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THE POLITICAL CAREER

OF RICHARD STUTTAFORD

1924 - 1942

By

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for the degree of Master of Arts in History  
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*(Source: Stuttaford Political Papers.)*

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PREFACE

Before commencing research on the political career of Richard Stuttaford, his achievements appeared to have been primarily commercial, though he had made some contribution to the amelioration of urban social conditions as the founder of the pioneering garden city concept in housing in South Africa. On studying the local history of Pinelands Garden City Stuttaford emerges as a figure of not inconsiderable importance in the civic life of Cape Town in the early twentieth century.

If his political career is remembered at all, people are aware of him only as a less outstanding South African politician, but while reading his speeches in parliament between 1924 and 1942, one becomes increasingly involved with the thoughts of this distinguished and genial man who contributed so much to South Africa in such a variety of fields: Managing Director of one of South Africa's oldest retail businesses; City Councillor of Cape Town; a leading figure in the Associated Chambers of Commerce of South Africa; Adviser to the Union of South Africa at the Imperial Conference at Ottawa in 1932; Member of Parliament for Newlands and Claremont and Cabinet Minister in the Fusion Government of General Hertzog between 1934 and 1939, and subsequently in the Smuts War Cabinet; and viticulturist and wine farmer at Stellenbosch. He played a much more active and varied role in the history of his time than most people are aware of.

His career as a politician began as early as 1908, the beginning of a new era in South African history, in which the principle of conciliation was to predominate. This spirit of conciliation is at the heart of Stuttaford's political philosophy and it is significant that when he was finally successful in attaining election to the House of Assembly in 1924, after

confronting the sectionalism of the Nationalist-Labour Pact, he would see the triumph of his ideal in the creation of the United Party, of which he was to become a leading member.

Initially, both the necessary material and Stuttaford's character and role as a politician seemed remarkably elusive. The nature of the material available tended to enforce a reliance on Stuttaford's actions in Parliament and the crises which he faced on that somewhat isolated stage. The keenest disappointment was the paucity of the Stuttaford political papers, housed in the Adderley Street Branch of Stuttafords Limited. But this was more than compensated for by the extent of other private collections such as the Duncan Papers in the J.W. Jagger Library at the University of Cape Town, the Lothian Papers in the Scottish Records Office in Edinburgh and the Hofmeyr collection at the University of the Witwatersrand. Research in this field is handicapped by the inaccessibility of Government documents (such as those of the Prime Ministers' Office and the Department of the Interior) within the Archives' closed period. Permission was granted by the Minister of National Education, however, for access to the Smuts Papers in the State Archives in Pretoria, and the F.S. Malan collection in the Cape Archives, for the period 1924 to 1942.

The role of lesser politicians in the decision-making processes in South Africa has been neglected by historians who have tended to focus on the growth of, and tensions within Afrikaner Nationalism in this period. It is hoped that consideration will be given to an assessment of the role of other so-called peripheral politicians like C.V.A. Coulter, H.G. Lawrence, L. Blackwell, F.C. Sturrock, D. Reitz and others on

*the Nationalist side, which will throw light on the Afrikaner-English dichotomy in white South African politics since 1910.*

*The debts which a student of history incurs are always difficult to enumerate and can never be fully acknowledged. However, I have to thank Mr. R.B. Stuttaford for placing information at my disposal. I wish to express my sincere gratitude to my supervisor, Prof. B.A. le Cordeur: He gave generously of his encouragement, advice, guidance and criticism. I am grateful to Mr. Alan Smith for the benefit of his valuable comments and suggestions. The courteous assistance of library staff was much appreciated. Finally, my sincere thanks to Mesdames E. Busse and G. Austin for typing the manuscript, and to my mother, who uncomplainingly sacrificed many hours of pleasure to assist me in countless ways.*

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CHAPTER IINTRODUCTION

Senator Henry Cabot Lodge of the United States postulated 'that the business man in politics is too often one who has no business there'.<sup>1</sup> However, between 1924 and 1942 Richard Stuttaford was one of the most important businessmen in South African politics, and nobody who has followed his record would assert that he had no business to be there. It was the estimate of L.E. Neame, a parliamentary reporter and journalist at the time, that 'What Sir Ernest Oppenheimer is to high finance, and J.W. Jagger is to the importers, so is Stuttaford to the ordinary trading community'.<sup>2</sup>

The eldest son of Samson Rickard Stuttaford, he was born in Cape Town on 13 June 1870, one month after Jan Christiaan Smuts, under whose leadership he was later to serve in the South African and United parties. He received a public school education at Reading, England, and his father, who had established himself as a prominent businessman in Cape Town, arranged for his apprenticeship in a Plymouth retail establishment. At the age of sixteen years he was a shop assistant, dusting boxes and washing windows. He worked a twelve hour day without wages.<sup>3</sup> After this singularly humble beginning, Stuttaford studied French at the Sorbonne. His training in the Romance languages and his appreciation of the classics profoundly influenced his artistic tastes and cultural interests. He had that rare combination of practical business acumen and a love for the arts.

Stuttaford returned to South Africa in 1892 to become managing director of Thorne, Stuttaford and Company in 1898. He did not forget his strenuous apprenticeship days, and this gave

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1. L.E. Neame, Some South African Politicians (Cape Town, 1929), p. 175.
  2. *Ibid.*
  3. Garden Cities Outlook, vol. 1, No. 1, March 1959, p. 4.

him an understanding of the problems of the working man; made him a model employer and ultimately led to the vision of the Pinelands garden city scheme. His public spiritedness became well known as early as the formation of the Stuttaford Company, a military unit of the Cape Town Guard during the second Anglo-Boer War,<sup>4</sup> and persisted during his membership of the Cape Town City Council from 1905 to the beginning of his active political career in 1924.

Stuttaford was striking in appearance, medium in height, with dark hair and a black moustache, always well-dressed and genial in temperament. He had a considerable capacity for hard work, was meticulous about money and combined seriousness with good humour. Though not a churchman, he was a mason, and his integrity won him the respect of businessmen and politicians alike.

Stuttaford began his political career in 1908 when he was nominated as one of three Unionist party candidates for Woodstock in the Cape general election. His candidature was announced at a late stage in the election campaign and this militated against his being elected. Woodstock was a predominantly working-class constituency stretching from Woodstock and Salt River to Bellville. It was his enlightened approach to education, and to workers' conditions as an employer, and his persistent attempts to assist urban dwellers by proposing the establishment of trusts to aid housing development in the Cape Town City Council<sup>5</sup> that resulted in his being considered for nomination by Dr. Leander Starr Jameson's Unionist party in its crucial fight during those depression years. The Unionists had suffered defeat in the Council elections of January 1908 at the hands of the South African party, which had caused Jameson to resign his office as Prime Minister. Before the general election, the Unionist cause was considered desperate,

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4. F. Gill, The Story of Stuttafords (Cape Town, 1957), pp. 26-27.

5. Cape Times, 20.10.45, obituary; R.F.M. Immelman, Men of Good Hope: The romantic story of the Cape Town Chamber of Commerce 1804-1954 (Cape Town, 1955), pp. 276 and 278.

and the Cape Times commented that 'Mr. Stuttaford ... came in at the last moment to assist the Progressives<sup>6</sup> in what was only a few weeks ago regarded as a forlorn hope : and though he has missed success by a narrow margin, he has shown a pluck and a capacity on his first appearance in the political arena which are bound to meet with recognition at a later date'.<sup>7</sup>

The election contest in Woodstock constituency was dominated throughout by the South African party. So vociferous was the S.A.P. campaigning that its candidate, J.A. Greer, a well-known Cape advocate,<sup>8</sup> topped the poll, and was the only S.A.P. member to be elected to the Cape Legislative Assembly from a major urban constituency. The Unionist candidates - Dr. J. Hewat, B.K. Long and Stuttaford - though they stood united on all the items of the Unionist programme, did not conduct many party political meetings for their constituents.<sup>9</sup> No explanation for this was given in the press, but it appears that the Unionist ticket was not finalised until shortly before polling day, owing to Hewat's initial intention to stand as an independent candidate.

Stuttaford's political platform was orthodox Unionist, pledging not to sacrifice the Cape franchise for the sake of federation, advocating a mild measure of protection for industry and a more evenly distributed system of taxation,<sup>10</sup> and indicating the Unionists' determination to see that Africans, Coloureds and other non-whites be given due consideration in the politics of the united South Africa which was expected soon to be created.<sup>11</sup>

This was Stuttaford's first involvement in national politics, at a time when the policies of free-trade and protection were the focal point of the political debate within the Unionist party. E.A. Walker shows the division in Jameson's party when he states that the 'free trade and protectionist wings were at each other's

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6. In 1907 the Cape Progressive party renamed itself the Unionist party.

7. Cape Times, 8.4.1908.

8. South African Who's Who 1919-20, p. 79.

9. Cape Times, 19.3.1908; see also S.A. News, 30.3.1908.

10. Cape Times, 27.3.1908.

11. Ibid., 30.3.1908.

throats' before the election of 1908.<sup>12</sup> The majority of the party had recently converted from a free-trade policy to a protectionist position, leaving J. Jagger and a small remnant still pursuing the old progressive ideal.<sup>13</sup> This change of party policy issued from the depressed economic situation, and influenced Stuttaford's political affiliation.

The Progressives were being pressured into adopting a protectionist programme owing to the increasing influence of the emergent manufacturing class through its various agencies, namely, the South African Manufacturers' Association, the South African National Union, the South African National Alliance and the Colonial Industries Protectionist League. B. Bozzoli argues that the primary aim which manufacturers hoped to fulfil through these various pressure groups was full protection for their products. What little protection there was, was perceived by them to be inconsistent, biased towards agriculture, irrational and insufficient. This growing self-consciousness was accompanied by the appearance of ideologists who sprang from, or addressed themselves to, the manufacturers.<sup>14</sup> The resultant effect was that the business class moved towards a policy of mild protection. The Unionist party was influenced in a similar direction.

The 1908 election was important to the blacks because of the impending unification of the colonies of South Africa. This they feared would result in the focus of power moving to the Transvaal and the consequent erosion of their political rights. They were concerted in their efforts to return candidates whom they believed would best protect non-European interests.<sup>15</sup> This conviction on the part of blacks favoured the Unionists, but in the

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12. E.A. Walker, *A History of Southern Africa* (London, 1957), p. 528.
  13. J. Hatherley, 'The Effects of the Depression after the Anglo-Boer War on Cape Politics 1902-1910' (M.A. thesis, U.C.T., 1953), pp. 39, 41, 43.
  14. B. Bozzoli, 'Ideology and the Manufacturing Class in South Africa: 1907-26', collected seminar papers No. 18, 'The Societies of Southern Africa in the 19th and 20th Centuries', vol. 5 (University of London Institute of Commonwealth Studies), pp. 60-61.
  15. A Skillicorn, 'The Role of the Black Voter in the 1908 Cape General Election' (unpublished B.A. honours thesis, U.C.T., 1975), p. 29. The non-white electorate contained representatives of all the non-European groups, the Cape Coloureds predominating: they accounted for more than half of the black electorate, excluding the cognate groups of Malays and Hottentots: J.L. McCracken, *The Cape Parliament 1854-1910*, (Oxford, 1967), p. 81.

Woodstock context proved to be a factor in effecting Stuttaford's defeat. F.Z.S. Peregrino, a negro immigrant and an influential Coloured leader who edited the South African Spectator, a non-European political review, had called on the Coloured voter to oppose candidates who were allied to 'Het Volk' and the 'Unie'. He warned Cape Coloureds of the danger to the Cape franchise inherent in Union, and appealed to them to fight for the preservation of their political liberty:<sup>16</sup> '... unless they fought to preserve their political liberty, "segregation into a sphere of semi-barbarism" would be their fate'.<sup>17</sup> Peregrino called upon the 593 non-European voters to plump for Alfred Palmer, the independent reform candidate.<sup>18</sup> In Woodstock each voter was allocated three votes, but a voter could plump for only one candidate, thereby forfeiting his other two votes. Palmer was the editor of the South African Review, an independent periodical, and was known for his strong imperialist views, his working-class sympathies and his anti-business outlook. Palmer did more than anyone to capture votes from Stuttaford. Not only did he obtain most of the Coloured vote but he also persuaded his white supporters to sacrifice two-thirds of their franchise in his interests.

The Cape Times in a supplement entitled 'The Meaning of the Poll' adjudged that 'only the plumping for the candidate who described himself as the "fighting candidate" ... prevented the third Progressive, Mr. Stuttaford, from being returned'.<sup>19</sup> Palmer reacted to this opinion in the South African Review and defended his strategy claiming that the electors of Woodstock would not be 'hood-winked' by the Cape Times's attempt to explain away Mr. Stuttaford's defeat.<sup>20</sup> The Cape Argus agreed that Stuttaford had suffered from the splitting of the vote, and commended him for his campaign, stating that his performance was worthy of party recognition.<sup>21</sup>

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16. Iswi, 17.12.1907 quoted in Skillicorn, 'The Role of the Black Voter', p. 30.

17. J.L. McCracken, Cape Parliament, p. 76.

18. Cape Argus, 30.3.1908.

19. Cape Times, 8.4.1908.

20. South African Review, 3.4.1908, p. 20.

21. Cape Argus, 1.4.1908.

It was a keenly contested election in Woodstock. McCracken points out that it was a campaign in which political propagandists were given full rein.<sup>22</sup> Leaflets, displaying portraits of the candidates were distributed. Palmer was photographed with his family for the purpose of producing bills and posters canvassing support for the 'Family Candidate'. The Unionist party in Woodstock issued a leaflet 'On Sin', concluding with the words 'It's a sin ... if the Woodstock electors do not return the Unionist candidate'. Another was entitled 'Pills that Woodstock cannot swallow'. The S.A.P. retorted with one entitled 'What the Progressives have done'. Inside was a blank sheet.<sup>23</sup>

The result of the 1908 election in Woodstock was as follows:

Dr. John Hewat (Unionist)	1898	Elected	
Basil Kellet Long (Unionist)	1490	Elected	
John Alexander Greer (S.A.P.)	1419	Elected	
James William Kelly (S.A.P.)	1329		
Alfred Palmer (Independent)	1284		
Richard Stuttaford (Unionist)	1283		
Vincent Alexander van der Byl (S.A.P.)	1153		
Edward Henry McNamara (S.A.P.)	386		24
Total number of registered voters	=	8074	
Total number of voters who voted	=	3673	
Number of non-white voters	=	593	
Percentage poll	=	48%	25

Stuttaford was disappointed at his defeat in 1908 and in the intervening years between 1908 and 1924, when he was elected Member of Parliament for Newlands, he was not actively involved in politics. During those years he concentrated his efforts upon the expansion of his business, his Pinelands garden city housing project, and the activities of the Cape Town Chamber of Commerce, of which body he became president in 1918 for a period of two years.<sup>26</sup>

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22. McCracken, Cape Parliament, p. 38.

23. Cape Argus Weekly, 8.4.1908.

24. Cape of Good Hope Government Gazette, 10.4.1908, p.1049.

25. Skillicorn, 'The Role of the Black Voter', p. 69.

26. R.F.M. Immelman, Men of Good Hope, p. 319.

In 1921 he was elected to the high position of President of the Associated Chambers of Commerce of South Africa, also for a two year term of office. In 1920 he was made a director of the Cape Times Ltd. and pioneered an endowment trust for the employees of the firm. The League of Nations commission investigating methods of protecting employees' interests acclaimed Stuttaford's plan, and it was adopted internationally by many companies.<sup>27</sup> He later introduced a similar scheme at Stuttafords Ltd.

Stuttaford's undertaking to establish an economic housing scheme in 1919 exemplified his sincerity in attempting to alleviate the evil living conditions of the lower income groups among whites in Cape Town. Throughout his career he maintained a continuous watch on government housing policy, and Pinelands garden city was a unique social experiment in residential planning in South Africa.<sup>28</sup> Like Charles Dickens, Stuttaford believed that 'The reform of the habitations of the people must precede all other reforms, and that without it all other reforms must fail'.<sup>29</sup>

In 1918 the influenza epidemic in the Cape Peninsula led Stuttaford to feel that better housing and living conditions might have saved many lives, and he became convinced that a 'garden city' was the answer. His ideas and approach to the problem at the time are best explained in his own words:

'During the final years of the Great War rents increased so much as to create hardship for the poorer and middle classes, and the high level of prices for building materials prevented the erection of houses which could be rented at a reasonable sum. In this crisis the Government passed a Rent Act preventing exploitation of the public but whilst this helped those already in occupation of houses it failed to help those who were homeless. I recognised that the Rent Act was only a palliative and that the only real remedy was the supply of houses sufficient to meet the demand. I also recognised that in the

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27. Cape Times, 20.10.45, obituary.

28. See G.C. Cuthbertson, 'A New Town at Uitvlugt', (unpublished B.A.hons. thesis, U.C.T., 1974).

29. Neame, Some South African Politicians, p. 177.

hurry to get houses built, it was only too probable that inferior houses would be run up by speculative builders in ugly blocks and in congested areas which would soon deteriorate and result in an increase of the slum problem, which was then and still is a disgrace to Cape Town, in common with all the large cities of the Empire. I hoped that in the new outlook at the end of the War it might be possible to inaugurate a new policy in providing homes for the people'.<sup>30</sup>

The seed of the garden city idea had, however, germinated in Stuttaford's mind as far back as 1907 when he first became aware of the work of Ebenezer Howard and the embryonic Garden City Association of Great Britain. He was a strong supporter of the principles outlined in Howard's Garden Cities of Tomorrow, and in 1917 he took the opportunity of visiting the garden city of Letchworth and discussing the project with Howard. His determination to establish a garden city organisation in South Africa reached a crucial point in 1918 when he was a committee member of the Cape Town Chamber of Commerce; that body rejected his practical recommendation for alleviating the housing position. This set-back caused Stuttaford to consult a higher authority and resulted in parliamentary consent for the formation of the Garden Cities Trust in 1919.

Stuttaford's proposal to a Select Committee of the House of Assembly had been that he would donate to a trust £10,000 and that the government should vest in that trust an area of 500 morgen at Uitvlugt. This sum would be used in developing the estate on lines similar to those of garden cities in Europe. Subsequent to the planning of the estate the trust would invite public bodies and public utility companies to build houses subject to the conditions laid down. The Garden Cities Trust was a non-profit organisation.

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30. The Pinelands Garden City Monthly, vol. 3, No. 2, December 1930, p. 14.

Stuttaford's generosity was praised in the House of Assembly, though some members would have preferred the scheme to have been carried out by the government. The House, in terms of section six of Act 15 of 1887 of the Cape of Good Hope, adopted a resolution, on 13 June 1919, in favour of Stuttaford and the trustees of Garden Cities Trust Company for the purpose of establishing a garden city at Uitvlugt.<sup>31</sup>

This unique housing project was the subject of many attacks by Stuttaford's political opponent in the general election of 1924 for the Newlands seat in the House of Assembly, and it assumed the proportions of a local election issue.

In 1921 Stuttaford embarked upon wine and fruit farming at Stellenbosch on an extensive scale. He had always been interested in viticulture and 'Stellenrust', a two-thousand acre farm on the slopes of the Helderberg became a model wine farm at that time.<sup>32</sup> Stuttaford was one of the first farmers at the Cape to introduce trellis vines. It was later, during the troubled years of fusion (1934-1939), that Stuttaford made much use of 'Stellenrust' as a place of retreat. 'Stellenrust' represents the panorama of Stuttaford's political philosophy - the old Dutch gables and high-ceilinged rooms and the extensive library all speak of his studied conservatism. In British terms, he could be classified as a representative of Tory Democracy; in South African terms, he was a member of the Cape Liberal School of politicians who stood for social reform and the maintenance of political rights for all races. His dictum was that of Disraeli: 'I am a conservative to preserve all that is good in our constitution, and a radical to remove all that is bad'.<sup>33</sup>

Stuttaford's wide knowledge of literature is evident in his political speeches, and his particular interest in Africana -

31. Cuthbertson, 'A New Town at Uitvlugt', pp. 11-13.

32. F. Gill, The Story of Stuttafords, p. 36.

33. Neame, Some South African Politicians, p. 177.

mostly travel books about the Cape, printed on parchment and stiffly bound, and volumes on South African history. The many French works on his shelves attested to his fluency in that language, but there were also examples of political and historical writing, translations of Greek and Latin classics, and some books in Afrikaans. Stuttaford enjoyed classical music, and his wife, Ada, whom he married in 1903, was a talented musician who came from a noted artistic family in England, who pursued a keen interest in art galleries. On his many visits to Britain, Stuttaford himself had spent time exploring art treasures. It was his belief that through art, people of all levels of society and all shades of opinion could meet on common ground: 'Indeed, art may be one of the avenues which may lead people back to civilisation'.<sup>34</sup> His own antique furniture collection, boasting rare Cape-Dutch exhibits, was also a manifestation of his cultural outlook. His philosophy seems to have been inextricably bound up with his preoccupations: 'I have always considered that happiness is essentially a state of mind. In the same way I am convinced that a nation cannot find its soul without culture'.<sup>35</sup>

It was also at 'Stellenrust' that Stuttaford cemented some interesting political friendships. Especially significant were the ties he made with N.C. Havenga, Minister of Finance in the Fusion Government; Piet Grobler, Minister of Native Affairs in the same Cabinet; and E.G. Jansen, Speaker of the House of Assembly; whom he often entertained. His circle of friends and associates became extremely wide, and at tennis tournaments at weekends there were to be found leading Cape Town personalities - mainly businessmen, university lecturers and specialists from the medical profession.<sup>36</sup>

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34. Cape Times, 18.12.36.

35. R. Stuttaford, 'Culture in South Africa', in Forum, 19.9.38.

36. Interview with Mr. R.B. Stuttaford, January 1977.

By 1921 Stuttaford, who had been a convinced Unionist, had joined the S.A.P. owing to the absorption of the Unionists into the S.A.P. in 1920, and was a candidate for the S.A.P. nomination in Newlands at the 1921 election. He failed to secure the nomination against Porter Buchanan, the sitting member and a former advocate of the Supreme Court of the Cape Colony,<sup>37</sup> who won the Newlands seat at that election. Buchanan retired from parliamentary life in 1924 and Stuttaford once again stood for the party nomination for Newlands. Thomas Henshilwood, a well known Cape Town businessman, had also been asked to offer himself as a candidate, but withdrew in favour of Stuttaford. Stuttaford's nomination also carried the support of Buchanan,<sup>38</sup> and the 1924 election brought Stuttaford the success for which he had aimed for over sixteen years.

In 1924 General Smuts was defeated by the Nationalist and Labour parties allied in the Pact. Hertzog's segregation policy and the Labour party's socialism were vehemently attacked by S.A.P. campaigners, but the content and emphasis of speeches differed according to whether the constituency was urban or rural, predominantly English-speaking or predominantly Afrikaans. In the Cape constituencies, like Newlands, in which there was an appreciable number of black voters, candidates dwelt on the dangers of segregation. But C.E.M. O'Dowd in giving a verdict on the 1924 election as a whole claims that an analysis of the S.A.P.'s campaign leaves the impression that it was not likely to win votes. The S.A.P. gave the impression of lacking an aggressive and progressive policy for the prosperity of the mass of the people.<sup>39</sup>

For Stuttaford the issue of the 1924 general election was 'whether we are going to be governed by sane men or by reactionaries and socialists'.<sup>40</sup> He was not fighting against a Pact

37. South African Who's Who 1920-21, p. 26.

38. Cape Times, 16.4.24.

39. C.E.M. O'Dowd, 'The General Election of 1924', in the South African Historical Journal, No. 2, November 1970, pp. 57-58.

40. Cape Times, 14.5.24.

candidate in Newlands, but against a member of the Constitutional Democratic party, Mr. C.A. Lagesen, a director of companies and M.P.C. for Namaqualand.<sup>41</sup> Consequently, his electioneering was somewhat different from other S.A.P. candidates. This fact does to some extent explain why Stuttaford made conflicting statements on questions of S.A.P. policy, particularly regarding the native question.

The Pact parties put forward a separate policy for the Coloured people, consequently making a distinction between them and the Africans. Hertzog had expressed the imperative need for co-operation between whites and Coloureds on account of their similar origin. He spoke of economic equality between whites and Coloureds, but repudiated the notion of social and political equality.<sup>42</sup> The S.A.P. attacked this aspect of the Nationalists' propaganda, but did not speak with one voice. According to Stuttaford speaking in Newlands on June 4th: 'The right of every Coloured man to raise himself in the standard of civilisation and when he has reached the standard of the white man to take his part in the government of the country forms an important plank in the S.A.P. programme'.<sup>43</sup> At the same time Smuts expressed the fear that if Hertzog won the election the colour-bar for the Coloureds would be removed completely which would not be in the interests of whites, particularly those in the northern provinces.<sup>44</sup>

On 3 June 1924 Stuttaford addressed the Coloured voters of his constituency, expressing the view that the election was the most momentous that the country had ever experienced, especially where the Coloured voter was concerned. He believed that everything that the blacks had fought for and gained over the previous thirty years was in danger because the dictum of 'equal rights for all civilised men', which meant the right of the Coloured man to

41. South African Who's Who 1923-24, p. 127.

42. Cape Times, 19.5.24.

43. Ibid., 5.6.24.

44. O'Dowd, 'The General Election of 1924', p. 71.

take advantage of education in order to raise himself to the standard of the white and to take part in the government of the country, was being assailed. Stuttaford warned that if the Nationalists were successful in their bid for power, they would abandon the Labour members and pursue purely nationalist republican policies. He reiterated his fears that Hertzog and his party would disregard the Coloured worker who in 1924 was playing an increasingly significant part in the development of South Africa. He claimed that there were some 120 000 blacks employed in factories and that many coastal towns had complained that too many Coloureds were employed in the various industries. He affirmed that he and the S.A.P. were not prepared to discard 'valuable coloured labour' to please the Pact. Stuttaford also predicted that under Smuts's envisaged development programme for South African industry, twice the amount of Coloured labour would be required than was being utilized in 1924. He gave assurances to the Coloureds that the S.A.P. would continue to improve black education, and reminded the electors that the Smuts administration had recently spent £455,000 on educational facilities for blacks in the Cape and the Orange Free State. <sup>45</sup>

Stuttaford's opponent, Mr. C.A. Lagesen, was the candidate for the Constitutional Democratic party, established by Morris Alexander, M.P. for Cape Town (Castle). <sup>46</sup> In 1907 the old Cape Progressive party had merged its identity in the Unionist party, and in his early years in the Union Parliament Alexander ranked as a Unionist. When in 1921 the Unionists amalgamated with Smuts's S.A.P., and became more influenced by the colour ideas of the north, he declined to join them, and formed the Constitutional Democratic party. Alexander staked everything on this change at the 1924 election, and announced that the contest meant either the continuance or termination of his political career. <sup>47</sup> He hoped that

45. Cape Times, 4.6.24.

46. South African Who's Who 1923-24, p. 3.

47. Neame, Some South African Politicians, pp. 180-181.

Lagesen would secure the entire black vote in Newlands plus votes from disenchanted S.A.P. white voters, which would reverse the 1920 S.A.P. majority of 1316.

Polling at Newlands and Wynberg <sup>48</sup> on June 17th was quiet and without incident, but in Claremont many blacks, Indians predominating, appeared 'almost to a man to be in favour of Mr. Lagesen's candidature'. They were joined by large numbers of Cape Coloured voters who in previous elections had been supporters of the S.A.P. It was this turnover, particularly in Claremont, that caused a noticeable reduction in the S.A.P. majority from 1316 in 1920 to 702 in 1924. Lagesen's Coloured supporters were also very assertive and demonstrative, so much so that they had to be cleared from the entrance to the voting hall. They made capital of Lagesen's association in politics with Morris Alexander, and their slogan was 'Vote for Alexander. Put your cross opposite the name at the top.' <sup>49</sup> All this was to result in the reduced majority for Stuttaford.

Lagesen's views on the political and economic position of the blacks were in fact similar to those propounded by Stuttaford, judging from both candidates' campaign speeches. Lagesen replying to the question 'How far would you remove the colour bar?' answered 'equal opportunities for all persons able to pass a reasonable civilization test' and that a Coloured man would be permitted to enter parliament. <sup>50</sup> Stuttaford said, in reply to the same question, that the industrial colour-bar did not exist, and that he was in favour of removing the political colour-bar 'to enable a coloured man to sit in Parliament'. He strongly denounced the Fact's segregation policy, claiming that it would be impossible to implement it, and that it was impracticable to attempt to eliminate black labour in an industrializing country. <sup>51</sup>

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To dwell upon the role of the non-white voter is not to over-emphasize his importance in the Newlands election result, because there is no doubt that Stuttaford's reduced majority was due entirely to the Coloureds' allegiance to the Constitutional Democratic candidate, and but for their vote approximately the same majority as that achieved by the S.A.F. in the 1920 election would confidently have been expected.<sup>53</sup>

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54. *Ibid.*, 27.5.24.

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CHAPTER II1924 - 1933

(1)

Smuts's South African party was defeated in the 1924 election mainly owing to the wave of depression which had swept the country, but, despite this, Stuttaford won the Newlands seat by the substantial majority of 702 votes,<sup>1</sup> and found himself on the Opposition benches in the House of Assembly, facing the triumphant Pact.

The Nationalist-Labour Government which took office on 30 June 1924 was almost devoid of men with Cabinet experience, though some of them had won reputations as public figures. They set about a busy legislative programme.

In his 'Recollections', Morley thus recorded his first impression of the House of Commons: 'The waste of time, where so much of it goes to what has the singular peculiarity of being neither business nor rest, to one whose years had been industrious and practical, was not far short of heartbreaking, though perhaps after all the House of Commons is by no means the place where one's waste of time is the worst'.<sup>2</sup> If Stuttaford underwent a similar disillusionment after so many years of business life, he kept the fact to himself. He gave time and careful preparation to his parliamentary duties, and quickly won the reputation of being a useful member.

The industrial policy of General Hertzog's government aimed to protect South African industry against outside competition and thus conserve foreign exchange; to protect poor whites against African and Coloured competition in the unskilled field; and to protect skilled white workers from undercutting by non-European

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1. Neame, Some South African Politicians, p. 176.

2. *Ibid.*

competition in the higher trades. This attempt by the government to protect the industrial sector took the form of high tariffs against imported goods which threatened to compete with local manufactures. Tariff concessions were offered to firms which pursued the government's prescribed 'civilised labour' policy, that is, if they placed white workers in employment, if necessary by putting them into jobs previously done by non-Europeans.<sup>3</sup>

The white working class, looked after by the two Labour men in the Pact Cabinet, Col. F.H.P. Creswell and Thomas Boydell, who successively headed the new Department of Labour, enjoyed a period of growing prosperity and industrial peace. The government increased the protection of tenants against eviction at a time when housing was scarce, overhauled the law on miners' phthisis, and brought the Factories Act into line with current international standards. More controversial were the Wage Act of 1925 and the Mines and Works Amendment Act, known as the 'Colour Bar' Act of 1926. After being rejected by the Senate in 1925, the latter measure was opposed at every reading when it was reintroduced in the House of Assembly in 1926, but the government forced it through in a joint sitting. The former law was designed to help unskilled white workers, particularly poor whites, whereas the Colour Bar Act was designed to protect the skilled and semi-skilled.

During the debate on the Wage Bill, Stuttaford voiced his disapproval of the implementation by the Pact of the bureaucratic socialist policy implicit in the proposed legislation, arguing that over-inspection would hamper industry. He believed that under such legislation the Minister of Labour would be entrusted with 'draconian' power.<sup>4</sup> He objected strongly to

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3. T.R.H. Davenport, South Africa : A Modern History, (London 1977), p. 361.

4. H.A. Deb., vol. 3, April 1925, cols. 1672 et seq.

the powers of the envisaged Wage Board, which would enable it to determine wages in industries where no provision for collective bargaining existed, exposing the principle on which the Board was to operate, namely, 'the rate for the job', as only having the 'appearance' of complete fairness. He considered that wage determination would harm South African industries if that wage was not earned by the employee: 'The wages must be earned, but the Labour party say that the wages have got to be paid first and the industrialist has got to hope that they will be earned afterwards'. He agreed with the principle of the minimum wage but he considered that the method suggested by the government for its enforcement was the 'difference between democratic freedom and socialistic slavery'.

Fundamental to Stuttaford's commercial philosophy was his belief in consultation and mutual agreement between employers and their workers, and he deplored any suggestion of 'an outside body interfering' in this contractual relationship. He considered the Wage Bill to be prejudiced against the employer, and alleged that the government regarded the interests of employers and employees as being divergent, and consequently the employer would be alienated. He insisted that the Bill would endanger nascent industries by compelling them to keep employers and workers apart, 'like two fighting cocks'. He opposed the Bill on purely economic grounds, but must have been aware that it was 'the most powerful yet most subtle Colour Bar that has ever operated'.<sup>5</sup>

The Mines and Works Amendment Act of 1926 was Hertzog's way of securing the interests of the white skilled worker. This law simply reserved the grant of certificates of competency in skilled trades to whites and Coloureds, 'placing Indians and Africans on the wrong side of the fence' and giving the force of law to a principle which the Supreme Court had declared invalid.

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5. W.H. Hutt's opinion of the Bill in Davenport, South Africa, p. 361.

Job reservation appeared to favour the Coloured, but in practice it did not do so.<sup>6</sup> During the second reading debate on the Bill Stuttaford spoke of the injustice of the measure, declaring that 'It can only be called a ruthless discrimination against the native, and yet we are told that the principles of the Labour party are based on righteousness, truth and justice ...'<sup>7</sup> He challenged Labour on the defensibility of such flagrant discrimination, reminding them of their democratic traditions, concluding, 'In the country they come from [Great Britain] it would be stigmatised as industrial slavery.' Stuttaford became extremely heated in debate and the Speaker asked him to moderate his language. He accused the Labour party of being afraid of non-European competition, despite the minimum wage clause, which he considered to be 'another grave injustice; to handicap the indigenous races ...', and appealed for a non-racialist approach to industrial competence: '.... when you are dealing with the native you should, like justice, be blind, and ... should not look at the colour of his skin, but decide absolutely on the question of competence ... My position is that the only right you have for refusing a certificate to a man is on the ground of competency and not race.'

During Stuttaford's early parliamentary career he was perpetually upholding the merits of the free enterprise system which was under attack from the Labour Ministry in the Pact. He was particularly anxious to repair differences which had arisen between ownership and production in South Africa as a result of strikes by workers. Such disagreement had been harmful to the Union's economy. He rejected the socialist remedy of legislating against private ownership of property by nationalising all production, distribution and exchange, and believed that the solution was to induce the owner and persuade the worker 'to share the profits' of industry. With this solution in mind he introduced in 1927 his Companies (Workers'

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6. Davenport, South Africa, p. 362.

7. H.A. Deb., vol. 4, May 1925, cols. 2768-2769.

Shares) Bill.<sup>8</sup> Such profit sharing, he suggested, would effect participation by workers not only in industrial yield but also in management. This was Stuttaford's answer to the conflict between 'Labour and Capital' which had brought the Fact into power. The proposed measure, however, was defeated by 51 votes to 37.

