expressed the hope 'that the Native would be wise in his day and generation and see that in order to hold the labour trade he would have to accept the conditions', and work underground in the mines on longer contracts.⁵³ Similarly, he praised the rôle of the trading community, of officials, of professional men, and of all 'well-conducted' white families which resided in the Territories in westernizing the Africans.⁵⁴

Nevertheless, Stanford was acutely concerned that the impact of

52 Ibid.

53 Transkeian Gazette, 17 October 1907.

54 Ibid.

acculturative agencies should not unsettle the Africans and menace the harmonious relations which existed between Africans and whites in the region. For this reason, he devoted considerable attention to the explanation of particular aspects of Cape administrative policy which seemed unpalatable to certain sections of white opinion in the constituency.

It was within this context that Stanford defended the government's refusal to grant the Transkeian white traders titles to the holdings on which they had established their stations before the surrounding Africans were themselves prepared to accept individual title to their own lands under the Glen Grey dispensation. He explained that the reason for this policy was that the government was only willing to introduce such changes when they were 'in harmony with the feelings of the chiefs and the people amongst whom the traders lived'.⁵⁵ He insisted that he was not prepared to force the pace of this process in order to secure the traders in possession of their stands despite his general advocacy of individual title for Africans and although he favoured the principle of granting titles to traders.

In similar vein, he defended the refusal of the Cape government to extrude from their ancestral lands the Mpondo (who had ceded their territory to the Cape in 1894) although certain whites had laid claim

55 Territorial News, 9 November 1907.

to areas of land of which they had taken possession. He took this stand because he believed that the Cape was duty-bound to protect the land rights of the Mpondo in terms of the undertaking it had given them at the time of their peaceful submission to the Cape.

There were three other candidates in the Thembuland contest. Charles Joseph Levey, who had also been a Transkeian administrator, had a background and career very similar to that of Stanford, but appears to have lacked his popularity. Theophilus Lyndall Schreiner, elder brother of Olive and of W.P. Schreiner, was an earnest and pious humanitarian who had devoted himself to the temperance cause and had been a Legislative Assembly representative for the constituency since 1904. F.G. Schweizer, a man of German extraction, was the dark horse of the contest. Although a well known farmer in the Elliot district, he lacked the wider prominence and the experience in public affairs enjoyed by the other three candidates as well as the fluency in the English language necessary for effective communication with the electors. Levey and Schweizer were the South African party candidates while Schreiner - with whom Stanford loosely associated himself during the campaign - stood in the Unionist Party interest.⁵⁶

The outcome of the election was a resounding victory for the South African Party. In the Legislative Council contest the Unionists were

56 For brief character sketches of the electoral candidates, see below biographical appendix, pp.223,225,226.



Charles Joseph Levey (Souvenir of Union, p.89).

completely routed, for the South African Party won sixteen of the twenty-two seats in this chamber. The trend was repeated in the Assembly elections, the South African Party winning sixty-nine seats, the Unionists thirty-three seats, and five seats falling to the Independents.⁵⁷

Stanford himself was returned as one of the two Tembuland members by a hairbreadth majority. Levey headed the poll with 1141 votes of the 2087 that were recorded, 14 papers being spoilt, while Stanford polled 998 votes against the 994 of Schreiner and 844 of Schweizer.⁵⁸

Nevertheless, Stanford's return was for the most part well received by the local press, and there were some moving demonstrations of African regard for him both during and after his campaign.⁵⁹ Outside the small town of Cofimvaba, while on tour in the constituency, Stanford noticed an African woman who was a former acquaintance. His eldest daughter, who accompanied him on the tour, recorded that this woman

57 Lewsen, John X. Merriman, p.303; Thompson, Unification, p.29.

58 See, for example, Territorial News, 11 April 1908 'Tembuland Election'; Izwi Labantu, 28 April 1908 'Analysis of Voting at House of Assembly Election, Tembuland'.

59 For favourable press reaction, see Transkeian Gazette, 9 April 1908 'The Tembuland Contest' (editorial); Territorial News, 11 April 1908 'The Tembuland Contest' (editorial); Imvo Zabantsundu, 14 April 1908 'Straight Politics' (editorial). Izwi Labantu took a different view, blaming Stanford for Schreiner's defeat. See Izwi, 7 April 1908 'Farewell Theo Schreiner' (editorial).

South African Party candidates.⁶³ In addition, Stanford's electoral correspondents informed him that he alone of the constituency's candidates enjoyed the support of both Mfengu and Thembu, groups which had traditionally adopted different political allegiances.⁶⁴

In a letter to his brother, W.P. Schreiner, in July 1908 Theo Schreiner recounted a most illuminating incident. He told him that the Africans of Askeaton, most of whom were Thembu, had held a meeting of about four hundred people during the previous month and had passed votes of confidence in himself and Stanford and had expressed their regret at his defeat. He also related that they had decided to send their petitions to Parliament through Stanford and not through Levey and that those who had voted for Levey had 'expressed their regret that they had done so, for they mistrust [ed] his views on native education etc.'⁶⁵

63 Stanford Papers, B18.3, Veldtman Bikitishe to W.E. Stanford, 30 January 1908; *ibid.*; A46, Diary for 1908, p.9, 28 January 1908. On the Debe Nek Conference, see Odendaal, 'African Organisational Politics', pp.180-81. 'On' Jabavu, see *D.S.A.B.*, vol.I pp.403-4.

64 Stanford Papers, A46, Diary for 1908, p.14, 13 February 1908. For discussion of the political split amongst the Cape Africans, see below pp.57-9.

65 W.P. Schreiner Papers, Correspondence 1892-1919, no.1296 of 1908, Theo Schreiner to W.P. Schreiner, 9 July 1908. For Levey's ideas on native education, see below biographical appendix, p.223.

CHAPTER 3

THE SETTING OF STANFORD'S WORK

In entering the Cape House of Assembly Stanford was taking up a seat in a thoroughly elitist body.¹ Its one hundred and seven members were drawn from the upper strata of the white community, and occupational groups such as farmers, merchants and lawyers figured prominently amongst them.² In 1908 the House contained no fewer than three former Cape prime ministers, Sir Gordon Sprigg (admittedly of advanced years and in failing health), W.P. Schreiner and Dr. Leander Starr Jameson. Also in the House was the leader of the Afrikaner Bond, F.S. Malan, and such political veterans and gifted orators as John X. Merriman and J.W. Sauer.³ Amongst parliamentary luminaries of this calibre Stanford was clearly a political light-weight.

1 On the history of the Cape Parliament, see J.L. McCracken, The Cape Parliament 1854-1910 (Oxford, 1967).

2 Ibid., pp.23, 54-5.

3 For a full list of Assembly members, see Cape Assembly Debates 1908, pp.v-vi. On Sprigg, see below biographical appendix, p.226. According to Phyllis Lewsen, Sprigg was in a 'sad state of senility'. See Lewsen, John X. Merriman, p.303. On Malan, see D.S.A.B., vol.I pp.495-9.

Functioning in a colony which was faced with the task of governing a large body of aboriginal peoples who vastly outnumbered the whites, the Cape Parliament had in the course of its history fretted its way to a tradition of legislation and a style of administration which was ambivalently liberal. The basis of this policy had been laid by Ordinance 50 of 1828, a measure which had removed all legal disabilities from the Khoi and other persons of colour. The policy of legal equality had been extended by the abolition of slavery in 1834 and was reflected in the creation of colour-blind political institutions.⁴ Thus the elective municipal boards of 1836, the Cape Town municipality of 1839, the elected road boards of 1843 and the elected divisional councils of 1855 were all based on a householder franchise without any qualification of colour.⁵ Likewise, the provisions of a general Masters' and Servants' Ordinance issued in 1841 contained no reference to colour.⁶ In addition, while universal franchise had been rejected as inappropriate to the circumstances of the Colony, the Cape constitution of 1853 contained no colour-bar. Every male citizen over the age of twenty-one years who either owned property worth £25, earned wages of

4 J.S. Marais, The Cape Coloured People 1652-1937 (Johannesburg, 1968), pp.156-7; Lewsen, 'Cape Liberal Tradition', pp.70-71.

5 Lewsen, 'Cape Liberal Tradition', p.71.

6 Marais, Cape Coloured People, pp.200-204; Lewsen, 'Cape Liberal Tradition', p.70.

£50 per annum or received wages worth £25 and free board and lodging was entitled to vote.⁷ Although this economic qualification excluded the vast majority of the Africans, Khoi and Cape Coloured inhabitants of the Colony from the suffrage because of their poverty, numbers of blacks did secure access to the vote. Thus, unlike Natal where there was only nominal admission of blacks to the suffrage, in the Cape the right of blacks to the franchise was not merely a pretence.⁸ Furthermore, throughout the Cape Parliament's history a small band of parliamentary liberals dedicated itself to the maintenance of this colour-blind tradition. This group included within its ranks such illustrious figures as John X. Merriman, James Rose Innes, J.W. Sauer, Thomas Scanlen, John Gordon Sprigg, Saul Solomon, John Henry de Villiers and W.P. Schreiner.⁹ In 1893 it numbered perhaps ten or eleven in an Assembly of ninety-three members.¹⁰

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- 7 D.R. Edgecombe, 'The Non-Racial Franchise in Cape Politics, 1853-1910', in Kleio, vol.X nos.1 and 2, June 1978.
- 8 Edgecombe, 'Non-Racial Franchise', pp.23-37. For statistics of black registration in 1908, see below p.56. On the Natal franchise qualifications, see below pp.152-3.
- 9 Trapido, 'Friends of the Natives', p.252; Lewsen, 'Cape Liberalism in its Terminal Phase', p.2; Lewsen, 'Cape Liberal Tradition', pp.71-2. On Innes, see D.S.A.B., vol.II pp.328-32. On Scanlen, see *ibid.*, vol.II pp.624-6. On Solomon, see *ibid.*, vol.I pp.759-61. On de Villiers, see D.S.A.B., vol.I pp.224-30.
- 10 H.M. Wright (ed.), Sir James Rose Innes: Selected Correspondence (1884-1902) (Cape Town, 1972), p.iii, James Rose Innes to E.H. Walton, 29 July 1893, cited in Lewsen, 'Cape Liberalism in its Terminal Phase', p.12.

The land dispensation which the Cape Parliament sanctioned was likewise distinctive in South Africa, since of the various colonies the Cape alone permitted Africans to buy land outside of prescribed locations and it set aside larger and less barren tracts of land for exclusive African occupation than the other colonies did.¹¹ It was in this context that virtually the whole of the Transkeian Territories had been reserved for African ownership and occupation.¹² Similarly, the Cape was the only colony to commit itself to individual tenure as an objective of policy¹³ - thus avowedly seeking to foster a move away from tribalism.¹⁴

The educational system over whose creation the Cape Parliament presided was also more generous to blacks than those of the other colonies, for it gave grants to mission schools and founded new educational establishments for Africans - the so-called 'aborigines schools'. In addition,

11 Lewsen, 'Cape Liberal Tradition', p.75.

12 C.C. Saunders, 'The Annexation of the Transkei', in C. Saunders and R. Derricourt (eds.), Beyond the Cape Frontier: Studies in the History of the Transkei and Ciskei (London, 1974), pp.193-4; Saunders, 'Annexation of the Transkeian Territories', p.170; Lewsen, 'Cape Liberalism in its Terminal Phase', p.9.

13 T.R.H. Davenport and K.S. Hunt, (eds.), The Right to the Land (Cape Town, 1974), p.31.

14 Lewsen, 'Cape Liberal Tradition', p.75.

industrial training was encouraged at mission schools, providing opportunities for Africans and Coloureds to train as artisans;¹⁵ and in theory at least blacks had access to all governmental educational institutions.¹⁶ Likewise, there was no legal or administrative bar to the employment of Coloureds, either in the civil service or in the Railways and Harbours service, although most were rendered ineligible for such employment by their low educational qualifications.¹⁷

In practice, however, the gap in wealth and status was too great for rights to be truly equal. Ostensibly colour-blind legislation could in fact be and was sometimes insidiously discriminatory. Masters' and Servants' Laws, for instance, were amended to impose special penalties for 'black' crimes such as vagrancy and stock theft, and protective 'class legislation' was passed such as that safeguarding African landholdings and prohibiting land sales in tribal areas.¹⁸ With the annexation of the Transkeian Territories and the consequent steep rise in the Cape's African population, white fears of large-scale barbarization by blacks mounted dramatically, and attempts to limit the size of enfranchised black electorate ensued.¹⁹ In 1887 the Registration Act

15 Ibid., p.76. For a detailed discussion of educational provision for blacks in the Cape, see below pp.96-100.

16 Marais, Cape Coloured People, p.270.

17 Marais, Cape Coloured People, p.261.

18 Lewsen, 'Cape Liberalism in its Terminal Phase', pp.2, 6-8; Lewsen, 'Cape Liberal Tradition', p.73.

19 Saunders, 'Annexation of the Transkeian Territories', pp.171-2; Edgecombe, 'Non-Racial Franchise', p.21.

excluded land held under communal tenure from the property qualifications for the franchise.²⁰ The Franchise and Ballot Act of 1892 raised the occupational qualification from £25 to £75, dropped the £25 wage plus board and lodging qualification and stipulated that the prospective voter had to be able to sign his name and write his address and occupation.²¹ The Glen Grey Act of 1894 closed a further 'loophole' in the Cape franchise qualifications by stipulating that communal land granted in individual tenure would still count as communal land for franchise purposes.²² Furthermore, on the only occasion when a black person ever sought election to the Cape Parliament, the abolition of the cumulative vote in the Cape Town division in 1893 prevented the return of a Cape Malay to the Legislative Assembly on the strength of his co-religionists' 'plumped' votes.²³ No further inroads were made into black franchise rights after 1894, because the emergence of a two-party political system after the Jameson Raid of 1895 led to the division of the black vote, making such attacks inexpedient.²⁴

20 Act No. 14 of 1887.

21 Act No. 9 of 1892.

22 Act No. 25 of 1894.

23 Act No. 16 of 1893. The cumulative vote entitled the voter in a constituency which had more than one member of the Legislative Assembly to cast all his votes for a single candidate. See Edgecombe, 'Non-Racial Franchise', pp.25-31, 34-6; Lewsen, 'Cape Liberal Tradition', p.72.

24 Edgecombe, 'Non-Racial Franchise', p.37.

Nevertheless, while the Afrikaner Bond did not specifically debar blacks from membership, neither it nor the South African League, which developed into the Progressive Party, ever had black members.²⁵

In regard to land a similar ambivalence of policy existed. The Cape, like the other colonies, was faced with a problem of increasing landlessness amongst Africans, and it, like them, enacted legislation to control the settlement of uprooted Africans. A Vagrancy and Squatting Act was passed in 1879 prohibiting idle and disorderly people of any race from squatting on Crown land, on mission land or in native locations.²⁶ In 1889 the law was extended to locations which farmers kept on private property as sources of labour and revenue.²⁷ Furthermore, the acceptance of the land tenure provisions of the Glen Grey Act with their five morgen agricultural allotment allocation, the primogeniture system of land inheritance and the one-man-one-lot stipulation meant that the Cape, like the other colonies, sought to prevent the accumulation of land by individual Africans and to create a landless proletariat

25 T.R.H. Davenport, The Afrikaner Bond: The History of a South African Political Party, 1880-1911 (Cape Town, 1966), pp.329-30.

26 Act No. 23 of 1879.

27 Act No. 27 of 1889. See Davenport and Hunt, Right to the Land, p.33. For a more detailed discussion of Cape squatting policy, see below pp.75-84.

which could minister to the labour needs of the whites.²⁸

Educational integration, too, was the exception rather than the rule, taking place in practice only at mission schools for Coloureds and Africans and becoming rarer as white opposition to even this limited degree of mixing became increasingly strident in the course of the nineteenth century. Indeed, segregation became the norm in education, and was enshrined in policy by the School Board Act of 1905 which made education compulsory for white children but not for those not of 'European parentage'.²⁹

Thus in its essentials Cape policy in matters of race was conservative.³⁰ But despite its limitations it did, in Phyllis Lewsen's words, 'provide a narrow ascending corridor to a partial sharing in rights on grounds other than color';³¹ and it stood in marked contrast to the inegalitarian colour dispensations in the other South African colonies.³²

28 Bundy, Rise and Fall, pp.135-6; M. Lacey, Working for Boroko: The Origins of a Coercive Labour System in South Africa (Johannesburg, 1981), pp.15-17.

29 Act No. 35 of 1905. See Marais, Cape Coloured People, p.270; Davenport, 'Race Relations and Unification', p.10.

30 Lewsen, 'Cape Liberalism in its Terminal Phase', p.3.

31 Lewsen, John X. Merriman, p.28.

32 For a description of the political dispensations existing in the other colonies, see below pp.152-4.

By 1908 the expansion of the Cape at the expense of its African neighbours had been completed.³³ As a result of the incorporation of the Transkeian Territories and British Bechuanaland in the late nineteenth century - areas with overwhelming numbers of blacks - the Africans formed over 59 per cent and the so-called 'Coloured' and 'Mixed' groups nearly 17 per cent of the total Cape population, according to the census of 1904.³⁴

In 1908 most Cape Africans still lived in the rural areas and followed their traditional pattern of life very closely - being concentrated very largely in the Eastern Cape and in the Ciskeian reserves, as well as in the Transkeian Territories and Bechuanaland.³⁵ However, by this time white political, religious, cultural and economic influences - transmitted by white administrators, missionaries, teachers, traders and

33 For a description of this process, see L. Thompson, 'The Subjection of the African Chiefdoms, 1870-1898', in *O.H.S.A.*, vol.II pp.257-9; Davenport, *South Africa*, pp.97-104, 116-7.

34 G19-1908, *Cape Census 1904*, Report, p.xxix para.132.

35 *S.A.N.A.C.*, vol.I, Report, p.4 para.16; A. Odendaal, 'The Development of African Organisational Politics in South Africa, with Particular Emphasis on the Responses of Africans to the Process of Unification, 1899-1910' (M.A. thesis, University of Stellenbosch, 1981), p.78.

settlers, and mediated generally through the interlocking of the colonial-based market with traditional subsistence patterns of existence - had made themselves felt amongst rural Africans.³⁶ The Ciskeian and Transkeian reserves were dotted with shops, mission churches and schools.³⁷ In response to the barrage of new economic and cultural stimuli African material wants had increased, generating a need for cash.³⁸ This need had been sharpened by the taxes deliberately imposed by the white authorities with the object of forcing the Africans into labour service in the white economic sector.³⁹ Numbers of Africans - both those resident on their own land or leasing land from whites - had sought to satisfy their needs and so resist these proletarianizing pressures by producing crops for the market. The results of their efforts had often been conspicuously successful, and a moderately prosperous African peasantry had grown up in the Eastern Cape and Cis- and Transkei during the late nineteenth century. Other Africans, in contrast, had succumbed to the pressures and had sought work on the mines and farms or in the towns as skilled and unskilled labour, but

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- 36 S.A.N.A.C., vol.I, Report, p.51 para.269; Davenport, South Africa, pp.116-7; Thompson, 'Subjection of the African Chiefdoms', p.251; Odendaal, 'African Organisational Politics', p.1; Brookes, White Rule, pp.176, 184-5.
- 37 Thompson, 'Subjection of the African Chiefdoms', p.259; Hammond-Tooke, Command or Consensus, pp.82-3.
- 38 P. Walshe, The Rise of African Nationalism in South Africa (London, 1970), p.10.
- 39 Lacey, Working for Boroko, pp.15-17. For a fuller description of this trend as it developed in the Cape, see Bundy, 'Emergence and Decline', pp.369-79, 381-3, 385-6. The authoritative study of this subject is Bundy, Rise and Fall, pp.29-140.

invariably on a migrant rather than a permanent basis, retaining firm roots in rural areas.⁴⁰ The 1904 census estimated that, of 1 424 787 Africans in the Colony as a whole, 119 652 were present in the urban areas.⁴¹ This tendency to seek employment in the white economic sector had itself served as a potent acculturative agency.⁴²

Indeed by 1908 the need to resort to migrant labour had become almost inescapable for numbers of Africans. White conquest had confined tribes to limited areas, and the curtailment of inter-tribal warfare and the intervention of white medical agencies had reduced the potency of those factors which tended to limit population growth. By 1908 the result was overcrowding and a growing incidence of landlessness in African rural areas.⁴³ Furthermore, agriculture and pastoralism in the Transkeian Territories had been hammered by a series of natural disasters. Searing droughts in 1894 and 1895 and again between 1901 and 1904 and locust plagues between 1894 and 1896 had debilitated agricultural production. Likewise, the invasion of rinderpest in 1896 had decimated African herds and shaken the cattle-based economy most

40 On the African quest for wage labour in the white economic sector, see Bundy, Rise and Fall, pp.66-7, 110, 124, 126; Thompson, 'Subjection of the African Chiefdoms', p.284.

41 G19-1908, Cape Census 1904, Report, p.xxx para.138.

42 On the tendency towards labour migrancy, see Bundy, Rise and Fall, p.126.

43 D. Hobart Houghton, The South African Economy (Cape Town, 1978), pp.70-72; Bundy, Rise and Fall, p.122.

grievously. Moreover, with the recovery of white agriculture after the South African War, Transkeian producers were faced with stiff competition in external markets. This had led to violent price fluctuations and a consequent precariousness of income.⁴⁴

As a result of all of this, poverty and debt had by 1908 become endemic features of African rural life.⁴⁵ Labour migrancy itself perpetuated the underdevelopment of these areas by removing their able-bodied economic potential.⁴⁶

By this time the effects of missionary education upon African societies were already apparent. Numbers of Africans had passed through institutions such as Lovedale, and a new educated élite which included teachers, ministers, interpreters and clerks had been created.⁴⁷ The non-racial political system of the Cape Colony had provided an outlet for the aspirations of these evolué Africans.⁴⁸ By 1903 African voters already numbered 8117 of a total of 135 168 electors,⁴⁹ and had the

44 W. Beinart, The Political Economy of Pondoland 1860-1930 (Cambridge, 1982), pp.47-52; Bundy, Rise and Fall, pp.119-21.

45 Bundy, Rise and Fall, pp.116-32; Bundy, 'Emergence and Decline', p.386.

46 Bundy, 'Emergence and Decline', p.388.

47 Walshe, African Nationalism, pp.1-3, 7-8; T. Karis and G.M. Carter, From Protest to Challenge: A Documentary History of African Politics in South Africa 1882-1964, vol.I (Stanford, 1972), p.3.

48 Walshe, African Nationalism, pp.1-3.

49 Calculated from S.A.N.A.C., vol.I, Report, p.93 para.430.

potential to tip the balance in a number of Eastern Cape and Border constituencies.⁵⁰

The political orientation of this new élite was essentially accommodatory, based as it was upon Christian values.⁵¹ The members of this class sought the integration of Africans into white society and viewed the Cape franchise system as a model of participatory politics.⁵² By 1908 members of this group had already begun to organise for the representation of their interests. Groups such as the Native Educational Association, Imbumba Yama Nyana, the South African Aborigines Association and the South African Political Association had emerged as early as the 1880s and had provided the precedents and supplied the personnel for a South African Native Congress formed in 1898. This body had become an influential organisation after 1902. These groups lobbied for support through African newspapers and used petitions and deputations as their means of importuning the white authorities.⁵³ Although many of these organisations had irregular lifespans and received little exposure, their existence attested to the growing African interest in

50 S. Trapido, 'African Divisional Politics in the Cape Colony, 1884 to 1910', in Journal of African History, vol.IX no.1, 1968, p.80; Edgecombe, 'Non-Racial Franchise', pp.36-7.

51 Walshe, African Nationalism, pp.4,7,9-10; Karis and Carter, From Protest to Challenge, vol.I p.8.

52 Walshe, African Nationalism, pp.3-7, 16-19.

53 Odendaal, 'African Organisational Politics', pp.8-14, 65-70, 73-83; Karis and Carter, From Protest to Challenge, vol.I pp.4-6, 8-9; Walshe, African Nationalism, pp.3-18.

politics at grassroots level.⁵⁴

The ecclesiastical impact of the missionaries also generated a more aggressive approach. The establishment of Nehemiah Tile's Thembu Church in 1884 had presaged the formation of a number of similar African separatist churches. The outlook of these churches differed fundamentally from that of the political organisations. Unlike the political groups, which strove to secure African integration into white society, the churches sought the very overthrow of the structures of that society. Their policy was thus to withdraw from white institutions and to assert African independence.⁵⁵

To compound these differences of approach, deep-seated antagonisms existed between the Mfengu on the one hand and the Xhosa and the Thembu on the other. These derived from Xhosa resentment of the military collaboration of the Mfengu with the whites during the last three Cape Frontier Wars, the rapid accumulation of colonial land and of wealth by the Mfengu, and their adoption of white institutions.⁵⁶ These differences had been sharpened by the growth of a party-political system in the 1890s. The Mfengu with John Tengo Jabavu as their opinion-leader and his

54 Odendaal, 'African Organisational Politics', p.108.

55 Karis and Carter, From Protest to Challenge, vol.I pp.7-8; Odendaal, 'African Organisational Politics', pp.34-43, 146-50; Walshe, African Nationalism, pp.9-10.

56 R.A. Moyer, 'A History of the Mfengu of the Eastern Cape 1815-1865' (Ph.D. thesis, University of London, 1976), pp.10, 11, 13, 14; R.A. Moyer, 'The Mfengu, Self-Defence and the Cape Frontier Wars', in Saunders and Derricourt, Beyond the Cape Frontier, pp.101-26. The last three frontier wars were fought in 1846-7, 1850-53 and 1877-8.

newspaper, Imvo Zabantsundu; strongly supported the South African Party while the Xhosa and other Africans led by Walter Rubusana, backed by their newspaper, Izwi Labantu, espoused the Progressive cause.⁵⁷

Numbering 392 971 in 1904,⁵⁸ the Cape Coloured people were the group of blacks with whom the whites had been the longest and most closely associated.⁵⁹ The product of miscegenation between Khoi, San, whites, Africans and slaves, both from the East and from Africa, they had by 1908 very largely adopted European culture.⁶⁰

Though the Coloured people had occupied various tracts of land in the Cape Colony in the nineteenth century, by 1908 they were landless.

57 Trapido, 'African Divisional Politics', pp.79-98; Odendaal, 'African Organisational Politics', pp.7, 16-21; Edgecombe, 'Non-Racial Franchise', p.37. On Jabavu, see D.S.A.B., vol.I pp.403-4. On Rubusana, see D.S.A.B., vol.II p.608.

58 G19-1905, Cape Census 1904, Report, p.xxi para.105; ibid., Report, p.xxxvii para.180. The broad denomination of 'Mixed and Other Coloured Races' was used by the census to subsume the categories of Malay, 'Hottentot', which included the San, Namaquas and Korannas, and 'Mixed and Other' blacks. My computation includes the 'Mixed' components of the last-mentioned group but excludes the 'Other' blacks who were largely of African, American and Asiatic derivation and who together numbered 12 305. My statistic represents the difference between this number and the composite figure for the 'Mixed and Other Coloured Races', namely 405 276. For the terms of my definition, see ibid., Report, p.xxiv para.156.

59 Marais, Cape Coloured People, p.vii.

60 Ibid., pp.vii, 1.

In the Kat River area, in East and West Griqualand, in Gordonia, as well as on those mission stations where Coloured settlers had obtained individual land tenure with the right of alienation, the Coloured lands had passed into white and sometimes African hands. Lack of business experience, ignorance of land values, indolence, and a proclivity towards alcoholism were all factors which had played a part in this process.

Whilst remnants of the so-called 'Bastard Hottentots' still retained a foothold in the northwest Colony, having ownership rights over extensive reserves in Namaqualand, in general very few Cape Coloureds owned farms in individual tenure. The vast majority of the Coloureds had become labourers on the farms or in the villages and towns.⁶¹

In 1908 most of the Cape Coloured people were abjectly poor.⁶² Slightly more than half of them still lived in the rural areas, and the conditions under which they were employed as farm labourers and the wages which they were paid had barely changed since the 1840s.⁶³ Except on

61 Ibid., pp.32, 45-60, 244-5, 250-52; UG54-1937, Report of Commission of Inquiry Regarding Cape Coloured Population of the Union, pp.70-71 paras.388-90; Trapido, 'Friends of the Natives', pp.262-3.

62 On the poverty of the Coloureds, see Marais, Cape Coloured People, pp. 256-7.

63 G19-1905, Cape Census 1904, Report, p.xxx para.138 enumerates 197 996 'Mixed and Other' people as living in the urban areas and 207 280 as living in the rural areas. Both figures, however, include the 'Mixed' people of African, American and Asiatic derivation whom I have excluded from my computation of the total Cape Coloured population of the Cape. See also Marais, Cape Coloured People, p.266.

the mission stations, their education had languished because of the apathy of many white farmers and the widespread use of child labour on the farms.⁶⁴ The pernicious 'tot' system of partial wage payment in liquor still persisted and contributed significantly to the endemic alcoholism amongst rural Coloureds.⁶⁵

The urbanization of the Coloured people dated from the early nineteenth century and had become particularly marked at the beginning of the twentieth century in the wake of the exigencies of the South African War and the onset of agricultural difficulties in the Colony.⁶⁶ Most urban Coloured people were labourers, but other occupational groups did exist. These included skilled and semi-skilled workers in crafts and trades, small businessmen, shopkeepers, traders, commercial assistants and clerks. Virtually no Coloured men had entered the professions or the administration.⁶⁷

The formation of group consciousness amongst Cape Coloureds was a far slower process than it was amongst Africans whose tribal background had provided excellent political training.⁶⁸ While Coloured men were active

64 UG54-1937, Cape Coloured Commission, paras.852, 876, as cited in Marais, Cape Coloured People, p.269 n.5.

65 Ibid., pp.267-8.

66 Welsh, 'Growth of Towns', p.179; Marais, Cape Coloured People, pp.256-7; S. Trapido, 'The Origin and Development of the African Political Organization', in University of London Institute of Commonwealth Studies, Collected Seminar Papers: The Societies of Southern Africa in the 19th and 20th Centuries, vol.I, 1969-70, p.90.

67 Trapido, 'African Political Organization', p.90.

68 Lewsen, John X. Merriman, p.276.

in constituency politics from the time of the introduction of a legislature to the Colony, in general the heterogeneity of the Cape's Coloured population as well as the strong identification of the Coloureds with white standards and their acceptance of white leadership militated against Coloured politicization. However, the development of party politics after 1896 had stimulated Coloured political awareness, and in 1902 the African Political (later People's) Organization was established at Cape Town to champion the rights of the Coloured people in all parts of South Africa. By 1909 this organization had about a hundred branches scattered throughout South Africa.⁶⁹

The liberal ethos of Cape native policy - as well as its ambivalences - were mirrored in the political philosophy of the incoming premier, John Xavier Merriman. Born in England in 1841, Merriman had a wide experience of conditions of South African life. At various times in his career he had worked as a surveyor, a diamond prospector, a wine merchant, as an employee of a pioneer crayfish-canning factory, as a newspaper correspondent, as a negotiator for a syndicate which was trying to amalgamate the diamond fields, and as the manager of a gold mine.

69 Trapido, 'African Political Organization', pp.89-90, 92, 96-7; E. Hellmann, Handbook on Race Relations in South Africa (Cape Town, 1949), p.522.