Intelligent discussion in parliament of the report of the Imperial Conference of 1926, when equal status of the Dominions within the British Empire had been achieved by the Balfour Declaration, was delayed until the beginning of 1928, chiefly on account of the acrimonious reaction of members to the Minister of the Interior, Dr. Malan's Nationality and Flag Bill, first introduced in May 1926. The definition of South African nationality and the creation of a distinctive national flag could not be separated from the issue of Dominion autonomy.<sup>9</sup> Contention arose because the government's proposal to adopt a flag which contained neither the old republican colours nor the Union Jack seemed to the S.A.P. Opposition to have secessionist implications. The government, having deferred the measure in 1926, reintroduced it in May 1927. Stuttaford condemned the Flag Bill as a piece of 'racial poison'<sup>10</sup> and regarded it as a threat to the 'British connection': 'born out of a hatred of anything British'.<sup>11</sup> He was afraid that the Bill would 'put back the clock a quarter of a century, and ... breed a suspicion that will stop the growth of ... co-operation [between English and Afrikaans speaking sections of the population], ... the growth of a real unified national life ...'.<sup>12</sup> He agreed that the flag controversy was 'a question of sentiment', and compared it with the struggle for recognition of the Afrikaans language. Emotion ran high throughout the debate with Stuttaford branding the Bill as 'being as great a catastrophe as the Jameson Raid [which had] ... had the effect of breaking the growing sympathy between these two races [English and Afrikaans]'. Stuttaford was a firm believer

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8. Stuttaford Political Papers, Notes on Profit-Sharing, 1927; H.A. Deb., vol. 8, February 1927, cols. 774 et seq.

9. Davenport, South Africa, pp. 201-202.

10. H.A. Deb., vol. 9, May 1927, col. 4184.

11. See Cape Times, 22.9.27.

12. H.A. Deb., vol. 9, May 1927, col. 4185 et seq.

that there could be no future for South Africa outside the British Empire, and for this reason the Union Jack was not only a symbol of freedom and justice, but also an expression of the irrevocable relationship between Great Britain and the Union. Hertzog finally offered to incorporate both the Union Jack and the Republican flags in a new Union flag, and to accept the Union Jack as the flag to be flown alongside the new Union flag, thereby indicating South Africa's membership within the commonwealth of nations. Smuts congratulated Hertzog on this 'statesmanlike' solution.

Stuttaford, as chief Opposition spokesman on economic and commercial matters was extremely critical of the Pact Government's legislative programme between 1924 and 1929. Havenga, as Minister of Finance, made the South African economy fully protectionist in a succession of budgets and tariff bills, all designed to put South African industry on to its feet. Such overt protectionist policy was abhorrent to Stuttaford who considered this to be gross socialism and extravagance.<sup>13</sup> The enforcement of such large scale intervention in industry by the government was an expense which Stuttaford considered the Union could not afford. Creswell brought the Iron and Steel Corporation (ISCOR) into being in 1927 as a public utility, in face of opposition criticism that this profit-making enterprise should have been entrusted to a syndicate of steel producers. Nationalisation of any industry was unacceptable to Stuttaford who predicted that ISCOR would be 'entirely under the heel of politics' as a result of the Iron and Steel Industry Bill,<sup>14</sup> and caustically prophesied that this extensive Government spending would require that Hertzog's administration 'nationalise bankruptcy'.<sup>15</sup> The main defects of the Bill, in his opinion, were the resultant destruction of private capital already invested in the industry, and the evident government proclivity for nationalisation which endangered all other

13. Cape Times, 3.2.27.

14. H.A. Deb., vol. 10, October 1927, col. 156.

15. Cape Times, 3.2.27.

subsidiary industries.<sup>16</sup> In opposition to the Bill, Stuttaford advocated the stimulation of private enterprise as a pre-requisite for any future development on a large scale in the Union.

Hertzog's controversial Native Bills dominated the political programme of the Nationalists from 1926, and the Fact Government's failure to carry the Native Representation Bill at a joint sitting of parliament, set the stage for the 1929 general election, when questions of native policy were placed before the voters as never before. Stuttaford's view of Hertzog's Bills was not clearly enunciated, but it is evident that he disapproved of them, stating in February 1927 that 'they overshadow every other kind of legislation today', and emphasising his relief that they were to be sent to a select committee for redrafting in March 1927: 'The country is very fortunate that the originals are to disappear - they are most unsatisfactory'.<sup>17</sup> He deplored the Pact's attempts to retard the development of the non-Europeans, warning that such a policy was morally indefensible and economically unsound.<sup>18</sup> He also considered the proposed Coloured Persons Rights Bill reprehensible as well as impracticable, and urged governmental consultation to discuss Coloured political rights.<sup>19</sup> Stuttaford was to have considerably more to say concerning the erosion of non-European rights when parliament reassembled to endure another joint sitting on the Native Bills, the debate on the Franchise Laws Amendment Bill and the Women's Enfranchisement Bill during 1930-1931.

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16. H.A. Deb., vol. 10, October 1927, cols. 155 et seq.

17. Cape Times, 3.2.27.

18. Cape Times, 31.12.28.

19. Cape Times, 7.11.27.

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If conscientiousness and the capacity for hard administrative work were the only criteria for appointment to a cabinet position then it is not surprising that Stuttaford became Minister without portfolio in the S.A.F. - Nationalist coalition cabinet of 1933. But to conclude that it was on the basis of these attributes alone that he was selected to a cabinet of national unity, and one of signal political significance in the prevailing economic pessimism of 1932-1933, would be a gross over-simplification of Stuttaford's rise through the party ranks of the S.A.F. to assume an impressive role in the political process of coalition and later, fusion, in the Cape Province. Some attempt must be made to assess Stuttaford's political contribution in the early 1930's which culminated in his selection by Smuts as one of the six S.A.F. members of the coalition cabinet of 1933.

Part of the compromise on which the Union of South Africa was formed in 1910 was that the franchise laws in the several provinces were to be left untouched. This had the effect that manhood suffrage in the Transvaal and the Orange Free State remained limited to whites, and in the Cape and Natal it had the effect of perpetuating the retention of certain restrictive qualifications, the possession of which permitted non-whites to vote.<sup>20</sup> Hertzog's 'Native Bills' which had been under consideration by a Joint Select Committee since the beginning of the 1930 session of parliament, provided for the transference of African voters to a separate roll, but allowed Coloured voters to remain on the same roll as the whites, thereby conceding to Coloureds political equality with whites. However, later in 1930, the Women's Enfranchisement Act was passed on the basis of Union-wide female suffrage limited to whites.

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20. See T.R.H. Davenport, South Africa : A Modern History (London, 1977), p. 167.

The Women's Enfranchisement Bill was introduced by General Hertzog but was not a government measure. In fact the Nationalist party as a whole had never supported the notion of voting rights for women. There is no doubt that nothing but Hertzog's personal influence secured the support of so many of his followers for a Bill which most of them had hitherto held in something like abhorrence.<sup>21</sup> The enfranchisement of women, however, held a prominent place in the programme of the S.A.P., but two features of this Bill found a few of its members, especially among those representing Cape and Natal constituencies, unable to vote for the Bill. In the first place, the Bill was confined to white women. The exclusion of African women did not trouble them because the question of African representation was in the hands of the Select Committee. But the exclusion of civilised Coloured women made the Bill objectionable to the so-called 'Cape liberal' element in the S.A.P. Stuttaford, being a member of this group, consistently stood for the maintenance of the Cape Coloured franchise, and he expressed his opposition to Hertzog's controversial Bill primarily because it 'tampered' with the Coloured vote. He argued that this Bill halved the value of the Coloured man's vote.<sup>22</sup> He referred to Hertzog's assurance given to the Coloureds some two years previously, that they had the right to expect political equality, and exposed Hertzog's clause in the Bill which refused educated Coloured women the right of the franchise which was being given to white women.<sup>23</sup>

The second stumbling block was that the Bill ignored the franchise qualifications which existed in the Cape and Natal and gave women the vote on the basis of adult franchise. In the two northern provinces there was manhood suffrage for whites so that the women were included on the same basis. But in the Cape and Natal women would be placed on the voters' rolls without qualifi-

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21. A Paton, Hofmeyr (London, 1964), p. 178.

22. H.A. Deb., vol. 16, col. 616, 19.2.31.

23. Ibid., vol. 14, col. 1636, 10.3.30.

candidate in Newlands, but against a member of the Constitutional Democratic party, Mr. C.A. Lagesen, a director of companies and M.P.C. for Namaqualand.<sup>41</sup> Consequently, his electioneering was somewhat different from other S.A.P. candidates. This fact does to some extent explain why Stuttaford made conflicting statements on questions of S.A.P. policy, particularly regarding the native question.

The Fact parties put forward a separate policy for the Coloured people, consequently making a distinction between them and the Africans. Hertzog had expressed the imperative need for co-operation between whites and Coloureds on account of their similar origin. He spoke of economic equality between whites and Coloureds, but repudiated the notion of social and political equality.<sup>42</sup> The S.A.P. attacked this aspect of the Nationalists' propaganda, but did not speak with one voice. According to Stuttaford speaking in Newlands on June 4th: 'The right of every Coloured man to raise himself in the standard of civilisation and when he has reached the standard of the white man to take his part in the government of the country forms an important plank in the S.A.P. programme'.<sup>43</sup> At the same time Smuts expressed the fear that if Hertzog won the election the colour-bar for the Coloureds would be removed completely which would not be in the interests of whites, particularly those in the northern provinces.<sup>44</sup>

On 3 June 1924 Stuttaford addressed the Coloured voters of his constituency, expressing the view that the election was the most momentous that the country had ever experienced, especially where the Coloured voter was concerned. He believed that everything that the blacks had fought for and gained over the previous thirty years was in danger because the dictum of 'equal rights for all civilised men', which meant the right of the Coloured man to

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41. South African Who's Who 1923-24, p. 127.

42. Cape Times, 19.5.24.

43. Ibid., 5.6.24.

44. O'Dowd, 'The General Election of 1924', p. 71.

take advantage of education in order to raise himself to the standard of the white and to take part in the government of the country, was being assailed. Stuttaford warned that if the Nationalists were successful in their bid for power, they would abandon the Labour members and pursue purely nationalist republican policies. He reiterated his fears that Hertzog and his party would disregard the Coloured worker who in 1924 was playing an increasingly significant part in the development of South Africa. He claimed that there were some 120 000 blacks employed in factories and that many coastal towns had complained that too many Coloureds were employed in the various industries. He affirmed that he and the S.A.P. were not prepared to discard 'valuable coloured labour' to please the Pact. Stuttaford also predicted that under Smuts's envisaged development programme for South African industry, twice the amount of Coloured labour would be required than was being utilized in 1924. He gave assurances to the Coloureds that the S.A.P. would continue to improve black education, and reminded the electors that the Smuts administration had recently spent £455,000 on educational facilities for blacks in the Cape and the Orange Free State.<sup>45</sup>

Stuttaford's opponent, Mr. C.A. Lagesen, was the candidate for the Constitutional Democratic party, established by Morris Alexander, M.P. for Cape Town (Castle).<sup>46</sup> In 1907 the old Cape Progressive party had merged its identity in the Unionist party, and in his early years in the Union Parliament Alexander ranked as a Unionist. When in 1921 the Unionists amalgamated with Smuts's S.A.P., and became more influenced by the colour ideas of the north, he declined to join them, and formed the Constitutional Democratic party. Alexander staked everything on this change at the 1924 election, and announced that the contest meant either the continuance or termination of his political career.<sup>47</sup> He hoped that

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45. Cape Times, 4.6.24.

46. South African Who's Who 1923-24, p. 3.

47. Neame, Some South African Politicians, pp. 180-181.

Lagesen would secure the entire black vote in Newlands plus votes from disenfranchised S.A.P. white voters, which would reverse the 1920 S.A.P. majority of 1316.

Polling at Newlands and Wynberg <sup>48</sup> on June 17th was quiet and without incident, but in Claremont many blacks, Indians predominating, appeared 'almost to a man to be in favour of Mr. Lagesen's candidature'. They were joined by large numbers of Cape Coloured voters who in previous elections had been supporters of the S.A.P. It was this turnover, particularly in Claremont, that caused a noticeable reduction in the S.A.P. majority from 1316 in 1920 to 702 in 1924. Lagesen's Coloured supporters were also very assertive and demonstrative, so much so that they had to be cleared from the entrance to the voting hall. They made capital of Lagesen's association in politics with Morris Alexander, and their slogan was 'Vote for Alexander. Put your cross opposite the name at the top.' <sup>49</sup> All this was to result in the reduced majority for Stuttaford.

Lagesen's views on the political and economic position of the blacks were in fact similar to those propounded by Stuttaford, judging from both candidates' campaign speeches. Lagesen replying to the question 'How far would you remove the colour bar?' answered 'equal opportunities for all persons able to pass a reasonable civilization test' and that a Coloured man would be permitted to enter parliament. <sup>50</sup> Stuttaford said, in reply to the same question, that the industrial colour-bar did not exist, and that he was in favour of removing the political colour-bar 'to enable a coloured man to sit in Parliament'. He strongly denounced the Pact's segregation policy, claiming that it would be impossible to implement it, and that it was impracticable to attempt to eliminate black labour in an industrializing country. <sup>51</sup>

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1. Neame, Some South African Politicians, p. 176.

2. *Ibid.*

competition in the higher trades. This attempt by the government to protect the industrial sector took the form of high tariffs against imported goods which threatened to compete with local manufactures. Tariff concessions were offered to firms which pursued the government's prescribed 'civilised labour' policy, that is, if they placed white workers in employment, if necessary by putting them into jobs previously done by non-Europeans.<sup>3</sup>

The white working class, looked after by the two Labour men in the Pact Cabinet, Col. F.H.P. Creswell and Thomas Boydell, who successively headed the new Department of Labour, enjoyed a period of growing prosperity and industrial peace. The government increased the protection of tenants against eviction at a time when housing was scarce, overhauled the law on miners' phthisis, and brought the Factories Act into line with current international standards. More controversial were the Wage Act of 1925 and the Mines and Works Amendment Act, known as the 'Colour Bar' Act of 1926. After being rejected by the Senate in 1925, the latter measure was opposed at every reading when it was reintroduced in the House of Assembly in 1926, but the government forced it through in a joint sitting. The former law was designed to help unskilled white workers, particularly poor whites, whereas the Colour Bar Act was designed to protect the skilled and semi-skilled.

During the debate on the Wage Bill, Stuttaford voiced his disapproval of the implementation by the Pact of the bureaucratic socialist policy implicit in the proposed legislation, arguing that over-inspection would hamper industry. He believed that under such legislation the Minister of Labour would be entrusted with 'draconian' power.<sup>4</sup> He objected strongly to

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3. T.R.H. Davenport, South Africa : A Modern History, (London 1977), p. 361.

4. H.A. Deb., vol. 3, April 1925, cols. 1672 et seq.

the powers of the envisaged Wage Board, which would enable it to determine wages in industries where no provision for collective bargaining existed, exposing the principle on which the Board was to operate, namely, 'the rate for the job', as only having the 'appearance' of complete fairness. He considered that wage determination would harm South African industries if that wage was not earned by the employee: 'The wages must be earned, but the Labour party say that the wages have got to be paid first and the industrialist has got to hope that they will be earned afterwards'. He agreed with the principle of the minimum wage but he considered that the method suggested by the government for its enforcement was the 'difference between democratic freedom and socialistic slavery'.

Fundamental to Stuttaford's commercial philosophy was his belief in consultation and mutual agreement between employers and their workers, and he deplored any suggestion of 'an outside body interfering' in this contractual relationship. He considered the Wage Bill to be prejudiced against the employer, and alleged that the government regarded the interests of employers and employees as being divergent, and consequently the employer would be alienated. He insisted that the Bill would endanger nascent industries by compelling them to keep employers and workers apart, 'like two fighting cocks'. He opposed the Bill on purely economic grounds, but must have been aware that it was 'the most powerful yet most subtle Colour Bar that has ever operated'.<sup>5</sup>

The Mines and Works Amendment Act of 1926 was Hertzog's way of securing the interests of the white skilled worker. This law simply reserved the grant of certificates of competency in skilled trades to whites and Coloureds, 'placing Indians and Africans on the wrong side of the fence' and giving the force of law to a principle which the Supreme Court had declared invalid.

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5. W.H. Hutt's opinion of the Bill in Davenport, South Africa, p. 361.

Job reservation appeared to favour the Coloured, but in practice it did not do so.<sup>6</sup> During the second reading debate on the Bill Stuttaford spoke of the injustice of the measure, declaring that 'It can only be called a ruthless discrimination against the native, and yet we are told that the principles of the Labour party are based on righteousness, truth and justice ...'<sup>7</sup> He challenged Labour on the defensibility of such flagrant discrimination, reminding them of their democratic traditions, concluding, 'In the country they come from [Great Britain] it would be stigmatised as industrial slavery.' Stuttaford became extremely heated in debate and the Speaker asked him to moderate his language. He accused the Labour party of being afraid of non-European competition, despite the minimum wage clause, which he considered to be 'another grave injustice; to handicap the indigenous races ...', and appealed for a non-racialist approach to industrial competence: '.... when you are dealing with the native you should, like justice, be blind, and ... should not look at the colour of his skin, but decide absolutely on the question of competence ... My position is that the only right you have for refusing a certificate to a man is on the ground of competency and not race.'

During Stuttaford's early parliamentary career he was perpetually upholding the merits of the free enterprise system which was under attack from the Labour Ministry in the Fact. He was particularly anxious to repair differences which had arisen between ownership and production in South Africa as a result of strikes by workers. Such disagreement had been harmful to the Union's economy. He rejected the socialist remedy of legislating against private ownership of property by nationalising all production, distribution and exchange, and believed that the solution was to induce the owner and persuade the worker 'to share the profits' of industry. With this solution in mind he introduced in 1927 his Companies (Workers'

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6. Davenport, South Africa, p. 362.

7. H.A. Deb., vol. 4, May 1925, cols. 2768-2769.

Shares) Bill.<sup>8</sup> Such profit sharing, he suggested, would effect participation by workers not only in industrial yield but also in management. This was Stuttaford's answer to the conflict between 'Labour and Capital' which had brought the Fact into power. The proposed measure, however, was defeated by 51 votes to 37.

Intelligent discussion in parliament of the report of the Imperial Conference of 1926, when equal status of the Dominions within the British Empire had been achieved by the Balfour Declaration, was delayed until the beginning of 1928, chiefly on account of the acrimonious reaction of members to the Minister of the Interior, Dr. Malan's Nationality and Flag Bill, first introduced in May 1926. The definition of South African nationality and the creation of a distinctive national flag could not be separated from the issue of Dominion autonomy.<sup>9</sup> Contention arose because the government's proposal to adopt a flag which contained neither the old republican colours nor the Union Jack seemed to the S.A.P. Opposition to have secessionist implications. The government, having deferred the measure in 1926, reintroduced it in May 1927. Stuttaford condemned the Flag Bill as a piece of 'racial poison'<sup>10</sup> and regarded it as a threat to the 'British connection': 'born out of a hatred of anything British'.<sup>11</sup> He was afraid that the Bill would 'put back the clock a quarter of a century, and ... breed a suspicion that will stop the growth of ... co-operation [between English and Afrikaans speaking sections of the population], ... the growth of a real unified national life ...'.<sup>12</sup> He agreed that the flag controversy was 'a question of sentiment', and compared it with the struggle for recognition of the Afrikaans language. Emotion ran high throughout the debate with Stuttaford branding the Bill as 'being as great a catastrophe as the Jameson Raid [which had] ... had the effect of breaking the growing sympathy between these two races [English and Afrikaans]'. Stuttaford was a firm believer

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8. Stuttaford Political Papers, Notes on Profit-Sharing, 1927; H.A. Deb., vol. 8, February 1927, cols. 774 et seq.

9. Davenport, South Africa, pp. 201-202.

10. H.A. Deb., vol. 9, May 1927, col. 4184.

11. See Cape Times, 22.9.27.

12. H.A. Deb., vol. 9, May 1927, col. 4185 et seq.

that there could be no future for South Africa outside the British Empire, and for this reason the Union Jack was not only a symbol of freedom and justice, but also an expression of the irrevocable relationship between Great Britain and the Union. Hertzog finally offered to incorporate both the Union Jack and the Republican flags in a new Union flag, and to accept the Union Jack as the flag to be flown alongside the new Union flag, thereby indicating South Africa's membership within the commonwealth of nations. Smuts congratulated Hertzog on this 'statesmanlike' solution.

Stuttaford, as chief Opposition spokesman on economic and commercial matters was extremely critical of the Pact Government's legislative programme between 1924 and 1929. Havenga, as Minister of Finance, made the South African economy fully protectionist in a succession of budgets and tariff bills, all designed to put South African industry on to its feet. Such overt protectionist policy was abhorrent to Stuttaford who considered this to be gross socialism and extravagance.<sup>13</sup> The enforcement of such large scale intervention in industry by the government was an expense which Stuttaford considered the Union could not afford. Creswell brought the Iron and Steel Corporation (ISCOR) into being in 1927 as a public utility, in face of opposition criticism that this profit-making enterprise should have been entrusted to a syndicate of steel producers. Nationalisation of any industry was unacceptable to Stuttaford who predicted that ISCOR would be 'entirely under the heel of politics' as a result of the Iron and Steel Industry Bill,<sup>14</sup> and caustically prophesied that this extensive Government spending would require that Hertzog's administration 'nationalise bankruptcy'.<sup>15</sup> The main defects of the Bill, in his opinion, were the resultant destruction of private capital already invested in the industry, and the evident government proclivity for nationalisation which endangered all other

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13. Cape Times, 3.2.27.

14. H.A. Deb., vol. 10, October 1927, col. 156.

15. Cape Times, 3.2.27.

subsidiary industries.<sup>16</sup> In opposition to the Bill, Stuttaford advocated the stimulation of private enterprise as a pre-requisite for any future development on a large scale in the Union.

Hertzog's controversial Native Bills dominated the political programme of the Nationalists from 1926, and the Fact Government's failure to carry the Native Representation Bill at a joint sitting of parliament, set the stage for the 1929 general election, when questions of native policy were placed before the voters as never before. Stuttaford's view of Hertzog's Bills was not clearly enunciated, but it is evident that he disapproved of them, stating in February 1927 that 'they overshadow every other kind of legislation today', and emphasising his relief that they were to be sent to a select committee for redrafting in March 1927: 'The country is very fortunate that the originals are to disappear - they are most unsatisfactory'.<sup>17</sup> He deplored the Pact's attempts to retard the development of the non-Europeans, warning that such a policy was morally indefensible and economically unsound.<sup>18</sup> He also considered the proposed Coloured Persons Rights Bill reprehensible as well as impracticable, and urged governmental consultation to discuss Coloured political rights.<sup>19</sup> Stuttaford was to have considerably more to say concerning the erosion of non-European rights when parliament reassembled to endure another joint sitting on the Native Bills, the debate on the Franchise Laws Amendment Bill and the Women's Enfranchisement Bill during 1930-1931.

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16. H.A. Deb., vol. 10, October 1927, cols. 155 et seq.

17. Cape Times, 3.2.27.

18. Cape Times, 31.12.28.

19. Cape Times, 7.11.27.

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If conscientiousness and the capacity for hard administrative work were the only criteria for appointment to a cabinet position then it is not surprising that Stuttaford became Minister without portfolio in the S.A.F. - Nationalist coalition cabinet of 1933. But to conclude that it was on the basis of these attributes alone that he was selected to a cabinet of national unity, and one of signal political significance in the prevailing economic pessimism of 1932-1933, would be a gross over-simplification of Stuttaford's rise through the party ranks of the S.A.F. to assume an impressive role in the political process of coalition and later, fusion, in the Cape Province. Some attempt must be made to assess Stuttaford's political contribution in the early 1930's which culminated in his selection by Smuts as one of the six S.A.F. members of the coalition cabinet of 1933.

Part of the compromise on which the Union of South Africa was formed in 1910 was that the franchise laws in the several provinces were to be left untouched. This had the effect that manhood suffrage in the Transvaal and the Orange Free State remained limited to whites, and in the Cape and Natal it had the effect of perpetuating the retention of certain restrictive qualifications, the possession of which permitted non-whites to vote.<sup>20</sup> Hertzog's 'Native Bills' which had been under consideration by a Joint Select Committee since the beginning of the 1930 session of parliament, provided for the transference of African voters to a separate roll, but allowed Coloured voters to remain on the same roll as the whites, thereby conceding to Coloureds political equality with whites. However, later in 1930, the Women's Enfranchisement Act was passed on the basis of Union-wide female suffrage limited to whites.

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20. See T.R.H. Davenport, South Africa : A Modern History (London, 1977), p. 167.

The Women's Enfranchisement Bill was introduced by General Hertzog but was not a government measure. In fact the Nationalist party as a whole had never supported the notion of voting rights for women. There is no doubt that nothing but Hertzog's personal influence secured the support of so many of his followers for a Bill which most of them had hitherto held in something like abhorrence.<sup>21</sup> The enfranchisement of women, however, held a prominent place in the programme of the S.A.P., but two features of this Bill found a few of its members, especially among those representing Cape and Natal constituencies, unable to vote for the Bill. In the first place, the Bill was confined to white women. The exclusion of African women did not trouble them because the question of African representation was in the hands of the Select Committee. But the exclusion of civilised Coloured women made the Bill objectionable to the so-called 'Cape liberal' element in the S.A.P. Stuttaford, being a member of this group, consistently stood for the maintenance of the Cape Coloured franchise, and he expressed his opposition to Hertzog's controversial Bill primarily because it 'tampered' with the Coloured vote. He argued that this Bill halved the value of the Coloured man's vote.<sup>22</sup> He referred to Hertzog's assurance given to the Coloureds some two years previously, that they had the right to expect political equality, and exposed Hertzog's clause in the Bill which refused educated Coloured women the right of the franchise which was being given to white women.<sup>23</sup>

The second stumbling block was that the Bill ignored the franchise qualifications which existed in the Cape and Natal and gave women the vote on the basis of adult franchise. In the two northern provinces there was manhood suffrage for whites so that the women were included on the same basis. But in the Cape and Natal women would be placed on the voters' rolls without qualifi-

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21. A Paton, *Hofmeyr* (London, 1964), p. 178.

22. *H.A. Deb.*, vol. 16, col. 616, 19.2.31.

23. *Ibid.*, vol. 14, col. 1636, 10.3.30.

cations of the existing law.<sup>24</sup> It was clearly the intention of the Nationalist Government, if some settlement could be found on the question of the African vote, to bring in a uniform franchise law for whites throughout the Union based on adult suffrage, and of this the Women's Enfranchisement Bill was the first instalment. Some of the Cape and Natal M.P.s were strongly opposed to this trend in legislation - some because they objected to any further extension of the franchise to whites, and others because they saw in it an additional barrier against the political rights of Coloureds. Stuttaford accused Hertzog of setting up a colour bar against coloured people, and indicated his disappointment that the Prime Minister had missed an opportunity in the Bill of 'laying down the principles on which the franchise should be given [to] the whole of the country, unified on a proper basis'.<sup>25</sup>

Even the stalwart supporters of the Coloured people, including Stuttaford, would not urge their admission to the voters' rolls without some test of education and 'civilization' and consequently the effect of giving the franchise to whites of both sexes was to bring another colour differentiation on to the statute book. In debate, Stuttaford put forward the view that a general franchise based on universal suffrage was impossible for South Africa. He felt that many Coloureds lacked education and were therefore not fit to vote. He also stated that he doubted whether universal suffrage was good for any people, and advocated an educational qualification in South Africa particularly. At the same time he deplored the racial character of the Bill, rejecting the proposal that 'we are to look at a man's skin, and decide then whether he is civilised or uncivilised'.<sup>26</sup> He emphasized his conviction that education should be the principal test: 'Make your test what you like, but do not base your franchise on colour'. He

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24. Round Table, vol. 20, pp. 646-647.

25. H.A. Deb., vol. 14, col. 1636, 10.3.30.

26. Ibid., col. 1637 et seq.

believed that a high educational qualification would 'prevent anybody but a well-educated man from having a say in the government of the country'. His conclusion on the question of the Coloured franchise was that 'if we consider that in some form or other we are superior to the coloured people then we should be superior in giving them justice, and not take rights from them to which they are entitled'. Turning to another aspect of the Bill, Stuttaford questioned the justice of giving the franchise to women whose husbands, possessing the same qualifications, were debarred from voting. The Franchise Laws Amendment Bill which followed the Women's Enfranchisement Act in 1931 was an attempt to remove this anomaly.

Commenting on the Nationalist Government's onslaught on the Cape franchise, Henry Burton, former Minister of Finance in the first Smuts Cabinet (1921 to 1924), referred to Hertzog's Women's Enfranchisement Act at a meeting held under the auspices of the Non-Racial Franchise Association and the Cape Joint Council of Europeans and Bantu. He outlined the aims of the Association, which were, firstly, to resist differentiation in the franchise rights in the Cape Province on the basis of race or colour; and secondly, 'to promote a policy of making civilisation the qualification for the franchise throughout the Union'. He deplored the fact that Hertzog had been allowed 'to fasten upon this country an electoral system entirely foreign to its condition with an extraordinarily mixed population'.<sup>27</sup> Significantly, he warned of the inevitability of a similar suffrage for European men following the Women's enfranchisement legislation. He was adamant that adult suffrage could not be granted to all Africans, and confirming Stuttaford's view, proposed that a 'standard of civilisation' be fixed artificially, advocating the adoption of the 'existing Cape

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27. D.B. Molteno, The Betrayal of Natives Representation (Johannesburg, 1959), pp. 7-8.

qualification', the attainment of which would admit non-Europeans to the common voters' roll. Like Stuttaford, Burton was convinced that the qualification should be high, but insisted that 'it must confer a genuine franchise; there must be no suspicion of loading the dice against the Native or Coloured man'. Having said this, however, he was concerned that the franchise test be kept within reach of all whites in the country.

As Burton predicted, the grant of adult suffrage to white women was speedily followed by the grant of the same franchise to white men with the passing of the Franchise Laws Amendment Act of 1931.

In the debates on the question of Women's enfranchisement and on the Franchise Laws Amendment Bill, Stuttaford showed himself to be representative of a number of moderate liberals, by advocating the perpetuation and protection of the Cape Coloured franchise. In February 1931 he reminded the members of the House of Assembly of clause 35 of the Act of Union, safeguarding the Coloureds' voting rights, and accused Hertzog of attempting once again to 'slice off' more and more of their vote. The Franchise Laws Amendment Bill had been introduced by the Nationalist Government's Minister of the Interior, Dr. D.F. Malan, and it was viewed as an important measure. In fact, Malan entitled it 'the most important Bill which has been introduced for many years, possibly since Union'.<sup>28</sup> Patrick Duncan, former Minister of the Interior, Health and Education in the first Smuts Ministry (1921 to 1924), agreed with this view of the Bill, but for different reasons: particularly fearing its impact upon the Cape Coloured franchise.<sup>29</sup>

The object of the Bill was to give white Union nationals, throughout the Union, the franchise on the basis of manhood suffrage. There were some disqualifications, but apart from these,

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28. H.A. Deb., vol. 16, col. 595, 19.2.31.

29. Ibid., col. 600, 19.2.31.

any white man of twenty-one years and over was entitled to vote. But the Cape liberal members, particularly Stuttaford, supported by Duncan and Smuts, attacked the Bill for its encroachment on Coloured voters' rights. They contended that the Bill introduced 'a new colour bar into our franchise legislation'. Smuts accused the Prime Minister of duplicity, claiming that Hertzog's professed policy towards Coloureds had 'openly, brazenly, and unblushingly been abandoned in the Bill ...'.<sup>30</sup> Stuttaford said that the only reason advanced for passing the Bill was to avoid anomalies, which had been created at Union, whereby the Cape had accepted a more restricted franchise than was laid down for the northern provinces. He again condemned Hertzog's 'tampering' with the Coloured vote and warned that this latest measure of the Prime Minister would increase the white vote in South Africa by ten thousand, and he believed that Hertzog was thereby 'deliberately undermining the value of the Coloured vote'.<sup>31</sup>

During the passage through parliament of these two important Bills, Stuttaford emerged as a moderate liberal upholding the traditions of Cape liberalism, and he established his position as one of the principal Cape spokesmen of the S.A.P. in the House of Assembly.

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30. *Ibid.*, col. 608, 19.2.31.

31. *Ibid.*, col. 616, 19.2.31.

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With the Wall Street collapse of October 1929 South Africa slid with other countries into a period of economic instability. The price of diamonds slumped, wool prices fell, a prolonged drought was experienced and Union customs revenue dwindled. Worse still was to come in September 1931 when the emergency national government at Westminster took Britain off the gold standard. 'The shock split the world in two: one half clinging to sterling, the other half to gold.' During a short special session of parliament in November 1931 N.C. Havenga, Minister of Finance, promised to use 'all the resources of the state' to keep South Africa on the gold standard.<sup>32</sup>

The chief financial difficulties which the Nationalist Government had to face in carrying out this policy to remain on gold were due to the outflow of capital to London, the reluctance of exporters to sell at prevailing prices, and the refusal of owners of funds outside the Union to bring them into South Africa until compelled to do so in face of heavy losses incurred by realising depreciated sterling. The combined effect of these factors was that the demand for foreign exchange had been abnormally large, while the supply had been unusually small.

These economic difficulties had political repercussions. Public opinion throughout the country became more and more hostile to the government's policy, and many different sections of the community demanded the abandonment of gold, which, it was believed would be followed by a return of South African currency to parity with sterling, a rise in the apparent price received by the South African exporter and the alleviation of many economic ills. It was in such a climate that the Opposition S.A.F. acquired the first popular plank for its platform in many years, by advocating the abandonment of the gold standard.<sup>33</sup>

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32. E.A. Walker, A History of Southern Africa (London, 1957), pp. 627-628.

33. Round Table, vol. 22, 1932, p. 434.

At the outset of the gold standard controversy the majority of the S.A.P. were inclined to support Havenga's argument in favour of remaining on gold. Havenga was an orthodox financier who disapproved of devaluation, and he was supported, not least of all, by his young Opposition counterpart, J.H. Hofmeyr.<sup>34</sup> Smuts, however, almost immediately proposed that South Africa should lose no time in leaving the gold standard and link with sterling. Smuts's opinion very soon became the popular S.A.P. view.<sup>35</sup> Hancock records that the initial hesitation was due to the fact that Duncan and Hofmeyr took their cue at first from the mining industry, which was reluctant to leave the gold standard because that would mean a rise in money wages, which would not be easily brought down if and when South Africa returned to the gold standard.<sup>36</sup>

Stuttaford, contrary to the growing S.A.P. view, opposed any economic remedy involving the abandonment of gold until February 1932 when in the Select Committee he declared, 'we have lost all the advantages of staying on gold because the Government, by its action, has created burdens from which this country will suffer for years'.<sup>37</sup> He had at no time, however, committed himself inflexibly to the maintenance of the gold standard, nor declared his initial conviction to be irreversible. Speaking in Durban in September 1931 his reply to the question of whether South Africa should or should not follow Britain and leave gold, was that the Union Government had already partially dropped the gold standard, that it could only be maintained by state prohibition of the export of gold from South Africa, and 'as to whether we should come off the gold standard entirely, I should require the strongest reasons before advocating such a course at present ... We must, however, bear in mind that our own currency in this country is intimately bound up with British currency and that situations may arise which

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34. Davenport, South Africa, p. 213.