John X. Merriman (Prominent Men, p.16).

He finally settled upon farming and became a pioneer fruit exporter and a wine producer for the London market. It was politics, however, that interested Merriman, and he entered the Cape House of Assembly in 1869. This marked the beginning of an unbroken stretch of parliamentary service in the House, and by 1908 he had held cabinet office in several governments.⁷⁰

Merriman's liberalism developed fitfully and was paternalist in orientation, but was nevertheless remarkable in its time.⁷¹ To him the idea of a rigid colour-bar was anathema, but his ideas on the status of the black peoples of South Africa were permeated with current Social Darwinist assumptions.⁷² It was for this reason that his philosophy was able to accommodate the seeming contradictories of 'a sympathy for the weak and down-trodden'⁷³ and the conviction that 'we [the whites] must remain a dominant caste and must see to it that we are fit to be dominant'.⁷⁴ Despite the latter sentiment he accepted the duty of uplifting and civilising the black man implicit in the Christian creed

70 D.S.A.B., vol.II pp.463-9. The authoritative study of Merriman is Lewsen, John X. Merriman.

71 Lewsen, John X. Merriman, pp.1, 26, 37, 44.

72 Ibid., p.146; Lewsen, 'Merriman as Last Cape Prime Minister', p.67.

73 W.K. Hancock and J. van der Poel (eds.), Selections from the Smuts Papers, vol.II (London, 1966), pp.395-6, J.X. Merriman to J.C. Smuts, 13 January 1908, quoted in Lewsen, 'Merriman as Last Cape Prime Minister', p.66.

74 Phillips Papers, J.X. Merriman to Lionel Phillips, 5 April 1908, quoted in P. Lewsen (ed.), Selections from the Correspondence of John X. Merriman 1905-1924 (Cape Town, 1969), p.74 (as quoted in Lewsen, 'Merriman as Last Cape Prime Minister', p.79 n.92).

and favoured vocational training and the provision of opportunities for black advancement as a means towards this end.⁷⁵ Merriman was a firm advocate of a qualified black franchise along the lines of the Cape suffrage as a necessary 'safety valve',⁷⁶ and he criticised the recommendation of the South African Native Affairs Commission that Africans be given limited representation on a separate voters' roll basis.⁷⁷

Stanford entered the Cape Parliament in a frame of mind favourably disposed towards the Merriman administration, his attitude being reflected in the comment he made in his diary on the occasion of its accession to power: 'They strike me as a strong ministry and with the substantial majority they will have in both houses they should do well for the country'.⁷⁸ Nevertheless, as intimated in his electoral speeches, he intended to follow the political leadership of W.P. Schreiner.⁷⁹

75 S.A.N.A.C., vol.II, Minutes of Evidence Taken in the Cape Colony, pp.393-407 paras.5155-5346, quoted in Lewsen, John X. Merriman, pp.272-5; see also Lewsen, John X. Merriman, p.8.

76 Smuts Papers, J.X. Merriman to J.C. Smuts, 4 March 1906; quoted in Thompson, Unification, p.118; Merriman evidence to the South African Native Affairs Commission, quoted in Lewsen, John X. Merriman, p.275.

77 Merriman Papers, Merriman to Goldwin Smith, 26 October 1907, quoted in Thompson, Unification, p.120; Merriman evidence to the South African Native Affairs Commission, quoted in Lewsen, John X. Merriman, p.275.

78 Stanford Papers, A46, Diary for 1908, p.11, 3 February 1908; see also *ibid.*, p.32, 16 April 1908.

79 *Ibid.*, p.30, 9-10 April 1908. See cartoon in The Cape, 10 April 1908, p.7, 'The Political Crusoe and His Man Friday'.

Stanford's friendship with Schreiner dated from the period, 1898 to 1900, when he as Under-Secretary for Native Affairs had worked under Schreiner during his premiership and had found in him 'a chief of great personal attraction'.⁸⁰ A brilliant legal scholar and successful advocate, Schreiner had in the course of his political career emerged as a pro-Boer and taken office in 1898 at the head of a government consisting of the Afrikaner Bond and its allies, collectively known as the South African Party. His cabinet had split over the question of the punishment of the Cape rebels, and as a result he had resigned from office in June 1900.⁸¹ He had remained in the political wilderness until 1908 when he had been returned to the House of Assembly as an Independent member for Queenstown, having declined Jameson's invitation to lead the Unionist Party, because he found the idea of aligning himself with one or other party to secure re-entry to politics wholly unacceptable.⁸²

The notion of forming a new political party had been mooted in a letter which Schreiner had received shortly before the election, and he had responded to the suggestion with mixed feelings. While amenable to the idea and counting upon Stanford and Beauclerk Upington, another

80 Macquarrie, Stanford Reminiscences, vol.II p.193.

81 See D.S.A.B., vol.II pp.636-7. The authoritative work on Schreiner is E.A. Walker, W.P. Schreiner: A South African (London, 1937).

82 Walker, Schreiner, pp.268-70.



William Philip Schreiner (Walker, Schreiner, opposite p.106).

political Independent, for support, he thought such a move premature pending the election, in the absence of a unifying principle which could serve as the basis for the constitution of such a party.⁸³ He believed that it was not possible at that juncture to do more than secure the election of the best men to Parliament and there form a group whose solvent action would in time lead to a general party-political realignment and so open the way for federation.⁸⁴ Stanford's political association with Schreiner at this time was thus a fairly loose one.

Whereas Stanford's knowledge of native affairs was derived from a life-time of contact with the aboriginal peoples of the Cape Colony, Schreiner's was based very largely upon a two-month tour of the Eastern districts and of the Transkeian Territories undertaken in Stanford's company in 1899. Prior to this his attitude towards the Africans had been harsh

83 Beauclerk Upington (1872-1938) was the son of Sir Thomas Upington, late Prime Minister of the Cape and judge. Educated at the South African College and at Trinity College, Dublin, Upington had been admitted to the Cape Bar in 1898, and had become a distinguished lawyer. See D.S.A.B., vol.III p.794; Rosenthal, Southern African Dictionary of National Biography, p.385.

84 W.P. Schreiner Papers, Correspondence, 1892-1919, no.1160 of 1908, W. Buissiné to W.P. Schreiner, 14 February 1908; *ibid.*, no.1161 of 1908, W.P. Schreiner to W. Buissiné, 14 February 1908. See also Walker, Schreiner, p.270. William Templar Buissiné stood as an 'Independent-Unionist' candidate in Wynberg in 1908. See Smith, 'Cape Elections', p.140.

and conservative, but his observations in the course of the tour triggered a change in his views upon the status of the Africans which he himself came to regard as being akin to a religious conversion.⁸⁵ During his years in the political wilderness, Schreiner's perception of the predicament of the aboriginal peoples had been enlarged, for as political underdog he was able to identify with them more strongly; and it was during the post-war period that he had come into the open as a champion of black interests.⁸⁶ In his 1908 electoral manifesto he had insisted that there should be no political colour-bar in a federal South Africa.⁸⁷

With Stanford and Schreiner on the cross-benches on the day of the opening of Parliament in 1908 were Beauclerk Upington, Charles Rennie, James Searle and Franz Ginsberg.⁸⁸ At various other times Sir Gordon Sprigg, Samuel Cronwright-Schreiner and another Searle (either Charles

85 Walker, Schreiner, pp.ix-xi, 128-31; Macquarrie, Stanford Reminiscences, vol.II pp.195-7, 212; S.C. Cronwright-Schreiner, The Life of Olive Schreiner (London, 1924), p.51.

86 Walker, Schreiner, p.273.

87 Ibid., p.274.

88 Stanford Papers, A46, Diary for 1908, p.33, 22 April 1908. In this entry Stanford mentioned another Independent as well, but his name is illegible and cannot be matched with any of the names in the list of Assembly members in the 1908 Cape House of Assembly Hansard. Charles Rennie, a member of the House of Assembly for East Griqualand, sat in the House from 1908 to 1910. See Kilpin, Romance of a Colonial Parliament, p.153. No information on Rennie could be found in any of the standard works of biographical reference. For information on Searle and Ginsberg, see below biographical appendix, pp.225,222.

or Thomas) appear to have been associated with them.⁸⁹ However, the group did not swell in size as Schreiner had hoped it might. Generally numbering only three or four besides Schreiner and sometimes consisting simply of himself and Stanford, it was puny in relation to Merriman's phalanx of sixty-nine South African Party members and the thirty-three or so Unionists.⁹⁰

Merriman embarked upon his term as Prime Minister of the Cape Colony in a businesslike spirit, taking as his immediate brief the restoration of the Colony to a state of solvency and the advancement of the cause of closer union.⁹¹ Indeed, the economic context was one of grave crisis, for the depression in South Africa had reached its nadir in 1907.⁹²

89 Ross, 'A Study of Politics', p.12. Ross does not specify the source of his information on the Independent line-up. P. Lewsen, John X. Merriman, p.303 states that Sprigg had been returned as an Independent. For information on Sprigg, Cronwright-Schreiner, Charles and Thomas Searle, see below biographical appendix; pp.226,222,224.

90 Walker, Schreiner, p.277. The official result of the 1908 Cape election was: 69 South African Party members, 33 Unionist Party members and 5 Independents returned. See above p.42.

91 Lewsen, John X. Merriman, pp.296-7; Lewsen, 'Merriman as Last Cape Prime Minister', pp.72-3; Ross, 'A Study of Politics'; p.12.

92 For information on the depression, see Grundlingh, 'The Parliament of the Cape of Good Hope', pp.299-303; Lewsen, 'Merriman as Last Cape Prime Minister', p.72; P. Cuthbert, 'The Administration of Dr. Jameson as Prime Minister of the Cape Colony (1904-1908)' (M.A. thesis, University of Cape Town, 1950), pp.1, 95; M.H. de Kock, Selected Subjects in the Economic History of South Africa (Cape Town, 1924), p.125.



THE POLITICAL CRUSOE AND HIS MAN FRIDAY.

"He made all the signs to me of subjection, servitude and submission imaginable, to let me know how he would serve me so long as he lived. I understood him in many things, and let him know I was very well pleased with him."

—Extract from "Robinson Crusoe."

[Colonel Stanford, who has been returned for the Native Territories, is the only avowed follower of Mr. W. P. Schreiner elected to Parliament.]

Cartoon: 'The Political Crusoe and His Man Friday' (From Cape, 10 April 1907).

The Jameson government, in office from 1904 to 1908, had blundered in its handling of the depression, and the economic measures that it had adopted had actually contributed to the weakening of the economy. In the face of a steadily declining revenue (it dropped by half between 1905 and 1907) the government had not initially tried to curtail its expenditure, but had instead raised a series of loans at crippling rates of interest. Furthermore, although the Jameson administration did eventually resort to an income tax and carry out some retrenchment in 1907, Merriman was nevertheless faced in 1908 with a situation where all loan money was exhausted and the deficits amounted to three million pounds - nearly half the current Cape revenue.⁹³

In these straitened circumstances, Merriman was utterly determined to balance the Cape's budget, and the policy of financial stringency that he applied formed the major backdrop to his policies in other spheres. The budget which he pushed through the Cape Parliament in June-July 1908 (and which was readopted the following year) was an astringent purgative designed to correct the imbalances in the Cape's economy. Its major expedient was the income tax graduated at various levels and the most controversial and widely resented feature of which was the ten-shilling tax levied upon incomes ranging from £50 to £100. In addition, departmental budgets were drastically cut and about one eighth of civil servants were retired or put on temporary pension while the

93 Lewsen, 'Merriman as Last Cape Prime Minister', p.72; Lewsen, John X. Merriman, p.284.

rest (except judges and teachers) had their salaries reduced by five per cent. But despite grumblings from Parliament and the country, the Merriman financial regimen (fortuitously aided by a general revival of the economy) proved successful, and in April 1910 civil service cuts were restored, leaving a small surplus in the Treasury.⁹⁴

In this context of financial exigency and in the wake of the movement towards Union, the most conspicuous South African political development at this time, it would have seemed unlikely that much attention would be devoted to native affairs, but this was not so. To Merriman "the government and ordering of society under the reign of freedom and law" was the highest field of intellectual endeavour,⁹⁵ and paramount among his interests as premier was that of native administration.⁹⁶ In fact, it was remarkable how much the Merriman administration was able to accomplish in this sphere in spite of the priority accorded to issues of immediate concern - more, in the opinion of Merriman's biographer than under any other Cape Prime Minister or Secretary for Native Affairs.⁹⁷

As might have been expected from a newcomer to politics, Stanford was one of the more reticent members of the Cape Assembly. Much of his contribution to Cape native administration and to the development of

94 Lewsen, 'Merriman as Last Cape Prime Minister', pp.72-7; Lewsen, John X. Merriman, pp.308-10, 334.

95 J.X. Merriman, Intellectual Life in the Colonies (pamphlet, 1887, kept at the South African Library), quoted in Lewsen, 'Merriman as Last Cape Prime Minister', p.62.

96 Lewsen, 'Merriman as Last Cape Prime Minister', p.66.

97 Lewsen, John X. Merriman, p.304.

Cape and South African native policy in this period was made not in debate but in the course of his service on select committees and through his participation in missions outside Parliament. In the House he spoke less frequently than Charles Levey, his colleague in the representation of Thembuland, and much less often, lengthily or eloquently than W.P. Schreiner whose legalistic ebullitions, both in the courtroom and in Parliament, had earned notoriety.⁹⁸ Nevertheless, it was often in his seemingly most insignificant and sometimes briefest speeches that Stanford's efforts to safeguard black interests were most apparent. His utterances derived weight from their sincerity of intent and the practical experience they reflected, and were perhaps more important for the ideas they projected than for their volume or impact.

Stanford did not by any means limit himself to black issues. He spoke on a whole miscellany of matters of concern to his white electorate and of larger Cape import; and because the interests of his white constituents were often synonymous with those of his black constituents, many of his speeches pertained to the welfare of both groups equally. Thus his voice was heard on such matters as (to name only a few): Merriman's fiscal policies⁹⁹ and the retrenchment of civil servants,¹⁰⁰ the need for public works in the Transkeian Territories,¹⁰¹ the importance of

98 D.S.A.B., vol.II p.638.

99 Cape Assembly Debates 1909, p.187.

100 Cape Assembly Debates 1908, p.279.

101 Cape Assembly Debates 1909, p.605.

the conservation of forests,¹⁰² the issue of the prevention and management of cattle diseases,¹⁰³ and the bid to make a knowledge of Dutch compulsory for Cape advocates.¹⁰⁴ His interests were thus wide-ranging.

Nevertheless, it was with native policy and administration that Stanford concerned himself, and predictably it was in this sphere that he made his major contribution to the programme of Cape legislation in this period.

102 Cape Assembly Debates 1908, p.153.

103 Ibid., pp.29-30, 439, 487; Cape Assembly Debates 1909, pp.309, 370, 644; see also Tembuland News, 4 September 1908, 'Editorial Notes and Comments'. For solicitation of Stanford's advice regarding East Coast fever arrangements in Pondoland by the Colonial Secretary and the Secretary for Agriculture, see Stanford Papers, A46; Diary for 1908, p.101, 24 August 1908.

104 Cape Assembly Debates 1908, p.307.

CHAPTER 4

STANFORD'S CONTRIBUTION TO THE DEVELOPMENT OF POLICY

REGARDING THE MATERIAL CONDITIONS OF BLACK LIFE

IN THE CAPE

Merriman had given an intimation of his main objectives regarding native policy in an address delivered to the students of Lovedale in April 1908 in the course of a tour of inspection of the Eastern districts of the Colony. He had undertaken to assist in the establishment of an African college for higher education and to maintain the right of the Africans to purchase land (a right resented by many Cape white farmers and denied Africans in the other colonies) as well as the opportunity to lease Crown lands at low rentals. He had, in addition, noted the abuses prevalent in the recruitment and employment of African mine workers. He was particularly outraged by the usurious practices of white traders, who lent money to impecunious Africans at exorbitant rates of interest, and he had promised to enact legislation against this.¹ Quite appropriately, therefore, he chose for himself the portfolio of native affairs.

1 Cape Argus, 18 April 1908, cited in Lewsen, John X. Merriman, p.302 and in typescript of same title, vol.III p.845, and in Lewsen, 'Merriman as Last Cape Prime Minister', p.80.

In fulfilment of these pledges Merriman applied himself most assiduously in the course of his premiership to the amelioration of the conditions of black life and the provision of greater local rights and facilities for consultation as well as of improved educational amenities.² A long list of useful reforms resulted. The education grant for African schools was increased and a highly successful Usury Act was passed limiting interest on cash loans.³ Merriman sent an official to interview the Chamber of Mines concerning the grievances of Cape workers, and regarding recruiting abuses and organised a Mine Labour Conference at which these matters were discussed. He appointed a consular agent to keep a check on the treatment of Coloured concession-holders and black migrant labourers on the German South West African diamond diggings. Two government officials were sent on tours to investigate the state of the black peoples of the Eastern districts and the Transkei. Their work had as its sequel the appointment in 1910 of an authoritative commission to examine the agricultural conditions and legal traditions existing in the region. In Parliament in 1909 Merriman set up a Select Committee on Native Affairs which included members of both parties. It was chaired by him and, in his absence, by Stanford. It met several times a week during the 1909 session and studied and amended all the Bills affecting Africans placed before it. It also examined scores of witnesses and presented four reports. On a purely material level, improved agricultural facilities were provided for African farmers.

2 Lewsen, 'Merriman as Last Cape Prime Minister', p.79.

3 Act No. 23 of 1908. See W. Beinart, The Political Economy of Pondoland 1860-1930 (Cambridge, 1982), p.54.

Arrangements were made for free cattle-dipping and for fencing subsidies, and locust officers and agricultural demonstrators were sent to the Transkei.⁴

One of the most important and controversial questions tackled by the Merriman government was that of African squatting on white-owned land.⁵ Counterpoised to the development of an African peasantry was the perennial need of the farmers and of the mines for labour.⁶ Different devices had been adopted in various parts of South Africa to secure a steady labour supply, and in the Eastern Cape the stratagems used by the farmers had been the Pass and the Vagrancy Laws.⁷ However, the most important method of ensuring a labour supply had in all parts of South Africa proved to be the squatter system - the arrangement whereby some

4 Lewsen, 'Merriman as Last Cape Prime Minister', pp.80-82; Lewsen, John X. Merriman, pp.302-4, 310-11, 332; Lewsen, 'Cape Liberalism in its Terminal Phase', pp.16-18. For discussion of the work of the 1910 Cape Native Affairs Commission, see below Chapter 6. For the work of the Select Committee of Native Affairs, see A2-1909, Select Committee on Native Affairs.

5 On the squatting issue, see Lewsen, 'Merriman as Last Cape Prime Minister', pp.82-6; Lewsen, John X. Merriman, pp.332-3; Lewsen 'Cape Liberalism in its Terminal Phase', pp.15-16.

6 Bundy, 'Emergence and Decline', pp.371-2, 376, 380-81. The conflicting needs of these two capitalist sectors for labour and the expedients adopted in the various colonies to satisfy them form the theme of M. Lacey, Working for Boroko.

7 A15-1883, Report of the Select Committee on the Pass Laws of the Colony, pp.33-40, cited in F. Wilson, 'Farming, 1866-1966', in O.H.S.A., vol.II p.117.

of the African inhabitants were permitted to continue living on white-owned land in return for some form of payment.⁸ This took the form of labour dues or cash or kind payments or a combination of these levies.⁹ The system created a permanent labour-pool. In some cases, the white proprietors absented themselves from their landholdings altogether, leaving the Africans to till the soil, and lived on the income they derived from rentals or produce payments, a practice known as 'kaffir farming'.¹⁰ This arrangement shielded the Africans against proletarianization, since it enabled them to derive an income from their own agricultural endeavours. It thus promoted the growth of a peasant-producer class.¹¹

As long as it had suited the interests of the white farmers, this system of African land tenure had been allowed to continue.¹² However, the commercial growth generated by the discovery of gold had stimulated the

8 Bundy, 'Emergence and Decline', p.375; Wilson, 'Farming', p.117.

9 Bundy, Rise and Fall, p.136; see also S.A.N.A.C., vol.I, Report, pp.17-18 para.90. Those Africans who performed labour in exchange for their portions of land and grazing were known as labour tenants. Ninety to one hundred and eighty days of labour were usually performed per annum. Cash wages during the period the African worked for the white farmer were an optional extra. See D. Hobart Houghton, Some Economic Problems of the Bantu in South Africa (Johannesburg, 1938), p.27. Those Africans who paid for the right to occupy land with produce were known as half-shares men or share-croppers. These Africans were subsidiary agricultural partners rather than servants as such. See Houghton, Some Economic Problems, p.28.

10 Bundy, 'Emergence and Decline', p.375.

11 Ibid., pp.371-2, 375.

12 Ibid., p.375.

demand for cheap labour and cheap foodstuffs, the latter demand spurring the commercialization of South African agriculture.¹³ Landowners had sought both the labour and the land of the squatters. Consequently a legislative assault had been launched upon the position of the squatter-peasants.¹⁴

In 1869, 1876, 1884, and again in 1892, the Cape Parliament had enacted laws aimed at curbing African squatting.¹⁵ The most recent legislation on the subject was the Native Locations Amendment Act of 1899. This measure permitted the presence on farms of a defined number of unemployed Africans but provided for the payment of stiff rentals by them. It required the registration of the land occupied by these African residents as a private location and imposed cash penalties on the farmer for the presence of more than the stipulated number of Africans not employed by the owner. Licence fees amounting to £1 per annum were levied in terms of the Act for each unemployed male adult as well as a hut tax of ten shillings per hut.¹⁶ By the time that the South African Native Affairs Commission had conducted its investigations, there was a population of

13 Bundy, Rise and Fall, pp.114-6; Bundy, 'Emergence and Decline', pp.381-2.

14 Bundy, Rise and Fall, pp.134-5.

15 Acts No. 2 of 1869, No. 6 of 1876, No. 37 of 1884 and No. 33 of 1892. See Bundy, Rise and Fall, pp.78, 135.

16 Act No. 30 of 1899. For a synopsis of the provisions of the Act, see S.A.N.A.C., vol.I, Report, pp.17-18 para.90. The rentals were specified as being £36 for a single lessee, £48 for two joint-lessees and £12 for each additional lessee.

39 506 Africans living in 1 263 private locations established in terms of the 1899 Native Locations Amendment Act.¹⁷

This commission (which had included Stanford amongst its members) had taken a disapproving view of African squatting in general. It had declared that the practice was 'pernicious' to both whites and Africans because it encouraged absentee landlordism, obstructed the economic progress of the Africans by giving them land without security of tenure, restricted the labour supply, handed over to Africans land which might otherwise have been utilised more profitably, and undermined control over the Africans.¹⁸ Nevertheless, the commission had conceded that 'to summarily eject this population [was] calculated to cause discontent and serious distress',¹⁹ and therefore had recommended that such occupation should be regulated 'as a policy on clearly-defined lines'.²⁰ The means that it had suggested were actually those embodied in the 1899 Cape Native Locations Act.²¹ As Stanford did not make a dissentient recommendation, it is fair to assume that he agreed fully with these principles.

17 S.A.N.A.C., vol.I, Report, p.14 para.80. This was against 1 057 610 persons on land reserved for Africans in the Colony (ibid., p.14 para.79), 213 843 persons serving either as domestic or farm servants and 113 828 individuals living in town locations (ibid., p.14 para.80).

18 Ibid., p.31 para.168.

19 Ibid., p.32 para.174.

20 Ibid., p.32 para.175.

21 Ibid., pp.32-3 paras.176, 181.

The 1899 Native Locations Amendment Act had been more widely enforced than its predecessors, but farmer animus continued to be directed against squatters and share-croppers, not simply because of a labour shortage, but also because white farmers resented the prosperity of these African peasants and feared economic competition from them.²² A further objection to private locations had long been that they were alleged to harbour stock thieves.²³ In 1906 a select committee had concluded that further legislation was necessary, since existing laws had not checked squatting or curbed the infiltration of Africans into private lands.²⁴

In response to the findings of the select committee, the Jameson administration had appointed a departmental commission to investigate the question of the occupation of land by Africans in unreserved areas. This commission had found that the squatter-peasants of the Eastern Cape were 'forming a distinct and very numerous class', and that they were extruding whites from the land and contributing to the labour shortage.²⁵

22 Bundy, Rise and Fall, pp.80, 136, 385.

23 Davenport and Hunt, Right to the Land, p.33.

24 A20-1906, Report of the Select Committee on the Location Act, p.iii, cited in Bundy, Rise and Fall, p.136.

25 G46-1908, Report of a Departmental Commission on the Occupation of Land by Natives in Unreserved Areas, pp.9-10. These snatches of the commission's report are also contained in A9-1908, Report of the Select Committee Appointed to Inquire into and Report upon the Report of the Departmental Commission on the Occupation of Land by Natives in Unreserved Areas [G46-'08], p.ii.

The commission's report was tabled on 6 July 1908, and on 9 July it was referred to a select committee under the chairmanship of Merriman and of which Stanford was also a member.²⁶

The committee sat ten times between 15 July and 7 September 1908 and scrutinised the report of the departmental commission.²⁷ Verbal evidence was also taken relating to two African petitions which exemplified the problems created by the presence of African squatters on white-owned property.²⁸

In its report the committee recommended that the whole question of locations, both on private property and elsewhere, 'be carefully considered by the Government' with a view to action.²⁹

The details of its recommendations it embodied in three draft Bills. The first of these, a Bill to 'regulate the establishment of native townships on private property', proposed to tighten the terms on which a landowner could establish a native location on his property by stipulating that the divisional council's permission would have to be secured in addition to that of the Governor (as had been laid down in

26 A9-1908, Report of Select Committee on Departmental Commission regarding Native Land Occupation, p.ii.

27 Ibid., pp.vii-x.

28 Ibid., pp.1-16 paras.1-81.

29 Ibid., p.3 para.2.

the 1899 Native Locations Amendment (Act) for the establishment of such a township. The second draft Bill, that intended to 'control the establishment of townships or villages in areas not under the jurisdiction of any municipal council or village management board', pertained to Africans settled in semi-urban communities. It sought to impose strict controls on all land sales to Africans which might have the effect of creating a native village or township.³⁰ The third Bill, drafted to 'consolidate and amend the law relating to natives on private property', provided for the appointment of inspectors to supervise and control private locations, laid down a procedure governing application for licences permitting the establishment of private locations, raised licence fees for each non-servant adult from £1 to £3, and prescribed regulations for the management of such locations.³¹

Stanford did not dissent from the recommendations of the select committee, and that he approved of them was indicated in an entry that he made in his diary at this time. He noted on 11 August 1908 that the committee had on that day considered the '[d]raft Bill to control the establishment of townships' (either the first or the second of the three Bills, but probably the second), and he commented apropos some African townships near East London which were causing concern that the measure should be a general one.³²

30 Ibid., Appendix C, pp.iii-x.

31 Ibid., Appendix E, pp.xi-xvii.

32 Stanford Papers, A46, Diary for 1908, p.65, 11 August 1908. The content of the first Bill would not have been as appropriate to the circumstances of these townships as that of the second Bill.

The committee's report was adopted by the Cape House of Assembly on 10 September 1908, but the matter was then left in abeyance for a year.³³ Eventually, on 27 September 1909, a Bill to 'consolidate and amend the law relating to natives on private property', based upon the third in the series of Bills drafted by the select committee, was read a first time.³⁴

The second reading debate of the Bill was introduced by Merriman on 1 October 1909. The nub of his argument in support of it was that 'kaffir farming' had engendered lawlessness and increased the incidence of stock thefts, creating conditions which forced farmers to leave their farms and lease them to Africans and so causing a decrease in the white rural population. In justification of the discriminatory (and illiberal) provisions of the Bill, Merriman declared that because the government had given the Africans large tracts of country and prohibited whites from occupying land in them; the whites had the right to protect themselves in the districts which they occupied.³⁵

Reasoning of this type was evidently quite acceptable to Stanford for he accorded the Bill his support, albeit with certain qualifications.

33 For the adoption of the committee's report, see Cape Assembly Debates 1908, p.774.

34 Cape Assembly Debates 1909; p.212. For the terms of the Bill, see Cape of Good Hope Government Gazette, no.9217, 1 October 1909, pp.1192-7.

35 Cape Assembly Debates 1909, p.241.

In his speech on it he traced the origins of Cape squatting policy and spelt out the reasons for the form it took. He pointed out that the government had in the past permitted the settlement of a certain number of squatter families on white farms to meet the periodic-labour requirements of the farmers and to cushion the farmers against the competition the mines provided for labour. But he said that he supported the tendency of Cape legislation to prohibit squatting, because 'he did not think it to the advantage of the Europeans or the native to put the latter on the land on such precarious tenure, which disinclined them to advance'.³⁶ These arguments echoed the opinions of the South African Native Affairs Commission, to which Stanford had been a party, in both substance and wording.³⁷

Stanford further asserted that the districts which had been invaded by the Africans were those where the greatest possible harm had been done by ticks - the carriers of East Coast fever, a virulent cattle disease. In the same vein as Merriman, he declared: 'Farmers there could not farm to advantage, and so they had gone to the natives as a last resort'. But in spite of these views, he did not think that the colour-line, as was proposed by this Bill was wise, and said that 'he thought it

36 Cape Assembly Debates 1909, p.242.

37 'Such occupation is pernicious to both races, encouraging the far-reaching evil of absentee landlordism on one side and on the other barring the progress of the Native by insecurity of tenure' (S.A.N.A.C., vol.I p.31 para.168, emphasis mine).

desirable that their [that is, the Cape's] legislation should avoid it'.³⁸

The Bill was read a second time without much further ado and referred to the Select Committee on Native Affairs.³⁹ With Stanford as one of its members, the select committee considered the Bill, took evidence upon it and made certain amendments to it before resubmitting it to the Cape House of Assembly.⁴⁰ On 24 November the House went into committee on the measure, and on 25 November 1909 the Bill was read a third time and passed by the Assembly.⁴¹

This Private Locations Act was stringently applied, particularly in districts where commercializing farmers welcomed its provisions; and numbers of squatters were evicted from their plots as a consequence.⁴²

In enacting such a measure the Cape Parliament was actually aligning its native policy with that of the former republics, both of which had outlawed squatting.⁴³ The contradictions in Cape native policy which this area of legislation exposed were mirrored in Stanford's own views upon the subject.

38 Cape Assembly Debates 1909, p.242. On East Coast fever, see Bundy, Rise and Fall, pp.124-5, 188, 241.

39 Cape Assembly Debates 1909, p.242.

40 A2-1909, Select Committee on Native Affairs, pp.viii-xi.

41 Cape Assembly Debates 1909, pp.598, 608. It became Act No. 32 of 1909.

42 Bundy, Rise and Fall, p.137.

43 In both the Transvaal and Orange Free State in terms of a Squatter Law of 1895. See Wilson, 'Farming', pp.117-8. In Natal under Ordinance No. 2 of 1855. See Davenport and Hunt, Right to the Land, p.33.

A matter of a similar nature on which Stanford's posture was clear was that of the management of Coloured mission communities and of the mission reserves in Little Namaqualand.