35. L. Blackwell, African Occasions (London, 1938), p. 219.

36. W.R. Hancock, Smuts, vol. 2, (London, 1968), p. 242.

37. H.A. Deb., vol. 18, col. 562, 2.2.32.

might compel the Union to follow the course of events in England ...'.<sup>38</sup>

Nevertheless, throughout 1931 Stuttaford had identified himself as a leader of the minority group within the ranks of the S.A.F. advocating the maintenance of the gold standard. This group consisted of nine members of parliament, most of whom were key Opposition members, among them Patrick Duncan, Jan Hofmeyr and Leslie Blackwell,<sup>39</sup> a legal expert and M.P. for Bezuiderhout. The two Cape members of the group were Stuttaford and C.W.A. Coulter, M.P. for Gardens. A regular correspondence with Hofmeyr helped them to formulate cogent arguments in order to win more support from the party rank and file. It was Duncan who kept Stuttaford informed of the deliberations relating to the gold question, based upon discussions between himself and Hofmeyr, but consultation also took place in Cape Town between Stuttaford, Blackwell and Coulter. They met after the November special session of parliament and again at Stuttaford's farm at Stellenbosch on 15 January 1932 to discuss the future of their minority group.<sup>40</sup> It is significant to note Stuttaford's political association with this distinctly liberal wing within the S.A.F., and though it had arisen from an economic controversy, it profoundly influenced his position on subsequent political issues.

The subject of the gold standard was debated in the House of Assembly in November 1931 when the government had called an emergency session of parliament in order to pass special measures to deal with the financial crisis of the country, particularly in relation to the plight of the primary producer. In moving the second reading of the Financial Emergency Regulations Bill, which gave extraordinary powers to the government, Havenga announced that 'South Africa is on the gold basis and will remain on a gold basis ...

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38. Cape Times, 24.9.32.

39. See letters between Hofmeyr, Duncan and Blackwell in the Hofmeyr Papers, (University of the Witwatersrand), Dk - Gold Standard, 1932.

40. Hofmeyr Papers, Dk - Gold Standard, Coulter to Hofmeyr, 13.1.32.

... The Government is not prepared to depart from it at the behest and dictates of certain groups and interests, both in this country and oversea, ... that have ... been indulging in an orgy of press propaganda that could only be compared in its intensity and mischiefousness to what we were accustomed to during the most bitter periods of the war.' <sup>41</sup> Havenga had hopes of steering South Africa through the financial and economic storm by means of a primage duty on imports and a subsidy on exports. At the same time, Hertzog, as the champion of South Africa's sovereignty, made gold his symbol. He set out to demonstrate the country's independence not only in the political but also in the economic sphere. He was determined to assert the Union's complete independence from the British Empire. <sup>42</sup>

In the absence of Smuts overseas, the S.A.P. Opposition was led by Patrick Duncan, who dissociated himself from the Stuttaford-Hofmeyr minority wing, and attacked the Bill because it entrusted the government 'with powers which are comparable to a state of siege or a period of war rather than a time of peace ...'. <sup>43</sup> He claimed that it would place the government in control of the entire business of South Africa in order to keep the country on gold. He believed that the Union could not bear the heavy sacrifices entailed by remaining on the gold standard. Duncan moved to discharge the government's Emergency Bill and abandon the gold standard. Stuttaford, Hofmeyr and Blackwell abstained from participation in the debate and the divisions that followed. Their minority group increasingly came under fire after Duncan's defection, and their position became so precarious that resignation seemed more and more of a possibility. Coulter alluded to this possibility in a letter to Hofmeyr in January 1932. <sup>44</sup> Hofmeyr too feared that owing to the passing of a resolution in his constituency, urging the government to abandon gold, his committee would call for his resignation.

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41. H.A. Deb., vol. 18, col. 20, 20.11.31.

42. Hancock, Smuts, vol. 2, p. 242.

43. H.A. Deb., vol. 18, col. 48, 20.11.31.

44. Hofmeyr Papers, Coulter to Hofmeyr, 13.1.32.

He also raised the question of what the minority group's action would be if the party whip were applied at the resumption of the parliamentary session in February 1932. He personally felt that he would have to toe the party line.<sup>45</sup>

By the end of 1931 Stuttaford had serious doubts about the correctness of the views he had held, in the light of the government's implementation of measures to keep South Africa on gold. Blackwell shared these doubts.<sup>46</sup> The question had by this time become a party issue. Stuttaford's doubts were intensified by the increased commodity prices and decreased gold price, the poor international trade performance, and the fact that the government's expedience to halt the flight of capital were proving unsuccessful. More important than these considerations, were the political and tactical disadvantages accruing to the S.A.P. by the embarrassing existence of this splinter group. Stuttaford, Blackwell and Coulter were concerned that if they abstained from voting in the event of the party whip being applied and a general election followed, they would seriously jeopardize the S.A.P. cause. Coulter was anxious that in such an eventuality they should all say the same thing when speaking in their respective constituencies. Stuttaford and Blackwell urged Hofmeyr that if on the merits of their doubts they were induced to accept the party view, it would be imperative to declare this unanimously at the first major debate on the subject after the resumption of the session. It was essential that the matter be stated in such a way that their opponents on the other side of the House could not say it had been a compulsory conversion brought about by the crack of the party whip. They believed that such action by them would strengthen the S.A.P. as the public would appreciate that they had adopted the party view because it was inevitable.<sup>47</sup>

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45. *Ibid.*, Hofmeyr to Coulter, 14.1.32.

46. Blackwell, African Occasions, p. 221.

47. Hofmeyr Papers, report of discussion between Stuttaford, Coulter and Blackwell, 13.1.32, Dk - Gold Standard.

When parliament reassembled on 28 January 1932, Hertzog moved for the appointment of a Select Committee to inquire into and report upon the following:

1. Whether and to what extent the interests and welfare of the Union demand the maintenance of the gold standard, and
2. In what way and manner a departure from that standard would affect the interests and welfare of the country. <sup>48</sup>

This committee in no way altered the thinking of the government on the role of gold, however, and the Prime Minister's attitude came in for strong criticism by Hofmeyr, despite the latter's commitment to the maintenance of gold, and Stuttford, in a forthright speech in the Select Committee debate on 2 February 1932, reviewed the government's inept management of the South African economy, and attacked its imposition of intolerable tax burdens upon the country. He decried the fact that the gold question had become an issue of political contention instead of a purely economic issue. He accused the government of adopting a policy which was to the advantage of the consumer and to the detriment of the producer. <sup>49</sup> He claimed that by protecting the consumer, disadvantageous to the producer, the government had 'tried to live, as it were, with a foot in each camp. They tried to sit on the fence and attempted to get down on both sides.' <sup>50</sup> He supported this argument by explaining that the maize and wool trades were securely fixed to sterling. He insisted that Havenga, instead of taking the gold industry to sterling, had penalized it by a primage duty, and had made it pay a portion of the subsidy given to the wool industry. On the basis of such an argument he felt that the consumer's advantage for staying on gold had been 'whittled away entirely', and that consumers were being treated unfairly. He predicted that the consumer would have to bear

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48. H.A. Deb., vol. 18, col. 423, 28.1.32.

49. When a country on the gold standard undertakes business with a country off gold, then it is a consumer's market and not an exporter's market. If the reverse position obtains, then it is to the advantage of the producer, and to the detriment of the consumer.

50. H.A. Deb., vol. 18, col. 563, 2.2.32.

heavier taxation as a result. He objected to the Nationalist's vacillation and postulated that South Africa was linked to sterling by the policy of Havenga; 'he has tied himself up, bound himself hand and foot to sterling, so that the question [of] where sterling goes to is just as important to us today as it is to Great Britain'.<sup>51</sup> Stuttaford concluded that this state of affairs was the result of the government's linking of certain commodities with sterling and not others; linking some entirely and others partially. In these circumstances he had no choice but to support the abandonment of gold. By this time Blackwell had also arrived at the conclusion that it was no longer possible for South Africa to remain on gold.<sup>52</sup>

Apart from the economic reasons put forward by the Nationalist Government for remaining on gold, a tendency on the part of some Cabinet members to introduce old political rhodomontade became increasingly evident. According to them, to leave gold would be to acknowledge that the Union was economically dependent upon Britain, whereas to stay on gold would signify the Union's growing independence, economic as well as political, from the British Empire. To make South Africa's economic independence even more manifest, a new currency was promised, based on the decimal system. Commenting on this alteration of currency Stuttaford retorted, 'They do say that when you are crossing a stream it is unwise to change horses; but this Government is trying to change horses when we are crossing a raging torrent'.<sup>53</sup>

Stuttaford's pre-eminence among Cape members of the S.A.P. was due primarily to this significant contribution to the debate on the gold standard, and his very practical argumentation; but above all, to his strict adherence to economic considerations. Being opposed to any exacerbation of political antagonisms, he canvassed the admiration of party leaders by his avoidance of any extremist

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51. *Ibid.*, col. 565, 2.2.32.

52. Blackwell, *African Occasions*, p. 223.

53. *H.A. Deb.*, vol. 18, col. 565, 2.2.32.

economic or political philosophy. His association with the liberal wing of the S.A.P. emphasized his affiliation to the ideals of Hofmeyr and Duncan, and his aspirations were shortly to be given a better hearing when he was entrusted with a Cabinet position.

By the second half of 1932 the monetary situation in South Africa had become much easier. The initial outflow of capital had apparently exhausted itself and the current account of the balance of payments was favourable. Despite this upswing in the economy, South Africa went off gold at the end of 1932. Exporters had from the first favoured devaluation, and the S.A.P., once again united, joined in pressing the government to leave gold. In December 1932 a former government minister, Tielman Roos, resigned from the Bench to campaign against the maintenance of the gold standard. After some government and Reserve Bank confusion South Africa effectively left gold on 29 December 1932.

Earlier in 1932 the Prime Minister of Canada had issued an invitation to Commonwealth countries to attend an economic conference in his capital. It represented an attempt to foster closer trade relations between the Dominions. Smuts said of this conference, 'I do not think there is any coming event more likely to influence the future budgets of this country than the success or failure of the Ottawa Conference'.<sup>54</sup>

South Africa's official delegates were headed by Havenga, the Minister of Finance, and Stuttaford was chief commercial adviser to the delegation.<sup>55</sup> Heaton Nicholls, M.P. representing Zululand, was among the other advisers at the conference. Stuttaford and Nicholls visited Toronto to investigate the Ontario hydro-electric administration, and gained valuable information from the chief engineer and chairman of the Canadian Electricity Commission on the

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54. G. Heaton Nicholls, South Africa in My Time (London, 1961), p. 237.

55. Cmd. 4175, 'Imperial Economic Conference at Ottawa 1932', p. 13.

methods of control and fina  
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mented by Havenga. <sup>57</sup>

At the conclusion  
visited England and Europe  
in Southern Germany, Austri  
Africa he expressed the opi  
economic situations', which  
forthcoming World Economic  
that the Ottawa Conference  
He praised the South African delegation, which, he said, was  
entirely free from 'racialism' - referring to antagonism between  
English-speaking and Afrikaans-speaking members. He was cautious  
about the achievements of the Conference, and saw it as 'only a  
small step towards putting the world on the right road again'.  
He considered the questions of reparations and allied debts, the  
tariff wall throughout Europe, and the economic destruction of  
central Europe by the peace treaties to be far bigger matters.  
These were, in his opinion, issues of infinitely greater importance  
than the Ottawa agreements: 'Provided we see Ottawa in correct  
proportions, we can congratulate ourselves on its success ...'.  
He warned that it would be too much to expect complete fulfilment  
of all that had been hoped for before the Conference. He con-  
cluded by calling for increased development of the gold industry,  
claiming that South Africa should exploit the high price currently  
being paid for gold. <sup>58</sup>

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56. Nicholls, South Africa in My Time, p. 237.

57. See Cmd. 4174.

58. Cape Times, 1.11.32.

At Ottawa Stuttaford again proved to be a competent economist and was praised by G.B. van Zyl, Chairman of the S.A.P. in the Cape, and Coulter, for his non-political approach to working out agreements to the benefit of the Union. He had always been a protectionist, but remained guarded about the extent of its application. He believed that South Africa 'could afford a protectionist policy to protect her standard of living, but she could not afford a policy that protected inefficiency': Protection was essential in order to fight the effects of industrial competition, and Stuttaford feared that strong competition would harm South Africa and Great Britain. His economic philosophy was that, disregarding his sentimental attachment to Britain, 'the most important thing to South Africa, apart from keeping South Africa prosperous, is to keep England prosperous. In order to keep our markets open and strong, we must have a prosperous England and a prosperous Empire. We must do everything we can to help England to become a still greater factor in the world in the future than she was in the past ...'.<sup>59</sup> This pro-Commonwealth view achieved the proportions of the Smuts commitment to Empire.

Although they did not share his political philosophy, the Nationalists acknowledged Stuttaford's commercial expertise, demonstrated by their adoption of his views at the time of the German Trade Treaty of 1932. By the end of 1932 he was the chief Opposition spokesman on commercial matters, and had taken the place of J.W. Jagger in the S.A.P. ranks.<sup>60</sup>

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59. *Ibid.*, 8.7.31.

60. Sunday Tribune, 21.2.60.

(iv)

By January 1933 the political position in South Africa was that the Nationalist Ministry, with a remnant of Labour support had a reduced but still working majority in parliament. It had, however, been weakened by the loss of prestige that followed its sudden and unwilling abandonment of the gold standard, by S.A.P. successes at by-elections, and by a growing realisation that it could not win the forthcoming elections alone. The Ministry had also been shaken by the return of Tielman Roos from the appellate bench to the political arena, and the rallying of some Nationalists to his coalition banner, calling for a non-racial national government and the abandonment of the gold standard. <sup>61</sup>

Roos had first tried to arrange a coalition with the S.A.P. He had proposed a cabinet of five Nationalists, five S.A.P. members, and one Labourite, under a Nationalist premier, obviously himself. The S.A.P. in turn had suggested seven of their own M.F.s and four Nationalists, with General Smuts as Prime Minister and Roos as deputy. Roos then broke off negotiations with the S.A.P. <sup>62</sup>

In Cape Town Smuts, amid a popular reception, predicted that there would be a government of national unity more or less on the British model sooner than many expected. Roos, at an equally enthusiastic gathering in the City Hall propounded his slogans of 'off gold' and 'off racialism'. <sup>63</sup>

The Houses of Parliament assembled on 20 January 1933 to face a stormy session and a full legislative programme. The first ten days were occupied mainly by Smuts's motion of no confidence. It was not formally a motion of no confidence, because the Roos wing would not vote for that, but rather a moderate demand for a government of national unity to replace the failing ministry which

61. Walker, A History of Southern Africa, p. 634.

62. Davenport, South Africa, p. 214.

63. Round Table, vol. 23, 1933, p. 686.

was being called upon to bolster the economy on a non-gold basis, after having declared repeatedly that it would resign before departing from the gold standard.

Since the economic crisis precipitated by South Africa's departure from the gold standard, Stuttaford had favoured a government of national unity. His abiding distrust of political solutions to economic ills caused him to campaign for a non-political approach to arrest the worsening financial situation in South Africa. Heaton Nicholls deplores the fact that this practical and sincere belief should be translated by Stuttaford into support for Roos as premier in any coalition government. He criticises Stuttaford for his willingness to sacrifice Smuts as the price for a ministry of national unity.<sup>64</sup> It is quite evident, however, that this support for Roos lasted for a short period only, was aroused by Smuts's initial refusal to negotiate for a coalition, and was withdrawn immediately Smuts began to think seriously about the need for concerted measures to overcome the country-wide crisis, possibly by means of coalition. This view is adequately justified by Stuttaford's speech on 25 January when he commended Smuts on the sentiments he had expressed during the debate: 'Our leader on this side of the House struck the right note yesterday. He not only offered to sacrifice his party for the good of the country, but he personally said that he himself would be content to subordinate himself to the present Prime Minister in order to get the country out of its difficulties.'<sup>65</sup> Stuttaford debated in the spirit of coalition and avoided political dogmas, censuring speakers who resurrected the question of racialism: 'I do not propose to continue the discussion on racialism ... it is a barren subject and leaves one cold'. In dealing with the necessity for a coalition government he claimed that it was impossible to arrive at any lasting solution of the country's problems without co-operation

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64. Nicholls, South Africa in My Time, p. 268.

65. H.A. Deb., vol. 20, col. 79 et seq., 25.1.33.

between the opposing parties, in a coalition. He said that the major dilemma facing the government was how to carry out any policy now that it had left gold: 'They will have to swallow many things they have said'. He saw as ruinous the government's adherence to text book prerequisites for economic recovery, instead of heeding the advice of practical and experienced businessmen.

He emphatically announced that the rehabilitation of the gold industry was South Africa's sole salvation, because there existed a world-wide demand for gold. Palliatives such as advancing doles to farmers and providing unsatisfactory work for the unemployed without developing the gold industry were in his opinion short-sighted in the extreme. Stuttaford took a strong line on the problem of unemployment, questioning the efficacy of government diagnoses and remedies applied to this social evil: 'All their nostrums are of no avail. They are only quack medicines that may give the patient temporary relief, but none of them goes to the root of the disease. To put clerks on to road-making, miners to planting forest trees, and railwaymen on to irrigation settlements, will never cure it ...'.

He reminded the House that the strongest argument for going off gold was to unshackle the gold industry and allow it to develop, because such development would contribute to the solution of the unemployment problem, in turn increasing demand for agricultural produce and thereby improving the farmer's lot. He argued that the demand for coal, arising out of gold mining requirements, would boost employment and provide revenue to the railways. He claimed that by reducing unemployment secondary industries would be revived because there would be a proportional rise in the demand for goods. Stuttaford's argument seems to be too logical and perhaps somewhat simplistic, but it was an attempt to prove the advisability of a strong mining industry as the basis for recovery, which he maintained could only be spearheaded by a coalition ministry.

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Stuttaford urged Hertzog to resign in view of the government having been discredited, adding that no one could understand why, despite their repeated asseverations to the contrary, the government still remained in office after South Africa had gone off gold. He reproached Hertzog for being like Byron's young lady in Don Juan when he consented to measures which he knew to be unsound:

'A little while she strove and much repented,  
And whispering "I will ne'er consent," - consented.'

He indicated that political party pressure was too strong for the Prime Minister, and criticized the 'weak props' erected by the government to maintain South Africa's link with the gold standard. He accused the government of allowing the gold standard to crash, in their panic, when these props began to crack. Realising that by continuing this line of attack he was reverting to a pro-gold standard stance once again, he defended himself by adding that he agreed with the abandonment of gold, reflecting that it would have been disastrous to have maintained it any longer. Hertzog, in reply, at once asked for a vote of confidence and explained that he had always meant that his ministry would never leave gold voluntarily, that it had been forced off, and that it meant to stay in office to minimise the adverse effects of that lapse from economic rectitude. As for coalition, he declared that a government of national unity would 'drag our people further in the way of dissension and bitterness'.

The usual debate on party lines followed. Madeley, Minister of Posts and Telegraphs and Public Works in the Pact Government until 1928, <sup>66</sup> moved an amendment from the Labour benches: 'That the retirement of General Hertzog and General Smuts would eliminate the fog of racialism and enable a fresh start to be made with a new alignment of political parties'. <sup>67</sup> This amendment aroused the strongest objection from Leslie Blackwell who

66. South African Who's Who 1940, p. 269.

67. H.A. Deb., vol. 20, col. 99, 25.1.33.

considered the suggestion implicit in the wording of the amendment, that Smuts was in any way the cause of racial feeling, to be a gross impertinence.<sup>68</sup> The debate increased in bitterness, the Nationalists fearing the extreme British wing in Natal and Cape Peninsula, and nursing a suspicion of money power, which had been intensified by the departure from gold.

During the later stages of the debate the Roosites approached the S.A.P. caucus. They increased their bid and suggested a cabinet of seven S.A.P. men and four of their own number under the leadership of their champion. The S.A.P. caucus, after consideration, rejected the offer.<sup>69</sup> On the following day the breakdown of these negotiations won Hertzog his vote of confidence. Of the 148 members of the House of Assembly, 146 voted, 66 for Smuts's motion and 80 against, including the Roosites, Independents and two Labourites.<sup>70</sup>

During the debates Smuts had offered to accept Hertzog as chief of a national ministry. The situation was, however, confused during the early part of February 1933. The Roosites accused Smuts of having ruined a promising scheme by his insistence on the premiership, and began to organise a Coalition Union party with the slogan 'Country before Party' to deal with national interests in a non-party spirit, and securing the representation of these interests by men specially qualified to handle them. This last aim may have been a protest against the domination of parliament by lawyers. This fact was emphasized by another programme put forward by a body of businessmen in Cape Town, supported by Stuttaford, which sought to mobilize the Chambers of Commerce throughout the Union in favour of a national administration, an end to racialism, and the election of businessmen irrespective of party.<sup>71</sup> This last stipulated goal favoured Stuttaford's selection for the 1933 coalition cabinet. He had always advocated increased commercial representation in

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68. Blackwell, African Occasions, p. 230.

69. Davenport, South Africa, p. 214.

70. H.A. Deb., vol. 20, cols. 323-325, 2.2.33.

71. Round Table, vol. 23, 1933, pp. 688-689.

parliament, and the necessity for closer co-operation between commerce and government. From the time of J.W. Jagger's retirement from politics in 1929 Stuttaford assumed the role of leading representative of commerce in Cape Town, and spokesman for the business community. When he was appointed Minister without portfolio in 1933 he was in fact the first representative of commerce to be included in the cabinet since the Nationalist Government took office in 1924.

These two separate programmes reflected the widespread popular disgust with existing party feuds and, above all, with the racial controversy. Meanwhile negotiations were proceeding behind the scenes between the leaders of the two main parties. Hertzog called a meeting of the Nationalist party and announced that he would issue a public statement indicating that he was prepared to discuss with 'other parties' the question of co-operation as partners in the government on certain agreed principles. He did not ask for his party's approval, claiming that he was acting on his own responsibility as leader of the party, and assuring them that he would consult them if his proposals were accepted by the other parties.<sup>72</sup> On 10 February 1933 the Prime Minister published what was virtually an offer of coalition. It was, as Duncan wrote, a typical 'Hertzogian document in which an evident intention to invite conversations was wrapped in many layers of tortuous obscurities.'<sup>73</sup> The eight points which he postulated required that the Union be maintained as a national unit on the basis of sovereign independence that had been guaranteed by the Statute of Westminster; the unitary, as distinct from a federal framework of the constitution, must be preserved; the national flag and equality of language rights must be upheld. Agriculture was to be encouraged and a 'civilized labour policy' pursued; the Joint Select Committee, which had been dragging its heels over the Native Bills for the

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72. *Ibid.*, p. 689.

73. *Lothian Papers*, (Scottish Records Office, Edinburgh), GD 40, Section 17/263, Duncan to Philip Kerr, Marquis of Lothian, 17.2.33.

past two years, must be spurred on, and finally, the Union's money values, capital assets and sources of capital must be protected. <sup>74</sup>

Negotiations were undertaken on the basis of these principles by Hertzog and Havenga, and Smuts and Duncan. There was little difficulty about most of the points, but two major points threatened to break up the talks: the relations of the four provinces to the Union, and the Native Bills. Many Natal supporters of Smuts were set on a federal-type political system, while on the latter issue, the S.A.P. was notoriously divided, one influential section, to which Stuttaford aligned himself, holding on to the old Cape liberal policy towards non-whites, the other, the majority, adopting the Nationalist view. In the end these two obstacles to co-operation were overcome. The Native Bills were practically shelved. Provincial relations were to be taken out of the hands of the committee which had been attempting to disentangle their financial transactions, and were to be reconsidered with a view to increasing local powers, but within the framework of the South Africa Act. Finally, there was to be a cabinet of twelve members, six drawn from each of the two main parties, with Hertzog as premier and Smuts as deputy leader. The parliamentary session was to be cut short, the coalition scheme laid before the Nationalist provincial congresses, and, if they approved of it, a general election held in May 1933. <sup>75</sup>

The S.A.P. caucus accepted the scheme unanimously, but the Nationalist caucus was divided, 41 members voting for the scheme, and the rest abstaining. From the moment that Hertzog published his eight points, Dr. D.F. Malan, leader of the Cape Nationalists, openly opposed any idea of coalition. Duncan and others in the S.A.P. were concerned that Malan would carry with him, into a dissenting party, an important section of the Nationalists: 'He may even assume so threatening an aspect as to defeat the Hertzog

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74. Round Table, vol. 23, No. 91, (June, 1933), p. 689.

75. N.M. Stultz, The Nationalists in Opposition 1934-1948 (Cape Town, 1974), pp. 25-27.

proposal ...', he told Kerr.<sup>76</sup> Malan's condemnation of coalition was answered in kind from the other political pole - the narrowly British section, particularly in Natal. Presently, however, Malan modified his views sufficiently to declare his readiness to support a national government, but 'only as far as it violates or ignores no principle of the National party'.<sup>77</sup> On 2 March 1933 parliament adjourned and Tielman Roos announced that now that the two generals had taken his advice, he would retire from politics.

Three of the Nationalist provincial congresses, in the Orange Free State, the Transvaal and Natal, adopted the scheme unanimously. The only dissenting voice came from the Cape Congress where Malan achieved most of what he wanted to safeguard the pure doctrines of nationalism. The Congress accepted the scheme without approving of it. The agreement between the Nationalists and S.A.P. in March 1933 was a pact similar to the Nationalist-Labour Pact of 1924.

The general election of 1933 was 'in a sense a non-election because all candidates were pledged to support coalition'.<sup>78</sup> In many constituencies the election was decided at the nominations, which in some cases were fought with all the vigour of American primaries. Stuttaford was unopposed in his constituency of Claremont in the Cape Peninsula, which had been created by the sixth delimitation commission. He had formerly been M.P. for the smaller constituency of Newlands. There was no contest at all for Stuttaford, but there was a controversy about his appointment to the cabinet in the new government which took office at the beginning of April 1933.

The controversy arose over Cape representation in the coalition cabinet. Many Cape M.P.s felt that the new ministry did not carry enough Cape members and F.S. Malan, chairman of the

76. Lothian Papers, GD 40, 17/263, Duncan to Kerr, 17.2.33.

77. Quoted in Round Table, vol. 23, No. 91, (June, 1933), p. 691.

78. K.A. Heard, General Elections in South Africa 1943-1970, (London, 1974), introduction, p. iii.

Cape S.A.P. was particularly disappointed that he was not included in Smuts's wing of the Cabinet. Malan had been an ardent supporter of coalition for two reasons; firstly, as a means to end the race struggle and secondly, in order to deal effectively with the economic situation. But he had been an outspoken supporter of Tielman Roos, and he believed that it was on this account that Stuttaford was chosen to represent the Cape S.A.P. in the Cabinet instead of himself: 'Smuts kon dit nie vergeet, dat ek aangedring het dat hy hom bereid moet verklaar om onder Tielman te dien nie'.<sup>79</sup> Not only was Malan dissatisfied that only two M.P.s from Cape constituencies found their way into the Cabinet, but there was a widespread discontent in the Cape over the Transvaal loading within the Cabinet.

Smuts wanted Hofmeyr in the Cabinet, but the latter thought it impossible for Smuts to have four Transvaalers represented, and no-one from the Cape. He offered to withdraw: 'I also said he must not bother about me, as I had lots of time and could afford to wait'.<sup>80</sup> An attempt had been made to find Hofmeyr a seat at Wynberg in order to boost Cape representation, and counter Transvaal power.<sup>81</sup> When this move proved unsuccessful, Hofmeyr again offered to stand down for an old Smuts supporter from the Cape, Deneys Reitz, but Smuts would not hear of it. Smuts then decided on Clarkson from Natal and Conroy from the Cape.

Paton describes Conroy as an 'Irish Afrikaner, a great big farmer, full of vitality and devoid of tact, a jovial friend and an unpleasant enemy. He loved Smuts, and Smuts was blind to his faults ...'.<sup>82</sup> Roos was especially upset that his champion, F.S. Malan, was not included as one of the six S.A.P. members in the Coalition Cabinet. Malan had always been a staunch Cape liberal and was far more vocal than Stuttaford. He was a more convincing politician than Stuttaford and had been a Cabinet minister in Smuts's first government (1921 to 1924). But he had lost his seat in the 'Black Peril' election of 1929.

79. F.S. Malan Papers, (Cape Archives), Acc. 583, No. 66, Note Book 1914-1939.

80. A. Paton, Hofmeyr (London, 1964), p. 199.

81. F.S. Malan Papers, Acc. 583, No. 66, Note Book 1914-1939.

82. Paton, Hofmeyr, p. 199.

Stuttaford's increased activity in parliament, his consistent and well-informed bombarding of the Nationalist Government's mishandling of economic issues, his adherence to a moderate liberalism regarding the Native question, and his sound business sense together with his valuable administrative ability, have all been presented as factors which led Smuts to consider Stuttaford an asset in the coalition government in 1933. F.S. Malar's strong views on the Cape franchise would certainly have antagonised Hertzog's wing in the Cabinet, and Stuttaford's pledge to a non-political approach to matters of national importance enhanced his claim for inclusion as Minister without portfolio.

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CHAPTER IIIMINISTER WITHOUT PORTFOLIO 1934 - 1936.

(1)

With coalition between the Nationalists and the S.A.P. an accomplished fact an important stage in the political development of the Union was reached. It prepared the way for a fusion of political elements which had appeared to be irreconcilably opposed. The most important result of coalition was the breakdown of the old party alignment. 'What really happened', states Paton, 'was that Smuts's English-speaking supporters were becoming, if only by passage of time and the rise of new generations, more South African in outlook, while Hertzog's supporters were becoming, largely because of the Imperial Conference decision of 1926, more reconciled to association with Britain'.<sup>1</sup>

The formation of a new government in 1933 marked the beginning of better times for South Africa. In the preceding December, the Union had been forced to leave the gold standard, and now money flowed back into the country. Revenues mounted, allowing the Government to decrease taxation and extend financial assistance to the agricultural community. Rates for workmen's compensation were increased, while help was offered to the municipalities for slum clearance. A ten-year plan for development of the railways was inaugurated. Concurrent with these developments, a spontaneous public movement for the permanent union, or fusion, of the two coalition parties developed.<sup>2</sup> Stuttaford, who had attained cabinet rank, played a part in the welding together of these parties.

In the new cabinet the Nationalists and S.A.P. were represented equally. The most prominent of Hertzog's followers were Havenga and Oswald Pirow, while Hofmeyr and Duncan were the senior

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1. A Paton, Hofmeyr (Oxford, 1964), p. 198.

2. N.M. Stultz, The Nationalists in Opposition 1934-1948 (Cape Town, 1974), p. 26.

aides of the Smuts wing.<sup>3</sup> The Government's first task was to alleviate distress and promote the material well-being of those who had suffered most during the depression. The Carnegie Commission had reported that about 20 per cent of the European population could be classed as 'poor whites'.<sup>4</sup> A Native Economic Commission had found that a large proportion of the African population was becoming steadily poorer.<sup>5</sup> Moreover, the Government was faced with an overwhelming unemployment problem, constitutional issues loomed, and above all, the Native question remained unsolved.

A measure of economic prosperity returned owing to the Government's share of the gold premium, which occasioned the repayment of the accumulated deficit. In line with Stuttaford's prediction, the gold industry, enjoying the benefit of the gold premium, became the catalyst of recovery in secondary industry, which in turn reduced unemployment. This process brought with it a new Afrikaner city dweller who was to become a new political factor in the vexed question of race relations.<sup>6</sup>

Meanwhile the new political alignment took on a more permanent form. Shortly after the 1933 general election a spontaneous movement commenced in various parts of the country in favour of further cementing the alliance between the two parties. This fusion movement became the subject of much political discussion during the following year. Stuttaford was a guarded supporter of fusion, acknowledging that 'The fusion movement is the natural product of the excellent practical results of coalition, but it must not be hastened'.<sup>7</sup> In an interview with a Natal Mercury reporter at the beginning of October 1933 he formulated that fusion 'must be based upon the seven points of coalition, and it must be clearly

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3. Coalition Ministry: J.B.M. Hertzog, Prime Minister and External Affairs; J.C. Smuts, Justice; N.C. Havenga, Finance; P. Duncan, Mines; P.G.W. Grobler, Native Affairs; Oswald Pirow, Defence and Railways; J.C.G. Kemp, Agriculture; D. Reitz, Lands; A.F.J. Fourie, Labour; J.H. Hofmeyr, Interior, Education and Public Health; C.F. Clarkson, Public Works and Posts and Telegraphs; R. Stuttaford, without portfolio. (Walker, History of Southern Africa, p. 634).
  4. J.F.W. Grosskopf, 'Economic Report: Rural impoverishment and rural exodus', vol. I of The Poor White Problem in South Africa: The Report of the Carnegie Commission (Stellenbosch, 1932), pp. vii and I-4.
  5. Vide 'Report of the Native Economic Commission, 1930-32', U.G. 22, 1932
  6. J.F.W. Grosskopf, 'Economic Report', vol. I, p. I-70. See also N.M. Stultz, The Nationalists in Opposition, pp. 16-22.
  7. Cape Times, 3.10.33.

set forth that the new party stands unequivocally for maintenance of the Act of Union, as laid down in 1910 and defined by the Statute of Westminster'.<sup>8</sup> Despite Stuttaford's initial caution regarding the fusion process, and his reluctance to rush 'hereeniging', he admitted that 'this present period of racial peace has been such a blessing to South Africa that no thinking man could possibly contemplate a return to the old conditions of sectional strife'.<sup>9</sup> Stuttaford's advised caution was necessitated by the anti-fusion feeling evident among other Cape Peninsula S.A.F. Members of Parliament, who believed that fusion would perpetuate the Nationalist spirit in office.

The demand for a complete fusion of the two major parties came from the rural areas of the Transvaal and the Orange Free State, and in some places the Nationalists and S.A.F. were fusing in spite of warnings from their respective party headquarters.<sup>10</sup> Branches of the two parties adopted resolutions in favour of fusion and urged the leaders to take the lead. Most Nationalists in the northern provinces supported the principle of fusion, but those in the Cape, led by Dr. D.F. Malan, showed a marked lack of enthusiasm. Many in the S.A.F. in the Cape Peninsula had also withheld their wholehearted support for coalition, and avowedly opposed fusion. G. Brand van Zyl, deputy chairman of the S.A.F. in the Peninsula, wrote urgently to Patrick Duncan in August 1933 declaring emphatically the high feeling against fusion, and warning that there was talk of the formation of a new party on old Unionist lines: 'Coalition is not and never was popular here ... If we now hasten on fusion not a single member of the S.A.F. here will be returned at the next election. The people here look upon this new move with grave suspicion and unfortunately the General's [Smuts] support of Dr. Malan during the last election [1933] has brought him under suspicion and

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8. Ibid.

9. Ibid.

10. D.W. Kruger, The Making of a Nation (Johannesburg, 1969), p. 168.

for the moment at least his power as a rallying force is entirely non-existent'.<sup>11</sup> The Cape Peninsula Council resolved that Coalition had not had a fair trial and that it required time to prove its efficacy. What the Peninsula S.A.P. feared most was that the aim of fusion was an amalgamation of Afrikaners of the S.A.P. and Nationalist party without the old Unionist English-speaking wing within the ranks of the S.A.P.

Patrick Duncan corresponded with Stuttaford regarding the fusion controversy, and sent him copies of Brand van Zyl's letters describing Peninsula reactions to the Transvaal's eagerness to effect a fusion between the two major political parties. Commenting upon van Zyl's argumentation Stuttaford agreed that fusion would be premature and unwelcome, and that it would be rejected by Peninsula voters. He believed too, that it would not be acceptable to the Rand either. He saw the fusion movement as a purely rural phenomenon requiring more justification to satisfy urban South Africans. He adopted the view that the alienation of the townsman was due to the oppressive taxation which the Coalition Government had placed upon him in order to subsidize the farmer. To win the urban voter the Government would have to alleviate this burden.<sup>12</sup> Stuttaford was in complete agreement with Duncan on the need to curb any hasty fusion without adequate preparation of the electorate: 'But while I feel that undue haste may alienate certain sections whose support could be gained, I am equally clear that coalition has opened the way for us in South Africa to a great opportunity. We must not miss it by merely sitting still and waiting for things to happen... We must build out of the coalition a new party. But it must be a national party in the broadest sense of the word..'.<sup>13</sup> These sentiments expressed by Patrick Duncan were echoed by Stuttaford to the Cape Press. Referring to the objections of Cape Peninsula S.A.P.