The antecedents of this question extended well back into the nineteenth century. Originally the Coloured mission stations had performed a number of cultural and social functions. They had acted as agencies of evangelisation and education and as centres for the relief of destitution. However, the inadequacy of their resources for the support of their inhabitants had forced the members of their communities into wage-labour. As a result, the missions also served as labour reservoirs. As small landed enclaves sandwiched between areas of white settlement and ministering to the labour needs of the whites, the mission stations resembled the African private locations and squatter communities.⁴⁴

As in the case of the African squatter communities, the autonomy the mission Coloureds enjoyed on the land was regarded by whites as an impediment to the procurance of labour. In addition, overcrowding and unruliness, which were features of the mission stations, evoked the resentment of the white colonists.⁴⁵ The London Missionary Society, under whose auspices several of these institutions operated, had been

44 Marais, Cape Coloured People, pp.151-4; Davenport and Hunt, Right to the Land, p.9.

45 Marais, Cape Coloured People, pp.151-4, 249-51.

relieved of its secular responsibilities towards some of its mission stations in terms of the London Missionary Society's Institutions Act of 1873.⁴⁶ In 1881 the process of the removal of white tutelage had been taken one step further with the creation of an embryonic form of municipal government for both white and black villages by the Village Management Act. This Act had provided for the setting up of village management boards, but had failed to provide for effective supervision of the activities of these boards. By 1908 the Act had only been applied to former London Missionary Society mission stations.⁴⁷

The second facet of the missionary institutions question that was unresolved upon Merriman's accession to power was that of the agricultural and moral retrogression that had set in on the missionary reserves in Little Namaqualand.⁴⁸ These reserves were large arid areas containing pockets of fertile and irrigible land which could be cultivated if the season was favourable and were inhabited largely by Khoi and mixed-breed Coloureds. Although climatic exigencies forced these communities for the most part to be nomadic pastoralists, these groups had made considerable cultural progress under the guidance of their missionaries and had learnt to produce an agricultural surplus for the market. However, the

46 Act No. 12 of 1873.

47 Act No. 29 of 1881. See Marais, Cape Coloured People, p.253 and n.4.

48 The reserves were: Leliefontein, Komaggas, Steinkopf, Concordia and the Richtersveld. See UG 54-1937, Cape Coloured Commission, p.72 para.407.

introduction of copper mining to the region and the employment opportunities this had provided for reserve inhabitants had encouraged improvidence and defiance of missionary authority. Dissipation was further increased by the establishment of stores amongst the reserve inhabitants by white shopkeepers and the introduction of liquor canteens to the mines. In addition, the semi-communal system of land tenure which existed on these reserves had engendered idleness, and after 1890 marked agricultural degeneration had set in.⁴⁹

The fate of the German missionary institutions and of the Namaqualand reserves did not receive consideration until Merriman introduced the Mission Stations and Communal Reserves Bill into the Cape Parliament in 1909.⁵⁰

The Bill was strikingly similar to the London Missionary Society's Institutions Act of 1873 and embodied the lessons that the Cape government had learnt from the inefficacy of the Village Management Act of 1881. The analogies between it and the Glen Grey Act of 1894 were also clear. Thus, just as the London Missionary Society's Institutions Act

49 Marais, Cape Coloured People, pp.74-82. The land of the reserve belonged to the community, which by means of its executive organ, the Raad, distributed garden and sowing lands to heads of families. The latter had the use of these lands and their produce as long as they cultivated them. Grazing lands were held in common. See Marais, Cape Coloured People, p.78.

50 For Merriman's speech, see Cape Assembly Debates 1909, p.240.

had done, the Missionary Stations and Communal Reserves Bill provided for the termination of the secular authority of the missionary through the transfer of the ownership of the mission lands from the missionary institution to the residents of the community who would receive their allotments in individual title. Like the Glen Grey Act, the measure prohibited the subdivision and joint ownership of allotments and provided that lands granted under the Act could not be alienated or transferred unless the consent of the Governor had been obtained. The analogue of the Glen Grey-type district council was the board of management. Like the council, the board would be entitled to levy a local rate on each registered occupier, and like its 1881 counterpart, it would be entrusted with the control of local affairs including the community's finances. However, the government took care to avoid the flaws of the 1881 Village Management Act by reserving to itself powers in case the management boards did not function satisfactorily. The London Missionary Institutions Act, the Glen Grey Act and this Bill had in common, too, a prohibition on the keeping of canteens for the sale of liquor.⁵¹

Stanford quite predictably accorded the Bill his firm support. As a derivative of the Glen Grey Act, it embodied much of what he himself had striven for in the administration of the Transkeian Africans.⁵²

51 Marais, Cape Coloured People, p.254. For the provisions of the Glen Grey Act, see above pp.6-7 n.8. On the analogy between the Glen Grey Act and the Mission Stations and Communal Reserves Act, see Marais, Cape Coloured People, p.253 n.5.

52 On Stanford's work in extending the Glen Grey system of local government, see above p.10.

During the Bill's second reading debate, he said that it was his view 'that the time had clearly arrived when they should separate secular from spiritual control'. Possibly thinking in terms of the paternalism with which these institutions were frequently charged and certainly of the demands of the missionaries and their communities, he averred that 'the people themselves' wished to be 'more independent of the missionaries than they had been in times past'. This desire, he said, had the support of the missionaries. But drawing upon his experience of the application of the Glen Grey Act in the Transkeian Territories, he criticized one aspect of the Bill. He pointed out that, whereas checks had been imposed upon the monetary powers of the Transkeian councils and none of the councils' resolutions were effective before the Governor had given his approval, no such checks were instituted by this Bill. He therefore recommended that the scheme of expenditure to be embarked upon by the management boards should first be submitted to the government for its approval as was done by the Transkeian Territories General Council.⁵³

After it had passed the second reading, the Bill was submitted to the Select Committee on Native Affairs, where - quite possibly under Stanford's influence - just such an amendment was made.⁵⁴ The amendment

53 Cape Assembly Debates 1909, p.241. On the subject of the charges of paternalism made against the mission stations, see Marais, Cape Coloured People, pp.252-3.

54 A2-1909, Select Committee on Native Affairs, p.5 clause 16 subsection 4. For original clause 16 subsection 4, see Cape of Good Hope Government Gazette, no.9216, 28 September 1909, p.1140.

was accepted by the House in committee on 23 November 1909, and on 26 November the Bill as a whole was read a third time and passed by the Assembly.⁵⁵ It only came into operation some years later.⁵⁶

A third issue of great moment to the material welfare of the black peoples of the Cape Colony, on which Stanford expressed strong views in this period was that of African taxation.

Prior to Union the notion that Africans should be taxed was an axiom of policy in all four of the South African colonies. In the Cape taxation was of two types, direct and indirect. The main direct tax was a hut tax of ten shillings per annum payable by married male residents of all Crown native locations or alternatively the quitrent which was payable on allotments held in individual tenure in such locations. The

55 For committee stage of the debate, see Cape Assembly Debates 1909, pp.587-8. For third reading of the Bill, see *ibid.*, p.610. The Bill became Act No. 29 of 1909.

56 The Moravian institution of Mamre accepted the measure before 1911, Zoar (an institution of the Dutch Reformed Church in the district of Ladismith) in 1914, Pniel (a Congregational institution in the Paarl district) in 1915, and Genadendal (also Moravian) in 1926. See Marais, Cape Coloured People, p.254. In 1911 the Act was also applied to the four major Namaqualand reserves: Leliefontein, Komaggas, Steinkopf and Concordia. See UG54-1937, Cape Coloured Commission, p.72 para.407.

quitrent had been extended with certain modifications to all areas falling under the Glen Grey Act and its Transkeian derivatives where a general rate of ten shillings per annum was paid for local government purposes.

Besides these major taxes in the Cape there were also several minor ones. For example, private location fees were levied on the proprietors of land containing private locations. In practice, these charges were passed on to the Africans. Africans were also charged rentals in the so-called 'native reserve locations' - Ndabeni and New Brighton - to cover maintenance costs. In addition, a special road-rate was payable in native locations to the divisional council for the upkeep of roads. In Pondoland after 1906 a special cattle-dipping tax was levied on all hut tax payers. A labour tax had also been introduced as part of the Glen Grey package to relieve the location of 'the idle and the worthless', as Rhodes had put it, but had met with strong resistance and had therefore been dropped.⁵⁷

57 On the issue of African taxation generally, see Rogers, Native Administration, pp.179-80; Union of South Africa Parliament, AN577-1912, unpublished proceedings of Select Committee on Native Affairs, 'Memorandum on Native Taxation in the Provinces of the Union of South Africa', pp.1-11; Davenport and Hunt, Right to the Land, p.31. On the issue of the labour tax specifically, see Hammond-Tooke, Command or Consensus, p.89; T.J. Keegan, 'African Responses to the Implementation of the Glen Grey Policy' (B.A. Hons. research essay, University of Cape Town, 1975), pp.7-11, 36-7, 40, 69. For Rhodes's comment, see A16-1895, Return in Reply to a Resolution Adopted by the House of Assembly on 4th June, 1895 ...for Copies of All Petitions, Reports and Communications Having Reference to Proclamation No. 352 of 4th October, 1894, Providing for the Establishment of Councils for the Administration of Local Affairs in the Districts of Butterworth, Idutywa, Nqamakwe and Tsomo, p.4, Secretary to Prime Minister to Chief Magistrate, Transkei and Tembuland, 21 September 1894, quoted in Keegan, 'African Responses', p.37.

Indirect taxation was levied on all Cape Africans through the imposition of duties upon purchasable goods.⁵⁸ Furthermore, because the Africans as a group paid a lesser sum of money in this form into government coffers, higher duties than were customary for commodities of white consumption were levied on certain articles of African use such as beads, ochre and blankets.⁵⁹

The taxation of Africans had as its rationale the raising of revenue which would otherwise have to be obtained from other sources. In some circles it was believed that the Africans should fund their own administration because they received numerous material benefits through being subject to white overrule. Furthermore, the proceeds of taxation could, as in the case of district and general council rates, be devoted to causes designed to promote African material welfare. On a cruder level, taxation was seen as a means of forcing Africans into the labour market and so of hastening their absorption into western society.⁶⁰ However, the explosive potential of African taxation had been demonstrated in the opposition of Africans to the Glen Grey labour tax and most spectacularly in Natal African resistance to the £1 poll tax levied on

58 S.A.N.A.C., vol.I, Report, p.84 para.388.

59 AN577-1912, 'Memorandum', p.2.

60 Hellmann, Handbook, pp.296-7; S. Marks, Reluctant Rebellion: The 1906-8 Disturbances in Natal (Oxford, 1970), pp.132-40; Hammond-Tooke, Command or Consensus, pp.87-8; Keegan, 'African Responses', pp.7, 36.

all unmarried male Africans in that Colony in 1905 - a reaction which had culminated in the Bambatha Rebellion of 1906 in which thirty whites and some three thousand Africans had been killed.⁶¹

Stanford fought the notion of additional African taxation on several fronts. Thus he opposed attempts to impose a prohibitive tax on the greyhounds which Africans kept for their own protection and the proposal that increased taxation be levied upon the Africans of British

Bechuanaland to fund programmes for the prevention and management of syphilis.⁶²

His most eloquent protests against additional taxation for Africans were made in response to the suggestion that the hut tax be raised. When one Egidius Benedictus Watermeyer, M.L.A. for Clan-

william and a former surveyor in the Transkei, proposed this in 1908 on the ground that the Africans drained the finances of the country without making a commensurate contribution to revenue, Stanford reacted sharply.⁶³

He insisted that in approaching the question of African

61 On reaction to the Glen Grey Act, see Hammond-Tooke, Command or Consensus, p.89; Keegan, 'African Responses', especially pp.45-6, 69. The authoritative study of the Bambatha Rebellion is Marks, Reluctant Rebellion. For a brief account of this rebellion, see Thompson, Unification, pp.42-8.

62 For Stanford's views on the suggested greyhounds' tax, see Cape Assembly Debates 1908, pp.131, 146; Cape Assembly Debates 1909, p.303; Stanford Papers, A46, Diary for 1908, p.55, 8 July 1908; *ibid.*, A47, Diary for 1909, p.123, 13 October 1909. For clarification of the issues involved in this tax, see AB14B-1909, Bill to Consolidate and Amend the Game Laws 1886 to 1908, p.4 clause 17. For Stanford's views on the proposed syphilis levy, see Cape Assembly Debates 1908, pp.51-2.

63 For information on Watermeyer, see Lewsen, 'Merriman as Last Cape Prime Minister', p.82 and n.105; Transkeian Gazette, 3 September 1908 'Mr. Watermeyer's Debate' (editorial); Stanford Papers, H3.30, [South African News], n.d. 'Native Policy' (editorial). For Watermeyer's speech, see Cape Assembly Debates 1908, pp.470-71, 495-6.

taxation, 'they must consider what the individual could bear'. Already 'considerable difficulty' was being experienced in eliciting the hut tax and the general rate.

Never in his experience [Stanford declared] had he known so many natives to be in prison for judgement on civil debts, as at the present time. If additional taxation was going to mean more serious impoverishment of the natives [he asserted]...the remedy was worse than the disease. If they impoverished the natives in whatever way so that they made them lose their self-respect, he would say that they would lose far more in the cost of police control than they would gain by that additional taxation.

Similarly, Stanford did not think that Watermeyer's proposal that the Africans should pay for the entire cost of the Cape Mounted Riflemen should be adopted, for (he averred) '[t]hey could not differentiate between Europeans and natives...for both had to live in the Colony'.⁶⁴

Stanford stood his ground on this question in 1909, when during the debate on the income tax proposals, Charles Tod, member for Griqualand East, likewise suggested that the hut tax be raised. While Tod alleged that the Africans occupying Crown lands in the Colony 'were getting off too lightly and could well afford to be taxed', Stanford (referring presumably to the hut tax) insisted that the Africans were paying a high rental for land. He further argued that because the

64 Cape Assembly Debates 1908, p.517. The Cape Mounted Riflemen had been a regiment raised in 1855 and had until 1878 been known as the Frontier Armed and Mounted Police. After 1878 it had become specifically involved in police and military duties amongst Eastern Cape and Transkeian Africans. See G. Tylden, The Armed Forces of South Africa (Johannesburg, 1982).

native taxation systems of the colonies were likely to be standardised after Union, he did not think it advisable to change the Cape system at that juncture. In any case, Stanford declared, he felt that '[t]o take the country as a whole was not a fair way to tax the natives', and he believed that the system of taxation and administration should remain as it was.⁶⁵ This view was laden with significance when considered in relation to his electoral undertaking to fight for the Cape system of native administration in a united South Africa.⁶⁶

As it turned out, the Cape African hut tax was not increased during the Merriman premiership.

65 Cape Assembly Debates 1909, pp.394-5. The oddity of punctuation in the quotation is as in the original.

66 For Stanford's electoral pledges in regard to Union, see above p.38.

CHAPTER 5

STANFORD'S WORK IN THE SPHERE OF

BLACK EDUCATION

It was in his work in the field of black education that Stanford perhaps gave clearest expression to his ameliorative philosophy during this period. The dimensions of the problems posed in this sphere were large, for both black elementary and primary as well as black higher education lagged far behind that provided for the whites.

Prior to 1908 black elementary education in the Cape had been conducted by missionaries of various denominations, aided in some instances by small government grants towards the salaries of teachers. In terms of the Education Act of 1865,² so-called 'aborigines schools' had been set up for the education of Africans in the Eastern Cape and maintenance grants had been made to a limited number of African pupil-teachers.

1 D.E. Burchell, 'African Higher Education and the Establishment of the South African Native College, Fort Hare', in South African Historical Journal, no.8, November 1976, p.60 n.1, points out that the term, 'higher', denotes 'more advanced' and does not necessarily mean tertiary or university education.

2 Act No. 13 of 1865.

In 1877 a grant had been established for the salary of a trade teacher, and a special grant for the purchase of materials for such instruction had been made.³ Nevertheless, all this had been cautiously done. As one of the terms of reference of an Education Commission appointed in 1891 stated, the government did not wish to encourage among the '[a]borigines' any expectation of large additional subsidies for their institutions and schools.⁴ But despite the calculated parsimony of the Cape government, by 1907 there were 712 schools for Africans in the Colony and 775 in the Transkeian Territories with an enrolment of 103 051 pupils while 935 students were training as teachers.⁵

In reality, few Africans managed to complete the four standards of which the primary educational programme then consisted.⁶ Furthermore, because Cape African education took place almost entirely under missionary auspices, the major emphasis in instruction had been cultural rather than practical, literacy being taught almost entirely with the

3 ~ M. Ashley, 'The British Influence on Education in South Africa', in A. de Villiers, English-Speaking South Africa Today: Proceedings of the National Conference July 1974 (Cape Town, 1976), pp.253-4; E.G. Pells, 300 Years of Education in South Africa (Cape Town, 1954), p.130; C.T. Loram, The Education of the South African Native (London, 1917), pp.49-51.

4 G3-1892, Third and Final Report and Proceedings with Appendices of a Commission Appointed to Enquire into and Report upon Certain Matters Connected with the Educational System of the Colony, p.2, cited in Loram, Education of the South African Native, p.52.

5 G26-1908, Report of the Superintendent-General of Education for the Year Ending 30th September 1907, pp.7, 11, 22.

6 J. Shingler, 'Educational and Political Order in South Africa, 1902-1961' (Ph.D. thesis, Yale University, 1973), pp.155-6.

object of evangelising the Africans.⁷ However, by 1908 education had also become a determinant of the place which the Africans were to occupy in society rather than simply a means of conversion to Christianity, and so the content of curricula had become controversial. In a climate of thought influenced by Social Darwinism and British racial assumptions, the question of the learning ability of the Africans had come to be widely debated amongst educators. The theory of 'arrested development' - the notion that African mental growth ceased after the onset of puberty - had become popular.⁸ In this context and in the atmosphere of suspicion towards evolué Africans which prevailed amongst whites, it had by 1908 been deemed fitting in many educational circles that Africans should be provided with a manual and industrial education which fitted them for a subservient economic and cultural position rather than being academically trained and so encouraged to compete with the whites.⁹ Indeed, it was very widely assumed that education fostered criminality amongst the Africans, and the further charge was often made that the educated African was lazy, disrespectful and unfitted for work.¹⁰ Linked, too, with

7 A.D. Dodd, Native Vocational Training: A Study of Conditions in South Africa, 1652-1936 (Lovedale, 1938), p.11; R. Hunt Davis, 'Nineteenth Century African Education in the Cape Colony: A Historical Analysis' (Ph.D. thesis, University of Wisconsin, 1969), pp.ii, 201; Loram, Education of the South African Native, pp.159-60.

8 Loram, Education of the South African Native, p.209; Shingler, 'Educational and Political Order', p.196; Ashley, 'British Influence on Education', p.255.

9 Brookes, Native Policy, p.457; Burchell, 'African Higher Education', p.76; Ashley, 'British Influence on Education', p.255; Hunt Davis, 'Nineteenth Century African Education', pp.220-22.

10 On charges of criminality, see Loram, Education of the South African Native, p.42. On allegations of laziness, see ibid., pp.45-7.

the matter of industrial education was the issue of the relative merits and drawbacks of the use of the vernacular in African schools. The Africans themselves generally did not favour such instruction, realising the value of a knowledge of English and Dutch as an agency of social integration. In contrast, South African officials and politicians perceived the use of the vernacular languages as a means of separation between whites and Africans, and so favoured the adoption of these tongues in the schools. At the same time, the missionaries themselves regarded vernacular instruction as a vehicle for the further extension of their proselytizing message through their converts who, if fluent in their native tongues, could the more easily communicate with their own people once they returned to them.¹¹

In 1908 facilities for black higher education at the Cape were very limited. Lovedale prepared students for the Matriculation examination of the University of the Cape of Good Hope and it trained ministers and teachers. Zonnebloem College in Cape Town also had a college department with a very tiny enrolment; and it, Healdtown and the Wesleyan College in Grahamstown, likewise trained a few African teachers each year.¹² These few teacher-training schools admitted pupils and produced graduates with very low qualifications, and the meagre opportunities provided within them did not satisfy the black aspirations towards

11 Loram, Education of the South African Native, pp.227-30.

12 Burchell, 'African Higher Education', pp.60-65; Pells, 300 Years, pp.131, 133, 144.

advanced study and training.¹³ Encouraged and funded by African separatist churches, many Africans went to European and most especially to American Negro colleges to procure the higher education that was denied to them locally.¹⁴ In 1908 it was estimated that more than one hundred Africans from the Cape Colony alone had in recent years studied in colleges in the United States and elsewhere.¹⁵ This trend of developments perturbed the whites, for these churches had become havens for African dissidents. The whites feared that study overseas, particularly at the Negro colleges, would engender racial prejudice inimical to white superiority, unfitting Africans for lives of subordination in southern Africa.¹⁶

13 On the scope of the teacher-training schools, see M.O.M. Seboni, 'The South African Native College, Fort Hare, 1903-1954' (D.Ed. thesis, University of South Africa, 1959), p.3. On black educational aspirations, see Shingler, 'Educational and Political Order', pp.155-6.

14 Shingler, 'Educational and Political Order', pp.44-5; Seboni, 'South African Native College', p.5; Burchell, 'African Higher Education', p.66.

15 A1-1908, Select Committee Appointed...To Enquire into and Report upon the Existing System of Native and Coloured Education, Report, p.xiii para.18.

16 Seboni, 'South African Native College', pp.5-6; Hunt Davis, 'Nineteenth Century African Education', pp.285-6; Burchell, 'African Higher Education', p.67.

Stanford's ideas on African education were given eloquent expression in two forceful speeches which he made during this period. In the first one, delivered in Parliament on 13 August 1908, he sought to trounce E.B. Watermeyer, the protagonist of an increased hut tax for the Africans.¹⁷ In a lengthy diatribe Watermeyer had proposed the deletion from the budget of the whole vote of £30 000 for mission schools. The rationale behind Watermeyer's motion was his belief that African education had proved a complete failure and his conviction that the Colony could no longer bear the burden which the subvention of the mission schools imposed upon it.¹⁸ Stanford's second speech was delivered on 22 March 1910 on the occasion of the unveiling of a tower erected at Lovedale as a memorial to Dr. James Stewart, distinguished missionary and educationist and late principal of the Lovedale seminary.¹⁹

The themes of those parts of Stanford's first speech which dealt with the subject of African education were those of the inexorability of the process of African acculturation and the urgency of the need to meet the demands imposed by the accelerating pace of African economic and cultural development. The second speech was a eulogy of Cape missionary endeavour and a defence of the loyalty and enterprise of both tribal and

17 Cape Assembly Debates 1908, pp.517-8. On Watermeyer and his taxation proposal, see above p.93 and n.63.

18 Cape Assembly Debates 1908, pp.470-71, 495-6, 516. On Merriman's budget, see above pp.69-70.

19 Christian Express, pp.61-2, April 1910 'The Unveiling of the Stewart Memorial'. On Stewart, see D.S.A.B., vol.I pp.769-72. Hereafter I omit the heading of this article in the footnotes to it.

westernised Africans. Together the speeches constituted a most emphatic defence of Cape native policy in all its dimensions - economic, political, social and cultural - and they provide an illuminating exposition of Stanford's philosophy at this time.

While believing that the so-called 'native question' was not susceptible of an immediate solution,²⁰ Stanford was convinced that the Africans were 'a useful people in this country' and that '[they [were]] doing their share and [had] a place in it'.²¹ Indeed, he had been most favourably impressed by the 'uniform loyalty and obedience' which the Africans had shown during the Transkeian wars 'under the influence of Christianity'.²² He did not fear African competition,²³ and was firmly convinced of the truth of what an African headman had once said to him: "When you do good by us, you are doing good to yourselves; when you do evil by us, you are doing evil to yourselves".²⁴

Stanford was acutely conscious of the 'changes which had occurred' amongst the Africans: their transition from chiefly rule to a stage

20 Cape Assembly Debates 1908, p.517.

21 Christian Express, April 1910, p.62.

22 Ibid.

23 Ibid.

24 Cape Assembly Debates 1908, pp.517-8. The same sentiment was expressed in Stanford's other speech too. See Christian Express, April 1910, p.62.

of development where African newspapers and a General Council existed.²⁵

The whole situation was new [he told Watermeyer], and both commercially and educationally, the entire situation had changed.... We were in the position that we gave these people our civilisation, and we were giving them labour and employment, and they were responding and he could not see how we could say to them, 'Thus far shalt thou go, and no further'.

In Stanford's view, the government had to continue doing the best it could and 'trying to do justice' between the whites and the Africans.²⁶

In common with the Transkeian administrators amongst whom he had worked during the previous century and echoing the leading themes of his own magisterial reports, Stanford believed that the process of acculturation was of indubitable benefit to Africans and whites alike. Moreover, he did not accept the commonly held view that the Africans were uncivilisable, ineducable and unproductive. In his opinion, there were many Africans who were 'leading consistent Christian lives' and who were using the education which they had received.²⁷

And as to work [he asserted at Lovedale] I would like to ask where the native of this country is not working. In the mines, at the ports, in the towns, on the railways, on the farms and at their own homes the natives are working. (28)

25 Cape Assembly Debates 1908, p.517.

26 Ibid.

27 Christian Express, April 1910, p.61. For examples of Stanford's views on African productivity culled from his magisterial reports, see G3-1884, p.128; G6-1888, p.59; G5-1896, p.126; G19-1897, p.129; G29-1903, p.47. All these references are derived from Cape Native Affairs Blue-Books.

28 Christian Express, April 1910, p.61.

It was in the light of all these considerations that Stanford hoped that the Inter-State Native College scheme would soon come to fruition. In his view, the Africans, who were 'our taxpayers' and 'our people' should be able to obtain the education locally which they were seeking abroad.²⁹ He believed that this was a matter of 'great importance' in the development of white-black relations in South Africa because, while the mass of Africans would continue to belong to the agricultural class, powerful men would emerge whose advance should not be blocked.³⁰ But mingled with this philanthropy was an element of calculation: 'we had to remember that when we drove them out of our own system, we lost touch and lost control for the time'.³¹

In Stanford's philosophy the symbiosis between white and African interests was thus quite plain.

Stanford's ideas on African education received practical application in his work as a member of the select committee appointed by the Merriman administration in June 1908 to inquire into the existing system of African and Coloured education. The committee consisted of eleven

29 Christian Express, April 1910, p.62; see also Cape Assembly Debates 1908, p.517.

30 Christian Express, April 1910, p.62.

31 Cape Assembly Debates 1908, p.517.

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members of the Legislative Assembly who included in their ranks W.P. Schreiner and Charles Levey.³² It was chaired by Henry Fremantle, South African Party member for Uitenhage and former professor of English and philosophy at the South African College, and when he was absent, by Stanford.³³ The committee met twenty-six times between 30 June and 25 August 1908, and examined sixteen authoritative witnesses who included leading educationists of the day, the heads of a number of institutions for African education, a number of prominent clergymen associated with African education, and two Africans - Rev. Simon P. Sihlali, Congregationalist minister at Engcobo, and John Tengo Jabavu, editor of Imvo Zabantsundu - both strong protagonists of the Inter-State Native College scheme.³⁴ The select committee also scrutinised a number of

32 A1-1908, Select Committee Appointed...To Inquire into and Report upon the Existing System of Native and Coloured Education, Report, P.V.

33 For information on Fremantle, see D.S.A.B., vol. I pp.302-4; F.K. Melrose, 'Henry Fremantle: Aspects of his Political Career' (B.A. Hons. research essay, University of Cape Town, 1981).

34 The educationists included Dr. Thomas Muir, Superintendent of Education in the Cape Colony, James McClaren and William Govan Bennie, both school inspectors, and Rev. James Henderson, principal of Lovedale. The heads of Dale College, King Williams's Town, of the so-called 'Native Institute', Vryburg, of the Blythswold Institution, Butterworth, and of the Wesleyan Training Institution, Healdtown, were also examined. For a full list of witnesses, see A1-1908, Select Committee on Native Education, Proceedings of the Committee, pp.xxxi-xli. For information on Sihlali, see Burchell, 'African Higher Education', p.65. The Fort Hare University Archive contains many letters written by Jabavu to the organisers of the Inter-State Native College. See, for example, Correspondence re Establishment of Inter-State Native College 1907, J.T. Jabavu to J. Weir, 26 March 1907; Correspondence re Establishment of Inter-State Native College 1908, J.T. Jabavu to Dr. N. Macvicar, 22 February 1908. Hereafter the volumes of Correspondence re Establishment of Inter-State Native College are referred to as Native College Correspondence.

documents pertaining to the subject of African education, acquainting itself with details of the statistics, finances, administration, and controversies of African education.³⁵ In the course of its investigations the committee found that the question of Coloured education was too large to be dealt with as part of an enquiry into African education. It therefore recommended that a separate investigation be made of Coloured education, and confined its recommendations to matters relating to African education.³⁶ Its majority report was most comprehensive, embracing consideration of the major issues of concern to contemporary educators of the Africans. All the committee members, except one dissentient, John William de Kock, member of the House of Assembly for Mafeking (who recorded his opposition to its higher education recommendations), accepted it.³⁷

This report was a fascinating document which embodied many of the current assumptions about African education although it repudiated certain commonly held notions regarding it. In it the committee took a strong stand in favour of the provision of education for Africans, declaring that the African wish for education was 'natural and reasonable'.³⁸ It stated that it had not been able to find any evidence in support of

35 A1-1908, Select Committee on Native Education, Proceedings of Committee, pp.xxxi-xxxix; see also *ibid.*, Appendices to Report and Evidence, pp.i-xxxvi.

36 *Ibid.*, Proceedings of Committee, p.xxxvii.

37 *Ibid.*, Proceedings of Committee, pp.xl-xli. For the Minority Report, see *ibid.*, p.xvi.

38 *Ibid.*, Report, p.vi para.3.

the theory that education tended to induce crime, and it rejected the assumption that the Africans were intellectually inferior to the whites.³⁹ The committee defined as the primary objectives towards which African education should strive the development of intelligence, the training of character and the promotion of industry. This hierarchy clearly reflected contemporary paternalist ideas and the exploitative impulses which frequently underlay supposedly philanthropic thinking on the native question.⁴⁰ Provided these objects were 'duly kept in view throughout' and nothing was done to 'force development unnaturally', the committee believed that African education could not fail to be to the advantage of the whole country.⁴¹ The caveats were crucial, for they reflected the strain of expediency embodied in much liberal-paternalist thinking. The emphasis on the reciprocal nature of the benefits to be derived from African education was fully in keeping with Stanford's own ideas on the subject.