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11. Duncan Papers (Jagger Library, University of Cape Town), BC 294, A 13.1, G. Brand van Zyl to P. Duncan, 17.8.33.
  12. Duncan Papers, A 13.3, Stuttaford to Duncan, 21.8.33.
  13. Ibid., A 13.10, Memorandum on coalition, n.d.

members to Hertzog's statements about the aims of fusion, given at the Transvaal Nationalist party congress, Stuttaford again displayed his practical understanding of party political tactics and propaganda. Hertzog had appealed to Nationalists to accept the principle of fusion in order to re-unite 'Afrikanerdom'.

'It would depend on the action of the Congress whether the conflict which had been waged for over a century continued, or whether it was brought to an end and the people enabled to stand side by side in the maintenance of all that was so precious to Afrikanerdom'.<sup>14</sup> Statements of the kind the Prime Minister made when he said, 'I am convinced that the time has come for wholehearted co-operation between Afrikaners' caused old Unionists to revolt against any S.A.P. overtures to Hertzog for fusion, but Stuttaford keenly exposed Hertzog's political expedient: 'Of course some of the Prime Minister's remarks lately do sound strangely to a S.A.P. man, especially an English-speaking one, but one must bear in mind, he was speaking to Nationalist audiences and maintaining the position that he had not let them down'.<sup>15</sup> Stuttaford felt that his colleagues in the Peninsula, particularly van Zyl, C.W.A. Coulter and Ralph Close, an attorney and also Member of Parliament for Howbray, were over-reacting to Hertzog's speeches and agreed with G.H. Wilson, editor of the Cape Times, that they were taking a pessimistic estimate of the opinion of the majority on the fusion question.<sup>16</sup> The maintenance of Hertzogite ideals, however, was to be the rock on which fusion foundered in 1939.

Notwithstanding Stuttaford's support of the ideal of fusion, at a meeting of Peninsula M.P.'s and N.P.C.'s held on 24th August 1933, he voted against the action of the Transvaal Executive in pressing for fusion without consulting the party representatives in other parts of the Union. The meeting resolved that hasty negotiation

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14. *Ibid.*, A 13.4, van Zyl to Duncan, 10.8.33.

15. *Ibid.*, A 13.3, Stuttaford to Duncan, 21.8.33.

16. *Duncan Papers*, A 13.7, G.H. Wilson to Duncan 24.8.33.

to effect fusion would be injudicious. It was unanimously agreed that 'while supporting the Coalition agreement as calculated to promote racial peace and to produce the economic recovery of the Union, we are of the opinion that these objects will be jeopardized by, at this stage, pressing for the amalgamation of the two main political parties or their dissolution for the purpose of forming a new party'.<sup>17</sup>

The South African party leaders, generally speaking, were in favour of advancing the cause of fusion and racial peace, but the final decision had to be deferred until the S.A.F. Congress met and General Smuts returned to South Africa. The Press predicted a wholly favourable decision, optimistically declaring that 'There is no prospect of the verdict on fusion being anything but favourable, and the principle may be regarded as agreed upon, only the details remaining to be settled'.<sup>18</sup>

At the Nationalist party Congress at Bloemfontein in October 1933, however, the Malanites repudiated Hertzog.<sup>19</sup> Stuttaford viewed this as a rejection of their leader's efforts 'to bring about a reconciliation between the European races in the country'. He deplored the outcome of the Nationalist party Congress held at Port Elizabeth when the Cape Nationalists had opposed fusion by 141 votes to 30.

He felt assured, however, that the attitude of the Cape Nationalists would not receive support anywhere else in the Union, and he expressed the hope that 'the great work of reconciliation' would be implemented with the result that 'the development of the country will be rapid and permanent'.<sup>20</sup> The Malanites broke completely with Hertzog in December 1933 when they founded their own Purified Nationalist party. They rejected union of the two

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17. *Ibid.*, A 13.6, van Zyl to Duncan, 24.8.33.

18. Cape Times, 16.8.33.

19. L.M. Stultz, The Nationalists in Opposition, pp.26-27

20. Cape Times, 3.10.33.

parties because of the imperialist-capitalist elements in the S.A.P.

Malan re-opened the discussion on fusion with Hertzog in February 1934.<sup>21</sup> Hancock views this development as a shrewd political attempt by Malan to wreck fusion or to effect a fusion between a reunited Nationalist party and the Afrikaner wing of the S.A.P.<sup>22</sup> This is exactly what the Cape Peninsula S.A.P. and the ultra-British section of the Natal S.A.P. had feared, causing them to be extremely wary of any fusion movement with the Nationalists, especially if Malan was at all involved in the amalgamation. Smuts, himself, was convinced that Malan and his disciples were determined to prevent 'the coming together of the races', referring to white sectionalism in South Africa. The Hertzog-Malan correspondence gave way to Hertzog-Smuts negotiations when Hertzog became disenchanted with the extreme republicanism of his Afrikaner rival. On 20th February 1934 Stuttaford, speaking in St. Patrick's Hall, Cape Town, replied to Malan's Nylstroom speech. He criticised the correspondence between Hertzog and Erasmus,<sup>23</sup> the publication of which had caused alarm within the ranks of the S.A.P. because the public gained the impression that the contents defined the programme of the new party.<sup>24</sup> On the other hand, Stuttaford commended the Hertzog-Smuts correspondence of February 1934 in which Smuts had informed Hertzog of his inability to agree with Hertzog's contention that inherent in the Union's independent status were the conceptions of the divisibility of the Crown, neutrality and secession. This, claimed Stuttaford, endorsed the fact that the S.A.P. had 'not budged one inch' and that the 'programme of the new party will be based on the seven principles accepted at Coalition'.<sup>25</sup> He condemned 'a certain minority of narrow-minded individuals' who by opposing fusion, were 'trying to disrupt the country', and questioned Malan's credibility in his negotiations with Hertzog. He pointed to Malan's

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21. Vide Stultz, The Nationalists in Opposition, pp. 30-33.

22. W.K. Hancock, Smuts, Vol. 2 : The Fields of Force 1919-1950 (Cambridge, 1968), p. 254.

23. Between February 9 and 15, six letters were exchanged between Hertzog and Erasmus, and on February 16 the entire correspondence was published in the press. (Vide Stultz, The Nationalists in Opposition, pp. 31-32)

24. Stultz, The Nationalists in Opposition, p. 32.

25. Cape Times, 16.8.33.

self-acknowledged objection to the idea of a central party, which he held at the time when he was discussing the fusion issue with Hertzog, and exposed this apparent contradiction. Replying to Malan's objection to joining arch-imperialists and liberal politicians in a fusion government, Stuttaford struck back by saying, 'Dr. Malan might as well know straight away that in the event of fusion he will either have to combine with Messrs. Nicholls and Robinson or keep out of it himself'. He accused Malan of hiding behind 'a smoke-screen of past controversies which are either dead or dying - republicanism, secession, and dual nationality', declaring Malan's sole aim to be the obstruction of fusion.<sup>26</sup> From Stuttaford's attack on Malan it is clear that he hoped that Malan would stay out of any fusion between the Nationalists and the S.A.P., thereby lessening the inherent tensions in the anticipated amalgamation of parties. Such action would certainly reduce S.A.P. reservations regarding fusion.

Blackwell was relieved that Malan had definitely broken with Hertzog 'thus removing what to me at any rate was perhaps the principal barrier in the way of the English-speaking people joining up in a Fusion party ...'<sup>27</sup> Despite this fortuitous development Blackwell was still perturbed that the English-speaking section of the S.A.P. was split on the question of South Africa's sovereign independent status, particularly regarding republican propaganda which had been implicitly incorporated in the Hertzog-Malan agreement of February 1934. Article 2(d) in the 'Programme of Principles' was responsible for this contention. It declared: 'While the Party stands for the maintenance of the present constitutional position, no one will be denied the right to express his individual opinion about or advocate his honest convictions in connection with any change of our form of government'.<sup>28</sup> Blackwell was convinced,

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26. *Ibid.*

27. *Duncan Papers*, A 5.14.1, Blackwell to Duncan, 26.6.34.

28. Hancock, *Smuts*, vol. 2, p. 258.

however, that 'a concession by the two leaders [Hertzog and Smuts] to legitimate English-speaking sentiment on this point of republican propaganda would go a long way to restore that unity which we have always preserved and to keep us all together.' Blackwell had made an unfortunate speech to his constituents at Kensington, in which he had criticised Smuts's leadership, praised Roos, and assured Malan that if he joined the new party the British section would dissent. He regarded the fusion terms as largely the adoption by the S.A.P. of the Nationalist party programme.<sup>29</sup> By these actions he had inadvertently identified himself with the extreme British wing of the party led by Col. C.F. Stallard and Coulter, who were planning the formation of a new imperialist party.

In the eyes of the Malanites, the contents of the Hertzog-Smuts correspondence seemed to prove the 'duplicity' of the Prime Minister, who, despite his recent assurances to Malan and Erasmus, appeared willing to abandon the principles of the Nationalist party as the price of fusion.<sup>30</sup> Speaking at Piet Retief in the eastern Transvaal on 22 February 1934 Malan stated: 'The events of the last few days have definitely killed fusion'.<sup>31</sup> Assisted by much of the party press, the Malanite faction was henceforth uncompromising in its opposition to fusion.<sup>32</sup>

23 April 1934 brought agreement between Hertzog and Smuts on a preliminary draft of the terms of fusion.<sup>33</sup> In August 1934 fusion was accepted by a national congress of the S.A.P. in Bloemfontein over limited, but resolute opposition by Stallard, leader of the newly formed Dominion party, and his nine followers.<sup>34</sup> This party was organised for the defence of imperial interests in the Union. Consequently, the two extreme poles of South African political divergence were again resurrected.

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29. Duncan Papers, A 5.14.1, Blackwell to Duncan, 26.6.34.

30. Stultz, The Nationalists in Opposition, p. 33.

31. Cape Times, 24.2.34 quoted by Stultz.

32. Stultz, The Nationalists in Opposition, p. 33.

33. Vide Cape Times, 6.6.34, the proposed terms of fusion.

34. Cape Times, 22.6.34.

Although in 1934 points of constitutional difference between Hertzog and Smuts were still outstanding, Hertzog, since 1926, had moved towards Smuts and away from the ardently republican wing of the Nationalist party in his interpretation of the Union's Constitutional position.

The passing of the Status of the Union Bill in 1934 paved the way for successful negotiations between Smuts and Hertzog on the constitutional vagaries of fusion. Hancock considers that in supporting this Bill, Smuts demonstrated his pragmatic approach to the main issues of constitutional controversy, such as the divisibility of the Crown and the question of South Africa's neutrality.<sup>35</sup> Under this new legislation sole legislative authority was vested in the Parliament of the Union, while sole executive authority in foreign as well as domestic affairs, rested in the hands of the Government of the Union. Stuttaford was heckled about the Status Bills at a meeting of the Claremont branch of the S.A.I. on 24th April 1934. He was emphatic that 'The Status Bill simply recites the existing constitutional position. It does not go a single step further .....

<sup>36</sup> He denied that the Bill was a repudiation of the Empire and anticipated Smuts's brilliant defence of the Bill during the second reading debate, concluding that it merely confirmed the Statute of Westminster as South African law.

Stuttaford's support for the principle of fusion was born out of his philosophy of reconciliation between all races living in the Union, but particularly between the English- and Afrikaners-speaking whites who had in the past insisted upon their separate identities. He campaigned for fusion by emphasising Rhodes's vision of federation, reminding South Africans that Rhodes had believed that the only satisfactory solution for South Africa was

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35. Hancock, Smuts, vol. 2, p. 255.

36. Cape Times, 25.4.34.

co-operation between the two 'races'. He excused Rhodes's failure to achieve his ideal, and advised that those following a similar philosophy 'must learn from his mistakes, and above all must learn to hasten slowly, and realise that some things can only be done by persistence and not by force'.<sup>37</sup> Stuttaford was never at his best appealing to people's political idealism, and he could never achieve the oratorical brilliance for which some of his fellow cabinet ministers were noted. Wisely, he seldom engaged an audience on a topic that did not provide him with ample scope for his practical outlook and his keen interpretation of financial matters: 'His speeches are thoroughly practical and full of excellent material, for he studies his topic carefully and his facts and figures can never be questioned'.<sup>38</sup>

He rebuked the English-speaking section in South Africa for being unyielding in their attitude towards Afrikaners, and advised them that 'If we want them to sacrifice something for the great ideal, we must be willing to sacrifice a little too'.<sup>39</sup> This attitude demonstrates the fading of unbending imperialism for which many old Unionists were criticized. On closer analysis, Stuttaford was not appealing to English-speaking South Africans to give up their cherished British heritage, but rather to accept the derived Dutch culture which Afrikaners sought to preserve: 'We are not prepared to sacrifice our love of English tradition; have we therefore any right to ask them to sacrifice any of their love for Dutch tradition?' For Stuttaford, it was a matter of mutual respect, and he declared that 'It is up to the South African Party now to reconcile the differences between the two sections ....' He claimed that 'If they failed, they were doomed for ever to a world of misunderstandings and little bickerings and quarrels'.

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37. Cape Times, 8.3.34.

38. L.E. Neame, Some South African Politicians (Cape Town, 1929), p. 177.

39. Cape Times, 8.3.34.

Stuttaford's increased determination to see fusion succeed was evoked more by the apparent fruits of coalition than by a belief that a government composed of jingoes and republicans could constitute a unity. He continually called 1933-4 the year of recovery and contrasted the dire conditions of 1932 with the period of Coalition Government.

In 1934 Stuttaford was responsible for piloting the Railway Budget through parliament in the absence of the Minister of Railways, Pirow, on overseas business. The budget was one of the most thoroughly prepared statements on railway finances ever put before the House, and was highly commended. Stuttaford claimed that the Coalition Government inherited an accumulated deficit in general finances of £1,913,000 and a railways deficit of £3,692,076.<sup>40</sup> The general account deficit had been completely reversed by February 1934, and he predicted that the railway deficit would no longer exist by the end of March.

Stuttaford recalled the hardships of the unemployed and the plight of farmers. He praised the Coalition Government's efforts to educate the farmer in agricultural and production skills, declaring: 'If farming is to remain the backbone of the country it will have to be carried on on sound lines - not in an haphazard manner - so that the farmers of this country might get back their independence and cease coming to the government to cure ills which may be caused by their own negligence and want of forethought'.<sup>41</sup> He was well acquainted with farming, and always retained his ties with the land. Methods of farming that would make provision for drought, said Stuttaford, would safeguard the farmer's position and obviate the disastrous exit from the land experienced in 1932-33. Stuttaford was a key supporter of Government legislation to rehabilitate the farmer. He voted for assistance on a large scale to the farming community: Interest on farm mortgages was subsidised and many farmers were saved from

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40. *Ibid.*, 21.2.34.

41. *Ibid.*

bankruptcy; he used all his influence in persuading the Government to keep the interest rate as low as possible, and by adopting this policy, the Government was successful in promoting the recovery of the farmer. As prices of primary products rose, farmers rapidly recovered and money began to circulate freely once more.

Stuttaford congratulated the Coalition administration on the marked decrease in unemployment, from 15,829 in March 1933 to 10,634 by the end of that year.<sup>42</sup> Because unemployment was such a political problem, he spent most of his time assuring S.A.P. supporters that the Government was earnest in its attempts to restore a healthy economy in which all unemployed would be absorbed: '...we have made provision at any rate that no man shall starve, and we hope that we will be able to put most of them in some form of valuable work'.<sup>43</sup> He warned, however, against temporary measures to alleviate unemployment, and pointed to the need for a long term policy of concerted effort envisaged by the Government. 'We want to do something more permanent than to give men coles to keep men alive', he said. Defending the Coalition Government against the criticism that its programme was nebulous and lacking direction, he declared that the Government's policy for farmers was 'back to the land', and for urban unemployed, 'back to your trade', both aided by substantial loans and thorough blueprints for recovery.

Stuttaford, acting as Minister of Railways at the end of 1933 and commencement of 1934, took in hand the scheme to reorganise the railway transport system envisaged by the Coalition Ministry. It was anticipated that the Government would spend £10,000,000 on improving the railways, which would increase employment and enhance communications.<sup>44</sup> There had been a return to normal staff conditions with the acceptance by artisan workers to be reabsorbed into unskilled services rather than be retrenched, railway workshops

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42. Cape Times, 21.2.34.

43. Ibid., 25.4.34.

44. Ibid.

were operating a 43<sup>3/4</sup> hour week, and partial return to the full six day week seemed likely in the near future. <sup>45</sup> He felt encouraged by the evident improvement throughout the railway administration.

Stuttaford was also impressed at the Government's record of social legislation and rebuked the critics who claimed that the Government had no programme. Housing problems were always near Stuttaford's heart and consequently the Slums Bill attracted his support. Amelioration of housing conditions was in his opinion the most effective immunisation against disease and moral decadence. Related to his fight for improved housing was a commitment to the creation of better health services: 'We have neglected - possibly through circumstances - this side of legislation, as, for instance, in the prevention and eradication of tuberculosis, the increasing spread of which must be stopped'. <sup>46</sup> His special concern was the rising incidence of mental deficiency. Stuttaford also championed the Government's planned improvement of the rate of compensation for workmen's accidents. He had continually exhibited a strong support for the enhancement of workers' conditions of employment and benefits. The question of the schedule of remuneration in case of accidents had been accepted by the end of April 1934, and the only question outstanding, in which there were many difficulties, was the organisation of a large insurance scheme, which would benefit every working man in the Union.

In upholding his case for the Coalition Government, Stuttaford only occasionally referred to the position of the Coloured. This is understandable in view of fusion being a movement aimed at the welding of the white sections of the population. However, Stuttaford did not lose sight of the fact that the Coloured, in the preceding few years, had fallen 'between the upper and nether mill-

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45. Cape Times, 3.10.33.

46. Ibid., 28.2.34.

stones in the economic life of the country'.<sup>47</sup> On the one side he was faced with the white artisan, and on the other side with the unskilled African worker. Stuttaford appealed to South Africans to contrast the defined programme of work which he had outlined with the past years of aimless political arguing. Advocating the cementing of coalition into a more lasting fusion, he considered that 'in welding two fine nations into one' the prime movers in the fusion movement would 'carry out the greatest revolution South Africa had ever seen ...'.<sup>48</sup> Yet from the standpoint of the 'conciliation' of Afrikaners and English South Africans the promise of fusion was not that it would provide strong government. As Mansergh suggests, the compromises needed to effect fusion necessarily precluded strong government in most subject areas. The promise of fusion was, rather, that the new government would be able to provide political shelter and encouragement for the many stimulants to white integration on a national level. To be successful in these terms, government had to be stable, rather than strong, because the process of integration is slow.<sup>49</sup> Thus in the mid 1930's, the question was not the strength of the United Party Government, but its durability.<sup>50</sup>

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47. *Ibid.*, 25.4.34.

48. *Ibid.*, 28.2.34.

49. N. Mansergh, Survey of British Commonwealth Affairs: Problems of External Policy, 1931-1939 (London, 1952), p. 230.

50. Vice Stultz, The Nationalists in Opposition, pp. 41-59.

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In the latter part of 1934 Stuttaford paid a private visit to England. He often travelled abroad on vacation with his wife who had many family ties in England. His daughters were studying in London. His son, Richard Bawden Stuttaford, had completed a law degree at Oxford and had returned to Cape Town as a director of the family firm. While in London, Stuttaford held informal discussions with J.H. Thomas, Dominions Secretary for Commonwealth Affairs, on the question of the transfer of the Protectorates, Bechuanaland, Swaziland and Basutoland, to the Union.<sup>51</sup> These talks proved valuable when, in 1935, Stuttaford became acting Minister of Native Affairs and had to assist Hertzog in his negotiations with Great Britain for transfer.

During that visit he learned also of the tour of South Africa of Hermann Rausch, a director of the German Wool Association, for the purpose of effecting an agreement for the exchange of South African wool for German goods on a 'barter' system, whereby foreign exchange payments would be avoided. Stuttaford expressed himself doubtful of the efficacy of such a system, warning South African wool farmers not to resort to such a method of exchange for fear of losing German custom. He reasoned that unless Germany closed her mills, with the resultant unemployment adding an extra burden to her economy, she would be forced to buy through the acceptable channels.<sup>52</sup>

Returning to South Africa, he emphasized the soundness of the Union's credit in Britain, which had been enhanced enormously by the repayment of her war debt. He reported that this satisfactory credit was being reflected in the increased trade between the two countries. He also remarked that he was glad to return to the only country in the world that exhibited a measure of internal peace.

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51. Cape Times Biographical Files : 'Notes on Richard Stuttaford'.

52. Ibid.

He declared the European situation to be dangerous, but he forecast that the general antipathy to war seemed to suggest that any untoward disaster would be averted. He traced many of Europe's economic troubles to tariff walls, but was optimistic that the exchange agreements to improve the flow of trade would forge partnerships between participating countries. Stuttaford never hesitated to be outspoken in his remarks if he considered such action to be necessary, and frequently he gave candid advice to commercial leaders, industrialists and farmers in the Union.<sup>53</sup>

Since his appointment to the Cabinet in 1933 Stuttaford had confined his energies to economic and financial questions. This is not surprising in view of the aftermath of the depression; and his abilities also dictated this preference. However, in 1935, during the illness of F.G.W. Grobler, Stuttaford acted as Minister of Native Affairs. This was expected of the Minister without portfolio, but 1935 was a singularly crucial year in the history of African political rights in South Africa and Stuttaford found himself confronted with distinctly political rather than economic problems. During this period too, Stuttaford became profoundly influenced by Smuts's political philosophy and unmistakably emerged as a stalwart follower of the deputy Prime Minister.

The Native question which had been shelved at fusion was revived when the Joint Select Committee on Hertzog's Native Bills, which had debated the political position of Africans since 1932, reported to Parliament in May 1935. D.W. Krüger claims that 'Hertzog had never for a single moment lost sight of his object and the fusion of Parties had at last given him the opportunity of getting his Bills passed with the necessary two-thirds majority'.<sup>54</sup> The Fusion Government accepted the report of the Select Committee

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53. *Ibid.*

54. D.W. Krüger, *The Making of a Nation*, p. 175.

and the threat to the Cape African franchise assumed an unprecedented measure of gravity. The only important difficulty the government faced was the presence in the ranks of its own supporters of ex-South African party M.P.s and Senators from the Cape who, in the past, had always been committed to maintenance of the Cape African franchise. This was an embarrassment, even though their numbers would not have been sufficient to prevent a two-thirds majority vote in favour of abolition of that franchise. Another embarrassment of lesser degree was that one of the ministers, J.H. Hofmeyr, was known to be implacably opposed to disfranchisement.<sup>55</sup>

Stuttaford had not served on the Joint Select Committee during its deliberations between 1930 and 1934, but acting as Minister of Native Affairs in 1935 he assumed the position of Chairman of the Committee, and was responsible to report its recommendations to the House of Assembly.<sup>56</sup> Stuttaford submitted a draft Report to the Joint Select Committee in which he proposed the adoption of two draft bills, namely the Natives Trust and Land Bill and the Natives Representation Bill. The latter Bill included the subject matter of the original Representation of Natives in Parliament and the Union Native Council Bills, which had been referred to the Select Committees since 1930. Of particular significance in Stuttaford's report was paragraph 4 of the document: 'The Government have informed your Committee that they do not intend to proceed with the Coloured Persons Rights Bill and that they intend during the recess to prepare an amended Native (Urban Areas) Bill for submission to Parliament during its next session.'<sup>57</sup>

Senator F.S. Malan moved that the following new paragraph be added to Stuttaford's paragraph 4: 'Your Committee regrets that

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55. A.Paton, Hofmeyr, pp. 219-220.

56. 'Joint Select Committee on the Representation of Natives and Coloured Persons in Parliament and Provincial Councils and the Acquisition of Land by Natives' (J.S.C. 1, 1935).

57. J.S.C. 1, 1935, p. 69.

it has not been able to deal with the Coloured Persons' Rights Bill, but wishes to place on record their conviction that provision be made at an early date for the enfranchisement of non-Europeans throughout the Union'.<sup>58</sup> The South African Native Opinion hailed 'Malan's resolute attempt to fight the brazen injustice to African political rights to the last ditch',<sup>59</sup> and considered that from this resolution 'it will be observed that Senator Malan is the solitary member of the old South African party who has had the courage to stand up for Native Voters' rights as embodied in the principles of that party. All other members of that party, including General Smuts the leader, have succumbed to the domination of General Hertzog's (or Nationalist Party's) principles regarding the Native vote'.<sup>60</sup> In fact, if the minutes of the Joint Select Committee of 1935 are read carefully and a note is made of the divisions which followed each amendment it is clear that F.S. Malan was not the sole defender of the Cape African franchise. Stuttaford voted with him on most of the issues in the draft bills, and also voted for Malan's additional paragraph calling for the enfranchisement of non-Europeans,<sup>61</sup> although this proposal was defeated by eighteen votes to two. Throughout the proceedings of this Select Committee Stuttaford showed himself to be as much a Cape liberal as Malan, opposing any move for 'separate parliamentary representation for coloured persons in the Cape Province'.<sup>62</sup>

The Joint Select Committee reported to the Fusion Ministry in April 1935. Practically every clause of the report was a majority report. For instance, on the crucial first clause - that no further natives in the Cape Province should be entered on the ordinary voters' roll - the voting was 15 to 8, General Hertzog and two ministerial colleagues voting with the majority against General Smuts and two other ministers, Stuttaford being one of them, in the

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58. *Ibid.*, p. 70.

59. South African Native Opinion, 14.5.35 in F.S. Malan Papers (Cape Archives), Acc. 583.

60. *Ibid.*

61. J.S.C. 1, 1935, p. 70.

62. Amendment to Stuttaford's paragraph 5, J.S.C. 1, 1935, p. 70.

minority.<sup>63</sup> The report was thus in no sense a declaration of Government policy.

The Franchise Bill proposed to leave the existing Cape native voters on the roll; but to add no more. The rest of the Cape Africans and the Africans in the other three provinces were to be divided into four great constituencies, which, voting through their community organisations, should return four Senators, in addition to those who were already in the Senate. At the end of seven years, they were to return two more; that is, six in all. There was thus to be no representation of Africans in the House of Assembly, and none of the individual voting that was suggested for the Cape Africans in 1929.<sup>64</sup> Stuttaford had proposed new clauses to the Representation Bill advocating Provincial Council Representation of Natives:<sup>65</sup> The Cape Africans were to elect two members, white or other, to the Cape Provincial Council so long as that body controlled native education, health and roads. This latter proviso came out of amendments to Stuttaford's original provincial representation scheme. The four great African constituencies were also to elect twelve members to a native council, which would also include the Secretary for Native Affairs as Chairman, five European officials without power to vote, and four nominated Africans. The powers of this council were to be purely advisory; there was to be none of the limited legislative powers envisaged by the Bill of 1926.

The main opposition to this Bill came from outside Parliament, mainly from Africans themselves. In order that the Native people affected by the proposed legislation should have an opportunity of considering and expressing their opinion upon the Native Bills, five regional conferences of chiefs and other Native leaders were convened by the Government with Stuttaford, as the minister responsible, explaining the Bills.

63. J.S.C. 1, 1935.

64. E.A. Walker, 'The Cape Native Franchise' (Cape Town, 1936), reprinted from Cape Argus.

65. J.S.C. 1, 1935, pp. 56-63.

Stuttaford consulted Hertzog and Smuts continually on the question of what explanation of the Bills should be given to African leaders.<sup>66</sup> The Native Affairs Commission had appealed to Stuttaford's Department to arrange a conference for this purpose. Hertzog opposed this suggestion, and for some inexplicable reason Stuttaford was not in agreement either.<sup>67</sup> They were prevailed upon, however, and during September 1935 the Government convened the five African conferences under the Native Affairs Act of 1920, and submitted the Bill to them. The conference of chiefs and other leaders representing Natal and Zululand expressed appreciation of the proposed Native Council and additional reserves, but 'This gathering is unanimous', said Mshiyeni Ka Dinizulu, the Zulu Regent, addressing the Secretary for Native Affairs, 'that it is not the desire of our people to have a European representative in Parliament. They are satisfied that much better things would be achieved by laying before you our representations as on this occasion, without a European intermediary'.<sup>68</sup> The conference of chiefs and leaders of the Native peoples of the Transvaal and Orange Free State - another proposed senatorial constituency - was held at Pretoria and was addressed by Stuttaford, who explained the Bills. After discussion, a committee was appointed to prepare resolutions which would express the feeling of the meeting. This conference at Pretoria was the only one of the five that did not unanimously reject the Bill. Its finding was most significant: 'As the chiefs and delegates to this conference were only given two weeks' notice of the conference and were not supplied with copies of the Bills in advance, and as the policy underlying the Bills is one of political, territorial and economic segregation, and it is the intention of the Government to further amend the Natives Urban Areas Act to complete its general policy, and in view of the importance and gravity of the situation and the very limited time at the disposal of the conference,

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66. Smuts Papers (State Archives, Pretoria), vol. cxxi, No. 7, Stuttaford to Hertzog, 10.7.35.

67. *Ibid.*

68. South African Outlook, vol. 65, no. 773, 1.10.35, p. 206.

and the fact that this policy affects posterity, this conference is unable at the moment to give a matured and considered decision on the fundamental principles and details involved ...'. The conferences held at Kofeking, Kingwilliamstown and Umata joined the Natal delegates in rejecting the Bill outright. However, some welcomed the projected native council, but only as a stepping stone to higher things, and several requested that the Cape Franchise be extended. <sup>69</sup>

Finally, the All-African Convention, which met in Bloemfontein in December 1935, pleaded that all sections in South Africa should be 'bound together by the pursuit of common political objectives, however far apart they might remain socially'. A lengthy resolution on the franchise question was unanimously adopted in which they accepted the wholesale enfranchisement of whites as an accomplished fact. They were also prepared to submit to 'the imposition of an educational, property or wage qualification', as a proof of political fitness. It declared itself to be opposed to the abolition of the Cape Native franchise and that it 'cannot bargain or compromise with the political citizenship of the African people by sacrificing the franchise, as is proposed in the Representation Bill. On the contrary, the Convention believes that the time has arrived for the immediate granting of the individual franchise to Africans in the Northern Provinces'. <sup>70</sup>

The Joint Select Committee on the Native Bills decided in 1935 not to proceed with the Coloured Persons Rights Bill, but to prepare an amended Native Urban Areas Bill. <sup>71</sup> It was decided too that a fact finding committee be appointed to obtain more information about the native situation in urban areas. It was appointed by Stuttaford on 2 July 1935, and consisted of J.M. Young and

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69. *Ibid.*, pp. 207-208.

70. D.B. Holtano, *The Betrayal of 'Native Representation'* (Johannesburg, 1959), p. 10.

71. J.S.C. 1, 1935, p. 69.

A.L. Barrett, both senior officials in the Department of Native Affairs. It is significant that Young and Barrett produced a report repudiating Stallard's doctrine that the towns were the special creation of the white man, and favoured the development of a stable urban African population.<sup>72</sup> The independent functioning of this committee was in line with Stuttaford's policy of investigating thoroughly African conditions. Proof of his sincerity is abundantly evident in his defence of the actions of his Department given in the House of Assembly earlier in 1935, when he called for increased use of the Native Affairs Commission: 'The Native Affairs Commission meets regularly, and also goes round the country to investigate Native matters ..... My opinion is that it is an institution which can be made of the very greatest value if it were used more. The policy of the Department [Native Affairs] should be to use the Native Affairs Commission for many investigations which are constantly required, and I see no reason whatsoever why it should not be a very powerful body .....'.<sup>73</sup>

The Young and Barrett Committee recommended that instead of expelling Africans from towns and relocating them in reserves, as proposed by Stallard, properly controlled agricultural settlements be established near to larger urban and industrial centres. T.R.H. Davenport poses the question of why a departmental committee so out of line with the Joint Select Committee's ideas was ever appointed, and argues that the only explanation offered in Parliament was that given by Heaton Nicholls, who said that it had been appointed by an Acting Minister of Native Affairs, Richard Stuttaford, who 'had not been a member of the Joint Select Committee and knew nothing at all about the arguments and discussions which had taken place in the Committee on this principle'.<sup>74</sup> But the

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72. Vide T.R.H. Davenport, 'The Triumph of Colonel Stallard: The Transformation of the Natives (urban areas) Act between 1923 and 1937', South African Historical Journal, No. 2, 1970 pp. 84-87.

73. H.A. Deb., vol. 25, col.4125, 1935.

74. Davenport, 'Triumph of Colonel Stallard', p. 88.

appointment of this Committee is a comment on Stuttaford's regard for extensive investigation of Native 'encroachment' into the 'white man's domain', independent of any political opinion. It was a fact-finding committee, and Stuttaford had chosen two senior officials of his Department, who based their conclusions on evidence widely taken.<sup>75</sup> Its recommendations were ignored, however, with the passing of the Native Laws Amendment Bill in March 1937.

At the beginning of 1936 the multi-racial forces in the country prepared for a last stand in defence of the Cape franchise. The South African Institute of Race Relations convened a multi-racial conference in Cape Town to consider the native Bills. It passed a resolution condemning disfranchisement of the Cape Africans. A deputation appointed by the All-African Convention led by Professor Jabavu conducted talks with Hertzog and Cape M.P.'s. Out of these negotiations and subsequent confusion about what compromise the Convention would accept, Hertzog proposed a new Bill No. 2 providing for a separate Cape Native Voters' Roll and the representation of Cape Africans by three white M.P.'s, in addition to the representation of the Union Africans as a whole by four white Senators and through the medium of a Natives' Representative Council.<sup>76</sup> Smuts declared himself in favour of this compromise, arguing that, together with the Native Trust and Land Bill, it constituted a quid pro quo which would fairly repay Africans for what they would sacrifice.<sup>77</sup> Despite Jabavu's supposed encouragement to Hertzog to 'work back to 1929', the executive of the All-African Convention rejected the compromise.

Stuttaford voted for the Compromise Bill. His dilemma was whether, as a representative of liberal opinion, he should risk

75. Ibid.

76. D.B. Molteno, Betrayal, pp. 10-13; T.R.H. Davison, South Africa: A Modern History (London, 1977), p. 220.

77. Hancock, Smuts, vol. 2, p. 266.

the African losing his vote entirely, or accept a system of communal representation which at least kept alive the principle of direct representation.<sup>78</sup> He unhesitatingly chose the latter emphasising that not only was a great principle perpetuated, but that the other features of the Bill gave a very real measure of representation to the non-Europeans of the Union as a whole. He brought to his defence the liberal and enlightened Native Affairs Commissioners of 1903, who recommended a system of representation much on the lines of the present Compromise Bill. One of Stuttaford's main points was that it was for the African to make use of the opportunities which had been offered him. If he chose his representatives wisely, Stuttaford asserted, the African would have nothing to fear. The Council would be what the Natives made it; it could be a training ground in responsibility, and the possibilities of its development were unlimited. He saw in the Bill the beginning of a new era in Native development. The whites would be able to fulfil the duties of trusteeship, unhampered by the fear, however unfounded, that education of the African would lead to political domination by the non-Europeans. Through their representatives in the House they would, according to Stuttaford, get a fuller and truer representation of Native opinion; they would be able to promote the economic and social development of non-Europeans to an extent not known before. Stuttaford's acceptance of this compromise was based entirely on what he considered to be the choice between 'the half loaf of the Compromise Bill' and 'no bread of the last-ditchers'.<sup>79</sup>

The minority voting against the Compromise Bill in 1936 included the five members of the Dominion Party, F.S. Malan, one member of the Government, Hofmeyr, and four other United Party M.P.s, all from the Cape Peninsula, namely, Morris Alexander,

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78. See C.M. Tatz, Shadow and Substance in South Africa: A Study in Land and Franchise Policies Affecting Africans 1910-1960 (Pietermaritzburg, 1962) pp. 75-83.

79. Cape Times, 27.2.36.

J. Chalmers, R.J. du Toit and A.J. MacCullum.<sup>80</sup> It is difficult to account for Stuttaford's change of heart during the debate on the Compromise Bill. Certainly Smuts's influence over ex-S.A.F. members of the Fusion Government was singularly strong, and Stuttaford's allegiance to Smuts cannot be over emphasised. But Stuttaford's political thinking was not as independent as his convictions regarding economic matters, and this vote against the Africans was a betrayal of the Cape liberal position. Stuttaford, unlike Hofmeyr, was unable to resist Cabinet pressure and felt a stronger responsibility towards fusion than towards African rights.

Of less importance was Stuttaford's involvement in the political issue of transfer by Great Britain of the Protectorates to the Union. In 1935 Hertzog had presented his Aide Memoire to the British Dominions Secretary suggesting a blueprint for these territories' incorporation in the Union. Political, Economic and other reasons had been put forward in support of transfer, but as would be expected, Stuttaford pronounced the economic benefits accruing to both South Africa and the High Commission Territories from transfer. He was disappointed at the slow progress being made on this question by 1935 and attempted as Acting Minister of Native Affairs to speed up negotiations. He regarded highly the Union High Commissioner's proposals on the question of improved co-operation between the Territories and South Africa,<sup>81</sup> and adopted his suggestions as the basis for a new initiative.<sup>82</sup>

He consulted Hertzog's Aide Memoire to see if there were any matters in which progress could be made towards attaining British consent to the transfer of the Protectorates.<sup>83</sup> Stuttaford's approach was to remove certain grievances which would effect a

80. Molterio, Betrayal, p. 13.

81. P. Ryan, The Failure of South African Expansion 1906-1948 (London, 1972), p. 147.

82. Smuts Papers, vol. CXXI, No. 7, Memoire, 'Suggestions for Improved Co-operation between the Union and High Commission Territories', July 1935, 8pp.

83. *Ibid.*, Stuttaford to Hertzog, 10.7.35.

more favourable native opinion in the Territories, and he adopted the High Commissioner's suggestions of improved co-operation between the Union and the territories in agriculture, the establishment in the territories of control boards for various farming products, the assisting of Basutoland to produce certain quality strong wheat, a reasonable railway rate for the transport of meat from Bechuanaland and Swaziland, and the secondment of Union development officers to aid the Protectorates in irrigation and soil erosion projects. Stuttaford wrote to Smuts to assess what the Agriculture Department could contribute to his implementation of the High Commissioner's blueprint for improved co-operation between the Territories and South Africa. He also consulted with Pirow on what concessions the South African Railways could offer.<sup>84</sup> Stuttaford agreed that the Union should contemplate direct financial assistance apart from agriculture or specific schemes, because the construction of roads, bridges, schools and hospitals would influence native opinion favourably towards transfer. A process of assimilation of administrative methods by both sides should be facilitated, and this would, in Stuttaford's opinion, smooth the way for eventual transfer. If such assistance was given, the High Commissioner impressed Stuttaford with the necessity to bring to the notice of the Territories' chiefs and peoples the extent of their debt to the Union.

In view of Stuttaford's experience as Acting Minister of Native Affairs, it was not too illogical a step that Hertzog took when he appointed Stuttaford to the portfolios of Interior and Public Health. In this capacity he succeeded the ablest of Cabinet Ministers, Hofmeyr. Throughout his ministerial career, however, Stuttaford inherited unenviable positions, and the period 1937 to 1939 proved to be fraught with insurmountable problems regarding immigration and Asiatic affairs, all of which spotlighted the Interior ministry and a politician who preferred to be out of the public eye. He had always attempted to keep out of controversy,

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84. *Ibid.*, Stuttaford to Hertzog, 10.7.35.

but he was subjected to bitter criticism from all sides as he piloted through Parliament some of the most discriminatory legislation ever to be enacted in South Africa.

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JEWISH IMMIGRATION 1937 - 1939.

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Stuttaford, as Minister of the Interior in 1937, inherited the problem of growing Anti-Semitism which had found sanctuary within the Purified Nationalist Party of Dr. D.F. Malan and had resulted from the influx of Jews from Europe into South Africa in the wake of the repressive racialism of the Nazi Fuehrer, in 1930. Owing to the relatively large immigration from eastern Europe, mainly of Jews, the Quota Bill was piloted through parliament by Dr. D.F. Malan, Minister of the Interior at the time. The Bill set a limit to the number of immigrants permitted to enter the Union from eastern Europe, but for the rest, the door remained open. Though the Quota Bill did not specifically mention Jews, it could not be denied that it was directed against them,<sup>1</sup> and it was for that reason that Smuts, heading the South African Party, led his reluctant followers into opposition against the Bill.

The Quota Act achieved its purpose, but when Hitler came to power in Germany in 1933 a new situation developed, and a mass emigration ensued. In these circumstances there was a considerable increase in the number of Jewish immigrants into the Union after 1933. Between 1933 and 1936, 9 947 German immigrants entered the Union, and of these, 3 615 were Jews. By 1936 the Jewish community constituted a 4,75% of South Africa's European population.<sup>2</sup> During the latter half of 1936 there was mounting agitation in the Union for the restriction of Jewish immigration, considerably aggravated by anti-Jewish immigration campaigns organised by the Greyshirt movement and the Malanites. In November 1936 the government, under this increased pressure, drafted an Aliens Bill 'to check the Israëlitish invasion'.<sup>3</sup> 'There can be little doubt that the agitation in the country ... forced the Government's hand', declares The Round Table,<sup>4</sup> but Hofmeyr

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1. D.W. Kruger, The Making of a Nation (Johannesburg, 1969), p. 181.
  2. M. Cohen, 'Anti-Jewish Manifestations in the Union of South Africa during the 1930's' (unpublished B.A. honours thesis, U.C.T., 1968), p. 102.
  3. E.A. Walker, A History of Southern Africa (London, 1957), p. 664.
  4. Round Table, No. 107, April 1937, p. 671.

assured Parliament that the Aliens Bill had been drafted before the agitation reached its culminating stages. Stuttaford substantiated this claim during the second reading debate on the Aliens Bill in January 1937 when he assured the House 'that the Government's Bill was prepared long before the honourable member's Bill saw the light of day, so I am sorry ... that the honourable member cannot enjoy the satisfaction of the Government's having in any way been worried about his Bill'.<sup>5</sup> This statement endorses the view that the Bill was essentially Hofmeyr's, and not devised by Stuttaford. The most accurate assessment of the origin of the Bill is that it was a Cabinet measure. It is evident however that Hofmeyr, Minister of the Interior in 1936, had contemplated some refinement of immigration legislation, and the government had appointed a committee to investigate the immigration question. In March 1936 Hofmeyr reviewed a 'Memorandum on European Emigration to South Africa for submission to the Honourable the Prime Minister' drafted by a Nationalist party pressure group led by Eric Louw who became an ardent advocate of anti-Semitism.<sup>6</sup> In this memorandum the signatories decried the fact that in various international circles South Africa was referred to as 'a Jewish country'. Hofmeyr attacked the anti-Semitic sentiments expressed in this document, and also exposed the inherent impracticability of the government committee's proposals for the exclusion of Jews from the Union on the ground of unassimilability.<sup>7</sup> The government was as concerned about immigration as the Nationalists, and consequently the Jewish question was projected into the political arena as a major issue. It is true, however, that the first intimation that the government was to alter the existing Immigration Act was given by General J.J. Pienaar as late as October 1936, at the Transvaal United Party Congress held in Pretoria.<sup>8</sup> Some weeks later, Smuts informed his constituents at Standerton that while South Africa

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5. H.A. Deb, vol. 28, col. 55, 12.1.37.

6. Hofmeyr Collection, A.1, Dh-Immigration and anti-Semitism 1934-36, 30.3.36.

7. Ibid., Hofmeyr's memorandum on the government committee's proposals on Immigration, p. 3.

8. Rand Daily Mail, 9.10.36.

required new immigrants in order to strengthen the country, it was both desirable and necessary to control immigration, and he intimated that it was the intention of the government to do so.<sup>9</sup> Hofmeyr had been aware of Hertzog's intention to introduce legislation to prevent 'unassimilable aliens' from entering the Union.

In December 1936 the King agreed to appoint Patrick Duncan, the Minister of Mines, as Governor General. With this development as the pretext for a Cabinet reshuffle, Hertzog relieved Hofmeyr of the Department of the Interior, and gave him the portfolios of Mines and Labour. The problems of Jewish immigration, Indian land purchases, and mixed marriages were transferred to Stuttaford who succeeded Hofmeyr in the Interior Ministry. It was widely believed that this was a political move on the part of Hertzog, but Hofmeyr discredited this prevalent view in a letter to Underhill, his well-known confidant since their Oxford days. He wrote, 'I have given up the Interior and Public Health, while retaining Education ... the occasion for the Cabinet reshuffle was provided by the elevation of one of my colleagues, Patrick Duncan, to the Governor-Generalship'.<sup>10</sup> However, Hofmeyr had long been a thorn in Hertzog's side, and Stuttaford was on good terms with the General. Stuttaford was not as inflexible on matters of political principle as Hofmeyr, yet he displayed an equal capacity for ministerial duty as did his liberal predecessor. Hancock remarks that at this time 'Hertzog must have asked himself whether Hofmeyr's statements were not putting too heavy a strain upon the cohesion of the United Party'.<sup>11</sup>

The Aliens Bill of 1937 was the United Party Government's reply to the excitement stirred up by the Nationalists, and it passed its first reading before Dr. Malan introduced his motion censuring the government for its neglect in the matter of Jewish

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9. *Ibid.*, 12.12.36.

10. A. Paton, *Hofmeyr* (London, 1964), p. 256.

11. *Vide* W.K. Hancock, *Smuts*, vol. II, pp. 291-292.

for three years, and the changing of surnames was forbidden 'except in accordance with well-established custom'.

On 12th January Malan introduced his motion of censure, asking the House to express its disapproval of the government's neglect to take early and adequate measures:

- ' (a) to prevent the further influx of Jewish immigrants and especially the so-called German refugees ...;
- (b) to prevent the immigration of persons or races such as, amongst others, the Jewish, who cannot be readily assimilated ...;
- (c) to abolish Yiddish as a specially recognised European language ...'.<sup>14</sup>

Introducing the motion, Malan claimed that stringent legislation was required to offset the Jewish influx into South Africa. Without mentioning the Jews by name, the amended Act would empower the immigration authorities to refuse entry to all Jews intending to settle in the Union. He denied that his position had been dictated by the German Nazis or the anti-Jewish organisations which existed in South Africa. Replying to the charge that his motion of censure was anti-Semitic, he declared:

'I have been reproached ... that I am now discriminating against the Jews as Jews. Now let me say frankly that I admit that it is so, but let me add that if you want to effectively protect South Africa against the special influx from outside, it must inevitably be done.'

Malan insisted that South Africa had a 'Jewish problem' and that the only way in which that problem could be solved, and the good relations between all sections of the population be maintained, was to close the doors to Jewish immigrants. This would ensure that South African commerce and industry did not fall into the hands of Jews, and in consequence anti-Semitism would be greatly reduced.

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14. *H.A. Deb.*, vol. 28, col. 32 et seq., 12.1.37; See P.F. van der Schyff, 'Eric H. Louw in die Suid-Afrikaanse Politiek tot 1948' (D. Litt. dissertation, Potchefstroom University of Christian Higher Education, 1974), pp. 430-435.

South African Jewry, he warned, was part of an international organised Jewry which formed a distinct racial entity which constituted in South Africa an 'imperium in imperio', rendering Jews unassimilable.

Replying to the motion before the House, Stuttaford declared strongly: 'I appreciate that the whole intention of his motion is unabashed racialism. It is an appeal ... to the least creditable instincts of our people ... that does not, I am sorry to say do much credit to the honourable member for Calvinia [Dr. Malan]. Every paragraph in this motion is a hit at the Jews ...'. Stuttaford reminded the House of the debt owed by South Africa to many Jews who had occupied prominent positions and contributed handsomely to the development of the country. He detested the injustice of Malan's motion and spoke out against this 'example of the new republicanism': 'If we are not going to stand for justice and right for every man legally in this country, then, I say, God help our country ... . To me, the honourable member's motion, if he can ever find a Government to accept it, simply means the establishment of a tyranny, and the end of democracy ...'. Stuttaford then proceeded to quote from speeches made by Malan during the debate on the Quota Bill in 1930. He argued that Malan had advocated 'full equality in every respect and every opportunity which every other section enjoys' for South African Jewry in 1930. But in 1937, as leader of the Opposition Nationalists, Malan had changed his attitude, expounding an anti-Jewish policy; Stuttaford caustically asked which of these was the true view - 'the anti-Jewish view that he has been expounding this afternoon, or the liberal view, with which I entirely agree, which he expounded in 1930'? Stuttaford also attacked Malan on the question of the assimilability of the Jews, and contended that the Jews of South Africa were entirely assimilated into the national life of the country, citing various examples to support his argument.

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The speakers who addressed the House subsequently execrated the remarks made by Malan. Walter Madeley, whose singularly pro-Jewish outlook had not changed since the 1930 debate on Malan's Quota Bill, stated emphatically that 'the roots of the emotion that has caused this motion lie deep down in ... bitter racialism'. He decried Malan's open alignment with the Greyshirt Movement, while C.W.A. Coulter rebuked Malan for his attempt to deprive Jews of the fundamental rights of citizenship, and of attempting to discriminate against citizens of the country on the basis of race and religion.

Dr. Karl Bremer, M.P. for Graaff-Reinet, defended the motion, claiming that the attitude of the Nationalists was not motivated by racial hatred, but was a device to preserve the racial composition of South Africa's population. He declared that South Africa had more Jews in the total population than could be assimilated into a 'white country'. Morris Alexander's reply to such a view was that 'The whole of this motion is anti-Semitic, and it is a curious thing that I am the last remaining member of this house of the Old Cape House of Assembly and I have never in all my experience seen this House descend to such a low political level, where it is possible for a man, and him the leader of a party, to bring forward something that might be alright in a country built upon hate, envy and jealousy ...'. Alexander condemned Malan's intention 'to get a few miserable votes' by formerly attacking the Englishman, the Native and the Coloured - and now the Jew. <sup>15</sup>

On 13th January the Aliens Bill was read a second time. Stuttaford stated that the Bill aimed at repealing the Quota Act which had become ineffective since it applied only to certain countries. The Aliens Bill was based instead on 'the selective principle', implying that only persons who would strengthen the

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15. H.A. Deb., vol. 28, cols. 62-104; Vide T. Schechter, 'Morris Alexander; the study of the position of a 'liberal in the old Cape Tradition' in relation to white politics and black attitudes, with special emphasis on the years 1932-39' (B.A. hon. thesis, U.C.T., 1973).

South African nation, and who would, within a reasonable period of time, be assimilated into the population of the country, could enter the Union as immigrants. Stuttaford said that the Bill would stress quality rather than quantity in regard to immigration. He denied categorically that the measure was directed against the German-Jewish refugees. Defending his view he postulated 'that in the present mentality of Europe we may get waves of immigration from many sources, not only ... from Germany, but ... from practically all ... densely populated countries of Europe, and it is in order to control that immigration that the present Bill is brought in'.<sup>16</sup> Faton deftly observes that 'the Bill did not mention Jews, but everyone knew it was meant to check Jewish immigration. The Malanites taunted Stuttaford because he would not say so'.<sup>17</sup> Stuttaford himself rightly assessed his position when he complained that 'on one side of the House I am criticized and told that I mean the Jews, and on the ... [other side] ... is another honourable member who criticizes me because I don't mean the Jews'. Despite this realization of his ambiguous approach to the Bill he insisted unconvincingly that 'the suggestion of certain of our opponents ... that this Bill is directed against the Jews ... is not true'.

During the debate it became clear that the Bill, if enacted, would vest full powers in a Selection Board, thereby granting it absolute discrimination in the selection of immigrants. Stuttaford insisted that this selection was not to rest upon racial grounds but rather on 'the good character of the applicant, his likelihood of ready assimilation with the European population and of becoming a desirable citizen within a reasonable time, and the fact that he is not harmful to the economic and industrial welfare of the country and is not likely to pursue a vocation in which, in the Board's opinion, there are sufficient numbers engaged'. Malan was not satisfied with the effect the Bill would have in preventing refugee

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16. *H.A. Deb.*, vol. 28, col. 104 et seq., 12.1.37.

17. Faton, *Hofmeyr*, p. 258.

Jews from Germany from entering the Union. If the Bill was not directed specifically against German Jews then it was a 'pure pretence', according to Malan. If, however, it was indirectly aimed at Jewish refugees, Malan challenged Stuttaford, then 'why not have the courage to say so plainly? Is it not better to play open cards with the Jewish race in connection with this matter? So far as I am concerned, my attitude in connection with this Bill is that I would like to stop that particular immigration from Germany ... because there are too many Jews here - too many for South Africa's good, and too many for the good of the Jews themselves. And accordingly, I say clearly whom I want to see excluded, and I do not try to hide the matter in any way'. Having expounded the Nationalists opposition to the Government's Aliens Bill, Malan moved an amendment that the Order for the Second Reading be discharged, and that the Bill be referred to a Select Committee which would, *inter alia*, make adequate provision for the discriminatory measures which he had postulated in his motion of censure.<sup>18</sup>

Morris Kentridge, M.P. for Troyeville and an executive member of the South African Zionist Federation,<sup>19</sup> joined Alexander in the attack upon Malan's amendment. Kentridge defended Stuttaford's emphasis on the principle of quality *vis-a-vis* quantity with regard to immigration selection, and he denounced legislation discriminating against the Jew as a Jew. M.J. van den Berg, M.F. for Krugersdorp, followed Kentridge's onslaught, arguing that the Malanite attitude to the Jewish question was prompted by anti-Semitic and consequently anti-Christian notions. Countering such a view, Paul Sauer, M.P. for Humansdorp, declared that the Jews had begun 'to form a state within a state', and the inevitable result was a widespread anti-Semitism. He stated Nationalist policy when he concluded that unless restrictions were made upon Jewish immigration the anti-Jewish movement in South Africa would continue to grow.

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18. H.A. Deb., vol. 28, cols. 106-112.

19. South African Who's Who 1940, p. 225.

The most notable speech in the debate was made on the 14th January by Smuts. Cohen praises this 'brilliant oration, tempered with tolerance, understanding and a deep insight into the universal Jewish problem'.<sup>20</sup> The aim of the Bill was, in Smuts's view, to welcome desirable immigrants, but would effectively exclude 'the unwanteds ... the flotsam and jetsam that might flow to our shores'. Smuts warned against curbing white immigration, as this would severely endanger the exiguous basis on which white South Africa existed. He supported Stuttaford's denial that the Aliens Bill was directed against the Jews in particular: 'There will be no discrimination on racial grounds - none whatever. This Bill is not directed against any particular race, but against all undesirables who do not comply with the conditions which are laid down in this Bill. Whatever a man is, a Jew or a Gentile, whatever his race may be, or whatever his outlook may be, if he can comply with the conditions laid down, he will be welcome'. Smuts criticized the Malanites for using anti-Semitism as a political device: 'I never thought that I would live to see the time when a political party in this country ... should ever have so far forgotten themselves and forgotten the true interests of South Africa, as to take up this unsavoury and discreditable course'. Smuts demonstrated to Stuttaford the courageous stand required to check the prejudices of an extreme Nationalism. His stand remonstrated with Stuttaford's vacillation, typified by the latter's inconclusive defence that the Bill 'does not prohibit the immigration, and it does not promote the immigration of Jews. It simply controls and regularises the immigration of all sorts and conditions of persons'.

The debate became more and more heated in its criticism of the government as well as of the anti-Jewish stance adopted by the Purified Nationalists. Opponents of the Bill argued that the government had been forced into introducing such a Bill, and that there was no necessity for immigration legislation. They criti-

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20. Cohen, 'Anti-Jewish Manifestations', p. 128.

cized the envisaged Selection Board which could be used for party political ends. Mr. J. Christie, M.F. for Rosettenville and a member of the Labour party, summed up the Bill as a measure 'so designed that it can be used in the towns to tell the Jewish people and their friends that it will help them', and 'that it can be used on the platteland to tell the people that it will be applied against the Jews'. Duncan Burnside, M.F. for Umbilo, stated vociferously the Socialist view:

'This debate is a very important occasion, because it marks the formation of another new party ... a South African Nazi Party. I myself, have always had considerable suspicions that the Leader of the Opposition was being pushed into the Nazi position ... . Watching very carefully, I have seen [him] ... gradually come nearer and nearer to the Nazi position, and today ... he has undoubtedly shown ... that he is an ardent disciple of this particular form of politics which found its origin under Herr Hitler in Germany.'

Earlier in the debate Dr. de Waal, a Nationalist M.F. and prominent leader of the Greyshirts, asked why the Jewish M.F.'s had opposed the Quota Bill in 1930, but were supporting the government in its bid to restrict Jewish immigration further. Christie and Burnside provided a feasible answer to this question when they stated that Jews on the whole acquiesced in the new legislation because they feared the pro-Nazi attitude of the Malanites.

Certainly this insight provides the probable motive for Stuttaford's willingness to present and defend the Bill in the House. Though not himself a Jew, his intense hatred of Nazism and the possible infiltration of German Nazis into South African Nationalist party circles through immigration, are considerable

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factors in any explanation of his actions in fostering this discriminatory measure. For him, it was designed to screen immigrants in an attempt to prevent subversive elements from arousing a new national-socialist movement within the Union.

On 18th January the Prime Minister addressed the House and contradicted Stuttaford's statements regarding the Bill. It became apparent from his remarks that the views of Stuttaford and Smuts on the rationale of the Bill were as far removed from Hertzog's as they were from Malan's. It was a major blunder which severely damaged the cohesion of the United Party which was already feeling the strains of political dissension within its Cabinet. Enumerating the reasons for the proposed Aliens legislation, Hertzog declared that 'the influx of the Jews is ... one of the two immediate causes for the introduction of this Bill', a fact which Stuttaford and Smuts had categorically denied. While Hertzog did dissociate himself from the charge that the measure was anti-Semitic, he did admit that by restricting the entry of Jewish refugees from Germany, the government would be averting an increase of anti-Semitism in South Africa. Did Hertzog know what had been said by members of his Cabinet earlier in the debate? J.G. Strijdom, Leader of the Nationalist Party in Transvaal, pointed out that the reasons given by Hertzog for the introduction of the Bill contradicted the explanations given by Stuttaford and Smuts, but expressed sentiments largely reminiscent of those adumbrated by Malan in his opposition to the Bill. According to Strijdom, Smuts 'turned scarlet while the Prime Minister was speaking', and Strijdom further declared that Hertzog's speech was 'certainly one of the most astonishing speeches which has yet been made in this House'. Strijdom also exposed the complete contradiction inherent in the government's immigration policy. This unfortunate speech by the Prime Minister caused the question of the intention of the Bill to bulk larger

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than ever before. Was it in fact directly aimed at keeping prospective Jewish immigrants out of South Africa or was it directed exclusively against 'undesirables'?

Hertzog's blunder prompted a spate of anti-Semitic addresses from the Nationalist benches. Leading the attack was A.L. Badenhorst, M.P. for Riversdale, who declared that the Nationalists were 'not against Jews as Jews, but the Jew does not assimilate himself with us'. 'They do not have our religion; they do not believe in my Saviour and in my church, and on Sundays they take my children to go fishing along with them'. Other Nationalist members spoke in a similar vein.

Attempting to sum up the debate, Stuttaford maintained that the object of the Bill was neither to prohibit, nor promote the immigration of the Jews, but simply to control the influx of persons hoping to settle in the Union. The government was in favour of immigration, as long as it was controlled: 'We want immigrants, but they must be of the right kind ... This question of assimilation is a question both of quantity and quality'. In the voting which followed, Malan's amendment was defeated by 91 votes to 18, and the second reading of the Bill was accepted by 84 to 28, the Labour members siding against the government in the latter vote. <sup>21</sup>

In the Committee Stage of the Aliens Bill, the Nationalists attempted unsuccessfully to amend the Bill efficiently to prevent the further immigration of Jews to the Union. In proposing his amendment, Malan referred again to Hertzog's speech, claiming, 'we had a clear statement from the Prime Minister a few days ago - that this Bill was intended to keep out the Jews. He acknowledged frankly that there were too many Jews in the country, and that a further influx of the Jewish race into the

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21. H.A. Deb., vol. 28, cols. 257-338.

country would give rise to internal trouble'. Stuttaford persisted, 'I made it perfectly clear, in introducing the Bill, that it was not directed against any particular race, I shall maintain that attitude right throughout the passage of this Bill ...'. Stuttaford's justification and handling of the Bill came under fire continually, but the severest personal ridicule came from Burnside: 'I think the Bill is being very adequately made a fool of by the Minister himself. The more we discuss the matter and the more the Minister replies to the debate, the more foolish it becomes'. Finally on the 27th January, the Bill was read for the third time and was enacted and became law on the 1st February 1937.<sup>22</sup>

It is almost impossible to gauge the government's real reasons for introducing this legislation. D.W. Kruger maintains that 'although Jews were not specifically referred to in the Act, the intention was clearly to exclude as many of them as possible'.<sup>23</sup> Clearly the Cabinet was divided on the issue, and the Nationalists made capital out of the obvious disagreement among United Party Ministers. Badenhorst was only one Nationalist who queried, 'am I to believe the Minister of Mines [Hofmeyr], the Minister of the Interior [Stuttaford], and the Minister of Justice [Smuts], or must I believe the Prime Minister?'<sup>24</sup> This would suggest that Nationalists viewed Stuttaford as a proponent of the same view as Smuts and Hofmeyr on the Jewish question, yet they taunted him for his ambiguity. Malan felt that Stuttaford's ambiguity was deception to the Jewish population, and argued that Stuttaford was not courageous enough to name the Jews as the 'undesirables of the other countries', to which the Minister had continually referred in speeches in the House, and at the United Party Congress at Worcester.<sup>25</sup> Stuttaford tried to exonerate himself by claiming that the Nationalists were 'suffering from an anti-Jewish complex'. Much stronger condemnations of the Nationalists came from outside the House, blaming them for 'going Nazi' and for

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22. My account of this debate follows the record as given in Hansard, vol. 28, cols. 9-746.

23. D.W. Kruger, The Making of a Nation, p. 181.

24. H.A. Deb., vol. 28, col. 410.

25. cf. Ibid., col. 111.

brandishing the anti-Semitic slogan in order to win electoral favour.<sup>26</sup> Such condemnation met with an equally stout defence by others who believed the Nationalist principles to be in the interests of South Africa, and not merely sops to racial prejudice.<sup>27</sup>

The Round Table contended that while 'the Government congratulated itself on having forestalled a piece of purely racial legislation', and while 'its spokesmen admitted that the new immigration law would be applied primarily against the Jews during the next few years', it nevertheless 'declared that it [the Act] could and would be used equally against any other immigrants whose entry was considered prejudicial to the welfare of the Union'.<sup>28</sup> The promulgators of the Act suffered sharp criticism in the press, particularly because it left the word 'unassimilability' undefined.<sup>29</sup> Stuttaford was largely responsible for the avoidance of any clear statement of definition, and resorted to ambiguous retorts that the word had the same meaning as it had in 1930. Dr. Bernard Friedman wrote on the question of assimilability in the Jewish Times on 22nd January 1937 declaring the conception to be 'vague and nebulous', lending itself to a variety of interpretations. His argument in support of maintaining the Jewish 'identity' was that 'it is a fundamental principle of every democratic state to permit within its borders a diversity of elements who are held together by a common bond of loyalty', but he gave assurance that 'anything that menaces South Africa is a menace to everything we hold dear', and concluded that 'in a very real sense, we are better citizens for being good Jews'.<sup>30</sup>

Stuttaford cannot be excused for his ambiguity throughout the Aliens Bill debate. He was not convincing in his defence of the Bill, and though he professed a non-racial intention in introducing the Bill, its effect as law was to prove that it certainly

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26. Sunday Times, 17.1.37.

27. 'The National Party and Jewish Immigration', National Party, Cape Province (Cape Town, 1937).

28. Round Table, vol. 27, p. 671.

29. Cape Argus, 23.1.37.

30. Hofmeyr Collection, A 1, Dh, 1937-1939, 'Assimilability' by Bernard Friedman, unpublished.

was directed against the Jews. The number of Jews entering the Union was halved during the three year period following the enactment of the Bill.<sup>31</sup> Stuttaford's speeches during the debate were characteristic of his style, especially when he introduced his home-spun analogy of the plum pudding when attempting to illustrate the meaning of assimilability, for which he had provided no satisfactory definition, and to explain the selective principle of the Bill. This rather amusing and simplistic analogy was given in reply to Sauer and Erasmus who, Stuttaford felt, were making an issue of assimilability of Jews. The analogy is couched in sarcasm, poking fun at Nationalist insistence upon a definition for something 'quite trivial' in Stuttaford's view. He had maintained in debate that the Jews had been entirely assimilated into the life of the nation, and were readily assimilable elements. Addressing these two Nationalists he said, 'they will remember not so many years ago that when they had a helping of plum pudding they might get a pain below the belt (a) because the quality was bad, and also (b) because, though good, they had taken too much of it. It is exactly the same position with regard to a nation. The quality may be all right, but you may have too great a quantity, and therefore it is necessary to restrict .... On the other hand, if you have a small quantity of it and the quality is bad, you are in an equally uncomfortable position. I think that will appeal to both these members'.<sup>32</sup> This was a debating tactic rather than a clear statement of what the government meant by the concept of assimilability, and such analogy contributed little to the standard of debate, and emphasised Stuttaford's avoidance of the main contention of who was to be prevented from entering South Africa and who was not.

If it was the government's intention to limit Jewish from Germany by means of the Aliens Act then it was largely successful. Cohen argues that, prior to the Aliens Act, the Nationalist Party

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31. Cohen, 'Anti-Jewish Manifestations', p. 134.

32. H.A. Deb., vol. 28, col. 336.

had moved closer than ever towards the Greyshirts. After the enactment of the Aliens legislation of 1937 the Nationalists began using the Jewish question to an increasing extent in their political campaigns.<sup>33</sup> During the period following the passing of the Aliens Act, the most noteworthy development in the anti-Jewish movement was the increased emergence of anti-Semitism as a political issue, culminating in Eric Louw's notorious Aliens Amendment Bill of 1939.

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33. Cohen, 'Anti-Jewish Manifestations', p. 135.

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Hofmeyr described Louw's Aliens Bill as 'Nazism at its crudest',<sup>34</sup> and asked, 'Is it only coincidence that for some time past there have been unmistakable signs of Nationalist sympathy for Germany?'.<sup>35</sup> He referred to the numerous articles in praise of conditions in Nazi Germany published by the editor of Die Volksblad. He pointed to the presence of leaders of various 'shirt' movements within Nationalist ranks, quoting one such leader, Louis Weichardt,<sup>36</sup> of the Greyshirts, who had declared that, in putting forward the Bill of Eric Louw, the Nationalists had shown that the 'Jewish problem is tackled as a whole'.<sup>37</sup> Die Burger, in welcoming Weichardt, said that as the political conflict in South Africa was on the question of what sort of nation would be created, 'it is a struggle between two directly opposing ideals : on the one hand the ideals of nationalism and on the other hand the ideals of a triple alliance (driebond): imperialism, money-power, liberalism'.<sup>38</sup> Hofmeyr warned of the anti-British attitude of the Nationalists, and mentioned a widely held English view that the Nazis hoped to strike their first blow at the British Empire by creating a split in South Africa through Nazi and Nationalist activities. He also regarded as sinister the glee with which German newspapers hailed Louw's Bill.<sup>39</sup>

Paton describes Eric Louw, M.P. for Beaufort West, as 'a slight man, and a speaker of considerable ability with a sharp humourless tongue. Until it became unacceptable to do so, he referred to non-white South Africans in contemptuous terms. Above all he was master of the 'tu quoque', and developed to its perfection the argument, "You say I am bad, but I shall now prove you are bad too."'<sup>40</sup>

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34. Paton, Hofmeyr, p. 315.
35. Hofmeyr Papers, Al, Dh, Anti-Semitism and Immigration 1937-39, 'Some Features of Mr. Louw's Bill'.
36. 'A barber of German extraction who had fought for the Fatherland during the Kaiser's War'; founded the Nazi-minded Greyshirts organisation. (E.A. Walker, A History of Southern Africa, p. 656.)
37. Hofmeyr Papers, 'Some Features of Mr. Louw's Bill'.
38. Burger, quoted by Hofmeyr in 'Eric Louw's Bill', article in Hofmeyr Papers, Al, Dh, 1939.
39. Hofmeyr Papers, 'Some features of Mr. Louw's Bill'.
40. Paton, Hofmeyr, p. 314.

Die Volksblad also warned the Nationalist electorate that 'our population gain from immigration under the Aliens Act is becoming more and more one-sidedly British ... they are going to constitute more and more overwhelmingly the new comers to our country, while the cognates of the majority of our white population are systematically excluded'.<sup>43</sup> Combined with the anti-Jewish thrust of the Nationalist Opposition was this overwhelming anti-British sentiment, which together constituted the strategy adopted by the Malanites during the 1939 session of Parliament. This was anticipated by the Daily News when it declared, 'Once begin denying the rights of normal humanity to any civilised group on the grounds of race, and the end is not far distant. And as the Italians slaughtered the Abyssinians for the good of the Abyssinians, so does Mr. Louw discriminate against the Jews for their own sake, and so shall we be told at a later date that it would be an excellent thing for the British if they would restrict their numbers'.<sup>44</sup>

Anti-Semitism was one of the recurrent themes of the 1939 session. The debate on Eric Louw's Bill was discussed at intervals in the first part of the session. Thereafter, issues of anti-Semitic propaganda value were constantly raised in questions and debate. Hofmeyr reported, 'It is unnecessary, therefore, to emphasise the first-class importance of anti-Semitism in South Africa as a political issue ... Its adoption by the Nationalist Party as part of its programme has removed it from the sphere of the demagogue of the "shirt" type, and given it political respectability'.<sup>45</sup> Stuttaford's role in the 1939 session was central, because all the contentious issues raised were Interior Ministry concerns, and The Forum did not exaggerate when it commented that 'No member of the Union Cabinet had a more

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43. Volksblad, 13.12.38.

44. Daily News, 2.3.39.

45. Article by Hofmeyr entitled, 'Anti-Semitism' in Forum, 24.6.39.

difficult time during the past session of Parliament than the Minister of the Interior, round whose head has raged a storm of controversy, criticism and some applause'.<sup>46</sup> The main reasons for this were twofold, namely the amended Aliens Bill and the interim Asiatic legislation. The latter forms the subject of chapter five.