Besides discussing the general dimensions of the question of African education, the committee also made a series of suggestions regarding its practice and administration. It recommended the establishment of district councils in areas east of the Kei, because, as bodies which collected rates for the payment of teachers, the councils could secure

39 Ibid., Report, p.vi paras.4-5.

40 See *ibid.*, Report, p.vi para.5.

41 *Ibid.*, Report, p.vi para.4.

to African teachers their salaries, the payment of which was very uncertain if the matter were left to the volition of the parents.⁴²

This recommendation was undoubtedly very much after Stanford's own heart, given his contribution to the extension of the council system.⁴³

The committee urged the provision of government subvention for these district council schools as well as for African public schools. It also suggested that leading Africans be drawn into the running of the schools although it did not consider that the time had arrived for a general system of school committees.⁴⁴

The committee declared that the curriculum in African schools should include 'the teaching of the simple facts and laws of nature' and that the subjects taught should be related as closely as possible to the circumstances of African life. However, it did not commit itself to any specific viewpoint on the controversial issue of whether or not the curriculum should differ from that in white schools.⁴⁵ But in the importance it attached to the provision of facilities for the teaching of such skills as agriculture, arboriculture, the use of tools, building, brickmaking, needlework and spinning, the committee did give very firm support to manual training for Africans.⁴⁶ Furthermore, it

42 Ibid., Report, pp.vi-vii para.6.

43 For Stanford's contribution to the extension of the council system, see above p.10.

44 A1-1908, Select Committee on Native Education, Report, p.vii para.7.

45 Ibid., Report, p.viii para.8.

46 Ibid., Report, pp.x-xi para.12.

was parsimoniously practical in its declaration that '[e]very effort should be made to make industrial education as far as possible self-supporting'.⁴⁷ Also in a utilitarian spirit, it recommended that the teaching of hygiene be introduced into the curriculum.⁴⁸

Alluding to the problem of the medium of instruction that should be adopted, the committee recommended vernacular teaching for the early years of education and suggested that education should thereafter be conducted through the medium of English as far as possible. Also in a distinctly practical vein, the committee suggested that provision be made for the instruction of Africans in Dutch 'with a view to their employment in Dutch-speaking districts'.⁴⁹

The views of the committee on the issue of African higher education were fully consonant with Stanford's own. It recommended the establishment of an African college to provide higher education for Africans and to prevent them from leaving the country in search of it.⁵⁰ It also suggested changes in the basis of the subvention of Africans wishing to train as teachers because it regarded African training institutions as 'essential' to any scheme of African education.⁵¹ In addition, it

47 Ibid., Report, p.xi para.12.
48 Ibid., Report, p.x para.11.
49 Ibid., Report, p.ix para.9.
50 Ibid., Report, p.xiii para.18.
51 Ibid., Report, pp.xii-xiii para.16.

recommended the institution of post-primary courses in secondary and industrial work as alternatives to the teacher-training course (which was all that was generally available). But all of this was suggested with the typically paternalist proviso: 'they [the Committee] consider that the demand for higher education should not be artificially stimulated, but that when shown to be genuine it should not be refused...'⁵²

The task of presenting the report of the select committee in the House of Assembly on 10 September 1908 devolved upon Stanford. He declared in his speech on it that he 'fully concurred' with it. He took the opportunity provided by his presentation of the report to defend two of the more contentious recommendations of the committee. He explained that to reject the principle of vernacular education in the lower standards 'would be imposing a great hardship' as many of the young African boys did not know English. In regard to the provision of African higher education, he reiterated the arguments that he had used only days earlier in reply to Watermeyer. Thus he said that he regarded participation in the movement for the creation of a college for Africans as being 'wise' in the context of a growing African exodus in search of higher education. He thought it 'better', he told the

52 Ibid., Report, p.xiv para.18. My emphasis.

House,

for these natives to have their education in this country, where they were taxpayers, where their interests lay, and where feeling between the two races was very different from that existing between them in the Southern states of America. (53)

In keeping with these views Stanford involved himself in the Inter-State Native College scheme. The notion of founding a black university had been advocated by Dr. James Stewart from as early as 1870, but the idea had lain dormant until the growth of separatist churches and the accompanying exodus of black students to colleges in other countries aroused interest in the proposal.⁵⁴ The actual scheme had been launched in 1903 but had from the outset encountered a marked reluctance on the part of the colonial governments to contribute anything more tangible than moral support towards its success.⁵⁵ As a result, the initiative, and financial backing for the college, had come from the churches and from the small class of African evolues and from the African political organisations which had been formed in the various British

53 Cape Assembly Debates 1908, p.777.

54 S.M. Brock, 'James Stewart and Lovedale: A Reappraisal of Missionary Attitudes and African Responses in the Eastern Cape, South Africa, 1875-1905' (Ph.D. thesis, University of Edinburgh, 1974), pp.146-8; Seboni, 'South African Native College', pp.146-8.

55 Burchell, 'African Higher Education', pp.71, 79-80; Seboni, 'South African Native College', pp.36-7.

colonies of southern Africa.⁵⁶

According to the testimony provided in his reminiscences, Stanford was not unduly perturbed about the growth of African separatist churches.⁵⁷

Nevertheless, he had become an enthusiastic supporter of the Inter-State Native College scheme, having promised Dr. Stewart to aid it in any way he could.⁵⁸

As it turned out, Stanford had played an important rôle in helping to secure government support and in raising funds for the college. In 1906 he had been chosen by Lord Selborne, the British High Commissioner in South Africa, as ad hoc adviser on Swaziland affairs, and he had used the opportunity provided by his service in this capacity to direct Selborne's attention to the need for an African college in southern Africa. He had also made advances to the other colonial governments in an attempt to secure their support for the scheme. In the course of his mission he had visited the Transvaal, the Orange River Colony

56 Shingler, 'Educational and Political Order', pp.83-4; Burchell, 'African Higher Education', pp.74-80; Seboni, 'South African Native College', pp.33-4.

57 Macquarrie, Stanford Reminiscences, vol.II p.235.

58 On Stanford's support of the scheme, see Native College Correspondence 1905, N. Macvicar to K.A. Hobart Houghton, 18 October 1905; Cory Library MS.13152, Inter-State Native College Letterbook, January-March 1906, p.91, K.A. Hobart Houghton to Secretary of the Native Affairs Department, 1 February 1906; Native College Correspondence 1906 and 1908, Adolphus Bottoman to K.A. Hobart Houghton, 17 April 1906; Native College Correspondence 1906 to 1915, E.W. Bud Mbelle to J.T. Jabavu, 3 May 1906; Cory Library MS.13214, W.E. Stanford to N. Macvicar, 1 March 1906. On Stanford's promise to Stewart, see Alexander Kerr Gift, folder entitled 'Fort Hare Papers' for a document headed 'Early history of the Fort Hare Scheme', pp.2-3.

and Natal and had secured cautious approval of the scheme by their heads of state and tentative assurances of financial assistance by the colonies if the Africans and their friends could in the first instance collect sufficient money to guarantee the sincerity of their cry for higher education.⁵⁹ On the basis of his discussions in the various colonies, Stanford had urged the scheme's organising committee to press forward in the matter of fund raising.⁶⁰ He himself had worked hard in mobilizing African support while travelling through the Eastern Cape and Transkeian Territories in the course of one of his routine-official tours. The addresses that he had given⁶¹ and the pressure that he had brought to bear upon the Transkeian Territories General Council in order to elicit funds from it⁶² achieved their object. African opposition

59 Cory Library MS.13215, W.E. Stanford to J. Weir, 18 September 1906; Macquarrie, Stanford Reminiscences, vol.II p.242.

60 Cory Library MS.13215, W.E. Stanford to J. Weir, 18 September 1906.

61 On Stanford's addresses, see Cory Library MS.13153, Inter-State Native College Letterbook April-October 1906, p.966, K.A. Hobart Houghton to W.E. Stanford, 27 September 1906; Native College Correspondence 1906 and 1908, Rev. J.K. Bokwe to K.A. Hobart Houghton, 9 October 1906; Cory Library MS.13154, Inter-State Native College Letterbook 1906-9, pp.266-71, K.A. Hobart Houghton to Mr. Barrett, 9 January 1907; *ibid.*, p.273, K.A. Hobart Houghton to Chief [Bernard?], [11?] January 1907; Native College Correspondence 1907, W.E. Stanford to J. Weir, 1 February 1907.

62 Cory Library MS.13154, p.273, K.A. Hobart Houghton to Chief [Bernard?], [11?] January 1907. See also Native College Correspondence 1907, J.W. Weir to K.A. Hobart Houghton, 8 January 1907; *ibid.*, J.W. Weir to K.A. Hobart Houghton, 9 January 1907.

to the scheme was broken⁶³ and £10 000 was voted to the college.⁶⁴

On this basis, the organisers of the scheme had been able to proceed to a larger fund-raising drive among whites in southern African and overseas under the aegis of an Executive Board formed in October 1907, consisting of influential men and of which Stanford was a member.⁶⁵

By 1908 Stanford was in favour of making a cautious beginning with the establishment of the college 'as soon as funds allow [ed]'. The procedural arrangements making this possible had been made at a conference held in October 1907.⁶⁶ Amongst other things it had been decided that the site of the college should be at Fort Hare near Alice and that the different church denominations could erect and run hostels of a denominational character. The Executive Board (with Stanford as one of its members) had been authorised to initiate negotiations for the purchase of the Fort Hare site.⁶⁷

63 Native College Correspondence 1907, Dan T. Matsepe to K.A. Hobart Houghton, 7 January 1907.

64 Imvo Zabantsundu, 5 February 1907, cited in Seboni, 'South African Native College', p.50; Pells, 300 Years, p.136.

65 Cory Library MS.13579, Minutes of Conference, Inter-State Native College Scheme, King William's Town, 2-4 October 1907. See also Burchell, 'African Higher Education', p.79.

66 For Stanford's recommendations regarding the scheme, see Native College Correspondence 1908, a document entitled 'Remarks of Colonel Stanford on the Proposal to Embark on the Actual Establishment of the Inter-State Native College', enclosure to A.L. Barrett to K.A. Hobart Houghton, 4 February 1908.

67 Cory Library MS.13579, Minutes of Conference, Inter-State Native College Scheme, King William's Town, 2-4 October 1907.



Inter-State Native College Executive Board 1907 (courtesy South African Missionary Museum).
Stanford is seated third from the left in the second row.

Unfortunately funds for the college were still lacking. Though by the beginning of 1908 over £40 000 had been pledged to the scheme, of this large sum the Executive Board had a mere £3 257 in hand at the time of its meeting in early February of that year.⁶⁸ Moreover, some of the money was only to be donated if the Africans themselves could raise a substantial sum. Drought, financial depression and poor organisation militated against successful fundraising, and African support for the scheme was waning.⁶⁹ In particular, the contribution of £6 000 which the Basuto had promised to the college in 1906 appeared to be jeopardised, because the condition that at least two colonies affirm their positive support for the scheme could not be met and the support of the Resident Commissioner of Basutoland, Herbert Sloley, for the scheme was wavering.⁷⁰ Moreover, in the Cape the Executive Board could no longer count on the pledge of government support made by Jameson, once he had fallen from power; and the matter would have to be raised afresh with

68 On the money pledged to the scheme, see Native College Correspondence 1909-1913, Chairman and Honorary Secretary of Executive Board to Prime Minister of Natal, February 1908. On the sum of money in hand, see Native College Correspondence 1908, Minutes of Executive Board of Inter-State Native College, 6 February 1908.

69 Burchell, 'African Higher Education', pp.81-2; Seboni, 'South African Native College', pp.64-5.

70 On the inability of the organisers of the scheme to elicit colonial support, see Cory Library MS.13154, Inter-State Native College Letterbook 1906-9, pp.471-2, K.A. Hobart Houghton to W.E. Stanford, 12 February 1908. On Sloley's growing diffidence about the scheme, see Cory Library MS.13154, p.491, K.A. Hobart Houghton to W.E. Stanford, 14 February 1908. For information on Sloley, see D.S.A.B., vol.III p.742.

the Cape government.⁷¹ In addition, the granting of Responsible Government to the Transvaal and Orange River Colony in December 1907 and June 1908 placed a new uncertainty upon the possibility of obtaining subvention for the college from either of those colonies, because their British administrations had been replaced by Afrikaner governments.⁷²

The Executive Board of the scheme was therefore under intense pressure to consolidate support for the proposed college and to raise money as fast as possible.

In these circumstances, considerable confidence appears to have been reposed in Stanford's influence and skill as a negotiator by the other members of the Executive Board.⁷³ At its first meeting of 1908, which took place in February, the Board decided to include him in a deputation which was to approach Merriman and the Secretary for Agriculture (at this time F.S. Malan) regarding the question of financial assistance for

71 Cory Library MS.13154, Inter-State Native College Letterbook 1906-9, p.491, K.A. Hobart Houghton to W.E. Stanford, 12 February 1908. Jameson had stated that his government would be prepared to guarantee an annual grant for five years. See Native College Correspondence 1908, Minutes of the Executive Board, 6 February 1908, p.4.

72 Native College Correspondence 1906-1915, a document of miscellaneous notes headed 'Representation at Conference of Basutoland', p.2. Regarding possible difficulties involved in securing the support of the new Transvaal government, see also Native College Correspondence 1908, N. Macvicar to K.A. Hobart Houghton, 1 March 1908.

73 The other members of the Executive Board were: Rev. J. Henderson, Col. C.P. Crewe, J.W. Sauer, N.O. Thompson, J.W. Weir, Dr. N. Macvicar, K.A. Hobart Houghton, Councillor S.P. Gasa of the Transkeian Territories General Council and J.T. Jabavu. See Cory Library MS.13579, Minutes of Conference, Inter-State Native College Scheme, King William's Town, 2-4 October 1907.

for the college scheme.⁷⁴ It also chose Stanford as one of four members of a committee it appointed to formulate a method of approach to the other governments.⁷⁵

Although Stanford was eager to join the deputation to the Cape Prime Minister, the timing of his electoral tour precluded him from doing so.⁷⁶ In the event, the deputation was warmly received by Merriman on 14 March 1908.⁷⁷ Merriman assured it of his 'warmest sympathy' for the movement it represented and endorsed the promise of support that Jameson had made.⁷⁸ In addition, he undertook to approach the other South African governments at the forthcoming South African Conference on Railways and Customs in an attempt to elicit from them 'some tangible assistance' for the scheme.⁷⁹

However, Merriman does not appear to have got very far with the other governments on the subject. When the Railways and Customs Conference met in May 1908, it was decided to postpone a decision regarding the proposed college, since negotiations for closer union were about to

74 Native College Correspondence 1908, Minutes of Executive Board, 6-February 1908, p.5.

75 Ibid.

76 On Stanford's eagerness to join the deputation, see Native College Correspondence 1908, W.E. Stanford to K.A. Hobart Houghton, 20 February 1908. On his inability to join the deputation, see *ibid.*, W.E. Stanford to Dr. N. Macvicar, 29 February 1908.

77 Native College Correspondence 1908, document entitled 'Notes of Mr. Merriman's Reply to Deputation from the Inter-State Native College Executive Board, March 14 1908'. For an account of the circumstances and transactions of the Railways and Customs Conference, see below pp.143-5.

begin.⁷⁸ Nevertheless, a conference of white and African delegates held at Lovedale from 1 to 3 July 1908 passed a resolution that the various South African governments be invited to send representatives of their education departments to confer with the Executive Board on questions affecting the educational policy of the proposed college.⁷⁹ But Stanford, when he was asked to comment upon this resolution, told the organisers that he (and J.W. Sauer whom he had consulted regarding it) felt that in view of the decision of the Inter-State Conference, it would be unwise at the present time to take any action in the direction suggested at the Lovedale Convention.⁸⁰ As it turned out, this aspect of the project was in fact stalled.

In the field of African fund-raising Stanford's influence was particularly valued. Thus in regard to Basuto evasiveness concerning their promised £6,000 contribution, John Tengo Jabavu, who was a member of the Executive Board, recommended in February 1908 that 'a strong deputation' be sent to Sloley and urged that Stanford should be one of

78 Native College Correspondence 1909, Memorandum on the Inter-Colonial Native College scheme, October 1909.

79 Cory Library MS.13154, Inter-State Native College Letterbook 1906-9, p.733, Honorary Secretary [unsigned] to W.E. Stanford, 23 July 1908. For an account of the Lovedale Convention, see Seboni, 'South African Native College', pp.73-96.

80 For the invitation to Stanford to comment upon this resolution, see Cory Library MS.13154, p.733, Honorary Secretary [unsigned] to W.E. Stanford, 23 July 1908. For Stanford's reply, see Cory Library MS.13217, W.E. Stanford to K.A. Hobart Houghton, 28 July 1908.

them 'as he might have weight with Mr. Sloley'.⁸¹ In the event, Dr. Neil Macvicar, another member of the Executive Board, saw Stanford on 3 March 1908 'and put the whole case before him about Basutoland'.⁸² But what became of the proposal to approach the Basuto to ask them to confirm their promise of a donation is not clear, and Stanford does not appear to have joined any deputation which might have been sent to them. By September 1910 nothing had yet been received from the Basuto.⁸³

It is likewise apparent from a memorandum penned in the hand of K.A. Hobart Houghton, the Honorary Secretary of the Executive Board, that Stanford was thought to wield considerable influence with the Transkeian Territories General Council. The memorandum requested that Stanford arrange for the council to guarantee to the scheme a sum of £2 000 after five years once the £10 000 contribution it had promised to the scheme had been paid.⁸⁴ A further indication of the importance which was ascribed to Stanford in the working out of the scheme was contained in the concluding section of the same memorandum.

81 Native College Correspondence 1908, J.T. Jabavu to Dr. N. Macvicar, 22 February 1908.

82 Native College Correspondence 1908, N. Macvicar to K.A. Hobart Houghton, 4 March 1908; *ibid.*, N. Macvicar to Rev. J. Henderson, 3 April 1908. On Macvicar, see D.S.A.B., vol.I pp.492-3.

83 Burchell, 'African Higher Education', p.82; Seboni, 'South African Native College', p.107.

84 Native College Correspondence 1906-1915, document of miscellaneous notes headed 'Representation at Conference of Basutoland £6 000', pp.1-2. K.A. Hobart Houghton was principal of the Lovedale Seminary and a former inspector of schools. See South Africa, 27 February 1960, p.142, 'Obituary'.

It read thus:

Urgent need of Stanford's active assistance. Situation entirely changed through grant of Self-Govt to Transvaal, O.R.C. Had that been delayed College would by now have been established. New situation demands new plans. If Dr. Stewart's views and wishes are to be carried out Col. Stanford must assist. (85)

How far Stanford was able to give satisfaction in these matters is not revealed by the documents on the college movement. But in regard to the more immediate affairs of the scheme, there are indications that he tried to push the project forward as fast as was feasible. Already in February 1908 he had outlined in a memorandum his proposal for the design of the college buildings and recommended the establishment of a reserve fund from the money in hand, the interest of which could be used for the general requirements of the scheme so that its promoters would not depend entirely upon government aid and student fees for all current charges.⁸⁶ The Executive Board did in fact decide to proceed with the building on the basis of the capital it had in hand and only to apply to the various colonial governments for maintenance grants once teaching had commenced.⁸⁷ Accordingly, in June 1908 at the meeting of the Executive Board, Stanford moved that the chairman of the Board be

85 Ibid. Italics as in document.

86 Native College Correspondence 1908, document entitled 'Remarks of Colonel Stanford on the Proposal to Embark on the Actual Establishment of the Inter-State Native College', enclosure to A.L. Barrett to K.A. Hobart Houghton, 4 February 1908.

87 Native College Correspondence 1909-1913, Letter from Chairman and Secretary of the Executive Board to the Prime Minister of Natal, February 1908.

authorized to call for plans from architects 'with a view to a commencement being made with the erection of buildings' and that the plans be submitted to the members of the Board at their next meeting. This resolution was accepted.⁸⁸ Almost immediately thereafter Stanford approached a leading Cape Town architect with a view to the drafting of suitable plans.⁸⁹ However, this all proved to be premature, for several years were to elapse before the question of plans and buildings for the college became pertinent.⁹⁰

88 . Native College Correspondence 1906 and 1908, document entitled 'Executive Board of the Inter-State Native College, Adjourned Meeting at Cape Town on 25th June 1908', pp.1-2.

89 Ibid., Francis Masey to Dr. J. Henderson, 30 June 1908; *ibid.*, J.W. Sauer to Dr. J. Henderson, 2 July 1908.

90 After many years of preparation classes at the college were started in July 1915. In February 1916 the college was formally opened by General Louis Botha, Prime Minister of the Union. Classes for matriculation as well as in theology and agriculture were commenced in the same month with a roll of twenty students drawn from all parts of South Africa. See Brookes, South African Native Policy, p.478.

CHAPTER 6

STANFORD'S WORK ON THE 1910

CAPE NATIVE AFFAIRS COMMISSION

The report of the 1907 departmental commission appointed to investigate native land settlement with a view to eliminating squatting and applying existing location laws had revealed the pressing need for an investigation of the land position in the Colony.¹ This need was re-emphasised by the Select Committee on Native Affairs on which Stanford served. It recommended that before Union a 'full inquiry' be instituted into the mode of land tenure of Africans in the Eastern districts of the Colony in order to end the existing confusion which was 'equally undesirable from the point of view of the Government and those specially affected by it'.² This report was adopted by the House of Assembly on 2 December 1909, and two weeks later Merriman announced the appointment of such a commission of inquiry. Stanford was designated as its chairman while John Charles Molteno and Charles William Lansdown were chosen as commissioners.³

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- 1 G46-1908, Report of the Departmental Commission on Native Land Occupation, pp.4-18, 25-30.
 - 2 A2-1909, Select Committee on Native Affairs, p.xxi, Fourth (and Final) Report, para.xxi.
 - 3 G26-1910, Reports (Interim and Final) of the Native Affairs Commission 1910, p.7.

The commission's formal brief was divided into four sections. In the first place, it was instructed to inquire into the difficulties arising from the occupation of surveyed lots by people who were not registered owners of these lots as well as from the expenses of transfer and survey. Under the same head, it had to investigate the difficulties arising from the congestion of population in the surveyed locations and it had to examine the practicability of providing for such population. In a wider context, it was instructed to examine generally the condition of the natives as affected by the tenure of land and the economic conditions depending upon it.⁶ Under the second head of investigation, the commission was directed to examine such matters pertaining to disputes affecting Africans as might be laid before it by the Minister of Native Affairs. Under the third head, it was charged with the investigation of the various systems of local government operative in African communities and their relation to the working of the divisional councils. Finally, under the fourth head, it was instructed to study '[g]enerally all matters affecting the well-being and good government of the Native community that [might] come under [its] notice'.⁴

However, Merriman's vision of the task of the commission was far larger than was indicated by the bald terms of its instructions. In a letter written to Stanford in early January he explained:

4 G26-1910, Reports of the Native Affairs Commission, p.7.

I very much wish you to take the opportunity afforded by the investigation of special matters to obtain and put on record before Union some general conspectus of the state of our Colonial Native population, the successes and failures of our system of policy, the advancement of the Natives both moral and material, and the obstacles that lie before us in dealing with this greatest of all South African questions.... (5)

In regard to Stanford's chairmanship of the commission he added, 'I know no one more fitted than yourself with your large experience to deal with this extremely difficult task'.⁶

Indeed, of the three commissioners Stanford was the only one who was demonstrably an expert in native affairs. John Charles Molteno, was the eldest son of Sir John Charles Molteno, first premier of the Cape. Born at Beaufort West in 1860, he had begun his career as private secretary to his father. In 1893 he had been elected as a member of the Legislative Assembly for the Thembuland division while in 1898 he had been returned for Jansenville, the constituency he had represented ever since. Politically he was associated with the South African Party, being a staunch member of the Afrikaner Bond. Land issues were his especial concern. Inside Parliament he kept a watchful eye on the interests of the agricultural community, and he was considered as an authority on matters pertaining to their welfare. He had served as chairman of

5 Cape Archives, NA1149, file 43 vol.2, Native Affairs Commission 1910, Correspondence, Reports and Memoranda, J.X. Merriman to W.E. Stanford, 4 January 1910, pp.5-6.

6 Ibid., p.6.



John Charles Molteno (Prominent Men, p.70).

the land commission which the Cape government had appointed after the South African War and had taken a deep interest in the commission's scheme for settling former soldiers and other people on the land. He was also a member of Merriman's Select Committee on Native Affairs. Outside Parliament he had devoted much time to developing the large farms which he owned in the Beaufort West district.⁷ Merriman obviously chose him as a member of the Native Affairs Commission because of his expertise in land matters, the investigation of which constituted so large a part of the commission's brief.

Charles William Henry Lansdown, in contrast, was an authority on legal matters. Born near Bristol in 1874, he had come to South Africa at the age of ten. In 1889 he had entered the Cape civil service as a railway clerk. He had later secured a promotion to the Cape Colonial Office and had subsequently been transferred to the Cape Law Department. In 1898 he had been appointed private secretary to the Attorney-General of the Cape and three years later his chief clerk. He had studied privately and received his B.A. degree with honours in 1902 and his LL.B. degree in 1905 at the University of the Cape of Good Hope. In 1906 he had been admitted to the Cape Bar and shortly afterwards had been appointed assistant law adviser on the professional staff of the Cape Law Department.⁸

7 On Molteno, see South Africa, 25 January 1924, p.158, 'Obituary'; Prominent Men of the Cape Colony, p.70; Sir J.T. Molteno, Further South African Recollections (London, 1926), p.36; Kilpin, Romance of a Colonial Parliament, p.150.

8 On Lansdown, see C.G. Hall, 'The Hon. Mr. Justice C.W.H. Lansdown', South African Law Journal, vol.64, 1947, pp.475-9; D.S.A.B., vol.IV p.301; Men of the Times, p.259; A.A. Roberts, A South African Legal Bibliography (Pretoria, 1942), p.369.



Charles William Henry Lansdown (South African Law Journal,
vol.64, 1947, opposite p.475).

Imvo Zabantsundu welcomed the appointment of the commission and applauded the choice of the commissioners, and of Stanford in particular.

'Colonel Stanford is a gentleman of affairs and long experience in Native administration and will bring a peculiar knowledge to his work', it declared. The newspaper predicted that the findings of the commission would be awaited 'with keen interest'.⁹

A large wad of documents pertaining to the investigations of the Native Affairs Commission housed in the Cape Archives testifies to the thoroughness with which the commission performed its task. Besides touring the Eastern Cape and conducting on-the-spot enquiries during the first quarter of 1910, it scrutinised a number of statistical and factual memoranda concerning the state of land occupation, local government and administration, educational provision for Africans, and the maintenance of law and order amongst them. It did not base its conclusions simply on the evidence before it, but also studied the work of other similar investigations, such as the Natal Native Affairs Commission of 1906-7, the Zululand Delimitation Commission of 1902-4, and the Royal Commission for the Decentralization of India of 1907-9.¹⁰

9 Imvo Zabantsundu, 2 December 1909 'A Welcome Commission' (editorial).

10 Cape Archives, NA1149, file 43 vol.2, Native Affairs Commission 1910. For its study of other commissions, see *ibid.*, G.R. Hofmeyr to E. Dower, 25 March 1910; *ibid.*, J. de Roos, Acting Secretary for Justice, to Secretary for Native Affairs, n.d. On the work of the Natal Native Affairs Commission of 1906-7, see Marks, Reluctant Rebellion, pp.12-13, 44, 47, 49, 342-3, 346-52; E.H. Brookes and C. de B. Webb, A History of Natal (Pietermaritzburg, 1979), pp.228-9. On the Zululand Delimitation Commission, see

The commission recorded its recommendations in regard to its specific enquiries in a series of minor unprinted reports. These are of little value in elucidating the gist of its findings, because they refer to particular situations only.¹¹ Its general conclusions it embodied in a lengthy printed report.¹² In this latter document the commission was very clearly drawing upon Stanford's administrative experience in the Transkeian Territories, and many of its observations and recommendations echoed views that Stanford had expressed at other times. To this extent, and to the extent that his must have been the guiding hand in its formulation, given his peculiar knowledge of native affairs, the report can be regarded as a profile of Stanford's ideas on native administration at this time.

In regard to land matters, the commission discovered marked congestion of humans and beasts in the African locations in the Eastern Cape¹³ and considerable confusion over the ownership of those tracts of land

Brookes and Webb, A History of Natal, pp.186-7. On the Royal Commission for the Decentralization of India, see Sir H.V. Lovett, 'The Indian Governments, 1858-1918', in H.H. Dodwell (ed.), The Cambridge History of India, vol.VI, The Indian Empire 1858-1918 (London, 1932), p.241; Sir P. Fagan, 'District Administration in the United Provinces, Central Provinces, and the Panjab, 1858-1918', in Dodwell, The Cambridge History of India, vol.VI p.292.

11 These reports are contained in Cape Archives, NA1149, file 43 vol.2, Native Affairs Commission 1910.

12 G26-1910, Reports of the Native Affairs Commission.

13 Ibid., p.26 para.88; *ibid.*, p.15 para.32.

which had been surveyed for individual tenure.¹⁴ Nevertheless, it favoured the conversion of African communal land tenure to individual tenure, because the survey of a location for individual occupation checked further reduction in the size of allotments and limited the encroachment of arable upon pastoral land.¹⁵ But the commission did not advise 'any wholesale ejection of the natural increase of population from the locations'.¹⁶ Accordingly, it believed that the terms of regulations (then being considered by the Cape government) which stipulated that, apart from registered holders of allotments, only persons engaged in a legitimate trade or industry, or paid agricultural or domestic servants, might be permitted to remain in an African location, were too stringent.¹⁷ It pointed out that such regulations excluded from the location married sons and dependent relatives of registered holders as well as migrant workers who wished to return to their homes. 'The risk of losing the right of residence', it warned, 'would tend to deter many who might otherwise leave the location for farm or other work for lengthened periods'. In addition, the ejection of relatives would cause 'very real domestic hardship'.

14 Ibid., p.17 para.42.

15 Ibid., pp.26-7 paras.87-8.

16 Ibid., p.27 para.89; see also *ibid.*, p.14 para.27.

17 Ibid., p.14 para.30.

Each case [it asserted] would go to swell popular discontent and, apart from undermining the good effects of the measures in districts already surveyed, would add to the unpopularity and difficulty of its [that is, the Glen Grey Act's] extension to other parts. (18)

Implicit in this statement was the conviction that the sheer impracticability and inhumanity of such a policy would impede the process of proletarianization which the Cape government hoped individualization of land tenure would foster.¹⁹ In any case, the commission believed that events would run their natural course without government intervention:

For the most part [it asserted] the young men of the future, sons of the allotment holders and of their sons, will be unable to cultivate land for the reason that the arable lands will all have been taken up; they will be unable to live on the breeding of stock, for the reason that the grazing is already insufficient, and gradually, without harsh intervention on the part of the legislature, they will come to depend more and more upon the results of their labour. (20)

In the commission's opinion, the wisest course was to allow the 'slow pressure of economic cause' to change the conditions of African life. It believed that it would be difficult for the government to initiate such change 'without causing lively dissatisfaction on the part of the people most nearly concerned'.²¹ Both the foregoing statements

18 Ibid., pp.14-15 para.31.

19 For a discussion of Cape African policy, see above pp.46-52.

20 G26-1910, Reports of the Native Affairs Commission, p.16 para.38.

21 Ibid., p.15 para.32.

closely resembled views that Stanford had expressed in his magisterial reports during the previous century.²²

Furthermore, the commission did not advocate the complete proletarianization of Africans, for it prized the 'healthy restraining influence of social life among their own people in the locations'.²³ These conditions contrasted markedly with the insalubrious social conditions of the peri-urban African settlements.²⁴ The commission wished to preserve the tribal influence for the 'rising generations' of Africans.²⁵ For all these reasons, it declared that it would be slow to recommend drastic change 'in advance of the sentiment of the people in a matter intimately affecting the conditions of their social life'.²⁶

To remedy the difficulties caused by the implementation of a policy of

22 ' [B]ut this at least seems sure: the land communally occupied by the natives will carry only a limited quantity of stock. As the population thickens the proportion of stock to individuals must decrease, and agriculture claim more attention. Then...individual title will be sought and the last link of the old tribal bond be thereby broken.... There is no more vacant land for the young swarms to hive off into now. Thus the labour question becomes involved in the land question. The man who has no land or trade must work for someone else who has'. See G7-1892, Cape Native Affairs Blue-Book for 1892, p.43. See also G4-1893, Cape Native Affairs Blue-Book for 1893, p.79; G9-1894, Cape Native Affairs Blue-Book for 1894, pp.74-5.