Louw, in moving his Bill made an excellent case for restricting the immigration of Jews. His speech was well prepared, supported by statistics, and cleverly argued. Morris Kentridge, however, recounts in his autobiography that Louw's many quotations were shown to be incorrect, inaccurate and distorted.<sup>47</sup> Despite this claim Louw's Bill was not systematically and effectively destroyed, but instead, both Stuttaford and Hofmeyr replied with feeble and horrified reproach at Louw's flank attack on democracy, ignoring the real issues that Louw had raised. The Forum was particularly harsh in its criticism of Hofmeyr: 'Anyone not acquainted with Mr. Hofmeyr's politics might have been forgiven for concluding that he was at heart on Mr. Louw's side'.<sup>48</sup> He was less powerful in debate on this occasion than he was in his critique of Louw's Bill to be found among his political papers.<sup>49</sup>

In moving his amendment to kill this Bill, Stuttaford resorted to his old tactics, sardonically thanking Louw for stating so clearly and effectively, and 'in such an extensive way' the case against the Jews:<sup>50</sup> 'When I read the Bill I appreciated ... that it is racial in the extreme and reactionary, and it had the musty smell of ... the middle ages'. His reply to Louw was reminiscent of his performance in 1937, pledging 'that this country [South Africa] is going to maintain its democratic principles and its ideals of freedom and justice, and nothing is

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46. Forum, 10.6.39, p. 3.

47. M. Kentridge, I Recall (Johannesburg, 1959), pp. 272-275.

48. Forum, 'An Authoritative view of Anti-Semitism', 18.3.39, p.32.

49. Hofmeyr Papers, 'Some Features of Mr. Louw's Bill'.

50. H.A. Deb., vol. 33, col. 825 et seq., 24.2.39; see F.F. van der Schyff, 'Eric H. Louw in die Suic-Afrikaanse Politiek tot 1948', pp. 435-470.

going to alter that'. Once again, in 1939, he was side-tracked from the central issue contained in this Aliens Amendment Bill into a vague discussion of democratic principles. Surprisingly, Hofmeyr followed Stuttaford's cue, also debating the concepts of freedom and democracy. He stated the reasons for his repugnance of the measure, asserting that 'if there are two things which are irreconcilable with one another then they are freedom and intolerance. The people who are free are encroaching on their right to freedom if they treat their own minorities with intolerance'. Hofmeyr, the arch antagonist of extreme Nationalist policy, was capable of systematically discrediting Louw's arguments supporting further restriction of Jewish rights, but in debate he theorised only about 'what is at the root of this proposed discrimination?', a question which had been answered by the Nationalists themselves ever since 1936.

Stuttaford did at least attempt a clause-by-clause analysis of Louw's Bill, reserving his major criticism for the envisaged restrictions on Jews already resident in South Africa under the provisions of the 1937 Law, having received the imprimatur that they could stay permanently. He likened the proposed banishment of Jews to the action of an inquisition in which the 'dice' was loaded against them. He skated round all the other clauses of the Bill, concluding that it would be remembered 'as a measure intended to attract to a party those who are prejudiced and ignorant and who have some revenge that they want to exercise on this poor Jewish race', and accused the Nationalists of creating 'racial friction with every section of the population which does not follow their narrow, sectarian opinions', whereupon he proposed his amendment 'to bury this measure'.

Kentridge draws attention to the fact that it was Dr. Colin Steyn, son of former President Steyn, who gave the only fit

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reply to Eric Louw's 'contemptible' Bill on 17 March 1939, and he quotes extensively from Steyn's speech, while ignoring those delivered by Stuttaford and Hofmeyr.<sup>51</sup> But in the final assessment of the debate on Louw's Aliens Amendment Bill, it was left to Kentridge to expose the incredibility of Louw's contentions. The English press too had some strong invective reserved for the subscribers to this Bill: 'The debate on Mr. Louw's Aliens Amendment Bill has at least served the purpose of exposing, in all its object nakedness, how attenuated is the case for anti-Semitism which now forms the major article of Republican Nationalist policy. Racial intolerance, suspicion, envy, and prejudice are ready means to influence an ignorant audience ...'.<sup>52</sup>

On 3 May 1939 Stuttaford introduced the Aliens Registration Bill to compel every alien to register. Kentridge considers that this measure interfered with the freedom of the individual, and advised, in the Second Reading of the Bill, that 'Anyone who is concerned with the freedom of the individual must view a measure of this kind with very considerable misgiving, and must satisfy himself to what extent the measure is necessary'.<sup>53</sup>

Stuttaford, in presenting his new Registration Bill, assured Members of the House that the Bill had not been introduced because of the 'unsettled conditions in Europe', but that such legislation had been deemed necessary by the government since 1936 in order to check illegal entry of aliens into South Africa from Angola, Bechuanaland, Southern Rhodesia and Mocambique.<sup>54</sup> It was over the definition of an 'alien' that Stuttaford came into conflict with the Dominionites, who viewed it as a breach of Commonwealth agreements. Stuttaford defined an alien as one 'who is not a natural born British subject. Those aliens who have either in England or elsewhere acquired British nationality for our purposes are still considered to be aliens'. Stuttaford

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51. Kentridge, *I Recall*, pp. 271-272.

52. *Forum*, 4.3.39, p. 1.

53. *H.A. Deb.*, vol. 34, cols. 3967-3971, 3.5.39.

54. *Ibid.*, col. 3953 et seq.

the provisos which would require enormous administration. It is evident from Stuttaford's apologetic justification of the Bill that he did not expect such favourable response.<sup>55</sup> It was Kentridge who provided a more positive justification of the measure: '... there are tangible reasons why those who stand for individual freedom must accept an infringement of that freedom because of the dangers we may be subject to in this country as a result of the subversive measures which are being carried out by aliens, whether they be Nazis or Communists'.<sup>56</sup> Kentridge was, however, one of those Members who chided Stuttaford for his definition of an alien declaring, 'to provide in the Bill that a British subject by naturalisation shall be regarded as an alien is in itself a breach of the arrangements that we have with the Commonwealth of Nations ...'. Morris Alexander's reception of the Bill was the same, though he offered Stuttaford some praise in the form of a compliment: 'The necessity for the measure which has been so aptly proved by the Minister in his speech is evident...', and confirmed his support by concluding that 'One has to say on the whole that this Bill aims at getting rid of certain danger to the body politic and it is doing that in as fair a way as possible. If it imposes a certain hardship on some people whom you don't intend to get at, that may be unavoidable.'

Stuttaford rejected the allegation that his Bill was the result of Nationalist pressure, assuring the House that his Bill had been on the cards for some time before Louw's Bill was published. In replying to Kentridge's speech, Stuttaford propounded his concept of freedom. He believed that freedom without 'discipline' was nothing more than licence, and protested: 'I am heartily in favour of freedom, but I particularly object to licence.' Dealing with Dr. van der Merwe's (Member for Winburg) recommendation 'that all British subjects had to be registered', Stuttaford drew

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55. Vide H.A. Deb., vol. 34, col. 3968.

56. Ibid., col. 3969 et seq.

attention to the partnership basis of the Commonwealth, reminding Nationalists 'that Australians and Canadians and people born in England ... are partners in the Commonwealth', and reproaching them - 'do those members opposite treat their partners in exactly the same way as they treat strangers?'. This statement was not made purely to placate the Dominionite attack of the alien's definition clause; it was at the heart of Stuttaford's political philosophy of extended co-operation within the Commonwealth, something which he had always maintained, and a position from which he had fought the 1938 election in his own constituency of Claremont.

In view of the support given to his Bill Stuttaford was foolish to destroy that confidence which his measure had obviously won, by introducing a 'deportation' clause 'extending the provisions of the Bill relating to the deportation of aliens for offences under the Bill to the deportation of aliens whose presence in the Union is considered harmful to the welfare of the state'.<sup>57</sup> Stuttaford's justification for what Eric Louw called a 'police measure' was that he, Stuttaford, as Minister of the Interior, had no power to deport an alien unless or until that alien had committed some crime. He appealed: 'Now I think everybody will agree that it is very much better to be able to deport such a person before he has done any damage, rather than wait until the damage is done'. Eric Louw suggested that this addition to the Bill may be 'a pre-war measure for deporting persons who would be probable enemy subjects...', but nevertheless entirely supported the need for such extra powers. He proposed an amendment which was to turn the debate into a heated political row. He moved that the deportation of aliens be extended to include 'persons, not being Union nationals'. In view of the definition of 'alien' as used in the Aliens Bill of 1937, and which had been used by Stuttaford in his new Registration Bill,

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57. Ibid., vol. 35, col. 5009 et seq., 22.5.39.

this amendment was aimed at British subjects. Both this amendment and Stuttaford's additional deportation clause met with vigorous opposition. Mr. M.J. van den Berg declared that Stuttaford's clause places too much power in the hands of the Minister of the Interior, accusing him of having 'Communist or Fascist fever on his brain, and it looks as if he is thinking, possibly making Communist or Fascist or similar propaganda'.

Stuttaford accepted Eric Louw's amendment and subsequently rejected it. It is evident that he had not realized the intention of the Nationalist amendment, but after Marwick and other Dominionites had exposed the Nationalist attempt to include British subjects under the deportation clause, he immediately fought such a proposal. Obviously his wariness of the Nationalists' strategy had been allayed by their surprising concurrence in his proposed legislation, but once exposed, he again showed his allegiance to the concept of Empire and he declared, 'certainly one of the greatest bulwarks of peace in the world is the British Commonwealth'. If anti-Semitism was the special political preoccupation behind the Louw Bill, then it was the second prong of the Nationalist attack - anti-British sentiment - that forced its way through Stuttaford's deportation clause in May 1939. He withdrew this contentious clause.

Opinion in the English press was unanimous on Stuttaford's wisdom in withdrawing the deportation clause, but the Sunday Express drew attention to the Minister's promise to introduce a new Bill the following year to deal with the deportation of British subjects, and expressed the hope that 'he will be more alert to its dangerous implications than he was when he so foolishly accepted Mr. Louw's amendment. After all, a reversal of Governments one of these days might mean that the powers of deportation

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which Mr. Stuttaford is so light-heartedly enacting would be ruthlessly used to deport liberals who opposed Nationalism and Nazism'.<sup>58</sup> Afrikaans sentiment, however, reflected no such general satisfaction over the withdrawal of the clause. In a leader on the subject, Die Suiders declared that it was unfortunate that Louw's amendment was first accepted and then rejected, thus giving the Nationalists a chance to accuse the government of imperialistic leanings.<sup>59</sup> Die Burger regarded the episode as yet another proof of the domination of the United Party by the imperialist members, and looked upon the excuses offered by Stuttaford for the withdrawal of the amendment as 'farfical pretexts'.<sup>60</sup> Die Transvaler accused the government of weakly retreating, and claimed that Stuttaford's promise of firm legislation the following year was nothing but an 'elaborate smoke screen'.<sup>61</sup>

The government was divided on most issues and this was as true in the case of the Asiatic question as anywhere. This once again brought Stuttaford into the centre of a political storm which ended in the resignation of two of the most notable liberals from the United Party, Hofmeyr and Blackwell.

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58. Sunday Express, 9.6.39.

59. Suiders, translated in Forum, 10.6.39.

60. Burger, translated in Forum, 10.6.39.

61. Transvaler, translated in Forum, 10.6.39.

CHAPTER VTHE ANTHEM QUESTION 1938.

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There was virtually no likelihood that Hertzog and Smuts would lose the general election of 1938, but cracks had started to appear in the United Party. Of the 150 seats in the House of Assembly, the United Party won 111,<sup>1</sup> and there was a feeling of optimism at the outcome. Smuts told Philip Kerr that 'the feeling especially in English speaking centres has been exceptionally fine, and I almost feel as if we are at last through our racial troubles .. I am hopeful that ..... we shall see real national fusion, and the new South African nation slowly taking shape'.<sup>2</sup>

Smuts regarded this electoral victory as particularly significant for the British Commonwealth, and it was South Africa's role within that body of co-operating nations that had aroused his determination to make fusion work. The overwhelming mandate given by the electorate to the United Party Government in 1938 provided Smuts with a new confidence. He told Kerr: 'I should say that on the whole South Africa is probably the best co-operating member of the Commonwealth today except Great Britain herself'.<sup>3</sup> It is evident that the election result was welcomed no less in Britain where it was regarded as a 'triumph over the forces of racialism, narrow republicanism, anti-semitism and anti-black which ..... was largely the stock-in-trade of the other side [Justified Nationalists]'.<sup>4</sup>

Stuttaford's reappointment to the Cabinet in 1938 had by no means been assured. In fact, the political gossip had suggested that he would be dropped to make room for Claude Sturrock, engineer

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1. The result of the general election of May 1938 was as follows:- United Party = 111, Nationalist Party = 27, Dominion Party = 8, Labour Party = 3, Independent = 1.
  2. Lothian Papers, GD 40, 17/367, Smuts to Kerr, 20.5.38 (Scottish Records Office, Edinburgh).
  3. Ibid.
  4. Ibid., Kerr to Smuts, 2.6.38.

turned businessman and financial authority, who had previously been Minister without portfolio. It was contended that Stuttaford did not enjoy robust health and that his retirement was imminent.<sup>5</sup> This conjecture was not without foundation. In April 1938 Stuttaford had informed Smuts that he was willing to withdraw from the Cabinet in the interests of the United Party Government's programme.<sup>6</sup> By retaining Stuttaford in the new Cabinet, however, Hertzog was avoiding a controversial appointment, and he was satisfying the Cape electorate in the composition of the executive. Stuttaford had not identified himself so vigorously with the small liberal wing of the United party led by Hofmeyr to upset the balance within the Cabinet and threaten the Hertzog wing, but his acknowledged liberal sympathies would on the other hand placate the Cape liberal voters. Hertzog underestimated Stuttaford's strong convictions, especially his sentimental attachment to the British Empire.

Hofmeyr and other Smuts men, Stuttaford among them, had not always found it easy to accept the standpoint of some Hertzogites on matters concerning the black population groups, and the views of the small liberal wing of the United party were anathema to some of their colleagues. The relations between Hertzog and Smuts were also strained a good deal of the time. At the beginning of 1938, for instance, Hertzog suggested that as a beginning, "Die Stem van Suid-Afrika" would be played after "God save the King" at the next opening of parliament. The anthem question was a major issue during the election campaign from March to May 1938, and it was largely a sentimental question: To the English-speaking section of the United party, especially those of British origin, "God save the King" was an expression of loyalty to Britain and reaffirmed the British connection with South Africa; to Afrikaners, especially the ex-Republicans of the Orange Free State and the Transvaal, "The

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5. *Forum*, 27.6.38, p. 5.

6. *Smuts Papers*, vol. 57, No. 45, Stuttaford to Smuts, 21.4.38.

"King" was proof that South Africa was not yet a sovereign independent state, in spite of the Balfour Declaration of 1926, the Statute of Westminster of 1931 and the Status Act of 1934.

Heaton Nicholls observes that Hertzog's decision to allow the playing of "Die Stem" for the first time at the opening of Parliament in February 1938 shows his placation of the growing Afrikaner nationalist movement. He asserts that 'Hertzog maintained that in putting "Die Stem" on the programme he was primarily concerned with forestalling the pressure from the Republicans to have "The King" abolished and was also trying out "Die Stem" to see whether it would prove as acceptable to the Transvalers as it was to the Cape'.<sup>7</sup> It has been argued that whatever Hertzog's motives were in fostering the recognition of "Die Stem" as a national anthem for South Africa, such a move was bound to create tensions in a party which had among its supporters both English- and Afrikaans-speaking South Africans.<sup>8</sup>

On 11th February 1938, Sir Patrick Duncan opened the sixth session of the Union's seventh Parliament in his capacity as Governor-General. During the ceremony "God Save the King" was played three times, as was customary, but for the first time "Die Stem van Suid-Afrika" was played at the conclusion of the Governor-General's speech. Hertzog explained in Parliament that certain representations had been made to him to include "Die Stem" in the opening of Parliament ceremony, and that he had agreed to this suggestion 'after consultation with certain of my colleagues'.<sup>9</sup> It appears that he did not consult the whole cabinet.

The Dominion Party raised the strongest objections. In reply to a question from Col. C.F. Stallard, leader of the Dominion Party, on 15th February 1938 Hertzog went further, and stated that while "God Save the King" was not South Africa's national anthem

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7. G.H. Nicholls, South Africa in My Time (London, 1961) p. 334.

8. R. Levitt, 'The Fusion Government Crises of 1938, with special reference to the Fourie affair' (unpublished B.A. honours thesis, University of Cape Town, 1971), p. 12.

9. H.A. Deb., vol. 31, col. 294.

"Die Stem" might become that. Hertzog said that South Africa had no legally or officially recognised national anthem, and he declared that "The King" was regarded in the Union 'as a solemn invocation to the Almighty for His protection to our King'.<sup>10</sup> Hertzog emphasised that "Die Stem", however, had become accepted by Afrikaners as their national anthem and as the only South African anthem entitled to recognition as the national anthem of the Union.<sup>11</sup> This statement caused a political row among the members of his own party. Even the judicious Patrick Duncan recorded in his notebook that 'the result of the Prime Minister's reply to Col. Stallard was an explosion among the English-speaking members worked up by angry letters from constituents. They in turn put pressure on Ministers and especially General Smuts as the old leader of the South African Party. For a few days the party was on the verge of a break. An explanation by the Prime Minister in the House enabled them to stage a detente but the thing has left a crack in the Fusion building which its opponents will do their best to widen in the election campaign'.<sup>12</sup> Hertzog's explanation seems to be the result of a deputation led by Heaton Nicholls and Leslie Blackwell to the Prime Minister a few days later, in which Hertzog made it clear that the introduction of "Die Stem" was to be complementary to "The King".<sup>13</sup> Thereupon the United Party deputation issued a statement to the press that the position of "The King" was secure and that it would not be superseded, but only complemented by "Die Stem van Suid-Afrika".<sup>14</sup>

During the general election of 1938 the 'anthem question' became allied with the 'republican issue' at campaign meetings. Smuts, electioneering mainly in the Transvaal and the Eastern Cape, made every effort to reassure the electorate that "The King" would remain the national anthem of South Africa and that "Die Stem" would

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10. *Ibid.*, col. 293.

11. *Ibid.*

12. *Duncan Papers, I c 15 c, Notebook on Political Topics, April 1937 - November 1939, 27.3.38 (J.W. Jagger Library, U.C.T.)*.

13. L. Blackwell, *Farewell to Parliament* (Pietermaritzburg, 1946), p. 9.

14. *Rand Daily Mail*, 22.2.38.

be complementary to it. He tried to smooth over the cracks: 'Why should we not have a second anthem? We have two legs, two races, two national flags. It does nobody any harm, and it satisfies both sections of our people'.<sup>15</sup> For the most part the Smuts Wing of the Fusion Party followed their leader, and on the anthem question addressed their meetings along similar lines.<sup>16</sup>

Stuttaford fought a bitter campaign against the Dominionites in Claremont. It was the first time since 1924 that the Claremont seat had been contested. The anthem issue was one of the major planks of Stuttaford's election platform, and he echoed Smuts's declaration that "The King" was the national anthem of South Africa and would remain so forever.<sup>17</sup> The Dominion Party resurrected the 'status controversy' in the election campaign in Claremont, declaring that the United Party was 'fast going over to a republic' and rejecting the concept of British nationality. Stuttaford vehemently denied such an attack, declaring that in the United Party 'There was no intention whatever of South Africans in any way derogating from their position as members of the British Empire .....'.<sup>18</sup> Hertzog did not speak with the same voice, though he was accused by D.F. Malan of making "Die Stem" the tail of "God Save the King".<sup>19</sup> The result of the election was an overwhelming victory for the United South African National Party. Despite the 111 seats taken, however, Malan's Gesuiwerde Nasionale Party gained thirty per cent of the total votes cast, and nearly half the Afrikaans-speaking population had voted Nationalist.<sup>20</sup> Malan's republican propaganda had achieved considerable success.

On Union Day, 31st May, 1938, a number of military parades were held in the main centres throughout South Africa. The principal parade was held at Robert's Heights, the headquarters of the

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15. Star, 13.4.38.

16. Blackwell, Farewell to Parliament, p. 14.

17. Cape Times, 4.5.38.

18. Ibid., 9.2.38.

19. Rand Daily Mail, 3.5.38.

20. New Statesman and Nation, vol. 15, June 1938, p. 1020.

South African Defence Force, and was attended by General Hertzog and the Minister of Defence, Oswald Pirow. There were two flag poles, one flying the Union Jack and the other the Union Flag. Prior to the start of the parade, an officer was seen to remove the Union Jack. During the parade itself "Die Stem" was played, while "The King" was omitted. At a number of other military parades, including those in Johannesburg and Cape Town, "The King" was not played. A wave of indignation swept through the English-speaking section of the population at these events. These occurrences came to be known as the Union Day Incident, and coming a mere two weeks after the general election placed a further severe strain on the fragile unity of the Fusion Government.<sup>21</sup> Many considered that the election promises were being flouted. In the Cape Peninsula feeling ran high and G. Brand van Zyl in a telegram to Pirow reminded the Minister of Defence of the promises made to the English-speaking electorate regarding the anthem issue, and appealed for some placatory measures to restore Cape Peninsula voters' confidence in the government. He warned of a strong movement to persuade the Mayor of Cape Town to call a public protest meeting, and recommended that the government should prevent such a meeting by moving first.<sup>22</sup>

Stuttaford became the centre of the storm when he resigned his position as Minister of the Interior on 1st June 1938. Though Stuttaford declares that it was after 'due consideration' that he decided to resign, it seems clear from the brevity of his letter of resignation to the Prime Minister and from the speed with which he withdrew it the following day, that it had been a hasty and ill-considered move, prompted by an intense indignation at the absence of respect on the part of the Prime Minister for a deep matter of sentimental attachment of English-speaking South Africans to the Commonwealth.

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21. R. Levitt, 'Crises of 1938', p. 18.

22. Smuts Papers, vol. 126, no. 22, 1.6.38.

the election instead of a fortnight after, the result would have been very different. As it is it produced a Cabinet crisis in which a split was only with the greatest difficulty avoided and it has left them in a state of feeling which if it is cleverly exploited by their opponents in parliament may easily break them'.<sup>30</sup> Paton suggests that 'Hofmeyr had no real interest in these matters, and could even watch them with amusement, especially when Hertzog in caucus, having returned to his pugnacious self, sturdily rebuked those English-speaking members who had protested against the Union Day incidents'.<sup>31</sup> Paton clearly states Hofmeyr's position on the Anthem issue when he concludes that Hofmeyr was not one of those who believed that the United Party was on the point of breaking up over the anthem issue.<sup>32</sup> Smuts chose to treat the affair as an accident, but a serious one. 'These mistakes [he wrote to F.F.C. Lane] are heartbreaking, and I sit with the broken crockery, even if not with a broken heart. We must endeavour to carry on, but frankly I find it often most trying to work with my old hot friends. They are more influenced by fear of Dr. Malan than of God'.<sup>33</sup> Smuts could nevertheless see the wider implications of the anthem issue, namely Hertzog's bowing to the pressures of Afrikaner nationalism.

The general public seemed well aware of the jittery state of the Cabinet, and the press was filled with reports on the crisis: 'The Union Day incident produced a political crisis, lost the Government a provincial by-election and for a moment seemed to threaten the whole structure of unity and goodwill so laboriously built up during the last five years and so strikingly and trustingly endorsed by the electorate only a fortnight previously'.<sup>34</sup> On 1st June, at the Provincial Council by-election in Turrifontein, considered a safe

30. Duncan Papers, I C 15c, Notebook, 21.6.38.

31. Paton, Hofmeyr, p. 284.

32. Bellwood claims, however, that Hofmeyr threatened resignation over the anthem crisis (V.A. Bellwood, South African Backdrop (Cape Town, 1969), p. 37).

33. Smuts Papers, vol. 57, no. 148, Smuts to F.F.C. Lane, 11.7.38.

34. Star, 22.6.38 quoted in Levitt, 'Crises in 1938', p. 19.

United Party seat, the Labour Party candidate was elected with a majority of over five hundred.<sup>35</sup> The defeat of the United Party candidate was directly attributed to the indignation of the voters over the Union Day Incident.<sup>36</sup> Eaton lays the blame for the division in the Cabinet on Hertzog, alleging that 'Hertzog seemed indifferent to the crises he provoked whether by action or by intemperate words. He would plunge the Party into a crisis, and Smuts, without appearing to be too important, would have to get it out again'.<sup>37</sup> It is little wonder that Smuts turned down the invitations he was receiving at the time to visit Europe, stating: 'If I leave this show it may collapse with far-reaching results'.<sup>38</sup> The cracks were papered over on 21st June 1938 when, as a result of Cabinet discussions, a statement on the arthen question was issued from the Prime Minister's Office:

'As far as the legal and constitutional aspects of the matter are concerned, the Cabinet has affirmed the position as stated by the Prime Minister during the last session of Parliament. It follows therefore that there is at present no official national anthem for the Union. Until such a time as the people of South Africa have agreed as to the recognition of an appropriate anthem, the Government has decided that as a matter of procedure, on all formal occasions under Government auspices, when either "God Save the King" or "Die Stem van Suid-Afrika" is played, the other will also be played. In practice, such occasions will be limited to those appropriate to the playing of both, having regard to their character as defined by the Prime Minister in his statement above referred to'.<sup>39</sup>

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35. E.A. Walker, A History of Southern Africa, p. 676-677.

36. Levitt, 'Crises of 1936', p. 18.

37. Eaton, Hofmeyr, p. 285.

38. Hancock, Smuts, vol. 2, p. 294.

39. Smuts Papers, vol. 126, no. 25, 2.6.38.

Stuttaford had not attended the emergency Cabinet meetings, but Smuts kept him informed of the deliberations. Smuts seems to have been anxious to retain Stuttaford in the Interior portfolio, and as soon as the Prime Minister's statement on the Anthem dispute was issued, Stuttaford signed a letter addressed to Hertzog withdrawing his resignation, which had been drafted by Smuts on his behalf. The letter reads: 'General Smuts has told me of the decision come to by the Cabinet in regard to the question of "God save the King" and "Die Stem van Suid-Afrika", and of the subsequent discussion in regard to myself. In view of this I wish to say that I would be willing to withdraw the resignation which I tendered to you yesterday'.<sup>40</sup> Smuts's mediation in this dispute corroborates Pator's thesis that Smuts was cast in the role of pacifier during the crises of fusion. It is evident that Smuts had placed Stuttaford's case to Hertzog and the result was the Prime Minister's reply to Stuttaford: 'General Smuts has just handed to me your note in which you say that you would be willing to withdraw your resignation. Let me assure you that I am glad to learn this and to say that I shall be glad if you would destroy my note of today in which I accepted your resignation, and that I shall look upon what has happened as not having taken place at all'.<sup>41</sup>

These letters provide some valuable insight into the extent of Smuts's influence over Stuttaford, and were important, his ability to mollify the Prime Minister, and in so doing maintain the support of the Smuts wing of the Cabinet. It seems clear too that it was on Smuts's insistence that Stuttaford agreed to withdraw his resignation after assurance had been given that "The King" would receive equal recognition with "Die Stem".

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40. Stuttaford Political Papers, Stuttaford to Hertzog, 2.6.38.

41. *Ibid.*, Hertzog to Stuttaford, 2.6.38.

Hertzog found himself with an extra Cabinet minister on his hands, as a result of having invited Lawrence to join the Cabinet. The Cabinet was re-formed to include both Stuttaford and Lawrence, who took Fourie's place in the Cabinet, the portfolio of Commerce and Industries.

Stuttaford had been pressed to accept the official statement on the status of "The King", but the English-speaking section of the population and the press were by no means satisfied with this statement. It did not satisfactorily explain the incidents of Union Day, but 'was rather a re-statement of an accepted position'.<sup>42</sup> The Opposition newspapers exploited the breach, and Die Burger's editorial of 3rd June 1938 read:

'Fusion Ministers were yesterday engaged in plastering up the crack in their jerry-built edifice - a crack so wide that Mr. Stuttaford stepped through it and threatened to bring down the whole crazy structure ...

Those with ears to hear and eyes to see must realise that there is actually no such thing as Fusion. The ruling party in South Africa is one which has been artificially propped together'.<sup>43</sup>

Once again it was left to Smuts to calm the political agitation. He made a statement on the issue which appeared in the press on 4th June. Smuts declared:

'The position as regards the hoisting of the flag at Cape Town is that the Commanding officer could, at his discretion, have flown both flags and, in fact, was authorised by telegram to do so but the telegram was not received by him in time.

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42. Levitt, 'Crises of 1938', p. 20

43. Cape Times, 4.6.38 quoting Die Burger, 3.6.38.

As regards "God Save the King" in terms of the King's Regulations it would not have been proper to play it as part of the ceremonial'.<sup>44</sup>

On 6th June Lawrence, on returning from seeing the Prime Minister in Pretoria, also issued a statement to the press. He stressed that "The King" had been omitted because it was contrary to military regulations to play it when the King or his representative was not present. The whole affair, he declared, was a 'regrettable blunder'.<sup>45</sup> Despite this acknowledgement by Lawrence, Hertzog emphatically denied that 'anything wrong, either in connection with the not hoisting of the Union Jack or with the not playing of "God Save the King" took place on that occasion'.<sup>46</sup> A protest meeting was held at the City Hall in Cape Town, attended by 2 500 people. The meeting passed a number of resolutions expressing its disapproval of the government's handling of the issue.<sup>47</sup>

Stuttaford's action was harshly criticised by the Afrikaner wing of the United Party. A typical reaction was that of Mr. U.L.W. Pienaar, chairman of the Krugersdorp Council of the United Party who complained to Oswald Pirow that .....

' baie van ons Afrikaenssprekendes in die Party uiters teleurgesteld is met die houding wat Minister Stuttaford ingesien het tydens die krisis in die Kabinet.

As 'n persoon in so 'n hooggeplaaste posisie soumer bedank en sekere nense lawaai maak oor voorvalle

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44. Cape Times, 4.6.38 quoted in Levitt, 'Crises of 1938', p. 20.

45. Smuts Papers, vol. 126, no. 33, Lawrence to the Press, 6.6.38.

46. Ibid., no. 33, Hertzog to James Thompson, secretary of the Cape Peninsula Council of the United Party, 9.6.38.

47. Ibid., no. 29, Mayor of Cape Town to Prime Minister, 4.6.38.

aan wie die Besonderhede nog nie eens bekend was nie; en hy self nie eens 'n bietjie help bydra om sy kollegas te ondersteun om die saak op te los nie, dan is hy om die minste te sê, baie swak; en sal in alle geval baie van ons se vertroue nie meer geniet nie.

Dink hy nie daaroor dat duisende van ons Afrikaanssprekendes ons gevoel van Republikeinisme op die agtergrond, ter wille van ons mede Engelssprekendes en vir samewerking, geplaas het nie.....' <sup>48</sup>

On 13th June, the Executive of the United Party met to discuss the implications of the Union Day Incident. Blackwell moved a resolution to the effect that the question of the national anthem should be clarified and resolved on a basis which respected the sentiments of both races. This resolution was endorsed by the Witwatersrand General Council of the United Party. <sup>49</sup>

Blackwell claims that before Parliament met on 22nd July, he had talks with Smuts, Hofmeyr and Sturrock, the Minister without portfolio, and that he gathered from these discussions 'that relations in the Cabinet between the ex-South African Party and the ex-Nationalists had virtually reached breaking point'. <sup>50</sup>

The first session of the 8th Union Parliament opened on 22nd July. The anthem question featured very prominently on the order paper of the day. Notice of a motion by Dr. Helen called for 'one single purely South African and officially recognised national anthem', and a motion by J.S. Merwick, spokesman of the Dominion Party, demanded recognition of "God Save the King" as the official national anthem of the Union. On the 25th July the caucus of the United Party met and issued a statement to the effect that it stood

48. Ibid., no. 35, U. Dienaar to Lirow, 7.6.38.

49. Blackwell, Forewell to Parliament, p. 24.

50. Ibid., p. 24.

by the government's statement of June 2nd. The caucus was unanimous on the principle of equality for the two anthems, but complete agreement could not be reached on the stricture that 'there is at present no official anthem for the Union'. When the Prime Minister's resolution was put to the vote Blackwell was the only one to record his dissent. The following day Hertzog asked parliament to endorse the Cabinet's anthem statement. The anthem question was hotly debated in parliament for a number of days, but Blackwell remained obstinate that he could not vote for the Prime Minister's resolution. He objected to the part of the statement which declared that "The King" was not an official anthem of the Union.<sup>51</sup> Eventually it was agreed that Blackwell should abstain from voting on this resolution, but that once parliament had voted on the Prime Minister's amendment, he would abide by the decision of parliament.<sup>52</sup> Blackwell was warned that if he persisted in his attitude he might be responsible for the break-up of fusion and that, in view of the critical European situation, he should not jeopardise unity in South Africa.<sup>53</sup> The Hertzog-Blackwell disagreement featured prominently in the press and it was not without a great deal of difficulty that a compromise was reached.<sup>54</sup>

During the lengthy debate Pirow declared himself entirely responsible for the Union Day Incident.<sup>55</sup> The United Party Members of Parliament, while admitting that the Union Day Incident almost caused a break-up of the party, made much of the fact that in future both "Die Stem" and "The King" were assured of equal recognition.<sup>56</sup> All declared their intention to promote national unity, and Smuts appealed to both sections of the electorate to accept the compromise which the government had arrived at on 2nd June.<sup>57</sup> Smuts was pleading for the middle course as he had been since coalition and before. He was convinced that it was

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51. H.A. Deb., vol. 32, col. 349.

52. Levitt, 'Crises of 1938', p. 23.

53. Blackwell, Farewell to Parliament, p. 30.

54. Levitt, 'Crises of 1938', p. 23.

55. Vide H.A. Deb., vol. 32, cols. 359-365.

56. H.A. Deb., vol. 32, Nicholls, col. 651.

57. Ibid., Smuts, col. 851.

only compromise that would keep the United Party together. On 26th August the House of Assembly passed Hertzog's amendment by seventy-one votes to thirty-two. There is little doubt that a split in the United Party had been narrowly averted.

Stuttaford must take considerable blame for precipitating this irreconcilable division within the Cabinet which persisted until the final collapse of fusion over the war issue in September 1939. Duncan's final word on the Union Day Incident is an assessment of Hertzog's standpoint. He recorded in his notebook: 'So General Hertzog this idea that "The King" is our national anthem is merely provocative, and he does not always realise that a United Party if it is to continue to represent both races and to be based on the idea of unity must be ready to make accommodations in matters of sentiment on both sides and prevent them from coming to an open clash'.<sup>58</sup>

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58. Duncan Papers, I C 15c, Notebook, 14.7.38.

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Another serious schism in the Cabinet resulted from Hertzog's determination to find a place for A.J.F. Fourie in the Cabinet, despite his defeat at Gordonia in the May election. In the words of Hancock: 'Hertzog when he took his stand on principle - no matter whether he was right or wrong - sometimes came close to greatness. At other times he treated trivial matters as questions of principle'. He then hints at the inevitability of a clash between Hertzog and Hofmeyr, when he recalls Smuts's assessment that Hofmeyr was liable to fall into the same error.<sup>59</sup> Hertzog wanted Fourie in the Cabinet, but no seat could be found for him in the Assembly. Hofmeyr came into conflict with the Prime Minister over the nomination of Fourie as one of those Senators having 'a thorough acquaintance with the reasonable wants and wishes of the Coloured races'.<sup>60</sup> This offered the only way that Hertzog could find of manoeuvring Fourie back into parliament and thereby keeping him in the government. Hofmeyr did not consider that Fourie had the required qualifications and resigned from the cabinet: the issue was, he stated, whether 'we are going to allow the non-Europeans to be made pawns in the white man's political game'.<sup>61</sup> Eric Walker suggests that Hertzog 'was determined to have Fourie in the ministry ..... perhaps to strengthen the Afrikaner element in the cabinet, perhaps lest Fourie, who had at one time opposed Coalition strongly might gravitate towards Malan and draw others after him'.<sup>62</sup> Hertzog's appointment of Fourie was also controversial because not all the Cabinet Ministers were consulted. A few days after Hofmeyr's resignation his fellow-Transvaler, Sturrock, took the same stand. Both men remained members of the caucus and the party. Deneys Reitz and Henry Fagan shared Hofmeyr's late offices between them,

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59. Hancock, Smuts, Vol. 2, p. 297.

60. This category was defined in the constitution, South Africa Act, Section 24.

61. Luton, Hofmeyr, p. 286.

62. Walker, History of Southern Africa, p. 677.

Col. William Collins relieved Reitz of Agriculture and Robert Henderson, sole representative in the cabinet of the Rand, succeeded Sturrock as Minister without portfolio. Stuttaford remained Minister of the Interior. Meanwhile Senator Fourie was sworn in as Minister of Commerce and Industries, and within a week the anger of its supporters had lost the United Party four Provincial by-elections in the Transvaal to Labour and the Nationalists.

Patrick Duncan provides two postulates about Hertzog's motives regarding Fourie's appointment. 'In the first place', he argues, 'he [Hertzog] is constitutionally intolerant of criticism or opposition and the idea that Fourie's defeat was not unwelcome to a certain section of his party was quite enough to make him determined to show them that he was master in the house. Secondly, Hofmeyr has for some time jarred on the Prime Minister by his attitude on questions affecting the natives and coloured peoples'.<sup>63</sup> Hofmeyr declared to a full House of Assembly on 9th September 1938 that he questioned Fourie's 'thorough acquaintance', and he considered 'it [Fourie's appointment] as nothing less than a prostitution of the constitution that that provision [South Africa Act, Section 24] should be used to assist the Government out of a temporary political difficulty .....'<sup>64</sup> Hertzog declared that it was not necessary for Hofmeyr to leave the Cabinet: '.... he could have remained in it - but owing to his own obstinacy, or because of his deep respect for principles - which I am prepared to assume in this case, he wants to say that I and the whole Cabinet should have yielded to him. He wants us to respect his obstinacy ..... It was at his own wish that he has left the Cabinet .....'. Smuts did not think

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63. Duncan Papers, I C 15c, Notebook, 9.9.38.

64. H.A. Deb., vol. 32, col. 2465 et seq.

CHAPTER VITHE INDIANS 1937 - 1939.

In May 1939 Hofmeyr and Blackwell were expelled from the United Party caucus because of their opposition to Stuttaford's Bill restricting Asiatics from buying land except in defined Indian areas. Certainly, the Forum did not overstate Stuttaford's position when it observed: 'No member of the Union Cabinet has had a more difficult time during the past session of Parliament than the Minister of the Interior, round whose head has raged a storm of controversy, criticism and some applause'.<sup>1</sup> Stuttaford's handling of Asiatic and Coloured affairs was extremely controversial, and he continually came into conflict with Hofmeyr. It was not so much that their views were at variance, but rather the question in each case as to whether he was willing to stand by a majority cabinet decision even if it compromised a principle. Hofmeyr seemed far more committed to principles than Stuttaford, but the latter was committed to fusion.

The 1939 Parliamentary session began with a debate on the threatening international situation, and tensions were heightened at the beginning of March when Hitler marched into Czechoslovakia and the war clouds began to gather in earnest. This immediately gave fresh point to arguments in which the essential factor was whether, in the event of war, South Africa should stand with Britain and the Commonwealth or remain neutral. The Malanites concentrated their pressures on Hertzog and his old Nationalist followers in the United Party, challenging them to neutrality in international affairs and colour-bar politics at home. In the tense atmosphere, Dr. Malan brought this programme again before the House, calling for an effective segregation policy 'on economic,

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1. Forum, 10.6.39, p. 3.

industrial and political as well as social and residential lines' <sup>2</sup> as the cure for poor whitism and unemployment and the protection of the White race.

On March 23rd 1939, the Prime Minister replied that the government would not yield to pressure, but would stand on the traditional South African policy of keeping the Coloured population with the whites. <sup>3</sup> However, Hertzog did reiterate the claim that neither white nor Coloured desired social intercourse and that social separation was accepted by both as the settled policy of the country. He added significantly that legislation would be necessary to carry out this segregation policy. 'Local authorities are at present not equipped with proper powers to provide for the establishment of separate European and non-European townships; while servitudes on property limiting the right of occupation either to Europeans or non-Europeans have frequently been imposed, with very satisfactory results, by private owners when cutting up their estates for sale, our common law does not allow public bodies to impose such a condition. It is proposed to introduce legislation which will rectify this position'. <sup>4</sup> This legislation would empower public bodies when selling or letting land or buildings to impose conditions limiting the ownership or occupation to either European or non-European. Indeed Stuttaford already had a bill in draft which, if 75 per cent of the property owners in an area decided that they wished the area to be entirely white, the local authority would proceed to make provision accordingly - what Malan referred to as Stuttaford's 75 per cent approach.

A week later a protest march by Coloured people, carrying banners protesting against any attempt to apply the segregation policy to them, converged on Parliament. Unfortunately it sparked

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2. H.A. Deb., vol. 33, col. 2140.

3. H.A. Deb., vol. 33, col. 2228 et seq.

4. Ibid.

off a clash between the police and the Coloured people. The Nationalists made political capital out of this incident, and Malan stressed his contention that trouble between Europeans and non-Europeans was the greatest danger facing South Africa.<sup>5</sup> It is true that the demonstration had been aimed not only at the Opposition but also at the government: 'It was a meeting of protest against the segregation policy, not only against this side of the House but clearly, as appeared from the speeches, also against the segregation policy which was announced a few days ago by the Prime Minister and the Minister of the Interior', declared Malan.

Stuttaford was at the butt-end of the Nationalist attack when Malan launched his attack, alleging that 'when the segregation policy was adopted, or was brought forward by this side of the House, but especially when it was also accepted in principle by the Minister of the Interior on behalf of the Government and was agreed to, as was stated a few days ago by the Prime Minister, the Communists became more active than ever and that they are making use of the opportunity to stampede the non-Europeans against the Europeans on a large scale'. Madeley, the Leader of the Labour Party, urged Stuttaford not to be frightened into abandoning his Bill for residential segregation of the Coloured people.<sup>6</sup> Any withdrawal on that front would be interpreted as weakness and would give encouragement to more kicking over the traces. Marwick, the new Leader of the Dominion Party, felt that the government should call off all talk of Coloured segregation which was really the cause of all the trouble.<sup>7</sup> Before the end of the session a further crisis had arisen over legislation in respect of Asiatic land and trading rights in the Transvaal - the first of the 'pegging' Acts which were to bring South Africa and Smuts into the dock at the

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5. See K. Ballinger, From Union to Apartheid, A trek to Isolation (Cape Town, 1969), pp. 83-91.
  6. H.A. Deb., vol. 33, col. 2495 et seq.
  7. H.A. Deb., vol. 33, col. 2518 et seq.

United Nations. On the Witwatersrand, these rights were supposedly limited and controlled under a Gold Law dating from 1908 which denied Coloured persons rights of occupation in the declared mining areas. The law however had been widely evaded and Asians had acquired considerable vested interests in property and trading licences. Attempts had been made to regularise the position, leading in 1932 to legislation under which it was agreed that in some areas even within the range of the Gold Law vested rights should be recognised. To decide which rights should be brought within this provision the Feetham Commission was appointed. In 1935 this Commission recommended the principle of granting the right of ownership of land to Asian and Coloured persons in areas set aside for them as distinct from individual stands, but it proposed that all these adjustments should be subject to the passing of resolutions by both Houses of Parliament. All this had been embodied in legislation in 1936, but so far no resolutions to implement it had been passed by Parliament.<sup>8</sup> In the dying days of the brief post-election session of August - September 1938, Stuttaford had indeed introduced a proposition in this regard in the House of Assembly to which, he informed the House, he had the agreement of the Nationalists; but it had been hurriedly withdrawn when E.J. Schoeman, a new member of the United Party and later a Nationalist Cabinet Minister, objected to it and held his own Party to ransom. The government fell back on an extension of earlier legislation designed to hold the situation while the Commission was pursuing its enquiries.

With that interim legislation again due to expire, Stuttaford introduced the Asiatic (Transvaal Land and Trading) Bill, designed to extend the interim legislation in respect of the Gold Law areas for another two years, but it then went on to peg the position of the Asians throughout the Transvaal in respect of occupation and trading licences where hitherto no legal differentiation

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8. Background from Ballinger, From Union to Apartheid, p. 89.

on racial grounds had applied. The Bill brought the erstwhile Cabinet Minister, Hofmeyr, and the front bencher, Blackwell, into conflict with Stuttaford and ended in their expulsion from the Party caucus.

There is no doubt that Stuttaford wished to see the Feetham Commission resolutions implemented, but it is equally certain that the growing European hostility to these resolutions in the Transvaal caused Stuttaford to withdraw his proposed legislation that would have given Indians their residential and occupational rights at the end of 1938. He justified the introduction of the 1939 Asiatic Land and Trading Bill by emphasising that it was purely an interim measure.<sup>9</sup> Hofmeyr at first supported Stuttaford's Bill as an interim measure, but later in the debate, not having been given the assurances he sought from Stuttaford, Hofmeyr decided that it went too far.<sup>10</sup> Stuttaford explained that his proposed legislation aimed at 'pegging' the existing position of Asians in the Transvaal for two years in order to give the government time, after consultation with the Government of India, to frame a measure for the 'solution' of the Indian problem in South Africa. That solution was to be sought on the lines of residential separation. It was this latter intent that brought Hofmeyr into conflict with Stuttaford and his own government. Hofmeyr accepted the first part of the Bill because it was all that seemed possible at the time, but he objected to the second part because it involved potential segregation of the Asiatic population. He argued that it would prevent change of personnel and change of ownership or partnership or management. Mrs. Ballinger objected to both sections of the Bill, the first as being 'an unnecessary prolongation of an unhealthy situation and the second as prejudicing the existing rights of Asiatics outside the Gold Law area.'<sup>11</sup> Hofmeyr asked Stuttaford

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9. H.A. Deb., vol. 35, col. 4048.

10. Faton, Hofmeyr, pp. 304-305.

11. Ballinger, From Union to Apartheid, p. 90.

to grant exceptions in the spirit of the two Round Table Agreements of 1927 and 1932, but Stuttaford refused categorically to do so, causing Hofmeyr to protest that members of the United party were not robots.

Stuttaford's uncharacteristic refusal even to consider the liberal view expressed in Hofmeyr's amendment to the Bill seems to have been dictated by the growing European agitation in favour of segregation. European opinion in Natal, where the Indian population was greatest, was strongly pro-segregation. This is confirmed by the debates on the Asiatics Bill. So far as the Transvaal was concerned, its provincial council had recently passed a resolution demanding the complete segregation of Indians. This public pressure and Hertzog's eagerness to shelve the Indian question resulted in an injudicious and ill-prepared handling by Stuttaford of an issue having far-reaching repercussions in Indo-South African relations. Nationalist pressure on the United Party Government to introduce segregation legislation was an important factor in the postponement of the implementation of the Feetham resolutions. Thus it was that Malan decided to support Stuttaford's 'pegging' Bill. Encouraged by B.J. Schoeman's stand of the previous year, Malan moved to refer the Bill to a select committee with instructions to bring up a comprehensive measure dealing with residential separation of whites and non-whites, a proposition involving a wide extension of the area of segregation in terms of declared Nationalist policy. In the debates which followed on the various stages of the Bill members of the Opposition challenged the government to fulfil its promises 'to introduce segregation measures not only with regard to the Asiatics but also between Europeans and non-Europeans'.<sup>12</sup> The Nationalists gloated that 'owing to our actions we have up to the present succeeded in bringing about that even the Minister of the Interior himself is prepared, as he said,

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12. H.A. Deb., vol. 34, cols. 4055-56.

to come forward with segregation proposals which will include to a small extent residential segregation'.<sup>13</sup> They were referring to Stuttaford's 75 per cent measure, which they felt did not go far enough. This illustrates the obvious tendency on the part of the government to counter the appeal to colour-prejudice by making concessions. Of this the enactment of the Asiatics (Transvaal Land and Trading) Bill provides striking evidence.

Owing to Nationalist support for Stuttaford's Asiatic Bill, opposition to the Bill fell almost entirely on Hofmeyr and Blackwell. Blackwell wrote, '..... we opposed certain of the provisions of the Bill in the House with all the force and eloquence at our command, the more so because the official Opposition had made common cause with the Government in supporting the measure. Throughout one stormy evening session we fought Mr. Stuttaford's proposals clause by clause, and did not hesitate to divide the House upon them, though we were in a hopeless minority'.<sup>14</sup>

The clause against which the strongest criticism was directed was that which affected the right of the Transvaal Indian to trade. The clause provided that unless the Minister gave permission, no Indian could move his business to other premises nor could any new trading licence be issued to an Indian. The critics rightly pointed out that to talk of this clause as 'pegging' the position was misleading; for the Transvaal Licences Control Ordinance of 1931 provided that a new trading licence had to be taken out whenever there had been a change in personnel, management, name or nature of a business.

Nevertheless, Stuttaford refused to accept amendments which would render possible, under such circumstances (unless the change referred to was in the nature of the substitution of an

13. H.A. Deb., vol. 34, col. 4087.

14. Blackwell, Farewell to Parliament, p. 48.

Asiatic for a European), the acquisition of new licences by Indians.<sup>15</sup> Hofmeyr and Blackwell explained that, in the Smuts - Gandhi agreement of 1914, the right of certain Indians on the Witwatersrand, and their successors in title, to move their business or place of residence within the same township had been safeguarded and that this right was now taken away.

To the plea that his Bill was in conflict with the 1927 agreement, which promised that the Union Government would try to ease the position for Indians wishing to acquire trading licences, Stuttaford replied: 'It [the agreement] is the kind of windy statement so dear to the hearts of my two predecessors [Dr. D.F. Malan and Mr. J.H. Hofmeyr]. I don't mean that in any nasty sense, but I mean it in the sense that the ordinary man does not know exactly what all these words mean ..... if you ask me to give you a categorical statement that I am prepared to stand up to every line of that statement and to accept the interpretation of either of my two predecessors, I say, no, I cannot'. Stuttaford tried to defend his position by adding, 'if what that statement means is, that we are to give the Indians a fair deal provided in doing so it does not give anybody else an unfair deal, well then I am with it all the way'.<sup>16</sup> This was the style that Stuttaford adopted throughout the debate; he said nothing convincing, answered none of the criticisms made by Hofmeyr and Blackwell and by attempting to compromise and follow a middle path succeeded only in placating the Nationalists and alienating the Indian community.

The majority of the Transvaal Indian community reacted against this restriction and curtailment of their rights and seemed determined to launch a passive resistance campaign against

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15. Round Table, vol. 29, 1939, p. 868.

16. H.A. Deb., vol. 35, col. 4444.

the Act. The movement for a common non-European front, in which Asiatics and Coloured people would combine with Africans to oppose white rule in South Africa, had been markedly strengthened. In India public opinion was profoundly stirred, and relations between two governments within the British Commonwealth were severely strained over this issue.

Stuttaford's vacillation in dealing with the 'Indian problem' must account for the deteriorating relations between the Indian National Congress and the Hertzog Government. In view of certain recommendations made by the Feetham Commission the Transvaal Asiatic Land Tenure Bill had been introduced in 1936 by Hofmeyr, then Minister of the Interior. The Select Committee (consisting of representatives of all sections of the House) which examined this Bill unanimously proposed that Asians should be given the right of ownership in the areas recommended for exemption by the Commission, subject however, to the condition that the proposals for permanent exemption were approved by Parliament by means of a resolution. In August 1936, Hofmeyr promised to introduce in the following session the necessary resolutions for the exemption of areas recommended by the Commission.<sup>17</sup>

Before the meeting of Parliament in 1937, however, Hofmeyr was succeeded as Minister of the Interior by Stuttaford. Unfortunately, owing to a severe illness in February 1937, Stuttaford proceeded on leave to South America to recuperate. In his reply to representations made to him by the Indian Congress in February 1937, Hofmeyr, who was acting for Stuttaford, stated that while he fully appreciated the importance of these resolutions, he was not in a position to introduce them

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17. This and subsequent information comes from a paper entitled, 'Feetham Recommendations' in the Hofmeyr Papers A1, Dg, Indian Affairs, 1936-41.

in that session of Parliament. He explained that it was the desire of Stuttaford to give his personal attention to the question, since he would have to bear responsibility for the decisions taken.

After Stuttaford's return, a Congress deputation again interviewed him on June 12th 1937. He agreed that the resolutions should be introduced as early as possible, but significantly explained that the Parliamentary elections would be held immediately after the 1938 session of Parliament and that political considerations might make it difficult to introduce the resolutions then. Clearly, Stuttaford and the United Party Government feared Nationalist gains in the election should the Feetham resolutions be implemented.

Stuttaford's credibility regarding the question of Indian rights suffered a further set-back in the eyes of Indian opinion when he reluctantly acquiesced in the establishment of a Commission to enquire into the extent of mixed marriages in 1937. The Fact Ministry had long ago made illicit intercourse between Europeans and Natives a criminal offence,<sup>18</sup> but in 1936-37 in two successive sessions, members of the United Party introduced bills which would have made mixed marriages a crime. Although the measures were shelved, many Nationalists, Labourites and even the United Party's Minister of Native Affairs, Piet Grobler, endorsed the principle. There was a sharp division in the Cabinet over the Mixed Marriages Bill and the Bill prohibiting the employment of women by Asians. Hirow and Grobler were strongly in favour of these Bills - 'if not out of agreement, then certainly for political expediency'.<sup>19</sup> Stuttaford and others opposed such measures and Hofmeyr

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18. Act No. 5, 1927.

19. Duncan Papers, BC 294, C15.4.5, Notebook, 15.4.37.

threatened resignation if they should be adopted.<sup>20</sup> The crisis, which threatened a split in the Cabinet, was averted by a decision to send the Bills to a Select Committee of the House of Assembly. Stuttaford and Hofmeyr had been in complete agreement about mixed marriages legislation. In January 1937, Stuttaford had stated in reply to a question in the House of Assembly that 'as the statistical evidence does not point to an increase in the number of such [mixed] marriages, the government does not consider that it should take legislative action of the nature suggested [i.e. to prohibit mixed marriages] and thereby place an unnecessary stigma on the European population of the Union'.<sup>21</sup> Shortly after this declaration the government had staged a volte face in its policy by proposing the formation of a commission to investigate mixed marriages. On these grounds Hofmeyr had felt compelled to resign. Paton observes that it was probable that while Hertzog agreed with Hofmeyr that legislation was not the right way to deal with mixed marriages, it was not for him a matter of any principle.<sup>22</sup>

Stuttaford, as Minister of the Interior, was vehemently criticised because of the proposal to appoint commissions of inquiry into the question of land ownership and mixed marriages: this, it was said, owed its origin 'not so much to economic or social necessity but to political exigency'. Stuttaford was also warned of the Nationalists' anti-Asiatic stance. Indian spokesmen declared that 'it does not require more than a modicum of political insight to see that the Nationalist Party on the eve of the General Election [1938] is using this issue to cause a split in the ranks of the United Party'.<sup>23</sup>

The 1938 General Election intervened effectively to

20. See Sunday Times, 14.2.37.

21. Quoted by Hofmeyr in a private memorandum on Mixed Marriages, Hofmeyr Papers, Dg., Asiatic Affairs, 1935-37.

22. Paton, Hofmeyr, p. 295.

23. Smuts Papers, vol. 125, No. 11, South African Indian Congress - Stuttaford, 5.8.37.

prevent the Feetham resolutions from being dealt with in the concluding session of parliament, and when they were finally introduced in September 1938, a totally unexpected revolt by United Party back-benchers led to their withdrawal. In reply to representations made by the Transvaal Indian Congress, Stuttaford stated in a telegram of September 23rd, that he would re-introduce the resolutions early in the 1939 session.<sup>24</sup> In 1939 however, Stuttaford improperly associated the Feetham Recommendations with the agitation then conducted by the Nationalists and the reactionary group in the United Party on the question of segregation. On this account it was again considered inexpedient to introduce the resolutions, despite the Johannesburg City Council deputation to Stuttaford reporting their difficulties with housing schemes and licensing matters due to the failure of parliament to legislate the resolutions.<sup>25</sup>

In February 1939, Stuttaford explained his inability to gain majority support for the Feetham Resolution in the United Party caucus, and to the Indian Congress deputation he outlined his servitude scheme.<sup>26</sup> This scheme was devised in the hope that it would bring a settlement of the grievances of 'penetration' urged on him by a certain section of the European population. Indian leaders believed that Stuttaford's new 75 per cent servitude plan, far from bringing a settlement, would be a constant source of irritation, because every attempt to introduce a compulsory servitude clause by means of local option would be attended by bitter racial feeling and press agitation. The scheme of the Minister of the Interior was briefly that:-

- '(a) in any area where 75 per cent of the owners of the property so desire it, a servitude in respect of occupation may be imposed on all the properties comprising that area;

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24. Hofmeyr Papers, paper entitled 'Feetham Recommendations'.

25. Ibid.

26. Smuts Papers, vol. 129, no. 144, Rama Rau to Hertzog, 17.2.39.

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24. Hofmeyr Papers, paper entitled 'Feetham Recommendations'.

25. Ibid.

26. Smuts Papers, vol. 129, no. 144, Rama Rau to Hertzog, 17.2.39.

- (b) that geographical zones should be established by Local Authorities for various grades of trading'.

This scheme was being considered because it was stated:-

- '(a) that there is an outcry about the penetration of the European areas by Asiatics, and
- (b) that in order to facilitate the passing of the Feetham Resolution it is necessary to place before the United Party caucus a definite scheme to deal with the problem'.<sup>27</sup>

Objections to Stuttaford's '75 per cent approach' were that the Feetham Resolution should have been treated as an entirely separate matter from the question of penetration, and it was feared that it would lead to segregation which the Indian community had consistently opposed. It was condemned for having the same object in view as the Class Areas Bill of 1925, and it was contended that it was contrary to the spirit of the Cape Town Agreement, at the conclusion of which the Class Areas Bill had been dropped. It was therefore concluded that the government had turned its back on the policy of segregation in 1927 and in 1932.<sup>28</sup> In the 1939 session Hofmeyr and Blackwell accused Stuttaford of resurrecting the old policy of segregation.

Stuttaford's servitude scheme had been dropped, and his 'pegging Bill' replaced it. He had lost the confidence of the Indian community who had found an able spokesman in Hofmeyr.

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27. Snuts Papers, paper entitled 'The Feetham Resolution and the Servitude Scheme', vol. 129, no. 144, February 1939.

28. *Ibid.*

He and Blackwell remonstrated with Stuttaford throughout the debate on the Asiatics (Transvaal Land and Trading) Bill, voting against the government on the measure. This was too much for Hertzog who had had enough of Hofmeyr's obstructionist ways. Both were summoned to appear before the caucus, and the Prime Minister demanded, as an alternative to his resignation, a vote of censure on two members 'who understood neither discipline nor loyalty'.<sup>29</sup> Hofmeyr and Blackwell refused to recant, and said that if the vote was passed they would resign from the caucus. Smuts tried to keep the peace and moved that the caucus express dissent and not censure, but Hertzog would have none of it. A breach in the Party seemed imminent, and Blackwell wrote, 'At one tense moment of that fateful sitting it looked as if he [Hertzog] and General Smuts might come to an open breach, but the latter, consistent with his policy throughout several years of grave difficulty and stress, avoided a rupture'.<sup>30</sup> Hertzog was adamant, and the caucus, some abstaining, six opposing, gave him his vote of censure. Stuttaford was one who voted for censure. Hofmeyr and Blackwell resigned immediately.

Smuts expressed the view that Hofmeyr and Blackwell 'have behaved in a rather childish way in Parliament and Hertzog, who is autocratic and intolerant in such matters, has taken their action as a challenge. Result - they have resigned from our caucus, and will now pose as martyrs, as champions for free speech and free conscience, and the Party will suffer ..... Hofmeyr with all his great gifts has no sense and often behaves like a grown-up boy and not a sensible grown-up with a due sense of proportion. All this is most distressing to me, as I have to oppose the Prime Minister and support friends who will be foolish.

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29. Fatou, Hofmeyr, p. 305.

30. Blackwell, Farewell to Parliament, p. 48.

The trouble is worse because it is all over an Indian Bill which is likely to raise a storm both in India and here. And I think it could have been avoided with tact and restraint'.<sup>31</sup>

Reacting to the resignations the press declared that not only Hofmeyr and Blackwell, but many others in the United Party 'are writhing under the whip which the Prime Minister and those around him delight to crack', and warned that 'unless General Hertzog and his associates very soon decide to practise some of that tolerance they are so fond of preaching, many heads swollen with bureaucracy will roll in the political dust when the day of reckoning, postponed but not averted, comes'.<sup>32</sup>

Die Suiderstem disputed this view expressed in the Natal Mercury, and upheld the notion of party discipline: 'The success of our democratic system depends upon the success with which the personal freedom of individuals is kept within reasonable bounds. If everyone says what he likes and does as he pleases, there will be neither democracy nor freedom, but anarchy'.<sup>33</sup>

Stuttaford was surprised and annoyed that he had been at the centre of this dispute. It is ironic that such a genial and inoffensive politician should have managed unintentionally to split the Party in the formation of which he had been a prime mover, and which he had tried to bolster by continual compromise and advocacy of a so-called middle-path. Such a policy led to vacillation of which he was often accused, not least in the debate on the Indian question in May 1939. Despite his poor handling of his Asiatics Bill, one feels certain that it was not intentional. He was never at home in dealing with questions of a purely political nature, and this was recognised by Smuts when, at the end of 1939, he appointed

31. Smuts Papers, Vol. 60, No. 206, Smuts to M.C. Gillett, 27.5.39.

32. Forum, Press Opinion, 3.6.39, p. 13.

33. Ibid.

Stuttaford to the Commerce and Industries portfolio in the War Cabinet. Stuttaford's ability was undeniably in the commercial field; the debates during his period of office as Interior Minister seem to illustrate his dislike of the imponderables of party politics.

University of Cape Town

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CHAPTER VIIWAR 1939 - 1942.

On Friday, 1 September 1939, Hitler's armies invaded Poland. Two days later, both Britain and France declared war on Germany. In South Africa these events necessitated a decision on the issue of the Union's neutrality in a war involving Britain, that question on which Hertzog and Smuts could only agree to differ in 1934. This was a challenge to fusion at its weakest point.

Parliament, normally in recess in September, was able to debate South Africa's response to involvement in war, for on 2 September 1939, parliament had reconvened to extend the term of the Senate. The Cabinet met at Groote Schuur on the afternoon of 2 September to consider the war issue. The Ministry consisted of the following: Hertzog, as Prime Minister; Smuts, Minister of Justice; Havenga, Minister of Finance; Pirow, Minister of Commerce and Industries and Defence; Kemp, Minister of Lands; Fourie, Minister of Railways and Harbours; Stuttaford, Minister of the Interior and Public Health; Pagan, Minister of Education; Social Welfare and Native Affairs; Colonel Deneys Reitz, Minister of Mines; Clarkson, Minister of Posts; Lawrence, Minister of Labour; Collins, Minister of Agriculture; and Henderson, Minister without portfolio.<sup>1</sup> From the start it was clear that the government was hopelessly divided. Six Ministers, including the Prime Minister, supported a declaration of neutrality, but seven others, led by Smuts, wanted an immediate declaration of war against Germany.

Among the papers of Harry Lawrence there is a detailed account of the Cabinet meetings of 2 and 3 September 1939, that took place at Groote Schuur. At the Cabinet meeting on 2 September,

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1. Lawrence Papers, Manuscripts Collection, J.W. Jagger Library, University of Cape Town, E.C. 206, 'Transcript of a speech made by the Honourable H.G. Lawrence, Q.C. at a Club Dinner at the Civil Service Club, Cape Town, on 24 May, 1969', p. 5.

Field Marshal J. C. Smuts being welcomed by The Honourable Richard Stuttaford on his return from London in 1912 after addressing both Houses of Parliament at Westminster



*(Source: Stuttaford Political Papers.)*

each member present expressed his views and at the end of deliberations those in favour of neutrality were Hertzog, Havenga, Pirow, Kemp, Fourie and Fagan; those who sided with Smuts were Stuttaford, Reitz, Clarkson, Collins, Henderson and Lawrence.<sup>2</sup> The Cabinet met again on Sunday afternoon, 3 September. Unknown to Smuts and his supporters, Dr. Malan, in a personal message to Hertzog, pledged Nationalist support for the Prime Minister's proposed neutrality. The proceedings were short and it was clear that there was deadlock in the Cabinet. Later that afternoon news of the Cabinet split was public knowledge, and during the weekend there was a preliminary canvas to determine how the members would vote, particularly those whose affiliations were uncertain. It appears that the estimates were made by Dr. Colin Steyn, Mr. Louis Esselen and the United Party whip, Col. William Collins.<sup>3</sup>

On Sunday evening Smuts met the six Cabinet Ministers who supported him, in a private room at the Civil Service Club. Stuttaford was among the number. At that meeting a draft resolution to be laid before parliament was discussed and agreed to. It was a divided government that met the House on the following Monday, 4 September 1939. Heaton Nicholls records that Stuttaford was a key figure in the lobbying before the debate and credits him with some success in persuading a few 'waverers' to support Smuts.<sup>4</sup> The general consensus of opinion taken from those who left accounts of the happenings surrounding South Africa's declaration of war is that the lobbying during the weekend and Monday session clinched the issue. Henderson went so far as to say: 'There were no converts by debate, not one. There never is conversion by Parliamentary debate and never will be as long as the party system holds .... There were no waverers as has been stated, except at the first shock. The numbers were just as estimated .....

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2. Lawrence Papers, B.C. 206, paper written by Lawrence entitled 'Smuts and the War Decision', published in the Sunday Times, 2.8.1964.
  3. Lawrence Papers, Detailed background to the War Decision, section 18.
  4. G. Heaton Nicholls, South Africa in my Time, p. 338.
  5. R.H. Henderson, An Ulsterman in Africa (Cape Town, 1944), p. 212.

In a tense atmosphere on 4 September, N.P.'s heard Hertzog move approval of the statement that the 'existing relations between the Union of South Africa and the various belligerent countries will, in so far as the Union is concerned, persist unchanged and continue as if no war is being waged'.<sup>6</sup> Smuts countered with an amendment committing the Union to war against Hitler. The debate lasted all day until about 9 pm. when the final division was taken. Stuttaford did not speak during the debate. By a vote of 80 to 67, the House of Assembly resolved that the Union sever its relations with the German Reich and 'refuse to adopt an attitude of neutrality' in the conflict between Great Britain and Germany.<sup>7</sup> Hertzog resigned his office the next day, after Governor-General Duncan refused his request to dissolve the House and call a general election, and on September 6, Smuts became Prime Minister for the second time. War was declared on Germany forthwith.

Smuts came to power in September 1939, with the aid of four pre-1934 Nationalist N.P.'s, and the new Cabinet included six Afrikaners. Nevertheless, the decision of September 4, stripped the United Party of all save a small vestige of its former Afrikaner support.<sup>8</sup> His new Cabinet included his old supporters in the previous administration, namely, Stuttaford, Reitz, Lawrence, Collins and Clarkson. He re-admitted Hofmeyr and Sturrock, and added Dr. Colin Steyn and Major Fiet van der Byl.<sup>9</sup> Blackwell expressed bitter disappointment that he had been excluded from the war Cabinet: 'September 5th 1939, will ever remain in my memory as perhaps the bitterest day of my life ..... throughout that fateful day I waited for a message from Smuts. I had never expected Cabinet rank under Hertzog, but

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6. H.A. Deb., vol. 36, cols. 23-24.

7. Ibid., cols. 24-31.

8. See C.M. van den Heever, General J.P.M. Hertzog (Johannesburg, 1946), p. 283.

9. Vide F.V. van der Byl, Top Hat to Veldskoen (Cape Town, 1973), pp. 161-162.

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9. Vide F.V. van der Byl, Top Hat to Veldskoek (Cape Town, 1973), pp. 161-162.

here was my own leader not even sending me a friendly word on this of all days'.<sup>10</sup> Blackwell was probably right when he assessed the reason for his and Heaton Nicholls's exclusion: 'If I had to give a reason to myself it was probably that Smuts, like Churchill and Menzies, did not like strong personalities in his Cabinet and thought that I might possibly, to put it bluntly, be a nuisance'.<sup>11</sup>

Hancock's assessment of the Smuts War Cabinet is that it 'contained some able and energetic men - J.H. Hofmeyr, Colin Steyn, Harry Lawrence, Claude Sturrock - but it also contained too many elderly, sluggish, backward-looking men'. He seems to place Stuttaford in the latter category, though he does not name him specifically. He ascribes this weakness in the Cabinet to Smuts's 'preference for familiar faces' and 'his inescapably narrow range of choice'. 'Either way', concludes Hancock, 'it did not at the outset make much difference, for Smuts embodied the tradition of personal leadership which the Union had taken over from the Republics'.<sup>12</sup>

There is some evidence to suggest that Smuts, though liberal in his delegation of authority, preferred to lead his Cabinet along quasi-military lines. Certainly, Reitz, van der Byl and Collins as ex-military men were probably accustomed to obeying Smuts as their O.C. Stuttaford had always been a reliable and trusted ally, and Smuts recognised his considerable Cabinet experience, and his acumen in commercial matters. Stuttaford's obvious loyalty to Smuts and his like-mindedness on political issues had long since placed him in the 'Smuts camp'.

Stuttaford's political views had become essentially

10. L. Blackwell, Blackwell Remembers (Cape Town, 1971), p. 76.

11. *Ibid.*, p. 76.

12. W.K. Hancock, Smuts, vol. 2, p. 333.

South African in outlook since his Unionist and South African Party days, and by the late 1930's, he was a conservative, unlikely to attract damaging criticism from the Nationalists and the remnant of Afrikaner supporters of Smuts. He was, however, firmly committed to the recognition of the Commonwealth connection, and with his particular talent controlling the Union's Commerce and Industries portfolio, he was a key figure in the maintenance of the Union's link with Great Britain and the Dominions through economic co-operation in war time. Thus it was that Stuttaford, as Minister of Commerce and Industries in the Smuts War Cabinet, took charge of one of the most important portfolios and after Smuts, Hofmeyr and Reitz, was the most senior Minister in the Cabinet hierarchy. N.M. Stultz in his study of 'South African Cabinets and Ministers' shows that 'Data provides a mild hint that farmers and business men have been weak competitors for positions in the Cabinet's upper reaches. The most forceful conclusion, however, is the political ascendancy that lawyers have enjoyed within the cabinet'.<sup>13</sup> In view of such evidence, Stuttaford's new Cabinet appointment is significant.