23 G26-1910, Reports of the Native Affairs Commission, p.15 para.37.

24 Ibid., p.15 para.36.

25 Ibid., p.15 para.37.

26 Ibid., p.15 para.34.

individual land tenure, the commission suggested a procedure of land transfer and registration based upon the provisions of the Glen Grey Act and the proclamations which had been modelled on it.²⁷

In the commission's comments upon the operation of the existing forms of local government and in its recommendations concerning this matter, Stanford's hand was again plainly evident. The commission drew attention in the first instance to the 'gravely defective' work of the village management boards of mission locations where these bodies had not been able to enlist the assistance of the whites. It ascribed this deficiency to a lack of black expertise in the procedures of white administration.²⁸

It therefore recommended that where necessary the government should be empowered to abolish these bodies. To replace these organs the commission suggested the establishment of boards 'under the carefully considered and very suitable provisions' of the 1909 Mission Stations and Communal Reserves Act, because this Act endowed the government with 'effective control' over the financial transactions of the boards.²⁹

This had been the very check on the powers of the boards which Stanford had urged should be inserted into the Mission Stations and Communal Reserves Act.³⁰

27 Ibid., pp.24-5 paras.76-7; see also *ibid.*, p.20 para.58.

28 Ibid., p.28 para.94.

29 Ibid., p.29 para.95.

30 See above p.89.

In contrast, the commission was gratified to discover how well the Glen Grey district council had been working in recent times.³¹ In view of the 'crying need for material development in the locations', it found it difficult to understand the continued opposition of a section of the people in every district to the establishment of a district council.³²

In its opinion, the matter had been 'resolved into a difference of view between the enlightened and advancing section and the laggards who shrink from anything new'.³³ On the basis of this observation, the

commission recommended the establishment of six district councils in the Ciskei, a region which, apart from the Glen Grey district itself, had not enjoyed this form of local government before.³⁴ In terms which

Stanford was to echo many years later in his reminiscences, the commission favoured the linkage of the councils under the aegis of a single controlling body, as in the Transkeian Territories, rather than their operation as discrete organs of local government. It valued the financial co-ordination, the benefits of common debate and the regular interchange of ideas which would be permitted by the unification of the councils.³⁵ The commission also expressed strong views in favour of the deliberative features of the councils. It believed that the meeting

31 G26-1910, Reports of the Native Affairs Commission, p.29 para.96.

32 Ibid., p.29 para.97.

33 Ibid., p.29 para.98.

34 Ibid., p.30 para.100.

35 Ibid., p.31 para.107. See Macquarrie, Stanford Reminiscences, vol.II p.163.

of tribal representatives for public discussion was 'productive of good' even where it was not possible for the government to accede to the requests made.

The mere liberty of expression [it claimed] is a safeguard against unduly pent-up feelings, and the atmosphere surrounding such discussion is very much more healthy than the passing of privy communications between Chiefs or tribes...without the knowledge of the Government or its officials. (36)

This argument was really nothing other than a variant of the safety-valve rationalisation which Rhodes had used as justification for the establishment of the Glen Grey district council.³⁷

The Native Affairs Commission devoted a large part of its report to a series of observations and recommendations regarding the juridical

36 Ibid., pp.31-2 para.108.

37 In his speech supporting the Glen Grey Bill Rhodes had stated that the main purpose of the measure was 'to keep the minds of the natives occupied'. 'If they allowed them to think of their roads and bridges, and even to deal with the appointment of scab inspectors and with the planting of forests [he had declared], they would occupy their minds usefully. But the "friends of the native" said "No, you must educate him to vote for me". However, he took a much humbler position, and thought they might first allow those children just emerged from barbarism to manage their own local affairs. Having proposed that they should form councils, so that it should not be a farce, he let them tax themselves, and gave them funds to spend in the matter of building bridges.... [C]ertain chiefs he had met in the Transkei said they did not care about the Parliamentary question, but wanted their minds employed on local matters'. See Cape Assembly Debates 1894, pp.366-7, quoted in Hammond-Tooke, Command or Consensus, p.88.

management of the African peoples of the Cape.³⁸

This matter was most pertinent to an investigation of the conditions and needs of African societies in the Eastern Cape. These societies found themselves trapped in a legal system which made little allowance for their tribal or semi-tribal circumstances. Whereas in the Transkeian Territories limited recognition had been accorded to native customary law, in the Cape such recognition had been withheld. Instead Cape Africans were subject to Roman Dutch law, the provisions of which frequently conflicted with the usages of their own societies. This law discountenanced polygynous marriages contracted in terms of African customary law.³⁹ It likewise denied recognition to the traditional lobolo customs, and so excluded disputes revolving around those from the purview of Cape courts.⁴⁰ Furthermore, the succession provisions of Roman Dutch law conflicted with those of African customary law. The latter provided for the devolution of estates to the issue of each marriage according to the principle of primogeniture in the same proportions as the deceased had distributed his property between the separate establishments or 'houses' of his various wives during his lifetime.⁴¹ Roman Dutch law, in contrast, substituted a system of community of property between man and wife. Any marriage not solemnised

38 G26-1910, Reports of the Native Affairs Commission, pp.34-43 paras.119-42.

39 Simons, African Women, pp.28-33.

40 G26-1910, Reports of the Native Affairs Commission, p.41 para.134.

41 Ibid., p.34 para.120.

in terms of the prescribed formalities was regarded (in the words of the commission) 'as an agreement for illicit intercourse allowing of no rights by the issue against the deceased father's estate'.⁴² In practice, this meant that only one wife of the polygamist - the one whom he had married in terms of colonial law - had rights in the estate.⁴³

However, two laws enacted in 1864, the Native Successions Act⁴⁴ which applied in the Cape Colony proper and the Native Successions Ordinance which operated in what was then British Kaffraria, sanctioned the tribal system of inheritance in instances where an African had died without having made a will. But the position was complicated by the succession provisions of the Native Registered Voters Relief Act of 1887.⁴⁵ These excluded Africans who had attained a prescribed level of education from the terms of the succession laws of 1864. Instead the distribution of their estates was governed by the principles of Roman Dutch law unless the African in question had elected to remain under tribal law.⁴⁶ Here, together with the basic injustice done by the provisions of Roman Dutch law to the successory claims of the large number of a polygamist's dependants went the fact that the majority of Africans

42 Ibid., p.34 paras.121, 124.

43 Simons, African Women, p.30.

44 Act No. 18 of 1864.

45 Act No. 41 of 1887.

46 G26-1910, Reports of the Native Affairs Commission, p.36 para.123; see also Simons, African Women, p.31.

were unaware of the legal consequences of their access to the franchise.⁴⁷
 If this were 'prominently brought under [sic] their attention', the
 commission contended, 'a large number would be most reluctant to
 acquiesce in the altered position'.⁴⁸

Stanford himself had introduced a motion into the Cape House of Assembly
 in August 1908 urging 'that the Cape Government be asked to take into
 serious consideration the anomalous state of the law relating to native
 succession, with a view to legislation'.⁴⁹ So it was not surprising
 that this subject should have received prominent attention in the
 commission's report. The relevant section of the report, in fact,
 began by directing attention to the 'grave confusion' caused by the
 application to Africans of the colonial law of succession and by piece-
 meal attempts to accord recognition to the traditional system of
 inheritance.⁵⁰

Stanford had formulated a number of strong views upon all these matters
 while he had served as a Transkeian magistrate during the previous
 century. The infusion of these opinions into the observations and
 recommendations of the 1910 Native Affairs Commission was plainly evident.
 Thus absolutely in keeping with his earlier ideas on utility of certain

47 Ibid., p.37 paras.125-6.

48 Ibid., p.137 para.126.

49 Cape Assembly Debates 1908, p.551.

50 G26-1910, Reports of the Native Affairs Commission, p.34 para.119.

African customary usages in a tribal context was the declaration of the commission that

the enforcement [of the Roman Dutch system of marriage and inheritance] upon [sic] a people to whom it is an alien system in strong repugnance to immemorial rules of inheritance thoroughly understood, and proved on investigation to work with satisfactory results and to be suited to the conditions of the people must be preceded by urgent considerations. (51)

The commission was thus unable to see in the European system 'such inherent virtue' and 'such incentive towards social elevation' as justified its enforcement 'against the general will of the Native people'.⁵² It therefore recommended the adoption of a draft code providing for the substitution of the African law of succession for the Roman-Dutch system except where an African elected otherwise.⁵³ This code, which had been drawn up by the Transkeian Territories General Council, it appended to its report.⁵⁴ It did not believe that the application of such a code would retard the demise of polygamy or discourage Africans from resorting to Christian marriage rites.⁵⁵ But this standardization of procedure was recommended with the proviso that 'adequate safeguards' for the rights of the African woman, who was a perpetual minor under

51 Ibid., p.38 para.128. For Stanford's ideas on the utility of customary usages, see above pp.19-20.

52 G26-1910, Reports of the Native Affairs Commission, p.38 para.128.

53 Ibid., pp.38-9 paras.127, 129.

54 Ibid., pp.50-55.

55 Ibid., p.39 para.131.

African law and so could not hold property in her own right, be instituted, and 'incentive to her emancipation' be created.⁵⁶

The same spirit of gradualist tolerance informed the commission's discussion of the lobolo customs. It asserted that these dowry exchanges were not associated with any idea of slavery but were a traditional custom which 'elevate[d]' the position of women and emphasize[d] the responsibility and binding character of the marriage contract'.⁵⁷

The commission declared itself to be strongly in favour of the recognition of the lobolo customs.⁵⁸ It found that the practice of lobolo had been 'largely' adopted by Christianised Africans,⁵⁹ showing that these customs were 'deep-rooted in the Native social system' and would persist whether or not the white administration recognised them.⁶⁰

Indeed, the commission's view was that the denial of legal sanction to this form of contract would create 'an incentive to vice'⁶¹ and might cause much discord in African social life.⁶²

56 Ibid., p.38 para.128.

57 Ibid., p.40 para.132.

58 Ibid., p.41 para.136.

59 Ibid., p.41 para.137.

60 Ibid., p.42 para.138.

61 Ibid., p.41 para.135.

62 Ibid., p.42 para.138.

The other sphere in which the Native Affairs Commission advocated the retention of traditional African customs was that of judicial procedure. It recommended the application of the African mode of enquiry to the determination of legal disputes between Africans on the ground that it was 'entirely unshackled by restrictive rules of evidence', and allowed the judge or adversary unlimited scope to probe the case of a party presenting a claim or pleading a defence. This method, the commission contended, in terms reminiscent of Stanford's general views on the utility of African customs, 'was evolved by Native society to meet the peculiarities of the people'.⁶³ It embodied the details of its recommendations on the subject in a short Bill which it drafted authorizing magistrates to dispense with the ordinary rules of procedure and to exclude attorneys in civil cases.⁶⁴

In his magisterial reports Stanford had drawn attention to African resentment of the incursions of law agents with their bills of fees into court proceedings and the obstacles presented to would-be African litigants by the levy of court fees according to the colonial tariff.⁶⁵ In fact, he had made it clear that he viewed the whole fabric of white

63 Ibid., pp.42-3 para.140.

64 G26-1910, Reports of the Native Affairs Commission, pp.55-6, Appendix F; see also Simons, African Women, p.45.

65 For Stanford's views on law agents, see G6-1888, Cape Native Affairs Blue-Book for 1888, p.59. For Stanford's views on court fees, see G3-1884, Cape Native Affairs Blue-Book for 1884, p.126.

court procedure embodied in the ritual of 'written demands, stamped summonses, fees for hearing, agents' appearances &c, &c' as being in flagrant contrast to the simplicity of traditional court protocol, and as such 'the cause of the natives' troubles in our courts'.⁶⁶ The commission's recommendations on juridical matters were thus simply another expression of Stanford's earlier desire to afford Africans the right of legal defence in an idiom familiar to them.

On the whole, the Native Affairs Commission felt sanguine about the general state of the African peoples of the Colony. It reported that it had encountered 'a true and grateful recognition' of the privileges which the Africans had enjoyed as British subjects. However, it admitted that anxiety for the future had not been absent amongst the Africans.⁶⁷ In terms reminiscent of those Stanford had employed in his magisterial reports⁶⁸ as well as of those he had used in

66 G6-1888, Cape Native Affairs Blue-Book for 1888, p.59.

67 G26-1910, Reports of the Native Affairs Commission, p.44 para.145.

68 'My view is that a great work is being done in the native territories by the Government, by missionaries and teachers, by merchants in the course of their trade, and by farmers amongst whom natives labour'. See G19-1897, Cape Native Affairs Blue-Book for 1897, pp.129-30. 'Half a century back the Native of these parts was simply a warrior and herdsman; incessant tribal wars kept him from permanent occupation of the soil, and the little cultivation then practicable was left to be done by the women. With a stable Government and a settled home, these conditions are entirely changed. The plough is now in general use from the Kei to the Umzimkulu, and with its introduction, although the area brought under cultivation has enormously increased, the women have been largely relieved of their work as tillers of the soil...'. See G29-1903, Cape Native Affairs Blue-Book for 1903, p.47.

Parliament,⁶⁹ the commission drew attention to the rapid advance of the Africans, citing as the main agencies of change religious teaching, the influence of the location school, and the example of the traders, farmers, government officials and townsmen.⁷⁰ It also referred to the increased African consumption of 'dutiabale merchandise' as well as to the increasing incidence of labour migrancy, applauding the freedom with which women and girls entered domestic service as a 'healthy feature of the economic situation'.⁷¹

In similar terms to those used by Stanford in his electoral speeches, the commission reported that it had 'from every quarter' received 'most satisfactory reports' of the general state and conduct of the African people. Like Stanford in these earlier utterances, it adduced as evidence for these observations the virtual absence of serious crime in the Transkeian Territories and the respect accorded by Africans to the persons of white women and children left unprotected in their midst.⁷²

Concluding with a flourish of optimism so typical of Stanford's own

69 For references to African advance contained in Stanford's parliamentary speeches, see above pp.101-104.

70 G26-1910, Reports of the Native Affairs Commission, p.45 paras.149-50.

71 On the African consumption of white merchandise, see *ibid.*, p.45 para.150. On African labour migrancy, see *ibid.*, p.45 para.151.

72 *Ibid.*, p.46 para.152. For Stanford's electoral utterances on the absence of crime in the Transkeian Territories, see above p.39.

sanguine view of Cape black-white relations, the commission declared:

Generally, the Native people are rising in the scale of civilisation; they are advancing intellectually; and by their loyalty, their obedience to the law, their large share in the industrial life of the country, and by their direct and indirect contributions to the public revenue, they are responding worthily to the generous policy of this Colony in the administration of Native Affairs. (73)

CHAPTER 7

STANFORD'S WORK ON THE NATIONAL CONVENTION

Stanford's characteristic beneficence towards the black man was carried forward into the wider South African arena with his participation in the negotiations which led to the creation of a union of southern African states - the major political development of this period as well as the sphere of Stanford's greatest public prominence in this phase of his career.

Whereas in the Cape Parliament cognizance was taken of a number of the views that Stanford expressed and his ideas were embodied in the recommendations of the committees and the commission on which he served, in the National Convention his opinions were challenged and rejected. As a consequence, a different Stanford emerged in the course of the making of a southern African union - a man who was forced to fight and to compromise and then to defend his changes of view - in short, a politician rather than merely a political administrator.

The problems which led to the launching of closer union negotiations

were complex and had deep roots. While there had been close economic links between the various states in southern African and they were all inhabited by both English and Afrikaners, white relations in the sub-continent had become explosive after the discovery of gold on the Witwatersrand in 1886. An intense struggle over the political rights of the Uitlanders had culminated in the South African War of 1899-1902 - a gruelling contest which had debilitated the economies of both republics and set the Afrikaners further apart from the English inhabitants of the sub-continent than ever before. This ghastly episode had provided a most dramatic demonstration of the desirability of creating a single enfolding state which could absorb and ultimately dissolve the divisive rivalries of the various contending groups within it. In addition, dissension over the quotas of Rand railway traffic and differences over port duties had exacerbated tension between the colonies. Matters had reached a head in 1908 when General Louis Botha's government had given notice that the Transvaal, the lynchpin of the whole southern African economy, intended to withdraw from the South African customs union which was due to expire on 1 July 1908. The outbreak of the Bambatha Rebellion in Natal in 1906 had provided a further stimulus towards closer union. This uprising had exposed a web of African grievances which testified to the ineptitude of Natal's native administration. The politicians in the other colonies had become alarmed about what might happen if Natal were simply left to go its own way.¹

1 For a fuller account, see Thompson, Unification, pp.1-4, 17-30, 42-8, 52-60, 70-82; L. Thompson, 'The Compromise of Union', in O.H.S.A., vol.II pp.331-48.

An Inter-Colonial Conference held in May 1908 had been unable to reconcile the financial requirements and economic policies of the various colonies. It had therefore recommended to the parliaments of the self-governing colonies - the Cape, Transvaal, Orange River Colony and Natal - that they appoint delegates to a National Convention which would be charged with the task of framing a draft constitution for a southern African state.² These closer union resolutions had been accepted by the four colonial parliaments in mid-June 1908.³

Merriman initially included W.P. Schreiner in the proposed Cape delegation to the National Convention. But a prior commitment to defend Dinuzulu, the Zulu chief, against charges of instigating the Bambatha Rebellion led to Schreiner's resignation from the Convention delegation on 4 September 1908 when it had become clear that the sessions of the trial would clash with those of the Convention.⁴ Evidently acting on the advice of Sir Henry de Villiers, Chief Justice of the Cape, Merriman nominated Stanford as a delegate to the Convention in Schreiner's stead on 7 September 1908.⁵

2 For a detailed account of the transactions of the Inter-Colonial Conference, see Thompson, Unification, pp.82-94.

3 Ibid., pp.142-8.

4 Ibid., p.146.

5 Macquarrie, Stanford Reminiscences, vol.II p.243; Cape Assembly Debates 1908, p.733. For information on de Villiers, see D.S.A.B., vol.I pp.224-30.

Schreiner had not informed Merriman of his intentions before he had announced his resignation in Parliament, and Merriman expressed considerable anger at what he felt to be Schreiner's 'studied insult' in resigning from the Convention.⁶ But he was also deeply relieved. To General Louis Botha, Prime Minister of the Transvaal, he confided:

It is a good job that Schreiner retired and it will shorten our proceedings materially. Stanford is a good fellow and has seen and knows too much about Natives to be an ultra-negrophile. Whatever he agrees to will be accepted on the other side and I look to him to help us with the [High Commission] Territories which will be a stumbling block. (7)

Stanford regarded his appointment to the National Convention as 'a high honour'.⁸ In reality, he was the obvious candidate for the vacancy although he was a newcomer to politics, and his possible usefulness to the union movement had been recognised well before his nomination to the Convention. In a letter to Smuts, thought to have been dated January 1907, Lionel Curtis outlined a procedure for the dissemination of knowledge of various aspects of the union question by authorities in

6 P. Lewsen, Selections from the Correspondence of J.X. Merriman 1905-1924 (Cape Town, 1969), p.90, J.X. Merriman to Sir J. Rose Innes, 13 September 1908.

7 Transvaal Archives, Prime Minister's Office, PM63 file no.11, Closer Union 1908-9, General Correspondence, May 1908-February 1909, J.X. Merriman to L. Botha, 14 September 1908. The hyphen in 'ultra-negrophile' has been inserted by the writer. Part of this letter is quoted in Odendaal, 'African Organisational Politics', p.218. For information on Botha, see D.S.A.B., vol.IV pp.41-51.

8 Macquarrie, Stanford Reminiscences, vol.II p.243; see also Transkeian Gazette, 16 December 1909, W.E. Stanford to Editor, 5 December 1909.

different fields and suggested that the issue of native administration be assigned to Stanford.⁹ Stanford's name had cropped up again in the course of the correspondence between the colonial prime ministers regarding the procedure to be adopted at the Convention. On 7 August 1908, in a letter dealing with the question of whether outside advisers should be appointed to the Convention, Merriman had told Botha that, in regard to the 'vexed' question of native policy 'upon which we may have great trouble with the Imperial Government', he wished to have Stanford at hand although not necessarily as an official adviser, and had asked whether there would be any objection to his making such an arrangement 'as a purely colonial affair'.¹⁰ Although the Transvaal delegation had indicated that it favoured the consultation of experts by the various delegations on an ad hoc basis rather than the formal appointment of official advisers,¹¹ Botha had acceded to Merriman's request.¹² On 20 August 1908 Stanford had himself noted in his diary that Merriman had invited him to accompany him to Pietermaritzburg to advise him on native affairs during the Convention if the necessity arose. 'I don't suppose that I shall be much needed', Stanford

9 General J.C. Smuts Papers 1907, vol.5 no.4, L. Curtis to J.C. Smuts, 7 January [1907?].

10 Transvaal Archives, Prime Minister's Office, PM63 file no.4, Closer Union 1908-9, Correspondence re Advisers, August-September 1908.

11 Merriman Correspondence, 1855-1926, no.102 of 1908, L. Botha to J.X. Merriman, 5 August 1908.

12 Ibid., no.149 of 1908, L. Botha to J.X. Merriman, 25 August 1908.

remarked, 'but I am glad to be even one of the advisers on so important an occasion'.¹³

Newspaper reaction to Stanford's appointment as a delegate to the Convention was generally favourable. The Transkeian Gazette believed that it would give 'much satisfaction' and commented that his 'great knowledge of native affairs' would be of 'inestimable benefit to the Convention'.¹⁴ The South African News remarked that the Prime Minister had chosen 'well and discreetly' and predicted that Stanford would prove to be 'of great assistance' to the members of the Convention.¹⁵ Izwi Labantu responded somewhat more caustically, asserting that it did not regard Stanford's appointment as a guarantee of strength for the black side. Whereas Schreiner was publicly committed to the principle of equal rights and favoured the retention of the Cape black franchise, Stanford had supported the recommendation of the South African Native Affairs Commission that the Cape black franchise be altered. If he had not changed his views since then, and the newspaper asserted that it was not aware that he had, Stanford was, in the opinion of the newspaper, 'not qualified to raise our enthusiasm or to remove our regret at Mr. Schreiner's resignation'. Izwi's verdict was that the black people were not represented at the National

13 Stanford Papers, A46, Diary for 1908, p.68, 20 August 1908.

14 Transkeian Gazette, 17 September 1908 'Local and General'.

15 South African News, 8 September 1908 'Which?' (editorial).

Convention.¹⁶ Ilanga Lase Natal and the Christian Express took issue with this view. The former declared that it had been 'agreeably impressed' with Stanford's public utterances on the native question and that it believed that he would do all 'that [lay] within his power' to protect the black franchise.¹⁷ According to the latter newspaper, Stanford's appointment was 'hailed with peculiar satisfaction by the Natives and their sympathisers' because of his 'life-long experience of the management of Native Affairs, his consistent advocacy of the legitimate claims and aspirations of the Native peoples, and their absolute confidence in his loyalty'.¹⁸

Stanford set off for the National Convention with a strong sense of occasion: 'I start on a journey which may be the prelude to most momentous events', he noted in his diary on 7 October 1908 on leaving Cape Town for Durban, the venue of the Convention's initial deliberations.¹⁹

16. Izwi Labantu, 29 September 1908 'The Convention at Durban' (editorial).

17. Ilanga Lase Natal, 9 October 1908 'The Convention at Durban' (editorial).

18. Christian Express, p.157, 1 October 1908 'The Month'. The Christian Express was a missionary journal rather than an organ of the black press, but its point of view can be regarded as representative of black views.

19. Stanford Papers, A46, Diary for 1908, p.81, 7 October 1908. The Convention met in Durban from 12 October to 5 November 1908. From 23 November to 18 December 1908 and again from 11 January to 3 February 1909 it sat in Cape Town. For a brief account of its work in each of these venues, see Thompson, Unification, p.186.



National Convention, 1908-9 (Macmillan Collection, Jagger Library). Stanford is standing fourth from the left in the back row.

Merriman feared that if the proceedings of the Convention were publicised 'long orations to the gallery' and the 'ill-informed comments of the London press' would hinder Union.²⁰ Accordingly, on the very first day of its sessions the delegates to the Convention decided to hold its proceedings in secret. The various delegates interpreted the terms of this resolution differently. Edgar Walton, journalist and Treasurer-General in Merriman's cabinet, made notes of the speeches as they were delivered. F.S. Malan kept a diary in which he summarized each day's proceedings, set down some of his own speeches at length, and recorded his personal opinions from time to time.²¹ Stanford, in contrast, interpreted the secrecy resolution more literally and observed it most scrupulously. He remarked in his diary that he regarded it as 'contrary to the agreement entered into by the delegates that secrecy should be observed in regard to the proceedings to say anything about them in a diary'.²² For the same reason, he rejected an invitation from the Natal Labour Party to give an address on the native question at a public meeting. 'Must decline as it would not be right for delegates to discuss at public meetings questions they have dealt with or are likely to deal with in the Convention', he

20 Transvaal Archives, Prime Minister's Office, PM63 file no.4, Closer Union 1908-9, Correspondence re Advisers, August-September 1908, J.X. Merriman to L. Botha, 11 July 1908, quoted in Thompson, Unification, p.150.

21 Thompson, Unification, pp.184-5. Both of these records were subsequently published. See Walton, Inner History; Malan, Konvensie-Dagboek. For information on Walton, see D.S.A.B., vol.III pp.829-30; Thompson, Unification, pp.504-5.

22 Stanford Papers, A46, Diary for 1908, p.83, 14 October 1908.

explained in his diary that same day.²³ Consequently, his usually communicative diary does not reveal much about his rôle in the Convention's negotiations. For the most part, therefore, one is forced to turn to other more oblique sources of information on Stanford such as the Convention minutes, Malan's diary and Walton's Inner History to build up a picture of his work on the Convention. As a result, one can only formulate the barest outline of such an account.²⁴

The main problem confronting the Convention was that of the distribution of power in a united South Africa, for any constitution that it drew up would have to reconcile the conflicts of interest between the various regions and between the different language and ethnic groups.²⁵ For Cape blacks and their counterparts in the other British colonies and dependencies in southern Africa, whom Stanford was regarded as representing at the Convention, the issue of the greatest importance was naturally that of the determination of the franchise qualifications and of the criteria for the occupation of public office. There was a wide divergence of sentiment and practice in regard to these matters -

23 Ibid.

24 The Convention's minutes were published in Minutes of Proceedings with Annexures (Selected) of the South African National Convention Held at Durban, Cape Town and Bloemfontein, 12th October, 1908, to 11th May, 1909.

25 Davenport, South Africa, p.165; Thompson, 'Compromise of Union', p.350.

so wide that it appeared that union negotiations might founder on this question.²⁶

In the Cape Colony educational and economic qualifications rather than colour were, for the most part, the determinants of admission to the franchise. In 1908 the vote was open to all adult males who were British subjects and could sign their name and write their address and occupation and who earned either £50 wages a year or occupied a house and land together worth £75. Africans who held land in communal tenure as well as those who held land in individual tenure under the Glen Grey dispensation were debarred from the exercise of the franchise. Any voter irrespective of his colour was eligible for election to the House of Assembly and any voter who owned property worth £2 000 clear of mortgage was eligible for election to the Legislative Council. In reality, however, no Coloured or African had ever been a member of the Cape Parliament. In 1909, of 142 367 registered voters in the Colony, 121 346 were white, 14 388 were Coloured and 6 633 were African.²⁷

In Natal there was nominal rather than actual admission of blacks to voting rights, for (in Thompson's words) the economic qualifications

26 Thompson, Unification, pp.109, 116; Thompson, 'Compromise of Union', p.352.

27 Thompson, Unification, p.110.

27 Thompson, Unification, pp.109-10; Trapido, 'African Divisional Politics', p.86; Edgecombe, 'Non-Racial Franchise', pp.36-7. On the successive reductions of Cape black voting rights, see above pp.49-50.

'were framed and administered so as to debar not only women but practically every non-European'.²⁸ Any white male who was a British subject and owned immovable property worth £50, or paid £10 rent a year, or received £8 wages a month was eligible to register as a voter. All those who were subject to Native Law were excluded from the franchise. A complicated procedure existed whereby an African could apply for exemption from Native Law, but in practice exemption certificates were rarely granted. Indians were debarred in terms of Act No. 8 of 1896 which excluded all those who did not originate from countries with elective representative institutions unless they could first obtain an order from the Governor-in-Council exempting them from the operation of this Act. In theory, members of the small Coloured community were entitled to franchise rights on the same basis as the whites, but they were sometimes treated as though they were subject to Native Law. The result of the existence of these differing qualifications was that, of 23 686 voters registered in Natal in 1907, 23 480 were white while only 150 were Indian, 50 Coloured and 6 African. Political power was thus exclusively a white preserve.²⁹

In the Boer republics blacks had always been denied political rights. The franchise colour-bar had been perpetuated after the conquest of

28 Thompson, Unification, p.110.

29 Ibid., pp.110-11.

these territories by Great Britain and embodied in their constitutions when they received self-government.³⁰

Popular sentiment largely accorded with these political arrangements. The evidence given before the South African Native Affairs Commission indicated that, while Cape attitudes were perceptibly milder than those in the northern colonies, nearly all white South Africans at this time tended to regard themselves as members of a dominant caste. In addition, a widespread determination existed in the northern colonies and Natal to reject any constitution which conferred political rights upon blacks outside the Cape.³¹

Merriman and General Jan Smuts - the two men who more than any others were to impose their will upon the National Convention - had corresponded since 1904 on the subject of black political rights in a union of the southern African colonies, but had failed to reach agreement. Merriman had capitulated in his insistence upon a high uniform colour-blind franchise for the Union Parliament so far as to accept the retention of the existing franchises if provision were made for some security to prevent the amendment of the Cape franchise by a bare majority of members of the Union Parliament. Smuts, however, did not favour the institution of any special guarantees for Cape black rights.³²

30 Ibid., pp.111-2.

31 Ibid., pp.112-6.

32 On the Smuts-Merriman correspondence, see *ibid.*, pp.117-26. The authoritative study of Smuts's life is W.K. Hancock, Smuts: The Sanguine Years 1870-1919 (London, 1962) and W.K. Hancock, Smuts: The Fields of Force 1919-1950 (London, 1968). For a brief account of Smuts's life, see D.S.A.B., vol.I pp.737-58.

In these circumstances and in the face of the seemingly irreconcilable differences of sentiment and practice in the various colonies, it was thus hardly surprising that Merriman valued Stanford's assistance in dealing with the 'vexed' subject of native policy.³³ He was not disappointed, for Stanford's work in the Convention revolved around this very issue.

'In the proceedings of that convention', Stanford recalled a year later, 'I fought for the principles of right and justice for the people of South Africa irrespective of race or colour'.³⁴ It was in this spirit that he sought on 19 October 1908 to amend Merriman's motion on the powers of the parliament of a united South Africa in order to provide for the extension of franchise rights to the black inhabitants of the northern colonies. Merriman had proposed that the Union Parliament be competent to alter, repeal or amend all laws in force in any colony, other than those laws dealing with the franchise or qualifications of electors. These should only be alterable in the manner prescribed for altering the constitution of the Union.³⁵ Stanford moved as an amendment the addition of a sentence stating that '[all] subjects of His Majesty resident in South Africa', whatever their race or colour,

33 For the source of the epithet, see above p.147.

34 Transkeian Gazette, 16 December 1909, W.E. Stanford to Editor, 5 December 1909. For a fuller extract from this letter, see below p.198.

35 Convention Minutes, p.20.

should be entitled to franchise rights 'upon such qualifications as may be determined by this convention'.³⁶ Before the end of the sitting, however, he withdrew his amendment and gave notice that he would move the proposed insertion as a substantive motion the following day.³⁷ This he duly did.³⁸ In response to Stanford's motion, Merriman moved as an amendment the proposal that all laws dealing with the franchise and qualifications of electors in the various colonies should remain in force until repealed or altered by the Parliament of South Africa. Furthermore, the proposed amendment stipulated that such repeal or alteration could not be carried by a majority of less than three-quarters of the members of both Houses sitting and voting together.³⁹

Stanford supported his motion in favour of the extension of franchise rights to the black people of the other colonies with a passionate speech which stated the black case very firmly. Commencing with a brief survey of native administration in South Africa, he expressed the opinion that the advance shown by the Africans during the past century had been 'extraordinarily encouraging'. 'The Native', he told the Convention, 'had quickly grasped the advantage of civilisation'. Invoking the Bunga precedent of self-government,⁴⁰ he said that in the

36 Ibid., p.20; Malan, Konvensie-Dagboek, p.41; Walton, Inner History, p.118.

37 Convention Minutes, p.21.

38 Ibid., p.21; Walton, Inner History, p.119; Malan, Konvensie-Dagboek, p.47.

39 Convention Minutes, p.23.

40 For other expressions of Stanford's approval of the council system of African local government, see above pp.103,132-3.

Transkei the Africans had 'what was virtually a native Parliament, elected by themselves, consisting of native members, raising revenue by means of taxes on natives and carrying out much of the work of native administration'. In his opinion, this progress was largely due to the grant of the franchise to them.

The Natives [he explained] saw the use of the franchise and took the full benefit of it. In case of grievances [sic] they brought them before their members. The outlet for a grievance existed and it was not left to simmer in the minds of the natives until it led to disorder and perhaps to rebellion. The experience of South Africa in this respect had been the experience of New Zealand and the experience of the United States. That experience proved that there was wisdom in providing a safety valve, in allowing a free outlet for the expression of opinion. Experience in other parts of South Africa showed that any attempt at repression was dangerous. They must realise the fact that the natives were men and must treat them as men and slowly they would prove themselves good and willing citizens ready and able to bear their full share of the burden of citizenship. They would take the same position and show the same progress throughout South Africa as he maintained they had done in the Cape Colony. The franchise in his opinion, and he spoke as one who had spent his life among the natives, the franchise was the crux of the whole Native question in South Africa and he trusted that this Convention would follow the precedent set by the United States of America and grant to the Native South Africans not only freedom but citizenship. (41)

41 Walton, Inner History, pp.120-21.

Stanford's comment in his diary at the end of that day was: 'Can't say whether I have made any impression on other delegates. Time will show'.⁴²

It was soon apparent that his pleas had made little impact upon the other delegates, for in the heated debate which followed his speeches only five Cape delegates, J.W. Sauer, F.S. Malan, Dr. Thomas Smartt, J.W. Jagger and Edgar Walton, came out in favour of his motion.⁴³

For the rest, the delegates rejected Stanford's proposal with varying degrees of vehemence.⁴⁴ The prime minister of Natal and the two northern colonies were unanimous in their opposition to it, General Botha insisting that Stanford's resolution 'would ruin the object the Convention had in view'.⁴⁵

42 Stanford Papers, A46, Diary for 1908, p.85, 19 October 1908.

43 For Sauer's speech, see Walton, Inner History, pp.126-8. For Malan's speech, see ibid., pp.133, 142-3; Malan, Konvensie-Dagboek, pp.48-53, 56-9. For Smartt's speech, see Walton, Inner History, p.135; Malan, Konvensie-Dagboek, pp.54-5. For Jagger's speech, see Walton, Inner History, p.135; Malan, Konvensie-Dagboek, pp.48-9, 54-5. For Walton's speech, see Walton, Inner History, p.144; Malan, Konvensie-Dagboek, pp.48-9. For the speeches of Fitzpatrick, see Walton, Inner History, pp.121-3; Malan, Konvensie-Dagboek, pp.46-7. On Malan, Jagger and Fitzpatrick, see D.S.A.B., vol.I pp.495-9, 407-8, 294-5 respectively.

44 Walton, Inner History, pp.123-33; Malan, Konvensie-Dagboek, pp.46-59.

45 For the speech of Frederick Robert Moor, Prime Minister of Natal, see Malan, Konvensie-Dagboek, pp.46-7; Walton, Inner History, p.124. For the speech of Abraham Fischer, Prime Minister of the Orange River Colony, see Walton, Inner History, pp.124-5; Malan, Konvensie-Dagboek, pp.48-9. For the speeches of General Louis Botha, Prime Minister of the Transvaal, see Walton, Inner History, pp.135-7; Malan, Konvensie-Dagboek, pp.58-9. The Botha quotation comes from Walton, Inner History, p.135. On Fischer, see D.S.A.B., vol.I pp.290-92. On Moor, see D.S.A.B., vol.III pp.492-3.

In the face of these differing viewpoints, the Convention could not reach agreement on the black franchise issue in the course of debate, and on 22 October 1908 referred the whole subject to a committee whose members did not include Stanford.⁴⁶

The committee framed a report which provided for the maintenance of the existing franchise laws in each province of the Union until these were altered by the Union Parliament. The black peoples of the Cape were to be protected from disfranchisement on grounds of race or colour by the stipulation that any such Bill should be passed by a two-thirds majority of both Houses of Parliament. However, the report provided for the exclusion of all those not 'of European descent' from eligibility for parliamentary membership.⁴⁷ When the committee's report was discussed by the Convention on 4 November 1908, a further proviso

46 The members of the committee were J.W. Sauer and E. Walton (Cape), Col. Edward Greene and Charles Smythe (Natal), Sir Percy Fitzpatrick and General J.C. Smuts (Transvaal), General J.B.M. Hertzog and Abraham Fischer (Orange River Colony), and Charles Coghlan (Southern Rhodesia). See Convention Minutes, p.27. For thumbnail sketches of all the Convention delegates, see Thompson, Unification, pp.501-12. For a summary of the proposals made during the Convention's debates regarding the franchise issue, see Convention Minutes, p.26, as summarized in Thompson, Unification, p.220.

47 Convention Minutes, pp.56-7, 64-6; Walton, Inner History, pp.154-6; Malan, Konvensie-Dagboek, pp.72-3. See also Thompson, Unification, pp.222-3.

was attached to the proposed entrenchment of the Cape franchise. This proviso stipulated that the two-thirds majority should be obtained in a joint sitting of both Houses of Parliament rather than in each House sitting separately. This weakened the proposed safeguard considerably.⁴⁸

Before the committee's resolutions were put to the vote, Stanford made a gesture in the direction of attempting to remove the disability that the Convention proposed to impose on Cape blacks in respect of their eligibility for parliamentary membership. On 4 November 1908 he gave notice of a motion 'not to limit the members of both Houses of Parliament to Europeans'. However, he then withdrew this notice and it was not recorded in the Convention minutes.⁴⁹ The resolutions were then adopted without a division, Stanford obviously having fallen into line with the other delegates.⁵⁰ When the constitution was being drafted in January 1909, he protested against the exclusion of blacks from the Cape House of Assembly, but to no avail.⁵¹

Stanford made one other attempt to prevent the introduction of a colour-bar into the franchise qualifications. When Frederick Moor, Prime Minister of Natal, introduced a motion on 16 December to the

48 Convention Minutes, pp.64-6; Walton, Inner History, pp.150-56; Malan, Konvensie-Dagboek, pp.72-3. See also Thompson, Unification, p.223.

49 Malan, Konvensie-Dagboek, pp.72-3.

50 Convention Minutes, pp.65-6; Walton, Inner History, p.155; Malan, Konvensie-Dagboek, pp.72-3.

51 On 18 January 1909. See Malan, Konvensie-Dagboek, pp.174-5.

effect that provision should be made in the constitution for the extension of the franchise to women 'of European descent', Stanford objected to the discriminatory terms of the proposal.⁵² He pointed out that in the Cape there was no colour-bar in the franchise and that the Convention had already endorsed that principle. 'The principle must therefore in common justice stand if women received the vote', he argued, and he moved an amendment which involved the omission of the words, 'of European descent'.⁵³ When the two versions of the motion were discussed on 11 January, there was a difference of opinion as to whether the relevant sections empowered Parliament by a bare majority to extend the franchise to white women only. F.S. Malan moved that the relevant sections of the Act should be amended in such a way as to preclude such action. However, he withdrew this proposal upon protestation by Colonel Edward Greene (the formulator of the black parliamentary exclusion clause of the constitution). Thereafter the whole subject of the women's franchise was dropped.⁵⁴

The result of the Convention's deliberations on black political rights thus represented a compromise between the conflicting points of view

52 For Moor's motion, see Convention Minutes, p.133. The motion is also quoted in Thompson, Unification, p.224 n.44.

53 For Stanford's speech, see Walton, Inner History, p.306. For his amendment, see Convention Minutes, p.143; Walton, Inner History, p.306; Malan, Konvensie-Dagboek, pp.146-7.

54 Walton, Inner History, pp.305-6; Malan, Konvensie-Dagboek, p.157. See Thompson, Unification, pp.223-4. On Greene, see D.S.A.B., vol.III pp.345-6.

of the Cape on the one hand and the northern colonies and Natal on the other.⁵⁵ In accepting the outcome of the negotiations, Stanford had behaved exactly as Merriman had predicted he would. He had indeed shown himself not to be an 'ultra-negrophile',⁵⁶ for he had not only capitulated in his attempt to secure the extension of a qualified franchise to the blacks of the other colonies, but had actually accepted the abrogation of the Cape right of black parliamentary membership. In the interests of facilitating agreement, he had sacrificed his liberalizing ideals and had shown himself to be a conformist rather than a reformist politician.

Compromise also characterised the Convention's resolution of the question of the proposed incorporation of the three High Commission Territories - Basutoland, the Bechuanaland Protectorate and Swaziland - into a proposed southern African union. Stanford played a part in the formulation of the terms of this compromise as well.

Basutoland and Bechuanaland had both been annexed by Britain in response to the requests of their chiefs for protection while Swaziland had been a protectorate of the South African Republic before it

⁵⁵ Thompson, Unification, pp.225-6.

⁵⁶ For the source of the phrase, see above p.146 n.7. The hyphen in 'ultra-negrophile' has been inserted by the writer.

had been placed under the control of the British High Commissioner.⁵⁷

In 1908 all three territories were under direct imperial control.⁵⁸

Amongst white South Africans a general expectation existed that these areas would in due course be incorporated into the South African

union.⁵⁹ However, the chiefs of these three territories valued British protection and did not wish to relinquish it and allow their territories to pass into the control of a white South African government.⁶⁰ By

the time that the Convention sat, the traditional leaders in the High Commission Territories had already communicated their fears regarding the possible implications of a South African union for the status of their territories to the British government.⁶¹

Because of the voluntary manner in which Basutoland and Bechuanaland had come under British rule and the loyalty of the peoples of all three territories, the British government regarded itself as having special responsibilities towards their aboriginal populations.⁶² It was therefore unwilling to agree to an immediate transfer of these territories to a united South African state, particularly if the South

57 Thompson, Unification, p.50; see also Walton, Inner History, p.294.

58 Thompson, Unification, p.49; Odendaal, 'African Organisational Politics', p.237.

59 Thompson, Unification, p.269.

60 Ibid., p.51.

61 Ibid., p.51.

62 Thompson, Unification, p.271-2.

63 Odendaal, 'African Organisational Politics', pp.237-8.

64 Thompson, Unification, p.271-2.

65 Simpson, South African History, p.100.

African constitution included provisions discriminating against the blacks.⁶³

The subject of the conditions of transfer was considered by Lord Selborne, British High Commissioner in South Africa, and the governors of the British colonies in September and October 1908.⁶⁴ Stanford was drawn into the discussions that took place. Thus, on 23 September, Stanford noted in his diary:

In the morning went by request to see the Governor [Sir Walter Hely-Hutchinson]. He discussed the coming Convention with me particularly in regard to the Imperial control of Basutoland & the Protectorate and Swaziland. He favours a different system in these Territories including the Transkeian Territories. (65)

On 25 September he saw Hely-Hutchinson again, and Hutchinson told him that '[the] Convention should lay down conditions it desire[d] on which Basutoland and other Native provinces should be handed over to central authority'.⁶⁶ The next day Stanford received a letter which Selborne had written on 23 September requesting him to visit him in Pretoria before the Convention began. Selborne told Stanford that although he would be at Durban at the time of the Convention: 'I think it would be a real advantage to me if I could have some absolutely

63 Ibid., pp.124-5; Odendaal, 'African Organisational Politics', p.237.

64 Thompson, Unification, p.271.

65 Stanford Papers, A46, Diary for 1908, p.77, 23 September 1908. On Hely-Hutchinson, see D.S.A.B., vol.I pp:354-6.

66 Stanford Papers, A46, Diary for 1908, p.78, 25 September 1908.

confidential conversation with you on some native aspects of unification or federation'.⁶⁷ Stanford does not appear to have paid Selborne such a visit, but his opinion continued to be solicited on the High Commission Territories question after the Convention had begun. Thus, on Sunday 22 November, he '[l]unched with Lord Selborne at Mount Nelson & discussed with him the question of protectorates & Basutoland in connexion with closer union of S. Africa'.⁶⁸ Similarly, on 14 December he recorded in his diary that he had '[h]ad talk with Lord Selborne yesterday morning on Native Protectorates in connection with closer union of South Africa'.⁶⁹

Lord Selborne also conferred with Sir Henry de Villiers, chairman of the Convention, on the subject, and he formulated a scheme for the incorporation of the territories which would protect their indigenous peoples. He felt that the territories should not be incorporated in the Union initially, but that their transfer could take place later on at the discretion of the British Secretary of State for the Colonies. For this reason, he proposed the inclusion of a section in the constitution empowering the Governor-General-in-Council to take them over singly or jointly, and he listed a number of conditions

67 Ibid., B190.1, Lord Selborne to W.E. Stanford, 23 September 1908.

68 Ibid., A46, Diary for 1908, p.94, 22 November 1908; see also *ibid.*, B190.2, Lord Selborne to W.E. Stanford, 11 November 1908.

69 Ibid., A46, Diary for 1908, p.101, 14 December 1908. The contradictory spellings of the word, 'connection', in this quotation and the previous one are Stanford's.

which should govern their administration after their transfer.⁷⁰

On 10 December 1908 the protectorates question was raised in the Convention for the first time, and Stanford was appointed to the committee to which the matter was referred. The committee's report, which was submitted to the Convention on 17 December, resembled Selborne's recommendations very closely. It proposed that a section be included in the constitution empowering the King, with the advice of the Privy Council, on addresses from both Houses of the Union Parliament to transfer any of these territories to the Union. Once such transfer had taken place, the Governor-General-in-Council would be empowered to govern the territory on the terms embodied in a schedule to the constitution. Administration was, for the most part, to be conducted independently of the white parliament, with the Governor-General legislating by proclamation and administering the territory with the aid of a commission of not fewer than three members (none of whom were to be members of either House of Parliament). Guidelines for the allocation of revenue to the incorporated territories were laid down and safeguards were included in the schedule. Thus African land was to be inalienable, the sale of liquor to Africans was to be prohibited, and traditional forms of consultation such as the holding of pitsos were to be maintained.⁷¹

70 Thompson, Unification, p.272.

71 Ibid., pp.274-5; Odendaal, 'African Organisational Politics', pp.242-3.

The report was accorded a mixed reception by the Convention, some of whose members resented what they regarded as the British interference which its proposals entailed. Stanford, replying to Thomas Hyslop, one of the Natal delegates, who had argued that the matter should be deferred until the Union had been established, said on 17 December that he favoured an immediate settlement of the question and that he supported the report of the committee.⁷² With Stanford's support as well as with that of other leading delegates such as de Villiers, Merriman, Fischer, Botha, Smuts, F.S. Malan, Jameson and ex-President Steyn of the Orange Free State, the report was adopted with only a few minor amendments and embodied in what became the schedule to the draft South Africa Act.⁷³

Linked both with the High Commission Territories and black political rights issues was that of native administration, and in connection with this matter more than with any other, Stanford left his mark on the draft South Africa Act.

Two major issues were involved. The first was that of the desire of the delegates for a uniform native policy, for it was believed that a Union government would display a greater degree of responsibility in

72 For the speeches of Hyslop and Stanford, see Malan, Konvensie-Dagboek, p.149.

73 Walton, Inner History, pp.293-4; see also Thompson, Unification, pp.276-7.

handling native questions than the Natal government had done. The second issue was that of the allocation of the powers reserved to the colonial governors to be exercised independently of their cabinets.⁷⁴ With these considerations in mind, Stanford moved a resolution on 7 December 1908 which consolidated the terms of the existing colonial dispensations by vesting 'the general control and administration of Native affairs throughout South Africa' in the Governor-General-in-Council.⁷⁵ In terms of this resolution, the Governor-General-in-Council would also exercise 'all special powers in regard to native administration hitherto vested in Governors of States and corresponding with or substituted for the prerogatives of paramount Chief over and in respect of any independent native tribe'.⁷⁶ The resolution also provided for the delegation by the Governor-General-in-Council to any provincial council or to the administrator of the province of whatever powers he regarded as advisable for the local administration of native affairs within that province. The resolution further stipulated that the powers exercised by divisional and municipal councils, and by village management boards 'over the natives in their areas'

74 Thompson, Unification, pp.202-3.

75 For details of the various pre-Union colonial native affairs dispensations, see Rogers, Native Administration, pp.2-3.

76 Stanford's resolution mentioned the powers of the Governor of Natal as supreme chief, the powers of the Governor of the Transvaal as paramount chief, and the powers of the Governor of the Cape Colony in regard to the proclamation of laws in the Transkeian Territories and over the Glen Grey district council and the Transkeian Territories General and district councils. See Convention Minutes, p.117. My account is based on the summary provided in Thompson, Unification, pp.201-2 and p.202 n.80.

should remain undisturbed.⁷⁷ In other words, black local government was not to be affected by the transfer of power entailed in the rest of the resolution.

In explanation of the terms of the resolution, Stanford told the Convention that it was necessary for the constitution to 'make it clear to the Native Peoples that their well-being had been cared for and provision made for their protection and good government under the law'.⁷⁸ He thought that 'for some time at least' it would not be possible to pursue the same policy in all the provinces. Nevertheless, he believed that the responsibility for this area of administration should rest with the Union government and that a uniform native policy would gradually be attained.⁷⁹

On 10 December this resolution was referred to the same committee as had been appointed to deal with the question of the protectorates. When the committee (with Stanford as a member) reported a week later, it recommended that a brief section based on Stanford's resolution be included in the constitution. The Convention agreed to this.⁸⁰ As a result, the draft constitution provided that the 'control and

77 Convention Minutes, p.117; see also Malan, Konvensie-Dagboek, pp.116-7.

78 Walton, Inner History, p.297. Hyphen in 'well-being' inserted by the writer.

79 Malan, Konvensie-Dagboek, pp.116-7.

80 Convention Minutes, pp.125, 137-8, 150, 193, 307, as summarized by Thompson, Unification, p.202.

administration of native affairs throughout the Union should be vested in the Governor-General who would exercise all special powers in regard to native administration previously vested in the governors of the colonies or exercised by them as supreme chiefs.⁸¹

and in spite of the fact that none of them was directly

linked with the Convention's report.⁸⁴ In Thompson's words:

The report of the National Convention with the draft South Africa Act was unanimously signed by the delegates; and on 31 February 1909 the Convention concluded its labours.⁸² Stanford noted in his diary that

day: 'Our work is now over and I am hopeful that the country will approve it.'⁸³ Less than the other delegates, had been affected by the need of rapprochement. Thus he recalled many years later:

81 Draft South Africa Act, section 148. See Convention Minutes, p.340. In the South Africa Act section 147 read thus: 'The control and administration of native affairs and of matters specially or differentially affecting Asiatics throughout the Union shall vest in the Governor-General-in-Council, who shall exercise all special powers in regard to native administration hitherto vested in the Governors of the Colonies or exercised by them as supreme chiefs, and any lands vested in the Governor or Governor and Executive Council of any Colony for the purpose of reserves for native locations shall vest in the Governor-General-in-Council, who shall exercise all special powers in relation to such reserves as may hitherto have been exercisable by any such Governor or Governor and Executive Council; and no lands set aside for the occupation of natives which cannot at the establishment of the Union be alienated except by an Act of the Colonial Legislature shall be alienated or in any way diverted from the purpose for which they are set apart except under the authority of an Act of Parliament'. See Convention Minutes, p.397.

82 Thompson, Unification, pp.307-8; see also Tembuland News, 13 March 1909, cited by Stanford at Elliot'.

83 Stanford Papers, A47, Diary for 1909, p.15, 3 February 1909.

84 Thompson, Unification, p.307.

85 Macquarrie, Stanford Reminiscences, vol.II p.245. The phrase 'give-and-take' inserted by the writer.

A remarkable feat had been accomplished. Thirty-three men of disparate backgrounds and widely different outlooks had in the aftermath of a generation of hostility and conflict between white South Africans reached a unanimous agreement on the creation of a single South African state in spite of the fact that none of them was wholly satisfied with the Convention's report.⁸⁴ In Thompson's words:

every delegate had been through an experience which would profoundly affect his attitude towards his fellow white South Africans for the rest of his life and every delegate had become inspired to some extent by the Botha-Smuts ideal of a united white South African nation. (85)

Stanford, no less than the other delegates, had been affected by this mood of rapprochement. Thus he recalled many years later:

Each delegation usually had its own room for consultation. Generally in these consultations we were a joyous lot but there were hard tussles at times when all felt the responsibility resting upon them that, while doing the best for one's own colony, the fate of South Africa as a whole depended upon a give-and-take policy. (86)

It was in a spirit of give-and-take that Stanford had compromised on his principles and accepted the agreement that was reached, and it was in the same spirit that he set out to defend it in spite of his personal reservations regarding some of its features.

84 Thompson, Unification, pp.307, 384; see also Tembuland News, 13 March 1909 'Colonel Stanford at Elliot'.

85 Thompson, Unification, p.307.

86 Macquarrie, Stanford Reminiscences, vol.II p.245. Hyphens in 'give-and-take' inserted by the writer.

CHAPTER 8

STANFORD AS CAPE DEFENDER

OF THE DRAFT SOUTH AFRICA ACT

The draft South Africa Act was published simultaneously in all four colonies on 9 February 1909. It then had to run the gauntlet of public criticism, the veil of secrecy having been lifted from the transactions of the Convention for the first time.

The proposed constitution was a bitter disappointment to the politically conscious blacks in South Africa, and they soon began to agitate. The African newspapers attacked the colour clauses of the draft Act, and African inhabitants of the Transvaal submitted a petition with many signatures to the Convention, pleading for the inclusion of franchise rights for Africans. Gatherings of Africans assembled in all four colonies to criticize the constitution, and every gathering passed resolutions deploring the colour clauses and the failure to extend the black franchise to the north. These regional conferences elected sixty delegates who gathered at a South African Native Convention at Bloemfontein from 24 to 26 March 1909. This Convention urged the retention and extension of the Cape suffrage and firmly rejected the colour-bar clauses of the constitution. It also asked that the clause

entrenching the Cape vote should be made unalterable. In addition, it requested that the High Commission Territories be kept under direct British rule. These resolutions were transmitted to the governors and prime ministers of the four colonies, to the chairman of the National Convention, Sir Henry de Villiers, and to Lord Selborne as High Commissioner, for submission to the Secretary of State for the Colonies. The Native Convention also resolved that if the draft Act were not suitably amended, a deputation would be sent to England. African members of the Transkeian Territories General Council likewise forwarded to the Governor of the Cape Colony for dispatch to the King a resolution unequivocally protesting against the colour-bar in the proposed South Africa Act.

The Coloured people's African Political Organization similarly mobilized opposition to the constitution. Meetings were held in Cape Town and in sixty other centres in South Africa. Eventually, a conference of eighty-nine A.P.O. delegates assembled in Cape Town between 13 and 17 April 1909. The conference passed resolutions deprecating the exclusion of blacks from the Union Parliament and asking for the permanent protection of the Cape black franchise as well as for its extension to all qualified people in the projected Union. These resolutions were duly transmitted to the English government. The conference also resolved that a fund be opened to protect Coloured interests threatened by the proposed constitution and to finance the sending of

a delegation to England if the necessity arose.¹

The time between the publication of the draft South Africa Act and the meeting of the Cape Parliament on 30 March 1909 was used by its members to explain the Act to their constituents and to express their views upon it.² It was in this context that Stanford and Charles Levey planned a trip through the Thembuland constituency for early March. Because of the extensive area of the constituency and the limited time at their disposal, they arranged to take different routes through the division. However, they expressed the earnest wish 'that with the great issue now before our country, party feelings may be set aside and the meetings attended in that spirit by all'.³

Stanford proceeded from Butterworth on 3 March 1909 to Idutywa on 4 March, Umtata on 6 March, Engcobo on 9 March, and Elliot on 11 March, holding separate meetings for whites and Africans at each place.⁴ However, only the speeches that he delivered to his white constituents

1 Thompson, Unification, pp.325-7; Walshe, African Nationalism, pp.20-22; Karis and Carter, From Protest to Challenge, vol.I pp.10-11; Odendaal, 'African Organisational Politics', pp.338-9.

2 Odendaal, 'African Organisational Politics', p.286.

3 Tembuland News, 27 February 1909, C.J. Levey, W.E. Stanford to Editor, 16 February 1909.

4 Stanford Papers, A47, Diary for 1909, pp.28-30, entries for 3, 4, 6, 9, 11 March 1909.

in the three major centres, Butterworth, Umtata and Elliot, were reported in any detail, and the content of these speeches was similar. They contained not only an explanation of the principles of the Union agreement but also supplied an account of the considerations which had led him to accept the compromise on black rights embodied in the draft Act. The speeches thus provided an exposition of the tenets of the wider political philosophy which informed his ideas on native policy.

He began his speeches with a rousing justification of the decision of the colonies to unite. At no time, he told the white electors of Umtata for instance, had a matter of greater importance to their present and future prosperity come before the people. They had for many years lived in a divided country, and 'out of war and bloodshed and many tears ha[d] come this great opportunity'.⁵ Stanford praised the spirit in which the Convention's negotiations had been conducted. 'Racial and party feeling', he claimed at Elliot, 'had not been evident in its deliberations'. 'When they considered the question of Union', he argued, 'they must not look at the advantages to be gained but to the danger of disunion'. He conceded that he would have wished for a few amendments in the constitution, but declared that these could not be secured without jeopardising Union.⁶

Stanford then considered the decision of the Convention to create one

5 Territorial News, 13 March 1909 'Colonel Stanford's Visit'.

6 Tembuland News, 13 March 1909 'Colonel Stanford at Elliot'.

central controlling legislature in a unitary state, citing constitutional precedents of unitary forms of government and discoursing on what he regarded as the disadvantages of federal structures of government.⁷

In this context, he referred to the union of Scotland and England as an example of a harmonious compact between two peoples. He contrasted this union with the federations of America, Australia and Canada, all of which, he argued, had been plagued by friction between the central and state legislatures.⁸

Next Stanford discussed the functions and powers of the provincial councils. He argued that they would serve as substitutes for the local governments and asserted that, as time passed, there would be an increasing tendency to devolve responsibility upon them.

They would remember the beginnings of the Transkeian Territories General Council [he reminded them, dwelling on one of his favourite subjects]. These beginnings were small but as time has gone on, the machinery being here, the tendency has been to put more and more responsibility upon this body and so it will be with the various States which now become provinces of a Union [of] South Africa. (9)

Stanford then turned to consider the allocation of parliamentary

7 Territorial News, 13 March 1909 'Colonel Stanford's Visit'; Tembuland News, 13 March 1909 'Colonel Stanford at Elliot'; Transkeian Gazette, 11 March 1909 'The Constitution. Colonel Stanford at Butterworth'. In the rest of this section I omit the headings of these articles when citing them.

8 Territorial News, 13 March 1909.

9 Ibid.

representatives to the provinces. He explained the reasons for the different weightings to be given to the provinces in the Union House of Assembly and pointed out that in the Senate they would have equal representation. In regard to the Senate, he also mentioned the fact that its constitution had been framed with the needs of the unrepresented black peoples of the country in mind. It was for this reason, Stanford explained, that four of the eight nominated senators would be chosen for their knowledge of the black peoples.¹⁰ Though the constitution was modifiable, Stanford said, 'his own impression was that the arrangements would not soon be altered'.¹¹

In his Umtata speech, Stanford also devoted attention to the resolution of the language question, justifying in stirring fashion the Convention's decision to adopt both English and Dutch as official languages:

They had to realise that this was a bi-lingual country and the man who knows both languages is better equipped for the work of this country than the man who knows only one of these languages. In the days gone by this question had not been sufficiently understood. The old cry was 'This is a British Colony and we will have one language only - English'. In the Dutch Republics it was exactly the other way about. These were the misunderstandings which led to the long years of trial and woe to which he had already alluded. Now the scales had fallen from their eyes and they marvelled at their own great foolishness in the past. With the settlement of these questions of language and representation he was confident that racial feeling as between Dutch and English would be a thing of the past. (12)

10 Tembuland News, 13 March 1909; Territorial News, 13 March 1909.

11 Territorial News, 13 March 1909.

12 Ibid.

On the sensitive issue of black political rights, Stanford told his constituents that he did not think that the northern states and Natal could reasonably be expected to accept the Cape system 'without a mandate from their people'.¹³ He declared that he thought the franchise compromise 'a fair one' and that he regarded it as unlikely that the Union Parliament would deprive blacks of their franchise rights.¹⁴ However, he said that, although he did not think that the time had arrived when a black person should enter Parliament, he regarded the provision making blacks ineligible for parliamentary membership as 'a distinct departure from principle and the introduction of a colour-line in the Cape Colony'.¹⁵ He thought this provision would 'instead of retarding, hasten the return of a coloured man as a member of Parliament'.¹⁶ In general, he believed that the majority of blacks were not fit for the franchise, and he wished to see them take an interest in their country and in their way of life and related subjects.¹⁷ These last sentiments very closely resembled the arguments used by Rhodes in justification of the district council system of local government as a quid pro quo for the exercise of the franchise.¹⁸

13 Ibid.

14 Tembuland News, 6 March 1909 'Colonel Stanford at Butterworth'.

15 Tembuland News, 13 March 1909.

16 Transkeian Gazette, 11 March 1909. Hyphen in 'colour-line' inserted by the writer.

17 Tembuland News, 13 March 1909.

18 See above p.133 n.37.

From the financial angle, Stanford regarded Union as distinctly advantageous. As he told his Umtata audience:

At one stroke all debts and all revenue were being consolidated and this was far better than having all the wrangling that had been produced in other countries in regard to the allocation of revenue and expenditure. (19)

For all these reasons, Stanford exhorted his white constituents to support the constitution and asked them to give him a mandate to support it in Parliament.