Responsibility for the Union's war-time industrial output lay with his department, and there was no harder working Minister during 1939-1942 than Richard Stuttaford. The War Cabinet took office on 6 September 1939, and comprised the following Ministers:-

General J.C. Smuts, Prime Minister, Minister of External Affairs and Minister of Defence.  
 J.H. Hofmeyr, Minister of Finance and Education;  
 R. Stuttaford, Minister of Commerce and Industries;  
 Col. D. Reitz, Minister of Native Affairs;  
 W.R. Collins, Minister of Agriculture and Forestry;  
 H.G. Lawrence, Minister of the Interior and Public Health;  
 F.C. Sturrock, Minister of Railways and Harbours;  
 C.F. Clarkson, Minister of Posts and Telegraphs and Public Works;

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13. N.M. Stultz, 'South African Cabinets and Ministers: Some Empirical Findings', South Africa International, III, No. 1, July 1972, p. 16.

South African in outlook since his Unionist and South African Party days, and by the late 1930's, he was a conservative, unlikely to attract damaging criticism from the Nationalists and the remnant of Afrikaner supporters of Smuts. He was, however, firmly committed to the recognition of the Commonwealth connection, and with his particular talent controlling the Union's Commerce and Industries portfolio, he was a key figure in the maintenance of the Union's link with Great Britain and the Dominions through economic co-operation in war time. Thus it was that Stuttaford, as Minister of Commerce and Industries in the Smuts War Cabinet, took charge of one of the most important portfolios and after Smuts, Hofmeyr and Reitz, was the most senior Minister in the Cabinet hierarchy. N.M. Stultz in his study of 'South African Cabinets and Ministers' shows that 'Data provides a mild hint that farmers and business men have been weak competitors for positions in the Cabinet's upper reaches. The most forceful conclusion, however, is the political ascendancy that lawyers have enjoyed within the cabinet'.<sup>13</sup> In view of such evidence, Stuttaford's new Cabinet appointment is significant.

Responsibility for the Union's war-time industrial output lay with his department, and there was no harder working Minister during 1939-1942 than Richard Stuttaford. The War Cabinet took office on 6 September 1939, and comprised the following Ministers:-

General J.C. Smuts, Prime Minister, Minister of External Affairs and Minister of Defence.  
 J.H. Hofmeyr, Minister of Finance and Education;  
 R. Stuttaford, Minister of Commerce and Industries;  
 Col. D. Reitz, Minister of Native Affairs;  
 W.R. Collins, Minister of Agriculture and Forestry;  
 H.G. Lawrence, Minister of the Interior and Public Health;  
 F.C. Sturrock, Minister of Railways and Harbours;  
 C.F. Clarkson, Minister of Posts and Telegraphs and Public Works;

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13. N.M. Stultz, 'South African Cabinets and Ministers: Some Empirical Findings', South Africa International, III, No. 1, July 1972, p. 16.

W.B. Madeley, Minister of Labour and Social Welfare;  
 Col. C.F. Stallard, Minister of Mines;  
 Senator A.M. Conroy, Minister of Lands; 14  
 Dr. C.F. Steyn, Minister of Justice.

Rejection of neutrality by Smuts and other members of his Cabinet at the beginning of September 1939 was regarded by Hertzog as an act of disloyalty and a breach of a Cabinet agreement made at the time of Munich in 1938. He made these charges, which later gained considerable credence, during a debate in the House of Assembly early in 1940.<sup>15</sup> On that occasion he read out in the House a document which he had prepared in 1938. This statement set forth the intention of the Union to remain neutral in the event of a major war breaking out in Europe. Hertzog said that, shortly after he had drawn up this document (referred to as A-B), he had read it to Smuts and had also discussed it with Havenga and Pirow, and that all had approved it. He went on to read to the House a memorandum which he wrote immediately after a Cabinet meeting on 28 September 1938. In Hertzog's opinion these documents showed that the full Cabinet had in 1938 agreed that in a war in Europe in which Britain was a belligerent the attitude of South Africa would be one of neutrality subject to the provisos of A-B.<sup>16</sup>

On 1 April 1940 Smuts replied to Hertzog's charges. He said that he had never, until Hertzog read it out in the House, seen or heard of the phrase with which A-B opens and which refers to 'any' case of war in Europe in which England is a belligerent. His discussions with Hertzog referred only to the case of a war which might ensue from the conflict between Germany and Czechoslovakia which was going on at that time. He denied that any general policy of neutrality had ever been laid down. In the course of the debate Stuttford, who was a member of the Cabinet both in

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14. Walker, History of Southern Africa, p. 694.

15. H.A. Deb., vol. 37, cols. 1220-2, 1940.

16. W.K. Hancock and J. van der Poel (eds.), Selections from Smuts Papers, vol. VI (Cambridge, 1973), pp. 190-191, footnotes.

September 1938 and in 1940, declared that neither A-B nor the memorandum had ever been put before the Cabinet and that the Cabinet had never taken any decision on neutrality either as a general policy or in reference to the German - Czech conflict.<sup>17</sup>

Stuttaford's opposition to neutrality was always forthright: 'Those who called for neutrality wanted to sit on the fence like a lot of vultures waiting for England to win the war. But neither English nor Afrikaans-speaking South Africans could tolerate that horrible attitude'.<sup>18</sup> He justified South Africa's participation in the war on the side of the United Kingdom 'not because she had to, but because she naturally took that side, as did every other democracy, against the German threat'. He warned that it was in South Africa's own interests to defend her democratic traditions because of the immediate threat posed by South West Africa. He reminded his constituents in Claremont that the Union's mineral wealth was an attraction and that her geographical position was such that she would always be under the tutelage of some greater nation, and for this reason South Africa should side with Britain which would guarantee the continuance of her freedom.

He broached the subject of conciliation and appealed to government supporters not to forsake the ideal of co-operation which had been partially achieved during fusion, and assured them that when the war was over there would be an attempt 'to pick up the broken pieces again, to restore the co-operation of the past'.<sup>19</sup> This, in the opinion of some, like Margaret Ballinger, representing Africans in the House of Assembly, was unrealistically optimistic. In fact it was surprising that fusion lasted as long as it did, and 'there can be little doubt that even if the war had not eventuated, the United Party would have split ..... the political scene in the years immediately before the war [showed that] the strains in the Party were more apparent than the accommodations,

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17. H.A. Deb., vol. 38, cols. 4063-4137, 1.4.40.

18. Cape Times, 14.11.39.

19. Ibid., 14.11.39.

and these were clearly growing more threatening, with what seemed an almost irresistible call of the blood on the part of the old Nationalist element in the Party'.<sup>20</sup>

Stuttaford's main task during his three years in charge of the Union's Commerce and Industries portfolio was the need to achieve a greater output through the growth of the Iron and Steel Industry and a stimulation of secondary industries. He attempted to deal with the two paramount difficulties experienced by secondary industries, namely, the small European work-force and the low earning power of the non-European. His constant belief during the war was that Union Nationals 'would have to learn to think more about the economic problem than about the eternal racial problem'.<sup>21</sup> He advocated a better wage for the non-European and the creation in South African industry of more attractive opportunities for European immigrants.

In between such serious endeavour to maintain the Union's economic viability, however, Stuttaford was a great encouragement to South Africans who faced increased prices, a growing apprehension concerning the outcome of the war, and internal insurrection and widespread opposition to the Union's war effort. Addressing a crowd of more than two thousand people in Port Elizabeth on May 30 1940, he said, 'Let us have no defeatism. Every man who talks of defeat today is a traitor'. He appealed to Afrikaners to support Smuts, reminding them of Louis Botha's example, and recalled Napoleon's assessment of the British: 'The worst of the English is that they never know when they are beaten'. He added his own encouragement: 'Well we broke Napoleon and with the help of providence we shall break Hitler. These are critical moments but those of us who remember the Great War remember too that there

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20. M. Ballinger, From Union to Apartheid (Cape Town, 1969), p. 106.

21. Cape Times, 14.11.39.

were very critical moments then. On every occasion we fought back and the side that eventually won was the side which won the last battle'.<sup>22</sup> He emphasised the impressive factors which favoured the Allies such as the intrepid and skilled French Army, the British Expeditionary Force, successors of the Old Contemptibles, the Royal and French Air Forces, the British Navy and the vast resources of the British Commonwealth.

At the end of 1939, Smuts had assigned to Stuttaford the task of assessing the Union's agricultural and industrial requirements in the course of a long war, and the initiation of the project to secure their supply from local resources.<sup>23</sup> From this directive came Stuttaford's Industrial Development Bill of 1940 which envisaged the establishment of an Industrial Development Corporation to stimulate the productive use of idle capital.

Stuttaford, speaking at the Annual Convention of the South African Federated Chamber of Industries in October 1940, announced his programme to expand industrial production in the Union, 'because after the war we shall have to see that occupations are provided for our returning soldiers'.<sup>24</sup> He believed that the Industrial Development Corporation would be a potent means of inducing the public to invest in industries, and was convinced that 'investment in sound industry is much better for the outside man than a gamble on the gold market'.

The House of Assembly gave its blessing to Stuttaford's idea of an industrial corporation, designed to enable South Africa to seize what opportunities may be wrung from a state of war in Europe to build up a new field or extend the old field of secondary industries.<sup>25</sup> There was, however, a good deal of criticism of

22. *Ibid.*, 30.5.40.

23. *Smuts Papers*, (microfilm, J.W. Jagger Library, University of Cape Town), vol. 60, no. 141, Smuts to Stuttaford, 14.10.39.

24. *Cape Times*, 22.10.40.

25. *H.A. Deb.*, vol. 37, col. 3937 et seq., 28.3.40.

the plan to place the corporation in the hands of mining and commercial interests, which were not regarded as likely to prove the 'most sympathetic foster parents' of a scheme of industrial expansion which would, if successfully operated, absorb all the floating labour in the Union, and would certainly limit the scope of many of the existing import trades.

The Opposition complained about Stuttaford's failure to make provision for the representation of agriculture on the Board which was to manage the affairs of the corporation.

The claim for such representation was not without justification, and was generally supported. (Margaret Ballinger reflects that farmers had steadfastly refused to admit the rights of other groups to representation on the boards which controlled the prices of agricultural commodities, and whose activities were therefore of vital importance both to consumers and to employers).<sup>26</sup> Stuttaford yielded to the clamour and agreed to change the method by which the Board would be constituted. This meant that the rural areas were still sufficiently represented in the councils of the nation to secure acceptance of farmers' demands, no matter what other interests failed to secure a hearing; and the introduction of the Electoral Laws Amendment Bill of 1940 showed the determination of these interests to maintain that position 'at any cost to the principle of democratic government'.

The full anomaly of the situation was revealed through the fortuitous juxtaposition of the debates of these two measures, the Industrial Development Bill and the Electoral Laws Amendment Bill. It was important to the Nationalists that industrial development should encourage economic expansion which would provide a livelihood for poor whites, who were mainly Afrikaners, but any such economic expansion meant, almost inevitably, progressive

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26. Margaret Ballinger Papers (J.W. Jagger Library Archives, University of Cape Town) EC 345, 3(1), 'Nationalist Dilemma', 1940.

urbanisation which in turn meant preoccupation with economic rather than with national issues. 'So the Opposition found itself on the horns of a dilemma; it wanted employment for Afrikaners, but Afrikaners tend to cease to be Afrikaners and to become South Africans as they get caught up in the industrial machine'.<sup>27</sup> How could the political results of this be avoided? The answer of the Nationalists was to increase the advantage given to the country over the towns by the Act of Union in respect of the determination of constituencies. But as Margaret Ballinger points out, this meant in practice disfranchising those Afrikaners who moved to the urban areas which resulted in the dilemma being unresolved.

To a greater extent than in any previous war, supplies were of paramount importance for the opposing forces in World War II. At the outset food, munitions, fuel and other strategic raw materials were of almost greater concern to the Allied leaders, with their far flung territories, than the availability of fighting man-power. For this reason, in order successfully to organise and hasten the march of supplies, prominent business administrators were appointed by various Allied governments at an early stage, so that they could apply their expert knowledge of commercial affairs and methods on behalf of the anti-Nazi cause. In Britain such outstanding figures in peace-time private enterprise as Lord Beaverbrook and Lord Woolton were entrusted with the task of waging warfare from the vital production aspect. In South Africa Stuttaford's appointment as Minister of Commerce and Industries was no less important. Under his purview fell the vast structure of import and price control, and he was responsible for creating the basic system which enabled South Africa to cope with the economic upheaval which accompanied war. The Round Table in July 1942, obliquely paid tribute to Stuttaford's singularly capable direction of the Union's industrial effort when it stated: 'South Africa is fortunate in enjoying prosperity unique among the nations at war.'

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27. Ibid.

Industrial effort for war purposes continues on an astonishing scale ... Money requirements for the war are being met without difficulty, and so far the weight of taxation caused by the war is very light ... There has been no restriction up to now on imports or on luxury consumption ...' <sup>28</sup> Stuttaford however, consistently warned against overspending and in the second half of 1942 introduced graded restrictions on categories of imports which were classed as unnecessary or semi-necessary.

Part of Stuttaford's success can be traced to his selection of the most competent men for appointment to key posts in industry, and he deprecated very strongly any criticisms of such key men on the industrial front: 'Our men at the front would be at the mercy of any well equipped army if our men behind the lines did not provide them with the equipment necessary to maintain themselves in the field and bring us to victory'. <sup>29</sup> He was far-sighted in his measures and looked to South Africa's economic future, rather than merely improvising palliatives to off-set war-time recession. It was indeed remarkable that in the 1941 session of parliament the government was able to find time for a considerable volume of valuable 'peace-time' legislation.

Throughout his political career Stuttaford had opposed government interference in industry: 'Industry should be as free as possible, because industrialists know their own business better than any Government department can'. <sup>30</sup> He did however ensure that his department would see that competition was fair by strict enforcement of such statutes as the Weights and Measures Act and his proposed Merchandise Marks Act, giving the public and honest manufacturers insurance against fraudulent description of commodities. Stuttaford had always upheld the interests of the public sector in parliament, and this Bill, introduced in February 1941, had as its chief purpose the protection of the consumer against unscrupulous traders. <sup>31</sup>

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28. Round Table, vol. 31, July 1941, p. 816.

29. Cape Times, 22.10.40.

30. Cape Times, 22.10.40.

31. H.A. Deb., vol. 41, col. 2104, 3.2.41.

The reason for the introduction of the Iron and Steel Industry Amendment Bill in 1942 was rooted in Stuttaford's attempts to see beyond the war to the period of restoration, when, he argued, there would be a huge demand for iron, steel, cement and other building materials, and also an extensive demand for skilled and unskilled labour affording employment as demobilisation proceeded. He advocated further support for the development of the South African Steel Industry which he had been informed would be able to compete against the imported product.

Particularly important to South Africa's future was the need for a larger white population, but this could only be achieved through industrialisation.<sup>32</sup> The Bill provided for the extension of the Iron and Steel Corporation's share capital for the purpose of expanding that industry, and allowed for government control. The Opposition attacked Stuttaford's change of policy, pointing to the non-capitalist nature of his proposed legislation, and reminding him of his vehement objection to the establishment of a state initiated and controlled iron and steel industry in 1928. Louw caustically commented on this volte face when he said, 'It is very refreshing to see the extent to which members opposite, and especially the Minister of Commerce and Industries, have progressed since those days'.<sup>33</sup> Stuttaford's reply was no denial: 'When we [the Smuts Government] make a mistake we admit it, but you never do'. Certainly Stuttaford's view had changed when he said in the House, 'Under the new Act the Government are keeping the entire control [of the Iron and Steel Industry], and in order to make it even more assured the Government are insisting that in the case of any further issue of shares the Government have the first option of taking up those shares, so the Government is absolutely secure in controlling the Corporation'. This change of policy had been necessitated by the war situation when the government was being threatened politically both internally and externally. Concern had arisen over the growing support for Nazi movements.

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32. Cape Times, 26.2.41.

33. H.A. Deb., vol. 44, col. 5246 et seq.

During these latter years Stuttaford had little time to express himself on wholly political matters, but in January 1941 he made trenchant criticism of features of the newly formed Ossewabrandwag movement and of Pirow's 'New Order'.<sup>34</sup> Stuttaford said that the Ossewabrandwag claimed to be a purely cultural organisation but it exercised a rigid and authoritarian control over its members: 'Why drill for culture? Why inculcate culture with a gun? Was there any need to ... threaten all Afrikaners with a sjambok if they refuse to become members?', asked the Minister. He called the movement 'a strange sort of culture' having tenets which sounded 'more like barbarism than culture', and being instrumental in driving men like Hertzog and Havenga, who had spent a lifetime fostering Afrikaner culture, out of public life. 'Both these men', declared Stuttaford, 'have done ten times more for the spiritual uplift of the Afrikaans people than all the Strydoms, Swarts and Louws in the world will ever do'.

He accused van Rensburg, formerly Administrator of the Orange Free State and now chief Commandant of the Ossewabrandwag, and Pirow of using their members 'in the same way as Hitler used his storm-troops in Germany - to suppress all who do not agree with them'. He deplored their aims 'to put an end to freedom, to close down Parliament, and to eradicate, root and branch, all elements they don't like, particularly the English-speaking section ... and the Jews. Their dupes are being misled, because the Ossewabrandwag will never have a [Afrikaner] republic ... If their object ... is ever achieved these dupes will find themselves an insignificant section in a nation of slaves to the tyrants they helped to put into power'. Referring to Pirow's 'New Order', Stuttaford said that this 'political promised land meant nothing less than the extirpation of freedom, justice, mercy and truth'. He concluded his speech to his constituents in Claremont showing signs of powerful

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34. Cape Times, 24.1.41.

emotion and climactic condemnation: 'When the curtain is rung up on this German farce it will no doubt be found that Mr. Pirow had been cast for the part of Hitler; Mr. van Rensburg would play the role of Goering, and "Little Louw" would impersonate Goebbels'.

Stuttaford despised the subversive propaganda being circulated by certain Afrikaans newspapers, and he hoped that the new Security Code would enable the government to curb such activities of the press that would be harmful to state security, but he personally deprecated any action which would result in the muzzling of the press.<sup>35</sup> Freedom of the press was a democratic right which Stuttaford upheld, but he always appealed to newspapers to wield the power vested in them with full responsibility, and warned that 'a venal Press may lead us to the verge of war ... it is a curious phenomenon ... that in the free countries the Press is most powerful, sometimes wielding a power greater than that of the Government. If it misuses that power, or is even thought to do so, it can be reduced to impotence by any powerful Government'.<sup>36</sup> Referring to the suggested control of the press in the Union, Stuttaford told delegates of the Newspaper Press Union of South Africa Conference in August 1939, that 'either the Press must control itself or the Government must take a hand in the matter. [However] ... It is my wish that there should be no Government control ...'. He proposed a controlling body on similar lines to the law society, that would ensure the security of the state through internal press censorship. He was against the principle of government control because an unscrupulous administration might destroy the function of the press.

Stuttaford was resentful of the policies of the Nationalist Opposition in 1941, declaring that 'If there is one thing that should have united the English and Dutch in South Africa it should have been this way for freedom against Hitler's attempt to tyrannise the world. It is almost impossible to believe that any intelligent man could

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35. *Ibid.*

36. *Ibid.*, 16.8.39.

conceive that a victory for Hitler would mean anything but slavery and confiscation for all South Africans'.<sup>37</sup> Referring to Dr. Malan's standpoint during the 1941 session of parliament, Stuttaford condemned the Nationalist leader's belief that 'As Great Britain was going to be beaten, South Africa should make peace with Hitler as soon as possible - going on our hands and knees to supplicate for the best terms we could get'.

During 1941 it became clear to Stuttaford that if serious inflation was to be averted in 1942, the manifold price controls would have to be supplemented by wage controls, for though the Controller of Manpower 'froze' wages in the engineering industry to 'check the poaching by one firm of the employees of another', he could not stop the unco-ordinated Wage Boards and the Industrial Council 'from screwing up wages in other concerns', nor prevent the passing of a Factory Act which made highly-paid overtime inevitable by reducing the ordinary hours of work and giving the workers holidays on full pay and other costly privileges.<sup>38</sup> In spite of Stuttaford's warnings against the risks of extravagance, South Africans indulged in an unparalleled orgy of 'spending it now' during the Christmas shopping season of 1941, an orgy to which new European and non-European recruits to industry, with unaccustomed money in their pockets, contributed more than their share.<sup>39</sup>

Though there had been no real shortage of consumer goods during the early part of the war, purchasing power and consequently prices had presently risen so fast that, at New Year in 1941, a Price Controller had been appointed. A few months later, an Imports and Exports Control Board was set up to decide, inter alia, problems of priorities, a Purchasing Commission was established to co-ordinate purchases in the United States, and the import of non-essentials from all dollar-using countries was prohibited. This network of controlling bodies became the responsibility of the Commerce and Industries Department.

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37. *Ibid.*, 31.5.41.

38. Walker, History of Southern Africa, p. 718.

39. Round Table, No. 125, pp. 173ff.; No. 126, pp. 3 8ff

In the 1942 parliamentary session the government had to contend with vociferous criticism from opposition parties whose desire it was to lose the war, and who sponsored all criticism of the government by its own supporters, having an eye on the general election that was due the following year. Members of parliament and the majority of newspapers supporting the government consequently were inhibited from public criticism of the Smuts administration by a natural anxiety not to risk selling the fort.

However, it was a widely held view that the Cabinet needed new blood and that some ministers had too much to do.<sup>40</sup> For the former part of this claim, it is probably true that many Cabinet Ministers were due for retirement and that some were unable to carry the considerable volume of work; as for the latter part there is more justification: There were no under-secretaries to take the strain of the routine of the more heavily worked departments; and Smuts, as Prime Minister and Minister of Defence, Hofmeyr as Minister of Finance and Education, and Stuttaford, were felt by some to be shouldering a heavier burden of work than they should. The Round Table reports that it was, moreover in regard to these departments, Defence and Finance, with that of Commerce and Industries, that there was a good deal of latent criticism.

P. van der Byl lays responsibility for this heavy work load carried by Cabinet Ministers on Smuts: 'It always seemed that Smuts had a deep dislike of politicians. At one time ... we were really worked beyond endurance'. He emphasises this point when he records that 'Bill Collins practically died on his feet and Dick Stuttaford's health was gone when he retired [1943]; Deneys Reitz died young; Hofmeyr went down at the age of 56; Harry Lawrence lost his health ...'. He also decries Smuts's reluctance to enhance the prestige of any member of his Cabinet.<sup>41</sup>

The Department of Commerce and Industries came under fire during 1942 over its control of imports policy. This was due to

40. Round Table, vol. 32, p. 521.

41. P.V. van der Byl, Top Hat to Veldskoen, p. 203.

Commodity Supply Directorate as the civilian counterpart of the Department of War Supplies. This new Directorate was to regulate civilian supply working through a Board of Supplies and three committees: one to co-ordinate the controls of various important commodities, another to take over certain controls from Stuttaford's Ministry of Commerce, and the last to ensure that manufacturers met the chief needs of the public.<sup>45</sup> In this way, much of Stuttaford's burden was shifted to Dr. J.H. van der Byl, who became Director General of Supplies.

Stuttaford, at seventy two, felt increasingly the burden of office. Though he was the same age as Smuts, the latter had an extraordinary energy which Stuttaford was the first to recognise. Speaking at the Annual Meeting of the Claremont branch of the United Party in December 1942, Stuttaford announced that shortly he would be resigning the portfolio of Commerce and Industries to S.F. Waterson, Union High Commissioner in London.<sup>46</sup> On that occasion Stuttaford said, 'I am now no longer young and have had three years of very strenuous work and worry, but I have enjoyed every minute of it. I have come to the conclusion that I am no longer young enough for General Smuts, who, physically, is ten years younger than I am'. In his letter of resignation he told the General that he should 'surround himself with younger men'.<sup>47</sup>

Stuttaford was sincere in his appreciation of Smuts's leadership and friendship, and one is left in no doubt that Smuts felt Stuttaford's retirement keenly.<sup>48</sup> Considerations of health and of public interest were uppermost in Stuttaford's mind when he resigned. He had suffered from poor health for many years, and the growing public demand for younger ministers in government compelled Stuttaford to make this decision before the general election of 1943.

45. Walker, History of Southern Africa, p. 722.

46. Cape Times, 13.12.42.

47. Stuttaford Political Papers (Adderley Street Branch of Stuttafords Ltd., Cape Town), Stuttaford to Smuts, 7.1.43.

48. *Ibid.*, Smuts to Stuttaford, 11.1.43; Smuts Papers, microfilm in Jagger Library, University of Cape Town, vol. 72, No. 56, 11.1.43.

Norman Henshilwood, M.P.C. for Claremont paid tribute to Stuttaford on behalf of his constituents, confirming that their confidence placed in him some nineteen years before, when he was first chosen to represent the constituency of Claremont, had been fully justified. He commended Stuttaford's whole-hearted commitment to his duties in office, claiming that he had served his country with distinction during a difficult political era. Stuttaford was commended for his wise counsel, his approachability, unfailing courtesy and untiring effort for his constituency, and a resolution expressing thanks was passed unanimously. Waterson's nomination as Member of Parliament for Claremont was also confirmed by the meeting. <sup>49</sup>

Stuttaford's position as Minister of Commerce and Industries was one that brought him into very direct relations with the general public, often in respect of matters where, in his function primarily as a war Minister, it fell to him to impose restrictions in many directions which the public were bound to find irksome. <sup>50</sup> Nonetheless those functions were discharged on the whole with an absence of friction which, considering their nature, may be considered remarkable. His resignation was received with wide regret for there was a sympathetic co-operation between Stuttaford and the public.

The Cape Times editorial of December 23, 1942 endorsed 'that Mr. Stuttaford has been, throughout the war, one of the most hard working, industrious and conscientious of Ministers, and he has been a tower of strength to General Smuts in the difficult problems that the Cabinet has had to face in the past three years'. Referring to Waterson's nomination, the editorial was of the opinion that 'The country as a whole will recognise that it is not always easy to replace in a Cabinet position a man who has proved himself

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49. Cape Times, 13.12.42.

50. Ibid., 23.12.42.

so entirely adequate to the discharge of his duties as Mr. Stuttaford by one whose knowledge and experience and "savoir faire" have been proved in important public affairs'.

It is singularly apparent from his commendable performance as Minister of Commerce and Industries that Stuttaford had for too long been entrusted with other portfolios which did not utilize his most obvious talents. Hertzog must take responsibility for this wasted potential in his Fusion Cabinet, but it is significant that Smuts, on assuming office in 1939, immediately chose Stuttaford whose commercial and economic expertise had long been recognised but never fully exploited.

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CONCLUSION

It was with reluctance that Smuts accepted Stuttaford's resignation at the beginning of 1943: 'In at last acceding to your request I do so with a pang, and with very lively recollections of your long years of Cabinet service and loyal co-operation with myself and your other colleagues ... your wise counsel and steadfast friendship with me ... have created bonds which will endure, and your valuable public services as Member of Parliament and Cabinet Minister will continue to be gratefully remembered by your friends and your country.'<sup>1</sup> Such an evaluation, however eulogistic, provides the overriding impression that Stuttaford's sincerity and integrity were unquestioned by his contemporaries. His ability too, was universally acknowledged, not least of all by the brilliant Hofmeyr.<sup>2</sup> It is not easy to assess critically someone of whom virtually nothing harsh has been said. He was not a flamboyant personality and seldom provoked an extreme response against his convictions or decisions, though when criticism was levelled against him, his geniality and humour neutralised all invective.

After his retirement from politics in January 1934, Stuttaford gave valuable service to the National War Fund until, only weeks after the return of peace, he died at 'Stellenrust' on 19 October 1945.<sup>3</sup> In a leading article recalling his achievements the Cape Times said that thousands of South Africans would regret the death of Richard Stuttaford, who had served the Union in so many different ways. 'He was, in the first instance, a great figure in the commercial life of this country. The firm which he controlled for so many years and in the building of which he was such a paramount figure, was always conducted on lines of the

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1. Smuts Papers (J.W. Jagger Library, Manuscripts, University of Cape Town), vol. 72, No. 56, Smuts to Stuttaford, 11.1.43.
  2. Stuttaford Political Papers, Hofmeyr to Stuttaford, 26.12.42; See Stuttaford's reply, Hofmeyr Papers, Aa 1940-1945, 30.12.42.
  3. Cape Times, 20.10.45, Obituary.

strictest integrity.' This aspect of his commercial work was recognised when he became President of the Cape Town Chamber of Commerce, then President of the Association of Chambers of Commerce of South Africa - the highest honour which commercial men in this country may attain - and by his appointment as Adviser to the Union Delegates to the Ottawa Conference.' In the House of Assembly, Stuttaford was regarded as its principal commercial critic, and heir to J.W. Jagger, who retired from politics in 1929. He was never a theorist, nor an orator, but his speeches were thoroughly practical. He compensated for his poor delivery by a spontaneous good humour and injected into his arguments many home-spun illustrations. During the 1940 session of parliament, when he was Minister of Commerce and Industries in the Smuts Government, his efforts with the Afrikaans language caused considerable amusement. He was doing his best with a reply in Afrikaans to a question put to him by Eric Louw, a chief Opposition spokesman. Even visitors in the galleries could see that the members were impressed by his originality of pronunciation.

'In view of my honourable friend's lack of clarity in Afrikaans, would he mind repeating the answer in English?' asked Mr. W.B. Madeley.

'As the honourable member does not understand Afrikaans, I shall repeat the answer in English', was Stuttaford's prompt rejoinder. However, another question from Eric Louw brought Stuttaford to his feet again. This time he asked the Nationalist member in which language he would like the answer.

'English please', replied Louw smilingly. <sup>4</sup>

In 1933 Hertzog had invited Stuttaford to join the Coalition Cabinet and in 1939, in Smuts's War Cabinet, he held the position of Minister of Commerce and Industries, one of the most

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4. F. Gill, The Story of Stuttafords, p. 40; H.A. Deb., vol. 32, cols. 3301-3303, 1938.

exacting positions in the circumstances of war.<sup>5</sup> His handling of the manifold problems that presented themselves won for him a very general appreciation; for, even when his decisions were not wholly acceptable to the commercial community, it knew that behind them was the integrity which characterised his dealings with the public. The Cape Times pointed out that forty years previously Stuttaford had been elected to the City Council of Cape Town, and from that time he had demonstrated his civic mindedness. 'Thus it came to him to visualise a system under which at the various urban centres, public trusts would assist urban dwellers to live in their own homes, not too far from their points of employment, where they might enjoy the amenities of garden cities. He originated the Garden Cities Trust, which was to develop so admirably at Pinelands, and he showed his confidence in the system by himself most generously allotting large funds to place it on a sound footing from its very beginning.'

Politically, coalition and fusion were the fulfilment of much that Stuttaford had believed in as a politician: an end to sectionalism, through co-operation between English and Afrikaans language groups, giving rise to a true 'South Africanism', and a broader-based recognition of the Commonwealth connection. With fusion he seemed sure that South Africa was developing a distinctive culture, 'born of the desire to obtain freedom', of necessity nurturing a democratic spirit: 'The very nature of our Motherland, with her grand, open spaces, her distant horizons fringed with mountains that stand up in the clear air like monuments to freedom, and her stubborn soil which breeds a spirit of individual resolution, is an incentive to democratic idealism. I cannot, therefore, believe that South Africa could cradle a narrow, bigoted, or exclusive culture'.<sup>6</sup> One of the restraints on the attainment of such an optimistic goal, which Stuttaford feared, was the

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5. Cape Times, 20.10.45, Obituary.

6. R. Stuttaford, 'Culture in South Africa', in Forum, 19.9.38.

'fierce possessiveness' and the holding fast of traditions by the various groups within the fabric of South African social and political life - 'we refuse to yield up customs evolved to meet the needs of pioneering. We adapt ourselves ... slowly to the amazingly swift changes that sweep ... throughout the world..' Stuttaford, throughout his political career, recognised the multiplicity of cultures in South Africa, but urged that the final South African political culture should be 'neither an English nor an exclusively Afrikaans culture ... It will be a common culture to which all sections of the people will have contributed. It will be democratic and distinct'. This South Africanism would have to be moulded from the tolerant traditionalism of the Cape, the patriotic 'culture of the veld' of the Platteland and the exclusive independence of the Afrikaner Transvaal and English-speaking Natal. A stranger to partisanship, Stuttaford worked for this kind of settlement, and it fell to him to help defend fusion and its achievements.

He was bound to Smuts's concept of South Africa's relationship with Britain, and his growing preoccupation with conciliation within the white electorate impinged upon his earlier convictions concerning natives' rights. Like Patrick Duncan, Stuttaford endeavoured to work within the practical limitations of the South African political structure, that is, he adjusted to white majority opinion.<sup>7</sup> This cost him the respect of a white political minority and the vast unrepresented non-European opinion who found his moderation offensive.

Stuttaford supported Hertzog's 1936 Native Bill because he considered it to be the best compromise under the circumstances of fusion. He was, however, unequivocally against a repressive

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7. D. Bates, 'The role of Sir Patrick Duncan in Union Politics 1933-37', (B.A. hon. Thesis, University of Cape Town, unpublished, 1971), p. 65.

native policy. Nevertheless, in voting for the Bill, Stuttaford forfeited his place in the ranks of the liberals, like Hofmeyr and F.S. Malan, and identified himself with the Smuts wing. In the latter years of fusion he worked closely with Hertzog, often compromising on internal South African ideological issues, to fulfil the promise of fusion to provide political shelter and encouragement for the manifold, but essentially non-political stimulants to national (white) integration, in the hope of a wider sympathy for the maintenance of the British connection.

As a leading South African politician, Stuttaford's role in bringing about conciliation between the white groups in South Africa has been assessed. He must bear responsibility with the English-speaking community for 'playing into the hands of Afrikaner Nationalists' by losing the support of more moderate Afrikaners, 'by dragging their feet on issues like bilingualism, the right of self-determination and sovereign independence, the flag and the anthem ...'.<sup>8</sup> Stuttaford had always taken a strong line on the perpetuation of a British sentiment and his action in 1938 over the anthem crisis did much to hinder rapprochement with moderate Afrikaners, who accused him of a 'dual loyalty' (to South Africa and Britain). He was not a jingo, however, and for Stuttaford, the best guarantee of the British connection, which he held to be so important, was not an exclusive jingo party, but one incorporating moderate Afrikaners, but opposed to the republicanism of the Malanites. Stuttaford was not politically aggressive, but his attachment to anything British and his retiring manner and retreat from the public eye suited 'those only too ready to pose as super-patriots and contributed .... to the growth and aggressiveness of Afrikaner nationalism'.<sup>9</sup>

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8. M. Wilson and L.M. Thompson (eds.), The Oxford History of South Africa: II, 1870-1966 (London, 1971), p. 418.

9. *Ibid.*

It has often been remarked how seldom in South Africa the English-speaking section has produced politicians equal in stature to their Afrikaans-speaking compatriots, and how frequently their role was a secondary one. The numerical predominance of the Afrikaner and the political apathy and economic preoccupations of the English-speaking South Africans are cited in explanation. Economic preoccupations were certainly central to Stuttaford's political career and this necessarily relegated him to a lower rank in South African political life. He was more of a follower than a leader; he was a poor correspondent, was temperamentally unsuited to a position of wide publicity, and was not given to long-winded speeches on party political matters, favouring concise and practical advice on subjects in which he was an authority. He was, nevertheless, a valuable member of a Cabinet boasting such outstanding South African politicians as Smuts and Hofmeyr, who dominated the political arena of their day.

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