At the only African meeting given newspaper coverage, that held at Butterworth, Stanford was reported to have 'dwelt very lengthily on all the points affecting the native population, patiently explaining the Clauses and pointing out how their interests were protected in spite of the prohibition Clause'.²⁰ He was further reported to have stated that although he objected to the clause excluding blacks from parliamentary membership 'he had signed the Convention looking to the benefits as a whole with the hope which he cherished that the Union Parliament would adopt liberal and tolerable [sic] views'. He therefore advised the acceptance of the draft Act by the Africans as well.²¹

19 Territorial News, 13 March 1909.

20 Transkeian Gazette, 11 March 1909.

21 Tembuland News, 6 March 1909.

Predictably, Stanford's pleas for the acceptance of the draft South Africa Act were accorded a far warmer reception by the whites than by the Africans of the constituency. Whereas all his meetings with the whites passed off successfully, with resolutions of acceptance of the Act being adopted, the Africans were uneasy about the Act.²² Thus at Butterworth the African resolution of confidence was qualified by the request made to Stanford and Levey that they should try to secure the excision of the clause requiring candidates for Parliament to be of 'European descent'.²³ The Umtata African assemblage likewise protested against the colour-bar clause. While adopting a 'favourable view' of the general provisions of the constitution and 'leaving their interests in the Colonel's hands', the meeting expressed the hope that the Cape Parliament might suggest some amendment in the clause making European descent a qualification for membership. Although the gathering did not wish for representation by native members 'in the present conditions', it felt that the dividing line created by this clause was a 'hardship... placing a stigma upon persons of native descent for all time, whatever their advance in civilization might be'.²⁴ At Engcobo, the 'Natives [Stanford recorded in his diary] hesitated and resolved that as [the] measure affected not voters alone and leading chiefs were not present they could not give...any definite opinion'.²⁵

22 Stanford Papers, A47, Diary for 1909, pp.27, 29, 30, entries for 3, 4, 9, 11 March 1909; Territorial News, 13 March 1909; Tembuland News, 13 March 1909; Transkeian Gazette, 11 March 1909.

23 Stanford Papers, A47, Diary for 1909, p.27, 3 March 1909; Transkeian Gazette, 11 March 1909; Tembuland News, 5 March 1909.

24 Territorial News, 13 March 1909 'The Native Vote' (editorial); see also Stanford Papers, A47, Diary for 1909, p.28, 6 March 1909.

25 Stanford Papers, A47, Diary for 1909, p.29, 9 March 1909.

In some places Stanford encountered marked apathy on the part of the Africans towards the issues being spelt out in his addresses. For instance, while his African meetings at Umtata and Engcobo were well attended, he addressed meagre African audiences at Butterworth and Idutywa.²⁶

In the opinion of The Transkeian Gazette, the African speeches revealed that the Africans 'either did not grasp the importance of the subject...or else that they did not care a brass farthing for the whole business'.²⁷

Where Stanford did encounter strong feeling against the draft Act, he wished to dampen it. Thus, when he met Enoch Mamba, an activist African politician, who favoured an appeal to the Imperial government on the issue of the restriction of parliamentary membership to whites, Stanford commented in his diary:

26 Sixteen Africans turned out to the Butterworth meeting while only four or five put in an appearance at Idutywa, leading to a cancellation of the meeting there. For estimates of attendance at these meetings, see Stanford Papers, A47, Diary for 1909, pp.27-9, entries for 3, 4, 6, 9 March 1909.

27 Transkeian Gazette, 11 March 1908 'The Native and the Convention' (editorial).

He is rather of the aggressive type of educated native whose attitude is not likely to help his people. Better for them I think that they should leave their white friends to fight this battle. (28)

The special session of the Cape Parliament held to consider and approve the draft South Africa Act lasted from 30 March to 17 April 1909, and in the course of the Assembly's debate the discriminatory racial clauses of the Act were subjected to vigorous criticism.

W.P. Schreiner launched the attack on the colour-bar provisions of the proposed constitution with a lengthy and spirited defence of Cape rights. Dubbing these provisions 'a blot on the constitution', he asserted that Cape whites were trustees of the interests of the Coloured peoples of the Cape and insisted that the rights of these people 'should not be bartered away from [sic] any benefit which the Europeans could get'. He did not propose to foist Cape policy upon the other colonies, but was concerned that the rights of the native peoples might 'vanish into thin air under Parliamentary sanction' if the Cape representatives were

28 Stanford Papers, A47, p.29, 8 March 1908. Enoch Mamba was born at Fort Beaufort in 1881 or 1882 and educated at Healdtown where he trained as a teacher. At various times he had served as a headman, a labour agent and as a member of the Idutywa district council and of the Transkeian Territories General Council. He created and led a Native Vigilance Association which had branches in five districts and which was the first pan-tribal organisation in the Transkei. He had come to play an important part in the South African Congress. See C. Bundy, 'A Voice in the Big House: The Career of Headman Enoch Mamba', in Journal of African History, vol.22, 1981, pp.531-50.

not true to their trust regarding the Cape franchise. He believed that they needed a safeguard 'founded in justice and established in right'. He therefore urged the House to demand 'absolute protection' for Cape black rights. 'Union without honour', declared Schreiner, 'was the greatest danger any nation could incur'.²⁹

Stanford commented in his diary that night 'Mr. Schreiner made a great speech. He spoke for 2 hours and 10 minutes and held the attention of the [H]ouse all the time. He suggested a good many amendments for which evidently he will fight in Committee'.³⁰

Schreiner was supported by a series of speakers, some of whom demanded additional safeguards for black rights in the constitution. The black vote was defended as a right and not a privilege once a man had achieved a certain standard of education.³¹ It was argued that the two-thirds majority of the Union Parliament required for any change to the Cape franchise was an illusory protection because the Cape members of Parliament would be vastly outnumbered by those of the other provinces.³² It was suggested that the two-thirds majority should include a two-thirds majority of Cape members of the Union Parliament.³³

29 Cape Assembly Debates 1909, pp.17-19.

30 Stanford Papers, A47, Diary for 1909, p.37, 1 April 1909.

31 Cape Assembly Debates 1909, p.37, J.W. Sauer, M.L.A. for Aliwal North.

32 Ibid., p.25, John Alexander Greer, M.L.A. for Woodstock.

33 Ibid., p.22, Johannes Arnoldus Vosloo, M.L.A. for Somerset East; ibid., p.49, Morris Alexander, M.L.A. for Cape Town.

The opinion was also expressed that no safeguard would ever provide adequate protection,³⁴ and that the Cape franchise should therefore have been made irrevocable.³⁵

In keeping with Schreiner's ideas, the view was expressed that the franchise should not be thrust upon the other colonies.³⁶ There was, in addition, a widespread hope, for some an actual expectation, that the Cape example would liberalize the harsher racial attitudes of the northern colonies and Natal.³⁷

Other speakers, in contrast, thought that the settlement should remain as it was. Jameson, for instance, asserted that the exclusion of blacks from the Union Parliament was a sine qua non if the agreement of the other colonies to a Union settlement were to be secured.³⁸ Charles Levey, Stanford's colleague, declared that '[his] own impression was that a thanksgiving day...should be set apart, because he believed that the natives would be more protected than ever'.³⁹

34 Ibid., p.38, J.W. Sauer.

35 Ibid., p.66, Dr. John Hewat, M.L.A. for Woodstock.

36 Ibid., p.29, Jameson; *ibid.*, p.69, J.C. Molteno.

37 Ibid., p.29, Jameson; *ibid.*, p.32, H.E.S. Fremantle, M.L.A. for Uitenhage; *ibid.*, p.38, J.W. Sauer; *ibid.*, p.45, Thomas Searle, M.L.A. for Queenstown; *ibid.*, p.67, Henry Burton, M.L.A. for Albert and Attorney-General in the Merriman ministry.

38 Ibid., p.29, Jameson; see also *ibid.*, p.32, Fremantle, and *ibid.*, p.67, Burton.

39 Ibid., p.57.

In his attempt to defend the stance of the Cape delegates, Stanford once again displayed a certain ambivalence towards the draft constitution.

He told the House that he had gone to the Convention 'strongly in favour of maintaining the rights of our natives, and of supporting the policy of the Cape Government, which to his mind had been so successful'.⁴⁰

As regarded the blame that had been attached to the Cape delegates for the parliamentary exclusion clause, he pointed out that the Cape delegates had had to meet those who differed strongly with them and who were not disposed to accept the Cape's native policy. Reiterating what he had said to his constituents in Thembuland, he declared that the delegates of the other colonies 'rightly felt' that the question of conferring franchise rights had not been dealt with in their own parliaments and that they therefore had no mandate from their people on that point. As a result, Stanford declared, some compromise had to be accepted.⁴¹

In explanation of his own acceptance of the agreement, Stanford told the House that he did not think it 'consistent with his duty as a delegate' to throw his weight against a Union on account of the opposition encountered in the Cape House of Assembly. He said that he regarded it as his duty to continue with the work which had been entrusted to him by the House of Assembly and then to return to that House and

40 Ibid., p.55.

41 Cape Assembly Debates, pp.55-6.

take his instructions. Nevertheless, he believed that the black vote 'was secured, as far as it could be secured in South Africa'. But if they wished to add to the constitution a stipulation that a majority of Cape representatives be required for any change to the franchise provisions of the constitution, he would be in favour of it.

But [he declared] he did not hold that the mere counting of heads and votes meant the security of the native vote in the Cape Colony. It would rather be secured by the influence of a few men of light and leading, and he held that the leaven and influence of a few men of weight in the Councils of South Africa would go further in maintaining the rights of the natives than any mere paper entrenchment which could be given them.

The European descent clause he regarded as 'wrong in principle and impracticable in administration'. But objectionable as that clause was, it protected the provisions in the draft Act regarding native rights.

The people in the other States [he pointed out] were aghast at the thought that a coloured or native should sit in the House of Assembly in the Union Parliament. That was their view, and unquestionably the inclusion of that clause by which a native might not sit in the House of Assembly helped to reconcile them to the entrenchment of native rights under the draft Act.

If the House of Assembly decided that because of that blot, it would stand out of Union, he declared, 'the responsibility must be on that House and not on himself'.⁴²

During the committee stage of the debate, W.P. Schreiner was again to

42 Cape Assembly Debates 1909, p.56.

the fore in his attempt to secure the alteration of the colour clauses of the draft South Africa Act, and (as Stanford observed in his diary) he 'moved a great many amendments and strongly espoused the cause of the Native and Coloured population'.⁴³

Stanford, together with the other Convention delegates, voted against Schreiner's amendments, all of which were defeated by large majorities.⁴⁴ Stanford commented in his diary that although Schreiner's speeches had been 'eloquent and forceful' he had 'quite failed to carry with him the sympathy of the House'. Nevertheless, Stanford was most gratified by the expressions of liberal sentiment which the debate had thrown up.⁴⁵

However, one of Schreiner's proposed amendments, in particular, placed Stanford in an awkward position. The amendment in question was the proposed addition to clause 25, qualifications for senators, the proviso that Cape senators need not be of European descent.⁴⁶

43 Stanford Papers, A47, Diary for 1909, p.44, 12 April 1909. For details of the amendments, see Thompson, Unification, pp.341-2.

44 Ibid., p.342 and n.19.

45 Stanford Papers, A47, Diary for 1909, p.44, 12 April 1909.

46 Clause 25 stipulated that a senator be not less than thirty years of age, be a registered voter, have resided for five years within the Union, and be a 'British subject of European descent'. An elected senator (as distinct from a nominated senator) had to be the owner of immovable property within the Union valued at five hundred pounds over and above any mortgages on it. See Cape Assembly Debates 1909, p.88.

Speaking to the motion in what the Cape Times cartoonist dubbed 'a kind of Jekyll-and-Hyde speech',⁴⁷ Stanford cited the utterances of an octogenarian headman who had been the African spokesman at one of his meetings as testimony of African attitudes towards the clause. The headman, Stanford told the House, had refrained from objecting to the main principles of the draft South Africa Act except on the score of the disqualification applying to people not of European descent. The headman had said that this clause placed a stigma upon the Africans which there had not been before and that it had been a comfort to the Africans to know that there was no bar to their entering Parliament. The headman had regarded it as a hardship that the Africans should be disqualified irrespective of what they might become in the future.

Stanford confessed that 'nothing could be possibly [sic] more distasteful to him than to vote against the amendment of the hon. member for Queen's Town (Mr. Schreiner)'. But reiterating what he had said during his constituency tour, he explained that a compromise on black political rights had been unavoidable. He felt that he should not stand in the way of the Union, but said that he believed that in the future the Union Parliament might attain 'the same degree of liberality of thought and sympathy with these people' that the Cape Parliament had done. Stanford admitted to the House that he felt very reluctant not to support the amendment, but explained that 'he had given his word and could not go back on it, having signed the draft Constitution'.

⁴⁷ Cape Times, 17 April 1909. See copy of cartoon between pp.189 and 190.

'But it would be a pleasure to him if the members of that House who were not pledged to support the draft Act, passed that amendment', he said, almost breaking rank with the National Convention contingent in the Assembly at that point.⁴⁸

In a more mundane way, Stanford struck a blow for the African cause when the subject of the powers of the provincial councils came before the House assembled in committee. The general trend of opinion in the Assembly was against the provision of Section 85 of the draft Act that all education other than higher education should be entrusted to the provinces. It was widely felt that the central administration was more competent to deal with African education than the local administration was.⁴⁹ Stanford, however, thought that provincial control of education would promote the interests of the Cape Africans. He therefore came out in support of the principle of provincial control of African education, pointing out that the Cape Colony had a system of African education differing from that of the other colonies. He asserted that they were 'very well satisfied' with the Cape's educational efforts and that they would be anxious if their education were handed over to the central government. He therefore thought 'that they should go slow at the present time and bear in mind what the interests of the natives were'.⁵⁰

48 Cape Assembly Debates 1909, p.95.

49 Ibid., pp.130-31.

50 Ibid., p.131.



COL. STANFORD DELIVERED A KIND OF
JEKYLL - AND - HYDE, SPEECH.
AS A REPRESENTATIVE OF A NATIVE DISTRICT HE DECLARED
HIMSELF FOR THE AMENDMENT.
AS A MEMBER OF THE NATIONAL CONVENTION HE IS AGAINST IT.
(NATIVE FRANCHISE QUESTION)

Cartoon: 'Episodes in Parliament' (From Cape Times,
17 April 1909).

When a motion which had been proposed by Henry Fremantle providing for the administration of the educational system of any province by the Governor-General-in-Council if that province requested it was put to the vote, it was negatived by sixty votes to thirty-one. Stanford and Schreiner voted differently, Stanford predictably against the motion but Schreiner for it.⁵¹

In the event, the draft South Africa Act was passed by the Cape House of Assembly without any amendments to its colour clauses. The Act was then approved by the Legislative Council which likewise did not tamper with its colour provisions.⁵²

In the other colonial legislatures the provision allowing for the continuation of a black franchise in the Cape Province was severely criticised, but there, too, the draft Act was approved with its colour clauses intact.⁵³

The Convention reassembled in Bloemfontein from 3 to 11 May 1909 to consider the amendments which the various colonies had proposed to the draft South Africa Act. The question of black political rights barely broke surface, and no changes were made to the sections of the draft Act dealing with this issue. Eventually, on 11 May 1909, once again having

51 Ibid., pp.131-2.

52 Thompson, Unification, pp.345-8.

53 Ibid., pp.327-36, 348-62.

reached unanimous agreement, the National Convention concluded its deliberations and issued its final report.⁵⁴

In the short sessions which commenced on 1 June 1909 the Transvaal and Orange River Colony Parliaments unanimously passed resolutions supporting the revised draft Act.⁵⁵

In the Cape Parliament, whose session also began on 1 June, the revised Act did meet with some opposition, for Schreiner made another attempt to secure the liberalization of the provisions dealing with black political rights. To this end, he moved an amendment on 2 June that the House should only approve the draft Act 'subject to the modifications necessary to safeguard the native and coloured inhabitants of this colony against discrimination on the ground of race or colour in respect of political rights'.⁵⁶

In his speech on Schreiner's motion, Stanford stressed that the members of the Assembly were in a different position in considering the question from what they had been earlier. Whereas it had then been possible to make amendments or suggestions, now the Convention had

54 Ibid., pp.366-84; Odendaal, 'African Organisational Politics', pp.347-50.

55 Thompson, Unification, pp.390-92.

56 Cape Assembly Debates 1909, p.164. On the Cape parliamentary session in general, see Thompson, Unification, pp.392-3.

ceased to exist. For this reason, the House had to face the issue of whether it should insist upon certain views and thereby wreck Union or support the draft Act as a whole and thereby secure Union. He believed that Schreiner's proposed amendment would prove unacceptable to the other delegates. Stanford then made a spirited plea for the adoption of a tolerant attitude towards the viewpoints of the other colonies in terms which displayed an acute perception of the degree of the historical trauma which underlay the formation of the harsh racial attitudes of the northern colonies and Natal:

He thought that they should not be too hasty in condemning the views and feelings of the people who resided in the other States. In that connection they must remember the history of the past and the differences which existed between the native people of other States and those of [the] Cape Colony. Let them take native wars, for instance, and compare the experience of [the] Cape Colony with that of the Northern Colonies or Natal, where they still had a Province called Weenen (weeping), owing to the ruthless murders by the natives of Dutch women and children in the war with the natives. The memories of those times had remained and affected the population of the following generations. He would like to point out that he did not mention these points with the idea of raising feelings against the native people in those countries, but simply and purely from the historical aspect, because that counted for a great deal as to what existed in the other colonies, and not in the Cape Colony.

Stanford added that he thought that the situation would be made worse if the position were forced. He pointed out that the issue involved not simply the question of the blacks in relation to the Union but also the matter of administration. He himself believed that the Cape system of administration would ultimately be extended over the whole country, but he reiterated his view that in regard to the adop-

tion of a colour-blind policy, 'they should not wish for too much, and endanger the cause of Union'.⁵⁷

Thus once again Stanford found himself at variance with his political mentor, Schreiner. It turned out that Schreiner was not able to muster support for his amendment. The resolution of approval of the revised draft South Africa Act was passed by the Cape Assembly on 3 June with only two dissentient voices, those of Schreiner and of Sir Gordon Sprigg, the veteran Cape politician. The next day the resolution was likewise approved by the Legislative Council.⁵⁸

In Natal almost three-quarters of the votes cast in a referendum held on 10 June to test the attitude of the electorate towards the draft Act were in favour of Natal's entry into Union. The decision of the electorate was endorsed in a brief parliamentary session held between 16 and 18 June 1909.⁵⁹

The stage was thus set for a specially selected drafting delegation to proceed to England to watch over the passage of the draft South

57 Cape Assembly Debates 1909, p.168.

58 Thompson, Unification, pp.392-3.

59 Ibid., p.396.

Africa Act through the British Parliament - a necessary condition of the creation of Union.⁶⁰

The gap in thinking that had opened up between Stanford and Schreiner in the course of the parliamentary debates on the draft constitution widened when Schreiner accepted the invitation of Dr. Abdullah Abdurahman, Coloured political leader and chairman of the African Political Organization, to accompany a deputation which that organization and the Bloemfontein Native Convention had decided to send to Britain in an attempt to secure the expurgation of the discriminatory clauses of the draft South Africa Act.⁶¹

As early as April 1909, when the draft South Africa Act was being debated by the Cape Parliament, Stanford had held strong views on the tactic of appeal to the Imperial Parliament and the British people. On 12 April he had noted in his diary that a general impression existed that Schreiner would try to move public opinion in England so as to secure the acceptance of his amendments in the House of Commons. Stanford's comment had been:

I question the wisdom of this course even in the interests of the Natives themselves. It is the white men of South Africa who have to govern the Natives and pressure from over the water will

60 Ibid., pp.387-9.

61 For information on the deputation, see Trapido, 'White Conflict', pp.203-6; Thompson, Unification, pp.385-6. For information on Abdurahman, see D.S.A.B., vol.I pp.1-4.

simply 'harden their hearts' in dealing with the Natives. (62)

In June, when arrangements for the Schreiner deputation had been finalised, Stanford had again confided his thoughts on the subject to his diary. On 11 June he had noted:

Mr. Schreiner is going to England and no doubt will continue his fight on native rights over there. I fear this will diminish very seriously his influence for good on the Native question in this country. (63)

Eight days later he had discussed the matter with Beauclerk Upington, a fellow Independent in the Cape House of Assembly, who proved to be in agreement with him.

We both fear that Mr. Schreiner's mission to England ...will not be likely to do good to the Native people and that hereafter his own influence in their favour in this country will be weakened

had been Stanford's diary comment that day.⁶⁴

Merriman, too, was gravely perturbed about this move to sway the British Parliament from without. He therefore hustled Sir Henry de Villiers on to the same ship as Schreiner 'to keep an eye on him', as Thompson has put it, and he enlisted Stanford's aid in a move to

62 Stanford Papers, A47, Diary for 1909, p.44, 12 April 1909.

63 Ibid., p.70, 11 June 1909.

64 Ibid., p.73, 19 June 1909.

influence the British government against the Schreiner deputation.⁶⁵ Accordingly, at Merriman's request Stanford called on the Cape Governor, Sir Walter Hely-Hutchinson, and discussed with him the movement to pressurize the Imperial Parliament into amending the colour-clauses of the draft South Africa Act. Stanford repeated the views he had expressed in the Cape Parliament, and in Stanford's presence Hely-Hutchinson drafted a telegram embodying these opinions. This telegram he cabled to the Secretary of State for Colonies immediately afterwards.⁶⁶

According to the telegram, Stanford was 'strongly of opinion that the considered decision of the Convention on the subject, endorsed by the South African Parliaments, ought to be accepted'. In his view, the elimination of the restriction regarding European descent as a criterion of parliamentary membership would create a danger of an attack on existing rights, whereas its inclusion would 'tend to minimise any probability there might be of an attempt being made in the Union Parliament to abolish or diminish those rights'. The telegram stated that he firmly believed that the settlement of such questions should be left to the people of South Africa themselves. In it he asserted that

65 Thompson, Unification, p.402.

66 Stanford Papers, A47, Diary for 1909, p.77, 28 June 1909; Merriman Papers, Correspondence, 1855-1926, no.307 of 1909, Sir W. Hely-Hutchinson to Merriman, 29 June 1909.

his experience of the discussions in the Convention assure[d] him that there [was] a growing feeling and intention amongst the leading politicians in South Africa in favour of promoting the real interests of the Natives, and that, provided nothing (such as the elimination of the 'European descent' restriction) [was] done to arouse a contrary feeling, he [was] confident that in the end all [would] work out for their true interests. (67)

As it turned out, the Schreiner mission was thwarted by the general apathy of the British public and by the opposition of most British newspapers and so did not succeed in its object. Beyond insisting on a tightening of the guarantees for the High Commission Territories, the British government did not feel obliged to interfere in the transactions of Union. The draft constitution was thus passed by both Houses of the British Parliament in July and August 1909 with its discriminatory clauses intact. As a result, the South Africa Act was scheduled to come into operation on 31 May 1910 when a Union of South Africa cabinet under a Union prime minister would assume power.⁶⁸

Looking back over the whole sequence of events a few months later when delivering an account of his stewardship of Thembuland interests to his constituents, Stanford still held firm to the position he had

67 Merriman Papers, Correspondence, 1855-1926, no.307 of 1909, telegram, Governor to Secretary of State, 28 June 1909, enclosure to Sir W. Hely-Hutchinson to J.X. Merriman, 29 June 1908.

68 Thompson, Unification, pp.416-32.

adopted on the Union question. In a letter published in the Transkeian press he explained:

In the proceedings of that convention I fought for the principles of right and justice for the people of South Africa irrespective of race and colour, and I regard some of the clauses of the draft act as a departure from these principles. The questions involved therein are questions which in my belief must be decided by the European people of South Africa who are responsible for the good government of the country. While holding myself free in the future to express views which I still maintain, I cannot acknowledge that I did any wrong in approving a Union in which much, although not all, that I desired was secured. (69)

69 Transkeian Gazette, 16 December 1909, W.E. Stanford to Editor, 5 December 1909.

CHAPTER 9

CONCLUSION

By February 1910 Stanford had decided not to offer himself for election to the Union House of Assembly.¹ His duties as Thembuland member had quite clearly taken their toll of his health. As early as July 1908, signs of the physical strain which had caused him to retire from the Cape civil service had again become apparent, and he had been advised by his doctor to do less work.² In 1910 ill-health partly accounted for his failure to keep a diary, a task to which he had applied himself most assiduously ever since 1876.³ Furthermore, as The Territorial News pertinently observed, Thembuland was a difficult constituency to represent, and Stanford was no longer young. Nor was he sufficiently fit to undertake the strenuous journeys incumbent upon a Thembuland representative, journeys indeed made the more arduous by the execrable condition of Transkeian roads and the virtual absence of rail links

1 Territorial News, 12 February 1910 'City and Camp'; see also Transkeian Gazette, 16 December 1909 'Local and General'.

2 Stanford Papers, A46, Diary for 1908, p.57, 14 July 1908.

3 Ibid., A48, Diary for 1911, p.4, 9 January 1911. For Stanford's earlier diaries, see Stanford Papers, A1-A47, Diaries for 1876-1907.

in the region.⁴

But far from fading into obscurity after 1910, Stanford entered upon a period of renewed public service and of increased prominence.⁵

Chosen at Union as one of four senators nominated 'on the ground mainly of their thorough acquaintance, by reason of their official experience or otherwise, with the reasonable wants and wishes of the Coloured races in South Africa', he was able to apply his knowledge to the problems of the black peoples of South Africa in a far wider context.⁶

Whilst concerned about the trend in white thinking which favoured discrimination against blacks on the ground of colour alone - as embodied in the Dutch Reformed Churches Act of 1911 which excluded northern Coloureds from membership of the parent church - he adopted a cautiously moderate attitude towards the bid of General Botha's government to introduce territorial segregation.⁷ Thus, fearing that the Africans might be wholly extruded from their ancestral landholdings by grasping white entrepreneurs if no firm 'reserve policy' were adopted, he

4 Territorial News, 12 February 1910 'City and Camp'. On the parlous state of communications in the Transkei, see A.R.E. Burton, Cape Colony for the Settler: An Account of Its Urban and Rural Industries, Their Probable Future Development and Extension (London and Cape Town, 1903), p.251; Stanford Papers, HI.28, Kokstad Advertiser, 3 August 1912 'East Griqualand's Railway'.

5 Except where otherwise indicated, the following account is based on Macquarrie, Stanford Reminiscences, vol.I pp.xxiii-xxviii, and D.S.A.B., vol.I pp.767-7.

6 For the source of the phrase describing the terms of Stanford's nomination, see South Africa Act, section 24(ii), in Convention Minutes, p.371.

7 The Dutch Reformed Churches Act was passed as Act No.23 of 1911. For Stanford's speeches on the measure, see Senate Debates 1910-11, cols.279, 418-9.

reluctantly accepted the government's decision to partition the country between whites and Africans - 87 per cent of the land being allocated to the former and 13 per cent to the latter. Consequently, he supported the 1913 Natives Land Act as the only means of securing any land at all for the Africans.⁸ Seizing upon this as an indication of tacit support for its territorial policy as a whole, the Botha administration appointed Stanford in August 1913 to serve on the Natives Land Commission - a body of five men charged with the demarcation of white and African areas in terms of the Act. The commission issued a report in May 1915, detailing the nature of the territorial division it believed should be effected in terms of the Act.⁹

With the outbreak of World War I in 1914, Stanford's usefulness to the Union government further increased. In November 1914 he was summoned to Griqualand East as the government's special commissioner to quell an African disturbance that had broken out in response to stringent cattle-dipping regulations which had been enforced in the territory and to investigate the causes of the rising. With some military backing but largely by sheer force of personality, Stanford managed to pacify the

8 The Natives Land Act became Act No. 27 of 1913. For Stanford's speeches on this measure, see Senate Debates 1913, cols.543-5.

9 For a brief account of the territorial policy of the Botha government, see Davenport, South Africa, pp.334-6.

insurgent Africans.¹⁰ He issued a report which recommended the relaxation of the veterinary restrictions and attributed African malaise in the region to dissatisfaction with the departmentalised and police-based system of administration which had after Union been substituted for the familiar magisterial mode of government.¹¹ His cattle-dipping recommendations were duly acted upon by the government.¹²

Stanford was also drawn into the larger war effort, having accepted office in October 1914 as Director of the Citizens' Training Association in the Cape Peninsula. In regard to black interests, his major contribution in this capacity was to assist in the foundation of the Cape Corps, a unit of Coloured combatants which rendered notable military service in German East Africa and Palestine during the war.¹³ He

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- 10 For Stanford's main address to the Africans, see Matatiele Mail, 26 November 1914 'Visit of the New Chief Magistrate'. On Stanford's rôle in pacifying the Africans, see Stanford Papers, A51, Diary for 1914, pp.329-59, entries for 25 November - 23 December 1914. For general information on the disturbance, see C. Bundy, 'Dissidents, Detectives and the Dipping Revolt: Social Control and Collaboration in East Griqualand in 1914', unpublished typescript, n.d.; W. Beinart and C. Bundy, 'State Intervention and Rural Resistance: The Transkei, 1900-1965', unpublished typescript, Oxford University, n.d.
- 11 Stanford Papers, C18.2, S3-1915, A Return of the Senate Showing Report of Government's Special Commissioner, Senator Col. the Hon. W.E.M. Stanford, C.B., C.M.G., with Regard to the Matatiele Disturbances. On the subject of the efficacy of the Transkeian magisterial system in relation to the post-Union administrative structures, see Stanford, 'Native Administration and Native Crime'.
- 12 Stanford Papers, A51, Diary for 1914, p.343, 8 December 1914; *ibid.*, p.351, 17 December 1914: 'Natives and Dipping. The New Regulations', newspaper cutting, no source or date, appended to this page of the diary; *ibid.*, pp.355-7: entries for 21, 23 December 1914.
- 13 See, for example, Stanford Papers, A51, Diary for 1914, p.281, 8 October 1914; *ibid.*, A52, Diary for 1915, pp.224, 241, 260,

involved himself in recruitment for this battalion and took a deep interest in its activities in the years after its establishment.¹⁴ Ultimately, in January 1919 he was made its Honorary Colonel. In February 1918 he became a recruiter at a national level with his acceptance of the post of Director of Recruiting. In August 1918, when the end of the war was in sight, this position was converted to that of Commissioner for Returned Soldiers. He served in this capacity until July 1919. In June 1919 he was made a Knight of the British Empire for his war services.

In the meantime, Stanford had continued serving as a senator, and his voice was heard in the House on a number of matters pertaining to black welfare. These included such issues as African taxation,¹⁵ the claim of Africans for government funding of higher education,¹⁶ the limitation of African underground mining contracts to a nine-month period,¹⁷

263, 324, 325, 326: entries for 12, 29 August, 15, 20 September, 21, 22 November 1915. The classic account of the establishment and activities of the Cape Corps is I.D. Difford, The Story of the 1st Battalion Cape Corps (1915-1919) (Cape Town, n.d.).

14 See, for example, Stanford Papers, A52, Diary for 1915, pp.328, 334: entries for 24, 30 November 1915; *ibid.*, A53, Diary for 1916, pp.4, 14, 19, 38, 40, 171, 245, 262: entries for 4, 14, 19 January, 7, 9 February, 19 June, 28 August, 18 September 1916; *ibid.*, A54, Diary for 1917, pp.134, 297, 316, 342: entries for 14 May, 24 October, 12 November, 8 December 1917; *ibid.*, A55, Diary for 1918, pp.67, 74: entries for 8, 15 March 1918.

15 Senate Debates 1914, col.622.

16 Senate Debates 1910-11, cols.157, 599.

17 Senate Debates 1914, cols.582-3.

the provision of adequate compensation for African miners' phthisis victims,¹⁸ the inclusion of Coloureds in juries,¹⁹ and the handling of stock thieves.²⁰ In the parliamentary sphere, his major personal achievement in this period was the issuing in May 1913 of a report on tribal custom and marriage laws by a Senate select committee which under his chairmanship had taken a large body of verbal evidence on the subject. The report urged the introduction of the Transkeian system of judicial administration for Africans in all provinces.²¹ Owing to the exigencies of war and of white worker unrest serious attention could not be given to the report's recommendations.²² However, in 1916 Stanford introduced a private Bill which proposed to relieve 'civilised' Africans in Natal from the operation of tribal law, which was applicable to all non-exempted Africans in terms of the Natal Native Code, and so protect the interests of African women whose personal

18 Senate Debates 1912, col.761; Senate Debates 1914, col.509; Senate Debates 1915-16 (typescript), vol.IV cols.1780-81.

19 Senate Debates 1915-16 (typescript), vol.II cols.782-3.

20 Senate Debates 1912, col.854; Senate Debates 1915-16 (typescript), vol.II col.738; Senate Debates 1917 (typescript), vol.III cols. 1390-91.

21 Senate SC6-1913, Select Committee on Native Customs and Marriage Laws. On the Transkeian judicial system, see above pp.14-15.

22 Simons, African Women, pp.46-7.

property would otherwise fall under the guardian's sole control.²³

Stanford piloted the Natives Relief Bill, as it was called, through the Senate, but in the House of Assembly it was referred to a select committee and subsequently dropped.²⁴

That Stanford was viewed as a useful instrument of policy was again demonstrated in December 1919, when the government, by this time headed by Smuts, called upon him to address and so aid in the pacification of striking dockworkers in Cape Town.²⁵ In view of his utility it was not surprising that the Smuts government renominated him as a 'native senator' in February 1921 when constituting the second Senate of Union.

However, with the accession to power in June 1924 of the government of General J.B.M. Hertzog and the introduction of its more overtly discriminatory native policy, Stanford's rôle changed.²⁶ He pitted

23 For Stanford's speech introducing the second reading debate of this Bill, see Senate Debates 1915-16 (typescript), vol.II cols. 589-95.

24 Simons, African Women, p.47.

25 For Stanford's comments on the strike and his rôle in pacifying the workers, see Stanford Papers, A56, Diary for 1919, pp.354-63, entries for 20-29 December 1919. A general account of the unrest is contained in P.L. Wickens, The Industrial and Commercial Workers' Union of Africa (Cape Town, 1978), pp.28-34, 40-41.

26 For a brief outline of Hertzog's policies, see Davenport, South Africa, pp.199-208, 333-4, 336-7, 361-3. A recent and controversial study of his native policy is Lacey, Working for Boroko.

himself against the administration in its attempts to enforce labour discrimination on the mines. Thus he took strong exception to the Mines and Works Bill - a measure which proposed to limit the granting of certificates of competency in certain categories of labour to whites and Coloureds, and so exclude Africans from skilled occupations. He argued most firmly against the Bill when it was introduced in the Senate in July 1925 and again in March 1926 as well as at the Joint Sitting of both Houses of Parliament held in May 1926 to force the measure into law.²⁷ Similarly, he deprecated the attempts of the Hertzog government to deprive Cape Africans of their franchise and substitute a separate voters' roll system both at public meetings and in parliamentary debate when a Joint Sitting was held in February 1929 to consider the matter.²⁸ His opposition to Hertzog extended to the 1927 Flag Bill - a measure which seemed to presage South Africa's secession from the British Commonwealth. He became chairman of the executive of the Flag Organisation, a body formed to oppose Hertzog's flag proposals.²⁹

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- 27 Senate Debates 1925, cols.573-6; Senate Debates 1926, cols.161-4; Joint Sitting of Both Houses of Parliament: Mines and Works Act, 1911, Amendment Bill, 7th May to 12th May 1926, cols.66, 67-70. The measure became Act No. 25 of 1926.
- 28 For details of the meetings, see Stanford Papers, A63, Diary for 1926, p.250, 7 September 1926; *ibid.*, A46, Diary for 1927, p.20, 2 February 1927. For Stanford's parliamentary speeches, see Joint Sitting of Both Houses of Parliament: Natives' Parliamentary Representation Bill, Coloured Persons' Rights Bill, 12th to 25th February, 1929, cols.20, 84-5.
- 29 For Stanford's speeches on the two Union and Nationality Bills, see Senate Debates 1927, cols.999-1001; Senate Debates 1927-8, cols.187-8.

The Senate itself put up a strong fight against Hertzog's Mines and Works Bill and flag suggestions. Angered by its resistance, Hertzog made a clean sweep of the senatorial nominations in September 1929 when creating the third Union Senate, appointing only those who were sympathetic to his policies.³⁰ Stanford had not made himself available for renomination; and so, by this time aged seventy-nine, finally went into retirement. However, his interest in the black peoples of South Africa did not cease. He continued to follow the developments in native policy with concern, and served in the Community Chest - an organisation which he had helped to establish to coordinate charitable work in Cape Town - eventually becoming its chairman and honorary life president.³¹ He delivered addresses and published several articles

- 30 The four senators appointed on account of their knowledge of native affairs were Pieter Adriaan de Lange, Pieter W. le Roux van Niekerk, Cornelius Johannes van Rooyen Smit and Francis Charles Thompson. For thumbnail sketches of these men and comment upon their knowledge of native affairs, see Cape Argus, 20 September 1929 'Government Nominates Its Eight Senators'; Cape Times, 21 September 1929 'Union Senate Completed'. In Stanford's view, only van Niekerk had practical administrative experience in native affairs and was known to the blacks. See Stanford Papers, A66, Diary for 1929, p.151, 21 September 1929; Cape Times, 21 September 1929 'Union Senate Completed'. On 8 October 1929 Stanford remarked in his diary that the Senate would be 'little more than a "rubber stamp" now where Government measures are concerned'. See Stanford Papers, A66, Diary for 1929, p.161.
- 31 For evidence of Stanford's concern about developments in native policy, see, for example, Stanford Papers, A67, Diary for 1930, pp.16, 19: entries for 20 February, 3 March 1930; *ibid.*, A68, Diary for 1931, pp.8-9: entries for 28, 29 January 1931; *ibid.*, A69, Diary for 1932, pp.15, 43, 60: entries for 18 February, 27 May, 25 July 1932. For tribute to Stanford's Community Chest work, see Stanford Papers, B251.54, Thomas Cronin to Lady Stanford, 25 September 1933.

dealing with native affairs, and he completed the dictation of his reminiscences - a body of recollections which contained much valuable information on the aboriginal peoples of the Cape.³²

In October 1929 the University of Cape Town honoured Stanford by awarding him an honorary doctorate of laws. This tribute was most appropriate to one who had devoted his whole working life to the government and administration of the black peoples of South Africa, and it was an honour which Stanford prized most highly.³³ On 7 June 1933 he celebrated his golden wedding anniversary, but shortly thereafter took ill with pneumonia. On 9 September 1933 he died.

Stanford's death evoked widespread regret, and letters and telegrams of condolence streamed in to his family.³⁴ Many newspapers and

32 For examples of Stanford's addresses, see Stanford Papers, A67, Diary for 1930, p.7, 20 January 1930; *ibid.*, A68, Diary for 1931, p.94, 23 November 1931. His newspaper articles were: Cape Argus, 17 August 1929 'With Rhodes in Pondoland' (kept in Stanford Papers at H1.32); Cape Argus, 1 February 1930 'A True Story of Umhlonhlo's Treachery' (kept in Stanford Papers at H1.33); Cape Argus, 30 May 1931 'Native Policy in the Union. Success of the Transkeian System'. For information on the dictation of Stanford's reminiscences, see Macquarrie, Stanford Reminiscences, vol.I p.iv.

33 Observation based on Macquarrie, Stanford Reminiscences, vol.I p.xxvii. For Stanford's reaction to his receipt of the honorary doctorate, see Stanford Papers, A66, Diary for 1929, p.139, 31 August 1929.

34 Stanford Papers, B251.1-251.72, Letters and telegrams of condolence to Lady Stanford and Mrs. D. Ruffel on Stanford's death, August-September 1933.



Walter Stanford and his wife at the time of their golden wedding in 1933
(Sir W.E.M. Stanford Papers, Jagger Library).

periodicals likewise carried obituaries and warm tributes.³⁵ He was commended for his noble ideals, his useful life and his gentle loveable disposition. Perhaps the most expressive were the words which General Smuts wrote in a letter to Stanford's widow:

Sir Walter Stanford I had counted for many years among those of my friends on whom I could rely most implicitly for wise counsel and loyal support, and to me too it is a deep sorrow that he has passed away. Our consolation is that he has had an exceptional record of great service to his country, and that he leaves behind a record of which we are all very proud. (36)

In recent years the question of 'the nature of the so-called 'Cape liberal tradition' has been the focus of much discussion in South African historiography. The seminal contribution to the debate was Phyllis Lewsen's article, 'The Cape Liberal Tradition - Myth or Reality', first published in 1969.³⁷ In this article she argued that by 1910 a

35 See, for example, Cape Argus, 9, 11 September 1933; Cape Times, 11 September 1933; Daily Dispatch, 11 September 1933; Friend, 11 September 1933; Kokstad Advertiser, 15, 22 September 1933; Rand Daily Mail, 11 September 1933; Star, 19 September 1933; Tembuland News, 22 September 1933; Territorial News, 14 September 1933; Times of London, 11 September 1933; Blythswood Review, October 1933; South Africa, 15 September 1933; South African Outlook, 2 October 1933. The obituaries from Cape Times, 11 September; Kokstad Advertiser, 22 September; and Times of London, 11 September are kept in the Stanford Papers at H2.2, H2.5 and H2.7 respectively.

36 Stanford Papers, B251.41, General J.C. Smuts to Lady Stanford, 13 September 1933.

37 P. Lewsen, 'The Cape Liberal Tradition - Myth or Reality?', in The Institute for the Study of Man in Africa, paper no.26, November 1969. The article was subsequently reprinted in Race, vol.XIII no.1, 1971, pp.65-80.

conservative liberalism, expressed in the determination of the Cape to cling to its principles of government, 'had a hold in both parties and language groups, and was linked with institutions which gave it growing tenacity'. While admitting that acute class distinctions and a marked degree of colour prejudice existed at the Cape and conceding that Cape liberalism was 'inescapably linked with the white man's belief in his superiority', she asserted that 'the Cape did partially acclimatize a liberal system of government transplanted from abroad, and develop...within...limits...a viable liberal tradition'.³⁸

In the years since the appearance of this article, revisionist scholars, the most notable of whom have been Stanley Trapido, Colin Bundy and Martin Legassick, have examined aspects of the wider economic, political and social context of Cape liberal thinking in an attempt to reach an understanding of the essence of the Cape liberal tradition. The revisionist writers have attacked the assumption that the conventional definition of liberalism could be applied to conditions in the Cape as these affected blacks.³⁹ According to this definition, liberalism is

38 Lewsen, 'Cape Liberal Tradition', as published in Race, vol.XIII no:1, 1971, pp.78-9.

39 Trapido, 'White Conflict'; Trapido, 'Friends of the Natives'; Bundy, Rise and Fall, pp.xvi, 81, 137-40, 147-8, 273; Legassick, 'Making of South African Native Policy'; Legassick, 'Rise of Modern South African Liberalism'. See also Rich, 'Dilemmas of South African Liberalism'; Hogan, 'Posthumous Vindication of Zachariah Gqishela'.

a creed which posits the pre-eminence in society of the interests of the individual safeguarded by a dispensation of political and civil equality, freedom of conscience, of association and of the press, and is based on an economic system of laissez-faire.⁴⁰ Instead, the revisionists have argued, Cape liberalism was closely attuned to the needs of a developing capitalist economy, and its tenets actually ministered to the imperatives of that economy. According to Colin Bundy, for instance, Cape liberalism derived much of its élan vitale from the conjunction of interest between missionaries, merchants and administrators at the Cape—all of whom supported the creation of a consumer-producer black peasantry. Missionaries equated the diffusion of Christianity with the spread of Western economic influences; merchants desired markets for their merchandise; while administrators sought buffers against unconquered African kingdoms and wished to see the Colony pay its own way.⁴¹ In Bundy's words:

The creation of an African peasantry was viewed as a social and economic good: land-owning and food-producing peasants would make good citizens, customers and Christians;

40 My definition of liberalism is based on Lewsen, 'Cape Liberal Tradition', pp.69-71; Legassick, 'Rise of Modern South African Liberalism', p.1; Davenport, 'Civil Rights', pp.12-13.

41 Bundy, Rise and Fall, pp.xvi, 81, 137-40, 147-8, 273.

the native areas would be integrated into the import-export sector of the economy. (42)

For these reasons, the revisionists have contended, the political manifestations of Cape liberalism such as the colour-blind franchise and the creed of civic equality were rooted not simply in ideology, but were part of what Stanley Trapido has described as 'a strategy developed both by colonial administrators and settler politicians for the political incorporation of a part of the African population'.⁴³ In the opinion of the revisionists, the superficiality of the Cape liberal tradition has been demonstrated in a shift they have perceived in its emphasis during the nineteenth century from a concern with civic equality and the non-racial franchise to a preoccupation with the means of just administration of Africans who would not be incorporated on equal terms in the common society - in short, a move from integration to segregation. According to them, the desire for an African middle class gave way to a concern with the establishment of habits of industry and an interest in industrial education and a concomitant emphasis on the supposed 'dignity of labour'. The revisionists seek the explanation for the changing nature of Cape liberalism in the economic environment. With the final subjugation of the Africans of the Transkei, the spectre of frontier warfare receded, and so there

42 Ibid., p.137.

43 Trapido, 'Friends of the Natives', p.267.

was no longer need for an African peasantry as a buffer. Furthermore, the growing demands of mines and farms for labour in the wake of the mineral discoveries led Cape liberals to attach far greater importance to the creation of a mass labour force than they did to the development of a black peasantry. Proletarianization was therefore encouraged.⁴⁴ In Bundy's words:

As the peasant sector became 'modernized' (through the introduction of surveys and titles) while it continued to keep the workers' dependants alive, ineluctable forces would provide employers with the labour they needed, and all these desirable ends could still be loosely construed within a (slightly thinned) Cape tradition. (45)

The corollary of such arguments has been the claim made by revisionist writers that the so-called liberal 'friends of the natives' were not humanitarians with an altruistic interest in black development, but rather proponents of a capitalist economic and social order whose rhetoric was adapted to circumstances.

Just how far is such a proposition applicable to Stanford as a member of the Cape Parliament?

In her recent unpublished seminar paper, 'Cape Liberalism in its Terminal Phase', Phyllis Lewsen has presented a profile of the main

44 Argument as stated by Trapido, 'Friends of the Natives', pp.258-9; Bundy, Rise and Fall, pp.137-40; Legassick, 'Rise of Modern South African Liberalism', p.2.

45 Bundy, Rise and Fall, p.139.

attitudes of Cape liberals. It provides a most useful tool for such an analysis. She has described Cape liberals as 'good bourgeois citizens' who 'shared the values and motivations of those around them'. Influenced by social evolutionary thinking, they believed that whites were in the van of progress and that traditional societies were 'barbarous'. Thus they approved of the adoption of white standards, and so regarded conversion to Christianity and the purchase of manufactured goods as the basis of black advance. Similarly, they believed in a creed of 'work, sobriety and duty', since in their opinion work for white employers elevated and enriched as well as civilized the labourer. They favoured the granting of individual landholdings because these inculcated a sense of citizenship and had the added advantage of forcing the 'surplus' population into the white economic sector. They welcomed economic differentiation and the emergence of an agricultural peasantry 'as the reward for thrift and enterprise', but strongly disapproved of the 'muddled form of land tenure' which enabled white farmers to rent their farms to African squatters. According to Phyllis Lewsen's description, the liberal remedy for the landless and impoverished was a season's labour on the mines, railways or farms. They were laissez-faire-ists in regard to labour remuneration: 'Wages were determined by economic processes, and unless gross inequalities caused an artificial shortage, it was not the business of the liberal to criticize them'. However, she has dismissed the assumption that all liberals were capitalists and has pointed to the strong ameliorative impulse which was manifested in the attempts of Cape administrators

to improve conditions of black recruitment and employment. In the political sphere, liberals upheld civil rights and the rule of law, the independence of the courts and freedom of speech, of worship and of the press, and placed their trust in parliamentary government, prizing the non-racial franchise as the kingpin of the Cape system.

To sum up [she has argued] they belonged to their times, and though many of their assumptions would be regarded as racist today, in a society so steeped with racialism the liberals emerged as what they were: a conscientious and (within limits) humanitarian elite, intelligent and highminded, who acted both pragmatically and on principle and who did not have to look too far ahead. (46)

As a Transkeian administrator Stanford had during the earlier part of his career operated in an ideological milieu which accepted as its currency attitudes of white cultural condescension and benevolent paternalism and which was dominated by an ethic of capitalism.⁴⁷ The value which he attached to the adoption of white standards as the gauge of human progress and his emphasis upon the merits of capitalist economic development whilst a politician were thus perfectly explicable. In keeping with the social evolutionary basis of his philosophy, Stanford was convinced of the inexorability of the process of African acculturation; and, like Phyllis Lewsen's prototypical Cape liberal, he applauded the rôle of Christianity in preparing the African mind

46 Lewsen, 'Cape Liberalism in its Terminal Phase', pp.3-4.

47 See above pp.12-17.

for such change.⁴⁸ Similarly, he favoured such trends as the growing African consumption of white merchandise, the transition from communal to individual land tenure and the increasing incidence of labour migrancy which attested to African 'advance' and the approval of which both Phyllis Lewsen and the revisionist scholars have associated with Cape liberal thinking. Stanford did not question the liberal assumption that integration into the white economy would benefit the blacks themselves.⁴⁹ Like the Cape liberals of both revisionist and Lewsenite genres, he accepted the belief that it was the destiny of the 'surplus' black population to minister to the labour needs of the whites.⁵⁰ Indeed, while he favoured the creation of a literate and prosperous black middle class, he believed that in the foreseeable future blacks would, in most instances, be part of the agricultural labouring class.⁵¹ To this extent, his economic thinking was based upon the assumptions which the revisionist writers have held to characterize Cape liberal thought in general.

Nevertheless, Stanford brought to politics a sincere concern with the welfare of the black peoples which was thoroughly humanitarian and whose nature revisionist descriptions of Cape liberalism have failed to explain. Far from believing that Africans should be exploitatively

48 See above p.102.

49 See above pp.39,103.

50 See above p.83.

51 See above p.104.

drained of their economic potential, Stanford opposed coercive measures such as additional taxation which would serve to force Africans into the white economic sector.⁵² He maintained that the Africans needed no stimulus to industry and insisted that they were already making a significant contribution to the Colony's economic development.⁵³ Similarly, while he shared what Phyllis Lewsen has regarded as a typical Cape liberal aversion to the practice of squatting, the ground of his disapproval was the belief that it disinclined Africans to advance rather than the more common contention that the practice locked up a potential source of labour.⁵⁴ While these two arguments may have meant the same in practice, their nuances differed significantly. Stanford maintained that he did not fear black competition and that the welfare of the whites was inextricably linked with that of the blacks.⁵⁵ He questioned the commonly held view that the blacks were ineducable and stressed the urgency of the need to provide adequate educational facilities for blacks in response to the demands of the accelerating pace of economic and cultural development.⁵⁶ There was a degree of political calculation in this - as reflected in his fears that a black exodus in quest of higher education might politicize blacks in a manner adverse to white interests.⁵⁷ Nevertheless, Stanford's major emphasis was on the obligation which the

52 See above pp.93-5.

53 See above p.103.

54 See above p.83.

55 See above p.102.

56 See above pp.103-4, 111-21.

57 See above pp.104, 110-11.

whites had incurred, through the acculturation they had already fostered, to continue providing facilities for black advance.⁵⁸ The burden of his philosophy was that the blacks were men just as the whites were, and ought to be treated as such. If this were done, they would prove themselves good and worthy citizens, ready and able to assume the responsibility of citizenship.⁵⁹

The integration that Stanford envisaged for the blacks was thus enriching and ameliorative rather than simply exploitative, as the revisionists have argued of Cape liberals. He was deeply concerned that the black man should retain his self-respect and dignity.⁶⁰

Likewise he believed that the integration of blacks into white society, when it did occur, should not be abrasive to their cultural sensibilities, and so he urged the recognition of African marriage customs.⁶¹

Furthermore, where he espoused a philosophy of separation - as in his advocacy of the Transkeian Territorial System as the ideal mode of African government in the existing circumstances - this segregationism was protective rather than oppressive in orientation.⁶²

Like Phyllis Lewsen's prototypical Cape liberal, Stanford believed that blacks had a right to such accoutrements of civic equality as the

58 See above p.103.

59 See above p.157.

60 See above p.94.

61 See above pp.136-8.

62 See above pp.40,156-7.

as the franchise and eligibility for parliamentary membership. He gloried in the liberality of the Cape dispensation, which accorded political rights to blacks, and sought its extension to the northern colonies and Natal.⁶³ However, he believed that the majority of Africans were not yet fit for the franchise and that the time had not arrived when a black man should sit in Parliament.⁶⁴ Furthermore, like his political contemporaries, he perceived the black vote as a safety-valve rather than as a mechanism of widespread black representation.⁶⁵ Thus in his advocacy of the Cape franchise, Stanford was indeed supporting a creed of selective rather than mass enrolment - the political incorporation of black collaborators, as Trapido has described it. Furthermore, he was prepared to compromise on the issue of black political rights to secure the material benefits and political advantages for whites which would flow from a union of the southern African states.⁶⁶ With a paternalism which Phyllis Lewsen has regarded as being characteristic of Cape liberals, he did not favour the application of political pressure to the negotiators of Union, whether by black political groups or by the Schreiner

63 See above pp.38,156-7,160-61.

64 See above p.178.

65 See above p.157. For expression of this view by Merriman, see above p.64.

66 See above pp.178-9,185-6,188-9,191-3.

deputation. Instead, he believed that it was the task of the whites of South Africa to settle the country's future.⁶⁷ However, Stanford shared the typical Cape liberal confidence that, far from being attenuated after Union, the Cape liberal tradition would liberalize practices in the other colonies.⁶⁸ In addition, his acute consciousness of the strength of northern opposition to black political rights led him to believe that a parliamentary colour-bar would protect the Cape franchise from attack.⁶⁹ It was therefore in a spirit of pragmatic humanitarianism and sincere optimism that Stanford accepted the Union settlement.

Thus in both economic and political terms the Marxist paradigm is applicable to Stanford's behaviour as a Cape politician. However, it falls short in its failure to recognise the sincerity of the humane motives underlying the social and economic creed which Stanford had imbibed during his period as an administrator. In Marxist terms the Cape liberal was primarily an economically oriented creature whose actions were governed by the brute laws of demand and supply. It is not conceded that, while Cape liberals such as Stanford might have

67 See above pp.182,194-5. For discussion of the issue of Cape liberal paternalism, see Lewsen, 'Cape Liberalism in its Terminal Phase', p.8; Lewsen, 'Cape Liberal Tradition', pp.70, 78.

68 See above pp.186,188,197.

69 See above pp.186,196.

been influenced by capitalist assumptions, they were motivated by anything more than a mere acceptance of the imperatives of economics. The Marxist model, in short, does not admit of the place that principle and humanity occupied in Stanford's philosophy and which were so vividly displayed in his actions during this formative period of his political career.

BIOGRAPHICAL APPENDIX

The biographies which follow are not comprehensive but have been compiled to illuminate the narrative.

SAMUEL CRONWRIGHT-SCHREINER

Born in 1863, Samuel Cronwright-Schreiner was at various times during his career a farmer, a legal clerk, and an estate and insurance agent. A free-thinker in religion, he married Olive Schreiner. The Cronwright-Schreiners earned considerable unpopularity through their championship of the Boer cause during the South African War. Cronwright-Schreiner entered the Cape House of Assembly in 1902 as a member for Colesberg. In 1908 he was a member for Beaufort West. He died in 1936.¹

FRANZ GINSBERG

Franz Ginsberg was born in Upper Silesia in what is today Poland in 1862. He emigrated to South Africa in 1880. A photographer by

1 D.S.A.B., vol.I pp.191-2; Rosenthal, Southern African Dictionary of National Biography, p.81.

profession, he fostered the industrial development of King William's Town by establishing factories for the manufacture of matches, soap, candles, ink, cardboard and shoe-boxes. He was elected to the municipal council of King William's Town in 1889, and in 1904 became the town's mayor as well as one of its House of Assembly representatives. He died in 1936.²

CHARLES JOSEPH LEVEY

Born in 1846, Charles Joseph Levey entered the Cape civil service in 1866. During his career he served as British Resident in Fingoland, as Government Agent in Emigrant Thembuland, as Resident Magistrate of the Xalanga district, as Civil Commissioner and Resident Magistrate of the Wodehouse district, and as Civil Commissioner of the districts of Marico and Lichtenburg in the Transvaal. He rendered military service in the Ninth Frontier War of 1877-8 and in the Transkeian Rebellion of 1880-81. He represented the Thembuland division in the Cape House of Assembly from 1908 to 1910. In his electoral speeches he argued that agricultural and manual training were a far more appropriate form of education for Africans than academic study was. There are indications in contemporary evidence that sections of both

2 D.S.A.B., vol.IV p.183; Men of the Times, p.494.

the whites and the Africans in the constituency disliked him. He died in 1920.³

CHARLES SEARLE (1849-1918) AND THOMAS SEARLE (1864-1922)

Charles and Thomas Searle were the sons of Charles Searle senior, the founder of the Great Brak River settlement in the Cape Colony.

Charles junior and Thomas assisted their father in the industrial development of the Great Brak River and George areas by buying large tracts of land and establishing a woolwashing concern, a shoe-making factory, and a network of retail stores in the Great Brak River, George and Knysna areas. Both brothers were staunch churchmen, and Thomas was active in temperance work. Charles had represented the George division in the House of Assembly since 1898 and was a close friend of W.P. Schreiner. Thomas had represented the Queenstown division in the House of Assembly since 1904.⁴

3 Photostat copies of newspaper cuttings belonging to Mr. Rawdon Ward, deposited in the Jagger Library as part of the Stoch Gift; Souvenir of the Union of South Africa (Cape Town, 1910), p.89; Brookes, White Rule, pp.180, 183-4, 191. On Levey's unpopularity, see Stanford Papers, H3.7, newspaper cutting entitled 'European Tembuland', no source or date but estimated to be circa 1882; ibid., B66.129, H.G. Elliot to W.E. Stanford, 11 January 1897; ibid.; B66.138, H.G. Elliot to W.E. Stanford, 3 May 1898. For Levey's electoral platform, see Territorial News, 7 March 1908 'Mr. C.J. Levey's Manifesto'.

4 On Charles Searle, see M. Franklin, The Story of Great Brak River (Cape Town, 1975), pp.125-36; Cape Register, 29 October 1898 'Our Public Men: Mr. Charles Searle Jun. M.L.A.'. On Thomas Searle, see Franklin, Story of Great Brak River, pp.136-43; Souvenir of the Union, p.82.

JAMES SEARLE

Born in England in 1839, James Searle served in the British navy from 1852 to 1859. Thereafter he settled in Port Elizabeth where he entered the shipping trade. He amalgamated the various shipping companies of the port into a single concern and assumed the position of managing director of what became the Associated Boating Co. Ltd. He entered the Cape House of Assembly in 1899 as a member for Port Elizabeth. He died in 1914.⁵

THEOPHILUS LYNDALL SCHREINER

Born in 1849, Theo Schreiner was a former schoolmaster and diamond prospector who had travelled widely in South Africa, Europe and the Middle East in pursuit of the temperance cause. As a candidate in the 1908 electoral campaign in the Thembuland division, he firmly defended the policy of liquor prohibition amongst the Africans in the Transkei. He died in 1920.⁶

5 Men of the Times, p.512; Prominent Men of the Cape Colony, p.211. Death date supplied by the Library of Parliament.

6 D.S.A.B., vol.IV p.546; Prominent Men of the Cape Colony, p.205; Men of the Times, p.510; Walker, Schreiner, p.205; Cronwright-Schreiner, Life of Olive Schreiner, pp.14, 38-42, 45-6, 70; V. Cohen, 'The Public Career of Theophilus Lyndall Schreiner: A Study of the Causes He Espoused' (B.A. Hons. research essay, University of Cape Town, 1980). For Schreiner's platform in the 1908 election, see Territorial News, 7 March 1908 'Requisition to Theophilus Schreiner, Esq.'.

F.G. SCHWEIZER

F.G. Schweizer (whose birth and death dates could not be discovered) possessed large landholdings in the Elliot district of the Transkei and farmed along progressive lines. In the speeches that he made as a candidate in the 1908 electoral contest in the Thembuland division, he claimed that he had been a pioneer in the establishment of the Elliot township and that he had formed the first branch of the Afrikaner Bond in the district.⁷

SIR JOHN GORDON SPRIGG

Born in England in 1830, John Gordon Sprigg had at the age of fourteen trained as a shipwright. Thereafter he served as a parliamentary reporter for twelve years. He emigrated to the Cape in 1858 and acquired a quitrent farm in the Komgha district in British Kaffraria. In 1869 he was returned to the Cape House of Assembly as a member for East London. He served as Cape premier four times: from 1878 to 1881, from 1886 to 1890, from 1896 to 1898, and from 1900 to 1904. From 1904 to 1908 he took no part in politics. He died in 1913.⁸

7 F.S. Malan Collection, file entitled 'F.S. Malan Party Politieke Sake 1904-1936': subsidiary folder entitled 'Politieke Aangeleenthede in die Kaap Provinsie', F.G. Schweizer to J. Hofmeyr, 19 April 1908; Territorial News, 7 March 1908 'Nomination Day'; Tembuland News, 7 March 1908 'Mr. Schweizer at Engcobo'; East London Daily Dispatch, 18 March 1908 'Election Intelligence. Mr. Schweizer at Cofimvaba'.

8 D.S.A.B., vol.II pp.698-700.

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